



SPECIAL CITY COUNCIL AGENDA

City Council Chambers
4381 Broadway, Suite 201, American Canyon
July 2, 2026
6:30 PM

Mayor: Pierre Washington
Vice Mayor: Mark Joseph
Councilmembers: Brando Cruz, Melissa Lamattina, David Oro

4:30 P.M. CLOSED SESSION

The mayor will call the meeting to order and conduct roll call. Following public comment on Closed Session items, the Council will immediately convene in Closed Session.

CALL TO ORDER - CLOSED SESSION

ROLL CALL - CLOSED SESSION

PUBLIC COMMENT - CLOSED SESSION MATTERS

This time is reserved for members of the public to address the City Council on Closed Session Business items only. Oral comments must be made in person and are limited to three (3) minutes per speaker.

MEETING RECESSED TO CLOSED SESSION

The Council will reconvene in Open Session at 6:30 p.m. The Council may reconvene in Closed Session at the conclusion of the meeting, if necessary, to address any remaining items.

BUSINESS - CLOSED SESSION

1. **Conference with Legal Counsel - Existing Litigation. Authorized pursuant to Government Code Section 54956.9(d)(1):**
 1. **American Canyon 1, LLC and Napa Valley Ruins & Gardens, LLC v. City of American Canyon et al. (Napa County Superior Court Case No. 25CV002277)**
2. **Conference with Legal Counsel - Anticipated Litigation. Authorized pursuant to Government Code Section 54956.9(d)(2). One (1) matter.**

6:30 P.M. OPEN SESSION

CALL TO ORDER - OPEN SESSION

PLEDGE OF ALLEGIANCE

ROLL CALL - OPEN SESSION

CLOSED SESSION REPORT OUT / CONFIRMATION OF REPORTABLE ACTION

The City Attorney will report out on any action taken in Closed Session, and confirm any reportable action, if applicable.

PROCLAMATIONS AND PRESENTATIONS

3. **Proclamation: Celebrating the 250th Anniversary of the United States of America**

CONSENT CALENDAR

There are no consent calendar items.

BUSINESS

4. **Elections Code § 9212 Report – Measure M**

Recommendation: Receive and File the Elections Code § 9212 Report and call a Special City Council Meeting for Friday, July 10 to determine whether to adopt the Measure M as-is or submit it to the voters.

ADJOURNMENT

CERTIFICATION

I, Nicolle Hall, Deputy City Clerk for American Canyon, do hereby declare that the foregoing agenda was posted in compliance with the Brown Act prior to the meeting date.

Nicolle Hall, Deputy City Clerk

PUBLIC PARTICIPATION

This meeting is a limited public forum. The City expects respectful conduct from all participants. Offensive language or discriminatory remarks based on any protected classification under federal, state, or local law will not be tolerated, and the speaker may be immediately disconnected.

Meetings are conducted in person and are also available via Zoom. Meetings are broadcast live on Napa Valley TV, the [City's website](#), and [YouTube](#).

Zoom Link: [Click here](#). **Webinar ID:** 847 1017 1711. **Passcode:** 123456. **Phone-in:** (408) 638-0968

Oral Comments: In person during Open/Closed Session, or via Zoom during Open Session only. Use "Raise Your Hand" during public comment periods only.

Written Comments: Submit via [eComments](#) on the City's Meetings & Agendas webpage. eComments close at 3:00 p.m. on the day of the meeting.

Agenda Materials: Posted 72 hours in advance at www.americancanyon.gov.

ADA: Requests for accommodations or alternative formats must be submitted at least three calendar days in advance to the City Clerk at 4381 Broadway, Suite 201, American Canyon, CA 94503 or cityclerk@americancanyon.gov.

Need Additional Assistance? Contact the City Clerk by phone at (707) 647-4369 or by email at cityclerk@americancanyon.gov.

CITY OF AMERICAN CANYON PROCLAMATION



Celebrating the 250th Anniversary of the United States of America

WHEREAS, on July 4, 1776, the Declaration of Independence established the United States of America and proclaimed the enduring ideals of liberty, equality, and the pursuit of happiness, forever changing the course of history; and

WHEREAS, for 250 years, our nation has been shaped by the courage, perseverance, innovation, and service of generations of Americans who have worked to strengthen our democracy, expand opportunity, and build a brighter future for those who follow; and

WHEREAS, July 4, 2026, marks the 250th anniversary of the United States of America, commemorating the adoption of the Declaration of Independence and celebrating the enduring ideals of liberty, equality, and the pursuit of happiness; and

WHEREAS, the City of American Canyon is proud to celebrate the diversity, resilience, and civic spirit of our community, and encourages residents to commemorate this historic milestone by coming together in a spirit of gratitude, service, and unity while looking toward the future with hope and optimism; and

WHEREAS, the City of American Canyon encourages residents to commemorate this historic milestone by reflecting on our nation's history, participating in civic life, celebrating our shared values, and looking toward a future guided by mutual respect, civic responsibility, and hope; and

NOW, THEREFORE, I, Pierre Washington, Mayor of the City of American Canyon on behalf of the City Council, do proclaim July 4, 2026, as the Celebration of the 250th Anniversary of the United States of America, and encourages all residents to join in honoring our nation's past, celebrating our present, and inspiring future generations to uphold the enduring ideals of liberty, opportunity, and democracy.

Dated: July 2, 2026

Pierre Washington, Mayor



TITLE

Elections Code § 9212 Report – Measure M

RECOMMENDATION

Receive and File the Elections Code § 9212 Report and call a Special City Council Meeting for Friday, July 10 to determine whether to adopt the Measure M as-is or submit it to the voters.

CONTACT

Deputy City Clerk, CMC, Nicolle Hall

BACKGROUND & ANALYSIS

On April 21, 2026, a Notice of intent to Circulate Petition and a Title and Summary were posted at American Canyon City Hall, the Police Department, and the Adult Activity Community Center for the "Watson Lane/Marcus Road Mobility Element Amendment Initiative (Initiative)". The Initiative amends the American Canyon 2040 General Plan Mobility Element, adopted on November 18, 2025, and prohibits the City Council from making future changes to those amendments without voter approval.

This report was prepared under California Elections Code § 9212, which allows the City Council to request an analysis of a voter-proposed Initiative. Its purpose is to inform the Council and voters about the initiative. Ultimately, the Council must either adopt the Initiative without changes or submit it to City voters at an election.

Staff recommends receiving and filing the Report shown in Attachment 1 and calling a Special Meeting for 10:00 a.m. on Friday July 10, to determine whether to adopt the Initiative as-is or submit it to the voters.

Attachment 2 contains another previously completed study that is referenced in the Report. Attachment 3 contains a letter expressing legal concerns about Measure M filed by an adjacent landowner.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

The cost to prepare the Report is approximately \$60,000. Although the cost is not included in the FY25/26 Budget, there is sufficient fund balance to cover the expense. However, the General Fund Fund Balance at year-end will be reduced.

ENVIRONMENTAL REVIEW

None.

ATTACHMENTS:

1. [Measure M 9212 Report](#)
2. [2023 Paoli-Watson Lane Annexation EIR Alt 4 Excerpt](#)
3. [Rutan and Tucker Letter](#)



Watson Lane/Marcus Road Mobility Element Amendment Initiative

Elections Code Section 9212 Report

July 2, 2026

Prepared by



1501 Sports Drive, Suite A, Sacramento, CA 95834

and



2235 Mercury Way, Suite 150 Santa Rosa, CA 95407 USA

INTRODUCTION AND BACKGROUND

On April 21, 2026, a Notice of Intent to Circulate Petition and a Title and Summary were posted at American Canyon City Hall, the Police Department, and the Adult Activity Community Center for the “**Watson Lane/Marcus Road Mobility Element Amendment Initiative (Initiative)**”. The Initiative amends the American Canyon 2040 General Plan Mobility Element, adopted on November 18, 2025, and prohibits the City Council from making future changes to those amendments without voter approval.

This report was prepared under California Elections Code Section 9212, which allows the City Council to request an analysis of the Initiative’s impacts. Its purpose is to inform the Council and voters about the Initiative. Ultimately, the Council must either adopt the Initiative without changes or submit it to City voters at an election.

INITIATIVE DESCRIPTION

The Initiative changes the Mobility Element as follows:

- Add a new roadway connecting the Watson Ranch Specific Plan (WRSP)¹ to State Route 29 (SR 29) via existing Watson Lane and Paoli Loop.
- Improve the existing at-grade Watson Lane railroad crossing.
- Add new roadways Marcus Road and Mallen internally serving WRSP.
- Add a new roadway classification “Minor Collector (Modified)”
- Reclassify Marcus Road, Watson Lane, Mallen Way, and Newell Drive.
- Potentially remove existing and planned roadway connections from WRSP to SR 29 at Rio Del Mar and/or South Napa Junction Road.

The Initiative changes both figures and text within the Mobility Element. It does not change other General Plan Elements nor the WRSP or any of its associated entitlements.

Roadway Network. The current Mobility Element roadway network is portrayed in Figure 1 below while Figure 2 depicts the new network resulting from the Initiative.

¹ The WRSP authorizes up to 1,253 dwelling units, 176,000 sf of commercial, 58,000 sf of ancillary commercial, a 200-room hotel, and amphitheater uses.

Figure 1
Existing Mobility Element - Roadway Network

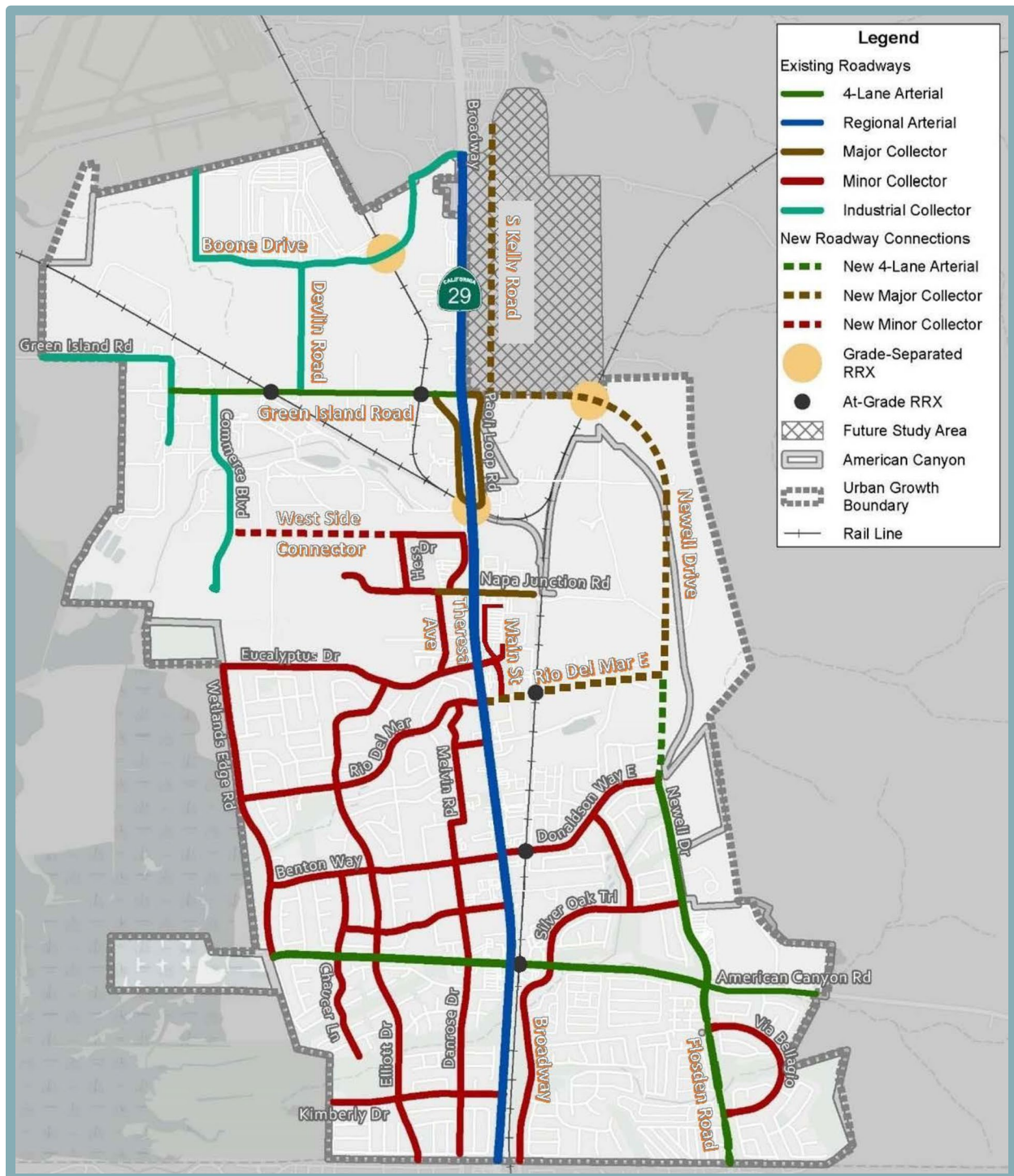
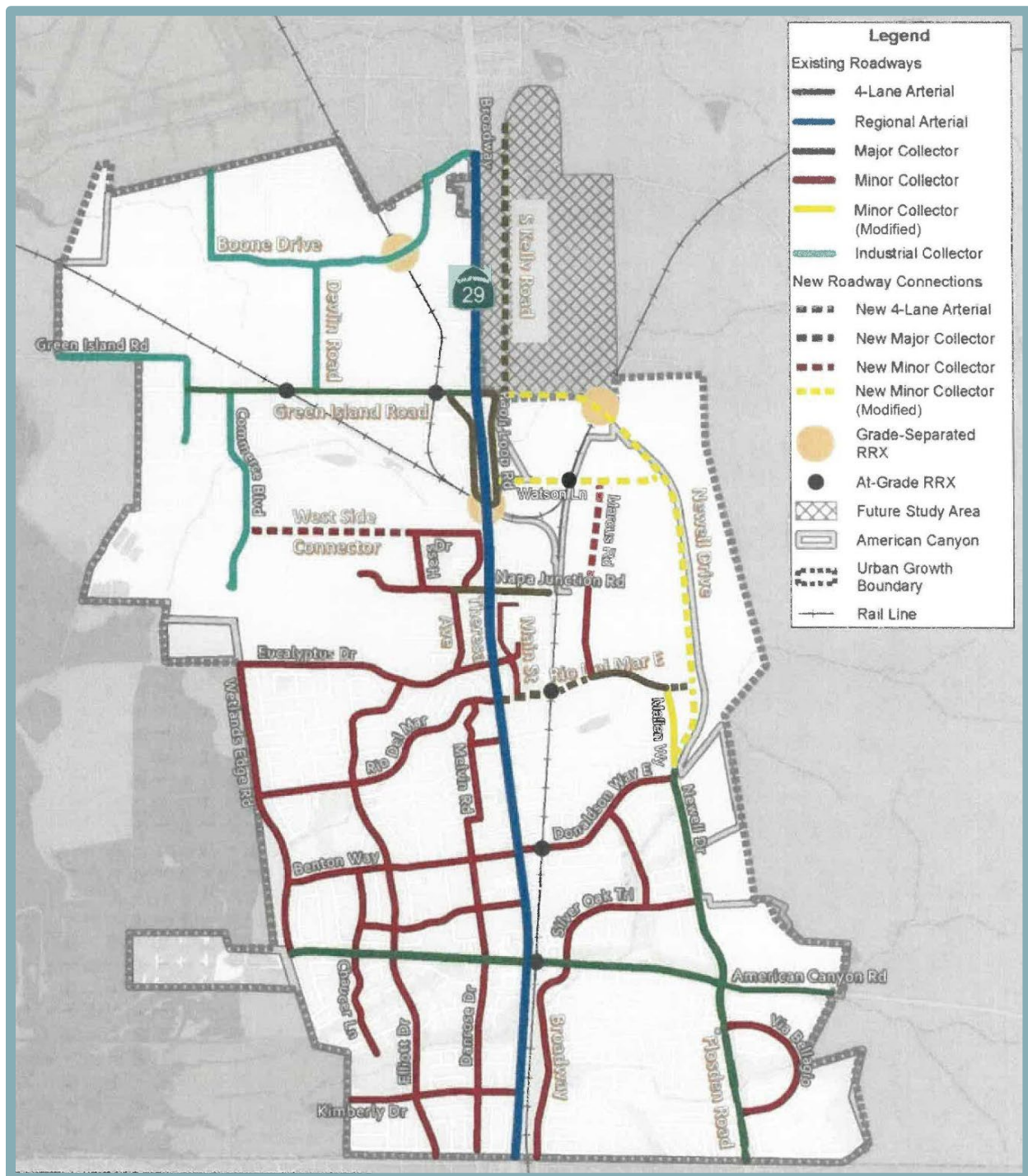


Figure 2
New Mobility Element - Roadway Network if the Initiative is Adopted



Street Classifications. The Initiative creates a new street classification, “Minor Collector (Modified),” for the Mobility Element’s standard roadway cross sections. Because some numbers and letters in the voter-signed petitions are illegible, the new cross section’s exact dimensions and description cannot be verified. As a result, this report uses professional technical judgment—expertise that may not have been available to the average voter—to infer the petitioners’ intent.

Specifically, this report assumes the new “Minor Collector (Modified)” cross-section includes the following within a 40- to 46-foot-wide right-of-way (ROW):

- Two 13-foot travel lanes; and
- A 6- to 12-foot-wide trail or sidewalk on one side of the roadway; and
- A 0- to 5-foot-wide landscape buffer with curb and gutter on one side; and
- A 0- to 2-foot-wide curbs and gutter on the other side.

Notably, all other Mobility Element cross sections specify a single ROW width, such as 52 feet, rather than a range. By contrast, the Initiative shows a 40- to 46-foot ROW range for the Minor Collector (Modified) classification.

Major Circulation Improvements. The Initiative changes Mobility Element Table MOB-3 (Major Circulation Improvements) and reclassifies the following roadways:

Roadway	Current Mobility Element Classification	New Mobility Element Classification
Watson Lane	None	Minor Collector (Modified)
Newell Drive (South of Rio Del Mar)	4-Lane Arterial	Minor Collector (Modified)
Newell Drive (North of Rio Del Mar)	Major Collector	Minor Collector (Modified)

Of note, the Initiative is inconsistent in its approach to Marcus Rd. and Mallen Way. While it depicts Marcus Rd. and Mallen Way as a “Minor Collector” (Figure 2 above), the Initiative does not actually add Marcus Rd. or Mallen Way to the list of Major Circulation Improvements (Mobility Element Table 3).

In addition, the Initiative is inconsistent in its approach to Newell Drive because it changes the Mobility Element to depict it as a “Minor Collector (Modified)” (Figure 2 above) and adds it to Table MOB-3, but then it changes the description of Newell Drive to a “2-lane collector” in the “Newell Drive and South Kelly Road Extensions Section” shown below. Of note, the terminology “2-lane collector” is undefined in either the existing Mobility Element nor the Initiative.

Mobility Element Policies. The Initiative adds a new policy to the Mobility Element as follows:

MOB-1.2.9: Watson Lane/Marcus Road Improvements.

