

AMENDED

RESOLUTION NO. 06-194

**RESOLUTION OF THE COUNCIL OF THE CITY OF DIXON
CERTIFYING THE
ENVIRONMENTAL IMPACT REPORT FOR THE
DIXON DOWNS HORSE RACETRACK
AND ENTERTAINMENT CENTER PROJECT,
ADOPTING FINDINGS RELATING TO SIGNIFICANT IMPACTS,
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS,
AND ADOPTING A MITIGATION MONITORING PLAN**

WHEREAS, the City of Dixon (the "City") has received and considered an application for a general plan amendment, a specific plan amendment, rezoning, a development agreement and other land use entitlements for the Dixon Downs Horse Racetrack and Entertainment Center Project (the "Proposed Project"), which includes a horse racetrack and appurtenant facilities, a hotel and conference center, retail space, and office space; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* ("CEQA"), requires that the City consider the environmental consequences of the Proposed Project prior to approving any entitlements for the Proposed Project; and

WHEREAS, the City of Dixon caused an Environmental Impact Report, consisting of a Draft EIR, a Final EIR, and all the appendices ("EIR") regarding the Proposed Project, to be prepared pursuant to CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 *et seq.*, and the City of Dixon CEQA Guidelines; and

WHEREAS, a Notice of Preparation was circulated and a public scoping meeting was held for the proposed EIR in order to allow agencies and the public the opportunity to let the City know of their concerns regarding the potential environmental effects of the Proposed Project; and

WHEREAS, the Draft EIR (State Clearinghouse No. 2004012001) was released for public review and comment beginning on September 23, 2005, and ending on November 30, 2005; and

WHEREAS, the Final EIR, which incorporates the Draft EIR by reference and contains the public written comments submitted within the statutory circulation period for the Draft EIR, and the written responses to those comments, was distributed to commenting agencies on or before July 28, 2006; and

WHEREAS, the Planning Commission considered the EIR and all written and oral testimony submitted to them at a noticed public hearing on September 13, 2006; which hearing was continued on September 14, 2006, September 18, 2006, September 20, 2006, September 21, 2006, September 25, 2006, and September 27, 2006, and recommended that the City Council certify the EIR; and

WHEREAS, the City Council held a public hearing on September 27, 2006; which hearing was continued on September 28, 2006, October 2, 2006, October 5, 2006, October 9, 2006, October 10, 2006, October 13, 2006, and October 16, 2006. The Council continued deliberations on October 23, 2006, and considered the adequacy of the EIR; the Mitigation Monitoring Plan; the Findings Relating to Significant Impacts and Supporting Rejection of Alternatives and the Statement of Overriding Considerations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dixon as follows:

1. Recitals. The foregoing recitals are true and are incorporated herein as findings.
2. Compliance with CEQA. The EIR was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"). Pursuant to CEQA Guidelines Section 15088.5 and as found in Section III of Exhibit A, the changes to the EIR do not require recirculation of the EIR.
3. EIR Reviewed and Considered. The City Council certifies that the EIR has been completed in compliance with CEQA; that it has been presented to the City Council; that the City Council has reviewed and considered the information contained in the EIR; that the EIR reflects the independent judgment of the City Council; and that the information contained therein has substantially influenced all aspects of the decision by the City Council to approve the Proposed Project.
4. Findings of Fact Regarding Significant Effects. Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the proposed Project. This includes findings regarding effects that would be significant, but would be mitigated by mitigation measures identified in the EIR. The City Council must also make findings for the rejection of any alternative analyzed in the EIR. These findings are contained in the attached Exhibit A, Sections VIII and IX.
5. The City Council hereby adopts all findings contained in Exhibit A including the Findings Regarding Traffic Impacts found in Section XI of Exhibit A. The City Council, exercising its own independent judgment, determines that all the findings contained in Exhibit A are supported by substantial evidence in the record.
6. Statement of Overriding Considerations. (Exhibit A, Sections VIII and X)

- a. There are significant unavoidable impacts which remain after the implementation of mitigation measures recommended in the EIR. Those impacts are summarized as follows. (i) The degradation of air quality associated with project construction and large events due to emissions of reactive organic gases, nitrogen dioxide, carbon monoxide (Impacts 4.2-1, 4.2-2). (ii) The degradation of air quality associated the cumulative impact of the project construction and operation and other development due to emissions of reactive organic gases, nitrogen dioxide, carbon monoxide (Impacts 4.2-6, 4.2-7). (iii) The conversion of approximately 260 acres of undeveloped prime farmland, currently used for agricultural uses to urban land uses, thus precluding other alternate land uses in the future (Impact 4.7-2). (iv) The conversion of undeveloped prime farmland, currently used for agricultural uses to urban land uses by the project and other development, thus resulting in the loss of prime farmland in Solano County (Impact 4.7-4). (v) When there are large events, the resulting noise levels at nearby residences could exceed the maximum residential noise performance standards in the Dixon Zoning Ordinance (Impact 4.8-4). (vi) Noise resulting from the project and other developments could result in cumulative noise increases in the project vicinity (Impact 4.8-5). (vii) Before and after Tier 1 (attendance of up to 6,800 people) or larger events, the following significant unavoidable impacts could occur: operations at the A Street/First Street intersection could worsen to unacceptable levels (Impact 4.10-1); levels of service on I-80 and certain interchanges could worsen to unacceptable levels (Impact 4.10-3); and levels of service on certain roadways of regional significance could worsen to unacceptable levels (Impact 4.10-4). (viii) When there are events attended by more than 6,800 people levels of service at study intersections and freeway segments could worsen to unacceptable levels (Impact 4.10-5) and an inadequate number of parking spaces would be available on the Proposed Project site (Impact 4.10-11). (ix) The cumulative impact of the project and other development could cause levels of service at study intersections and freeway segments could worsen to unacceptable levels and exacerbate unacceptable conditions on Interstate 80 (Impacts 4.10-13, 4.10-14). (x) Conflicts could occur between farm equipment and vehicles on Pedrick Road (Impact 4.10-6). (xi) There would be a significant increase in the number of vehicles crossing the at grade railroad crossing at North First Street (Impact 4.10-8). (xii) The City's present treatment capacity is inadequate to handle the Proposed Project and expansion of wastewater treatment facility would be required which could result in significant unavoidable environmental impacts (Impact 4.11-6). (xiii) The Proposed Project in combination with other development could result in the need for now or altered wastewater treatment facilities which could result in significant environmental impacts (Impact 4.11-9). (xiv) There would be an irreversible consumption of goods and services associated with the future population. (xv) There would be an irreversible consumption of

energy and natural resources associated with the future employee and patron population.

- b. There are also impacts which have revised mitigation measures whose implementation is solely within the control of Caltrans (i.e., Mitigation Measures 4.0-1(a)-(c), 4.10-3(b), and 4.10-4). In some cases, once those mitigation measures are implemented the impacts would be less than significant. However, because Caltrans controls if and when the revised mitigation measures are implemented, the mitigation may be delayed or rejected. In that event, despite the implementation of all feasible mitigation measures within control of the City, an adverse environmental impact may exist until Caltrans allows the mitigation. Such adverse impacts would occur at certain study intersections, on certain regional roads of significance, and on certain portions of Interstate 80 (Impacts 4.10-1, 4.10-3 and 4.10-4). To the extent that Caltrans controls the timing of the implementation of these mitigation measures and the effects are thereby not avoided or substantially lessened, the City finds these adverse environmental effects to be part of the Proposed Project's unavoidable environmental risks, and subject to the City's adoption of the Statement of Overriding Considerations contained in Exhibit A, Section X.
 - c. In accordance with Section 21081 of the Public Resources Code and Section 15093 of the CEQA Guidelines, the City Council must make a statement supported by findings as to the specific economic, legal, social, technological, or other benefits of the Proposed Project, which outweigh the Proposed Project's unavoidable environmental effects in order to approve any entitlements for the Proposed Project.
 - d. The City Council has balanced the benefits of the Proposed Project against the Proposed Project's unavoidable environmental risks as described in the Statement of Overriding Considerations contained in Exhibit A, and hereby determines that the adverse environmental effects are acceptable and that the entitlements for the Proposed Project may be approved.
 - e. The City Council adopts the Statement of Overriding Considerations contained in Exhibit A, Section X.
7. Mitigation Monitoring. Pursuant to Section 21081.6 of the Public Resources Code and the findings in Section VI of Exhibit A, the Mitigation Monitoring Plan, set forth in Exhibit B is hereby adopted to ensure that all mitigation measures adopted for the Proposed Project are fully implemented. Further, the City Council finds that compliance with the Mitigation Monitoring Plan will be a condition of the Development Agreement that is part of the approvals for the Proposed Project.

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8. Location and Custodian of Documents. The record of Proposed Project's environmental review, which is further described in Section IV of Exhibit A, shall be kept at Dixon City Hall, 600 East A Street, Dixon, CA 95620.
9. Certification. Based on the above facts and findings, and the findings in the attached Exhibits, City Council of the City of Dixon hereby certifies as lead agency for the Proposed Project that the EIR for this Project is accurate and adequate. The Council further certifies that the EIR was completed in compliance with CEQA and the State CEQA Guidelines. The City Clerk is directed to file a Notice of Determination as required by CEQA and the CEQA Guidelines.

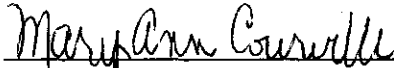
PASSED AND ADOPTED this 23rd day of October, 2006, by the following vote:

AYES: Alexander, Ferrero, Smith, Vega, Courville

NOES: None

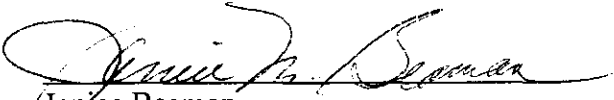
ABSENT: None

ABSTAIN: None



Mary Ann Courville
Mayor

ATTEST:



Janice Beaman
City Clerk

CEQA FINDINGS OF FACT

and

**STATEMENT OF OVERRIDING
CONSIDERATIONS**

of the

CITY OF DIXON

for the

**DIXON DOWNS HORSE RACETRACK AND ENTERTAINMENT
CENTER PROJECT**

October 23, 2006

I. INTRODUCTION

1. These are the California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations ("CEQA Findings") prepared for the City of Dixon ("City") as lead agency for the Dixon Downs Horse Racetrack and Entertainment Center Project ("Proposed Project"). These CEQA Findings pertain to the Proposed Project and the Environmental Impact Report ("EIR") prepared for the Proposed Project, SCH #2004012001. The Draft EIR, the Final EIR, and all the appendices comprise the "EIR" referenced in these CEQA Findings.

2. These CEQA Findings are attached as Exhibit A and are incorporated by reference into the resolution certifying the EIR. That resolution also incorporates an Exhibit B, which contains the Mitigation Monitoring Plan ("MMP"), and which references the Proposed Project's impacts, mitigation measures, levels of significance before mitigation, and resulting levels of significance after mitigation.

3. Each statement made in these CEQA Findings is a finding of the City Council of the City ("Council"). Thus, the CEQA Findings are comprised of many individual findings.

4. The CEQA Findings attached as Exhibit A do not, in all cases, identify the party responsible for carrying out the mitigation measure, monitoring the mitigation measure, or the timing of the mitigation measure. That information is contained in the MMP.

II. PROJECT DESCRIPTION

1. The Proposed Project is located within the Northeast Quadrant Specific Plan ("NQSP") area, within the City of Dixon. The 260 acre project site is bordered by Pedrick Road to the east and I-80 to the northwest. There are no structures on the project site.

2. The Project Applicant is MEC Dixon, Inc.

3. The Proposed Project would consist of a phased, mixed-use development that includes a thoroughbred horse racing and training facility which also would operate as a performing arts center, with retail and commercial uses, a hotel/conference center, and office space. The first phase of the project, Phase 1, would include construction of a horse racing/training facility, horse barns, the "Finish Line Pavilion" and grandstand, employee dining and temporary housing facilities for trainers, grooms and jockeys to stay for short periods of time, parking facilities, and service areas that would include hay/feed storage, space for a veterinary clinic, a Manure Transfer building, and other maintenance uses. Preliminary plans for Phase 2 of the Proposed Project contemplate a 250,000 square foot ("sf") hotel/conference center, 750,000 sf of retail uses, and 200,000 sf of office uses, along with parking facilities to serve these uses. The Project Applicant proposes to allow up to 200,000 sf of building floor area to be transferred between retail and office uses, provided certain transfer criteria have been met. Accordingly, if 200,000 sf of retail is developed as office, the project would buildout with 550,000 sf of retail uses and 400,000 sf of office uses; alternatively, if all 200,000 sf of office is developed as retail, the

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project would buildout with 950,000 sf of retail uses and no office square footage. The Development Agreement requires that at least 50,000 sf be developed as office uses.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

1. Pursuant to the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA") and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 *et seq.*, and the City of Dixon CEQA Guidelines, Resolution 95-50, the City determined that an Environmental Impact Report consisting of a Draft EIR, a Final EIR, and all the appendices ("EIR") would be prepared for the Proposed Project. The City issued a Notice of Preparation ("NOP") on December 22, 2003 which was circulated to responsible agencies and interested groups and individuals for review and comment.

2. A Draft EIR was prepared for the Proposed Project to analyze its environmental effects. The Draft EIR was circulated for a public review period from September 23, 2005 to November 30, 2005. Public hearings were held by the City of Dixon on November 2, 2005 and November 3, 2005.

3. The City received written comments on the Draft EIR during the public review period. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in the Final EIR on July 24, 2006.

4. The Planning Commission held a public hearing on the EIR on September 13, 2006; which hearing was continued on September 14, 2006, September 18, 2006, September 20, 2006, September 21, 2006, September 25, 2006, and September 27, 2006. At this meeting, the Planning Commission recommended the certification of the EIR, the approval of an amendment to the City's General Plan, amendment of the NQSP, rezoning of the Proposed Project site, and the adoption of a PD Plan. The Council subsequently held a public hearing on the EIR and the abovementioned entitlements on September 27, 2006; which hearing was continued on September 28, 2006, October 2, 2006, October 5, 2006, October 9, 2006, October 10, 2006, October 13, 2006, and October 16, 2006. The public testimony portion of the public hearing was closed on October 9, 2006. The public hearing was closed on October 16, 2006. The City Council continued deliberations on October 23, 2006.

5. At all public hearings, the City's staff and its engineering and environmental consultants provided information about the Proposed Project, the potential environmental impacts, and the CEQA review process. At each meeting/hearing, members of the public had the opportunity to ask questions and express their concerns and interests regarding the Proposed Project.

6. CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. Under CEQA Guidelines Section 15088.5 new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a

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substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement.

Certain changes were made in the EIR and Mitigation Monitoring Plan between the public release of the Draft EIR and City Council certification to replace mitigation measures that arguably did not adequately address the implications for project implementation associated with possible delays related to Caltrans jurisdiction over state highways. The information that formed the basis for the new mitigation measures was discussed in the EIR, and the new mitigation measures address the same impacts as those they replaced.

As explained in Section VI below, the original measures, though legally sufficient from a CEQA standpoint, are infeasible due to delays that would result in project implementation. (See CEQA Guidelines Section 15091(a)(3) (allowing decision-making bodies to reject proposed mitigation measures as infeasible).) Changes were also made to insert into existing mitigation measures other information and requirements contained in the EIR but not clearly included and addressed in the mitigation measures themselves. In addition, a mitigation measure related to wastewater treatment plant capacity was revised to ensure no sewer connections for either phase of the Proposed Project would occur until the wastewater treatment plant has sufficient capacity to serve that phase of the Proposed Project. In addition, clarifying information as to the timing of mitigation measures was added to the MMP. The changes made merely serve to clarify and implement the EIR. The changes do not reflect any new or greater Proposed Project impacts or deprive members of the public of meaningful opportunities to comment on the Proposed Project's impacts or mitigation measures.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR, and reflects the City's considered judgment regarding the infeasibility of certain mitigation measures as originally proposed. The Council finds that the EIR does not contain significant new information as defined in CEQA Guidelines Section 15088.5 and that recirculation of the EIR therefore is not required.

IV. RECORD OF PROCEEDINGS

1. For the purposes of CEQA and these CEQA Findings, the Record of Proceedings upon which all Findings and determinations related to the Proposed Project are based includes the following, at a minimum:

a. The NOP, dated December 22, 2003, and all other public notices issued by the City in conjunction with the Proposed Project;

b. The Draft EIR for the Proposed Project, including appendices and technical studies included or referenced in the DEIR; (Draft EIR, pp. i to 8-6 (volume I); Appendices A to K (volume II); and Traffic Technical Appendix (volume III).)

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c. Notice of Completion (NOC), published September 23, 2005, which provided notice that the Draft EIR had been completed and was available for public review and comment;

d. All comments submitted by agencies or members of the public during the comment period on the Draft EIR;

e. All comments and correspondence submitted to the City with respect to the Proposed Project;

f. The Final EIR for the Proposed Project, including comments on environmental issues received on the DEIR, responses to those comments, and technical appendices;

g. Documents cited or referenced in the Draft and Final EIRs;

h. All findings, ordinances and resolutions adopted by the Council in connection with the Proposed Project, and all documents cited or referred to therein;

i. All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Proposed Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Proposed Project;

j. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Proposed Project;

k. Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;

l. Any documents expressly cited in these CEQA Findings, in addition to those cited above; and

m. Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

2. The official custodian of the record is Warren Salmons, City Manager, City of Dixon, or designee. Such documents and other materials are generally located at 600 East A Street, Dixon, CA 95620.

3. The Council has relied on all of the documents listed above in reaching its decision on the Proposed Project, even if not every document was formally presented to the City Staff as part of the City files generated in connection with the Proposed Project. Without exception, any documents set forth above and not found in the Proposed Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Council

was aware in approving the Proposed Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents included the expert advice provided to City Staff or consultants, who then provided advice to the Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the Proposed Project. (See Public Resources Code Section 21167.6 (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

V. CERTIFICATION OF THE EIR

1. In accordance with CEQA, the CEQA Guidelines, and the City Guidelines, the Council, as lead agency, certifies that the EIR has been completed in compliance with CEQA, the CEQA Guidelines, and the City Guidelines. The Council further certifies that it has reviewed and considered the information in the EIR prior to approving any element of or entitlement for the Project. Similarly, the Council finds that it has reviewed the record and the EIR prior to approving any element of, or entitlement for, the Proposed Project. The Council further finds that it has reviewed the record upon which these CEQA Findings are made, as set forth in Section IV, prior to approving any element of or entitlement for the Project. By making these CEQA Findings, the Council confirms, ratifies, and adopts the findings and conclusions of the EIR, as supplemented and modified by the findings contained herein. The EIR and these CEQA Findings represent the independent judgment and analysis of the City and the Council.

2. The Council certifies that the EIR is adequate to support the approval of the Proposed Project, each alternative in the EIR, and variations within the range of alternatives described and evaluated in the EIR. The EIR is adequate for each entitlement or approval required for construction or operation of the Project.

VI. MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MMP

1. Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 require the City to adopt a mitigation monitoring plan ("MMP") or reporting program to ensure that the mitigation measures and revisions to the Proposed Project identified in the EIR are implemented. The Council finds that the MMP attached as Exhibit B meets these requirements and hereby adopts the MMP.

2. The mitigation measures set forth in the MMP reflect the mitigation measures set forth in the EIR, except as discussed in this Section VI. The City has modified the language of some of the mitigation measures and corresponding conditions for purposes of clarification and consistency, to enhance enforceability, to defer more to the expertise of other agencies with jurisdiction over the affected resources, to summarize or strengthen their provisions, and/or to make those mitigation measures more precise and effective, all without making any substantive changes to those mitigation measures.

3. The City has also rejected the following mitigation measures contained in the previous version of the MMP as infeasible as originally drafted, replacing them with the revised mitigation measures described in Section VI.4 and VI. 5 below and summarized in Exhibit B:

- a. Mitigation Measure 4.10-1(a)-(c);
- b. Mitigation Measure 4.10-3(b);
- c. Mitigation Measure 4.10-4(b); and
- d. Mitigation Measure 4.11-6(a) and (b).

The City finds recommended mitigation measures 4.10-1(a)-(c), 4.10-3(b) and 4.10-4(b) were infeasible as originally drafted because they failed to adequately address the implications for project implementation associated with possible delays related to Caltrans' jurisdiction over, and ownership of, the locations where the construction required by the mitigation measures would take place.

Because Caltrans has sole control over any changes made to state highway facilities, will make the ultimate decision as to what improvements are allowed on such facilities and when such improvements can be implemented, and because the process for obtaining approval is a very lengthy one, the City finds it infeasible to require the Project Applicant to construct improvements within the Caltrans right of way prior to the issuance of occupancy permits. The Caltrans jurisdiction over the site of the required improvements is a legal and physical barrier to the prompt implementation of recommended mitigation measures 4.10-1(a)-(c), 4.10-3(b) and 4.10-4(b). The Council likewise considers recommended mitigation measures 4.10-1(a) and (b) infeasible because they could unduly delay or prevent the construction of Phase 1 of the Proposed Project, with the result that the City will not enjoy the benefits of the project (e.g., tax revenues and jobs) until Phase 1 of the Project is in operation. Similarly, recommended mitigation measures 4.10-1(c), 4.10-3(b) and 4.10-4(b), in their original form, are also infeasible because they could unduly delay or prevent the construction of Phase 2 of the Proposed Project and the City will not enjoy the full benefits of the project (e.g., tax revenues and jobs) until Phase 2 of the Project is in operation. The City Council, exercising its legislative discretion, reaches these determinations after balancing the competing environmental, economic, fiscal, social, and other considerations.

To ensure the maximum possibility that the improvements will be constructed, the City after rejecting the recommended mitigation measures 4.10-1(a)-(c), 4.10-3(b) and 4.10-4(b), in their original form hereby replaces them with the revised mitigation measures described below in Section VI. 4.

The City finds recommended mitigation measures 4.11-6 (a) and (b) infeasible because they fail to adequately ensure that no sewer connection would take place unless the City's wastewater treatment plant ("City WWTP") has adequate capacity. Because the City must ensure that it does not allow sewer connections without capacity, it is infeasible to allow a mitigation measure that does not explicitly prohibit connections without adequate capacity. To ensure the maximum possibility that the improvements will be constructed while ensuring that no sewer connections are made without adequate capacity, the City is replacing recommended mitigation measures 4.11-6 (a) and (b) with the revised mitigation measures described below in Section VI.5:

The findings regarding mitigation measures included in this Exhibit A, and Exhibit A-1, where applicable, refer to these replacement mitigation measures, not the previous versions.

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4. Replacement Mitigation Measures

a. Mitigation Measure 4.10-1(a) (Phase 1) I-80 EB Ramps/Pedrick Road.

Subject to Caltrans approval, the Project Applicant shall cause the construction of a traffic signal at the I-80 EB Ramps/Pedrick Road intersection, widen Pedrick Road to include two northbound left-turn lanes at the intersection, and widen the loop on-ramp to include two lanes that merge into a single lane prior to I-80.

The Project Applicant shall use its best efforts to secure Caltrans approval by (i) submitting the plans and specifications to Caltrans at least 18 months prior to the commencement of construction for Phase 1 of the Project, (ii) diligently pursuing Caltrans approval during the 18 month between submission and commencement of construction.

b. Mitigation Measure 4.10-1(b) (Phase 1) I-80 EB Ramps/North First Street

Subject to Caltrans approval, the Project Applicant shall cause the construction of a traffic signal at the I-80 EB Ramps/North First Street intersection and lengthen the northbound left-turn lane.

The Project Applicant shall use its best efforts to secure Caltrans approval by (i) submitting the plans and specifications to Caltrans at least 18 months prior to the commencement of construction for Phase 1 of the Project, (ii) diligently pursuing Caltrans approval during the 18 months between submission and commencement of construction.

c. Mitigation Measure 4.10-1 (a) and (b) Implementation and Timing

No building permit shall be issued for Phase 1 unless and until (i) the construction of the listed improvements have been approved by Caltrans and construction has commenced, or (ii) the construction of the listed improvements has not been approved by Caltrans and a deferred improvement agreement has been entered into between the Project Applicant and the City that obligates the Project Applicant to fund, or cause construction of, the listed improvements within a specific time period after Caltrans approves the construction of the listed improvements. If Caltrans has approved construction of the listed improvements, no occupancy permit shall be issued until completion of construction. In the event that Caltrans approves the construction of only a portion of the listed improvements, no building permit shall be issued for Phase 1 unless construction of those approved improvements has commenced and a deferred improvement agreement has been entered into between the Project Applicant and the City that obligates the Project Applicant to fund, or cause construction of, the remaining improvements

within a specific time period after Caltrans approves the construction of the remaining improvements.

d. 4.10-1(c) (Phases 1 and 2) I-80/Pedrick Road Interchange

Subject to Caltrans approval, reconstruct the I-80/Pedrick Road interchange as follows:

- Widen overcrossing to have two southbound lanes and one northbound lane.
- Construct two-lane "slip" on-ramp from northbound Pedrick Road that narrows to a single lane onto eastbound I-80.
- Relocate Sparling Lane to intersect Pedrick Road 960 feet south of its current location (opposite the future access into the Flying J property).
- Relocate Sievers Road to intersect Pedrick Road at least 540 feet north of its current location.
- Construct an auxiliary lane in each direction of I-80 that begins at Pedrick Road and extends easterly for about 0.5 miles to conform to the existing eight-lane section of I-80 (west of Kidwell Road)

The City will prepare the design documents and the Caltrans Project Study Report, including CEQA environmental review for the listed improvements as soon as it has collected sufficient funds from traffic impact fees. In the event that sufficient funds have not been collected to fund the design and Project Study Report costs prior to the Project Applicant's request for Design Review for Phase 2 for any portion of Phase 2 other than the Hotel/Conference Center, the Project Applicant shall fund the difference between the traffic impact fees in the Transportation Capital Programs fund and the cost of the design and Project Study Report.

Once the Project Study Report has been approved by Caltrans, the City shall begin preparation of the construction documents for the listed improvements. In the event that sufficient funds have not been collected to fund the preparation of construction documents, the Project Applicant shall fund the difference between the traffic impact fees in the Transportation Capital Programs fund and the cost of the preparation of construction documents

e. Mitigation Measure 4.10-3(b) (Phase 2)

Construct an auxiliary lane in each direction of I-80 that begins at Pedrick Road and extends easterly for about 0.5 miles to conform to the existing eight-lane section of I-80 (west of Kidwell Road).

