

Agenda No. \_\_\_\_\_  
Key Words: GP 2040 and Final EIR  
Meeting Date: May 18, 2021

## SUMMARY REPORT

# CITY COUNCIL

**Item Initiated By:** Raffi Boloyan, Community Development Director

**Authorized By:** Raffi Boloyan, Community Development Director 

**Prepared By:** George Osner, Consulting Planner/  
Raffi Boloyan, Community Development Director/

**Subject:** **SUPPLEMENTAL Information for May 18, 2021 City Council Adoption Hearing of Dixon General Plan 2040 and Associated Final Environmental Impact Report (FEIR)**

## BACKGROUND

On April 30, 2021, a notice of availability and public hearing notice for the May 18, 2021 City Council hearing was issued. In addition, on April 30<sup>th</sup>, the Draft General Plan 2040, Final EIR and Mitigation Monitoring and Reporting Program and the City Council Staff Report were published on the city's web site for public and City Council review.

This memo serves as a supplement to the Staff Report that was previously distributed and includes:

- Public Comments/Correspondence received to date, with staff response where appropriate.
- Updated list of errata changes to be incorporated into Final General Plan
- Suggested meeting format.

## PUBLIC COMMENTS/CORRESPONDENCE

Given that the staff report was produced at the start of the public hearing period, there were no public comments received at that time. Since that time, staff has received one email and three letters, copies of which are attached and summarized below.

**1. Email from Heidi and Eric Arnold requesting a change to the proposed land use designation of their currently vacant property on North Lincoln Ave.**

The current property is vacant and under the current General Plan has a land use designation of Highway Commercial/Office. The Draft General Plan 2040 that was published last summer, identified that the land use designation for this property would be changed to a Medium Density Residential (MDR).

The property is for sale and the Arnold's recently became aware of the proposed change. After reviewing the Draft General Plan, they have submitted the attached email requesting further consideration and a change to the new Corridor Mixed Use land use designation. In their email, they have indicated that they "*would like the property to be*

*zoned in the 2040 General Plan as corridor mixed use, like other properties along this stretch of North Lincoln and I80. Corridor mixed use designation also allows for multifamily residential and commercial which would not be out of character for that location. Zoning corridor mixed use would attract a greater range of buyers that could develop the property into something favorable for the area”*

Staff has reviewed this request with City’s General Plan/EIR consultant and concluded as follows:

- APN 0108-281-020 is the .77-acre vacant parcel below (outlined in turquoise), located adjacent to I-80, along where N Lincoln Ave, where it turns south (if driving from N 1<sup>st</sup> St).
- The current 1993 General Plan has a land use designation of Highway Commercial/Office (HC/O). The Hearing Draft General Plan 2040 proposes to redesignate this property to Medium Density Residential (MDR), which allows for 10-22 dwelling units (du)/acre.



- The requested change to Corridor Mixed Use (CMU) would allow for 12-28 du/ac (assuming Council accepts a separate modification presented in the main staff report, plus commercial uses, which is potentially more density and more development than in the Public Review Draft.
- Most of the properties to the east, along both sides of Lincoln Ave are already proposed to be redesignated as Corridor Mixed Use, so this would match.
- The CMU provides that "densities [be] on the lower end of that range, where proposed development abuts low density residential development" so the net result would not likely be much different in terms of the number of units or density constructed that if it were to remain MDR
- Additionally, the minimal change to this one property would not affect the findings of the EIR.
- Based on the above, staff doesn’t see an issue or impact with making the change requested
- Staff has included the change to the list of errata changes and updated the list of errata changes presented in the draft Resolution, to include this additional change.

**2. Letter from Terri Schmidtbauer, Director of Natural Resource Management Department, Solano County, dated May 10, 2021.**

The County has submitted an additional letter, prior the Council meeting, citing the need for additional analysis they believe is necessary to support the General Plan update. The letter includes many detailed comments and questions, and these are generally summarized below:

- Agriculture - Loss of agricultural land, consistency with County General Plan policies and compatibility with County zoning districts.
- Land Use – Question regarding growth assumptions, alleged redesignations of significant portion of agricultural uses to commercial, mixed use and industrial, need for additional analysis in EIR on certain land use topics, lack of consistency analysis in EIR of County’s General Plan.
- Transportation – Need for more analysis in EIR regarding potential impacts of rerouting SR 113 away from downtown and impact to County land.
- Utilities - Including storm drainage, water supply and waste water.

Staff is still reviewing the letter in detail. However, there appears to be misunderstanding of the City’s current General Plan and the actual changes that would result from the new General Plan. This misunderstanding seems to lead to assumptions made in the letter.

- The assertions that this update would increase intensity and redesignate agricultural land stem from a misunderstanding of the current General Plan which already designates areas along the east side of the City (which are not in the City’s jurisdiction, but within the City’s Sphere of Influence) for non-agricultural use.
- These properties have not had an agricultural land use designation since the 1993 General Plan, and the new plan, continues the non-agricultural uses, including industrial and residential.
- Furthermore, the General Plan update does not propose to increase the City limits or City’s sphere of influence. The plan focuses its vision and policies within the current city limits and the current sphere of influence, which have been in place for many years.
- Most of the changes to development intensity from the 1993 plan are focused on the main transportation corridors, along the freeway and N First St, creating mixed use opportunity to focus infill growth close to necessary services. The main purpose of this General Plan update was not to create additional growth, but to update the plan to be in compliance with state laws, and fold in previously adopted specific plans.

Once staff completes its review of the letter prior to the Council meeting, staff will respond directly to the County and provide a copy to the Council.

**3. Letter from Chad Roberts of Hefner Law Re AKT comments on General Plan 2040, dated May 5, 2021**

A letter on behalf of a property owner in the NE Quad (AKT) was submitted and relates to approximately 83 acres of land they own in the area. Previous letters, with similar requests, were submitted as part of the Draft EIR and the Planning Commission hearing.

This new letter continues to cite concern with the redesignation of their property from current General Plan designation of “E” (Employment Center) to “RC” (Regional Commercial) land use designation. They had previously requested that the properties not be reclassified to Regional Commercial, given the current state of retail market and location and access issues. They also state that there would be conflict with the recently enacted Priority Production Area designation within a portion of the NE Quad. They believe there is stronger market for more industrial, warehouse, production and distribution uses.

In their current letter, they request that rather than changing the land use designation to allow for either commercial or industrial, that the city consider an edit to Land Use Policy LCC-5.6, as follows:

*Land Use Policy LCC-5.6: In the Campus Mixed Use land use designation shown on Figure LLC-4 and in the Regional Commercial land use designation located within the Northeast Quadrant Specific Plan, permit warehouse and distribution uses subject to a development agreement establishing a financial mechanism to provide for ongoing revenue generations to the City from those uses and environmental review to ensure there are no new or substantially more serve impacts than identified in the 2040 General Plan EIR.*

Staff has reviewed this new request for additional language that would allow warehouse or distribution uses on any property in the NE Quad with a Regional Commercial land use designation (subject to a financial mechanism to generate revenue), and concluded that this change would not be appropriate.

The reason is, that unlike the definition of Campus Mixed Use (CAMU) (page 3-15 of General Plan), the definition of Regional Commercial land use (page 3-16 of General Plan) does not allow for any industrial uses. The Policy LCC-5.6 was developed to clarify that industrial uses, which do not typically have a financial benefit to the city, may be allowed in CAMU subject to a financial mechanism to provide ongoing revenue generation. Therefore, staff does not recommend any further edits to this policy

Should the property owner for this property have a future proposal that does not meet the Regional Commercial definition that they would like the city to consider, they can submit a request for General Plan or Zoning Ordinance/Specific Plan amendment at that time, and will be reviewed and considered on its merits.

- 4. Article Re: City Council hearing on General Plan, submitted by Shirley Humphrey**  
This correspondence appears to be an article on the upcoming meeting and was submitted to the Council for their review. The article identifies questions/suggestions about a variety of topics, include Parkway Blvd overcrossing, level of service standards, jobs housing balance, economic development small town character, mobility and future of transportation.
- 5. Letter from Ginger Emerson, Re Report on General Plan update, May 13, 2021**  
This letter provides a variety of comments and questions about the General Plan, chapter by chapter.

Any further letters or emails received distribution of this supplemental report (after Friday 5/14 at 69am), will be compiled distributed to the Council by Monday, 5/17 by 5pm and Tuesday 5/18 by 5pm.

## **UPDATED LIST OF ERRATA CHANGES**

As noted in the main staff report, both staff and Planning Commission have recommended changes to the Draft General Plan, that if approved by the Council, need to be incorporated into the final version, once published. The current Draft Plan is the version that was presented to Planning Commission on March 9<sup>th</sup> and since that time, both the Planning Commission and staff have identified/recommended certain changes.

Rather that continually update the Plan, those recommended changes have been included in a errata list of changes, that if approved by the Council, would be included in the final version of the General Plan that is published.

The Draft Resolution included in the City Council Staff Report (Attachment 2, Exhibit A), was the list of errata changes. Since that time, there is one additional change recommended by staff, as noted above. Therefore, a revised Draft Resolution with updated errata sheet is provided at Attachment 2.

Based on the Council review on May 18<sup>th</sup>, the Council may have additional edits/changes to include in the list of errata changes

## **MEETING FORMAT**

In advance of the meeting, we would like to inform you of the anticipated format for the meeting, to help you gather and organize your thoughts. We will have the General Plan/EIR consultant present and making the majority of the presentation. In addition, staff will have representatives from Community Development and Public Works Departments as well as sub consultants from the General Plan/EIR team present to answer any questions in their applicable topic areas

The meeting would follow the typical process, but for the Council Discussion section, we'd suggest that you take those by chapter contained in the General Plan:

1. **Staff Presentation.** We anticipate staff presentation of 25 -30 minutes, given the extensive history and complexity of the topic
2. **Applicant Presentation** - None
3. **Council Questions of Staff** – Ask any questions of staff
4. **Public Hearing and Comment** - Accept any public comments
5. **Council Discussion and Action** - For this section, staff would like to suggest that the Council focus their comments, discussion and questions, chapter by chapter, as listed in the table of contents. Each chapter could be discussed, with each Councilmember having the opportunity to provide their input for that chapter and then once that chapter is completed, moving to the next one. This will help the Council, public and staff follow the discussion
  - a. Introduction
  - b. Natural Environment
  - c. Land Use and Community Character
  - d. Economic Development
  - e. Mobility

- f. Public Facilities and Services
- g. Other Comments/Miscellaneous

## ATTACHMENTS

1. Public correspondence
  - a. Letter from Heidi and Eric Arnold Re Vacant Lot on North Lincoln Ave (APN 0108-281-20, dated May 6, 2021
  - b. Letter from Terri Schmidtbauer, Director of Natural Resource Management Department, Solano County, dated May 10, 2021.
  - c. Letter from Chad Roberts of Hefner Law Re AKT comments on General Plan 2040, dated May 5, 2021
  - d. Article Re: City Council hearing on General Plan, submitted by Shirley Humphrey
  - e. Letter from Ginger Emerson, Re Report on General Plan update, May 13, 2021
2. Revised Draft Resolution adopting General Plan 2040, with updated Exhibit A (Errata Sheet)

### **On Line Location for the Documents Previously referenced in May 18, 2021 Staff Report: and listed below:**

<https://www.ci.dixon.ca.us/438/General-Plan-Update>

- Draft GP 2040 (*Public Hearing Draft Published February 2021*)
- Final EIR/Response to Comments (*Published April 2021*)
- Mitigation Monitoring and Reporting Program (*Published February 2021*)
- Draft EIR (*Published July 8, 2020*)
- Planning Commission Resolution No. 2021-004 recommending to the City Council (1) Certification of the Final Environmental Impact Report, (2) Adoption of CEQA Findings for significant environmental impacts and a Statement of Overriding Considerations, and (3) Adoption the Mitigation Monitoring and Reporting Program. March 9, 2021.
- Planning Commission Resolution No. 2021-005 recommending to City Council Adoption of General Plan 2040, March 9, 2021
- Planning Commission Staff Report, March 9, 2021
- Supplemental Planning Commission Staff Report, Distributed March 5, 2021
- City Council Staff Report with Draft Resolutions, May 18, 2021
- City Council Supplemental Staff Report, Distributed May 14, 2021

Attachment 1a

North Lincoln APN 0108-281-020

Elise Quinn <[REDACTED]>

Thu 5/6/2021 8:21 AM

To: George Osner <gosner@cityofdixon.us>

Cc: Raffi Bolovan <rbolovan@cityofdixon.us>; Heidi Arnold <[REDACTED]>; Bev Steiner <[REDACTED]>; Darren G. Merritt <[REDACTED]>; Kathleen Kragen <[REDACTED]>

Dear Mr. George Osner

This letter is in regards to the upcoming City Council Meeting scheduled for May 18th, 2021 and our lot on North Lincoln Street.

We were recently told that our lot that is currently for sale, is in review to be changed to Medium Density Residential in the Draft General Plan 2040. Our intention is to get the right developer in there to finally do something nice with that property. The property is unique in that it sits right on and directly visible to I-80 and is an irregular shaped lot. It is also a direct "bridge" between residential and commercial properties, separated by a wall from residential and along a line that is sectioned with commercial (both).

As the land owners, we are making a request to please consider this small lot as **CMU** - Corridor Mixed Use.

This makes sense because it will help secure development for such a small lot and is adjacent to both. We sincerely hope you will consider our request. It's very important to us.

Thank you for any help.

-Elise Quinn  
cell 206.499.4095

DEPARTMENT OF RESOURCE MANAGEMENT

TERRY SCHMIDTBAUER  
Director



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George Osner, Contract Planner  
600 East A Street  
Dixon, CA 95620  
Via email: [gosner@cityofdixon.us](mailto:gosner@cityofdixon.us)

May 10, 2021

RE: General Plan 2040 Public Comments

Dear Mr. Osner:

Thank you for the opportunity to review the City of Dixon's General Plan 2040 update and associated documents to support the Plan. The County is interested in the General Plan 2040 as it includes 887 acres in the unincorporated area located within the City's Sphere of Influence (SOI), which is 16% of the total land area included in the update. Also, the resulting increases in population and commercial/industrial activities along with the loss of agriculture proposed in the General Plan 2040 will have impacts on County residents, businesses, and agriculture. In our review of the environmental documents, we do not find that the potential resulting impacts from these proposed land use changes have been fully analyzed. This includes the need for further analysis of the potential significant impacts from the loss of 1,600 acres of agriculture; addressing consistency issues with the County's General Plan, existing zoning districts, and land uses; impacts to transportation and roads; and the provision of utility services (water, wastewater, and storm water). A detailed listing of the additional analysis we believe necessary to support the General Plan 2040 update is attached.

In reviewing the General Plan 2040 update, we do see opportunity for partnership with the City. For example, conversion of SOI and city properties along the I-80 interchanges from agriculture to regional commercial may present economic opportunities and should be fully analyzed. These interchanges could include an affordable housing component incorporated into the regional commercial activity and include regional transportation access. This would help support an employee workforce for the City and throughout the County, provide easy access to public transportation for that workforce, and improve economic opportunity through regional commercial activity. Currently, the properties on the North side of I-80 and in the City's NEQ are restricted due to the lack of utility services. Providing utilities in the Plan Area would present an opportunity for additional collaboration to increase commercial development potential for these properties.

