



## City of American Canyon

### CITY COUNCIL ORDINANCE NO. 2008-10

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON ADOPTING ZONING ORDINANCE AMENDMENT 2008-02 TO REZONE THE NAPA JUNCTION PHASE III PROJECT FROM LIGHT INDUSTRIAL TO COMMUNITY COMMERCIAL (APN 059-020-001)

**WHEREAS**, Lakestreet Ventures submitted an application for development of Napa Junction III, located at the northeast corner of Highway 29 and Napa Junction Road, within APN 059-020-001; and

**WHEREAS**, the project requires approval of a Mitigated Negative Declaration (MND), a General Plan Land Use Amendment from Industrial to Community Commercial, and Land Use Element Community District and Subarea Schedule from Subarea S to Subarea N, and a Zoning Map Amendment from Light Industrial to Community Commercial, which was subsequently approved by the City Council on December 7, 2006; and

**WHEREAS**, the 2006 project approval was challenged in the Superior Court of Napa County (court) by the Union Pacific Railroad Company (Plaintiff); and

**WHEREAS**, on June 18, 2008, the court entered a judgment in favor of the Plaintiff setting aside the MND and all resolutions, decisions and orders approving the Napa Junction III project that relied on the MND; and

**WHEREAS**, the court determined that the traffic analysis for Phase III was flawed because it had been based on related studies performed for the Napa Junction Mixed Use project (Phases I and II), which had been found by a previous court decision to be flawed. The court found all other aspects of the Phase III MND to be adequate; and

**WHEREAS**, pursuant to the California Environmental Quality Act, a Mitigated Negative Declaration was prepared and circulated for the project, including a new traffic analysis for the project and incorporated into a new focused MND, which was recirculated for a 20-day public review period from August 14, 2008 to September 4, 2008; and

**WHEREAS**, Zoning Ordinance Chapter 19.48 provides that the City Council may amend the Official Zoning Map after the amendment is referred to the Planning Commission for review and recommendations; and

**WHEREAS**, the Planning Commission considered all of the written and oral testimony presented at the public hearing held on September 4, 2008; and

**WHEREAS**, the City Council accepted and adopted the recirculated MND and amended the General Plan land use designation for the site from Industrial to Community Commercial and amended the Land Use Element Community District and Subarea Schedule from Subarea S to Subarea N at a public hearing held on September 16, 2008; and

**WHEREAS**, a duly-noticed public hearing was held by the City of American Canyon City Council on September 16, 2008 and September 23, 2008 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal; and

**WHEREAS**, the City Council has considered all of the written and oral testimony presented at the public hearing in making its decision.

**SECTION 1. FINDINGS.** That the American Canyon City Council hereby finds, based on consideration of the whole record before it, as follows:

1. Based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, the Zoning Ordinance Amendment to modify the Official Zoning Map is consistent with the City of American Canyon General Plan.

*The proposed zoning map amendment to reclassify the project site from Light Industrial to Community Commercial is consistent with the General Plan land use map, as amended.*

2. The amendment is consistent with the purposes of this Zoning Title, as set forth in Chapter 19.01, Authority, Purposes, and Effects of the Zoning Ordinance.

*The amendment is consistent with the purpose of the Zoning Ordinance to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare. It meets Objective B.4 to foster a harmonious, convenient, and workable relationship among land uses, Objective B.6 to foster the provision of adequate off-street parking and off-street loading facilities, Objective B.9 to safeguard and enhance the appearance of the City, and Objective B.10 to ensure quality development, consistent with the General Plan's design and development principles, and an attractive and functional community appearance.*

**SECTION 2. LOCATION OF DOCUMENTS.** The Negative Declaration and Initial Study are on file and available for public review at City of American Canyon Planning and Building Department, 3423 Broadway, Suite D-2, American Canyon, California 94503.

**SECTION 3. VALIDITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the

fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 4. CITY COUNCIL ACTIONS.** The City Council hereby takes the following actions:

1. Adopt Zone Change 2008-02 to rezone the Lakestreet Ventures/Napa Junction III property (APN 059-020-001) from Light Industrial to Community Commercial.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on October 7, 2008, by the following vote:

**AYES:** Garcia, Bennett, Coffey, Callison, West

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None



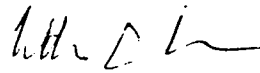
**Leon Garcia, Mayor**

**ATTEST:**



**Dorothy Roadman, City Clerk**

**APPROVED AS TO FORM:**



**William D. Ross, City Attorney**