Improve Watson Lane/Marcus Road substantially pursuant to a Minor Collector (Modified) street facility classification from Paoli Loop Road to Newell Drive, including at-grade railroad crossing improvements. Design should take into consideration site constraints and adjacent property owner needs.

The Initiative adds a new section to the “SR 29 Corridor Planning” section of the Mobility Element as follows:

Watson Lane/Marcus Road Connector

Watson Lane is an existing east-west roadway extending east from Paoli Loop Road. When completed, Watson Lane will connect to SR 29 via Paoli Loop Road to the west and Newell Drive to the east as a 2-lane minor collector (modified) and serve as an efficient cross-town east-west roadway at the northern extents of Watson Ranch and the City. As part of improvements to this roadway segment, Watson Lane will also have an improved Union Pacific Railroad line at-grade public crossing. To further enhance roadway connectivity between the east-west portions of the City, the existing segment of Marcus Road north of Rio Del Mar will be extended northward to connect to Watson Lane. Marcus Road is a minor collector with one motor vehicle lane in each direction, bicycle lanes, sidewalks, and parking on one side. The Watson Lane/Marcus Road Connector, once constructed and improved, is recognized as providing a viable connection and secondary access to the Watson Ranch Specific Plan, in addition or as a substitute to the Rio Del Mar and South Napa Junction secondary access options. The construction and improvement of Watson Lane/Marcus Road Connector will be done in phases as necessary or desired to meet development needs.

The Initiative modifies the “Newell Drive and South Kelly Road Extensions,” section, with added text shown in double underline and deleted text shown in ~~strike through~~.

Newell Drive and South Kelly Road Extensions (Amended)

The Mobility Element roadway network includes extension of Newell Drive north from its current terminus concurrent with future development. MOB-Figure 8 shows the conceptual future alignment of Newell Drive. The precise alignment will be determined through future planning processes. As envisioned, Newell Drive would eventually connect American Canyon Road in the south with SR 29 at Green Island Road. In addition, South Kelly Road would extend south from North Kelly Road to a new connection with Newell Drive. The future roads Newell Drive, from Donaldson Way to SR 29 at Green Island Road, would be a 2-lane collector with one motor vehicle lane in each direction, bicycle lanes and sidewalks. would be a 2-lane collector with one motor vehicle lane in each direction, with a sidewalk on the west side.

Mallen Way has been completed from Donaldson Way in the south to Rio Del Mar in the north, providing a north-south connection prior to the Newell Drive

extension. Mallen Way is a 2-lane minor collector (modified) with one motor vehicle lane in each direction, with the Napa Valley Vine Trail on the west side.

Initiative Approval

If this Initiative is adopted, the Mobility Element would be amended to include the new connection between the WRSP by extending Marcus Road northward and the reclassifications of planned roadways.

If this Initiative is rejected by the voters, the existing text and figures within the Mobility Element would remain unchanged.

DISCUSSION

As outlined in Section 9212 of the California Elections Code, this report evaluates the impacts of the Initiative in the following areas:

- (1) **Fiscal Impacts.**
- (2) **Planning Impacts.** Effects on the internal consistency of the City's General Plan and applicable Specific Plans, including the Housing Element, the consistency between planning and zoning, and the limitations on City actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (3) **Housing Impacts.** Effects on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs.
- (4) **Infrastructure Impacts.** Effects on funding for infrastructure of all types, including, but not limited to, transportation, schools, and public facilities. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) **Business Impacts.** The potential changes to the community's ability to attract and retain business and employment.
- (6) **Vacant Land Impacts.** Impacts on the uses of vacant parcels of land.
- (7) **Other Impacts.** Impacts on agricultural lands, parks and open space, existing business districts, and developed areas designated for revitalization.

In addition, pursuant to Section 9212.(a).(8), this report also evaluates potential impacts related to safety.

1. Fiscal Impacts

The Initiative creates new costs discussed below. The Initiative does not identify funding sources for these new costs.

Planning Costs

As discussed in Section 2 below, the Initiative creates inconsistencies within the General and the WRSP – including its related entitlements. The requirement for consistent planning documents is well-settled by *Lafayette (2018)* and *Lafayette (2022)*². Thus, if the Initiative passes, the City is required to engage in additional efforts to ensure other portions of the General Plan are modified to be consistent with the newly modified Mobility Element.

Similarly, the City is required to engage in additional efforts to ensure the WRSP is modified to be consistent with the newly modified Mobility Element.³ Additionally, the City would modify some of the entitlements related to WRSP.

The costs faced by the City to ensure the General Plan and WRSP remain consistent with the Initiative represent a fiscal impact. Of note, any legislative act of the Council, including but not limited to WRSP Amendments, would require environmental review. The Final Environmental Impact Report (FEIR) for the Watson Ranch Specific Plan (SCH 2015-022030) is unlikely to suffice to support for future Council action required by the Initiative and additional environmental review is likely.

The cost for additional planning efforts and environmental review are estimated to range between at least \$250,000 to \$1,000,000. These costs are not currently included in the City FY 2026/27 Budget and funds are not available to support the required efforts. If the Initiative passes, the City would be required to redirect funding for other governmental activities to instead support these planning efforts.

Implementation Costs

The Initiative envisions implementation of a new Mobility Element Policy “**MOB-1.2.9: Watson Lane/Marcus Road Improvements**” to provide additional access to the WRSP. However, the Initiative does not specify whether the City or the WRSP developers will implement the new policy. In addition, the Initiative does not specify a source of funding to implement the new policy.

The City has recent experience with capital projects containing similar scopes of work as described for the “Watson Lane/Marcus Road Connector” including improving an at-grade public railroad crossing. Actual costs are approximately \$3,500 per linear foot of roadway and between \$500,000 and \$1,000,000 per railroad crossing. In addition, undergrounding of overhead utilities is estimated to be \$2,500,000 per mile.

² *Save Lafayette v. City of Lafayette* (2018) 20 Cal.App.5th 657, 230 Cal.Rptr.3d 419 and *Save Lafayette v. City of Lafayette* (2022) 85 Cal.App.5th 842, 301 Cal.Rptr.3d 773.

³ California Government Code Section 65359

The Initiative adds approximately 3,600 linear feet of roadways compared to the existing Mobility Element and WRSP – namely Watson Lane. It also includes improvements to an at-grade public railroad crossing and the relocation of overhead utilities.

The estimated cost to improve Watson Lane is at least \$20,000,000 in 2026 dollars. Once the Initiative is adopted, the process to completely implement Policy MOB-1.2.9 will take between 5 and 10 years – depending upon funding availability. Costs are expected to increase during this time by at least 30 to 50%, meaning the cost of Watson Lane alone could reach \$30,000,000 by the time it's completed.

In addition, these estimates do not include additional property acquisition costs, which are expected to range between \$500,000 and \$1,000,000.

The cost to complete Watson Lane is not currently included in the City FY 2026/27 Budget and funds are not available to support the required efforts.

Although the petitioners may have different expectations, unlike the additional planning activities, if the Initiative passes, the City is not required to redirect funding from other governmental activities to support these implementation efforts. To provide clarity in answering the question of whether the City or the developers benefitting from the new policy will fund the cost of implementation, the Council may wish to consider enacting companion legislation.

Lastly, the costs to complete the other changes contemplated by the Initiative – namely Marcus Road, Newell Drive, and Mallen Way - are not included in the above estimates. On Marcus Road, the Initiative will save the WRSP developers approximately \$2,000,000 because of the reduced cross-section and length (i.e., approx.. 1,000 LF). The Initiative will also reduce construction costs of Newell Drive by 10 to 15% (i.e., approx.. \$6,000,000) because of the reduced cross-section.

2.Planning Impacts

This section general evaluates the consistency of the Initiative with land use and zoning designations; and the limitations on City actions pursuant to Division 1 of Title 7 of the Government Code. Specifically, it evaluates the Initiative’s consistency with the newly adopted General Plan. It also evaluates the consistency of the Initiative on WRSP and related entitlements. More specifically, City actions related to prohibiting discrimination in housing and land use (Section 65008 of the Government Code) and the shortage of affordable housing (Chapter 4.3, commencing with Section 65915).

Consistency with the City’s General Plan

The City’s General Plan includes the following Elements: Land Use; Housing; Mobility; Utilities; Culture, Environment & Sustainability; Parks, Recreation & Open Space; Environmental Justice; and Safety. The Initiative only changes the Mobility Element – specifically, the reclassification and reconfiguration of roadways. Unilaterally changing the Mobility Element without changing other Elements could result in unintended and unpredictable consequences to the City’s future planning efforts.

The core goal of the Mobility Element is to “provide safe and easy travel for pedestrians, bicyclists, transit riders and motor vehicles correlated with the Land Use Element.” The goal is supported by various General Plan policies throughout the various elements, some of which are listed below:

- **Policy MOB-1.1: Complete Streets.** Maintain and update street standards that that serve not just automobile operations, but also multi-modal movement and adjacent land uses, including pedestrians, motorists, bicyclists, and transit riders of all ages and abilities, in a form that is compatible with and complementary to adjacent land uses, and promotes connectivity between uses and areas.
- **Policy MOB-1.5: Sidewalks.** Require sidewalks on all arterial and collector streets. Where feasible, separate sidewalks from streets on arterials and collectors with landscaping including a tree canopy to create shade.
- **Policy MOB-1.7: Promote Walking and Bicycling.** Promote walking and bicycling for transportation, recreation, and improvement of public health and the environment.
- **Policy LU-2.5: Active Transportation.** Increase walking and bicycling opportunities by implementing pedestrian and bicycle plans and link recreation and commercial services to residential areas with safe and protected pedestrian walkways and bicycle paths.
- **Policy PR-1.5: American Canyon Bicycle and Pedestrian Trail Plans.** Continue to refer to the American Canyon Bicycle and Pedestrian Trail plans for guidance on trail locations, construction design, priority development and other relevant policies. See Mobility Element Appendix A and B.

The Initiative contravenes other General Plan policies because it reduces roadway width and limits bicycle and pedestrian facilities on one side. Specifically, the Minor Collector (Modified) cross section is narrower than the other cross-sections and lacks infrastructure

for bicycles and pedestrian facilities on both sides of the roadway. Thus, the differences between the currently adopted plan for the roadways and the ultimate roadway configuration as envisioned by the proposed initiative would conflict with the goals and policies of the adopted General Plan.

Furthermore, as noted in Section 4, traffic flow could be worsened on City streets (i.e., Mallen Way and Watson Lane) which is inconsistent with General Plan Policy MOB-1.8:

MOB-1.8: Discourage SR 29 Traffic on City Streets. Design the city circulation system to discourage regional traffic from bypassing SR 29 and impacting City streets.

Finally, the Initiative could also result in conflicts with the City's other adopted mobility plans (e.g., the City's 2020 Bike Plan, the American Canyon Bicycle and Pedestrian Trail Plans, and any mobility measures identified by Napa County's Regional Climate Action and Adaptation Plan; and the recently adopted Active Transportation Plan amendment to the Mobility Element).

Consistency with the Watson Ranch Specific Plan

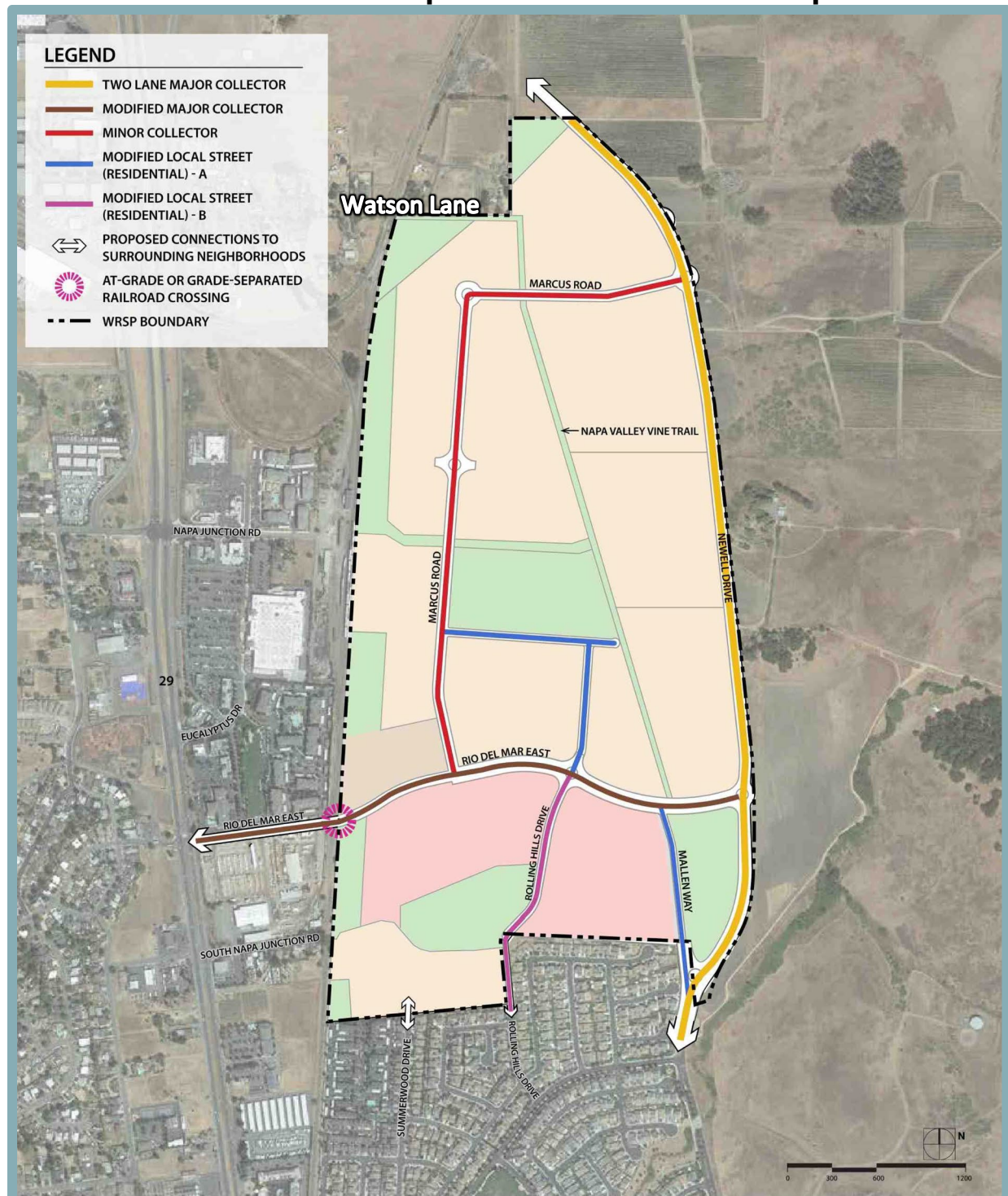
The Initiative changes how the General Plan depicts access to the WRSP, but it does not change how the WRSP depicts access to the WRSP Plan Area. Thus, the Initiative causes the General Plan and WRSP to depict differing and contradictory access points. This contradiction between the two plans requires correction by amending the WRSP.⁴

As shown in Figure 3 below, the WRSP anticipates the construction of Marcus Road as a Minor Collector extending northward to a wetland area and then turning east to connect to Newell Drive. As a result of the Initiative, a Specific Plan Amendment is required to accommodate the new alignment of Marcus Road and the changes to Watson Lane as a connection serving the WRSP Plan Area.

Specifically, the required Specific Plan Amendment would re-designate Marcus Road Minor Collector and change the alignment to extend northerly through the wetlands to intersect with Watson Lane directly. The required Specific Plan Amendment would also re-designate Watson Lane, Mallen Way; and Newell Drive as Minor Collector (Modified).

⁴ Government Code Section 65359 -+ Any specific plan or other plan of the city or county that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the general plan.

Figure 3
Watson Ranch Specific Plan Circulation Map



Source: City of American Canyon, Watson Ranch Specific Plan [Figure 7.1], September 2023.

Because a connection between Marcus Road to Watson Lane is not contemplated in the WRSP, approval of the proposed connection would require circulation plans to be reconfigured to accommodate different traffic routes. Similarly, the depiction of Marcus/Watson Lane Connector as substitute for Rio Del Mar of South Napa Junction could lead to the restructuring of the southern portion of the Watson Ranch Specific Plan area.

WRSP Figure 9.1 identifies Rio Del Mar as including “backbone” infrastructure and, thus, the potential abandonment of Rio Del Mar as a major access route would result in additional conflicts. The reclassification of Rio Del Mar could also affect potential future transit route and future bus stops shown in WRSP Figure 7.10.

Furthermore, the WRSP classifies Newell Drive as a two-lane major collector road and Mallen Way as a modified local street. Newell Drive and Mallen Way would be reclassified as part of the Initiative. Thus, the WRSP would conflict with the new classifications for Newell Road and Mallen Way within the City’s General Plan.

In addition to the Specific Plan Amendments related to the roadway classifications, the proposed initiative would conflict with the goals of the WRSP related to mobility factors, as supported by the policies. Similar to the City’s General Plan, the Watson Ranch Specific Plan supports the mobility goals with policies related to pedestrian paths and bikeways, including the following:

- **Policy 7.1.1** – Sidewalks within residential neighborhoods shall be a minimum of five feet wide.
- **Policy 7.4.5** – Class IV bikeways (cycle tracks) may be implemented along Newell Drive and Rio Del Mar East in lieu of class II bike lanes.
- **Policy 7.7.2** – Class II bike lanes (delineated by on-street striping) shall be provided on all arterial and collector level streets throughout the WRSP Area except where Class I or Class IV bikeways are provided.
- **Policy 7.7.3** – Sidewalks shall be provided on at least one side of all streets.

WRSP Circulation Element Section 7.5.1 also states: *“Sidewalks form day-to-day linkages throughout the community. All streets within the WRSP Area will have sidewalks on at least on one side of the street ... For example, sidewalks within residential neighborhoods will be a minimum of 5 feet wide and separated from the street by a landscaped parkway strip,”* and Section 7.5.2 states that *“Pedestrian and bicycle circulation forms the backbone of the WRSP.”*

Similar to the discussion related to General Plan policies above, the Initiative would not support the mobility goals included in the WRSP (as expressed by the policies and discussion described above).

Furthermore, Mobility Element MOB-Figure 9 depicts a planned Class 1 Shared Use Path along Watson Lane identified as Vine Trail. The bikeway map is reinforced by General Plan Policy PR-1.13, which requires enhanced trail connectivity and the identification of gaps to connect missing links between trail networks, and Policy PR-1.10 related to the provision of urban trails. Connections to Vine Trail are included within the Watson Ranch Specific Plan's vision for the area, consistent with the General Plan. Although Vine Trail is mentioned within the proposed text amendments to page M-18 of the Mobility Element, the proposed alignment of Marcus Road moves the connection between Vine Trail and the Marcus Road to Watson Lane (in constant to the align envisioned within the WRSP).

Consistency with Land Use and Zoning

The land surrounding the roadways discussed in the Initiative is designated Town Center (TC). The land east of Newell Drive designated for Special Study (SS). The land surrounding Watson Lane is designate Residential – Estate.

The TC land use designation allows for the development of a Town Center that would serve as a focused hub of community activities and events for the City and as a regional destination within the regional context of Napa Valley. The Town Center shall have two principal land use areas, the Town Center Core Area and Town Center Residential Neighborhoods. The Core Area would be developed as a downtown area, while the Residential Neighborhoods would be developed as the residential portion surrounding the Core Area.

The parcels at the north end of the WRSP (between Watson Lane and Marcus Road) are zoned with Town Center zoning designations compatible with the existing land use designations, such as "Town Center: Medium Density Residential 12" and "Town Center: Open Space".

The Initiative's changes to the City's roadway system would not conflict with the existing land use and zoning designations of the area. In addition, the future configuration of the roadways would not preclude the future development of the TC uses in the WRSP or RE uses on Watson Lane.

Furthermore, the new Mobility Element would not result in segmenting any land uses or physically divide an established community within the City, as the reclassifications would occur on existing roadways and the future Marcus Road extension would be constructed among vacant parcels currently planned for TC uses.

Similarly, the eastward extension of Watson Lane that would eventually connect to Newell Drive would ultimately include the features proposed as part of the new Minor Collector (Modified) classification. Although the configuration of Watson Lane would differ from what was anticipated in the Watson Ranch Specific Plan, the existing alignment of Watson Lane would not be modified by the proposed initiative and the required improvements east of the proposed Marcus Road connection would not affect future development consistent with the existing land use and zoning designations of the surrounding parcels.

Consistency with WRSP- Related Entitlements

The Initiative causes inconsistencies with those WRSP-specific entitlements listed in the table below. Exact remedies for specific project entitlements inconsistencies could be significant and are beyond the scope of the report.

Meeting Date	Legislative Body	Entitlement`	Initiative Consistency with WRSP Entitlement
June 18, 2019	City Council	Ordinance 2019-06 — AC-1 Development Agreement	Inconsistent because it requires additional property acquisition from AC-1, LLC for Watson Lane and Marcus Rd. and allows Watson Lane to be substitute for Rio Del Mar and/or South Napa Junction.
December 17, 2019	City Council	Resolution 2019-R102 — Watson Ranch Final Map	Inconsistent because Marcus Rd. alignment is different.
May 25, 2023	Planning Commission	Resolution 2023-08 - Amphitheaters Conditional Use Permit	Inconsistent because it allows Watson Lane to be substitute for Rio Del Mar and/or South Napa Junction.
August 15, 2023	City Council	Resolution 2023-69 — Napa Valley Ruins and Gardens Hotel and Condominium Tentative Subdivision Map	Inconsistent because allows Watson Lane to be substitute for connections to SR 29 at Rio Del Mar and/or South Napa Junction thereby removing commercially viable access to the Town Center.

3. Housing Impacts

Overall, the Initiative is not expected to affect the City's ability to continue meeting the housing needs allocated by the Regional Housing Needs Allocation (RHNA)⁵.

Watson Lane. The Initiative reclassifies Watson Lane from a local street to Minor Collector (Modified) up to 46-feet wide. Currently Watson Lane ranges from approximately 27 feet in width at the narrowest point (located east of the railroad tracks) to approximately 35.7 feet at the widest point (west of the railroad tracks). While the Initiative results in a loss of land designated for residential use (due to the increased roadway width), the acreage losses associated with the proposed roadway reclassifications would not be sufficient to change the use of the overall surrounding area and the planned residential uses associated with the RE Residential Neighborhoods.

While the intrusion onto private property caused by the widening of Watson Lane is unlikely to require or facilitate the future demolition of existing housing for most properties, there are two existing residences (157 Watson Lane and 320 Watson Lane) that could be impacted by future work associated with the Initiative.

Specifically, 157 Watson Lane is located close to the existing roadway. If Watson Lane is widened or intersection improvements at Paoli Lane occur, then the residence could be impacted.

In addition, the future railroad crossing work would also require grade changes on Watson Lane. The residence at 320 Watson Lane is located closely enough to the anticipated work area that the required embankments and roadway widening to ensure the crossing is functional, could make the house unlivable for the current residents.

Locations within the WRSP. The reclassification of Newell Drive, Marcus Road, and Mallen Way would result narrower roadways as compared to the Mobility Element, but this is unlikely to result in the construction of new housing given other planning and site constraints.

Of note, approximately 2.2 acres of land for Marcus Rd. have already been dedicated – albeit in a different alignment. The new road alignment will mean additional land set aside for roadways, thereby reducing the land otherwise available for new housing in the WRSP.

⁵ Gov. Code, §§ 65580, 65583, 65584 et seq.; see also Cal. Dept. of Housing & Community Development, Regional Housing Needs Allocation (RHNA).

4. Infrastructure Impacts

The Initiative does not authorize the construction of new roadways or the expansion of existing roadways. Potential infrastructure impacts are discussed below.

Schools and Public Facilities

The proposed initiative would not have a direct impact on schools or public facilities. There is no evidence to support the Initiative's statement "the Watson Lane Modified Collector will improve safety for schools." because the southern terminus of the road is more than 1-mile away from the nearest school and the Initiative does not create any direct route to any school.

Utilities

Any underground utilities currently within the reclassified roadways would be maintained, and any new utility lines within the future Marcus Road extension would be underground consistent with City requirements during future roadway construction. As such, direct impacts to underground utility systems are not anticipated.

The Initiative impacts existing overhead utilities (electrical, telecommunication and cable) located within the new, wider Watson Lane roadway cross-section. Implementing new MOB Policy 1.2.9 requires the relocation of pole supporting this infrastructure outside the new, wider Watson Lane right-of-way, which will require acquisition of new easements.

Watson Lane Railroad Crossing

The Initiative impacts existing privately owned railroad crossing which is located within the new Watson Lane roadway cross-section. Notwithstanding the Initiative purporting to claim authority for the voters, the California Public Utilities Commission (CPUC) has exclusive jurisdiction over the Watson Lane railroad crossing. CPUC engineers review proposed construction or modifications where roads or pathways cross railroad tracks. CPUC authorization is required to modify the rail crossing, and they could deny the City's request. If the CPUC denies the City's request, then the Mobility Element will be inconsistent, yet unmodifiable without voter approval.

The CPUC will conduct a diagnostic review with the City, the railroad, CPUC staff and consultants. That review will evaluate traffic volume, train frequency and speed, crash history, sight distance, pedestrian/bike use, nearby intersections, queuing, truck traffic, emergency access, and alternatives such as grade separation or closure. Overall, the diagnostic-team approach involves City engineers, railroad, regulatory, and utility representatives.

The Watson Lane railroad crossing contains no safety features. To ensure safety, the CPUC will likely require new crossing improvements such as entry and exit gates, raised medians, and pedestrian gates, regardless of whether those features are in conflict with the Initiative.

Under existing conditions, the railroad tracks on Watson Lane are approximately eight feet higher than the adjacent portion of Watson Lane to the west of the tracks, and approximately two feet higher than the adjacent portion of Watson Lane to the east of the

tracks, with an abrupt change in elevation on Watson Lane near the tracks. To the west, Watson Lane continues to slope downward, with an estimated two percent downward slope towards Paoli Loop Road.

Implementing new MOB Policy 1.2.9 requires raising Watson Lane to provide a roughly level segment within 30 feet of edge of rail in both directions and to provide gently sloping approaches for up to approximately 500 feet to the west of the tracks and approximately 100 feet to the east of the tracks. The total extent of potential fill to raise the elevation of Watson Lane would extend approximately 670 feet (west to east).

In addition, existing right-of-way constraints and utility conflicts along Watson Lane would likely require ROW acquisition and/or utility relocation, which would incur additional expenses and could require eminent domain, if voluntary acquisition of any needed rights of way failed. The Initiative does not provide any funding source for these additional costs to pay for the improvements to the Watson Lane railroad crossing.

Roadways

The Initiative changes to cross-sections, roadway classifications, and the circulation network within the City as described on Page 2. A *preliminary* assessment of the Initiative's potential effects on roadways is discussed below. However, as projects are advanced through planning, environmental, and engineering phases, additional analyses will be required to quantify impacts in more detail.

Circulation Network - The Mobility Element contemplates access to SR 29 to in the northeast quadrant of the City. The next nearest connection southerly contemplated between SR 29 and Newell Drive is Rio Del Mar East (or South Napa Junction Rd).

The initiative adds Watson Lane as an additional connection to SR 29 to benefit development of the WRSP. This connection was previously evaluated as an alternative to the Newell Drive connection as part of the Paoli/Watson Lane Draft Environmental Impact Report (Draft EIR) in March 2023 under "Alternative 4." A technical memorandum documenting the findings, "Alternative 4 (Watson Lane Reconfiguration) Constraints & Benefits", identified benefits and limitations of the alignment. Limitations included the potential for increased delays for emergency response vehicles, a less direct route between SR 29 and development areas east of the railroad tracks, and conflicts with the GP and SP. Benefits included lower relative cost. Alternative 4 was not carried forward as the preferred option in the Final EIR.

Unlike the "Alternative 4", the Initiative contemplates the addition of Watson Lane as opposed to an "either/or" (i.e., Newell Drive or Watson Lane). The Initiative could enhance local circulation if the Watson Lane connector were constructed in addition to the Newell Drive. However, the impacts identified in the "Alternative 4" assessment - including circulation and emergency access - would apply if the Watson Lane connection precedes the completion of Newell Drive.

Newell Drive is intended to function as a parallel facility to SR 29 to help alleviate traffic on SR 29 and provide alternative routes for residents. This intention embodies Mobility Element Policy MOB-1.8 as shown on Page 12 of this report.

However, constructing the Watson Lane connection without the Newell Drive connection in place may result in “cut-through traffic” from SR 29 on local streets such as Watson Lane, Marcus Road, and Mallen Way.

Because the Initiative did not undergo any environmental review, voters may be unaware of the impact of completing Watson Lane prior to Newell Drive. To provide clarity for voters in answering the question of the timing of these improvements, the Council may wish to consider enacting companion legislation.

Level of Service (LOS). Mobility Element Policy MOB-1.3 requires maintaining a Level of Service (LOS) D or better during peak hours. There are 5 roads which are exempt from the LOS D requirement. They are Green Island Road, Devlin Road, American Canyon Road, Newell Drive, and Flosden Road south of American Canyon Road. Watson Lane, Paoli Loop, Marcus Road, and Rio Del Mar E are not exempt from and are subject to the City’s LOS D standard.

LOS is a qualitative measure used to describe traffic operating conditions, ranging from LOS A (free flow) to LOS F (over-capacity conditions). For intersections, LOS is defined based on the average control delay experienced by vehicles, measured in seconds per vehicle. For roadway segments, LOS is typically defined by average travel speed. LOS D represents conditions where delays become noticeable to drivers and operations approach tolerable limits. LOS E and F indicate increasingly congested conditions, with volumes at or exceeding roadway or intersection capacity, resulting in significant delays.

Under buildout conditions, Newell Drive is planned to function as a key north–south collector within the City’s circulation network, providing a parallel connection to SR 29 and supporting regional and local connectivity. Watson Lane is intended to serve no role within the roadway network as it is a local street. Based on these functional classifications and the City’s LOS D policy for non-exempt facilities, a two-lane Watson Lane configuration with residential frontage may experience operational deficiencies as travel demand increases, particularly compared to a higher-capacity facility such as Newell Drive designed with limited access control. If construction of the Newell Drive connection occurs in conjunction with, or in advance of, the proposed amendments, these concerns may be diminished.

Additional design considerations would be required at the intersection of Paoli Loop and Watson Lane, which is currently a side-street stop-controlled intersection with heavy truck traffic along Paoli Loop. While the proposed connection would provide a new cross-town route, it would also introduce additional traffic at this location, increasing congestion and creating greater conflicts between vehicles of varying speeds. As traffic volumes grow, signalization may be needed to manage these conflicts and control traffic flow. However, the introduction of a signalized intersection and increased traffic activity may be

inconsistent with the character of a residential roadway and may result in less desirable operating conditions for nearby residents.

Watson Lane also faces constraints, including limited right-of-way and an existing at-grade railroad crossing that would require substantial upgrades. In comparison, the Newell Drive extension includes a grade-separated crossing over the railroad, eliminating potential conflicts between rail and roadway operations.

Due to the presence of the at-grade rail crossing, Watson Lane may experience operational constraints and reduced traffic flow when rail activity pre-empts vehicular traffic. In contrast, the Newell Drive extension, as identified in the General Plan, includes a grade-separated crossing east of SR 29, similar to the recently completed Devlin Road rail crossing west of SR 29, which would avoid rail-related operational interruptions.

The Mobility Element of the General Plan includes an implementation program specifically for new railroad crossings (Program O). This program identifies Rio Del Mar as an east-west connection, with South Napa Junction Road as an alternative. The Initiative proposes the Watson Lane & Marcus Road connection be considered as an alternative to the planned new Rio Del Mar at-grade crossing or South Napa Junction at-grade crossing improvements. This would shift additional traffic onto Marcus Road and Watson Lane and contribute further to the concerns discussed above, particularly if those connections are not completed.

Vehicle Miles Traveled & Travel Patterns. - Mobility Element Policy MOB-1.17 seeks to reduce vehicle miles traveled (VMT). The Initiative, by adding the Watson Lane connection, in addition to Newell Drive, has the potential to reduce VMT by reducing route circuitousness. However, if the Rio Del Mar railroad crossing, east of SR 29 is eliminated, as envisioned by the Initiative, traffic within central American Canyon would be diverted north to Watson Lane or south to Donaldson Way. This diversion would increase VMT because convenient central east-west access through Rio Del Mar would not be constructed.

Multimodal Facilities

According to the Napa Countywide Bicycle Plan, the primary contributing factor for reported bicycle crashes in Napa County from 2006 to 2013 was bicyclists riding on the wrong side of the road, resulting in 93 injuries. Provision of facilities that accommodate bicyclists and pedestrians in both directions is identified as a consideration for multimodal safety and network connectivity.

The Mobility Element and WRSP depict Newell Drive include two travel lanes, 5-foot bicycle lanes in each direction, and 8-foot sidewalks on both sides of the roadway. The WRSP indicates that the Napa Valley Vine Trail (12 feet in width) would provide a low-stress north-south multimodal connection in a centralized location serving surrounding residential areas. This network is also identified in the Napa Countywide Bicycle Plan.

The Initiative creates a cross-section (Minor Collector Street Modified) consisting of two 13-foot travel lanes, a landscape buffer ranging from 0 to 4.5 feet, and a sidewalk ranging

from 6 to 12 feet on only one side of the roadway. This cross-section does not include on-street bicycle facilities and provides a sidewalk on one side of the roadway. Based on applicable definitions, it would not meet criteria for a Class I shared-use path due to the varying buffer and sidewalk widths.

This modified cross-section may be appropriate for lower-speed, lower-volume residential streets; however, it is being proposed for Newell Drive, which is classified as a major collector and provides primary access to surrounding neighborhoods. As identified in the Mobility Element, Newell Drive is expected to carry higher traffic volumes at buildout and serve a larger circulation role. The proposed cross-section differs from those identified in the General Plan and Specific Plan, which may limit the provision of multimodal facilities and reduce the roadway's ability to function as intended within the broader network.

5. Business Impacts

The proposed amendments associated with the initiative would not discourage businesses from locating in the area, nor result in the demolition of any existing business structures. In addition, future reconfiguration of the roadways and the Marcus Road extension would not result in significant loss of land for businesses. Rather, the future Marcus Road extension facilitated by the proposed initiative would likely support the growth of the TC commercial area by increasing connectivity between the planned residential and mixed-use areas and, thus, facilitating higher traffic volume through that area of the City. However, the Initiative allows Watson Lane to be substitute for Rio Del Mar and/or South Napa Junction and the success of businesses in the area could be impacted without commercially viable direct access to SR 29.

6. Vacant Land Impacts

The initiative depicts a new roadway (the northward extension of Marcus Road to Watson Lane) through a privately owned, currently vacant land. The roadway would result in the conversion of approximately 2.70 acres of vacant land to a roadway use within an approximately 80-acre area designated for TC uses, which has not been anticipated for a roadway as part of the adopted Mobility Element. Additional minor impacts to vacant land could also occur along any vacant lots currently located along existing roadways that would be designated for future reconfiguration as accommodated by the proposed amendments.

7. Other Impacts

Section 9212(7) requires the evaluation of potential impacts on agricultural lands, open space, existing business districts, and developed areas designated for revitalization. Each area is discussed below.

Open Space/Parks

The initiative's amendments and any future reconfiguration of the reclassified roadways would not impact designated open space within the City. The northward extension of Marcus Road would run parallel to APN 059-430-043, which is currently zoned Town Center Park. However, neither the proposed amendments to plan for roadway modifications nor the future construction of the roadway extension would impact the parcel's planned use, given that future roadway widening activities would not preclude the future development of parks, as the minor expansions would not result in a significant loss of parkland acreage as compared to the remaining area of the entire parcel. Additional impacts to open space and parks would not occur as part of the proposed initiative.

Agricultural Lands

The California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) uses soil agricultural productivity information from the Natural Resources Conservation Service (NRCS) to create maps illustrating the types of farmland in a particular area. As shown on the FMMP map for the project area, Watson Lane and the surrounding roadways included in the proposed initiative are surrounded by Farmland of Local Importance, Urban and Built-Up Land, and Other Land (see Figure 4)⁶.

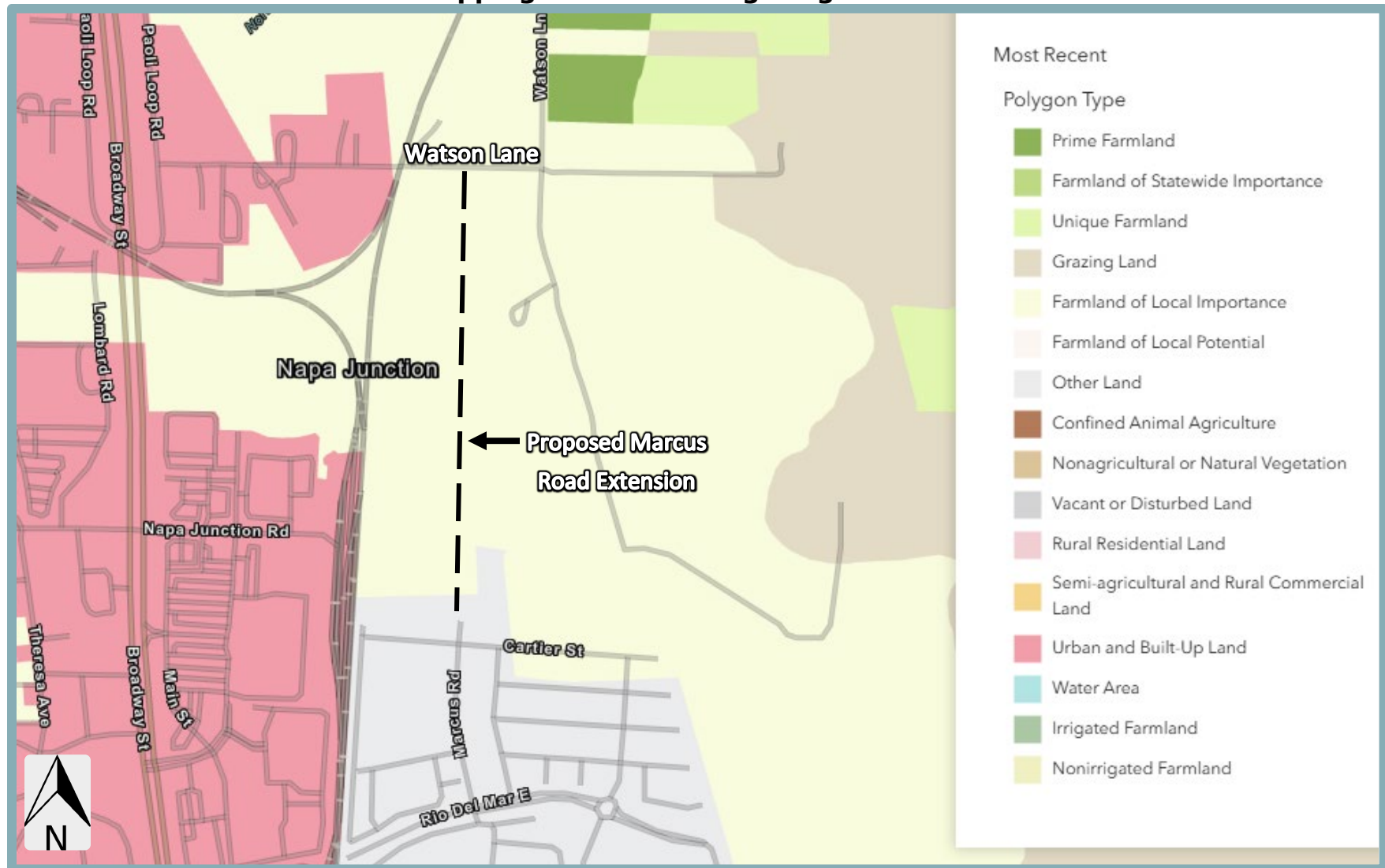
Although the initiative does not include the authorization of any construction, the future construction of the Watson Lane/Marcus Road connector road would largely be constructed through Farmland of Local Importance.

The California Legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Williamson Act creates an arrangement whereby private landowners enter into contractual agreements with counties and cities to voluntarily restrict land to agricultural and open space uses. Parcels adjacent to the roadways that would be reclassified are not under Williamson Act contracts,⁷ nor are the parcels zoned or designated for agricultural purposes.

⁶ Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed June 2026.

⁷ Department of Conservation. *Williamson Act Enrollment Finder*. Available at: <https://maps.conservation.ca.gov/dlrp/WilliamsonAct/>. Accessed June 2026.

Figure 4
Farmland Mapping and Monitoring Program Classifications



Existing Business Districts

On June 15, 2010, the Napa County Board of Supervisors voted to adopt the Napa Valley Tourism Improvement District. The District was formed under the provisions of the Property and Business Improvement District Law of 1994 (Streets and Highways Code Section 36600 et seq.) and was endorsed by the cities of American Canyon, Calistoga, Napa, and St. Helena, as well as the Town of Yountville and unincorporated areas of the County. The Napa Valley Tourism Improvement District ensures that funding for Visit Napa Valley's targeted promotion of the Napa Valley as a premiere visitor destination is maintained at competitive levels. The District includes lodging businesses, such as hotels, motels, and bed and breakfasts, which pay Transient Occupancy Taxes. Activities are funded by a two percent assessment that commenced on July 1, 2010, on short-term room rentals on lodging businesses. A portion of the assessment (0.5 percent) is dedicated for marketing efforts aimed at promoting tourism in each of Napa County's local jurisdictions.⁸

The local governing committee, the American Canyon Napa Valley Tourism Business Improvement District (TBID), expends District funds on marketing programs, special event grants, and other programs as authorized by the District's Management District Plan. All activities are specifically designed to benefit lodging businesses paying the assessment within the City of American Canyon by attracting overnight visitors.

The proposed initiative's amendments to the City's adopted Mobility Element are narrowly focused on the City's existing roadway network and would not impact any existing business districts within the City, including the TBID.

Developed Areas Designated for Revitalization

Revitalization Areas are designated by the United States Department of Housing (HUD) under provisions of the National Housing Act. The Revitalization Areas are determined by comparing a block group's median household income and home ownership rate to the respective rates of the surrounding area, and HUD-owned properties located within Revitalization Areas are eligible for discounted sale through special programs. As such, Revitalization Areas are intended to promote revitalization through expanded homeownership opportunities.

HUD-designated Revitalization Areas are not located within the City of American Canyon.⁹ As such, impacts to developed areas designated for revitalization would not occur.

⁸ City of American Canyon. *Tourism Business Improvement District*. Available at: <https://www.americancanyon.gov/Work/Local-Government/Mayor-City-Council/Boards-Commissions-Committees/Tourism-Business-Improvement-District>. Accessed June 2026.

⁹ U.S. Department of Housing and Urban Development. *Revitalization Areas*. Available at: <https://hudgis-hud.opendata.arcgis.com/datasets/HUD::revitalization-areas/about>. Accessed June 2026.

8. City-Requested Impacts Analyses

Pursuant to Section 9212(8) of the California Elections Code, the City as the legislative body has requested the evaluation of safety impacts.

Safety Impacts

The Mobility Element identifies Newell Drive as a key corridor supporting emergency access and evacuation. General Plan Policy MOB-3.1 identifies the importance of north-south connections parallel to SR 29 that provide alternative routes for residents and emergency services.

The cross-sections for Newell Drive in both the General Plan and Watson Ranch Specific Plan include approximately 17 feet of traversable width in each direction (excluding the center turn lane/median and including bicycle lanes). The extra roadway width would allow vehicles to maneuver around stopped vehicles under certain conditions, such as breakdowns or collisions. In contrast, the proposed Minor Collector (Modified) cross-section would provide a narrower effective travel area. Under the roadway configuration included as part of the initiative's proposed amendments, a vehicle may be required to enter the opposing lane to pass a stopped vehicle, depending on roadway conditions and traffic operations.

In addition, the Mobility Element identifies increased bicycle collisions and pedestrian collisions at the intersection of American Canyon Road and SR 29 and American Canyon Road & Silver Oak Trail between 2017 and 2021. Based on the rate of collision at other at-grade railroad crossings, the proposed at-grade railroad crossing could lead to increased risk to cyclists and pedestrians.

In addition, eliminating the Rio Del Mar and/or South Napa Junction railroad crossings would divert emergency traffic north to Watson Lane or south to Donaldson Way. The diversion east of SR 29 would constrain emergency access and evacuation by eliminating a major east-west roadway connection through the area. Such a restriction would conflict with General Plan policies related to emergency access, such as Policy S-1.8. This could increase emergency evacuation challenges if Measure M and its proposed roadway configurations are implemented.

Emergency Access and Evacuation. The Mobility Element identifies Newell Drive as a key corridor supporting emergency access and evacuation. GP Policy MOB-3.1 identifies the importance of north-south connections parallel to SR 29 that provide alternative routes for residents and emergency services.

The cross-sections for Newell Drive in both the GP and Specific Plan include approximately 17-feet of traversable width in each direction (excluding the center turn lane/median and including bicycle lanes). This width would allow vehicles to maneuver around stopped vehicles under certain conditions, such as breakdowns or collisions.

In contrast, the proposed Minor Collector (Modified) cross-section would provide a narrower effective travel area. Under this configuration, a vehicle may be required to enter the opposing lane to pass a stopped vehicle, depending on roadway conditions and traffic operations.

Potentially eliminating the Rio Del Mar or South Napa Road railroad crossing, east of SR-29 would divert emergency traffic further north to Watson Lane or south to Donaldson Way. This diversion would constrain emergency access and evacuation by eliminating a major east-west roadway connection through a central part of Watson Ranch and Vintage Ranch.

CONCLUSION

This report discloses the potential effects of approving the proposed initiative and amendments to the City's adopted Mobility Element, pursuant to Section 9212 of the California Elections Code.

Technical Memorandum

July 8, 2023

To	Brent Cooper, City of American Canyon	Contact No.	(707) 647-4335
Copy to	Leo Mena, Rincon Consultants	Email	bcooper@cityofamericancanyon.com
From	Colin Burgett, GHD	Project No.	12592240
Project Name	Paoli/Watson Lane Annexation EIR		
Subject	Alternative 4 (Watson Lane Reconfiguration) Constraints & Benefits		

This memorandum describes the key transportation-related constraints associated with Alternative 4, as described in the *Paoli/Watson Lane Draft Environmental Impact Report* (Draft EIR) prepared in March 2023, particularly in comparison with the proposed Project. Key considerations include the effect on long-term citywide and regional circulation, conformance with the City's General Plan, access to the site and properties east of the railroad tracks, and effect on existing residences.

- The Project would allow for a direct street connection between Broadway / State Route (SR) 29 at Green Island Road and Newell Drive via an extension of Newell Drive through the annexation area, including a grade-separated crossing where Newell Drive would cross the railroad tracks.
- Alternative 4 would not provide a direct street connection between SR 29 and Newell Drive. Instead, the existing at-grade railroad crossing on Watson Lane would be reconfigured to accommodate increased travel between Newell Drive and Paoli Loop Road.

1. Proposed Circulation with Newell Drive Extension

The extension of Newell Drive, north from its current terminus near Donaldson Way to SR 29, including a grade-separated crossing of the railroad tracks, is a key component of the City's long-term circulation plan, as described in the City of American Canyon *General Plan Circulation Element* (adopted 2018), *Watson Ranch Specific Plan* (WRSP, adopted 2018), and *Draft 2040 General Plan Mobility Element* (2023). Figures 1, 2 and 3 illustrate the City's long-term circulation plan including the Newell Drive extension with a grade-separated crossing of the railroad tracks. Figures 2 and 3 also show a proposed connection to an extension of Kelly Road that would provide a continuous parallel route to SR 29 between American Canyon and SR 12.

As envisioned, Newell Drive would connect American Canyon Boulevard in the south with SR 29 at Green Island Road, providing a parallel route to SR 29 within American Canyon and providing access to the 2018 *Watson Ranch Specific Plan* (WRSP) area to the southeast of the annexation area. As illustrated on Figure 4: the Newell Drive extension north of Rio Del Mar would be developed to Major Collector street standards, with one motor vehicle lane in each direction, bicycle lanes and sidewalks.

Watson Lane would remain a local street, providing direct access to adjacent properties within the annexation area from Paoli Loop. In addition, the *American Canyon Bicycle Plan* (2012) recommended provision of a bicycle/pedestrian trail (referred to as the proposed Vine Trail) along Watson Lane.

Figure 5 shows the circulation plan for the WRSP area, including the Newell Drive extension extending along the eastern edge of the WRSP area consistent with the General Plan. No street connections were recommended between the WRSP area and the at-grade crossing of the railroad tracks via Watson Lane. Instead, as shown on Figure 6: the WRSP recommended that provision of a bicycle and pedestrian trail connection to Watson Lane, consistent with the proposed Vine Trail described in the *American Canyon Bicycle Plan* (2012).

Figure 7 shows the proposed alignment for the Newell Drive extension through the annexation area. The Newell Drive extension would extend east from Broadway/SR 29 at Green Island Road along the northern boundary of the annexation area and would intersect Paoli Loop Road one block east of SR 29 before curving southeast near the railroad tracks.

2. Proposed Circulation under Alternative 4 (Watson Lane Reconfiguration)

Under Alternative 4, the Newell Drive extension would not be extended through the annexation area. Instead, the existing at-grade railroad crossing on Watson Lane would be reconfigured to accommodate increased east-west travel between the annexation area and the WRSP area to the east, where Watson Lane would continue east to meet the future north terminus of Newell Drive.

Under Alternative 4, Watson Lane would be expanded to meet City standards for a Major Collector street, consistent with the planned configuration for portions of the Newell Drive extension north of Rio Del Mar (as shown on Figure 4), which requires an 80-foot right-of-way width to accommodate two motor vehicle lanes (one per direction), bicycle lanes, sidewalks and landscape strips on both sides, with a raised center median. Figure 7 shows the expended footprint to accommodate the required width of the right-of-way Watson Lane to accommodate the reconfiguration under Alternative 4.

As illustrated on Figure 8, under existing conditions, the railroad tracks are approximately 8 feet higher than the adjacent portion of Watson Lane to the west of the tracks, and approximately 2 feet higher than the adjacent portion of Watson Lane to the east of the tracks, with an abrupt change in elevation on Watson Lane near the tracks. To the west, Watson Lane continues to slope downward, with an estimated 2 percent downward slope to the west towards the Paoli Loop Road. The elevation of Watson Lane would thus be raised to provide a roughly level segment within 30 feet of edge of rail in both directions, consistent with applicable guidelines, and to provide gently sloping approaches for up to approximately 500 feet west of the level segment to the west of the tracks, and approximately 100 feet east of the level segment to the east of the tracks. Therefore, the total extent of potential fill to raise the elevation of Watson Lane would extend roughly 670 feet (west to east).

Additional improvements at and near the at-grade crossing under Alternative 4 would include providing railroad crossing gates and flashers, and raising the elevation of Watson Lane to reduce changes in elevation near the tracks.

Figure 1. Citywide Circulation Plan: Current Adopted General Plan Circulation Element (October 2018)

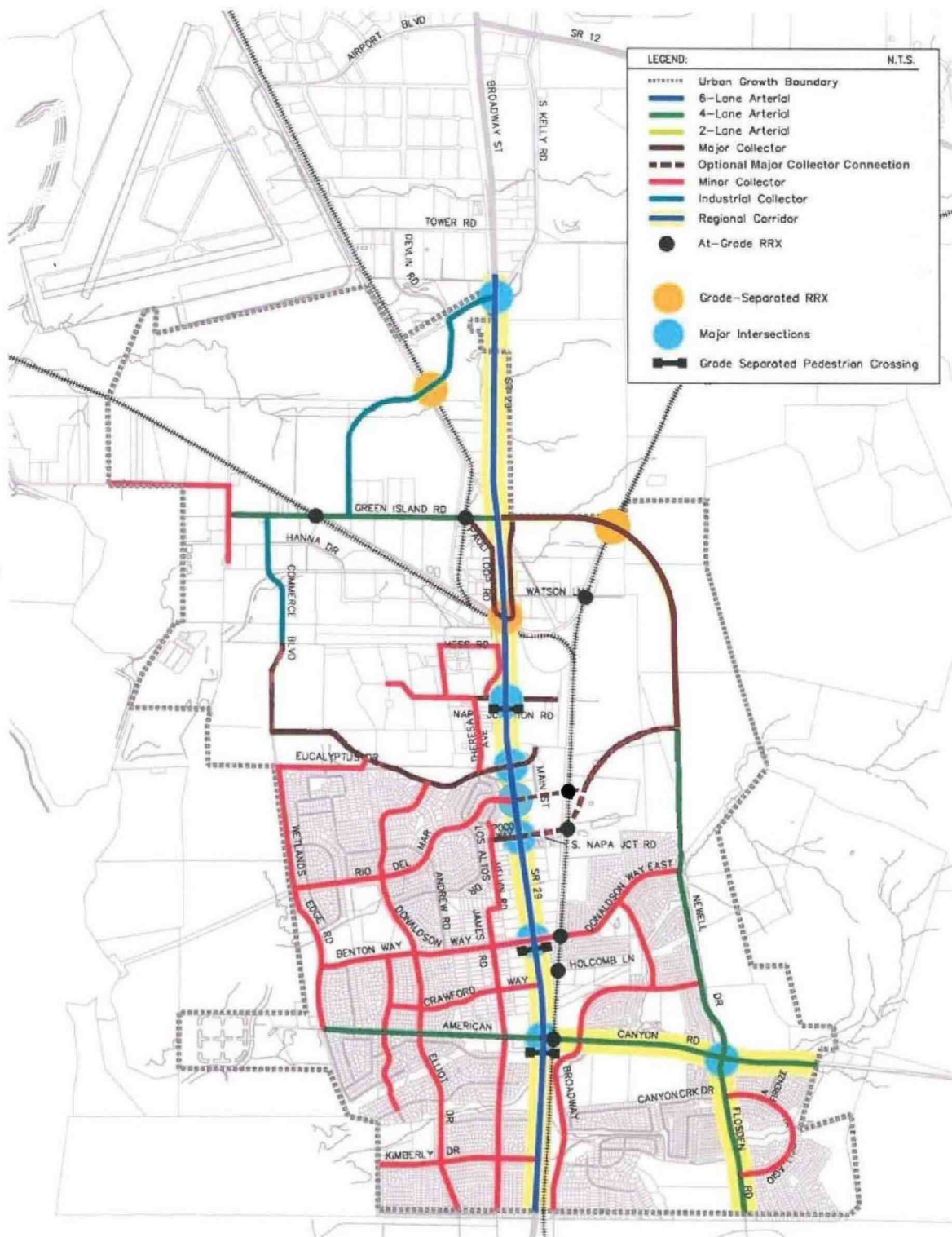


Figure 2. Citywide Circulation Plan: Draft 2040 General Plan Mobility Element

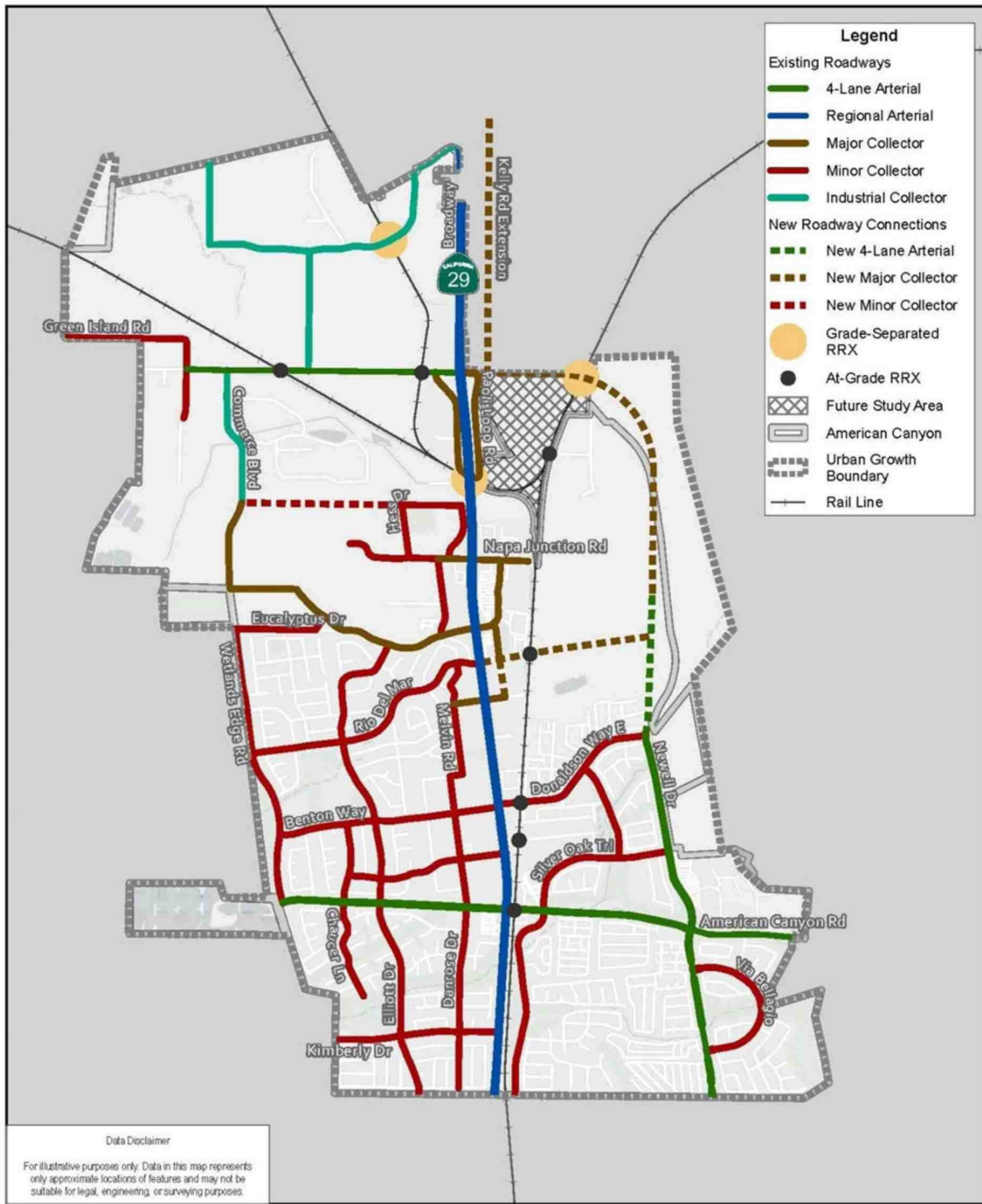


Figure 3. Newell Drive Extension & Proposed Kelly Road Connection

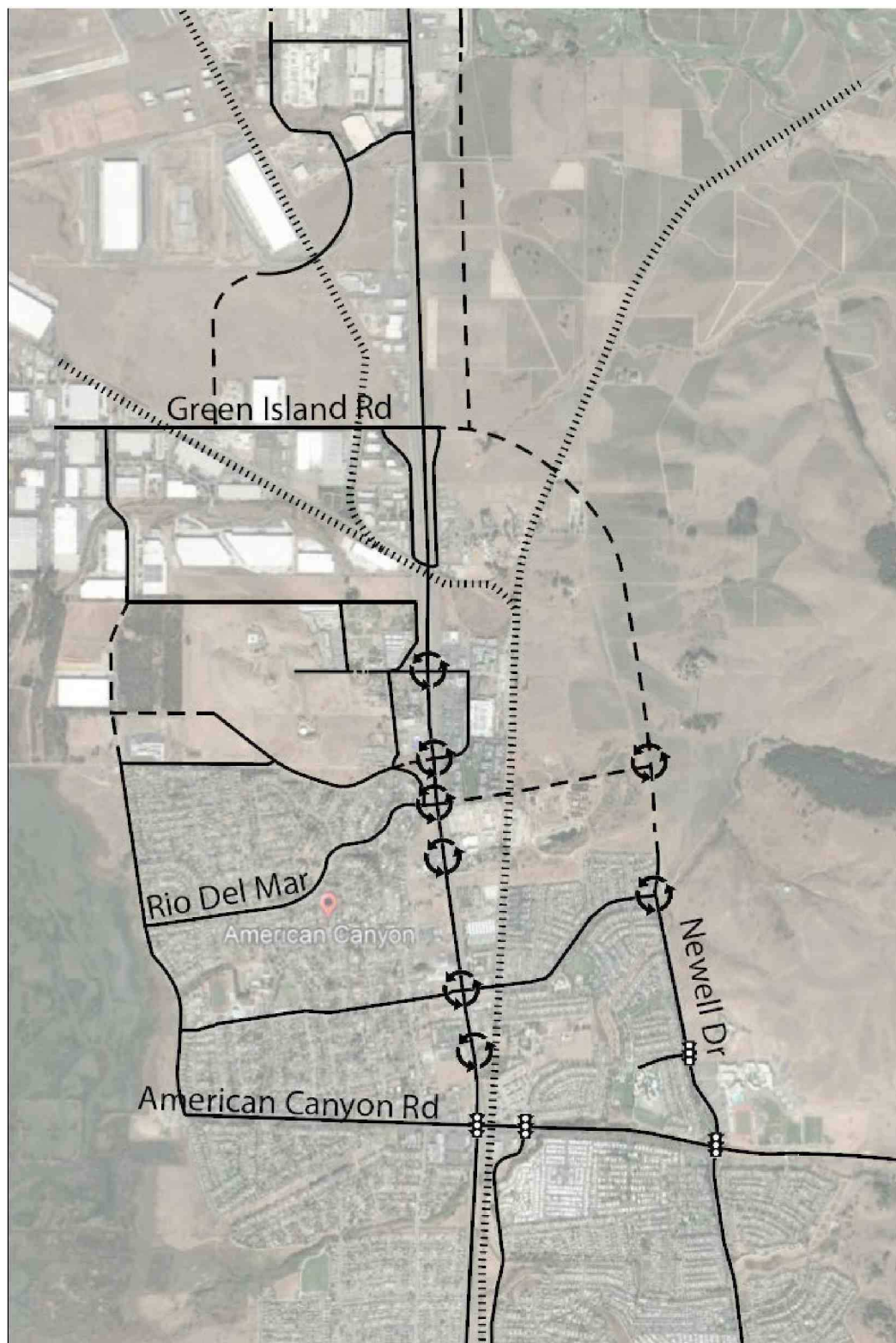


Figure 4. Planned Street Cross-section for 2-lane Major Collector: Newell Drive Extension (north of Rio Del Mar)

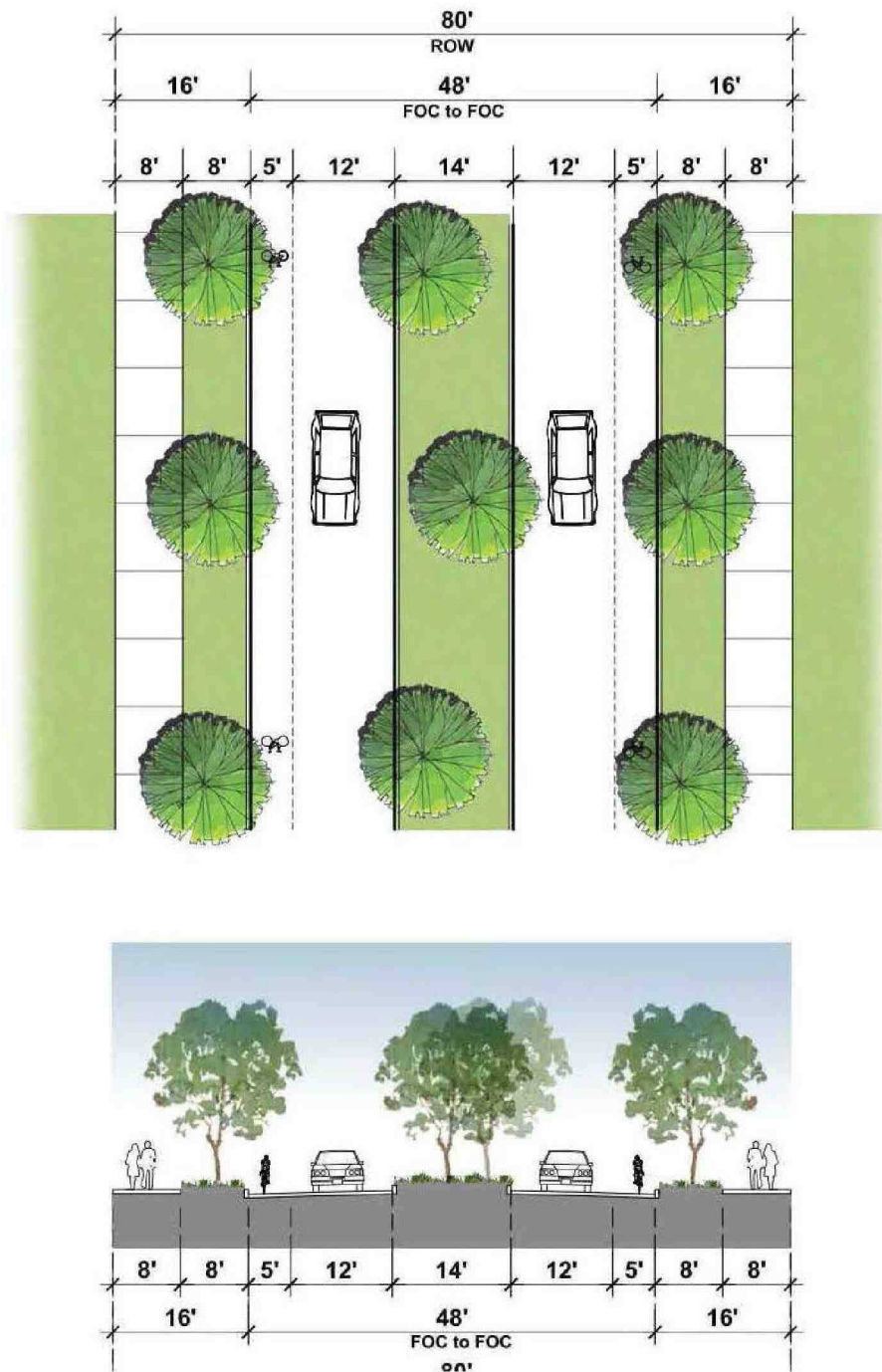
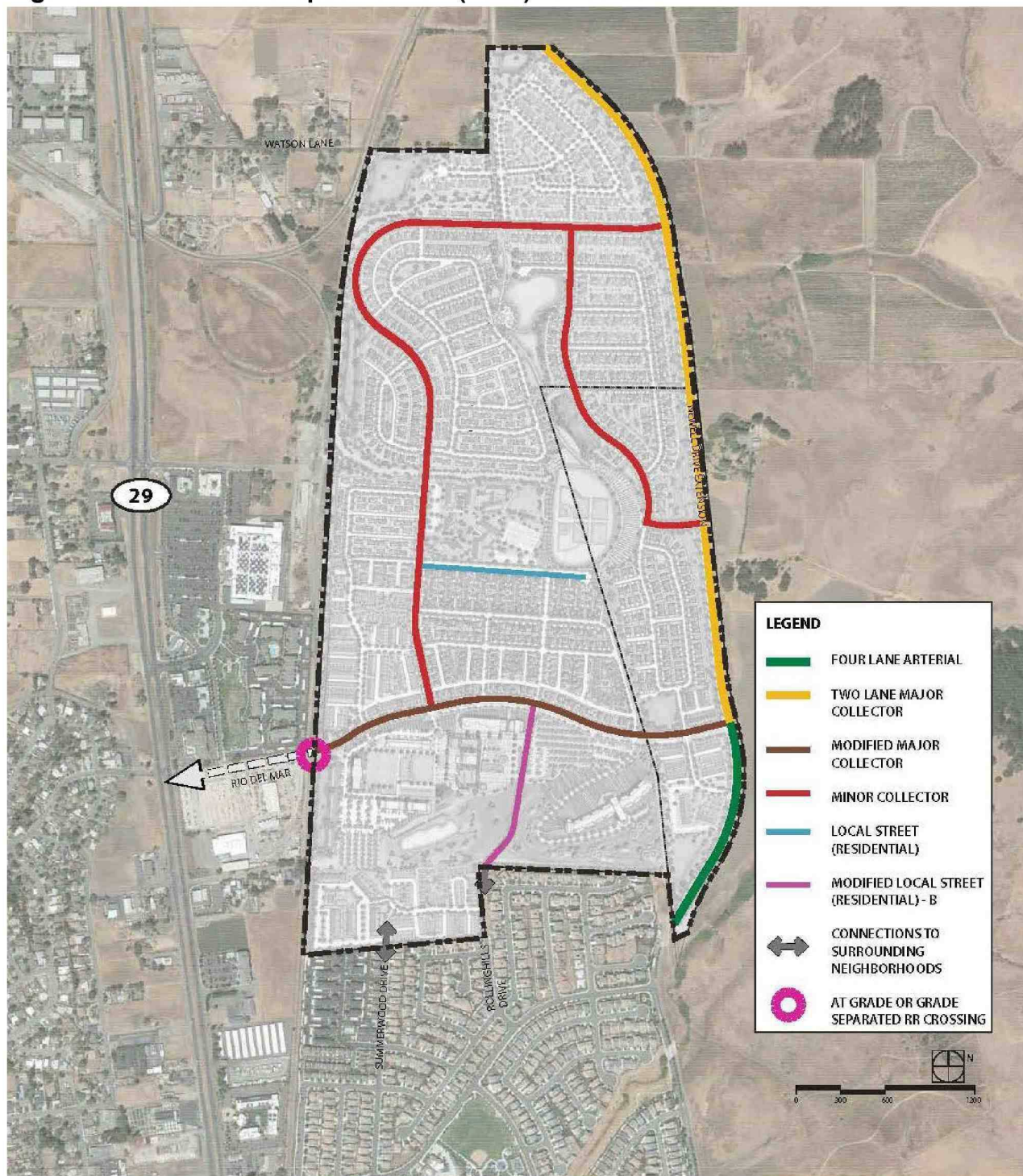


Figure 5. Watson Lane Specific Plan (2018): Circulation Plan



As shown on Figure 4: Newell Drive would be extended north along the eastern border of the Watson Ranch Specific Plan area as a 4-lane Arterial south of Rio Del Mar and 2-lane Major Collector north of Rio Del Mar.

Figure 6. Watson Lane Specific Plan (2018): Illustrative Plan including Vine Trail



As shown on Figure 5: the Watson Lane Specific Plan recommends provision of a bicycle/pedestrian trail connection to the annexation area via the Watson Lane right-of-way, but with no local street connections between the Specific Plan area and the at-grade railroad crossing on Watson Lane.

Figure 7. Proposed Newell Drive Alignment through Annexation Area (Project)



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Additional data provided by County of Napa, 2022.

23-06-143 Arcadis Co., Pacific Loop Water SRA

Figure 8. Watson Lane Reconfiguration (Alternative 4): Right-of-Way Width



Figure 9. Watson Lane Reconfiguration (Alternative 4); Existing Elevation Change at Railroad Tracks



3. Constraints & Benefits

Based on the descriptions on the preceding pages, a summary of the key constraints and opportunities associated with Alternative 4 is summarized below.

Key Benefits

The key benefits of implementing Alternative 4 (Watson Lane reconfiguration) are:

1. **Utilizing the existing at-grade crossing of the railroad tracks at Watson Lane (as proposed under Alternative 4) would have a lower cost compared to a grade-separated crossing.** Alternative 4 would reduce the intensity of construction required for an overcrossing as compared to an at-grade crossing, despite the expanded footprint required for Watson Lane and the extent of fill anticipated to be required to raise the elevation of Watson Lane near the existing at-grade crossing.
2. **Alternative 4 would provide a more direct connection for a portion of trips (between the southern half of the annexation area and Watson Ranch).** For trips between land uses in the southern half of the annexation area and future development of sites within the Watson Ranch Specific Plan area, Alternative 4 would provide a more direct route compared to the Newell Drive extension under the proposed Project. However, this would only apply to a small portion of trips. Most motor vehicle trips across the railroad tracks would be traveling between SR 29 and Watson Ranch or American Canyon Boulevard, or between the annexation area and American Canyon Boulevard.

Key Constraints

The key constraints resulting from Alternative 4, in comparison with the Project, are summarized below:

3. **Alternative 4 would result in potential delays to emergency access compared to the proposed Project.** Utilizing an at-grade crossing (as proposed under 4) would halt travel during times of railroad use, including potential delays to emergency vehicles.
4. **Alternative 4 would provide a less-direct route between SR 29 and land uses east of the railroad tracks compared to the Project.** Alternative 4 would require that motorists traveling between SR 29 and neighborhoods to the southeast of the annexation area (including the Watson Ranch Specific Plan area) to connect with Newell Drive via Paoli Loop and Watson Lane. By contrast, the Project would provide a direct connection between SR 29 and Newell Drive that would reduce travel distance and travel time for most motorists crossing the tracks. In addition, the Project would accommodate a direct connection between Newell Drive and the proposed Kelly Road extension that would not be possible under Alternative 4.
5. **Alternative 4 would require an expanded footprint and substantial fill to reduce the slope due to the existing grade changes near the railroad tracks, affecting existing residences located on Watson Lane.** The proposed reconfiguration of Watson Lane would require an expanded footprint on existing segments of Watson Lane including an 80-foot right-of-way width to accommodate two motor vehicle lanes (one per direction), bicycle lanes, sidewalks and landscape strips on both sides, with a raised center median. In addition, substantial fill would be required to provide a roughly level segment within 30 feet of the edge of rail in both directions. The total extent of potential fill to raise the elevation of Watson Lane would extend roughly 670 feet (west to east).
6. **Alternative 4 conflicts with the City of American Canyon General Plan and Watson Ranch Specific Plan.** The City's General Plan and Watson Ranch Specific Plan identify the Newell Drive extension as the future route for accommodating travel between future development areas on both sides of the tracks, and for connecting SR 29 with existing segments of Newell Drive to the south. The extension of Newell Drive, north from its current terminus near Donaldson Way to SR 29 including a grade-separated crossing of the railroad tracks, is a key component of the City's long-term circulation plan, as described in the City of American Canyon General Plan Circulation Element (adopted 2018), Watson Ranch Specific Plan (WRSP, adopted 2018), and Draft 2040 General Plan Mobility Element (2023). In addition, the *American Canyon Bicycle Plan* (2012)

recommended provision of a bicycle/pedestrian trail (referred to as the proposed Vine Trail) along Watson Lane, while street connections for motor vehicles between the annexation area and the WRSP area via the existing at-grade crossing on Watson Lane were not recommended by the General Plan or WRSP.

Summary & Recommendation(s)

Based on the key constraints and benefits described above, Alternative 4 is not recommended because it would provide inferior circulation between SR 29 and most properties, particularly those located east of the railroad tracks including the Watson Ranch Specific Plan area, in comparison to the Project. While the Project would provide direct connections between Newell Drive and SR-29, and between Newell Drive and the proposed Kelly Road extension, Alternative 4 would require travel between Newell Drive and SR 29 or the proposed Kelly Road extension via Watson Lane and Paoli Loop. As a result, Alternative 4 would result in added travel times and increased vehicle miles traveled (VMT) compared to the Project.

In addition to requiring a more indirect route for most travelers crossing the tracks, Alternative 4 is not recommended because it would result in potential delays during times of railroad use, including effects on emergency access, and would affect residences due to the expanded footprint and fill that would be required.

In conclusion, provision of the Newell Drive extension under the proposed Project is recommended because it would better enhance access to most properties east of the railroad tracks, and thus have a more desirable effect on long-term citywide and regional circulation.

June 26, 2026

**VIA E-MAIL - pwashington@americancanyon.gov
council@cityofamericancanyon.org**

Honorable Mayor Pierre Washington and
Members of the City Council
CITY OF AMERICAN CANYON
4381 Broadway Street, Suite 201
American Canyon, CA 94503

**Re: Initiative Measure to Amend American Canyon 2040 General Plan Mobility
Element to Add Watson Lane/Marcus Road Connection Between State Route
29 and Newell Drive (Measure M)**

Dear Mayor Washington and Members of the City Council:

We write on behalf of the owners of the Hess Laird Property¹ and related parties to comment on the myriad legal flaws associated with Measure M. We understand that the City Council will consider a report on Measure M at a July 2, 2026 special meeting. In light of Measure M's significant flaws—including creating internal plan inconsistencies, violating the full text and single subject rules, impairing essential governmental functions, and consisting of an improper directory measure—we urge the City Council to not place Measure M on the ballot. If placed on the ballot, the measure will likely subject the initiative proponents and City residents to litigation. If successful, the plaintiff in such a lawsuit could seek recovery of attorneys' fees and potential damages for deprivation of constitutional rights.

I. Executive Summary

Measure M suffers from several legal infirmities, many of which are considered under the relevant case law to be fatal flaws. In summary, and as set forth in more detail below:

- Measure M conflicts with years of comprehensive planning and environmental study and is designed to relieve one developer of its obligations to fund its fair share of necessary roadway improvements.
- Measure M is inconsistent with the City's General Plan and thus is void *ab initio*.

¹ The Hess Laird Property ("HLP") consists of approximately 280 acres of land comprised of Assessor Parcel Numbers 057-090-065 and 057-090-066 and is identified in the American Canyon General Plan as a Future Study Area.

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- Measure M violates the “full text” requirement.
- Measure M constitutes an unlawful attempt to amend a Development Agreement by initiative.
- Measure M violates the “single subject” rule.
- Measure M consists of an improper directory measure.
- Measure M lacks a reasonable relationship to the public welfare.
- If enacted, Measure M would impermissibly impair essential governmental functions.
- Measure M is arbitrary and capricious and thus abridges due process rights.
- Measure M fails to treat similarly situated person in a fair and even manner and thus violates equal protection rights.
- Measure M would result in an unconstitutional taking of private property without just compensation.²

II. Measure M Conflicts With Years of Comprehensive Planning and Environmental Study and Is Designed to Relieve One Developer of Its Obligations to Fund Its Fair Share of Necessary Roadway Improvements.

After a multi-year process, involving scores of public meetings and workshops and a full environmental import report (“EIR”), the City amended its General Plan in November 2025. The current General Plan Mobility Element plans for Newell Drive to connect to State Route (“SR”) 29 at Green Island Road in the north and via Donaldson Way in the south. The northern terminus of Newell Drive would be located immediately adjacent to the HLP, identified in the General Plan as a Future Study Area. American Canyon I, LLC (“AC1”), whose lawyer turned in the initiative ballot signatures for Measure M, did not comment on the General Plan or General Plan EIR.

² The analysis herein reflects our initial review of Measure M. We reserve all rights to raise any and all other legal infirmities associated with Measure M including, but not limited to, that it: (1) amounts to an improper private inurement contrary to Article II, section 12 of the California Constitution and *Pala Band of Mission Indians v. Board of Supervisors* (1997) 54 Cal.App.4th 565, (2) impinges on a “matter of statewide concern,” e.g., namely the City’s and Napa County’s obligation to plan for its regional housing needs allocations per State Housing Element Law, (3) violates the font size specified in Elections Code Section 9203, and (4) results in an improper amendment to the General Plan contrary to Government Code Section 65358(c).

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Now, less than six months later, AC1 submitted a proposed initiative measure —Measure M—to substantively alter and amend the General Plan just adopted by the City’s elected representatives. Measure M would amend the Mobility Element’s SR 29 Corridor Planning to add a Watson Lane east-west connection to SR 29 and Marcus Road as a north-south connection between Rio Del Mar and Watson Lane. AC1 proposed the initiative measure as an attempt to avoid its contractual obligations with the City to construct the Newell Drive extension and related roadway improvements.

Measure M would replace arterial/standard collectors (up to 4 lanes, 100 feet in width, with room for bike lanes and sidewalks on both sides the street) with minor collectors (2 lanes, 40 feet in width, with barely room for a sidewalk on one of the street), would include an at-grade (i.e., not grade separated) railroad crossing, and would not provide direct access to SR 29 for HLP, the future planned study area. The initiative also amends the Mobility Element’s Standard Roadway Cross Sections to add a new type of collector street, “Minor Collector Street (Modified),” that would apply to Newell Drive and Watson Lane. The initiative claims, without any supporting evidence, that this new classification, which “would be developed with specific improvement standards that provide safe travel for the public.” (Measure M, Section 1(c).)

Measure M claims that it is being proposed to address “traffic congestion” and provide timely, safe access to the northern part of the City. (Measure M, Attachment A, Section A-3; Notice of Intent to Circulate Petition.) The proponents have provided no studies or reports to justify their claims. And in terms of timing, Measure M states that the construction and improvement of Watson Lane/Marcus Road Connector “will be done in phases as necessary or desired to meet development needs.” (Measure M, Attachment A, Section A-4(a)(3).) By comparison, the General Plan and Watson Ranch Specific Plan (“Specific Plan”) EIR found that the existing circulation network, including the Newell Drive extension, would provide safe, functional access to accommodate current and future traffic conditions. And the Development Agreement between AC1 and the City requires AC1 to construct the Newell Drive extension in accordance with an agreed upon schedule.

More importantly, the City studied a proposed Watson Lane extension alternative to the Newell Drive extension before adopting its current Mobility Element. (See June 2, 2026 City Council Agenda Item No. 18-Discussion of Citywide Circulation, pp. 484-495.) The City’s expert technical consultants recommended rejecting the Watson Lane extension alternative because it would: (1) result in potential delays to emergency access compared to the Newell Drive extension given the proposed at-grade crossing, (2) provide a less direct route between SR 29 and land uses east of the railroad tracks thereby increasing travel distance and travel time, (3) require an expanded footprint and substantial fill to reduce the slope due to the existing grade changes near the railroad tracks, thereby negatively impacting existing residences located along Watson Lane, and (4) conflict with both the General Plan and the Specific Plan, which identify the Newell Drive

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extension as a “key component of the City’s long-term circulation plan . . .”³ (*Id.* at pp. 494-495 [further noting that the Watson Lane would provide “inferior circulation” between SR 29 and the Specific Plan area compared to Newell Drive which would “better enhance access to most properties east of the railroad tracks, and thus have a more desirable effect on long-term citywide and regional circulation.”].)

The initiative adds roads to the City’s Mobility Element without providing supporting technical studies or any of the requisite funding that would be needed to accomplish such roadways. No traffic, air quality, or noise studies were prepared in conjunction with Measure M. In contrast, the General Plan EIR found that the Newell Drive extension, which was estimated to carry more than 25,000 vehicles per day, would result in significant roadway noise impacts and imposed mitigation measures to reduce those impacts to a less than significant level. (General Plan EIR, p. 4.7-20.) No such mitigation measures are proposed in connection with the initiative measure.

As acknowledged by the Notice of Intent to Circulate Petition, Measure M does not authorize any funding for the roadways it commits the City to build. It is plain that including the roads in the General Plan commits the City to include them in its Capital Improvement Program and to ultimately devote funding resources towards them. The costs of such additional improvements are completely unknown, but they would likely entail condemnation proceedings given that property owners along Watson Lane are not supportive of the proposed measure.⁴

With this background in mind, we now turn to a discussion of the myriad legal flaws associated with Measure M.

III. Measure M is Inconsistent with the City’s General Plan and Thus Void *Ab Initio*.

“Until 1971, the general plan was ‘just an interesting study,’ which did not bind local land use decisions.” (*Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 153.) Thereafter, the law in California concerning general plans changed markedly, and today, general plans are commonly described as the “constitution for all future developments” within a city or county. (*Denham, LLC v. City of Richmond* (2019) 41 Cal.App.5th 340, 344.) Accordingly, state law sets forth various mandatory requirements governing general plan content and their substantive effect.

³ The report further noted that City’s Bicycle Plan called for the proposed Vine Trail to be located along Watson Lane.

⁴ In an inartful manner, Measure M acknowledges this by stating that the Watson Lane “[d]esign should take into consideration site constraints and adjacent property owner needs.” (Measure M, Attachment A, Section A-4(a)(6)).

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Most notably here, a general plan must be internally consistent. (*Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 703; *see* Gov. Code § 65300.5 [“[T]he Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.”].) A general plan is internally consistent where no policy conflicts exist, “either textual or diagrammatic,” and where its policies are “balanced and reconciled.” (*Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 619.) On the other hand, a general plan is internally inconsistent “when one required element impedes or frustrates another element or when one part of an element contradicts another part of the same element.” (*South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604, 1619.)

As the California Supreme Court stated in *Devita v. County of Napa* (1995) 9 Cal.4th 763, 796, fn. 12, the rule requiring internal consistency applies with full force to general plan amendments made by initiative:

We emphasize that an initiative amendment must conform to all the formal requirements imposed on general plan amendments enacted by the legislative body. The amendment itself may not be internally inconsistent, or cause the general plan as a whole to become internally inconsistent, or to become insufficiently comprehensive, or to lack any of the statutory specifications for the mandatory elements of the general plan set forth in Government Code section 65302. If a general plan amendment is substantively deficient, then it may be challenged on that basis, and courts have sufficient remedies to correct the problem. When matters of substance rather than procedure are concerned, courts will not employ a double standard for initiative amendments and general plan amendments enacted by the legislative body.

While courts employ a relatively deferential “reasonable person” standard when reviewing the adequacy of a general plan amendment for internal consistency, courts will find inconsistency despite the absence of a direct textual contradiction if the plan’s provisions cannot reasonably be read together as a coherent whole. (*Denham, supra*, 41 Cal.App.5th at 347; *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 102-103; *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531 [held that initiative measure which was inconsistent with city’s general plan was void *ab initio*].)

Courts have found general plan inconsistencies in a number of contexts. For example, in *Concerned Citizens of Calaveras County*, the court found the county’s general plan to be inadequate where the land use element planned for significant population growth but failed to even mention various issues raised by the circulation element concerning roadway capacity and funding. (166 Cal.App.3d at 102-103.) In *Denham*, the court held that an initiative amending the general plan by redesignating several properties from “Hillside Residential” to “Open Space” under the open space element created inconsistencies because the initiative failed to make conforming

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changes to the land use element. (41 Cal.App.5th at 348.) And in *Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 156-159, our Supreme Court found that a proposed 39-unit residential development was inconsistent with the general plan where the land use policy map unambiguously designated the subject property as open space.

Here, Measure M creates several conflicts and internal inconsistencies in the General Plan. These range from policy conflicts (both textual and diagrammatic), to the Mobility Element frustrating the Land Use Element, to internal conflicts and contradictions within with the Mobility Element. We highlight some of the more obvious and significant inconsistencies below.

First, the proposed revisions to the Mobility Element frustrate, and are not correlated to, the Land Use Element, as required. (Gov. Code § 65302(b)(1); *see also* Policy MOB-1.10 [“Provide and maintain a circulation system that is correlated with planned land uses in the city and surrounding areas.”].) The HLP, located northeast of the City’s current boundary, is identified as a Future Study Area for potential annexation and inclusion within the Urban Limit Line (“ULL”). (General Plan, pp. INT-6, INT-8, LU-3, LU-4, LU-9, LU-14; *see also* Land Use Element, Policy LU-11.1 [for lands outside the ULL, the City is to “[m]eet and confer with Napa County to amend the Urban Limit Line during the term of the General Plan.”] and Policy LU-11.4 [calling on the City to “[m]eet and confer with Napa County and LAFCO to amend the City’s Sphere of Influence to include the “Hess and Laird” Properties and other properties a the direction of the City Council.”].)

The General Plan describes the HLP Future Study Area as follows:

As part of the General Plan update the City identified a future study area (Figure LU-3) that has the potential for additional growth. This future study area encompasses the Hess/Laird property which is currently located within the jurisdiction of Napa County and was recently general planned and rezoned for industrial uses by the County. (General Plan, p. LU-13.)

The Newell Drive extension proposed in the current General Plan would provide logical and adequate roadway access to the HLP. This planned roadway extension is described on page M-18 of the Mobility Element as follows:

The Mobility Element roadway network includes extension of Newell Drive north from its current terminus concurrent with future development. MOB-Figure 8 shows the conceptual future alignment of Newell Drive. The precise alignment will be determined through future planning processes. As envisioned, Newell Drive would eventually connect American Canyon Road in the south with SR 29 at Green Island Road. In addition, South Kelly Road would extend south from North Kelly Road to a new connection with Newell Drive. The future roads would be a 2-lane

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collector with one motor vehicle lane in each direction, bicycle lanes and sidewalks.⁵

In stark contrast, Measure M would essentially replace the Newell Lane extension with the Watson Lane extension. That alternative would include an at-grade (not grade-separated crossing like Newell Drive) and would not provide access to the HLP. This conflicts with and is inconsistent with the inclusion of HLP as a Future Study Area. (*See also* Land Use Element, Policy-1.5 [“Ensure new development consistent with the Land Use Plan is coordinated with adequate public infrastructure (e.g., transportation facilities, capital improvements, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, and storm drainage) and public services (e.g., governmental, administrative, police, fire, recreation).”]; Policy LU-7.1 [provide adequate public facilities and infrastructure “to support the existing and future population and development of the City.”]; Policy LU-10.14 [improve pedestrian and bicycle mobility consistent with the Mobility Element and implementing programs, such as Local Roadway Safety Plan]; Policy LU-13.2 [“Seek to expand the city’s economic base and development opportunities through planned annexation program that is linked to the General Plan.”].)

Second, the Watson Lane alternative to the Newell Drive extension would conflict with policies calling for alternative vehicle access to SR 29. For instance Policy MOB-3.1 states that the City shall “[p]rioritize construction of roadways that provide alternate vehicle access parallel to SR 29 through American Canyon and coordinate continuation of parallel routes outside the city with regional agencies.” Measure M’s Watson Lane alternative does not provide parallel access to SR 29.

Third, the roadway street standard diagram added to the Mobility Element by Measure M fundamentally and irreconcilably conflicts with the roadway street standard diagram contained in the Housing Element. Measure M purports to add a new street standard for Minor Collectors (Modified) in the Mobility Element. But this new street standard has not been added to the Housing Element. (*See* Housing Element, Figure 2 at p. 5-37.) Moreover, the Housing Element contains the same roadway improvements to Newell Drive set forth in the current Mobility Element and does **not** contain the new Watson Lane or Marcus Road extensions. (Housing Element, p. 5-39 [noting the current street standards “are intended to foster a more urban, walkable neighborhood.”].)

Measure M thus alters and adds roadway improvements/diagrams to the Mobility Element that conflict with the roadway improvements/diagrams in the Housing Element. If enacted, the street diagrams in the Mobility Element will conflict with and be inconsistent with the street diagrams in the Housing Element. Unlike other General Plan sections, amendments to the Housing

⁵ (*See also* General Plan, p. 6-4 [referring to similar improvements to Newell Drive described in the Specific Plan].)

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Element require approval from the State Department of Housing & Community Development (“HCD”). (Gov. Code §§ 65585, 65585.03.)

Fourth, the Mobility Element describes Newell Drive as an arterial road. (General Plan, p. M-15.) However, Measure M would change Newell Drive from a 4-Lane Arterial and 2-Lane Major Collector to a 2-Lane Minor Collection (Modified). Measure M contains no changes to rectify or correct this internal inconsistency between the text of the Mobility Element and the proposed diagram.

Fifth, Measure M creates an internal inconsistency between the Circulation Map and the text. The Circulation Map shows Rio Del Mar or South Napa Junction Road as a new Major Collector. But the text of Measure M states that the Watson Lane/Marcus Road Connector can be a “substitute” to Rio Del Mar and South Napa Junction. (Measure M, Attachment A, Section A-4(a)(3).) A Circulation Element cannot show a roadway as needed on the Circulation Map, then purport to erase it through language buried later in the text.

Sixth, streets are supposed to be improved per adopted City standards unless the City Engineer grants an exception based on substantial evidence included in an Engineering Design Standard Exception application. (Policy MOB-1.3.) Notwithstanding this policy and its associated requirements, Measure M states that Watson Lane and Marcus Road should be improved “substantially” to Minor Collector (Modified) street standards, taking into account “site constraints and adjacent property owner needs.” These exceptions are not based on substantial evidence in an Engineering Design Standard Exception application approved by the City Engineer, as required.

Seventh, the Watson Lane alternative to the Newell Drive extension conflicts with policies and programs calling for coordination with the California Public Utilities Commission (“CPUC”) on any proposed new railroad crossings. (Policy MOB-6.2; *see also* Specific Plan, Policy 7.1.5 [at-grade railroad crossings shall be subject to CPUC jurisdiction], Specific Plan, Appendix B, Policy 4.10 [grade-separated crossing at Newell Drive].) Program O likewise states that new crossings will be provided across the railroad in conjunction with the planned roadway improvements shown on the Circulation Map, including a new grade separated crossing at Newell Drive.

Measure M adds a new at-grade crossing on Watson Lane that will essentially replace the safer, grade separated crossing on Newell. (Measure M, Attachment A, Section A-4(a)(3) [“Watson Lane will have an improved Union Pacific Railroad line at-grade public crossing.”].) Unlike Newell Drive, which has been designed to safely accommodate current and future traffic levels, Watson Lane will be a narrow 2-lane road that does not even meet local residential standards and that will be negatively impacted by operational freight rail line. At grade crossings require special approval from the CPUC due to concerns about safety.⁶ Our understanding is that

⁶ (See June 2, 2026 City Council Agenda Item No 18-Discussion of Citywide Circulation, p.

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no such coordination has been undertaken by the proponents of Measure M with City Staff let alone Staff of the CPUC.

Eighth, Measure M violates state law and conflicts with internal plan policies calling for complete streets, described as a “balanced, multimodal transportation network that meets the needs of all users of streets—including bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transportation, and seniors.” (Gov. Code § 65302(b)(2)(A); General Plan, p. M-5; *see also* Specific Plan Policy 7.7.1.) Complete streets make travel safe for all users, including bicyclists, pedestrians, motorists, transit vehicles, and people of all agencies and abilities. (*Id.*)

Goal MOB-1 calls on the City to “[p]rovide safe and convenient access throughout the community with a citywide network of complete streets that meet the needs of all users and reduce vehicle miles traveled (VMT).” MOB Policy MOB-1.1, in turn, requires the City to “[m]aintain and update street standards that serve not just automobile operations, but also multi-modal movement and adjacent land uses, including pedestrians, motorists, bicyclists, and transit riders of all ages and abilities, in a form that is compatible with and complementary to adjacent land uses, and provides connectivity between uses and areas.”

The complete streets requirement and policies are reflected in MOB-Figure 8: General Plan Mobility System Map and MOB-Table 3: Major Circulation Improvements. Policy MOB-1.14 states that the street facility classifications indicated on the Circulation Map “shall be the standard to which roads needing improvements are built to support the traffic generated by General Plan Land Use Element buildout and therefore represent the buildout standards to which a street segment or intersection shall be improved.” Measure M amends both of these figures without explaining or justifying how these changes still comply with the complete streets requirement or accommodate General Plan buildout. Moreover, the Specific Plan calls for Class II bike lanes along all arterials and collectors, including Newell Drive. (Specific Plan, Policies 7.7.2 and 7.7.3 and Figures 7.1 and 7.5.) Measure M would eliminate the arterial and collector designation for Newell Drive and contains no comparable bicycle and pedestrian improvements for Watson Lane.

Ninth, the proposed Watson Lane/Marcus Road improvement would divide an existing community and negatively impact residents along Watson Lane. Goal H-3 of the Housing Element requires the City to “protect existing neighborhoods from the adverse effects of development.” Policy H-3.2 calls on the City to ensure that new development “evaluates and mitigates significant adverse impacts on privacy, noise levels, and traffic.” Policy MOB M-1.8 provides that the City’s circulation system shall be designed to “discourage regional traffic from bypassing SR 29 and impacting City streets.” Measure M provides no evaluation whatsoever of the impacts on private, noise, and traffic caused by the new Watson Lane/Marcus Road improvement. And contrary to Policy MOB M-1.8 it *encourages* regional traffic to bypass SR 29 and impact City streets.

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Tenth, the City lacks funds and sufficient right-of-way to actually finance and develop the Watson Lane and Marcus Road extensions since neither is in the City’s Capital Budget nor are they in the City’s Capital Improvement Program.⁷ This conflicts with Mobility Element Policy MOB-1.19, which calls for “[m]aintain[ing] a transportation financing program that will fund to the greatest extent feasible the planned transportation network consistent with the General Plan, including Transportation Impact Fee (TIF) program funding consistent with AB 1600.”

In sum, Measure M creates several major internal inconsistencies with the City’s current General Plan. As such, the measure is void *ab initio*.

IV. Measure M Violates the “Full Text” Requirement.

Courts have routinely emphasized that an initiative petition must substantially comply with the procedural requirements set forth in state and local elections law in order to safeguard the integrity of the democratic process. “[W]here petition deficiencies threaten the proper operation of the election process, refusal to file the petition has been judicially upheld. Although such statutes should be liberally construed to permit the exercise by the electors of this most important privilege, the statutes designed to protect the elector from confusing or misleading information should be enforced so as to guarantee the integrity of the process.” (*Chase v. Brooks* 1986) 187 Cal. App. 3d 657, 663.)

“[T]he type of defect that most often has been found fatal is the failure of an initiative or referendum petition to comply with the statutory requirement of setting forth in sufficient detail the text of the proposed initiative measure or legislative act against which the referendum is brought so that registered voters can intelligently evaluate whether to sign the initiative petition and to avoid confusion.” (*Costa v. Superior Court* (2006) 37 Cal. 4th 986, 1016, fn. 22.) This requirement, commonly known as the “full text” requirement is contained in California Elections Code section 9201, which requires initiative petitions to contain both “the title of the petition and the text of the measure.” (Elec. Code § 9201.) “The purpose of the full text requirement is to provide sufficient information so that registered voters can intelligently evaluate whether to sign the initiative petition and to avoid confusion.” (*Mervyn’s v. Reyes* (1998) 69 Cal.App.4th 93, 99.) And while courts will not strike down an initiative for technical deficiencies if it substantially complies with the full text requirement, “there is no substantial compliance if the defect frustrates the purpose of the requirement.” (*Wilson v. County of Napa* (2017) 9 Cal.App.5th 178, 186.)

In a long line of cases, California courts have consistently held that an initiative or referendum petition that makes changes to land use or zoning designations does not substantially comply with the full text requirement where the petition fails to include the full text of provisions

⁷ <https://stories.opengov.com/americanca/3722074c-0e48-4ced-bcce-4e89adaa7cbf/published/pJP-sRGcH?currentPageId=6642994c0e5d610f8fd11ee4>

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proposed for enactment, or descriptive documents that are physically attached to the ordinance or that are incorporated by reference in the ordinance and central to the measure's purpose.

A recent application of the full text requirement can be found in *Wilson v. County of Napa* (2017) 9 Cal.App.5th 178. *Wilson* involved an initiative entitled "Water, Forest and Oak Woodland Protection Initiative of 2016." There, the initiative purported to set forth in full all of the requisite provisions, but it included a permit requirement for removing certain oak trees that required compliance with "best management practices" set forth in Napa County's Voluntary Oak Woodland Management Plan. The initiative failed to include the text of the best management practices in the petition. After the registrar rejected the initiative petition and the trial court denied the proponents' petition for writ of mandate, the Court of Appeal affirmed, finding the omission of the best management practices to be fatal. (*Id.* at 182-183.) It reasoned that by referring to and converting non-mandatory practices into mandatory ones, a petition signer would have been unable to ascertain from the petition itself the content of the best management practices, thereby frustrating the purpose of the full text requirement. (*Id.* at 186.)

Other cases finding noncompliance in the land use context include:

- *Defend Bayview Hunters Point Committee v. City and County of San Francisco* (2008) 167 Cal.App.4th 846: referendum petition did not substantially comply with full text requirement because it omitted a 57-page redevelopment plan that was the subject and a central purpose of the challenged ordinance;
- *Mervyn's v. Reyes* (1998) 69 Cal.App.4th 93: initiative petition did not substantially comply with full text requirement where the petition contained an ordinance to reenact specified land use designations in the city's General Policies Plan Map but the petition merely referred to, but did not include, the relevant portions of the general plan or the General Policies Plan Map referenced in the ordinance;
- *Nelson v. Carlson* (1993) 17 Cal.App.4th 732: referendum petition did not substantially comply where petition included text of resolution passed by the city council adopting a general plan and local coastal program amendment but failed to include an exhibit detailing the amendment which was attached to the resolution;
- *Chase v. Brooks* (1986) 187 Cal.App.3d 657: referendum petition did not substantially comply where petition merely referred to city map number and specific parcel numbers but failed to include an exhibit containing the legal description of the real property affected by the zoning ordinance change adopted by city council; and
- *Myers v. Stringham* (1925) 195 Cal. 672: California Supreme Court held initiative petition did not comply with full text requirement where it sought to add a subsection to the city's zoning code consisting only of a legal description of property and repeal

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of another subsection identified only by section number, rendering the proposed amendment “unintelligible and meaningless” to prospective petition signers attempting to understand its effect in context.

Measure M fails to amend all requisite impacted sections of the General Plan. As noted in Section III above, Measure M fails to contain the full text of changes needed to the General Plan to accomplish the Watson Lane/Marcus Road improvement project. Specifically, and at minimum, additional changes are needed to Policy MOB-3.1, and pages M-15, 5-37, 5-39, and 6-4. Any changes to the Housing Element cannot unilaterally be done by the voters and would require approval from HCD. Measure M does not contain the findings for a General Plan amendment set forth at page INT-19 of the General Plan, e.g., that the amendment is: deemed to be in the public interest, consistent and compatible with the rest of the General Plan, and determined not to be detrimental to the public health, safety, and welfare.

Measure M further contains none of the necessary amendments to the Specific Plan. The Specific Plan calls for the extension of Newell Drive along the Specific Plan’s boundaries per the current standards set forth in the General Plan’s Mobility Element. (Specific Plan, pp. 1, 73, 77, 96, 116.) It contains no provisions whatsoever for the extensions or expansions of Watson Lane and Marcus Road. The Specific Plan calls for changes to the circulation system that would materially affect a planning concept detailed in the Specific Plan or result in a significant adverse environmental impact to be approved by the Planning Commission and City Council. (Specific Plan, Policy 9.6.3.1.) Such amendments must be consistent with the General Plan and supported by findings. (Specific Plan, Policies 9.6.3.2-9.6.3.3.)

The Specific Plan also includes an Implementation Plan to ensure phasing and financing of the backbone infrastructure. (Specific Plan, pp. 109, 111; *see also* Policy 2.1 and 2.2 [funding mechanisms will be established to ensure that new development funds the infrastructure and facilities to provide needed service and utilities to the Specific Plan area and that it is not imposed as a burden on existing residents] Policy 4.2 [developers shall pay their “fair share” of public improvements]; and Policy 7.1 [City shall require dedication of land and construction of road improvements consistent with City policies and capital improvement programs].) Again, Measure M obligates the City to undertake capital improvements but provides no revenues or fiscal resources to fund them.

In short, because Measure M fails to include all of the necessary amendments to the General Plan and Specific Plan, it violates the full text requirement.

V. Measure M Constitutes An Unlawful Attempt to Amend a Development Agreement by Initiative.

The Legislature has exclusively delegated to local governing bodies the authority to enter into development agreements. Because the exercise of the initiative power would be inconsistent

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with this exclusive power, a development agreement cannot be adopted or amended through initiative. (*Center for Community Action & Environmental Justice v. City of Moreno Valley* (2018) 26 Cal.App.5th 689,699; *see* Gov. Code § 65867.5(a).)

In 2015, the City of Moreno Valley adopted an initiative measure to approve a development agreement in connection with a large industrial project known as the World Logistics Center. When project opponents filed a lawsuit challenging the project on the grounds that the approval violated the development agreement statute, the Court of Appeal agreed, finding the city's adoption of the development agreement to be invalid. In its reasoning, the court relied on the exclusive delegation doctrine to find that the legislative body of a local agency, not the voters, has exclusive authority to enter into development agreements. The court relied on the language in the state development agreement statute which provides that a development agreement "is a legislative act that shall be approved by ordinance and is subject to referendum," finding that use of the phrase "subject to referendum" reflects the Legislature's intent to preclude the power of initiative to adopt development agreements. (*Id.* at 699; Gov. Code § 65867.5.)

Moreover, the court explained why the initiative process is fundamentally inconsistent with "the fundamental concept of a development agreement as a negotiated contract." (26 Cal.App.5th at 707.) For instance, the initiative process simply does not allow for negotiation to take place between the developer and the local agency because the agency has no ability to amend an initiative before it is presented to the voters. ***The inability to negotiate would thus frustrate the purpose of the development agreement statute of "encourag[ing] development by securing assurance for the developer and benefits for the municipality."*** (*Id.*)⁸ Further, the court found that allowing development agreements to be adopted by initiative would fail to sufficiently ensure compliance with certain statutory requirements, such as agreement monitoring, modification, and termination. (*Id.* at 708-709 [***"If development agreements could be adopted by initiative, developers could obtain vested rights, without fulfilling the corresponding commitments envisioned by the statute."***].)

While the *Moreno Valley* case appears to be the only appellate authority applying the rule against the use of initiatives in connection with development agreements, other courts have cited the decision favorably, and at least one trial court applied it directly to invalidate the approval of a development agreement by initiative. (*Oak Hill Park Co. v. City of Antioch* (Super. Ct. Contra Costa County, May 31, 2019, No. MSN18-2228) at pp. 3–4.)

The principles the Court discussed in *Moreno Valley* are directly applicable to the Development Agreement ("DA") entered into by the City with AC1 dated July 18, 2019. Specifically, through Measure M, AC1 is attempting to avoid providing the benefits that it committed to provide with respect to improving the Newell Drive extension. AC1 appears to view the DA as a one-sided deal where it secures vested rights for its project but does not have to provide

⁸ Unless otherwise noted, emphasis in quotations is added and citations are omitted.

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any public benefits. AC1's project contains over 1,250 housing units, 200,000 square feet of commercial/retail development and a 200-room hotel. (General Plan, p. 5-38; Specific Plan, p. 37.)

In exchange for granting AC1 vested rights as to the rules, regulations, policies, and standards in effect on December 31, 2017, AC1 committed to providing roadways, open space, public and civic places, schools, trails, parks and other public benefits in excess of what the City could otherwise require under controlling law. (DA, Recital G.) Specifically, Section 2.08(g) of the DA provides that AC1's commitment to dedicate land and construct roadways in excess of the project's impacts and mitigation obligations and in excess of what otherwise could be required under controlling law constitute "benefits provid[ing] the consideration" for the DA and are tied to impact fee credits (at least some of which have already been accrued) and that would otherwise trigger prevailing wage.

Through the DA, AC1 committed to making various improvements to Newell Drive per the standards set forth in the Specific Plan and the City's General Plan Circulation Element. (DA, Section 2.07(h).) The Newell Drive improvements were identified as Segments 1-5 from south to north. (DA, Exhibit B-1.) These obligations were triggered on, among others, AC1 having received all permits, approvals, and right-of-way to do so and the owner of the Newell property not having submitted development applications and being conditioned to improve Segments 1-4 prior to commencement of Phase 4 of development. Further, we understand that AC1 needs to secure a secondary means of access before it can obtain more than 742 building permits. (See June 23, 2026 Meeting of the American Canyon Fire Protection District Board, Agenda Item No. 9.) Measure M's inclusion of Watson Lane seems clearly tied to AC1's plan to secure a secondary means of access for its project and/or avoid its obligations to improve Newell Drive.

Through Measure M, AC1 is attempting to amend and modify its obligations with respect to Newell Drive. The measure purports to amend the obligation from up to 4-Lane Arterial standards to 2-Lane Minor Collector (Modified) standards. Further, instead of having to develop Newell Drive, AC1 would foist the obligation to instead develop the Watson Lane extension onto the City and its taxpayers and other future developers.

In short, Measure M illegally and improperly purports to amend a development agreement by initiative. This is not a proper use of the initiative power.

VI. Measure M Violates the "Single Subject" Rule.

Article II, section 8, subdivision (d), of the California Constitution contains what is commonly known as the "single-subject rule": "An initiative measure embracing more than one subject may not be submitted to the electors or have any effect." An initiative measure will not violate the single-subject rule if, despite its varied collateral effects, all of its parts are "reasonably germane" to a common theme, purpose, or subject. (See *Brown v Superior Court* (2016) 63 Cal.4th

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335, 350; *Senate of State of California v. Jones* (1999) 21 Cal.4th 1142, 1157; *Amador Valley Joint Union High Sch. Dist. v. State Bd. Of Equalization* (1978) 22 Cal.3d 208, 229; *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 8 Cal.App.4th 523, 553.)

“Among other purposes, the single-subject requirement was enacted to minimize the risk of voter confusion and deception.” (*One Technologies, LLC v. Franchise Tax Bd.* (2023) 96 Cal.App.5th 748, 759, quoting *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 231.) One court has described the purpose undergirding the rule as “the will of the people that the [initiative] process not be abused.” (*Chemical Specialties Manufacturers Assn., Inc. v. Deukmejian* (1991) 227 Cal.App.3d 663, 667.) Courts will invalidate initiatives for violation of the single subject rule even where they appear to meet it if its provisions appear to be germane “only to topics of excessive generality such as ‘government’ or ‘public welfare.’” (*Brosnahan v. Brown* (1982) 32 Cal.3d 236, 253; *see also Chemical Specialties Manufacturers Assn., supra*, 227 Cal.App.3d at 671 [subject cannot be “so broad that a virtually unlimited array of provisions could be considered germane thereto”].)

In *California Trial Lawyers Assn. v. Eu* (1998) Cal.App.3d 351, 358-359, the court considered a challenge to a measure whose purpose was to “rein in the constantly increasing premiums charged to California purchasers of liability insurance” by establishing a “no fault” system of automobile insurance, controlling attorneys’ contingency fees, requiring arbitration of disputed claims, and rolling back premiums for a two-year period, among other provisions. However, also included in the measure were certain provisions concerning campaign contributions and relaxing conflict of interest rules for elected officials who received contributions from insurers, which the proponents of the measure argued were related to ensuring that members of the insurance industry were able to participate equally in the political process. (*Id.* at 359.) The court rejected the measure on single subject grounds, finding the campaign finance provisions insufficiently related to the measure’s stated purpose of bringing down insurance costs. (*Id.* at 360.)

In *Chemical Specialties Manufacturers Assn., supra*, the court invalidated a ballot measure purportedly focused on “public disclosure, i.e., truth-in-advertising.” (227 Cal.App.3d at 670.) The court found this to be too general a subject and found the measure’s provisions did not bear a reasonable relationship to one another. Those provisions included requiring disclosures in connection with certain toxic household products, Medicare advertisements, long-term health care facilities, and statewide initiative advertisements. (227 Cal.App.3d at 666.)

In *Senate v. Jones* (1999) 21 Cal.4th 1142, 1146, the California Supreme Court analyzed an initiative measure which proposed several changes to the California Constitution, including reducing legislators’ salaries to \$75,000, limiting their per diem allowances, requiring forfeiture of their compensation if the budget was not passed on time, and transferring the power to reapportion legislative, congressional, and Board of Equalization districts from the Legislature to the California Supreme Court. The court held that the measure violated the single-subject requirement because it embraced two separate and unrelated subjects: (1) the compensation of

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state legislators and (2) the reapportionment of legislative districts. (21 Cal.4th at 1162-1163.) The court concluded that these subjects were not “reasonably germane” to a single theme or purpose, rejecting arguments that the measure’s provisions were unified by a common theme of “voter approval” or “legislative self-interest.” (*Id.* at 1162-1163.)

Measure M’s stated purpose is to “improve circulation at the northern end of the City.” (Measure M, Section 1(d).) But Measure M also claims that it addresses all of the following subjects “without limitation”: “roadway control; growth control; water use control; or any Other Measure(s) that may impede, impair, or prohibit the planning, development, construction, maintenance, occupancy, and/or build out [of the General Plan] consistent with [Measure M].” (Measure M, Section 5(a). This text plainly shows that the Measure does not embrace a single subject, but rather encompasses several, extremely broad subjects.

Further, Measure M amends the Mobility Element “by designating Watson Lane as a new connector to provide access to the City’s planned areas of development.” (Measure M, Section 1(c).) But Measure M also “clean[s] up” unspecified “omissions in the 204 General Plan’s Mobility Element.” (*Id.*) As such, Measure M improperly embraces more than a single subject.

Even if the new Watson Lane and Marcus Road connectors relate to “improved circulation” at the northern end of town, this is a very general purpose. It is so broad that a virtually unlimited array of provisions could be considered germane thereto. (*Brosnahan* and *Chemical Specialties Manufacturers Assn.*, both *supra.*) This is especially true given that the Measure M purports to address all of the following subjects, “without limitation”: roadway control, growth control, water use control, and any other measure that effects buildout of the General Plan.

In sum, because Measure M explicitly states that it covers multiple, broad subjects, it violates the single subject rule.

VII. Measure M Consists of an Improper Directory Measure.

The California Constitution defines the initiative as “the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them,” and acknowledges that the legislative power is reserved for the people through the initiative process. (Cal. Const., art. II, § 8; *see id.* at art. IV, § 1.) Together, these provisions establish that the initiative power is coextensive with the power to enact legislation. The California Supreme Court relied on these provisions in *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687, when it invalidated a statewide initiative requiring the Legislature to adopt a resolution requesting Congress to propose a balanced federal budget constitutional amendment. It held that while an initiative may declare policy as well as provide for its implementation, “an initiative which seeks to do something other than enact a statute—which seeks to render an administrative decision, adjudicate a dispute, or declare by resolution the views of the resolving body—is not within the initiative power reserved by the people.” (36 Cal.3d at 714; *see also Marblehead v. City of San Clemente* (1991) 226

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Cal.App.3d 1504, 1509 [“Even under the most liberal interpretation, however, the reserved powers of initiative and referendum do not encompass all possible actions of a legislative body. Those powers are limited . . . to the adoption or rejection of ‘statutes.’”].)

From these principles stems the rule that an initiative may not be directory—that is, it may not merely direct future legislative action but must itself enact new law. In *Marblehead, supra*, the court applied this rule to invalidate an initiative that purported to amend the general plan because it contained provisions directing the City of San Clemente to make future revisions to the general plan and to make additional conforming changes to the city’s zoning code. (*Id.* at 1507, 1509.) Despite the initiative describing itself as a general plan amendment, the court found the “substance of the measure”—i.e., its implementing provisions directing the city to take future actions reflecting the “concepts” expressed in the measure—effectively rendered it a resolution of the voters rather than a self-implementing statute. (*Id.* at 1509-1510.) Accordingly, the measure went beyond the electorate’s initiative power and because the defect affected the entire measure, the court invalidated it in its entirety. (*Id.* at 1510.)

Similarly, in *Widders v. Furchtenicht* (2008) 167 Cal.App.4th 769, the Court of Appeal ruled that the Ojai city attorney had no duty to prepare ballot titles and summaries for two initiative measures that directed the city council to exercise its “informed judgment” to craft and adopt laws relating to chain stores and affordable housing. (*Id.* at 772, 785.) Thus, the court found the measures “merely state policies and direct the city council to enact unspecified laws pursuant to those policies.” (*Id.* at 785.)

More recently, a court invalidated Malibu’s Measure R, which sought to require preparation of a specific plan for commercial projects over a certain size and voter approval before any such development could proceed, and found these provisions to be non-severable. As the court explained:

There is a difference between, on the one hand, voter approval of a specific plan and, on the other, *requiring* a city council to prepare a specific plan and report, to hold a public hearing about the specific plan and report, and then requiring the plan to be submitted to voters for approval. The former is a legislative act; the latter is an adjudicative one. Measure R, however, conflates the two under the guise of setting “policy” (*The Park at Cross Creek, LLC v. City of Malibu* (2017) 12 Cal.App.5th 1196, 1205, emphasis in original.)

Here, Measure M states that it “supports and anticipates additional approvals and permits outside of the scope of this initiative measure (including without limitation, annexation, subdivision maps, use permits, future amendments to the General Plan, future amendments to the Watson Ranch Specific Plan, future amendments to the American Canyon Municipal Code, and all other local laws and approvals, etc.) that may be needed for or desirous to the further planning, development, construction, maintenance, occupancy, and/or build out of the areas described in the

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General Plan.” (Measure M, Section 4.) *The text of Measure M then explicitly “direct[s] the City to commence immediately, and continue with due diligence until completed, all processes and approvals that are within the City’s powers and that are necessary or desirous to bring the General Plan as amended by this Initiative Measure to fruition.” (Id.)*

The language in Measure M directing the City to make further conforming amendments and approvals to City law directly conflicts with the Court’s ruling in *Marblehead*. Directing the City to make future legislative changes, rather than actually making the legislative changes, is exactly the basis on which the *Marblehead* court invalidated an initiative measure. Moreover an initiative cannot be used to make non-legislative changes, like subdivision maps, use permit, etc. (*DeVita, supra*, 9 Cal.4th at 775-776; *Yost v. Thomas* (1984) 36 Cal.3d 561, 569.)

In short, Measure M fails because it is an improper directory measure.

VIII. Measure M Lacks a Reasonable Relationship to the Public Welfare.

The California Supreme Court has recognized that the initiative process is specifically designed to give the people the authority to directly adopt constitutional amendments or statutes that their elected officials have refused or declined to adopt. (*Perry v. Brown* (2011) 52 Cal.4th 1116, 1125.) Because the initiative is a form of legislative power, it is subject to the same fundamental requirement that applies to all legislation: it must serve a public purpose. As courts have stated, legislative acts are those which declare a public purpose and make provisions for the ways and means of its accomplishment. (*City of San Diego v. Dunkl* (2001) 86 Cal.App.4th 384, 399-400; *Citizens for Planning Responsibly v. County of San Luis Obispo* (2009) 176 Cal.App.4th 357 367.)

Our Supreme Court has applied this principle in holding that, to fall within a local jurisdiction’s police power, a land-use ordinance must be reasonably related to the public welfare. (*Associated Home Builders etc., Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 607.) This standard requires that the law “have a *real and substantial* relation to the public welfare.” (*Id.* at 609, emphasis in original.) In determining a local law’s relation to the public welfare, courts must ascertain “[w]hose welfare” the law must serve, its actual or probable effect, and ultimately whether it “represents a reasonable accommodation of the competing interests.” (*Id.*)

In the initiative context, the Court of Appeal previously invalidated a local initiative on this basis which sought to rezone the site of a proposed a 539-unit apartment project exclusively for single-family residential use. (*Arnel Development Co. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330.) In *Arnel*, the court held that the measure was improperly aimed at “conserving the interests of the adjoining property owners and residents of the immediate area” rather than serving the general public welfare. (*Id.* at 337.) Because the city had enacted a zoning ordinance permitting the proposed apartment project shortly before the proponents of the measure began gathering signatures, with no significant change in circumstances in between, the court found

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sufficient basis to deem the later rezoning effort an arbitrary exercise of zoning authority. Significantly, the court held that a “city’s authority under the police power is no greater than otherwise it would be simply because the subsequent rezoning was accomplished by initiative.” (126 Cal.App.3d at 337.) Nor was there “even an attempt” by the initiative proponents to accommodate the public’s interest in addressing regional housing shortages. (*Id.* at 340.)

More recently, the Court of Appeal found that an emergency ordinance requiring a conditional use permit for a crematorium could not be applied to impair the developer’s vested rights because the evidence showed that the public’s stated interest in transparency and participation in the approval process was insufficient to establish any heightened threat to public health or safety posed by the crematorium. (*Stewart Enterprises, Inc. v. City of Oakland* (2016) 248 Cal.App.4th 410, 423–424.)

Here, Measure M was proposed to amend the Mobility Element less than six months after it was adopted. The measure to add the Watson Lane and Marcus Road extensions were proposed as alternatives to AC1’s obligations to dedicate and improve Newell Lane (and other roadways) per the DA and/or to provide a more immediate form of secondary access for its development. These purposes serve an individual developer’s interest, not the public welfare. Similar to the facts of *Arnel*, the measure was proposed in a purely reactionary manner with no cogent rationale or supporting study or analysis. By comparison, the City’s adopted Mobility Element reflects years of detailed study, including a full EIR, that thoroughly and comprehensively plans for the roadway and circulation needs of area residents.

In sum, Measure M is not reasonably related to the public welfare and thus constitutes an impermissible exercise of the local police power.

IX. If Enacted, Measure M Would Impermissibly Impair Essential Government Functions.

California courts have long recognized that the power of initiative, while generally broad, cannot be invoked where its “inevitable effect would be to greatly impair or wholly destroy the efficacy” of an essential governmental function. (*Chase v. Kalber* (1915) 28 Cal.App. 561, 569–570.) This doctrine has been applied most consistently to invalidate initiatives that interfere with local government fiscal management, budgeting authority, and land use planning processes. The California Supreme Court first recognized the doctrine in *Simpson v. Hite* (1950) 36 Cal.2d 125, when it prevented an initiative from going to the ballot which sought to repeal a county board of supervisors’ resolutions designating a certain site for municipal and superior court buildings and instead choosing a different site. (36 Cal.2d at 127.) Were it otherwise, the court worried that “a small group or groups of electors could not merely place the board of supervisors in a strait jacket but could interfere with the functioning of the courts by depriving them of the quarters which the supervisors were bound to . . . furnish.” (*Id.* at 133.)

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In so holding, the *Simpson* Court expressly relied on the older opinion in *Chase v. Kalber*, which first applied this rule to invalidate an initiative that would have interfered with a previously enacted town resolution establishing street grades. (28 Cal.App. at 569-570.) The *Chase* court reasoned that street improvement proceedings are inappropriate subjects of the initiative even though they are generally legislative in character, particularly where the proceeding is confined to a particular street, because the interests of those persons owning property directly adjacent to the subject street are affected by the result much more so than the voters of the municipality at large. (28 Cal.App. at 575.)

In the land use context, the Court of Appeal previously invalidated a county measure which would have required voter approval of any new or expanded jail, hazardous waste landfill, or civilian airport project and imposed various procedural restrictions on the county's planning and approval processes. (*Citizens for Jobs and the Economy v. County of Orange* (2002) 94 Cal.App.4th 1311, 1327.) For instance, the measure would have required holding hearings in affected cities before approving a project and defining project approval so broadly that the measure would have even regulated pursuing already-adopted policies. (*Id.* at 1329-1330.) Accordingly, the court found the measure's restrictions constituted "significant constraints" on the board's ability to plan land use issues throughout the county. (*Id.* at 1329.)

Courts have also struck down initiatives when they interfere with public fiscal management or budgeting decisions. (*See id.* at 1331; *Geiger v. Board of Supervisors of Butte County* (1957) 48 Cal.2d 832; *City of Atascadero v. Daly* (1982) 135 Cal.App.3d 466, 470; *Totten v. Board of Supervisors* (2006) 139 Cal.App.4th 826, 838-840.) For example, in *Totten v. Board of Supervisors*, the court invalidated an initiative ordinance that prescribed minimum future annual budgets for county public safety agencies on this basis. The Court reasoned that the measure would have hampered the county's fiscal management by removing the board's discretion to decrease public safety funding even if the crime rate plummeted, if improved efficiency reduced costs, or if the mandated funding level prevented adequate funding of other state-mandated programs. (*Id.* at 839.)

Here, Measure M would substantially interfere with key fiscal management and budget decisions of the City. As noted previously, the Watson Lane and Marcus Road extensions are not in the City's Capital Improvement Program or adopted Capital Budget. The measure does not simply amend a diagram in the General Plan. It commits the City to dedicate funding towards acquisition of right-of-way and improvement costs. At the June 2, 2026 City Council meeting, residents along Watson Lane expressed their opposition to the measure. This makes it unlikely that the City will be able to secure right-of-way from willing land owners. Assuming so, the City would have to exercise eminent domain to acquire the land. The eminent domain statute reserves that power exclusively for local elected legislative bodies—it is not a power that can be exercised by the voters. (Civ. Code Proc. §§ 1240.020, 1240.050.)

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In short, because Measure A substantially interferes with essential government functions, it is an improper and unlawful exercise of the initiative power.

X. Measure M Conflicts With Various Constitutional Provisions.

An initiative measure must comply with constitutional limits, e.g., related to due process, equal protection, and takings. As explained below, Measure M runs afoul of these limits.

A. Measure M is arbitrary and capricious and thus abridges due process rights.

The Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits a state from depriving a person of life, liberty, or property without due process of law. (*See also* Cal. Con., art. I, sec. 7.) The touchstone of substantive due process is the protection of the individual against arbitrary government action; the due process clause was intended to prevent government officials from abusing their power or employing it as an instrument of oppression. (*Wolff v. McDonnell*, (1974) 418 U.S. 539, 558; *Collins v. City of Harker Heights* (1992) 503 U.S. 115, 126.) A violation of substantive due process rights occurs if a government agency's actions are (1) irrational or arbitrary or (2) not rationally related to a legitimate government interest. (*Euclid v. Ambler Realty Co.* (1926) 272 U.S. 365; *Lingle v. Chevron* (2005) 544 U.S. 528.) The test is disjunctive. Thus, an aggrieved party need only demonstrate facts to support one of the two bases in order to state a viable due process claim.

In *Arnel Development, supra*, the Court of Appeal ruled that enactment of an ordinance downzoning certain property was arbitrary and discriminatory where enacted without considering appropriate planning or land use criteria and for the sole and specific purpose of defeating a single development proposal. The *Arnel* court noted that the ordinance was “not rationally related to the general regional public welfare, but, at best, to conserving the interests of the adjoining property owners and residents of the immediate area.” (*Arnel, supra*, 126 Cal.App.3d at 337.) (*See also Del Monte Dunes, Ltd. v. City of Monterey* (9th Cir. 1990) 920 F.2d 1496, 1508 [court finds local agency's land use decision, motivated by “political pressure from neighbors” instead of legitimate regulatory concerns, supported a substantive due process claim] and *Herrington v. County of Sonoma* (9th Cir. 1987) 834 F.2d 1488 [denial of subdivision and subsequent downzoning of property violated property owner's due process rights given evidence that county's general plan/subdivision inconsistency determination was irrational and arbitrary and aimed at defeating particular development project].)

If the electorate were to embrace Measure M, this action would be arbitrary and irrational, and would constitute an abuse of power, subjecting the City to liability also under the due process clause. Just months before and based on years of careful study and analysis, the City adopted its current Mobility Element. Prior to doing so, it considered and **rejected** the Watson Lane alternative embraced by Measure M. There have been no changed circumstances to support or justify a

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change in direction. Similar to *Arnel*, the measure is not based on legitimate regulatory concerns but rather based on protecting the interests of one specific property owner, i.e., AC 1.

B. Measure M fails to treat similarly situated person in a fair and even manner and thus violates rights to equal protection.

The Fourteenth Amendment to the United States Constitution provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. (*See also* Cal. Con., art. I, sec. 7.) The concept of equal protection has been defined to mean that no person or class of persons may be denied the same protection of law that is enjoyed by other persons or other classes in like circumstances. (*Hawn v. County of Ventura* (1977) 73 Cal.App.3d 1009, 1018.) “[A] deliberate, irrational discrimination, even if it is against one person (or other entity) rather than a group, is actionable under the equal protection clause.” (*World Outreach Conference Center v. City of Chicago* (7th Cir. 2009) 591 F.3d 531, 538.)

In *Village of Willowbrook v. Olech* (2000) 528 U.S. 562, the U.S. Supreme Court ruled that a plaintiff stated a viable equal protection cause of action based on claims that a municipality required a 33-foot easement from her as a condition of connecting her property to the municipal water supply when it had only required a 15-foot easement from other similarly situated property owners. The Ninth Circuit has likewise upheld equal protection claims brought by property owners that were discriminated against or treated unfairly by local agencies as part of the land use approval process. (*See, e.g., Herrington, supra* [denial of proposed subdivision and subsequent downzoning violated property owner’s equal protection rights where there was evidence that county had approved sizable residential development projects on three other agricultural properties shortly after it rejected the owner’s proposal] and *Del Monte Dunes, Ltd., supra* [allegation that city arbitrarily and unreasonably limited use and development of property and set aside open space for public use, whereas owners of comparable properties were not subjected to these conditions and restrictions states viable equal protection claim].)⁹

If Measure M were to pass, AC1 would be granted preferential and disparate treatment compared to other similarly situated property owners. It would not have to pay its fair share for roadway improvements as detailed in the General Plan, Specific Plan, and DA. Instead, other affected property owners, including HLP, would be forced to pay more than their fair share for roadway improvements. This would result in a deprivation of equal protection rights.

⁹ (*See also Fry v. Hayward* (N.D. Cal. 1988) 701 F.Supp. 179 [zoning restrictions applicable to just one of several open space areas in City, without rational basis for selective application, were invalidated for denial of equal protection].)

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C. Measure M would result in an unconstitutional taking of private property without just compensation.

The Takings Clause of the 5th Amendment to the United States Constitution guarantees that private property shall not “be taken for public use, without just compensation.” Article I, section 19 of the California Constitution also provides that “[p]rivate property may be taken or damaged for public use only when just compensation . . . has first been paid to . . . the owner.” A regulation effects an impermissible taking of property if it deprives an owner of all economically beneficial or productive uses of his land (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003) or conflicts with an owner’s distinct investment-backed expectations (*Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104); causes the owner to suffer a permanent physical invasion of his property (*Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419); or imposes an exaction in violation of the “essential nexus” and “rough proportionality” standards respectively set forth in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374.

A regulation that deprives the owner of substantially all economically beneficial or productive use of his land constitutes a taking. (*Lucas v. South Carolina Coastal Council*, *supra* [property owner entitled to compensation for regulations precluding development of two beachfront lots, thereby depriving owner of all economic use of his property]; *see also First English Evangelical Lutheran Church of Glendale v. County of Los Angeles* (1987) 482 U.S. 304 [property owners are entitled to compensation for temporary taking of their land].) Courts have recognized that land use regulations that take all economically viable use of only a portion of private property can constitute a taking. (*See, e.g., Twain Harte Associates, Ltd. v. County of Tuolumne* (1990) 217 Cal.App.3d 71 and *Jefferson Street Ventures, LLC v. City of Indio* (2015) 236 Cal.App.4th 1175.)

A regulation may affect a taking even though it leaves the property owner some economically beneficial use of his property. (*Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal.4th 761, 774.) In order to determine whether a taking has occurred when the economic impact is less than total, a reviewing court looks to three factors in particular: (1) the economic impact of the regulation on the owner; (2) the extent to which the regulation interferes with the property owner’s distinct investment-backed expectations as to the use of its property; and (3) the character of the governmental action.¹⁰ (*Penn Central Transportation Co. v. New York City* (1978) 438 U.S. 104, 124.)

If enacted, Measure M would deprive HLP of all economically viable use of its property by precluding such lands from effectively being considered for future development in accordance

¹⁰ This criterion requires a reviewing court to “consider the purpose and importance of the public interest reflected in the regulatory imposition.” (*Loveladies Harbor, Inc. v. United States* (Fed. Cir. 2003) 28 F.3d 1171, 1176.)

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with the General Plan's future study area. Even assuming some economically viable use remained, Measure M would impose improvement obligations on HLP that are grossly disproportionate to any concept of fair share and inconsistent with established nexus and rough proportionality standards.

In addition, the economic impact of such action would be severe, resulting in likely direct and indirect losses of tens of millions of dollars to the HLP owners alone. Measure M would eviscerate the owners' distinct investment backed expectations. Furthermore, no valid reason appears to exist for the City's action. Instead, the measure completely reverses course on long-standing proposed roadway improvements. Such an "about face" would expose the City to damages for a taking.

XI. Conclusion

In sum, Measure M was proposed, funded, and sponsored by an out-of-town developer, in an attempt to avoid millions in costs for roadway improvements that it committed to build through a DA it entered into with the City. That developer is getting the benefits of that agreement but no longer wants to be saddled with the burdens of it. We trust that the City decision-makers will see through this thinly-veiled and fatally flawed misuse of the initiative process.

Measure M would replace safe, functional, well-planned roadways, with sub-standard, unsafe, and circuitous ones. In light of Measure M's significant flaws detailed above—including creating internal plan inconsistencies, violating the full text and single subject rules, impairing essential governmental functions, and consisting of an improper directory measure—we urge the City Council to not place Measure M on the ballot and to reject it outright.

Sincerely,

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