Overall, the County believes there are portions of the draft General Plan and associated environmental documents that require further analysis and justification before the plan is ready for adoption. The loss of agricultural lands impacts of the planned growth on the County's road system, and detailed assessment of the utility and infrastructure services necessary for the zoning changes proposed should be addressed before the plan receives final approval.

If you have questions, feel free to contact me at 707-784-3157.

Sincerely,

Terry Schmidtbauer, Director

Attachment: Detail on the additional analysis necessary to support the General Plan 2040 update

DEE ZAVANE Building Official Building & Safety	ALLAN CALDER Program Manager Planning Services	JAG SAHOTA Manager Environmental Health	SARAH PAPPAKOSTAS Administrative Services Manager	MATT TUGGLE Engineering Manager Public Works Engineering	CHARLES GOWERS Operations Manager Public Works Operations	CHRIS DRAKE Parks Services Manager Parks	MISTY KALFREIDER Water & Natural Resources Program Manager
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## Detail on the additional analysis necessary to support the General Plan 2040 update

The City's Sphere of Influence (SOI) boundary incorporates a total of 887 acres outside of the City limits, which is 1.4 square miles, or 16 percent, of the total land located in the Planning Area. In addition, changes to the City resulting from the General Plan will increase housing and commercial zoning areas, while decreasing agricultural zoning, which may have the potential to impact Solano County and should be addressed by the City. Based on our review, these potential impacts are not adequately analyzed/discussed in the EIR. Specific examples are provided below. The County would like to work with the City to ensure that the documents and the General Plan address both City and County objectives.

### Agriculture

1. CEQA requires an analysis of the existing environment at the time of the NOP. The EIR needs to identify the change in land use of the proposed Dixon General Plan 2040, which includes a loss of 1,600 acres of Prime Farmland from such land use changes. The EIR only identifies impacts to 98 acres, which underestimates the impacts of the General Plan amendment on agricultural. For example, the existing General Plan identifies the SOI as Agricultural, and the proposed General Plan designation is Low Density Residential. The EIR must analyze the change in the land use. The EIR should also clearly discuss that conservation of agricultural land is in-kind, such that irrigated land lost to zoning changes results in conservation of irrigated land elsewhere at 1:1.

For example, table 3.2-1 on Page 3.2-4 indicates that there are 1,600 acres of Prime Farmland:

*As noted above, according to Solano County Assessor data, a substantial portion – approximately 39 percent of the total land in the Planning Area has an existing land use listed as Agriculture; however, much of this land is located within the Northeast Quadrant and Southwest Dixon Specific Plan Areas and has been redesignated for urban uses as part of prior planning efforts. Table 3.2-1 shows the existing inventory of Important Farmland by category. Most of the land in the Planning Area that is not urbanized is classified as FMMP Prime Farmland, for a total of 1,600 acres, with 864 acres in City limits and 736 acres in the SOI. There are 19 acres classified as Unique Farmland, all within City limits with about half near the Southwest Quadrant and about half in the Northeast Quadrant. There is no Farmland of Statewide Importance within the Planning Area.*

Page 3.2-20 states:

*In total, the Proposed Plan would allow for development on 883 acres and 736 acres of FMMP Prime or Unique Farmland within City limits and in the SOI, respectively. The Proposed Plan does not leave any land within the City limit with an agricultural land use designation. However, the vast majority of this agricultural land has already been designated for urban use in the current City of Dixon General Plan. Additionally, the Southwest Dixon Specific Plan EIR and Northeast Quadrant Specific Plan EIR both include mitigation to address the potential impact of displacement of Prime Farmland through development associated with the Specific Plans. Applicants for development projects in the Southwest Quadrant and Northeast Quadrant would be required to provide conservation of agricultural land within the Dixon Planning Area or within a ten-mile radius of the City at a 1:1.*

2. The EIR should address inconsistency with Solano County General Plan policies related to the conversion of agricultural land, including the following:
  - Page LU-7, Figure LU-1, Solano County Land Use Plan currently designates most of the SOI as Agriculture in the Solano County General Plan.
  - Page LU-15, Figure LU-5 Interim Agricultural Areas Within Unincorporated Municipal Service Areas shows agricultural uses in Dixon.
  - LU.P-3: The designation of specific lands and water bodies as “Agriculture”, “Watershed”, “Marsh”, “Park & Recreation”, or “Water Bodies & Courses” on the Solano County Land Use Diagram, adopted by the Solano County Board of Supervisors on December 19, 1980, and as amended subsequently consistent with Proposition A, and the Orderly Growth Initiative, shall remain in effect until December 31, 2028 except lands designated Agriculture may be redesignated pursuant to the procedure specified in Agricultural Policies AG.P-32 through AG.P-36 (providing for re-designation upon the making of specific findings, or as necessary to comply with state law requirements regarding provision of low and very low income housing, or permitting certain re-designations to open space).
  - LU.P-4: Designate as municipal service areas those areas where future development is to be provided with municipal or urban type services through city annexation. LU.P-5: Coordinate with cities to oversee development of lands within municipal service areas.
  - LU.P-6: Retain existing land uses within municipal service areas until annexed to a city.
  - LU.P-7: Permit temporary land uses and uses consistent with current agricultural zoning on unincorporated lands within municipal service areas that do not conflict with planned land uses until the property is annexed to a city for urban development.
  - Goal AR.G-2: Preserve and protect the county’s agricultural lands as irreplaceable resources for present and future generations.
  - AR.G-5: Reduce conflict between agricultural and nonagricultural uses in Agriculture-designated areas.
  - Page AG-22 identifies the Dixon Ridge Agricultural Area as one of the best farmland areas in the region.
  - AG.P-28: Recognize that agriculture is to be the predominant land use in the Dixon Ridge, Elmira and Maine Prairie, Montezuma Hills, Riyer Island, and Winters regions. These are agricultural areas where preservation efforts should be focused, and conflicting land uses avoided.
  - AG.P-2: Ensure that residential development is compatible with surrounding agricultural activities.
  - Policy AG-32 (b) that no land proposed for redesignation is Prime Agricultural Land as defined pursuant to California Government Code Section 51201.
  - Policy AG-32 (d) that the use and density proposed are compatible with agricultural uses and will not interfere with accepted farm practices.
  
3. The EIR should address compatibility of the Dixon General Plan 2040 with the County’s zoning districts:
  - Land adjacent to the City northern boundary is zoned Agriculture-Industrial (A-AS). The intent of the District is to provide for the development of agricultural related industry in the agricultural regions of the County (see Solano County Zoning Map 3-N).

## Land Use

The document indicates the City will add 2,350 single-family residential units and 610 multi-family units for a residential population of 28,890 (an increase in approximately 8,760 residents) at buildout. The General Plan also made significant changes to land use including redesignating a significant portion of Agricultural uses to commercial, industrial, and mixed use.

4. Page 2-6 Table 2-1 Existing Land Use and Page 2-24 Proposed Land Use Designations show the existing and proposed land uses. However, although Figure 3.10-1 shows color coded land use changes, it would be helpful if an additional table or column was added to show the delta between what is existing and what is proposed (i.e., change in units, commercial square footage etc.). It is difficult to understand the significant land use changes.
5. The EIR indicates there is no change in sphere of influence or annexations, yet the land use for unincorporated areas goes from 23.7 acres of residential to 613.8 acres in the proposed General Plan. This should be analyzed in the EIR.
6. Unincorporated commercial and industrial uses went from approximately 30-acres in the existing General Plan to 376 acres in the proposed General Plan. This should be analyzed in the EIR to ensure the area can support this amount of commercial activity.
7. Agricultural unincorporated uses went from 1,384 acres in the existing General Plan to 4.5 acres in the Proposed General Plan. However, the EIR only calls out the loss of 98 acres of farmland.
8. There is almost no discussion in the EIR of unincorporated land use changes.

*Given Solano Orderly Growth Initiative, which calls for city-centered growth to ensure that almost all residential growth that occurs within the county is located within incorporated areas, limited growth is projected in the SOI over the planning horizon. Growth forecasts account for pipeline projects in the SOI based on the density ranges allowed in the applicable County residential land use designations.*

9. The EIR does not contain a consistency analysis in the EIR of the County's General Plan and land use policies except for a few references. This should be expanded in the EIR. For example, page 3.10 states:

*The Proposed Plan also must be consistent with regional and local plans. Policy LCC-1.B requires the City of Dixon to coordinate with Solano County to ensure consistency in unincorporated areas.*

10. Regional Commercial

Four major interchanges along the Northeast Quadrant and south along I-80 are being redesignated from predominately Agricultural to Regional Commercial (RC) (Page 2-7, Figure 2-3 Existing Land Uses). Dixon's Regional Commercial uses appear to conflict with Solano County's Land Use Policy LUP-27 which strives to limit areas northeast of Dixon to industrial to support agricultural uses. The City of Dixon RC designation allows for:

*... a range of commercial uses that cater to traffic passing through Dixon on I-80 as well as to local residents. Permitted uses include motels; fast food and other restaurants; gas stations; and large-*

*format chain retail establishments, including supermarkets and super- drugstores. This designation applies to land immediately adjacent to I-80 access ramps in areas that are easily accessible by car and highly visible from the roadway. Maximum permitted FAR in the RC designation is 80%.*

The Plan lacks specificity on how infrastructure will be extended to service these areas. Most of the uses listed would require urban style utilities services. It seems premature to redesignate for the uses listed without specific plans for extension of City services to these areas.

11. In the General Plan, LCC-1.9 states that *“Prior to the provision of City services to unincorporated areas, require those unincorporated properties to be annexed into the City, or require a conditional service agreement to be executed agreeing to annex when deemed appropriate by the City.”* This provision seems limiting and could impair future partnerships that might be beneficial to both jurisdictions. It is recommended that City allow for other options if opportunities allow and that are consistent with the City’s and County’s General Plan.
12. Zoning in the eastern SOI area is changed to Low Density Residential, which allows for 9 dwellings per acres and is located next to Industrial land uses. This level of development is not allowed in the county without city style services and its location next to industrial zoning would not seem compatible with larger estate residential uses. Both LCC-5.D and LCC 5.7 address this issue by calling for the zoning code to be updated to provide performance measures on industrial uses and for commercial and industrial uses to incorporate buffers to protect sensitive or less intensive uses such as residential uses. However, specifics details are not provided. What performance measures or buffers will be implemented? If the City relies on each individual developer to implement them, will the net outcome be disjointed, reducing the overall protection to the sensitive, less intense uses? Should a buffer be delineated on the general plan now, such as a less intensive se other than industrial?

### Transportation

13. Policy M-6.A of the 2040 General Plan indicates the City shall work with CALTRANS to study options to reroute State Route 113 away from the Downtown area. However, there is not discussion in the EIR regarding the potential impacts of this policy on the surrounding area and the impact to the County, impacts to the transportation network, and loss of additional agricultural land.
14. Though there are transportation improvement plans within the City’s boundaries and SOI, there remains potential for unmitigated traffic impacts to the County’s unincorporated roads that surround these areas (Dixon Avenue West, Midway Road, Sievers Road, Sparling Lane, Tremont Road, and others). The City should work collaboratively with the County, using Regional Transportation Impact Fees, to fund and construct intersection and corridor improvements along these routes that are primarily impacted by the City’s traffic impacts from development. Collaboration with the County on regional and state grant funding applications to improve and enhance alternative transportation modes, primarily bicycles, along unincorporated routes adjacent to the City’s boundary and SOI should be included as part of the update.

### Utilities

15. Page 3.14-23, Impact 3.14-1 indicates that the General Plan will not require an expansion or construction of new or expanded utilities and is therefore, a less than significant impact with no mitigation required for water, wastewater, solid waste, or stormwater etc.

However, it is unclear how the EIR came to this conclusion when there will be 2,960 new residential units and 878-acres of new commercial and industrial uses. Especially since the document indicates there would be significant unavoidable impacts from development to air quality, green house gases, loss of agriculture, and an increase in VMT transportation impacts from the increase in development. It is likely that there would be a significant increase in sewer, water, stormwater and electricity and natural gas as a result of build out of the General Plan.

Section 15126 of the CEQA Guidelines (a) requires that an EIR examine changes in the existing physical conditions in the affected area as they exist at the time of the notice of preparation is published. Direct and indirect impact significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short term and long-term effects.

### Water

16. Page 3.14-24, third paragraph indicates buildout would increase water demand by 40%. However, the last paragraph of the same page indicates it would be a less than significant impact through compliance with existing policies including conservation. This does not adequately analyze the “physical” improvements that have the potential to result in an impact on the environment from the increase in expansion, or the construction of new or expanded utilities.

### Storm Water Drainage

17. Page 3.14-25 states:  
*As discussed in Chapter 3.9: Hydrology, the City of Dixon has sufficient planned or existing stormwater drainage capacity at accommodate growth projected under the Proposed Plan; therefore, impacts will be less than significant.*

Again, this does not analyze the physical impacts that would be needed to accommodate the proposed land use changes. See letter from Jim Laughlin, Deputy County Counsel, dated March 8, 2021 (attached).

Also, Page 6-10 of the Dixon General Plan 2040 states:

To address drainage issues in the NEQ, Dixon Regional Watershed JPA, Solano County Water Agency and Solano County are currently collaborating to develop a system that involves drainage management, ground water recharge and an associated construct/maintenance fee program that can be implemented for the benefit of the stakeholders.

Further, PSF-2.8 states of the Dixon General Plan 2040 states:

Coordinate with the Dixon Regional Watershed Joint Powers Agency, the Solano County Water Agency, the Solano Irrigation District and other responsible agencies to address storm drainage and flood control on a sub-regional basis in order to optimize the use of existing and planned conveyance facilities.

The City of Dixon, as a member of the Dixon Regional Watershed Joint Powers Authority (DRWJPA), has been considering the development of a 94-acre detention basin proposed for construction in the unincorporated area that would support the City's stormwater needs, specifically the stormwater needs of the NEQ. This detention basin proposal was developed outside the sub-regional process being facilitated by SCWA involving the County, DRWJPA, RD2068, and the City of Dixon. To date, the County is not in support of this proposed project given it removes 110 acres out of the 721 acres planned for Industrial-Agricultural Service Area by converting it into a drainage basin. Such a conversion of use seriously erodes the intended purpose of the Industrial-Agricultural Service Area under the Solano County 2008 General Plan and subsequent zoning regulation and design guidelines prepared for the area. Such proposals, and the manner of their development, seem contrary to the collaborative process alluded to on page 6-10 and in PSF-2.8 of the Dixon General Plan 2040 and is not supportive of the areas agriculture.

The proposal appears to underscore that the City does not yet have "sufficient planned or existing stormwater drainage capacity" to accommodate the proposed zoning changes and expansion.

### Wastewater

#### 18. Page 3.14-29

Implementation of the Proposed Plan will result in increased population, resulting in greater wastewater flows into the City sewer system, which could exceed the capacity of the sewer system. And last paragraph:

*Therefore, due to planned and existing capacity, because the City is preparing a wastewater collection system master plan to accommodate the projected buildout flows, and because of the Proposed Plan policies, this impact is less than significant.*

CEQA requires an analysis of impacts that exist at the time the NOP is prepared. Impact analysis cannot be deferred, therefore, the General Plan EIR needs to identify the likely impacts of the wastewater expansion.