The City will prepare the design documents and the Caltrans Project Study Report, including CEQA environmental review for the listed improvements as soon as it has collected sufficient funds from traffic impact fees. In the event that sufficient funds have not been collected to fund the design and Project Study Report costs prior to the Project Applicant's request for Design Review for Phase 2 for any portion of Phase 2 other than the Hotel/Conference Center, the Project Applicant shall fund the difference between the traffic impact fees in the Transportation Capital Programs fund and the cost of the design and Project Study Report.

Once the Project Study Report has been approved by Caltrans, the City shall begin preparation of the construction documents for the listed improvements. In the event that sufficient funds have not been collected to fund the preparation of construction documents, the Project Applicant shall fund the difference between the traffic impact fees in the Transportation Capital Programs fund and the cost of the preparation of construction documents.

f. Mitigation Measure 4.10-1(c) and 4.10-3(b) Implementation and Timing

The City shall not accept an application for Design Review for any portion of Phase 2 other than the Hotel/Conference Center until funding for the design and Project Study Report is in place.

No building permit shall be issued for any Phase 2 land use other than the Hotel/Conference Center unless or until the Project Study Report for the Pedrick Road/I-80 Interchange Improvements has been completed and approved by Caltrans and a financing mechanism is in place to ensure that adequate funding is available to construct the Pedrick Road/I-80 Interchange Improvements. Monitoring of the I-80 interchange will be conducted to determine when construction must begin on the improvements. The City shall construct these improvements (or cause them to be constructed) in a timely fashion pursuant to the monitoring results and Caltrans approvals. The Developer and any other parties participating in the financing mechanism for the interchange improvements shall pay for the cost of these improvements.

g. Mitigation Measure 4.10-4(b) (Phase 1 and 2)

Construct auxiliary lanes pursuant to Mitigation Measure 4.10-3(b). Widen West A Street to four lanes between I-80 and Pitt School Road. In the event this widening has not been constructed as part of the Southwest Dixon Specific Plan, then the Project Applicant will be responsible for constructing the widening.

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h. Mitigation Measure 4.10-4(b) Implementation and Timing
Mitigation Measure 4.10-3(b), the construction of an auxiliary lane in each direction of I-80 shall be implemented as described in that measure. West A Street is planned to be widened as part of development of the Southwest Dixon Specific Plan area, however, in the event that widening has not been constructed, the Project Applicant shall construct it prior to the issuance of an occupancy permit for Phase 2.

5. Replacement Mitigation Measures

a. Mitigation Measure 4.11-6(a) (Phase 1)
Implement NQSP EIR Mitigation Measure PS-C, as amended: Prior to the issuance of a building permit, evidence that the City's wastewater treatment plant has capacity to accommodate Phase 1 of the Proposed Project shall be submitted to the City of Dixon. Connections to the City sewer other than for testing purposes shall be prohibited until the required evidence is submitted to the City.

OR

If the Project Applicant requests building permits for Phase 1 that disclaim any guarantee of the Project Applicant's right or ability to hookup to the City WWTP ("limited building permits") or otherwise expressly waives such rights, the City shall not withhold the building permits based on the absence of the evidence that the City WWTP has capacity to accommodate that phase of the Proposed Project (the "required evidence"). Under a limited building permit, site development (grading, installation of infrastructure, and building construction) shall be allowed, but connections to the City sewer other than for testing purposes and use or occupancy of the Phase 1 buildings shall be prohibited until the required evidence is submitted to the City. To the extent that the Project Applicant utilizes limited building permits, the Project Applicant shall submit the required evidence prior to issuance of an occupancy permit for the first component of Phase 1.

b. Mitigation Measure 4.11-6(b) (Phase 2)
Implement NQSP EIR Mitigation Measure PS-C, as amended: Prior to the issuance of a building permit, evidence that the City's wastewater treatment plant has capacity to accommodate Phase 2 of the Proposed Project shall be submitted to the City of Dixon. Connections to the City sewer other than for testing purposes shall be prohibited until the required evidence is submitted to the City.

OR

If the Project Applicant requests building permits for Phase 2 that disclaim any guarantee of the Project Applicant's right or ability to hookup to the City WWTP ("limited building permits") or otherwise expressly waives such rights, the City shall not withhold the building permits based on the

absence of the evidence that the City WWTP has capacity to accommodate that phase of the Proposed Project (the "required evidence"). Under a limited building permit, site development (grading, installation of infrastructure, and building construction) shall be allowed, but connections to the City sewer other than for testing purposes and use or occupancy of the Phase 2 buildings shall be prohibited until the required evidence is submitted to the City. To the extent that the Project Applicant utilizes limited building permits, the Project Applicant shall submit the required evidence prior to issuance of an occupancy permit for the first component of Phase 2.

c. Mitigation Measure 4.11-6(a) and (b) Implementation and Timing
For each phase, evidence of adequate sewer capacity for that phase shall be submitted to the City prior to any connection to the City sewer (except for testing purposes) and prior to the issuance of an occupancy permit.

6. The mitigation measures recommended by the EIR, as amended herein and in the MMP, and incorporated into the Proposed Project are specific and enforceable. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts occur. The MMP adequately describes conditions, implementation, verification, a compliance schedule, and reporting requirements to ensure the Project complies with the adopted mitigation measures. The MMP ensures that the mitigation measures are in place, as appropriate, throughout the life of the Project. The mitigation measures described in Exhibit B are incorporated into these CEQA Findings as conditions of each of the approvals required for the Project including the Development Agreement.

7. The following provisions (A) - (C) are hereby made a project mitigation measure. The City Council finds that the enforcement of this measure will help reduce the project noise impacts described in impact 4.8-4, however the impact will remain significant and unavoidable as described in CEQA Guidelines Section 15091(a)(3).

(A) Compliance with City's Noise Performance Standards. The Dixon Downs Project shall comply with the City's noise performance standards as set forth in Sections 12.24.03 through 12.24.06 of the Dixon Zoning Ordinance and as applied to the Dixon Downs PD Zoning District in accordance with this Section 5.9. In recognition of the unique racetrack-related, mixed-use, entertainment-oriented character of the Dixon Downs PD Zoning District, the City's noise performance standard, as set forth in Section 12.24.03 of the Dixon Zoning Ordinance and as applied to the Dixon Downs Racetrack/Entertainment Complex, shall be a maximum sound pressure level of 75 dB, with a correction factor of "Plus 5" to be applied to noise emissions between 7 a.m. and 10 p.m.

(B) Noise Monitoring Requirements. In order to assure compliance with the City's noise performance standards during any Tier 2 Horse Racing Event conducted after 7:00 p.m., any Tier 2 Special Event using outdoor sound amplification, or any Tier 3 Event, Developer shall, during the first twenty (20) Tier 2 Events, including a minimum of ten (10) Tier 2 Special Events (the "Initial Monitoring Period"), retain the services of a noise consultant to be present on-site for the purpose of: (i) monitoring noise levels, and (ii) causing immediate adjustments to be

made in such noise levels if and as needed to comply with City standards. For purposes of monitoring compliance with the City's noise performance standards, noise level measurements shall be taken at the western and southern boundaries of the Dixon Downs PD Zoning District.

(C) Noise Performance Monitoring Plan. Following the Initial Monitoring Period, Developer shall submit a Noise Performance Monitoring Plan to the City which reports the results of the noise monitoring experience during the Initial Monitoring Period and includes a program for monitoring compliance with the City's noise performance standards on an on-going basis. The Noise Performance Monitoring Plan shall be subject to administrative review and approval by City Staff. A determination by City Staff to deny approval of the Noise Performance Monitoring Plan shall be made in writing, shall state the reasons for denial, and shall be subject to appeal by Developer to the City Council. An appeal of an administrative determination denying approval of a Noise Performance Monitoring Plan shall be made in writing within ten (10) days following issuance of the administrative determination. Developer shall continue to monitor compliance with the City's noise performance standards in accordance with the provisions of this measure until an approved Noise Performance Monitoring Plan is in effect.

VII. FINDINGS REGARDING IMPACTS

1. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Council adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR, and summarized in the attached Exhibit A-1. These findings do not repeat the full discussions of environmental impacts contained in the EIR. The Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR. The Council adopts the reasoning of the EIR, City staff reports, City staff, and the presentations provided by the Project Applicant.

2. The Council has, by its review of the evidence and analysis presented in the EIR and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Proposed Project. In turn, this understanding has enabled the Council to make fully informed, thoroughly considered decisions on these important issues. These CEQA Findings are based on a full appraisal of the EIR and the record, as well as other relevant information in the record of proceedings for the Project.

3. Under Public Resources Code section 21081(a)(2) and CEQA Guidelines sections 15091(a)(2) and 15092(b)(2)(A), the Council recognizes that some mitigation measures may require action by, or cooperation from, other agencies. Similarly, mitigation measures requiring the Project Applicant to contribute towards improvements planned by other agencies will require the relevant agencies to receive the funds and spend them appropriately. The Council also recognizes that some cumulative impacts will be feasibly mitigated when other agencies build the relevant improvements, which also requires action by these other agencies. For each mitigation measure that requires the cooperation or action of another agency, the Council finds that adoption and/or implementation of each of those mitigation measures is within the responsibility and jurisdiction of another public agency, and that the measures can and should be adopted and/or implemented by that other agency.

4. The Council finds that, except as provided in Section VIII below, after mitigation all of the Proposed Project impacts will be at a level of less than significant as shown in Table 2-1 of the Draft EIR.

VIII. SIGNIFICANT UNAVOIDABLE IMPACTS

1. Under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines sections 15091(a)(3), 15092(b)(2)(B) and 15093, the Council determines that the significant effects on the environment remaining after mitigation, as reflected in the EIR, are unavoidable ("significant unavoidable impacts"); however, they are acceptable due to the overriding considerations described in Section X below. The following is a summary of the significant unavoidable impacts of the Proposed Project remaining after mitigation.

a. The degradation of air quality associated with project construction and large events due to emissions of reactive organic gases ("ROG") – 305 pounds/day, nitrogen dioxide ("NO_x") – 409 pounds/day, carbon monoxide ("CO") – 3,848 pounds/day (Impacts 4.2-1, 4.2-2).

b. The conversion of approximately 260 acres of undeveloped prime agricultural land, currently used for agricultural uses to urban land uses, thus precluding other alternate land uses in the future (Impact 4.7-2).

c. When there are large events, the resulting noise levels at nearby residences could exceed the maximum residential noise performance standards in the Dixon Zoning Ordinance (Impact 4.8-4).

d. Before and after Tier 1 (an attendance of up to 6,800 people) or larger events, the following significant unavoidable impacts could occur: traffic operations at the study intersections could worsen to unacceptable levels (Impact 4.10-1); levels of service on I-80 and certain interchanges could worsen to unacceptable levels (Impact 4.10-3); and levels of service on certain roadways of regional significance could worsen to unacceptable levels (Impact 4.10-4).

e. When there are events attended by more than 6,800 people the levels of service at study intersections and freeway segments could worsen to unacceptable levels (Impact 4.10-5) and an inadequate number of parking spaces would be available on the Proposed Project site (Impact 4.10-11).

f. Conflicts could occur between farm equipment and vehicles on Pedrick Road (Impact 4.10-6).

g. There would be a significant increase in the number of vehicles crossing the at-grade railroad crossing at North First Street (Impact 4.10-8).

h. The City's present treatment capacity is inadequate to handle the Proposed Project and expansion of wastewater treatment facility would be required which could result in significant unavoidable environmental impacts (Impact 4.11-6).

i. There would be an irreversible consumption of goods and services associated with the future population.

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j. There would be an irreversible consumption of energy and natural resources associated with the future employee and patron population.

2. Development of the Proposed Project would result in the continued commitment of the entire project site to urban development, thereby precluding any other uses for the lifespan of the project. Restoration of the site to pre-developed conditions would not be feasible given the degree of disturbance, the urbanization of the area, and the level of capital investment. Construction and operational emissions also remain significant due to the inability of mitigation measures to reduce ROG, NO_x, and CO emissions below applicable thresholds. Noise impacts from the Proposed Project would also remain significant due to the increase in traffic associated with various events held at the project site.

3. Resources that would be permanently and continually consumed by project implementation include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in the unnecessary, inefficient, or wasteful use of resources. With respect to operational activities, compliance with all applicable building codes, as well as mitigation measures, planning policies, and standard conservation features, would ensure that all natural resources are conserved to the maximum extent possible. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, to further reduce the reliance upon nonrenewable natural resources. For example, mobile emissions associated with automobiles and trucks are anticipated to be less polluting in the future due to new technology designed to improve the efficiency of engines. Nonetheless, construction activities related to the Proposed Project would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment.

4. The CEQA Guidelines Section 15126.2 also requires a discussion of the potential for irreversible environmental damage caused by an accident associated with the Proposed Project. While the Proposed Project would result in the use, transport, storage, and disposal of hazardous wastes, as described in Section 4.5 of the EIR (Hazardous Materials and Public Safety), all activities would comply with applicable State and federal laws related to hazardous materials, which significantly reduces the likelihood and severity of accidents that could result in irreversible environmental damage. In addition, the Proposed Project does not include any uniquely hazardous uses that would require any special handling or storage.

5. Implementation of the Proposed Project would result in the long-term commitment of resources to urban development. The most notable significant irreversible impacts are a reduction in natural vegetation and wildlife communities; increased generation of pollutants; and the short-term commitment of non-renewable and/or slowly renewable natural and energy resources, such as lumber and other forest products, mineral resources, and water resources during construction activities. Operations associated with future uses would also consume natural gas and electrical energy. These irreversible impacts, which are, as yet, unavoidable consequences of urban growth, are described in detail in the appropriate technical sections of the EIR (see EIR chapter 4).

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6. There are impacts which have revised mitigation measures whose implementation is solely within the control of Caltrans (i.e., Mitigation Measures 4.10-1(a)-(c), 4.10-3(b) and 4.10-4). In some cases, once those mitigation measures are implemented the impacts would be less than significant. However, because Caltrans controls if and when the revised mitigation measures are implemented, the mitigation may be delayed or rejected. In that event, despite the implementation of all feasible mitigation measures within control of the City, an adverse environmental impact may exist until Caltrans allows the mitigation. Such adverse impacts would occur at certain study intersections and on certain regional roads of significance and on certain portions of Interstate 80 (Impacts 4.10-1, 4.10-3 and 4.10-4). To the extent that Caltrans controls the timing of the implementation of these mitigation measures and the effects are thereby not avoided or substantially lessened, the City finds these adverse environmental effects to be part of the Proposed Project's unavoidable environmental risks and subject to the City's adoption of the Statement of Overriding Considerations contained in Exhibit A, Section X.

IX. FINDINGS REGARDING ALTERNATIVES

1. The EIR identified the significant environmental impacts of the Proposed Project and mitigation measures to reduce those impacts. The significant unavoidable impacts, however, could not be reduced to a less than significant impact even with mitigation. The findings in this Section IX examine whether any of the feasible alternatives would substantially reduce the significant unavoidable impacts.

2. As set forth below, the Council has considered the alternatives to the Proposed Project analyzed in Chapter 6 of the Draft EIR finds them to be infeasible for specific economic, legal, social, technological, or other considerations pursuant to Public Resources Code Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3). For CEQA purposes, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (Public Resources Code Section 21061.1, CEQA Guidelines Section 15364.)

3. The Council adopts the EIR's analysis and conclusions regarding alternatives eliminated from further consideration, both during the scoping process and in response to comments.

4. The EIR evaluated a reasonable range of alternatives to the Proposed Project. These alternatives were (1) the No Project/No Development Alternative; (2) the No Project/No Action Alternative; (3) the Smaller Phase 2 Alternative; and (4) the Off-site Alternative. The analysis, incorporated herein, examined the feasibility of each alternative, the environmental impacts of each alternative, and the ability of each alternative to meet the project objectives. The City developed its project objectives after considering the underlying City policies and the pertinent economic, environmental, social, technological concerns of the community. In developing and applying its project objectives, the City made policy decisions balancing these competing concerns and thus alternatives which do not comply with the City's project alternatives are considered infeasible. The City's project objectives are: (1) to provide civic and cultural opportunities for the community and the region; (2) to provide local venues for entertainment; (3) to increase local shopping opportunities; (4) to provide alternative land uses superior to existing land uses; (5) to create an opportunity to provide a high quality mixed retail/entertainment/office/hotel project in the

NQSP to serve community and region; (6) to take advantage of I-80 visual accessibility to create a regional landmark destination; (7) to provide for economic uses capable of fully paying for infrastructure and public service costs, while improving the long term municipal finance situation; (8) to create diverse employment opportunities; and (9) to create anchor uses which can help attract other significant activity to the NQSP area. The Project Applicant's project objectives are listed on pages 6-2 through 6-4 the Draft EIR.

5. The Council certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR and this Section reflect the Council's independent judgment as to alternatives.

6. Under Alternative 1, the No Project/No Development Alternative, the Proposed Project would not be built and assumes the site would remain under its current use, agricultural production. Alternative 1 would produce no changes on the project site, effectively eliminating those project impacts discussed in this EIR. Because the site would remain in its current condition, there would be no environmental impacts associated with introducing buildings and people into an area that is currently undeveloped. Thus, all of the significant unavoidable impacts would be avoided by this alternative. However, because no development would occur, none of the City's project objectives would be met under this alternative. In addition, the City has adopted General Plan land use designations and a Specific Plan intended to convert the site to urban uses so the No Project/No Development Alternative would conflict with General Plan policy and the approved Specific Plan. Therefore, because the No Project/No Development Alternative meets none of the project objectives and conflicts with General Plan policy and with the approved Specific Plan, the Council finds Alternative 1 infeasible.

7. Alternative 2, the No Project/No Action Alternative, assumes that the project site would be developed under current land use and zoning designations included within the NQSP adopted in 1995. Under this alternative, the land use designations for the site would remain Light Industrial, Neighborhood Commercial, and Professional/Administrative/Office. Draft EIR Table 6-2 provides a breakdown of land uses, based on the NQSP, which could be developed on the project site. Overall, development of the project site under the land uses proposed within the NQSP would result in very similar impacts to what was identified under the Proposed Project because, in either case, the entire site would be developed. However, under Alternative 2 the types of uses that could be developed would be considered less intense than the project because the types of uses would primarily draw employees and would not include large scale events or large scale facilities for the public. Therefore, the following significant unavoidable impacts would either not exist or be less-than-significant under this alternative: impacts associated with an increase in noise attributed to special events such as concert (Impact 4.8-4) and parking impacts associated with the number of patrons attending events (Impact 4.10-11). Alternative 2 would achieve only a few of the project objectives. Specifically, it would not comply with the City's project objectives to: provide civic and cultural opportunities for the community and the region; create an opportunity to provide high quality mixed retail/entertainment/office/hotel project in the NQSP to serve community and region; take advantage of I-80 visual accessibility to create a regional landmark destination; and provide for economic uses capable of fully paying for infrastructure and public service costs while improving the long term municipal finance situation. It was estimated in the Fiscal and Economic Analysis for the Proposed Project, as revised, that development under Alternative 2 would result in an annual improvement of municipal finances of \$300,000 whereas

development under the Proposed Project would result in an annual improvement of municipal finances of 2.9 million dollars. While Alternative 2 would possibly create diverse employment opportunities, it is not likely to create anchor uses which can help attract other significant activity to the NQSP area, or provide local entertainment venues. Therefore, although Alternative 2 avoids or lessens the significant unavoidable impacts listed above, the Council finds Alternative 2 infeasible because it does not achieve the project objectives.

8. Alternative 3, the Smaller Phase 2 Alternative, assumes that Phase 1 would not be altered, but that the total amount of retail space in Phase 2 would be reduced by 30 percent, to 616,000 sf, and no office uses would be developed. Eliminating the office component would mean that approximately 7 acres less of the project site would be developed with structures, but it is assumed that this area would be paved or graveled and developed for parking. Impacts caused by construction activities, including an increase in air pollutants and noise from construction equipment, would essentially be the same as the Proposed Project because the construction would still occur and the site would be disturbed. Impacts due to the loss of undeveloped land, which include impacts to biological resources, cultural resources, and loss of Prime Farmland (as defined in Table 4.7-1 of the EIR) would be similar to those presented for the Proposed Project because in either instance the entire site would be developed as project facilities or parking. Alternative 3 would also result in similar impacts to drainage because the entire site would be developed with some type of impervious surface. Under Alternative 3, the project would continue to host special events, so it is anticipated that noise associated with operation of this alternative would be very similar to the Proposed Project. Alternative 3 could, however, avoid or significantly lessen the significant unavoidable impact related to inadequate parking, Impact 4.10-11.

Alternative 3 would at least partially achieve most of the City's project objectives. It would be less successful than the Proposed Project in creating local shopping opportunities because it entails a reduction in productive retail space. It would be less successful than the Proposed Project in creating a high quality mixed retail / entertainment / office / hotel project to serve the community and the region because the reduction in productive retail space could impact the project's regional draw and all office space would be eliminated. It would be less successful than the Proposed Project in improving the long term municipal finance situation because the substitution of parking for retail and office space would reduce revenues from the project. Alternative 3 would be less successful than the Proposed Project in creating diverse employment opportunities because the elimination of all office space would reduce the scope of employment created by the project. It would be less successful in creating employment in general because Phase 2 of the Proposed Project would create an estimated 1,824 jobs and a proportional reduction in Phase 2 office and retail space under this alternative would reduce that number by 638 jobs. It is estimated that the Proposed Project's 950,000 sf of office and retail uses would generate 1.8 million dollars annually. This indicates that if retail space is reduced on a proportional basis, Alternative 3's 616,000 sf of office and retail would generate 65% of that amount, or 1.2 million dollars. However, reducing the size of the retail space might reduce the regional draw of Phase 2 of the Proposed Project, further reducing sales tax revenue. In addition, the loss of retail space could reduce the project's ability to recruit anchor uses and spur economic development in the Northeast Quadrant Specific Plan area. The Council finds Alternative 3, the Smaller Phase 2 Alternative, infeasible because although it significantly lessens the Proposed Project's impact related to inadequate parking, it would not eliminate or reduce other significant impacts, and it does not adequately meet the project objectives, particularly those relating to jobs, economic development, and City revenue.

9. Alternative 4, the Off-Site Alternative, assumes the project, as is currently proposed, would be developed in the Southwest Dixon Specific Plan (the "SWDSP") area located in the City. The SWDSP area is located within the City of Dixon adjacent to I-80 in an area that has similar constraints as the Proposed Project site including undeveloped agricultural land, lack of infrastructure, and the need to re-build an I-80 interchange to accommodate future planned growth. Alternative 4 would result in very similar impacts to those identified under the Proposed Project because the SWDSP area site characteristics are very similar to those of the Proposed Project site and the same extent of development would occur under this alternative. New issues that could occur on the SWDSP area site include conflicts with Williamson Act contracts and the potential loss of historic resources. Drainage related impacts could be more severe under this alternative because the SWDSP area site is flat and receives runoff from adjacent properties as a sheet flow from the north under existing conditions. In addition, the project is inconsistent with the current General Plan designations and zoning for the SWDSP which is planned for residential uses, not employment uses. The only significant unavoidable impact avoided or rendered less-than-significant under this alternative is Transportation and Circulation impact 4.10-8, the impact on the railroad grade crossing. Alternative 4 would achieve the project objectives to provide a shopping venue, local entertainment, and employment opportunities. The SWDSP area site is also located near I-80. However, Alternative 4 would fail to achieve the City's stated objectives to place such a development within the NQSP. Alternative 4 would also fail to meet the Project Applicant's objectives specifically related to developing within the NQSP area and to site the project in proximity to two I-80 interchanges. The Council finds Alternative 4, the Off Site Alternative, infeasible because although it reduces one of the Proposed Project's significant unavoidable impacts, it increases the severity of other impacts, conflicts with the SWDSP, may trigger conflicts with the Williamson Act, and does not meet all of the project objectives.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

1. CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its significant unavoidable impacts when determining whether to approve the project. The lead agency may deem significant and unavoidable adverse environmental effects "acceptable" if the specific legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects.

2. As set forth in the preceding sections of these CEQA Findings, the City's approval of the Proposed Project will result in significant adverse environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. The City Council nonetheless chooses to accept these impacts because, in its view, the economic, social, and other benefits that the Proposed Project will produce ("overriding considerations") will outweigh the unavoidable adverse effects. The City Council also chooses to accept these impacts in the event that only Phase 1 of the Proposed Project is constructed because, in its view, the economic, social, and other benefits that Phase 1 of the Proposed Project will produce ("overriding considerations") will outweigh the unavoidable adverse effects.

3. The following statements identify why, in the City's judgment, the benefits of the Proposed Project outweigh its significant unavoidable impacts. The Council further finds that

any one of these overriding considerations is sufficient to render the Proposed Project's significant unavoidable impacts acceptable. The substantial evidence supporting these overriding considerations can be found in these CEQA Findings, and in the documents found in the Record of Proceedings, as defined above.

4. The first overriding consideration is that the Proposed Project will generate employment opportunities. The operation of Phase 1 of the Proposed Project is projected to generate 787 jobs and additional induced and indirect jobs. Construction of Phase 1 of the Proposed Project is expected to create an estimated 2,062 construction jobs and additional induced and indirect jobs. For Phases 1 and 2 combined, the operation of the Proposed Project is projected to generate 2,921 jobs. Additional indirect and induced employment opportunities would also occur. (Draft EIR, Table 5-2, p. 5-6.) Construction of Phases 1 and 2 of the Proposed Project is expected to create an estimated 4,137 construction jobs over a 15-year period. Additional indirect and induced employment opportunities would also occur as a result of the construction. (Draft EIR, Table 5-1, p. 5-6.) The jobs created by the Proposed Project will provide income and work experience for City residents and other workers and their families. Further, the Project Applicant has agreed to cooperate with and support the recruitment of local residents for project related jobs, including creating placements for students involved in the regional Occupation Program.

5. The second overriding consideration is that the Proposed Project will improve the City's financial situation by generating tax and other revenues. The Proposed Project includes entertainment and retail venues which will draw members of the public from throughout the region. This will increase the amount of retail sales conducted in the City and thus the City's revenues from sales taxes will increase. The total annual revenue to the City from the Proposed Project is estimated at 4.3 million dollars and 2.9 million dollars of that revenue would be a "surplus" which would improve the City's long term financial situation. The Proposed Project is also intended to act as a catalyst for the economic development of the NQSP area which should further increase sales tax revenues to the City. The Phase 2 of the Proposed Project will contain a hotel which will be a new source of transient occupancy tax revenues to the City. In addition, Phase 1 of the Proposed Project will bring the City a new source of revenue in the share of pari-mutuel wagering. Phase 1 alone is estimated to have a total annual revenue to the City of 1.1 million dollars and it is estimated that \$535,000 dollars of that would be a "surplus" which would improve the City's long term financial situation. These monies will benefit the City and City residents by providing needed revenue for the provision of City services and public improvements.

6. The third overriding consideration is that the Project Applicant will construct a very significant amount of public improvements which on the whole, will serve not only the Proposed Project, but also the NQSP area and foster the provision of services to the NQSP area. These public improvements include the installation, replacement, or construction of: approximately 11,000 lineal feet of sewer lines; a new water well (Dixon Well No.2 at an estimated cost of \$5,000,000); approximately 12,000 lineal feet of water line; 5200 lineal feet of Solano Irrigation District's Vaughn Pipe; roadway culverts underneath East Dorset Drive; 2,340 lineal feet of twin 60 inch diameter detention pipes; 4,600 lineal feet of storm drain in Pedrick Road. In addition the Project Applicant will make a fiscal contribution to another new water well (Dixon Well No.1); widen and put in public improvements on 1,650 lineal feet of Pedrick Road; contribute to and partially construct the improvements needed to reconstruct the I-80 Pedrick Road interchange;

and contribute to the construction of mainline freeway improvements along I-80 east of Pedrick Road. Many of these improvements will be constructed as part of Phase 1 of the Proposed Project. These public improvements would be very difficult to achieve in the absence of a large significant project such as the Proposed Project. Piecemeal development of the NQSP would result in the delay of the construction of these improvements for a significant period of time.

7. The fourth overriding consideration is that Project Applicant will take actions to improve the welfare of City residents and City businesses in conjunction with the Proposed Project. The Project Applicant will establish and make annual seed money contributions to the Dixon Downs Charitable Foundation, a fundraising foundation supporting educational, recreational, artistic and family service activities for residents of the City. The Project Applicant will facilitate the purchase of services and supplies for the Proposed Project from local vendors by maintaining an annually updated list of local vendors and collaborating with the Dixon Downtown Business Association, the Chamber of Commerce and other similar local business associations to encourage visitors to patronize downtown businesses. The Project Applicant will work cooperatively with the citizen's groups and the City to establish and host community based events, such as local craft fairs and farmer's markets, and to make certain project facilities available for use by non-profit community based service groups. The Project Applicant will take these actions whether or not Phase 2 of the Proposed Project is built.

8. The fifth overriding consideration is that the racetrack, retail, and conference center will bring a diversified mix of uses to the Northeast Quadrant. These uses include a significant amount of open space.

9. The sixth overriding consideration is that the Dixon Downs Project's proximity to, and potential relationship with UC Davis could facilitate synergistic academic, economic development, and career development opportunities.

10. For all of these reasons, and each of them, the City finds the significant unavoidable impacts of the Proposed Project are acceptable. Each of the above reasons applies to Phase 1, albeit in a slight different way than to the combined Phase 1 and 2. In the event that only Phase 1 of the Proposed Project is built, the City finds the significant unavoidable impacts of Phase 1 of Proposed Project are acceptable for all of these reasons, and each of them.

XI. FINDING REGARDING TRAFFIC IMPACTS

Pursuant to the General Plan as amended concurrent with the adoption of these findings, the City Council may allow traffic operations at Levels of Service below Level "C" for certain intersections and roadway segments in relationship to a specific project, provided that it makes certain findings. Such findings shall not change the standard of significance from Level of Service "C" for environmental review purposes or preclude the City Council from imposing mitigation measures and other conditions of approval intended to improve traffic operations on any such intersections or roadway segments

The City Council finds that:

1. Based on the totality of the evidence in the administrative record, there are no feasible mitigation measures sufficient to maintain Level of Service "C" at the intersections and roadway segments listed in the attached Exhibit A-2; and

2. The City Council will adopt a Statement of Overriding Considerations for the Proposed Project concurrent with adoption of these findings which accepts the Proposed Project's adverse effects in light of the Proposed Project's community benefits; and

3. The Planning Commission has recommended that Levels of Service below Level "C" be allowed at the intersections and roadway segments as listed in the attached Exhibit A-2.

Therefore, the City Council determines that Levels of Service below Level "C" shall be allowed during the listed time periods for those intersections and roadway segments shown in the attached Exhibit A-2 because the community benefits of the Proposed Project render the adverse effects of the Proposed Project on traffic operations acceptable. The City Council further finds that this determination renders the Proposed Project consistent with the City's General Plan.

This determination does not authorize Levels of Service below "C" for any project other than the Proposed Project.

EXHIBIT A-1

FINDINGS REGARDING SIGNIFICANT IMPACTS

The EIR identified a number of significant and potentially significant environmental effects (or "impacts") that the Proposed Project would cause. Some of these significant effects can be fully avoided or substantially reduced through the adoption of feasible mitigation measures so that they become less than significant. Some of these significant effects can be substantially lessened by the adoption of feasible mitigation measures but remain significant and thus would be considered significant and unavoidable. Other significant effects cannot be avoided or substantially lessened by the adoption of feasible mitigation measures or alternatives, and thus would be significant and unavoidable. For reasons set forth in Section XIII, however, the City has determined that the significant, unavoidable effects of the Proposed Project are outweighed by overriding economic, social, and other considerations.

A. AESTHETICS

Impact 4.1-2: The Proposed Project could create a substantial new source of light or glare, which would adversely affect the surrounding area (Less than Significant after Mitigation). (DEIR, p. 4.1-19)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Facts Supporting the Finding: The Proposed Project would introduce new sources of light and glare to the project area. The project site is currently undeveloped, and experiences minimal light and glare from adjacent development. Because the Proposed Project would introduce several new sources of light and potential glare, this would be a potentially significant impact. (DEIR, p. 4.1-19) Implementation of Mitigation Measure 4.1-2 and lighting standards included in the Design Guidelines would ensure that impacts from light and glare would be reduced to a less-than-significant level. (DEIR, p. 4.1-21)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.1-21)

B. AIR QUALITY

Impact 4.2-1: Construction activities associated with the Proposed Project would generate emissions of criteria pollutants (Significant and Unavoidable). (DEIR, p. 4.2-13)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No mitigation is available to render the effect less than significant. The effects therefore remain significant and unavoidable.

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Explanation: The entire project site is approximately 260 acres. It is expected that during construction of Phase 1, this entire area would be cleared and graded. Once the site has been prepared, building of the facilities would take place. This would include trenching for water, sewer, and gas pipes, as well as the construction of the buildings and the paving of access roads and surface parking lots. These activities would require the use of heavy-duty construction equipment, which would generate emissions of criteria pollutants, specifically PM₁₀, ROG, and NO_x. These are all pollutants of concern in Solano County. PM₁₀ is of concern because it is a criteria pollutant that can cause severe health impacts. ROG and NO_x are of concern because together they can form ozone, a criteria pollutant for which Solano County still exceeds State and federal standards.

Mitigation Measures: Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Project's short-term significant effects associated with air quality. Though peak daily PM₁₀ and NO_x emissions could be reduced through mitigation, but during certain phases of construction emissions of these pollutants would be above the Yolo Solano Air Quality Management District ("YSAQMD") thresholds of significance. This would be a significant impact.

Because most of the grading of the Proposed Project site would be completed during construction of Phase 1, Phase 2 impacts would be mostly due to actual fabrication of the commercial space associated with Phase 2. ROG emissions from architectural coatings could be reduced through compliance with YSAQMD's architectural coating rule (Rule 2.14). This could potentially reduce overall ROG emissions by 50% or more. Even with this reduction, ROG emissions would still exceed YSAQMD thresholds of significance. There are no other feasible mitigation measures available to reduce the construction ROG impact. According to the URBEMIS modeling, peak daily emissions of both ROG and NO_x during the building fabrication construction phase of Phase 2 would exceed YSAQMD thresholds. ROG emissions would be almost entirely generated from architectural coatings, and NO_x emissions would be mostly produced by construction equipment. This would be a significant impact. (DEIR, p. 4.2-13 to 4.2-16)

Mitigation Measures: Implementation of Mitigation Measures 4.2-1(a) – (d), as well as Mitigation Measure 4.2-1(c) and (d), would reduce emissions of PM₁₀ from construction to less than the YSAQMD PM₁₀ threshold and so emissions of PM₁₀ would be considered less than significant. Mitigation measures to reduce NO_x, would not reduce NO_x emissions below applicable thresholds of significance for either Phase 1 or Phase 2. Consequently, construction would have NO_x and ROG impacts would be considered significant and unavoidable. (DEIR, p. 4.2-16)

Significance After Mitigation: The impact remains significant and unavoidable despite the implementation of all feasible mitigation measures. (DEIR, p. 4.2-16)

Impact 4.2-2: Operation of Phase 1 combined with construction of Phase 2, and operation of Phases 1 and 2 combined would generate emissions of ROG and NO_x (Significant and Unavoidable). (DEIR, p. 4.2-17)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified

effect. No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: Operational emissions generated by both stationary and mobile sources would result from normal day-to-day activities once the project is built. Stationary area source emissions would be generated by activities such as the operation of landscape maintenance equipment, and the use of consumer products. Mobile emissions would be generated by motor vehicles used by individuals working at the facilities, as well as by guests attending events at the facility. Large events at the Phase 1 facilities would occur regularly, but infrequently. This means that while daily Phase 1 operational emissions would be relatively low on most days, large event days would create substantial amounts of traffic-generated criteria pollutants. Since large event days would cause criteria pollutants to be emitted in amounts that exceed the YSAQMD thresholds of significance for ROG and NO_x on large event days, Phase 1 would be considered a significant impact.

Daily operational emissions associated with Phases 1 and 2 would also exceed YSAQMD thresholds of significance for ROG and NO_x. Operational emissions would be much greater on event days especially during the annual or bi-annual "Tier 3" event. Consequently the emissions of ROG and NO_x associated with Phases 1 and 2 would be considered a significant impact. (DEIR, p. 4.2-18 to 4.2-20)

Mitigation Measures: Because the traffic generated by Phase 2 would be in part due to employee trips and shopping trips made by people living in the vicinity of the project site, mitigation measures exist that can help reduce those trips and, consequently, the emissions associated with these trips. Some mitigation is already built in to the Proposed Project, because employees could utilize the Phase 2 commercial retail uses, including restaurants, minimizing employee trips off-site to utilize these services and increase the opportunities for employees to run errands without driving. Mitigation Measures 4.2-2(a) and (b) would also require additional measures such as incentives for car and van pooling, and installation of bike parking. However, even with implementation of Mitigation Measures 4.2-2(a) and (b), the operational impact of the Proposed Project would exceed YSAQMD thresholds of significance for daily ROG and NO_x emissions, and would be considered a significant and unavoidable impact. (DEIR, p. 4.2-20)

Significance After Mitigation: The impact remains significant and unavoidable despite the implementation of all feasible mitigation measures. (DEIR, p. 4.2-20)

Impact 4.2-6: Combined Phase 1 operation and Phase 2 construction and operation, in combination with other existing and future development within the Sacramento Valley Air Basin ("SVAB") could generate emission of ROG and NO_x contributing to a cumulative impact(Significant and Unavoidable). (DEIR, p. 4.2-26)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: The Proposed Project is located in the SVAB. Because ozone is a regional pollutant, the cumulative context is the entire SVAB. As discussed in Impact 4.2-2, operational emissions of ROG and NO_x are expected to exceed YSAQMD thresholds during large event days. Consequently, on any given day, the various emissions sources in the SVAB, along with the emissions from the Proposed Project, would far exceed the YSAQMD thresholds. The Proposed Project's exceedance of the thresholds by itself indicates that its contribution to such a violation would be considerable when compared to other projects in the region. This would be a significant cumulative impact. (DEIR, p. 4.2-32.)

Mitigation Measures: Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Project's significant effects associated with air quality. Mitigation measures described in Impact 4.2-2 are also applicable for reducing cumulative impacts. As discussed in Impact 4.2-2, these mitigation measures would not reduce operational emissions of ROG and NO_x to levels that are below the YSAQMD thresholds of significance. Consequently, since project-alone emissions would be significant, and the project would re-designate land to a more intensive use, the Proposed Project's cumulative impact would also be considered cumulatively considerable and significant and unavoidable. (DEIR, p. 4.2-27)

Significance After Mitigation: The impact remains significant and unavoidable despite the implementation of all feasible mitigation measures. (DEIR, p. 4.2-32.)

Impact 4.2-7: Construction activities associated with the Proposed Project, in combination with other existing and future development, could generate emissions of PM₁₀ contributing to a significant impact (Significant and Unavoidable). (DEIR, p. 4.2-27)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Project's significant effects associated with air quality. As discussed in Impact 4.2-1, grading of the project site would occur during construction of Phases 1 and 2. This would generate daily PM₁₀ emissions in excess of YSAQMD thresholds of significance. Operation of the Proposed Project would also generate PM₁₀, as shown in Table 4.2-5. As shown in Table 4.2-3, Solano County has regular exceedances of the PM₁₀ California Ambient Air Quality Standards ("CAAQS"). During construction, the Proposed Project, in combination with other sources of PM₁₀ in the vicinity, would exceed YSAQMD thresholds. When PM₁₀ levels exceed these thresholds, a cumulative impact could occur since the emissions would be great enough that they could combine with other PM₁₀ emission sources in the project vicinity to produce an exceedance of State or federal standards. Also, the PM₁₀ produced by operation of the Proposed Project would be greater than that which would be produced under the site's existing land use designation. This would mean that the Proposed Project would be in conflict with the current YSAQMD plan to reduce PM₁₀. Consequently, this would be considered a cumulatively considerable significant impact. (DEIR, p. 4.2-28)

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Mitigation Measures: As discussed in Impact 4.2-1, mitigation measures would be required during construction of Phases 1 and 2 to reduce emissions of PM₁₀. These mitigation measures would bring PM₁₀ emissions below YSAQMD thresholds of significance. Consequently, it is unlikely that PM₁₀ emissions from Phase 1 or Phase 2 construction would be large enough to contribute substantially to any exceedance of federal or State PM₁₀ standards. However, operational emissions of PM₁₀ would still be greater than YSAQMD thresholds, and would also be greater than PM₁₀ emissions under the current land use designation. Since there are no feasible mitigation measures available to substantially reduce operational PM₁₀ emissions, the impact would be considered a significant and unavoidable cumulative impact. (DEIR, p. 4.2-28)

Significance After Mitigation: The impact remains significant and unavoidable despite the implementation of all feasible mitigation measures. (DEIR, p. 4.2-28)

C. BIOLOGICAL RESOURCES

Impact 4.3-1: Construction of the Proposed Project could result in the loss of foraging habitat for Swainson's hawk and other raptors (birds-of-prey) (Less than Significant after Mitigation). (DEIR, p. 4.3-19)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The project site, with its abundance of row-crop agricultural fields provides suitable foraging habitat for the state-listed threatened Swainson's hawk, other common raptor species such as Cooper's hawk, white-tailed kite, northern harrier and potential winter migrants, such as ferruginous hawk, and merlin, or other raptors protected under the California Fish & Game Code and Migratory Bird Treaty Act. There are approximately 57 recorded occurrences for Swainson's hawk within five miles of the project site, including one occurrence approximately 0.7 miles south of the project site (shown on DEIR Figure 4.3-1). In addition, there is one recorded occurrence for white-tailed kite within five miles of the project site. The loss of approximately 260 acres of potential foraging habitat which would be graded as part of the Proposed Project would be considered a significant impact. (DEIR, p. 4.3-20)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.3-1. Implementation of Mitigation Measure 4.3-1 would reduce impacts to foraging habitat through the acquisition and preservation of suitable foraging habitat, off-site at a ratio acceptable to the California Department of Fish and Game ("CDFG"). The measure could result in the avoidance of a substantial reduction in breeding pairs. Also, the preservation of suitable foraging habitat will not restrict the current range of Swainson's hawk. (DEIR, p. 4.3-20)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.3-20)

Impact 4.3-2: Construction of the Proposed Project (grading and vegetation clearing) could result in the loss of nesting birds that are protected by the California Fish and Game Code or the MBTA (Less than Significant after Mitigation). (DEIR, p. 4.3-21)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: In agricultural areas, the lack of natural nesting habitat sometimes results in the location of resident and migratory birds' nests occurring within agricultural fields, especially fields that are planted in grain and/or alfalfa. The Proposed Project would result in the removal of 200 acres of agricultural vegetation that could result in disturbances to nesting birds throughout the project area. Nesting birds, their nests, and eggs are fully protected by Fish and Game Code (Sections 3503, 3503.5) and the Migratory Bird Treaty Act. Destruction of such a nest would be a violation of these regulations and is considered a potentially significant impact. (DEIR, p. 4.3-21)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.3-2(a) and (b). Implementation of Mitigation Measure 4.3-2(a) and (b) would reduce impacts to a less-than-significant level. If any nesting birds are identified, compliance with this mitigation measure would ensure that the birds would not be disturbed during the nesting season and a qualified biologist would monitor the site to verify that the area is not disturbed. (DEIR, p. 4.3-21)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.3-21)

Impact 4.3-3: Development of the Proposed Project would fill irrigation ditches that could be wetlands under state or federal jurisdiction (Less than Significant after Mitigation). (DEIR, p. 4.3-23)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Several agricultural irrigation ditches would be filled during construction of the Proposed Project. However, the only drainage ditch that may be considered under federal jurisdiction is the major east/west drainage ditch that crosses the site. Federal jurisdiction over irrigation ditches has recently been under scrutiny, but following the Ninth Circuit Court of Appeals ruling on *Headwaters Inc. v Talent Irrigation District*, irrigation ditches are considered under the jurisdiction of the Clean Water Act (CWA) if they are tributary to and exchange water with another water of the U.S. In addition, the ditch could fall under the regulatory authority of the Porter-Cologne Act (any surface or groundwater within the boundaries of the State). The major east/west drainage ditch on the site is likely to be considered jurisdictional, based on the fact that it conveys water that eventually ends up in Cache Slough or Lindsey Slough, both of which drain into the Sacramento River. However, there are other ditches present on the site that may fall under the State's jurisdiction. Placing more than one tenth of an acre of fill material in the ditch would be considered a significant impact.

Mitigation Measures: Implementation of Mitigation Measure 4.3-3 would reduce impacts to jurisdictional wetlands to a less-than-significant level by requiring that loss of any wetlands be compensated for at a 1:1 ratio. (DEIR, p. 4.3-23)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.3-23)

Impact 4.3-4: Cumulative development within the Solano, Yolo, and San Joaquin County portion of the Central Valley, including the Proposed Project, would contribute to the cumulative loss of foraging habitat for Swainson's hawk and other raptors (Less than Significant after Mitigation). (DEIR, p. 4.3-24)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: In recent decades, agricultural land has replaced some of the natural open annual grassland habitat that served as the primary foraging habitat for Swainson's hawk. Recently, the Swainson's hawks of the Central Valley have relied more and more on agricultural lands to provide suitable foraging habitat. The agricultural lands of Solano, Yolo, and San Joaquin County support the core breeding population of Swainson's hawks in California (Swainson's hawk is a migratory raptor and its breeding/reproductive cycle occurs here in California). The cumulative loss of foraging habitat as a result of urbanization of natural area agricultural foraging habitat throughout Solano, Yolo, and San Joaquin Counties would substantially reduce forage area necessary to support breeding nest sites for Swainson's hawks. As development continues, through the incremental development of tracts of land similar in size and character to the Proposed Project site, agricultural habitat becomes more and more progressively fragmented, reducing their value to Swainson's hawk and local common wildlife species.

As development in the vicinity of the project site continues, more mobile species may be able to survive by moving to new areas, while less mobile species would be eliminated (extirpated). However, with continued conversion of agricultural lands to human use, the availability and accessibility of remaining agricultural habitats in the Central Valley ecosystem would dwindle and those remaining agricultural lands would not be able to support additional plant or animal populations above their current carrying capacities because of increased competition for resources, displacement, and development induced introduction of non-native species. Construction of the Proposed Project would contribute to fragmentation of Swainson's hawk foraging habitat through the incremental conversion of agricultural lands to human use, and thus limit the availability and accessibility of remaining agricultural lands to common regional wildlife and Swainson's hawk. Therefore, because the Proposed Project would involve the conversion of agricultural foraging habitat to urban use in an area that is already subject to development from a number of other projects, the contribution to that loss from the Proposed Project would be considerable. Therefore, the loss of wildlife and wildlife habitat on agricultural lands on a regional level would be a significant cumulative impact. Although the contribution of the Proposed Project to the cumulative loss of foraging habitat is relatively small, it is similar in size and scale to many of the other cumulative

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actions that would result in the cumulative impact. Therefore, the contribution of the Proposed Project to the significant cumulative impact is considerable. (DEIR, p. 4.3-25)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.3-4(a) and (b). Implementation of Mitigation Measure 4.3-4(a) (which implements Mitigation Measure 4.3-1-preservation of foraging habitat at 1:1 ratio) and Mitigation Measure 4.3-4 (b) (which requires either 1:1 replacement of foraging habitat or participation in a habitat management plan) would reduce the Proposed Project's contribution to the cumulative impact to a less-than-significant level. (DEIR, p. 4.3-25)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.3-25)

D. CULTURAL RESOURCES

Impact 4.4-1: The Proposed Project could disturb or destroy any unidentified subsurface archaeological resources during construction (Less than Significant after Mitigation). (DEIR, p. 4.4-8)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: There are no buildings or structures located on the project site; therefore, there is no potential for built historic resources to be located on the site that could be adversely affected by the project. The NQSP EIR states that there are no reported prehistoric or historic resources within the project site, or in the immediate vicinity of the project area and that no prehistoric resources have been recorded in the project vicinity. However, because the area was known to be occupied by Native Americans there is a possibility subsurface historical resources or unique archaeological resources exist on the project site that could be uncovered during grading, excavation, and other earth-moving activities during construction. If encountered during construction such resources could be damaged or destroyed. This would be considered a potentially significant impact. (DEIR, p. 4.4-9)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.4-1(a) and (b). Implementation of Mitigation Measure 4.4-1(a) and (b) would reduce impacts to known and previously undiscovered archaeological resources that could be caused by construction of the Proposed Project to a less-than-significant level by ensuring that proper procedures are followed in the event any known or unknown resources are unearthed during project construction. (DEIR, p. 4.4-9)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.4-9)

Impact 4.4-2: The Proposed Project, in combination with surrounding development, could disturb or destroy unidentified subsurface archeological resources during construction pursuant to Section 15064.5 of the CEQA Guidelines (Less than Significant after Mitigation). (DEIR, p. 4.4-11)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Based upon previous cultural resource surveys and research, communities in the vicinity of Dixon and throughout California, have been inhabited by prehistoric and historic peoples for thousands of years. The Proposed Project, in addition to other development within the City of Dixon and the lower western half of the Sacramento Valley and portions of eastern Solano County could contribute to the loss of significant cultural resources.

Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one archaeological site affects all others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The boundaries of an archaeologically important site extend beyond the property boundaries. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of cultural resources, rather than on project or parcel boundaries. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains. In this case, development within the City of Dixon as well as the lower half of western Sacramento County and portions of eastern Solano County could potentially disturb any known or unknown cultural resources. Upon buildout of the City's General Plan (1993) the City of Dixon is anticipating much of the land within its current boundaries will be developed contributing to the potential loss of subsurface cultural resources. As of 2005, the City includes a total of 3,860 +/- acres. The 260-acre project site represents approximately 40 percent of the 643-acre NQSP area and a small portion of the City and the region as a whole.

Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found. Federal, State, and local laws are also in place, as discussed above, that protect these resources. However, the project's cumulative contribution would be considerable, resulting in a potentially significant cumulative impact. (DEIR, p. 4.4-11)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.4-2. Implementation of Mitigation Measure 4.4-2, which requires implementation of Mitigation Measure 4.4-1(a) and (b), would reduce the project's contribution to cumulative impacts to known and previously undiscovered archaeological resources to a less-than-significant level by ensuring that proper procedures are followed in the event any known or unknown resources are unearthed during project construction. (DEIR, p. 4.4-11 to 4.4-12)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.4-12)

E. HAZARDOUS MATERIALS AND PUBLIC SAFETY

Impact 4.5-3: Construction and occupancy of the Proposed Project could create a health hazard to people and the environment due to soil contamination (Less than Significant with Mitigation). (DEIR, p. 4.5-14)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The Proposed Project area has historically been used for agricultural purposes, a trucking shop, rural residences, and barns. Based on a Phase I ESA prepared in 1993, when there were still buildings and structures on the site, the NQSP EIR concluded there was the potential that soil in the Proposed Project area could have been contaminated by past site uses, including the on-site storage of fuels, the ongoing application of pesticides, herbicides and other agricultural chemicals, or illicit debris disposal.

For those areas where contamination has been identified, soil containing elevated levels of contaminants, left unmanaged, could pose a health risk to site workers and occupants if contaminated soil is disturbed. Generally, the greatest risk of exposure would occur during grading and construction when dust (potentially containing contaminants) becomes airborne. Increasing airborne levels would be considered a potential health hazard for construction contractors. During construction, uncontrolled runoff containing contaminated soil could also present environmental hazards by providing additional pathways for contaminants to spread. Groundwater within a few feet of the surface could also be contaminated by the downward migration of soil contaminants via rainwater infiltration through disturbed soils. The installation of underground utility infrastructure could create conduits for lateral migration of groundwater contaminants. No groundwater wells for potable use would be installed to serve the project, so there would be no direct impact on future occupants from using contaminated groundwater. However, if the source(s) of contamination is not controlled, there is the potential for groundwater quality degradation, which would be of environmental concern.

