

**ORDINANCE NO. 2006-07**

***AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON ADOPTING AMENDMENTS TO THE 1994 GENERAL PLAN AND CONSISTENT AMENDMENTS TO THE ZONING ORDINANCE ADDRESSING AFFORDABLE HOUSING***

**WHEREAS**, by agreement dated October 2003 (the "Agreement") with the County of Napa ("County"), the City agreed to provide 394 of the affordable housing units (in various affordability categories) that the County was otherwise required to provide to meet the County Regional Housing Needs Determination ("RHND") set by the Association of Bay Area Governments, ("ABAG") for the 1999-2009 housing cycle, in addition to the City's own affordable housing unit requirement or its Regional Housing Needs Allocation ("RHNA") of the RHND; and,

**WHEREAS**, pursuant to the Agreement, the City amended the City General Plan Housing Element for affordable housing to properly reference the 394 affordable housing unit requirement; and,

**WHEREAS**, the City must demonstrate that the City General Plan Housing Element shows the availability of sufficient land zoned available for affordable housing, along with preservation of existing affordable units to obtain certification by the State Department of Housing and Community Development ("HCD") by September 15, 2006; and,

**WHEREAS**, the City has prepared amendments to the General Plan Land Use and Housing Elements as well as consistent amendments to the Zoning Ordinance to assure the availability of sufficient land and available for affordable housing which both must be enacted; and,

**WHEREAS**, an emergency exists to formulate coordinated City policies and procedures for the implementation of affordable housing and affordable housing assistance within the City.

**NOW, THEREFORE BE IT ORDAINED**, the General Plan is amended as follows:

- Section 1. The General Plan Land Use Map is amended to designate the City-owned parcel, APN 058-362-018 to RH-2 for Senior Housing.

Section 2. The General Plan Text is amended to provide as follows:

- A. Amend Land Use Schedule table as follows:
1. for Land Use Category Residential High (RH-2) under Density, provide:  
"20 units per gross acre."
  2. for Land Use Category: CN: under Typical Permitted Use, provide:  
"Multi-family dwelling units for a maximum of 50 percent of the site."
  3. for Land Use Category: CC: under Typical Permitted Use, provide:  
"Multi-family dwelling units for a maximum of 50 percent of the site west of Broadway, and 60 percent of the site east of Broadway."
- B. Amend General Plan Land Use Element Text Policy 1.8.2 (under Multi-Family Residential) to provide:  
"Accommodate the development of multi-family dwelling units in areas designated as "Residential High" ("RH-1") and "Resident High" ("RH-2") and 20 units per gross acre respectively. On the Town Center site, densities for multi-family residential shall be a minimum of 20 units per acre."
- C. Amend Land Use Element Policy 1.14.1 (for Neighborhood Commercial designation) by adding the following:  
"Accommodate multi-family dwelling units at a density of 20 units per gross acre on selected sites subject to the Residential Overlay District consistent with Housing element Appendix D, generally in conjunction with Neighborhood commercial uses. Mixed-use structures with

commercial uses (i.e. retail) on the bottom floor and residential uses on upper floor(s), live-work lofts, and/or commercial uses along the highway frontage and multi-family residential behind are encouraged. Structures used solely for residential purposes are discouraged from fronting along the highway.”

- D. Amend Land Use Element Policy 1.14.2 by adding the following:

“On selected parcels consistent with Housing Element Appendix D, a maximum floor area ratio of 1.5 is permitted for mixed-use projects and height of 3 stores west of Broadway/Highway 29. The residential portion of a mixed use project is permitted to be a floor area ratio of 1.0, with the remainder for commercial uses.

- E. Amend Land Use Element Policy 1.15.1 (for Community Commercial designations) by adding the following after the third sentence, ending in “. . . on the Highway.”:

“On selected parcels subject to the Residential Overlay District consistent with Housing Element Appendix D, up to 50 percent of a site may be developed with multi-family dwelling units at a density of 20 units per gross acre west of Broadway/Highway 29, and up to 60 percent of a site may be developed with multi-family dwelling units at a density of 35 units per gross acre east of Broadway/Highway 29. Mixed-use structures with commercial uses (i.e. retail) on the bottom floor and residential uses on upper floor(s), live-work lofts, and/or commercial uses along the highway frontage and multi-family residential behind are encouraged.”

