

RESOLUTION NO. 2015-074

RESOLUTION OF THE COUNCIL OF THE CITY OF VACAVILLE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE VACAVILLE GENERAL PLAN UPDATE AND THE ENERGY AND CONSERVATION ACTION STRATEGY (ECAS), ADOPTING THE FINDINGS OF FACT, ADOPTING A MITIGATION MONITORING AND REPORTING PLAN, REJECTING LAND USE ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE VACAVILLE GENERAL PLAN UPDATE, AND ADOPTING THE VACAVILLE ENERGY AND CONSERVATION ACTION STRATEGY

WHEREAS, the project, hereafter referred to as "Project," consists of: 1) a comprehensive update to the City of Vacaville General Plan, 2) adoption of the Energy and Conservation Action Strategy (ECAS), and 3) preparation of the General Plan and Energy and Conservation Action Strategy Environmental Impact Report.

WHEREAS, the Project Environmental Impact Report (EIR), hereafter referred to as the "Project EIR," certified by the City Council of the City of Vacaville consists of: 1) the Draft EIR, 2) the Final EIR, 3) the *Additional Analysis for Changes for Changes to Draft General Plan Land Use Designations and Policies* memo dated February 27, 2015, 4) the Final EIR Addendum, and the 5) Mitigation Monitoring and Reporting Plan.

WHEREAS, on March 23, 2010, the City Council of the City of Vacaville initiated the Project, authorized the Community Development Director to enter into a consulting contract with Design, Community, & Environment (DC&E), now known as Placeworks. At this meeting, the City Council also created the General Plan Update Steering Committee to help guide the Project through the update process.

WHEREAS, on February 11, 2011, a Notice of Preparation (NOP) was prepared for the Project and circulated through the State of California Governor's Office of Planning and Research for the Project (SCH# 2011022043). In addition, the NOP was sent by certified mail to responsible and trustee agencies and other applicable state, federal and local agencies with jurisdiction within the Project area. The NOP review and comment period began on February 11, 2011 and concluded on March 14, 2011.

WHEREAS, on March 10, 2011, the City of Vacaville held a duly noticed public scoping meeting for the Project at the City of Vacaville City Council Chambers, located at 650 Merchant Street, Vacaville, California.

WHEREAS, on December 13, 2011, after 34 public meetings and 4 workshops, and following consideration of alternative land use plan by the Steering Committee, the City Council of the City of Vacaville identified the preferred General Plan land use alternative to be analyzed in the Draft EIR.

WHEREAS, on October 25, 2013, a Notice of Completion (NOC) for the Draft EIR was prepared and circulated through the State of California Governor's Office of Planning and Research. The 55-day public review and comment period took place between October 25, 2013 and December 18, 2013.

WHEREAS, on October 25, 2013, a Notice of Availability (NOA) for the Draft EIR was posted in the Office of the Solano County Clerk and distributed to responsible and trustee

agencies, local, State, and federal agencies, interested groups and persons, and military installations as required by CEQA Guidelines Section 15190.5.

WHEREAS, on October 25, 2013, a Notice of Availability (NOA) for the Draft EIR was published in *The Reporter*, Vacaville's local newspaper.

WHEREAS, on December 17, 2013, the Planning Commission of the City of Vacaville held a duly noticed public comment hearing on the Draft EIR.

WHEREAS, on June 12, 2014, the General Plan Update and ECAS Final EIR, which included responses to comments received on the Draft EIR, was published.

WHEREAS, on June 18, 2014, February 26, 2015, and July 23, 2015, the City provided email and written responses to public agencies that provided comments on the Draft EIR.

WHEREAS, on August 5, 2014, the Planning Commission of the City of Vacaville held a duly noticed public hearing to review and recommend approval of proposed changes to the General Plan and ECAS, and to consider the General Plan and ECAS Draft and Final EIRs. The General Plan, ECAS and Draft and Final EIRs reviewed by the Planning Commission contained changes made in response to comments received on the Draft EIR and the draft General Plan.

WHEREAS, on August 19, 2014, the Planning Commission of the City of Vacaville held a duly noticed public hearing regarding the proposed Draft and Final EIRs, Adoption of Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan, and General Plan and the Energy and Conservation Action Strategy. At this meeting, the Planning Commission voted 7 – 0 to recommend that the City Council certify the Draft and Final EIRs and ECAS, and to recommend approval of the revisions contained in the *Compilation of Comments Received on the General Plan Update* document and its Addendum, and to direct staff to prepare additional General Plan Growth Area land use alternatives for consideration by the Planning Commission and City Council.

