



REGULAR PLANNING COMMISSION MEETING AGENDA

City Hall - Council Chambers
4381 Broadway, Ste. 201, American Canyon
July 22, 2021
6:30 PM

Chair: Tyrone Navarro
Vice Chair: Crystal Mallare
Commissioners: Eric Altman, Andrew Goff, Tammy Wong

In response to Governor's Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of American Canyon City Council, City Council and other public meetings are currently Teleconference Meetings Only to align with local and federal guidelines and social distancing recommendations for the containment of the coronavirus. This meeting will be broadcast live to residents on Napa Valley TV at <http://www.cityofamericancanyon.org> and on YouTube at <https://www.youtube.com/user/CityofAmericanCanyon>.

You may submit public comments for any Agenda Item, Non-Agenda Item or make general public comments by one of the following methods:

Oral via Webinar: A Zoom Webinar has been established for public participation during the meeting related to a specific agenda item, or matters not on the agenda. To give your public comment directly to the legislative body during the meeting, connect via Zoom and follow the instructions or by calling 408-638-0968. Please mute all audio devices and do not use the speakerphone to prevent echoing.

Zoom Meeting Link: [Click Here](#)
Webinar ID: 992 9706 4470 **Passcode:** 372334

Written via email: As part of our Virtual City Hall, we have established a central link for the Public Comments of all meetings. Please use the following link to submit your comment so it can be routed to the appropriate governing body and properly recorded into the meeting record. [Submit your public comment here](#). EMAILS WILL NOT BE READ ALOUD. Emails received will be posted online after the meeting. All comments become part of the permanent record.

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act and Executive Order N-29-20 and N-33-20. For more information, please call the City Clerk at (707) 647-5337 or email cityclerk@cityofamericancanyon.org.

AGENDA MATERIALS: Agenda materials, are released less than 72 hours prior to the meeting, and are available to the public via the City's website at www.cityofamericancanyon.org.

AMERICANS WITH DISABILITIES ACT: The City will provide materials in appropriate alternative formats to comply with the Americans with Disabilities Act. Please send a written request to City Clerk at 4381 Broadway, Suite 201, American Canyon, CA 94503 or by email to cityclerk@cityofamericancanyon.org. Include your name, address, phone number and brief description of the requested materials, as well as you preferred alternative format or auxiliary aid, at least three calendar days before the meeting.

6:30 P.M. REGULAR MEETING

CALL TO ORDER

PLEDGE

ROLL CALL

PRESENTATIONS

PUBLIC COMMENT

*This time is reserved for members of the public to address the City Council/American Canyon Fire Protection District Board on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the City Council/American Canyon Fire Protection District Board. It is recommended that speakers limit their comments to 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the City Council/American Canyon Fire Protection District Board on items on the Agenda should comment via email prior to the start of the meeting, or to verbally comment on the item during the meeting, click the "raise your hand" button if joining by computer, or press *9 if joining by phone, when the item is called. The City Council/American Canyon Fire Protection District Board is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the City Council/American Canyon Fire Protection District Board does not respond to public comment at this time. Speakers are asked to please speak clearly, and provide their name. Any handouts for distribution to the City Council/American Canyon Fire Protection District Board must be emailed by 3:00 p.m. on meeting day.*

AGENDA CHANGES

CONSENT CALENDAR

1. **Minutes of the June 24, 2021 Planning Commission Meeting**
Recommendation: Approve the Minutes of the June 24, 2021 Planning Commission Meeting.

PUBLIC HEARINGS

2. **Administrative Citation CE2105-009 Appeal for indoor Cannabis Cultivation: 51 Pelleria Drive**
Recommendation: On the basis of the approval criteria not being met in accordance with ACMC Section 9.12.070, staff recommends the Planning Commission deny the Administrative Citation CE2105-009 Appeal for Indoor Cannabis Cultivation of more than twenty (20) plants at 51 Pelleria Drive filed by Nim Cho Wu and Wendy We.
3. **Incorporate climate change, adaptation, and greenhouse gas reduction policies into the General Plan Land Use Element**
Recommendation: Adopt a **Resolution** to recommend City Council approval of climate change, adaptation, and greenhouse gas reduction policies into the General Plan Land Use Element (PL21-0017).

BUSINESS

MANAGEMENT AND STAFF ORAL REPORTS

4. [Active Planning Projects](#)

Recommendation: Review Active Planning Projects list.

COMMISSIONER ITEMS

ADJOURNMENT

CERTIFICATION

I, Nicolle Jones, Administrative Technician for the City of American Canyon, do hereby declare that the foregoing Agenda of the Planning Commission was posted in compliance with the Brown Act prior to the meeting date.

Nicolle Jones, Administrative Technician



TITLE

[Minutes of the June 24, 2021 Planning Commission Meeting](#)

RECOMMENDATION

Approve the Minutes of the June 24, 2021 Planning Commission Meeting.

CONTACT

BACKGROUND & ANALYSIS

N/A

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Not applicable.

FISCAL IMPACT

N/A

ENVIRONMENTAL REVIEW

ATTACHMENTS:

[June 24, 2021 Planning Commission Minutes](#)

REGULAR PLANNING COMMISSION MEETING

MINUTES
June 24, 2021
6:30 PM

Consistent with the California Governor's Executive Order N- 29- 20 promoting social distancing, there will be no physical or in person meeting location available to the public. Instead, the meeting will be conducted by teleconference. The meeting will be accessible for all members of the public to attend and give public comment via the City's website, YouTube, and Cable TV Channel 28.

CALL TO ORDER

Meeting was called to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE

Chair Navarro led the Pledge of Allegiance.

ROLL CALL

Present: Commissioners: Eric Altman, Andrew Goff, Tammy Wong
Vice Chair Crystal Mallare, Chair Tyrone Navarro
Absent: None

PUBLIC COMMENTS

Non-Agenda Item oral comments received from: Chris James – renaming the local landfill “The Island”, Justin Hamilton Hole – enjoying public meetings on Zoom and Brent Cooper’s response to his inquiry regarding a property for sale in American Canyon

CONSENT CALENDAR

Motion to approve the Consent Calendar by Commissioner Wong, second by Commissioner Goff, unanimously carried.

1. Approve Minutes of the May 27, 2021 Planning Commission Meeting.
Action: Minutes approved.

PUBLIC HEARINGS

There are no Public Hearing Items.

BUSINESS

2. Conduct a workshop to discuss the potential General Plan Land Use Element policies to regulate new fuel stations in all zoning districts in the City of American Canyon.

Community Development Director, Brent Cooper provided a presentation.

Written comments received from: Ella Zipagan, Jason Kishineff, Bayard Fox

Oral comments received from: Bayard Fox, Chris James

MANAGEMENT AND STAFF ORAL REPORTS

3. Review Active Planning Projects.

Action: Community Development Director Brent Cooper reported on Active Planning Projects.

COMMISSIONER ITEMS

Action: Commissioners reported on items of interest.

ADJOURNMENT

The regular Meeting of the Planning Commission adjourned at 8:31 p.m.

CERTIFICATION

Nicolle Jones, Administrative Technician

Tyrone Navarro, Planning Commission Chair



TITLE

Administrative Citation CE2105-009 Appeal for indoor Cannabis Cultivation: 51 Pelleria Drive

RECOMMENDATION

On the basis of the approval criteria not being met in accordance with ACMC Section 9.12.070, staff recommends the Planning Commission deny the Administrative Citation CE2105-009 Appeal for Indoor Cannabis Cultivation of more than twenty (20) plants at 51 Pelleria Drive filed by Nim Cho Wu and Wendy We.

CONTACT

Bent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

Summary: Nim Cho Wu and Wendy We are the owners of a single-family home located at 51 Pelleria Drive in the La Vigne neighborhood. A map depicting the property location is shown ([Attachment 1](#)).

On May 17, 2021, American Canyon police were called to respond to a home invasion at 51 Pelleria Drive. Noise from the invasion attempt alerted neighbors who called 911. Following arrival at 51 Pelleria Drive, police found all ground floor windows and doors had been secured with vertical bars. Inside the home, 1,916 cannabis plants were found with interior structural alterations to accommodate cannabis cultivation. Photographs of the property interior at the time of the event are included ([Attachment 2](#)). A suspect was arrested at the scene by the police and has a court date scheduled for July 23, 2021.

According to the Cannabis Home Grow Ordinance, indoor cannabis cultivation is limited to no more than six (6) cannabis plants by either a qualified patient, primary caregiver, or an individual at least twenty-one (21) years old at each private residential dwelling regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential dwelling (see American Canyon Municipal Code (ACMC), Chapter 8.02). In addition, the Cannabis Home Grow Ordinance includes 10 standards for cultivating cannabis indoors. The Citation identifies a violation of the six-cannabis plant limit as well as 6 of the 10 cultivation standards. (see Section 8.02.040(a), (1), and cultivation standards (2), (3), (5), (7), (9), and (11)).

Administrative Civil fines for interior cultivation of more than twenty (20) indoor cannabis plants are subject to enforcement as follows:

- i \$500 fine per plant, per day with a maximum fine of \$5,000 per day until the violation is abated.
- ii Attorneys' fees and costs associated with abatement proceedings.

All 1,916 cannabis plants were removed from the property within the first day. Since there were more than 20 plants present, the \$500 fine per plant per day would equal \$957,500. However, the maximum daily fine is capped at \$5,000. A copy of Citation CE2105-009 is included ([Attachment 3](#)).

According to APMC Section 9.12.070, an Administrative Citation recipient may appeal the Citation to the Planning Commission by completing a Request for Hearing Form and returning it to the City within fifteen days from the correction date of the Administrative Citation, together with an advanced deposit of the fine. On May 28, 2021, the property owners, Nim Cho Wu and Wendy We submitted a written request to appeal the Citation and submitted the fine advanced deposit on June 22, 2021. A copy of the appeal, citation, staff correspondence, and fine deposit receipt is included ([Attachment 4](#)).

Administrative Citation Appeal Approval Criteria: According to APMC Section 9.12.070, an appeal may be upheld when at least one of two criteria are met. These include:

1. There was no violation of the American Canyon municipal code, applicable state codes or conditions of an entitlement, or
2. The Citation recipient was not the "Responsible Person."

Criteria #1: Municipal Code violations at 51 Pelleria Drive are well documented by the American Canyon Police at the time of the home invasion response. Thus, the first criteria for appealing the Citation is not met.

Criteria #2: The Administrative Citation Ordinance Section 9.12.020(a) defines "Responsible person" as any individual who causes or maintains a violation of the American Canyon municipal code, applicable state codes, or conditions to an entitlement and is the:

- owner or occupant of real property;
- owner or authorized agent of any business, company; or entity or
- the parent or the legal guardian of any person under the age of eighteen years.

According to the Appellant's letter, the recipient of the Citation is the property owner. Furthermore, in accordance with California Civil Code Secs. 1929, 1941, a landlord must ensure that certain conditions are met which make the living space habitable and safe for potential lessees. The failure of a landlord to provide such conditions can lead to violation of the law and impose civil and, at times, even criminal liability upon the landlord. Thus, the second criteria for appealing the Citation is not met.

Background: On November 8, 2016, the California voting public approved the Adult Use of Marijuana Act ("AUMA"). The AUMA allows an individual age 21 and older to smoke or ingest

cannabis products as well as possess, process, transport, purchase, obtain or give cannabis to another adult without compensation.

The AUMA allows adult individuals to cultivate up to six (6) plants inside their personal residence or a secure accessory building at their personal residence. The six-plant limit applies to a residence regardless of the number of adults living on the property. As allowed by the AUMA, outdoor cultivation at a personal residence is not permitted in American Canyon.

On August 18, 2020, former Police Chief Oscar Ortiz and Community Development Director Brent Cooper conducted a workshop with the City Council to discuss enforcement tool options to ensure personal indoor cultivation occurs safely and within allowable limits. At the conclusion of the workshop, the City Council agreed in concept to the Cannabis Home Grow Ordinance, expressing particular concern for illegal commercial cannabis cultivation within American Canyon homes.

On this basis, the Council directed staff to prepare a “two-tier” per plant Administrative Civil Enforcement penalty when the legal limit of six (6) plants per home is exceeded. The lower tier would assess a lower “per plant” fine to a small excess over the six (6) plants per home limit. A higher tier would assess a higher “per plant” fine to a large excess over the six (6) plants per home limit.

On October 20, 2020, the City Council approved the Cannabis Home Grow Ordinance and Administrative Civil Enforcement Procedures as authorized by Health and Safety Code Section paragraph (3) of subdivision (a) of Section 11362.1.

Cannabis Home Grow Ordinance: As described in Section 8.02.040, a maximum of six (6) cannabis plants may be cultivated indoors by either a qualified patient, primary caregiver, or an individual at least twenty-one (21) years old at each private residential dwelling regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential dwelling. Section 8.02.040 also provides minimum standards under which the maximum six (6) cannabis plants may be cultivated indoors. A copy of the Cannabis Home Grow Ordinance (Ordinance 2020-06) is included ([Attachment 5](#)).

Administrative Civil Enforcement Procedures: Enforcement procedures consist of the Administrative Citation Ordinance (American Canyon Municipal Code Chapter 9.12) and the Administrative Civil Penalty Resolution (Resolution 2020-93). The Administrative Citation Ordinance states that a “Responsible person” means any individual who is the owner or occupant of real property, owner or authorized agent of any business, company, or entity or the parent or the legal guardian of any person under the age of eighteen years, who causes or maintains a violation of the American Canyon municipal code, applicable state codes, or conditions to an entitlement. A copy of the Administrative Citation Ordinance is included ([Attachment 6](#)).

Administrative Civil Enforcement Fine Structure: As directed by the City Council on August 18, 2020,

the Administrative Civil Penalty Resolution contains a “two-tier” fine structure for violations of the Home Grow Ordinance.

1. Tier One: Each cannabis plant cultivated inside a Personal Residence or Fully Enclosed and Secure Structure in excess of Seven (7) to twenty (20) indoor plants shall be subject to enforcement as follows:
 - \$200 fine per plant, per day with a maximum fine of \$1,000 per day until the violation is abated.
 - Attorneys’ fees and costs associated with abatement proceedings.
2. Tier Two: Each cannabis plant cultivated inside a Personal Residence or Fully Enclosed and Secure Structure in excess of twenty (20) indoor plants shall be subject to enforcement as follows:
 - \$500 fine per plant, per day with a maximum fine of \$5,000 per day until the violation is abated.
 - Attorneys’ fees and costs associated with abatement proceedings.

Given the presence of 1,916 cannabis plants at the home, the maximum Tier 2 daily fine is \$5,000. The Administrative Civil Enforcement Procedures (Resolution 2020-93) are included ([Attachment 7](#)).

Code Violations in Administrative Citation CE2105-009.

According to Administrative Citation CE2105-009, violations documented at the property include: ACMS Section 8.02.040(a), (1), (2), (3), (5), (7), (9), and (11). Listed below is Section 8.02.040 with the violations shown in **bold** text.

8.02.040. Personal Use Indoor Cannabis Cultivation.

a) Indoor cannabis cultivation for personal use is permitted within all private residential dwellings and fully enclosed and secure structures on the same property as the private residential dwelling, subject to all of the following minimum standards:

1. **No more than six (6) cannabis plants may be cultivated indoors by either a qualified patient, primary caregiver, or an individual at least twenty-one (21) years old at each private residential dwelling regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential dwelling.**
2. **The cultivation area shall not be accessible to minors. The cannabis plants shall be located in a locked space so to prevent access by minor age children, visitors, passersby, or anyone not authorized to possess cannabis.**
3. **Any residence or fully enclosed and secure structure used for indoor cannabis cultivation shall have a ventilation and filtration system installed that shall ensure cannabis plant odors are not detectable off-site.**

4. Personal cannabis cultivation occurring on the property shall not be visible from the public right-of-way.
5. **Structures and equipment used for personal cannabis cultivation, such as indoor grow lights, backup power system, irrigation systems, air filtration systems, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.**
6. All fully enclosed and secure structures used for indoor cannabis cultivation shall comply with the setback, lot coverage and other requirements set forth in Title 19.
7. **Personal cannabis cultivation shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).**
8. The use of power generators for cultivation equipment is prohibited, except as an emergency back-up system.
9. **Extension cord use in the cultivation room(s) is prohibited.**
10. Indoor grow lights used for cultivation shall not exceed 1,200 watts per light.
11. **A portable fire extinguisher shall be kept in the fully enclosed and secure structure used for cannabis cultivation that complies with the regulations and standards adopted by the state fire marshal and applicable law. If cultivation occurs in a residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.**

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Public Safety: "Ensure American Canyon remains a safe community."

FISCAL IMPACT

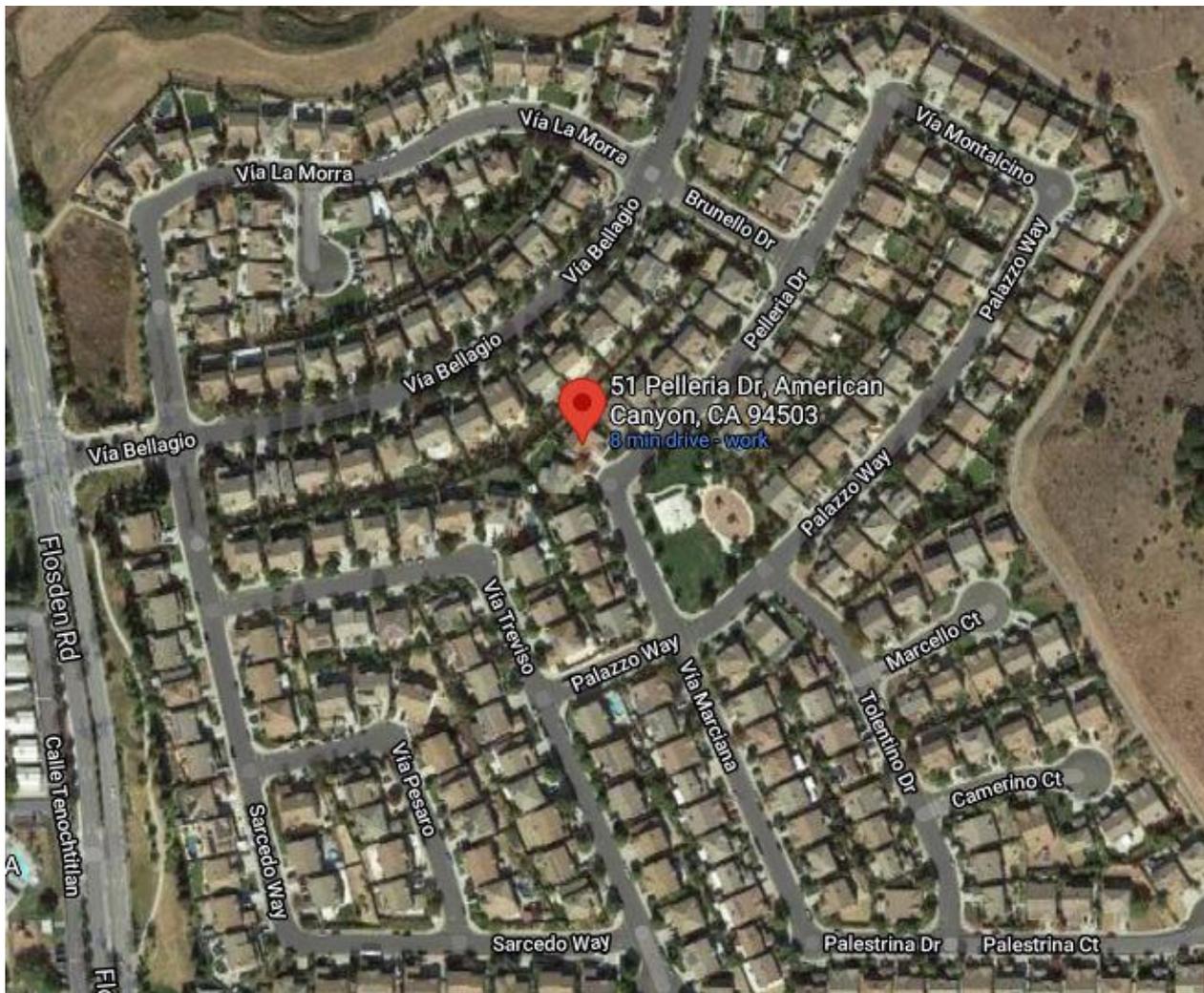
ENVIRONMENTAL REVIEW

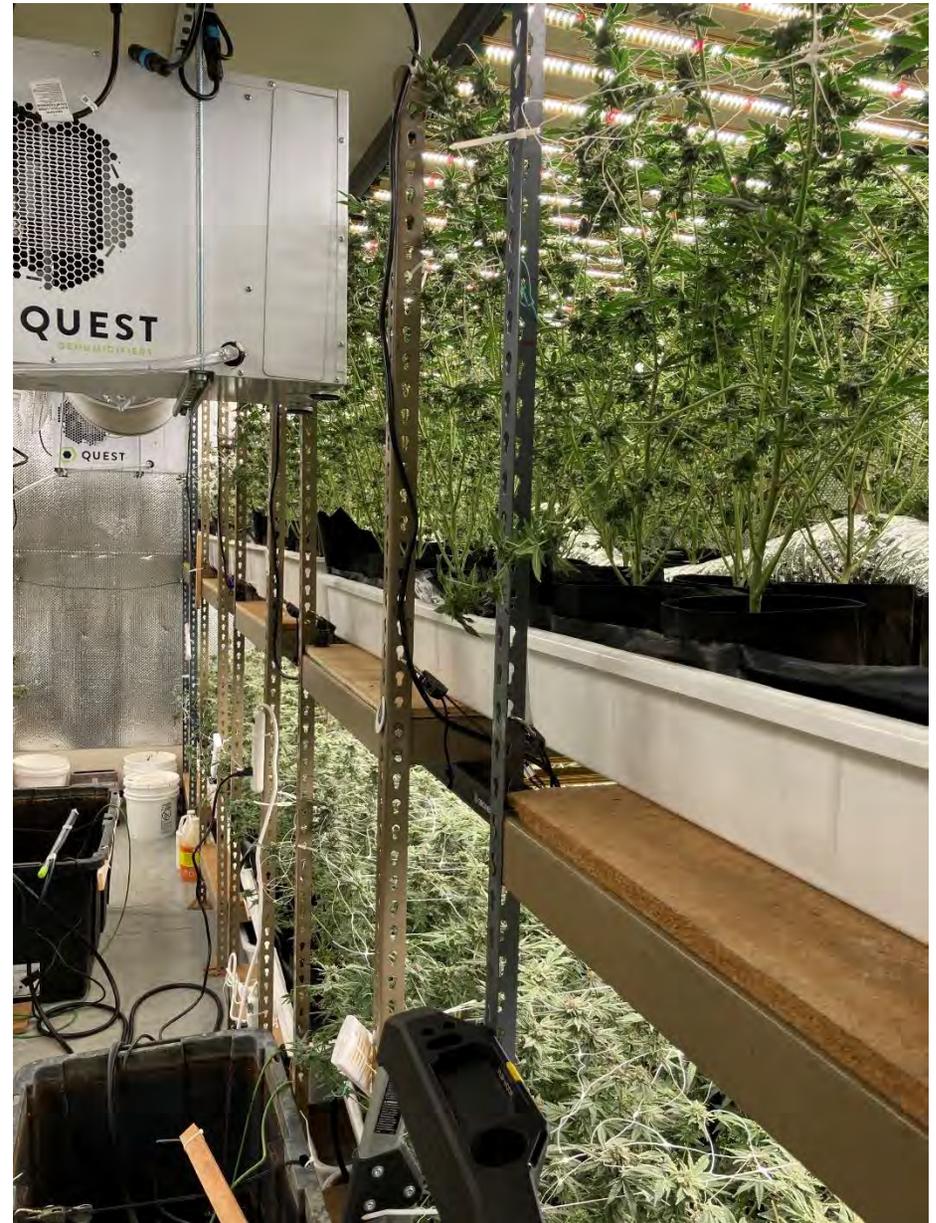
Enforcement of existing regulations is categorically exempt from CEQA in accordance with California Public Resources Code Section 15321.

