
CHAPTER 6 TRANSCRIPTS

TRANSCRIPT OF EXCERPT OF

SPECIAL MEETING OF

DIXON CITY COUNCIL

and

DIXON PLANNING COMMISSION

on

DIXON DOWNS EIR

November 2, 2005

NOVEMBER 2, 2005

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(Proceedings off topic were recorded
but not transcribed herein.)

COUNCILMEMBER FERRERO: You said most traffic impacts are the same, would be the same under this as under existing zoning. So that means, then, to allow existing zoning to build out we would also have to drop traffic levels below C?

T-1

MR. BOXER: Yes. What I said was the intersections where there are identified significant impacts for the projects, there would be significant impacts at those same intersections under existing zoning.

There is more traffic with this project during the peak hour. So, as I said, I believe a number of those intersections, the eastbound ramps at First Street and Pedrick as well as Professional/Dixon Downs Parkway and Pedrick, those are all projected under the existing zoning to go, I believe, to a high level of service E. Under the existing zoning and with the project they would be at LOSF.

COUNCILMEMBER FERRERO: So, in retrospect, does our present General Plan contradict itself? Because on the one hand it said, well, you've got zoning there

T-2

and we're going to do this out there. But on the other hand, it said we won't drop traffic below C.

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T-2
(cont.)

MR. BOXER: I believe what has happened, and this is not uncommon, is that over time -- you do a General Plan at a certain time and you evaluate it at a certain time, and over time traffic models get updated. Additional things happen around town and the background conditions begin to change. And so if you went back and did an analysis today of the northeast quadrant plan, you would see that.

COUNCILMEMBER FERRERO: So you say it does contradict itself at this point, then?

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T-3

MR. BOXER: I think you would face the same challenges with implementing the existing zoning as you're --

COUNCILMEMBER FERRERO: Then either we've got to change the zoning to something lesser, or change the traffic impacts.

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T-4

MR. BOXER: If you wanted to maintain level of service C up there, you would have to reduce the intensity of the zoning out there.

COUNCILMEMBER FERRERO: Thank you.

MAYOR COURVILLE: Along that same lines, I'll interject, if I can, you had mentioned, you know, an alternate site could possibly look at Southwest area.

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T-5

In looking at the Southwest area as proposed right now for housing, they too will have traffic impacts requiring a change of service levels from C to I think it's E also. So, again, a cumulative impact. If this project is not built, we still may have to change our service levels to accommodate Southwest as proposed right now also. Is that --

T-5
(cont.)

MR. BOXER: I think that's a correct conclusion.

MAYOR COURVILLE: Okay. Questions?

VICE MAYOR VEGA: Yes. You indicate here that alternative four with respect to air quality would be equal. First of all, equal to what?

T-6

MR. BOXER: Equal to the impact of the project. The air quality effects of --

VICE MAYOR VEGA: Okay. That's what I thought.

MR. BOXER: -- the Dixon Downs project would be the same whether you built it on this proposed site or you built it in southwest Dixon.

VICE MAYOR VEGA: Well, that begs the question, relative to what? I would agree with you that if you take the development as proposed now and simply shift it to the southwest, that the region would be affected pretty well equally. But what about the community of Dixon, especially when you take and put it into prevailing wind which brings it across the town? How

T-7

could you possibly say that it's going to be an equal effect? It has to be a more negative effect.

T-7
(cont.)

MR. BOXER: Well, the primary significant impacts that we're looking at in terms of air quality are contributions to the regional ozone, to regional particulate matter and the like. And these are things that fairly rapidly dissipate and are not locationally specific. I mean the ozone is not going to be dramatically different in one part of Dixon from another part of Dixon.

VICE MAYOR VEGA: I disagree. I believe with the prevailing winds most of the time whatever is being generated in the proposed location is going to drift in the direction of our prevailing winds. If it were relocated somewhere in the southwest area, it would be drifting right over the population of Dixon.

The air quality impact is going to go somewhere. As proposed now, it goes somewhere else. Alternative four would go somewhere else after it passes over us. So I think it has to be negative.

MAYOR COURVILLE: Diane?

COMMISSIONER HEFNER: Is he done with his question?

MAYOR COURVILLE: Unless you want to --

VICE MAYOR VEGA: I just disagree with the --

MR. BOXER: I think this is something in the final EIR we can go back and take a more careful look at if you'd like.

MAYOR COURVILLE: There may be more questions on air.

MR. BOXER: Sure.

MAYOR COURVILLE: I know I do have some. So Diane?

COMMISSIONER HEFNER: I also wanted to ask about the air quality. On slide 41, the chart where you show your plus and minus chart, for the air quality, if you were to have no project, no action build-out of existing zoning it says plus, and then for alternative number four it would be off-site alternative Dixon Downs built in the southwest quadrant as equal. Am I understanding that alternate number two, the air quality would be worse because it's a plus if it's built out the way it is rather than it would be --

T-8

MR. BOXER: As we've analyzed it, there would be a greater level of emissions because in the case of the Dixon Downs project as it's proposed, the primary source of emissions is vehicles, is cars going to and from. But the project itself as retail office, the racetrack, doesn't produce -- you don't have a lot of what we call stationary sources of, you know,

factories or manufacturing or the processes that generate much.

In the case of the build-out of existing zoning, we have to assume that there's a certain amount of -- in a light industrial zone, that there's a certain amount of manufacturing or other processes that will add to that. So you not only have the air emissions that are created by employees, vendors and the like driving back and forth to the buildings. I think under that alternative you have some 24,000 or so trips a day to and from the northeast quadrant under that scenario.

You have to add to it the air emissions that would come from the uses that are built in it. In the case of the Dixon Downs project, there's not much at all to emit. In the case of assumed industrial zoning, we've assumed that there would clearly be a certain amount.

COMMISSIONER HEFNER: Thank you.

MAYOR COURVILLE: Since we're talking about air quality, I have quite a few questions, and maybe ask your guidance on making sure I have facts straight. I've been a member of the Yolo/Solano Air Quality Board for approximately six years now. And believe me, in those six years, as much as I've read and

worked with this Board, it is very, very confusing still. So I ask your patience as I --

MR. BOXER: It's not just me, then?

MAYOR COURVILLE: No. There's an underlying assumption that we have bad air quality. I mean we do.

MR. BOXER: Certainly.

MAYOR COURVILLE: Whether you build another house or put another car onto the freeway, our air quality is of bad air quality already. And they base that on this idea of PM-10, PM-2.5. My understanding is PM-10 is particular matter related to state standards. PM-2.5 is related to federal standards. And the only time that the federal standards kick in is if we do not meet the hours or days of attainment of a PM-10 level. So that no matter what we do with air quality as we have it right now, you cannot improve it. Well, until the auto industry catches up with better emissions out of cars.

So that no matter what is built on this site according to what is planned or proposed, whether it's Southwest area or Brookfield area, air quality will always be a problem.

There are ways of mitigating in the construction part of it. No matter what is constructed we'll have

T-9

impacts because construction tills the dirt.

And one other thought that I wanted to -- I also read PM-10, PM-2.5 -- PM-10 is microns, so I had to get a perspective of what that meant. And I found out that a hair on everyone's head is 100 microns. So 10 microns is so minute we don't see them.

Even if we left the land completely as is in its agricultural state of row crop, it contributes to the air quality right now because of the tilling of the land, because of the equipment that's used for farming using diesel engines, because of something as simple as the pollen that's produced from plants being in the field. So that in its raw state, land in and of its own produces bad air quality. Is that agree, disagree, or can you clarify that for me?

MR. BOXER: I'll do my best.

MAYOR COURVILLE: Thank you.

MR. BOXER: I first have to say, I'm not an air quality scientist.

MAYOR COURVILLE: I am not either.

MR. BOXER: I work with those guys but --

MAYOR COURVILLE: I sure would like to have that knowledge.

MR. BOXER: I work with those guys and I talk to them and try to understand as best I can what they do.

T-9
(cont.)

You hit on a bunch of things. Particulate matter is an issue certainly for us here in the valley, although the really ongoing problem that we struggle with, the worst air quality issue we struggle with is ozone.

MAYOR COURVILLE: Right.

MR. BOXER: And, you know, from precursors that are emitted --

MAYOR COURVILLE: Can you just bring that microphone --

MR. BOXER: I'm sorry.

MAYOR COURVILLE: -- just a little bit closer? Because I want to be sure we all hear.

MR. BOXER: You know, what we really struggle with in the valley is ozone, but PM-10 is an issue. My understanding of the difference between PM-10 and PM-2.5 is that when I drive along I-80 and I see a field being tilled on a dry day and you see a plume behind the tiller, that dust you see in the air probably falls within PM-10, but it does not fall within PM-2.5. It's large. So the PM-10 that we see is dust.

When you get down to PM-2.5, I was asking our air quality guy, smoke from a fire would probably fall into PM -- would be right at that edge of about 2-1/2

or so. We're not talking about ash, but just the smoke. It's not something that's going to fall as dust, but it's up there and it'll change the color of the sunset and the like. So that's the kind of thing that we're dealing with.

And, of course, PM-2.5 is increasingly becoming a concern because it's smaller. As we breathe it in, PM-10 micron size particles will get caught in your lungs before, and 2.5 will go further into your lungs, which is why the scientists and health professionals are more concerned about it because it gets deeper into people's lungs.

You were talking about the fact that the land as it's out there today contributes to that. That's absolutely true. I wouldn't say that the land just laying fallow -- I guess there's a certain amount of wind at times that will stir dust up. Certainly ongoing agricultural operations, tilling of fields, particularly on windy days, produces a lot of dust in the air. Most of that larger dust.

If you are interested, if you look at table 4.2-4, which is in the Draft EIR which is on page 4.2-8, it actually shows you the inventory of emissions from Solano County in 2003. When you look at the PM-10 category, you'll see that the total in

tons per day, 23 times per day --

COUNCILMEMBER FERRERO: What was the number of the chart again, please?

MR. BOXER: 4.2-4 on page 4.2-8. You'll see that there's a grand total in Solano County of 23 tons per day of PM-10 produced. And it also identifies all the sources. Of that 23, over 20 of the 23 falls into something called miscellaneous process under area-wide sources. That is primarily agricultural operations. It's agricultural operations and development grading when that's going on, but it's primarily -- so that's 20 pounds of the 23 pounds of particulate. All the rest of it are that other 3, so 15 percent of it or a little bit less is everything else. Cars on roads, processing, other stationary sources and the like.

So you're absolutely right that we here in the agricultural valley, the particulate issue that we deal with is considerably driven by the agricultural industry.

MAYOR COURVILLE: There's actually, and I don't have the name of it, a study that's being done in the San Joaquin Valley right now. They're little by little pulling out the information saying the San Joaquin Valley's pollution problem PM-10 may be more related to agricultural than it is to the cars going



T-10

through that valley.

And I find that interesting because -- and not that cars are clean cars or that Solano County doesn't have its problems with cars. But they're finding more and more the agricultural processes, whether it's tilling or pulling the tomatoes off the vines process, movement of tractors through the fields and things like that may be causing more dirty air than the cars themselves, especially because then they begin using diesel tractors. Farming operations also use the stationary sources such as diesel generators for pumps and things like that. So, like I said, I just wanted to get a perspective of what we were talking about.

T-10
(cont.)

MR. BOXER: That issue is definitely there. My understanding, though, is that while the agricultural practices certainly put a lot of dust in our air and a lot of the PM-10, they don't produce that much of the PM-2.5.

MAYOR COURVILLE: Right.

MR. BOXER: You know, it's not a majority of what they produce. The kinds of PM-2.5 is produced more by processing. There's a certain amount of it that comes out of tailpipes of cars and the like. So urban activity is contributing to 2.5, which is why EPA and the federal agencies in particular are more concerned

about it.

You know, getting to the issue here, we specifically talked to the Yolo/Solano Air District about this issue. They do not as of yet have any sort of standard on PM-2.5. First of all I would say they do not consider it a problem right now in this county. They do not have a standard for it. And for that matter, they don't have an effective tool to predict it.

We have tools to predict PM-10 emissions. There is no, right now at least, no approved tool that the state or the local district have, are comfortable with saying, we ought to be using this for 2.5. And for that matter, they have not for this project, or any other project that I know of, requested that PM-2.5 be addressed in an environmental document.

COUNCILMEMBER FERRERO: You're talking about the air quality people?

T-11

MR. BOXER: The Air District, correct.

MAYOR COURVILLE: They don't even have the machines technology to even calculate the --

MR. BOXER: Exactly.

MAYOR COURVILLE: -- 2.5?

MR. BOXER: Exactly. Will that change in the future? It could change some day. I mean I've been

in the environmental business for a long time now. I've seen, you know, the evolution of environmental impact reports and the evolution of our study of the environment, and it may change. As emissions change and as technology changes, an understanding of these things can change.

COUNCILMEMBER FERRERO: So they simply don't address it, or they're not acknowledging it as a problem?

T-12

MR. BOXER: They do not consider it a problem right now.

MAYOR COURVILLE: They're developing possible rules, but they have not yet --

MR. BOXER: Correct.

MAYOR COURVILLE: Mike?

COUNCILMEMBER SMITH: While we're on air quality, I have a question also about the accuracy or the collection of the data. Because I read a story that Grass Valley, Nevada City's air quality is terrible. There's nothing up there but trees. There's not a lot of traffic. And that's because they're getting the Central Valley and it's an inversion area. So their basic air quality problem is not created by them, but they're suffering from it.

T-13

And then on the 2.5 matter, there was a study

done in Canada just a day or two ago where they're measuring 2.5 and they're finding that in the city, if you do it right, at the curb it has one level, and if you go against a building it drastically falls off.

So I'm curious, when I see this information, 2.5 along the freeway is at one level, but a half a mile or three-quarters of a mile in from the freeway, you know, how accurate is that 2.5 measurement going to be?

Because like you said, it's mostly tire abrasion, brake abrasion and internal combustion engine byproduct. So if the source of that is a mile away, then how can we -- you know, and the speeds drop down and all that for the 10 and the 2.5, how do we get these numbers and how do we know they're accurate as far as right here at this site, and it's not created, you know, somewhere else and blown in here? And then now we're trying to make a determination on a project based on data that we don't know where the source is coming from.

VICE MAYOR VEGA: In addition, we should be looking at what would happen if it's developed as it is now, which is going to bring challenges with PM-2.5 and PM-10. Because construction is going to take place with the build-out of the Northwest Specific

T-13
(cont.)

T-14

Plan as it is. And 2.5 is going to be generated by the development that is planned now, as opposed to what is being proposed. And I think we're stuck on 2.5 and 10. And I'm wondering if there's some questions that need to be asked that aren't being asked.

T-14
(cont.)

MAYOR COURVILLE: The chart doesn't have a 2.5. It's PM-10.

MR. BOXER: Right now for this document we don't have a tool and we have not tried to create one for a measurement of PM-2.5 emissions caused by the project, nor is there a standard to compare it against. There's no health-based standard of any sort to compare it with, and we've not been requested, of course, by the Air District to do that.

The models that are used and the standards that are adopted by the Air District are based upon their best understanding of the particular micro climate and air quality issues of this county and of the air basin as a whole.

Certainly, here in the valley we receive -- there's been a lot written in the paper. We receive a healthy dose of the Bay Area's air emissions as it blows through, you know, by us. And here in Dixon blows right through. And there's no question that

there are often found pockets of much higher air pollutant levels backed up against the foothills: Grass Valley, Roseville area, Auburn, El Dorado Hills. Those hot summer evenings they will have real spikes of particularly ozone.

And it's dramatically lower as you come down here in the valley because it's been blowing during the day. And as the Delta breeze not only cool it down, they clean the air, but they push it somewhere. And it's obviously a huge issue down in the San Joaquin Valley as things get backed up against the Sierras and the Tehachapis and why Bakersfield and places like that have ozone problems that they certainly deserve from the point of view of the amount of people that live there and the traffic that they produce.

So the Air District, your local Air District here, does the best job that they can based on the science and modeling. They coordinate with California Air Resources Board and with EPA to understand what is the air quality like here in this county. And that's why these emission inventory tables are there.

And they determine whether or not you're an attainment or non-attainment for different types of pollutants, and then they establish their standards and their thresholds based on that. And where you're

in attainment, standards will be much higher, and we use those higher standards. And where you're not in attainment, like for ozone or for PM-10, we use the lower standards that they use. That's the best I can do for you.

COUNCILMEMBER SMITH: Yeah. The follow-up to what I was asking or what the Vice Mayor brought up is this whole particulate matter air quality is based on transportation. That's what I was getting at. It's actually vehicles. The only way to avoid this air quality issue is to get people out of their cars. So, in essence, the mitigation would be to provide some pollution-free transportation to the site.

T-15

Otherwise, if we didn't do anything, and everybody else around us continued to grow, just the fact that they're driving down the freeway next to us will increase our air quality problems even though we don't grow at all. That was the point.

MR. BOXER: Particularly related to ozone.

COUNCILMEMBER SMITH: Okay. And then when we're talking about these levels, if I'm correct, on page 4.2-5, it lists 3 years: 2001, 2002, 2003. So if I get this right, we've had 11 days out of those 3 years where we were above the standard; is that correct?

T-16

MR. BOXER: For particulate matter?

COUNCILMEMBER SMITH: Right.

MR. BOXER: That would be correct.

COUNCILMEMBER SMITH: So 11 days in 1,000 we were above the standard?

T-17

MR. BOXER: Correct.

COUNCILMEMBER SMITH: If we build this project, are we going to double that, go up just the slightest? So we're talking about this traffic impact, this air quality impact, are we going to add 2 more days to that the entire year?

Because the other thing is the air studies are done -- and I guess there's more of an impact during the summer than the winter, and they don't race in the summer. Is that correct? We're not going to have these huge crowds in the middle of the summer when the air quality's at its worst? Because that's what they call the smog season. And they don't operate during the smog season.

T-18

So in my head, in looking at the data, I'm trying to get in my head this impact of really how severe is it. Is it just two more days a year and is it going to be outside of our normal pollution days, the spare the air days?

VICE MAYOR VEGA: And remember, we must discuss that question in what is planned versus what is

proposed right now. Let's not give anybody the illusion that if Dixon Downs were turned down that we're going to go back to Valhalla.

MR. BOXER: Which is why we do those alternatives of what would happen if things -- now, the base comparison of an EIR is not to what is proposed. It's to existing conditions. We compare project to existing conditions. We compare in the alternatives chapter what would happen under the existing zoning to existing conditions.

But I think you're absolutely right from the point of view of -- I think your point of view, you've already put zoning on there. You're looking at alternate zoning and comparing those.

COUNCILMEMBER SMITH: Are you going to answer the question in the final? I was just, you know, throwing --

T-19

MR. BOXER: Yeah.

COUNCILMEMBER SMITH: It's a question.

MR. BOXER: It's an interesting issue. I think, you know, the PM-10 issue is an issue that occurs throughout the year. The smog issue, ozone, is primarily a summer issue, but it can certainly fall into the fall as well.

You're looking at the numbers on page 4.2-5.

Those are county-wide exceedences. That's not from a project. I don't think that the project itself, and we certainly don't predict that the project itself is going to cause the county to have additional exceedences. Will there be some additional emissions? Sure. Particularly as it relates to PM-10, you're also looking at a site that today is being tilled numerous times during the year with all of the particulate matter that comes off of that.

You're going to be replacing that with a single grading, what's going to happen once. And then on the ongoing basis you're going to have much less particulate matter coming off the site.

MAYOR COURVILLE: And there's so many contributing factors. It's not just cars and it's not just agriculture. It's the breezes bringing from the Bay Area. There's so many contributing factors that you can't say that this particular project's going to add two more days, three more days, one day because --

T-20

MR. BOXER: Absolutely.

MAYOR COURVILLE: -- it's a regional measure, not a site-specific measurement. And particulate matter, if you look on that page that showed the three years, 2001, 2002, 2003, you can see that it's getting less and less, so that now the PM-10 level is 55.0. It's

T-21

getting less and less. Meaning that our cars may be getting cleaner or whatever.

But the level of determining whether it's polluted or not polluted is 50. So we're already down to 55. Meaning that there were some days in which there was a higher level. You can't pinpoint which day that was because, again, it's regional and it's regional impacts that cause those levels to go one day it isn't, one day it is. It's the movement of the air bringing pollutants in from somewhere else.

T-21
(cont.)

MR. BOXER: It is. The Air District has been taking steps over the years. Those of us who have been around remember --

MAYOR COURVILLE: Spare the air days.

MR. BOXER: -- when there was a lot of rice field burning as an example, and they've tried to --

UNIDENTIFIED SPEAKER: That's a good point.

MR. BOXER: -- dramatically reduce that. And they've tried to make measures affecting urban areas as well as the agricultural areas to try to address the problem collectively.

MAYOR COURVILLE: And that's the reason for the Air Board is to develop programs to help clean the air.

T-22

MR. BOXER: Absolutely.

VICE MAYOR VEGA: And it could be an indication of a decreasing non-regulated activity versus increased regulated activity. Agriculture is exempt from most pollution laws.

T-23

MR. BOXER: From most.

MAYOR COURVILLE: And there's also some rules now talking about regulating the stationary sources of agriculture, which could help reduce the amount of -- so I mean --

MR. BOXER: And there are, of course -- even though we're saying that these are unmitigable in terms of the impacts, there are mitigations. We've got all feasible mitigation in there so that during construction time they're out grading, they have to wet the soils, which dramatically decreases the amount of dust emissions. There are mitigations identified for operational air emissions as well.

MAYOR COURVILLE: Okay. Wayne, did you have some questions since we're on air quality at this point?

COMMISSIONER WILLIAMS: Brian had made a point that the chart on 4.2.5 was a county-wide estimate. I think you meant to say that that is the Regional Air Quality Management District.

T-24

MR. BOXER: That's the air basin. The one on page --

COMMISSIONER WILLIAMS: Is that the Sacramento Valley air basin or the Yolo/Solano Air Quality Management District?

T-25

MAYOR COURVILLE: It's Yolo/Solano.

MR. BOXER: That's actually measurements at the UC Davis and the Woodland stations. Those are station monitoring. Over on table four on page 4.2-8, that's the county inventory, the totals for the county.

COMMISSIONER WILLIAMS: And what I was going to jump in on was the particulate matter, just the question, is it safe to characterize the bulk of the particulate matter issue being tied to the construction aspect and the dust aspect and --

T-26

MR. BOXER: In terms of a total amount, yes.

COMMISSIONER WILLIAMS: So looking at the chart 4.2-5, table 4.2-5, it seems like the construction particulate component is an order of magnitude greater than associated with mobile sources and vehicles. And whether you constructed, I think as you said, all at once or in bits and pieces over several years several different projects, you're still going to be dealing with roughly that same problem from one alternative to the next.

T-27

MR. BOXER: Absolutely. And I think the thing that you could feel perhaps good about, when you look

on that table 4.2-5, you see where it sees that -- the line says total site grading. That's when they go out to grade the whole 260-acre site, 2,614 pounds per day of particulates. If you impose the mitigation measures that we've identified, it drops that from 2,600 to 55. So you have in front of you in this EIR mitigation that can reduce that by, what is that, you know, by 80 percent. No. Ninety-two percent.

