

**City of American Canyon**  
**CITY COUNCIL**  
**ORDINANCE NO. 2009- 09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING ZONING ORDINANCE AMENDMENT ZOA 08-02 MAKING MINOR REVISIONS TO CHAPTER 19.28 OF THE ZONING ORDINANCE, INCLUSIONARY HOUSING REQUIREMENTS, TO ADJUST THE IN-LIEU HOUSING FEE BY RESOLUTION**

**WHEREAS**, pursuant to Section 65850 of the State Planning and Zoning Law, the City of American Canyon adopted a Zoning Ordinance in 1996 to implement the General Plan and regulate the use of land, buildings and structures, the size and use of lots; the intensity of land uses; and to establish other requirements to provide a clear and concise guide for the physical development of the City and to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare; and

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

**WHEREAS**, a minor technical correction is proposed to the Zoning Ordinance to adjust the in-lieu contribution for affordable housing by resolution; and

**WHEREAS**, pursuant to the California Environmental Quality Act, the proposed Zoning Ordinance Amendment is exempt per CEQA Guidelines Section 15061(b) (3) as the amendment has no potential to cause significant effects on the environment; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on the proposed Zoning Ordinance Amendment on November 20, 2008, and unanimously recommended approval of the amendment to the City Council; and

**WHEREAS**, a duly-noticed public hearing on the proposed Zoning Ordinance Amendment was held by the City Council on February 17, 2009 and June 2, 2009, at which time all those in attendance were given the opportunity to speak; and

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

**NOW, THEREFORE** the City Council of the City of American Canyon does hereby ordain as follows:

**Section 1:** The Recitals set forth above are true and accurate and incorporated herein by this reference.

**Section 2: Findings:** Find, based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, that:

1. The amendment is consistent with the goals and policies of the General Plan.

*The proposed amendment makes minor corrections that are consistent with the goals and policies of the General Plan. The amendments maintain and update the Zoning Code consistent with state regulations, and clarify development regulations.*

2. The amendments are consistent with the purposes of the Zoning Ordinance, as set forth in Chapter 19.01, *Authority, Purposes, and Effects of the Zoning Ordinance.*

*The amendments are consistent with the purpose of the Zoning Ordinance to provide a clear and concise guide for the physical development of the City, establish clear, understandable and applicable land use regulations consistent with the City's police powers, and protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare. The amendments are minor corrections intended to clarify regulations and ensure consistency of development with the General Plan.*

**Section 3: Municipal Code Amendments.** The City Council amends Title 19 of the American Canyon Municipal Code ("Municipal Code") to revise and add specific language to Chapter 19.28.050 entitled "Inclusionary Alternatives" to read as stated in Exhibit A, attached.

**Section 4: Effective Date.** 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 and shall become effective thirty (30) days after the date of its adoption.

**Section 5: 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.


**Section 6:** The Ordinance attached as Exhibit A was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2<sup>nd</sup> day of June, 2009, by a vote of 4-0-1, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon held on the 16th day of June, 2009.

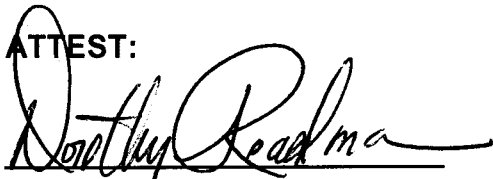
**AYES:** Garcia, Callison, Coffey, Bennett, West

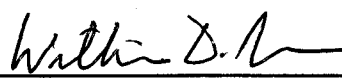
**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

  
\_\_\_\_\_  
**Leon Garcia, Mayor**

**ATTEST:**  
  
\_\_\_\_\_  
**Dorothy Roadman**  
**City Clerk**

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
**William Ross**  
**City Attorney**

**EXHIBIT A**

**CITY COUNCIL ORDINANCE 2009-**

**Zoning Ordinance Amendment ZOA-08-02**

**Amending Chapter 19.28 Inclusionary Housing Requirements  
Section 19.28.050 related to the Inclusionary Housing In Lieu Fee**

**19.28.050 Inclusionary Alternatives.**

- A. It is the intent of these provisions that the inclusionary units be provided within each project in order to disperse such units throughout the community.
- B. Provided, however, that the following alternatives to providing inclusionary units on-site may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are infeasible due to project size, location or site characteristics, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent:
  - 1. The provision of some or all of the required inclusionary units at an off-site location.
  - 2. The payment of an in-lieu contribution to the City Housing Fund equal to an amount to be calculated as in 2.d. below, for each developed unit in an ownership project. (The in-lieu contribution alternative is not available to rental projects.)
    - a. For any fraction of a unit required, the in-lieu contribution shall equal the fraction of the unit times the in-lieu contribution amount.
    - b. The in-lieu contribution shall be paid to the City at the issuance of the building permit for each unit.
    - c. Such contribution shall be deposited in the City Housing Fund and can only be used to provide housing affordable to very low and low-income households.
    - d. The in-lieu contribution amount shall be adjusted once annually by resolution of the City Council on or about April 1 to reflect changes in the housing market conditions of American Canyon. The in-lieu contribution amount shall equal the difference between the median sales price of all homes in American Canyon for the previous quarter year and the price affordable to a lower-income household, multiplied by ten percent.