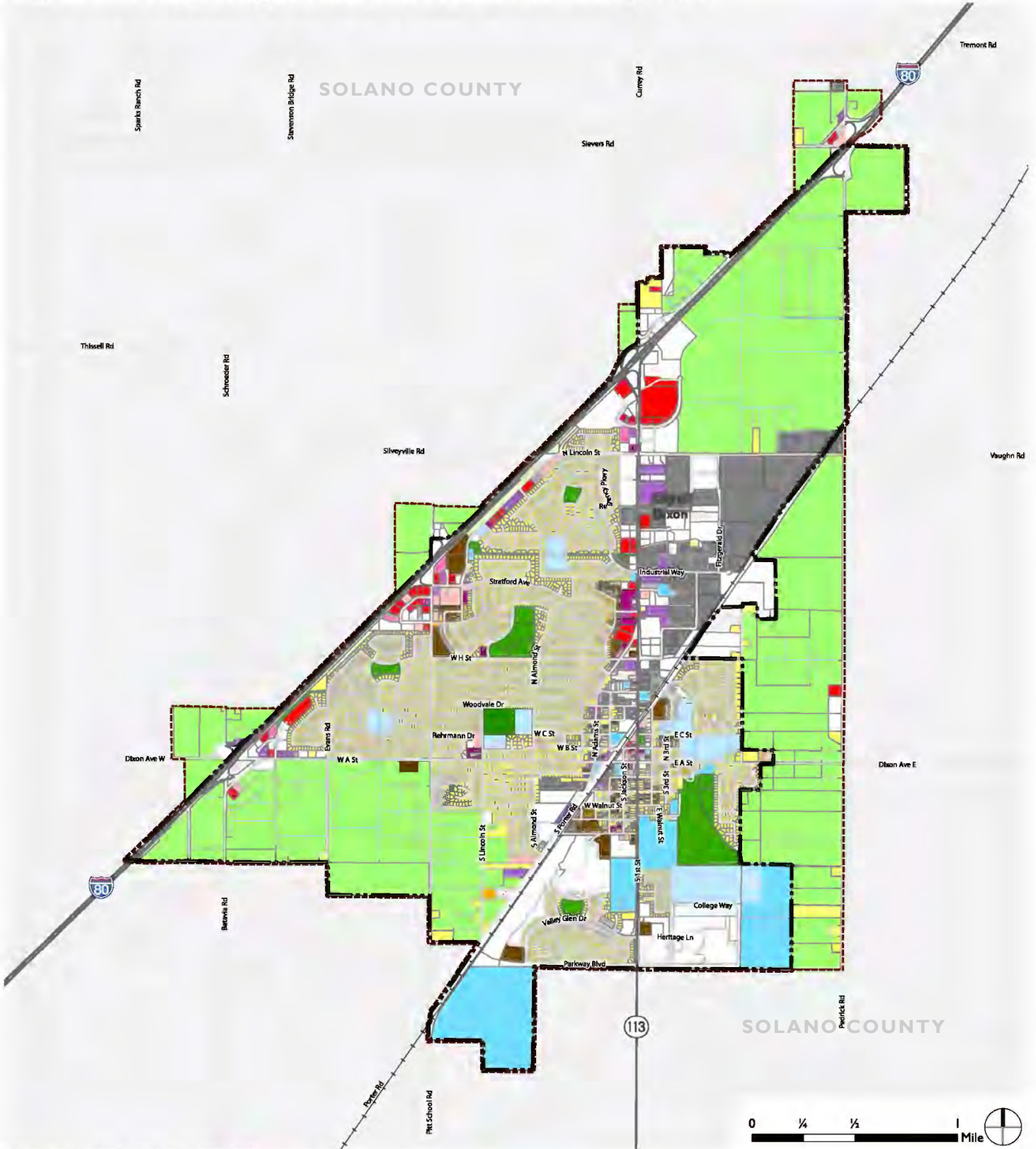
In addition to the above issues, there appears to be typographical or reference errors in the Executive Summary that should be corrected for clarity. Specifically, page ES-20 Impact 3.6-4 for conflict with energy efficiency standards. The summary states that energy efficiency impacts are Significant and Unavoidable, but the last column "with mitigation" indicates the impact would be Less Than Significant with Mitigation. This appears to be a typographical error. An impact can't be significant and unavoidable and then less than significant with mitigation.

At this time, it is recommended that the City not adopt the draft General Plan 2040 until additional analysis is provided and the above issues are addressed.

#### Attachments:

- Figure 2-3: Existing Land Use in Planning Area
- Figure LCC-4: Land Use Designations (Proposed Land Use in Planning Area)
- March 8, 2021 letter from Jim Laughlin, Deputy County Counsel

# Figure 2.3: Existing Land Use in the Planning Area

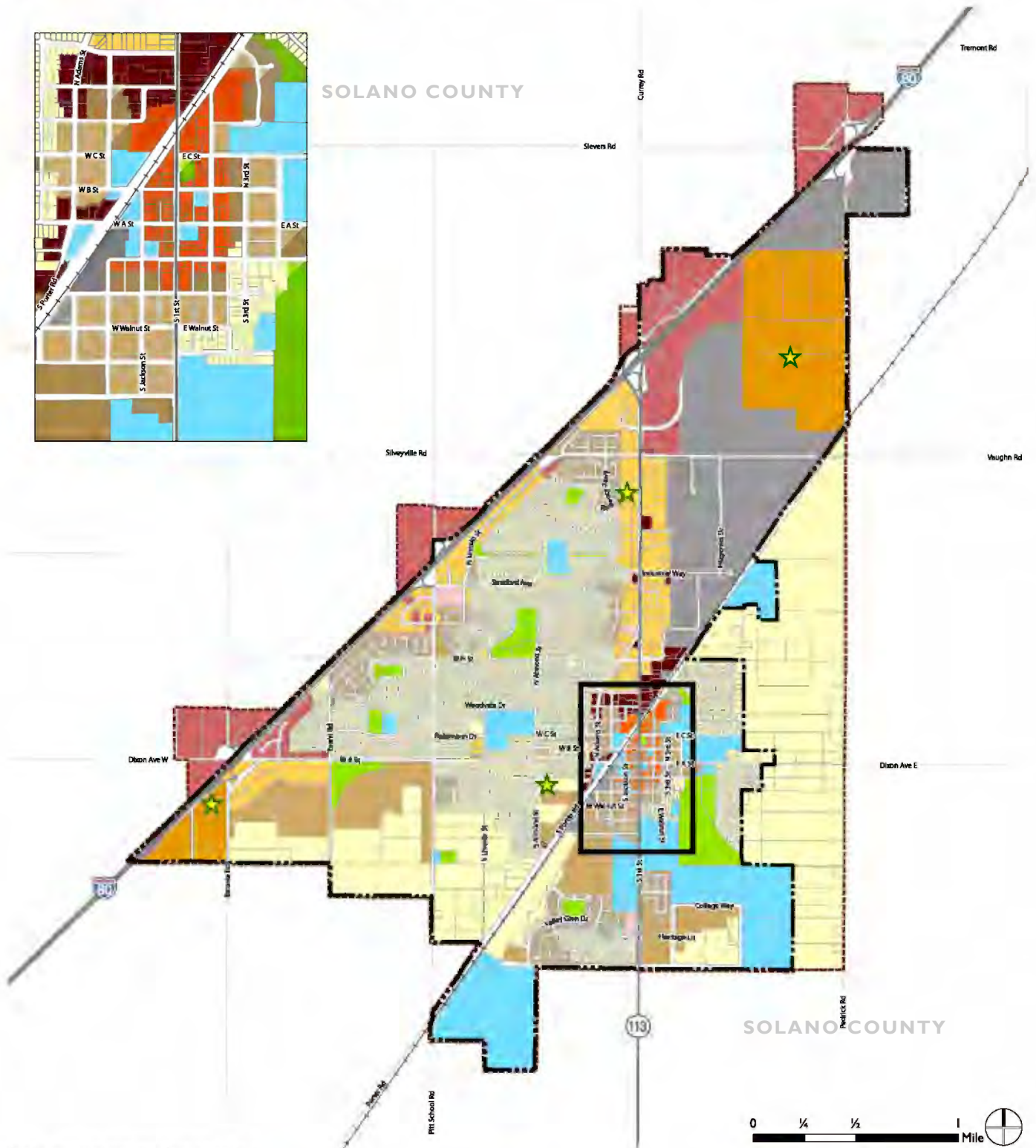


Data Source: City of Dixon, 2019; Dyett & Bhatia, 2019



- |                           |                                |                             |                     |
|---------------------------|--------------------------------|-----------------------------|---------------------|
| Single Family Residential | Hotel                          | Public Facilities/Utilities | Railroad            |
| Two Family Residential    | Office                         | School                      | Dixon City Limit    |
| Mobile Home Park          | Service Commercial             | Church/Religious Facilities | Sphere of Influence |
| Multi Family Residential  | General Industrial/Warehousing | Parks & Recreation/Greenway |                     |
| General Commercial        | Open Storage                   | Open Space                  |                     |
| Mixed Use                 | Surface Parking                | Agricultural                |                     |
|                           |                                | Vacant                      |                     |

**Figure LCC-4: Land Use Designations**



Data Source: City of Dixon, 2019; Dyett & Bhatia, 2019

**Land Use Designations**

**Residential**

- Low Density Residential
- Medium Density Residential

**Mixed Use**

- Corridor Mixed Use
- Downtown Mixed Use
- Campus Mixed Use

**Commercial**

- Neighborhood Commercial
- Regional Commercial
- Service Commercial

**Other**

- Industrial
- Public Facilities
- Parks

★ Potential Park (generalized locations)

— Railroad

--- Dixon City Limit

... Sphere of Influence





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DEPUTY COUNTY COUNSEL

March 8, 2021

City of Dixon Planning Commission  
600 East A Street  
Dixon, CA 95620

fax: (707) 678-0960

Re: Dixon General Plan 2040 Environmental Impact Report

Honorable Chair and Members of the Dixon Planning Commission:

The County of Solano supports the City of Dixon's efforts to update its general plan, but the potential environmental impacts of that update must be fully evaluated in compliance with the California Environmental Quality Act (CEQA; Pub. Res. Code, § 21000, et seq.) before the City takes action to approve that project. The County has reviewed the Environmental Impact Report (EIR) prepared for the City's proposed General Plan 2040 and found the EIR's evaluation of certain potential environmental impacts to the unincorporated area adjacent to the City to be woefully inadequate. The County requests that the Planning Commission postpone its consideration of the proposed Final EIR and General Plan, and instead direct its staff to revise and recirculate the EIR in a manner that fully complies with CEQA.

As currently written, the EIR fails to comply with CEQA and should not be certified due to its inadequate evaluation of the project's potential hydrological impacts, particularly Impact 3.9-4. Without evidentiary support and contrary to law, the EIR incorrectly concludes that development under the proposed General Plan would have a less than significant impact on existing or planned stormwater drainage systems and would not provide substantial additional sources of polluted runoff. While this conclusion may be valid for some areas of the City, its validity is not demonstrated by the EIR for the Northeast Quadrant (NEQ) area.

At page 3.9-40, the DEIR describes Watersheds D as including about 2,700 acres of agricultural land in the unincorporated area north of the City and 580 acres of urban and agricultural lands mostly within the City's NEQ area. The DEIR discloses that drainage facility improvements are needed to mitigate the drainage impacts caused by anticipated development within this watershed, both within the County's unincorporated Agricultural Industrial Services Area and within the City's NEQ area. The DEIR further discloses that these needed improvements "are currently being evaluated in a drainage study by the Dixon Regional Wastewater Joint Powers Authority (DRWJPA) and in a study being sponsored by the Solano County Water Agency" and that "these ongoing studies will identify the needed drainage improvements to eliminate impacts from the Proposed Plan."

This description and evaluation of the potential drainage impacts of development within Watershed D fails to comply with CEQA in two ways. First, CEQA requires the City's EIR to discuss and evaluate the direct and reasonably foreseeable indirect drainage impacts that may be caused by the City's General Plan project, and to discuss separately the cumulative drainage impacts of the City's project together with the drainage impacts caused by other projects, such as development in the County's Agricultural Industrial Services Area. By describing only the cumulative drainage impact of new development within all of Watershed D, the EIR fails to describe how development within the NEQ area under the updated general plan will impact drainage within that area and within the unincorporated area downgradient.

Second and more importantly, the EIR fails to comply with CEQA because it relies entirely on studies not yet completed, projects still being designed, and environmental reviews of those project yet to be undertaken in order to evaluate the potential significance of these unquantified drainage impacts. An EIR cannot rely on optimism and hypotheticals to evaluate the potential significance of project impacts or to judge the effectiveness of potential mitigation measures.

New development within the NEQ area under the updated general plan *will* cause drainage impacts within both the NEQ area and the downgradient unincorporated area. The EIR must discuss these project impact and evaluate their potential significance based on solid evidence rather than mere hope. If the project would have significant adverse impacts, the EIR must identify feasible measures which could minimize those adverse impacts. Because the proposed project is a general plan, the mitigation measures must be fully enforceable through explicit policies in the general plan or through other mechanisms identified in the Mitigation Monitoring and Reporting Plan. If implementation of a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the environmental impacts of the mitigation measure must be discussed in the EIR. Chapter 3.9 of

the EIR and its discussion and evaluation of Impact 3.9-4, as currently written and proposed for certification, does not satisfy these legal requirements of CEQA.

At pages 3.9-8 and 3.9-9, the Draft EIR (DEIR) states that DRWJPA has identified several major drainage projects intended to reduce flooding in and downstream of the City, including the NEQ Detention Pond and the Eastside Drain Project, the latter of which consists of three components. The DEIR discloses that both the NEQ Detention Pond and the Eastside Drain Project are still being designed and that a full evaluation of the potential environmental impacts of those facilities has not been completed. In a letter dated August 24, 2020, the Dixon RCD commented that the Eastside Drain Project “is no longer a viable project and new projects and drainage limits are in development.” (Final EIR, comment A5-3.) In response to this comment, the Final EIR deleted the DEIR’s disclosure that design and environmental review of the NEQ Detention Pond was still incomplete. Sweeping this critical fact under the rug does not make it go away. Utilization of the unstudied and unapproved NEQ Detention Pond to mitigate the drainage impacts caused by new development in the NEQ area cannot be said to have a less-than-significant impact or no impact on the environment unless construction of that new facility will have also have a less-than-significant impact or no impact, which is an unknown at this time.

At page 3.9-8, the DEIR makes the following disclosure regarding funding for construction of the NEQ Detention Pond: “It has been assumed that this pond will be funded and constructed by development in and near the NEQ. However, this pond is a large regional facility, and it may be difficult for a single developer to successfully implement the NEQ Detention Pond.” Despite this disclosure of uncertainty, the DEIR makes the following statement at page 3.9-40: “The City is implementing a Northeast Quadrant Finance District Infrastructure Phasing and Reimbursement Schedule and has a development impact fee that will generate the funds needed to construct the required drainage improvements.” The NEQ area is described on both pages as approximately 580 acres. The EIR does not describe whether the NEQ Detention Plan can be constructed in phases, as each new development project within the NEQ area contributes its fair share towards funding, or whether the first new developer in the NEQ area is expected to fund construction of the entire pond and be reimbursed from development impact fees paid by subsequent developers.

