### **EXECUTIVE SUMMARY**

California Environmental Quality Act Compliance Biotechnology & Science Building, Vacaville Center Solano Community College District

### Background:

The construction of the Biotechnology & Science Building is a "project" as defined by the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration (MND) was released for public review (State Clearinghouse #2015042030) and Solano Community College District (the District) received four public comment letters from governmental entities as noted below. The issues and District's responses are summarized:

## 1. City of Vacaville:

- a. Zoning of the recently purchased Annex property does not fit within the City's General Plan. The City and District have agreed to work on a mutually agreeable solution and there are no long term impacts to the project.
- b. Water and sewer connection fees as well as traffic mitigation fees will be levied upon the District. Payment of the City's "Development Impact Fee" will mitigate the cumulative traffic impacts of the project.
- c. In order to mitigate the traffic control concerns between the two campus sites, a signalized crosswalk will be installed at the existing entry to the campus by the District. Though development of the area continues and a traffic signal may not be needed on a regular basis at this time, the Board will be asked to approve this project in the coming months in order to protect students and faculty that currently traverse between the two campus sites.

## 2. California Department of Fish and Wildlife (CDFW):

- a. CDFW commented on the potential impacts to four "special status" species known to habitat in the area.
- b. The District notes that the MND considered and recognized the four species. No impacts beyond those identified in the MND will occur. A survey for nesting birds is required and will specifically include a "protocol level" survey for the Burrowing Owl during the current nesting season.

## 3. Caltrans:

a. Caltrans expressed agreement with mitigation measures for the I-505 interchange – mitigated by participating in City's fee program (noted in 1b, above). Caltrans encourages the District to promote trip reduction measures to reduce vehicle trips. Transit service exists in the area, and it is expected that transit options will continue to improve with the increase in housing development in the area.

## 4. Regional Water Quality Control Board (RWQCB):

- a. Several water-related permits may be required and the District acknowledges those comments. No revision to the MND is needed, as the document identifies the relevant permits related to construction and operation of the new project.
- b. The California Environmental Quality Act (CEQA) requires that when a lead agency adopts a mitigated negative declaration, it shall prepare a monitoring or reporting program (MMRP) for all required mitigation measures (CEQA Guidelines Section 15097). The MMRP for the project is included on Page 8, Table 1 of provided summary of discussions.

### **Recommended action:**

CEQA requires that the Board of Trustees:

- Consider comments and responses;
- Adopt the Mitigated Negative Declaration; and
- Approve the Mitigation Monitoring and Reporting Plan.

#### The Board is asked approve the following:

The Solano Community College District Board of Trustees hereby adopts the Mitigated Negative Declaration prepared for the Vacaville Center Biotechnology & Science Building (State Clearinghouse Number 2015042030) and the Mitigation Monitoring and Reporting Program. The Board has considered the proposed Mitigated Negative Declaration and the comment letters received during the 30-day public review period. The Board finds that the revisions to the mitigation measures are equal to or more effective than the measures presented in the Draft Mitigated Negative Declaration, dated April 2015. The Mitigated Negative Declaration and all supporting documents and comments are available for review at:

Solano Community College District Measure Q Bond Office 4000 Suisun Road, Building 600 Fairfield, CA 94534-3197



980 9TH STREET, 17TH FLOOR SUITE 1750 SACRAMENTO, CALIFORNIA 95814 T 916.443.8335 F 916.443.5113

## **MEMORANDUM**

То:	Ines Zildzic
	Leigh Sata
From:	Brian Grattidge
Subject:	Vacaville Center Biotechnology and Science Building MND and MMRP
Date:	May 13, 2015
cc:	
Attachment(s):	

This memorandum summarizes the comments received during the 30-day public review period for the proposed Mitigated Negative Declaration for the Solano Community College District (SCCD) Vacaville Center Biotechnology and Science Building.

The proposed project is the construction of a new Biotechnology and Science Building at the Vacaville Center campus, 2001 N. Village Parkway, Vacaville, CA 95688. The existing Vacaville Center includes an existing 36,359 square-foot classroom, with parking and landscaping. The proposed Biotechnology and Science Building would be 31,943 square feet, containing academic laboratory and lecture spaces, offices, and student support services.

