

ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
APPROVING THE BROADWAY DISTRICT SPECIFIC PLAN (PL13-0008)**

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 Association of Bay Area Governments (ABAG), Bay Area Air Quality Management District (BAAQMD), San Francisco Bay Conservation and Development Commission (BCDC) jointly established the "Priority Development Area." (PDA) program; and

WHEREAS, PDA's are locally-identified, infill development opportunity areas within existing communities that are near existing or planned fixed transit, and planned for more housing. As an incentive, local jurisdictions that designate qualifying areas as a PDA are eligible to receive financial assistance for Planning and Infrastructure improvements; and

WHEREAS, on November 17, 2009, the City Council endorsed the PDA designation of the Broadway District Specific Plan (BDSP); and

WHEREAS, on May 20, 2010, the Association of Bay Area Government Executive Board approved the BDSP as a "Potential" Priority Development Area (PDA); and

WHEREAS, the Broadway District Specific Plan (BDSP) Goals include:

- Specific Plan lines for Highway 29, intersection designs, and parallel routes,
- Pedestrian/bike crossing solutions,
- Economic Development business opportunities,
- Architectural and landscape design guidelines,
- Economically feasible land uses,
- Buffer development with adjacent neighborhoods,
- Identify park, open space, and recreation opportunities; and

WHEREAS, the Broadway District Specific Plan Guiding Principles include:

- Beautify the corridor with landscaping, trees and architecture,
- Provide New Retail Opportunities,
- Provide Gathering Places/Multi-Purpose Places,
- Unify the Character of New Development,
- Improve Mobility,
- Encourage Events/Festivals to Enliven the District,
- Provide Connections between neighboring Properties and Adjacent Neighborhoods; and

WHEREAS, the BDSP was prepared pursuant to California Government Code Section 65450 et. Seq. and will become the regulating document for the BDSP Area; and

WHEREAS, the BDSP sets forth the land use, circulation, and infrastructure and financing for the BDSP Area and sets forth development standards, permitted uses and design guidelines; and,

WHEREAS, the City prepared an environmental impact report to evaluate the proposed BDSP and subsequent entitlements, and was first circulated for public comment for 45 days from November 27, 2017 to January 10, 2018 with an extended public comment period to January 24, 2018; and

WHEREAS, the BDSP Final EIR (Exhibit B to this Resolution) was released for public review on April 12, 2019 and copies were made available to the state agencies that commented on the Draft EIR and to members of the public who submitted written comments; and

WHEREAS, on April 25, 2019, the Planning Commission conducted a duly-noticed public hearing to evaluate the BDSP Project and recommended City Council approval of the BDSP; and

WHEREAS, on June 5, 2019, the Napa Airport Land Use Commission reviewed the BDSP Project and deemed the Project consistent with the Napa Airport Land Use Compatibility Plan; and

WHEREAS, on June 4, 2019 and June 18, 2019, the City Council conducted a duly-noticed public hearing to evaluate the BDSP Project.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of American Canyon adopts the Broadway District Specific Plan, included as Exhibit A to this Ordinance, as follows:

SECTION 1: Findings Regarding Environmental Review pursuant to the California Environmental Quality Act (CEQA)

1. The environmental impacts of the BDSP Specific Plan were adequately considered in the certified Final EIR for the Broadway District Specific Plan Project (State Clearinghouse No. 2017042025) as recommended to the City Council by the Planning Commission for certification, which includes findings, a statement of overriding considerations for the Project, and a Mitigation Monitoring and Reporting Program.
2. Approval of the Specific Plan based on the Final EIR complies with CEQA.

SECTION 2: Findings to Approve the Specific Plan in accordance with American Canyon Municipal Code Section 19.17.080.

- A. The distribution, location and extent of land uses, including open space, as depicted in the specific plan is consistent with the general plan.

The Broadway District Specific plan sets forth the land uses, residential densities, non-residential intensities, permitted and conditional uses, development standards and design guidelines for the BDSP Area and further implements the Policies set forth in the General Plan (see BDSP FEIR Table 3.8-2 General Plan Consistency Analysis). As described in the BDSP FEIR Table 3.8-2, the Broadway District Specific Plan is consistent with the General Plan.

- B. The specific plan provides for public infrastructure and services needed to support the land uses described in the plan, including adequate distribution, location, extent and intensity of

transportation, sewage, water, drainage, solid waste disposal, energy, parks, community facilities and other essential facilities.

The Broadway District Specific Plan, in conjunction with the City's General Plan and Engineering standards provides standards the design for roadways, water, wastewater, recycled water, storm drainage systems, parks and other community facilities necessary to support the land uses described in the plan. Specifically, Chapters 2, 3, 4, 5, 6, and 7 of the BDSP address these facilities.

- C. The standards and development criteria, including requirements for resource utilization, will ensure that development proceeds in an orderly fashion and maintains a high level of quality.

Chapter 2 of the BDSP sets forth development standards, which are supplemented by Design Guidelines in Chapter 3. The development standards and design guidelines together promote efficient resource utilization, best practices and sustainability to ensure a high level of quality. Further Chapter 7, Implementation sets forth an Implementation Action Plan Matrix to ensure development proceeds in an orderly fashion.

- D. The specific plan contains implementation measures, including financing programs, to ensure that development is supported by adequate infrastructure as it occurs.

The implementation of the BDSP is primarily developer funded. BDSP Chapter 7, Implementation sets forth the financing principles and policies, identifies different financing mechanisms and an Implementation Action Plan Matrix to ensure infrastructure proceeds in an orderly fashion.

- E. The site is suitable for the type and intensity of development proposed.

As determined through the initial existing conditions analysis and the preparation of the environmental impact report, the BDSP area is suitable for the type and intensity of the proposed development.

SECTION 3: EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days following adoption.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, 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, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5: CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

SECTION 6: RESTATEMENT OF EXISTING LAW. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as Ordinance provisions previously adopted by the

City related to the same subject matter or relating to the enumeration of permitted uses under the zoning code, shall be construed as restatements and continuations, and not as new enactments.

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 18th day of June, 2019 by the following vote:

AYES: Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous, 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 2nd day of July, 2019, by the following vote:

AYES: Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



Leon Garcia, Mayor

ATTEST:



Suellen Johnston, CMC, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney

Exhibit A: Broadway District Specific Plan