

ORDINANCE # 2013- 04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
APPROVING A ZONING CODE AMENDMENT TO PERMIT LONG TERM CARE  
FACILITIES IN THE SPECIALTY COMMERCIAL ZONING OVERLAY DISTRICT (APN  
058-380-007, 058-380-008; 058-380-012, 058-380-015)**

**WHEREAS**, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon has adopted a General Plan to provide comprehensive long-range planning and a blueprint of the city's future form, including land use and circulation maps that specify the roadway network and the distribution of types and intensities of land; 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**, four parcels consisting of approximately 40 acres on top of Oat Hill has a general plan and zoning designation of Industrial with a special overlay that is intended to encourage commercial uses that take advantage of the sweeping views of American Canyon, Napa Valley, the Napa River Wetlands, and beyond; and

**WHEREAS**, the challenges of finding a viable land use on Oat Hill has been significant for several reasons:

- The property is served by a circuitous roadway system
- Hillside slopes and fault zones that can reduce buildable area on each parcel
- Sensitive aesthetics due to Oat Hill as a landmark in American Canyon
- Use limitations brought about by the Napa Airport Land Use Compatibility Plan; and

**WHEREAS**, on February 27, Rick Hess who owns two parcels on top of Oat Hill submitted a zoning code amendment to revise the special overlay zoning district to allow Long Term Care facilities. The zoning code defines a long term care facility as a commercial use that provides housing for residents that require medical assistance for their daily needs; and

**WHEREAS**, while visitors would enjoy the views from Oat Hill, our residents would also appreciate the unique views that Oat Hill offers. Providing an opportunity for an additional commercial use that allows residents and their visitors to enjoy the views everyday would be consistent with the intent of Objective 1.17; and

**WHEREAS**, presently, there are no other Long Term Care facilities in the City and with a current unemployment rate of 12.6 percent in American Canyon, the accommodation of a new Long Term Care facility in our city may become a source of employment for American Canyon residents who are trained in the Health Care industry but work outside the city or are currently unemployed; and

**WHEREAS**, other commercial uses already permitted in the Specialty Commercial overlay zoning district, such as lodging services, restaurants, live entertainment and visitor oriented retail services may bring greater traffic, noise, and utility service demands than Long Term Care facilities; and

**WHEREAS**, the zoning includes several Long Term Care development standards to address compatibility issues with the Napa County Airport plan; and

**WHEREAS**, pursuant to the California Environmental Quality Act, the proposed General Plan Amendments are exempt per CEQA Guidelines for Class 1 Section 15301 Existing Facilities, Class 5, Section 15305 as a minor alternation in land use limitations; and

**WHEREAS**, on March 28, 2013, the Planning Commission conducted a public hearing on the matter and a majority recommended City Council approval of the zoning code amendment; and

**WHEREAS**, on April 16, 2013, staff to the Napa County Airport Land Use Commission reviewed the proposed zone change and determined that it is consistent with the Napa County Airport Land Use Compatibility plan; and

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

**NOW, THEREFORE**, the American Canyon City Council **DOES HEREBY ORDAIN** approval of a zoning code amendment to the Specialty Commercial overlay district.

## **SECTION 1. FINDINGS**

1. The amendments are consistent with the goals and policies of the General Plan.

*The proposed amendment complies with the goals and policies of the General Plan, including Goal 1N, to "Ensure the compatibility of development within American Canyon with the Napa County Airport," and Policy 1.27.2, to "Review all applications for new development, expansion of existing uses, and re-use within Napa County Airport Compatibility Zones "A" through "F" for compliance with the appropriate use and development conditions." Revisions were made to the zoning amendment to ensure compatibility with the Airport land use plan.*

*Providing an opportunity for an additional commercial use that allows residents and their visitors to enjoy the views everyday would also be consistent with the intent of Objective 1.17 to provide for development of uses that capitalize on and attract visitors due to their unique viewsheds of the Napa River, San Francisco Bay, and Napa Valley, site topography, and other natural characteristics.*

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 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 because it provides a potentially viable land use in the Specialty Commercial overlay zoning district. This district would provide greater aesthetic standards than the underlying Industrial Zoning district. Long Term Care facilities may provide less of an impact on traffic, noise, and utility service demands than lodging services, restaurants, live entertainment and visitor oriented retail services. The Health Care industry employs 12.4 percent of American Canyon residents, which makes it the single largest sector for American Canyon residents employed in 2010. Long Term Care facilities may become a source of employment for American Canyon residents who are trained in the Health Care industry but work outside the city or are currently unemployed. For comparison, the current unemployment rate in American Canyon is much higher than the average rate of 9.7% for California and 7.9% for Napa County (source: EDD).*

**SECTION 2: ZONING AMENDMENT.** The City Council of the City of American Canyon hereby amends the Zoning Ordinance as follows:

**Chapter 19.19 CS SPECIALTY COMMERCIAL OVERLAY DISTRICT**

**19.19.010 Purpose.**

The purpose of the CS specialty commercial overlay district is to provide for commercial and commercially-related uses that capitalize on and attract visitors due to a site's unique views and other natural characteristics. (Ord. 2001-02 § 1 (part), 2001)

**19.19.020 Allowable uses.**

A. Property in the CS overlay district may be used either for industrial purposes, consistent with the permitted and conditionally permitted uses allowed by this title for the underlying LI base zone district, or for specialty commercial purposes<sup>1</sup>.