An initial study and proposed Mitigated Negative Declaration (State Clearinghouse #2015042030) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The document was released for public review and circulated to local and state agencies on April 8, 2015. The 30-day review period ended on May 7, 2015. Four comment letters were received during that time. CEQA requires that the Board of Trustees (the decision making body) consider comments received. A discussion of the issues raised in the comments and recommended revisions to the Mitigated Negative Declaration are below.

The California Environmental Quality Act (CEQA) requires that when a lead agency adopts a mitigated negative declaration, it shall prepare a monitoring or reporting program (MMRP) for all required mitigation measures (CEQA Guidelines Section 15097). The MMRP for the project is included as Table 1 of this memorandum.

## COMMENTS ON THE MITIGATED NEGATIVE DECLARATION

## **City of Vacaville**

A letter was received from the City of Vacaville, dated May 6, 2015. The City commented on issues related to land use planning, water and sewer fees, and traffic.

The City notes that the project site (Figure 2) includes the SCCD property west of N. Village Parkway, known as the Vacaville Annex. The Annex includes an existing building build by the Solano County Department of Education, but now owned and operated by SCCD. The Annex is zoned North Village General Commercial and designated general commercial in the City's general plan (as noted in comments 1 through 4 of the City's letter). The zoning for the Vacaville Center is correctly noted as zoned Public Facilities in the MND (with a general plan designation of Public/Institutional). The District acknowledges the difference in zoning/general plan for the two properties. The Biotechnology and Science Building project would only affect the Vacaville Center, and not the Annex property. Therefore, the project does not create a conflict with existing zoning. Furthermore, it is the District's intention to work with the City to process a general plan amendment and rezoning for the Annex site to bring it into conformance with its existing use as an educational facility.

Based on the zoning issue with the Annex, the City makes additional comments (comments 5 through 8) regarding greenhouse gas emissions, Nut Tree Airport Land Use Compatibility Plan (ALUCP) compatibility. As state above, the proposed project does not affect existing or planned uses of the Annex. In addition, CEQA Guidelines and case law strongly state that a CEQA analysis must consider the environmental conditions as they exist. This is true regardless of how the existing situation came to be (see *Kenneth F. Fat v. County of Sacramento* and *Riverwatch v. County of San Diego*).

It is the District's intention to pay sewer and water connection fees, as requested in comment 9. However, the District does not believe there is substantial evidence that the project would have a substantial impact on sewer and water systems in the City, that would be mitigated by the fee payments. However, the District has paid the connections fees for the existing campus building and will continue to do so to defray the City's costs of providing service to District facilities.

The City reviewed the traffic analysis in the MND (comment 10). While reiterating their concerns with the Annex zoning issue described above, the City does not express disagreement with the impact findings. The City recommends the District participate in the City's Development Fee Impact Program to mitigate the cumulative traffic impacts, as discussed in the

MND. It is the District's intention to participate in the fee program (which is one of the mitigation options outlined in the MND).

The City raises concerns regarding the mitigation measure for pedestrian traffic at the N. Village Parkway/Vacaville Center Main Driveway (Measure TRA-5), and recommends that a traffic signal be installed. The signal would also satisfy the mitigation requirements for potential cumulative vehicular traffic impacts at that location (Measure TRA-3). Mitigation Measures TRA-3 and TRA-5 are revised to reflect SCCD's intention to install a traffic signal at that location. Construction on the signal shall begin no later than the construction period for the Biotechnology and Science Building, with the intention that the signal be in place before a full schedule of student classes is implemented at the Biotechnology and Science Building. The text of the revised measures is found below.

# California Department of Fish and Wildlife

A letter was received from the California Department of Fish and Wildlife (CDFW), dated May 7, 2015. CDFW commented on the project's potential to impact four species: Swainson's hawk (*Buteo swainsonii*), burrowing owl (*Athene cunicularia*), Townsend's big-eared bat (*Corynorthinus twonsendii*)), and Baker's naverretia (*Navarretia leucocephala ssp. Bakeri*). All four of these species were evaluated in the Biological Resources report prepared in support of the MND. Of the four, only two had the potential to be impacted by the proposed project, Swainson's hawk and burrowing owl. Although neither species was detected at the site of the proposed building (the building site is a much smaller area, compared to the 54-acre District property surveyed in the Biological Resources report) Mitigation Measure Bio-1 requires preconstruction surveys for any project-related activities that would occur during the nesting season.