ATTACHMENTS:

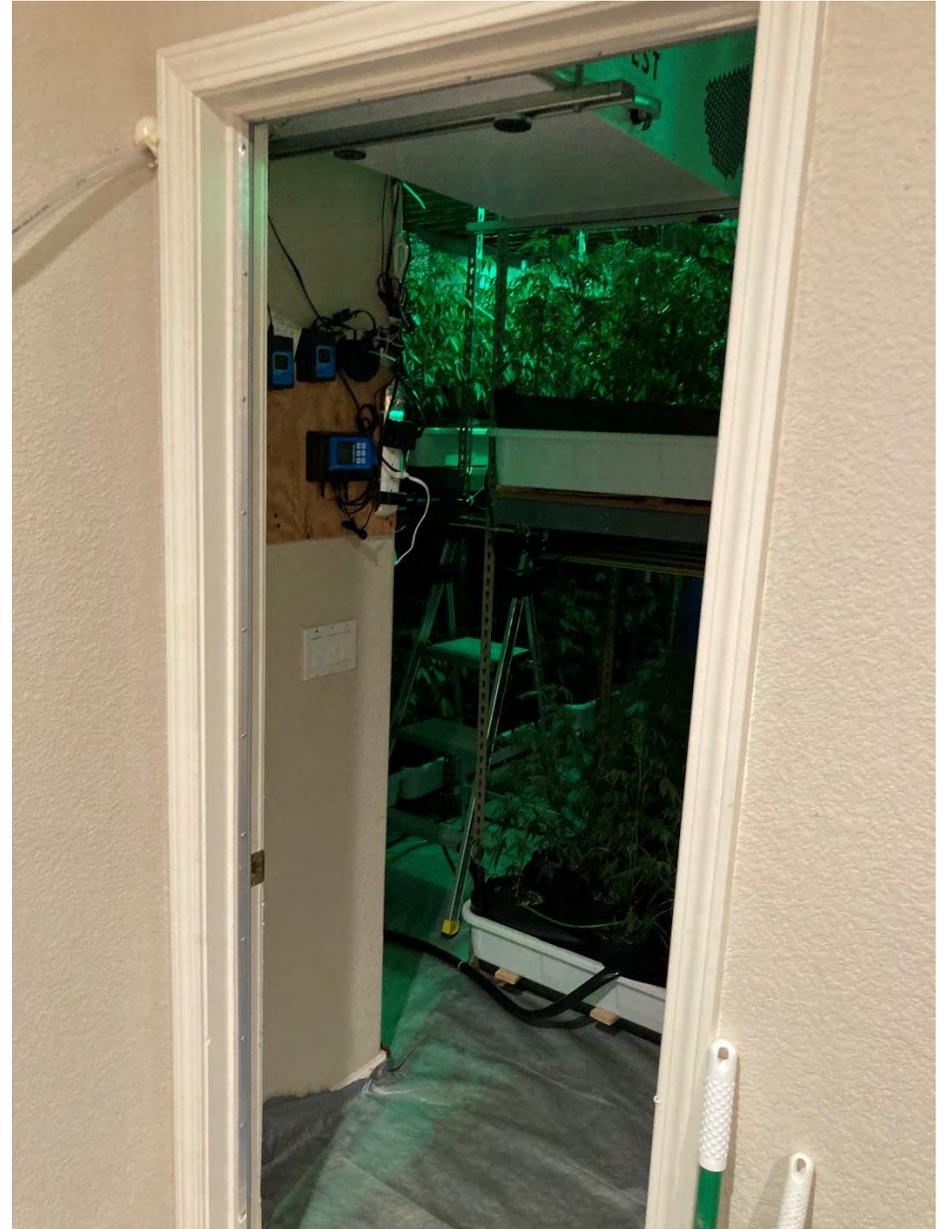
1. [Location Map](#)
2. [Property Photographs](#)
3. [_Citation_CE2105-009](#)
4. [_Appeal_Request](#)
5. [ORDINANCE 2020-06](#)
6. [Administrative Citation Ordinance - ACMC Chapter 9.12](#)
7. [RESOLUTION 2020-93](#)

Attachment 1
51 Pelleria Drive Location Map





[Type here]



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NOTICE OF ADMINISTRATIVE CITATION

Citation No. CE2105-009

CITY OF AMERICAN CANYON

[] COMMUNITY DEVELOPMENT DEPARTMENT
[X] CODE ENFORCEMENT DIVISION
4381 Broadway, Suite 201
American Canyon, CA 94503
(707) 647-4599

[] POLICE DEPARTMENT
911 Donaldson Way East
American Canyon, CA 94503
(707) 551-0600

Citation/Correction Date: 5/17/21 Time: 3:00 AM

An inspection of the premises located at 51 PELLERIA DR in the City of American Canyon, revealed a violation(s) of the American Canyon Municipal Code.

Name of owner or business: WU, NIM CHO AND WE, WENDY
Address if different than violation: [REDACTED]

[X] 1st CITATION \$5000.00.....IS NOW DUE AND PAYABLE

THIS VIOLATION(S) WAS ORIGINALLY BROUGHT TO YOUR ATTENTION ON AND YOU HAVE NOT CORRECTED OR RESOLVED THE VIOLATION(S).

Table with 2 columns: AMERICAN CANYON CODE SECTION(S) and DESCRIPTION OF VIOLATION(S). Row 1: 8.02.040(a)(1), (2), (3), (5), (7), (9), (11) INDOOR CANNABIS CULTIVATION MORE THAN TWENTY (20) PLANTS. Date 5/17/21 is highlighted.

CORRECTION(S) REQUIRED:

SERVED VIA CERTIFIED AND US MAIL

RECEIPT ACKNOWLEDGED BY DATE 5/24/21

SIGNATURE OF OFFICER PRINT NAME OF OFFICER ID#
JIM CANNON CEO

VIOLATION(S) CLEARED AS OF (DATE INSPECTED).

May 28, 2021

Hi City of American Canyon,

We are Wendy and Nim Cho Wu owner of 51 Pelleria Dr. On May 17, got a phone called about the case, that is the worse problem happen in our life. On May 27, we even got a citation from the city. I would like to explain our situation.

1. On November 2020, we were happy to invest in American Canyon bought the house, the next month, a tenant called Zhen Cheng Chen sign a Lease to rent the house, attached is the agreement.

2. To make sure they do good for the area and Neighbors, I did drop by to check the front, since Covid-19, I can't go inside, otherwise it will be no Problem today.

3. I am 66yes old, since covid-19 I only have part

time job now, and my husband is a retired man, our income is very limit, plus we need to spend a lot for our health problems.

4. Now the house has no income, but we still need to pay the big loan, pay property tax almost nice thousand dollars per year to the county.

5. Meanwhile we are trying to borrow some Money, hiring a contractor to fix the house first.

Please understand our terrible situation and a pair of pitiful senior citizens, tenant's trouble should let him to pay, that is fair for us, we should get exemption the penalty because there is nothing to do with us about what he did.

Sincerely,



Wendy & Nim Cho Wu

CITY OF
AMERICAN
CANYON



June 11, 2021

Nim Cho Wu and Wendy We
[REDACTED]
[REDACTED]

CODE ENFORCEMENT DIVISION

VIA US MAIL
VIA CERTIFIED RETURN RECEIPT REQUESTED

VIOLATION:
CHAPTER 8.02; PERSONAL INDOOR CANNABIS CULTIVATION
SECTION 8.02.040(a)(1), et al; MORE THAN SIX PLANTS

APN: 059-231-018
Case No. ZON2105-007

Re: ADMINISTRATIVE CITATION CE2105-009 for PUBLIC NUISANCE VIOLATION AT 51 PELLERIA DRIVE, AMERICAN CANYON, CA 94503

Dear Nim Cho Wu and Wendy We:

Citation CE2105-009 was issued on May 17, 2021. On May 28, 2021, we received your request to appeal the citation. The appeal process requires a written appeal plus an advanced deposit of the fine, which is \$5000 within fifteen (15) CONSECUTIVE days from the citation/correction date. (see Citation CE2105-009, Page 2). Fifteen consecutive days from the citation date was June 2, 2021.

This letter informs you that your appeal request did not include the required \$5000 advanced fine deposit. The American Canyon Municipal Code Chapter 9.12 states that failure to properly file the appeal within the deadline constitutes a waiver of your rights to an administrative hearing and adjudication of the Administrative Citation or any portion thereof. As a courtesy, we would like to offer you the ability to submit the \$5000 advanced fine deposit to complete your appeal application.

The fine will be refunded if the appeal hearing determines that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

If you wish to pursue an appeal, the \$5000 advance fine deposit must be received by the Finance Department no later than 4:30 pm on June 25, 2021. The advance fine deposit may be paid by personal check, cashier's check, or money order, payable to the City of American Canyon at Finance Department, American Canyon City Hall, 4381 Broadway, Suite 201, American Canyon, CA 94503. Please write the citation or account number on your check or money order.

I would like to thank you in advance for your prompt cooperation in this matter. If we do not receive your advance fine deposit by the June 25, 2021 deadline, the courtesy extension will expire and you would have waived your rights to an administrative hearing and adjudication of the Administrative Citation or any portion thereof. If you have any questions, please call me at (707) 647-4335 or by email at bcooper@cityofamericancanyon.org.

Sincerely,

Brent Cooper, AICP
Community Development Director

cc: Lincoln Bogard, Finance Director

Encl: Administrative Citation CE2105-009



NOTICE OF ADMINISTRATIVE CITATION

Citation No. CE2105-009

CITY OF AMERICAN CANYON

[] COMMUNITY DEVELOPMENT DEPARTMENT
[X] CODE ENFORCEMENT DIVISION
4381 Broadway, Suite 201
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Table with 2 columns: AMERICAN CANYON CODE SECTION(S) and DESCRIPTION OF VIOLATION(S). Row 1: 8.02.040(a)(1), (2), (3), (5), (7), (9), (11) INDOOR CANNABIS CULTIVATION MORE THAN TWENTY (20) PLANTS. Date 5/17/21 is highlighted.

CORRECTION(S) REQUIRED:

SERVED VIA CERTIFIED AND US MAIL

RECEIPT ACKNOWLEDGED BY DATE 5/24/21

SIGNATURE OF OFFICER PRINT NAME OF OFFICER ID#
JIM CANNON CEO

VIOLATION(S) CLEARED AS OF (DATE INSPECTED).

www.cityofamericancanyon.org
City of American Canyon
4381 Broadway, Suite 201
American Canyon, CA 94503
(707)647-4364

06/22/2021 4:48 PM
Receipt No. 00741780
Account Number(s) and Payment
CR 5,000.00

Payment Detail:
Citation CE2105-009 Depo
sit 5,000.00

Svc Add:

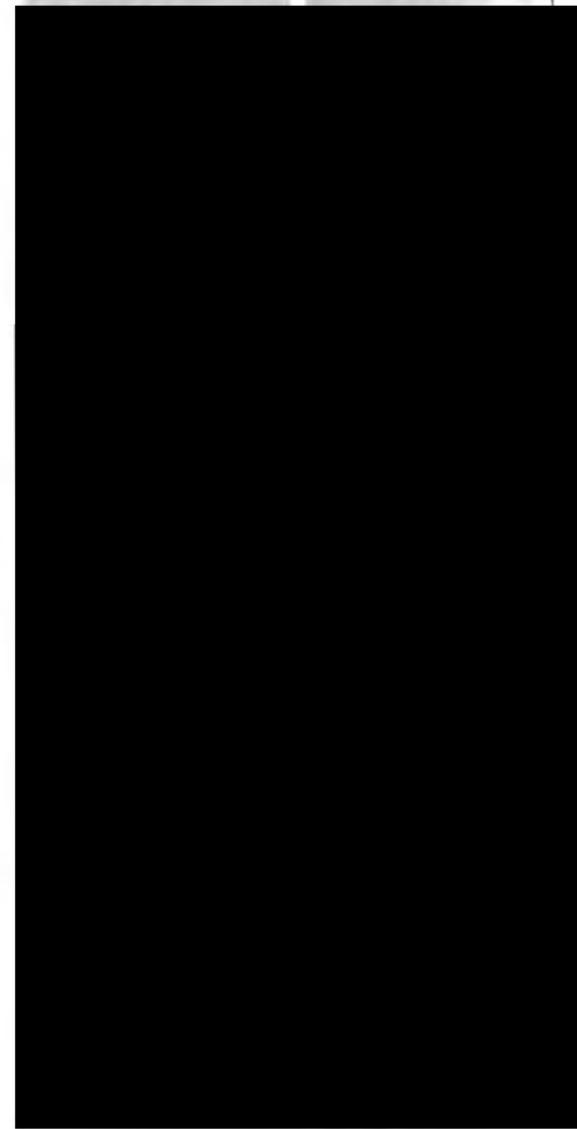
Total 5,000.00
Check 1251 5,000.00
Check Number: 1251
Change 0.00

Account Balance:
\$0.00

Customer Number:022306
wendy wu

Thank you for your payment!
Gracias!

Cashier: ademesa
Station: CH-ACCTASST
00722-06-2021
Printed: 06/22/2021 16:48



ORDINANCE NO. 2020-06**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA
MODIFYING AMERICAN CANYON MUNICIPAL CODE TO ADD CHAPTER 8.02 (PERSONAL
INDOOR CANNABIS CULTIVATION) IN THE CITY OF AMERICAN CANYON**

WHEREAS, On November 8, 2016, the California voting public approved the Adult Use of Marijuana Act (“AUMA”). The AUMA allows an individual age 21 and older to smoke or ingest cannabis products as well as possess, process, transport, purchase, obtain or give cannabis to another adult without compensation; and

WHEREAS, the AUMA allows adult individuals to cultivate up to six plants inside their personal residence or a secure accessory building at their personal residence; and

WHEREAS, the six-plant limit applies to a residence regardless of the number of adults living on the property; and

WHEREAS, in accordance with Ordinance 2018-06, and as allowed by the AUMA, outdoor cultivation at a personal residence is not permitted in American Canyon; and

WHEREAS, most residents have acted responsibly following legalization of personal indoor cultivation; and

WHEREAS, unsafe personal cultivation at home put themselves, their loved ones, and neighbors at personal risk of life and property; and

WHEREAS, the proposed Ordinance is intended to assist Code Enforcement and Law Enforcement with a necessary tool to ensure personal indoor cultivation occurs safely and within allowable limits; and

WHEREAS, on August 18, 2020, the City Council conducted a workshop to discuss potential measures to include in a Personal Indoor Cannabis Cultivation Ordinance and directed staff to return at a subsequent meeting with an ordinance that includes a “per plant” fine structure for cultivation that exceeds allowable limits of six (6) cannabis plants per private residential dwelling and fully enclosed and secure structure on the same property; and

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the illegal use or diversion of Cannabis, or allows any activity relating to Cannabis that is otherwise illegal under California state law, as amended, except to the extent otherwise specifically set forth; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at a public hearing on October 6, 2020 in making its decision; and

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

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. The City Council determines that it is in the best interest of the residents of the City to allow certain Commercial Cannabis Activities in compliance with applicable State Law, including MAUCRSA, to be established and operated as permitted uses within certain areas of the City subject to the regulations and restrictions provided in this Ordinance. It is the City Council's intention that nothing in this Ordinance shall be construed to:

1. Allow a Person to engage in conduct that endangers others or causes a public nuisance.
2. Allow any activity relating to Cannabis that is otherwise not permitted under State law.

SECTION 3. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

SECTION 4. The City Council amends American Canyon Municipal Code to add Chapter 8.02 (Personal Indoor Cannabis Cultivation) as follows:

**Chapter 8, Article 2
PERSONAL INDOOR CANNABIS CULTIVATION**

8.02.010. Purpose and Intent.

The purpose of this title is to permit safe personal, noncommercial cannabis cultivation indoors at home pursuant to state law. This title is not intended to interfere with a patient's right to use medicinal cannabis pursuant to state law, as may be amended.

8.02.020. Applicability.

- a) This ordinance explains reasonable regulations to allow indoor personal cannabis cultivation as authorized by Health and Safety Code Section paragraph (3) of subdivision (a) of Section 11362.1.
- b) An indoor personal cannabis cultivation permit is not required. However, structural improvements associated with personal cannabis cultivation may require the property owner or cultivator to obtain a building permit or other entitlement to comply with all applicable zoning, building, electrical and fire code regulations.
- c) Outdoor personal cannabis cultivation is not permitted.
- d) Nothing in this title shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. Nor shall it be construed, to exempt any activity related to the cannabis cultivation from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements. No provision of this title shall be deemed a defense or immunity to any action brought against any person by the Napa County District Attorney's office, the Attorney General of the State of California or the United States of America.

8.02.030. Definitions.

- a) "City" means the City of American Canyon.

- b) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
- c) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.
- d) "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, or sale of cannabis and cannabis products.
- e) "Fully Enclosed and Secure Structure." Within a fully enclosed and secure structure that complies with the California Building Code, as adopted in the City of American Canyon, or, if exempt from permit requirements, that has a complete roof enclosure supported by connecting walls extended from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors and accessible only to the owner or tenant. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inches by four inch or thicker studs overlaid with 3/8-inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
- f) "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, inside a personal residence or Fully Enclosed and Secure Structure located on the same property as the personal residence.
- g) "Personal cultivation" means indoor cannabis cultivation conducted by an individual strictly for that individual's personal or medical use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Except as herein defined, personal cultivation does not include any cultivation conducted outdoors. In addition, personal cultivation does not include, and shall not authorize, as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.
- h) "Indoor cannabis cultivation" means cannabis cultivation using artificial lighting and/or ambient indoor lighting inside a residence or fully enclosed and secure structure.

- i) "Outdoor cannabis cultivation" means cannabis cultivation using no artificial lighting conducted in the ground or in containers outdoors with no covering, as well as any cultivation not within a residence or fully enclosed and secure structure regardless of whether artificial and/or ambient lighting is used. Outdoor cultivation includes greenhouses, hoop houses, hot houses or similar structures.
- j) "Private residence" or "Residence." A house, apartment unit, accessory dwelling unit, mobile home or other similar dwelling which is permitted by the City.

8.02.040. Personal Use Indoor Cannabis Cultivation.

- a) Indoor cannabis cultivation for personal use is permitted within all private residential dwellings and fully enclosed and secure structures on the same property as the private residential dwelling, subject to all of the following minimum standards:
 - 1) No more than six (6) cannabis plants may be cultivated indoors by either a qualified patient, primary caregiver, or an individual at least twenty-one (21) years old at each private residential dwelling regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential dwelling.
 - 2) The cultivation area shall not be accessible to minors. The cannabis plants shall be located in a locked space so to prevent access by minor age children, visitors, passersby, or anyone not authorized to possess cannabis.
 - 3) Any residence or fully enclosed and secure structure used for indoor cannabis cultivation shall have a ventilation and filtration system installed that shall ensure cannabis plant odors are not detectable off-site.
 - 4) Personal cannabis cultivation occurring on the property shall not be visible from the public right-of-way.
 - 5) Structures and equipment used for personal cannabis cultivation, such as indoor grow lights, backup power system, irrigation systems, air filtration systems, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.
 - 6) All fully enclosed and secure structures used for indoor cannabis cultivation shall comply with the setback, lot coverage and other requirements set forth in Title 19.
 - 7) Personal cannabis cultivation shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
 - 8) The use of power generators for cultivation equipment is prohibited, except as an emergency back-up system.
 - 9) Extension cord use in the cultivation room(s) is prohibited.
 - 10) Indoor grow lights used for cultivation shall not exceed 1,200 watts per light.
 - 11) A portable fire extinguisher shall be kept in the fully enclosed and secure structure used for cannabis cultivation that complies with the regulations and standards adopted by the state fire marshal and applicable law. If cultivation occurs in a residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

8.02.050. Other Requirements for Personal Use Indoor Cannabis Cultivation.

- a) The cultivation area shall not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, glare, heat, noise,

noxious gasses, odor, smoke, traffic, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes.

- b) The cultivation area shall comply with all California Building, Electrical, Fire, Mechanical and Plumbing Codes as adopted by the City; and the residence has (1) a permanent connection to a public water source drawing water, (2) does not engage in unlawful or unpermitted surface drawing of water for such cultivation, (3) does not permit illegal discharges of water from the parcel.

8.02.060. Enforcement.

- a) Nuisance. Any violation of this title is declared to be a public nuisance.
 - i. Building Code violations associated with indoor cannabis cultivation shall be deemed a nuisance and subject to enforcement in accordance with Municipal Code Title 9.12.
 - ii. Indoor cannabis cultivation within a private residential dwelling and fully enclosed and secure structure on the same property that exceed six (6) cannabis plants shall be subject to a fine assessed in the amounts specified by Resolution of the City Council.
 - iii. Outdoor cannabis cultivation in violation of Section 8.02.020(c) shall be deemed a nuisance and subject to enforcement in accordance with Municipal Code Title 9.12. Fines for specific violations of this Ordinance shall be assessed in the amounts specified by Resolution of the City Council.

SECTION 5. Enforcement. Administrative citations or other actions by the City to enforce this Ordinance or to abate any nuisance associated with cannabis cultivation may be established and periodically adjusted by Resolution of the City Council.

SECTION 6. Effective Date. This ordinance shall become effective thirty (30) days following adoption.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

SECTION 9. Restatement of Existing Law. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of Ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as Ordinance provisions previously adopted by the City related to the same subject matter or relating to the enumeration of permitted uses under the zoning code, shall be construed as restatements and continuations, and not as new enactments.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 6th day of October, 2020 by the following vote:

AYES: Councilmembers Aboudamous, Leary, Joseph, Vice Mayor Oro, Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 20th day of October, 2020, by the following vote:

AYES: Councilmembers Aboudamous, Joseph, Vice Mayor Oro, Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: Councilmember Leary

DocuSigned by:
Leon Garcia 10/23/2020
3FED80A306744C4
Leon Garcia, Mayor

ATTEST:

DocuSigned by:
Nicolle Jones 10/26/2020
C302EF67A4F0450
Nicolle Jones, Interim City Clerk

APPROVED AS TO FORM:

DocuSigned by:
William D. Ross 10/23/2020
285D90133D93421
William D. Ross, City Attorney

Chapter 9.12 ADMINISTRATIVE CITATIONS

9.12.010 Legislative findings—Statement of purpose.

A. The city council has determined that there is a need for an alternative method of enforcement for minor violations of the municipal code and applicable state codes. The city council has determined that an appropriate method of enforcement for minor violations is an administrative citation program as authorized by [Government Code](#) Section 53069.4.

B. The procedures established in this chapter shall be in addition to criminal, civil or any other legal remedy established by law which may be pursued to address violations of the municipal code or applicable state codes.

C. The city council hereby finds and determines that enforcement of the American Canyon municipal code, other ordinances adopted by the city, conditions on entitlements and terms and conditions of city agreements are matters of local concern and serve important public purposes. Consistent with its powers as a general law, the city of American Canyon adopts this administrative citation program provision in order to achieve the following goals:

1. To protect the public health, safety and welfare of the citizens of the city of American Canyon;
 2. To gain compliance with the municipal code and state codes, ordinances and regulations in a timely and efficient manner;
 3. To provide for an administrative process to appeal the imposition of administrative citations and fines;
 4. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the municipal code, ordinances, agreements or terms and conditions on entitlements in the city of American Canyon; and
 5. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system.
- D. Use of this chapter shall be at the sole discretion of the city. (Ord. 99-19 § 1, 2000)

9.12.020 Definitions.

As used in this chapter:

A. “Responsible person” means any individual who is the owner or occupant of real property, owner or authorized agent of any business, company, or entity or the parent or the legal guardian of any person under the age of eighteen years, who causes or maintains a violation of the American Canyon municipal code, applicable state codes, or conditions to an entitlement.

B. “Enforcement officer” means any officer or employee with the authority to enforce the American Canyon municipal code or applicable state codes, or conditions to an entitlement.

C. “Hearing officers” means the planning commission of the city of American Canyon, and shall hear all appeals from an administrative citation as set forth in Section [9.12.070](#). (Ord. 99-19 § 1, 2000)

9.12.030 Authority.

A. Any person violating any provisions of the American Canyon municipal code or applicable state code may be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, all violations of the municipal code, the uniform codes adopted by the city council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code.

B. Section [1.24.010](#) provides that each day of violation constitutes a separate offense and may be separately punished and that fourth and subsequent violations may be prosecuted as a misdemeanor.

C. A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the American Canyon administrative services department.

D. Fines for specific violations of the municipal code, conditions to entitlements or applicable state codes shall be assessed in the amounts specified by resolution of the city council, or where no amount is specified:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of the same ordinance or permit within one year from the date of the first violation;
3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance or permit within one year from the date of the first violation. (Ord. 2017-01 § 3, 2017; Ord. 99-19 § 1, 2000)

9.12.040 Service procedures.

An administrative citation on a form approved by the city manager may be issued to the responsible person by an enforcement officer for violations of the municipal code, applicable state codes or conditions to an entitlement in the following manner:

A. Personal Service. The enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation. In the event the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or subsequent proceedings.

