



REGULAR CITY COUNCIL AGENDA

City Hall - Council Chambers
4381 Broadway St., Suite 201, American Canyon
September 1, 2026
6:30 PM

Mayor: Pierre Washington

Vice Mayor: Mayor Mark Joseph

Councilmembers: Brando Cruz, Melissa Lamattina, David Oro

AMENDED AGENDA

This agenda has been amended to add item 5 Proclamation: North Hills Baptist Church 50th Anniversary.

5:30 P.M. CLOSED SESSION

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

CALL TO ORDER - CLOSED SESSION

ROLL CALL - CLOSED SESSION

PUBLIC COMMENT - CLOSED SESSION ITEMS

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

MEETING RECESSED TO CLOSED SESSION

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

BUSINESS - CLOSED SESSION

- Conference with Real Property Negotiators - Authorized Pursuant to Government Code Section 54956.8**
Property: 4000 Paoli Loop Rd (APN 057-090-065)
Agency negotiator: Jason Holley, City Manager
Under negotiation: Price and terms of property acquisition.
 - Conference with Legal Counsel - Existing Litigation. Authorized pursuant to Government Code Section 54956.9(d)(1): City of American Canyon v. Timothy Shea (Napa County Superior Court Case No. 20CVB)**
-

6:30 P.M. OPEN SESSION

CALL TO ORDER - OPEN SESSION

PLEDGE OF ALLEGIANCE

ROLL CALL - OPEN SESSION

CLOSED SESSION REPORT OUT / CONFIRMATION OF REPORTABLE ACTION

PROCLAMATIONS AND PRESENTATIONS

3. [Proclamation: Hispanic Heritage Month](#)
4. [Proclamation: Suicide Prevention Month](#)
5. [Proclamation: North Hills Baptist Church 50th Anniversary](#)
6. [America Canyon Library Update](#)

PUBLIC COMMENT - ITEMS NOT ON THE AGENDA

This time is reserved for members of the public to address the City Council on items not appearing on the agenda that are within the Council's jurisdiction. Comments are limited to three (3) minutes per speaker. Pursuant to the Brown Act, the City Council is generally prohibited from discussing or taking action on items not listed on the agenda.

AGENDA CHANGES

The City Council may change the order of the agenda or request discussion of an item on the Consent Calendar. Members of the public may request discussion of a Consent Calendar item during Public Comment.

CONSENT CALENDAR

7. [City Council Minutes of August 18, 2026](#)
Recommendation: Approve the minutes of the Regular City Council meeting held August 18, 2026.
8. [Second Reading and Adoption of the Backflow Prevention and Cross-Connection Control Ordinance](#)
Recommendation: Waive final reading, read by title only, and adopt an Ordinance adding Chapter 13.08 to Title 13 of the American Canyon Municipal Code relating to Backflow Prevention and Cross-Connection Control; amending Chapter 13.04 relating to water service systems; amending Chapter 13.06 relating to water rates and connection fees; amending Section 16.14.080 relating to water efficient landscaping; amending Section 19.51.060 relating to standard conditions of approval; amending Title 14 relating to sewer and sanitation services; and amending Title 1 relating to general provisions.

PUBLIC HEARINGS

9. [Hess/Laird Territory Special Study Pre-Zoning](#)
Recommendation: Waive first reading, read by title only, and adopt an Ordinance to

approve Special Study Pre-Zoning for the Hess/Laird Territory consistent with the General Plan (American Canyon Municipal Code Chapter 19.50).

10. **Accessory Dwelling Unit, Density Bonus, and Inclusionary Housing Ordinance Update**

Recommendation: Waive first reading, read by title only, and adopt an Ordinance to amend the American Canyon Municipal Code to update Chapter 19.27 (Density Bonus), Chapter 19.28 (Inclusionary Housing), and Chapter 19.39 (Accessory Dwelling Units) consistent with current State laws and Housing Element Implementation Measures.

11. **Accessory Animal Husbandry and Livestock Keeping Regulations Zoning Code Amendment**

Recommendation: Waive first reading, read by title only, and adopt an Ordinance to amend American Canyon Municipal Code Sections 19.05.090, 19.05.100, 19.10.040, and 19.31.020 to remove the prohibition on swine, limit livestock keeping to the Residential Estate (RE) Zoning district, and remove obsolete General Plan policy references.

BUSINESS

12. **Napa Olympia Rent Stabilization Mediation Budget Amendment**

Recommendation: Adopt a Resolution increasing the Community Development Housing Division Contract Services Budget by \$80,000 from \$28,600 to \$108,600 to fund Mediation Services related to the Napa Olympia Mobilodge Rent stabilization matter.