Regarding Swainson's hawk nesting and foraging, there are no suitable trees within the project footprint. Small trees exist elsewhere on the SCCD property, and the species has been observed within five miles of the Vacaville Center. The area of the Vacaville Center affected by the project includes existing hardscape areas, and some disturbed/ruderal areas. The ruderal areas are close to human activity and relatively undesirable as forage compared to other land cover in the project area. It likely would serve as forage only immediately after mowing or discing, when prey may be driven into the open. The area of ruderal area to be disturbed is less than an acre, and not high quality. Therefore, we do not consider this a significant loss of forage habitat. However, the potential for Swainson's hawk to establish a nest within 0.5 miles of the construction area is acknowledged, and addressed in Measure BIO-1.

Measure BIO-1 also pertains to the burrowing owl. While no owls were detected during the initial site visit (winter) and a subsequent spring survey (May 7, 2015), the presence of suitable

habitat is noted, and burrowing owls have been identified on the property to the west of N. Village Parkway. At the recommendation of CDFW, we have modified Measure BIO-1 to specify protocol level surveys to determine if owls are present on the site, per the *Staff Report on Burrowing Owl Mitigation* (2012). The first in-season survey has been completed (and a negative determination made). Three subsequent surveys (two during the nesting season, and one off-season) will be conducted.

While the report acknowledges the potential for Townsend's big-eared bat on the SCCD property, the proposed project would have a less-than-significant impact. The building site does not support the necessary habitat (caves, mines, large trees), and the existing building (built in 2010) has no indication of bats present and would not be significant impacted by the proposed project.

An occurrence of Baker's naverretia was recorded on the property west of N. Village Parkway. However, the project site does not include the wetland habitat that would support this species.

CDFW also states that modification of a river or stream may require a Lake and Streambed Alteration Agreement. The proposed project would not affect a river or stream. It is acknowledged that future projects at the Vacaville Center may require such a permit, due to the presence of drainage ditches on the easterly side of the property.

# California Department of Transportation

A letter was received from the California Department of Transportation (Caltrans) District 4, dated May 7, 2015. Caltrans notes that the project would affect Interstate 505, as disclosed in the MND. Caltrans agrees with the proposed mitigation. Caltrans further recommends a Multimodal fee to encourage transit service to the college. Existing transit service exists within walking distance of the campus. It is expected that transit usage will increase as student enrollment increases, and as the surrounding North Village area continues to develop. Additional comments regarding trip reduction measures are made. Although SCCD does not have land use authority over the project area, the area does include a mix of housing and employment centers. The future plans for the Vacaville Center include additional student services, and future classroom space at the Vacaville Annex, which are designed to not only serve the growing local student population, but to also limit trips to and from campus by providing a greater variety of classes and support services in one place.

# Regional Water Quality Control Board

A letter was received from the Central Valley Regional Water Quality Control Board, dated April 30, 2015. The letter identifies several permits that may be required, including coverage

under the Construction Storm Water General Permit, MS4 Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Water Quality Certification, Waste Discharge Requirements, the Irrigated Lands Regulatory Program, and the Low or Limited Threat General NPDES Permit.

The MND discussed the potential need for coverage under the Construction Storm Water General Permit (page 3-59), as well as compliance with the City's MS4 permit. In the event that groundwater dewatering is required, SCCD will comply with all NPDES requirements. As the project will not involve industrial discharge, irrigation, or impacts to waters of the Unites States, the other permit requirements would not apply to the project.

# REVISIONS

Mitigation measures BIO-1, TRA-3, and TRA-5 have been revised to reflect comments received on the draft IS/MND. Replacement of mitigation measures in an MND by equal or more effective measures is authorized under CEQA Guidelines Section 15074.1. Section 15074.1 requires the holding of a public hearing on the MND, and appropriate findings. Both of these conditions will be met by the District prior to approval of the MND and consideration of the project.