In *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court articulated a four-part test for evaluating whether an EIR for a community plan adequately evaluated the potential impacts of relying on uncertain water sources to support new development within the plan area. By substituting the words “drainage” and “drainage facilities” for “water” and “water supplies,” the Supreme Court’s test is directly applicable to the City’s General Plan EIR, as follows:

First, CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying [drainage] to a proposed land use project. Decision makers must, under the law, be presented with sufficient facts to evaluate the pros and cons of supplying the amount of [drainage] that the project will need.

Second, an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the [drainage facilities] for the first stage or the first few years. While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA's demand for meaningful information is not satisfied by simply stating information will be provided in the future.... An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need [drainage], and must analyze, to the extent reasonably possible, the impacts of providing [drainage] to the entire proposed project.

Third, the future [drainage facilities] identified and analyzed must bear a likelihood of actually proving available; speculative [facilities] ... are insufficient bases for decisionmaking under CEQA. An EIR for a land use project must address the impacts of likely future [drainage facilities], and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the [facility's] availability.

Finally, where even a full discussion leaves some uncertainty regarding actual availability of the anticipated future [drainage facilities], CEQA requires some discussion of possible replacement [facilities] or alternatives ... and of the environmental consequences of those contingencies. The law's informational demands may not be met, in this context, simply by providing that future development will not proceed if the anticipated [drainage facility] fails to materialize. But when an EIR makes a sincere and reasoned attempt to analyze the [drainage facilities] the project is likely to use, but acknowledges the remaining uncertainty, a measure for curtailing development if the intended [facilities] fail to materialize may play a role in the impact analysis.

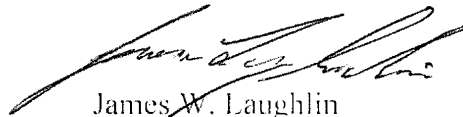
It is uncertain whether the NEQ Detention Pond will be available when needed to take the drainage that will be generated by new development in the NEQ area. This uncertainty exists because that facility is still being designed, has not yet undergone environmental review or been

Dixon Planning Commission  
Re: Dixon General Plan 2040 EIR  
March 8, 2021  
Page 5

approved, and there is no clear mechanism in place to ensure that construction can be funded when the facility is needed.

Under the Supreme Court's four-part test, the General Plan 2040 EIR is legally inadequate and should not be certified. The County respectfully request that the Planning Commission postpone taking action on the proposed EIR and General Plan while you give these comments consideration. We anticipate you will recognize the need to revise and recirculate the EIR, and possibly revise the proposed General Plan, before taking action. The Planning Commission's role is to make a fully informed recommendation to your City Council regarding the merits of the proposed General Plan, and you are unable to perform that vital function in the absence of a complete and legally adequate EIR.

Sincerely,



James W. Laughlin  
Deputy County Counsel

cc: Supervisor John Vasquez  
Birgitta Corsello  
Bill Emlen  
Terry Schmidtbauer

Jim Lindley, City Manager  
Raffi Boloyan, Community Development Director  
Kelly Huff, DRWJPA  
Roland Sanford, SCWA  
Daryl Halls, STA



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May 5, 2021

**Via Email**  
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City of Dixon  
Community Development Department  
Attention: George Osner  
600 East A Street  
Dixon, CA 95620  
gosner@cityofdixon.us

**RE: AKT Comments on Public Review Draft General Plan 2040**

Dixon 133, LLC (“AKT”) appreciates the opportunity to further comment on the City of Dixon’s (“City”) Public Review Draft General Plan 2040 (“draft General Plan”). AKT has been involved in the Northeast Quadrant Specific Plan (“NEQSP”) since the late 1990s and currently owns approximately 89 acres of land as depicted on Attachment A to this letter. On August 24, 2020, AKT submitted a letter (see Attachment B to this letter) to the City requesting the City refrain from re-designating approximately 37 acres of the Property currently zoned as service commercial, light industrial, professional office, and planned unit development (CS-ML-PAO-PUD) to Regional Commercial and instead revise the proposed land use designation for the Property, retain the current CS-ML-PAO-PUD zoning, and apply the same CS-ML-PAO-PUD to the entire Property.

As explained in that prior letter, the City’s proposed re-designation of the Property to Regional Commercial would likely lead to undeveloped land and missed employment opportunities and tax revenues for the City. Commercial land uses are in oversupply and overbuilt in the region, and the draft General Plan does not include any information regarding actual or projected demand for retail. Additionally, while the Property has some freeway frontage, the planned roadway system does not provide the general ease of access that regional commercial uses in this location would require. Moreover, given the Priority Production Area designation within a portion of the NEQSP, the proposed re-designation would likely conflict with draft Policy M-6.1 and lead to land use and transportation conflicts, particularly between industrial and passenger vehicles.

In contrast to the state of the commercial market, and in part as a result thereof, the demand for light industrial land uses is on the rise. As provided on the Association of Bay Area

Governments' website dedicated to this pilot program, the Priority Production Area designation "aims to retain industrial land in key locations to support networks of production, advanced manufacturing, distribution and repair services. These firms and their supply chains are critical to the regional economy and expand the number of middle wage jobs available, many of which do not require a four-year degree, thereby improving pathways to opportunity." These are precisely the types of firms AKT is seeking to attract and the types of jobs that would result if successful. Unfortunately, the proposed re-designation of a portion of the Property to Regional Commercial would prevent such uses in that location.

**AKT hereby respectfully requests that Land Use Policy LCC-5.6 be revised as follows (requested additions appear in red text), which currently applies to property immediately west of the Property:**

Land Use Policy LCC-5.6: In the Campus Mixed Use land use designation shown on Figure LLC-4 **and in the Regional Commercial land use designation located within the Northeast Quadrant Specific Plan**, permit warehouse and distribution uses subject to a development agreement establishing a financial mechanism to provide for ongoing revenue generations to the City from those uses and environmental review to ensure there are no new or substantially more serve impacts than identified in the 240 General Plan EIR.

This revision would provide flexibility to market the Property to the broadest range of users, including commercial and industrial users. While we do not anticipate commercial demand will materialize for the reasons set forth above and as further explained in Colliers International's letter to the City dated August 26, 2020 (see attachment C to this letter), the requested revision would allow commercial uses while not prohibiting the light industrial uses for which demand currently exists. The requested revision would also support Policy E-3.3 by leveraging Dixon's location and connection to the regional road network to attract new businesses and advance Policy LCC-1.4 by expanding employment opportunities and ensuring an adequate supply of industrial-zoned land within the City,

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City of Dixon  
George Osner  
May 12, 2021  
Page 3

We are available to meet with the City to further discuss this request immediately.

Very truly yours,

HEFNER, STARK & MAROIS, LLP

By   
Chad E. Roberts

CER

Attachments

cc: Raffi Boloyan  
Mark Enes  
Ryan Claycomb



LEGEND:

LI LIGHT INDUSTRIAL



NORTH  
Scale 1"=1200'

SIEVERS ROAD

INTERSTATE 80

CURREY ROAD

MILK FARM  
60 AC

P-20

DRIVE

MISTLER RD.

GP3  
20 AC

DORSET  
DRIVE

LI

PROFESSIONAL  
DRIVE

PEDRICK ROAD

P-19

PROJECT  
SITE

N. FIRST STREET

VAUGHN ROAD

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**EXHIBIT FOR LAND USE UPDATE  
NEQSP PARCELS ZONING  
CITY OF DIXON, CA**

Source: Dixon General Plan Update  
Preferred Land Use  
(March 9, 2018)

Exhibit Date: AUG. 10 2020

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August 24, 2020

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gosner@cityofdixon.us

City of Dixon  
Community Development Department  
Attention: George Osner  
600 East A Street  
Dixon, CA 95620  
gosner@cityofdixon.us

**RE: AKT Comments on Public Review Draft General Plan 2040**

Dixon 133, LLC (“AKT”) appreciates the opportunity to comment on the City of Dixon’s (“City”) Public Review Draft General Plan 2040 (“draft General Plan”). AKT has been involved in the Northeast Quadrant Specific Plan (“NEQSP”) since the late 1990s and currently owns approximately 83 acres of land as depicted on the attachment to this letter.

Over the past several decades, AKT’s significant investments have helped realize the NEQSP’s goal of “provid[ing] a substantial employment base for the Dixon Area” (see NEQSP, p. 2-9). In 2003, these investments resulted in the development and construction of the Walmart Supercenter located at 235 E Dorset Drive and the creation of jobs and tax revenues for the City. More recently, AKT sold approximately 34 acres to a successful national builder/developer of significant warehouse, distribution, and logistics facilities, Scannell Properties (“Scannell”), on which Scannell is presently constructing a 502,000 square foot support and distribution facility operation for HAIER, a major international appliance supplier. AKT is currently in negotiations to sell the 83 acres noted above (hereinafter, the “Property”) to Scannell to develop additional logistics/warehouse facilities.

To AKT’s surprise, the draft General Plan land use plan would re-designate approximately 37 acres of the Property currently zoned as service commercial, light industrial, professional office, and planned unit development (CS-ML-PAO-PUD) to Regional Commercial, which the draft General Plan describes as follows: “The Regional Commercial (RC) designation provides for a range of commercial uses that cater to traffic passing through Dixon on I-80 as well as to local residents. Permitted uses include motels; fast food and other restaurants; gas stations; and large-format chain retail establishments, including supermarkets and super-drugstores. This designation applies to land immediately adjacent to I-80 access ramps in areas that are easily accessible by car

and highly visible from the roadway. Maximum permitted FAR in the HC designation is 80%.” Based on the foregoing description, such re-designation would preclude the development of a major facility on the Property like the Haier facility currently under development.

The proposed re-designation of the Property to Regional Commercial would likely lead to undeveloped land and missed employment opportunities and tax revenues for the City. Commercial land uses are in oversupply and overbuilt in the region, and the draft General Plan does not include any information regarding actual or projected demand for retail. Additionally, while the Property has some freeway frontage, the planned roadway system does not provide the general ease of access that regional commercial uses in this location would require. Moreover, given the Priority Production Area designation within a portion of the NEQSP, the proposed re-designation would likely conflict with draft Policy M-6.1 and lead to land use and transportation conflicts, particularly between industrial and passenger vehicles.

In contrast to the state of the commercial market, and in part as a result thereof, the demand for light industrial land uses is on the rise. Such demand is evidenced not only by AKT’s recent transaction with Scannell resulting in the development of the Haier facility and AKT’s current negotiations with Scannell regarding the Property, it is also supported by the aforementioned Priority Production Area designation within a portion of the NEQSP. As provided on the Association of Bay Area Governments’ website dedicated to this pilot program, the Priority Production Area designation “aims to retain industrial land in key locations to support networks of production, advanced manufacturing, distribution and repair services. These firms and their supply chains are critical to the regional economy and expand the number of middle wage jobs available, many of which do not require a four-year degree, thereby improving pathways to opportunity.” These are precisely the types of firms AKT is seeking to attract and the types of jobs that would result if successful. Unfortunately, the proposed re-designation of a portion of the Property to Regional Commercial would prevent such uses in those locations.

Rather than re-designating the Property to eliminate the potential for such uses, AKT respectfully requests the City revise the proposed land use designation for the Property, retain the current CS-ML-PAO-PUD zoning, and apply the same CS-ML-PAO-PUD to the entire Property. Such changes would create consistency across the Property, thereby providing flexibility to market the Property to the broadest range of users, including commercial and industrial users. This flexibility would also allow for the development of another major facility like the one Scannell is currently developing. While we do not anticipate commercial demand will materialize for the reasons set forth above, retaining the existing zoning and applying it to the entire Property would allow commercial uses while not prohibiting the light industrial uses for which demand currently exists. The requested changes would also support Policy E-3.3 by leveraging Dixon’s location and connection to the regional road network to attract new businesses and advance Policy LCC-

City of Dixon  
George Osner  
August 24, 2020  
Page 3

1.4 by expanding employment opportunities and ensuring an adequate supply of industrial-zoned land within the City.

We request the opportunity to meet with the City to discuss the concerns outlined in this letter. Additionally, please advise if the City prepared a market study to support the proposed re-designation included in the draft General Plan.

Very truly yours,

HEFNER, STARK & MAROIS, LLP



By

Chad E. Roberts

CER

Attachment

LEGEND:  
LI LIGHT INDUSTRIAL

  
NORTH  
Scale 1"=1200'



Dwg: X:\2017\17-0050-00 (DIXON 133)\DWG\PLAN\EXHIBITS\17-0050-LAND USE CHANGED.DWG | Saved: 08-10-20 10:56am SBRYSON

**EXHIBIT FOR LAND USE UPDATE  
NEQSP PARCELS ZONING  
CITY OF DIXON, CA**

Source: Dixon General Plan Update  
Preferred Land Use  
(March 9, 2018)

Exhibit Date: AUG. 10 2020



August 26, 2020

Dear Dixon Planning Department,

I am Mark Demetre, a senior industrial specialist. Along with my colleague, Greg Thomas, a senior retail specialist, we are brokers with Colliers International in Sacramento, CA. Together, we have over 50 years of commercial real estate experience in the greater Sacramento Valley area. Our clients include developers, property owners, and tenants. Over the years, we have worked with many planning departments. We would like to offer our professional opinions and advice regarding the need to update the city of Dixon's zoning code in light of current and anticipated future economic conditions.

Even before the Covid-19 pandemic, the retail sector has been hit hard. Traditional retailers have been closing stores at an alarming rate with major retail bankruptcies in the first half of the 2020 surpassing annual totals in 2018 & 2019. Sam's Club, Walmart, Sears, J.C. Penney, CVS, Walgreens, Les Schwab Tires, even Nordstrom's are all reducing their brick-and-mortar locations. The number of users backfilling these traditional retail location's vacancies are disappearing. Gyms, movie theaters, entertainment centers, and discount stores will not be able to continue to absorb the increasing amount of big box retail space coming on the market. Instead of retailers, we are seeing business centers, fulfillment centers, and other industrial users become the replacement tenants. There have already been 7,400 announced and completed store closures in the U.S. through the first half of the year. Some forecasts project as many as 25,000 stores permanently closing across the country as a result of Covid-19 economic impacts. Across the Sacramento region, 99 retail businesses have permanently closed from March 1 to July 10, according to Yelp. Many more retailers and restaurants remain temporarily closed – waiting for rent relief from the landlord to stay in business. Additionally, we feel many of the current malls, power centers, neighborhood and strip centers will be decimated in the immediate future, requiring a rezoning of the land to accommodate industrial and residential development.

Amazon and direct-to-consumer e-commerce are increasing significantly. This trend has benefitted the industrial sector greatly and this expansion of e-commerce will only continue to grow as more consumers become comfortable with purchasing products online. Throughout the pandemic, industrial has been the strongest performing asset class in all of commercial real estate, both locally, and across the country. As more consumers shop from home and get groceries delivered, demand for well-located, last-mile industrial real estate will only continue to increase. This demand for close-in fulfillment centers for e-commerce companies and distribution buildings for third party logistics companies will be sustainable in the long term. Expanding metropolitan areas like Sacramento are poised to see more industrial growth as a result of its larger consumer base. The greater Sacramento



region's population growth from residents moving out of the Bay Area is showing no signs of slowing down anytime soon. In fact, the eastward migration of Bay Area residents has only accelerated since March. These migration trends will spur additional industrial growth in the years ahead, as evidenced by new industrial occupiers coming to the market from other areas and other users expanding their existing footprints. With a strong residential housing market in Sacramento, our region is poised for continued growth, which will lift demand for industrial space for the foreseeable future.