B. Service of Citation by Mail. In the event the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

C. Service by Citation by Posting Notice. In the event the enforcement officer does not succeed in personally serving the responsible person, or by certified mail or regular mail, the enforcement officer shall post the administrative citation on any real property within the city in which the city has knowledge that the responsible person has a legal interest, and such posted shall be deemed effective service. (Ord. 99-19 § 1, 2000)

9.12.050 Contents of notice.

Each administrative citation shall contain the following information:

- A. Date, approximate time and address or definite description of the location where the violation(s) was observed;
- B. The municipal or state code sections or conditions violated and a description of the violation(s);
- C. An order to the responsible person to correct the violations within the time specified and an explanation of the consequences of failure to correct the violation(s);
- D. The amount of the fine for the violation(s);
- E. An explanation of how the fine shall be paid and the time period by which it shall be paid;
- F. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and
- G. The name and signature of the enforcement officer and, if possible, the signature of the responsible person. (Ord. 99-19 § 1, 2000)

9.12.060 Satisfaction of administrative citation.

Upon receipt of an administrative citation, the responsible person must do the following:

- A. Pay the fine to the city within fifteen days from the correction date of the administrative citation. All fines assessed are payable to the American Canyon city treasurer. Payment of a fine shall not excuse or discharge the failure to correct the violation(s), nor shall it bar further enforcement action by the city;
- B. Remedy the violation(s), if the violation(s) is of such a nature that it can be remedied. If the violation(s) is corrected before the date provided on the administrative citation no fine shall be imposed. If the responsible person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at a rate specified in this chapter or by resolution of the city council. (Ord. 99-19 § 1, 2000)

9.12.070 Appeal of an administrative citation.

Any recipient of an administrative citation may contest that there was a violation of the American Canyon municipal code, applicable state codes or conditions of an entitlement, or that he or she is the responsible person, by completing a request for hearing form and returning it to the city within fifteen days from the correction date of the administrative citation, together with an advanced deposit of the fine. Any administrative citation fine that has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. (Ord. 99-19 § 1, 2000)

9.12.080 Hearing officers.

The city council designates the planning commission as the hearing officers for the administrative citation hearing. To the extent practical and consistent with this chapter, appeal hearings shall be conducted on the evenings of regularly scheduled planning commission meetings. (Ord. 99-19 § 1, 2000)

9.12.090 Hearing procedures.

- A. No hearing to contest an administrative citation before the hearing officers shall be held unless and until a request for hearing form has been completed and submitted, and the fine has been deposited in advance.
- B. A hearing before the hearing officers shall be set for a date that is not less than fifteen and not more than sixty days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
- C. The hearing officers shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of the municipal code or other applicable state codes or conditions to an entitlement on the date(s) specified in the administrative citation.
- D. The responsible person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
- E. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
- F. The administrative citation and any additional documents submitted by the hearing enforcement officers shall constitute prima facie evidence of the respective facts contained in those documents.
- G. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officers for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five days prior to the date of the hearing.
- H. At least ten days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.
- I. The hearing officers may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 99-19 § 1, 2000)

9.12.100 Hearing officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officers shall issue a written decision within ten days of the hearing to uphold or deny the administrative citation and shall list in the decision the reasons for rendering the decision. The decision of the hearing officers shall be final unless a request for judicial review is filed in accordance with the provisions of Section [9.12.120](#).
- B. If the hearing officers determine that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.
- C. If the hearing officers determine that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine.
- D. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision in the manner prescribed by the American Canyon municipal code. (Ord. 99-19 § 1, 2000)

9.12.110 Failure to pay fines.

The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation may result in the matter being referred to the American Canyon finance director to file a claim with small claims court. Alternatively, the city may pursue any other legal remedy to collect the civil fines. The city may also recover all costs associated with collecting any fines. (Ord. 99-19 § 1, 2000)

9.12.120 Right to judicial review.

Any person aggrieved by an administrative decision of the hearing officers on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Napa County municipal court in accordance with the timelines and provisions as set forth in California [Government Code](#) Section 53069.4. (Ord. 99-19 § 1, 2000)

9.12.130 Notices.

The administrative citation and all notices to be given by this chapter shall be served on the responsible person in accordance with the provisions of this chapter and any applicable provisions of the American Canyon municipal code. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder. (Ord. 99-19 § 1, 2000)

RESOLUTION NO. 2020-93**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA ESTABLISHING ADMINISTRATIVE CIVIL PENALTIES FOR VIOLATION OF AMERICAN CANYON MUNICIPAL CODE CHAPTER 8.02 (PERSONAL INDOOR CANNABIS CULTIVATION) ORDINANCE**

WHEREAS, On November 8, 2016, the California voting public approved the Adult Use of Marijuana Act (“AUMA”). The AUMA allows an individual age 21 and older to smoke or ingest cannabis products as well as possess, process, transport, purchase, obtain or give cannabis to another adult without compensation; and

WHEREAS, the AUMA allows adult individuals to cultivate up to six plants inside their personal residence or a secure accessory building at their personal residence; and

WHEREAS, the six-plant limit applies to a residence regardless of the number of adults living on the property; and

WHEREAS, in accordance with Ordinance 2018-06, and as allowed by the AUMA, outdoor cultivation at a personal residence is not permitted in American Canyon; and

WHEREAS, unsafe personal cultivation at home put themselves, their loved ones, and neighbors at personal risk of life and property; and

WHEREAS, the proposed fine structure is intended to assist Code Enforcement and Law Enforcement with a necessary tool to ensure personal indoor cultivation occurs safely and within allowable limits; and

WHEREAS, on August 18, 2020, the City Council conducted a workshop to discuss potential measures to include in a Personal Indoor Cannabis Cultivation Ordinance and directed staff to return at a subsequent meeting with an ordinance that includes a “per plant” fine structure for cultivation that exceeds allowable limits of six (6) cannabis plants per private residential dwelling and fully enclosed and secure structure on the same property; and

WHEREAS, on October 20, 2020, the City Council adopted Ordinance 2020-06 (Personal Indoor Cannabis Cultivation Ordinance). This Ordinance identifies “reasonable standards” to ensure safe personal cannabis cultivation at a personal residence; and

WHEREAS, Section 8.02.060 of the Personal Indoor Cannabis Cultivation Ordinance deems any violation of the Ordinance to be a Nuisance; and

WHEREAS, an Administrative Civil Penalty enforcement structure will serve as a tool to enforce and deter Ordinance violations; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at a public meeting on October 6, 2020 and October 20, 2020 in making its decision.

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

SECTION 1. The Administrative Civil Penalty enforcement measures do not have a significant effect on the environment and are exempt from the California Environmental Quality Act (CEQA) under Section 15301 because the activity is Categorically Exempt under Class 21—Enforcement actions by regulatory agencies.

SECTION 2. The following Administrative Civil Penalties enforce the Personal Indoor Cannabis Cultivation Ordinance (Ordinance 2020-06).

SECTION 3. Section 8.02.060 of the Personal Indoor Cannabis Cultivation Ordinance deems any violation of the Ordinance to be a Nuisance. Each day or part of any day a nuisance exists or continues to exist constitutes a separate violation.

SECTION 4. Implementation of the Personal Indoor Cannabis Cultivation Ordinance Administrative Civil Penalties shall be accomplished in accordance with the Administrative Citation Ordinance (American Canyon Municipal Code Chapter 9.12).

SECTION 5. Indoor Cultivation: To achieve greater deterrence for egregious violations, Administrative Civil Penalty for indoor cultivation enforcement is divided into a “two-tier” fine structure.

- a. **Tier One:** Each cannabis plant cultivated inside a Personal Residence or Fully Enclosed and Secure Structure in excess of Seven (7) to twenty (20) indoor plants shall be subject to enforcement as follows:
 - i. \$200 fine per plant, per day with a maximum fine of \$1,000 per day until the violation is abated.
 - ii. Attorneys’ fees and costs associated with abatement proceedings.
- b. **Tier Two:** Each cannabis plant cultivated inside a Personal Residence or Fully Enclosed and Secure Structure in excess of twenty (20) indoor plants shall be subject to enforcement as follows:
 - i. \$500 fine per plant, per day with a maximum fine of \$5,000 per day until the violation is abated.
 - ii. Attorneys’ fees and costs associated with abatement proceedings.

SECTION 5. Outdoor Cultivation: Outdoor personal cannabis cultivation shall be subject to enforcement in accordance with Municipal Code Title 9.12 and as follows:

- i. \$200 fine per plant, per day with a maximum fine of \$1,000 per day until the violation is abated.
- ii. Attorneys’ fees and costs associated with abatement proceedings.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 20th day of October, 2020, by the following vote:

AYES: Councilmembers Aboudamous, Joseph, Vice Mayor Oro, Mayor Garcia

NOES: None

ABSTAIN: None

ABSENT: Councilmember Leary

DocuSigned by:
Leon Garcia 10/23/2020
3FED80A306744C4
Leon Garcia, Mayor

ATTEST
DocuSigned by:
Nicolle Jones 10/26/2020
C202EF67A4F0450
Nicolle Jones, Interim Deputy City Clerk

APPROVED AS TO FORM:
DocuSigned by:
William D. Ross 10/23/2020
285D50133D93421
William D. Ross, City Attorney



TITLE

Incorporate climate change, adaptation, and greenhouse gas reduction policies into the General Plan Land Use Element

RECOMMENDATION

Adopt a [Resolution](#) to recommend City Council approval of climate change, adaptation, and greenhouse gas reduction policies into the General Plan Land Use Element (PL21-0017).

CONTACT

Brent Cooper, AICP Community Development Director

BACKGROUND & ANALYSIS

Climate change represents a growing danger to human health, safety, economic prosperity, basic services, the environment, and natural resources. The State of California as a whole, and Napa County residents, economy, and environment have experienced adverse effects associated with climate change, such as a prolonged wildfire seasons and firestorms, rising temperatures, mudslides, severe droughts, property destruction and damage to infrastructure (Source: American Canyon June 18, 2019 Climate Change Proclamation).

American Canyon has a long history of supporting policies to protect the environment. In 2013, American Canyon's Energy Efficiency Climate Action Plan (EECAP) was the first Climate Action Plan adopted in Napa County. In 2016, American Canyon earned a Beacon Award from the League of California Cities. The Beacon Award is an honor granted to local governments that successfully achieve voluntary efforts to reduce greenhouse gas emissions, save energy and adopt policies that promote sustainability.

The Broadway District Specific Plan (BDSP) is an important land use policy document intended to reduce greenhouse gas emissions with higher density housing served by transit coupled with pedestrian and bicycle facilities near commercial services, retail, and employment (Ordinance 2019-07 and Ordinance 2020-05). Designated as a Priority Development Area by the Association of Bay Area Governments, the BDSP is an important part of the Bay Area's Sustainable Community Strategy to reduce greenhouse gas emissions through smart growth planning policies.

On February 19, 2019, the City adopted an Electric Vehicle Charging Station streamline permit

process (Ordinance 2019-02). The State Governor's Office of Business has assigned American Canyon with "Green" rating to verify the City is consistent with Assembly Bill 1236.

On June 18, 2019, the City Council approved a Countywide Commitment to Address Climate Change Proclamation declaring the City's support of local actions to address climate change including joining the Napa Countywide Climate Action Committee (CAC). Vice-Mayor Joseph and Councilmember Washington represent the City on the CAC. A copy of the Proclamation is included ([Attachment 2](#)).

Due to concerns of greenhouse gas emissions as well as market saturation and BDSP community character, the City Council adopted Ordinance 2021-03 on April 6, 2021. The Ordinance imposes an immediate 10-Month, 15-day moratorium on processing discretionary entitlements to establish, use, and operate new fuel stations within the City of American Canyon. The Urgency Ordinance will expire on Monday, February 21, 2022 unless it is extended by the City Council through a subsequent Urgency Ordinance. A copy of Ordinance 2021-03 is included ([Attachment 3](#)).

Urgency Ordinance 2021-03 provides time for the City to explore regulations concerning the placement, establishment, and possible operation of Fuel Stations within the City consistent with the community's vision. The first step in considering potentially new fuel stations Zoning Code regulations is to review the General Plan.

The General Plan is a fundamental document that provides local control over the physical development of our City. The legal authority for General Plan policies is derived from the California Constitution that allows Cities to adopt regulations in that protect public health, safety, and welfare.

Thus, in California, every City and County is required by law to adopt a comprehensive, long-term General Plan. Policies to implement the General Plan, such as the Zoning Ordinance, Capital Improvement Projects, Development Approvals, Impact Fees, Infrastructure dedications, and Conditions of Approvals must be consistent with the General Plan.

The updated General Plan 2040 will include comprehensive climate change policies to reduce greenhouse gas emissions and improve climate change adaptation. However, General Plan 2040 adoption is not contemplated before the end of Calendar Year 2022. The current General Plan lacks such policies. Thus, an amendment to the current General Plan is necessary before adopting new zoning regulations to limit fuel stations on the basis of reducing greenhouse gas emissions.

On May 27, 2021, the Planning Commission conducted a workshop to receive public testimony on potential General Plan Land Use Element policies related to new fuel stations in the City of American Canyon in the context of greenhouse gas emissions, climate change and adaptation. In addition to oral testimony during the workshop, the City received written public testimony supporting new General Plan policies. A copy of the written comments is included ([Attachment 4](#)).

On June 24, 2021, the Planning Commission continued the workshop and provided feedback on proposed General Plan Land Use Element policies related to greenhouse gas emission, climate

change and adaptation.

As a result of the workshop, the following changes were made to the draft General Plan Amendments:

- Land Use Opportunities and Constraints was amended to add the phrase "decreased air quality" to the list of climate change impacts.
- Proposed Policy 1.37.3 was amended to add hydrogen to electric vehicle fueling stations as a potential source of fuel to reduce dependence of fossil-based vehicle fuels.
- A new proposed Policy 1.37.6 was added to address greenhouse gas emission impacts from idling motor vehicles.

Each change from the June 24, 2021 workshop is notated in the staff report and redline General Plan Amendment document ([Attachment 9](#)).

American Canyon Fuel Station Status

Currently, there are three existing fuel stations in American Canyon and one approved fuel station in permitting. The existing fuel stations include: Chevron at 401 Napa Junction Road; Union 76 (former Arco) at 3462 Broadway; and Safeway at 103 West American Canyon Road. The approved fuel station in permitting is a Circle K located at 112 Lombard Road.

In addition to the existing and approved fuel stations, the City currently has a Conditional Use Permit (CUP) application for a 7-Eleven fuel station at 218 American Canyon Road, and a Rotten Robbie fuel station with a convenience store and carwash at 3519 Broadway. The CUP applications are on hold pending completion of the Urgency Ordinance and/or new Zoning Code regulations. A graphic depicting Existing, Approved, and Proposed fuel station locations is shown ([Attachment 5](#)).

Climate Basis for a Fuel Station Prohibition

Government Code Section 65358 allows General Plan Amendments when it is deemed in the public interest to do so. According to the California Air Resources Board (CARB), transportation accounts for about 40% of the state's greenhouse gas (GHG) pollution in the State. This statistic places transportation as the leading source of GHG pollution. Contributions from the transportation sector include emissions from fuel combustion by on-road and off-road vehicles, aviation, rail, and water-borne vehicles, as well as a few other smaller sources.

As shown ([Attachment 6](#)), as of 2017, passenger vehicles represent the largest single source of transportation GHG emissions in California. A copy of the CARB report is included ([Attachment 7](#)).

According to the California Department of Transportation (Caltrans), widespread use of ZEVs will improve California's air quality and help meet California's GHG reductions targets. A ZEV is defined as plug-in hybrid electric, full battery electric, hydrogen, and fuel cell vehicles because they have no greenhouse gas or air pollutant tailpipe emissions.

According to Caltrans, ZEVs are typically cheaper to fuel than gasoline-powered vehicles, and there are an increasing number of models to choose from, including longer-range Battery Electric Vehicles (BEVs), All-wheel-drive vehicles, SUVs, and mini-vans. Existing and proposed fuel stations do not include any Zero Emission Vehicle (ZEV) fueling infrastructure.

In September 2020, as part of an effort to address the impacts of climate change caused by transportation-related greenhouse gas emissions, Governor Newsom issued Executive Order N-79-20 to require all in-state sales of new passenger vehicles be ZEV by 2035. The Executive Order also sets a further goal of the state that 100 percent of medium- and heavy-duty (MD/HD) vehicles in the state be zero-emission by 2045 for all operations where feasible, and by 2035 for drayage trucks. Further, it sets a goal of the state to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible. A copy of Executive Order N-79-20 is included ([Attachment 8](#)).

Potential General Plan Amendments

The draft “discussion purpose” policies are drawn from existing City Council-adopted policies related to climate change and greenhouse gas reduction strategies. These policies include the Fuel Station urgency Ordinance as well as additional policies related to the BDSP and ongoing work with the Napa Climate Action Committee. Adding greenhouse gas emission reduction policies for these ongoing work efforts at this time may avoid the need for a subsequent “standalone” General Plan Amendment.

If the current General Plan is updated to include new greenhouse gas emission reduction policies, these policies would be incorporated into the General Plan 2040 update. Therefore, prospectively adopting greenhouse gas emission reduction policies will not be a “wasted” effort because they will “carry over” into the new General Plan.

Proposed Amendments to the Land Use Element

To see the proposed amendments in the context of the entire Land Use Element ([Attachment 9](#)). The complete General Plan is available on the City’s website at this address <https://bit.ly/3cPX1GK>.

The following section is extracted from the current Land Use Element to show proposed new climate change and greenhouse gas reduction policies. New policy and/or explanatory text is shown with a *italics underline text*. The source of each policy is listed below. Amendments from the June 24, 2021 workshop are shown in Bold text with the workshop date noted in the Source.

LAND USE ELEMENT

OPPORTUNITIES AND CONSTRAINTS (ISSUES)

The following summarizes the significant issues associated with land use in the City of American Canyon. These have been derived from technical analyses conducted by the consultant team and input from City staff and the public.

15. Climate change impacts pose an immediate and growing threat to California’s economy, environment, and public health. The effects of climate change in American Canyon include increased temperatures, **decreased air quality** reduced precipitation, flooding, a prolonged wildfire seasons and firestorms, mudslides, severe droughts, reduced water supply, property destruction, and damage to infrastructure.

Source: [California Environmental Protection Agency](#) and Planning Commission Workshop (June 24, 2021)

GOALS, OBJECTIVES, AND OBJECTIVES

POLICIES

The following presents the goals, objectives, and policies for land use in the City of American Canyon. They are to be applied in concert with a map, the **Land Use Plan**, which depicts the locations by which each category and density of use prescribed herein shall be permitted (**Figure 1-1**).

Climate Change and Greenhouse Gases

Goal

1U Conduct decisive near-term action to reduce greenhouse gas emissions in American Canyon.

Source: American Canyon Climate Change Proclamation (June 18, 2019)

Objective

1.37 Consider initiatives to reduce direct and indirect greenhouse gas (GHG) emissions from transportation sources, and from new, renovated, and existing development in the city.

Source: Urgency Ordinance 2021-03

Policy

1.37.1 Work with Napa County Jurisdictions together with community organizations, businesses, schools, and regional partners and jurisdictions to educate, mobilize, expand, and accelerate local, regional, and statewide support for comprehensive, immediate, and sustained action.

Source: American Canyon Climate Change Proclamation (June 18, 2019)

1.37.2 Recognizing that the transportation sector is the largest source of GHG emissions in American Canyon and in California more broadly, prohibit construction of new fossil-fuel stations in American Canyon.

Source: Urgency Ordinance 2021-03

1.37.3 Consider feasible methods to foster widespread use of Zero Emission Vehicles (ZEVs) to

improve air quality and help meet California's GHG reductions targets by expanding availability of non-fossil vehicle fuel infrastructure, such as public and private electric vehicle charging stations, and hydrogen facilities for fuel cell electric vehicles throughout American Canyon.

Source: Urgency Ordinance 2021-03 and Planning Commission Workshop (June 24, 2021)

1.37.4 Reduce vehicle miles travelled by encouraging future land uses that feature a compact mixed-use urban form connected with pedestrian and bicycle trails.

Source: Broadway District Specific Plan (Ordinance 2019-07)

1.37.5 Consider feasibility of adopting a “reach” local amendment to the California building code to require a 15% or greater energy efficiency than the State standard.

Source: Broadway District Specific Plan (Ordinance 2019-07)

1.37.6 Reduce vehicle engine idling in American Canyon by educating residents on the greenhouse gas impacts caused by engine idling, and implementing feasible commercial vehicle regulations.

Source: Planning Commission workshop (June 24, 2021)

Next Steps

The City Council will consider the Planning Commission recommendation along with other public testimony at a public hearing. The City Council may adopt the General Plan Amendments as proposed or provide direction to revise and/or amend the policies. Once approved, a General Plan amendment is effective immediately with no appeal period.

Climate action policies adopted into the current General Plan will be incorporated into the new General Plan 2040 effort. Thus, amending the General Plan at this time will not result in any “wasted efforts.”

Following adoption of applicable General Plan policies, staff will draft new fuel station regulations that will be incorporated into the Zoning Code (American Canyon Municipal Code Title 19).

The Planning Commission will conduct a public hearing and provide a recommendation to the City Council. The City Council will conduct a public hearing with a “Second Reading” at a subsequent (usually next) City Council meeting. The new Ordinance is effective thirty (30) days following the Second Reading.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Public Safety: "Ensure American Canyon remains a safe community."

FISCAL IMPACT

N/A.

ENVIRONMENTAL REVIEW

Consistent with Public Resources Code Section 21000, et seq., the California Environmental Quality Act, (“CEQA”), the proposed General Plan Amendment is categorically exempt from environmental review in accordance with CEQA Guidelines Section 15307 Actions by Regulatory Agencies for Protection of Natural Resources, and CEQA Guidelines Section 15308 Actions by Regulatory Agencies for Protection of the Environment. CEQA Guidelines Section 15307 and 15308 are applicable because the proposed General Plan policies are intended to address Climate change impacts that pose an immediate and growing threat to California’s economy, environment, safety, and public health.

ATTACHMENTS:

1. [Climate Change GPA Reso](#)
2. [Proclamation](#)
3. [Urgency Ord 2021-03](#)
4. [Workshop Public Comments](#)
5. [American Canyon Fuel Station Status](#)
6. [GHG Emissions in California](#)
7. [CARB GHG Report](#)
8. [Executive Order EO-N-79-20-Climate](#)
9. [REDLINE Fuel Station Land Use Element Amendment](#)

ATTACHMENT 1

PC RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVE A GENERAL PLAN AMENDMENT TO ADOPT CLIMATE CHANGE ADAPTATION AND GREENHOUSE GAS REDUCTION POLICIES INTO THE GENERAL PLAN LAND USE ELEMENT (FILE NO. PL21-0017)

WHEREAS, Climate change represents a growing danger to human health, safety, economic prosperity, basic services, and natural resources. The State of California as a whole, and Napa County residents, the economy, and environment have experienced adverse effects associated with climate change, such as a prolonged wildfire seasons and firestorms, rising temperatures, mudslides, severe droughts, property destruction and damage to infrastructure; and

WHEREAS, American Canyon has a long history of supporting policies to protect the environment. In 2013, American Canyon's Energy Efficiency Climate Action Plan (EECAP) was the first Climate Action Plan adopted in Napa County; and

WHEREAS, on June 18, 2019, the City Council approved a Countywide Commitment to Address Climate Change Proclamation declaring the City's support of local actions to address climate change including joining the Napa Countywide Climate Action Committee (CAC); and

WHEREAS, on April 6, 2021, due to concerns of greenhouse gas emissions as well as market saturation and Broadway District Specific Plan (BDSP) community character, the City Council adopted Urgency Ordinance 2021-03 to impose an immediate 10-Month, 15-day moratorium on processing discretionary entitlements to establish, use, and operate new fuel stations within the City of American Canyon; and

WHEREAS, according to the California Air Resources Board (CARB), transportation accounts for about 40% of the state's greenhouse gas (GHG) pollution in the State which places transportation as the leading source of GHG pollution in California; and

WHEREAS, as of 2017, the CARB reports that passenger vehicles represent the largest single source of transportation GHG emissions in California; and

WHEREAS, according to the California Department of Transportation (Caltrans), widespread use of Zero Emission Vehicles (ZEVs) will improve California's air quality and help meet California's GHG reductions targets; and

WHEREAS, a ZEV is defined as plug-in hybrid electric, full battery electric, hydrogen, and fuel cell vehicles because they have no greenhouse gas or air pollutant tailpipe emissions; and

WHEREAS, according to Caltrans, ZEVs are typically cheaper to fuel than gasoline-powered vehicles, and there are an increasing number of models to choose from, including longer-range Battery Electric Vehicles (BEVs), All-wheel-drive vehicles, SUVs, and mini-vans; and

WHEREAS, in September 2020, as part of an effort to address the impacts of climate change caused by transportation-related greenhouse gas emissions, Governor Newsom issued Executive Order N-79-20 to require all in-state sales of new passenger vehicles be ZEV by 2035; and

WHEREAS, the Governor’s Executive Order sets a further State goal that 100 percent of medium- and heavy-duty (MD/HD) vehicles be zero-emission by 2045 for all operations where feasible, and by 2035 for drayage trucks, and transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible; and

WHEREAS, there are three existing fuel stations in American Canyon and one approved fuel station in American Canyon and the existing and proposed fuel stations do not include any Zero Emission Vehicle (ZEV) fueling infrastructure; and

WHEREAS, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon (City) has adopted a General Plan to provide comprehensive long-range planning and a blueprint of the City’s future form, including land use and circulation maps that specify the roadway network and the distribution of types and intensities of land; and

WHEREAS, the General Plan lacks policies related to greenhouse gas emissions, climate change and adaptation; and

WHEREAS, on May 27, 2021 and June 24, 2021, the Planning Commission conducted a workshop to receive public testimony on potential General Plan Land Use Element policies related to greenhouse gas emission, climate change and adaptation policies as well as the impact of new fuel stations in the City of American Canyon in the context of greenhouse gas emissions, climate change and adaptation; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), (Public Resources Code Section 21000, *et seq.*), the proposed General Plan Amendment is categorically exempt from environmental review in accordance with CEQA Guidelines Section 15307 *Actions by Regulatory Agencies for Protection of Natural Resources*, and CEQA Guidelines Section 15308 *Actions by Regulatory Agencies for Protection of the Environment*. CEQA Guidelines Section 15307 and 15308 are applicable because the proposed General Plan policies are intended to address climate change impacts that pose an immediate and growing threat to California’s economy, environment, and public health; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on July 22, 2021 on the subject General Plan Amendment, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of American Canyon, having considered all the evidence, including any submitted by member of the public, hereby recommends the City Council of the City of American Canyon approve climate change, adaptation, and greenhouse gas reduction policies into the General Plan Land Use Element (PL21-0017) as shown in Section 1 below and findings in Section 2.