VICE MAYOR VEGA: Is that mitigation specifically associated with the proposed project development?

T-28

MR. BOXER: We've identified in here specifically that you can impose it on this project.

VICE MAYOR VEGA: So if I'm to understand the logic here, those construction impacts are relatively the same whether the decision's made to leave it, develop as it's planned now, or whether there's an agreement to let this development go forward as proposed?

T-29

MR. BOXER: You would have the opportunity to impose mitigation on a later project that came consistent with the zoning presumably.

VICE MAYOR VEGA: Right.

MR. BOXER: It could be a little bit harder if you had it piecemeal. Here you've got a single 260-acre project. But the City has the authority to

impose mitigation for environmental issues.

VICE MAYOR VEGA: I understand.

MR. BOXER: Absolutely.

VICE MAYOR VEGA: My point is construction is going to occur with the build-out of the Specific Plan now. Construction is going to occur with the proposed project.

MR. BOXER: Correct.

VICE MAYOR VEGA: Both are just as able to produce the negative --

MR. BOXER: Grading is grading is grading.

VICE MAYOR VEGA: -- PM-10 and -- yeah.

COMMISSIONER UHLIK: I'd like to make a comment on the air quality issue. Mine is more, I guess, focused on the qualitative aspects of it than the quantitative in terms of particles and such. I think we could all probably agree that living along the Marin Headlands you'd have much cleaner air than you would in the LA Basin.

And then also, given that logic, I think we can all agree that, you know, we live right along the I-80 corridor, so there's certain issues regarding traffic and congestion and smog and such that we really can't change and we have very little impact over just because other people from outside the area use the

freeway.

Also, we are part of the Bay Area and the prevailing winds do blow the air particles up this way. The fact we're in the heart of an agricultural community, we can't change that. So those are pretty much givens we have to live with.

And I think how it ties into this project is this is a very large project. And for me I guess the question is, when you compare this project, compare it to the way it's zoned now, the issues that I guess I have in terms of air quality goes right into congestion and the fact when you're going to have thousands of people coming to a destination/location during one event at one time, you have a lot of idling vehicles, a lot of stop-and-go traffic, a lot of smells that go along with that many vehicles passing along I-80, and also possibly eventually, I would imagine, coming down 113 and through our town as an alternative route to get to this destination/location.

I know I've lived in LA myself and sat in stop-and-go traffic. And you roll your windows up and you shut the air conditioner off, you do what you have to to get away from the smoke, but you just can't. And that can't be healthy for you regardless of how many particles or whatever we're discussing.

So for me I guess that's my main concern is if you take the people off the freeway, they come through our town, and we're talking 5,000, 6,000 people for non-racing events, not just racing events but non-racing events during the non-racing season, possibly 2 a month, and once word gets out it's shorter to come down 113, down A Street than to deal with the I-80 traffic, for me that's the big air quality concern.

T-30 A

If I'm driving to the store and I have to sit in traffic, cars idling, it just can't be healthy for me. So I'd just like to make that comment.

MAYOR COURVILLE: Any other questions?

VICE MAYOR VEGA: Well, Madam Mayor, I can appreciate and I do acknowledge that impact. But remember, the Specific Plan to the northwest quadrant is supposed to bring in 11,000 jobs. That is people coming every day, probably more frequently than would be coming to a tier one or tier two event. They come in automobiles. They come in modes of transportation.

T-30 B

What I'm saying is, and I certainly don't want to weigh one over the other now, but let's be realistic. Pollution from one thing, pollution from another, we're still dealing with pollution. It's going to happen. It's not going to go back to agricultural use or what it was before the Specific Plan was

established. It's going to evolve itself to that.

T-30 B
(cont.)

COMMISSIONER UHLIK: Maybe let me clarify my point. I think if it was retail you wouldn't have, you know, six to fifteen thousand people coming at one time which would create congestion, which would create additional idling vehicles. Vehicles are more efficient if they're moving, not stop and go, that type of thing. And people coming to work, I think they'd be spaced out enough in a retail business where you wouldn't get a concentration.

T-30 C

And I look at example Pac Bell Park. I don't even know if it's called Pac Bell anymore. Arco Arena, River Cat, any venue like that, you can see it. You can smell the smells. Versus maybe a Vacaville Outlets where people, they trickle in. It's not this mass volume of people coming in at one time.

MAYOR COURVILLE: Well, and I think we have to be careful, too. We're maybe confusing air quality and traffic congestion. Those are two separate issues.

COMMISSIONER UHLIK: Well, I think they're related to some extent.

MAYOR COURVILLE: They're related to some extent, but, you know, traffic is traffic and air quality is air quality. But I also want to remind us that we're not here to discuss the merits of one over the other

at this point. If you have questions, now would be the time for questions.

MR. BOXER: Okay. There's a couple points I think you made I could address. You're expressing a concern about sort of the localized effects, the kind of close-in effect of air pollutants from the load of cars that would come to a large event. The air pollutants that are of concern to your Air District here in Solano County are regional of character.

Ozone doesn't come out of a tailpipe. What comes out of a tailpipe is nitrous oxides and reactive organic acids. I'm not saying they're great. But ozone is created up in the atmosphere when those things mix under certain climatic conditions. So you don't get ozone occurring right off the tailpipe.

There was a day and age, I can tell you, in the '80s whenever we did EIRs we evaluated carbon monoxide and we evaluated it at the intersection. And I used to do studies that said, what's the carbon monoxide at the corner, what is it on the sidewalk, what is it at the door to the building. Because you could literally measure how carbon monoxide fell off. There was sort of a peak over the middle of the intersection. And as you got far enough away from the intersection, it would fall off, and there was a certain point it

wasn't above the standards.

We don't even do carbon monoxide analysis anymore because cars have gotten so clean in terms of carbon monoxide. You won't even find it. It's no longer an issue of concern. It was solved by technology, not by land use planning or, you know, transportation to man management, or anything else.

So I'm not sure that you really need -- if it's purely air pollution you're concerned about, that the concern that the cars are going down one street, ozone's not going to be worse there because these things that come out of the tailpipe go up, they mix, and they end up landing -- to be really honest, they end up landing up in Grass Valley and Roseville to a considerable extent.

That's why if you look at the inventories and the monitoring, you don't have a lot of days of violation here. You can go 30 miles up the road and you'll have a lot more days of violation. Or you can go down into the valley and have a lot more days of violation. The ozone precursors, as we call them, these things are not being created there, but they're mixing and landing there, so to speak.

COMMISSIONER UHLIK: Does odor fall under air quality or no?

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MR. BOXER: It does.

COMMISSIONER UHLIK: Okay.

MR. BOXER: It does.

COMMISSIONER UHLIK: I guess that was in part my point.

MR. BOXER: Certainly the --

COMMISSIONER UHLIK: It was more of a qualitative issue than a quantitative issue.

MR. BOXER: Understood.

MAYOR COURVILLE: Other question? Gil?

VICE MAYOR VEGA: Yes. Did the Draft EIR take into consideration the cumulative impact of other developments such as Southwest and Brookfield? All of those things over time are going to be adding.

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MR. BOXER: Absolutely.

VICE MAYOR VEGA: Okay.

MR. BOXER: As well as growth, you know, on the highways that are outside this community, and other development throughout the air basin. All of that is accounted for in the cumulative analysis.

MAYOR COURVILLE: I'm going to head this way for a moment. Kevin?

COMMISSIONER HEENEY: Over on air quality I had one quick question. Page 4.2-21 there's a discussion about a proposed revision to mitigation measure AQ-U

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and it talks about using alternate parking methods for unpaid parking. And I was just wondering if you could provide an example of what an alternative parking method would be.

T-33
(cont.)

MR. BOXER: This was a requested change. As you know, the phasing of the project is they're going to build phase one and there's going to be a parking demand, as I've shown, an amount of parking built for that. And then phase two is going to come along and land on much of that initial phase one parking.

Under the existing Specific Plan, all the phase one parking would have to be paved, according to this mitigation measure where it previously said paving of all vehicle roads and parking lots. And part of that is so that you didn't have open dirt parking lots and dust coming off of it and the like.

What they've requested is the opportunity to have some paved -- where they're going to have permanent parking that will be there for phase two, they'll go ahead and pave that. And they've requested, where I said alternate parking methods, turfed, graveled. There are a variety of other tools that are available out there to create a non-dusty but unpaved parking area that could be used, and that's what they've asked is to change this to allow some of those alternative

methods as opposed to requiring the paving of everything for phase one when they know, they hope, and everybody would hope, for phase two that you're going to have to come up and tear that parking up. So it's turfing and other kinds of vegetative covers and the like.

COMMISSIONER HEENEY: Thank you.

MAYOR COURVILLE: David?

COMMISSIONER CORNEJO: Okay. Brian, on 4.7-1, the impact of the proposed project on the City of Dixon General Plan, our current MQSP, our ordinances and other applicable policies, you've identified that as NI, which is no impact, and rather than putting less than significant or significant. However, when you go to your detail --

MAYOR COURVILLE: David, I'm sorry. We're going to try to follow along with you, so give us the page again.

COMMISSIONER CORNEJO: Okay. I think it's easier if you just go to the detail, 3-57. As part of this project, it looks like we have to amend the General Plan. It looks like we are asking that the level of service C be waived. It looks like your own criteria for this is that -- and then if you go to 4.7-11 and it starts at -- it actually starts at 4.7-9. For the

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purposes of this EIR, impacts would be considered significant if, and then we talk about if it conflicts with our current whatever, policies or ordinances. Like level C I guess would be one. That's the first bullet.

And then the next page, 4.7-10, first bullet, it says it develops uses that are generally incompatible with the existing uses and/or such that the productivity of adjacent agriculture activities is substantially reduced due to the nuisances associated with the development.

So there, I guess, if the City found that it was -- we could, I guess, find that it was incompatible or potentially incompatible with our existing uses, or if we found that the adjacent agricultural activities, any agricultural activity, whether it's the cannery across the street or whether it's any other row crops that are close by, the City could find that in fact it could be potentially significant.

And then the last thing I noted on 4.7-11, you identified it as essentially consistent. It's the last paragraph. However, it is within the City of Dixon's purview to interpret our own General Plan and our own planning documents, which would include our

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(con't.)

level of service C, I guess, to decide if we believe the project is consistent or inconsistent with any adopted City goal or policy. And so then you say it is anticipated that it will not conflict.

And then, so it's identified as a no impact, but I'm wondering. There's traffic. Obviously, we are changing it, so it could have an effect on certain environmental impacts. And all I'm wondering is, with your experience, you've looked at these big projects, and myself having a year on the Planning Commission, not seeing any huge project like this, your experience with large projects like this, typically you consider it a no impact if these number of changes are made. Is that normal?

MR. BOXER: Let me try to respond. I think as you point some of this out there's some clarification we have to do. Impact 4.7-1, the policies that we specifically evaluated the project against, as are noted here, are the General Plan's urban growth and development policies, the natural environmental section, General Plan policies one and two, and the MQSP land use goals one and two. And that's what the discussion in this impact relates to. And our conclusion that the project was, how do we put it, essentially consistent with that.

T-34
(con't.)

We did acknowledge here that the General Plan, the Specific Plan, these are your documents. And as the Planning Commission, as the Council, it is your responsibility, not ours, to interpret those, and that you have the prerogative, certainly, as you go further in this to make a decision as to whether you consider it consistent. This is how I would look at it.

I would say there's some language that we need to clarify. We were not trying in this impact analysis in the land use chapter here to capture and do a consistency analysis against every policy of the General Plan. Clearly, traffic is addressed in traffic, and there's other issues that are more -- specifically we were trying to address the more general land use and broad environmental goals here, and we do identify the inconsistency there. So in this particular context, that was sort of how and why we ended up with that conclusion.

COMMISSIONER CORNEJO: Okay. So it qualifies -- in your professional opinion, this would be an unqualified -- normally all these things would be considered unqualified issues?

MR. BOXER: In our professional opinion, as we read the specific policies and goals of your plans and compared it to the project, it was our opinion that it

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was essentially consistent.

COMMISSIONER CORNEJO: Okay.

MR. BOXER: Ultimately, it's your opinion that is more important than mine here.

COMMISSIONER CORNEJO: Thank you.

MR. BOXER: Sure.

COUNCILMEMBER FERRERO: Regarding Doug's questions about air quality, I've been looking for it and I can't find it in this huge thing. But I remember reading somewhere where the impacts on phase two are actually quite a bit greater than phase one and that. Can you pinpoint what those areas were? Was it traffic and pollution?

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MR. BOXER: Phase two will produce many more cars. The 1.2 million square feet of retail office, hotel, et cetera, will produce more cars by a margin than phase one under a normal what we call tier one condition. Clearly, when you get into a tier two or a tier three big special event --

COUNCILMEMBER FERRERO: Right.

MR. BOXER: -- that's different. But on a day-to-day basis, on the average weekday, as an example, average weekend, you're going to get a few thousand people coming to a race, and there will be many more thousands coming to 1.2 million square feet of --

COUNCILMEMBER FERRERO: Not any more cars.

MR. BOXER: When you think of it, as a point of comparison, 1.2 million square feet is the size of a major shopping mall. All right? It's bigger than -- I think Roseville Galleria, if you've been up there, was originally built at about a million square feet.

COUNCILMEMBER FERRERO: So we're talking that size?

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MR. BOXER: That amount of space, yeah.

COUNCILMEMBER FERRERO: All right.

MR. BOXER: And that's all retail up there. In this case we're talking about anywhere from a half a million to 800,000 of --

COUNCILMEMBER FERRERO: That includes the track?

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MR. BOXER: What's that?

COUNCILMEMBER FERRERO: That 1.2 whatever --

MR. BOXER: Like a Roseville Galleria type of mall.

UNIDENTIFIED SPEAKER: That's phase two only.

COUNCILMEMBER FERRERO: Yeah, that's just phase two.

MR. BOXER: An Arden Fair kind of mall is about a million two, all of retail. In this case phase two, as it's been described, is a total of 1.2 including the retail office, hotel, conference center and the

like. The retail portion of phase two would be anywhere from, I believe the table said, 450,000 square feet of retail on the low end, 850,000 square feet of it on the high end, trading off with office.

COUNCILMEMBER FERRERO: And what did you say again about Roseville Galleria?

MR. BOXER: It's about a million square feet of retail.

COUNCILMEMBER FERRERO: Okay. So you're saying the hotel and all the retail and --

MR. BOXER: That's a major commercial development. That is not a small --

COUNCILMEMBER FERRERO: Okay. So, obviously --

MR. BOXER: So it's going to drive more cars, more traffic on a daily basis.

COUNCILMEMBER FERRERO: Which means more pollution. So my next question, I believe, is probably for Mr. Dean rather than you. Can I ask Mr. Dean a question? It's related to what I'm asking here.

MAYOR COURVILLE: If you can, sure.

COUNCILMEMBER FERRERO: If the Council and Planning Commission agree that the effects of phase two were so much greater than phase one, can we alter the proposal or is this as an as-presented deal? We

have to take it away, or can we say, no phase two, just go phase one because of fewer impacts?

MR. DEAN: Ultimately the proposal that's before the Council is completely in your discretion. You can approve it, deny it, approve it in part in any way that the Council and Planning Commission think appropriate.

A part of why you might think it appropriate may be related to the environmental impacts, may be related to something else. But to answer your question, yes, the environmental impacts can have an effect on whether or not you approve the project and to what degree you approve the project, and that's exactly why you study the environmental impacts.

COUNCILMEMBER FERRERO: Thank you.

VICE MAYOR VEGA: And that would apply to any ultimate recommendation by the Planning Commission. They can alter their --

MR. DEAN: That's the Planning Commission's function is to make that type of a recommendation.

COUNCILMEMBER SMITH: I wanted to follow on Dave's question because I had the same thing here tagged that has come up from members of the community, and I wanted to get more of a clarification on it. Along the same lines he was following on those pages,



T-40 A

the paragraph above the one he was referencing --

MAYOR COURVILLE: Page?

COUNCILMEMBER SMITH: On page 4.7-11. The paragraph above the last paragraph, it says the Northeast Quadrant Specific Plan calls for a major employment center. As the Vice Mayor said, there's supposed to be X amount of jobs, like 11,000 in the whole quadrant, and this is just a component of the quadrant.

Down below, though, all the facts and data in this document don't show the same level of jobs. It's lower. So is that just subjective to the Planning Commission and the Council to decide that? Because some look at it as black and white. That plan calls for X amount of jobs. If we don't have that many jobs, can't approve the project.

I mean things have changed since that General Plan was written. The economy's changed, demographics have changed. So the question is -- I mean this is a tool for decision. And I go through and I look at the General Plan and I look at this, and apples and apples, apples and oranges. So you're comparing it and you say no impact. But obviously the two of us looked at the same thing and went, wait a minute, one says this, one says that. So same thing as Dave's

T-40 A
(cont.)

question, is this kind of just for us to use a gut check and say, well, it's interpretation of what, quote, "major" employment is?

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(cont.)

MR. BOXER: To my knowledge, the General Plan and the Specific Plan don't specifically define what a major employment center is. There's a designation of major employment center. There are a series of land uses that are zoned and a set of assumptions about the intensity that would occur in that zoning that would result in 4,000 some odd jobs under existing zoning. The project as it's proposed and depending ultimately on the mix is around 2,900 or so jobs.

It was our look at that and interpretation to suggest that 2,900 within that 260-acre area would still constitute a major employment center. Again, ultimately, to me, you have to decide whether or not that fits the intent of what the City wanted out of a major employment center on that 260 acres.

MAYOR COURVILLE: And is that the reason why -- and maybe Warren or Michael can answer this -- there is needed changes to the Northeast Quadrant Specific Plan that if we believe things have changed significantly, one being let's take the number of jobs that would be available in that particular area, if we feel that those are unreasonable or the climate has

T-40 B

changed or at the time it was based on, you know, filling it with office space and we feel that maybe it would be better suited as highway commercial, something to that effect, we would need to go back and change our Northeast Quadrant Specific Plan to make it consistent with what's being proposed?

T-40 B
(cont.)

VICE MAYOR VEGA: Let's keep in mind we're talking about 260 acres within --

MAYOR COURVILLE: Well, I realize that. But there's that discussion of --

CITY MANAGER SALMONS: Relative to the Specific Plan, there would be a couple of reasons for amendments. One set of reasons has to do with this specific project. The project proponents in reading the Specific Plan, and staff as well, find that the project that's proposed isn't consistent with the current Specific Plan, and so there are recommendations for or requests for amendment of the Specific Plan to accommodate this specific project. So there's one reason for possible amendment.

A second reason for possible amendment is that the Specific Plan was adopted a decade ago. And in a decade lots of things change about the rest of the community, about the region, about various other things. You know, utilities and all kinds of things

change. So another set of reasons for amending or considering amendments to the Specific Plan would simply be to make it current with change in philosophy, with change in circumstance relative to the situation of the community.

Just because the Specific Plan adopted a decade ago anticipated certain things would happen doesn't mean that they would necessarily happen. There's an old saying in land use planning that if zoning was doing, we would zone for gold mines and everything would be a gold mine. But it doesn't work that way.

So there are two sides to this question of why would you want to change the Specific Plan. One as recommended for proposed by this project, and the other as may be pertinent to our broader community and just the passage of time. Does that answer the question?

COUNCILMEMBER ALEXANDER: Actually, Madam Mayor, could I just ask one question? Piggybacking off of what you just said, so the General Plan, the Northeast Specific Plan and the zoning all has to mesh together for this project? In other words, somewhere along the line we're going to be talking about level of service and what's that other entitlement? I have it written down here. One second. The zone change, right. So

those are the two entitlements. Those are going to be issues that we're going to be talking about later on after this EIR process?

CITY MANAGER SALMONS: The EIR process is an opportunity to generate information and that's what is going on is simply development of information that you all will use when you hold the public hearings to consider the requested project, the entitlements that you've talked about.

COUNCILMEMBER ALEXANDER: Right.

CITY MANAGER SALMONS: So as you're considering the requested entitlements, change in zoning, General Plan policy amendment, whatever, this environmental information and the other informational documents is there. They're all there for you to help you understand the likely consequences or the issues around those requested changes. We're in an information-generating mode right now, not in a decision-making mode. And I think there was maybe another question? Thank you, Madam Mayor.

COUNCILMEMBER ALEXANDER: As long as I'm up here, I have another question that has to do with transportation and circulation.

MAYOR COURVILLE: Sure.

COUNCILMEMBER ALEXANDER: On page 10 -- I'm

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sorry, 4.10-3, it's actually the study area, the figure 4.10-1. And I'm looking at the bottom right-hand corner. It talks about in the notes section. It says, "Regionally significant project analysis will also be performed to analyze intersections and roadways more remote to the project site."

And my question is, considering the denigration of the LOS, level of service, and with those two things, I guess what I'm trying to figure out here is, I don't see on the map there where there is going to be any -- in other words, you can mitigate LOS in other ways other than to just lower it from a C to a D or an F. By maybe putting in other roads to accommodate some of the traffic so the LOS doesn't have to be denigrated.

We have a situation in Dixon where State Route 113 runs right through town. And there has been talk over the years, and more so frequently, about maybe re-routing 113 over to Pedrick Road. So did you study that? And have you considered maybe if that's not going to be possible or feasible in the near future, maybe routing Pedrick Road?

My question is, what's going to happen with the traffic downtown at West A and South First Street? How much of the traffic is going to be coming in from,

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(cont.)

you know, the areas out in that direction that would potentially come into the racetrack, and how would that work with the level of service being denigrated?

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(cont.)

MR. BOXER: Well, as you saw from the diagrams that I showed, with phase one and phase two together there would be a significant impact at the intersection of First and A, Main Street. And then obviously when you add cumulative traffic, the rest of what's happening in the city and the rest of what's happening in the region, that would simply get worse. We did not identify a feasible mitigation for that intersection.

We did identify also an impact all the way down at 113 and 12. When we talk about regional, we went nearly 20 miles out to look at that particular intersection. And there is a mitigation there which is signaling that intersection.

There is a certain amount of traffic that will travel south on Main Street or Pedrick. It is not the majority of the traffic. The majority of the traffic based on all the modeling and analysis done will come from the east and so it will be coming down 80. It will not be coming from the south.

There will be a certain amount that comes from the west, and a certain amount of that -- and the

traffic engineers have tried to estimate it. You know, as I'm sure happens now, people start to get off at various of the western I-80 intersections to find their way through town. People will typically go the fastest route. And so as 80 gets more congested, they will seek more routes because they start to balance out in the amount of time.

We did not assume that it would be feasible for this project to implement a major re-routing of 113, or in fact a major improvement on I-80. We were very conservative in the assumptions that we made in terms of what would happen out there, what other traffic improvements.

We know that there have been, for example, studies of I-80 that have identified the need to widen it. We do not assume it will be widened. So the impacts we've analyzed are on the existing 80 pushed out into the future with all that additional traffic on it. The same thing for 113.

Are there kind of bigger regional solutions for city-wide problems? Yeah, but they're not -- you know, the EIR in this one project is not really the place. There's not really a place in this EIR to really solve those.