- F. Amend Land Use Element Policy 1.15.2 to provide:

Accommodate the development of commercial uses at a maximum density of a floor area ratio of

0.35 and height of two stories. Where a residential component is proposed in conjunction with a commercial development, a minimum site area of 20,000 square feet is required. Except on selected parcels consistent with Housing Elements Appendix D, A maximum floor area ratio of 0.60 is permitted for mixed-use projects, with the residential portion limited to a maximum floor area ratio of 0.25. On selected parcels consistent with Housing Element Appendix D, a maximum floor area ratio of 1.5 is permitted for mixed-use projects and height of 3 stores west of Broadway/Highway 29 and 4 stories east of Broadway. The residential portion of a mixed – use project is permitted to be a floor area ratio of 1.0, with the remainder for commercial purposes. A maximum floor area ratio of .50 and a height of three stories is permitted for hotels. Accommodate the development of multi-family dwelling units.” (1.1.1, 1.4, 1.5, and 1.8).

- G. Amend Land Use Element Policy 1.15.6 to provide as follows:

“Require that mixed-use development projects be designed to achieve a high level of design quality in accordance with General Design principles for all Commercial Development (Section 1.18) and Policies 1.19.9 and 1.19.10.”

**Section 3:** Adopt the text of Housing Element Appendix D as provided in Exhibit “A” attached to the Ordinance:

**Section 4: IT IS FURTHER ORDAINED** that the following provisions of the City Zoning Ordinance be amended to provide as follows:

II. Zoning Ordinance Amendments:

The following Zoning Ordinance Amendments are proposed:

A. Official Zoning Map:

1. Add Residential Overlay on Sites 1-11 consistent with figures 1&2 of IS/MND.
  2. Rezone City-owned parcel, APN 058-362-018 to RH-2 for Senior Housing.
- B. Zoning Ordinance text:
1. Chapter 19.10 – Residential Districts
    - a. 19.10.020 Establishment of District
      - i. RH (High Residential) Districts
        - Modify the RH-2 District as follows:

“The RH-2 District, with a density range of ~~16~~ to of 20 units per gross acre.”
      - ii. Add new district: RO (Residential Overlay) District
        - Add new district description:

“To provide for high-density multi-family residential uses on selected sites in Community Commercial and Neighborhood Commercial Districts, in single or multi-use structures. The RO District provides a density of 20 units per gross acre west of Broadway/Highway 29, a density of 35 units per gross acre east of Broadway/Highway 29. Development standards shall comply with Table 1 and 2 of Chapter 19.11, Community Commercial and Neighborhood Commercial district for multi family residential and mixed use structures.”
  2. Chapter 19.11 – Community Commercial and Neighborhood Commercial Districts.
    - a. 19.11.020 Establishment of District

Add the following sentence to each district description (CC and CN):

“Also accommodates multi-family residential uses, especially in conjunction with a commercial use.”

b. Table 1: Permitted and conditionally – Permitted Uses in CN and CC Districts

- i. Residential Uses: Multi-Family Residential – Add P<sup>1</sup> in CN Zone,
- ii. Residential Uses: Multi-Family Residential – Change C<sup>1</sup> to P<sup>2</sup> in CC zone,
- iii. Residential Uses: Multi-Family residential – add to Related Provisions column: <sup>1</sup>GP Policy 1.14.1 and <sup>2</sup>GP Policy 1.15.1

Zoning Ordinance Amendment

Table 1

Permitted and Conditionally-Permitted Uses in Cn and CC Districts

Use Classification	Zoning	District	Related Provisions
	CN	CC	
Residential Uses			
Farm Employee Housing		C	
Multi-Family Residential	P1	P2	<sup>1</sup> GP Policy 1.14.1 <sup>2</sup> GP Policy 1.15.1

<sup>1</sup> GP Policy 1.14.1.

<sup>2</sup> GP Policy 1.15.1.

b. Table 2: Development Standards in CN and CC Districts

i. Maximum floor area ratio:

For "Mixed-use structure", modify the following:

- Under CN zone, change "n/a" to "1.5"
- Under CC zone, change ".60" to "1.5"
- Under Residential portion: for CN zone, change "n/a" to "1.0"
- Under Residential portion: for CC zone, change ".25" to "1.0"
- Under Commercial Portion: for CN zone, change "n/a" to "0.5"
- Under Commercial portion: for CC zone, change ".35" to "0.5"

ii. Maximum building coverage for stand-alone residential uses:

- Under CN zone, change "n/a" to "50%"
- Under CC zone, change "50%" to "50% west of Broadway & 60% east of Broadway"

iii. Maximum number of stories:

- Add new category: "Residential or mixed-use structures"
- For new category, under CN zone, add "3"
- For new category, under CC zone, add "3" west of Broadway & 4 east of Broadway."

iv. Maximum building height:

- Add new category: "Residential or mixed-use structures"
- For new category, under CN zone, add "42 feet"
- For new category, under CC zone, add "42 feet west of Broadway & 54 feet east of Broadway."

**APPENDIX D****2006 UPDATE TO CITY OF AMERICAN CANYON  
2002 HOUSING ELEMENT***September 5, 2006***Introduction**

In October 2003, after the City of American Canyon had achieved compliance with the California Department of Housing and Community Development (HCD), the City entered into an agreement with the County of Napa to assist the County in meeting its fair share of the regional housing allocation for the 1999-2006 housing cycle. As a result, the City amended the 2002 Housing Element in December 2004 and again in March 2005 to update Table 37 and provide a list of available sites where the required number of housing units could be accommodated.

HCD further required the City to commit to a program of timely completion of amendments to the Zoning Ordinance in order to meet the required minimum densities on the sites listed on Table 37. After negotiations with HCD, the deadline date for completion of the amendments was determined to be September 15, 2006.

The City's obligation to provide available housing sites at a minimum density of 20 dwelling units per acre (du/ac) for various income categories is as follows:

**Table 1  
City of American Canyon's 1999-2006 Housing Unit Obligation**

<b>Allocations:</b>	<b>Above Moderate Income Units</b>	<b>Moderate Income Units</b>	<b>Lower Income Units</b>
American Canyon Fair Share Allocation	559	353	411
Napa County Fair Share Allocation	124	117	153
<b>Total</b>	<b>683 Units</b>	<b>470 Units</b>	<b>564 Units</b>

**City Housing Numbers Update**

The City's proposal to meet its obligations is the result of a study of Table 37, research of vacant parcels within the City, and several public hearings and study sessions. The end product involves General Plan and Zoning Ordinance Amendments outlined below, and a new table (Table 2), achieving the housing unit obligation with several sites that were in Housing Element Appendix C's Table 37, and several new sites that can accommodate the required units.

The numbers in Table 2 rely on the fact that Chapter 724 of State Housing Element Law (AB 2348) states that if housing sites are designated and zoned for a minimum of 20 units per acre, and if at least 50% of the sites chosen are zoned exclusively for residential purposes, then 100% of those sites may be counted as sites suitable for lower income housing development. Units shown in Table 2 below for lower income utilize the "default density" (minimum 20 du/ac) provision of the State Housing Element Law. Observing the 50% rule, 359 units on 72.86 acres, are shown for sites devoted exclusively to residential if one eliminates Site F, the Hess property. With Site F included, the total unit count on residentially-zoned sites becomes 609 units on 98 acres. 351 units on 71.6 acres are shown on commercially-zoned sites.

The table includes 30 second units shown as low income housing, and Site #6 is divided into two portions: the portion held in private ownership, and the City-owned site that has been



obligation of assuring the availability of sufficient land zoned for affordable housing within the City as well as the preservation of existing affordable units.

**Section 6. Finding of Consistency.**

The foregoing amendments to the General Plan are found to be internally consistent with other portions of the General Plan and the proposed amendments to the City Zoning ordinance are found to be consistent with the General Plan as amended by provisions of this Ordinance.