SECTION 1. General Plan Land Use Element Amendments.

Subject to City Council approval, the following policies are hereby incorporated into the General Plan Land Use Element:

OPPORTUNITIES AND CONSTRAINTS (ISSUES)

The following summarizes the significant issues associated with land use in the City of American Canyon. These have been derived from technical analyses conducted by the consultant team and input from City staff and the public.

15. Climate change impacts pose an immediate and growing threat to California’s economy, environment, and public health. The effects of climate change in American Canyon include increased temperatures, decreased air quality, reduced precipitation, flooding, a prolonged wildfire seasons and firestorms, mudslides, severe droughts, reduced water supply, property destruction, and damage to infrastructure.

GOALS, OBJECTIVES, AND POLICIES

The following presents the goals, objectives, and policies for land use in the City of American Canyon. They are to be applied in concert with a map, the **Land Use Plan**, which depicts the locations by which each category and density of use prescribed herein shall be permitted (**Figure 1-1**).

CLIMATE CHANGE AND GREEN HOUSE GASES

Goal

- 1U** Conduct decisive near-term action to reduce greenhouse gas emissions in American Canyon.

Objective

- 1.37 Consider initiatives to reduce direct and indirect greenhouse gas (GHG) emissions from transportation sources, and from new, renovated, and existing development in the city.

Policy

- 1.37.1 Work with Napa County Jurisdictions together with community organizations, businesses, schools, and regional partners and jurisdictions to educate, mobilize, expand, and accelerate local, regional, and statewide support for comprehensive, immediate, and sustained action.
- 1.37.2 Recognizing that the transportation sector is the largest source of GHG emissions in American Canyon and in California more broadly, prohibit construction of new fossil-fuel stations in American Canyon.
- 1.37.3 Consider feasible methods to foster widespread use of Zero Emission Vehicles (ZEVs) to improve air quality and help meet California's GHG reductions targets by expanding availability of non-fossil vehicle fuel infrastructure, such as public and private electric vehicle charging stations, **and hydrogen facilities** for fuel cell electric vehicles throughout American Canyon.
- 1.37.4 Reduce vehicle miles travelled by encouraging future land uses that feature a compact mixed-use urban form connected with pedestrian and bicycle trails.
- 1.37.5 Consider feasibility of adopting a “reach” local amendment to the California building code to require a 15% or greater energy efficiency than the State standard.
- 1.37.6 Reduce vehicle engine idling in American Canyon by educating residents on the greenhouse gas impacts caused by engine idling, and implementing feasible commercial vehicle regulations.

SECTION 2. Findings

Find, based on the following evidence and as required by State Law on General Plan Amendments:

- a. The proposed amendment is deemed to be in the public interest.

Climate change represents a growing danger to human health, safety, economic prosperity, basic services, and natural resources. The State of California as a whole, and Napa County residents, economy, and environment have experienced adverse effects associated with climate change, such as a prolonged wildfire seasons and firestorms, rising temperatures, mudslides, severe droughts, property destruction and damage to infrastructure. The proposed General Plan Amendment policies are intended to provide guidance on actions the City may take to halt or reverse the adverse impacts of climate change on our community and the broader region.

- b. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The State of California as a whole, and Napa County residents, economy, and environment have experienced adverse effects associated with climate change, such as a prolonged wildfire seasons and firestorms, rising temperatures, mudslides, severe droughts, property destruction and damage to infrastructure.

The General Plan is a fundamental document that provides local control over the physical development of our City. The legal authority for General Plan policies is derived from the California Constitution that allows Cities to adopt regulations in that protect public health, safety, and welfare.

The proposed General Plan Amendment policies, by providing guidance on actions the City may take to halt or reverse the substantial adverse impacts of climate change on our community and the broader region, will help protect public health, safety, and welfare, which is a fundamental purpose for the General Plan.

- c. The potential impacts of the proposed amendment in the land use designation have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

The proposed General Plan policies are intended to halt or reverse impacts of climate change on our community and the broader region. These policies will help reduce greenhouse gas emissions, and adaptation to climate change. Addressing these important issues will help protect Natural Resources, the Environment, as well as mitigate an immediate and growing threat to California's economy, safety, and public health. As described in finding (d) below, the proposed General Plan policies are categorically exempt from the California Environmental Quality Act (CEQA).

- d. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

Pursuant to the California Environmental Quality Act (CEQA), (Public Resources Code Section 21000, et seq.), the proposed General Plan Amendment is categorically exempt from environmental review in accordance with CEQA Guidelines Section 15307 Actions by Regulatory Agencies for Protection of Natural Resources, and CEQA Guidelines Section 15308 Actions by Regulatory Agencies for Protection of the Environment. CEQA Guidelines Section 15307 and 153098 are applicable because the proposed General Plan policies are intended to address Climate change impacts that pose an immediate and growing threat to California's economy, environment, safety, and public health.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of American Canyon held on the 22nd day of July, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tyrone Navarro, Chair

ATTEST:

APPROVED AS TO FORM:

Nicolle Jones, Administrative Technician

William D. Ross, City Attorney

CITY OF AMERICAN CANYON
PROCLAMATION



COUNTYWIDE COMMITMENT TO ADDRESS CLIMATE CHANGE

WHEREAS, on October 8, 2018, the Intergovernmental Panel on Climate Change (IPCC) released a report, “Global Warming of 1.5°C,” which states that “Limiting global warming to 1.5°C would require rapid, far-reaching and unprecedented changes in all aspects of society,” and projected that the earth could reach and exceed this temperature threshold by as early as 2030, far earlier than previously anticipated; and

WHEREAS, Climate modeling shows that it is not possible to stabilize global mean temperature rise at or below 1.5°C without undertaking additional pre-2030 climate mitigation and restoration actions focused on reducing radiative forcing levels associated with excess trapped heat. These urgent actions are additional and complementary to current efforts to reduce greenhouse gas emissions being undertaken by the state; and

WHEREAS, the State of California as a whole, and Napa County and its Cities and Town, residents, economy, and environment have already experienced adverse effects associated with climate change, such as a prolonged wildfire season and firestorms, rising temperatures, mudslides, severe droughts, property destruction and damage to infrastructure, and recognize that climate change represents a growing danger to human health, safety, economic prosperity, basic services, and natural resources; and

WHEREAS, Napa County and its Cities and Town (collectively Napa County Jurisdictions) recognize that climate change is a global problem, that decisive near-term action is needed to prevent further global warming, and that we must work together with other jurisdictions, because the most practical and cost-effective solutions to climate change which can directly benefit County and City residents require broad participation and coordination.

NOW, THEREFORE, BE IT PROCLAIMED, that Napa County Jurisdictions are dedicated to working together with community organizations, businesses, schools, and regional partners and jurisdictions to educate, mobilize, expand, and accelerate local, regional, and statewide support for comprehensive, immediate, and sustained action.

BE IT FURTHER PROCLAIMED, that Napa County Jurisdictions commit to and will pursue the following local actions in support of these goals:

1. Address climate change in their respective General Plans consistent with the State Office of Planning and Research Guidelines for General Plan Updates.
2. Form a community round table, advisory group, or other similar stakeholders group to review Napa County Jurisdictions’ respective existing Climate Action Plans (and/or functional equivalent thereof) and then identify countywide goal setting and strategies for addressing climate change issues which may include some or all of the following:
 - a. Estimate baseline and future projected countywide greenhouse gas (GHG) emissions.
 - b. Agree upon a countywide GHG reduction goal and timeline.
 - c. Establish common goals and standards that each jurisdiction can adopt independently to reduce emissions.
3. Identify potential threats to the County, Cities, and Town resulting from future climate change and develop cost estimates and funding opportunities for shared projects and programs to improve community resiliency.

Dated: June 18, 2019

Leon Garcia, Mayor

ORDINANCE NO. 2021-03

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 ESTABLISHING A 10-MONTH, 15-DAY TEMPORARY MORATORIUM ON THE APPROVAL OF DISCRETIONARY APPLICATIONS FOR NEW FUEL STATIONS THAT ARE NOT COMPLETE AS OF THE EFFECTIVE DATE OF THE ORDINANCE IN ALL ZONING DISTRICTS IN THE CITY OF AMERICAN CANYON PENDING REVIEW AND POSSIBLE AMENDMENT OF MUNICIPAL CODE REGULATIONS; AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws; and

WHEREAS, Government Code Section 65858, subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that such measures shall be of no effect 45 days from the date of adoption, and may be extended a maximum to two times and have a maximum total duration of two years; and

WHEREAS, Government Code Section 65858, subdivision (c) provides that legislative bodies may not adopt or extend such interim ordinances unless they contain findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional entitlements would result in that threat to public health, safety, or welfare; and

WHEREAS, Government Code Section 65858, subdivision (d) provides that ten days prior to the expiration of an interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance; and

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

WHEREAS, Governor Newsom’s Executive Order N-79-20, sets a goal to eliminate new gasoline-powered vehicle sales by 2035; and

WHEREAS, the City is an active member of the Napa County Climate Action Committee and this Committee is contemplating policy amendments to reduce greenhouse gas emissions in Napa County; and

WHEREAS, the City is in the process of updating the General Plan, which includes a Climate Action Plan component; and

WHEREAS, Fuel Station approvals and construction may be inconsistent with the contemplated General Plan, Zoning Ordinance, and applicable Specific Plans; and

WHEREAS, on February 2, 2021, the City Council conducted a workshop to discuss impacts of discretionary development application processing and construction permit issuance for new Fuel Stations in all zoning districts in the City of American Canyon; and

WHEREAS, on February 16, 2021, the City Council conducted a public hearing to discuss impacts of discretionary development application processing and construction permit issuance for new Fuel Stations in all zoning districts in the City of American Canyon; and

WHEREAS, the City Council adopted Interim Urgency Ordinance 2021-01, a 45-day moratorium on processing Fuel Stations discretionary development application processing in all zoning districts in the City of American Canyon; and

WHEREAS, Interim Urgency Ordinance 2021-01 will expire on April 16, 2021 unless it is extended by adoption of a subsequent 10-month, 15-day Interim Urgency Ordinance; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at a public hearing on April 6, 2021 in making its decision.

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

SECTION 1: The above recitals are true and correct and are incorporated herein.

SECTION 2: Moratorium. In order to protect the public health, safety and welfare and pursuant to the provisions of Government Code section 65858, a moratorium is hereby placed on the following:

- a. The approval of discretionary applications for Fuel Station uses that are not complete as of the effective date of this Ordinance in all zoning districts in the City of American Canyon that would allow the establishment, expansion, or relocation of a Fuel Station or business offering related services.
- b. For the Purposes of this Ordinance, "Fuel Station" shall also mean a "Gas Station and Automobile Service Facility" and is defined as: an establishment engaged primarily in the retail sale of motor fuels and incidentally in the supplying of goods and services required in the operation and maintenance of motor vehicles. This classification includes incidental maintenance and repair of automobiles and light trucks.

SECTION 3. Declaration of Urgency. This urgency is based on the following facts:

- a. The purpose of this Ordinance is to protect the public safety, health and welfare from the current and immediate threats posed by the establishment of new Fuel Stations and the possible modification and expansion of existing Fuel Stations.
- b. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.
- c. The City Council finds that, in general, these types of businesses, as presently regulated in other jurisdictions, may result in serious harmful effects, including but not limited to damage to the community

vision, climate change, air pollution, vehicle traffic congestion, and reduction in viability of existing Fuel Stations in American Canyon.

d. The City has concluded that the best method of protecting the public safety, health, and welfare is to explore regulations concerning the placement, establishment, and possible operation of Fuel Stations within the City.

SECTION 4. Community Development Department. The Community Development Director is directed to provide a written report to the City Council at least ten (10) days prior to the expiration of this ordinance, describing the study conducted of the local conditions that led to the adoption of this ordinance.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon the date of its adoption pursuant to Government Code section 65858.

SECTION 6. Expiration. This moratorium shall be of no further force or effect upon the expiration of ten (10) months and fifteen (15) days from the date of adoption, unless extended in accordance with the provisions Government Code section 65858.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15308 (regulatory action taken by the City pursuant to its policy power and in accordance with Government Code Section 65858 and Article XI, Section 7 of the California Constitution), 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations because it has no potential for resulting in physical change to the environment, directly or indirectly, as it prevents changes in the environment pending the completion of the contemplated possible review of City zoning regulations.

SECTION 9. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

The foregoing Urgency Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 6th day of April, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

DocuSigned by:
Cherri Walton
86326950EAFE4FA
Cherri Walton, Interim City Clerk

DocuSigned by:
Leon Garcia
8A18B3340BAC47C
Leon Garcia, Mayor
APPROVED AS TO FORM:

DocuSigned by:
William D. Ross
285D50432D03421
William D. Ross, City Attorney

From: Christina Benz <christinabbenz@gmail.com>

Sent: Thursday, May 27, 2021 8:32 AM

To: Tyrone Navarro <Tnavarro@cityofamericancanyon.org>; Crystal Mallare <cmallare@cityofamericancanyon.org>; Eric Altman <ealtman@cityofamericancanyon.org>; Andrew Goff <agoff@cityofamericancanyon.org>; Tammy Wong <twong@cityofamericancanyon.org>

Cc: Brent Cooper <bcooper@cityofamericancanyon.org>; David Kearney-Brown <davekearneybrown@yahoo.com>; Lynne Baker <LBaker.RNMS@gmail.com>; Jim Wilson <jplaudatosi@gmail.com>; Linda Brown <LBrown@scsglobalservices.com>; Lori Stelling <lori.stelling@me.com>

Subject: [External] Support for Amendments Banning Fuel Stations, Item 5.1

Dear American Canyon Planning Commissioners,

The members of the Napa Climate NOW! Steering Committee would like to express our deep appreciation for the efforts you as Planning Commissioners have made to address the issue of more fuel stations in American Canyon. It was at your request that the City Council addressed this issue, heard from the community, and responded with a moratorium on future permits.

This evening you will be taking the first step in making permanent changes to the General Plan and zoning regulations that will limit future fuel station development. The Staff Report gives an excellent background on the climate benefits to be gained, as well as the importance of moving toward services that will work for zero-emissions vehicles.

We support the amendments for the Land Use Element proposed in the Staff Report and urge you to direct staff to move ahead with these changes. With this action, you will set an example for all of Napa County.

Thank you for your service,

Chris Benz



(707)492-0089



Council, Committee, and Commission Meeting Public Comment

Please complete the following so that your comment can be routed to the appropriate governing body and incorporated into the meeting record. Comments will not be read aloud during the meeting.

If you wish to speak on an item during the meeting, please join with the Zoom information located on the Agenda. Participants are allowed 3 minutes per topic.

Name: * Ella Zipagan

Email: *

I would like to receive a call after the meeting? *

Meeting Date: *

Council, Committee or Commissions? *

Is your comment related to an item on the agenda? *

Agenda Item Number: *

Agenda Item Name: *

Public Comment: * General Plan Use Workshop - Fuel Stations
Recommendation: Conduct a Workshop to discuss the potential General Plan Land Use Element policies to regulate new fuel stations in all zoning districts in the City of American Canyon.

Please I am urging you to remove all future fuel zoning in American Canyon. We do not need to have fuel zoning in American Canyon. This will only encourage gas station companies to come in to our cities. We do not need any more fuel/gas stations in our city.

Please make our city environmentally safe and healthy for our citizens.

I am: * IN FAVOR of this item
 AGAINST this item
 N/A

File Upload



Council, Committee, and Commission Meeting Public Comment

Please complete the following so that your comment can be routed to the appropriate governing body and incorporated into the meeting record. Comments will not be read aloud during the meeting.

If you wish to speak on an item during the meeting, please join with the Zoom information located on the Agenda. Participants are allowed 3 minutes per topic.

Name: * Jason Kishineff

Email: *

I would like to receive a call after the meeting: * Yes No

Meeting Date: * 6/24/2021

Council, Committee or Commissions: * Planning Commission

Is your comment related to an item on the agenda? * Yes No

Agenda Item Number: * 2

Agenda Item Name: * Fuel stations

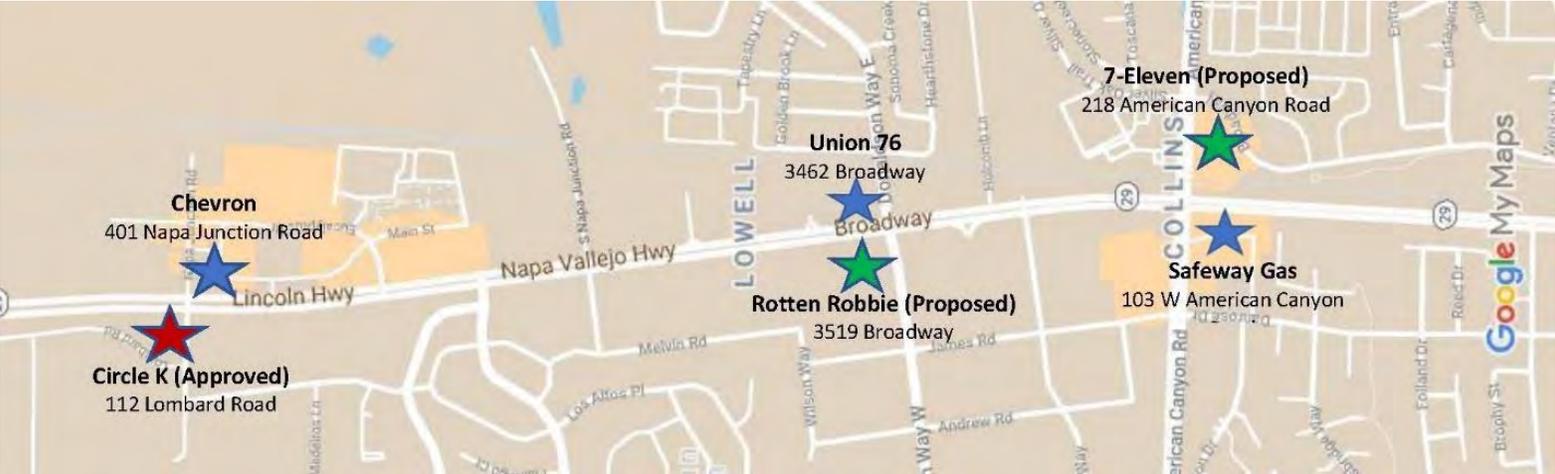
Public Comment: * I don't think our town needs any more fueling stations. I could accept one more station, but only if it is an affordable station. We definitely don't need any more Chevron stations!

I am: * IN FAVOR of this item AGAINST this item N/A

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Attachment 5

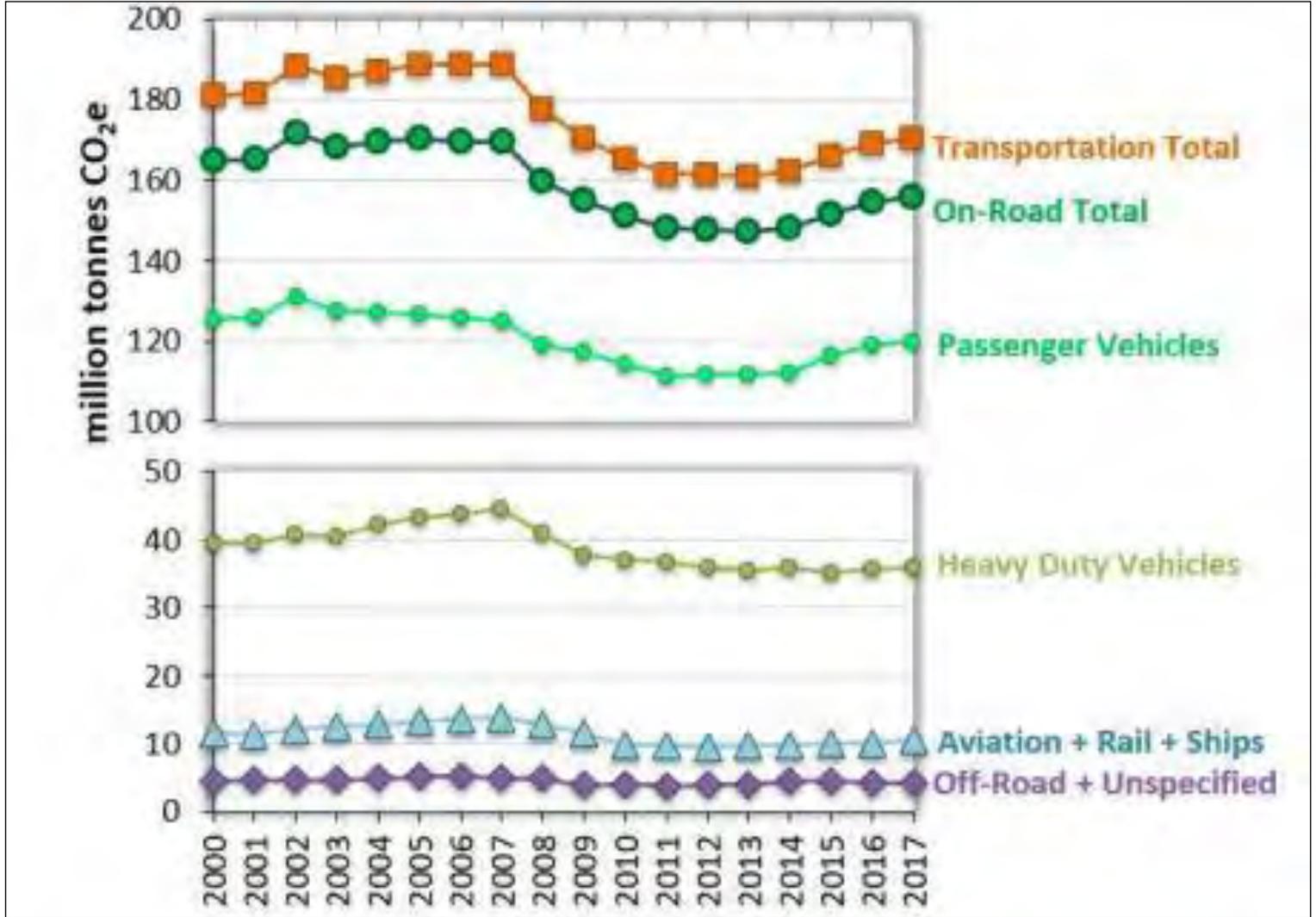
Existing, Approved, and Proposed Fuel Stations



- Legend:
- Existing (blue star)
 - Approved (red star)
 - Proposed (green star)

Attachment 6

California GHG Transportation Sources (2017)





California Greenhouse Gas Emissions for 2000 to 2017

Trends of Emissions and Other Indicators

Executive Summary

The annual statewide greenhouse gas (GHG) emission inventory is an important tool in tracking progress towards meeting statewide GHG goals. The inventory for 2017 shows that California's GHG emissions continue to decrease. In 2017, emissions from GHG emitting activities statewide were 424 million metric tons of CO₂ equivalent (MMTCO_{2e}), 5 MMTCO_{2e} lower than 2016 levels and 7 MMTCO_{2e} below the 2020 GHG Limit of 431 MMTCO_{2e}. Consistent with recent years, these reductions have occurred while California's economy has continued to grow and generate jobs. Compared to 2016, California's GDP grew 3.6 percent while the carbon intensity of its economy declined by 4.5 percent. The most notable highlights in the inventory include:

- For the first time since California started to track GHG emissions, in-state and total electricity generation from zero-GHG sources (for purposes of the GHG inventory, these include solar, hydro, wind, and nuclear) exceeded generation from GHG-emitting sources.
- The transportation sector remains the largest source of GHG emissions in the state, but saw a 1 percent increase in emissions in 2017, the lowest growth rate over the past 4 years.
- Emissions from all other sectors have remained relatively constant in recent years, although emissions from high Global Warming Potential (GWP) gases have continued to increase as they replace Ozone Depleting Substances (ODS) banned under the 1987 Montreal Protocol.

Figure 1 shows the statewide GHG emissions as compared to the 2020 GHG Limit.