MAYOR COURVILLE: Having listened to Southwest

EIR project as it's coming through, there are ways of mitigating our downtown traffic if you didn't want to lower the level of service from C to something else. The way of mitigating it would be to make West A a four-lane road. And in order to accomplish that mitigation, you would be taking out buildings downtown. I don't think we want to do that.

So that in order to mitigate, then, would be to lower the traffic level from C. And what that means is stopping at that signal for I forget how many seconds more than we already do. So if you want to mitigate by widening streets, you can do that. But you have to think of the other impacts that it may cause for mitigation.

VICE MAYOR VEGA: Madam Mayor, I think Mr. Alexander has a point. And one of the things that I was wondering when I was looking through what mitigations would take place, the one thing that bothers me is -- and you're ultimately correct, eventually all the traffic that is heading back toward the Bay Area will find their way to I-80 and go east.

But I believe that there is going to be a lot of traffic that is going to head south and avoid the core of our city, go around toward Midway and then start heading east. And they're going to utilize Pedrick

Road. Yet, I see that Pedrick Road is only mitigated from the Dixon Down Parkway north and altered in the entrance, what do they call it, the back stretch entrance with no mitigation in between that. And right in between that is an existing business that's already told us that they are going to be impacted with their large trucks.

So I really don't see how we can avoid not mitigating the impact onto Pedrick by widening it. I mean that's something where the service level can be adjusted without destroying property, such as what Madam Mayor just said.

MR. BOXER: Correct. And we've --

VICE MAYOR VEGA: And I find a deficiency in this EIR by not looking at the obvious and saying, hey, you know, there's going to be a ton of people going south on Pedrick to avoid the rush of everybody trying to get on the freeway through town.

MAYOR COURVILLE: Maybe you can speak to what mitigations are there.

COUNCILMEMBER SMITH: I want to tag onto that before he -- because that was one of the things I was holding for the very end of a comment is in looking at the mitigation, it's considering the level of service as some type of improvement. And the cumulative

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thing, I haven't seen where all the cumulative come together in one place, and that's probably a discussion we need to have with the Planning Department.

Because looking at that intersection that Steve brought up, I made a note to ask because it goes on the same assumptions that I just saw in the Brookfield one. There's only 100 cars there now. Once we do Brookfield there's going to be 200 cars. This thing makes the assumption there's 100 cars now. And when this thing happens there's going to be 300 cars. Well, that's incorrect. There's actually 350 cars because you didn't take in Brookfield, which is approved. Didn't take in the Southwest area. Didn't take in Pulte. So I look at this as the same way the last two guys of I don't see cumulative in here for what's been approved. So that's inaccurate.

The second thing is is regionally we have a reliever route in the works and EIRs never address the reliever route system and funding a reliever route. It doesn't really seriously start looking at the 113. I mean a traffic light here and a traffic light there is not mitigation. That's congestion. And 300 cars that stop at a stoplight or 350 cars that stop at a stoplight is still an impact. And we're not going to

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(cont.)

demo buildings.

But I would like to see in EIRs as final and in all the future ones coming is we start thinking a little bit outside the box and build some roads instead of thinking about just putting up traffic lights and tearing down buildings.

And I'll still get up here on the soapbox of Parkway has to go to Pitt School. Pitt School needs to become four lanes, a thoroughfare so people can get around the city efficiently so folks that want to go downtown can get there. And I'm disappointed by not seeing that type of thought in the mitigation measure. Because Milk Farm has the same impact on that intersection as you folks do.

And as far as I remember reading, Caltrans is not paying to widen any freeways. That's supposed to be an RCIP. And here it's like if, if. It's not going to get -- Caltrans is not going to widen that freeway. It's up to all the developers and whatever else to widen the freeway, widen the overpasses.

And when I see level of service F at all these intersections at every EIR, they all assume nothing gets widened or improved. And we need to start realizing that that road is going to go to four lanes. The overpasses are going to go to four lanes, or

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(cont.)

whatever, and Pedrick is going to become 113, or Kidwell will. And if Kidwell becomes 113, then mitigation needs to be Pedrick Road being part of the reliever route with the Jepson Perry. And that's what this is for is long-term planning. So in the final, that's my comment is I want to see the cumulative, I want to see the regional, and I want to see the roads.

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(cont.)

MR. BOXER: I've got a few notes here. Let me try to knock some of those off. There's a question about impacts on Pedrick Road and mitigation on Pedrick Road. And, in fact, the cumulative analysis, which I'll get to in a second, does identify, when you look at that in the long-term, the need to widen Pedrick to, let me look here, four lanes all the way down to Vaughn because there will over the long-term start to be some need.

If you actually go to -- oh, let me find it. This is very interesting. This one I found very interesting. Table in the chapter where the traffic engineers did time analysis of different alternative routes through the city. And you can see how people start to alternate their routing through the city based on time, based on how congested I-80 gets. Let me see if I can find it and point it out to you here. Too many tables. Well, I'll find it while I talk.

While I'm looking here, there was a question, Councilmember Smith, about cumulative analysis. In fact, we did substantive cumulative analysis. We did analyze based on existing conditions, which we're required to do under the law. We analyzed a year 2015 scenario that includes full build-out of all the residential in the city, full build-out of the entire northeast quadrant, Milk Farm, Brookfields, the high school, Southwest, everything that is on the books with the exception of some small amount of non-residential in the city because the market isn't predicted to be there in 2015.

And then we did a 2025 analysis which has full build-out of the city along with all of the proposed projects in the city, as well as additional regional growth outside of the city of Dixon.

Now, I was referring to the table with alternative route travel time comparison. If you look on page 4.10-32, table 4.10-13, you'll see six different routes through the city, the distance of those routes, and then the time it actually takes to travel those routes today in the p.m. peak hour, and then based on the modeling what happens when the average travel speed on I-80 drops to 35 miles an hour, and what happens when it drops to 15 miles an

hour. And you see the speed of routing, of taking those routes starts to change. The fastest route, so to speak, starts to change.

The model that has been run has those assumptions built into it. And, in fact, as I-80 starts to get more constrained, it starts to move traffic onto other streets in the city. And so the impact analysis that you see in here is reflective of what happens when I-80 becomes more constrained and people start to take those additional routes.

Lastly, there was some questions about -- or comments and questions about why didn't we assume some much larger reliever routes and other improvements. We are obligated under the law in an environmental impact report to only assume that those things that we truly can -- we have reasonable assurance will occur. And when there are often in communities proposals for and studies ongoing about different transportation solutions, many of them very expensive, most of them not funded. There's no funding mechanism.

As an example, there are many solutions in Dixon for cumulative problems. You can fix interchanges. They're all fixable, but they cost a lot of money. Because right now there is not a funding mechanism that exists, your CIP funds that you collect are not

designed to pay for improving all those interchanges, nor funding a reliever route or other very expensive -- technically feasible but very expensive solutions. We can't assume them.

If the City had a fee program that could pay for all of that, we could begin to move toward assuming those and we would bring different solutions to bear. As it is, we have to look for the most financially feasible, technically feasible solution. It's not always the grandest solution.

But if this is something where the City has the prerogative to look in its transportation planning how it would like to, the context of this EIR on this project is not really the time and place to begin to say what should the future transportation network of Dixon be like. How ought it be? We simply look and say, what's the most feasible way financially, technically and otherwise to solve a specific problem. I hope that responded to some of those questions.

MAYOR COURVILLE: Can I ask you just, what was that page that you were looking at --

MR. BOXER: I'm sorry.

MAYOR COURVILLE: -- for those travel --

MR. BOXER: 4.10-32.

MAYOR COURVILLE: Thank you.

MR. BOXER: It's table 4.10-13.

MAYOR COURVILLE: I'm sorry, Doug, I saw you had your --

COMMISSIONER UHLIK: Yeah. I'd just like to discuss the supplemental traffic analysis, which was Appendix G. And in there it talks about this analysis assumed no background traffic growth, and this kind of piggybacks on what you're saying. No background traffic growth on Pedrick Road associated with other land development proposals such as Flying J.

And I think that when you're looking at the Milk Farm project, the Flying J project, specifically the truck-tractor-trailer vehicles moving in and out of that, coupled with the seasonal truck-tractor-trailer traffic with the cannery, and Pedrick Produce, which draws a lot of traffic, that that's going to compound the problems at that interchange and, again, add pressure to people coming to the facility during racing, non-racing events to use the back roads, our downtown, our back streets to get to the facility.

Because I mean without doing the studies, it's just I have a sense that there'll be gridlock at that point, especially on the weekend. And given Dixon only has four interchanges off Highway 80 to get in and out of town, two will be occupied for the event

T-43

itself, which would leave only two left for residents.

↑ T-43
↓ (cont.)

MR. BOXER: Let me respond to that. You were referring to Appendix G.

COMMISSIONER UHLIK: Yeah. What did I say?

MR. BOXER: Right. Starting again with the analysis in the body of the EIR, the impacts that I described earlier that are in chapter 4.10, again, in the cumulative analysis there, where it says existing plus project, that is the conditions as they exist today to the best of our ability to monitor them and count them and the like plus the project.

Year 2010 includes all of the residential build-out of the city, all of the projects that you've been referring to: Brookfields, Flying J, Milk Farm, Southwest, all of the northeast quadrant built out. Everything but a very small amount of nonresidential that's in existing. So it's essentially build-out of the city plus other regional growth that goes on.

The supplemental traffic analysis that is included in Appendix G, it's a two-page, page and a half analysis, was a specific analysis when we saw the impacts of the project at build-out of phase one and phase two. And we were asked to take and look and say there's a certain set of impacts that can be and mitigations that occur at phase one.

Phase two is a big 1.2 -- as I said, it's 1.2 million square feet of space. As I understand it, probably unlikely to be all built at one time. Could. But it may very well be that phase two could get built out incrementally. We were asked to take a look and say, what happens when part of phase two gets built out.

This little supplemental analysis in here, we did sort of like a little special study and says, what happens -- we looked at existing conditions and we put a not just -- it didn't just look at just phase one and phase two but sort of phase one and a half, essentially. It's an existing conditions analysis of phase one and a half and that's all it is. So there was a clarity here about that assumption. But it is not reflective of what's in the body of the cumulative analysis and the EIR. The body of 4.10 and the cumulative analysis has everything in it.

COMMISSIONER UHLIK: Okay. Thank you.

MAYOR COURVILLE: Are there questions? Unless you want to take a break at this point.

COUNCILMEMBER FERRERO: May I ask my question?

MAYOR COURVILLE: Sure, Loren, ask your question.

COUNCILMEMBER FERRERO: You had said in your preliminary comments that the interchange would need

T-44

to be changed on Pedrick at the beginning of phase two, didn't you, or did I get that wrong?

T-44
(cont.)

MR. BOXER: I didn't say at the beginning. I said with phase two. The mitigation for the phase one and two together would be a essentially complete reconstruction of the Pedrick/I-80 interchange.

COUNCILMEMBER FERRERO: Reconstruction. And reconstruction could mean more lanes or what?

T-45

MR. BOXER: Needs to be widened. The overpass itself needs to be widened by another lane, and it's additional lanes on the eastbound ramps and the westbound ramps.

COUNCILMEMBER FERRERO: Okay. On your summary of impacts and mitigations right at the beginning, on page 2-43, the impact is, "The implementation of the proposed project could cause existing operations on roadways of regional significance to worsen from acceptable to unacceptable." And then it's got, "Mitigation: Pay a financial contribution toward a traffic signal." And it's got, "Phase one significant and unavoidable, and phase two less than significant." Why would phase two be less than significant if it's going to create more cars than phase one?

T-46

MAYOR COURVILLE: Tell us the page again, Loren.

COUNCILMEMBER FERRERO: 2-43 on the summary.

MAYOR COURVILLE: 2-43?

MR. BOXER: That is a detail question. I can find it. But if you wanted to take a break right now --

COUNCILMEMBER FERRERO: Okay.

MR. BOXER: -- it would be the perfect time to let me find it and then I'll answer that when I --

COUNCILMEMBER FERRERO: Let me ask one more because maybe you need time for this one. On the mitigation it says, "Widen West A to four lanes between I-80 and Pitt School." How does that help traffic at Dixon Downs if they're all coming from the east? Wouldn't that just shove everybody into downtown Dixon? I don't see what good that would do. But --

T-47

MR. BOXER: The roadways of regional significance are at distance from the project, so they're not the immediate local intersections. So a number of these mitigations refer to things like -- the first mitigation refers to 113 and SR-12, 20 miles away. This one refers, I believe, to ways to mitigate impacts on I-80 further out.

COUNCILMEMBER FERRERO: All right.

MR. BOXER: It's a detail that I'll need to take a look at.

COUNCILMEMBER FERRERO: Look at that one, too, then.

MAYOR COURVILLE: Let's take a break and that'll give Mr. Boxer a chance to look at that. And we'll stand adjourned for a few minutes.

(Off the record.)

MAYOR COURVILLE: We're back on. All right. Mr. Boxer, you were going to explain Loren's questions regarding some mitigations.

MR. BOXER: Okay. I think the questions specifically, Councilmember Ferrero, were related to impact 4.10-4, which was the implementation of the project would result in unacceptable --

COUNCILMEMBER FERRERO: Could you get a little closer, please?

MR. BOXER: Excuse me. I think I'm on. Am I on?

MAYOR COURVILLE: Yeah. It's on, and our tech guy needs to turn the sound up on that microphone.

MR. BOXER: I'll get a little bit closer here. The questions were addressing impact 4.10-4, which in its more detailed form is presented on 4.10-86 and the following pages.

The impacts are identified as significant both for phase one and for phases one and two. The specific roadways that would be impacted by phase one

and phases one and two are somewhat different, or they're additive, I should say. The phase one impacts primarily being on I-80. And when you add phase two impacts occurring also on stretches of West A Street.

The significant unavoidable finding for phase one relates to the fact that the City in and of itself, I think as somebody earlier noted, cannot solve the problem of traffic on I-80. It's not financially feasible to accomplish that.

The less significant finding for phase one and two relates to the fact that the additional impacts on West A in fact are mitigable and the mitigation that you referred to on West A Street regarding the widening of West A Street would be the way to solve those West A Street impacts. I believe that mitigation is also identified in the Southwest Specific Plan environmental report.

COUNCILMEMBER FERRERO: Okay. But by widening West A you're moving traffic through town, then, right? I mean is that what --

MR. BOXER: Traffic is projected to already be moving there, but be congested. With the mitigation, by widening it, you're moving it more quickly, more efficiently, and the level of service would be consistent with the City's standard as opposed to

T-48

worse than the City's standard. Same amount of traffic. It's how fast that it's moving.

MAYOR COURVILLE: But isn't that the same mitigation that Southwest already has --

T-49

MR. BOXER: I believe it is.

MAYOR COURVILLE: -- as part of their EIR?

T-50

MR. BOXER: And the mitigation here identifies that if for some reason that's not implemented by the Southwest, then this project would have to implement it to address that.

COUNCILMEMBER FERRERO: Well, I don't know that I would want -- I mean I'm envisioning the freeways, not downtown, as the conduit to get to this.

MAYOR COURVILLE: But I think what Mr. Boxer was saying is that when people are coming to this event, they will take the path of least resistance, and it may be coming down A, going through town and up. I mean they're going to find their way to that facility. So in order to mitigate for that possibility, they're suggesting widening A Street from the freeway to Pitt School to four lanes, but is already going to be done with the Southwest project.

COUNCILMEMBER FERRERO: So what is the developer really doing to mitigate that, then, if it's already done? Or is he paying into Southwest --

MAYOR COURVILLE: Well, that's part of the discussions with Southwest group right now, and that is their mitigation on that.

CITY MANAGER SALMONS: Yes, the Southwest project would widen Pitt School -- or widen A Street where you said. I think the point that Mr. Boxer's trying to make is in the event that somehow that project didn't do what it was supposed to do or didn't do it in a timeframe prior to this project, if it was approved, then this project has to do it. That's the point. Because even though that project is approved, it for some reason might not go forward. This project EIR has identified an impact there that this project would have to mitigate if the other one doesn't.

MAYOR COURVILLE: Does that answer for you, Loren?

COUNCILMEMBER FERRERO: I suppose. Thank you.

MAYOR COURVILLE: Doesn't sound real convincing, but --

VICE MAYOR VEGA: To me, relative to the proposed project, I just don't see the mitigation. I see the mitigation relative to the Southwest project, but not to --

COUNCILMEMBER FERRERO: Yeah, I guess I agree. That's why -- yeah, I agree with that.

VICE MAYOR VEGA: So to state what it says, I just don't see it.

T-51

MR. BOXER: At this point we've done a very broad analysis covering a large area for this project. I'd also point out that the impacts on West A from this project would occur full build-out from phases one and two, so all that development, and would occur at what we assume is a Sunday event when there's 100 percent attendance, all 6,800 people are at the track, plus the full weight of the patronage of 1.2 million square feet of commercial and office space. That's not an impact that would occur on an average weekday basis when you're going to get a few thousand patrons out there. It's a full large race event.

MAYOR COURVILLE: Okay. Other questions? Wayne?

COMMISSIONER WILLIAMS: I've got a couple of very quick specific questions for you. On page 4.10-70, there's a discussion of the impacts, or relationship between the proposed Flying J project and this proposed project. Would it be possible in the final EIR package to include a figure showing some of the driveways and things that are discussed?

T-52

MR. BOXER: Absolutely.

COMMISSIONER WILLIAMS: That'd be very helpful. Thanks. Same page, at the bottom, we talk about

T-53 A

Vaughn Road, Pedrick Road, realignment proposal, and the figure across opposite shows it. Is there any concern about the fact that I think the city limits end on the northwest edge of the railroad track and both the grade railroad crossings in this area and the portions of Pedrick Road that might be proposed for this realignment are outside city limits? And are we going to need to pursue something with the county? Or is it even appropriate to be discussing in this EIR? Just curious about that fact.

T-53 A
(cont.)

MR. BOXER: Clearly, actually, any of the improvements to Pedrick -- my understanding is that the city/county line is down the middle of Pedrick Road. So that any of the improvements to Pedrick Road, the Pedrick Road/I-80 interchange, are going to involve the engagement of the City, the County, and in the case of the interchange Caltrans as well. The engagement of those different agencies absolutely would be required. It's not something that we consider, you know, a major obstacle to the feasibility of doing it. So we didn't not include it simply because the City couldn't do it all itself. But, yes, the work of multiple agencies would be required for these fixes.

COMMISSIONER WILLIAMS: And I just have one

T-53 B

other. I think probably might need Warren to help with this one. On Pedrick Road north of the Campbell Soup plant to the east side of Pedrick Road, is that area within the Dixon planning area or our sphere of influence, and are we going to be able to have any say in what might eventually develop there, or is there part of any of this action to look at expanding our sphere of influence?

T-53 B
(cont.)

CITY MANAGER SALMONS: The lands to the east of Pedrick Road north of Campbell's is where you're talking about. Our sphere of influence actually includes the full right-of-way of Pedrick Road up to near Sparling, where not only do our city limits but the sphere of influence actually go east and include about 60 acres of land on the east side of -- ah, there we go. You can see that dash line. That's roughly the city limit and the city sphere of influence now.

The City just recently went through a process with something called the Local Agency Formation Commission to reconfirm our sphere of influence, and there was no recommendation or no discussion of extending our sphere of influence to the east any more than it is at this point in time.

When the City updates its General Plan, does a

comprehensive update of its General Plan in '08, '9, '10, something in that timeframe, I imagine there will be significant discussion about areas all around Dixon as to where the next tier of growth, where our sphere of influence might go at that time.

COMMISSIONER WILLIAMS: Okay. Thanks.

MAYOR COURVILLE: Other questions?

COUNCILMEMBER HEENEY: I had one. On 4-10-75, about the middle of the page, it's talking about the interchange and whether Caltrans would approve a partial improvement. And it says, "A project study report would need to be prepared to analyze the proposed improvements." And I was just curious, who would initiate that and what would the possible timing maybe be for something like that? Is that a year-long process, a five-year process?

T-54

MR. BOXER: Little bit of a procedural detail that I'm not expert in. I believe that the City would request that Caltrans initiates the PSR, the project study report. Project study reports in my experience can take anywhere from nine, ten months to a couple of years. It sort of depends on how quickly it moves through the process, how complex the issues are, how many different alternatives are evaluated, and the like.

COUNCILMEMBER HEENEY: Thank you.

MAYOR COURVILLE: Maybe just to give you an example, Kevin, Solano Transportation Authority, STA, is now beginning to work more and more closely with Caltrans so that STA is beginning to do the MSI studies. In other words, getting projects ready for Caltrans projects. And a good example is the MSI study that's being done for 113 right now is being funded through STA. So that if work is going to be done on 113 by Caltrans, they will already have done the studies to help move the projects along. But that doesn't mean it's going to happen overnight either. It still takes a while.

Other questions?

VICE MAYOR VEGA: Yes. On figure 4.10-11.

MAYOR COURVILLE: Page?

VICE MAYOR VEGA: It's next to 4.10-70.

MR. BOXER: Page 71.

VICE MAYOR VEGA: And it appears that Pedrick just north of that back of, what do they call it, back stretch entrance, is widened. It appears that it's mitigated, or its level of service is adjusted to take any increase. However, south of there it actually veers to the southwest and then it continues north in a convoluted kind of way in the same width as was

T-55

there before. I can't imagine patrons to Dixon Downs taking that road and making that turn and heading toward the middle of town. Then after that they're going, no, I'm not going there. Because they'll just avoid it.

And what they would probably do is wanting to go south, continue south. And then someone would probably say, hey, why am I stopping because of this train, or how come there's no overpass here? In order to take that traffic that I'm sure is going to happen if this project ever got approved to go down and meet Midway and then head west so that eventually they get on 80 going west.

You know, this is examples of where mitigation can occur and it's not being recommended. And the level of service can be maintained. You adjust the level of service if you have an increase in traffic by widening the road. It can happen here.

MR. BOXER: Based on the modeling that was done, based on the time studies and the like, the transportation analysis does not suggest a significant flow of traffic on Pedrick south of Vaughn in the long term, and thus there's no impacts identified, and thus no mitigation identified for the widening of Pedrick south of Vaughn.

T-55
(cont.)

And so while this illustrative diagram is not done to a specific scale, as is noted, it does reflect the long-term anticipation that north of Vaughn Pedrick would be widened to four lanes, but not south of Vaughn.

MAYOR COURVILLE: And that's part of the Northeast Quadrant Specific Plan that shows that road connection being done that way once again. If looking at the Northeast Quadrant Specific Plan we feel that it's not sufficient or it's not doing what we expect it to do, conditions have changed in the 10 years since that plan was developed.

MR. BOXER: Correct. Yeah. The Vaughn-Pedrick connector is part of the Northeast Quadrant Specific Plan. This is a refinement of the alignment. This represents a refinement of the alignment that was shown in the original plan. But my understanding of the need for that and the intent of that is to eliminate a lot of traffic that would otherwise be crossing the railroad tracks twice. By virtue of this connection, traffic can go eastbound on Vaughn to northbound on Pedrick without ever having to cross the railroad tracks.