**Section 7.** The Initial Study and Resulting Mitigated Negative Declaration prepared for the action set forth in this Ordinance is found to be in conformance with the provisions of the California Environmental Quality Act and its implementing regulations.

The foregoing Ordinance was introduced, read and passed as an urgency ordinance to take effect immediately for the preservation of the public health, safety and welfare pursuant to Government Code section 36937(b) for the reasons set forth in the Ordinance Recitals and the Ordinance Statement of Purpose at a special meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of September, 2006 by the following vote:

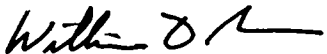
**AYES:** Shaver, Garcia, Anderson, Bennett, Coffey  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

  
\_\_\_\_\_  
Cecil Shaver, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kay Woodson, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William D. Ross, City Attorney

indicated as reserved for Senior Housing. 574 residential units in the Town Center are achieved by assuming that the 1.0 FAR on the base zoning for residential (which is equivalent to 100% site coverage) currently applicable to the Town Center site is equal to a site zoned exclusively for residential. If we assume that the density is 20 du/ac, then the Town Center site would be eligible for the "default density" provisions of HCD. All the residential units at the Town Center would be lower income.

In all other respects the revised table is similar to Table 1 in the 2006 *Initial Study/Mitigated Negative Declaration for the American Canyon Housing Element Update* (MND), with the exception that with the increase in the number of lower income units, the subtotals for above moderate and moderate income units have also changed. All of the eleven sites reviewed by the MND are either vacant or contain single-family residential structures or small-scale commercial establishments. Thirty proposed parcels comprise Sites 1-11 (see Figures 1 and 2, and Table 3 for a list of Assessor Parcel Numbers (APNs)).

**Table 2: Available Sites Summary**

Site No.	Location	Exist'g GP Land Use	Exist'g Zoning	Proposed Zoning	Acres <sup>a</sup>	Max Yield Above Mod Units	Max Yield Mod Units	Max Yield Lower Units
<b>Units Under Construction</b>								
A	Napa Junction Apartments	CC	RH-2	No change	10	0	194	22
<b>Units Allowed by City in Gen Plan/Zoning</b>								
B	Town Center <sup>b</sup>	TC	TC	No Change	28.7	516		58
<b>Approved Projects</b>								
C	Village at Vintage Ranch Townhomes	SP-1: CR	SP-1: CR	No Change	12	143	4	17
D	Valley Vista	RM	RM	No Change	3.76	26	5	4
E	Vineyard Place/ Vineyard Crossings	SP-1: CR	SP-1: CR	No Change	18.4	9	31	150
<b>Affordable Housing Project</b>								
	City-owned site reserved for Senior Housing	CC	CC	RH-2	1			20
F	Hess Property <sup>c</sup>	I	LI	RH-2 or other resid.	25/19			250
<b>Second Units</b>								
	Various		RE, RR	No Change				30
<b>Subtotal A-E</b>					<b>98.86/79.86 acres</b>	<b>694</b>	<b>234</b>	<b>551</b>
<b>Subtotal A-E w/o Hess Property</b>								<b>301</b>
<b>Sites Under Review in the Initial Study/Negative Declaration</b>								
1	3519 & 3631 Broadway	CC	CC	CC	5.04/2.52		35	15
2	West of Broadway/ Hwy 29	CC	CC	CC	3.26/1.63		23	10
3	South of Eucalyptus	CC	CC	CC	13/6.5		91	39