**BIO-1** If construction is to occur during the nesting season (between February 1<u>5</u> and August <u>30 31</u> of each year), the project applicant shall provide for a pre-construction survey for tree-nesting and ground-nesting birds to be completed by a qualified biologist no more than 2 weeks prior to the start of construction. The survey shall include areas within 500 feet of the proposed disturbance (demolition, grading, and/or vegetation removal). Active raptor nests located within 300 feet of the project will be mapped. A determination will be made by a qualified biologist, in coordination with the California Department of Fish and Wildlife (CDFW), as to whether or not construction work would affect the active nest or disrupt reproductive behavior. Criteria used for this evaluation will include, but not be limited to, presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. Alternatively, other appropriate avoidance measures approved by CDFW may be implemented to ensure that the nest is protected.

If it is determined that construction will not affect an active nest or disrupt breeding behavior, construction may proceed without any restriction or mitigation measure.

If it is determined that construction will affect an active raptor nest or disrupt reproductive behavior, then avoidance is the only mitigation available. Construction will not be permitted within 500 feet of such a nest until a qualified biologist determines that the subject nests are no longer active.

In addition to the pre-construction survey specified above, a qualified biologist will conduct protocol level surveys to determine if burrowing owls are present on the site, per the methodology of the *Staff Report on Burrowing Owl Mitigation* (2012).

TRA-3 North Village Parkway/Vacaville Campus Main Driveways is a side-street stopcontrolled intersection that operates acceptably before the addition of project trips under Cumulative with Phase 1 Conditions; the intersection does not meet signal warrants under Cumulative without Project or Cumulative with Phase 1 Conditions. The mitigation measure for this impact consists of the following items:

Implement the improvements specified in Mitigation Measure TRA-5.

- Monitor intersection operations at North Village Parkway/Vacaville Campus Main Driveways every five (5) years after occupancy of Phase 1. Monitoring consists of collecting new intersection turning movement counts and intersection LOS analysis using state-of-the-practice analysis methods.
- If intersection operations degrade to an unacceptable level, construct one of the following improvements:
  - If signal warrants are not met, roundabout or all-way stop-control
  - If signal warrants are met, signalize or roundabout

The District shall fully sponsor improvements related to mitigating the impact at the North Village Parkway/Vacaville Campus Main Driveways intersection as the intersection operated acceptably before the addition of project trips.

Implementation of these improvements results in North Village Parkway/Vacaville Campus Main Driveways operating at 9 seconds of delay (LOS A) with a one lane roundabout or 13 seconds of delay (LOS B) with all-way stop-control. Signalizing the intersection would result in low levels of delay. The mitigation measures would result in the impact being reduced to less than significant with mitigation.

**TRA-5** The District shall install a <u>signal at</u> crosswalk and appropriate warning signage to facilitate pedestrians crossing the north leg of the intersection at North Village Parkway/Vacaville Campus Main Driveways. The District shall coordinate with the

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City of Vacaville to install the <u>signal</u> <del>crosswalk</del> prior to the start of classes at the Biotechnology and Science Building. <u>The signal design shall consider the needs of pedestrians accessing SCCD facilities on either side of North Village Parkway.</u>

# MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a lead agency adopts a mitigated negative declaration, it shall prepare a monitoring or reporting program (MMRP) for all required mitigation measures (CEQA Guidelines Section 15097). The MMRP, identified as Table 1, below, shall be maintained by SCCD's designated Project Manager.