WHEREAS, on September 22, 2014, the Planning Commission of the City of Vacaville held a duly noticed public hearing regarding the proposed General Plan, including a Revised Focused Growth Alternative prepared in response to Commission direction and a landowners' proposed Option 2 revised plan. At this meeting, the Planning Commission voted 6 – 0 to recommend that the City Council: 1) approve the Preferred Land Use Alternative for the infill areas; 2) to advise the City Council that the Planning Commission was evenly split between the Revised Focused Growth Alternative and the Option 2 plans for the East of Leisure Town Road Growth Area; and 3) approve the Northeast Growth Area as shown on the Preferred Land Use Alternative.

WHEREAS, on October 28, 2014, the City Council of the City of Vacaville held a duly noticed public hearing to consider the proposed General Plan and the ECAS and Draft and Final EIRs for the Project, and received testimony from City staff, consultants, and from interested persons. At this meeting, the City Council directed staff and consultants to prepare a revised alternative land use plan that provided for an amount of development in between the amount of development in the Revised Focused Growth Alternative and the landowners' Option 2 alternative for the East of Leisure Town Road growth area.

WHEREAS, on January 13, 2015, the City Council of the City of Vacaville held a public meeting to consider additional options for the General Plan Update and received testimony from

City staff, the City's General Plan Update consultants, property owners and all interested persons, and reviewed the information contained in the Draft and Final EIRs. At this meeting, the City Council directed staff to prepare a Final Revised Focused Growth land use plan for the East of Leisure Town Road Growth Area. The Final Revised Focused Growth land use plan included components of the Planning Commission's recommendation and the original Focused Growth Alternative evaluated by the Draft EIR for the Project. An additional CEQA analysis was prepared for this land use plan and presented to the City Council on March 24, 2015.

WHEREAS, on February 5, 2015, the Solano County Airport Land Use Commission held a public hearing and determined that the proposed General Plan is consistent with the *Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans* (Resolution No. 15-03).

WHEREAS, on March 18, 2015, the City consulted with the Yocha Dehe Wintun Nation, a local Native American Tribe with ancestral connections in the Vacaville region regarding the proposed General Plan, in compliance with Government Code § 65352.3.

WHEREAS, on March 24, 2015, the City Council of the City of Vacaville held a duly noticed public hearing to consider the proposed General Plan as recommended by the Planning Commission. The proposed General Plan included the Revised Focused Growth Alternative land use alternative for the East of Leisure Town Road Growth Area, the ECAS, the Draft and Final EIRs, and the *Additional Analysis for Changes for Changes to Draft General Plan Land Use Designations and Policies* memo, dated February 27, 2015. The City Council accepted additional public testimony and letters regarding the Project, closed the public hearing, and directed staff and consultants to review the additional testimony and to return to City Council with any additional information and analysis.

WHEREAS, on April 28, 2015, the City Council directed staff to review the additional comments submitted on the General Plan and authorized the City Manager to amend consultant contract with its planning consultant, Placeworks, and authorized entering into a contract for legal review of the General Plan, ECAS and environmental documents for an amount not to exceed \$100,000 and to return to City Council with additional information for City Council consideration.

WHEREAS, on May 12, 2015, the City Council approved Resolution 2015-040, adopting the 2015-2023 Housing Element, which has been deemed consistent with the goals, policies and objectives of the General Plan Update.

WHEREAS, on August 11, 2015, the City Council of the City of Vacaville amended proposed Mitigation Measure AIR-1c, identified in the Findings of Fact and Statement of Overriding Considerations, the Addendum to the Final EIR on Pages 3-4 and 3-5 and in Table 2-1, and the Mitigation Monitoring and Reporting Plan, to read as follows:

Mitigation Measure AIR-1c: New development in the City of Vacaville shall be encouraged, but not required, to implement the Tier 1 energy performance standards of the California Green Standards Code (CAL-Green), which are currently voluntary. The Tier 1 energy performance standards specify that new residential buildings must have an energy budget no greater than 85 percent of the current Building and Energy Efficiency Standards of Title 24 (i.e. 15 percent increase in energy efficiency) and non-residential buildings that include indoor lighting and mechanical systems (e.g. heating, ventilation, and air conditions units) must have an energy budget no greater than 90 percent (i.e. 10 percent increase in energy efficiency). The City may allow clean energy offsets, such as

energy generated onsite through installation of solar energy, toward this requirement to exceed Title 24. These measures, and the policies and actions incorporated into the proposed General Plan and ECAS, reduce this impact however the resulting project and cumulative impact remains a *significant and unavoidable* impact.