Even though all reasonable efforts have been made to determine the likelihood of contaminant sources, it is possible that not all septic tanks, wells, or other underground storage devices or conveyance systems have been identified, because these could have been installed prior to permitting requirements. Soil or groundwater contaminated with hazardous substances from these unknown items could be present and may not be readily apparent until grading or construction. If such materials or wastes were discovered during grading or construction and not properly managed, there could be an accidental or inadvertent release of hazardous materials that could result in spread of contamination or affect site workers.

Disturbance of areas known to be contaminated, and/or the discovery of previously unidentified hazardous debris or contamination could result in upset and accident conditions involving the release of hazardous materials into the environment. This is considered potentially significant. (DEIR, pp. 4.5-14 to 4.5-16)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.5-3(a) through (c). Implementation of Mitigation Measure 4.5-3 would ensure that soil and/or groundwater contamination is managed according to established protocols under regulatory oversight. This would also provide a mechanism to safely manage previously unidentified contamination that could be encountered during site work, which would reduce the risk to construction workers and future site users. This would reduce the impacts of soil and groundwater contamination to a less-than-significant level. (DEIR, p. 4.5-16)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.5-16)

Impact 4.5-7: Cumulative development, including the Proposed Project, could overwhelm emergency response services or affect evacuation routes under a worst-case, simultaneous events scenario (Less than Significant with Mitigation). (DEIR, p. 4.5-22)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: During events, large numbers of people would be present at the project site. As discussed in Impact 4.5-4, an emergency at the race track complex could result in the need to evacuate people safely and quickly. As currently proposed, the locations and numbers of access/egress points may be insufficient to accommodate the evacuation of over 25,000 people under buildout conditions for a Tier 2 event, and substantially more people under an infrequent (annual) Tier 3 event. From a cumulative perspective, a situation requiring an immediate and controlled evacuation of the entire project, in and of itself, would be a site-specific occurrence and would not combine with similar effects elsewhere. Therefore, this condition would not be cumulatively considerable.

The Proposed Project would, however, incrementally contribute to the demand for police, fire, and/or medical emergency response services during large events, which could combine with other emergency response demands in the region. Simultaneous events at nearby locations in Dixon, Davis, or other nearby communities along the I-80 corridor between Vallejo and Sacramento would further increase the demand on emergency response services. It is unlikely that there would be numerous large events occurring simultaneously within the neighboring jurisdictions. However, depending on the type of events and the nature of the incident(s), there may or may not be emergency response personnel in sufficient number at simultaneous event(s) to respond, resulting in a significant cumulative contribution. (DEIR, p. 4.5-22 to 4.5-23)

Mitigation Measures: The Project's contribution to the cumulative impact on emergency response services under a worst-case, simultaneous events scenario can be minimized through the implementation of Mitigation Measure 4.5-4(a) - the creation of a Master Fire, Safety, and Security Plan for the Proposed Project. Implementation of this mitigation measure would reduce that impact to a less-than-significant cumulative impact. (DEIR, p. 4.5-23)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.5-23)

F. HYDROLOGY, DRAINAGE, AND WATER QUALITY

Impact 4.6-2: Development of the Proposed Project would alter drainage patterns and hydrology that could contribute to on- or off-site flooding (Less than Significant with Mitigation). (DEIR, p. 4.6-34)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Based on modeling of the existing conditions and Proposed Project conditions, increased flow to the southeast corner of the NQSP area would contribute to greater flooding in that location (see Figure 5, West Yost report). The development of the Proposed Project would result in an increased runoff rate and runoff volume. The approximately 92 acre-foot detention basin in the interior of the racetrack would mitigate some of the potential increase in runoff. However, even with the detention basin, during the 100-year storm there would be greater flood flow with the Proposed Project compared to existing conditions, within the site area. Flood flows both to and from the area south of the Proposed Project would increase; however, these increases would be less than significant (Impact 4.6-1). For the 100-year storm, the water surface elevation level ("WSEL") in the Proposed Project area increases by about 0.3 feet, which would drive more flow to the south and increase the depth of flooding by about 0.3 feet south of the Proposed Project. During the 10-year storm and the 5-year storm, the Proposed Project detention basin lowers the WSEL in the Proposed Project area; consequently, there would be flooding flow from the south area onto the Proposed Project site. These flows would continue to drain to the main Northeast Quadrant Specific Plan area drainage ditch, which would then effectively lower the maximum WSEL in the areas south of the Proposed Project site by about 0.2 feet. However, the Proposed Project includes construction of a low earthen berm or floodwall along the southern portion of the property, sufficient to create a barrier to overland flow (see DEIR, p. 4.6-41 for details).

This berm system has not yet been included in the Conceptual Drainage Report, a conceptual grading plan illustrating this flood prevention measure and other detention facilities has not been prepared, the storm drain through the berm with a flap gate system has not been designed, and the collector system of drains within the Proposed Project has not been designed. Consequently, it is unknown whether these measures and features of the Proposed Project will adequately prevent on- or off-site flood conditions. Therefore, the Proposed Project's impact on on-site drainage and flooding would be potentially significant. (DEIR, pp. 4.6-34 to 4.6-35)

Mitigation Measures: Implementation of Mitigation Measure 4.6-2, requiring, among other things, the submission of a precise grading plan, detention basin/cistern plan, pervious pavement designs, and final hydrologic/hydraulic analysis would reduce this impact to less than significant. (DEIR, p. 4.6-35)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.6-35)

Impact 4.6-4: Development of the Proposed Project could result in erosion and siltation during the construction phases (Less than Significant with Mitigation). (DEIR, p. 4.6-36)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: When the project site is rough-graded, the potential for mud and discharge from the site during a rainstorm would substantially increase and would adversely affect the quality of surface flows. The amount of silt could be calculated based on potential sediment yield, acreage, and slope. Surface mulch, other surface stabilizers, or vegetation reestablishment can reduce erosion rates. Desilting basins, perimeter straw wattles, and other construction BMPs could be used to retain this sediment, and sandbags placed at catch basin openings and at intervals on proposed roadways and stabilized construction entrances would substantially reduce sediment levels in site runoff. Phasing the project could also lessen the effect of construction-related discharge from the site by reducing exposure of disturbed areas to stormwater runoff.

The Proposed Project would be subject to the provisions of the NPDES General Permit for construction activity. Under this permit, the developer would be required to eliminate or reduce non-stormwater discharge into the drainage system and prepare a Storm Water Pollution Prevention Plan ("SWPPP"). The SWPPP must include BMPs that would reduce sediment and other pollutants in stormwater discharges during construction. Applicable BMPs will be compiled in the SWPPP and based on final site characteristics, runoff potential, and project design needs. Typical measures that have been proven feasible and are commonly required are listed in Mitigation Measure 4.6-4(a) and (b).

For compliance with the City's Grading Control Ordinance, the Project Applicant would also need to prepare and submit an Erosion and Sediment Control Plan (ESC) and Post Construction Erosion and Sediment Control Plan (PC plan). Additionally, an encroachment permit must be obtained from the Dixon Resource Conservation District ("DRCD") in order to prevent new or modified drainage systems from increasing flow in the Tremont 3 service area. For compliance with both federal and state implementation of the CAFO (confined animal facility operations) NPDES Permit, an Irrigation Nutrient Management Plan must be prepared for post-construction operations and maintenance of animal waste handling. This plan must include monitoring for water quality constituents. For compliance with the City of Dixon Stormwater Management Plan, the Project Applicant must obtain a Central Valley Regional Water Quality Control Board ("CVRWQCB") and City of Dixon approved Water Quality Plan.

Because of the higher stormwater flow rates and volume and soil disturbance during construction, erosion, and siltation from the Proposed Project is considered a potentially significant impact. (DEIR, pp. 4.6-36 to 4.6-37)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.6-4(a) through (c). Implementation of Mitigation Measure 4.6-4(a) through (c) provides typical requirements and

mechanisms to be implemented and included in the construction and post-construction phases of the Proposed Project. Compliance with this mitigation measure would reduce impacts to a less-than-significant level. (DEIR, p. 4.6-37)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.6-37)

Impact 4.6-6: Development of the Proposed Project could contribute additional polluted runoff to downstream receiving waters or otherwise contribute to degradation of water quality. (Less than Significant with Mitigation). (DEIR, p. 4.6-40)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Project impacts on pollutant transport and water quality occur during construction and post-construction. Transport of sediments (and their associated pollutants) during construction is addressed in Impact 4.6-5.

Conversion of agricultural lands to mixed-use lands would eliminate the need for corn and tomato pesticide applications. Therefore, with implementation of the Proposed Project, it can be expected that there would be a proportionate reduction in the amount of these pesticides per unit area that, as listed in Table 4.6-1, would no longer have the potential to be transported in stormwater runoff.

Constituent of Concern ("COC") loads are calculated based on land use and the typical concentrations of COCs in stormwater associated with those land uses (Table 4.6-2). Resulting Existing Conditions and Proposed Project potential COC loads are listed in Table 4.6-4. The load of several COCs would be reduced as a result of Proposed Project implementation. However, oil and grease, dissolved chromium, and total and dissolved copper, lead, mercury, and zinc loads would be potentially significantly higher for the Proposed Project compared to Existing Conditions.

Water quality impacts could also result from changes in concentration of a COC, in addition to changes in overall mass loading. Table 4.6-5 lists estimated COC concentrations that would be in the Proposed Project stormwater runoff compared to the Existing Conditions. These could be compared with acute numeric criteria (Table 4.6-6) to determine potential impacts on the receiving water body. Acute numeric criteria, instead of chronic criteria, are used for comparison because storm events are episodic and potential impacts of stormwater runoff are likely to be of short duration, or an acute effect. Several COCs have no acute numeric criteria. Fecal coliforms, total and dissolved copper, total and dissolved mercury, and total and dissolved zinc all exceed acute numeric criteria in stormwater runoff. This does not necessarily mean there would be an impact on the receiving water, since the numeric criteria are for in-stream concentrations of these chemicals and the amount of COCs in the stormwater runoff may not be enough to change the overall receiving waterbody concentration. However, it does illuminate where there may be potentially significant impacts. Both analyses, load and concentration, indicate that Phase 1 of the Proposed Project would have a potentially significant impact on water quality. (DEIR, pp. 4.6-40 to 4.6-43)

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Mitigation Measures: This impact can be minimized through Mitigation Measure 4.6-6. Implementation of Mitigation Measure 4.6-6 requires a Water Quality Plan be prepared and approved by the City and the CVRWQCB. The Water Quality Plan will require best management practices to be implemented and included in the post-construction phases of the Proposed Project that would reduce pollutant loads and concentrations to a less-than-significant level. (DEIR, p. 4.6-47)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.6-47)

Impact 4.6-7: Development of the Proposed Project could substantially impede groundwater recharge, diminish groundwater supplies, or contribute to groundwater quality degradation (Less than Significant with Mitigation). (DEIR, p. 4.6-51)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Development of the Proposed Project may contribute to groundwater quality degradation. The Proposed Project Storm Water Quality Control Plan ("SWQMP") indicates that a soil-sludge-slurry seal would be placed at the bottom of each stall, which would be covered with crushed limestone and absorbent bedding. This system would be intended to prevent migration of animal waste material to the shallow groundwater by providing an absorbing layer and barrier to downward transport. The absorbent bedding would be removed daily and the limestone layer repaired as necessary. However, the underlying soil-sludge slurry would not be replaced or maintained. As required by the State Water Resources Control Board ("SWRCB") for large CAFOs, existing groundwater supply wells and monitoring wells must be monitored. This monitoring will assure that human health hazards are not encountered; however, it would not assure non-degradation of the groundwater resource. Without adequate assurance that the Proposed Project barrier system would be effective, there could be a potentially significant impact on groundwater quality. (DEIR, pp. 4.6-51 to 4.6-53)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.6-7. Implementation of Mitigation Measure 4.6-7 which requires documentation be submitted to ensure groundwater protection or implementation of a groundwater monitoring program. This would provide assurance that this CAFO operation did not result in groundwater quality degradation by animal waste products, and that potential Proposed Project impacts would be reduced to a less-than-significant level. (DEIR, p. 4.6-53)

Significance After Mitigation: The impact is less than significant after mitigation. (DEIR, p. 4.6-63.)

Impact 4.6-9: The Proposed Project, in combination with other development, would contribute sediment and other pollution to downstream receiving waters (Less than Significant with Mitigation). (DEIR, p. 4.6-56)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Sediment-laden runoff from construction and post-construction operations at the site could enter receiving waters, such as the Sacramento River and eventually the San Francisco Bay, and could contribute to degradation of water quality. Cumulative impacts would be potentially significant; however the Proposed Project's contribution to cumulative impacts would be minimal with mitigation incorporated.

During rainfall, a film of water builds up on impermeable surfaces. Once this film is of sufficient depth (about 0.1 inch), the water collecting on the impermeable surface begins to flow. The initial flow of each storm often contains the highest concentrations of pollutants, but this is not always the case because the phenomenon is dependent on the duration of the preceding dry weather period, rainfall patterns, rainfall intensity, the chemistry of individual pollutants, and other site-specific conditions.

If uncontrolled, the accumulation of urban pollutants could have a detrimental cumulative effect during both the construction and post-construction phases of the development of the NQSP area because overland flow from paved surfaces and landscaped areas would transport many of the constituents described in the DEIR, thereby contributing to the deterioration of the quality of stormwater runoff and infiltrating groundwater. (DEIR, pp. 4.6-56 to 4.6-57)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.6-9 which calls for the implementation of Mitigation Measures 4.6-3 through 4.6-6, as described in the EIR, would reduce the cumulative impact to a less-than-significant level. (DEIR, p. 4.6-57)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.6-57)

G. LAND USE, PLANNING, AND AGRICULTURAL RESOURCES

Impact 4.7-2: Development of the Proposed Project would result in the conversion of Prime Farmland to non-agricultural uses (Significant and Unavoidable). (DEIR, p. 4.7-12)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Project's significant agriculture impacts. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: The Proposed Project would develop the majority of the site and would eliminate all agricultural activity that currently exists on the entire site. Approval of the Proposed Project would convert Prime Farmland on-site to non-agricultural uses. The conversion of 260 acres of Prime Farmland is considered a significant impact. (DEIR, p. 4.7-12)

Mitigation Measures: Mitigation Measure 4.7-2 would reduce the impact to the maximum extent feasible, but not to a less-than-significant level. Implementation of Mitigation Measure 4.7-2 would preserve Prime Farmland; however, it is important to note that this mitigation does not "replace" Prime Farmland and that implementation of the Proposed Project would nonetheless result in a loss of Prime Farmland. Therefore, the impact would be significant and unavoidable. (DEIR, p. 4.7-12)

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures. (DEIR, p. 4.7-12)

Impact 4.7-4: The Proposed Project, in combination with other development, would result in the loss of Prime Farmland (Significant and Unavoidable). (DEIR, p. 4.7-15)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Project's significant impact to agricultural resources. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: The project site contributes approximately 260 acres to the County's total amount of Prime Farmland. Development of the Proposed Project would result in the conversion of Prime Farmland to non-agricultural uses. This would contribute to the cumulative countywide loss of Prime Farmland.

Although Mitigation Measure 4.7-2 would set aside Prime Farmland elsewhere, it would not prevent the direct, net loss of Prime Farmland in Solano County. Development of the Proposed Project and additional development within the County would result in the conversion of Prime Farmland. This would be cumulatively considerable, resulting in a significant cumulative impact. (DEIR, p. 4.7-15)

Mitigation Measures: Implementation of Mitigation Measure 4.7-2 would dedicate Prime Farmland elsewhere, but would not prevent the conversion of Prime Farmland. The impact would remain significant and unavoidable. (DEIR, p. 4.7-16)

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures. (DEIR, p. 4.7-16)

H. NOISE

Impact 4.8-1: Construction activities could create noise that may exceed noise level standards (Less than Significant with Mitigation). (DEIR, p. 4.8-11)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Construction of Phase 1 would require the use of heavy equipment for site grading and excavation, installation of utilities, paving, and building fabrication. Construction activities would also involve the use of smaller power tools, generators, and other sources of noise. During each stage of construction there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of the activity.

The nearest sensitive receptors to the project site are three existing residences located south of the project site, north of Vaughn Road. This portion of the site would be dedicated to soccer and baseball fields, a parking lot, and approximately 97,170 sf of buildings for groom's quarters. Consequently, many of the construction activities listed in Table 4.8-6 and 4.8-7 would not occur near the existing residences. However, grading activities can be expected throughout the property, including the southernmost portion. This would mean that grading equipment would operate 100-150 feet from the residences for at least a portion of the overall construction period. According to Table 4.8-6 and 4.8-7, noise levels at the adjacent residences are likely to temporarily increase up to 84 dBA Leq during ground-clearing, and up to 89 dBA Leq during grading at 50 feet. Mitigation measure N-A of the NQSP EIR requires contractors to fit all their equipment with mufflers. As shown in Table 4.8-7, mufflers would reduce maximum noise levels to 86 dBA at 50 feet during grading. Since noise reduces by approximately 6 dBA per doubling of distance, muffled equipment would produce between 75 to 80 dBA at the nearest residences on Vaughn Road. These noise levels would be temporarily in excess of the Dixon City Code's maximum sound level of 55 dB for residential uses. However, Section 12.24.05 of the Dixon City Code states that temporary construction and demolition work may exceed the maximum sound levels. Therefore, according to the Dixon City Code, construction could exceed the maximum sound level of 55 dBA without adversely impacting residences. However, prior to mitigation the impact associated with project construction would be significant. (DEIR, pp. 4.8-11 to 4.8-13)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.8-1 which includes limits on the hours of construction and requires compliance with all local, state, and federal noise regulations. Compliance with Mitigation Measure 4.8-1 would ensure that noise associated with project construction for either phase would be reduced to a less-than-significant level. (DEIR, p. 4.8-13)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.8-13)

Impact 4.8-4: Large events could increase noise levels in the vicinity of the project site (Significant and Unavoidable). (DEIR, p. 4.8-17)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Proposed Project's significant impact on noise levels during large events. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: As discussed in Chapter 3 of the DEIR, Project Description, it is anticipated that large events would occur at the Proposed Project. These events would primarily be horseracing and concert events, each of which would generate noise. While there are not many sensitive noise receptors in the vicinity of the project site, there are several residences along Vaughn Road that could be affected by this noise. The noise environment generated by horseracing events, Tier 3 events, concert events, other events, and pre- and post event noise is described in detail in the EIR.

Traffic along Vaughn Road already contributes to noise at residences. However, the Proposed Project has the potential to generate sound levels during events from a number of different sources, including crowd noise, the public address system, and amplified music, that could be significantly greater than ambient traffic noise when measured at existing sensitive noise receptors. This would be considered a significant impact, especially considering that large events would often occur on weekends when residents are more likely to be at home. (DEIR, p. 4.8-20)

Mitigation Measures: Implementation of Mitigation Measure 4.8-4(a) and (b) which prohibit outdoor long throw speakers from facing south and require concert performances to end at 11:00 p.m. would help to reduce sound levels from large events, but the sound level impact would still be considered a significant and unavoidable impact because during concert events, the noise levels measured at the residences along Vaughn Road could exceed the maximum noise performance standards for residential uses as found in the Dixon Zoning Ordinance. (DEIR, p. 4.8-20)

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures including the new measure adopted in Section VI of the findings. (DEIR, p. 4.8-20; Findings of Fact, Section VI (7).)

Impact 4.8-5: Implementation of the Proposed Project could result in a cumulative noise increase in the project vicinity (Significant and Unavoidable). (DEIR, p. 4.8-22)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No feasible mitigation is available to render the noise effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: As shown in Table 4.8-10, traffic noise levels along Vaughn Road would exceed Dixon's "acceptable" 60 Ldn level of exposure threshold for single family residential uses without the Proposed Project. Year 2015 noise levels along Vaughn Road would be above 60 Ldn on a daily basis. The Proposed Project increases these daily levels by 3.7 dBA Ldn. This is greater than the 3 dBA that is normally considered to be a noticeable change to the human ear. Consequently, the Proposed Project would be a significant contributor to 2015 daily traffic noise levels along Vaughn Road. On event days, when large traffic volumes during pre and post event peak hours would add to 24-hour noise levels, the Proposed Project's contribution to roadway noise levels would be much more considerable. As discussed in Impact 4.8-3, there are no feasible mitigation measures available to reduce an impact from traffic noise. Barriers would have to be constructed between the residences and Vaughn Road to attenuate the increased roadway noise during peak hours. This is not feasible because it is most likely not acceptable to the home owners on Vaughn Road. Noise barriers would obstruct views from the front of the home and

would encroach on the front yard of the residences. There are no other methods available for the attenuation of increased roadway noise. Consequently, the contribution to significant noise levels is likely to be considerable. Therefore, this is considered a significant cumulative impact. (DEIR, p. 4.8-22)

Mitigation Measures: There are no mitigation measures available to reduce this impact to a less-than-significant level; therefore, this would be considered a significant and unavoidable cumulative impact. (DEIR, p. 4.8-23)

Significance After Mitigation: The impact remains significant and unavoidable. (DEIR, p. 4.8-23)

I. PUBLIC SERVICES

Impact 4.9-1: The Proposed Project could result in degradation of response times and service ratios, resulting in the need for additional personnel and/or equipment (Less than Significant with Mitigation). (DEIR, p. 4.9-5)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Construction of Phase 1 would introduce a horse racing and training facility, a three-story pavilion structure that would include a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking in an area that is currently undeveloped and used for agricultural production. Development of the site would create additional demand for police services due to the increased potential for traffic accidents, vehicle thefts, burglaries, and vandalism. As a part of the project, a 26-member security staff is included in Phase 1 development; however, the development would still require support from the Dixon Police Department ("DPD").

Large events can lead to an increase in crime, accidental injury, and traffic congestion. Operation under such conditions would require additional traffic control officers or security personnel as deemed necessary by the DPD. These services would likely be contracted on an event basis, not by adding additional staff to the DPD. Through design, regulations and ordinances, careful planning, an appropriate level of public safety services, and full cost recovery for the City these potential impacts can be minimized. If an event did not comply with code and safety requirements regulating occupancy, ingress, egress, lighting, sanitation, and public safety services, the City would not permit the event. The *Public Safety Impact, Dixon Downs* report states that these types of large events would not require a permanent increase in the workforce. Other jurisdictions with similar events use personnel on an overtime basis either from their own police department or from neighboring law enforcement agencies, or a combination of both.

Dixon General Plan Policies 25, 26, and 27 require that adequate police protection is maintained in the City through appropriate allocation of funds, staffing levels and development limits. Implementation J, from Chapter VII of the General Plan, authorizes the City to levy impact fees, among other methods, in order to provide adequate funds. In addition, NQSP Policies 1 and 2

require projects to implement safety design features (including alarm systems, security lighting, and quality door and window hardware) and require coordination and review by the DPD. The large events that may occur with Phase 1 would have a potentially significant impact on police services. (DEIR, pp. 4.9-5 to 4.9-7)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.9-1(a) and (b). Mitigation Measure 4.9-1(a) would ensure the Project Applicant prepares a Major Event Management Plan that provides an adequate planning for large events. In addition, Mitigation Measure 4.9-1(b) would reduce impacts associated with the provision of adequate law enforcement services to a less-than-significant level by requiring the project to pay its fair-share of fees for the cost of additional staff and equipment, and to provide a private security staff. (DEIR, p. 4.9-7)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.9-7)

Impact 4.9-4: The Proposed Project could result in the degradation of fire response times and service ratios, resulting in the need for additional personnel and/or equipment (Less than Significant with Mitigation). (DEIR, p. 4.9-14)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Dixon General Plan Policies 29 and 31 require that adequate fire protection is maintained in the City, including appropriate response times, staffing levels, built-in protection systems (for commercial buildings in excess of 4,000 square feet), and water supplies. Implementation J, from Chapter VII of the General Plan, authorizes the City to levy impact fees, among other methods, in order to provide adequate levels of these services. NQSP Policy 1 requires all projects within the plan area to complete a review by the DFD and coordinate with the DFD during the design process. Compliance with these policies would ensure appropriate project design and determine resources needed to serve the site.

The Proposed Project would require one full-time fire prevention position. This is considered a potentially significant impact. (DEIR, pp. 4.9-15 to 4.9-16)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.9-4(a) through (c). Implementation of Mitigation Measure 4.9-4(a) through (c) would reduce the impact to a less-than-significant level by requiring payment of the Proposed Project's fair share of the capital and staffing costs and implementation of other emergency safety measures. The funds collected would be used to acquire new equipment and staff to address the needs presented by the Proposed Project. (DEIR, p. 4.9-16)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.9-16)

G. TRANSPORTATION AND CIRCULATION

Impact 4.10-1: Implementation of the Proposed Project (Tier 1 event) could cause existing operations at study intersections to worsen from acceptable to unacceptable levels (Phase 1, Less than Significant with Mitigation; Phases 1 and 2, Significant and Unavoidable). (DEIR, p. 4.10-74)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified Impact 4.10-1 on the A Street/First Street intersection. This effect, therefore, remains significant and unavoidable. Because of the involvement of Caltrans in approving the facilities contemplated by the above-described mitigation measures, the City hereby makes finding (a)(2), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified Impact 4.10-1 on the I-80 Eastbound ("EB") Ramps/Pedrick Road, I-80 EB Ramps/North First Street, and I-80 Westbound ("WB") Ramps/Pedrick Road intersections. While Phase 1 impacts to study intersections can be minimized through the implementation of Mitigation Measures 4.10-1(a) and (b), such mitigation measures require changes to property under the jurisdiction of Caltrans as described in State CEQA Guidelines Section 15091(a)(2) and although these mitigation measures should be adopted/permitted by Caltrans, the City and the Project Applicant cannot implement them without the consent of Caltrans. In addition, Mitigation Measure 4.10-1(c) and (d) can reduce the combined Phase 1 and 2 impacts to study intersections, however Mitigation Measure 4.10-1(c) also requires changes to property under the jurisdiction of Caltrans as described in State CEQA Guidelines Section 15091(a)(2). The City has no control over the operations of Caltrans and no ability to dictate if and when Caltrans will allow the mitigation measures to be implemented. The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified Impact 4.10-1 on the North First Street/Dorset Drive intersection.