MANAGEMENT / STAFF ORAL REPORTS

CITY COUNCIL COMMENTS / COMMITTEE REPORTS

City Council may provide brief comments on matters of public concern, announce matters of public interest, and provide Council Committee reports. No action will be taken.

FUTURE AGENDA ITEM REVIEW

The City Council will review upcoming agenda items. Councilmembers may request that items be added to future City Council agendas.

13. **Future Agenda Items of Note**

ADJOURNMENT

CERTIFICATION

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

Taresa Geilfuss, City Clerk

PUBLIC PARTICIPATION

This meeting is a limited public forum. The City expects respectful conduct from all participants. Offensive language or discriminatory remarks based on any protected classification under federal,

state, or local law will not be tolerated, and the speaker may be immediately disconnected.

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

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

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

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

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

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

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

CITY OF AMERICAN CANYON PROCLAMATION



Hispanic Heritage Month

WHEREAS National Hispanic Heritage Month, known as “Mes de Herencia Hispana” is celebrated nationwide from September 15th through October 15th of each year. The observance started in 1968 as Hispanic Heritage Week and was expanded by President Ronald Reagan in 1988, to cover the month at which it is celebrated today. September 15th is significant because it is the anniversary of the independence of Latin American countries like Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16th and 18th, respectively; and

WHEREAS the City of American Canyon looks forward to celebrating “Mes de Herencia Hispana” highlighting the rich heritage, arts, history, food, music, and traditions of Hispanic and Latino nations. This observance provides an opportunity to honor the distinct identities, experiences, and traditions represented within Hispanic and Latino communities and to celebrate their many contributions to our city and our community; and

WHEREAS the City of American Canyon has a long history of welcoming immigrants and is home to a growing, multiethnic, and multicultural Hispanic and Latino population, all of whom are welcomed and very much appreciated; and

WHEREAS the diverse Hispanic and Latino population of American Canyon makes significant economic contributions and has other profound positive influences on our community through a strong commitment to family, faith, education, hard work, culture, and service; and

WHEREAS this community thrives on the diversity and ingenuity of all people and depends on the continued support and success of our diverse Hispanic and Latino population, and we will continue to be enriched by the transcultural contributions of our Hispanic and Latino friends and neighbors for many decades to come.

NOW, THEREFORE, I, Pierre Washington, on behalf of the entire City Council, do hereby proclaim September 15th through October 15th, 2026, as Hispanic Heritage Month – “Mes de Herencia Hispana” in American Canyon.

Dated: September 1, 2026

Pierre Washington, Mayor

CITY OF AMERICAN CANYON PROCLAMATION



Suicide Prevention Month - September 2026

WHEREAS, mental health is essential to the overall health and well-being of all people, and suicide is a tragic and preventable public health issue that affects individuals, families, workplaces, schools, and our entire community; and

WHEREAS, many who consider suicide experience conditions that can be effectively treated, and increasing access to compassionate, timely, and culturally responsive support can save lives; and

WHEREAS, stigma surrounding mental health conditions and seeking help can discourage people from getting the care they need; and

WHEREAS, American Canyon is committed to fostering a community in which every person—across all ages, backgrounds, and identities—feels seen, valued, and supported, and where it is safe to ask for help; and

WHEREAS, evidence-informed suicide prevention includes promoting mental wellness; training community members to recognize warning signs and respond; expanding access to crisis services; supporting survivors of suicide loss; reducing access to lethal means when someone is at risk; and strengthening protective factors such as connectedness, belonging, and hope; and

WHEREAS, help is available 24/7 through the 988 Suicide & Crisis Lifeline by calling or texting **988**, and through local partners including **Mentis Napa, Napa County's Center for Mental Health Services**, which provides counseling, prevention, and wellness programs for youth, adults, and families; and

WHEREAS, during Suicide Prevention Month—and throughout the year—residents of American Canyon are encouraged to learn the warning signs of suicide, have open and caring conversations about mental health, share resources, and look out for one another.

NOW, THEREFORE, I, Mayor Pierre Washington, along with the City Council of American Canyon, do hereby proclaim **September 2026** as **Suicide Prevention Month** in the City of American Canyon, and call upon all residents, schools, faith communities, businesses, and organizations to join in activities and practices that promote mental wellness, reduce stigma, support survivors and those with lived experience, and connect people to help and hope.