MAYOR COURVILLE: Other questions? I'm sure we will have other opportunities for more questions

T-56

later. But we did say we were going to finish at ten o'clock, and if there was time we were going to get to speaker cards.

Again, I remind speakers, we are asking you to limit the number of questions that you have because there are others who also have questions. That you ask two questions. If you have more, to let us cycle through other people and then come back and ask your other questions.

We will also have more opportunity tomorrow night. If not tomorrow night, you can always submit your questions to be part of the final EIR that will be answered. So the first speaker card that I have, and they've been numbered, is Gail Preston.

MS. PRESTON: Good evening all. Thank you for making time for this. I just say that, you know, my impression after listening is that there's so many targets and so little time, but I'll stick to my prepared thing.

I must say that I didn't interpret the format of this meeting correctly. And I'm going to hand out what I brought. But I had some questions like, you know, I don't understand this column heading and things like that, that I thought maybe someone would be here and would be able to tell me.

And tonight we've talked about air quality and a few other things. But to me the 800-pound gorilla in the room is the money. And all through the EIR, while there is reference to the fiscal effects, and of course got a lot of detail in that fiscal and economic report, which I can't stop reading.

But of my remaining questions, let me just say that I looked at tables 12 and 13 in Appendix 3 of that report, and I see that for phases one and two, the operational impacts will produce 1,087 fewer construction jobs than the current operational impacts. Are these the construction jobs operational, not construction jobs building, right? So there's going to be 1,087 fewer construction jobs. And I don't understand why the construction unions are in favor of this project when they lose throughout the life of the project, not just building, 1,000 jobs all year long.

But getting back off of my arithmetic mistake, in table 13 they've got an average compensation for a worker in the information industry at 140 grand a year, which doesn't look right to me. Probably ought to fix it.

But going on to the DEIR, on page 3-44, line 4, it says, "During racing season, 787 full-time

T-57

T-58

employees," and so on. And in the fiscal and economic analysis on page 23, under scenario 1, item 2, it says, "Will give rise to approximately 797 jobs."

Well, the racing season can could be from 20 to 100 days according to the EIR. That's on page 3-44. And it could be zero for a while if they don't close Bay Meadows right away. So the analysis of the economic impact of these 797 or 87 jobs really should have been done on purser years because the jobs are only during racing season. They're full time during racing season. Racing season is less than a third of a year. So they're not full-time jobs.

And, of course, there is the aspect of it that about 400 and some odd of them aren't even job jobs as far as Dixon's concerned. They just don't have any economic impact on Dixon.

So the question there is, how many equivalent full-time jobs are estimated for phase one? And the second part and last question is, in that there's a lot of figures in there about what it's going to take to build this thing, like \$195 million to build phase one, and I'd like to know how much of that money is this fertilizing equipment and the Horse Wizards. This is very, very expensive equipment.

And it would be in construction so that it's

T-58

T-59

millions of dollars. And when you think about construction costs, you think that's a good thing for Dixon. But here's the question, and that is, where is that money for that equipment included in this economic analysis, and how much of it is going to be built within a 50-mile radius of Dixon, which is how much impact this thing is supposed to have? And could the City expect any kind of taxes from the building of this? You know, a lot of times people build things, there are taxes. And then would it be property tax? Would we get anything? Or is there any economic effect on this region where all of that money is going to be spent on that equipment? So that's my two questions.

T-60

And there's six more that I detail which I don't know how a person can get an answer to where you could understand the tables. For example, you know, in Appendix 3 on these tables 10 through 13 it says -- there's a column heading percent of current, which I can't relate to anything. I know there must be a relation, but I don't see it. And I don't understand 11,000 percent of anything.

But thank you very much. And I have copies for everybody thanks to Janet's copy machine.

MAYOR COURVILLE: And making sure that Mr. Boxer

has it so that he can -- and Warren. Thank you.

The next speaker card that I have is Mary Ann Montague.

MS. MONTAGUE: Good evening, Council and Planning Commission members and staff and public. I'm interested in the effect of the tier one and tier two events. Since the racing days can't occur from May until September, will the non-race tier two events be occurring in those summer months, and are they going to be compacted?

T-61

Because I don't understand either from this EIR whether a tier two event is a single day, is it a week? What is the duration of the event where we might be having 15,000 people in attendance out there? I see no clarification of that.

T-62

And is there a limit on the number of horse racing events that can attract 15,000 patrons at the tier two level? Because in the screen check DEIR initially prepared last spring, there was supposed to be only 15 tier two events at all. And that got changed so that non-horse racing is separated from horse racing. So what is the cumulative number of events that we can anticipate having 15,000 patrons out there? Thank you.

T-63

MAYOR COURVILLE: Thank you. Those questions she

had are also written down. Did you want to try answering some of these questions?

CITY MANAGER SALMONS: With respect to Mr. Preston's questions of the economic report, those we will note and I will do my best to provide responses, but I can't do that this evening.

MAYOR COURVILLE: Okay.

CITY MANAGER SALMONS: Ms. Montague's questions I think are germane to the environmental report.

MAYOR COURVILLE: Yeah, they're in there. Okay.

MR. BOXER: I want to make sure I can answer as many of the questions about tier one and tier two events as I can. I believe that the first specific question was whether or not tier two events would occur only during the racing season, or could they occur during the non-racing season, including the summer months.

My understanding is that included within the tier two types of events that could occur are such things as summertime outdoor concerts, things like that. And so the applicant has indicated that those could occur certainly during the summer when racing is not going on.

And in a lot of ways, if you think about a race meet as they typically occur where they're racing from

Wednesday through Sunday, I actually think it's probably -- based on my understanding, it's probably more likely that the non-race tier two events would occur outside of racing season rather than at the same time as a race. It's not outside the question that they would occur during a meet, but it's probably likely that they would occur outside during the non-race season, or during a non-race meet.

The duration of the events certainly could vary. One could imagine, as I say, an outdoor concert that occurred during a weekend afternoon. They could occur during a weekend or weekday evening. Could occur over presumably a weekend. Although I think as we have described it, a weekend event would account for two days. We've talked about the number of days, not the number of events, without specificity of duration. But we haven't spoken to specifically the number of hours because the types of events are not specifically known at this time.

As it pertains to the number, we have assumed about 25 events. About 15 non-horse racing events and about 10 horse racing events. The applicant has not specifically said -- particularly as to the horse racing events, they have not said, we want to do 10, we want to do 5, we want to do 15. They've actually

said, we would like to do -- they said, we, Magna, would like to do as many successful horse racing events as we can do.

Based on observations of other horse racetracks, we think it is highly unlikely that they will even get to 10 horse race events per year of more than 6,800. That's what we're talking about in a tier two event. In fact, the average horse race event down in the Bay Area is about 18 or 1900 per day. A couple times during the year they will have a horse race down at Golden Gate or Bay Meadows that fills the place. It doesn't happen every weekend. It doesn't happen multiple weekends of the year.

Obviously, they would like to see this horse race track as successful as it could be. So if they achieve the success that they envision, they would have it be as busy as it could be. We felt like in looking at this and having to make some assumptions for an EIR, what is a reasonable set of assumptions to make, we've assumed 15 non-race events of that size and 10.

Ultimately, I believe, as you grant an entitlement, you can structure that entitlement the way you foresee it and how you would like to see it, and you could place limits if you wanted to or not if

you don't.

COUNCILMEMBER FERRERO: Somewhere I saw 100 days
a year of racing. Was that your assumption, though?

T-64

UNIDENTIFIED SPEAKER: That was a maximum.

COUNCILMEMBER FERRERO: Oh, that's a max.

MR. BOXER: That would be the maximum, as we
understand it from the Horse Racing Board, for a
single meet, a single season that would be granted to
this track, essentially. And so that's likely what
you would see. It's not --

COUNCILMEMBER FERRERO: Likely or unlikely?

T-65

MR. BOXER: That's probably likely over time the
maximum that you --

COUNCILMEMBER FERRERO: (Inaudible) go up to
that? That's the way it works?

MR. BOXER: There's only a certain number of race
dates a year. As I understand it, they will only
grant a race meet on a day when there's no other race
meet in Northern California. So if there is a race
meet going on at Golden Gate in April, there will not
be one in Dixon at that time. I think they
essentially manage the races.

Southern California they manage it year round.
In Northern California, as I said, because of the
county fairs, they basically said, okay, they're

holding the summer sacrosanct, and then the rest of the year. And they tend to go back and forth between Golden Gate and Bay Meadows right now.

As I understand it, for race dates to be granted to Dixon, there would have to be race dates removed from one of those other tracks. There are no available dates sitting out there today. That will be a decision ultimately that the California Horse Racing Board will make when this track is ready to go. If and when this track is ready to go make a proposal, if it's ever built. Those dates have not been granted as of yet, and can't be. Actually won't be granted until the track is essentially complete.

MAYOR COURVILLE: Maryanne, if you have a copy of the Draft EIR, there's a good discussion on page 3-31 about tier one, tier two, tier three events, what's considered horse racing events and non-horse racing events. You'll get a real clear picture.

I thought what was important is that on the tier three events it says they do not anticipate more than one per year, and that the notice of a tier three event would have to be provided by the City a minimum of one year in advance. So there's some discretion on the part of the City of allowing a tier three event, allowing that many patrons at one time. But there's

also some real good discussion about tier one and tier two.

COMMISSIONER CORNEJO: Madam Mayor, can I ask a real quick follow-up --

MAYOR COURVILLE: Sure.

COMMISSIONER CORNEJO: -- on the hundred meets? Brian, you said that there couldn't be anything from May through whatever the county fairs are. But nothing from your research would preclude the applicant from running 100 from CHRB and then maybe doing five or six days in May if the May Fair got some days, and then hypothetically if the Vallejo Fair moved and they have 10 days that they run horses. I guess last year they ran thoroughbreds or something. You could potentially add another 15 days if the May Fair chose to use the applicant's facility. If the Solano Fair chose to use it for 10 days, you could potentially have 115 days?

MR. BOXER: You could have more than 100 days of racing at the track. The Horse Racing Board grants race dates not to a physical facility but to an association. So in addition to the Dixon Downs track, for there to be a meet at Dixon Downs there would need to be, for lack of a better name, a Dixon Downs racing association. The Horse Racing Board would actually

T-66

grant the dates to the racing association, and then there would be a contractual relationship between the racing association and the track itself.

In that way, to the extent that there are race dates granted to another association, whether it be the May Fair or the Solano County Fair or others, if that association chose to enter into a contract with the track to run their races at the track, the Horse Racing Board would allow that.

COMMISSIONER CORNEJO: Thank you.

MAYOR COURVILLE: Okay. Speaker card number three, I know that she has left, is Mary Louise Taber. But she did not write down her question.

Speaker card number four is Stephen Sikes.

MR. SIKES: Good evening. I should be in bed by now.

MAYOR COURVILLE: A lot of us should be, but we're not. We're here.

MR. SIKES: I would like to very briefly give you some information that I have given you before, but I want to put it in context of your earlier conversation about air quality. PM-10 does not kill you. PM-10 is the material that your physiology takes care of by you blowing it out your nose or the cilia in your bronchi bringing it up to your throat and you spit it out.

We're not talking about PM-10.

We're talking about PM-2.5, which will kill you. PM-2.5 is material that you will find in cigarette smoke. You'll find in the exhaust of diesels. Not very much in the exhaust of automobiles. This is not your enemy. Your enemy is the diesel. The diesel has been recognized years ago as a cause of cancer, as a cause of lung disease, and it does damage.

The laws are set up right now to have these diesels retrofitted as rapidly as they can be. And this is a very slow process. A mitigation on your part would be to require every diesel truck that went into that project to be retrofitted.

There is no reason to take a bad situation and make it infinitely worse by having repeated truck traffic going on that project site and driving through that area. None whatsoever. There is every reason to protect the health and safety of the citizens of Dixon by using this retrofit.

I'll point out to you the other good news that you can have. NASA announced today an improved filter for automobiles, which you're not going to see immediately because you got to convince the automobile industry to apply it. This will be getting rid of your nitrous oxide. This will be getting rid of more

carbon dioxide and CO.

I'm telling you right now that you're playing with fire. Don't do it. Please think of the old people in this town, me included, and the children and infants who are susceptible to this particulate material. Thank you kindly.

MAYOR COURVILLE: Thank you.

(Proceedings off topic were recorded but not transcribed herein.)

(Excerpt of special meeting concluded.)

Responses were provided to questions asked by the public at the November 2 and November 3, 2005, special meeting(s) of the City's Planning Commission and City Council. Please see the transcripts that include bracketed comments and responses. In some instances additional information is provided (see below) to more fully respond to a question raised at the meeting or to add additional information; however, in most instances the responses provided at the meetings were determined to adequately respond to the question.

November 2, 2005 Transcript

Response to Comment T-1:

In addition to the response provided in the transcript (indicating that the project may cause traffic greater than LOS C), Alternative 2 (Buildout under the Existing NQSP), discussed in the Draft EIR in Chapter 6, Alternatives, addresses development of the project site under existing zoning and land use designations. Traffic was determined to result in impacts that would be similar to the Proposed Project, as discussed on pages 6-21 through 6-23.

Response to Comment T-2:

The current general plan acknowledges that it may be difficult to maintain LOS C, with or without the project. The City Council held a public hearing in mid-April to discuss this issue. Please see Response to Comment 43-3.

Response to Comment T-3:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-4:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-5:

Response provided in the transcript is adequate. Please see also the discussion in Chapter 6, Alternatives, that addresses relocating the Proposed Project to the Southeast Quadrant Specific Plan Area (see pages 6-26 through 6-29).

Response to Comment T-6:

Response provided in the transcript is adequate. No further information is required. Please see also Response to Comment T-7, below.

Response to Comment T-7:

In addition to the response provided, for regional pollutants such as ozone, the air quality impact to the City of Dixon would be almost identical regardless of the location of the project in Dixon. Ozone is not a directly emitted pollutant, but instead is formed by the chemical interaction of reactive organic gases (ROG) and nitrogen oxides (NO_x) in the atmosphere. As explained in Response to Comment 32-4, ozone can take days to form, and once formed, has normally been transported far from the source of the ozone precursors.

Response to Comment T-8:

In addition to the response provided, please see pages 6-21 through 6-23 in Chapter 6, Alternatives, for a detailed analysis of Alternative 2 (Buildout under the Existing NQSP). Under this alternative it is assumed impacts associated with construction activities, which include impacts to air quality associated with construction equipment could be the same or slightly greater than the Proposed Project, because it is assumed the site would be developed with a variety of buildings, roads, utilities and other infrastructure resulting in an increase in air pollutants. In addition, assuming the maximum development allowed under existing zoning would occur under Alternative 2, impacts associated with operational vehicle emissions would be more severe than the Proposed Project. The existing zoning could result in more intense industrial and commercial development, which would require more daily trips than the Proposed Project, which would result in high traffic volumes occasionally rather than consistently.

Response to Comment T-9:

In addition to the response provided, there are specific state and federal particulate matter (PM) standards for both PM₁₀ (particulate matter of less than 10 microns) and PM_{2.5} (particulate matter of less than 2.5 microns) although the State PM_{2.5} standard is an annual standard that measures average PM_{2.5} levels over one year. All particulate matter standards are concentration based standards that measure in particulate matter in microns.

Almost any new development would create PM by virtue of stationary or mobile source emissions. Land that is left in agricultural production would produce PM as well because agricultural operations disturb soil, and open fields can produce wind-blown dust. Also, plants in these fields produce pollen that can influence PM levels as well. While PM₁₀ can be generated by construction or agricultural operations that move soil, or by road dust produced by vehicles traveling over paved or unpaved roads, PM_{2.5} is produced almost exclusively by the burning of fuel. Hence, while the majority of PM produced by land in agricultural production would likely be PM₁₀, a larger proportion of PM produced by developed land would most likely be PM_{2.5}.

Response to Comment T-10:

In addition to the response provided, please see also Response to Comment T-9, above.

Response to Comment T-11:

Response provided in the transcript is adequate. No further information is required. Please see also Response to Comment T-9 and T-10, above.

Response to Comment T-12:

Response provided in the transcript is adequate. No further information is required. Please see also Response to Comment T-9 and T-10, above.

Response to Comment T-13:

In addition to the response provided, the “transport” phenomenon has been well documented by both state and federal regulatory agencies. Pollution can be generated in one area and then travel to another area where the effect is experienced most severely. As discussed in Response to Comment 15 -19, some areas in the Sacramento Region that experience high ozone levels are relatively undeveloped and produce little ozone precursors. Likewise, particulate matter can be generated in one location and blown to another location. The monitoring system that is maintained by the local districts and the State is limited in that it will only provide data on air quality at that particular monitoring location at a point in time. The source of the pollution is not accounted for in the monitoring data.

Response to Comment T-14:

In addition to the response provided, please see Response to Comment T-13, above.

Response to Comment T-15:

In addition to the response provided, when an air quality standard is exceeded, in almost every case the violation is the result of many different emission sources combining to create higher pollution levels. Also, if air quality violates a standard but this violation is not recorded at a monitoring station, there is no official violation of the standard. So conceivably, a standard could be exceeded at some location where there is no monitoring station and this violation would not degrade the area’s air quality attainment status. There are three monitoring stations in Yolo County, one on the UC Davis campus, one in West Sacramento, and one in Woodland on Gibson Road. In Solano County, there are four monitoring stations; Fairfield, Vallejo, and two in Vacaville. There are no monitoring stations in Dixon; therefore, any directly emitted pollutants generated by the Proposed Project would not likely influence pollution levels at any one monitoring station.

As shown in the Draft EIR, operation of the Proposed Project would contribute PM, ozone precursors, and other criteria pollutants. Larger events would especially have the capacity to contribute pollution.

As shown in Table 4.2-5 of the Draft EIR, almost all of the PM emissions are generated by mobile sources associated with the Proposed Project. These mobile sources are the cars and trucks driving to and from the facility. Each vehicle emits PM over the course of the entire trip, so very little PM would actually be generated in the vicinity of the project site. Most would be generated by the vehicles along

the freeways, especially I-80, during arrival or departure. This project-related traffic would represent only a small increase in the entire volume of traffic on the Interstate, and would not result in substantial increases in current levels of ambient PM along I-80. PM would be produced by vehicles as they near the project site, although it cannot be estimated what percentage of overall project-related PM emissions would be generated within the City of Dixon.

For ozone, as explained in Response to Comment T-7, formation can occur over a period of days and be transported to other parts of the nonattainment area. Consequently, ozone is a regional issue because ozone precursors throughout the nonattainment area can combine to produce high ozone levels at certain locations. This results in ozone exceedances where there may be few actual sources of ozone precursors. For example, in the Sacramento Regional Ozone Nonattainment Area, which includes Dixon, high ozone levels are routinely monitored at locations such as Cool and Sloughouse, although these are not heavily developed areas. Consequently, the Proposed Project's ability to increase ozone violation days in the nonattainment area should focus on its contribution to the region-wide precursor inventory. According to the ROG and NO_x calculations shown in Table 4.2-5, even on large event days, the Proposed Project would only add 0.004% and 0.005%, respectively, to the Solano County ROG and NO_x inventories. These small increases, by themselves, would not influence the number of ozone violations experienced in the nonattainment area. Also, while ozone is primarily a problem during the warmer months (May through October), most large events would occur on days falling outside this time frame. This would further lessen the project's impact. Please see Responses to Comments 17-4 through 17-12.

Response to Comment T-16:

In addition to the response provided, please see Response to Comment T-15, above.

Response to Comment T-17:

In addition to the response provided, please see Response to Comment T-15, above.

Response to Comment T-18:

In addition to the response provided, please see Response to Comment T-15, above. No further information is required. Please see also the discussion in the Alternatives Chapter on Alternative 2 (Buildout under Existing NQSP).

Response to Comment T-19:

In addition to the response provided, please see Response to Comment T-15, above.

Response to Comment T-20:

In addition to the response provided, please see Response to Comment T-21, below.

Response to Comment T-21:

In addition to the response provided, there are many sources that contribute to the air quality problems of the Sacramento region. As discussed in Response to Comment T -13, pollution monitored at one location may be partially generated at a different location. Because pollution problems are the product of a combination of many emission sources, it cannot be determined how many additional violations would be created by any one source.

Air quality in the region has generally trended towards becoming cleaner over time. Some of this improvement is due to new regulations and the use of improved, more efficient technology.

The table on page 4.2-5 of the Draft EIR shows monitored data from two monitoring stations nearest the project site. The table on page 4.2-8 shows the emission inventory for Solano County. This data was the most recent available at the time the EIR was written.

Peak particulate emissions associated with construction of the Proposed Project would be much higher prior to mitigation than peak particulate emissions associated with operation of the Proposed Project. This is consistent with the nature of construction, which involves large amounts of earthmoving and heavy construction equipment. Between alternatives, the total amount of particulate matter generated over time would be roughly the same. Peak daily emissions of particulate matter may increase or decrease based on the amount of grading performed on the peak day for each alternative.

Response to Comment T-22:

In addition to the response provided, please see Response to Comment T-21, above.

Response to Comment T-23:

In addition to the response provided, please see Response to Comment T-21, above.

Response to Comment T-24:

In addition to the response provided, please see Response to Comment T-21, above.

Response to Comment T-25:

In addition to the response provided, please see Response to Comment T-21, above.

Response to Comment T-26:

In addition to the response provided, please see Response to Comment T-21, above.

Response to Comment T-27:

In addition to the response provided, please see Response to Comment T-21, above.

Response to Comment T-28:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-29:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-30A:

In addition to the response provided, congested conditions involving large numbers of vehicles can create localized pollutant concentrations. This is especially true for carbon monoxide (CO) with personal vehicles, or diesel PM_{2.5} with diesel-fueled vehicles such as heavy-duty trucks. The traffic study prepared for the Draft EIR identified the intersections where congestion and low levels of service would be most likely to occur. Since the large majority of vehicles driving to and from the project site would be personal vehicles, modeling to determine CO concentrations was performed for those congested intersections. As shown in Table 4.2-7, the modeled intersections would be operating at LOS “F” during Tier 2 events. As shown in the Table, CO concentrations would not exceed the state’s eight-hour CO standard.

The traffic study only examined intersections in the City of Dixon. The study did not examine potential congestion that could occur on-site at the facility. It is possible that parking lots before or after large events could become congested with vehicles waiting to either enter or exit the facility. CO concentrations could conceivably be elevated during these times. CO concentrations are localized, meaning that concentrations would only be high at the congested intersection or area. CO emissions at congested areas do not produce high concentrations at other locations, so off-site residences would not be expected to be affected by CO produced on-site at facility parking areas.

As discussed in Response to Comment 20-2, prevailing winds are such that wind during the racing season would blow any odors generated by vehicles away from the nearest receptors and towards I-80.

Response to Comment T-30B:

In addition to the response provided, please see Response to Comment T-30A, above.

Response to Comment T-30C:

In addition to the response provided, please see Response to Comment T-30A, above.

Response to Comment T-31:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-32:

The comment is correct. Please see Response to Comment 34-13 for more detail on the cumulative analysis contained in the Draft EIR.