Explanation: With the addition of traffic from Phase 1 (Tier 1 event), unacceptable levels of service would occur during the weekday and Sunday p.m. peak hours at I-80 Eastbound (EB) Ramps/Pedrick Road and I-80 EB Ramps/North First Street.

With the addition of traffic from Phases 1 (Tier 1 event) and 2, the following intersections (in addition to the two listed above) would worsen from acceptable to unacceptable levels during the weekday and/or Sunday p.m. peak hours:

- I-80 Westbound (WB) Ramps/Pedrick Road (all analysis periods)
- North First Street/Dorset Drive (Sunday race with 100 percent attendance)
- North First Street/West A Street (Sunday race with 100 percent attendance)

(DEIR, p. 4.10-74)

Mitigation Measures: Implementation of Mitigation Measure 4.10-1(a) and 4.10-1(b) requiring the installation of traffic signals at the Pedrick Road intersections with the I-80 ramps, the widening of Pedrick Road to include two northbound left-turn lanes at the intersection with the eastbound I-80 ramp, and the widening of the eastbound loop on-ramp would reduce the Phase 1 impact on study intersections to a less-than-significant level if and when Caltrans approves the various facilities and permits them to be built. Implementation of Mitigation Measure 4.10-1(c) which requires reconfiguration of the Pedrick Road I-80 interchange, the addition of auxiliary lanes on I-80 and other changes and Mitigation Measure 4.10-1(d) which requires reconfiguration of Dorset Drive would reduce impacts of Phases 1 and 2 to a less-than-significant level, with the exception of the impact at the A Street/First Street intersection, which would remain significant and unavoidable. (DEIR, p. 4.10-75)

Significance After Mitigation: The Phase 1 impact would be less than significant after mitigation, if and when the mitigation required by mitigation measures 4.10-1(a) and 4.10-1(b) is allowed by Caltrans. With implementation of Phases 1 and 2, the impact to study intersections other than the A Street/First Street intersection would be less than significant after mitigation, with the implementation of mitigation measure 4.10-1(c) and (d) if and when the mitigation required by mitigation measure 4.10-1(c) is allowed by Caltrans, however a significant and unavoidable impact remains the A Street/First Street intersection despite implementation of all feasible mitigation measures. (DEIR, p. 4.10-75) Because the City Council has rejected as infeasible the original versions of Mitigation Measures 4.10-1(a)-(c), the project may cause significant and unavoidable short-term impacts on the affected transportation facilities, though these impacts (with the exception of the impacts at A Street/First Street) should be mitigated to less than significant levels in the long run.

Impact 4.10-2: Implementation of the Proposed Project (Tier 1 event) could result in inadequate vehicular access to the project site from Pedrick Road under existing conditions (Less than Significant with Mitigation). (DEIR, p. 4.10-78)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: With the implementation of Phase 1, approximately 1,750 vehicles are expected to turn left from Dixon Downs Parkway onto northbound Pedrick Road during the Sunday p.m. peak hour (100 percent race attendance). This exceeds the capacity of the dual left-turn lanes assumed in the analysis at this intersection. Therefore, this impact is considered significant.

With the addition of Phase 2 traffic, the eastbound left-turn volume would increase to 2,620 vehicles during the Sunday p.m. peak hour (100 percent race attendance) and the southbound right-turn movement from Pedrick Road onto Dixon Downs Parkway would be over 1,000 vehicles during the weekday p.m. peak hour. The assumed configuration of a single southbound right-turn lane and two eastbound left-turn lanes at the Pedrick Road/Dixon Downs Parkway intersection is not adequate to serve these traffic volumes and their storage requirements. This impact is considered significant. (DEIR, p. 4.10-79)

Mitigation Measures: This impact can be minimized through Mitigation Measure 4.10-2(a) and (b) which require, among other things, adding a left turn lane to Dixon Downs Parkway and the widening of Pedrick Road. Implementation of Mitigation Measure 4.10-2(a) and (b) would reduce the impact to a less-than-significant level. (DEIR, p. 4.10-79)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.10-79)

Impact 4.10-3: Implementation of the Proposed Project (Tier 1 Event) could cause existing operations on I-80 to worsen from acceptable to unacceptable levels (Significant and Unavoidable). (DEIR, p. 4.10-80)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the project's significant effects associated with operations on I-80. In addition, the implementation of Mitigation Measure 4.10-3(b) requires changes to property under the jurisdiction of Caltrans as described in State CEQA Guidelines Section 15091(a)(2) and although this mitigation measures should be adopted/permitted by Caltrans, the City and the Project Applicant cannot implement them without the consent of Caltrans. No feasible mitigation is available to render the effects on I-80 less than significant. The effects therefore remain significant and unavoidable.

Explanation: With the addition of traffic from Phase 1 during a Tier 1 Event, the following segments of I-80 would worsen from acceptable (LOS D or better) to unacceptable (LOS E or F) conditions during the weekday and/or Sunday p.m. peak hours:

- I-80 WB between Curry Road and Pitt School Road (Sunday race with 100 percent attendance)
- I-80/Pedrick Road WB off-ramp diverge area (Sunday race with 100 percent attendance)

This is considered a significant impact.

With the addition of traffic from Phase 1 (Tier 1 event) and Phase 2, the following segments of I-80 would worsen from acceptable (LOS D or better) to unacceptable (LOS E or F) conditions during the weekday and/or Sunday p.m. peak hours:

- I-80 WB between Curry Road and Pitt School Road (Sunday race with 100 percent attendance)
- I-80/Pedrick Road WB off-ramp diverge area (Sunday race with 100 percent attendance)
- I-80 EB between Pedrick Road and Kidwell Road (all analysis periods)
- I-80 WB between Pedrick Road and Kidwell Road (Sunday race scenarios with 75 percent and 100 percent attendance)
- I-80/Pedrick Road EB on-ramp merge area (all analysis periods)

This is considered a significant impact. (DEIR, p. 4.10-80)

Mitigation Measures: The project would implement Mitigation Measure 4.10-3(a) which would Implement Transportation Demand Management ("TDM") strategies to reduce the number of single occupant vehicle trips generated by the project during the Sunday p.m. peak hour and Mitigation Measure 4.10-3(b) which would require construction of auxiliary lanes on Interstate 80. These measures reduce the project impact to I-80, but not to a less-than-significant level. (DEIR, p. 4.10-85) In addition, the construction of auxiliary lanes on Interstate 80 falls under the jurisdiction of Caltrans as described in State CEQA Guidelines Section 15091(a)(2) and although the implementation of this mitigation measures should be permitted by Caltrans, the City and the Project Applicant cannot implement them without the consent of Caltrans.

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures. (DEIR, p. 4.10-86)

Impact 4.10-4: Implementation of the Proposed Project (Tier 1 event) could cause existing operations on roadways of regional significance to worsen from acceptable to unacceptable levels (Phase 1, Significant and Unavoidable; Phases 1 and 2, Less than Significant). (DEIR, p. 4.10-86)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above identified effect on Interstate 80. The City hereby makes finding (a)(2), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the combined phase 1 and 2 effects on Interstate 80 and State Route 113. The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the combined phase 1 and 2 effects on West A Street. The Phase 1 and the combined Phase 1 and 2 impacts can be reduced through the implementation of Mitigation Measure 4.10-4(b) and Mitigation Measure 4.10-3(b). Changes or alterations have been required in, or incorporated into, the project which that substantially lessen, but do not avoid, the significant environmental effect of Phases 1 and 2 as identified in the EIR. The implementation of Mitigation Measure 4.10-3(b) and Mitigation Measure 4.10-4 (b) require changes to property under the jurisdiction of Caltrans as described in State CEQA Guidelines Section 15091(a)(2) and although these mitigation measures should be adopted/permitted by Caltrans, the City and the Project Applicant cannot implement them without the consent of Caltrans.

Explanation: With the addition of traffic from Phase 1 (Tier 1 event), the following roadways of regional significance would worsen from acceptable to unacceptable levels during the weekday and/or Sunday p.m. peak hours:

- I-80 between Midway Road and West A Street (all analysis periods)
- I-80 between Kidwell Road to SR 113 (Sunday race with 100 percent attendance)

This is considered a significant impact.

With the addition of traffic from Phases 1 (Tier 1 event) and 2, the following roadways of regional significance would worsen from acceptable to unacceptable levels during the Sunday p.m. peak hour:

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- I-80 between Midway Road and West A Street (all analysis periods)
- I-80 between Kidwell Road to SR 113 (Sunday race with 100 percent attendance)
- I-80 between Mace Boulevard and the Yolo Causeway (Sunday race with 75 percent and 100 percent attendance)
- SR 113 from West A Street to Midway Road (Sunday race with 100 percent attendance)
- West A Street from I-80 to Pitt School Road (Sunday race with 100 percent attendance)

Those impacts are also considered significant.

In addition, traffic from Phase 1 would cause the peak hour warrant for a traffic signal to be met at the State Route (SR) 12/SR 113 intersection during the weekday and Sunday p.m. peak hours. The addition of Phase 2 traffic furthers the need for a signal. Operations on the stop-controlled SR 113 approach worsen from LOS C to D during the Sunday p.m. peak hour with Phase 1 (100 percent race attendance). Operations would degrade to LOS E with Phases 1 and 2, resulting in a significant impact. (DEIR, pp. 4.10-86 to 4.10-87)

Mitigation Measures: Implementation of Mitigation Measure 4.10-3(a) requires the implementation of TDM strategies and Mitigation Measure 4.10-3(b) requires the construction of auxiliary lanes on I-80. Implementation of Mitigation Measure 4.10-4(a) and (b) would require the Project Applicant to provide a contribution toward the cost of a traffic signal at the SR 133/SR 12 intersection and to widen A Street to four lanes between I-80 and Pitt School Road. (DEIR, p. 4.10-87)

Significance After Mitigation: The Phase 1 impact and the combined impact of Phase 1 and Phase 2 remain significant and unavoidable despite implementation of all feasible mitigation measures. Implementation of Mitigation Measure 4.10-3(a) and (b) and Mitigation Measure 4.10-4(a) and (b) would reduce the combined impact of Phase 1 and Phase 2 to a less-than-significant level. (DEIR, p. 4.10-88)

Impact 4.10-5: Implementation of the Proposed Project (Tier 2 and 3 events) could cause existing operations at study intersections and freeway segments to worsen from acceptable to unacceptable levels (Significant and Unavoidable). (DEIR, p. 4.10-88)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the project's significant effects on study intersections and freeway segments. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: With the addition of traffic from Phase 1 associated with a Tier 2 event, the following intersections and freeway segments would worsen from acceptable to unacceptable levels:

Impacted Intersections with Phase 1 (Tier 2 event):

- North First Street/Dorset Drive (Saturday and Sunday post-event peak hours)
- North First Street/West A Street (Sunday post-event peak hour)

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- I-80 WB Ramps/Pedrick Road (Saturday pre-event peak hour)
- I-80 EB Ramps/Pedrick Road (all analysis periods)
- I-80 EB Ramps/North First Street (all analysis periods)
- Pedrick Road/Dixon Downs Parkway (Saturday pre-event peak hour)

Impacted Freeway Segments with Phase 1 (Tier 2 event):

- I-80 EB between Pedrick Road and Kidwell Road (Saturday and Sunday post-event peak hours)
- I-80 WB between Currey Road and Pitt School Road (Sunday post-event peak hour)
- I-80 WB between Kidwell Road and Pedrick Road (Saturday pre-event peak hour)
- I-80/Currey Road WB loop on-ramp merge area (Sunday post-event peak hour)
- I-80/Pedrick Road EB on-ramp merge area (Saturday and Sunday post-event peak hours)
- I-80/Pedrick Road WB off-ramp diverge area (Saturday pre-event and Sunday post-event peak hours)

Tier 3 events would likely have impacts that are greater in duration (i.e., hours of congestion), severity, and geographic extent than Tier 2 events. As noted previously, the type of event and the type of off-site parking arrangement would strongly influence the duration, severity, and location of impacts. This would be a significant impact.

With the addition of traffic from Phase 1 during a Tier 2 event along with Phase 2, the following intersections (in addition to those listed above) would worsen from acceptable to unacceptable levels:

- North First Street/Dorset Drive (Saturday and Sunday post-event peak hours)
- North First Street/West A Street (Sunday post-event peak hour)
- I-80 WB Ramps/Pedrick Road (Saturday pre-event peak hour)
- I-80 EB Ramps/Pedrick Road (all analysis periods)
- I-80 EB Ramps/North First Street (all analysis periods)
- Pedrick Road/Dixon Downs Parkway (Saturday pre-event peak hour)
- I-80 EB between Pedrick Road and Kidwell Road (Saturday and Sunday post-event peak hours)
- I-80 WB between Currey Road and Pitt School Road (Sunday post-event peak hour)
- I-80 WB between Kidwell Road and Pedrick Road (Saturday pre-event peak hour)
- I-80/Currey Road WB loop on-ramp merge area (Sunday post-event peak hour)
- I-80/Pedrick Road EB on-ramp merge area (Saturday and Sunday post-event peak hours)
- I-80/Pedrick Road WB off-ramp diverge area (Saturday pre-event and Sunday post-event peak hours)
- Dorset Drive/Walmart Entry (all analysis periods)
- Vaughn Road/Dixon Downs Parkway (Saturday post-event peak hour)

The addition of Phase 2 traffic would further exacerbate operations at the I-80 facilities identified as having impacts under Phase 1. However, no new segments of I-80 would be impacted. This would be considered a significant impact. (DEIR, pp. 4.10-89 to 4.10-90)

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Mitigation Measures: Mitigation Measure 4.10-5 requires the applicant to prepare a Traffic Management Plan for Tier 2 and 3 events. (DEIR, p. 4.10-90)

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures. (DEIR, p. 4.10-91)

Impact 4.10-6: Implementation of the Proposed Project could reduce safety on Pedrick Road by creating potential conflicts with farm equipment and vehicles (Significant and Unavoidable). (DEIR, p. 4.10-92)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the project's significant effects associated with traffic safety. No feasible mitigation is available to render the effects less than significant. The effects therefore remain potentially significant and unavoidable.

Explanation: The Proposed Project, both Phase 1 as well as Phase 2, would result in a substantial increase in traffic on Pedrick Road between I-80 and Dixon Downs Parkway and a modest increase in traffic on Pedrick Road south of Dixon Downs Parkway. Since Pedrick Road is currently used by farm vehicles and equipment, the introduction of project traffic would increase the potential for conflicts, thereby reducing safety and resulting in a potentially significant impact. (DEIR, p. 4.10-92)

Mitigation Measures: Implementation of Mitigation Measure 4.10-6(a) and (b) requires the placement of signs to advise drivers that the road is used by farming equipment and increased enforcement of existing traffic laws. However, this would still be considered a significant and unavoidable impact. (DEIR, p. 4.10-92)

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures. (DEIR, p. 4.10-92)

Impact 4.10-8: Implementation of the Proposed Project could increase the number of vehicles that cross at-grade railroad tracks (Significant and Unavoidable). (DEIR, p. 4.10-93)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: Implementation of the Proposed Project, including both Phase 1 and Phase 2, would add traffic to the segments of North First Street, Pedrick Road, Vaughn Road, and West A Street, all which have at-grade crossings of the Union Pacific Railroad tracks. The amount of traffic added by Phase 1 and 2 to the at-grade crossing of North First Street just north of Downtown Dixon (370 vehicles during the weekday p.m. peak hour and 680 vehicles during the Sunday p.m. peak hour with a 100 percent race attendance) is considered a significant increase in traffic.

Policy 7 of Chapter VI of the City of Dixon General Plan states that "the City shall pursue the construction of grade separated rail crossings within the Planning area". A grade separation at the North First Street crossing of the Union Pacific Railroad tracks could avoid this impact, however the City has prioritized the construction of grade separations in other areas. The General Plan map shows the general locations of the City's proposed grade-separations to be at Pedrick Road north of Vaughn Road, Jackson Street in downtown, and Parkway Boulevard in the south part of the City. The Railroad Grade Separation / New Alignment Feasibility Study and Financing Plan – Phase III Implementation Plan (Parsons Brinckerhoff, January 1995) evaluated two preferred alternatives for the grade-separation of the North First Street at-grade crossing. The estimated cost of the alternatives ranged from \$8 to \$9 million (in 1994 dollars).

The Project Applicant will contribute impact fees to the City's Capital Improvement Program but that program has no funds currently allocated to a North First Street grade separation. Construction of this grade separation would be a regional improvement that would be of City-wide benefit. If the City chooses to prioritize this improvement, it can include it in subsequent updates of its CIP. Therefore, the impact is considered significant and unavoidable. (DEIR, p. 4.10-94)

Mitigation Measures: No feasible mitigation measures are available to avoid increased at-grade railroad crossings. Therefore, the impact would be significant and unavoidable. (DEIR, p. 4.10-94)

Significance After Mitigation: No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable. (DEIR, p. 4.10-94)

Impact 4.10-9: Implementation of the Proposed Project could interfere with planned bicycle and pedestrian facilities in the NQSP area (Less than Significant after Mitigation). (DEIR, p. 4.10-94)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The Solano Countywide Bicycle Plan (2001) shows a planned Class II (on-street lane with designated signing and striping) bicycle lane along Pedrick Road. The Proposed Project does not indicate that Class II bike lanes and sidewalks would be constructed on Dixon Downs Parkway or Pedrick Road along the project's frontage. This is inconsistent with the Solano Countywide Bicycle Plan and policies in the NQSP of providing Class II bike lanes and sidewalks on all arterial streets in the plan area. This is considered a significant impact. However, the Proposed Project, both Phase 1 and Phase 2, does include bike racks, sidewalks, and pedestrian promenades within the project site. (DEIR, p. 4.10-94)

Mitigation Measures: This impact can be reduced to less-than-significant levels through implementation of Mitigation Measure 4.10-9 which requires bicycle lanes and sidewalks along Pedrick Road and Dixon Downs Parkway. Implementation of Mitigation Measure 4.10-9 would reduce impacts on bicycle and pedestrian facilities to a less-than-significant level. (DEIR, p. 4.10-95)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.10-95)

Impact 4.10-11: Implementation of the Proposed Project could provide an inadequate number of on-site parking spaces (Phase 1, Less than Significant; Phases 1 and 2, Significant and Unavoidable). (DEIR, p. 4.10-96)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No mitigation measures are required for Phase 1 because its impacts are less than significant. (Public Resources Code Section 21002; CEQA Guidelines Sections 15126.4 (a)(3), 15091.) Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, significant effects associated with parking for Phases 1 and 2. No feasible mitigation is available to render these combined effects less than significant. The Phase 1 and 2 effects therefore remain significant and unavoidable.

Explanation: An adequate supply of parking would be provided to accommodate a Tier 1 event under Phase 1. Although a Tier 2 event would require vehicles to be parked in adjacent gravel or dirt lots, adequate space is available within the project vicinity to accommodate those parking requirements. Therefore, this is considered a less-than-significant impact.

Phases 1 and 2 with a sold-out Tier 1 event would require 8,600 parking spaces. Phases 1 and 2 with a Tier 2 event would require a supply of approximately 10,400 spaces to accommodate the entire parking demand on-site. Since the Proposed Project does not specify a specific amount of parking to be provided, this is considered a significant impact. (DEIR, p. 4.10-96)

Mitigation Measures: No mitigation is required for Phase 1. Implementation of Mitigation Measure 4.10-11(a) which requires the project to provide 8,600 spaces on-site or demonstrate to the City of Dixon that the proposed supply of parking is adequate and Mitigation Measure 4.10-11(b), requiring a parking management plan, would help to minimize parking impacts with Phases 1 and 2; however, not to a less-than-significant level. Therefore, the impact of Phases 1 and 2 would remain significant and unavoidable. (DEIR, p. 4.10-96)

Significance After Mitigation: Phase 1 would be less than significant without mitigation. Phases 1 and 2 would result in a significant and unavoidable impact despite implementation of all feasible mitigation measures. (DEIR, p. 4.10-96)

Impact 4.10-12: Implementation of the Proposed Project could provide insufficient access and internal circulation (Less than Significant after Mitigation). (DEIR, p. 4.10-97)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: DEIR Figures 4.10-8 and 4.10-9 display the recommended access to the project site from Dixon Downs Parkway with Phase 1 only, and Phases 1 and 2, respectively. The analysis of the recommended access indicates that all facilities would operate acceptably under "Existing Plus

Project" conditions. However, additional through lanes are required on Dixon Downs Parkway by 2015 to accommodate buildout of the Proposed Project and the remainder of the NQSP. This is considered a potentially significant impact. (DEIR, p. 4.10-97)

Mitigation Measures: This impact can be reduced to less-than-significant levels through implementation of Mitigation Measure 4.10-12, which requires the dedication of frontage on Dixon Downs Parkway to allow construction of an additional lane. Implementation of Mitigation Measure 4.10-12 would reduce impacts on access and internal circulation to a less-than-significant level. (DEIR, p. 4.10-97)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.10-97)

Impact 4.10-13: Implementation of the Proposed Project could exacerbate cumulatively unacceptable operations at study intersections (Significant and Unavoidable). (DEIR, p. 4.10-98)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen, but do not avoid, the Project's significant cumulative effects on study intersections, however, no mitigation is available to render the effects less than significant. In addition, some of the intersections are under the jurisdiction of Caltrans as described in State CEQA Guidelines Section 15091(a)(2) and changes cannot be made to those intersections without the consent of Caltrans. The effects therefore remain significant and unavoidable.

Explanation: With the addition of traffic from Phase 1 (Tier 1 event with 55 percent attendance), cumulatively unacceptable operations would be exacerbated at the following intersections (assuming no mitigation measures are in place) during the weekday p.m. peak hour:

- North First Street/Dorset Drive
- North First Street/Vaughn Road
- North First Street/West A Street
- I-80 EB Ramps/North First Street
- I-80 WB Ramps/North First Street
- I-80 EB Ramps/Pedrick Road
- I-80 WB Ramps/Pedrick Road

All of these intersections would operate at LOS F under cumulative conditions.

With the addition of traffic from Phase 1 (Tier 1 event with 55 percent attendance) and Phase 2, cumulatively unacceptable operations would be exacerbated at the following intersections (in addition to those listed above) during the weekday p.m. peak hour:

- Dorset Drive/Walmart Entry
- North First Street/Industrial Way

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Operations at the Dixon Downs Parkway/Vaughn Road and Dixon Downs Parkway/Pedrick Road intersections would also be at unacceptable levels under 2015 conditions with Phase 1 of the project resulting in a cumulatively considerable significant impact. (DEIR, p. 4.10-99)

Mitigation Measures: Implementation of Mitigation Measure 4.10-13 would require the project to pay its fair share toward future improvements at impacted intersections. The City is presently preparing a comprehensive fee study, which includes an update to its traffic impact fee program. Traffic impact fees go to the City's Transportation Capital Projects fund. Some of the improvements listed included in the traffic improvements being studied and will be among the improvements to be funded by the updated traffic impact fee program. Those improvements listed in the mitigation measure which are not included in the updated traffic impact fee program will be constructed or funded by the payment of fair share development within the Northeast Quadrant Specific Plan Area, including Dixon Downs. If all of the improvements listed in the mitigation measure were completed, the Impact 4.10-13 would be reduced. Because the Northeast Quadrant Specific Plan Area is still largely undeveloped the City has not yet secured full funding for the completion of the improvements listed in the mitigation measure and when adequate funding will be available is uncertain. In addition, some of the improvements are within Caltrans jurisdiction and can only be constructed with Caltrans approval. Thus, without full funding for these improvements, the cumulative impact to the intersections identified above would be considered significant and unavoidable. (DEIR, p. 4.10-99)

Significance After Mitigation: The impact remains significant and unavoidable despite implementation of all feasible mitigation measures. (DEIR, 4.10-99)

Impact 4.10-14: Implementation of the Proposed Project, in conjunction with other cumulative development, could exacerbate unacceptable operations on Interstate 80 (Significant and Unavoidable). (DEIR, p. 4.10-100)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: Phase 1 (Tier 1 event) of the project would cause a 2.5 percent or greater increase in the cumulative weekday p.m. peak hour traffic volume on eastbound I-80 east of Pedrick Road. An increase of 2.5 percent or greater would also occur in the westbound direction of I-80 west of North First Street. This is considered a cumulatively considerable significant impact.

The addition of traffic from Phase 2 would exacerbate operations at the impacted segments (identified under Phase 1) of I-80. Phase 2 traffic would also cause a 2.5 percent or greater increase in the cumulative weekday p.m. peak hour traffic volume on eastbound I-80 west of North First Street and on westbound I-80 east of Pedrick Road. This is considered a cumulatively considerable significant impact. (DEIR, pp. 4.10-101)

Mitigation Measures: There are no feasible mitigation measures available to reduce the project's contribution to this significant impact. (DEIR, p. 4.10-101)

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Significance After Mitigation: The cumulative impact to operations on I-80 would remain significant and unavoidable. (DEIR, p. 4.10-101)

H. UTILITIES

Impact 4.11-3: The Proposed Project would affect the structural integrity of the Vaughn Pipeline which could interrupt water deliveries to SID agricultural customers (Less than Significant with Mitigation). (DEIR, p. 4.11-24)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The Proposed Project is located adjacent to and east of the Solano Irrigation District's (SID's) Vaughn Pipeline. This off-site pipeline lies in a 20-foot wide easement located between the Proposed Project site to the east and the AKT property to the west. Existing turnouts from the Vaughn Pipeline located along this easement serve the project site and adjacent agricultural properties with raw water. Construction of the Proposed Project would use heavy equipment and result in increased traffic over the Vaughn Pipeline. The weight from construction equipment and automobile traffic would impact the structural integrity of the pipeline resulting in leaks and/or service interruption to SID's customers.

