

RESOLUTION NO. 2023-060

RESOLUTION OF THE CITY OF VACAVILLE CITY COUNCIL CONSIDERING THE GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) AND THE ADDENDUM TO THE FEIR AND SEIR, FINDING THAT NO SUBSEQUENT EIR IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, BASED ON THE SUBSTANTIAL EVIDENCE INCLUDED IN THE ADDENDUM, AND ADOPTING A GENERAL PLAN AMENDMENT FOR THE 2023 SAFETY ELEMENT UPDATE AND INCORPORATING THE COMMUNITY HEALTH GOALS, POLICIES, AND ACTIONS INTO THE LAND USE, TRANSPORTATION, CONSERVATION AND OPEN SPACE, PARKS AND RECREATION, AND PUBLIC FACILITIES AND SERVICES ELEMENTS OF THE GENERAL PLAN

WHEREAS, on August 11, 2015, the City Council of the City of Vacaville certified the General Plan EIR (SCH#2011022043), and on September 28, 2021, certified the Final Supplemental EIR for the General Plan Transportation Update and Energy and Conservation Strategy Update Project (SCH#2020090526); and

WHEREAS, on June 27, 2023, the City Council of the City of Vacaville has considered the Addendum to the FEIR and SEIR; and

WHEREAS, local governments are authorized by Government Code section 65350 et seq. to prepare, adopt, and amend general plans; and

WHEREAS, State Planning Law allows any mandatory element of the General Plan to be amended as many as four times in a calendar year and allows optional elements to be amended as needed; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the 2023 Safety Element constitutes a General Plan Amendment; and

WHEREAS, pursuant to California Government Code Section 65302(g), a Safety Element must be updated upon the revision of a Housing Element or a Local Hazard Mitigation Plan, but no less than every eight years; and

WHEREAS the City of Vacaville 2023 Safety Element incorporates by reference the Solano County Multi-Jurisdictional Hazard Mitigation Plan, approved by the Federal Emergency Management Agency in 2022, as required by Assembly Bill 2140 to increase opportunities for financial assistance under the California Disaster Assistance Act; and

WHEREAS, as provided in Government Code Sections 65352-65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, Government Code Sections 65302 allows jurisdictions to adopt an Environmental Justice Element or to integrate Environmental Justice goals, policies, and objectives in other General Plan elements; and

WHEREAS, the City Council acknowledges the City of Vacaville does not have any Disadvantaged Communities as defined by the Statewide CalEnviroScreen 4.0 screening tool; and

WHEREAS, the City Council desires to incorporate Environmental Justice goals, policies, and actions into the City of Vacaville General Plan, also known as "Community Health goals, policies, and actions;" and

WHEREAS, in accordance with Assembly Bills 52 (AB 52), the City of Vacaville had a formal consultation with the Yocha Dehe Wintun Nation (Nation) on November 10, 2022, and the Nation had no comments on the proposed Safety Element or proposed Community Health goals, policies, and actions; and

WHEREAS, in accordance with Vacaville Municipal Code Chapter 14.09.110, Airport Environs (AE) Overlay District and the Solano County Airport Land Use Compatibility Review Procedures Manual, the Safety Element was referred to the Solano County Airport Land Use Commission for review and was deemed to be consistent with the Nut Tree Airport Land Use Compatibility Plan or the Comprehensive Airport Land Use Plan for Travis Air Force Base; and (Pending review by ALUC on June 8, 2023); and

WHEREAS, the City of Vacaville coordinated with the Solano County Collaborative to encourage public and stakeholder participation in the Housing Element update process at both the regional and local scale, which included six community workshops between January and June 2022, and seven regional stakeholder consultations between December 2021 and February 2022; and

WHEREAS, the Solano Airport Land Use Commission held a duly noticed public hearing on June 8, 2023, to consider the draft Safety Element and the draft Community Health goals, policies, and actions where they received testimony from City staff and all interested persons regarding the proposed amendments. The Airport Land Use Commission did not take action on the draft Safety Element or the draft Community Health goals, policies, or actions; and

WHEREAS, the City of Vacaville Planning Commission held a duly noticed public hearing on May 16, 2023 to consider the General Plan Amendment to adopt the 2023 Safety Element Update and incorporation of Community Health goals, policies, and actions into the Land Use, Transportation, Conservation and Open Space, Parks and Recreation, and Public Facilities and Services Elements of the General Plan, where they received testimony from City staff and all interested persons regarding the proposed project, and also considered testimony and evidence submitted at the Planning Commission hearing; and