Response to Comment T-33:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-34:

In addition to the response provided, please see Responses to Comments 33-20 which reiterates that it is the responsibility of the City's Planning Commission and City Council to determine if a project is consistent with the goals, policies and general intent of City planning documents (i.e., General Plan, NQSP). Please also see Response to Comment 43-3 discussing the amendment proposed by the applicant to change the LOS standards under qualifying circumstances which the Planning Commission and City Council have the authority to adopt or reject. Also see the traffic master responses TRAFF-1 through TRAFF-3.

Response to Comment T-35:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-36:

In addition to the response provided, as shown in Table 4.2-5 in the Draft EIR the first phase of construction would emit higher daily emissions of ozone precursors and particulate than the second phase of construction. For particulate, emissions generated during the first phase of construction are significantly higher than those generated during the second phase of construction. The reason for this difference is that grading occurs during the first construction phase. This involves the moving of soil with large, heavy-duty pieces of construction equipment. Very little earthmoving occurs during the second construction phase, and normally, smaller pieces of equipment are used that produce fewer emissions of criteria pollutants. It should be noted that while daily emissions are higher during the first phase of construction, the first phase is much shorter than the second phase. Consequently, overall emissions generated during the second phase would most likely be greater than total emissions generated during the first phase.

Response to Comment T-37:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-38:

As discussed in the Project Description, Phase 2 of the Proposed Project includes a mix of retail and office uses as well as a hotel/conference center. The Phase 2 uses would not exceed a maximum of 1.2 million square feet (msf) of development that includes a mix of retail, office, and hotel/conference uses. Within the Phase 2 development a minimum of 550,000 sf to a maximum of 950,000 sf of retail uses may be developed. Office uses may include development of a maximum of 400,000 sf. The hotel/conference uses are projected to include a 200,000 sf 240 room hotel with 50,000 sf of conference space.

Response to Comment T-39:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-40A:

Under the existing zoning the entire NQSP was forecast to provide approximately 4, 122 jobs. Under the Proposed Project, which constitutes a portion of the NQSP, a total of approximately 800 jobs would be created under Phase 1. Under Phase 2 the exact number of jobs is not available, but for 1.2 msf of retail, office and hotel/conference uses it is anticipated that there would be thousands of new jobs created (+/- 2,900 jobs). Please see also Responses to Comments 33-64 and 34-37 for more information on employment centers.

Response to Comment T-40B:

Response provided in the transcript is adequate. Please also see Response to Comment T-40A, above.

Response to Comment T-41:

Please see also Master Responses T-1 through T-3 for more information on planned improvements to I-80 as well as other proposed roadway improvements.

The Proposed Project includes a combination of new roads and other intersection improvements to address impacts associated with a decrease in the level of service.

Response to Comment T-42:

The Draft EIR evaluated the cumulative impacts of the Brookfield, Southwest Quadrant Specific Plan, Milk Farm, new High School, Southpark/Pulte, and Flying J projects. Please see also Master Responses TRAFF-1 through TRAFF-3 for more information on planned improvements to I-80 as well as other proposed roadway improvements.

Response to Comment T-43:

Appendix G of the Draft EIR is a supplemental traffic analysis to the original analysis in Section 4.10 in the DEIR. The traffic analysis in Section 4.10 was based on very conservative assumptions including peak summer traffic conditions on Pedrick Road and the buildout of Phase 1 with a Tier 1 event attended by 3,740 people. The supplemental analysis was prepared to evaluate expected operating conditions at the I-80/Pedrick Road interchange under a more “typical” set of operating conditions. For example, historical attendance levels at other horseracing tracks indicate an average mid-week horseracing event is attended by approximately 1,700 people, much less than assumed in the analysis in the DEIR. While the supplemental traffic analysis reflects a more typical assumption for operating conditions, the analysis in the DEIR includes cumulative operating conditions for buildout of the proposed project, as well as buildout of the entire City of Dixon and other projects proposed in the project vicinity (i.e., Brookfields, Flying J, Milk Farm, and Southwest).

Response to Comment T-44:

Mitigation Measure 4.10-1(c) on page 4.10-76 of the Draft EIR requires that as part of Phase 1 and 2 the I-80/Pedrick Road interchange be reconstructed to widen the overcrossing to have two southbound lanes and one northbound lane and to construct a two-lane “slip” on-ramp from northbound Pedrick Road that narrows to a single lane onto eastbound I-80. Please see also Master Responses TRAFF-1 through TRAFF-3 for more information on planned improvements to I-80 as well as other proposed roadway improvements.

Response to Comment T-45:

Please see Response to Comment T-44, above.

Response to Comment T-46:

Response provided in the transcript is adequate. Please see also Master Responses TRAFF-1 through TRAFF-3 for more information on planned improvements to I-80 as well as other proposed roadway improvements.

Response to Comment T-47:

Response provided in the transcript is adequate. Please see also Master Responses TRAFF-1 through TRAFF-3 for more information on planned improvements to I-80 as well as other proposed roadway improvements.

Response to Comment T-48:

Response provided in the transcript is adequate. Please see also Master Responses TRAFF-1 through TRAFF-3 for more information on planned improvements to I-80 as well as other proposed roadway improvements.

Response to Comment T-49:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-50:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-51:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-52:

The figure requested is included following this page.

Response to Comment T-53A:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-53B:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-54:

Please see Master Response T-3 for more detail on the PSR. A Project Study Report (PSR) for the Pedrick Road interchange is scheduled to begin in 2006-2007 according to the City's CIP. The PSR will be conducted in coordination with Caltrans and other affected agencies.

Response to Comment T-55:

Please see also Master Response T-3 and Response to Comment 3-1 for more information on the Resghn Road-Pedrick Road connector.

Response to Comment T-56:

Please see Response to Comment T-55, above.

Response to Comment T-57:

In response to the comment, the construction jobs noted would be created during the operational phase of the project (e.g., after the project is constructed). Whether the construction unions are in support of the project and, if so, why is a question best answered by the union.

In response to the comment asking about the average compensation for an employee in the information industry, please see Response to Comment T-3.

Response to Comment T-58:

The fiscal and economic analysis prepared for the project by Goodwin Consulting (August 2005) addressed job-related and other fiscal and economic impacts of the project. The racetrack and training center would operate year-round even during the non-race season. The report states “employment opportunities created by the race track and veterinary clinic will give rise to direct employment of approximately 797 jobs. Most of the jobs will be full-time and year-round positions”. A copy of the report is available for review on the city’s webpage as well as at the city offices during normal business hours.

Response to Comment T-59:

At this time it is not known how much of the initial project investment would be dedicated to the purchase of fertilizer equipment or horse wizards. Please see also Response to Comment 34-109.

Response to Comment T-60:

Please see Responses to Comments 33-71, 34-117, and 34-149.

Response to Comment T-61:

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. Included within the Tier 2 events, would be summertime outdoor concerts. The applicant has acknowledged that events such as these would occur during the summer months when racing is not going on. Because the racing season is typically from September through May, Tier 2 outdoor events are most likely to occur during the summer months (June through August). While it is possible that a Tier 2 event could coincide with a horseracing event in the early fall or late spring, it is more likely that outdoor events would only occur during the summer months; therefore, Tier 2 events would not need to be compacted into the typical racing season. Please see the response provided in the transcript on page 80 as well as Responses to Comments 34-126 and 43-41.

Response to Comment T-62:

The commenter is concerned about the duration of Tier 2 events. The Draft EIR addresses the number of events that are likely to occur in a given year. The Draft EIR assumes a total of 25 events: 15 non-horse racing events and 10 horse-racing events. The applicant has acknowledged that a Tier 2 event could be held over a two-day period, most likely over a weekend. It is unlikely that any event would take place longer than two to three days. However, specific hours of these events are still unknown because the specific types of events that would be held at the project site are not finalized.

Response to Comment T-63:

A Tier 2 event is defined as an event involving an attendance of between 6,800 patrons and 15,000 patrons. Tier 2 events could include concerts, large horse racing events or other events. Although the applicant has not proposed a particular number of Tier 2 events, the Draft EIR assumed it would be unlikely there would be more than 10 horse-related Tier 2 events per year and 15 non-horse related Tier 2 events per year. This assumption is based on the applicant's experience and observation at other racetracks. Please see Page 3-31 in the Draft EIR Project Description for a more detailed description of Tier 1 and Tier 2 events. Please see also Response to Comment 43-41.

Response to Comment T-64:

As discussed on page 3-44 of the Project Description, "the horse racing season can be as short as 20 days to as long as approximately 100 days. The Race Dates Committee of the California Horse Racing Board (CHRB) establishes the racing calendar and the specific race dates for all horse tracks in the State. In northern California no race dates are granted between the months of May through September to avoid competition with the local County fairs and the State Fair. For the Dixon Downs project it is assumed the CHRB would not grant race dates during the months of May through September."

Response to Comment T-65:

Please see Response to Comment T-64, above.

Response to Comment T-66:

Please see Response to Comment T-64, above.

TRANSCRIPT OF EXCERPT OF

SPECIAL MEETING OF

DIXON CITY COUNCIL

and

DIXON PLANNING COMMISSION

on

DIXON DOWNS EIR

November 3, 2005

NOVEMBER 2, 2005

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(Proceedings off topic were recorded
but not transcribed herein.)

MAYOR COURVILLE: The first card that I have is
Bob Kersey.

MR. KERSEY: Good evening. I'm Bob Kersey. I
live at 550 North Lincoln here in town. The question
I have is if the infield of the racetrack is to be a
pond retention like it's proposed, how about the
humans that are going to have a concert or any other
type of activity while they're having this pond
detention? That's my question.

T-67

MAYOR COURVILLE: Thank you.

MR. BOXER: As I mentioned last night, the
infield of the racetrack is proposed to be designed as
part of the overall project site drainage system and a
way to serve as a detention facility holding up to 100
acre feet of water.

As I understand the design of the facility, it
would hold water back during a storm and then meter it
out. It would be released out into the system at a
limited rate. And it would take somewhere in the
range of two to three days to empty out after it's
filled. As the storm waters begin to recede, it would

take two to three days.

Clearly, in the situation where the detention facility was wet, be it inundated or simply saturated, it would not be able to be used for a public event. It's always been our understanding that in all likelihood, since the storm -- typically in this region, the large 100-year storms that occur would typically occur sometime between November and April. That the large outdoor events in all likelihood are going to be planned for the drier parts of the year.

Obviously, if there was a conflict of those two things, the event would have to be rescheduled if the facility is full of water.

MAYOR COURVILLE: Thank you. The second card is Kay Cayler.

MS. CAYLER: Yes. I'm Kay Cayler, and I live at 510 Spruce. In the information about the tier one, tier two and tier three events in the Draft EIR it says that the City would be notified of any tier two events that are expected to be staged during the following calendar year. And then it says additional events could be added during the course of the year provided the City is notified at least 30 days in advance.

What I'm wondering is what control the City will

T-68

have or be given to approve or disapprove these events, or I'm afraid that -- someplace in there it says something about the applicant has freedom to do things without the City's approval. And also, what control would the City have to approve or disapprove, and what authority would the police or fire departments have in recommending approval or disapproval of this?

T-68
(cont.)

I think as Mary Ann and I both have learned, when you call 911 in this town, you get the fire truck and the ambulance and you get trained and skilled people, which is wonderful. But if they are called to an emergency or have to be on scene at an event and a concert, and some of these concerts seem to attract people that end up with medical difficulties, sometimes of their own doing, often of their own doing, does that mean that they then cannot come to an emergency at my house or your house, or will be slower in their response? And I think that's a major concern that the citizens of Dixon need to think about, and the applicant needs to answer.

MAYOR COURVILLE: Thank you.

MR. BOXER: I think there were at least two questions in there. The first question, as I understood it, pertained to the authority of the City

and the way the City may exercise that authority over tier two and tier three events. And then I believe the second question related to the availability of -- or the implications of tier two and tier three events on the availability of emergency personnel, police and fire and the like, during a tier two or tier three event. So let me try to take those in order.

The applicant has proposed, has requested, I should say, the ability to conduct up to 25 tier two events during the year split between racing and non-racing events, and then the ability to secondarily come forward if they anticipate additional events to request the authority of the City to approve additional events at the City's discretion.

First of all, one point is that that is the applicant's request. That is going to be the Planning Commission's and City Council's decision as to whether or not to approve that request in that form. And ultimately, the nature of the approval of any initial tier two events or any additional tier two events is fully within the authority of the Council. You can take the applicant's request, or you could lay it out differently.

In my experience, typically with large special event facilities, and I've worked on major auto race

tracks and Pac Bell Park in San Francisco and the like, typically there is a design event for a facility of that type. And in the context of the base approval and in the environmental document, we evaluate what is a basic event. And we've tried to do that with the tier one, tier two, tier three events.

Events of a different nature, typically a city will be in a position to have the owner of the facility come and request the ability to do a different kind of event. And the decision around that is typically done at an administrative level and typically done with the engagement and based on review and comment of the police chief and the fire chief and environmental health and all of the different elements the city could be affected by or have interest in a major event.

So I would certainly expect here that that same sort of review process would go on with unique types of events at this facility. Ultimately, the nature of that review and approval process is something that you have the flexibility to establish as part of the development agreement or in other conditions of approval for the project. But I would certainly expect, based on my experience with other similar facilities, that the administrative review of special

events would certainly include a breadth of City departments that have interest in those from traffic on through emergency services.

The second question is addressed, what happens during one of these events which could have major needs. What is anticipated in this EIR is that for large events beyond the 6,800 capacity for the tier two and tier three events, that the applicant, the owner of the track and the facility is going to need to provide additional security on their own. For example, during horse racing events, they anticipate having medical staff on the facility, security staff on the facility.

We also have identified that there are needs for additional staffing on a regular basis, and there's mitigation in the EIR to address those. But again, the provision of additional security, be it police security, additional fire enforcement, medical, emergency medical and the like, is within the authority of the City to establish when you are looking at an approval for a tier two or tier three event.

And again, in other facilities of these types that have special events, that is a typical approach as part of the approval to agree that the facility

itself will provide supplemental emergency services so that the baseline emergency services in the community are not compromised. And that's what one would expect here.

MAYOR COURVILLE: I see Warren wants to make a couple of comments, too.

CITY MANAGER SALMONS: A few additions, or an addition, at least, to that explanation. And this is a good place to put a plug in for one of the other reports that was prepared and distributed having to do with public safety. You all received and the public has availability to the public safety report. It talks about police, fire, emergency medical.

In that report there are a number of recommendations relative to handling these larger events and permitting these larger events, including how public safety issues should be handled, both police, fire -- or all three, police, fire and emergency medical.

So please take a look at that report at your leisure. And I encourage folks in the audience and the public to also take a look at that report in regard to how public safety happens at the proposed tier two and tier three events.

MAYOR COURVILLE: Thank you. The next speaker

card is Mary Ann Montague.

MS. MONTAGUE: Good evening Council and Planning Commission and staff. I have a question. Based on the changes that I saw proposed for the Northeast Quadrant Specific Plan, it would give the applicant almost unrestrained opportunity to put a wide range of activities in that 260 acres. Anything from child care to RV sales and educational institutions, et cetera.

And I noticed that in this Draft EIR there is a proposed subdivision into 16 separate identifiable units that did not previously exist. So my question is, would the sale of any one of these parcels also convey with it the development in this unrestrained or broad-based approval, or are these approvals specific to the applicant now before us?

T-69

And what checks does a future City Council have on what might come into our city via sale of these sub-parcels if this Draft EIR is to serve essentially for everything that gets approved for that 260 acres? Thank you.

T-70

CITY MANAGER SALMONS: Madam Mayor, that's not exactly an environmental impact report question. I'd be happy to try to answer at least part of that, if you're willing to have that answer.

The project also includes what's called a tentative map. That's the division of the property, the 260 acres, into a number of -- a redivision, if you will, into a number of lots. The site, as I recall, already consists of about 6 or 7 parcels. Maybe not that many. Maybe it's 5. But the idea would be that as part of their proposal those existing parcels would be re-subdivided or re-parcelized into a number of parcels. There's a map in the environmental document that shows that.

The land use and development on those parcels would all still be subject to the rezoning that's being proposed, the design guidelines that are being proposed, and any development agreement that might be negotiated and approved. So the 260 acres now and the future 260 acres comprising the new parcelization would all be subject to the same design guidelines, the same specific plan provisions, the same development agreement and zoning that are being requested as part of this package.

So to the degree those land use issues are addressed or design issues are addressed in those documents, then those parcels would be subject to all of those things.

MAYOR COURVILLE: Thank you. The next speaker

card is Shirley Humphrey.

MS. HUMPHREY: Good evening. I would appreciate it if the gentleman explains satellite betting, how much revenue do you anticipate the satellite betting will bring in each year, and how does this compare to the on-track betting. And it would be great if they would explain to us the functional difference between the Horse Wizard and a slot machine.

T-71

CITY MANAGER SALMONS: Madam Mayor, those are clearly not environmental impact report questions, economic questions and operational questions. I'm not prepared to answer the economic questions. I don't really have the information tonight. We will note the questions and do our best to respond to them.

I know there are representatives of the applicant in the room, so we will ask them to respond to the questions regarding the mechanical devices that Ms. Humphrey talked about. But those responses will have to come later.

MAYOR COURVILLE: Thank you. The next speaker card is Marshall Drack.

MR. DRACK: Good evening. Marshall Drack, 2060 Mariposa. It's good to be here again. I have three simple comments. One is, just remember the integrity of the process. We started with five public

workshops six months ago.

Second, we made trips to five different racetracks in three different states, and I went on every one of those, so I remember each of you. We saw people having fun. We saw activity. We saw entertainment.

Finally, we visited with five communities. And I think what you'll find in the reports before you and in the EIR evaluation process that the information is true and correct. Thank you.

MAYOR COURVILLE: Thank you, Marshall. The next speaker card is Linda Seitz.

MS. SEITZ: Good evening. I have two related questions. In the CEQA part of the application process, can the City Council later address any environmental issues not raised in the Draft EIR? Can issues the consultants list as not significant in the Draft EIR be challenged at any time after November 30th? Thanks for listening.

MR. BOXER: I'm trying to think how to answer this. The first question, as I understand it, was whether or not the Council can later address issues that either were not addressed in the Environmental Impact Report or were identified as less than significant.

T-72

Council has, to my understanding, the authority up until the time of your action on the project to consider the adequacy of the environmental document and make your own independent judgment as to whether or not the conclusions of that document are accurate and adequate under the law up until that time. Once that time passes, if you choose to certify the environmental document and you choose to approve a project, there is a certain amount of time following that approval that the public can challenge your decision on that. So there is certainly time passed November 30th.

That being said, the CEQA process is established so that there is a period of time to comment on the Draft EIR. In this case the City has extended that comment period well beyond the minimum 45 days for this project. So the comment period will come in there. But then we will be responding to comments throughout the process and through the hearing process.

MAYOR COURVILLE: The next speaker card is Russ Cayler.

MR. CAYLER: Russ Cayler, 510 Spruce. Two questions, actually. One is a follow-up to the other. The legal corporate owner of the 260 acres in Dixon's



T-73

northeast quadrant and the legal applicant for the Dixon Downs project is MEC Dixon, Inc. Since MEC Dixon, Inc. and all of its holdings are used as an unsecured collateral on a loan financed by Magna Development International, does Dixon have any legal recourse to enforce any element of the proposed development agreement and entitlements if MEC Dixon is dissolved should the applicant be approved by the current City Council?

T-73
(cont.)

And the second part of that is related. If the steam fitters, pipe fitters, et cetera, have prior written agreements with any Magna Corporate element other than MEC Dixon, are any of these legally binding? Thank you.

T-74

CITY MANAGER SALMONS: The first question regarded the development agreement and the parties who are legally parties to the development agreement. And this was a great question. And I will let the Council and the Commission know that next Tuesday at the City Council meeting, the City Attorney will be providing a brief tutorial in development agreements, how they're done, why they're done. And this question is one that I will pass along to Mr. Dean and ask him to discuss when he talks with the Council about development agreements in general.

Relative to agreements between any union and the property owner or anybody else, I really don't have any information to share with you about that. That's a legal matter that I don't think pertains to the City of Dixon.

MAYOR COURVILLE: I have Kay's back, and I'm going to let others go before you. The next card is Donna Armstrong.

MS. ARMSTRONG: I'm Donna Armstrong. I live at 915 Mason Court in Dixon. I have a multi-part -- one question with three parts. Referring to the jobs table on page 133 of the economic report, it appears as though non-MEC jobs are removed. If the non-MEC jobs are removed from the job table, Magna will directly hire 308 employees in Dixon. How many of these 308 employees will be employed more than 100 days a year? How many of these are part-time? And how many of these are union positions? Thank you.

CITY MANAGER SALMONS: Here again, Madam Mayor, members of the Council and Commission, the question pertains to the economic report. I don't have the answer to that report. I will note the question and prepare a response.

MAYOR COURVILLE: Thank you. The next speaker card is Harold Axelson.

T-75

T-76

MR. AXELSON: As many of you know, I'm Harold Axelson, 770 Marvin Way. And the problem I have with the Draft EIR is that it fails to address the problem of fly control. There's a very brief, very inadequate statement mentioning flies in the EIR on page 4.5-13 which I will now read.

"Because the manure and soil bedding material would be deposited in enclosed containers and removed from the site on a daily basis and according with the Dixon Downs manure management plan in Appendix E, problems with flies often associated with other agricultural operations involving horses and livestock would not occur."

Hmm. Now, horses do not defecate on schedule. And with 1,440 horses to consider, once a day collection just won't do it. And flies will attack the horses themselves, as well as the manure. And there's a problem with flies when the horses are outside. No mention of this can be found thus far in the EIR. Horses cannot be kept in their stalls 24/7. Two to three hundred horses could be outside at any time of the day on a rotating basis. Here again, horses will defecate anywhere, any time. Thus, there will be a great number of small manure piles scattered across the exercise area at any one time.

T-77

Also to be considered is that some of the spray residue applied while in the stables could be blown by the winds into neighboring eateries and the new Wal-Mart Super Center. And how toxic is this spray? I wonder how these businesses feel about this possibility. In addition to the spray residue, many flies will also be blown into these enterprises, as well as the residential areas of greater Dixon. And flies have been known to carry disease. Thank you.

T-77
(cont.)

MAYOR COURVILLE: Thank you, Harold.

MR. BOXER: Question related to the nature of how horse manure would be managed on the site and whether or not there would be a build-up of flies and other pests and the like as a result of that. My understanding of the proposed manure management plan for the facility which is included in the appendix of the EIR is that not only will manure be picked up, but all horse bedding materials including straw and wood shavings and the like on a regular basis throughout the day, transported through the day to a single covered facility on the site, and then once a day removed from the site.

The typical experience that people have with flies and other pests as well as odors and the like with manure build-up on animal facilities typically is

because of build-up over time. And that in this case and the way these horses are cared for and the facilities are managed, you simply don't have -- because the materials are transported off site at such a rapid pace, you don't have the kind of collection of pests as well as odors and other things that people frequently experience with agricultural operations as opposed to a horse racetrack. That's the information we have this is based on.

MAYOR COURVILLE: Can I ask you just to clarify?

