

ORDINANCE #2014-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT TO ADD A RESIDENTIAL OVERLAY ZONING DISTRICT TO A 10-ACRE PORTION OF A 17-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 29 AND NAPA JUNCTION ROAD, APN 059-020-001 (FILE NO. PL13-0033)**

**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**, an application for an amendment to the Official Zoning Map for the subject property to add the Residential Overlay (RO) Zoning District to a site that is zoned Community Commercial was submitted by Napa Junction Partners, LLC for the 17-acre parcel located at the northeast corner of Highway 29 and Napa Junction Road to allow an increased portion of the project site to be developed with residential use, and to increase the maximum allowed density; 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**, an Environmental Impact Report has been prepared for the original Napa Junction III project which evaluated the type and intensity of commercial development proposed and on October 18, 2011, the City Council certified the Napa Junction III Final Environmental Impact Report (FEIR) (SCH #2010082062) pursuant to State CEQA Guidelines section 15025(c), including applicable environmental findings, adopted a Statement of Overriding Considerations (SOCC), and Adopted a Mitigation and Monitoring Program (MMRP); and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), an Initial Study dated June 2014 was prepared to evaluate whether the Environmental Impact Report (SCH #2010082062) certified in 2011 provided adequate evaluation of the potential significant impacts of the Napa Junction III project as amended to replace 100,000 square feet of commercial development with 180 multi-family residential units, and that an Addendum to the earlier EIR was adequate for the proposed Amended Project; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on July 1, 2014, at which all those in attendance were given the opportunity to be heard on the proposed Napa Junction III project, and the Planning Commission considered the written and oral testimony given at its public hearing in reaching its decision; and

**WHEREAS**, On July 1, 2014 the Planning Commission adopted Resolution 2014-06 recommending to the City Council approval of the requested rezoning; and

**WHEREAS**, on July 15, 2014, the City Council of the City of American Canyon conducted duly-noticed public hearings, at which time all those in attendance were given the

opportunity to speak on the proposal, and continued their consideration of the proposals to its meetings of July 29, August 15, and August 26, 2014 to give the applicant and staff time to respond to several Council concerns; and

**WHEREAS**, the applicants modified the proposed Vesting Tentative Subdivision Map and the proposed apartment development to reduce the apartment site to 5.97 acres, and reduce the number of proposed apartments to 148 units; and

**WHEREAS**, based on the Initial Study the City Council has determined that an Addendum to the 2011 EIR is the appropriate CEQA review for the amended project, and adopted Resolution 2014-69 to adopt applicable environmental findings, a Statement of Overriding Considerations (SOCC), and approve a Mitigation and Monitoring Program (MMRP) for the Amended Project.

**NOW, THEREFORE**, the City Council does hereby ORDAIN as follows:

**SECTION 1. FINDINGS.** Based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, the City Council finds that:

- a. The amendment is consistent with the goals and policies of the general plan.

*The addition of the RO Zoning to the Napa Junction III site is in keeping with General Plan policies to provide a diversity of land uses, accommodate the development of a balance of land uses, and establish the development of new uses oriented toward the needs of residents, employees and visitors. 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. This determination is based on the analysis of General Plan consistency of the original Napa Junction III project as set out in Table 3.9-2 of the 2011 Draft EIR, and the updated General Plan consistency for the Project as amended to include 180 multi-family residential units instead of 100,000 square feet of commercial development as set out in the June 2014 Initial Study, and the analysis provided in the staff report and attachments.*

- b. The amendment is consistent with the purposes of this 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 as the project represents a logical extension of the existing Napa Junction retail center. The amendment also meets design and development guidelines and standards of the General Plan.*

Additionally, the City Council finds that rezoning a 10-acre portion of the overall site would still allow the proposed apartment development while limiting the possibility that other portions of Napa Junction III would be used for residential development instead of commercial development, ensuring an appropriate balance between residential and commercial development on this site.

**SECTION 2.** That the City Council of the City of American Canyon does hereby approve the Zone Change as follows:

1. Ten acres of the Junction III property (APN 059-020-001) shall be rezoned to add a Residential Overlay Zoning district to the existing Community Commercial Zoning District as depicted on Exhibit A, which shall consist of Parcels 4 and 5 as shown on the Vesting Tentative Subdivision Map approved by the City Council in Resolution 2014-71.