WHEREAS, the City of Vacaville Planning Commission voted 7-0 to recommend the City Council reaffirm the Addendum to the City of Vacaville General Plan EIR and Supplemental EIR for the General Plan Transportation Update and Energy and Conservation Strategy Update based on the findings of fact attached as Exhibit A; and

WHEREAS, the City of Vacaville Planning Commission voted 7-0 to recommend the City Council reaffirm the General Plan FEIR and SEIR, and amend the General Plan to adopt the 2023 Safety Element Update and incorporate Community Health Goals, Policies, and Actions into the Land Use, Transportation, Conservation and Open Space, Parks and Recreation, and Public Facilities and Services Elements of the General Plan; and

WHEREAS, the City of Vacaville City Council held a duly noticed public hearing on June 27, 2023 to consider the reaffirmation of the General Plan FEIR and SEIR, amendment of the General Plan to adopt the 2023 Safety Element Update, and incorporate Community Health goals, policies, and actions into the Land Use, Transportation, Conservation and Open Space, Parks and Recreation, and Public Facilities and Services elements of the General Plan, and where they received testimony from City staff and all interested parties regarding the proposed project, and also considered testimony and evidence submitted at the Planning Commission and City Council hearings.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The City Council has considered the City of Vacaville General Plan FEIR and SEIR, and the Addendum to the FEIR and SEIR, and no subsequent or supplemental EIR is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines based on the substantial evidence and findings included in the Addendum.
3. The findings of fact shown in Exhibit A and the Statement of Overriding Considerations shown in Exhibit D, which are attached and hereby incorporated herein, are hereby adopted.
4. The Safety Element prepared in 2015 as part of the Comprehensive General Plan Update is hereby repealed in its entirety, and the updated 2023 Safety Element, as shown in Exhibit B to this Resolution, incorporated herein, is adopted.
5. The Community Health goals, policies, and actions have been integrated into the Land Use, Transportation, Conservation and Open Space, Parks and Recreation, and Public Facilities and Services Elements of the General Plan, as shown in Attachment C to this Resolution, incorporated herein, is adopted.
6. The Community Development Department or designee is hereby directed to file all necessary material with the Department of Housing and Community Development (HCD) for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Safety Element and Community Health goals, policies, and actions to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.
7. The Community Development Department or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.
8. The Community Development Department or designee is hereby directed to file all necessary material with the Department of Housing and Community Development (HCD) for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to

address any non-substantive changes or amendments requested by HCD to achieve certification.

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 27th day of June 2023 by the following vote:

AYES:	Councilmembers Stockton, Ritchie, Silva, Chapman, Roberts, Vice Mayor Wylie, and Mayor Carli
NOES:	None
ABSENT	None

ATTEST:


Michelle A. Thornbrugh, City Clerk

List of Exhibits

- Exhibit A – Findings of Fact
- Exhibit B – Draft Safety Element (Via Electronic Link)
- Exhibit C – Draft Community Health Goals, Policies, and Actions (Via Electronic Links)
 - 1. General Plan Land Use Element Amendments
 - 2. General Plan Transportation Element Amendments
 - 3. General Plan Conservation and Open Space Amendments
 - 4. General Plan Parks and Recreation Amendments
 - 5. General Plan Public Facilities and Services Amendments
- Exhibit D – Statement of Overriding Considerations

Exhibit A TO RESOLUTION 2023-060

Safety Element and Environmental Justice Goals, Policies, and Actions Findings of Fact

Reaffirmation of the Previous Environmental Assessment to Adopt the 2023 Safety Element Update and Incorporating the Community Health Goals, Policies, and Actions into the Land Use, Transportation, Conservation and Open Space, Parks and Recreation, and Public Facilities and Services Elements of the General Plan File No. 22-191

Unless otherwise specified, code sections referenced below are from Vacaville Land Use and Development Code (LUDC) and environmental sections reference are from the California Environmental Quality Act (CEQA) Guidelines.

SUMMARY OF EVIDENCE

The decision-maker bases its decision on the following information: (1) the Draft Safety Element; (2) the Draft Environmental Justice Goals, Policies, and Actions; (3) the Housing Element, Housing Element Implementation Programs; (4) Addendum to the General Plan Update EIR (SCH. No. 2020090526) and the Supplement EIR for the General Plan Transportation Update and Energy and Conservation Strategy Update Project (SCH No. 2020090526) prepared for the 2023-2031 Housing Element Update, Housing Element Programs Implementation, Safety Element Update, and Community Health Policies (5) all documents and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the project; (6) and the minutes and recordings of the Planning Commission hearings; and (7) all other matters of common knowledge to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

ENVIRONMENTAL REVIEW FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Section 15164, an Addendum to the City of Vacaville 2015 General Plan FEIR (SCH No. 2011022043), and 2021 SEIR for the General Plan Transportation Update and Energy and Conservation Strategy Update Project (SCH No. 2020090526) was prepared for the 2023-2031 City of Vacaville Housing Element Update, Housing Element Programs Implementation, Safety Element Update, and Community Health policies. Adoption of the Safety Element and the Community Health goals, policies, and actions will not result in any impacts on the environment. No additional environmental impacts have been identified as part of the proposed project, and no additional environmental review is required.

