

ORDINANCE NO. 1817

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VACAVILLE
APPROVING A SUPPLEMENTAL NEGATIVE DECLARATION AND ADOPTING THE ZONE
CHANGE TO APPLY THE SPECIAL STANDARDS OVERLAY (SS-11) ZONE TO 20
SPECIFIED REDEVELOPMENT AGENCY-OWNED PROPERTIES ON
CALLEN STREET AND BENNETT HILL DRIVE**

WHEREAS, the Planning Commission of the City of Vacaville conducted a duly noticed public hearing on December 16, 2008, regarding the proposed Supplemental Negative Declaration and rezoning request, received testimony and voted to recommend that the City Council approve the requested development entitlements; and

WHEREAS, the City Council of the City of Vacaville conducted a duly noticed public hearing on January 13, 2009, to consider a request for approval of a Supplemental Negative Declaration and Rezoning for the Emergency Homeless Shelter Special Standards Overlay zone described as follows:

Located on 20 specified Redevelopment Agency-owned properties – 1355, 1367, 1373, 1385, 1391, 1408, 1413, 1414, 1419, 1425, 1431, 1432, 1437, 1438, 1443, 1444, 1449, AND 1455 Callen Street; 205 and 213 Bennett Hill Drive (APNs - 0129-133-020, 030 & 050; 0129-271-020 & 040; 0129-272-050 & 060; 0129-273-010; 0129-291-010 thru 060; 0129-292-020, 030, 060 & 070; 0129-293-030 & 040)

WHEREAS, the City Council received testimony from City staff, the applicant, and all interested parties regarding the proposed project; and

WHEREAS, the City Council has reviewed and considered the Negative Declaration for the Rezoning in accordance with the California Environmental Quality Act and Division 14.03 of the Land Use and Development Code and finds:

1. The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory;
2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term goals;
3. The project does not have environmental effects which are individually limited but are cumulatively considerable;
4. The project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly;
5. The negative declaration reflects the independent judgment of the City of Vacaville, acting as lead agency for the project.

WHEREAS, the City Council has reviewed the requested applications for the Emergency Homeless Shelter Special Standards Overlay Zone and considered the testimony at the public hearing, the Initial Study and proposed Supplemental Negative Declaration, the staff report and the whole of the record for File 08-125.

THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES ORDAIN AS FOLLOWS:

SECTION ONE: The City Council adopted a resolution approving the Supplemental Negative Declaration for the zone change in accordance with the findings in Planning Commission Resolution 08-125. The District Zoning Map, a portion of the Zoning Ordinance of the City of Vacaville, being Chapter 14.09.070 of the Vacaville Municipal Code, is changed as follows:

Those portions of the Districts shown on said Zoning Map more particularly shown in Exhibit A, entitled Emergency Homeless Shelter Special Standards Overlay Zone (SS-11), attached hereto and incorporated herein by reference, shall be zoned as noted in said Exhibit.

SECTION TWO: This change of Zoning Map is approved by the City Council as in accordance with Chapter 14.071.100, Effect of Zoning Map Amendment of the Zoning Ordinance, as follows:

The change of Zoning Map for property from High Density Residential (RH) to High Density Residential – Special Standards Overlay 11 (RH-SS-11) for 20 Redevelopment Agency owned lands located on Callen Street and Bennett Hill Drive, as described hereto in said Exhibit A and as supported by the following findings of fact:

1. That the proposed amendment is internally consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code, as the Residential Overlay zone is consistent with the General Plan designation for the site and the zone change is consistent with the purposes of the overlay zone;
2. That the proposed amendment would not be detrimental to the public health, safety, or welfare of the community, since the site can meet the criteria listed in the General Plan implementation policies for the overlay zone (Policy 2.5, I-7);
3. That the proposed amendment would maintain the appropriate balance of land uses within the City, since this site represents an opportunity for well planned social services facilities that are complimentary to each other;
4. That the anticipated land uses on the subject site would be compatible with existing and future surrounding uses, because the development of high density residential uses and residential social services are considered compatible and will be supported by the surrounding land uses for services;
5. That the potential impacts to the City's inventory of residential lands has been considered and this project will add to the City's inventory of residential lands;
6. That the proposed amendment is consistent with any development related application that is processed and approved concurrently with the application;
7. Noise levels are or can be mitigated to the "acceptable level" for residential uses in accordance with Chapter 14.09.127, Performance Standards, of this division, since this site is not located within an area where the ambient noise level exceeds the compatibility standards for high density residential uses and future development plans will provide for mitigation of any site specific effects;
8. Adequate public utilities are or would be made available to serve the residential use, and the City has examined the feasibility of the addition of residential units to this site and determined that the existing infrastructure will support the added development;
9. Future residents would not be exposed to health or safety hazards or excessive lighting due to the operation of non-residential development, and that subsequent specific uses proposed on adjacent parcels will be subject to

design review by the City of Vacaville and compliance with all City standards for site development;

10. Residential social services development would not be detrimental to the existing or proposed uses allowed by the underlying zoning district; and
11. The site is not needed to provide neighborhood commercial services.

SECTION THREE: The City Council of the City of Vacaville finds that the foregoing changes of zoning, as shown in said Exhibit A, are necessary to ensure that said lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole.

SECTION FOUR: Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more section, subsection, phrases or clauses be declared unconstitutional.

SECTION FIVE: Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION SIX: Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

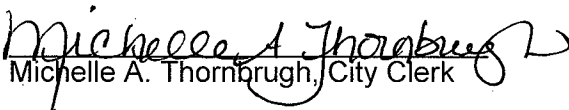
I HEREBY CERTIFY that this ordinance was introduced at a regular meeting of the City Council of the City of Vacaville, held on the 13th day of January, 2009, and ADOPTED and PASSED at a regular meeting of the City Council of the City of Vacaville held on the 27th day of January, 2009 by the following vote:

AYES: Council members Clancy, Harris, Rowlett, Vice-Mayor Hunt,
and Mayor Augustine

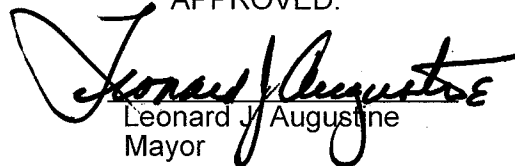
NOES: None

ABSENT: None

ATTEST:


Michelle A. Thornbrugh, City Clerk

APPROVED:


Leonard J. Augustine
Mayor

Dated: January 29, 2009

Exhibit A