WHEREAS, on August 11, 2015, the City Council of the City of Vacaville continued its consideration of the Project as recommended by the Planning Commission, the Draft and Final EIRs and the *Additional Analysis for Changes for Changes to Draft General Plan Land Use Designations and Policies* memo dated February 27, 2015, the Mitigation Monitoring and Reporting Program (MMRP), additional information addressing letters received at the March 24, 2015 City Council hearing, and the additional mitigation measures identified in the August 11, 2015 City Council Report, and hereby finds:

EIR Findings:

1. Changes or alterations have been incorporated into the Project, including policies, actions, and greenhouse gas reduction measures identified in the proposed General Plan and ECAS, and mitigation measures which mitigate or avoid the significant effects on the environment, including as detailed in the attached Findings of Fact and Statement of Overriding Considerations (Exhibit A) and incorporated into the MMRP to be adopted for the Project (Exhibit B, attached); and
2. Those changes or alterations that are within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other agency; and
3. That specific economic, legal, social, technological, or other considerations identified in detail in the attached Exhibit A, Findings of Fact and Statement of Overriding Considerations, make infeasible certain mitigation measures or the alternatives identified in the Project EIR; and
4. The benefits of the proposed Project outweigh the unavoidable adverse environmental effects and, thus, the adverse effects of the Project are found to be acceptable as detailed in the attached Exhibit A, Findings of Fact and Statement of Overriding Considerations; and
5. That the reasons why the significant effects which cannot be mitigated are found to be acceptable to support approval of the project are based upon information provided in the Project EIR and information in the project record as described in Exhibit A, Findings of Fact and Statement of Overriding Considerations.

WHEREAS, the City Council has heard testimony from staff, consultants, landowners, residents, and other interested parties at public meetings held on October 28, 2014, January 13, 2015, and at the public hearing on March 24, 2015. On the basis of the factual information, as contained in the written record, and testimony given at the public meetings and hearings, the City Council finds that with respect to the proposed General Plan dated July 28, 2015, and the ECAS dated July 28, 2015, that:

- A. That the proposed General Plan and ECAS, including all revisions noted above, are internally consistent with the goals, objectives, and policies of the proposed General Plan;

- B. That the proposed General Plan and ECAS would not be detrimental to the public health, safety, or welfare of the community;
- C. That the proposed General Plan and ECAS would maintain the appropriate balance of land uses within the City;
- D. That the proposed General Plan and ECAS are consistent with the provisions of Division 1 of Title 7 of the California Government Code pertaining to the amendment, update, or adoption of General Plans;
- E. In the case of a General Plan affecting the General Plan Diagram, which designates land uses, the proposed use shown on the General Plan are compatible with adjoining land uses. (Ord. 1552, §6, 1996)

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Vacaville does hereby certify that the Project EIR, attached hereto as Exhibit C and incorporated herein by reference, has been completed in compliance with the California Environmental Quality Action (CEQA), and;

1. The City Council of the City of Vacaville has reviewed and considered the information contained in the Project EIR prior to approving the General Plan and the Energy and Conservation Action Strategy, and;
2. The City Council of the City of Vacaville finds that the Project EIR reflects the independent judgment of the City, acting as lead agency, for the Project.

BE IT FURTHER RESOLVED that the City Council of the City of Vacaville adopts the General Plan, dated July 28, 2015 attached hereto as Exhibit D and incorporated herein by reference, and the Energy and Conservation Action Strategy (ECAS), dated July 28, 2015, attached hereto as Exhibit E and incorporated herein by reference.

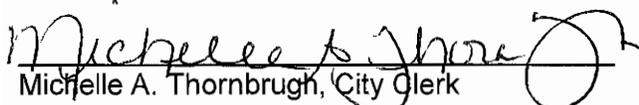
I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 11th day of August, 2015, by the following vote:

AYES: Councilmembers Harris, Mashburn, Rowlett, Vice Mayor Hunt, Mayor Augustine

NOES: NONE

ABSENT: NONE

ATTEST:


Michelle A. Thornbrugh, City Clerk

DATE: August 11, 2015

- Exhibits:
- A – Vacaville General Plan and the Energy and Conservation Action Strategy Findings of Fact and Statement of Overriding Considerations.
 - B – Vacaville General Plan and the Energy and Conservation Action Strategy Mitigation Monitoring and Reporting Plan
 - C – Project Environmental Impact Report
 - 1. Draft Environmental Impact Report (DEIR)
 - 2a. Final Environmental Impact Report (FEIR)
 - 2b. *Additional Analysis for Changes for Changes to Draft General Plan Land Use Designations and Policies* memo dated February 27, 2015
 - 2c. Final EIR Addendum
 - D – City of Vacaville General Plan
 - E – City of Vacaville, Energy & Conservation Action Strategy