The United States has built more retail than it can fill with traditional retail tenants. There are 24.5 square feet of retail space per capita in the U.S., which is five times higher than Europe. Retail was already struggling to fill big box spaces prior to the current pandemic with e-commerce continuing to disrupt traditional brick-and-mortar retail. Since March, a wave of vacancies have hit the market, driven by large department stores anchoring regional malls, forcing landlords to take a hard look at redeveloping or renovating the vacant spaces into different uses like housing, coworking, or industrial fulfillment centers. In early August 2020, it was announced that Amazon is in discussions with mall owner Simon Property Group about using some closed J.C. Penney and Sears stores for Amazon fulfillment centers. This retail-to-warehouse conversion trend will be a growing market moving forward as large retail spaces have proven difficult to backfill with any retailer. E-commerce sales continue to spike while brick-and-mortar sales are decreasing in market share. U.S. retail e-commerce sales for Q2 2020 was \$211.5 billion, a 31.8% quarter-over-quarter increase and a 44.5% increase year-over-year. E-commerce sales nationally have grown from 10.8% of total retail sales in Q1 2019 to 16.1% of the total by Q2 2020. To survive in today's economy, a retailer needs to be nimble and must adapt to rapidly shifting consumer demands. This is forcing companies like Walmart, Target, and Nordstrom's to bolster their e-commerce capabilities to keep pace with Amazon, which typically means building or leasing more fulfillment center space near large population centers.

Sacramento's close-in industrially zoned land is mostly built out and vacancy is currently hovering around 5%. Market rents reached record highs in 2019 and vacancy dropped to an all-time low of 4.1% in mid-2019, resulting in increasing levels of speculative development starting construction. Dixon is an ideal location to capture more of Sacramento's current industrial growth due to its proximity to Sacramento, the Bay Area, Interstate 80, and Interstate 5. The city of Dixon currently has around 1.2 million square feet of existing retail inventory and much more Highway Commercial (HC) zoned land along Interstate 80. Based on our experience and market data from our in-house research department, we forecast accelerating demand for fulfillment centers and distribution sites throughout the greater Sacramento region, including Dixon. Today, lenders are not willing to take the risk to lend on retail, while industrial has become the new darling. Retail development has been minimal and will continue to be near nonexistent. Empty parking lots and vacant storefronts are eyesores for a city. Fulfillment centers benefit local municipalities by creating jobs, cutting traffic, reducing air pollution, and bringing in sales tax revenue if the location is a last-mile retail operation.

August 26, 2020



Real estate is an ever-evolving sector. Local municipalities must be quick to adapt and update zoning codes to provide for the highest and best use for their parcels while maintaining sufficient employment levels and bringing in an adequate amount of tax revenue. Given the current realities in retail and the impressive strength of industrial, we suggest rezoning some of your retail zoned land to industrial or updating your zoning code to allow more industrial uses, primarily fulfillment centers and distribution operations, into your current HC zone. Dixon's prime location and availability of undeveloped, freeway accessible land will attract new industrial users to your city if these changes are made.

Please consider this letter as support of our position to allow more industrial uses in the city of Dixon's zoning code.

If you would like additional statistics or market information from us, please let us know and we would be happy to provide. Below are additional links to Colliers Sacramento's industrial and retail market reports from Q2 2020 for your reference.

[Q2 2020 Sacramento Industrial Market Research & Forecast Report](#)

[Q2 2020 Sacramento Retail Market Trends & Forecast Report](#)

Sincerely,

**COLLIERS INTERNATIONAL**

A handwritten signature in black ink, appearing to read "Mark Demetre".

Mark Demetre  
Executive Vice President

A handwritten signature in blue ink, appearing to read "Greg Thomas".

Greg Thomas  
Senior Vice President



## May 18 City Council holds final meeting on General Plan

Shirley Humphrey

The final General Plan meeting will be held on May 18, the following thoughts/suggestions are presented for citizens to take a look at. If you are concerned about any of the item listed, be sure to attend the May 18 city council meeting which will be held by Zoom. As soon as the city council approves the proposed General Plan, it will be in effect until 2040. Be sure to let the council know what is important to you.

### Parkway

The Parkway Boulevard should be completed now and the council must make sure that the new fire house is located on the other side of the train tracks

A former Dixon fire chief told us about what he thought about the danger to the residents of Dixon who live east of the railroad tracks. He went on to explain that in the 1980's there was a fire in Dixon which involved a propane tank, and the tracks had to be completely shut down. People coming into town from the west could not cross the rail tracks. Thus, the fire trucks could not drive to the following areas in town—Collier Manor, Valley Glen, May Fair, Country Fair, Brookfield, Old Town etc.

We realized he was right. Dixon fire trucks could not reach those houses without going out to I-80 and then going to the Midway area (or Pedrick Road) to reach the east side of town. A little further thought reveals that if a rail car goes off the tracks in Dixon, access to these houses is very limited. If a propane tank goes off on a rail tracks, there is a huge danger because a propane fire on a rail car can create a large bomb. Plus, rail cars transport ammunition through Dixon. These accidents are rare but Dixon should make sure that all areas in Dixon can be reached by fire trucks.

How did we get into this situation? If we look back to the 1980's, Dixon had a fire substation on both sides of the railroad tracks. There was a substation on North Adams; the main station was located at 140 North Jackson Street. When the new station was built off of North First Street, the substation and main fire station were sold. It is not clear where the funds gained by selling the fire stations are now?

Residents were told that a fire station would be built with the funds received from the Bertolero property and fees for the Brookfield homes. The Bertolero Property Proposal was published on April 21, 2004. Just below a picture, the following is listed: Dixon Unified School District; **City of Dixon**; Brookfield Homes. On Page 17, Table 2 Brookfield's Bertolero Property Milestone Timeline. Item #16. **City to complete Parkway Boulevard, Railroad Grade Separation by 8/2007**. On page 13, under Enhanced Benefits Provided by Brookfield, item 3 lists "Parkway Blvd. Grade Separation Contribution, \$900,000.

In discussions with former Police Chief Thompson, when we asked him if the town is prepared to deal with a hazardous materials accident, he said, "We recognize the vexing situation, we can dealing with. We are prepared to deal with such a situation." But like most of us, he wonders how we got here.

Is it possible that state and county folks who reviewed the plans for houses on the west side of town could be accessed by the planned Parkway Overpass which was planned but never built?

What training have the fire and police received on hazardous materials fires? How often do they receive training? What is their plan to reach all areas of town? The police chief believes the department is prepared.

How seriously has the city council evaluated the risk of having part of town closed off because of a railroad hazardous materials accident?

It has been 17 years since the Parkway Overpass should have been finished. It has been longer since the city sold off a fire station that could have avoided this problem. Ask our council what priority is being given to solve the problem? Ask for a time table on when Parkway will be completed.

### **Level of Traffic Service Should Not be Moved to Level D**

Last time, we looked the Level of Service would be allowed to move down to Level D. This should be avoided and should stay at Level of Service C. The City Council should ensure that the level of service on West A and North and South First Street does not go below Level of Service D and should strive to keep the level at C.

### **Land Use and Community Character**

#### **Jobs/Housing Balance**

(Dixon is a bedroom community. Currently, 7,000 residents leave the community to work in other towns. 3500 people work in Dixon. It is not known if these are Dixon residents or if they commute to Dixon.)

The General Plan must emphasize the need for a **jobs/housing balance**. Recent housing growth has not been offset by jobs growth. Recently, the community development director stated that the city has approved the building of over 1,000 new houses – where are the plans for the new jobs?

Conversely the recent residential growth has not brought the economic growth in commercial and industrial uses that will be necessary for the long-term growth of Dixon

***Improve economic development through establishing a goal of 0.9 jobs for every member of the labor force by 2025.***

- 1. Economic Development: City Must Take Proactive Steps and Be Evaluated on Economic Development**

- 2.**

*Strategic Planning: The current strategic planning process is flawed. Each year the city council/departments hold a strategic planning process. The public is invited, but in some cases, the city department heads/council must give permission for the citizens to participate in the process. The current*

progress allows the department heads to set their own goals. The process also makes elected representatives superior to those that elected them.

This may be appropriate but the citizens must have an opportunity for their input into priority items. After the initial process is finished, workshops with residents in all 4 districts should be held with citizens indicating what they agree with and what should be change.

The town must develop short term, mid-term and long-term strategic planning. (The town of Dixon has suffered from a series of unfortunate economic development proposals which have had an adverse effect on Dixon—Dixon Downs, Clarissa Carpenter proposal for a movie studio (note: Carpenter is jail for numerous fraud counts), magic bean proposal (Innovation project UCD, businesses, student housing, etc. —note the UC Innovation Center—Aggie Square Village was established between the city of Sacramento and UC Davis around June. The state legislature approved \$2.5 million as start-up funds for the project).

The Cities of Woodland and West Sacramento are going forward with Innovation Centers, as well as the Aggie Square Village in Sacramento. Dixon highlighted a proposal going forward in an address by the mayor and city manager in January. A couple of months later, a Stronach representative presented some preliminary information. Since then, there is little evidence any progress has been made.

These poorly though plans/efforts have resulted in embarrassment for the community and have been costly to the taxpayers. A process must be developed to vet projects in the early stage, and city leadership must be held accountable for these project success/failures.

## **Mobility Innovation**

Plan for change. Driverless cars may be available by 2025. The General Plan should note this development and provide a plan. Establish a Transportation Technology Committee to make recommendations as driverless cars are on the road.

## **Transportation**

Travel and economic management is most effective when it is part of an integrated program rather than on an ad hoc basis. Demographic and economic trends are changing. Dixon should develop a 10-year transportation plan by hiring an outside company to evaluate if Dixon's Redit--Ride is meeting the demands of citizens, if bus transportation is needed between Amtrak stations in Dixon and Fairfield.

## **Small Town character**

Change "Preserve Small Town Character" to "Preserve Dixon's Unique Character." During the past few months the City Council has approved over 1000 new houses. With Dixon's population over 21,000, Dixon will soon no longer be a small town. In fact, USDA states that town that over 25,000 are not small town. Further in a review of current and future development by the new community development director, Dixon is looking at adding 1745 new housing units over the next few years. If we assume that each house will be the home of 3.5 individuals, over 6,000 new residents will be added to Dixon's population. It is time to look at Dixon as a mid-size town rather than a "small town."

Following is a write-up on small town character (written by MaryAnn Montague, former Dixon resident, deceased) which can form the basis for discussion on Dixon's vision and goals:

"To evolve and protect the concept of Dixon as having a "small town character," the following issues are important

"aging in place: the preponderance of new homes constructed in Dixon should have features that accommodate the full life span of a family unit so the elders do not end up housed in densely compacted small rooms away from life supporting familiar surroundings

"an essential of "small town" is having public safety at a level where elders and children are free to walk securely even after dark

"The sidewalks of the city must be made and maintained as ADA compliant. Whether a family is wheeling an infant in a buggy or a person is using a wheel chair, the sidewalks need to be free of broken, uneven pavement and unsafe obstructions.

"There needs to be a variety of safe public meeting sites, in near access of neighborhoods, where a cluster of friends might congregate for social interaction.

"Streets must be well lit and have speed limits suitable for safe pedestrian crossing, especially by children. Wherever feasible, the streets should be lined with trees or shrubs to help reduce air pollution and noise pollution.

"Well-mannered pets should be welcomed. There should be several "dog parks" where dogs can get a healthy amount of off-leash exercise and training.

"Business people especially and the population in general need to grow into being sincerely hospitable to new residents of every ethnicity.

"The population centers of Vacaville and Davis have fully functional public transportation hubs. Dixon should add a small fleet of cars to the REDI-Ride service that would allow Dixon citizens to be transported to the out-of-town hubs in an efficient and timely manner.

"City ordinances must be applied uniformly among the citizens through pro-active application by the code enforcement officers. Education about the ordinances should be

a key function of the code enforcements officers before punitive action is undertaken. Any unenforceable ordinances should be removed from the city codes.”

#### Review Language

For example, under LCC-4.1 it is stated “Establish a mix of daytime and evening uses downtown, including restaurants, professional offices, entertainment and houses to encourage activity through the day. Note—establish a mix of daytime and evening uses downtown—would this permit activity from 6:00 to midnight. This would be a burden on the folks living in Oldtown if music would be allowed until midnight.

Another example:

“Reduce the required front yard setback for residential uses in downtown zones; and”. –Have all affected homeowners been notified of this provision?

## **Report on General Plan Update by Ginger Emerson, General Plan Advisory Committee Member, May 13, 2021**

### **Introduction**

My purpose in writing this report is singular and sad. For the sake of the good people of Dixon, someone must expose the terrible failings of the City of Dixon to produce a truly PEOPLE'S PLAN for the future of the community. The first of a number of chapters details how the City, time and again, thwarted the public outreach process with the result of discouraging public engagement. The remaining chapters provide only a few, out of many, examples illustrating ways in which the goals, policies and actions set forth in the General Plan Update did not originate with the people. A number of Chapters relate to land use and housing. Others deal with aspects of circulation, safety, noise (under environmental justice) and economic development. I have previously addressed other issues in correspondence to the Planning Commission for their March 9, 2021 meeting. I request that my earlier correspondence be incorporated into this report.

It is not my intent to in any way malign other members of the General Plan Advisory Committee. The Staff Report for the May 18, 2021 meeting of the Dixon City Council is accurate in that the GPAC represented a range of interest groups, advocacies and opinions.

However, members of the City Council did not necessarily consider that diversity to be in the best interest of moving the General Plan Update forward and at one point considered disbanding the GPAC. Meeting only sporadically thereafter, when scheduled by City Staff, the GPAC members were sincere in their efforts.

I applaud each and every member for their service.

### **Chapter 1**

Contrary to information in the official General Plan Update and the Staff Report, I have detailed below how the public outreach process failed miserably.

I would strongly suggest that Council members and those considering this report, review the 2015 joint City Council/Planning Commission General Plan kickoff meeting to learn about the opportunities for public participation that were outlined by City Staff and the consulting firm, Dyett and Bhatia. The powerpoint presentation slide on Public Outreach listed the following opportunities for members of the public to be engaged in the process: General Plan Website, Stakeholder Interviews, Community Workshops,

Online Surveys, Advisory Committee, Planning Commission Meetings and Hearings and City Council Meetings and Hearings.

In regard to the General Plan Website, I have screenprints showing that the website was not kept up to date. For instance, a screenprint dated in November, 2018 shows that, as of that date, the website was showing the next meeting of the GPAC scheduled in January, 2017. At that point in 2018, the General Plan website was outdated by 22 months. A copy of the screenprint is available at your request.

In regard to stakeholder meetings, a powerpoint slide from the kickoff meeting outlined that stakeholder interviews would involve a: series of small group discussions, early insight into key issues, opportunities, and challenges; and typical participants would include elected officials, department heads, representatives from local groups (Chamber of Commerce, neighborhood organizations, etc.).

As far as I know, no such stakeholder interviews involving the public were conducted. No feedback from any such outreach was provided to the advisory committee (at least not in public to the entire committee). And, there is no mention of any stakeholder interviews in the General Plan Update document provided for public review and presented for action.