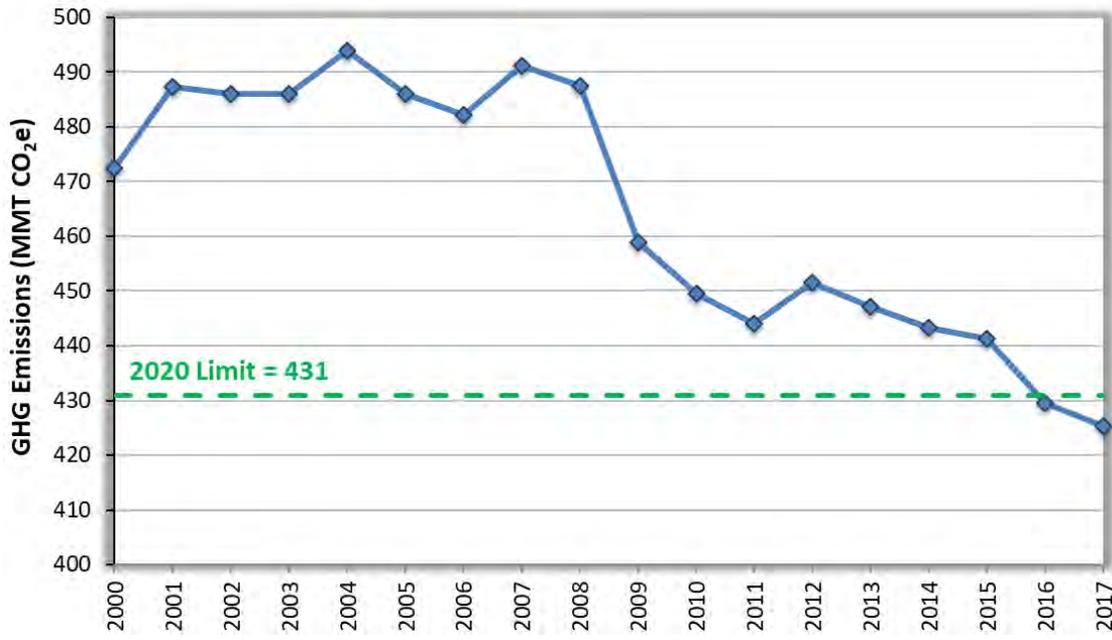


Figure 1. California GHG Emissions Trends. This figure shows the emission trends between 2000 and 2017 as compared to the 2020 statewide GHG limit of 431 MMTCO₂e.

Introduction

The GHG inventory is an important tool in tracking the state's progress towards achieving the statewide GHG goals established by Assembly Bill 32 (AB 32) (reduce emissions to 1990 levels by 2020) and Senate Bill 32 (SB 32) (reduce emissions to at least 40 percent below the 1990 levels by 2030). The 2019 edition of the GHG inventory includes the emissions of the seven GHGs identified in AB 32¹ for the years 2000 to 2017 and uses an inventory scope and framework consistent with international and national GHG inventory practices.² There are additional climate pollutants that are not included in AB 32 that are tracked separately outside of the GHG inventory. These climate pollutants include black carbon and sulfuryl fluoride (SO₂F₂), which are discussed in the Short-Lived Climate Pollutant (SLCP) Strategy³, and ozone depleting substances (ODS), which are being phased out according to a 1987 international treaty⁵. ODS are now being substituted with hydrofluorocarbons, which are pollutants specified in AB 32.

Statewide Trends of Emissions and Indicators

In 2017, emissions from statewide emitting activities were 424 million metric tons of CO₂ equivalent (MMTCO₂e), which is 5 MMTCO₂e lower than 2016 levels. 2017 emissions have decreased by 14 percent since peak levels in 2004 and are 7 MMTCO₂e below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 tonnes per person to 10.7 tonnes per person in 2017, a 24 percent decrease.^{4,19} Overall trends in the inventory also demonstrate that the carbon intensity of California's economy (the amount of carbon pollution per million dollars of gross domestic product (GDP)) is declining. From 2000 to 2017, the carbon intensity of California's economy has decreased by 41 percent from 2001 peak emissions while simultaneously increasing GDP by 52 percent. In 2017, GDP grew 3.6 percent while the emissions per GDP declined by 4.5 percent compared to 2016.²² Figures 2(a)-(c) on the next page show California's growth alongside GHG reductions.

Figure 2a. Change in California GDP, Population, and GHG Emissions Since 2000

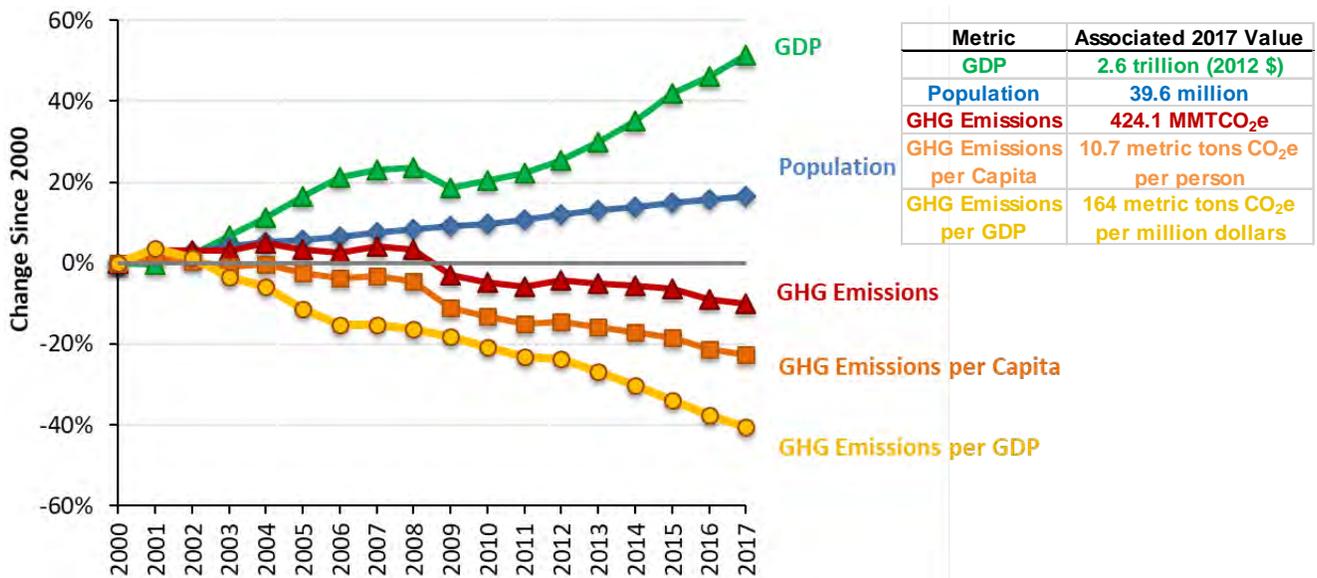


Figure 2b. California Total and Per Capita GHG Emissions

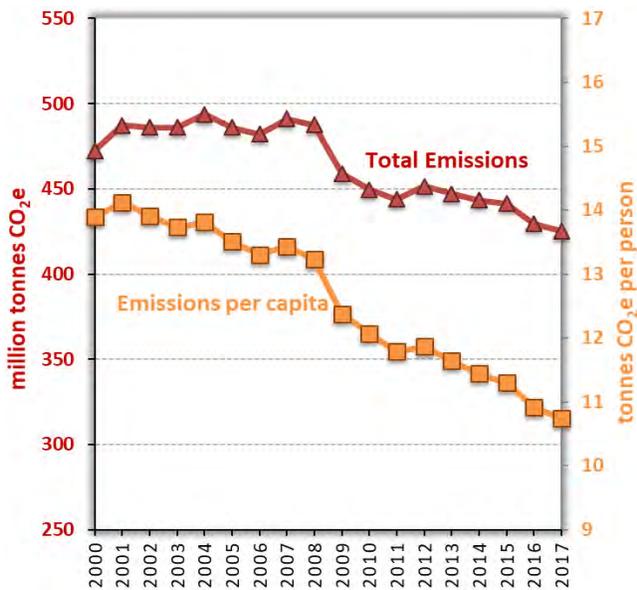
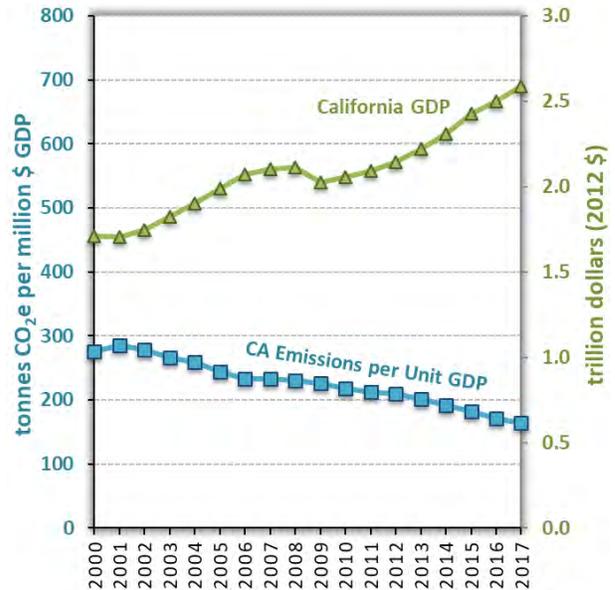


Figure 2c. Carbon Intensity of California's Economy



Figures 2(a)-(c). California's GHG emissions, population, GDP, GHG per capita, and carbon intensity of the economy. Figure 2(a) shows percent change in GHGs relative to GDP and population since 2000. Figures 2(b) and 2(c) present these indicators in the original units. In the charts with 2 vertical axes, the color of a trend line matches the color of its corresponding vertical label.

Overview of Emission Trends by Sector

The transportation sector remains the largest source of GHG emissions in the State. Direct emissions from vehicle tailpipe, off-road transportation mobile sources, intrastate aviation, rail, and watercraft account for 40 percent^a of Statewide emissions in 2017. The annual increase in transportation emissions in 2017 has slowed down slightly compared to the previous 3 years. Emissions from the electricity sector account for 15 percent of the inventory and show another large drop in 2017 due to a large increase in renewable energy. For the first time since California started to track GHG emissions, California uses more electricity from zero-GHG sources (for the purpose of the GHG inventory, these include hydro, solar, wind, and nuclear energy) than from GHG-emitting sources for both in-state generation and total (in-state plus imports) generation in 2017. The industrial sector has seen a slight emissions decrease in the past few years, and remains at 21 percent of the inventory. Emissions from high-GWP gases have continued to increase as they replace ODS banned under the 1987 Montreal Protocol.⁵ Emissions from other sectors have remained relatively constant in recent years. Figure 3 shows an overview of the emission trends by Scoping Plan sector. Figure 4 breaks out 2017 emissions by sector into additional level of sub-sector categories.

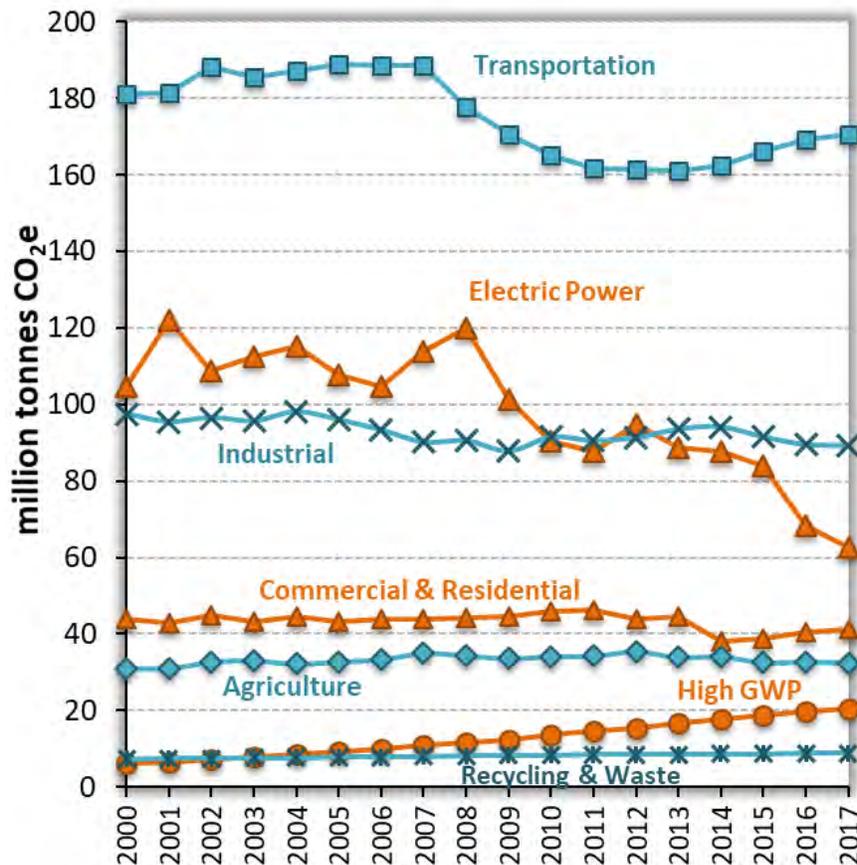


Figure 3. Trends in California GHG Emissions. This figure shows changes in emissions by Scoping Plan sector between 2000 and 2017. Emissions are organized by the categories in the AB 32 Scoping Plan.

^a The transportation sector represents tailpipe emissions from on-road vehicles and direct emissions from other off-road mobile sources. It does not include emissions from petroleum refineries and oil production.

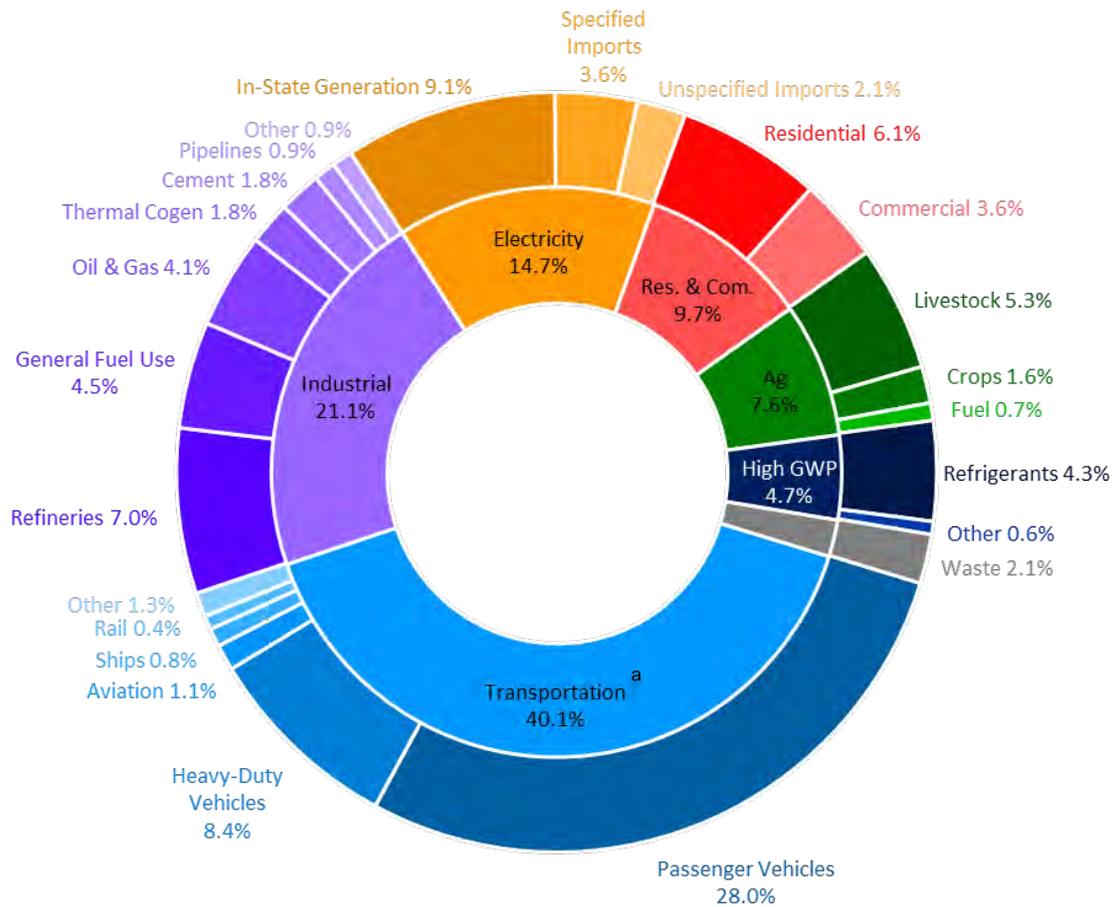


Figure 4. 2017 GHG Emissions by Scoping Plan Sector and Sub-Sector Category. This figure breaks out 2017 emissions by sector into an additional level of sub-sector categories. The inner ring shows the broad Scoping Plan sectors. The outer ring breaks out the broad sectors into sub-sectors or emission categories under each sector.

^a The transportation sector represents tailpipe emissions from on-road vehicles and direct emissions from other off-road mobile sources. It does not include emissions from petroleum refineries and oil production.

In this report, emission trends and indicators are presented in the categories outlined in the Initial AB 32 Scoping Plan.⁶ There are alternative ways of organizing emission sources into categories, and the resulting percentages will be different depending on these categorization schemes. The *Additional Information* section at the end of this report provides further information. All emissions in this report are expressed in 100-year GWP from the Intergovernmental Panel on Climate Change (IPCC) 4th Assessment Report (AR4),² consistent with current international GHG inventory practices.

Transportation Sector

The transportation sector remains the largest source of GHG emissions in 2017, accounting for 40 percent^a of California's GHG inventory. Contributions from the transportation sector^b include emissions from combustion of fuels utilized in-state that are used by on-road and off-road vehicles, aviation, rail, and water-borne vehicles, as well as a few other smaller sources.

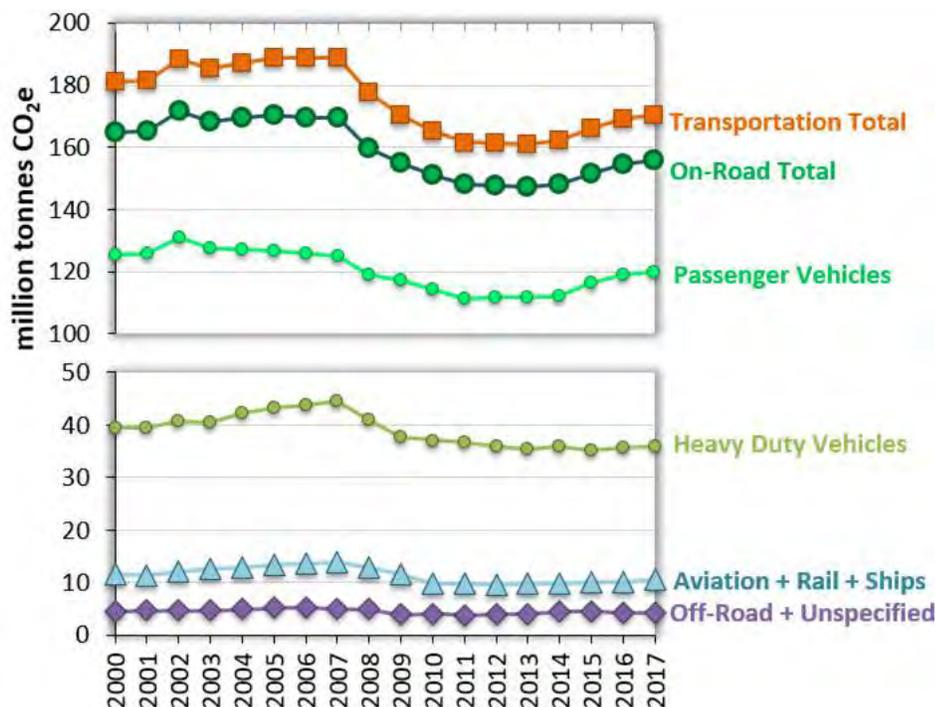


Figure 5. Overview of GHG Emissions from the Transportation Sector. "Transportation Total" is the sum of "On-Road Total," "Aviation + Rail + Ships," and "Off-Road + Unspecified." "On-Road Total" is the sum of "Passenger Vehicles" and "Heavy Duty Vehicles." The size of the symbols denotes the summing; larger symbols indicate what is summed to "Transportation Total" and small circles indicate what is summed to "On-Road Total."

The figures on the following page show the trends in emissions and fuel for in-state use for light-duty gasoline and heavy-duty diesel vehicles. Total fuel combustion emissions, inclusive of both fossil component (orange line) and bio-component (yellow shaded region) of the fuel blend, track trends in fuel sales. Consistent with the *IPCC Guidelines for National GHG Inventories*⁷ and the annual GHG inventories submitted by the U.S. and other nations to the United Nations Framework Convention on Climate Change (UNFCCC), the biofuel components of fuel combustion CO₂ emissions are classified as "biogenic CO₂." They are tracked separately from the rest of the emissions in the inventory and are not included in the total emissions when comparing to California's 2020 and 2030 GHG targets. Biogenic CO₂ emissions data are available on the CARB webpage.⁸

^a The 40 percent figure represents tailpipe emissions from on-road vehicles and direct emissions from other non-road transportation sources. It does not include emissions from petroleum refineries and oil production.

^b Emissions from interstate and international aviation diesel, jet fuel use at military bases, and a portion of bunker fuel purchased in California that is combusted by ships beyond 24 nautical miles from California's shores are not included in the GHG emission inventory, but are tracked separately as informational items. For transportation fuels, the portions of upstream emissions released outside of California's borders are tracked by the Low Carbon Fuel Standard (LCFS) program and are not included or tracked in this version of the GHG emission inventory.

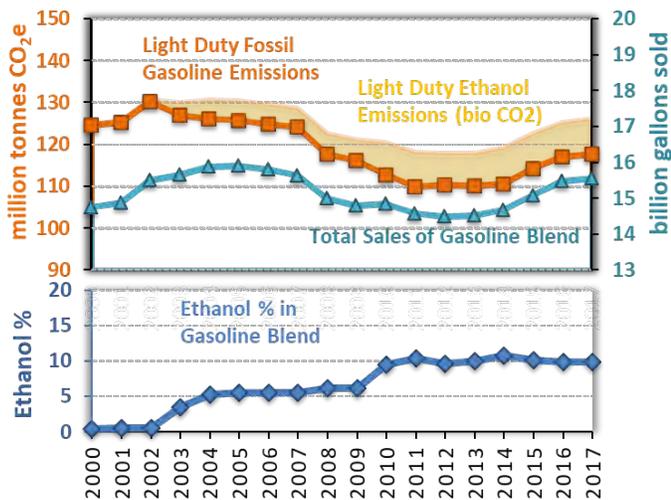


Figure 6. Trends in On-Road Light Duty Gasoline Emissions. In the top panel, the yellow shaded region represents CO₂ emissions from the ethanol-component of the fuel blend, which is not counted toward the statewide GHG targets. The orange line includes emissions from the fossil gasoline component of the fuel blend, as well as the CH₄ and N₂O emissions from the ethanol-component of the fuel blend, and these are included in the statewide GHG targets. The color of a trend line matches the color of its corresponding vertical axes label. The bottom panel shows the percent of gasoline blend that is ethanol.

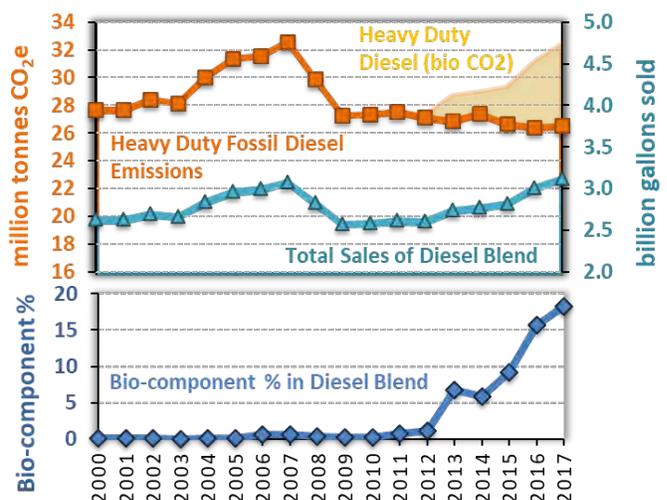


Figure 7. Trends in On-Road Heavy Duty Diesel Vehicle Emissions. In the top panel, the yellow shaded region represents CO₂ emissions from the bio-component (biodiesel and renewable diesel) of the fuel blend, which is not counted toward the statewide GHG targets. The orange line includes emissions from the fossil diesel component of the fuel blend, as well as the CH₄ and N₂O emissions from the bio-component of the fuel blend, which are counted towards the statewide GHG targets. The color of a trend line matches the color of its corresponding vertical axes label. The bottom panel shows the percent of diesel blend that are biodiesel or renewable diesel.

Emissions from transportation sources were relatively constant from 2002 through 2007, declined through 2013, then increased by 9.0 MMTCO₂e (or 6 percent) from 2013 to 2017. Emissions from gasoline used in on-road vehicles are the main driver of that increase. A combination of factors influences on-road transportation emissions. Regulations, improved fuel efficiency of the state’s vehicle fleet, and higher market penetration of zero-emission vehicles drive down emissions over time; but population growth, lower fuel prices, more consumer and economic activity, and higher overall employment are factors that may increase fuel use. Biofuels such as ethanol, biodiesel, and renewable diesel can displace fossil fuels and reduce the amount of fossil-based CO₂ emissions released into the atmosphere. The percent of biodiesel and renewable diesel in the total diesel blend have shown a significant growth in recent years, going from 1 percent in 2012 to 18 percent in 2017.

Electric Power

Emissions from the electric power sector comprise 15 percent of 2017 statewide GHG emissions. The GHG emission inventory divides the electric power sector into two broad categories: emissions from in-state power generation (including the portion of cogeneration emissions attributed to electricity generation) and emissions from imported electricity.

GHG emissions from the electricity sector declined by 9 percent in 2017 compared to 2016. The overall decrease in carbon intensity of California’s electricity generation is driven primarily by the large increase in zero-GHG and renewable energy resources due in part to California’s Renewable Portfolio Standard (RPS) and the Cap-and-Trade Program.