		Mitigation Timing	Monitoring Party
Number	Mitigation Measure	Responsible Party	Sign Off
BIO-1	If construction is to occur during the nesting season (between February 15 and August 31 of each year), the project applicant shall provide for a pre- construction survey for tree-nesting and ground- nesting birds to be completed by a qualified biologist no more than 2 weeks prior to the start of construction. The survey shall include areas within 500 feet of the proposed disturbance (demolition, grading, and/or vegetation removal). Active raptor nests located within 300 feet of the project will be mapped. A determination will be made by a qualified biologist, in coordination with the California Department of Fish and Wildlife (CDFW), as to whether or not construction work would affect the active nest or disrupt reproductive behavior. Criteria used for this evaluation will include, but not be limited to, presence of visual screening between the nest and construction activities, and behavior of adult raptors in response to the surveyors or other ambient human activity. Alternatively, other appropriate avoidance measures approved by CDFW may be implemented to ensure that the nest is protected. If it is determined that construction will not affect an active nest or disrupt breeding behavior, construction may proceed without any restriction or mitigation measure. If it is determined that construction will affect an active raptor nest or disrupt reproductive behavior, then avoidance is the only mitigation available. Construction will not be permitted within 500 feet of such a nest until a qualified biologist determines that the subject nests are no longer active. In addition to the pre-construction survey specified above, a qualified biologist will conduct protocol level surveys to determine if burrowing owls are present on the site, per the methodology of the Staff	No more than 2 weeks prior to construction. (Owl survey during prior breeding season and non-breeding season) <i>SCCD</i>	SCCD Project Manager
0111_1	Report on Burrowing Owl Mitigation (2012).	la alcala la servició da Cont	
CUL-1	Should archaeological or paleontological material be identified in the area during earth-moving activities, work should be temporary halted in the vicinity, and the City consulted. A qualified archaeologist (or paleontologist) will be assigned to review the	Include language in final construction drawings and/or construction contract regarding halt of work for archaeological	SCCD Project Manager to verify contract language. SCCD to obtain services

# Table 1Mitigation Monitoring and Reporting Program

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	unanticipated find, and evaluation efforts of this resource for CRHR listing will be initiated in consultation with the City. Should human remains be discovered, work will halt in that area and procedures set forth in the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) will be followed, beginning with notification to the City and County Coroner. If Native American remains are present, the County Coroner will contact the Native American Heritage Commission to designate a Most Likely Descendent, who will arrange for the dignified disposition and treatment of the remains.	material or human remains. <i>SCCD</i> Contractor to halt work and notify SCCD Construction Manager in event of accidental discovery. <i>Contractor</i>	of archaeologist or paleontologist, if necessary.
GEO-1	Construction shall be required to comply with the recommendations of the geotechnical report related to special construction measures to be implemented when building on expansive soils. These measures may include construction of interior pad areas and exterior flatwork with granular materials or lime treatment of native soils. "Geotechnical report" refers to the Geotechnical Engineering Report, Solano Community College-Vacaville Campus prepared by Wallace Kuhl and Associates, 2006, or a newer geotechnical report that supersedes this report.	Building Plans <i>Designer</i>	SCCD Project Manager to confirm compliance.
NOI-1	To avoid disruption to nearby residents, construction activities shall be limited to daytime hours between 7 AM to 7 PM Monday through Saturday. No exterior construction activities shall be permitted on Sundays.	During Construction Contractor	SCCD Project Manager to confirm compliance.
TRA-1	<ul> <li>I-505 Southbound Ramps/Vaca Valley Parkway is an unsignalized intersection that operates unacceptably in the AM and PM peak hours under Existing Conditions and Existing with Phase 1 Conditions. The intersection also meets the Peak Hour signal warrant in the AM and PM peak hours under Existing Conditions and Existing with Phase 1 Conditions. The mitigation measure is to fund (on a fair share basis) construction of the following improvements at the intersection:</li> <li>Signalize intersection (westbound left turn protected phase), signal coordinated with East Monte Vista Avenue-Crocker Drive/Vaca Valley Parkway signal</li> <li>Southbound approach: 1 left turn pocket (150 feet length), 1 through-right turn shared lane</li> <li>Westbound approach: 1 left turn pocket (150 feet length), 1 through lane, 1 right-turn lane</li> </ul>	Development Fees to be paid to City prior to occupancy of building <i>SCCD</i>	SCCD Project Manager to confirm payment.
	Since the intersection operates unacceptably under Existing Conditions and meets the Peak Hour signal		