Following the kickoff meeting, I appeared at a subsequent Planning Commission meeting. In part, I commented in regard to a conversation I had with the consultant/project manager about an interested neighborhood group that wanted to meet as stakeholders. I said: "She (referring to the consultant) had commented at the joint meeting between the Council and the Planning Commission that if there were any interested neighborhood groups that she would be in touch with them. And I had reminded her of that." I concluded by saying that I was hoping to hear from her in that regard.

Unfortunately, I never heard from her about setting up that meeting. To make matters even worse, my comments before the Planning Commission in regard to my conversation with the consultant were not recorded in the official minutes of that meeting. Another speaker addressed the Commission after me. His remarks were made a part of the record, but mine were not. Fortunately, I have a copy of the pertinent section of the audio/video as confirmation of my remarks.

The neighborhood group was an informal one, but its representatives and members had been recognized by the City over the course of a number of years. The group had been involved in many meetings (both official city meetings and other meetings with Staff)

having to do primarily with zoning ordinance amendments. At one widely attended Council meeting about the Priority Development Area, I gave a powerpoint presentation as a representative of the group. Representatives of the group had also presented appeals on behalf of neighborhood residents before the City Council regarding various decisions.

Considering the request to involve an interested neighborhood group, I find information in the General Plan Update to be disingenuous. Section 1.3 on page 1.9 reads: “This General Plan update is a comprehensive reexamination of Dixon’s planning context and the community’s vision, and involved close collaboration with Dixon residents in a variety of forums to ensure that the Plan closely reflects the community’s goals.” When the consultants ignored certain interested stakeholder groups, how can the version of the General Plan Update be considered the PEOPLE’S PLAN? There are those who believe that the final product reflects the plan of select people and groups in behind-the-scenes conversations with decisionmakers and in private communication with interim planners and Bay Area consultants.

As you know, only one neighborhood workshop (out of a planned five) was ever held. It was attended by a grand total of 14 people. The majority of attendees were members of the Planning Commission and General Plan Committee. I was one of the fourteen. Two or three members of the current Council (former Planning Commissioners) were also in attendance. At the aforementioned, subsequent Planning Commission meeting (which those Councilmembers should remember), the Community Development Director referred to the poorly attended workshop at Anderson School. He indicated that he intended to hold the second workshop at Anderson and the next three workshops would rotate to other schools. Those remaining four workshops never took place. Again, how can the version of the General Plan Update as written, be considered the PEOPLE’S PLAN when opportunities for public participation were cancelled and interested stakeholders ignored.

In regard to the Survey conducted by the consulting firm, I would suggest that you compare the information presented in the Staff Report to the actual Community Survey Report. Quoting from page 1 of the Staff Report: “Early in the process, a citywide mail-in survey generated over 600 responses and helped establish core values and priorities to guide the key strategies on which the Plan is based.” Actually, according to the Survey Report: “A total of 282 people responded to the survey, including 202 online submissions and 62 paper surveys.” Please note that 202 plus 62 equals 264, not 282. Regardless, the claim in the Staff Report more than doubles the actual number of responses. Furthermore, the author of the Survey Report makes clear that “Due to the nature of this survey and its distribution the results may not fully represent the entire range of opinions or preferences of all of Dixon’s residents. Without the use of random



sampling it is difficult to ensure that all groups will be accurately represented, and, as discussed further in the demographics section, some groups may have been underrepresented.” NEED I SAY MORE ABOUT THE SURVEY THAT STAFF IS TOUTING?

In referring to the number of times that the GPAC met in 2018, Staff writes: “Over a series of meetings in the spring and summer of 2018, including a day-long policy summit, the GPAC reviewed and helped to revise goals, policies and actions for each element of the general plan.” So that the record is clear, the GPAC met twice in 2018, on March 19<sup>th</sup> and what turned out to be their final meeting on July 28<sup>th</sup>. Committee members have been required to submit 700 forms for 2019 and 2020 even though the Committee did not meet in those years.

I have downloaded a copy of the Staff Report that has been available online prior to posting of the agenda for the May 18, 2021 meeting.

In regard to public participation at GPAC meetings, petitions presented by a neighborhood representative were apparently misplaced by the City. When requests by certain Committee members to have the petitions re-presented were not forthcoming over the course of months, the Community Development Director at the time claimed that the petitions were lost. Those petitions somehow mysteriously reappeared a short time **after** the final GPAC meeting was held on July 28, 2018. Similarly, a letter from an attorney representing a local special district was never presented to the Committee. The subject matter had been under discussion by the Committee and at one point by the City Council. I have ample documentation to support these comments.

I can assure you that most members of the public have no patience for that type of nonsense. How do you expect public participation in drafting of a true PEOPLE’S PLAN when the members of the public who make attempt after attempt to participate are discounted and disregarded?

While I have other comments related to public participation (regarding the General Plan) at Planning Commission meetings and previous Council meetings, I will close my remarks about public outreach by asking, once again: why must a Plan that will govern Dixon for the next 19 years be recommended by the Planning Commission and approved by the Council at meetings that the public can not physically attend? I clearly recollect a particular Councilmember (while serving on the Planning Commission) remarking about calls from people who were unable or uncomfortable using ZOOM. I clearly recollect, and the public record will support my memory, that consideration of more than one issue has been postponed by the City Council over the last year until residents can appear in

person to voice their concerns. Why would the City add to all the failings of the General Plan Update process that I've already pointed out, by refusing to allow the public access in person to make their comments and to air their concerns? Isn't that adding insult to injury? And shouldn't our decisionmakers have to face their constituents if they intend to move forward with a process as flawed as the one I've painstakingly described?

## Chapter 2

What happened to the Preferred Land Use Plan that was the working document referred back to the General Plan Advisory Committee from the City Council in 2017? The last time the GPAC met on July 28, 2018, the Preferred Plan presented to the Committee as Attachment B was consistent with plans that had been before both the Planning Commission and the City Council. The Land Use Plan that is now a part of the General Plan Update as presented in Figure LCC-4 does not match the Preferred Plan document.

Documentation will support that when land use designations were discussed with the GPAC, Corridor Mixed Use was the only new Land Use Designation presented. Redefined Designations included changing Planned Business/Industrial to Light Industrial; Professional/Admin Office to Office Commercial; Highway Commercial to Regional Commercial; and Commercial Services to Service Commercial. The only Land Use that was considered for removal was Community Commercial, Employment Center. The Preferred Plan maintained aspects of the current General Plan such as retaining current designations Downtown and maintaining existing neighborhoods.

As presented in Figure LCC-4, the General Plan Update would eliminate land uses designated in the current Housing Element as well as in the Preferred Plan; and replace them with just two designations for all residential development throughout town. Such a significant change in land use designations was not presented to the GPAC.

The two new designations would both involve a substantial increase in density, particularly in older neighborhoods currently zoned RM-1 and RM-2 which surround downtown. As detailed on page 3-14 of the update, Medium Density Residential would allow 10 to 22 dwelling units per acre. The current allowable density in RM-1 and RM-2 is 6.23 to 14.52 dwelling units per acre. Density in the current downtown PMU 1 zoning will increase to a maximum of 30 dwelling units per acre. Just take a look around and see the effects of the current density on the older neighborhood in terms of traffic, parking, security, privacy, etcetera. Much of it comes from the existing multiple family complexes that have been permitted throughout the years.

Allowing such an increase in density is the exact opposite of what the people of the Old Town area have been petitioning the City for over the course of many, many years. Without a doubt, had the consulting firm been directed by City leaders to respect the people of Old Town and meet with them as stakeholders as requested, I can assure you there would have been overwhelming opposition to the increase in density, reduction of setbacks, etcetera called for in the proposed plan. The pleadings over the years from the stakeholders of Old Town for multiple family development to be spread throughout town rather than concentrated in their older neighborhood should have been documented in interviews by the consultants during the General Plan process. Had that taken place, the people certainly would have pointed out that the downtown commercial core offers little in the way of goods and services that support the surrounding neighborhood, particularly residents of limited income.

Make no mistake, the changes proposed for Old Town do not represent the PEOPLE'S vision. It is the Old Town neighborhood (not neighborhoods where Councilmembers live) that gives Dixon any degree of the small town character that the people of Dixon want to preserve.

The Preferred Plan, as it last came before the GPAC in July, 2018, with its retention of current residential land use designations, came far closer to a PLAN that the PEOPLE would support.

### **Chapter 3**

Oh, where oh can the PDA be? Considering the total lack of transparency that has surrounded the Priority Development Area Plan for years, it must be hiding out somewhere. Others have helped me look for it in the General Plan Update document. I know it was referenced in versions of the General Plan documents not all that long ago. Taking into account the increase in density proposed for the Downtown mixed used corridor and the RM1 and RM2 zones, I seriously doubt that the PDA has skipped out of town. Knowing fair well the opposition to the PDA plan, the term has been removed from the General Plan Update document.

To elaborate about the lack of transparency on the subject of the Downtown Dixon Priority Development Area, I would point out that the very first agenda item about the PDA came before the Dixon City Council at close to midnight when the Chambers were nearly empty. The next time the subject came up, the Council was caught off guard by the very vocal, widespread opposition to the project. Not only did the group that was representative of the impacted neighborhood protest, members of the community from

throughout town also objected. Facing that opposition, the Council at the time rejected the proposal before them. A little over a month later, it was brought back and approved.

Many residents felt so double-crossed by the Council's shenanigans they vowed to never step foot in the Council Chambers again. There are those that to this day have been true to their word. Some will sign petitions, but they will not take time away from their families and other personal matters to appear. Their refrain is "why bother" when our local elected representatives will, over and over again, do whatever they please. (Certainly, the Council should remember hearing similar comments from citizens throughout Dixon. Earlier this year, bemoaning the passage of the initiative to repeal water rates, Councilmembers faced their failure to connect with their constituents.)

Returning to the PDA matter, over the course of time, a group of people from throughout town had been pleading their case at regional meetings in Oakland and San Francisco. Their arguments against the PDA plan for Downtown Dixon were initially well received, UNTIL the Mayor (accompanied by one local investor/developer) appeared before the Executive Board and that agency reversed its earlier position.

What has happened since the Council moved forward in 2014 against public outcry to have a PDA plan designed? The resolution that was adopted at that time formed an agreement between Solano Transportation Authority and the City of Dixon to proceed with the design. The Council approved a 2013-2014 budget amendment of \$9.717 dollars to approve a local match (total cost for the Plan was \$75,000). STA was to deliver a Public Draft Plan no later than October 1, 2015.

When the General Plan Advisory Committee started to meet again, a representative of the neighborhood impacted by the PDA Plan submitted a petition from some of the residents who opposed the Plan. A few months later, a second petition was presented by the representative. One of the petitions had just shy of 100 signatories from the neighborhoods that would be most directly impacted.

Later when members of GPAC asked that the petitions be re-presented, City Staff stalled for months claiming that the correspondence couldn't be found. Within weeks of the GPAC meeting for the final time on July 28, 2018, I received copies of those petitions by e-mail from the Community Development Director.

Over the extended period of time that the GPAC met, certain committee members repeatedly asked to see a copy of the PDA plan. Keep in mind, that STA by agreement was supposed to have completed the public draft of the plan by October of 2015. When it was last referenced in General Plan documents, the draft was supposedly complete in

2017. At any rate, one excuse after another was given by City Staff for not being forthcoming with that plan.

If the PDA plan is to be part of the future of Dixon, why would the City withhold it from the advisory committee that was appointed to discuss and hear from the public in preparation of the General Plan Update? Wouldn't it be pertinent to their discussions?

I would very remiss if I didn't point out that input objecting to the PDA plan from close to 100 residents impacted by its location in downtown Dixon is of far, far, far, greater significance than the less than 300 responses received from a citywide survey on the public's vision for Dixon. It is by far more public comment than generated at the one and only community workshop attended by 14 people, the majority being either Planning Commissioners or General Plan Advisory Committee members.

Getting back to my introductory question about "where oh where" is the PDA plan addressed in the General Plan Update; it is hiding in plain sight under cover of certain goals. But it is no longer revealed for what it truly is: the Priority Development Area plan.

Shouldn't the PEOPLE'S PLAN for the future of their City, especially for their neighborhoods, be transparent?

## Chapter 4

In conversation with a local resident who had some dealings with the Community Development Staff, I was shocked that the person came away with the impression that City Staff is downplaying the importance of the General Plan Update, as written. Granted, once adopted, a General Plan can be amended a number of times each year. However, once a General Plan is adopted, changes to the zoning ordinance must follow. By law, a General Plan must be internally consistent and provisions of a City's zoning ordinance must reflect the Plan and be compatible.

The passage of the Housing Crisis Act of 2019 (SB 330) bans jurisdictions from downzoning or otherwise adopting standards that would lessen housing intensity on sites zoned or planned for residential use. For example, the Act prohibits a jurisdiction from enacting development policies, standards or conditions that would change its zoning and general plan designations of land where housing is an allowable use to "lessen the intensity of housing" such as reducing height, density or floor area ratio, requiring new or increased open space, lot size, setbacks or frontage. It also bans jurisdictions from placing a moratorium or similar restrictions on housing development from imposing subjective design standards established after Jan. 1, 2020. **As it applies to the**

**Council's deliberations, once the General Plan Update is approved, the increased density ranges set forth on pages 3-14 and 3-15 must be applied to the zoning ordinance. And SB 330 would prevent the Council from then decreasing those densities by downzoning.** Likewise, provisions in the proposed General Plan Update relative to smaller lot sizes and reduced setbacks would have to be incorporated into the zoning ordinance. **The Council or their successors in office will have no authority to decrease density or otherwise lessen the intensity of housing once the Plan is approved.**

Do the PEOPLE of Dixon really want a plan adopted that increases residential densities and reduces lot sizes and setbacks? Are they aware that if such a plan is approved, **it will be chiseled in stone** as long as SB 330 stands or when a similar Bill replaces it? Isn't it inappropriate for Staff to convey to the public that the Plan can be amended, when in truth, parts of it cannot?

In all the meetings of the Planning Commission and the City Council that I have attended over the course of many years, I don't recollect residents supporting residential density increases, smaller lots, reduced setbacks, etc. Granted, developers have made those requests from time to time. But the Council's constituents, the people of Dixon, who will be living with the impacts of the decision for generations to come are not in favor of increased density and other provisions that squeeze people closer and closer together. I have nary a doubt that the Councilmembers are all well aware that living with a greater intensity of housing is not part of the PEOPLE'S vision for their community.

If the Council moves forward with adopting the Plan with the density increases, smaller lots, reduced setbacks, etcetera, it won't ring true to then act like crybabies blaming the State. At this point, City officials have a choice. And now is the time to exercise it, by carefully examining the General Plan Update and rejecting goals, policies and actions that are not supported by the PEOPLE.

## **Chapter 5**

Before moving on to other elements of the General Plan Update, I would point out that the City's position on land use, particularly the location of more affordable types of housing, is contradictory. Staff, in part, bases recommendations that the Proposed General Plan is superior because: "The proposed Plan would concentrate development along key mixed-used corridors and in downtown and would result in more multi-family housing units." In contrast, I would refer you to the in the April 13, 2021 Staff Report to the Planning Commission regarding the study session on a project proposed by Lewis

Corporation. Regarding Item 9.2 of the April, 2021 Planning Commission agenda, Staff asked: “Does the revised proposal adequately address the concerns and comments brought forward by the Dixon Planning Commission and the public in August 2019 ...” The list included “preference for traditional lotted detached single family residential rather than apartments” and “avoidance of multi-family apartments.”