Dated: September 1, 2026

Pierre Washington, Mayor

CITY OF AMERICAN CANYON PROCLAMATION



North Hills Baptist Church 50th Anniversary

WHEREAS North Hills Baptist Church is celebrating 50 years of ministry, having begun in 1976 with a vision to serve children, youth, families, and communities throughout the region; and

WHEREAS although North Hills Baptist Church is located in Vallejo, it has maintained a longstanding ministry presence in American Canyon, with residents and families from the community participating in the church's ministries in sharing the Gospel for many years; and

WHEREAS children and families from American Canyon have been part of the North Hills Preschool and K-12 school, providing opportunities for children and youth in the community to receive a Christ-centered education and for families to become part of the broader North Hills family; and

WHEREAS residents of American Canyon are also members of the North Hills congregation, where they worship, serve, build relationships, and participate in the life and ministry of the church; and

WHEREAS through its preschool, K-12 school, children's and youth ministries, marriage and family ministries, sports ministries, Upward basketball and volleyball, outreach, and community service, North Hills has had the privilege of investing in the lives of individuals and families from American Canyon across multiple generations; and

WHEREAS North Hills Baptist Church celebrates 50 years under the theme "A Legacy of Love: Celebrating 50 Years of Loving God, Serving Others, and Changing the World!" (Psalm 100:5), honoring five decades of ministry, service and commitment to the individuals, families, and communities it has had the privilege of serving, while looking forward to continuing that legacy of love and investment in the community for generations to come;

NOW, THEREFORE, I, Pierre Washington, on behalf of the entire City Council, do hereby congratulate North Hills Baptist Church on its 50th Anniversary and recognize its longstanding service, ministry and positive impact on individuals and families in American Canyon and throughout the region.

Dated: September 1, 2026

Pierre Washington, Mayor

CITY OF AMERICAN CANYON PROCLAMATION



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WHEREAS North Hills Baptist Church is celebrating 50 years of ministry, having begun in 1976 with a vision to serve children, youth, families, and communities throughout the region; and

WHEREAS although North Hills Baptist Church is located in Vallejo, it has maintained a longstanding ministry presence in American Canyon, with residents and families from the community participating in the church's ministries in sharing the Gospel for many years; and

WHEREAS children and families from American Canyon have been part of the North Hills Preschool and K-12 school, providing opportunities for children and youth in the community to receive a Christ-centered education and for families to become part of the broader North Hills family; and

WHEREAS residents of American Canyon are also members of the North Hills congregation, where they worship, serve, build relationships, and participate in the life and ministry of the church; and

WHEREAS through its preschool, K-12 school, children's and youth ministries, marriage and family ministries, sports ministries, Upward basketball and volleyball, outreach, and community service, North Hills has had the privilege of investing in the lives of individuals and families from American Canyon across multiple generations; and

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NOW, THEREFORE, I, Pierre Washington, on behalf of the entire City Council, do hereby congratulate North Hills Baptist Church on its 50th Anniversary and recognize its longstanding service, ministry and positive impact on individuals and families in American Canyon and throughout the region.

Dated: September 1, 2026

Pierre Washington, Mayor

CITY OF AMERICAN CANYON

REGULAR CITY COUNCIL MEETING

ACTION MINUTES

August 18, 2026

5:00 P.M. CLOSED SESSION

The City Council meeting was called to order at 5:00 p.m.

CALL TO ORDER - CLOSED SESSION

ROLL CALL - CLOSED SESSION

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

Absent: None

PUBLIC COMMENT - CLOSED SESSION MATTERS

Mayor Washington opened a public comment period for Closed Session Items. Written comments: none. Oral comments: none. The public comment period was closed.

MEETING RECESSED TO CLOSED SESSION

BUSINESS - CLOSED SESSION

1. **Matters Relating to Public Employment: Public Employee Performance Evaluations (pursuant to Gov. Code section 54957) Positions: Jason Holley, City Manager**
2. **Conference with Legal Counsel - Existing Litigation. Authorized pursuant to Government Code Section 54956.9(d)(1):**
 - a. *City of American Canyon v. City of Vallejo, et al. (Sacramento Superior Court Case No. 34-2022-00327471).*
 - b. *American Canyon 1, LLC and Napa Valley Ruins & Gardens, LLC v. City of American Canyon et al. (Napa County Superior Court Case No. 25CV002277)*
 - c. *American Canyon 1, LLC and Napa Valley Ruins & Gardens, LLC v. City of American Canyon, County of Napa, et al. (Napa County Superior Court Case No. 26CV001286)*
 - d. *Orchard Partners v. City of American Canyon (Napa County Superior Court Case No. 26CV000115)*
 - e. *City of American Canyon v. Timothy Shea (Napa County Superior Court Case No. 20CVB)*
3. **Conference with Legal Counsel – Anticipated Litigation. Authorized pursuant to Government Code Section 54956.9 (d)(2). One (1) Matter.**

CALL TO ORDER - OPEN SESSION

The City Council meeting was called to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - OPEN SESSION

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

Absent: None

CLOSED SESSION REPORT OUT / CONFIRMATION OF REPORTABLE ACTION

A report on Closed Session and confirmation of reportable action was given by City Attorney Matthew Summers.