T-78

MR. BOXER: Sure.

MAYOR COURVILLE: Because some of us did go to racetracks to see waste transfer facilities. The question was, you know, how often it's taken off site. And I think the answer was once a day. But does it mean that the materials inside a stable or in the surrounding area is collected, put into a container, and put in an on-site facility that contains it, from there it is taken off site?

T-79

MR. BOXER: Correct. Throughout the day their staff are cleaning not only the horse stalls but the other open walkway, horse walkways, wash areas, and the track itself. As those materials are picked up and transported to the manure management facility on site which is contained, and then each day it is

removed entirely from the site, transported off, and you start fresh each day. So there's an ongoing cleaning process of the stalls and the rest of the facility during the day, moving the waste materials to a closed facility and then transporting it off site once a day.

MAYOR COURVILLE: Thank you. Next speaker card is Stephen Seitz.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR COURVILLE: The over-spray question.

T-80

MR. BOXER: I think the question that was raised regarding the use of pesticides and over-spray is one that I'm going to have to take a look back. And we will respond to that fully in the final EIR.

MAYOR COURVILLE: Thank you.

MR. BOXER: Thank you.

MR. SEITZ: Good evening. I am Stephen Seitz, 525 Peterson Lane, registered voter in Dixon. I have a two-part question. Is it legal for Dixon to permit a cigar smoking lounge within a bar/restaurant complex such as the one proposed for the VIP area of the Finish Line Pavilion? That's question part one. And, if so, does this approval apply citywide? It's my understanding that there are state regulations about having smoking associated with bars. Thank you.

T-81

T-82

MAYOR COURVILLE: Thank you. I'll let you answer.

CITY MANAGER SALMONS: That's a great question, and it's not an environmental -- at least an environmental impact report issue. It is clearly an environmental issue. And I'm just going to have to research that and find out what the circumstances are. Of course, this place couldn't do something that was against the law in the state.

MAYOR COURVILLE: Thank you. The next question is from Kim Pawlick.

MS. PAWLICK: Good evening. I'm Kim Pawlick and I am a registered voter here in Dixon. And my question is about the tier one special events. And it's worded quite vaguely. It includes anything from circuses to bar mitzvahs to hard rock concerts to soft rock concerts. And so I wondered how much control the City would have over the number and types of tier one events, and also what assumptions were made in the EIR regarding the sorts of events. Because it's so broad, I can't even imagine how one could make comment on the environmental impact on such a diverse open-ended sort of list of events and frequency. So that was my first question.

My second question is regarding the economic

T-83

T-84

impact study. And I think a lot of people like myself were looking for an opportunity for some clarification regarding that. I understand tonight is not the time to ask those sorts of questions. But when will we have the opportunity to ask the questions of the writers of that study and make comment on that? Thank you.

T-84
(con't.)

MR. BOXER: I'm going to take question number one, and then I think Warren will respond to the second question. Tier one special events, the commenter identified correctly that the applicant has requested the flexibility to have a wide array of different types of events. Again, as I've said earlier, that's their request and it's certainly within the realm and the prerogative of the City Council to determine what types of events you would like to allow that you feel are appropriate there.

So the question about what control does the City have in your granting of the entitlement for this special kind of use, you have, to my understanding, you might want to clarify this with the City Attorney, but you certainly have quite a bit of flexibility in establishing what kinds of uses you want to allow in this facility and which ones not.

As it pertains to what did we assume for the EIR,

because of the flexibility that they've requested, we had to essentially go through that list of types of possible events and say which are events that might have unique environmental implications. Certainly, whether somebody's coming for a bar mitzvah or they're coming for an RV show or they're coming for a concert, driving a car is driving a car is driving a car. And so the evaluation of the traffic impacts is rather independent, I think, of the reason that somebody is driving there.

But conversely, when we look at the issue of noise, we said which of all these events is there something that would create a significant noise issue, and so we said we got to look at this at the concert issue. And so for the purposes of the noise analysis, we assumed let's take a look at the loudest kind of hard rock concert that would be outside.

So what we did is for each of the issue areas we said is there anything here that would represent a condition that would be environmentally worse than a typical horse race. Is there something there? And we tried to make that assumption.

The most typical one, the one that pops out in my mind that really stood out to us is a concert where the noise characteristics could be very different than

the typical use. And we went through each of those.

Certainly, if anybody who has been reading this document feels that there's a type of event that could occur and they feel like that there are issues raised that we didn't explore in the EIR, we would welcome those comments in the comments on the EIR.

CITY MANAGER SALMONS: Madam Mayor, members of the Council, questions about the economic study or the other non-environmental impact report studies, I would be glad to take those any time. It would be best if they could be submitted in writing, e-mail, faxed, or just sent in the mail to me here at City Hall. And again, we will endeavor to get responses to those comments in a timely fashion. More timely than we have before, obviously, since the time is less now.

But there's no limit or statutory limit like on the EIR of November 30th. Questions on these other documents can certainly be submitted at any time, and we'll do our best to try to respond.

MAYOR COURVILLE: The next speaker card is from Gordon Hammond.

MR. HAMMOND: Good evening. My name is Gordon Hammond, President of Dixon Chamber of Commerce. And my one question is, it relates to revenues, but it also relates to traffic and mitigation of traffic.

T-85

Dixon Downs will obviously bring a great deal of revenue to the City. How that money is spent, my question is how would that money be spent. Could it be spent for improving streets that aren't necessarily identified as directly impacted by Dixon Downs, but perhaps to allow our City services to be expanded and to make the driving experience around Dixon more pleasant and easy? Thank you.

T-85
(cont.)

CITY MANAGER SALMONS: Madam Mayor, again, that question wasn't an environmental impact question. There is an economic report. That's one of the companion documents that was prepared and distributed. It does project municipal revenue. In other words, money to the City for the phase one and phase two components of this project. And that report projects that there would be a surplus after the costs of providing services are paid for.

What the additional revenue could be used for is really subject to the decision of the City Council. As I recall, those were projections of property tax, sales tax, TOT, a bet tax, those sorts of things, which are all general fund revenues that would be subject to decision-making by the City Council as to the nature of their use. They could be used for roads. They could be used for parks. They could be

used for public safety, or any other sort of normal municipal service.

MAYOR COURVILLE: That's the end of the speaker cards of everyone given an opportunity. I have now those who wrote another card wishing to ask a second question.

(Proceedings off topic were recorded but not transcribed here.)

MAYOR COURVILLE: Mary Ann Montague.

MS. MONTAGUE: Thank you for allowing me another opportunity. I have a question that sort of dovetails with the one about the center use of the racetrack and the infield. Since the Finish Line Pavilion is designed for an indoor capacity of roughly 5,000 people, any time there's a tier two event there may be as many as 10,000 people somewhere on the property.

And from the layout of the buildings and grounds and so forth, I don't see where else they could be except pretty much on the infield of the track. And as I recall, that one of the secondary purposes of that infield is as a detention pond for the barn area runoff.

And so my question is, is it really safe for people to be doing a lot of activities, whether it's a soccer event or seating for a special concert or

T-86

something like that, if that ground has been receiving over time considerable runoff from washing down horses, washing down the stables, et cetera?

T-86
(con't.)

And I'll ask another question. Oh, the second question on that one. I saw in the plans for the EIP area of the Finish Line Pavilion a proposal also for a massage parlor. And I was wondering how that fit in the City recommendation of activities associated with bars and restaurants. And if it's approved at this facility, can it be approved at other venues in town? Thank you.

T-87

MR. BOXER: I'm going to take the first two questions, and I think Warren will take the last question. The commenter correctly noted that the proposed design capacity of the Finish Line Pavilion is 5,000 people inside, and then, of course, there's the planned grandstand area has seating capacity for another 1,800. And that's how you get to the 6,800 planned capacity for a tier one event.

Clearly, for a tier two event additional capacity would have to be found. That could be found under certain circumstances in the infield. The applicant has also indicated that if a tier two event, as an example, were a large horse race, they might bring in additional temporary grandstands that would extend

beyond the permanent main grandstand.

There's also the possibility that portions of the site that have not been developed that are either in parking lot or just during the phase one period that would be left unpaved could also be used for these facilities for use and for capacity.

Clearly, any temporary structures and the like would be subject to fire marshal and City approval through the building process. But the capacity of the Finish Line Pavilion will be the allowable capacity of the Finish Line Pavilion and they will have to find additional space on the site.

The second question was related to the safety of putting people into the infield given that it is also going to serve temporarily as a detention facility. And specifically, the question was whether or not water runoff from the barn area would essentially contaminate that area.

All of the runoff from the stable and barn area would go to the sanitary sewer system. It would not go to the storm drainage system. The storm drainage system would collect water from the remainder of the site, from rooftops and the like. But any water that runs off of the ground in the barn area, or any area where the horses would be held would be -- the

drainage system of the facility would be designed so that that water would run off into the City's sewer system and not into the drainage system that would be connected into the detention facility. So you would not get runoff from the barns into the infield area.

CITY MANAGER SALMONS: And Mayor, relative to the question about a massage parlor, whatever the uses are according to the zones that are ultimately on this property would be applicable to the property, as they would be if the zones were in some other part of the city. I don't recall what the breadth of uses are and the zones that are requested at this point. But it's a great question, and I will endeavor to get an answer on that.

MAYOR COURVILLE: Can I just make a comment about that particular, quote, "massage parlor"? It's on the plan and it shows that on one level there is a hair salon, a place to go to get your hair done, your nails done and a massage. Just as any hair salon in Dixon has allowable massage, that's what's on the plan. So I just keep hearing this thing about a massage parlor, and I think it's important that some type of clarification that it's not anything other than inside of a beauty salon massage.

The next speaker card is Shirley Humphrey.

MS. HUMPHREY: I'd appreciate it if you would refresh your memory on what exactly are the 10 entitlements that must be approved for Magna, how does the approval or nonapproval of the entitlements fit into the CEQA process? And if some of the entitlements are not approved, how it will affect the DEIR and the FEIR? Thank you very much.

T-88

T-89

MR. BOXER: Okay. We'll remember all those. Let me take it in order. The approvals that have been requested include first certification of the Environmental Impact Report, which has to occur prior to your consideration of any of the other approvals.

Then, assuming that that action would be taken, approval of a mitigation monitoring plan that would address any of the mitigations that are required, an amendment to the General Plan, amendments to the Northeast Quadrant Specific Plan, a development agreement, a rezone of the site, and a tentative subdivision map that would lay out the parcels on the site.

And the second question was what would occur if some of those approvals were not granted and how would that affect the EIR. My understanding is that to implement the project, all of those approvals would be necessary at this time. And the only way to approve

the project without those approvals would be some changes in the project that would make obsolete some of those approvals. But the project as proposed would require those. So failure to approve any one of them I believe would constitute a denial of the project as it's currently proposed.

There will be no implications of your actions related to the approvals on the EIR because the EIR by necessity has to be complete and done and certified prior to your actions. So the EIR will be done before you get to that point in time where you make decisions related to the merits of the project and the specific approvals.

MAYOR COURVILLE: The next speaker card is Kay Cayler.

MS. CAYLER: I have a question related to Shirley's question, and maybe you can fill me in on this. But I counted only seven things instead of ten. The EIR certification, the mitigation monitoring, amend the General Plan, the Specific Plan, the development agreement to rezone the area, and subdivision changes. Those are only seven items. What are the other three?

MR. BOXER: The list of entitlements and requested approvals that I gave is the list of

T-90

requested approvals as I understand it. I don't know of ten. I would say that there will be subsequent approvals that will be necessary to implement the project through the design review process and the like. But what is being requested at this time, as I understand it, is those seven actions.

MS. CAYLER: Okay. As I read the EIR or the Draft EIR there are a lot of things in there, rules on horse racing and so on. And the Business and Professions Code regarding horse racing limits Dixon's power to tax or collect fees on racing events. And the Codes refer to activities held at the racing venue. Does this mean our city, Dixon, cannot get any revenue from non-horsing events held there as well because of the limitations? And I don't know if this is your question or Mr. Dean's question. And I don't see him here this evening.

T-91

CITY MANAGER SALMONS: The question relative to taxability of non-horse racing activities is a question that I would ask Mr. Dean to respond to, and I will do that.

MAYOR COURVILLE: The last speaker card that I have is from Larry Simmons.

MR. SIMMONS: Larry Simmons, 500 West C Street. The question I have is about measures of changes in

T-92

traffic. And I heard mention of increased time in seconds of individual cars at intersections. Wouldn't a better measure of the degrading of traffic be the amount of time from point A to B that a car travels? Like if it was in mild conditions seven minutes and it's twelve minutes under other conditions? And I don't see any mention of transit times or travel times in the report.

T-92
(con't.)

MR. BOXER: Let me try to respond to that in a couple of different ways. The way that we measure the level of service of a particular intersection is based on the amount of time that it takes to get through that intersection. And the way traffic engineers do this, they measure it in seconds of delay. Do you have to sit at a light at the intersection for 30 seconds or for 60 seconds or for 2 minutes? How long is it?

And so when we look at the effect of a project we can say today there is a delay at that intersection of X seconds. Let's just say 60 seconds. And with the project that will go from 60 to 75 or another number, and so we have an increment of delay.

The concept of trying to measure travel time from spot A to spot B presumes that you know where somebody is traveling from and to. And in this case when you

have cars traveling throughout a network, rather than trying to measure the effects on one individual, essentially, or one car moving from spot A to spot B, we look at each of the individual intersections.

That being said, I would point out to the commenter and to the Council and Planning Commission, as I mentioned last night, we do have information in the EIR about travel times through the city, and in particular about the implications of travel times and different routes through the city based on the level of traffic congestion on Interstate 80. And what that shows, of course, is that as Interstate 80 becomes more constrained and becomes a slower route, people begin to look for alternate routes increasingly. So that information is provided in the EIR.

(Proceedings off topic were recorded
but not transcribed herein.)

MAYOR COURVILLE: We're back in order. Before we go to Council comments, there are a few more speaker cards, so let's finish through those. This speaker card is from Mary Ann Montague.

MS. MONTAGUE: Just as a point of interest, Madam Mayor, actually in my entire lifetime, I made it all the way through to retirement, I've never yet been to a salon that had a massage parlor with it. So maybe I

have a new adventure for my retirement years.

MAYOR COURVILLE: Well, I go to one that does have one.

MS. MONTAGUE: In all the time that I, you know, get whatever little hair that I have done, never gone to one of those. I have to look.

My question at this round is on the human waste that is not sewage system bound from these large events. If you're going to have thousands of people out at that venue, there's going to be a lot of human trash that will hit our Hay landfill and other things like that. And in seeing that there are 3,000 tons per year of solid waste generated there, I didn't see where it separated out the different kinds of solid waste. So I wasn't sure how much of that is including the horse bedding and all those elements and how much of it is basically what you'd call trash that will end up taking a portion of the landfill.

I understand that the project as a whole might generate as much as 27 percent of the utilization of the Hay landfill. So how long will we have that facility available to us as a community if we approve this project and have it go forward at that level?

And my other question is that all of these bedding apparatuses there, the computer monitors and

T-93

T-94

T-95

the carrels and all of that sort of stuff, is a tremendous source of electronic waste which contains hazardous waste. And I was wondering if there's any projection of what the annual production of hazardous waste that has to go somewhere from this project would be? Thank you.

T-95
(cont.)

MAYOR COURVILLE: Thank you.

MR. BOXER: I'll try to take a number of those questions that were in there. The Draft EIR includes an analysis of solid waste impacts from the project that is trash and other materials that would find its way to the landfill. That analysis concludes that there would not be significant impacts of the project.

I think that there is a misinterpretation of the data. The reference of 27 percent of the capacity of the landfill is an overstatement. In fact, the Environmental Impact Report identifies that phase one would use .25 percent of the permitted daily capacity. Phase two would add a comparable amount. So it's a very small waste stream.

The horse bedding material from the site is not anticipated to be sent to the landfill. In fact, the applicant has indicated that they typically contract with agricultural operations who actually purchase the material for use in composting and the like. So while

it is possible that if there were no other market for it, there were no other place for it to go, that it could end up at the landfill. It's not anticipated at this time that horse bedding materials would be sent to the landfill.

There was also a question about hazardous materials. The nature of this project is not one that raises large questions about the hazardous materials that would occur on site. This is not the type of facility that typically has large types of hazardous materials. There would be in some of the maintenance buildings small quantities of hazards for cleaning. And there is a proposed veterinary facility that would have small amounts of hazardous materials, but just as any veterinary or animal hospital or medical facility would typically have.

The retail and commercial uses are not uses that typically would be expected to have large quantities, such as if we were looking at industrial use of the land where that would be a large question. So while it's addressed in the EIR, there are not identified significant impacts with hazards.

MAYOR COURVILLE: I think the question, because it's been posed once before, is the e-waste, electronic waste. If there's a way of determining if

there's going to be a large generation of e-waste
as --

COUNCILMEMBER FERRERO: Assuming the simultaneous
whatever.

MAYOR COURVILLE: Yeah. The TVs, the computers,
that type of electronic e-waste.

MR. BOXER: Of components materials and the like?

COUNCILMEMBER FERRERO: Yeah. I think that's
what she's asking.

MR. BOXER: We don't actually have a projection
of the turnover of electronic equipment and the like
as part of the waste stream. That's certainly
something we could look into. It's not something I'm
prepared to respond to right now.

MAYOR COURVILLE: And just generally, Dixon
Sanitary does accept e-waste. But as to how it
affects the landfill --

MR. BOXER: Certainly an issue that's being
looked at more and more is the use of old computers
and the ability to recycle those materials and the
like.

COUNCILMEMBER SMITH: I have just a quick
question. On the data that's in the EIR, just a quick
yes or no, are these facts and figures based on
general industry practices, or are they based on

T-96

Magna's recycling programs?

MR. BOXER: The estimates of solid waste that you're referring to, the estimates for the horse racetrack were based on information that we acquired from Magna and then attempted to verify through looking at comparable facilities. The estimates for the phase two component are based on standard estimating factors.

MAYOR COURVILLE: The next speaker card is from Shirley Humphrey.

MS. HUMPHREY: I have three questions left and I have to decide which ones to ask. The EIR did mention jobs. It did mention jobs in the EIR. They are listed. And the City received a report entitled Detailed Data on Economic Development in Dixon. It was published in 2003. I'm sure each and every one of you has read it. It's a wonderful document. It was done by Dr. Ted Bradshaw and he does a great job of looking at things. And if you do subtract the jobs for phase one, there are 308 for Dixon. The rest are the itinerate jobs for the non-Magna jobs.

But my question is, how many of the quality jobs -- and they even specify types of jobs, which I'm sure you're aware of. How many of these quality jobs can we anticipate in phase two?

COUNCILMEMBER FERRERO: What was the title of that?

MAYOR COURVILLE: Yeah. I'd like to know myself.

CITY MANAGER SALMONS: The title is Detailed Data on Economic Development in Dixon. This was the work of -- I believe it was an undergraduate class at the University of California, Davis. It was prepared by about, I'm going to guess here, about 45 students. I visited the class when they presented their findings. And it's very interesting undergraduate college student level work. It was not prepared by Professor Ted K. Bradshaw. It was prepared by his students, who were learning about economics. It's a good report.

MS. HUMPHREY: Actually, Ted I know personally, and he did oversee. And I know he spends a lot of time working with his students.

The second question, is there a commitment in phase one to actually building the on-site veterinary clinic?

T-98

CITY MANAGER SALMONS: As I understand the proposal, that there is a possibility for the veterinary clinic. It is not a absolute commitment.

MAYOR COURVILLE: Last question, Shirley. Might as well ask.

MS. HUMPHREY: I could fill out another card. It

T-99

would be nice if you would refresh our memory about the entitlement process. Will there be any types of public meetings regarding the entitlement process in which the public can participate? And who makes the decision for the requested entitlements and how are those decisions made and how will the public be informed about them?

↑
T-99
(cont.)
↓
T-100
↓

CITY MANAGER SALMONS: Okay. There was a series of questions. The entitlement process, we heard earlier a list of entitlements that the Magna folks are requesting relative to this project, so I won't reiterate that list.

Those entitlements or requests for decisions from these two bodies will be the subject of hearings, and those typically will happen collectively. The environmental report will be reviewed and these requests for mitigation, monitoring program, General Plan, Specific Plan, tentative map, all those things typically will be evaluated concurrently at hearings held by the Planning Commission and subsequently by the City Council.

The Planning Commission is a review body and they make recommendations to the City Council, with some exceptions. Like design review is an activity that the Planning Commission does unto itself unless

there's an appeal. But these other matters they are recommending to the City Council.

So the Planning Commission will hold a public hearing on this whole collection of entitlements starting with the environmental report. And then the Council will likewise hold a public hearing based on the recommendations, reviewing the recommendations of the Planning Commission. Those are public hearings, so there will be notices, public notices, provided, both in the newspaper, published in a certain number of days in advance of the hearings, and then we will do a mail out of all interested persons. And right now that mailing list runs to approximately 3,000 names. So we will notify all those people. And that will include all the property owners in the general vicinity of the northeast quadrant where the project is planned. And I think I covered all the aspects of that question.

MAYOR COURVILLE: Thank you. Speaker card, Kay Cayler.

MS. CAYLER: I have one question that's got probably several within it, and another one. And the first one that I want to ask you folks up there, and this probably gets into the history, has the Planning Commission or the City Council ever approved an EIR

T-101

that went out 20 years ahead, where you approve something that would not happen for 20 years, as it is with phase two? And that seems to me you could really commit a lot of people that way. And I don't know if that's ever been done. Because phase one is so clearly different from phase two. And phase two is the thing that has 20 years to happen.

T-101
(cont.)

The other question is, and this can relate to what Mr. Boxer said last night, that the average daily attendance at Bay Meadows and Golden Gate Fields is typically about 1,800 patrons, which is the number that will fit in the outside grandstand. Which, incidentally, is a smaller number than will fit in the high school grandstand, but that's here nor there.

Since these tracks have the entire San Francisco Bay Area to draw from, why are we considering paving a temporary parking lot of 6,000? And if we need a 6,000 parking place temporarily, why isn't a parking structure being built to start with? And if only 1,800 patrons, how many patrons are there on a non-race, non-event day for your simulcast betting and your Horse Wizard machine things? In other words, why does this need to be open from 9:30 in the morning until midnight? How many people will be using it during that period of time?

T-102

T-103

T-104

CITY MANAGER SALMONS: Madam Mayor, the speaker was looking at the environmental consultant and saying your as if it was his project. It is not his project. He's doing the analysis.

Questions about operating hours I think are operating questions that should be directed to the applicant at some point.

The question about decisions about whether to build a parking structure now or later also I think are questions that will come up during the public hearing process and will be resolved one way or another at that time.

Relative to an EIR that looks out 10 years, ironically, the Northeast Quadrant EIR is a prime example of an EIR that looked out at least 10 years. The General Plan EIR, which was done before 1993 for the current 1993 plan, looked out a long ways. The Southwest area EIR done in 1994 or so looked out into a fairly distant future. It was redone, of course, last year, so there was a revisit to that one after about a 10-year period. So it's not extraordinary that an EIR would look out that far in advance.