Perhaps Staff is unaware that in 2019, two current Councilmembers were serving on the Planning Commission. Along with other Commissioners and the public, they made clear their preference for detached single family residential rather than apartments and an avoidance of multi-family housing.

Similar contradictions have been noted in the past, particularly in reference to the Southwest Development.

## Chapter 6

A recent meeting of the Planning Commission gave us a sneak peek of how Staff and Commissioners would apply certain goals, such as LCC-4.2 on page 3-24. That goal reads: “Make Downtown Dixon the city’s primary district for specialty retail, dining, entertainment, civic, social and cultural uses.”

At their April meeting, the Planning Commission held a study session for proposed uses of the Lewis Corporation property located on the North First Street corridor at North Lincoln Street. It was clear that from Staff’s perspective, only uses that do not conflict with businesses downtown should be considered for the commercial component of the proposed project. Under number 3 on page 6 of the report, Staff writes: “The question is whether a gas station and car wash warrant consideration as an allowable exception? Staff believes that the minimum floor plate is an allowable exception, based on the fact that a gas station would not **compete** with any specialty retail or entertainment uses in Downtown.” (Bold added.)

Apparently influenced by Staff’s position on sheltering certain businesses from competition, a Planning Commissioner commented that a “restaurant” would not be a satisfactory use at that location. The Commissioner stated that “when we talk about restaurants a) there is not a market, it isn’t there and b) then you’re taking away from downtown restaurants.”

In applying Goal LCC 4.2 in an attempt to limit competition for the sake of some downtown businesses, Staff seems to be leading the Commission down a very slippery slope. In a landmark ruling, a court of appeals found “the fact” that certain business

owners would prefer to not face competition to be counter to any “valid regulatory purpose.” Based on that ruling, other courts have issued decrees affirming that the squelching of competition in order to improve any business’s bottom line “is not a legitimate use of government power.”

In the case of the Lewis Corporation study session, I would point out that neither Staff nor any Commissioner took the position that businesses, such as the four gas stations with convenience stores along North First Street, should be protected from the competition that a fifth such business would bring. The protection only seems to apply to downtown businesses.

I would add that while serving on the General Plan Advisory Committee, I brought forth a complaint that I heard from certain business owners outside of the downtown. In discussing their suggestion that events, like a farmers’ market, could be rotated around town to help draw attention to businesses located in other areas, they commented that only “politically connected” businesses receive that support.

Considering the discussion at the April Planning Commission meeting, I would suggest that the intent of Goal LCC 4.2 should be reexamined. If the Goal is to protect some interests, and not others, implementing it seems very detrimental to attracting new business to locate in Dixon. And as previously explained, there may be legal repercussions if its goals aren’t clear enough to guide Staff and the decision-making bodies.

Aside from the competition issue, I would ask that those examining this Plan also question whether the Goal is resident friendly. How does it serve our residents to have certain types of consumer and social uses limited primarily (or exclusively, as interpreted by Staff) to only one area of town? How does it accomplish another Goal to make Dixon a more pedestrian friendly community with a variety of amenities located within a walkable distance from our various neighborhoods?

If the comments by Staff and certain Commissioners at the aforementioned meeting of the Planning Commission foreshadow what is to come, I am alarmed. Are they being misled to believe that they are carrying out the PEOPLE’S PLAN when they seek to limit choices that should rest with the market and the consumer?

## **Chapter 7**

What in the world are the PEOPLE supposed to make of the recommendation that the proposed General Plan Update should be considered an environmentally superior Plan



over our existing plan when significant impacts, particularly related to traffic, supposedly can't be mitigated? The truth of the matter is that the City knew the traffic issues the entire time the Plan was being drafted.

Let me share a bit of history, that apparently the City is trying to cancel.

Regarding Level of Service, in 2016, the City amended the 1993 General Plan to reduce LOS from C to D. At the time, the proposed amendment came first before the Transportation Advisory Commission for review. The proposed amendment, as initially recommended by City Staff read: "The City shall, where feasible, ensure that Dixon's existing and proposed street configuration and highway network strives to achieve traffic operations at Level of Service "D" or better. It is acknowledged that this objective may be difficult to achieve in those locations where traffic currently operates at Level of service below "D" for limited peak periods of the day. Exceptions to LOS D goal would be allowed in the following locations." Those locations were: North First Street between Adams Street and A street; South First Street between A Street and County Fair Drive; East A Street Between First Street and Archer Place; West A Street Between North Lincoln Street and Adams Street and Adams Street between West A Street and North First Street. Streets in existing residential neighborhoods were also to be exempted.

According to what TAC was told, achieving this policy will require a variety of traffic improvements including: "Improving existing arterials, construction of arterials and collector streets in newly developing areas, and intersection improvements."

By the time the amendment first reached the Planning Commission and then the City Council for final approval, the language had been changed to read in part: "Provide timely and effective means to identify and fund roadway and intersection improvements to maintain a level of service "D" citywide. Lower levels of service may be allowed subject to a public hearing and findings of the Planning Commission and City Council that:

- 1) There is no practical and/or feasible way to mitigate a higher level of service, and
- 2) Where achieving the required level of service standard would conflict with other policies of the Dixon General Plan, and
- 3) The uses resulting in the lower level of service are of clear, overall public benefit."

That amendment to the 1993 General Plan was adopted in 2016. What has happened since then? A number of projects that impact traffic have been approved.

In November, 2016, a bond was passed to relocate the only middle school in town to the site of the old high school. Most of the streets (see above) that were first proposed as exceptions to LOS D in early 2016 based on traffic volume at that time, are in areas that will bear the brunt of traffic impacts of residents from all over town getting their children to the relocated school. As I pointed out at the time, the flawed traffic analysis for the Southwest Development (now under construction) did not include the relocation of the school as a cumulative impact. Likewise, the traffic analysis for the middle school did not take into account the addition of 1100 or so new homes in the Southwest development.

City leaders, in response to public outcry, continue to tout Parkway Boulevard overcrossing as the solution to the City's traffic woes. But it will not mitigate school traffic accessing the middle school from all over town: north, south, east and west. It will not help middle or high school related traffic impacts should the 101 new homes be approved for the Lewis Corporation development. As far as school traffic is concerned, the overcrossing will primarily serve the new Southwest Development. How many drivers from established neighborhoods east of the Southwest Development will backtrack to access Parkway at its intersection with Pitt School Road?

In 2019 a new traffic model supposedly found that the earlier model in place in 2016 was out-of-date and overestimated future traffic volumes. However, according to Staff in 2016, certain segments of a number of streets were already operating "below" LOS D. The information at that time regarding LOS below D was not a projection of future traffic volume. Rather it was a measure of volume at that point in time. Improvements, such as those presented to TAC in 2016, to address the traffic volume problems were not undertaken.

So now the City is making the case that it was the Environmental Impact Study, required for the General Plan, that exposed all of the traffic issues. In fact, the traffic issues, along with a number of other problems, are the result of years of bad planning that will be compounded with the passage of the General Plan Update. Without a doubt the proposed plan will make matters worse, not better.

Staff acknowledges that implementation of the proposed General Plan will result in "projected increased amounts of traffic generation and congestion in the City of Dixon. More specifically, it would cause a significant impact by causing several local intersections to perform below level of service (LOS) D standard policy established by the General Plan, and causing a conflict with these established measures of effectiveness of the circulation system." According to Staff, out of 10 intersections studied, "Five of the intersections are reported as operating as deficient LOS during either Existing

Conditions or future conditions under the Proposed Plan. Staff further acknowledges that even with “proposed Plan policies and implementing actions, impacts at the above stated intersections would remain significant and unavoidable.”

Shouldn't the primary goal of any plan for the future of Dixon, focus on improving the quality of life for the residents? Not according to Staff. Staff's recommendation to adopt the General Plan Update would involve overriding considerations that affect the day to day lives of Dixon residents. In other words, PEOPLE of Dixon should just grin and bear it.

And it isn't just residents living along certain streets and drivers trying to navigate around town, who will be impacted. I would remind you that quite a few years ago, the City of Dixon and Solano Transportation Authority partnered at considerable cost in constructing the West B Street Pedestrian Undercrossing. The intent was to provide a safe route to school for children crossing the railroad tracks either on foot or by bicycle. As a preferred route to school, West B street takes children off of heavily travelled A Street. However, West B Street intersects with North Adams Street at an uncontrolled intersection. Similarly, East B Street intersects Highway 113 at another uncontrolled intersection. Both intersections are a block from a traffic light making it unlikely that either stop signs or signals will be installed to assist children and other pedestrians and cyclists to cross at those locations. And as members of TAC (including the school district representative) have pointed out, children using the West B Street undercrossing to access the relocated middle school, will not walk or ride to East C Street to cross 113 with the assistance of a crossing guard. I would also remind you that an awful accident occurred at that intersection last Fall, resulting in one pedestrian fatality and the serious injury of another downtown business owner. The fact that B Street at First Street is one of the intersections that will operate at an unacceptable level of service is an indicator of just how congested the streets are in Downtown Dixon. They are unsafe for pedestrians and for cyclists. But according to planners, somehow more density and activity downtown will fix that.

Bottom line is that the quality of life for the people of Dixon will continue to decline, sacrificed for the sake of the development and greed. Were the PEOPLE of Dixon surveyed as to how they would feel about that kind of PLAN?

## **Chapter 8**

Regarding issues related to Environmental Justice, it seems that when funding for a project depends on the ethnicity and income of residents, the City doesn't deny that disadvantaged residents are more heavily concentrated in certain parts of town. But,

when it comes to moving a flawed General Plan Update forward, the effects of environmental hazards on certain neighborhoods are overlooked.

I find it telling that in the Report to the Council for their May 18, 2021 review of the proposed General Plan, Staff addresses the finding that certain census tracts in Dixon are among the most impacted in the state for “drinking water contaminants, threats to ground water, and exposure to pesticides.” However, in addressing the Council and the public, Staff fails to provide a complete list of impacts which according to page 1-10 of the General Plan Update also include: **traffic density**, hazardous waste exposure, impaired water bodies, and solid waste exposure.

One neighborhood that is particularly impacted by traffic density is sandwiched between the railroad tracks and South First Street (Highway 113). The neighborhood is heavily Latino. In addition, many elderly residents reside there. Incomes are limited.

Input from this neighborhood is discouraged and ignored. In 2019 when a Latino resident and an elderly neighbor were concerned about a very legitimate traffic density issue at a heavily impacted intersection, they were told that they would need to collect signatures and appear before the City Council. They travel that intersection to take their children to school, to go to work, to seek services and to purchase goods. After collecting signatures, most all from their Latino neighbors, they turned their petition in to the City’s Engineering Department. As a member of the Transportation Advisory Committee, I inquired about the petition on their behalf. After weeks had gone by, I was told that the Engineering Staff had not seen the petition. It was eventually located and their complaint came before TAC; but has not, and probably will not, be resolved. I couldn’t help but contrast their experience with that of other residents of Dixon. Oftentimes, it takes just one complaint from the right person to “Fixin Dixon” and the matter comes before TAC at its next meeting. No collecting of signatures required and no delay. Where is the justice in that?

I would also point out that the particular area of Old Town I’m discussing is impacted by the intersections at Cherry Street at South First Street and South Jackson Street at A Street. I believe both of those intersections are considered to have “unavoidable significant” impact related to the General Plan EIR. Both those intersections serve as ingress to and egress from the neighborhood I am referencing: heavily Latino families, other elderly residents and of lower income.

It is also noteworthy that many of the signatories on the long missing petitions turned in by the Old Town Neighbors group opposing the PDA were from residents of that same area.

Although noise pollution is not addressed by the General Plan Update in regard to Environmental Justice, the neighborhood I've been discussing has significant exposure to noise considering its location in between South First Street (Hwy. 113), the railroad tracks and downtown. If you are unaware, noise pollution has been labeled as the next big public health crisis and like all public health crises, it has been shown to disproportionately affect certain populations. Even lower levels of noise have been shown to have significant health impacts. Noise disrupts sleep and has been shown to have negative cardiovascular and metabolic effects. It can also have negative impacts on language development and learning outcomes in children.

The City of Dixon has been very negligent in terms of dealing with noise. Belief it or not, at one time the City distributed a letter door to door instructing residents to "close their doors and windows and turn up their TV's and radios" to drown out the noise of the construction of the West B Street Pedestrian undercrossing during the night. The City just doesn't care that people living in older homes in older neighborhoods rely on open windows to catch the Delta breeze. Many do not have air conditioning.

At the very least, shouldn't a PLAN that is supposed to belong to all of the PEOPLE consider their health and safety above all else?

## **Conclusion**

All things considered; wouldn't it be more reasonable to retain the current General Plan until a true People's Plan might be developed with "honest to goodness" community input?

**//Ginger Emerson//**

RESOLUTION NO. 21-\_\_\_\_\_

**A RESOLUTION OF THE DIXON CITY COUNCIL ADOPTING THE  
DIXON GENERAL PLAN 2040 UPDATE**

**WHEREAS**, Government Code section 65300 requires the City of Dixon (“City”) to adopt and maintain a General Plan that contains certain elements, describes the City’s long-term goals for growth and development, and identifies policies and programs to achieve those goals; and

**WHEREAS**, the last comprehensive update to the City’s General Plan was in 1993; and

**WHEREAS**, in 2014, the City began the process of comprehensively updating the City’s General Plan, and since this time City officials, employees, and community members have been actively involved in the preparation of the *Dixon General Plan 2040*; and

**WHEREAS**, the *Dixon General Plan 2040* applies to lands within City limits and also certain lands outside City limits, which collectively comprise the City’s Planning Area. The City’s Planning Area covers a total of 5,522 acres (8.6 square miles) of land within and outside City limits; and

**WHEREAS**, in October 2014, the City selected the urban and regional planning firm Dyett & Bhatia to assist with the preparation and drafting of the *Dixon General Plan 2040* and the corresponding Environmental Impact Report (EIR); and

**WHEREAS**, the City engaged the community to help formulate the *Dixon General Plan 2040*. Throughout the process, the City Council and Planning Commission held multiple hearings, a visioning workshop was held at Anderson Elementary School, and a community survey was circulated to households within the City; and

**WHEREAS**, the City formed a General Plan Advisory Committee (“GPAC”) made up of thirteen (13) members from the community to provide input and review the policy directions contained in the *Dixon General Plan 2040*. The GPAC met ten (10) times throughout the 2040 General Plan process; and

**WHEREAS**, in accordance with Government Code sections 65351 through 65352.5, the City has provided opportunities for public input and involvement on the *Dixon General Plan 2040* and provided opportunities for consultation to affected public agencies and California Native American tribes on the *Dixon General Plan 2040*; and

**WHEREAS**, in conformance with Government Code section 65302 describing the mandatory elements of a general plan, the *Dixon General Plan 2040* contains the following chapters, which address the mandatory elements: Natural Environment, Land Use and Community Character, Economic Development, Mobility, and Public Services

ATTACHMENT 2

and Facilities which include and address the eight (8) State-Mandated topics, including *land use, circulation, housing, conservation, open space, noise, safety and environmental justice*; and

**WHEREAS**, the Housing Element is not included in the updated *Dixon General Plan 2040*, as the current Housing Element is valid through 2023 and remains in full force and effect. The City last updated the Housing Element in 2015, as certified by the California Department of Housing and Community Development; and