Approximately 360 feet of the Vaughn Pipeline is located east of the proposed Dixon Downs Parkway along Vaughn Road adjacent to private parcels not in the project site. While replacement of this section could be left to those property owners, the SID requires replacement to eliminate leaking in existing connections. In addition, until the respective landowners waive water service to their parcels, the existing turnouts and sub-laterals must remain in service. Proper control valves and meters are required at their connections to the relocated Vaughn Pipeline. Therefore, the Proposed Project would have a potentially significant impact on SID customers served by the Vaughn Pipeline south of I-80. (DEIR, p. 4.11-24)

Mitigation Measures: This impact can be reduced to less-than-significant levels through implementation of Mitigation Measure 4.11-3(a) and (b) which require the replacement of the pipe in a manner that does not interrupt service. (DEIR, p. 4.11-24)

Significance After Mitigation: Less than significant with mitigation. (DEIR, p. 4.11-24)

Impact 4.11-5: The Proposed Project would discharge flows to the existing City sewer system, which would exceed City Engineering Standards for peak flow in the lines (Less than Significant with Mitigation). (DEIR, p. 4.11-35)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Implementation of the Proposed Project would generate wastewater flows that would be discharged to the City's sewer system. Phase 1 peak flow is estimated to be 0.46 mgd. The applicant has proposed a network of sewer lines ranging in diameter from 10 to 15 inches, which would connect to the existing 12-inch and 15-inch diameter lines in Vaughn Road. Based on the engineering analysis, the proposed 15-inch diameter line in the project site, as well as the existing 15-inch diameter pipeline in Vaughn Road would flow at more than 70 percent full. While flows would not exceed 100% capacity of the line, they would exceed the 70 percent full-under-peak-flow standard established in the City Engineering Standards. Exceeding the flow standard could impair the ability of the City's sewer line system to contain and safely convey flows to the WWTP without overflowing, which could create a health hazard. This is a significant impact.

Development of Phase 2 would further increase the amount of wastewater discharged to the sewer system. Phase 2 peak flow is estimated to be approximately 0.22 mgd. The total estimated peak flow to the sewer system would be 0.68 mgd. As described for Phase 1, the volume could exceed the City's 70 percent full standard for line capacity in the 15-inch line, which could have adverse effects on the City sewer system such as overflows. This is considered a significant impact. On-site design features such as flow equalization and monitoring facilities would be necessary to limit outflows into the system. (DEIR, p. 4.11-35 to 4.11-36)

Mitigation Measures: This impact can be reduced to less-than-significant levels through implementation of Mitigation Measure 4.11-5(a) through (e). Implementation of Mitigation Measure 4.11-5(a) through (e) would require on-site design features to limit peak flows to the collection system. (DEIR, p. 4.11-36)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.11-36)

Impact 4.11-6: The Proposed Project would result in the need for expansion of the City's WWTP facilities (Phase 1, Less than Significant with Mitigation; Phases 1 and 2, Significant and Unavoidable). (DEIR, p. 4.11-38)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR. The Phase 1 impact to WWTP facilities can be reduced to a less-than-significant level through implementation of Mitigation Measure 4.11-6(a). Even with mitigation incorporated, however, the Phases 1 and 2 impact to the WWTP would remain significant and unavoidable.

Explanation: Phase 1 of the Proposed Project is estimated to generate an average daily flow of 0.17 mgd of wastewater. This flow has been accounted for in the City's planned interim WWTP improvements which will increase capacity of the WWTP to 2.0 mgd. The interim WWTP improvements would occur at the existing facility and would be primarily a construction activity. At this time, the City does not anticipate there would be any significant environmental effects resulting from the interim WWTP project that could not be mitigated to a less-than-significant level. However, an environmental review for the interim WWTP improvements in compliance with CEQA will be prepared independent of the Proposed Project. At the present time, however, the City's WWTP does not have the capacity to serve City growth for the next five years, including Phase 1 of the

Proposed Project. No new sewer connections that would exceed the permitted capacity of the WWTP would be allowed unless in concert with the new CVRWQCB Cease and Desist Order.

Although the Proposed Project would not directly result in any direct or indirect significant adverse environmental effects associated with construction of the interim WWTP improvements, because there is inadequate capacity to serve the project's projected demand in addition to the City's existing commitments, this is considered a significant impact.

Phase 2 of the Proposed Project would generate 0.08 mgd of wastewater. When combined with Phase 1 flows, the total buildout flows would be 0.25 mgd, which could be accommodated by the City WWTP when the facility is expanded to approximately 2.5 mgd. The expansion to approximately 2.5 mgd is planned regardless of whether the Proposed Project is implemented. However, such an expansion cannot occur until permitted by the CVRWQCB. Further, completion of the WWTP expansion to 2.5 mgd is not expected to be completed until 2009. Because there is inadequate capacity to serve the projected demand of Phase 1 and Phase 2 in addition to the City's existing commitments, this is considered a significant impact. (DEIR, p. 4.11-39)

Expansion of the WWTP facilities to accommodate 2.5 mgd could result in significant environmental effects through the conversion of agricultural land or loss of biological resources as well as other impacts that are too speculative to determine at this time and may not be avoidable. While the Proposed Project would not in and of itself result in direct physical impacts related to the WWTP expansion to approximately 2.5 mgd, it would contribute to the need for such expansion and would, therefore, incrementally contribute indirectly to reasonably foreseeable potentially significant and unavoidable environmental impacts.

Mitigation Measures: Implementation of Mitigation Measure 4.11-6(a) would reduce the Proposed Project's Phase 1 impact to a less-than-significant level by requiring adequate capacity prior to a final connection to the sewer system or any occupancy of that phase. Phase 2 would be required to implement Mitigation Measure 4.11-6(b), which imposes the same requirements. (DEIR, p. 4.11-39)

Significance After Mitigation: The Phase 1 impact to the WWTP is less than significant with mitigation because neither a final connection to the sewer system nor any occupancy will be permitted until the WWTP has been expanded on an interim basis to provide sufficient capacity. Further, the interim capacity expansion of the WWTP is not expected to have any effects on the environment that cannot be reduced to a less than significant level with adequate mitigation. The addition of the Proposed Project's Phase 2 impact to the WWTP would also be less than significant with mitigation because neither a final connection to the sewer system for that phase nor any occupancy will be permitted until the WWTP has sufficient capacity. The WWTP expansion project that would provide capacity for Phase 2, however, may have reasonably foreseeable significant impacts on the environment and because Phase 2 would contribute to the need for the expansion, it would indirectly contribute to those reasonable foreseeable significant impacts. Phase 2, therefore, would result in a significant unavoidable impact. Until environmental review for the expansion of the WWTP is completed, it is uncertain whether those impacts could be reduced to a less than significant level by mitigation. Thus the addition of Phase 2, would result in a significant unavoidable impact. (DEIR, p. 4.11-39)

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Impact 4.11-8: The Proposed Project, in combination with other development in the City of Dixon, could result in the need for new or physically altered wastewater collection facilities that could result in significant environmental effects (Less than Significant with Mitigation). (DEIR, p. 4.11-42)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Cumulative development in the City would increase the volume of wastewater flows discharged to the sewer collection system. General Plan Policy 6 requires that new development provide necessary improvements to conveyance capacity, and the City has adopted specific standards to ensure correct pipeline sizing to accommodate flows from new development in addition to existing flows. Similarly, the NQSP EIR Mitigation Measure PS-E also imposes requirements on new development to provide adequate conveyance capacity. Mitigation Measure 4.11-5 ensures that the Dixon Downs project flows, in combination with other wastewater flows, do not exceed the City's 70 percent flow criterion for pipelines by requiring upsizing at specific locations on and adjacent to the project site.

Improvements to the wastewater conveyance system that would be needed to accommodate buildout would typically occur within existing roadway right-of-ways to accommodate flows from new development. In other cases, improvements would occur on-site in conjunction with backbone infrastructure improvements intended to serve new development, but may still require upsizing of off-site lines. It is possible such on- or off-site improvements on a city-wide basis under General Plan buildout could result in significant environmental effects such as air emissions or disturbance of biological resources protected under federal, State, or local laws and regulations, depending on the length of the improvement, width of the area to be disturbed, and location. It remains unknown whether such impacts (exclusive of the Proposed Project) could be mitigated to less-than-significant levels.

Implementation of Mitigation Measure 4.11-5 requires that an existing 15-inch sewer in Vaughn Road be upsized to 18 inches. This off-site improvement would occur in an existing right-of-way and would be approximately 2,400 feet long. The installation would not be expected to result in any adverse environmental effects related to loss of biological resources or habitat because such resources do not occur within the roadway. Air emissions associated with trenching and installation of an approximately ½-mile length of pipeline would not generate substantial emissions. No historic or unique archaeological resources have been identified. The pipeline would be buried, so there would be no adverse visual impact. There would be no discharges to surface water or groundwater that could affect water quality. The project's contribution to the cumulative impact would be cumulatively considerable, and the cumulative impact would be considered significant. (DEIR, p. 4.11-43)

Mitigation Measures: This impact can be reduced to less-than-significant levels through implementation of Mitigation Measure 4.11-8. Mitigation Measure 4.11-8 would require the project to implement Mitigation Measure 4.11-5, as described above and in the EIR. (DEIR, p. 4.11-43)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 4.11-43)

Impact 4.11-9: The Proposed Project, in combination with other development in the City of Dixon, could result in the need for new or physically altered wastewater treatment facilities that could result in significant environmental effects (Significant and Unavoidable). (DEIR, p. 4.11-43)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. No feasible mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.

Explanation: Buildout of the City's General Plan would increase development in the City, which would result in the need for additional wastewater treatment services. The General Plan includes policies to ensure that development does not exceed the capacity of the WWTP and establishes a mechanism to provide additional capacity. The NQSP EIR (Impact PS-5) concluded that the impact of wastewater generated by cumulative development in the City (2.5 mgd) would be less than significant, provided that the development of each project is contingent upon providing evidence or acquiring adequate permitted capacity at the plant, which is consistent with General Plan policies. No additional mitigation, beyond NQSP EIR Mitigation Measures PS-C and PS-E, was identified to address cumulative impacts related to the provision of wastewater facilities.

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 WWTP expansion 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 additional percolation disposal areas could result in 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 providing 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 currently permitted by the CVRWQCB. The project's contribution would thus be cumulatively considerable.

As discussed in the Environmental Setting, additional environmental review under CEQA would be required for the WWTP expansion. Mitigation measures to which the project could contribute to help avoid or reduce significant environmental effects associated with the WWTP expansion have not been identified. Because there are currently no feasible mitigation measures that are available to the Project Applicant that could be implemented to address cumulative impacts, the cumulative impact remains significant and unavoidable. (DEIR, p. 4.11-44)

Mitigation Measures: No feasible mitigation is available. (DEIR, p. 4.11-45)

Significance After Mitigation: The impact remains significant and unavoidable. (DEIR, p. 4.11-45)

EXHIBIT A-2

**INTERSECTIONS AND ROADWAY SEGMENTS WITH TRAFFIC
LEVELS OF SERVICE LOWER THAN "C" AFTER MITIGATION**

Intersection

Operations are below LOS "C" for:

N. First Street/Dorset Drive

Weekend "Post-Event" peak hour for Tier 2 event

N. First Street/West A Street

Weekend "Post-Event" peak hour for Tier 2 event

Pedrick Road/Dixon Downs Pkwy.

Weekend "Post-Event" peak hour for Tier 2 event

I-80 EB Ramps/North First Street

Weekend "Pre-Event" peak hour for Tier 2 event

I-80 WB Ramps/Pedrick Road

Weekend "Pre-Event" peak hour for Tier 2 event

I-80 EB Ramps/Pedrick Road

Weekend "Pre-Event" peak hour for Tier 2 event

Pedrick Road/Sparling Lane (relocated)

Weekend "Pre-Event" peak hour for Tier 2 event

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
Section 4.1 Aesthetics					
4.1-2 The Proposed Project could create a substantial new source of light or glare, which would adversely affect the surrounding area.	4.1-2 (Phases 1 and 2) Implement mitigation measures VR-A, VR-B, VR-C, and VR-D from the NQSP EIR: VR-A Bare metallic surfaces such as pipes, vents, gutters, and flashings shall be painted or concealed from view in a manner harmonious to the structure. All flashing and sheet metal must be treated to match the adjacent materials. VR-B Primary roofing materials shall be non-reflective. VR-C Monolithic glass structure shall not be allowed unless used as a portion of a building to highlight an entry. VR-D Building mass colors shall be of varied hues that minimize glare with bright colors limited to use around doors, trims, awnings and other pedestrian-oriented features.	The Project Applicant shall include in building designs exterior building materials and colors that minimize the potential for glare.	Project Applicant.	Prior to issuance of a building permit	CDD.
Section 4.2 Air Quality					
4.2-1 Construction activities associated with the Proposed Project would generate emissions of criteria pollutants.	4.2-1(a) (Phase 1) Implement Mitigation Measures AQ-A through AQ-G from the NQSP EIR: AQ-A The project construction site shall be watered at least two times per day. Emphasis shall be placed on the watering of unpaved roadways during periods of high vehicle movement. AQ-C Where feasible, all inactive portions of the project construction site shall be seeded and watered until vegetation is grown. AQ-D All disturbed soil areas not subject to re-vegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Yolo-Solano Air Quality Management District (YSAQMD). AQ-E Soils shall not be exposed nor grading occur during periods where wind speeds are greater	Verify that all construction bid documents and contracts include construction practices recommended by the YSAQMD; periodic field inspections to ensure contractor is complying.	Project Applicant.	Prior to issuance of a grading permit for Phase 1 and ongoing during construction.	CDD.

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	<p>than 20 mph averaged over one hour.</p> <p>AQ-F Vehicle speed shall not exceed a maximum of 15 mph on all unpaved roads.</p> <p>AQ-G All roadways, driveways, and sidewalks shall be paved as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>The following mitigation measure from the NQSP EIR, including the proposed revision, would ensure trucks traveling off-site would be covered when transferring soil to minimize dust impacts.</p> <p>AQ-B Tarpaulins or other effective covers shall be used on haul trucks when transferring earth materials off-site.</p> <p>4.2-1(b) (Phases 1 and 2)</p> <p>Implement Mitigation Measures AQ-H through AQ-K from the NQSP EIR:</p> <p>AQ-H Proper maintenance of equipment and engines shall be maintained at all times.</p> <p>AQ-I Vehicle idling shall be kept to an absolute minimum. As a general rule, idling shall be kept below 5 minutes.</p> <p>AQ-K Construction activities should utilize new technologies to control ozone precursor emissions as they become available and feasible.</p> <p>4.2-1(c) (Phase 1)</p> <p>The following measure shall be implemented to reduce emissions of particulate matter (PM₁₀) from construction activities.</p> <ul style="list-style-type: none"> Cover all stock piles with tarps. 	<p>Periodic field inspections to ensure proper usage and maintenance of construction equipment.</p> <p>Periodic field inspections to ensure compliance.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Ongoing during construction for Phases 1 and 2.</p> <p>Ongoing during Phase 1 construction.</p>	<p>CDD.</p> <p>CDD.</p>

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MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	<p>4.2-1(d) (Phases 1 and 2)</p> <p>The following measure shall be implemented to reduce emissions of nitrogen oxides (NO_x) during construction:</p> <ul style="list-style-type: none"> All diesel powered construction equipment shall use a lean-NO_x catalyst, where feasible. If this technology is not used, a report shall be provided to the City that explains why it was not available or feasible to include on the construction equipment. All diesel powered construction equipment that can accommodate a diesel particulate trap shall use one. 	<p>Verify that all construction bid documents and contracts include these MM and periodic field inspections.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permit and ongoing during construction.</p>	<p>CDD.</p>
<p>4.2-2</p> <p>Operation of the Phase 1 combined with construction of Phase 2, and operation of Phases 1 and 2 combined would generate emissions of reactive organic gases and nitrogen oxides.</p>	<p>4.2-2(a) (Phases 1 and 2)</p> <p>Implement Mitigation Measures AQ-M through AQ-U from the NQSP EIR:</p> <p>AQ-M Convenient access, such as shuttle services, to public transit systems shall be provided to encourage shoppers, employees and visitors to use mass transit, thereby reducing vehicle emissions.</p> <p>AQ-N Information shall be provided at various locations within the project site about carpool, vanpool, or transit use facilities. Incentives, such as parking stalls for carpool and vanpool vehicles shall also be exercised.</p> <p>AQ-R Parking lots, drive-through facilities, and egress/ingress areas shall be designed to reduce vehicle idling. Slow-moving or idling vehicles produce more emissions.</p> <p>AQ-S Secure, convenient indoor or outdoor bike storage racks shall be provided at commercial centers, office buildings, and other places of employment.</p> <p>The following mitigation measure from the NQSP EIR, including the proposed revision, would ensure adequate steps are taken to reduce PM₁₀ emissions.</p> <p>AQ-U PM₁₀ emissions shall be reduced by curtailing</p>	<p>Design Project so as to reduce vehicle emissions, provide ongoing support for carpool, vanpool, public transit and bicycle use.</p>	<p>Project Applicant.</p>	<p>Prior to completion of Design Review for each phase and ongoing during operation.</p>	<p>CDD.</p>

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	fugitive dust through effective landscaping, and paving all permanent vehicle roads and parking lots. Temporary or non-paved parking lots shall use alternate parking methods approved by the City which would minimize any particulate emissions.				
	4.2-2(b) (Phases 1 and 2) The following mitigation measures shall be implemented by the Project Applicant in combination with Phase 2 development. <ul style="list-style-type: none"> • Provide secure bicycle parking on site. • The applicant shall construct a transit shelter with one or more benches within ½ mile of the Proposed Project. • The applicant shall provide for a bus turnout at the location of the transit shelter. 	Design Project so as to reduce support public transit and bicycle use.	Project Applicant.	Prior to completion of Design Review for Phase 2.	CDD.
4.2-5 The Proposed Project could expose sensitive receptors in close proximity to the project site to toxic air contaminants.	Although not required, the following mitigation measure would help to reduce the creation of toxic air contaminants. 4.2-5 (Phases 1 and 2) The Project Applicant shall require in all construction contracts that diesel trucks shall not be allowed to idle for more than five minutes.	Verify all construction contracts include this measure.	Project Applicant.	Prior to and ongoing during Phase 1 and Phase 2 construction.	CDD.
4.2-6 Combined Phase 1 operation and Phase 2 construction and operation, in combination with other existing and future development within the Sacramento Valley Air Basin, could generate emission of reactive organic gases and nitrogen oxides contributing to a cumulative impact.	4.2-6 (Phases 1 and 2) Implement Mitigation Measures 4.2-2(a) and (b).	See MM 4.2-2 (a) and (b).	See MM 4.2-2 (a) and (b).	See MM 4.2-2 (a) and (b).	See MM 4.2-2 (a) and (b).
4.2-7 Construction activities	4.2-7 (Phases 1 and 2)	See MM 4.2-1 (a) and (b).	See MM 4.2-1 (a) and (b).	See MM 4.2-1 (a) and (b).	See MM 4.2-1 (a) & (b).

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
associated with the Proposed Project, in combination with other development, could generate emissions of PM ₁₀ contributing to a significant impact.	Implement Mitigation Measures 4.2-1(a) and 4.2-1(b).				

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
<p>4.3-1 Construction of the Proposed Project could result in the loss of foraging habitat for Swainson's hawk and other raptors (birds-of-prey).</p>	<p>4.3-1 (Phases 1 and 2)</p> <p>The Project Applicant shall preserve an equal amount of suitable raptor foraging habitat based upon Phase 1 project impacts (at a 1:1 ratio). To the extent possible, mitigation lands that provide suitable habitat to mitigate impacts to multiple species could be considered as well as land that includes Prime Farmland to also comply with Mitigation Measure 4.7-1. In addition, to the extent feasible land shall be acquired within 10 miles of an active nest site. Suitable foraging habitat includes alfalfa or other low growing row crops. Orchards or vineyards would not be considered suitable habitat. Preservation may occur through either:</p> <ol style="list-style-type: none"> 1) Payment of a mitigation fee to an established mitigation bank, or similar habitat development and management company, or the City of Dixon through a negotiated agreement between the City and the project applicant. The monies will be held in a trust fund, and used to purchase mitigation credits to offset the loss of suitable foraging habitat for Swainson's hawk, and other raptors. The credits would become incorporated into the mitigation bank, owned and operated by the habitat development and management company, and protected in perpetuity (consistent with California Department of Fish and Game (CDFG) guidelines); or 2) Purchase of conservation easements or fee title of lands with suitable foraging habitat (consistent with CDFG guidelines). <p>If mitigation lands (or a conservation easement covering the same) have not been acquired by the time of the first building permit, the City shall hold the Project Applicant's contribution in a separate, interest-bearing account until the appropriate lands are identified through the consultation with CDFG and City and acquired by the City or preserved through other methods such as a suitable mitigation bank. This amount may also be paid by the City into the Solano County Habitat Conservation Plan (HCP) effort if and when it becomes approved.</p>	<p>Pay mitigation fees and purchase conservation easements.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of the first Phase 1 building permit.</p>	<p>CDD and CDFG.</p>

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MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
<p>4.3-2</p> <p>Construction of the Proposed Project (grading and vegetation clearing) could result in the loss of nesting birds that are protected by the California Department of Fish and Game or the Migratory Bird Treaty Act.</p>	<p>4.3-2 (a) (Phases 1 and 2)</p> <p>The project applicant, in consultation with the City of Dixon and CDFG, shall conduct a pre-construction breeding-season survey (approximately March 15 through August 30) of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified biologist to determine if any protected or listed birds are nesting on or within 0.5 miles of the project site.</p> <p>If Phased construction procedures are planned for the Proposed Project or construction is delayed, the results of the above survey shall be valid only for the calendar year when it is conducted.</p> <p>A report shall be submitted to the City of Dixon, following the completion of the bird nesting survey that includes, at a minimum, the following information:</p> <ul style="list-style-type: none"> • A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted. • A map showing the location(s) of any bird nests observed on the project site. <p>If the above survey does not identify any protected or listed nesting bird species on the project site, no further mitigation would be required. However, should any active protected or listed bird nests be located on the project site, the following mitigation measure shall be implemented.</p>	<p>Demonstrate retention of a qualified biologist to conduct appropriate surveys and consult with CDFG if active nests are identified within the project area. Submit a report to the City of Dixon showing locations of nest sites if applicable.</p> <p>Mitigation is required if active nests are located.</p>	<p>Project Applicant.</p>	<p>During the breeding season, prior to construction for each phase and ongoing during construction</p>	<p>CDD and CDFG.</p>

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	<p>4.3-2 (b) (Phases 1 and 2) Should any active protected or listed bird nests be located on the project site, the following mitigation measure shall be implemented.</p> <p>The Project Applicant shall conduct pre-construction surveys for protected or listed nesting birds and implement protective measures if identified. The removal of vegetation in which nesting is occurring shall be avoided during the March 15 through August 30 bird nesting period to the extent possible. If no vegetation removal is proposed during the nesting period, no surveys shall be required. If it is not feasible to avoid the nesting period, a survey for protected or listed nesting birds shall be conducted by a qualified biologist no sooner than 21 days prior to the start of removal of vegetation, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation removal or grading is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise to be determined by the biologist.</p> <p>In the event that an active nest is discovered in areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed until a biologist has determined that the young have fledged (left the nest) or the nest is vacated and there is no evidence of second nesting attempts. If construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the City and CDFG. The buffer zone shall be delineated by highly visible temporary construction fencing.</p>	<p>Demonstrate retention of a qualified biologist for proper removal of vegetation in which nesting is occurring; postpone all construction until a biologist has determined status of nest.</p>	<p>Project Applicant.</p>	<p>Prior to construction during each phase and ongoing during construction.</p>	<p>CDD and CDFG.</p>
<p>4.3-3 Development of the Proposed Project would fill irrigation ditches that could be wetlands under State or federal</p>	<p>4.3-3 (Phases 1 and 2) 1) A formal wetland delineation shall be conducted and submitted to the U.S. Army Corps of Engineers to determine whether there is federal jurisdiction over the major east/west drainage</p>	<p>Hire a qualified biologist to conduct a wetland delineation and obtain permits if required. Mitigate loss of habitat as specified.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD and CDFG.</p>

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jurisdiction.	<p>ditch.</p> <p>2) If the ditch is determined to be under the regulatory authority of the U.S. Army Corps of Engineers' federal jurisdiction, then the Project Applicant shall obtain a Clean Water Act (CWA) Section 404 permit, which would include compensation for the loss of habitat at a 1:1 ratio. Compensating for this loss on site is preferable and could be possible in the construction of the storm water conveyance/detention basin.</p> <p>3) For any agricultural ditches not under federal jurisdiction, the Project Applicant shall consult with the Central Valley Regional Water Quality Control Board (RWQCB) for a permit to fill a water of the state. If the total acreage of the ditches is less than 0.2 acres, then the Project Applicant can apply under the State's Isolated Waters Waste Discharge Requirements (WDRs) (Water Quality Order No. 2004-0004-DWQ). If the total acreage is greater than 0.2 acres, then the Project Applicant shall apply for an individual waste discharge requirement (WDR) by filing a Report of Waste Discharge (Form 200). The Project Applicant shall comply with any measures required by the Central Valley RWQCB as conditions of their permit. The loss of the ditches will be compensated at a 1:1 ratio.</p>				
<p>4.3-4</p> <p>Cumulative development within the Solano, Yolo, and San Joaquin County portion of the Central Valley, including the Proposed Project, would contribute to the cumulative loss of foraging habitat for Swainson's hawk and other raptors.</p>	<p>4.3-4(a) (Phases 1 and 2)</p> <p>Implement Mitigation Measure 4.3-1.</p>	See MM 4.3-1.	See MM 4.3-1.	See MM 4.3-1.	See MM 4.3-1.