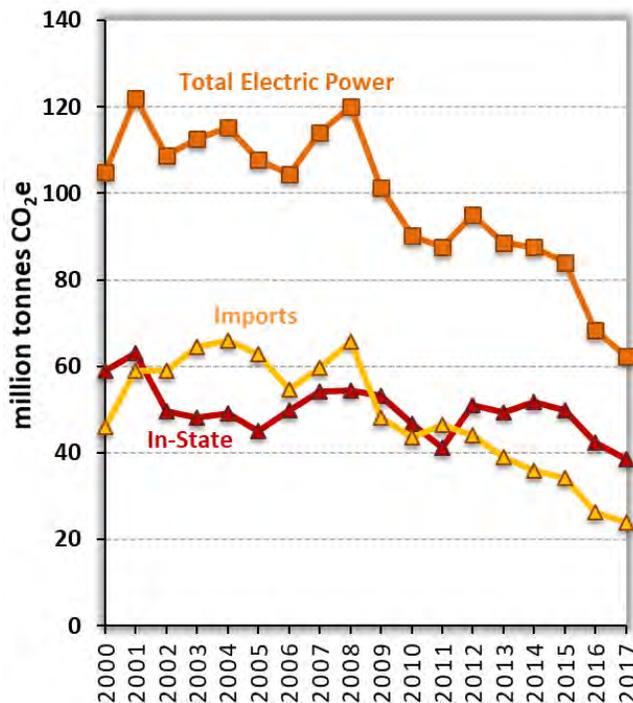


Figure 8. GHG Emissions from the Electric Power Sector. This figure shows trends in emissions of in-state electricity generation, emissions associated with electricity imported from outside of California, and the total electric power sector emissions, which is the sum of in-state generation and imports.

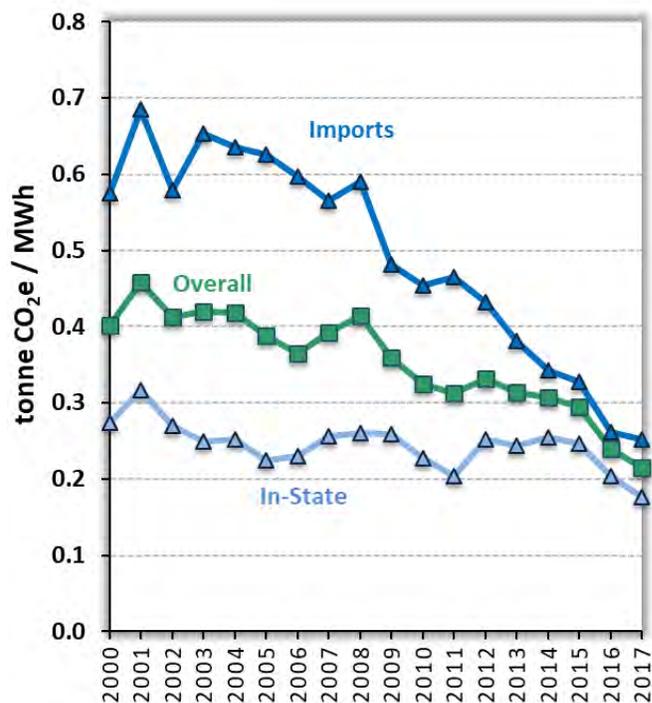


Figure 9. GHG Intensity of Electricity Generation.^c This figure shows trends in GHG intensities of electricity generated by in-state power plants, electricity imported from outside of California, and the overall GHG intensities aggregating both in-state generation and electricity imports.

^c All three GHG intensities account for renewables and exclude biogenic CO₂ emissions. For calculating in-state and overall intensities, in-state electricity emissions and MWh generation include on-site generation for on-site use, cogeneration emissions attributed to electricity generation, in-state generated electricity exported out of state, and rooftop solar. The denominator of overall intensity is the total MWh consumed in and exported from California, and excludes MWh lost during transmission and distribution.

In 2017, 52 percent of total electricity generation (in-state generation plus imported electricity) came from zero-GHG generation sources (for purposes of the GHG inventory, these include solar, wind, large and small hydropower, and nuclear). Electric power emissions dropped 6 MMTCO_{2e} from 2016 to 2017 due to increased supplies of renewable energy displacing fossil-fuel generation.

In-state solar generation grew 26 percent between 2016 and 2017. Solar and wind power make up 22 percent of the total in-state generation in 2017. Between 2011 and 2017, in-state solar generation saw significant growth as rooftop photovoltaic solar generation increased six-fold¹¹ and total solar generation (commercial-scale plus rooftop solar) increased 13 times during that period.^{11, 12} In-state wind energy generation ramped up through 2013, but its trend has remained relatively constant since 2013.¹²

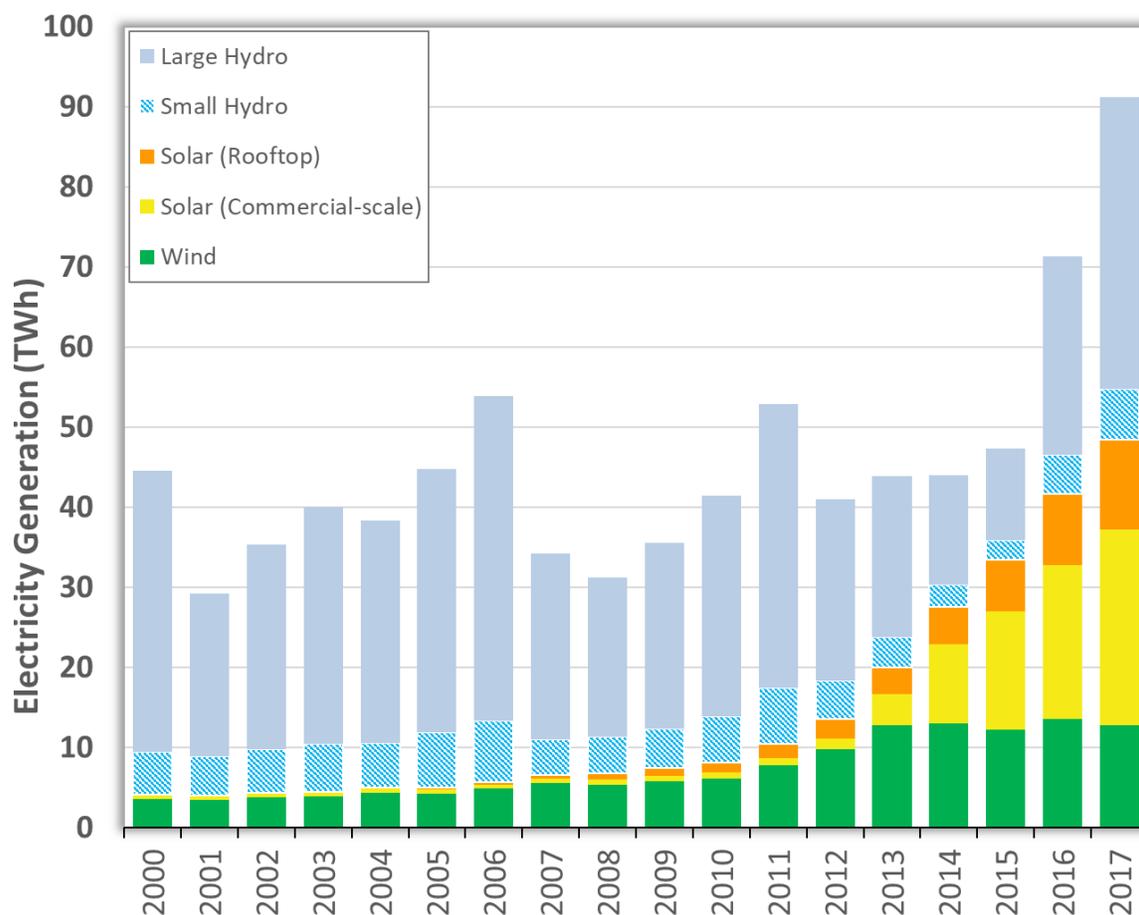


Figure 10. In-State Hydro, Solar, and Wind Electricity Generation. This figure shows the amounts of electricity generated by California’s in-state wind power projects, large commercial-scale solar power projects, rooftop solar panels, and hydropower generation stations. The unit is in terawatt-hour (1 TWh = 10⁹ kWh).

Trends in the types of in-state generation and imported electricity sources are presented in the figures below. In-state natural gas generation complements the year-to-year fluctuations in zero-GHG resources. Comparing the fractions of total imports in 2011 and 2017, solar generation went from 0.02 percent to 2.9 percent, and wind generation went from 2.7 percent to 6.2 percent.

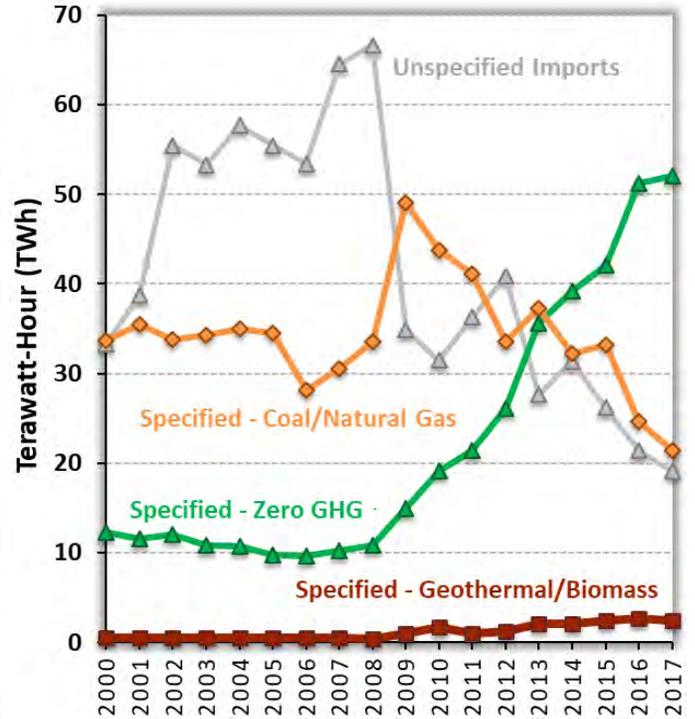
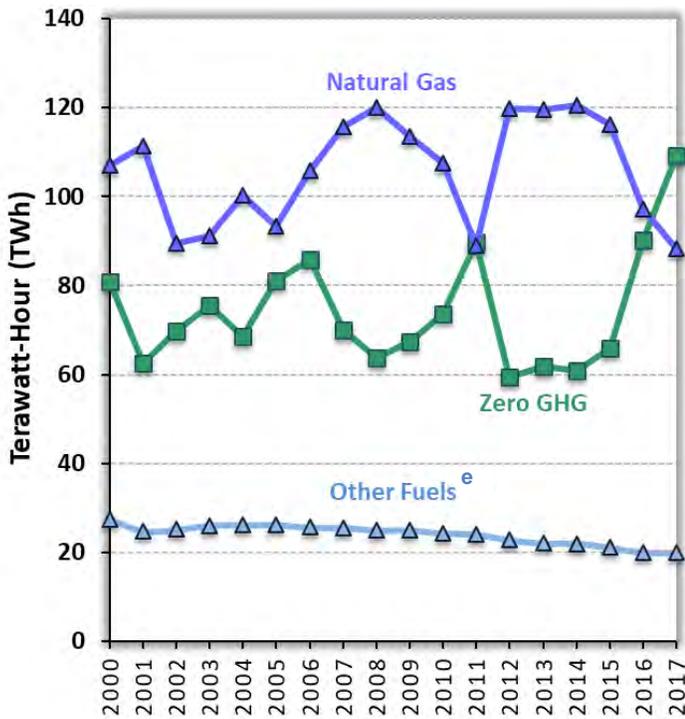


Figure 11a. In-State Electricity Generation by Fuel Type.

This figure shows the amounts of electricity generated by in-state natural gas power plants, zero-GHG sources (which includes solar, wind, hydro, and nuclear), and other generation sources. The footnote e below provides a list of other generation sources included in the “Other Fuels” line.

Figure 11b. Imported Electricity by Generation Type.

This figure shows the amounts of imported electricity that are specified as fossil fuel (coal and natural gas), zero-GHG sources (solar, wind, hydro, and nuclear), and geothermal and biomass, as well as unspecified electricity imports.

^e “Other Fuels” include energy generations from associated gas, biomass, coal, crude oil, digester gas, distillate, geothermal, jet fuel, kerosene, landfill gas, lignite coal, municipal solid waste (MSW), petroleum coke, propane, purchased Steam, refinery gas, residual fuel oil, sub-bituminous coal, synthetic coal, tires, waste coal, waste heat, and waste oil. CO₂ and CH₄ emissions from geothermal, and CH₄ and N₂O emissions from biomass power plant, are included in the statewide total for comparing to the 2020 GHG target.

Industrial

Emissions from the industrial sector contributed 21 percent of California’s total GHG emissions in 2017. Emissions in this sector are primarily driven by fuel combustion from sources that include refineries, oil & gas extraction, cement plants, and the portion of cogeneration emissions attributed to thermal energy output. Process emissions, such as result from clinker production in cement plants and hydrogen production for refinery use, account for approximately a seventh of the emissions in the industrial sector. Emissions from this sector show a slight decrease in emissions in the past three years.

Refineries and hydrogen production represent the largest individual source in the industrial sector, contributing 33 percent of the sector’s total emissions. The refinery emissions have remained relatively constant in the past few years, aside from a decrease in 2015 resulting from Exxon Mobile’s Torrance refinery temporary shutdown between February 2015 and May 2016.

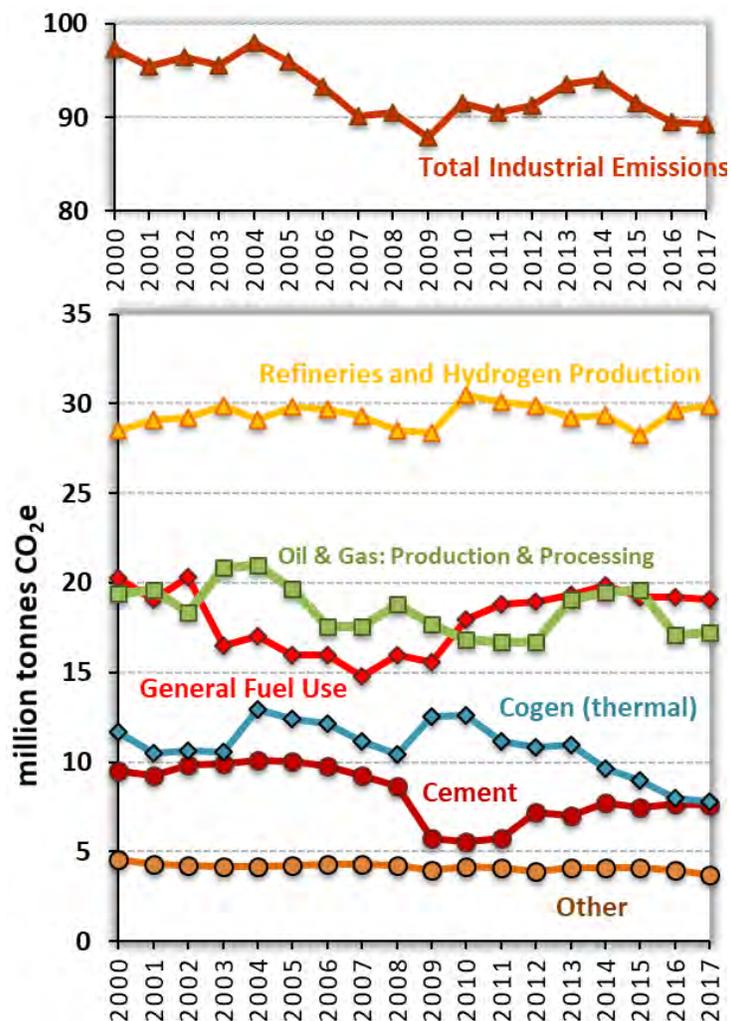


Figure 12. Industrial Sector Emissions. The top panel of this figure shows the overall emissions trend of the total industrial sector. The bottom panel shows emissions trends by sub-sector – summing the bottom panel will equal the top panel. In accordance with the IPCC Guidelines, the cogeneration category under the industrial sector includes only the portion of emissions attributed to the total thermal output of cogeneration; the portion of cogeneration emissions attributed to electricity generation is assigned to the electric power sector and not shown in this graph.

Emissions from oil and gas extraction represent 19 percent of the industrial sector emissions. Oil and gas extraction emissions remained relatively constant from 2016 to 2017. Emissions from the natural gas transmission and distribution sector have remained relatively constant over the entire time series.

General fuel use by industries gradually increased from 2009 through 2014, but have decreased in the past three years. In 2009 and 2010, cogeneration (“cogen”) facilities used more of their capacity to generate useful thermal energy (such as steam for industrial processes); however, useful thermal energy production has been on a downward trajectory since that time. Several cogeneration facilities, most of them associated with oil and gas operations, have either shut down or become non-operational in recent years and further contributed to the downward trend in cogeneration emissions.

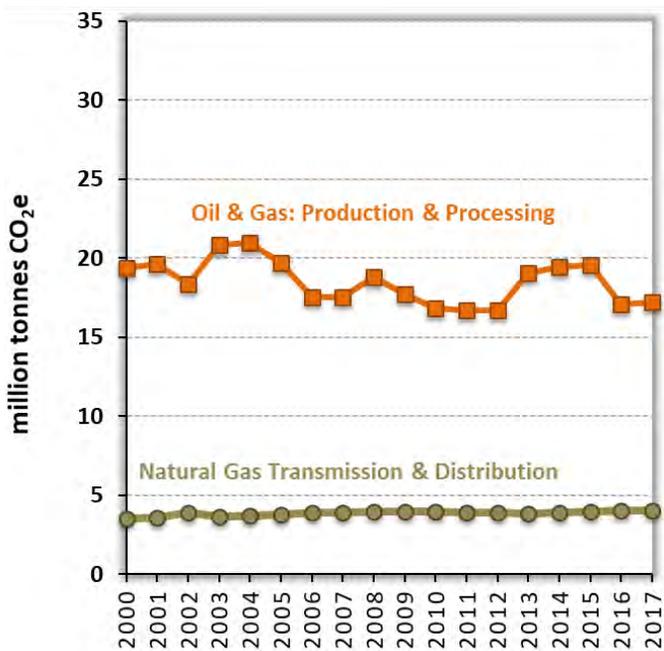


Figure 13a. Oil and Gas Sector Emissions. This figure shows the emissions trends of the oil and gas production and processing sector and the natural gas transmission and distribution sector.

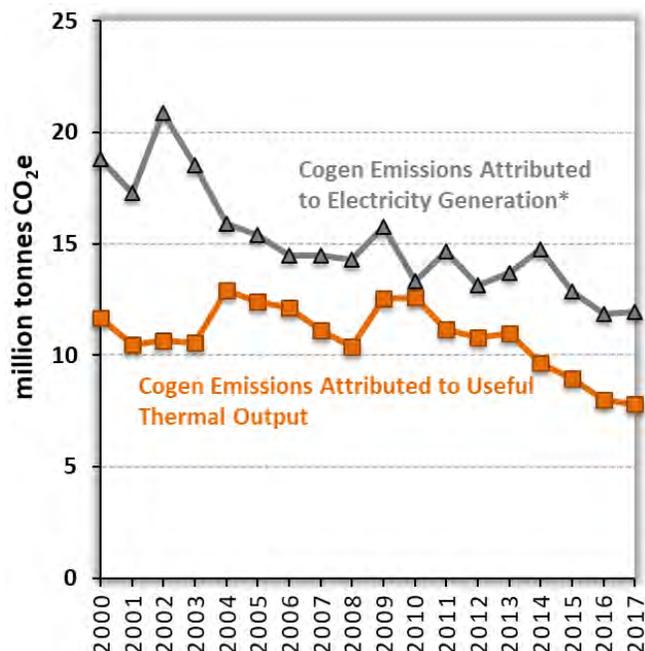


Figure 13b. Industrial Cogeneration Emissions. This figure shows the emissions from cogeneration facilities over time. *Cogeneration emissions attributed to electricity generation are categorized under the electric power sector consistent with the IPCC Guidelines. The electricity emissions are shown in this figure for the purpose of putting cogeneration emissions into context.

Commercial and Residential Fuel Combustion

Greenhouse gas emissions from the commercial and residential sectors are dominated by the combustion of natural gas and other fuels for household and commercial business use, such as space heating, cooking, and hot water or steam generation. Emissions from electricity use (e.g., air-conditioning, lighting, washer and dryer, refrigerator, etc.) is already accounted for in the Electric Power sector. Changes in annual fuel combustion emissions are primarily driven by variability in weather conditions and the need for heating in buildings, as well as population growth. In 2017, emissions increased slightly compared to 2016 due to a rise in residential natural gas use.

The number of residential housing units has grown steadily from 12.2 million units in 2000 to 14.1 million units in 2017.¹⁴ Emissions per housing unit dropped steadily from 2000 through 2014. Emissions per housing unit has generally followed the heating degree day index,¹³ an estimate of the heating energy needed in a given year. Emissions from fuel use by the commercial sector have grown by 10 percent since 2000; however, during the same period, commercial floor space grew by 25 percent. As a result, the commercial sector also exhibits a slight decline in fuel use per unit space.

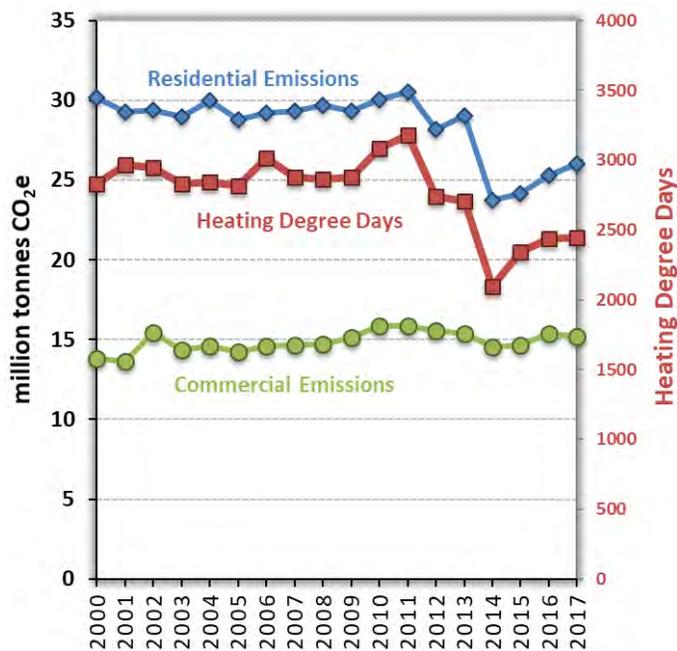


Figure 14. Emissions from Residential and Commercial Sectors. Emissions from the residential and commercial sectors are compared with heating degree days, an estimate of the heating energy need in a given year. Residential and commercial emissions correspond to the left vertical axis. Heating degree days correspond to the right vertical axis.

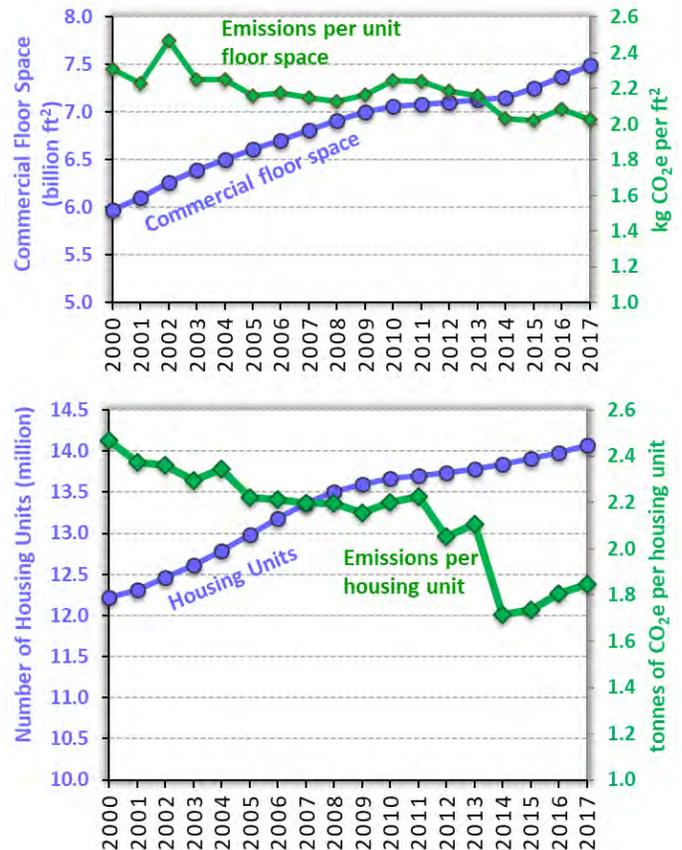


Figure 15. Emissions per Unit Floor Space and Residential Housing Unit. The top panel shows total square feet of commercial floor space and the emissions per square feet of commercial floor space. The bottom panel shows number of residential housing units and emissions per housing unit. The color of a trend line matches the color of its corresponding vertical axes label.