6:30 P.M. OPEN SESSION

PROCLAMATIONS AND PRESENTATIONS

4. Proclamation: Honoring Chris Morris for 18 Years of Dedicated Service

PUBLIC COMMENT - ITEMS NOT ON THE AGENDA

Mayor Washington opened a public comment period. Written comments: Adelaida Domingo. Oral comments: William Baker was called to speak; Sandra Wall was called to speak; Rhonda Zumga was called to speak; Gary Keimach was called to speak; Hugh Marquez was called to speak; Janelle Sellick was called to speak; Toni Dickinson was called to speak; Sindy Biederman was called to speak; Justin Hamilton Hole was called to speak. The public comment period was closed.

AGENDA CHANGES

Consent item 7 was removed from consent for discussion on a request from Vice Mayor Joseph.

CONSENT CALENDAR

Action: Motion to adopt CONSENT CALENDAR, with exception of Item 7 which will be heard separately, made by Vice Mayor Mark Joseph, seconded by Councilmember Melissa Lamattina, and CARRIED by roll call vote.

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

Nay: None

Abstain: None

Absent: None

5. Minutes of August 4, 2026

Action: Approved the minutes of the Regular City Council meeting held August 4, 2026.

6. Contract Award for South Kelly-Highway 29 Intersection Project (TR23-0200)

Action: Adopted Resolution 2026-65 awarding a Construction Contract (Agreement 2026-A163) to Carone and Company, Inc. in the amount of \$3,128,499.50; authorizing the City Manager to execute a reimbursement agreement (Agreement 2026-A164) between the City of American Canyon and the County of Napa to complete the construction of the Project for an amount not to exceed \$2,149,156; authorizing the City Manager to enter into an agreement (Agreement 2026-A165) for Construction Management and Inspection Services in an amount not to exceed \$300,000; and authorizing the Public Works Director to approve and execute contract change orders in an aggregate amount not to exceed the Construction Budget, in conjunction with the South Kelly-Highway 29 Intersection Project (TR23-0200).

8. Quarterly Investment Report for City and Fire District for Fiscal Year 2025-26 Quarter 4

Action: Received and filed the City and Fire District's Treasurer's Report for the quarter ended June 30, 2026.

7. Green Island Road Project Budget Reconciliation

Removed from the Consent Calendar at the request of Vice Mayor Mark Joseph. The City Manager provided additional information regarding the item. Following discussion, the Council approved the item.

Action: Motion to adopt Resolution 2026-66 amending the FY2026-2027 Capital Budget and increasing the Project Budget from \$20,074,000 to \$22,600,000, in conjunction with the Green Island Road Reconstruction and Widening Project (TR16-0700) made by Vice Mayor Mark Joseph, seconded by Councilmember Melissa Lamattina, and CARRIED by roll call vote.

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

Nay: None

Abstain: None

Absent: None

PUBLIC HEARINGS

9. Backflow Prevention and Cross-Connection Control Ordinance

Council received a Backflow Prevention and Cross-Connection Control Ordinance staff report and presentation from Assistant Public Works Director Norman Woods. Mayor Washington opened the public hearing and a public comment period. Written comments: none. Oral comments: none. The public comment period and public hearing were closed.

Action: Motion to adopt Waive first reading, read by title only, and introduce Ordinance 2026-01 to amend the American Canyon Municipal Code adding Chapter 13.08 to Title 13 relating to backflow prevention and cross-connection control; amending Chapter 13.04 relating to water and sewer systems; amending Chapter 13.06 relating to water rates and connection fees; amending Section 16.14.080 relating to irrigation efficiency; amending Section 19.51.060 relating to standard conditions of approval; amending Title 14 relating to sewer and sanitation services; and amending Title 1 relating to General Provisions. made by Vice Mayor Mark Joseph, seconded by Councilmember Brando Cruz, and CARRIED by roll call vote.

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

Nay: None

Abstain: None

Absent: None

BUSINESS

10. Utility Finance Update

Council received a Utility Finance Update staff report and presentation from Finance Director Jemelyn Cruz. Mayor Washington opened a public comment period. Written comments: none. Oral comments: Justin Hamilton Hole was called to speak; Hugh Marquez was called to speak; Gary Keimach was called to speak. The public comment period was closed.