B. Should the owner of property in the CS overlay district decide to use the property for the purpose set forth in Section 19.19.010, the following uses as defined in use classifications, may be permitted<sup>1</sup>:

1. Public and quasi-public uses:
  - a. Public information center,
  - b. Public parking,
  - c. Utilities, minor;
2. Commercial uses:
  - a. Bank, savings and loan, including walk-up service,
  - b. Entertainment, indoor,
  - c. Long term care
  - d. Lodging services,
  - e. Personal services,
  - f. Restaurant,
  - g. Retail sales, visitor-oriented.

C. Should the owner of property in the CS overlay district decide to use the property for the purpose set forth in Section 19.19.010, the following uses as defined in use classifications, may be permitted subject to a conditional use permit<sup>1</sup>:

1. Public and quasi-public uses:
  - a. Charitable uses;
2. Commercial uses:
  - a. Entertainment, indoor; amusement center,
  - b. Lodging services adjacent to a residential district,
  - c. On-premises liquor consumption, tasting room,
  - d. Liquor store;
3. Temporary uses:

- a. Commercial filming,
- b. Live entertainment,
- c. Mobile structure (subject to Chapter 19.30),
- d. Tent;
- 4. Public and quasi-public uses:
  - a. Antenna, commercial,
  - b. Antenna exceeding height limitations;
- 5. Commercial uses:
  - a. Entertainment, indoor, gaming,
  - b. On-premises liquor consumption,
  - c. Restaurant, night use adjacent to residential district,
  - d. Restaurant, take-out; night use adjacent to residential district.

1 Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport compatibility zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon general plan and the Napa County Airport land use compatibility plan. Restrictions may include the requirement for recordation of overflight or aviation easements.

(Ord. 2010-03 § 3, 2010; Ord. 2001-02 § 1 (part), 2001)

19.19.030 Development standards.

A. The development standards set forth in the schedule of zoning district regulations for the LI district shall apply to development in the CS specialty commercial overlay district.

B. The design of development in the CS district shall comply with the following criteria:

1. Buildings shall be oriented to take advantage of the site's unique views, where feasible.

2. Architecture should blend with hillsides to the extent feasible.

3. Projects using the Specialty Commercial overlay zoning that require approval of a design permit shall incorporate into the site plan a public pedestrian easement to the site with potential connections to adjacent properties that provides access to the site's unique views.

4. Long term care facilities shall mitigate potential emergency service impacts by paying an Emergency Service Impact Fee if and when such an impact fee is adopted.

5. Prior to issuance of a building permit for a Long term care facility in Zone D, an acoustical study shall be conducted that assesses and mitigates aircraft noise impacts consistent with Appendix C of the Napa County Airport Land Use Compatibility plan.

6. Prior to approval of any discretionary application for a Long term care facility, clustering is encouraged to maximize development in Zone E and retain open land areas in Zone D.

7. Prior to approval of any discretionary application for a Long term care facility, an assessment shall be made to evaluate and limit the size of the project consistent with the density and height requirements allowable in the applicable Napa County Airport Land Use Compatibility zone.

8. Prior to issuance of a building permit for a Long term care facility, an overflight easement shall be recorded on the property if one is not already in place.

9. Any Long term care facility proposed in Napa County Airport Land Use Compatibility Zone D shall be reviewed by the Napa County Airport Land Use Commission for consistency with the compatibility plan.

(Ord. 2001-02 § 1 (part), 2001)

**SECTION 3.** This Ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines for Class 1 Section 15301 Existing Facilities, Class 5, Section 15305 as a minor alternation in land use limitations.

**SECTION 4.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the goals and polices of the General Plan Goal 1N, to "Ensure the compatibility of development within American Canyon with the Napa County Airport," and Policy 1.27.2, to "Review all applications for new development, expansion of existing uses, and re-use within Napa County Airport Compatibility Zones "A" through "F" for compliance with the appropriate use and development conditions." Revisions were made to the zoning amendment to ensure compatibility with the Airport land use plan. Providing an opportunity for an additional commercial use that allows residents and their visitors to enjoy the views everyday would also be consistent with the intent of Objective 1.17 to provide for development of uses that capitalize on and attract visitors due to their unique viewsheds of the Napa River, San Francisco Bay, and Napa Valley, site topography, and other natural characteristics.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 6.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on the 7th day of May, 2013, by the following vote:

**MAYOR GARCIA:** Yes  
**VICE MAYOR JOSEPH:** Yes  
**COUNCIL MEMBER B. BENNETT:** Yes  
**COUNCIL MEMBER J. BENNETT:** Yes  
**COUNCIL MEMBER LEARY:** Yes

Leon Garcia  
**Leon Garcia, Mayor**

**ATTEST:**  
Rebekah Bar  
**Rebekah Bar, MMC, City Clerk**

**APPROVED AS TO FORM:**  
William D. Ross  
**William D. Ross, City Attorney**