**SECTION 3. SEVERABILITY.** The City Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 4.** The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause a summary of it to be published in a newspaper and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

16<sup>th</sup> **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council on the Sept day of 2014, by the following vote:

MAYOR GARCIA:

yes

VICE MAYOR JOSEPH:

yes

COUNCIL MEMBER BENNETT:

yes

COUNCIL MEMBER JOSEPH:

yes

COUNCIL MEMBER LEARY:

yes

Leon Garcia

Leon Garcia, Mayor

ATTEST:

Rebekah Barr

Rebekah Barr, MMC  
City Clerk

APPROVED AS TO FORM:

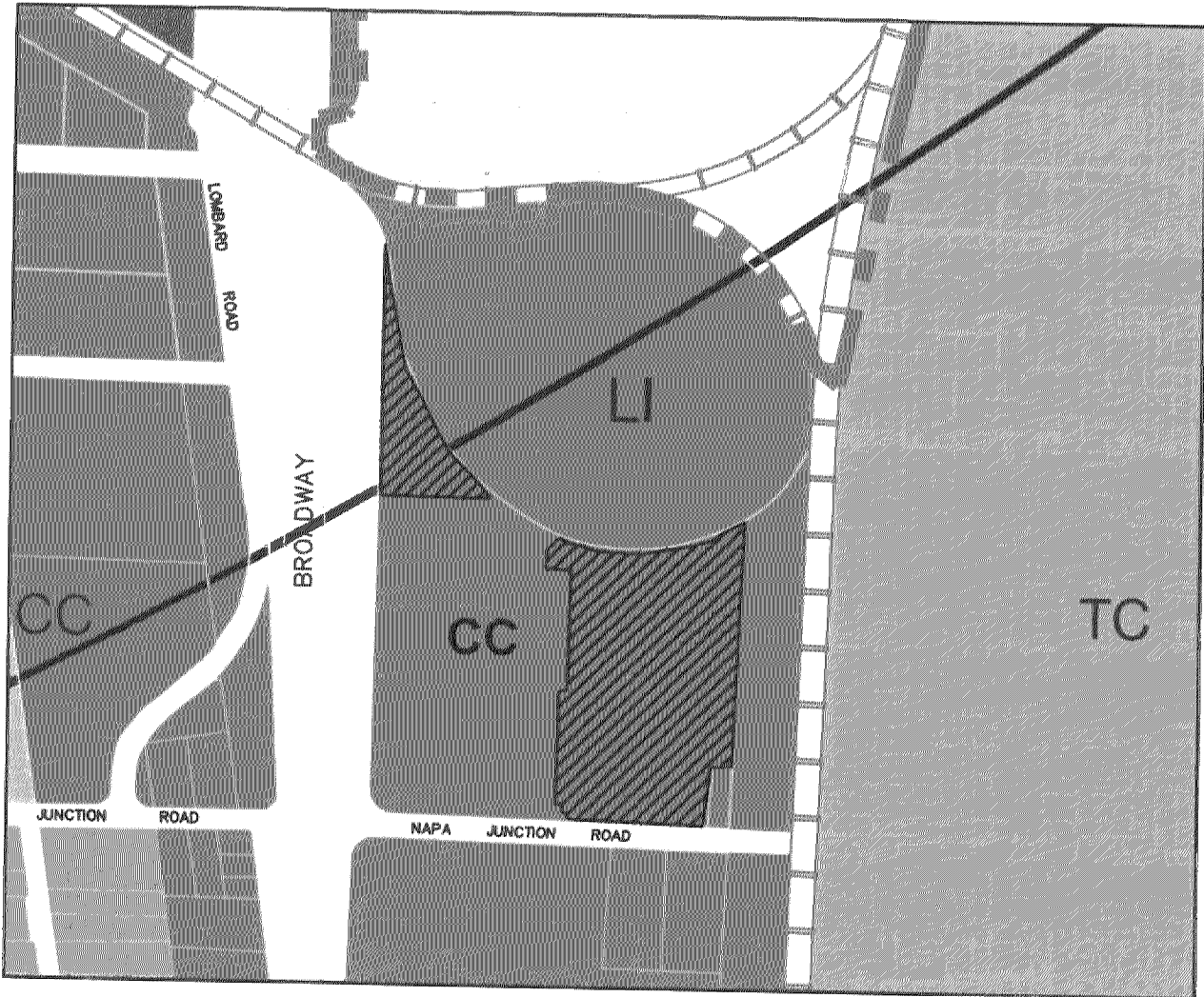
William D. Ross

William D. Ross, City Attorney

EXHIBIT A

CHANGE IN ZONING CLASSIFICATION FOR NAPA JUNCTION III

APN 059-020-001



 Community Commercial with Residential Overlay Zoning District