

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING TITLE 19 OF THE AMERICAN CANYON MUNICIPAL CODE TO DELEGATE APPROVAL AUTHORITY FOR CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DECISIONS

WHEREAS, the City of American Canyon ("City") seeks to ensure that the City's zoning laws are consistent with the goals, policies, and standards set forth in the City General Plan; and

WHEREAS, the California Environmental Quality Act (CEQA) is a California law passed in 1970, shortly after the federal government passed the National Environmental Policy Act (NEPA); and

WHEREAS, CEQA makes environmental protection a mandatory part of every local agency's decision making process by requiring analysis and public disclosure of environmental impacts of proposed projects and identification of all feasible measures to mitigate impacts; and

WHEREAS, Government Code Section 21003 states that it is the policy of the state that local agencies integrate CEQA requirements into planning review procedures so that all the procedures run concurrently rather than consecutively; and

WHEREAS, the zoning code delegates approval of certain discretionary development applications to the Community Development Director, the Planning Commission, and the City Council; and

WHEREAS, on October 22, 2015, the City Attorney issued an opinion that pointed out the court case *Citizens for the Restoration of L Street v. City of Fresno (2014) 229 Cal.App.4th340,373* delegates CEQA environmental review authority with the City Council unless the Municipal Code explicitly grants this authority to the Planning Commission; and

WHEREAS, the proposed Municipal Code amendments would delegate CEQA environmental review approval authority to the Community Development Director, Planning Commission, or City Council when the Municipal Code delegates the associated discretionary application to that decision maker; and

WHEREAS, the proposed Municipal Code amendments would further permit appeals of CEQA environmental determinations made by the Community Development Director or Planning Commission to the City Council in accordance with Municipal Code Section 2.04.080 through 2.04.110; and

WHEREAS, the City of American Canyon Planning Commission unanimously recommended approval of the municipal code amendment after conducting a duly-noticed public hearing on February 25, 2016; 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: Municipal Code Amendments.

19.01.060 Relationship to other regulations and requirements.

(No change to Subsections A and B)

C. Consistent with CEQA Guidelines 15162(c), each discretionary development project shall be reviewed to ensure compliance with the California Environmental Quality Act (CEQA). The approval authority for CEQA environmental review shall be delegated to the Community Development Director, Planning Commission, or City Council when the Municipal Code delegates the associated discretionary application to that decision maker.

D. Notwithstanding Section C above, CEQA environmental review and approval of the discretionary development project shall remain with the City Council when the CEQA environmental review requires a Statement of Overriding Considerations.

E. A CEQA environmental determination made by the Community Development Director or Planning Commission may be appealed to the City Council in accordance with Municipal Code Section 2.04.080 through 2.04.110.

SECTION 2: Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations because it has no potential for resulting in physical change to the environment, directly or indirectly, as it prevents changes in the environment pending the completion of the contemplated possible review of City zoning regulations.

SECTION 3: Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 15th day of March, 2016 by the following vote:

AYES:	Councilmembers Joseph, Leary, Ramos, Vice Mayor Bennett and Mayor Garcia
NOES:	None
ABSTAIN:	None
ABSENT:	None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of April, 2016 by the following vote:

AYES: Council Members Joseph, Leary, Ramos, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Bennett




Leon Garcia, Mayor

ATTEST:



Cherri Walton, CMC, Deputy City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney