

**ORDINANCE NO. 2021-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, APPROVING A CHANGE TO THE ZONING MAP (AMERICAN CANYON MUNICIPAL CODE CHAPTER 19.03) TO DESIGNATE A VACANT 13.6-ACRE PARCEL ON THE EAST SIDE OF OAT HILL SOUTH OF NAPA JUNCTION ROAD PARCEL A FROM LIGHT INDUSTRIAL WITH SPECIALTY COMMERCIAL OVERLAY (LI:CS) AND ESTATE RESIDENTIAL (RE) TO HIGH DENSITY RESIDENTIAL (RH-1), ASSESSOR'S PARCEL NUMBER 058-380-008 (FILE NO. PL20-0024)**

**WHEREAS**, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon (City) 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**, the American Canyon Municipal Code (ACMC) Chapter 19.03 contains the official Zoning Map for the City of American Canyon; and

**WHEREAS**, on August 14, 2020, Oat Hill Properties, II, LLC (Rick Hess) submitted a General Plan Amendment and Zone Change application to allow 206 dwelling units on approximately 13.6 acres on the east side of Oat Hill south of Napa Junction Road (APN 058-380-008 and portion of 058-320-001) (File No. PL20-0024); and

**WHEREAS**, on August 14, 2020, RH Hess Development Company submitted a Tentative Subdivision Map to create 206 dwelling units on 13.6 acres located at Oat Hill (Parcel A) with access from Napa Junction Road, (APN 058-380-008 and portion of 058-320-001) (File No. PL20-0025); and

**WHEREAS**, an application was filed by RH Hess Development for a Lot Line Adjustment (File No. PL20-0039) to convert the two parcels APN 058-380-008 and 058-320-001 from 11.3-acres and 9.5-acres to 13.6-acres and 7.2-acres, respectively; and

**WHEREAS**, there is a critical shortage of residential housing for all levels of affordability in California; and

**WHEREAS**, the State of California Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG) will soon commence the process to establish regional housing needs allocations (RHNA) for the greater San Francisco Bay Area; and

**WHEREAS**, in light of the State's housing shortage, HCD and ABAG is expected to increase significantly the obligation of the City of American Canyon ("City") to plan for additional housing within its municipal boundaries; and

**WHEREAS**, on January 21, 2020, the City Council declared residential uses are the best use of the Rick Hess property on Oat Hill (Resolution 2020-06); and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) report was prepared for the Oat Hill Multifamily Project, which included the proposed Zone Change application, having analyzed the actions contemplated by the MND and includes required mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP); and

**WHEREAS**, on March 25, 2021, the City of American Canyon Planning Commission conducted a duly-noticed public hearing and unanimously recommends City Council approval of the Parcel A Zone Change (Resolution 2021-06); and

**WHEREAS**, on September 7, 2021, the City of American Canyon City Council approved the Oat Hill Multifamily Project MND and adopted the Mitigation Monitoring Program (Resolution 2021-61); and

**WHEREAS**, on September 7, 2021, the City of American Canyon City Council approved a Resolution to Overrule the Napa County Airport Land Use Commission (Resolution 2021-62); and

**WHEREAS**, on September 7, 2021, the City of American Canyon City Council approved the Parcel A General Plan Amendment (Resolution 2021-63); and

**WHEREAS**, on September 7, 2021, the City of American Canyon City Council conducted a duly-noticed public hearing on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council of the City of American Canyon, having considered all the evidence, including any submitted by member of the public, approves a Zone Change amendment to ACMC Chapter 19.03 for Oat Hill Parcel A from Light Industrial with a Specialty Commercial Overlay (LI:CS) and Residential Estate (RE) to High Density Residential (RH-1), (APN 058-380-008 and portion of 058-320-001) (File No. PL20-0024) as depicted in Exhibit A attached hereto.

**SECTION 2. 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.

*Because there is a critical shortage of residential housing for all levels of affordability in California, the Oat Hill Multi-Family Residential project will help provide needed housing. Replacement of Light Industrial with a Specialty Commercial Overlay (LI:CS) zoning with High Density Residential (RH-1) zoning is in keeping with the following General Plan Goals that promote additional housing in American Canyon:*

- *Goal 2A: "Provide sufficient residential land with adequate infrastructure to accommodate the City's fair share of projected growth, and to facilitate mobility within the ownership and rental markets."*
- *Goal 2B: "Provide a range of housing types within the community to accommodate a variety of incomes and lifestyles, and to enable residents to remain in American Canyon throughout their lives."*
- *Goal 2E: "Address the housing needs of all economic segments of the existing and future community, including the City's fair share of the regional housing need." The applicant proposes to address housing affordable to lower income residents by providing in-lieu impact fees, pursuant to the Inclusionary Housing Ordinance (ACMC Chapter 19.28).*

*The project satisfies the following Land Use Element policies:*

- *Goal 1E: “Ensure the development of residential neighborhoods that provide a range of housing opportunities to meet the physical, economic, and social needs of the population, are designed to exhibit a high quality and character, contain appropriate supporting services, and reflect their environmental setting.” The design permit application associated with this property ensures that the development will exhibit a high quality and character. The project reflects its environmental setting by providing public access to locally-important views across the project site.*
- *Policy 1.27.2: “Review all applications for new development, expansion of existing uses, and re-use within Napa County Airport Compatibility Zones “A” through “E” for compliance with the appropriate use and development conditions.” A portion of Parcel A is located in Napa County Airport Compatibility Zone “D”. Zone D restricts development to industrial or other non-residential uses. As noted in the Napa County Airport Terminal Area Redevelopment IS/MND, substantial evidence exists to conclude the 65 decibel (dB) Community Noise Equivalent Level (CNEL) boundary (also known as the “Noise Annoyance Zone” or “Zone ‘D’”) is contained entirely within the Airport property under existing and future conditions. Thus, as noted in the Oat Hill Multi-family Project MND, the project is not located within the regular flight-path/overflight for normal airport operations, nor would the project result in buildings that would obstruct established flight paths. Development within the project site would not conflict with Napa County Airport noise contours or any of the “three established sources of guidance on safety compatibility” for Zone D.*

- 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 residential uses within the adjacent Broadway District Specific Plan. The amendment also meets design and development guidelines and standards of the General Plan.*

**SECTION 3.** Community Development Department. The Community Development Director is directed to provide a written report to the City Council at least ten (10) days prior to the expiration of this ordinance, describing the study conducted of the local conditions that led to the adoption of this ordinance.

**SECTION 4.** Effective Date. This ordinance shall become effective immediately upon the date of its adoption pursuant to Government Code section 65858.

**SECTION 5.** 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 6.** Compliance with California Environmental Quality Act. The City of American Canyon prepared an Initial Study Checklist and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA). The basis for a Mitigated Negative Declaration (MND) is the finding that the proposed project will not have a significant effect on the environment because mitigation measures that reduce the impacts to less than significant are part of the project conditions. The MND includes

mitigation measures for Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise, Transportation/Traffic, and Utilities.

**SECTION 7.** 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.

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 7th day of September, 2021 by the following vote:

AYES: Council Members Aboudamous, Oro, Washington, Vice Mayor Joseph, 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 21<sup>st</sup> day of September, 2021, by the following vote:

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

ATTEST:

DocuSigned by:  
*Teresa Geilfuss*  
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Teresa Geilfuss, City Clerk

DocuSigned by:  
*Leon Garcia*  
BA1BB3340DAC47C...  
Leon Garcia, Mayor  
APPROVED AS TO FORM:

DocuSigned by:  
*William D. Ross*  
094CBE8975AA43C...  
William D. Ross, City Attorney

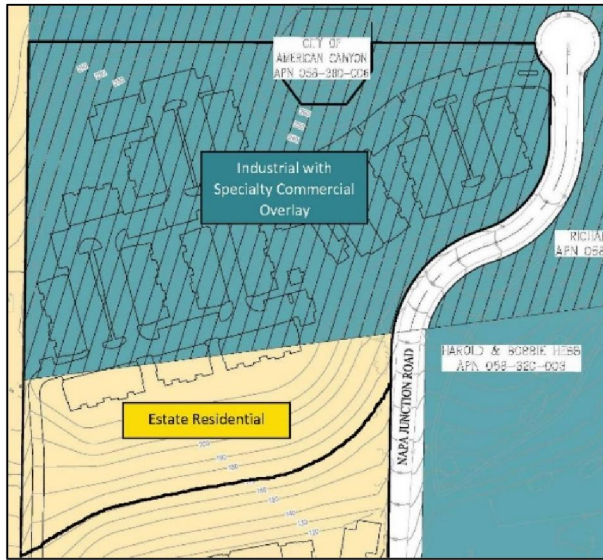
**EXHIBIT A**

Parcel A Zoning Map Amendment

# EXHIBIT A

## Parcel A Zoning Map Amendment (PL20-0024)

Existing Zoning Parcel A



Proposed Zoning Parcel A