	Dr.; West of Broadway							
4	4201 & 4225 Broadway	CC	CC	CC	7.13/3.57		50	21
5 <sup>d</sup>	East of Broadway	CC	CC	CC	12.32/5.4 <sup>e</sup>	67	58	79
6	West of Broadway; on James Street	CC	CC	CC	3.23/1.62		26	6
7	West of Broadway; south of Crawford Way	CN	CN	CN	4.32/2.16		30	13
8 <sup>d</sup>	East of Broadway; north of So. Napa Junction Rd.	CC	CC	CC	16.52/9.91	113	97	137
9 <sup>d</sup>	East of Broadway	CC	CC	CC	1.84/1.10	13	11	15
10	City Hall site	CC	CC	CC	.5/25		4	1
11	West of Broadway; on Melvin Rd.	CC	CC	CC	3.44/.88		12	5
<b>Subtotal Sites 1-11</b>					<b>71.6/36.04 acres</b>	<b>193</b>	<b>437</b>	<b>341</b>
<b>Subtotal Sites 1-11 Observing HCD 50 % Rule for Low Income</b>								<b>301</b>
<b>Total</b>						<b>887<sup>f</sup></b>	<b>671<sup>f</sup></b>	<b>892<sup>f</sup></b>
<b>Napa County Transfer Requirements</b>						124	117	153
<b>American Canyon Fair Share Requirements</b>						559	353	411
<b>Total Need</b>						<b>683</b>	<b>470</b>	<b>564</b>
<b>Comparison of Opportunities to Total Need</b>						+204	+201	+328
<b>Comparison of Opportunities to Total Need if Site F is not included &amp; Using HCD 50% Rule (301 Comm units + 301 Res units = 602 units)</b>						+204	+201	+38

<sup>a</sup> Total acres/acres available for development.

<sup>b</sup> Town Center planned and zoned for mixed uses. Current zoning allows 1.5 FAR with 1.0 FAR devoted exclusively for residential. Computation assumes residential at 20 units/acre. Note, development application for Town Center indicates 60 units devoted to lower income housing.

<sup>c</sup> Restrictions to be put in place on the Hess property before September 15, 2006 will require a minimum of 250 units for lower income households for the current planning period. Note: development of the Hess property for exclusive affordable housing use could yield a total of approximately 475 residential units.

<sup>d</sup> Assume 35 units per gross acre for sites east of Broadway (all other sites at 20 units per gross acre).

<sup>e</sup> 2.59 acres of site set aside for transit center.

<sup>f</sup> Although all of the available commercial sites listed in Table 37 of the 2005 Housing Element Update were devoted to moderate income units, Chapter 724 of AB 2348 allows "default" density of 20 du/acre and above to count as lower income units. Nevertheless the revised table above allocates all income categories of units to the commercial sites.

#### Attachments:

- Figures 1 & 2: Selected commercial sites with Residential Overlay (Sites 1-11)
- Table 3: List of Assessor Parcel Numbers associated with Sites 1-11.