If a project starts under an EIR and let's just say the project takes a long time to develop, as with the Southwest area and, frankly, what was called the

South Park area or now the Valley Glen area, circumstances changed and so there was a need to redo those EIRs after about a 10-year period to make sure they were current with the current times.

So it's not extraordinary for an EIR to look at a project that may be developed over a long period of time. And if that project takes too long to develop, it may be that the community will decide that additional environmental work needs to be done just because of the time that passes from the original EIR to when, say, the later phases are proposed to be constructed. And so I think I've covered that.

In terms of the questions about operation hours and that sort of thing and number of patrons, if they are environmentally oriented, Mr. Boxer's still here to answer those questions. If they are operationally oriented, then, you know, we can't get inside the heads very well of the proponents. And I think they would have to answer questions like that.

MAYOR COURVILLE: The last speaker card that I have is from Lorne Kumer.

MR. KUMER: Madam Mayor, members of Council and the Planning Commission, Lorne Kumer from Magna Entertainment. Before I do my question, to try to help you with some of the answers, number one, I want

to clarify the massage parlor issue once and for all. Magna Entertainment never is proposing a gaudy or illegal massage parlor. It never was contemplated. It never will be contemplated. The intent was a beauty salon/spa, which my understanding, in Canada, the U.S. and around the world would certainly include massages available by registered professional masseuses, and that is the intent of what is on the drawings.

Another question that came up was what's the difference between our Horse Wizard thingamajigs and slot machines. And again, so that it doesn't drag on, a Horse Wizard is a machine that is based on pari-mutuel wagering, which is legal in the state of California, and a slot machine is a game of chance which we are not proposing and, as far as I am aware, as of today is not legal in the state of California.

My question is related to two topics which when we first started we knew were probably the two most significant issues with respect to the project and that is drainage and traffic. And what I'd like to hear from Brian Boxer at EIP, it's my understanding that EIP does many environmental impact reports on an annual basis, and I'd like to hear from him to explain the analysis of the drainage and the traffic study on

T-105

the Dixon Downs project and how that relates in comparison to the quality and the extent of which those were analyzed compared to other projects that they typically do in surrounding areas of California. Thank you.

T-105
(con't.)

MR. BOXER: Mr. Kumer is right, we do a lot of different environmental documents, and I've been at this for over 20 years now, so I'll try to share a little bit of perspective on that.

I think in a general sense I would say that this environmental document provides an extremely high level of scrutiny to this project. The City has at no point backed away from saying, we need to do more analysis. We haven't answered the questions. And the direction from your staff to your consultant team has been, if we need to look at it, let's look at it.

As it particularly pertains to drainage, the underlying analysis that supported the environmental impact report, and that analysis is contained in the separate drainage study that you can find, is extremely thorough, and I'm just trying to think to myself right now, certainly would be as thorough if not more thorough and in-depth than any drainage or hydrologic study of a development project that I've ever been personally associated with.

As it pertains to traffic, I would say this: The analysis that we've done is extremely thorough. For development projects, I can think of one or two projects that I've worked on where we spent more money on the traffic analysis, where we did more intersections than this traffic analysis. But in the context of the city of Dixon and the size and scale of the circulation network here, this is extremely thorough.

The number of different scenarios that I shared with you where we looked at phase one and phase two, where we looked at tier one, tier two, tier three events, where we looked at weekday operations, we looked at weekend operations, we looked at operations today, we looked at operations in 2015, we looked at operations in '25, the depth of different analytical scenarios that were conducted for this are certainly as thorough as anything that I've ever been professionally associated with.

MAYOR COURVILLE: That is it for the speaker cards that I have. I do want to give Council and Commissioners an opportunity to continue with questions that they may have. And I was reminded last night that I forgot to keep looking this way. I am so sorry. I'm so used to looking this way. So I will

start over here. I'll start with Dan.

COMMISSIONER AYALA: I think this may be for Warren. Also on the drainage issue, I know during the rains we have -- Pedrick Road, you know, it floods a lot, and we have those culverts that are -- are we going to ever reopen those culverts that have the sediment in there and reopen those, especially on the railroad? I think the railroad culvert is completely plugged.

T-106

CITY MANAGER SALMONS: Well, I'll start by talking about what the project proposes, this project proposes to do in the northeast quadrant. What we've done with northeast quadrant development is to basically say that until there is a better system of drainage in what we commonly call I think Tremont three, which is a drainage channel in the country out here, that the basic runoff from the northeast quadrant cannot exceed the current level. We can't put more water downstream faster or longer typically than is already going there.

And this project and a previous project will provide detention. There's already a detention basin in the northeast quadrant. Many people don't know it. But it was done when the Wal-Mart project was done. The basin is out in a cornfield immediately to the

east of the Wal-Mart project. This project is proposing a detention facility in the infield area and a metered amount of runoff or discharge from that pond into the current system so that we don't significantly change the drainage regime in the downstream area.

We know that Pedrick Road and the railroad are trouble spots. The railroad, interestingly enough, I mean was built in what, the 1850s, and has been to some degree a damn since then, much like I-80 has become in later years.

We have established in our drainage impact fees a rate of collection of drainage impacts fees for the northeast quadrant area that is fairly significant, such that we will eventually raise several million dollars, many million dollars, for the improvement of the drainage system from the northeast quadrant to the east and eventually to the south in something called the east side channel, which is already conceptually designed.

And we're actually working with a joint powers authority of drainage agencies on the very southern part of that already to expand that channel. But we're working on that. And in the interim, we are saying to the projects that want to be in the northeast quadrant, you cannot discharge at any higher

rater than current levels so that you don't worsen the downstream flooding. Thank you.

COMMISSIONER AYALA: Thank you, Warren.

MAYOR COURVILLE: David?

COMMISSIONER CORNEJO: Thank you.

MAYOR COURVILLE: I saw your hand.

COMMISSIONER CORNEJO: This question is for Mr. Boxer. You mentioned earlier today that you'd been involved in similar projects, Pac Bell Park and an auto racing facility. Is that with EIP Associates?

T-107

MR. BOXER: It sure is, yes.

COMMISSIONER CORNEJO: Okay. I've had the opportunity to go to Pac Bell Park and I tell you the mitigations that they did there is very impressive. When I heard they were going to put a park in downtown San Francisco I thought, oh, yeah, that's really going to work. So in your professional opinion, is the transportation section of this EIR equivalent to the transportation review that was done for Pac Bell Park?

T-108

MR. BOXER: Equivalency is a tough issue to judge. Pac Bell Park was, you know, constructed adjacent to downtown San Francisco. The nature of both traffic analysis and how it's done by the City of San Francisco for projects in downtown is quite different than what we see done in most communities,

partly as a result of the basic policies of the city.

The City of San Francisco has a policy, and I'm going to probably grossly overstate it here, basically to say, we're not going to worry about traffic operations downtown. Not only do they not require parking on new major buildings in downtown, they don't allow it downtown.

The emphasis there is to get people out of cars into transit. You have a very robust transit system, obviously, in downtown San Francisco with the Muni and BART and Caltrain and the like. And thus, there is very little emphasis there on worrying about whether or not the intersections operate at a certain level of service, whether the ramps to the Bay Bridge and the like are operating at a level of service.

So if you actually look at the traffic and transportation section of an EIR for a downtown building in San Francisco, it reflects that policy approach. And so they will focus more on the operations of intersections immediately around a particular project. So in the context of Pac Bell, there's analysis of those immediate intersections, but not the kind of regional analysis that we did in this EIR.

Consistent with that, there's also quite a bit of

analysis of the operations of transit facilities. In that case they proposed and built a whole new light rail line, you know, the E line, that ran right in front of the Park, and so there's a real focus there. So very different types of analyses that reflect a very different, in a sense, type of transportation system serving the sites. I would say similarly detailed and similarly scrutinized, but very different by the nature of the setting.

COMMISSIONER CORNEJO: Thank you.

MAYOR COURVILLE: Kevin, I saw you had your hand raised.

COMMISSIONER HEENEY: Yeah. This is probably also for Mr. Boxer. This is related to noise. And one of the tables, I just haven't been able to get something clear in my head. This is on 4.8-17. And it's comparing peak hour event traffic noise on Vaughn Road. And it shows for the existing plus phase one for a horse race event and a concert event having a difference of about .2 of this energy level. But when it goes to existing plus phase one and two there's about .9 difference. And I guess I just don't understand what is it about adding phase two that this goes up by a factor of four and a half.

T-109

MR. BOXER: The increase in four and a half

you're pointing to is the increase from the existing --

COMMISSIONER HEENEY: Well, the difference between the two with just phase one is almost negligible. I mean it's .2.

MR. BOXER: Right.

COMMISSIONER HEENEY: But when you add phase two into it, it goes up to .9. And I'm just curious, what is it in phase two that changes this dynamic between the two?

T-110

MR. BOXER: There's a detailed answer to your question. I can't give that to you tonight.

COMMISSIONER HEENEY: Okay.

MR. BOXER: My noise expert can. What I can tell you that may just help your thinking about this is that the relationship between vehicular traffic and noise is fairly complex. One would think that as traffic goes up noise sort of in a linear fashion would also go up with the traffic noise. That's not the way it works.

A general rule of thumb in traffic noise analysis is that to get a three decibel increase in noise, which is generally the amount of noise that is considered perceptible to the human ear, you need to double the traffic on a road. With that as a general

rule of thumb, you could see that when you go from phase one to phase -- you go from existing to phase one where you have a modest level of traffic increase, you might get a very small increase.

When you then add the amount of phase two, which is a substantially larger amount, that's where you start to see more of that jump because the relationship between traffic noise and the level of traffic is not a sort of a straight line. It kind of jumps at certain points.

We will give you in the final EIR a very detailed answer to that question.

COMMISSIONER HEENEY: Okay.

MR. BOXER: But that's more of a general response.

COMMISSIONER HEENEY: Thank you.

MAYOR COURVILLE: Yvonne?

COMMISSIONER McCLUSKEY: 2-51, 4.11-9, this is in a summary. "The proposed project in combination with other development in the City of Dixon could result in the need for new or physically altered waste water treatment facilities that could result in significant environmental effects." And the mitigation for that is "none available." But I would like you to answer, how does this project affect our waste water plant?

T-111

MR. BOXER: I think, as everyone knows, the City is moving forward with plans to expand the existing waste water treatment plant, and that expansion is required not only to accommodate the proposed project, but also other cumulative development that has either been already approved or proposed in the city. So this project would add additional waste water generation and would be part of the demand that is projected to need the upgrade and expansion of the City's waste water treatment plant.

The impacts that we identified are reflective of the fact that based on our understanding of what is anticipated, the process that's anticipated and the approach that is anticipated to be taken to expand the waste water treatment plant and resolve the water quality concerns that have been raised by the Regional Board. There will be environmental effects of that if for nothing else a certain amount of loss of farmland for the new site and for the expanded percolation fields, percolation ponds and the like.

And so what that impact is reflecting to Dixon, that this project contributes to the need for the new waste water treatment plant, and that the construction of that plant will have significant effects. The cumulative impact is partly owned by this project.

Did I answer your question? Okay.

MAYOR COURVILLE: Doug, I saw your hand raised.

COMMISSIONER UHLIK: I got two questions. One, I don't recall seeing anything that addressed like a recycle program, solar use of gray water. Is that something that can be or is normally addressed in an EIR of a project this size?

T-112

MR. BOXER: There are projects out there that have proposed to use gray water or recycled water. And when that is proposed, the EIR will evaluate the potential implications of doing so. And there are at times public health and safety concerns of the use of recycled water, the issues of human exposure. Since that was not a proposed component of the project here, it's not been evaluated in that sense.

There are also some projects where the availability of water is a significant constraint, and sometimes water conservation measures will be proposed as mitigation for those. In this case, with this project in this location, based on the information provided by DSMWS, there is not in fact a lack of available water. And so we did not identify a significant impact related to water supply and, thus, there are not mitigations that are required encouraging or requiring such water conservation

measures in that fashion.

COMMISSIONER UHLIK: Okay. Thank you. The other question, as I went through the EIR checklist, I noticed there was, I believe, if I counted them right, 56 of the checklist items had potential significant impact. Actually, it was 56 percent, I believe. Is that common for a project this size?

T-113

MR. BOXER: Very much so.

COMMISSIONER UHLIK: Okay.

MR. BOXER: As I shared, when new development occurs, wherever it happens to occur, there are issues raised as to why we do an EIR. The purpose of the checklist is to pose the question, could there be an effect. And if there could, then under the law we have to examine it in an EIR. And when we do an environmental checklist, we tend to err on the side of conservative. If we're not absolutely sure that there won't, we'll say, potentially let's go look at it. And that's what we did here. And so the more that we check yes on that, the more robust the environmental document.

COMMISSIONER UHLIK: You know what? I don't think I communicated myself well.

MR. BOXER: Okay. I'm sorry. Then I didn't --

COMMISSIONER UHLIK: No. It was my fault.

T-114

Fifty-six percent of the checklist items, if I added them up right and did the math right, had a potential significant impact.

T-114
(cont.)

MR. BOXER: Okay.

COMMISSIONER UHLIK: Okay. Is that what I said?

MR. BOXER: Yes.

COMMISSIONER UHLIK: Okay. I just want to make sure I just have the actual total number. That that percentage had a significant impact. Okay.

MR. BOXER: Yeah. I've never actually done an analysis of the percentage of them. It's not at all uncommon to see half or more of the checklist checked as, you know, a maybe or a potentially significant effect. That's quite common.

COMMISSIONER UHLIK: All right. Thank you.

MR. BOXER: Warren's asked me just to elaborate a little bit on the whys and hows and whens of an initial study. The way the CEQA process is set up is in a stepwise manner to pose the question could a proposed action, in this case the approval of this project, could a project have a significant effect.

Rather than diving right into an EIR for every project and then seeing what comes out at the end, the law actually has in it many elements that encourage cities and lead agencies to be efficient. Efficient

in terms of time and effort and paper and the like.

And so what we do is at the outset of a project, before we've even decided should there be an EIR, we conduct an initial study. It's a quick look, an overview, where we are posing the question through all of those different issues that you saw. There's 18, I think, different categories of potential environmental issues and there's a whole series of questions.

And we're simply posing the question could there be an effect. Because if the answer to any of them is yes, that there could be an effect, all it takes is one yes to trigger an environmental impact report. If in fact when you do an initial study you can answer no to all of them, then we take a different route through the CEQA process and prepare what is called a negative declaration. I'm sure you've seen those on other projects.

The law is written in a fashion so that if there is any evidence in the City's record that there could be an effect, even one, an EIR is required. And so it's this initial screening process to say, should we do an EIR, should we do a negative declaration. That is the primary purpose of an initial study.

MAYOR COURVILLE: Okay. So I'm moving to this side of the dais. Lorne?

COUNCILMEMBER FERRERO: I've been thinking about Mr. Seitz's comments last night about diesels and retrofitting trucks. And there'd be an obvious problem of enforcing it. But beyond that, is it within -- and this is probably for Mr. Dean. So if somebody knows it, fine. If not, we'll wait. Is it within our power to rule on engines and trucks? And if it is, I'm assuming we would have to instill an ordinance that henceforth any trucks entering the city of Dixon would need to be retrofitted, because I don't think you can pick on just Dixon Downs without picking on Safeway and the trucks that stop at Denny's and everything else, I think. But maybe somebody knows.

T-115

MR. BOXER: I can't speak to the legality of what you could do related to truck engines and motors and the like. I can speak in the context of an environmental impact report document. Any mitigation measures that we propose are required to be feasible and feasible in the context of CEQA takes into account legal feasibility, technological feasibility, economic feasibility, social feasibility. All of those types of factors fall into this category of is it a feasible measure. And so any proposal for mitigation has to meet that standard.

Secondarily, mitigation measures have to be

enforceable. We cannot put into an environmental document measures that are simply not enforceable. Here's a different kind of situation. At times people will ask questions, why don't we just tell people they can't walk in the creek. Can't tell people they can't walk in a creek. You can put a fence up. But how do you literally enforce that?

I had one project where somebody wanted us to impose a mitigation measure that people in a housing development couldn't own cats. Can't enforce it. It's not legally enforceable, so we couldn't. Even though that was a way to avoid having roaming animals killing small mice that were endangered, there was no legal way to enforce that measure because cats aren't legally owned. So that issue of enforceability has to be considered from the point of view of an EIR.

There may certainly be, and you might want to ask Mr. Dean about this, there may be other ways for you to address those issues outside of the EIR. So the issues of feasibility and enforceability speak to CEQA mitigations.

COUNCILMEMBER FERRERO: I'd like to enter that into the record for Mr. Dean to address.

MAYOR COURVILLE: And you may want to pose that question to the Solano County Air Board, because there

T-116

is law now for retrofitting diesel engines on vehicles. And I don't know all the particulars as to by what year it has to be done. But a good example is our Dixon Sanitary and Vacaville Sanitary are utilizing clean air funds from the District right now to retrofit their trucks so that they have clean air diesel on them. But I don't know all the particulars, so maybe we can get those details from the Air Board from Matt Ernhardt.

Wayne?

COMMISSIONER WILLIAMS: Just a follow-up comment on that, and then I've got two quick questions for Brian. Depending on what Mr. Dean comes up with, we may not be able to do an enforcement strategy, we might be able to participate through the Air Board and incentive programs to encourage truck operators here in the city to retrofit more quickly. And they do offer a lot of incentive programs for air quality.

My two questions for Brian are about entitlements. The first one is in the initial study there were 11 entitlements identified to include 4 that aren't listed in the Draft EIR: conditional use permit, variance, design review, and I'm not quite sure what the other one is. But can I assume from the fact that the DEIR doesn't list all 7 that either the

T-117

requirement for some of those went away as further analysis was done, or were some of them combined into the planned development, or can you comment on that?

T-117
(cont.)

MR. BOXER: Sure.

COMMISSIONER WILLIAMS: And maybe it might be -- well, I guess since I'm asking it, it'll show up in the final EIR for clarification.

MR. BOXER: Yeah. As with all of these questions, we'll provide written comments. The difference between the list of entitlements in the initial study and the list of requested approvals in the Draft EIR involve two different factors. One is that at the time of the initial study Magna was anticipating requesting doing design review at the same time as all of the other approvals. Between the time that we published the initial study and the time we published the Draft EIR, they told us that they had changed their approach and they wanted to seek first these initial approvals and then move forward with design review following the approvals if they were granted.

The other ones, I think you mentioned a variance, conditional use permit and the like. The necessity of those specific approvals changed as the approach to the overall zoning and the use of the PD zone changed,

and so those steps were no longer necessary with the set of steps that are described in the project description now.

COMMISSIONER WILLIAMS: Okay. My other question, more of a request of information. Can you clarify for us the relationship between the Draft EIR and the mitigation monitoring program?

T-118

MR. BOXER: Sure.

COMMISSIONER WILLIAMS: Because I think the MMP is largely extracted from the DEIR.

MR. BOXER: Sure. The Draft EIR provides for you a list of potential ways that you could feasibly mitigate certain effects if you find that it's prudent to do so. It's an informational document for use in your deliberations.

When you get to approvals, if you do certify this document and if you reach a point where you choose to either recommend or actually approve the project, one of the decisions that you will have to make is which of these mitigation measures do we want to impose, do we feel is appropriate to impose on the project, and are there any of them that we believe that for other overriding reasons should not be imposed. You'll make those decisions.

Once you make those decisions and there is a

final list of measures that you want to impose on the project as you improve it, the mitigation monitoring plan will be developed and put before you. So that it is a tool to monitor and insure the implementation of the actual measure you've chosen to impose. It could be all of the measures that are identified in here or a subset of those at your discretion.

COUNCILMEMBER FERRERO: Okay. And we can mitigate beyond what's in here, too?

T-119

MR. BOXER: If you identify additional measures that you feel are appropriate to impose, those would necessarily be added to the monitoring program.

VICE MAYOR VEGA: Those mitigations not considered yet but possibly in the future, they would also have to meet that criteria that you mentioned before which is feasible --

MR. BOXER: Feasible and enforceable.

VICE MAYOR VEGA: A reasonable threshold?

MR. BOXER: Correct.

MAYOR COURVILLE: Going along that same lines that we were talking about diesel trucks and this idea of adding other mitigations, and I'm not sure, when would we do that? Do we do it as a question to you so that you include it in here? And here was my thought. I too was thinking about the idea of diesel trucks.

T-120

Certainly we can't control deliveries of trucks coming on the site.

But I know the Air Quality Board has talked about programs in which say construction companies are required to use clean air vehicles in their construction. I was thinking any vehicles on site that say would be purchased to use say within the facility be clean air retrofitted. Maybe even electrical or, you know, hybrid somehow so that we have a cleaner air vehicle on site.

Are those the kind of things that we should, I guess by my saying them to you I'm saying them, so that you can include them as part of mitigations in the EIR?

MR. BOXER: If anybody, be they members of the Council or the Commission or members of the public, feel that there are measures that meet the feasibility and enforceability standards that we have not identified in here, those would be appropriate to bring to our attention in the comments on the Draft EIR. And we would as part of preparing the final EIR evaluate whether they meet the measures of feasibility and enforceability. And if there are feasible measures, we would be required to add them to the EIR, and you would have them in front of you when you get

T-120
(cont.)

to your approval process. So now is certainly the correct time to raise those.

COUNCILMEMBER FERRERO: Your saying that, Mary Ann, makes me think that -- I don't know if it's Magna vehicles or trucks that take the waste to the dump, but I know there's a lot of trips there. So maybe one comment would be the feasibility of making those some sort of clean air vehicle.

MR. BOXER: That's certainly something that we could take a look at.

MAYOR COURVILLE: But even the facility itself has vehicles. Making them require they certainly will have retrofitted and diesel clean engines. But there's also suggestions from the Air Board that whenever possible to look at alternative fuel vehicles so that you're not using diesel or gas but possibly electric vehicles on the site itself.

VICE MAYOR VEGA: Madam Mayor, we're going to be challenged if in fact the proposal is approved. There are probably going to be means of conveyance from all over the nation coming here delivering horses. And the state of Kentucky may have a different -- where that vehicle is registered, a different standard. And more than likely it's going to be less stringent than the leading science that California uses.

T-121

I think the only thing that we will be able to do is that once they arrive, limitations can be placed as to how long they can idle and operate. But as far as what they spew, that'll be up to the state where those vehicles are registered as to the limitations of that.

MAYOR COURVILLE: Well, I wasn't necessarily talking about visitors coming on site. But surely Magna will have a fleet of cars within the compound or the site itself --

UNIDENTIFIED SPEAKER: The vehicles on site.

MAYOR COURVILLE: On-site vehicles, you know, would have alternative fuel type.

COMMISSIONER McCLUSKEY: Mayor?

MAYOR COURVILLE: Yes, Yvonne.

COMMISSIONER McCLUSKEY: How do you rationalize enforcing something onto Magna when you have Valley Farms, you have Campbell Soup, you have all the trucks -- I mean we have 300 trucks I believe that is in the EIR. How do you enforce that? How do you even rationalize that? You have tractors that are tilling the soil across the street, across the road there. I mean how would you ever begin to do that? It doesn't make sense to me.

