

ORDINANCE NO. 2010-09

AN URGENCY ORDINANCE OF THE CITY OF AMERICAN CANYON, CALIFORNIA, AMENDING TITLE 19, DIVISION 3, CHAPTER 19.42.030, TITLE 19, DIVISION 3, CHAPTER 19.43.040, and TITLE 19, DIVISION 3, CHAPTER 19.44.040 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE, TO EXTEND THE EXPIRATION PERIOD OF CONDITIONAL USE PERMIT, VARIANCE, AND MINOR VARIANCES IF THE UNDERLYING USE OR PROJECT IS NOT INAUGURATED TO THREE YEARS FROM THE PERMIT APPROVAL DATE WHEN THE STATE OF CALIFORNIA UNEMPLOYMENT RATE REMAINS OVER NINE PERCENT.

WHEREAS, this Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937, with not less than four-fifths (4/5th) of the City Council concurring herein; and,

WHEREAS, this Ordinance must take effect immediately as an urgency ordinance to preserve the public peace, health and safety; and,

WHEREAS, the City of American Canyon ("City") suffers from the Statewide economic duress caused by the extended nationwide recession; and,

WHEREAS, the economic feasibility of development projects in the City have been severely hampered by the referenced economic duress; and

WHEREAS, the State unemployment rate is a indicator of the health of the State economy and local economy; and

WHEREAS, since January 2009, the State unemployment rate has remained above nine (9) percent, according to the U.S. Bureau of Labor Statistics; and

WHEREAS, Title 19, Division 3, Chapter 19.42.030 provides for the expiration of approvals of Conditional Use Permits ("CUP"s) the City issues within one year of their approval date if the project for which the CUP is approved is not inaugurated, which may be extended by one additional year by approval of the Community Development Director upon a timely written request from a responsible party; and,

WHEREAS, Title 19, Division 3, Chapter 19.43.040 provides for the expiration of approvals of Variances the City issues within one year of their approval date if the project for which the Variance is approved is not inaugurated, which may be extended by one additional year by approval of the Community Development Director upon a timely written request from a responsible party; and,

WHEREAS, Title 19, Division 3, Chapter 19.44.040 provides for the expiration of approvals of Minor Variances the City issues within one year of their approval date if the project for which the Minor Variance is approved is not inaugurated, which may be extended by one additional year by approval of the Community Development Director upon a timely written request from a responsible party; and,

WHEREAS, the City views the continued planned development and associated economic expansion of the City consistent with the City General Plan as vital to the economic security of the City; and,

WHEREAS, the City intends to preserve the economic viability of the inauguration and completion of approved development projects in the City during the referenced economic duress; and,

WHEREAS, an extension of the CUP, Variance and Minor Variance project inauguration expiration extension period would allow for development to be inaugurated and completed in a more economically feasible manner; and,

WHEREAS, the continued economic security of the City is essential for preservation of the public peace, health or safety, as it ensures the continued provision of health and safety services and the preservation of employment, economic vitality and quality of life within the City; and,

WHEREAS, the extension of the CUP, Variance and Minor Variance expiration extension period will further the aim of preserving the City's economic security; and,

WHEREAS, these amendments to the Municipal Code codifies the City's intent to preserve the economic viability of the inauguration and completion of approved development in the City; and,

WHEREAS, by this amendment to the Municipal code, the City extends the extension of time for initiation of the approved conditional use, variance or minor variance that may be granted by the community development director upon the written request by a responsible party to three (3) years from the previously existing one (1) year as long as the State unemployment rate is above nine (9) percent; and,

WHEREAS, the amendment to the Municipal Code are exempt from environmental review under CEQA. While the amendment of the Municipal Code does constitute a "project" under Public Resources Code Section 21065(a), it is exempt from further environmental review, as the project does not directly or ultimately have the potential for causing a significant adverse effect on the environment, and is subject to the Categorical Class Five Exemption from environmental review under CEQA due to the project being a minor alteration to land use limitations.

NOW THEREFORE, the City Council of the City of American Canyon does hereby ordain the following:

SECTION 1. The City Council finds that these amendments to the Municipal Code are necessary to preserve the public peace, health and safety, as:

- a. the continued planned development and associated economic expansion of the City consistent with the City General Plan, is vital to the economic security of the City; and,

- b. the City intends to preserve the economic viability of the inauguration and completion of approved development projects in the City during the State wide economic duress; and,
- c. an extension of the CUP, Variance and Minor Variance project inauguration expiration extension period would allow for development to be inaugurated and completed in a more economically feasible manner; and,
- d. the continued economic security of the City is essential for preservation of the public peace, health or safety, as it ensures the continued provision of health and safety services and the preservation of employment, economic vitality and quality of life within the City; and,
- e. these amendments to the Municipal Code will preserve the economic viability of the inauguration and completion of approved development in the City.

SECTION 2. Title 19, Division 3, Chapter 19.42.030 of the Municipal Code is hereby amended by adding Subdivision B.3 thereto as follows:

19.42.030 Expiration of approval.

B.3. An additional extension not to exceed two years from the initial expiration of the original extension period may be granted by the Community Development Director where the State unemployment rate exceeds nine (9) percent, as per the U.S. Bureau of Labor Statistics.

SECTION 3. Title 19, Division 3, Chapter 19.43.040 of the Municipal Code is hereby amended by adding Subdivision B.4 thereto as follows:

19.43.040 Expiration of approval.

B.4. An additional extension not to exceed two years from the initial expiration of the original extension period may be granted by the Community Development Director where the State unemployment rate exceeds nine (9) percent, as per the U.S. Bureau of Labor Statistics.

SECTION 4. Title 19, Division 3, Chapter 19.44.040 of the Municipal Code is hereby amended by adding Subdivision B.4 thereto as follows:

19.44.040 Expiration of approval.

B.4. An additional extension not to exceed two years from the initial expiration of the original extension period may be granted by the Community Development Director where the State unemployment rate exceeds nine (9) percent, as per the U.S. Bureau of Labor Statistics.

SECTION 5. Environmental Review.

The City Council finds that these amendments to the Municipal Code are exempt from environmental review under CEQA. While the amendments of the Municipal Code do constitute a "project" under Public Resources Code Section 21065(a), they are exempt from further environmental review, as the project does not directly or ultimately have the potential for

causing a significant adverse effect on the environment, and is also subject to the Categorical Class Five Exemption from environmental review under CEQA due to the project being a minor alteration to land use limitations.

SECTION 6. Effective Date.

This Ordinance is hereby declared an urgency measure pursuant to the terms of Government Code Section 36937 and shall be effective immediately upon the adoption by a four-fifths (4/5th) vote of the City Council.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon, State of California held on the 7th day of December, 2010 by the following vote:

Mayor Garcia: yes
Vice Mayor West: yes
Council Member Bennett: yes
Council Member Callison: yes
Council Member Coffey: yes

Leon Garcia

Leon Garcia, Mayor

ATTEST:

Rebekah Barr

Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:

William D. Ross

William D. Ross, City Attorney