The price affordable to a lower income household shall be calculated using the following assumptions:

      - i. Number of persons in household: five persons;

- ii. Household income: lower income household, as published by the City of Napa Housing Authority;
  - iii. Percent of household income that goes toward housing expense: thirty five percent;
  - iv. Calculation of housing expense:
    - principal and interest expense, calculated with an interest rate that reflects current housing market conditions in American Canyon;
    - property taxes;
    - homeowners insurance;
    - allowance for homeowners association fees and/or maintenance fees;
    - utility allowance, based on the current utility allowance published by the City of Napa Housing Authority.
  - v. Amount of downpayment: ten percent (10%) of affordable home price.
3. The dedication of suitable land to the city, or entity acceptable to the city, for the construction of the inclusionary units. The acceptability of such dedication shall be based on the suitability of the site in terms of location, size, zoning, timing of construction and other applicable factors. The acceptability of such dedication shall also be based on the fair market value of the dedicated land, in comparison to the amount of in-lieu contribution as calculated above.
4. In the event a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits that may be used to meet the inclusionary unit requirements of another project, subject to the approval of the city manager. Inclusionary unit credits are issued to and become the possession of the project owner and may only be transferred to another project owner subject to the approval of the city council. The number of inclusionary unit credits awarded for any project is subject to the approval of the city council.

**Strikeout/Underline of**  
**Chapter 19.28**  
**Inclusionary Housing Requirements**  
**Section 19.28.050 Inclusionary Alternatives**

**19.28.050 Inclusionary Alternatives.**

- A. It is the intent of these provisions that the inclusionary units be provided within each project in order to disperse such units throughout the community.
- B. Provided, however, that the following alternatives to providing inclusionary units on-site may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are infeasible due to project size, location or site characteristics, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent:
1. The provision of some or all of the required inclusionary units at an off-site location.
  2. The payment of an in-lieu contribution to the City Housing Fund equal to ~~thirty-eight thousand seven hundred and seventy dollars (\$38,770)~~ an amount to be calculated as in 2.d. below, for each developed unit in an ownership project. (The in-lieu contribution alternative is not available to rental projects.)
    - a. For any fraction of a unit required, the in-lieu contribution shall equal the fraction of the unit times ~~thirty-eight thousand seven hundred and seventy dollars (\$38,770)~~ the in-lieu contribution amount.
    - b. The in-lieu contribution shall be paid to the City at the issuance of the building permit for each unit.
    - c. Such contribution shall be deposited in the City Housing Fund and can only be used to provide housing affordable to very low and low-income households.
    - d. The in-lieu contribution amount shall be adjusted once annually by resolution of the City Council on or about ~~February 1~~ April 1 to reflect changes in the housing market conditions of American Canyon. The in-lieu contribution amount shall equal the difference between the median sales price of all homes in American Canyon ~~for the prior year~~ for the previous quarter year, and the price affordable to a lower-income household, multiplied by ten percent.  
The price affordable to a lower income household shall be calculated using the following assumptions:
      - i. Number of persons in household: five persons;
      - ii. Household income: lower income household as published by the City of Napa Housing Authority;
      - iii. Percent of household income that goes toward housing expense: thirty five percent;

iv. Calculation of housing expense:

- principal and interest expense, calculated with an interest rate that reflects current housing market conditions in American Canyon;
- property taxes;
- homeowners insurance;
- allowance for homeowners association fees and/or maintenance fees;
- utility allowance, based on the current utility allowance published by the City of Napa Housing Authority.
- ~~Principal and interest expense will be calculated with an interest rate that reflects current housing market conditions in American Canyon. Utility allowances will be based on the current utility allowance published by the Napa County Housing Authority; and,~~

v. Amount of downpayment: ten percent of affordable home price.

3. The dedication of suitable land to the city, or entity acceptable to the city, for the construction of the inclusionary units. The acceptability of such dedication shall be based on the suitability of the site in terms of location, size, zoning, timing of construction and other applicable factors. The acceptability of such dedication shall also be based on the fair market value of the dedicated land, in comparison to the amount of in-lieu contribution as calculated above.
4. In the event a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits that may be used to meet the inclusionary unit requirements of another project, subject to the approval of the city manager. Inclusionary unit credits are issued to and become the possession of the project owner and may only be transferred to another project owner subject to the approval of the city council. The number of inclusionary unit credits awarded for any project is subject to the approval of the city council.