11. Sites Reservoir Project

Council received a Sites Reservoir Project update and presentation from City Manager Jason Holley and Management Aide Phil Brun. Mayor Washington opened a public comment period. Written comments: none. Oral comments: Hugh Marquez was called to speak; Gary Keimach was called to speak. The public comment period was closed.

12. 2025 Urban Water Management Plan Update

Council received a 2025 Urban Water Management Plan Update staff report and presentation from Assistant Public Works Director Norman Woods. Mayor Washington opened a public comment period. Written comments: none. Oral comments: None. The public comment period was closed.

13. Voting Delegate and Alternate(s) for the League of California Cities 2026 Annual Business Meeting

Council received a Voting Delegate and Alternate(s) for the League of California Cities 2026 Annual Business Meeting staff report from City Manager Jason Holley

Action: Motion to adopt by Minute Order 2026-06 Mayor Washington as the Voting Delegate and Councilmember Lamattina as the Alternate for the League of California Cities 2026

Annual Business Meeting made by Councilmember Brando Cruz, seconded by Vice Mayor Mark Joseph, and CARRIED by roll call vote.

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

Nay: None

Abstain: None

Absent: None

MANAGEMENT / STAFF ORAL REPORTS

14. Utility Update

Council received a Utility Update from Assistant Public Works Director Norman Woods with Interim Wastewater Operations Manager Nolan Garcia and Environmental Services Manager Pam Phillips.

Council received oral updates from Deputy City Manager Alexandra Ikeda.

CITY COUNCIL COMMENTS / COMMITTEE REPORTS

The mayor and council members provided oral reports and announced items of community interest.

15. City Council Committee Report - Mayor Pierre Washington

FUTURE AGENDA ITEM REVIEW

16. Future Agenda Items of Note

Future agenda items were reviewed.

ADJOURNMENT

The City Council meeting was adjourned at 9:59 p.m.

CERTIFICATION

Respectfully Submitted,

Taresa Geilfuss, CMC, City Clerk



TITLE

Second Reading and Adoption of the Backflow Prevention and Cross-Connection Control Ordinance

RECOMMENDATION

Waive final reading, read by title only, and adopt an Ordinance adding Chapter 13.08 to Title 13 of the American Canyon Municipal Code relating to Backflow Prevention and Cross-Connection Control; amending Chapter 13.04 relating to water service systems; amending Chapter 13.06 relating to water rates and connection fees; amending Section 16.14.080 relating to water efficient landscaping; amending Section 19.51.060 relating to standard conditions of approval; amending Title 14 relating to sewer and sanitation services; and amending Title 1 relating to general provisions.

CONTACT

Erica Ahmann Smithies, P.E., Public Works Director
Norman Woods, Assistant Public Works Director

BACKGROUND & ANALYSIS

On August 18, 2026, the City Council approved the first reading of an Ordinance establishing a comprehensive Backflow Prevention and Cross-Connection Control Program for the City of American Canyon.

The Ordinance adds Chapter 13.08 to Title 13 of the American Canyon Municipal Code and establishes requirements for the administration of the City's Backflow Prevention and Cross-Connection Control Program. The program provides requirements related to backflow prevention assemblies, installation, testing, reporting, maintenance, recordkeeping, compliance, fees, and enforcement to protect the City's potable water system from actual and potential cross-connection hazards.

The Ordinance also amends related provisions of the American Canyon Municipal Code concerning water service systems, water rates and connection fees, water efficient landscaping, standard conditions of approval, applicable Public Works requirements, and general enforcement provisions.

Changes since first reading:

Following the August 18, 2026 first reading, staff conducted an additional review of the Ordinance

to clarify the regulatory framework, correct internal references and duplicative language, and ensure consistency with current State requirements.

The following minor corrections have been incorporated into the Ordinance presented for second reading:

1. State Regulatory References Corrected. Recital references to the former California Code of Regulations, Title 17 cross-connection control provisions were corrected to reference the State Water Resources Control Board's Cross-Connection Control Policy Handbook (CCCPH) and applicable State requirements.
2. CEQA Finding Added to the Recitals. The same CEQA findings as was in the ordinance's operative language is added to the recitals.
3. Municipal Code Reference Correction. The reference relating to water rates and connection fees was corrected to Chapter 13.06.
4. Duplicate Provision Deleted. The duplicate Section 13.08.020, "Applicability," was removed.
5. Enforcement Cross-Reference Corrected. The incorrect reference to Section 13.08.090 regarding water-service termination was removed because Section 13.08.090 addresses program fees, and was replaced with a citation to the correct City law.
6. Ordinance Formatting. Duplicate adoption and certification language was removed, and the Ordinance was formatted to document the August 18, 2026, introduction and first reading and the September 1, 2026, second reading and adoption.

