

RESOLUTION NO. 2018-137

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE REAFFIRMING THE ENVIRONMENTAL IMPACT REPORT (EIR) AND FINDINGS OF FACT & STATEMENT OF OVERRIDING CONSIDERATIONS AND THE MITIGATION MONITORING AND REPORTING PLAN FOR THE VACAVILLE GENERAL PLAN (SCH# 2011022043) FOR THE FARMSTEAD AT NORTH ORCHARD PROJECT (APN 0125-040-110)

WHEREAS, the City of Vacaville has received applications to reaffirm the 2015 Vacaville General Plan Environment Impact Report (EIR), to approve an annexation, cancellation of Williamson Act Contract, Zone Change, Vesting Tentative Map, a Planned Development with Conditional Use Permit, and Design Review for a Park Master Plan, for the Farmstead at North Orchard project - a 130-lot detached single family development with a neighborhood park and public trails on 20.57 acres at 369 N. Orchard Avenue; and

WHEREAS, the City Council heard testimony from staff and other interested parties at the public hearing on August 11, 2011, and on the basis of the factual information, as contained in the written record and the testimony given at the public hearing, the City Council approved and certified the Vacaville General Plan Environmental Impact Report (SCH# 2011022043); and

WHEREAS, the Planning Commission of the City of Vacaville conducted a public hearing on October 16, 2018, regarding said proposed reaffirmation for the Farmstead at North Orchard Project, and voted (4-2-1 abstain) to recommend that the City Council deny said actions; and

WHEREAS, the City Council heard testimony from staff and other interested parties at the public hearing on November 13, 2018, and on the basis of the factual information, as contained in the written record and the testimony given at the public hearing, and voted (xxx) to approve the project.

WHEREAS, the City Council heard testimony from staff and other interested parties at the public hearing on November 13, 2018, and on the basis of the factual information, as contained in the written record and the testimony given at the public hearing, the City Council finds that this project is within the scope of the previously approved Vacaville General Plan EIR (State Clearinghouse No. 2011022043), which adequately described the impacts of this project and meets the requirements of CEQA. As a condition of approval, development must comply with the mitigation monitoring plan identified in the General Plan EIR.

A. The decision-maker shall make the following findings:

1. That the activity is within the scope of the project covered by the previous EIR, negative declaration, or mitigated negative declaration;

Finding: The site is located within the City of Vacaville's Urban Growth Boundary, Sphere of Influence as identified in the General Plan and General Plan EIR. A Final Environmental Impact Report (FEIR) was certified for the General Plan by the City Council in August 2015 (SCH# 2011022043); the FEIR considered and disclosed the potential impacts that could result from the zone change to residential medium density based on a presumption of development of 167 dwelling units at the mid-point of the density range, and park land. The projected park space was six acres. The density range is 8.1-14.0 dwellings per acre; making the mid-point assumption approximately 11

dwellings per acre. The project will construct 130 homes, on approximately 15.82 developable acres with approximately 5 acres of park and trail space; making the density 8.22 dwellings per acre. Because the proposed project is below the assumed density calculations of the FEIR, the project is within the scope of that environmental analysis.

2. That no new significant effects would occur or no new mitigation measures would be required;

Finding: The City conducted a Modified Initial Study under CEQA to determine whether the project requires additional environmental review to examine whether there are project-specific significant effects peculiar to the project or its site that were not adequately addressed in the General Plan FEIR. The General Plan FEIR assumed residential and park development on the project site. As stated above, the assumed number of units on this site for the General Plan was higher than the proposed intensity of development. The environmental analysis in this Modified Initial Study relies on Sections 15168 and 15183 of the CEQA Guidelines, which govern program EIRs and projects consistent with a general plan or community plan. Under Section 15183, where a project is consistent with the use and density established for a property under an existing general plan or zoning ordinance for which the city has already certified an EIR, no additional environmental review is required "except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

3. That the Statement of Overriding Considerations, if any, adopted with the previous project for which the EIR was prepared has been incorporated into the project approval;

Finding: The project action incorporates all requirements of the previously approved General Plan FEIR mitigation measures. The City Council adopted a Statement of Overriding Considerations for significant unavoidable and cumulative impacts resulting from the General Plan FEIR indicating that the information in the FEIR had been considered, the benefits of the project had been compared to the significant environmental effects and that the benefits of the project outweigh the unavoidable adverse environmental effects, and thus these effects were considered "acceptable" under CEQA Guidelines Section 15093(a). Since the proposed development results in a decrease in the assumed residential units than analyzed in the FEIR, impacts have been adequately addressed in the General Plan FEIR and the project would not have any additional impacts. The City also reaffirms the Statement of Overriding Considerations for the proposed project.

4. That feasible mitigation measures or alternatives adopted with the previous EIR or mitigated negative declaration have been incorporated into the project approval; and

Finding: The project approval action would incorporate all requirements of the previously approved General Plan FEIR mitigation monitoring and reporting plan applicable to the project, as stated in the Project's Initial Study.

5. That no new environmental document would be required.

Finding: See Finding Environmental Review Finding 3, above. The City conducted the Modified Initial Study, including additional technical studies, to address any project-specific issues and finds that no project-specific significant effects would result from the project that were not already addressed in the General Plan FEIR.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vacaville hereby reaffirms the 2015 Vacaville General Plan Environment Impact Report for the Farmstead at North Orchard Project.


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 13th day of November, 2018, by the following vote:

AYES: Council Members Hunt, Rowlett, Vice Mayor Mashburn and Mayor Augustine

NOES: Council Member Harris

ABSENT: None

ATTEST:



Michelle A. Thornbrugh, City Clerk

List of Exhibits:

Exhibit A – Farmstead at North Orchard Initial Study