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: An addendum to the 2015 General Plan FEIR and the 2021 SEIR for the General Plan Transportation Update and Energy and Conservation Strategy Update Project was prepared based on meeting the findings of California Environmental Quality Act (CEQA) Section 15164 for the Housing Element Update, Housing Element Programs Implementation, Safety Element, and Community Health goals, policies, and actions. Adoption of the 2023 Safety Element Update and the Community Health policies does not require major revisions to the 2015 General Plan EIR due to new significant environmental impacts or substantial increases in the severity of previously identified significant environmental impacts.

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

Finding: The proposed project has been evaluated for new significant impacts or a substantial increase in previously identified significant impacts identified in the 2015 General Plan EIR and 2021 Supplemental General Plan Environmental Impact Report pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

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: Adoption of the 2023 Safety Element Update and the Community Health policies does not result in additional significant impacts beyond what was identified in the 2015 General Plan FEIR and 2021 General Plan SEIR.

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: Adoption of the 2023 Safety Element Update and the Community Health policies does not result in additional significant impacts resulting in mitigation measures beyond what was identified in the 2015 General Plan FEIR and 2021 General Plan SEIR.

5. That no new environmental document would be required.

Finding: The project would not cause any new significant environmental impacts or substantially increase the severity of significant environmental impacts disclosed in the General Plan EIR. Thus, the proposed project does not trigger any of the conditions in CEQA Guidelines Section 15162 mandating the preparation of a subsequent EIR, and the appropriate environmental document authorized by CEQA Guidelines Section 15164(b) is an addendum.

Environmental Review Conclusion

The project is within the scope of the previously certified General Plan FEIR and SEIR. No additional environmental impacts have been identified as part of the proposed project, and no additional environmental review is required.

GENERAL PLAN AMENDMENT

LUDC Section 14.04.030.040 Findings Required for Approval

A. To approve a General Plan amendment, the City Council shall find that:

1. The proposed amendment is internally consistent with the goals, objectives, and policies of the General Plan.

Finding: The Safety Element is a mandatory General Plan element and is consistent with State law, and the proposed Environmental Justice goals, policies, and actions have

been incorporated into other mandated General Plan elements. As required by State law, all the General Plan elements are internally consistent with one another.

2. That the proposed amendment would not be detrimental to the public health, safety, or welfare of the community.

Finding: The Safety Element is required by State law to protect the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards. The proposed Environmental Justice goals, policies, and actions are intended to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

3. The proposed amendment would maintain an appropriate balance of land uses within the City.

Finding: The Safety Element and proposed Environmental Justice goals, policies, and actions do not change land uses within the City.

4. The proposed amendment is 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.

Finding: The Safety Element is a mandated General Plan element as described in Division 1 of Title 7 of the California Government Code. In addition, Division 1 of Title 7 of the California Government Code permits jurisdictions to adopt an Environmental Justice Element or to integrate Environmental goals, policies, and actions in other General Plan elements.

5. In the case of an amendment affecting the General Plan Diagram, which designates land uses, the proposed use of the subject site is compatible with adjoining land uses.

Finding: Adoption of the Safety Element and Environmental Justice goals, policies, and actions does not result in an amendment affecting the General Plan Diagram.

General Plan Amendment Conclusion

Based on the facts and findings above, the project meets the General Plan Amendment findings.

EXHIBIT B TO RESOLUTION 2023-060

**Safety Element and Environmental Justice Goals, Policies, and Actions
Draft Safety Element**

**Reaffirmation of the Previous Environmental Assessment, and General Plan Amendment to Adopt the 2023 Safety Element Update and Incorporating the Community Health Goals, Policies, and Actions into the Land Use, Transportation, Conservation and Open Space, Parks and Recreation, and Public Facilities and Services Elements of the General Plan
File No. 22-191**

**SAFETY ELEMENT AND COMMUNITY
HEALTH GOALS, POLICIES, AND
ACTIONS RECOMMENDATION HEARING**

DRAFT SAFETY ELEMENT

Due to the large file size, the General Plan Safety Element is available at the following link:

<https://bit.ly/2023SafetyElement>