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	<p>4.3-4(b) (Phases 1 and 2)</p> <p>Implement Mitigation Measures B-D or B-E from the NQSP EIR:</p> <p>The following mitigation measure from the NQSP EIR, including the proposed revision would ensure adequate mitigation is provided to offset impacts related to loss of foraging habitat.</p> <p>B-D A breeding season survey shall be conducted between April and July in order to:</p> <ul style="list-style-type: none"> • Determine if the species nests on the project site. • Develop appropriate mitigation measures, subject to City approval, which may include a 1:1 replacement ratio of impacted foraging habitat. This replacement habitat should include alfalfa and row crops such as tomatoes, oats, wheat, barley and sugar beets or other similar preferred foraging crop. The acquisition of foraging habitat does not include restoration, enhancement, or modification of acquired lands. <p>OR</p> <p>B-E Future development shall participate in a county-wide Habitat Management Plan.</p>	<p>Hire a qualified biologist to conduct appropriate surveys and consult with CDFG. Mitigate loss of habitat as specified.</p>	<p>Project Applicant.</p>	<p>Prior to construction.</p>	<p>CDD and CDFG.</p>

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DEIR Section 4.4 Cultural Resources					
<p>4.4-1</p> <p>The Proposed Project could disturb or destroy any unidentified subsurface archaeological resources during construction.</p>	<p>4.4-1(a) (Phases 1 and 2)</p> <p>In the event that any prehistoric or historic subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortar are discovered during construction-related earth-moving activities, all work within 100 feet of the resources shall be halted and the City shall be notified. The City shall consult with a qualified archeologist to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), then representatives of the City and the qualified archaeologist shall meet to determine the appropriate course of action, with the City making the final decision. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archaeologist/paleontologist according to current professional standards.</p>	<p>Perform archaeological monitoring during ground-disturbing activities; work is to stop if any historic resources are identified. Verify that investigation by qualified archaeologist is complete prior to resuming construction.</p>	<p>Contractor, and if needed, qualified archaeologist.</p>	<p>Ongoing during construction.</p>	<p>CDD.</p>
	<p>4.4-1(b) (Phases 1 and 2)</p> <p>If a Native American site is discovered, then the evaluation process shall include the following steps.</p> <p>When Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archaeologists who are either certified by the Society of Professional Archaeologists (SOPA) or meet the federal standards as stated in the Code of Federal Regulations (36 C.F.R. 61), and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions.</p>	<p>Perform archaeological monitoring during ground-disturbing activities; work is to stop if any Native American site or resources are identified. Verify that investigation by Native American representative is complete prior to resuming construction.</p>	<p>Project Applicant, and if needed, Native American representative.</p>	<p>Ongoing during construction.</p>	<p>CDD.</p>

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	<p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identified and treatment is to be carried out by historical archaeologists or architectural historians. These individuals shall meet either SOPA or 36 C.F.R. 61 requirements.</p> <p>If human remains are discovered at any project construction sites during any phase of construction, work within 50 feet of the remains shall be suspended immediately, and the CDD and the county coroner shall be immediately notified. If the remains are determined by the county coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The City or the Project Applicant shall also retain a professional archaeologist with Native American burial experience who shall conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC who responds in a timely manner (i.e., within 24 hours after being notified by NAHC). As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant including the excavation and removal of the human remains. The City will be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The City or the Project Applicant shall implement approved mitigation before the resumption of activities at the site where the remains were discovered.</p>				
<p>4.4-2 The Proposed Project, in combination with surrounding development, could disturb or destroy unidentified subsurface archeological resources during construction pursuant to Section 15064.5 of the CEQA Guidelines.</p>	<p>4.4-2 (Phases 1 and 2) Implement Mitigation Measure 4.4-1 (a) and (b).</p>	<p>See MM 4.4-1 (a) and (b).</p>	<p>See MM 4.4-1 (a) and (b).</p>	<p>See MM 4.4-1 (a) and (b).</p>	<p>See MM 4.4-1 (a) and (b).</p>

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Section 4.5. Hazardous Materials and Public Safety					
4.5-3 Construction and occupancy of the Proposed Project could create a health hazard to people and the environment due to soil contamination.	4.5-3(a) (Phases 1 and 2) Prior to issuance of a grading permit, contaminated soil at the former 10,000-gallon diesel above-ground storage tank (AST) location shall be removed and disposed off at an off-site disposal facility permitted to accept such waste. Confirmatory soil sampling shall be performed after soil removal to verify and document no contaminated soil remains on-site. Results of soil testing shall be submitted to the Solano County Environmental Health Department. Site development at that location shall not occur until a closure letter for the soil contamination has been obtained from the Solano County Environmental Health Department. After contaminated soil removal, a groundwater detection monitoring program shall be implemented to demonstrate to the satisfaction of the Solano County Department of Environmental Health that groundwater quality has not been adversely affected by past diesel releases from the AST and the source of diesel contamination has been effectively removed. There shall be a minimum of three groundwater monitoring wells, and the duration of the quarterly monitoring program shall be a minimum of one year. Quarterly monitoring shall continue until the Solano County Environmental Management Department determines testing is no longer required and/or issues a site closure letter. If the Solano County Environmental Management Department determines in-situ groundwater remediation is required, the Project Applicant or successors in interest shall work with County staff to determine agreed-upon cleanup levels and implement a cleanup program. The locations of all groundwater monitoring wells on-site (and off-site, if necessary) shall be noted on preliminary grading maps, design plans, and/or as-builts, depending on the timing of installation relative to site improvements. Facility operations and maintenance manuals shall include procedures to protect the integrity of the groundwater monitoring network.	Removal of AST and soil testing to ensure no contaminated soil remains. After contaminated soil removal, implement groundwater monitoring program.	Project Applicant.	Prior to issuance of grading permit and ongoing during construction.	CDD and SCDEM.

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	<p>4.5-3(b) (Phases 1 and 2)</p> <p>Prior to issuance of a grading permit, metals results for the four metals exceeding designated waste levels at the former landfill shall be evaluated by a qualified professional as described in the Phase II Environmental Site Assessment (ESA) for the Mistler property (Conestoga-Rovers and Associates, March 17, 2005). Prior to the first grading activity at that location, if it is determined that these levels could present a human health risk during construction (e.g., fugitive dust containing elevated metals levels or soil re-use elsewhere on-site), soils shall be removed and disposed of at an off-site location permitted to accept such waste, or remediated to levels where there would be no adverse health risk. Prior to grading, the results of any testing and cleanup actions shall be submitted to the Solano County Department of Environmental Management to obtain regulatory closure, if such reporting is required under federal, State, or local laws and regulations.</p>	<p>Verify that recommendations set out in the ESA are implemented.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permit and ongoing during construction.</p>	<p>CDD and SCDEM.</p>
	<p>4.5-3(c) (Phases 1 and 2)</p> <p>Construction contract solicitations and specifications shall summarize the results of the 2001 Phase I ESAs, the 2005 Phase II ESA, and any subsequent reports and include provisions requiring contractors to inform construction workers of the potential for encountering previously unidentified contamination. Contract specifications and site development plans (e.g., grading plans) shall include wording that during site preparation and construction activities, if evidence of hazardous materials contamination is observed or suspected (i.e., stained or odorous soil, or oily or discolored water) beyond that identified in the Phase I and Phase II ESAs, construction activities shall cease and an environmental professional shall assess the situation. The environmental professional shall determine whether additional investigation is needed and specify control measures for the affected site to reduce the potential for exposing construction personnel to hazards. If the investigator determines soil samples should be collected, results of the investigation and a plan to manage the hazard</p>	<p>Ensure that construction activities are stopped if any evidence of hazardous materials is unearthed. Site inspection to verify.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permit and ongoing during construction.</p>	<p>CDD.</p>

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	and to minimize risks to construction personnel shall be submitted to the Solano County Environmental Management Department if the release/contamination is subject to reporting under federal, State, or local laws and regulations.				
<p>4.5-4</p> <p>Large events at the project site would result in a substantial concentration of people immediately before, during, and after events, which could affect emergency response and/or evacuation conditions.</p>	<p>4.5-4(a) (Phases 1 and 2)</p> <p>Prior to issuance of building permits, the Project Applicant shall prepare a Master Fire, Safety and Security Plan in coordination with the City of Dixon. The plan shall be reviewed and approved by the City of Dixon Fire Department and Police Department. The plan shall be prepared by a qualified consultant with experience in race track emergency preparedness and response planning. The plan shall address individually and collectively each type of event that could occur in project facilities and credible accident scenarios.</p> <p>In addition to identifying facility design features that meet all applicable code requirements, the plan shall also include event emergency response and evacuation planning for event attendees, racetrack personnel, and horses; and off-site traffic and pedestrian congestion management. The emergency equipment and operations component of the plan shall, at a minimum, address the following issues: fire protection/suppression systems; procedures for emergency response and warning systems; documentation (as a condition of project approval) that adequate trained staff resources and equipment can be made available (including veterinarians) through mutual aid agreements, if necessary; and emergency access routes for any necessary additional equipment and/or personnel to the project site.</p>	<p>Hire a qualified consultant to prepare emergency preparedness and evacuation plans; submit plans to City for review and approval. Ensure that event and facility managers are trained in the implementation of the plan.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permit for Phase 1. Implementation training and plan updates should be ongoing.</p>	<p>CDD.</p>

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	<p>The event emergency (evacuation) element shall be developed for use in the event of an emergency situation that necessitated partial or complete evacuation of the facility, including the horse stalls. Such emergencies could include, but would not be limited to, fires, earthquake, explosions, flooding, security incidents, hazardous materials release on I-80 or Union Pacific Railroad (UPRR) adjacent to the site, or other incidents of a similar nature. The plan shall identify evacuation routes, routes to nearby medical facilities and horse boarding facilities/veterinary care, and contingency measures to deal with anticipated traffic and/or pedestrian congestion, including movement of large horse trailers. This component of the plan, which shall be completed to the satisfaction of the City of Dixon Fire Department, shall be incorporated into facility employees' operations and procedure manuals and updated regularly. The plan shall be coordinated by trained supervisory personnel and shall be integrated with the City's emergency response plan. The consultant shall ensure event and/or facility administrators are trained in the elements of the Master Fire, Safety and Security Plan and methods required to maintain and execute response actions at events.</p> <p>4.5-4(b) (Phases 1 and 2)</p> <p>In conjunction with the above and as part of the project's traffic congestion mitigation that addresses traffic control before and after large events (see Mitigation Measure 4.10-5), separate emergency response protocols and/or access routes, designated solely for emergency vehicles to respond on-site and off-site during peak periods of event-generated on- and off-site traffic congestion, shall be established and incorporated into City emergency response planning.</p>	<p>Protocols and exclusive access routes for emergency vehicle access shall be established and shall be incorporated into City emergency response planning.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of building permits for Phase 1.</p>	<p>CDD.</p>

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4.6-7 Cumulative development, including the Proposed Project, could overwhelm emergency response services or affect evacuation routes under a worst-case, simultaneous events scenario.	4.6-7 (Phases 1 and 2) Implement Mitigation Measure 4.5-4(a) (Master Fire, Safety, and Security Plan).	See MM 4.5-4 (a)	See MM 4.5-4 (a)	See MM 4.5-4 (a)	See MM 4.5-4 (a)
DEIR Section 4.6 Hydrology and Water Quality					
4.6-2 Development of the Proposed Project would alter drainage patterns and hydrology that could contribute to on- or off-site flooding.	4.6-2 (Phases 1 and 2) The Project Applicant must prepare a grading plan, including the flood berm and storm drain from the southern properties, and submit it to the City of Dixon for review and approval. Prior to issuance of a grading permit, a precise grading plan, detention basin/cistern plan, pervious pavement designs, and final hydrologic/hydraulic analysis shall be submitted to the City of Dixon for review and approval. Detailed design of the Proposed Project storm drain system shall be consistent with the recommendations of the final hydrologic and hydraulic analysis, shall conform to the requirements of the City of Dixon, and shall ensure that the post-construction runoff volume and peak flows from the Proposed Project site do not exceed the existing runoff volume and peak flow. The updated grading plan and supporting calculations shall allow assessment of mitigation sufficiency. Plans and specifications must also comply with the standards of the Dixon Regional Watershed JPA.	Submit the required grading plans for City review and approval.	Project Applicant.	Prior to issuance of grading permit.	CDD and PWD.
4.6-4 Development of the Proposed Project could result in erosion and siltation during the construction phases.	4.6-4(a) (Phases 1 and 2) Implement Mitigation Measure WQ-C from the NQSP EIR: Prior to commencement of on-site grading, the project sponsor shall develop a surface water quality control plan, to be implemented by the Project Applicant and approved by the City of Dixon. The plan shall include, but not necessarily be limited to reducing runoff containment concentration by:	Submit a surface water quality control plan for City review and approval.	Project Applicant.	Prior to onsite grading for Phase 1.	CDD and PWD.

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	<ul style="list-style-type: none"> installing sediment and grease traps at all catch basins or within storm drain lines; 				
	<ul style="list-style-type: none"> properly maintaining sediment and grease traps, with responsibility for maintenance; assigned to site operations to be established by the project sponsors prior to completion of construction of the first phase of development; incorporating infiltration facilities (porous pavement or grass swales) within the project to reduce peak flow of runoff; reducing source pollution causes through practices such as minimal use of fertilizer, pesticides and herbicides, proper application of water for landscape irrigation, keeping roadways and parking lots free of litter and sediments, proper methods and locations for disposal of automobile hazardous wastes; and maximizing distances between inlets and outlets perhaps using elongated basin shapes. <p>4.6-4(b) (Phases 1 and 2)</p> <p>Prior to the issuance of a grading permit, the Project Applicant shall file a Notice of Intent (NOI) with the State of California and obtain coverage under the National Pollution Discharge Elimination System (NPDES) General Construction Permit.</p> <p>This process includes the preparation of a Stormwater Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMPs) for construction-related control of the site runoff. This will require construction sediment and erosion control plans in connection with site grading activities. The plan shall be reviewed and approved by the City of Dixon. The SWPPP should also include the following applicable measures:</p> <ul style="list-style-type: none"> Diversion of off-site runoff away from the construction site Prompt revegetation of proposed landscaped areas Perimeter sandbagging and straw wattles and/or 	<p>File an NOI and obtain an NPDES permit.</p> <p>Submit SWPPP and sediment and erosion control plans for City review and approval. The SWPPP shall be updated, as necessary.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permit and ongoing during construction for each phase.</p>	<p>CDD and PWD.</p>

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	<ul style="list-style-type: none"> temporary basins to trap sediment Regular sprinkling of exposed soils to control dust during construction 				
	<ul style="list-style-type: none"> Installation of a minor retention basin(s) to alleviate discharge of increased flows Specifications for construction waste handling and disposal Erosion control measures maintained throughout the construction period including stabilization of exposed surfaces by prompt revegetation and/or soil erosion mats, mulch, or other soil stabilizers. Construction of stabilized construction entrances to avoid trucks from imprinting debris on City roadways Training of subcontractors on general site housekeeping <p>The SWPPP is a "live" document; it shall be updated and modified as necessary, as construction phases are completed or begun, and as storm event inspection dictate the need for additional BMPs. The SWPPP shall be kept on-site and current by the person responsible for its implementation. Periodic inspections by City or State staff shall be made to assure compliance with the SWPPP and proper maintenance of BMPs.</p> <p>4.6-4(c) (Phases 1 and 2)</p> <p>Implement Mitigation Measure G-A from the NQSP EIR:</p> <p>An erosion control plan shall be prepared prior to construction. This plan shall include standards for permanent erosion control design, requirements for full establishment of vegetation, and emphasize drought-tolerant and climate-adapted vegetation.</p>	Submit an erosion control plan.	Project Applicant.	Prior to issuance of a grading permit.	CDD and PWD.
4.6-6 Development of the Proposed Project could contribute additional polluted runoff to downstream receiving waters or	<p>4.6-6(a) (Phases 1 and 2)</p> <p>Implement Mitigation Measure WQ-C from the NQSP EIR:</p> <p>Prior to commencement of on-site grading, the Project Applicant shall develop a surface water quality control plan,</p>	Submit surface water quality control plan to City for review and approval.	Project Applicant.	Prior to on-site grading for Phase 1; an update may be required prior to issuance of building permits for Phase 2.	CDD and PWD.

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otherwise contribute to degradation of water quality.	to be implemented by the Project Applicant and approved by the City of Dixon. The plan shall include, but not necessarily be limited to reducing runoff containment concentration by:				
	<ul style="list-style-type: none"> • installing sediment and grease traps at all catch basins or within storm drain lines; • properly maintaining sediment and grease traps, with responsibility for maintenance assigned to site operations to be established by the project sponsors prior to completion of construction of the first phase of development; • incorporating infiltration facilities (porous pavement or grass swales) within the project to reduce peak flow of runoff; • reducing source pollution causes through practices such as minimal use of fertilizer, pesticides and herbicides, proper application of water for landscape irrigation, keeping roadways and parking lots free of litter and sediments, proper methods and locations for disposal of automobile hazardous wastes; and • maximizing distances between inlets and outlets perhaps using elongated basin shapes. <p>4.6-6(b) (Phases 1 and 2)</p> <p>Prior to the issuance of any grading permit, the Project Applicant shall submit a Water Quality Plan as required by the City's Storm Water Control Ordinance (based on the Storm Water Management Plan). This Water Quality Plan shall include use of structural and non-structural BMPs for reducing pollutants in discharge waters, to the maximum extent practical. Some potential BMPs for the project location include the following:</p> <ul style="list-style-type: none"> • Control of impervious area runoff, including installation of detention basins, retention areas, filtering devices, energy dissipaters, pervious drainage systems, and porous pavement alternatives • Implementation of regular sweeping of impervious surfaces, such as streets and driveways • Use of efficient irrigation practices 	Submit a Water Quality Plan for approval by the City of Dixon and CVRWQCB. Obtain all necessary discharge permits.	Project Applicant.	Prior to issuance of grading permit for Phase 1. Ongoing maintenance is also required.	CDD and PWD.

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	<ul style="list-style-type: none"> • Provision of infiltration trenches and basins • Linings for urban runoff conveyance channels • Vegetated swales and strips • Protection of slopes and channels 				
	<ul style="list-style-type: none"> • Landscape design, such as xeriscape or other designs, minimizing the use of fertilizers • Minimization of stormwater runoff through site design • Construction of slough walls at toes of slopes for sediment control • Street and parking lot sweeping every two weeks • Minimization of exposed metal surfaces or materials • Chemical management in landscaped areas • Use of porous concrete where practicable • Water quality basins • Provision of covered trash enclosures • Provision of post-construction BMPs, such as approved stormwater filtration devices at the storm drain system in Monarch Drive and Haverstock Road • Provision of proof of obtaining annual maintenance for the proposed basins and BMPs by the Project Applicant <p>The City Engineer and Public Works Director shall evaluate the Water Quality Plan (WQP) and determine if it meets the City of Dixon Storm Water Management Plan goals and reduces potential water quality impacts to the maximum extent practicable. Reasonable contaminant of concern (COC) reduction goals or technology standards shall be determined by the City Engineer and the Public Works Director with concurrence from the Central Valley Regional Water Quality Control Board (CVRWQCB). Concurrence by the CVRWQCB will assure that goals will result in less than significant impacts to receiving waters. Design, size, and estimated effectiveness of selected BMPs shall be assessed to determine if BMPs are adequate for reducing impacts to less than significant levels.</p>				

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	<p>Many BMPs require logistical considerations as well as appropriate design criteria. Additionally, certain BMPs are more suitable for removal of particular pollutants. Consequently, each BMP shall be selected for the targeted pollutant(s), the location it would be treating, and any operational and design constraints. Generally, hydrodynamic separators are not effective at nutrient removal, and many are sufficiently effective at only certain flow velocities. If used, hydrodynamic separators shall be used to treat particulate and hydrocarbon pollutants, unless effectiveness monitoring indicates they are successful at reducing dissolved COCs concentrations to an acceptable level. Table 4.6-9 lists potential BMPs and their removal rates that may be incorporated into the Stormwater Quality Management Plan (SWQMP).</p> <p>Grassy swales must be designed with appropriate slope, length, width, flow residence time, grass cover, peak flow conveyance, side slopes, and other environmental and logistical considerations (e.g., crossing). In order to be effective, they must be appropriately designed and sited. Typically, water quality BMPs are designed to treat first-flush runoff, which will have a lower flow rate and volume than peak flows. Consequently, if grassy swales will be conveying all storm flow, they must be designed to convey peak flows without damage to the water quality treatment functions. To remain effective, BMPs must be periodically maintained and restored. Operations and maintenance practices for assuring continued BMP effectiveness must be included in this Water Quality Plan with detailed standard operating procedures and maintenance schedules. For discharge of wastewater, wastewater monitoring is required under either the Water Discharge Requirement (WDR) or National Pollution Discharge Elimination System (NPDES) permit.</p>				
<p>4.6-7 Development of the Proposed Project could substantially impede groundwater recharge, diminish groundwater supplies, or contribute to groundwater quality degradation.</p>	<p>4.6-7 (Phases 1 and 2) Prior to the issuance of any grading permit, the applicant shall either: (1) Submit documentation and design specification assuring that the groundwater protection system in Stable Area stalls will prevent groundwater</p>	<p>Submit documentation to ensure groundwater protection or implement groundwater monitoring program.</p>	<p>Project Applicant.</p>	<p>Prior to issuance of grading permit for Phase 1.</p>	<p>CDD and PWD.</p>

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	<p>contamination, or</p> <p>(2) Implement and design a groundwater monitoring program to assure that animal waste material is not leaching to groundwater.</p> <p>If waste material is found to contaminate or still have the potential to contaminate groundwater, soil below the stalls shall be removed and an alternative barrier system installed.</p> <p>If the project is determined to contribute to groundwater contamination that causes beneficial use standards or criteria to be exceeded, groundwater remediation strategies shall be implemented to reduce potential project contributions to contamination to comply with regulatory standards.</p>				
<p>4.6-9</p> <p>The Proposed Project, in combination with other development, would contribute sediment and other pollution to downstream receiving waters.</p>	<p>4.6-9 (Phases 1 and 2)</p> <p>Implement Mitigation Measures 4.6-3 through 4.6-6(a).</p>	<p>See MM 4.6-3 through 4.6-6 (a).</p>	<p>See MM 4.6-3 through 4.6-6 (a).</p>	<p>See MM 4.6-3 through 4.6-6 (a).</p>	<p>See MM 4.6-3 through 4.6-6 (a).</p>
Section 4.7 Land Use, Planning, and Agricultural Resources					
<p>4.7-2</p> <p>Development of the Proposed Project would result in the conversion of Prime Farmland to non-agricultural uses.</p>	<p>4.7-2 (Phases 1 and 2)</p> <p>The Project Applicant shall preserve an equal amount of Prime Farmland of equal quality or an equivalent amount subject to City approval, and shall protect the land for agricultural use through long-term land use restrictions, such as agricultural conservation easements. An organization such as the Solano Land Trust shall be used to facilitate the establishment of the conservation easement. This measure shall be implemented prior to grading. If possible, this land shall also be used to provide suitable foraging habitat to comply with Mitigation Measure 4.3-1.</p>	<p>Preserve and protect an equal amount of Prime Farmland. See also MM 4.3-1.</p>	<p>Project Applicant.</p>	<p>Prior to grading for Phase 1.</p>	<p>CDD.</p>
<p>4.7-4</p> <p>The Proposed Project, in combination with other development, would result in the loss of Prime Farmland.</p>	<p>4.7-4 (Phases 1 and 2)</p> <p>Implement Mitigation Measure 4.7-2.</p>	<p>See MM 4.7-2</p>	<p>See MM 4.7-2</p>	<p>See MM 4.7-2</p>	<p>See 4.7-2</p>

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
Section 4.8 Noise					
4.8-1 Construction activities could create noise that may exceed noise level standards.	4.8-1 (Phases 1 and 2) Implement Mitigation Measures N-A and N-B from the NQSP EIR:	Verify all construction bid documents and contracts include compliance with local, state, and federal noise regulations.	Project Applicant.	Prior to and ongoing during construction.	CDD.
	N-A All contractors shall comply with local, state and federal noise regulations, including fitting all equipment with mufflers according to the manufacturer's specifications. N-B Loud construction activities shall not take place between 7:00 p.m. and 7:00 a.m. on weekdays and Saturday, and shall not be permitted on Sundays.				
4.8-4 Large events could increase noise levels in the vicinity of the project site.	4.8-4(a) (Phases 1 and 2) Long-throw speakers used in an outdoor setting for projecting amplified sound shall not be directed to the south. This shall include public address speakers and speakers used during concert and race events. 4.8-4(b) (Phases 1 and 2) Performances during concert events shall not continue past 11:00 p.m.	Design sound systems to prevent excessive noise in the vicinity of the project site; periodic site visits. Ensure events do not continue past 11:00 pm; periodic site visits.	Project Applicant. Project Applicant.	Prior to completion of Design Review. Ongoing during operation.	CDD. CDD.
Section 4.9 Public Services					
4.9-1 The Proposed Project could result in degradation of response times and service ratios, resulting in the need for additional personnel and/or equipment.	4.9-1(a) (Phases 1 and 2) The Project Applicant shall prepare a Major Event Management Plan in coordination with the City of Dixon that includes standards and criteria addressing public health and safety, parking, traffic management, hours of operation, event access, crowd control, and waste management. The Major Event Management Plan shall be prepared to the satisfaction of the City of Dixon.	Submit a Major Event Management Plan for City review and approval.	Project Applicant.	Prior to issuance of building permits for each phase.	CDD.