These minor corrections do not change the substance of the Ordinance considered by the City Council at first reading, which is to establish a comprehensive Backflow Prevention and Cross-Connection Control Program to protect the City's potable water system.

The Ordinance presented as Attachment 1 is now before the City Council for second reading and adoption. If adopted, the Ordinance will become effective October 1, 2026 following adoption and will be published or posted as required by law.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

Implementation of the Backflow Prevention and Cross-Connection Control Program will require staff resources for program administration, recordkeeping, customer notification, inspection coordination, compliance tracking, reporting, and enforcement.

Program-related fees may be established by separate City Council resolution to recover the reasonable costs associated with administering and implementing the program

ENVIRONMENTAL REVIEW

The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that adoption of the Ordinance may have a significant effect on the environment.

The Ordinance establishes administrative and regulatory requirements for backflow prevention and cross-connection control intended to protect the City's potable water system.

COMMUNICATION

Level 1: Minimal Communication

Clarifying revisions were made following the first reading to improve consistency, implementation, and administration of the ordinance. The revisions do not change the overall purpose or intent of the ordinance.

ATTACHMENTS:

[1. Ordinance - Backflow and Cross Connection Control](#)

[Exhibit A: Chapter 13.08 - Backflow Prevention and Cross-Connection Control Program](#)

[Exhibit B: Water Service Regulations](#)

[Exhibit C: Water Rates and Connection Fees](#)

[Exhibit D: Water Efficient Landscaping](#)

[Exhibit E: Standard Conditions of Approval](#)

[Exhibit F. Uncodified Public Works Standards](#)

[Exhibit G: General Penalty and Enforcement](#)

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF AMERICAN CANYON ADD CHAPTER 13.08 TO TITLE 13 OF THE AMERICAN CANYON MUNICIPAL CODE RELATING TO BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL; AMENDING CHAPTER 13.04 RELATING TO WATER AND SEWER SYSTEMS; AMENDING CHAPTER 13.06 RELATING TO WATER RATES AND CONNECTION FEES; AMENDING SECTION 16.14.080 RELATING TO IRRIGATION EFFICIENCY; AMENDING SECTION 19.51.060 RELATING TO STANDARD CONDITIONS OF APPROVAL; AMENDING TITLE 14 RELATING TO SEWER AND SANITATION SERVICES; AND AMENDING TITLE 1 RELATING TO GENERAL PROVISIONS

WHEREAS, the City of American Canyon owns and operates a public water system that provides potable water service to residents, businesses, institutions, and other customers within the City; and

WHEREAS, the State Water Resources Control Board, Division of Drinking Water, requires public water systems to implement and maintain backflow prevention and cross-connection control programs pursuant to Title 17 of the California Code of Regulations, Sections 7583 through 7605; and

WHEREAS, Title 17, California Code of Regulations, Section 7605 requires each public water system to develop and maintain an effective cross-connection control program to protect the public water system from contamination or pollution resulting from backflow conditions and cross-connections; and

WHEREAS, cross-connections and backflow conditions present a documented risk to potable water systems by allowing contaminants from private plumbing systems, irrigation systems, fire suppression systems, auxiliary water supplies, and industrial or commercial processes to enter the public water supply; and

WHEREAS, protection of the City's potable water system is necessary to preserve public health, safety, and welfare and to ensure continued compliance with applicable State and federal drinking water regulations; and

WHEREAS, the City currently administers backflow prevention requirements through conditions of approval, engineering standards, and administrative practices; however, the City Council finds that establishing a comprehensive and codified program will improve consistency, enforceability, and long-term program effectiveness; and

WHEREAS, the City Council finds that adoption of uniform standards for the installation, testing, maintenance, inspection, certification, reporting, and enforcement of backflow prevention assemblies is necessary to ensure a reliable and effective cross-connection control program; and

WHEREAS, the City Council finds that adoption of a comprehensive Backflow Prevention and Cross-Connection Control Program, codified as Chapter 13.08 of the American Canyon Municipal Code, is necessary to satisfy the requirements of Title 17 of the California Code of Regulations and to protect the City's drinking water system; and

WHEREAS, the City Council recognizes that the City of Napa has adopted a similar program under Napa Municipal Code Chapter 13.08, which provides a regional model for program structure, administration, and enforcement; and

WHEREAS, the City Council finds that adoption of a comparable ordinance tailored to the City of American Canyon will improve regulatory clarity, strengthen enforcement authority, standardize procedures, and improve administrative efficiency; and

WHEREAS, the City Council desires to amend related provisions of the American Canyon Municipal Code, including water, sewer, irrigation, development standards, sanitation services, and general provisions, to ensure consistency with the adoption of Chapter 13.08; and

WHEREAS, on July 21, 2026, the City Council of the City of American Canyon conducted a duly noticed public hearing regarding this Ordinance, at which time all interested persons were provided an opportunity to provide testimony and submit comments.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of American Canyon, having considered all the evidence, including any submitted by member of the public, hereby adopts the Backflow Prevention and Cross-Connection Control Ordinance as depicted in Exhibit A and included in this ordinance.