Agriculture

California’s agricultural sector contributed approximately 8 percent of statewide GHG emissions in 2017, mainly from methane (CH₄) and nitrous oxide (N₂O) sources. Sources include enteric fermentation and manure management from livestock, crop production (fertilizer use, soil preparation and disturbance, and crop residue burning), and fuel combustion associated with stationary agricultural activities (water pumping, cooling or heating buildings, and processing commodities). The emissions for mobile equipment used in agricultural activities are accounted for in the Transportation Sector.

Livestock accounted for approximately 70 percent of agricultural emissions, which were generated primarily in the form of CH₄ from enteric fermentation and manure management. Dairy facilities are a major source of GHG emissions in California, accounting for roughly 60 percent of agricultural emissions. GHG emissions from dairy manure management and enteric fermentation followed an increasing trend between 2000 and 2007 as the industry expanded, and remained relatively constant since 2007. Dairy cow population has seen a decreasing trend in recent years, while beef cattle population fluctuates from year to year, though available data indicates a slight increase in beef cattle population between 2016 and 2017. Emissions in 2017 are 16 percent higher than 2000 levels. SB 1383 sets a goal of a 40 percent reduction of 2013-inventoried methane by 2030 and was written in part to reduce livestock methane.¹⁵ Livestock are estimated to contribute roughly half of California’s methane emissions.

Emissions from the growing and harvesting of crops have generally been declining since 2000.¹⁶ The long term trend of emissions reduction from 2000 to 2017 corresponds to a reduction in crop acreage (which leads to an associated decrease in synthetic fertilizer use)¹⁷ and large-scale changes in irrigation management practices. Specifically, California agriculture has been shifting from flood irrigation towards sprinkler and drip irrigation. The decrease from 2016 to 2017 is due to the continued shift from flood to alternative irrigation methods^{18, 19} and climatic factors that affects the amount of N₂O produced from synthetic fertilizer (e.g., precipitation, min/max temperature, and day length). Crop production accounted for 20 percent of agriculture emissions in 2017.

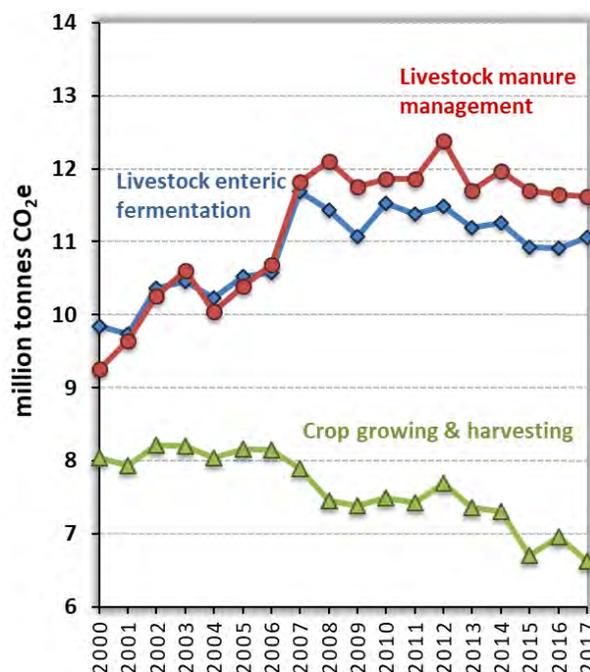


Figure 16. Agricultural Emissions. This figure presents the trends in emissions from livestock manure management and enteric fermentation, as well as emissions from crop growing and harvesting, which include fertilizer application, soil preparation and disturbances, and crop residue burning. Emissions from mobile equipment are not included here.

High Global Warming Potential Gases

In 2017, High Global Warming Potential (high-GWP) gases comprised 4.7 percent of California’s emissions. The GHG inventory tracks high-GWP gas emissions from releases of ozone depleting substance (ODS) substitutes only (ODSs are also high-GWP gases, but are outside the scope of the IPCC accounting framework and AB 32), emissions from the electricity transmission and distribution system, and gases that are emitted in the semiconductor manufacturing process. Of these tracked categories, 97 percent of high-GWP gas emissions are ODS substitutes, which are primarily hydrofluorocarbons (HFCs). ODS substitutes are used in refrigeration and air conditioning equipment, solvent cleaning, foam production, fire retardants, and aerosols. In 2017, refrigeration and air conditioning equipment contributed 90 percent of ODS substitutes emissions.

Emissions of ODS substitutes are expected to continue to grow as they replace ODSs banned under the Montreal Protocol.⁵ Emissions of ODS have decreased significantly since they began to be phased out in the 1990s and dropped below ODS substitutes emissions for the first time in 2015. ODS emissions continued to drop in 2017. The combined emissions of ODS and ODS substitutes have been steadily decreasing over time as ODS are phased out, even as emissions from ODS substitutes continue to increase. Of the four main sub-sectors within the ODS substitutes category (Transportation, Commercial, Industrial, and Residential), only the Transportation Sector has seen an emissions decrease. The transportation refrigeration units (TRU) Airborne Toxic Control Measure adopted in 2004 has reduced transportation sector emissions by limiting the charge size of TRUs beginning in January 2010 and reducing leakage rates and lowering end-of-life losses for passenger vehicle air conditioning systems.

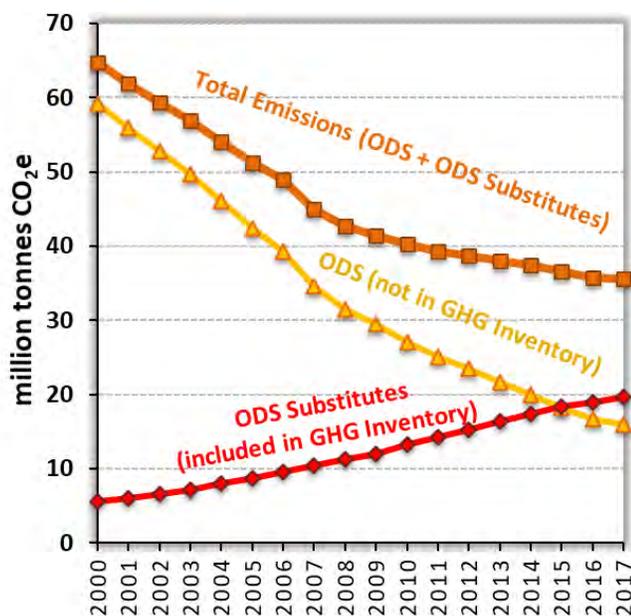


Figure 17a. Trends in ODS and ODS Substitutes Emissions. This figure presents the trends in emissions from ODS Substitutes, ODS, and their sum (“Total Emissions”). ODS Substitutes emissions are specified in IPCC Guidelines and AB 32 and are included in the inventory. ODS are also GHGs, but are tracked separately outside of the inventory.

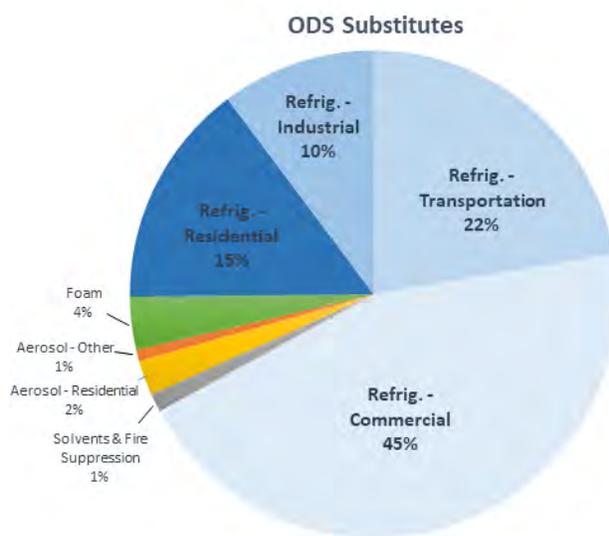


Figure 17b. ODS Substitutes Emissions by Category. This figure presents the breakdown of ODS substitutes emissions by product type and sector category in 2017. Refrigerants (“Refrig.”) used in various sectors make up the majority of ODS substitutes emissions.

Recycling and Waste

Emissions from the recycling and waste sector include CH₄ and N₂O emissions from landfills and from commercial-scale composting. Emissions from recycling and waste, which comprise 2 percent of California’s GHG inventory, have grown by 20 percent since 2000. Landfill emissions account for 96 percent of the emissions in this sector,^f while compost production facilities make up a small fraction of emissions. The annual amount of solid waste deposited in California’s landfills grew from 39 million tons in 2000 to its peak of 46 million tons in 2005, followed by a declining trend until 2012, after which the waste amounts have seen a steady rise over time.²⁰ Landfill emissions are driven by the total waste-in-place, an accumulation of degradable carbon in the solid waste stream, rather than year-to-year fluctuation in annual deposition of solid waste.²¹ The amount of methane emitted to the atmosphere as a fraction of the total amount of methane generated from the decomposition of accumulated waste has gradually declined over time as more landfills install landfill gas collection and control systems and existing systems are operated more efficiently as a result of CARB’s Landfill Methane Control Measure.

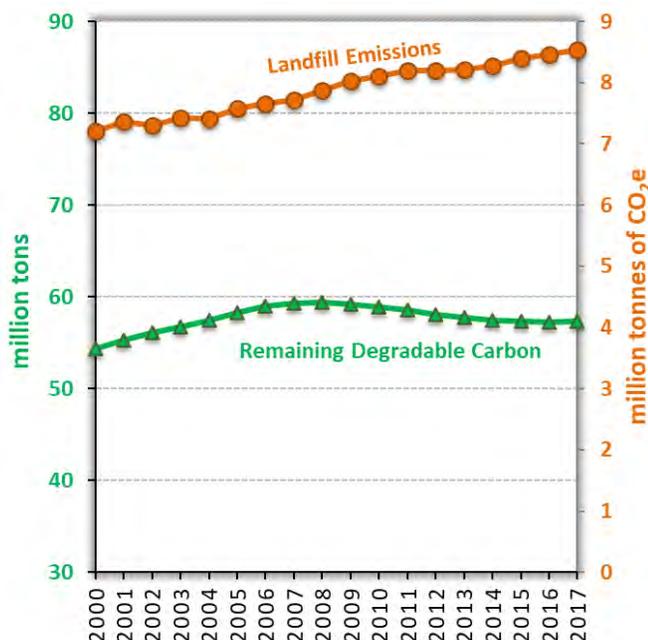


Figure 18. Landfill Methane Generation and Emissions. This figure presents trends in landfill emissions and the amount of degradable carbon remained in the landfill. The latter drives the amount of emissions emitted from the landfill. The color of a trend line matches the color of its corresponding vertical axes label.

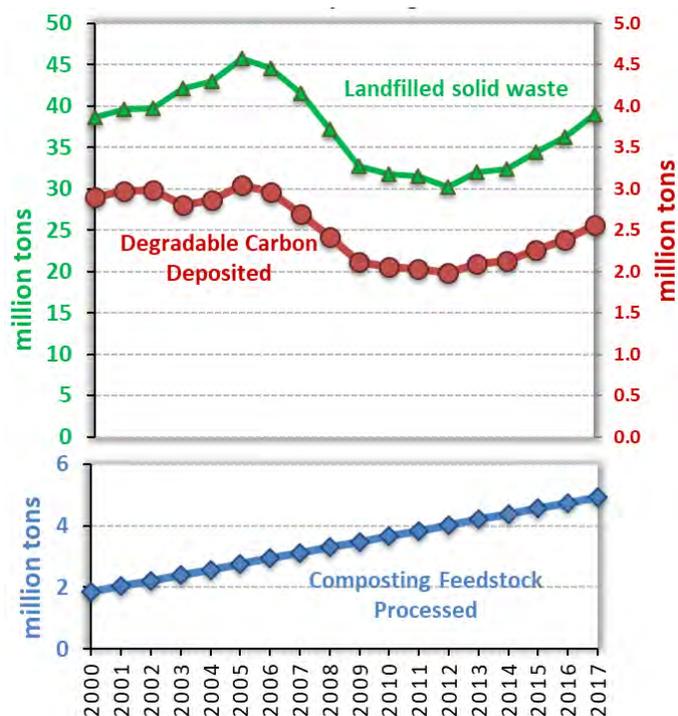


Figure 19. Landfill Waste. The top panel presents the annual amounts of solid waste deposited into landfill and the amount of degradable carbon contained in the solid waste. The color of a trend line matches the color of its corresponding vertical axes label. The bottom panel shows estimated amounts of compost feedstock processed by the state’s composting facilities.

^f CARB’s GHG inventory methodology has been using an assumption of 75 percent methane capture efficiency, consistent with common practice nationally. CARB is currently in the process of evaluating the effects of the Landfill Methane Control Measure. Previous estimates for the measure indicated that it may potentially increase the collection efficiency at regulated landfills to 80-85 percent. However, current landfill collection efficiency estimates vary widely and are highly dependent on a variety of site-specific factors, including landfill size, age, waste composition, local climate, soil type, landfill cover, and gas collection system. Additional California-specific data is necessary to assess the overall collection efficiency at landfills. In recognition of this, CARB and CalRecycle are planning additional research to evaluate gas collection efficiencies at California’s landfills. Future inventories will incorporate the results of new research in landfill collection efficiency estimates.

Additional Information

International GHG Inventory Practice of Recalculating Emissions for Previous Years

Consistent with the IPCC GHG inventory guidelines, recalculations are made to incorporate new methods or reflect updated data for all years from 2000 to 2016 to maintain a consistent inventory time series. Therefore, emission estimates for a given calendar year may be different between editions as methods and supplemental data are updated. For example, in the 2018 edition, total 2016 emissions were estimated to be 429.4 MMTCO_{2e}. In the 2019 edition, recalculation revised the 2016 emissions to 429.0 MMTCO_{2e}, reflecting updated methods and information gained since 2018. Analyses of emission trends, including the emissions drop of 5 MMTCO_{2e} between 2016 and 2017, are based on the recalculated numbers in the 2019 edition of the inventory. A description of the method updates can be found here: https://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2017/ghg_inventory_00-17_method_update_document.pdf

Global Warming Potential Values

In accordance with the IPCC GHG inventory guidelines, California's GHG inventory uses the 100-year GWPs from the IPCC 4th Assessment Report, consistent with the national GHG inventories submitted by the U.S. and other nations to the UNFCCC. However, other CARB programs may use different GWP values. For example, the SLCP Strategy³ uses a 20-year GWP because the SLCP has greater climate impact in the near-term compared to the longer-lived GHGs, such as CO₂.

Sources of Data Used in the GHG Emission Inventory

Statewide GHG emissions are calculated using several data sources. One data source is from reports submitted to the California Air Resources Board (CARB) through the Regulation for the Mandatory Reporting of GHG Emissions (MRR). MRR requires facilities and entities with more than 10,000 metric tons CO_{2e} of combustion and process emissions, all facilities belonging to certain industries, and all electric power entities to submit an annual GHG emissions data report directly to CARB. Reports from facilities and entities that emit more than 25,000 metric tons of CO_{2e} are verified by a CARB-accredited third-party verification body. More information on MRR emissions reports can be found at:

<http://www.arb.ca.gov/cc/reporting/ghg-rep/reported-data/ghg-reports.htm>

CARB also relies on data from other California State and federal agencies to develop the annual statewide GHG emission inventory for the State of California. These additional sources include, but are not limited to, data from the California Energy Commission, Board of Equalization, Department of Conservation/Division of Oil, Gas, and Geothermal Resources, Department of Food and Agriculture, CalRecycle, U.S. Energy Information Administration, and U.S. Environmental Protection Agency (U.S. EPA). All data sources used to develop the GHG Inventory are listed in the GHG Emission Inventory supporting documentation at:

<http://www.arb.ca.gov/cc/inventory/data/data.htm>

The main GHG inventory page is located at:

<http://www.arb.ca.gov/cc/inventory/inventory.htm>

Other Ways of Categorizing Emissions in the Inventory

There are more than one way of organizing emissions by category in an inventory. Each year, CARB makes the GHG inventory available in three categorization schemes:

- The Scoping Plan Categorization organizes emissions by CARB program structure. (This is the categorization scheme used in this report.)
- The Economic Sector/Activity Categorization generally aligns with how sectors are defined in the North America Industry Classification System (NAICS).
- The IPCC Categorization groups emissions into four broad categories of emission processes. This format conforms to international GHG inventory practice and is consistent with the national GHG inventory that U.S. EPA annually submits to the United Nations.

Although this report uses the Scoping Plan Categorization in the presentation and discussion of emissions, the Economic Sector/Activity Categorization is also often used by the public. The difference between the Scoping Plan Categorization and the Economic Sector/Activity Categorization are as follows: (1) High-GWP gases are shown as its own category under the Scoping Plan categorization, but under the economic sector categorization, they are included as part of the economic sectors where they are used. (2) The recycling and waste sector is shown as its own category under the Scoping Plan categorization, but is included as part of the industrial sector under the Economic Sector/Activity Categorization.

The figures below show the Scoping Plan Categorization and the Economic Sector/Activity Categorization side-by-side. Detailed data for any of these categorization schemes can be accessed from CARB webpage at: <http://www.arb.ca.gov/cc/inventory/data/data.htm>

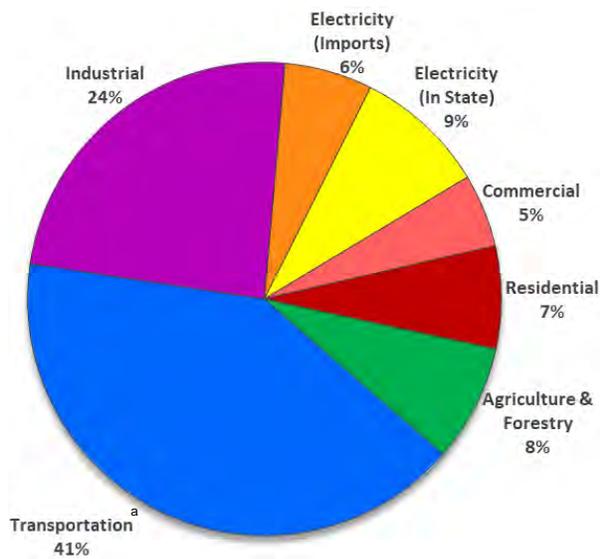


Figure 20a. 2017 GHG Emissions by Economic Sector. This figure shows the relative size of 2017 emissions by economic sector.

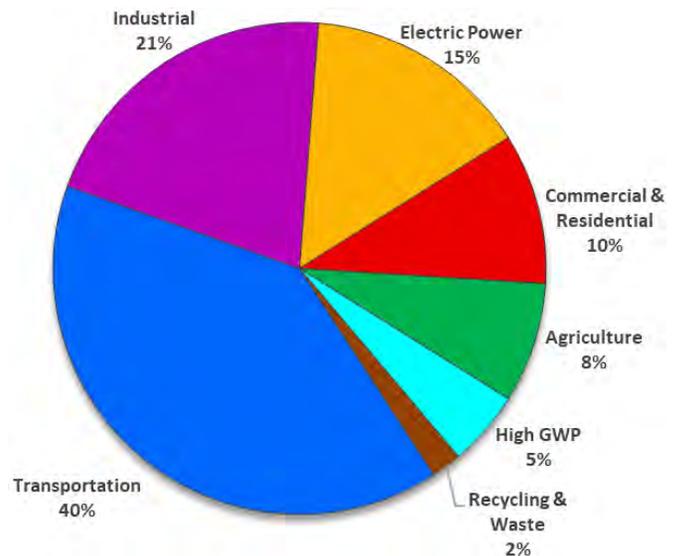


Figure 20b*. 2017 GHG Emissions by Scoping Plan. This figure shows the relative size of 2017 emissions, organized by the categories in the AB32 scoping plan.

^a The transportation sector represents tailpipe emissions from on-road vehicles and direct emissions from other off-road mobile sources. It does not include emissions from petroleum refineries and oil production.

* Percentages may not add up to 100 percent due to rounding.

Uncertainties in the Inventory

CARB is committed to continually working to reduce the uncertainty in the inventory estimates. The uncertainty of emissions estimates in the inventory varies by sector. Non-combustion, biochemical processes, have varying uncertainty depending on the input data and the emission processes.

Natural and Working Lands Emissions Inventory

CARB has also compiled a natural and working lands (NWL) emissions inventory, which was published in December of 2018. This inventory tracks carbon stocks and stock change in California’s natural and working lands (including forest, woodland, shrubland, grassland, wetland, orchard crop, urban forest, and soils) and is separate from the anthropogenic inventory. The NWL inventory report can be accessed here:

<https://www.arb.ca.gov/cc/inventory/sectors/forest/forest.htm>.

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EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-79-20

WHEREAS the climate change crisis is happening now, impacting California in unprecedented ways, and affecting the health and safety of too many Californians; and

WHEREAS we must accelerate our actions to mitigate and adapt to climate change, and more quickly move toward our low-carbon, sustainable and resilient future; and

WHEREAS the COVID-19 pandemic has disrupted the entire transportation sector, bringing a sharp decline in demand for fuels and adversely impacting public transportation; and

WHEREAS as our economy recovers, we must accelerate the transition to a carbon neutral future that supports the retention and creation of high-road, high-quality jobs; and

WHEREAS California's long-term economic resilience requires bold action to eliminate emissions from transportation, which is the largest source of emissions in the State; and

WHEREAS the State must prioritize clean transportation solutions that are accessible to all Californians, particularly those who are low-income or experience a disproportionate share of pollution; and

WHEREAS zero emissions technologies, especially trucks and equipment, reduce both greenhouse gas emissions and toxic air pollutants that disproportionately burden our disadvantaged communities of color; and

WHEREAS California is a world leader in manufacturing and deploying zero-emission vehicles and chargers and fueling stations for cars, trucks, buses and freight-related equipment; and

WHEREAS passenger rail, transit, bicycle and pedestrian infrastructure, and micro-mobility options are critical components to the State achieving carbon neutrality and connecting communities, requiring coordination of investments and work with all levels of governments including rail and transit agencies to support these mobility options; and

WHEREAS California's policies have contributed to an on-going reduction in in-state oil extraction, which has declined by over 60 percent since 1985, but demand for oil has not correspondingly declined over the same period of time; and

WHEREAS California is already working to decarbonize the transportation fuel sector through the Low Carbon Fuel Standard, which recognizes the full life cycle of carbon in transportation emissions including transport into the State; and

WHEREAS clean renewable fuels play a role as California transitions to a decarbonized transportation sector; and

WHEREAS to protect the health and safety of our communities and workers the State must focus on the impacts of oil extraction as it transitions away from fossil fuel, by working to end the issuance of new hydraulic fracturing permits by 2024; and

WHEREAS a sustainable and inclusive economic future for California will require retaining and creating high-road, high-quality jobs through sustained engagement with communities, workers and industries in changing and growing industries.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue the following Order to pursue actions necessary to combat the climate crisis.

IT IS HEREBY ORDERED THAT:

1. It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.
2. The State Air Resources Board, to the extent consistent with State and federal law, shall develop and propose:
 - a) Passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100 percent of in-state sales by 2035.
 - b) Medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the State towards the target of 100 percent of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible and for all drayage trucks to be zero-emission by 2035.
 - c) Strategies, in coordination with other State agencies, U.S. Environmental Protection Agency and local air districts, to achieve 100 percent zero-emission from off-road vehicles and equipment operations in the State by 2035.

In implementing this Paragraph, the State Air Resources Board shall act consistently with technological feasibility and cost-effectiveness.

3. The Governor's Office of Business and Economic Development, in consultation with the State Air Resources Board, Energy Commission, Public Utilities Commission, State Transportation Agency, the

Department of Finance and other State agencies, local agencies and the private sector, shall develop a Zero-Emissions Vehicle Market Development Strategy by January 31, 2021, and update every three years thereafter, that:

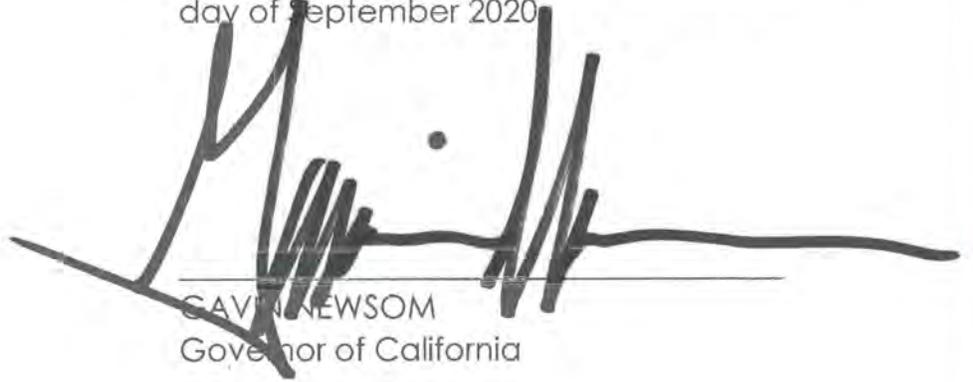
- a) Ensures coordinated and expeditious implementation of the system of policies, programs and regulations necessary to achieve the goals and orders established by this Order.
 - b) Outlines State agencies' actions to support new and used zero-emission vehicle markets for broad accessibility for all Californians.
4. The State Air Resources Board, the Energy Commission, Public Utilities Commission and other relevant State agencies, shall use existing authorities to accelerate deployment of affordable fueling and charging options for zero-emission vehicles, in ways that serve all communities and in particular low-income and disadvantaged communities, consistent with State and federal law.
 5. The Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission, shall update the biennial statewide assessment of zero-emission vehicle infrastructure required by Assembly Bill 2127 (Chapter 365, Statutes of 2018) to support the levels of electric vehicle adoption required by this Order.
 6. The State Transportation Agency, the Department of Transportation and the California Transportation Commission, in consultation with the Department of Finance and other State agencies, shall by July 15, 2021 identify near term actions, and investment strategies, to improve clean transportation, sustainable freight and transit options, while continuing a "fix-it-first" approach to our transportation system, including where feasible:
 - a) Building towards an integrated, statewide rail and transit network, consistent with the California State Rail Plan, to provide seamless, affordable multimodal travel options for all.
 - b) Supporting bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure into projects where appropriate.
 - c) Supporting light, medium, and heavy duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.
 7. The Labor and Workforce Development Agency and the Office of Planning and Research, in consultation with the Department of Finance and other State agencies, shall develop by July 15, 2021 and expeditiously implement a Just Transition Roadmap, consistent with the recommendations in the "Putting California on the High Road: A Jobs and Climate Action Plan for 2030" report pursuant to Assembly Bill 398 (Chapter 135, Statutes of 2017).