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	<p>4.9-1(b) (Phases 1 and 2)</p> <p>Implement Mitigation Measures PS-L and PS-M from the NQSP EIR:</p> <p>Mitigation Measure PS-L from the NQSP EIR, including the proposed revision, would ensure the project pays its fair share for additional police services.</p> <p>PS-L Prior to completion of design review, the City shall determine the project's fair share contribution for additional police services. In any event, the Project Applicant shall be responsible for paying its fair share for additional staff and equipment to serve the project site.</p> <p>PS-M The project proponent shall be responsible for providing an on-site private security staff to adequately serve the Proposed Project. This staff shall be responsible for securing future structures and providing security in parking lots during and after normal business hours.</p>	<p>Pay fair share fees for additional police services and retain private security staff to serve project.</p>	<p>Project Applicant.</p>	<p>Prior to completion of design review and ongoing during project operation.</p>	<p>CDD.</p>
<p>4.9-4</p> <p>The Proposed Project could result in the degradation of fire response times and service ratios, resulting in the need for additional personnel and/or equipment.</p>	<p>4.9-4(a) (Phases 1 and 2)</p> <p>Prior to completion of design review, the City shall determine the project's fair share contribution for additional fire protection services.</p> <p>4.9-4(b) (Phases 1 and 2)</p> <p>Implement Mitigation Measures PS-I, PS-J, and PS-K from the NQSP EIR:</p> <p>Mitigation Measure PS-I from the NQSP EIR, including the proposed revision, would ensure the project would contribute their fair share towards providing fire protection resources.</p>	<p>Pay fair share fees for additional fire protection services.</p> <p>Dedicate land or funds for a fire station, personnel, or equipment, and submit an emergency response plan to the City for review and approval.</p>	<p>Project Applicant.</p> <p>Project Applicant.</p>	<p>Prior to completion of design review.</p> <p>Prior to issuance of grading permit for Phase 1.</p>	<p>CDD.</p> <p>CDD.</p>

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	<p>PS-I Prior to recordation of a final map or issuance of a grading permit, the project proponent shall either dedicate land for a fire station and provide financial contributions toward equipment and/or personnel or shall participate in establishment of an assessment district in which all property owners in the area would dedicate funds towards establishment of adequate fire protection facilities, or shall make financial contributions to operations of fire protection services.</p> <p>PS-J Prior to the issuance of building permits, the project proponent shall design and submit a plan to the Dixon Fire Department showing all required fire hydrant locations, detailed calculations to determine fire flow based on future structural design requirements, and access to all developed areas in accordance with city standards.</p> <p>PS-K Prior to the issuance of building permits, the project proponent shall prepare and submit a plan for emergency response including details of each proposed facility and the business conducted, an inventory of hazardous materials handled or stored on-site and a training program for employees.</p>				
	<p>4.9-4(c) (Phases 1 and 2)</p> <p>Implement Mitigation Measure 4.5-4.</p>	See MM 4.5-4.	See MM 4.5-4.	See MM 4.5-4.	See MM 4.5-4.
<p>4.9-7</p> <p>The Proposed Project could unreasonably reduce the planned useful life of a licensed landfill facility by exceeding the planned waste stream.</p>	<p>4.9-7(a) (Phases 1 and 2)</p> <p>Implement Mitigation Measures PS-G and PS-H from the NQSP EIR:</p> <p>PS-G The project proponent shall provide provisions for an on-site recycling center for commercial and industrial uses. In addition, adequate collection facilities for recyclable materials shall be located throughout the project site including outside storage and</p>	Provide adequate collection facilities for on-site recycling and an on-site recycling center.	Project Applicant.	Prior to completion of design review.	CDD.

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	collection containers.				
	PS-H Grass clippings, prunings and other organic waste resulting from open space maintenance are classified as clean waste and shall be made available for composting or recycling. 4.9-7(b) The Project Applicant shall prepare a waste management plan that addresses construction and operation waste, and a green waste recycling program.	Prepare a green waste management plan. Prepare a construction and operations waste management plan.	Project Applicant. Project Applicant.	Prior to completion of design review. Prior to completion of design review.	CDD. CDD.
Section 4.10 Transportation and Circulation					
4.10-1 Implementation of the Proposed Project (Tier 1 event) could cause existing operations at study intersections to worsen from acceptable to unacceptable levels.	4.10-1(a) (Phase 1) I-80 EB Ramps/Pedrick Road Subject to Caltrans approval, the Project Applicant shall cause the construction of a traffic signal at the I-80 EB Ramps/Pedrick Road intersection, widen Pedrick Road to include two northbound left-turn lanes at the intersection, and widen the loop on-ramp to include two lanes that merge into a single lane prior to I-80. The Project Applicant shall use its best efforts to secure Caltrans approval by (i) submitting the plans and specifications to Caltrans at least 18 months prior to the commencement of construction for Phase 1 of the Project, (ii) diligently pursuing Caltrans approval during the 18 months between submission and commencement of construction.	Install recommended traffic signals and make recommended changes to nearby roads and intersections.	Project Applicant and PWD.	No building permit shall be issued for Phase 1 unless and until (i) the construction of the listed improvements have been approved by Caltrans and construction has commenced, or (ii) the construction of the listed improvements has not been approved by Caltrans and a deferred improvement agreement has been entered into between the Project Applicant and the City that obligates the Project Applicant to fund or cause construction of the listed improvements within a specific time period after Caltrans approves the construction of the listed improvements. If Caltrans has approved construction of the listed improvements, no occupancy permit shall be issued until completion of the listed improvements.	CDD and CED.

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	<p>4.10-1(b) (Phase 1) I-80 EB Ramps/North First Street</p> <p>Subject to Caltrans approval, the Project Applicant shall cause the construction of a traffic signal at the I-80 EB Ramps/North First Street intersection and lengthen the northbound left-turn lane.</p> <p>The Project Applicant shall use its best efforts to secure Caltrans approval by (i) submitting the plans and specifications to Caltrans at least 18 months prior to the commencement of construction for Phase 1 of the Project, (ii) diligently pursuing Caltrans approval during the 18 month between submission and commencement of construction.</p>	<p>Install recommended traffic signal and make recommended change to nearby road.</p>	<p>Project Applicant and CED.</p>	<p>Mitigation measure 4.10-1(b) is subject to the same timing constraints as mitigation measure 4.10-1(a)</p>	<p>CDD and CED.</p>
	<p>4.10-1(c) (Phases 1 and 2) I-80/Pedrick Road Interchange</p> <p>Subject to Caltrans approval, reconstruct the I-80/Pedrick Road interchange as follows:</p> <ul style="list-style-type: none"> • Widen overcrossing to have two southbound lanes and one northbound lane. • Construct two-lane "slip" on-ramp from northbound Pedrick Road that narrows to a single lane onto eastbound I-80. • Relocate Sparling Lane to intersect Pedrick Road 960 feet south of its current location (opposite the future access into the Flying J property). • Relocate Sievers Road to intersect Pedrick Road at least 540 feet north of its current location. • Construct an auxiliary lane in each direction of I-80 that begins at Pedrick Road and extends easterly for about 0.5 miles to conform to the existing eight-lane section of I-80 (west of Kidwell Road). <p>The City will prepare the design documents and the Caltrans Project Study Report, including CEQA environmental review for the listed improvements as soon as it has collected sufficient funds from traffic impact fees. In the event that sufficient funds have not been collected to fund the design and Project Study Report costs prior to the Project Applicant's request for Design Review for Phase 2 for any</p>	<p>Make recommended changes to nearby roads and intersections as described in Section 3.3 of the Development Agreement.</p>	<p>Project Applicant and CED.</p>	<p>The City shall not accept an application for Design Review for any portion of Phase 2 other than the Hotel/Conference Center until funding for the design and Project Study Report is in place.</p> <p>No building permit shall be issued for Phase 1 unless and until (i) the construction of the listed improvements have been approved by Caltrans and construction has commenced, or (ii) the construction of the listed improvements has not been approved by Caltrans and a deferred improvement agreement has been entered into between the Project Applicant and the City that obligates the Project</p>	<p>CDD and CED.</p>

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	<p>portion of Phase 2 other than the Hotel/Conference Center, the Project Applicant shall fund the difference between the traffic impact fees in the Transportation Capital Programs fund and the cost of the design and Project Study Report.</p> <p>Once the Project Study Report has been approved by Caltrans, the City shall begin preparation of the construction documents for the listed improvements. In the event that sufficient funds have not been collected to fund the preparation of construction documents, the Project Applicant shall fund the difference between the traffic impact fees in the Transportation Capital Programs fund and the cost of the preparation of construction documents. Monitoring of the I-80 interchange will be conducted to determine when the City must begin on the improvements. The City shall construct these improvements (or cause them to be constructed) in a timely fashion pursuant to the monitoring results and Caltrans approvals. The Developer and any other parties participating in the financing mechanism for the interchange improvements shall pay for the cost of these improvements.</p>			<p>Applicant to fund or cause construction of the listed improvements within a specific time period after Caltrans approves the construction of the listed improvements. If Caltrans has approved construction of the listed improvements, no occupancy permit shall be issued until completion of construction. In the event that Caltrans approves the construction of only a portion of the listed improvements, no building permit shall be issued for Phase 1 unless construction of those approved improvements has commenced and a deferred improvement agreement has been entered into between the Project Applicant and the City that obligates the Project Applicant to fund or cause construction of the remaining improvements within a specific time period after Caltrans approves the construction of the remaining improvements.</p>	
	<p>4.10-1(d) (Phases 1 and 2)</p> <p>Convert the westbound through lane on the Dorset Drive approach to North First Street from an exclusive through lane to a shared through/right lane.</p>	<p>Make recommended changes to nearby roads and intersections.</p>	<p>Project Applicant and PWD.</p>	<p>Prior to occupancy of Phase 2.</p>	<p>CDD and CED.</p>
<p>4.10-2</p>	<p>4.10-2(a) (Phase 1)</p>	<p>Make recommended</p>	<p>Project Applicant and</p>	<p>Prior to occupancy of</p>	<p>CDD and CED.</p>

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
Implementation of the Proposed Project (Tier 1 event) could result in inadequate vehicular access to the project site from Pedrick Road under existing conditions.	Construct a third left-turn lane on the Dixon Downs Parkway approach to Pedrick Road and widen Pedrick Road to include three northbound lanes, which taper to two lanes approximately 500 feet north of the intersection. Widen Pedrick Road to include two southbound lanes that begin approximately 500 feet upstream of the proposed Dixon Downs Parkway (see Figure 4.10-12).	changes to nearby roads.	PWD.	Phase 1.	CDD and CED.
	4.10-2(b) (Phases 1 and 2) Widen Pedrick Road to three lanes in each direction between I-80 and the proposed Dixon Downs Parkway. The two southbound outside lanes would become "free" right-turn lanes onto westbound Dixon Downs Parkway (see Figure 4.10-13).	Make recommended changes to nearby roads.	Project Applicant and PWD.	Prior to occupancy of Phase 2.	
4.10-3 Implementation of the Proposed Project (Tier 1 Event) could cause existing operations on I-80 to worsen from acceptable to unacceptable levels.	4.10-3(a) (Phase 1) Implement Transportation Demand Management (TDM) strategies to reduce the number of single-occupant vehicle trips generated by the project during the Sunday p.m. peak hour. Examples include: preferential parking (or other incentives) for carpools/vanpools, a shuttle that operates between the site and the planned multi-modal station in downtown Dixon, strategies to encourage shoppers/race patrons to use public transit, and post-race activities that keep attendees on-site.	Implement TDM strategies.	Project Applicant.	Prior to occupancy of Phase 1.	CDD.
	4.10-3(b) (Phase 2) Construct an auxiliary lane in each direction of I-80 that begins at Pedrick Road and extends easterly for about 0.5 miles to conform to the existing eight-lane section of I-80 (west of Kidwell Road). This measure is subject to the same conditions as Mitigation Measure 4.10-1(c).	Construct auxiliary lanes on I-80.	Project Applicant and PWD.	See Mitigation Measure 4.10-1(c) for conditions related to timing.	CDD and CED.

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
4.10-4 Implementation of the Proposed Project (Tier 1 event) could cause existing operations on roadways of regional significance to worsen from acceptable to unacceptable levels.	4.10-4(a) (Phase 1) Implement TDM strategies described in MM 4.10-3(a) to reduce impacts on I-80. Make a fair share financial contribution toward the cost of a traffic signal (or other equally effective mitigation) at the SR 113/SR 12 intersection. The City of Dixon shall work with Caltrans to develop a mechanism by which the contribution can be made and applied to this intersection.	Implement MM 4.10-3(a) and pay fair share fees.	Project Applicant.	Prior to occupancy of Phase 1.	CDD.
	4.10-4(b) (Phase 2) Construct auxiliary lanes described in MM 4.10-3(b) to reduce impacts on I-80. Widen West A Street to four lanes between I-80 and Pitt School Road. In the event this widening has not been constructed as part of the Southwest Dixon Specific Plan, then the Project Applicant would be responsible for the widening.	Implement MM 4.10-3(b). Widen West A Street if not previously constructed under the Southwest Dixon Specific Plan.	Project Applicant	Implement 4.10-3(b) according to its time requirements; widen West A Street prior to occupancy of Phase 2.	CDD.
4.10-5 Implementation of the Proposed Project (Tier 2 and 3 events) could cause existing operations at study intersections and freeway segments to worsen from acceptable to unacceptable levels.	4.10-5 (Phases 1 and 2) Develop (to the satisfaction of the City of Dixon Engineering Department) and implement a Traffic Management Plan (TMP) for Tier 2 and 3 Events.	Develop and implement a TMP.	Project Applicant.	Prior to occupancy of Phase 2.	CDD.
4.10-6 Implementation of the Proposed Project could reduce safety on Pedrick Road by creating potential conflicts with farm equipment and vehicles.	4.10-6(a) (Phases 1 and 2) Install signs on Pedrick Road to advise motorists of farming vehicles and equipment.	Install recommended signs.	Project Applicant and PWD.	Prior to occupancy of Phase 1.	CDD and CED.
	4.10-6(b) (Phases 1 and 2) Increase the enforcement of traffic laws on Pedrick Road.	Increase police enforcement.	Project Applicant and City of Dixon Police Department.	Prior to and ongoing during operation.	CDD.
4.10-9 Implementation of the Proposed	4.10-9 (Phases 1 and 2) Construct Class II bicycle lanes and sidewalks along Pedrick	Construct recommended bike lanes and sidewalks.	Project Applicant and PWD.	Prior to occupancy of Phase 2.	CDD and CED.

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Project could interfere with planned bicycle and pedestrian facilities in the NQSP area.	Road (from I-80 south to Vaughn Road), Dixon Downs Parkway (from Vaughn Road to Pedrick Road), and the extension of Dorset Drive to Dixon Downs Parkway.				
4.10-11 Implementation of the Proposed Project could provide an inadequate number of on-site parking spaces.	4.10-11(a) (Phases 1 and 2) Provide 8,600 parking spaces on-site to accommodate Phases 1 and 2 with a sold-out Tier 1 event, or alternatively demonstrate to the satisfaction of the City of Dixon that the proposed supply of parking (to be determined when the Phase 2 site plan is developed) is adequate to accommodate the parking demand of Phases 1 and 2 with a Tier 1 event. 4.10-11(b) (Phases 1 and 2) Develop, to the satisfaction of the City of Dixon, a parking management plan that accommodates a Tier 2 event with Phases 1 and 2 of the project.	Provide 8,600 parking spaces or demonstrate adequate parking is available to meet project demands. Develop a parking management plan.	Project Applicant. Project Applicant.	Prior to occupancy of Phase 2. Prior to occupancy of Phase 2.	CDD. CDD.
4.10-12 Implementation of the Proposed Project could provide insufficient access and internal circulation.	4.10-12 (Phases 1 and 2) Dedicate right-of-way along the project's frontage of Dixon Downs Parkway between Pedrick Road and Dorset Drive to allow for the future construction of a third northbound/eastbound travel lane.	Dedicate right-of-way on Dixon Downs Parkway to allow for future construction.	Project Applicant.	Prior to occupancy of Phase 2.	CDD.
4.10-13 Implementation of the Proposed Project could exacerbate cumulatively unacceptable operations at study intersections.	4.10-13 (Phases 1 and 2) Pay fair share cost of the following future improvements: <ul style="list-style-type: none"> • Reconstruction of I-80/North First Street/Currey Road interchange, • Widening of North First Street from four to six lanes from I-80 to south of Vaughn Road, • Widening of Dorset Drive from four to six lanes from North First Street to east of Kids Way/Walmart signalized access, • Construction of Vaughn Road/Pedrick Road Connector, • Widening of Dixon Downs Parkway from four to six lanes from Dorset Drive to Pedrick Road, • Widening of Pedrick Road from two to four lanes from south of Dixon Downs Parkway to Vaughn 	Pay fair share fees.	Project Applicant.	Prior to occupancy of Phase 1.	CDD.

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	Road, and • Widening of Vaughn Road from two to four lanes from North First Street to Pedrick Road.				
Section 4.11 Utilities					
4.11-3 The Proposed Project would affect the structural integrity of the Vaughn Pipeline which could interrupt water deliveries to Solano Irrigation District agricultural customers.	4.11-3(a) (Phases 1 and 2) The Project Applicant shall replace the Vaughn Pipeline from its emergence crossing under I-80 to about 100 feet west of the east property line of APN 111-080-22, where the replacement pipeline would connect to a pipeline installed by the North First Street Assessment District project. All construction shall conform to Solano Irrigation District (SID) standards and be shown in construction plans reviewed and approved by SID. A SID inspector shall observe the construction and acceptance testing. The replacement shall consist of: <ul style="list-style-type: none"> • removal or paralleling of about 5,700 feet of 42-inch monolithic concrete pipe lined with 36-inch Techite pipe (fiberglass-reinforced mortar pipe); • connection to the existing "Rubber-Gasketed Reinforced Culvert Pipe" pipeline crossing under I-80 with a rolled steel stub and concrete connection block; • installing about 5,700 feet of 42-inch ASTM C-905 PVC pipe with appurtenances including sectionalizing valves, fittings, turnouts (services), connections to the replacement deepwell and remaining sub-laterals, thrust blocks, air release valves and blowoffs, all to be determined in the design phase; and • connection to the existing "Rubber-Gasketed Reinforced Concrete Pipe" pipeline on the north side of Vaughn Road with a rolled steel stub and concrete connection block. 	Replace the Vaughn Pipeline according to SID standards.	Project Applicant and SID Inspector.	During project construction for Phase 1.	CDD.

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	4.11-3(b) (Phases 1 and 2) The Project Applicant shall connect the replacement pipeline to portions of the existing pipeline and turnouts such that no interruption of service is experienced by SID customers downstream of the existing pipeline. The connection of the replacement pipeline cannot occur during the irrigation season, from March 1 through October 15. The Project Applicant shall coordinate with SID to connect the pipeline during the months of November through February.	Replace pipeline to connect to portions of the existing pipeline.	Project Applicant.	During construction during the months of November through February.	CDD.
4.11-5 The Proposed Project would discharge flows to the existing City sewer system, which would exceed City Engineering Standards for peak flow in the lines.	4.11-5(a) (Phase 1) Prior to grading permit approval, the Proposed Project sewer system plan shall be revised to include an 18-inch-diameter line connection to a new 18-inch-diameter line in Vaughn Road, and to include flow diversion and equalization facilities to limit peak flows to the collection system to ensure the project's allocated flow capacity is not exceeded. Flow equalization facilities could include, but would not be limited to, holding tanks or basins that would be slowly emptied at times when project flows are less than allocated capacity and a monitoring system at the point of connection to the city's sewer system. The results of engineering analysis shall be used to demonstrate to the satisfaction of the City Engineer that the proposed equalization facilities will limit the project flows to less than or equal to allocated capacity.	Revise sewer system plan to provide the requirements set forth in the mitigation.	Project Applicant.	Prior to issuance of grading permit for Phase 1.	CDD.
	4.11-5(b) (Phase 1) Inclusion of flow equalization and monitoring facilities in Phase 1 of project design shall be demonstrated at the Plan Check stage.	Demonstrate inclusion of flow equalization and monitoring facilities.	Project Applicant.	Prior to issuance of building permit for Phase 1.	CDD.
	4.11-5(c) (Phase 1) The Project Applicant shall install flow monitoring facilities at the point of connection to the city's collection system prior to the issuance of the first building permit to ensure compliance with the city's Sewer Ordinance limitations to	Install flow monitoring facilities.	Project Applicant.	Prior to issuance of building permit for Phase 1.	CDD.

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Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	provide a basis for billing and capital cost apportionment.				
	<p>4.11-5(d) (Phase 1)</p> <p>Implement NQSP EIR Mitigation Measure PS-E:</p> <p>The following mitigation measure from the NQSP EIR, including the proposed revision, clarifies the project applicant's responsibility.</p> <p>PS-E The project proponent shall be responsible for contributing to the appropriate hook-up fees to help offset the costs of necessary sewage conveyance, storage, treatment, and disposal facility expansions. In addition, the project proponent shall be responsible for the construction of sewer lift stations, sewer mains and any other facility improvements deemed necessary to serve the Proposed Project.</p>	<p>Pay appropriate hook-up fees and construct any facility improvements necessary.</p>	Project Applicant.	Prior to issuance of building permit for Phase 1.	CDD.
	<p>4.11-5(e) (Phase 2)</p> <p>Prior to the issuance of any permit for Phase 2 development, the project sewer plan shall be evaluated and revised, as necessary, to identify necessary upgrades and/or modifications to the flow equalization and monitoring facilities installed as part of Phase 1 development. The revisions shall be made to the satisfaction of the City Engineer prior to the issuance of any building permit for Phase 2 development. Modifications to the design shall be verified at the Plan Check stage. The applicant(s) shall pay wastewater connection fees in accordance with the most current City of Dixon fee schedule, as specified in NQSP EIR Mitigation Measure PS-E.</p>	<p>Evaluate project sewer plan and pay wastewater connection fees.</p>	Project Applicant.	Prior to issuance of any building permit for Phase 2.	CDD.
<p>4.11-6</p> <p>The Proposed Project would result in the need for expansion of the City's wastewater treatment plant facilities.</p>	<p>4.11-6(a) (Phase 1)</p> <p>Implement NQSP EIR Mitigation Measure PS-C as amended:</p> <p>Prior to the issuance of a building permit, evidence that the City's wastewater treatment plant has capacity to</p>	<p>Provide evidence that wastewater treatment plant has capacity to serve project or determine wastewater treatment plant capacity is sufficient to</p>	Project Applicant.	Prior to any connection to the City sewer (except for testing purposes) for Phase 1 and prior to the issuance of an occupancy permit for Phase 1.	CDD.

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**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
	<p>accommodate Phase 1 of the Proposed Project shall be submitted to the City of Dixon. Connections to the City sewer other than for testing purposes shall be prohibited until the required evidence is submitted to the City.</p>	<p>serve Phase 1 of project.</p>			
	<p>-OR-</p> <p>If the Project Applicant requests building permits for Phase 1 that disclaim any guarantee of the Project Applicant's right or ability to hookup to the City WWTP ("limited building permits") or otherwise expressly waives such rights, the City shall not withhold the building permits based on the absence of the evidence that the City's WWTP has capacity to accommodate that phase of the Proposed Project (the "required evidence"). Under a limited building permit, site development (grading, installation of infrastructure, and building construction) shall be allowed, but connections to the City sewer other than for testing purposes and the use or occupancy of the Phase 1 buildings shall be prohibited until the required evidence is submitted to the City. To the extent that the Project Applicant utilizes limited building permits, the Project Applicant shall submit the required evidence prior to issuance of an occupancy permit for the first component of Phase 1.</p> <p>4.11-6(b) (Phase 2)</p> <p>Implement NQSP EIR Mitigation Measure PS-C as amended: Prior to the issuance of a building permit, evidence that the city's WWTP has capacity to accommodate Phase 2 of the Proposed Project shall be submitted to the City of Dixon. Connections to the City sewer other than for testing purposes shall be prohibited until the required evidence is submitted to the City.</p> <p>OR</p> <p>If the Project Applicant requests building permits for Phase 1 that disclaim any guarantee of the Project Applicant's right or ability to hookup to the City WWTP ("limited building permits") or otherwise expressly waives such rights, the City shall not withhold the building permits based on the absence of the evidence that the City's WWTP has capacity to accommodate that phase of the Proposed Project (the "required evidence"). Under a limited building permit, site</p>	<p>Submit evidence to the City of Dixon that the City's wastewater treatment plant has capacity to accommodate project, or determine that WWTP capacity is sufficient to serve Phase 2 of project.</p>	<p>Project Applicant.</p>	<p>Prior to any connection to the City sewer (except for testing purposes) for Phase 2 and prior to the issuance of an occupancy permit for Phase 2.</p>	<p>CDD.</p>

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DATE: **OCT 23 2006**

**DIXON DOWNS
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action Summary	Implementing Party	Timing	Monitoring Party
<p>Dixon, could result in the need for new or physically altered wastewater collection facilities that could result in significant environmental effects.</p>					
<p>New noise measure for impact 4.8-4</p> <p>Large events could increase noise levels in the vicinity of the project site.</p>	<p>New noise measure</p> <p>Implement Section 5.9 of the Development Agreement:</p> <p>(A) Compliance with City's Noise Performance Standards. The Dixon Downs Project shall comply with the City's noise performance standards as set forth in Sections 12.24.03 through 12.24.06 of the Dixon Zoning Ordinance and as applied to the Dixon Downs PD Zoning District in accordance with this measure. In recognition of the unique racetrack-related, mixed-use, entertainment-oriented character of the Dixon Downs PD Zoning District, the City's noise performance standard, as set forth in Section 12.24.03 of the Dixon Zoning Ordinance and as applied to the Dixon Downs Racetrack/Entertainment Complex, shall be a maximum sound pressure level of 75 dB, with a correction factor of "Plus 5" to be applied to noise emissions between 7 a.m. and 10 p.m.</p> <p>(B) Noise Monitoring Requirements. In order to assure compliance with the City's noise performance standards during any Tier 2 Horse Racing Event conducted after 7:00 p.m., any Tier 2 Special Event using outdoor sound amplification, or any Tier 3 Event, Developer shall, during the first twenty (20) Tier 2 Events, including a minimum of ten (10) Tier 2 Special Events, (the "Initial Monitoring Period"), retain the services of a noise consultant to be present on-site for the purpose of: (i) monitoring noise levels and (ii) causing immediate adjustments to be made in such noise levels if and as needed to comply with City standards. For purposes of monitoring compliance with the City's noise performance standards, noise level measurements shall be taken at the western and southern boundaries of the Dixon Downs PD Zoning District.</p>	<p>The Project Applicant shall comply with the listed noise standards.</p>	<p>Project Applicant.</p>	<p>Ongoing during operation.</p>	<p>CDD.</p>

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MITIGATION MONITORING PLAN**

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	<p>Noise Performance Monitoring Plan. Following the Initial Monitoring Period, Project Applicant shall submit a Noise Performance Monitoring Plan to the City which reports the results of the noise monitoring experience during the Initial Monitoring Period and includes a program for monitoring compliance with the City's noise performance standards on an on-going basis. The Noise Performance Monitoring Plan shall be subject to administrative review and approval by City Staff. A determination by City Staff to deny approval of the Noise Performance Monitoring Plan shall be made in writing, shall state the reasons for denial, and shall be subject to appeal by Project Applicant to the City Council. An appeal of an administrative determination denying approval of a Noise Performance Monitoring Plan shall be made in writing within ten (10) days following issuance of the administrative determination. Developer shall continue to monitor compliance with the City's noise performance standards in accordance with the provisions of this measure until an approved Noise Performance Monitoring Plan is in effect.</p>				

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