SECTION 1. The City Council authorizes the Public Works Director, or designee, to administer and enforce the Backflow Prevention and Cross-Connection Control Program in order to ensure consistent implementation and compliance.

Chapter 13.08 of Title 13 of the American Canyon Municipal Code, titled “Backflow Prevention and Cross-Connection Control,” is hereby added as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. CEQA Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and CEQA Guidelines Section 15061(b)(3), this Ordinance is exempt because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, as it establishes administrative and regulatory standards for water system protection.

SECTION 3. EFFECTIVE DATE This Ordinance shall take effect thirty (30) days following adoption and publication as required by law.

SECTION 4. 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 5. CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk’s office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 18th day of August, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pierre Washington, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

Matthew Summers, City Attorney

EXHIBIT A

CHAPTER 13.08 BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL ORDINANCE

13.08.010. PURPOSE AND INTENT

This document establishes the administrative procedures, technical standards, and fee schedule for implementing Chapter 13.08 of the American Canyon Municipal Code, “Backflow Prevention and Cross-Connection Control.”

The intent is to ensure that all backflow prevention assemblies connected to the City’s potable water system are properly installed, tested, and maintained to protect public health and comply with California Code of Regulations, Title 17, Sections 7583–7605.

13.08.020. APPLICABILITY

This ordinance applies to any property owner that receives potable water service by the City of American Canyon and requires a new backflow prevention and cross-control device (“device”) on their property or owns an existing device on their property.

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This ordinance applies to any property owner that receives potable water service by the City of American Canyon and requires a new backflow prevention and cross-control device (“device”) on their property or owns an existing device on their property.

13.08.030 PROGRAM ADMINISTRATION

A. The Water Division within the Public Works Department shall administer the program under the authority of the Public Works Director or designee.

B. The Program Administrator shall:

1. Maintain a database of all registered backflow prevention assemblies.
2. Maintain a current list of certified testers.
3. Track annual test results and non-compliance notices.
4. Coordinate enforcement actions with Utility Billing and Code Enforcement.

13.08.040. APPROVED DEVICES

A. Only assemblies approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR) and accepted by the City Engineer shall be installed. The City Engineer shall maintain and update the Approved Assembly List consistent with City Standard Details and Code Section 18.42.010 authority.

B. Device types include:

1. Air Gap Separation (AG)
2. Reduced Pressure Principal Assembly (RP)
3. Double Check Valve Assembly (DCVA)
4. Pressure Vacuum Breaker (PVB)

C. The Public Works Director may approve equivalent devices upon proof of listing and performance testing.

D. The Water Division shall publish and maintain an Approved Assembly List, updated annually.

13.08.050. CERTIFIED TESTERS

A. Certification Requirements

Testers must:

1. Hold a valid certification from AWWA or American Backflow Prevention Association (ABPA).
2. Provide proof of calibration of test equipment (within past 12 months).
3. Maintain a City of American Canyon business license.
4. Submit an application to be added to the City's Certified Tester List.

B Renewal

Tester approval is valid for one calendar year and must be renewed annually with updated certification and equipment calibration documentation.

C Conduct

Certified testers must perform all testing in accordance with AWWA Manual M14 and report findings honestly and accurately. Any falsified report shall result in immediate removal from the City's approved list and possible referral to regulatory authorities.

13.08.060 TESTING AND REPORTING REQUIREMENTS

A. Initial Testing

1. Every new backflow prevention assembly serving a new building, new water service, or new facility shall be tested and certified by the City prior to final occupancy or water service activation.

B. Annual Testing

1. Annually thereafter, the property owner shall be responsible for ensuring that all required backflow prevention assembly testing is completed by a Certified Backflow Prevention Assembly Tester approved by the City and that all required test reports are submitted to the Water Division in accordance with this Chapter.

2. The Water Division shall send annual notifications to property owners at least thirty (30) days prior to the testing due date. The Public Works Director, or designee, may exercise reasonable administrative discretion in the enforcement of testing deadlines when circumstances warrant, including when additional time is reasonably necessary to complete repairs, retesting, or other corrective actions, provided such discretion is consistent with this Chapter and applicable State regulations.

