

ORDINANCE NO. 2002-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING GENERAL PLAN AMENDMENT 2002-01 AMENDING THE GENERAL PLAN LAND USE MAP AND LAND USE ELEMENT, AND ZONING ORDINANCE AMENDMENT 2002-01, AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF THE 14.41 ACRE PARCEL ON THE WEST SIDE OF BROADWAY TO THE NORTH OF THE SOUTHERN CITY LIMIT FROM CO – COMMERCIAL OFFICE TO OS – OPEN SPACE, AND THE ACCEPTANCE OF A NEGATIVE DECLARATION (APN 059-110-029)

WHEREAS, the City Council authorized the acquisition of the 14.41 acre parcel to the east of the railroad tracks parallel to Highway 29; north of the city limits; west of Broadway; and approximately 300 feet to the south of American Canyon Road; and

WHEREAS, the intent of acquiring the property was to create a public park on the property to provide recreational opportunities for the residents of nearby residential areas; and

WHEREAS, the funds for acquisition were generated by the payment of Parks and Civic Facilities Impact Fees from the new residential subdivisions; and

WHEREAS, the acquisition was completed on February 22, 2002; and

WHEREAS, the property is currently designated for Commercial Office uses on the General Plan and Zoning Map; and

WHEREAS, in order to ensure consistency between the intended use and the General Plan and Zoning designations of the property, it is necessary to amend the General Plan and Zoning Map to change the designation from Commercial Office to Open Space; and

WHEREAS, the Planning Commission held a duly noticed public hearing at its meeting of March 28, 2002, to consider the proposed General Plan Amendment and Zoning Map Amendment; and

WHEREAS, a Program Environmental Impact Report ("EIR") was prepared for the City General Plan and its Elements and all of the development allowed therein in accordance with California Environmental Quality Act ("CEQA") Guideline Section 15168 and was certified by the City of American Canyon ("City") City Council on November 3, 1994; and

WHEREAS, an Initial Study was prepared for General Plan Amendment 2002-01 and Zoning Ordinance Amendment 2002-01 to identify any potential environmental impacts of the project not anticipated in the Program EIR prepared for the City General Plan and its Elements; and

WHEREAS, the Planning Commission considered all of the information in the Program EIR prepared for the General Plan and its Elements and the Initial Study and Negative Declaration prepared for this project; and

WHEREAS, the Planning Commission found and determined that the project would not have a significant effect on the environment and recommended that the City Council accept the Initial Study and Negative Declaration as complete and adequate; and

WHEREAS, at its meeting of March 28, 2002, the Planning Commission adopted Resolution 2002- , forwarding to the City Council its recommendation that the General Plan and Zoning Map Amendments pertaining to the 14.41 acre parcel be adopted; and.

WHEREAS, the City Council held a duly noticed public hearing on April 18, 2002; to consider the proposed General Plan Amendment and Zoning Map Amendment and the recommendation of the Planning Commission; and

WHEREAS, at the public hearing on April 18, 2002, all those in attendance were given the opportunity to be heard on these matters; and

WHEREAS, at this public hearing the City Council received a detailed presentation from Staff on the proposed General Plan Amendments and Zoning Ordinance Amendments; and

WHEREAS, the City Council considered the information in the Initial Study in making its decision.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of American Canyon to hereby amend the General Plan Land Use Map and applicable portions of the General Plan Land Use Element to change the designation of the subject parcel from Commercial Office to Open Space and to amend the Zoning Map to change the designation of the property from CO – Commercial Office to OS – Open Space.

SECTION I. Effective Date

This ordinance shall take effect thirty (30) days after its adoption. A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage.

SECTION II. Severability

The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and

enforceable.

The foregoing General Plan Land Use Map and Land Use Element text Amendment and Zoning Map Amendment were introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 18th day of April, 2002, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of May, 2002, by the following vote:

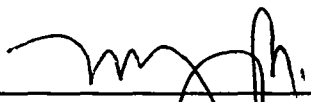
AYES: Colcleaser, Canziani, Anderson, Luporini, Shaver
NOES: None
ABSTAIN: None
ABSENT: None



Donald Colcleaser, Mayor

ATTEST:

APPROVED AS TO FORM:



Mark Joseph, Acting City Clerk



William D. Ross, City Attorney

file: U: Planning/ordinances/gparez0201ord