**WHEREAS**, no changes to the City's Sphere of Influence or applications to the Solano County Local Agency Formation Commission accompanied the *Dixon General Plan 2040*; and

**WHEREAS**, the Land Use Map for the *Dixon General Plan 2040* adds, consolidates, and eliminates certain land use designations compared to the City's prior General Plan. New land use designations include Corridor Mixed-Use, Downtown Mixed-Use, and Campus Mixed-Use. Residential, Commercial, and Industrial land use designations have been consolidated into fewer designations. Agriculture will no longer be a land use designation within City limits; and

**WHEREAS**, the *Dixon General Plan 2040* will supersede the 1993 General Plan text and maps and all subsequent amendments thereto; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"), the City prepared a Draft Environmental Impact Report ("Draft EIR") (*SCH No. 2018112035*) for the *Dixon General Plan 2040*. The Draft EIR was circulated for public review from July 8, 2020 to August 24, 2020. The City has considered and evaluated the comments received on the Draft EIR during the period of public review; and

**WHEREAS**, the City has prepared the Final Environmental Impact Report ("Final EIR") for the 2040 General Plan, which incorporates the Draft EIR, contains the City's responses to written comments received on the Draft EIR, and identifies revisions to the Draft EIR; and

**WHEREAS**, on March 9, 2021, the Dixon Planning Commission ("Planning Commission") held a duly noticed public hearing on the *Dixon General Plan 2040*, considered all written and oral reports of City staff, provided opportunities for the public to speak, and considered all comments on the matter as reflected in the record; and

**WHEREAS**, in conjunction with its review of the *Dixon General Plan 2040*, the Planning Commission adopted Resolution No. 2021-004, recommending that the City Council (1) certify the Final EIR, (2) adopt CEQA Findings for Significant Environmental Impacts and a Statement of Overriding Considerations, and (3) adopt the Mitigation Monitoring and Reporting Program for the 2040 General Plan; and

ATTACHMENT 2

**WHEREAS**, the Planning Commission, based on its independent review and judgement of the *Dixon General Plan 2040*, unanimously voted to adopt Resolution No. 2021-005, recommending that the City Council adopt the *Dixon General Plan 2040* with certain modifications. The Planning Commission's recommended modifications for incorporation into the final *Dixon General Plan 2040* are described in **Exhibit A**; and

**WHEREAS**, following the Planning Commission hearing, City staff has identified additional edits to be made to the *Dixon General Plan 2040*, including: 1) edits to correct references, typographical errors and other minor corrections, and 2) modification to the minimum density required for the Corridor Mixed Use designation, along with a new policy to allow flexibility for projects to be built below the minimum Floor Area Ratio (FAR), where certain conditions on and around a site may exist. These edits are included in the list of additional edits to be incorporated into the final *Dixon General Plan 2040*, attached hereto as **Exhibit A**; and

**WHEREAS**, following notice duly provided as required by law, the Dixon City Council (or "City Council") held a public hearing on May 18, 2021 at which all interested parties were given an opportunity to comment on the *Dixon General Plan 2040* and associated *Final EIR*, prior to the City Council's action on these documents; and

**WHEREAS**, by separate Resolution in conjunction with its review of the *Dixon General Plan 2040*, the Dixon City Council: (1) Certified the Final EIR, (2) Adopted CEQA Findings for Significant Environmental Impacts and a Statement of Overriding Considerations, and (3) Adopted the Mitigation Monitoring and Reporting Program; and

**NOW, THEREFORE**, upon its review of all documents and exhibits contained herein, and after due deliberation and based on its independent judgment, **BE IT RESOLVED** that the City of Dixon City Council finds as follows:

1. The Dixon City Council hereby finds that the *Dixon General Plan 2040* and all its elements comprise a comprehensive, long-range, internally consistent statement of the City's goals, policies, and actions relating to Natural Resources, Land Use & Community Character, Economic Development, Mobility, and Public Services & Facilities. The City Council further finds that the six (6) chapters of the *Dixon General Plan 2040* include the eight State mandated elements required by Government Code section 65302 (including the current Housing Element, which is not part of this update).
2. The City Council hereby finds that the *Dixon General Plan 2040* will promote the public health, safety, and welfare of the City's residents by establishing updated goals, policies, and actions to guide the City's future growth and development within the City's Planning Area.



ATTACHMENT 2

3. The City Council hereby finds that the *Dixon General Plan 2040 will supersede the current Dixon General Plan 1993 in its entirety*, with the exception of the Housing Element (2015). The 2015 Housing Element is hereby incorporated into the *Dixon General Plan 2040 by reference*.
4. In accordance with the California Environmental Quality Act, by separate Resolution the City Council certified the Final EIR (*SCH No. 2018112035*), and adopted CEQA Findings and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.

**BE IT FURTHER RESOLVED** that the City of Dixon City Council hereby adopts the *Dixon General Plan 2040* with the modifications described in **Exhibit A**, which are to be incorporated into the final published *Dixon General Plan 2040*.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DIXON ON THE 18<sup>th</sup> DAY OF MAY 2021, BY THE FOLLOWING VOTE:**

**AYES:  
NOES:  
ABSENT:**

**ATTEST**

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Kristin M Janisch  
Interim Elected City Clerk

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Steven C. Bird  
Mayor

## Exhibit A

### Revisions to the Draft General Plan To Be Incorporated Into The Final *Dixon General Plan 2040* Revised 5/14/21

Chapter	Page	Recommendation by	Recommendation	Edit
Acknowledgements		Staff	Remove: DKS- Reka Aczel	Remove: DKS- Reka Aczel
2 - Natural Environment	2-3	Planning Commission	Label Proposed Priority Conservation Area (PCA) on Figure NE-1	Add boundaries of proposed PCA shown in Plan Bay Area 2050 to Figure NE-1.
2 - Natural Environment	2-6	Staff	Remove northern branch of creek/canal (currently shown to the south of I-80/east of Walmart) on Figure NE-2. This is based on the fact that this creek/canal is no longer shown on CA Dept Fish and Wildlife data and no longer exists in the field. The southern branch still remains and should continue to be shown on this Figure.	Update Figure NE-2
2 - Natural Environment	2-9	Planning Commission	Revise color/pattern choices on Figure NE-3 to differentiate between Swainson's Hawk habitat and vernal pool fairy shrimp habitat	Update Figure NE-3

Chapter	Page	Recommendation by	Recommendation	Edit
3 - Land Use and Community Character	3-15	Staff	Consider modifications to the Corridor Mixed Use designation requirements that could be made to accommodate a proposed project while still maintaining the vision for the area.	<p>Corridor Mixed Use</p> <p>The Corridor Mixed Use (CMU) designation is intended to foster a mix of retail and commercial uses, supported by housing. Mixed use can be vertical and/or horizontal, and the allowable range of uses includes large format retail, shopping centers, offices, hotels and housing. On larger sites, more than one use is required. On smaller sites, a single use may be permitted. Allowable FAR is 50% to 200% for single-use developments and 80% to 240% for mixed-use developments (combined residential and non-residential uses). Allowable residential density is <del>14</del> <u>12</u> to 28 dwelling units per acre, with densities on the lower end of that range where proposed development abuts low density residential development. Corresponding zoning will be performance-based in order to promote flexibility and minimize non-conformance issues of existing uses.</p>
3 - Land Use and Community Character	Map LCC-4, page 3-13	Staff	Change designation for APN 0108-281-020 from MFR to CMU to accommodate property owner request. Change would result in de minimus effect on net buildout projections	Update Land Use Map LLC-4

Chapter	Page	Recommendation by	Recommendation	Edit
3 - Land Use and Community Character	3-28	Staff	Add a new action to allow flexibility in minimum Floor Area Ration in the CMU designation.	New Action LCC-5.F Consider exceptions to the minimum permitted FAR in the CMU designation on a case-by-case basis. Adopt clear economic findings that must be made prior to granting a use permit authorizing such exceptions.
3 - Land Use and Community Character	3-15	Planning Commission	Refine the Campus Mixed Use land use designation definition	<p>Campus Mixed Use</p> <p>The Campus Mixed Use (CAMU) designation is intended to foster new mixed-use employment districts with a range of job-generating uses, housing, and easy access to the regional transportation network. The CAMU designation would promote clusters of related light industrial, manufacturing, office, research &amp; development, retail, hotel, service, and residential uses on large parcels near or adjacent to I-80 and SR-113 at gateways to the city. The CAMU designation is primarily intended to support mixed-use development projects, however single-use projects may <u>also</u> be permitted <del>so long as a mix of uses is developed throughout the CAMU designation.</del> Mixed use can be vertical and/or horizontal. Allowable FAR is 30% to 60% (combined residential and nonresidential uses) and maximum allowable residential density is 30 dwelling units per acre. Corresponding zoning will be performance-based in order to promote flexibility and minimize non-conformance issues of existing uses.</p>

REVISED

Chapter	Page	Recommendation by	Recommendation	Edit
3 - Land Use and Community Character	3-27	Planning Commission	Refine Land Use Policy LCC-5.6	In the Campus Mixed Use land use designation shown on Figure LCC-4, permit warehouse and distribution uses subject to a development agreement establishing a financial mechanism to provide for ongoing revenue generation to the City from those uses and environmental review <u>to ensure there are no new or substantially more severe impacts than identified in the 2040 General Plan EIR, which may include additional mitigation measures, to ensure there are no new or substantially more severe impacts than identified in the 2040 General Plan EIR.</u>
5 - Mobility	5-16	Planning Commission	Policy M-1.8; Revise statement to continue to implement Traffic Impact Fees due to fees are already in place	To the extent allowed by law, <u>develop and implement use</u> the City's Traffic Impact Fee to fund bicycle, pedestrian, transit, and road improvements so that development pays its fair share toward a circulation system that optimizes travel by all modes.
5 - Mobility	5-16	Staff	Action M-1.E; Reword statement to reflect that Transportation Advisory Committee is already in place.	<u>Create a Use the</u> Transportation Technical Advisory Committee <u>to as a forum for advice city</u> on adapting to new advances in mobility technology.

Chapter	Page	Recommendation by	Recommendation	Edit
5 - Mobility	5-28	Staff	Correct spelling; currently "commu- nity" and "min-imize" in last paragraph on page	The Dixon Municipal Code designates through truck routes, for the use of trucks moving good through the city, and local truck routes for the use of trucks making deliveries within the <u>community</u> . Shown on Figure M-3, truck traffic is restricted to these designated roadways in order to <u>minimize</u> wear and tear on City streets and promote safety on residential streets. Additionally, the Municipal Code establishes an overnight truck parking program that limits where drivers may park overnight, balancing support for the goods movement industry with neighborhood livability.
6 - Public Service and Facilities Chapter	6-16	Planning Commission	Add a new Action under Goal PSF-8, called PSF-8.C that sets the stage for development of an art and culture policy program to promote art and culture programs and art within the community	<u>PSF-8.C - Establish a citywide arts and culture program to increase opportunities to experience, create, and enjoy arts and culture in Dixon.</u>

REVISED

Chapter	Page	Recommendation by	Recommendation	Edit
6 - Public Service and Facilities Chapter	6-16	Planning Commission	Eliminate the last sentence at the end of the 2nd paragraph that states: "However, the City has a joint use agreements with the Dixon Unified School District, that allow residents to use school facilities, including the 12-acre Westside Park, adjacent to the Dixon Montessori School"	The City has established a standard of 5.0 acres of community or neighborhood recreational or park facility per 1,000 residents to ensure adequate recreational open space for the enjoyment of the community. To ensure an appropriate balance of local and community-serving facilities, the Parks Master Plan recommends a target of 1.2 acres of neighborhood park per 1,000 residents and 3.8 acres of and community park per 1,000 residents for a total of 5 acres per thousand residents although this is not a mandate. With its 96.3 acres of City facility, Dixon currently has 4.8 acres of parkland for every 1,000 residents, slightly below the established service ratio standard. At 4.0 acres per 1,000 residents, the community parks ratio meets the target of 3.8, but the neighborhood park ratio is just 0.7 acres per 1,000 residents as compared to a target of 1.2 acres per 1,000 residents. <del>However, the City has joint use agreements with the Dixon Unified School District that allow residents to use school facilities, including the 12-acre Westside Park, adjacent to the Dixon Montessori Charter School.</del>
6 - Public Service and Facilities Chapter	6-16 and 6-17	Planning Commission	Add definitions of both "community park" and "neighborhood park" from the Master Plan or current General Plan to identify the minimum size and	Add a call out box to page 6-16 with the following text: <u>The Parks Master Plan defines community and neighborhood parks as follows:</u> <u>* Community parks are designed to meet the</u>

REVISSED

Chapter	Page	Recommendation by	Recommendation	Edit
			types of features amenities to be included	<p><u>need a large-scale recreation facilities designed to serve the entire community. Community parks are typically twenty acres or larger. These parks offer facilities that require large areas including playing fields for organized sports, such as Little League and soccer. Community parks also provide specialized facilities, such as swimming pools, which, because of costs, are most efficiently operated at centralized locations. Cultural features, including community centers, are typically located at community parks, which serve as central gathering places. Community parks typically also provide features commonly found in neighborhood parks to serve the population within about a one-half mile distance. (Res. 00-052)</u></p> <p><u>* Neighborhood parks are designed to provide informal basic outdoor recreation and leisure opportunities for all age groups within easy walking distance (approximately one-half mile) of homes. Typical neighborhood park services include children's play areas, picnic tables and barbecues, small scale sports facilities such as basketball half courts, and turf and landscape areas for strolling and informal sports. The minimum size of neighborhood parks is about three acres. (Res.00-052)</u></p>

REVISED



Chapter	Page	Recommendation by	Recommendation	Edit
6 - Public Service and Facilities Chapter	6-18 and 6-19	Planning Commission	Count 3 acres of the 57.8-acre Hall Community Park and 4 acres of 22.53-acre NW Community Park as Neighborhood Parks	Update Table PSF-1
6 - Public Service and Facilities Chapter	6-18	Planning Commission	Update Figure PSF-2 to reflect the change, including creating a half mile/10 minute walk radius around the two.	Update Figure PSF-2
6 - Public Service and Facilities Chapter	6-19	Planning Commission	Modify Table PSF-1 to combine the 9.3 acres of community park required by the 2015 Parks Master Plan with the 4.08 acres of neighborhood and community park listings into one category, totaling 13.38 of new parks needed to reach the park area standard	Update Table PSF-1
6 - Public Service and Facilities Chapter	6-19	Planning Commission	Modify Figure PSF-1 to remove the star symbol from the map and legend for potential parks (generalized locations).	Update Figure PSF-2
	3-13	Planning Commission	Make a corresponding edit to Figure LCC-4 (Land use Map) on page 3-13. Verify that the star symbol is removed from any other Figure in the draft plan	Update Figure LCC-4
6 - Public Service and Facilities Chapter	6-20	Planning Commission	Use the Park Master Plan map to identify where in each community park	PSF-4.A Use the Parks Master Plan as the primary tool for planning specific capital improvements and parks and

Chapter	Page	Recommendation by	Recommendation	Edit
			the neighborhood park features are located	recreation programming in Dixon. <u>Update the Master Plan to plan for the additional parkland as needed to maintain the established service ratio in 2040.</u>

REVISED