	warrant under Existing Conditions, the District shall		[]
	warrant under Existing Conditions, the District shall pay a fair share contribution towards the construction of a signal and other improvements at the intersection. Alternatively, improvements may be funded through payment into the City's Development Impact Fee (DIF) program.		
	Constructing these improvements would result in acceptable traffic operations (LOS C or better) at the intersection (8 seconds of delay in the AM peak hour, 12 seconds of delay in the PM peak hour). It should also be noted that these mitigation measures will not preclude implementation of the Cumulative year I-505/Vaca Valley Parkway overcrossing improvements.		
TRA-2	I-505 Northbound Ramps/Vaca Valley Parkway and New Horizons Way-North Village Parkway/Vaca Valley Parkway are signalized intersections that operate unacceptably before the addition of project trips under Cumulative with Phase 1 Conditions. The mitigation measures proposed below operate as a system, and should be implemented together as one package.	Development Fees to be paid to City prior to occupancy of building SCCD	SCCD Project Manager to confirm payment.
	<ul> <li>New Horizons Way-North Village Parkway/Vaca Valley Parkway</li> <li>Add new third westbound lane from Akerly Drive/Vaca Valley Parkway to New Horizons Way-North Village Parkway/Vaca Valley Parkway</li> <li>Stripe westbound approach as 1 left turn lane, 2 through lanes and 1 through-right turn shared lane</li> <li>Restripe southbound approach to 2 left turn lanes and 1 through-right turn shared lane</li> <li>Restripe northbound approach to 2 left turn lanes and 1 through-right turn shared lane</li> <li>I-505 Northbound Ramps/Vaca Valley Parkway</li> <li>Carry new third westbound lane from New Horizons Way-North Village Parkway/Vaca Valley Parkway</li> <li>Stripe westbound approach to 2 through lanes and 1 right turn shared lane</li> </ul>		
	Since the two intersections along Vaca Valley Parkway operate deficiently before project trips are added, the project shall pay a fair share percentage of construction costs for improvements at New Horizons Way-North Village Parkway/Vaca Valley Parkway and I-505 Northbound Ramps/Vaca Valley		

	<ul> <li>Parkway. Alternatively, improvements may be funded through payment into the City's Development Impact Fee (DIF) program.</li> <li>New Horizons Way-North Village Parkway/Vaca Valley Parkway would operate at 46 seconds of delay (LOS D); the operations are improved over Cumulative without Project Conditions, so the impact has been reduced to less than significant with mitigation.</li> <li>I-505 Northbound Ramps/Vaca Valley Parkway would operate at 40 seconds of delay (LOS D); the operations are improved over Cumulative without Ramps/Vaca Valley Parkway would operate at 40 seconds of delay (LOS D); the operations are improved over Cumulative without Project Conditions, so the impact has been reduced to less than significant with mitigation.</li> </ul>		
TRA-3	North Village Parkway/Vacaville Campus Main Driveways is a side-street stop-controlled intersection that operates acceptably before the addition of project trips under Cumulative with Phase 1 Conditions; the intersection does not meet signal warrants under Cumulative without Project or Cumulative with Phase 1 Conditions. The mitigation measure for this impact consists of the following items: Implement the improvements specified in Mitigation Measure TRA-5. Implementation of these improvements results in North Village Parkway/Vacaville Campus Main	Signal installation at the time, or before, classes are held at the Biotechnology and Science Building. SCCD	SCCD Project Manager to coordinate construction with City of Vacaville.
	Driveways operating at 9 seconds of delay (LOS A) with a one lane roundabout or 13 seconds of delay (LOS B) with all-way stop-control. Signalizing the intersection would result in low levels of delay. The mitigation measures would result in the impact being reduced to less than significant with mitigation.		
TRA-4	Kaiser Hospital Driveway-Crescent Drive/Vaca Valley Parkway is a signalized intersection that operates unacceptably before the addition of project trips under Cumulative with Phase 2 Conditions. The mitigation measure for this intersection is to add right turn overlap phases for the westbound right turn movement and northbound right turn movement. The project shall pay a fair share contribution towards the modification of the signals for the overlap phases. Alternatively, the improvements may be funded through payment into the City's Development Impact Fee (DIF) program. Implementing these improvements results in the intersection operating at 59 seconds of delay (LOS E); the operations are improved over Cumulative without Project	Development Fees to be paid to City prior to occupancy of building <i>SCCD</i>	SCCD Project Manager to confirm payment.

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	Conditions, so the impact has been reduced to less than significant with mitigation.		
TRA-5	The District shall install a signal at the intersection at North Village Parkway/Vacaville Campus Main Driveways. The District shall coordinate with the City of Vacaville to install the signal prior to the start of classes at the Biotechnology and Science Building. The signal design shall consider the needs of pedestrians accessing SCCD facilities on either side of North Village Parkway.	are held at the Biotechnology and Science Building.	