MAYOR COURVILLE: I don't have an answer either. I mean certainly something on the other side of the

street is county.

COMMISSIONER McCLUSKEY: But I'm saying it's all contributing to -- I mean it's going to end up across the street. It just seems impossible.

MAYOR COURVILLE: Well, I think the idea is just to try to make the site itself as less polluting as possible.

VICE MAYOR VEGA: Madam Mayor, I have a question concerning mitigations. If in fact a mitigation is addressed in the EIR and the Council considers the mitigation less than enough, who's the arbiter that says that mitigation is unreasonable or unfeasible? I mean because a mitigation can grow to the point where it can kill the project. So how do we work that?

And I assume that the proponent will come back to us and say, well, you know, the mitigation that this, this, this, this, we consider that. And do we begin to give and take, or how does that work?

MR. BOXER: My experience, and I believe under the law, the arbiter is you.

VICE MAYOR VEGA: Okay.

MR. BOXER: Typically during the hearing process you will hear from members of the public and you will hear from representatives of the applicant about issues of the feasibility of alternatives. If they

T-122

put evidence in front of you that you feel compelling to draw a conclusion that it's not feasible, you have the discretion under the law to believe that evidence and to support a decision based on that evidence that something is not feasible. Without that evidence, you might not have that discretion.

But ultimately you as the City Council are the arbiters of what is feasible and what should be required. You have to document that in your findings. But that is ultimately your decision.

VICE MAYOR VEGA: In the abstract, have you ever heard of a situation where a project developer challenged a certification after certification? In other words, you know, now that we thought about it, we're appealing.

MR. BOXER: I've heard people talk about it. I've never seen it in action. I've never seen a situation where a project applicant challenged the adequacy of an EIR after -- or challenged the decision based on the adequacy environmental document based on the inclusion of measures.

I believe there have been cases where applicants have challenged what they saw as an arbitrariness in a council's decision as it relates to CEQA, and the courts have had to step in and make a decision. But I

can't think of any situation the way you laid that out.

MAYOR COURVILLE: Mr. Seitz, I see you have your hand raised. Let me just check with Council. Any other questions from Council or Commissioners?

David? And then I'll go to Mr. Seitz.

COMMISSIONER CORNEJO: I'd had a similar question to that. Because when I looked in here and I looked at the traffic numbers, the percentages that go to Pedrick, and I too questioned the two percent I guess that was going south. And I had asked Mr. Salmons about this.

It seems to me if at a later date someone determines that really the traffic going south on Pedrick is a greater percentage and maybe the applicant should contribute to like a grade crossing over Pedrick Road or whatever, then would we be held to this two percent or something. But it's my understanding that it could be required through the developmental agreement or through some other further action that the applicant would pay their fair share of other costs.

MR. BOXER: I'm not an attorney. My understanding of development agreements is that they're contractual arrangements between two parties.

T-123

And if both parties agree to something, you can put anything into a development agreement that the two parties ultimately agree to.

As it pertains to the question of what happens if something in the EIR is in subsequent years shown to be incorrect, we made an assumption on the best of our abilities and we were wrong about something, there is a process for the reconsideration of environmental issues if and when conditions change, either conditions in the project change, or conditions surrounding the project change, whether that is other proposals that we didn't know about today, change in regulations, laws change, what have you.

Those changed conditions requirements of CEQA would only be triggered, though, if the applicant had to come before the City to ask for a discretionary action. Okay? The way CEQA is written is you inform the decision. You do that once. The law is not written to say, if we're wrong, we're going to go back and do a new EIR on that project that was already approved.

Conversely, if they come forward and they say, you know what, we're five years down the road, ten years down the road, we want to change our project and we now want to ask for a different entitlement, then

you would look and you would say, is this EIR still adequate with this new entitlement. Is there something different about the project? Is there something different about life in Dixon? Is there something different about the environment as a whole that would cause us to say, no, this is not enough, we need to go back and do more? And those are the triggers for reconsideration.

MAYOR COURVILLE: Could it be as simple as -- and I'm thinking of that picture that showed that egress/ingress around Vaughn Road that's not projected to be built until later on. Could it be as simple as their coming to the City to get a permit to do that that we could look at it and say, you know, conditions have changed, excuse me, things have changed and we now could require a further or a new traffic study of that area before it's built?

T-124

MR. BOXER: The question of whether or not there are discretionary actions to be taken I believe is something that will be established as you look at and develop the approval documents should you choose to approve the project. And those are maybe the decision-making process about how much flexibility they have and what can be done administratively within the City versus what are discretionary actions that

need to come back before the Planning Commission or the City Council is something that you can lay out in the approvals of this project.

Once you have decided whether it's an administrative or ministerial action or a discretionary action, then if it falls into the category of ministerial action, which is an action where there really is not discretion on the part of the City, you don't have the ability to say -- you have the ability to say did they comply with the law. For example, a building permit, if somebody comes in, they're consistent with the zoning, you don't get to say, nah, don't like that project. If they're consistent with their zoning, they get their building permit. That's a ministerial action. It does not trigger a CEQA evaluation. That type of action would not trigger a reconsideration of this EIR.

If there was a discretionary action where you have the ability to look and place conditions on your action, that is the kind of decision -- I think this might be one of the things that you want to raise with Mr. Dean and speak more specifically about how you might structure the approval in various ways and the CEQA implications of what those may be.

MAYOR COURVILLE: I don't know if I agree or not, ↓ T-125

and maybe we want to have more discussion. You know, this particular road isn't going to be built for I really don't know. But you would think the City would have the discretion of, you know, five years down the road and you're ready to go do this project, and the City say, you know, conditions have changed, so especially affecting a railroad crossing, an intersection, a major road, that the City would have that discretion to say conditions have changed to the point that not that we're going to do a full-blown EIR on this, but at least give us the opportunity to say whether it still meets the needs of what we approved.

T-125
(con't.)

VICE MAYOR VEGA: Madam Mayor, I believe the Council would have the discretion of saying if we find any portion that we want to stop and look, we can arrange that in a development agreement and say, when you get to this portion, come to us for some consideration.

UNIDENTIFIED SPEAKER: I think especially if the roads change, we could ask for another traffic study or something.

MAYOR COURVILLE: Well, why don't we let Warren answer.

CITY MANAGER SALMONS: The real simple answer is yes. Circumstances change and you can evaluate over

time and go, things have changed sufficiently, we'd better look again, and it may be a simple traffic report. It may be something more thorough. It may be a new EIR. That all those things can happen. But it means that something has changed.

I mean it can't be just whim. Something really has to have changed. Time's gone by, circumstances have changed, laws change, whatever. Those reasons are all reasons for reevaluation. Is that environmental document still adequate for whatever it is that somebody's proposing to do?

I would suggest, Madam Mayor, also that the tenor of the discussion is kind of drifting at this point. And I want to make sure that you don't get into project evaluation, that you don't get into exchanging viewpoints about whether things are good or bad or whatever.

I think the discussion about mitigations was really useful, and the mitigations are pretty much in your hands. If you don't think something is there that should be there, please let us know what you think is missing. Or if it doesn't go far enough, or if it goes too far, that's also for you to let us know in this process now and through the public hearing. Very important. So I'll shut up now and sit down.

MAYOR COURVILLE: Any last questions? Mr. Seitz? Please don't follow our bad example and start discussing. We really are asking questions, aren't we?

MR. SEITZ: Not to worry. I wish I could just ask questions for you. But you sound like you're in a quandary, and I thought maybe I could add something to help you. It turns out that the problem that you're confronted with isn't new. Oakland Port had diesel ships come in, diesel trains come in, diesel trucks come in, and a suit was filed by the residents adjacent to that Port and they won. And this was funded by a Pacific -- what was the name of it?

UNIDENTIFIED SPEAKER: Pacific Institute.

MR. SEITZ: Yeah. Well, anyway, there's a Pacific Association down in San Francisco area that handled it for them. They got monitoring equipment from Colorado, brought it out and put it in the homes and it became evident very quickly that these people were getting heavily contaminated.

I also point out that the people in Long Beach had a comparable problem in their bay with ships coming in and idling to run their electric generators so that they could take care of things. Many of you should be familiar with it. I see the Mayor certainly

is. Again, the citizens did a gerry rig kind of monitoring system, a bucket with a plastic bag in it and had it assayed, and they were able to demonstrate again the problem.

Let me point out that there are certain kinds of adjacent laws, too, that are important. For example, you have to have a road 500 feet from a school that's going to have certain traffic on it. It's in the law. And you do that for the express purpose of not contaminating, not polluting.

I also point out that Tom Cahill, when he does his study on smoker cars up in Sacramento just a little bit ago, and it was in the newspapers, you all may have seen it, he activated the students in high schools. Those students went out and did their own monitoring and they also found mitigation conditions. For example, many of the students got together and they began planting trees like crazy. You have no tree barrier between yourself here in Dixon and route 80. None. It's been wiped out. Careful planning, we've destroyed the walnut crops, and so we don't have protection anymore.

So I'm saying that there is an attitude of greenness that needs to be reviewed as you look at this EIR that takes into account the 20 years that has

been discussed, that takes into account the population of children that are here. It is very, very sorry looking to have diesel trucks going up and down our First Street when the high school kids are coming out to get lunch in downtown Dixon. I think that those things are dangerous and they need to be mitigated against.

So it isn't just a question of looking at this EIR. It is the idea of putting in your planning reviews for everything in this town a green attitude. That includes using the roof of a Dixon Downs, if it were to come to pass, as a solar collector for electricity.

We have now in the Suisun Marshes big windmills. They don't make 2.5 pollution. They make electricity. You could have light rail from that. Heavy rail right now has a 10-year span before they are required to retrofit. We have 10 years of further heavy rail pollution in Dixon. No mitigation there.

If you've got a bad situation, which you have already acknowledged, it can only get worse if you don't mitigate something. Thank you very much.

MAYOR COURVILLE: Thank you, Mr. Seitz. Kay?

MS. CAYLER: I have a question on changing an EIR and approving a 20-year plus for a phase two which is

a lot different than phase one. And I'm hearing from one person that it can be changed. Not a problem. Things change. The EIR gets attacked and changed and dealt with again. And then I'm hearing from Mr. Boxer that, you know, once it's done it's done.

And the EIR for phase two is a very broad-based thing that covers a lot of contingencies and a lot of what ifs and a lot of hypotheticals and could cover, you know, much more than probably a million square feet of businesses and offices.

So it seems to me that they may have already covered a whole bunch of possibilities of changes so that when it comes up, unless it is divided or can be divided out into an EIR for each phase at this stage, that it is possible if it got approved that there would not be a lot of opportunity to come back with any changes. Because we've just heard you can't have a change on a whim, and I think we don't want a change on a whim. We don't want to go through this whole process again on just a whim.

But I also am afraid that so many hypotheticals and dreams have been included in this that there won't be much opportunity to deal with potential changes. So if I could get an answer maybe from both of these gentlemen who presented that?

CITY MANAGER SALMONS: I didn't hear a question.

MS. CAYLER: It seems to me that with the EIR as it's presented now there is very little possibility for future changes. That you've covered most of the hypotheticals. And what do you see in that, having your EIR experience, that might some day come back? Have you any thoughts on that, Mr. Boxer?

T-126

MR. BOXER: As the commenter said, it's our obligation under the law to try to anticipate the whole of the project. We have to evaluate the whole of the project, even if it is very far out in time and even if to do that means we have to make some assumptions. The law requires us to do that and we've done our best to do that.

If the applicant has to come before the City again to ask for a discretionary action in the future, at any time in the future, six months after, six years after, ten years after, whenever, if they have to come and ask for another discretionary action of the City, at that time the City will have to decide does the EIR as it was written in 2005 and 2006, is it still adequate, or have conditions changed.

If conditions have changed such that there may be impacts that were not identified, then additional analysis is required. If conditions have not changed

and the conclusion is that the EIR remains adequate today, there is no need for additional analysis.

I have seen situations where an EIR essentially no longer is accurate six months after it's approved. In a very dynamic environment, lots of new projects being proposed, things can happen that make EIRs, you know, inadequate in a certain way very quickly.

I've also seen situations where we came back 10 years later, the applicant came in and proposed a change to the project, we looked at the EIR 10 years later and we found no new impacts that hadn't been disclosed. It's a case-by-case situation and it would be triggered by the request for a new action. I hope that answers.

MAYOR COURVILLE: We're asking for a black-and-white answer in a time in which things sometimes are very gray.

(Proceedings off topic were recorded
but not transcribed herein.)

(Excerpt of special meeting concluded.)

November 3, 2005 Transcript

Response to Comment T-67:

In addition to the response provided in the transcript, the infield would be used as a temporary detention basin during storm events. As discussed on page 3-42 of the Project Description, the Proposed Project would also consist of a 100 acre-foot storm water detention basin located within the interior of the racetrack. This detention basin would receive all of the runoff from the project site north of the twin 60-inch trunk drain system and flows from the trunk drain system. The detention basin would slowly drain through an 18-inch storm drain to the twin 60-inch drains, just west of Pedrick Road. The infield would only be used as detention during the rainy winter months when there would be no concerts or other events held in the infield.

Response to Comment T-68:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-69:

Please see also Response to Comment 35-210.

Response to Comment T-70:

Please see also Response to Comment 35-210.

Response to Comment T-71:

Please see Response to Comment 34-109.

Response to Comment T-72:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-73:

The development agreement will “run with the land” and therefore would be enforceable regardless of the owner. Please see Response to Comment 35-211.

Response to Comment T-74:

The City is unable to comment on the contracts that the applicant may or may not have with other consultants.

Response to Comment T-75:

Please see Responses to Comments T-58 and T-59.

Response to Comment T-76:

It cannot be predicted at this time exactly how many represented or union jobs would be available once the facility is open and in full operation. The report prepared by Goodwin Consulting on the Fiscal and Economic Analysis of the Dixon Downs project indicates that there would be 797 direct race track jobs associated with Phase 1 and another 2,134 direct business, entertainment complex, retail, theater, office, and hotel jobs associated with Phase 2. Some of these jobs may be union or “represented” jobs; however, at this time it is not possible to know.

Please see Responses to Comments T-58 and T-59.

Response to Comment T-77:

Please see Response to Comment 29-1 for information regarding manure and fly control management and Response to Comment T-80, below.

Response to Comment T-78:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-79:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-80:

The use of insecticides for fly control is at the discretion of the applicant. Many horse-racing venues avoid the use of sprays because of the negative effects they have on, not only nearby uses, but also to the horses themselves. Some venues leave the use of feed-through products, insecticides, and other fly and larva repellants at the discretion of the individual trainers and staff. Trainers maintain control of the horses, not the operating facility. At facilities that do use insecticides, spray is confined to manure storage buildings, and is not used around horses or barn areas. Spray is also only used in the spring and summer months when the fly populations tend to increase. However, it is yet to be determined the strategy Magna will adopt for fly management. Please see Response to Comment 29-1.

Response to Comment T-81:

The regulation of smoking in cigar lounges or restaurants is regulated by state law (California Labor Code 6404.5). The project applicant would be required to comply with state law.

Response to Comment T-82:

Please see Response to Comment T-81, above.

Response to Comment T-83:

The applicant has requested the flexibility to provide a wide array of different types of events from circuses to bar mitzvahs to concerts. Deciding what types of events would be allowed to occur on the project site is at the City Council's discretion. Approval of this project by the City Council could include guidelines or restrictions on the types of events allowed. For the purposes of the Draft EIR analysis, EIP Associates acknowledged the difficulty in analyzing events that produce a disparity of environmental effects. To ensure that a proper analysis was done, the Draft EIR looked at each environmental issue, and performed an analysis based on the event that would create the most adverse effect. The impacts to environmental effects in the Draft EIR were not generalized, as the commenter suggests; rather, impacts were determined from the event that would create the most significant impact. Please see also Responses to Comments 43-34, 43-41, and 43-10.

Response to Comment T-84:

As the commenter notes, issues regarding the economic impacts of the project may be addressed during the public hearings regarding requested project entitlements.

Response to Comment T-85:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-86:

Response provided in the transcript is adequate. No further information is required. Please see also response to T-67, above.

Response to Comment T-87:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-88:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-89:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-90:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-91:

Please see Responses to Comments 34-149 and 35-104.

Response to Comment T-92:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-93:

Please see also Responses to Comments 33-24 and 34-199.

Response to Comment T-94:

Please see also Responses to Comments 33-24 and 34-199.

Response to Comment T-95:

Please see also Responses to Comments 35-203 and 35-204.

Response to Comment T-96:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-97:

The fiscal and economic analysis prepared for the project identifies the estimated number of jobs associated with construction of Phase 1, construction of Phase 2, operation of Phase 1 and operation of Phases 1 and 2. The report states “employment opportunities created by Phase 2 business and entertainment complex, which includes retail, theater, office and hotel and conference land uses, will give rise to direct employment of 2, 134 jobs. Direct, indirect and induced jobs from Phase 2 will result in 2,582 jobs”.

Response to Comment T-98:

There is no commitment by the project applicant to construct the veterinary clinic during Phase 1, or at any point, the applicant has indicated a willingness to use commercially reasonable efforts to negotiate an arrangement with the Equine Center at the University of California, Davis to make use of the proposed Dixon Downs veterinary facilities as a teaching clinic and/or to otherwise become involved in the delivery of veterinary services to the proposed Dixon Downs horse racing and training facility.

Response to Comment T-99:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-100:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-101:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-102:

As discussed in the Draft EIR Project Description on page 3-39, the preliminary conceptual plans for Phase 1 could accommodate a total of up to approximately 4,484 parking spaces. As Phase 2 land uses are introduced, they would replace those portions of the Phase 1 parking lots. 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. At build out of Phase 1 and 2, the Proposed Project would include a minimum total of approximately 6,873 spaces. The project provides an adequate amount of parking to accommodate occupancy of both Phase 1 and Phase 2. The City requires that adequate on-site parking is provided to accommodate the project.

Response to Comment T-103:

The project applicant has not proposed construction of a parking structure until Phase 2 of the project. It is assumed that because adequate surface parking is available to service Phase 1 the applicant would prefer to construct a parking structure, if required, under Phase 2.

Response to Comment T-104:

The applicant has indicated that about 1,200 to 1,400 attendees per day on average would attend the facility. Please see Response to Comment 33-38.

Response to Comment T-105:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-106:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-107:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-108:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-109:

Table 4.8-9 on page 4.8-17 of the Draft EIR contrasts existing peak hour noise levels with levels generated from Phase 1 and from Phases 1 and 2 combined. As shown in the Table, noise levels increase over existing levels by 5.9 dB and 5.7 dB, respectively, for a Phase 1 horserace event and a Phase 1 concert event. When Phase 2 is added to Phase 1, noise levels increase over existing levels by 7.5 and 6.6 dB, respectively, for a horserace event and a concert event. This is consistent with the traffic report, which shows more traffic generated during events with Phases 1 and 2 together than with Phase 1 alone.

Response to Comment T-110:

Please see response to T-109, above.

Response to Comment T-111:

Impact 4.11-9 on page 4.11-43 of the Draft EIR addresses the cumulative impact of the project in combination with other development in the City on the City's wastewater treatment plant facilities. As discussed in the impact analysis,

The combined Phases 1 and 2 of Proposed Project would incrementally contribute to, but would not exceed, the demand for wastewater treatment services anticipated in the General Plan and NQSP EIR. As noted in the Environmental Setting, 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. Implementation of NQSP EIR Mitigation Measures PS-C and PS-E along with Mitigation Measures 4.11-5 and 4.11-6 is a mechanism to ensure that adequate capacity is available at the city's WWTP to accommodate the Proposed Project prior to occupancy.

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. It is therefore possible the development of the one or more environmental impacts that could be significant and potentially unavoidable. For example, potential environmental impacts associated with the conversion of land could include permanent loss of productive agricultural land or Prime Farmland or loss of foraging habitat. Groundwater degradation would not be expected to result in any significant impacts, however, because the CVRWQCB would not permit such expansion if it could not be demonstrated there would be no adverse water quality effects. Construction of the percolation disposal areas could also result in temporary emissions of criteria air pollutants that could exceed adopted air district thresholds, which may or may not be mitigable to less-than-significant levels.

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 project's demand for wastewater treatment capacity could represent approximately 31 percent of the planned increase in capacity from 1.82 mgd existing interim capacity to the ultimate capacity of approximately 2.5 mgd, assuming expansion beyond 2.0 mgd is permitted by the CVRWQCB. The project's contribution would be cumulatively considerable. Because there are currently no feasible mitigation measures that are available to the applicant that could be implemented to address cumulative impacts, the cumulative impact remains significant and unavoidable.

Response to Comment T-112:

The response provided in the transcript regarding the use of gray water is adequate. Please see Response to Comment 8-6 for information about the applicant's recycling program.

Response to Comment T-113:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-114:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-115:

In addition to the response provided, efforts to retrofit trucks have focused on providing incentives to companies to retrofit trucks in the company's fleet. This work has mostly been done by the air districts in California. Truck operators that receive incentives must prove that their truck(s) have been retrofitted and are being used in the applicable ozone nonattainment area. There are no examples of facilities requiring all trucks doing business with the facility to be retrofitted. It should be noted that the Air

Resources Board has a plan in place to reduce particulate matter emission from diesel-fueled vehicles that would reduce diesel particulate by 85% by year 2020. One of ARB's strategies for achieving this reduction is to retrofit older diesel trucks. The subject of air quality regulation of vehicles is preempted by both state and federal law. The City could impose restrictions on "project vehicles" (those owned or operated by the project owner, or servicing the project) or equipment used on-site if desired.

Response to Comment T-116:

Please see response to T-115, above.

Response to Comment T-117:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-118:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-119:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-120:

All construction vehicles in the State of California are required to meet stringent clean air requirements set by the California Air Resources Board. In addition, Mitigation Measure AQ-K from the NQSP requires that construction activities utilize new technologies to control ozone precursor emissions as they become available and feasible and Mitigation Measure 4.2-1(d) requires all diesel powered construction equipment use a lean-NO_x catalyst, where feasible. The state requirements as well as Mitigation Measure AQ-K and 4.2-1(d) would be adequate to reduce emissions associated with construction vehicle equipment.

Response to Comment T-121:

Trucks that would be used to haul waste from the project site either to the landfill or to composting facilities would not be applicant-owned (Magna) vehicles. It is possible if the applicant enters into a contract with a specific company to remove waste from the site to meet certain conditions, including providing clean-air vehicles. However, if the applicant does not enter into a contractual relationship then it would be difficult to enforce the mitigation, as discussed previously (please see Response to T-115, above).

In addition, this may be a financial burden for a private company to comply with because there are not many large trucking companies that provide clean air vehicles. Ultimately, it may not be a feasible requirement to impose. Solid waste service is provided by a franchise held by Norcal Waste Systems as

the sole provider in the City of Dixon. The air quality standards for its vehicles is regulated by the state, and the City is preempted from imposing more strict regulations.

Response to Comment T-122:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-123:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-124:

Response provided in the transcript is adequate. No further information is required.

Response to Comment T-125:

Response provided in the transcript is adequate. No further information is required.