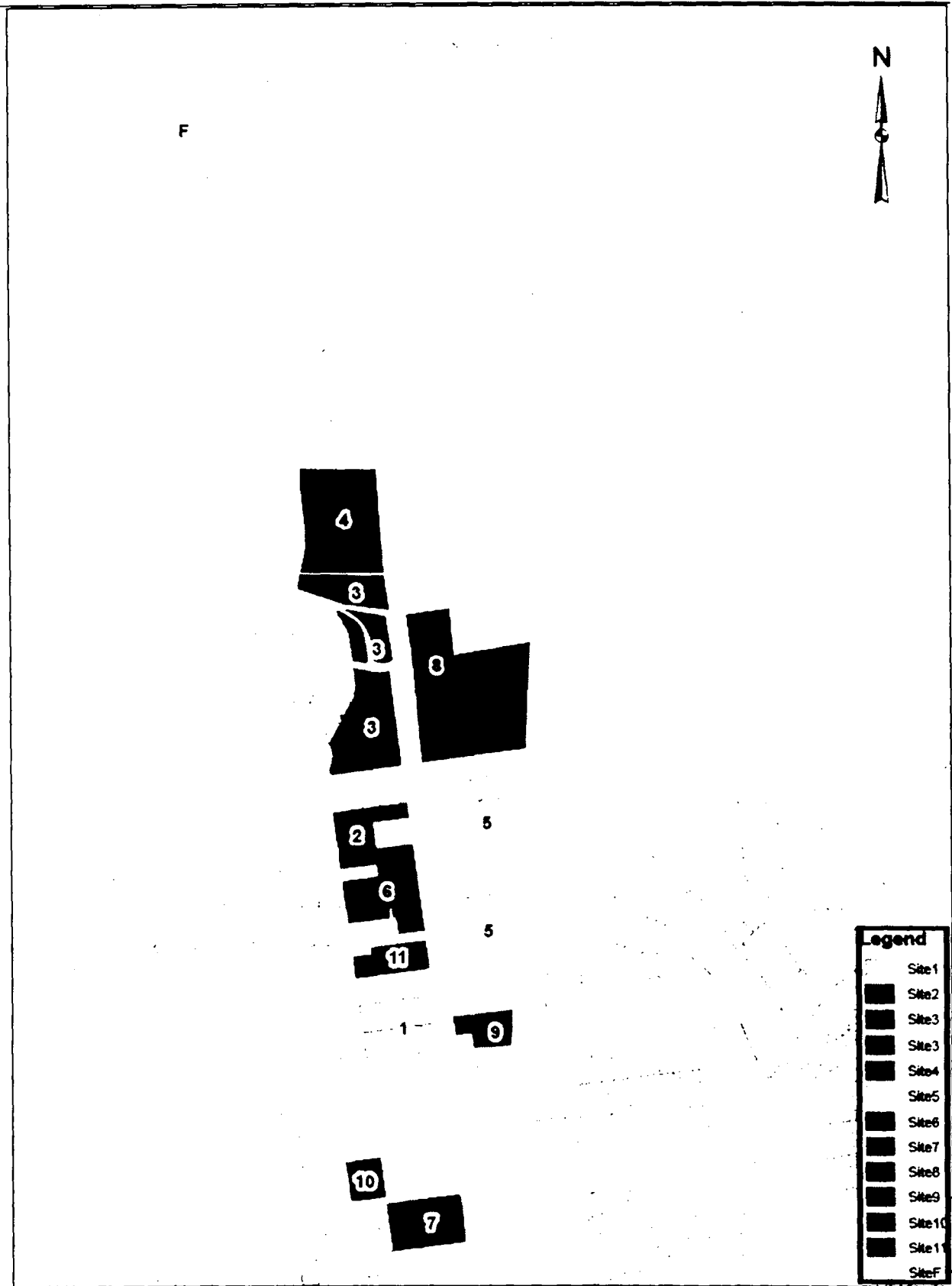


Figure 1: American Canyon Housing Element Sites 1-11



Figure 2: Housing Element Housing Sites 1-11 over Aerial Photo

**Housing Element Appendix D, Attachment 2**  
**Table 3**  
**Assessor Parcel Numbers (APNs) Associated with Housing Sites 1-11**

Site 1- Located at 3519 and 3631 Broadway.	APN 058-311-013, 058-311-014
Site 2- Located on Melvin Road, bordered by Route 29 to the east, an existing commercial establishment to the north, and a single-family residence to the south.	APN 058-362-001, 058-362-003, 058-353-005, 058-353-006
Site 3- Located south of Eucalyptus Road, west of Route 29, north of Poco Way, and east of Cassayre Dr.	APN 058-352-003, 058-095-009, 058-352-001, 058-352-002, 058-040-007, 058-09, 058-35, 058-092-014
Site 4- Located at 4201-4225 Broadway.	APN 058-270-008
Site 5- Located south of South Napa Junction Road between Route 29 and the railroad tracks.	APN 059-072-002, 059-072-005, 059-040-012
Site 6- Located between Melvin Road and Route 29, south of Site 2.	APN 058-362-015, 058-362-016, 058-362-005, 058-362-019
Site 6 – City-Owned parcel for Senior Housing	APN 058-362-018
Site 7- Located between Route 29 and single-family residences fronting James Road, south of Crawford Way.	APN 058-302-001, 058-290-012
Site 8- Located on Route 29 north of South Napa Junction Road.	APN 059-020-023, 059-352-002
Site 9- Located on Route 29 north of Donaldson Way.	APN 059-040-002
Site 10- Located on James Road north of City Hall.	APN 058-301-007
Site 11- Located on Melvin Road at the intersection of Melvin Rd. and Wilson Way	APN 058-281-005