8. To support the transition away from fossil fuels consistent with the goals established in this Order and California's goal to achieve carbon neutrality by no later than 2045, the California Environmental Protection Agency and the California Natural Resources Agency, in consultation with other State, local and federal agencies, shall expedite regulatory processes to repurpose and transition upstream and downstream oil production facilities, while supporting community participation, labor standards, and protection of public health, safety and the environment. The agencies shall report on progress and provide an action plan, including necessary changes in regulations, laws or resources, by July 15, 2021.
9. The State Air Resources Board, in consultation with other State agencies, shall develop and propose strategies to continue the State's current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon.
10. The California Environmental Protection Agency and the California Natural Resources Agency, in consultation with the Office of Planning and Research, the Department of Finance, the Governor's Office of Business and Economic Development and other local and federal agencies, shall develop strategies, recommendations and actions by July 15, 2021 to manage and expedite the responsible closure and remediation of former oil extraction sites as the State transitions to a carbon-neutral economy.
11. The Department of Conservation's Geologic Energy Management Division and other relevant State agencies shall strictly enforce bonding requirements and other regulations to ensure oil extraction operators are responsible for the proper closure and remediation of their sites.
12. The Department of Conservation's Geologic Energy Management Division shall:
 - a) Propose a significantly strengthened, stringent, science-based health and safety draft rule that protects communities and workers from the impacts of oil extraction activities by December 31, 2020.
 - b) Post on its website for public review and consultation a draft rule at least 60 days before submitting to the Office of Administrative Law.

IT IS FURTHER ORDERED that as soon as hereafter possible, the Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**Redline Land Use Element Amendments
PL21-0017**

STATUTORY REQUIREMENTS

State of California law requires that a land use element be prepared as a part of a City's General Plan, as follows:

Government Code Section 65302(a): A land use element which designates the proposed general distribution and general location and extent of uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas.

Of the General Plan elements required by the State, the Land Use Element has the broadest scope. Since it governs how land is to be utilized, many of the issues and policies contained in other plan elements are influenced by or influence this element. For example, the **Circulation Element** defines policies for the accommodation of vehicular and other trips generated by the population and uses permitted by the Land Use Element. Similarly, the location and density of use prescribed by this element are influenced by policies for the protection of environmental resources prescribed by the **Natural and Historic/Cultural Resources Element**.

OPPORTUNITIES AND CONSTRAINTS (ISSUES)

The following summarizes the significant issues associated with land use in the City of American Canyon. These have been derived from technical analyses conducted by the consultant team and input from City staff and the public.

15. Climate change impacts pose an immediate and growing threat to California's economy, environment and public health. The effects of climate change in American Canyon include increased temperatures, **decreased air quality**, reduced precipitation, flooding, and reduced water supply.

GOALS, OBJECTIVES, AND POLICIES

The following presents the goals, objectives, and policies for land use in the City of American Canyon. They are to be applied in concert with a map, the **Land Use Plan**, which depicts the locations by which each category and density of use prescribed herein shall be permitted (**Figure 1-1**). This Plan map is supplemented by a map that desegregates the City into a series of planning districts and subareas, **Community District and Subarea Map (Figure 1-2)**. Programs that implement the goals, objectives, and policies are defined in the following section of this element.

Each policy is concluded by an italicized number within parentheses that lists the pertinent program(s) that implement the policy.

The goals, objectives, and policies are structured in the following manner:

- I. Policies regarding the manner in which lands are to be developed within the City.
 - A. Policies pertaining to development of uses regardless of their location in the City.
 - B. Policies pertaining to development at specific locations.
- II. Policies pertaining to specific land use issues that are to be applied citywide or wherever the condition occurs.

Users of the General Plan should note that both the **Land Use Plan** and **Community District Subarea** maps should be reviewed in determining the appropriate land use and standards for development for parcels within the City. The first is integrated with policies and standards (I. A., above) that are applicable to any like category of use or overlay regardless of location. The second (I. B., above) references the applicable citywide policies and, where appropriate to achieve development objectives for a specific subarea or district, prescribes additional policies and standards.

CLIMATE CHANGE AND GREEN HOUSE GASES

Goal

1U Conduct decisive near-term action to reduce greenhouse gas emissions in American Canyon.

Source: American Canyon Climate Change Proclamation (June 18, 2019)

Objective

1.37 Consider initiatives to reduce direct and indirect greenhouse gas (GHG) emissions from transportation sources, and from new, renovated, and existing development in the city.

Source: Staff Proposal

Policy

1.37.1 Work with Napa County Jurisdictions together with community organizations, businesses, schools, and regional partners and jurisdictions to educate, mobilize, expand, and accelerate local, regional, and statewide support for comprehensive, immediate, and sustained action.

Source: American Canyon Climate Change Proclamation (June 18, 2019)

1.37.2 Recognizing that the transportation sector is the largest source of GHG emissions in American Canyon and in California more broadly, prohibit construction of new fossil-fuel stations in American Canyon.

Source: Fuel Station Urgency Ordinance 2021-03 (April 6, 2021)

1.37.3 Consider feasible methods to foster widespread use of Zero Emission Vehicles (ZEVs) to improve air quality and help meet California's GHG reductions targets by expanding availability of non-fossil vehicle fuel infrastructure, such as public and private electric vehicle charging stations, and hydrogen facilities for fuel cell electric vehicles throughout American Canyon.

Source: Urgency Ordinance 2021-03 and Planning Commission Workshop (June 24, 2021)

1.37.4 Reduce vehicle miles travelled by encouraging future land uses that feature a compact mixed-use urban form connected with pedestrian and bicycle trails.

Source: Broadway District Specific Plan (Ordinance 2019-07)

1.37.5 Consider feasibility of adopting a “reach” building code to require greater energy efficiency than the State standard.

Source: Broadway District Specific Plan (Ordinance 2019-07)

1.37.6 Reduce vehicle engine idling in American Canyon by educating residents on the greenhouse gas impacts caused by engine idling, and implementing feasible commercial vehicle regulations.

Source: Planning Commission workshop (June 24, 2021)



**City of American Canyon
Active Community Development Projects
July 2021**

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
1.	Conditional Fence Permit (PL21-0016)	Ezequiel Carlin	Increase a street side fence height by 2 ½ feet to 6-feet.	301 Donaldson Way	6/18/21 Application submitted 6/28/21 Letter to neighbors sent 7/14/21 Project approved	William He
2.	Napa Cove TCAC (PL21-0018)	CRP Affordable Housing	Application for Affordable Housing Tax Credit Financing for 66 multifamily apartments	3805 Broadway	6/15/21 TCAC Meeting 6/25/21 TCAC Application sent to applicant 7/15/21 Local Evaluation completed	Brent Cooper
3.	Watson Ranch Lot 10 Residential (PL21-0013, PL21-0014)	DR Horton	Tentative Subdivision Map and design Permit for 219 single family homes	NEC Loop Road/Rio Del Mar 26.55 acres	6/4/21 Application submitted 7/2/21 Comments to applicant	William He
4.	Tacos y Mariscos Los Plebes Food Truck (PL21-0010)	Luis Mendoza	Design Permit for a standalone food truck on a permanent site.	210 American Canyon Road	4/6/21 Application submitted 5/27/21 PC Denial 6/17/21 Appeal received 8/17/21 City Council appeal scheduled	William He
5.	Tacos Baja Cali Food Truck (PL21-0007)	Karla Lara	Design Permit for a standalone food truck on a permanent site.	4225 Broadway	4/6/21 Application submitted 5/27/21 PC Denial 6/17/21 Appeal Period expired	William He
6.	PG&E Regional Center (PL21-0011)	Pacific Gas and Electric	Conditional Use Permit for Facilities for service crews to install, repair and replace electric and gas infrastructure in the region.	500 Boone	5/19/21 Application submitted 6/9/21 Comments to applicant 6/16/21 Meeting with applicant.	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
7.	Napa Valley Casino Table Increase Request (PL20-0040)	Napa Valley Casino	Revise Municipal Code Chapter 5.12 to increase the number of tables from 12 to 20.	3464 Broadway Street	11/09/20 Application submitted 11/17/20 City Council discussion. 4/20/21 City Council 1 st Reading approved. 5/4/21 City Council 2 nd Reading approved 6/3/21 Ordinance effective	City Attorney
8.	Giovannoni Logistics Center (PL20-0042)	Buzz Oates Construction	EIR for approximately 2.4 million sqft logistics center and Design Permit for two warehouses. Building A is 627,976 square feet; and Building B is 469,512 square feet	300 Green Island Road (Bldg A) 1200 Devlin Road (Bldg B) 70 acres	11/13/20 Application submitted 12/12/20 Comments to applicant 01/05/21 Application resubmitted 01/12/21 Notice of Preparation (NOP) published 2/3/21 NOP scoping meeting 3/10/212 Comments to applicant	Brent Cooper
9.	Giovannoni Logistics Center (PL20-0043)	Buzz Oates Construction	Tentative Parcel Map for the Giovannoni Logistics Park	North of Green Island Road and East of future Devlin Road 70 acres	11/13/20 Application submitted 12/12/20 Comments to applicant 01/05/21 Application resubmitted 3/10/212 Comments to applicant 7/13/21 Application resubmitted	Brent Cooper
10.	Oat Hill Lot Line Adjustment (PL20-0039)	Oat Hill Properties II, LLC	Increase Lot C of 14 RM 4 from 10.17 acres to 13.59 acres; and decrease Parcel F of 12 RM 53 from 10.64 acres to 7.22 acres.	Southwest corner Hess Road and Napa Junction Road	10/2/20 Application submitted 11/7/20 Comments to applicant 2/25/21 Application resubmittal 3/1/21 Comments to applicant 3/11/21 Application deemed complete	Paul Wade
11.	7-11 Gas Station Conditional Use Permit (PL20-0035)	Best American Canyon Partners	Proposed 7-11 gas station	218 American Canyon Road	10/13/20 Application submitted. 11/11/20 Comments to applicant. Project on hold due to Fuel Station 10-month, 15-day moratorium	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
12.	SDG 330 Final Map (DV18-0011)	SDG Commerce 330, LLC	Final map application to record the tentative map for the SDG 330 Project	1005 Commerce Court 35.85 acres	10/20/20 Application submitted 11/9/20 Comments to applicant 8/3/21 City Council public improvement acceptance scheduled.	Edison Bisnar
13.	Hampton Inn Hotel Zone Change and Design Permit (PL20-0029, PL20-0030)	AMS Associates, Inc.	New 3-story, 106 room Hampton Inn Hotel.	3443 Broadway 2.52 acres	8/26/20 Application submitted 9/21/20 Comments to applicant 12/1/20 CC Zone Change Workshop 12/21/20 Application resubmitted 1/25/21 Comments to applicant 3/12/21 Application resubmitted 4/27/21 Comments to applicant 5/25/21 Application resubmitted 6/25/21 Comments to applicant 7/13/21 Application resubmitted	William He
14.	Burger King Drive-Thru (PL21-0009)	1429 Main Street LLC	Preapplication to respond to processing and fee questions for a proposed 2659 square foot drive-thru Burger King restaurant.	3460 Broadway 0.7 acres	3/29/21 Application submitted 4/15/21 Comments to applicant 5/20/21 Applicant questions 5/20/21 Response to applicant	Brent Cooper
15.	Rotten Robbie Fuel Station (PL20-0047)	Robinson Oil Company	Conditional Use Permit for a Fuel station with eight fueling stations, a 4,800 square feet convenience store, a car wash, and three truck-fueling positions.	3519 Broadway St 3.33 acres	01/07/21 Application submitted 2/4/21 Comments to applicant Project on hold due to Fuel Station 10-month, 15-day moratorium	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
16.	Oat Hill General Plan Amendment, Zone Change, Subdivision Map and Design Permit – Parcel A (PL20-0022, PL20-0024 and PL20-0025)	Oat Hill Properties, II, LLC	Policy amendments and site plan to allow construction of 121 multi-family dwelling units for rental and condominium purposes.	Top of Oat Hill on the southwest slope. 13.7 acres	8/25/20 Application submitted 9/11/20 Comments to applicant 11/2/20 Application resubmitted 12/2/20 Comments to applicant 1/5/21 Application resubmitted 1/29/21 Comments to applicant 2/8/21 30-day Mitigated Negative Declaration public review starts 2/22/21 Application resubmitted OSAC Review 3/25/21 PC recommendation 6/23/21 ALUC review 7/20/21 City Council to consider ALUC override intent	William He
17.	Oat Hill General Plan Amendment, Zone Change, Subdivision Map and Design Permit – Parcel B (PL20-0023, PL20-0026 and PL20-0027)	Oat Hill Properties, II, LLC	Policy amendments and site plan to allow construction of 85 multi-family dwelling units for rental and condominium purposes.	Lower Oat Hill on the southwest slope. 7.1 acres	8/25/20 Application submitted 9/11/20 Comments to applicant 11/2/20 Application resubmitted 12/2/20 Comments to applicant 1/5/21 Application resubmitted 1/29/21 Comments to applicant 2/8/21 30-day Mitigated Negative Declaration public review starts 2/22/21 Application resubmitted OSAC Review 3/25/21 PC recommendation 6/23/21 ALUC review 7/20/21 City Council to consider ALUC override intent	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
21.	SDG Commerce 217 Distribution Center (PL20-0008)	SDG Commerce 217, LLC	Conditional Use Permit for a new 217,000 sqft distribution warehouse.	1075 Commerce Court 10.39 acres	3/18/20 Application submitted 4/8/20 Comments to applicant 6/23/20 Second Submittal 1/28/21 PC Review continued to 2/25 2/25/21 PC Approved 3/5/21 Appeal Received 4/1/21 30-day Recirculated MND begins 5/4/21 30-day review period extended to 6/3/21 7/20/21 City Council appeal scheduled	William He
22.	Circle K and Fuel station Lot Line Adjustment (PL20-0011)	STEM, LLC	Lot Line Adjustment to merge two parcels into a single parcel.	Northeast corner Lombard/Napa Junction Road 2.25 acres	4/15/20 Application submitted 5/15/20 Comments to applicant 5/19/20 Second submittal 6/10/20 Comments to applicant	William He
22.	Element 7 Cannabis Business Permit (PL19-0008)	Element 7	Construct a 7,000 square foot building for Cannabis manufacturing, distribution and non-storefront retail (Delivery) business.	1300 Green Island Road	4/10/19 Application submitted 9/29/20 Application on Hold	Brent Cooper
23.	Reesan Live, Inc. Cannabis Business Permit (PL19-0024)	Reesan Live, Inc.	Construct an 82,328 sqft 2-story warehouse for cannabis cultivation, manufacturing, distribution and nonstorefront retail delivery.	834 Green Island Road	8/16/19 Application submitted. 4/1/20 Project on Hold	Brent Cooper

Major Building/Grading Permits					
Project Name	Description	Location	Area	Status	Staff Liaison
1. Napa Logistics Building 3 Grading Permit (DV20-0007)	Rough grading for a 200,000 sqft e-commerce logistics building.	300 Boone Drive	58.1 acres	07/09/20 Application submitted 07/29/20 Application approved. Estimated to be completed by July 2021	Edison Bisnar
2. Napa Junction III Building 6B (BP19-0495)	Construct a 6,000 sqft single story medical office building.	416 Napa Junction Road	1.06 acres	11/26/19 Application submitted 2/13/20 Awaiting completion of improvement plans 9/30/20 Permit approved 5/25/21 Permit issued	William He
3. Napa Junction III Building 6B (DV20-0001)	Improvement plans for a 6,000 sqft single story medical office building.	416 Napa Junction Road	1.06 acres	2/18/20 Application submitted 3/10/20 Received revised stormwater plans 9/30/20 DV Plans approved. Construction to begin by summer 2021	Edison Bisnar
4. Village at Vintage Ranch (DV17-0011)	Improvement plans for 159 townhome project.	NWC Silver Oak and American Canyon Drive	11.7 acres	4/19/17 Application submitted 9/1/17 Improvement plan permit issued Public Improvements associated with the project are complete. All on-site infrastructures are in place, including stormwater facilities, and coordinating with building department on TCO inspections and approvals.	Paul Wade

<p>5. Village at Vintage Ranch (BP17-0116 to BP17-0121, BP17-0209)</p>	<p>159 townhome rental project.</p>	<p>NWC Silver Oak and American Canyon Drive</p>	<p>11.7 acres</p>	<p>4/6/17 Application submitted 11/17/17 Clubhouse permit approved (BP17-0209) 12/19/17 7-Unit building permit approved (BP17-0116) 7/2/18 All remaining building permits issued 7/15/19 Building 3 received temporary occupancy (BP17-0116). 9/20/19 Building 4 temporary occupancy inspections (BP17-0252). 4/10/20 Building 7 and 8 TCO inspections</p>	<p>Tom Trimberger</p>
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<p>Major Building/Grading Permits</p>					
<p>Project Name</p>	<p>Description</p>	<p>Location</p>	<p>Area</p>	<p>Status</p>	<p>Staff Liaison</p>
<p>6. Fume Commercial Cannabis Will Serve (DV20-0014)</p>	<p>Extend reclaimed water line to supply irrigation demand of the project.</p>	<p>180 Klamath Court</p>	<p>1.37 acres</p>	<p>12/16/20 Will serve and wastewater study received 1/28/21 PC approved the CUP 3/26/21 Will Serve comments to the applicant.</p>	<p>Edison Bisnar</p>
<p>7. Canyon Estates (DV18-0023)</p>	<p>Improvement plans, grading plans, potable water pump station plans and Final Map.</p>	<p>Northeast corner Silver Oak/ Newell Drive</p>	<p>35 acres</p>	<p>10/31/18 Applicant submitted 4/17/19 3rd submittal received 5/22/19 Pump station submittal received 6/13/19 Grading and Improvement Plan Comments to applicant 7/14/20 Preconstruction meeting 3/19/21 Preconstruction meeting 3/22/21 Begin Construction</p>	<p>PW Engineering</p>
<p>8. Canyon Estates Lot Line Adjustment (PL19-0011)</p>	<p>Lot Line adjustment to consolidate habitat area in Napa County.</p>	<p>Northeast corner Silver Oak/ Newell Drive</p>	<p>35 acres</p>	<p>4/18/19 Lot line adjustment application submitted 6/13/19 Comments to applicant</p>	<p>Paul Wade</p>

9. Pick-n-Pull (DV19-0004)	Grading permit for new customer parking lot and vehicle inventory yard.	5759 Broadway	9.52 acres	2/21/19 Application submitted 3/8/19 Comments to applicant 5/6/19 Inquired status with applicant 6/10/19 2 nd Applicant submittal 7/18/19 Comments to applicant 8/13/19 3 rd Applicant Submittal 11/6/19 Grading Permit approved. All Civil Improvements are complete.	Paul Wade
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Major Building/Grading Permits

Project Name	Description	Location	Area	Status	Staff Liaison
10. Pick-n-Pull (BP19-0061)	Tenant improvement to the large building (Bldg #2).	5759 Broadway	9.52 acres	2/12/19 Application submitted 11/6/19 Grading Permit approved. 3/6/20 Temporary occupancy approved for limited building use.	William He
11. Copart (DV20-0008)	Grading permit for an auto storage lot and office building Conditional Use Permit PL18-0019.	1587 and 1660 Green Island Road	20 acres	4/23/20 On-site private wastewater treatment system application submitted to the County 8/13/20 1 st Submittal received 10/1/20 1 st Plan Check returned 12/3/20 2 nd Submittal received 2/11/21 2 nd Plan Check returned	Edison Bisnar
12. Home2Suites Will Serve and Improvement Plan (DV19-0015)	Will serve application and improvement plans for a 102-room hotel.	3830 Broadway	2.0 acres	9/5/19 Will Serve Application submitted 5/25/20 Improvement Plan Application submitted 3/15/21 5th Submittal received. 5/17/21 DV approved. 7/9/21 Fee Reduction Request Received	Edison Bisnar

Major Building/Grading Permits					
Project Name	Description	Location	Area	Status	Staff Liaison
13. Home2Suites Building Permit (BP19-0499)	Building permit for 102 room hotel.	3830 Broadway	2.0 acres	12/3/19 Application submitted 12/19/19 Comments to applicant 3/9/20 Checked in with applicant 4/15/20 Building resubmittal 5/1/20 Comments to applicant 07/16/20 Building resubmittal 07/24/20 Comments to applicant 09/17/20 Building resubmittal 09/25/21 Comments to applicant 02/01/21 Waiting fire sprinkler plan submittal.	Interwest
14. Napa Logistics Building 3 (BP20-0179)	Building permit for new 201,839 sqft warehouse.	300 Boone Drive	24.5 acres	05/26/20 Application submitted 09/10/19 Comments to applicant 9/10/20 Permit Issued 02/18/21 Forms and Footings inspection 4/13/21 Walls and insulation installed 4/27/21 HVAC equipment installation 6/15/21 A 60-Day Temporary Occupancy Permit approved for interior stocking.	Interwest

Major City-Initiated Projects					
Project Name	Description	Location	Area	Status	Staff
1. Climate Change General Plan Amendment (PL21-0017)	Incorporate climate change, adaptation, and greenhouse gas reduction policies into the General Plan Land Use Element	Citywide	N/A	5/27/21 PC Workshop on General Plan amendment 6/24/21 Continued PC workshop 7/22/21 PC Hearing on GPA	Brent Cooper
2. Fuel Station Urgency Ordinance (PL21-0005)	Potential moratorium on new fuel stations in American Canyon	Citywide	N/A	2/2/21 City Council workshop 2/16/21 City Council hearing continued to 3/2/21 3/2/21 City Council approved 45-day urgency ordinance 4/6/21 10 month, 15-day urgency ordinance approved	Brent Cooper
3. Comprehensive General Plan Update	Review and update to bring the General Plan into conformance with current State standards and community values	Citywide	N/A	7/1/19 Drafting a Request for Proposal (RFP) 7/4/19 Community input at 4 th of July festival 9/17/19 Joint CC/PC meeting to discuss scope of work 12/3/19 Mintier Harnish selected 6/1/20 On hold to August to assess Covid-related impacts. 9/15/20 Council workshop to discuss revised scope. 3/24/21 Circulation Committee meeting. 6/15/21 Council workshop on WSC alternatives	Brent Cooper

Major City-Initiated Projects					
Project Name	Description	Location	Area	Status	Staff
4. Paoli/Watson Lane Annexation (PL19-0003)	General Plan Amendment, rezoning, and annexation of the Paoli/Watson Lane Property.	Southeast of Paoli Loop/SR-29	80 acres	9/5/17 City Council authorization to proceed 5/28/20 City received a Property Owner notice of intent to circulate a petition to annex the Paoli Loop/Watson Lane Property.	Bill Ross, City Attorney

Major Regional Projects					
Project Name	Description	Location	Area	Status	Staff Liaison
1. Napa Valley Transportation Authority 2045 Countywide Transportation Plan	Update the 2015 NVTA Countywide Plan with new mobility priorities for the next 25 years.	Napa County	N/A	8/19 Project Kick-off 9/19 – 01/20 Public Input 01/21 Drafting the Plan	Alberto Esqueda (NVTA)
2. Replacement Napa Junction Elementary School	Coordination with the Napa Valley Unified School District on the new elementary school design.	Northeast corner Wetlands Edge/ Eucalyptus Drive	10 acres	8/14/19 Ground breaking ceremony	Jason Holley
3. LAFCO Sphere of Influence Policy	Staff working group to discuss a proposal to prohibit Sphere of Influence amendments into property designated Agriculture	Unincorporated Napa County	N/A	9/12/19 Working Group Meeting #1 12/5/19 Working Group Meeting #2 1/22/20 Working Group Meeting #3 10/27/20 Working Group Meeting #4 02/01/21 LAFCO Board discussion	Brent Cooper
4. Regional Working Group on Climate Change	Countywide Working Group to evaluate efforts to adopt policies that will combat climate change.	Countywide	N/A	Most recent meeting: 2/26/21 Regular ongoing meetings continue.	Brent Cooper