C. Reporting

1. Test reports must be submitted by the property owner to the City prior to the annual due date and within ten (10) business days after testing using the City-approved Backflow Test Report Form.

2. Reports may be submitted electronically via the City's online portal or by mail to the Water Division.

3. Only test reports completed by a Certified Backflow Prevention Assembly Tester approved by the City shall be accepted. Reports may be submitted in paper or electronic format and shall bear either an original handwritten signature or an authenticated electronic signature of the certified tester. The Public Works Director, or designee, may establish administrative procedures by resolution for the electronic submission, verification, and acceptance of test reports.

D. Failed Tests

1. If an assembly fails testing, it must be repaired or replaced within ten (10) calendar days.

2. A re-test must be performed and reported within five (5) business days after repair.

E. Non-Compliance

Failure to comply with testing or repair deadlines will result in:

1. Issuance of a Notice of Violation (NOV);
2. Application of a Non-Compliance Administrative Fee; and
3. Potential termination of water service until compliance is achieved.

13.08.070. INSTALLATION REQUIREMENTS

1. Installation shall conform to City Standard Details and applicable plumbing codes.

2. Assemblies shall not be buried or installed in pits subject to flooding.
3. Assemblies shall be installed in an approved security cage or enclosure meeting City Standard Details.
4. Vault installations are not permitted unless specifically approved by the City Engineer.
5. The customer is responsible for maintenance of the installation area, including keeping enclosures accessible and free from vegetation or obstructions.
6. Fire protection systems shall install assemblies approved for fire-line use per AWWA C510/C511 and NFPA standards.

13.08.080. RECORDKEEPING

The Water Division shall:

1. Maintain records necessary to administer and enforce the City's Backflow Prevention and Cross-Connection Control Program. The Water Division shall maintain digital records of all backflow prevention assemblies, including their locations, owners, and test results, for a minimum period of five (5) years.
2. Recordkeeping procedures, including requirements for documentation, retention periods, reporting, and maintenance of records related to backflow prevention assemblies, test results, and program activities, shall be established and adopted by City Council Resolution.

13.08.090. FEES

The following fees shall be established and may be updated annually by City Council Resolution. Any annual adjustment to the fees shall be based on the Municipal Cost Index published by American City & County, or a successor agency or publication, as the identified inflation adjustment factor. The City Council may consider additional factors necessary to ensure that fees remain consistent with the reasonable costs associated with administering the Backflow Prevention and Cross-Connection Control Program.

Fee Type	Description	Amount*
Annual Program Administration Fee	Charged per registered backflow assembly to recover administrative costs.	Established by City Council Resolution
Late Test Report Fee	Charged if annual test report is not received by due date.	Established by City Council Resolution

Fee Type	Description	Amount*
Non-Compliance Reinspection Fee	Charged for each follow-up inspection by City staff.	Established by City Council Resolution
Certified Tester Application Fee	Annual fee to maintain listing on approved tester list.	Established by City Council Resolution
Backflow Prevention Assembly Installation Permit Fee	Fee for review, approval, inspection, documentation, and administration associated with the initial installation, relocation, replacement, or modification of a backflow prevention assembly. Fees may vary based on the number of assemblies, assembly type, size, complexity, and level of review required.	Established by City Council Resolution
Backflow Prevention Assembly Annual Testing Fee (if applicable)	Fee associated with administration of the annual backflow prevention assembly testing program, including record management, compliance tracking, and reporting requirements.	Established by City Council Resolution
Backflow Prevention Assembly Reinspection Fee (if applicable)	Fee for additional inspections, reviews, or administrative efforts required due to failed tests, incomplete documentation, non-compliance, or corrective actions.	Established by City Council Resolution

*Actual dollar amounts to be inserted by resolution.

13.08.100. ENFORCEMENT PROCEDURE

1. Notice of Violation (NOV): will be issued to the property owner responsible for the backflow prevention assembly. The NOV shall identify the violation, required corrective action, and compliance timeframe. The NOV may be served by mail, electronic delivery, personal delivery, or other method approved by the Public Works Director or designee. The compliance timeframe shall account for delivery of the notice and the time reasonably necessary to complete corrective actions, including repairs and retesting. The Public Works Director, or designee, may extend compliance deadlines when warranted.
2. Second Notice: The Public Works Director, or designee, may issue a Notice of Violation (NOV) requiring corrective action. If compliance is not achieved within fifteen (15) days of the date of the NOV for electronic delivery, or the postmarked date of the NOV for

mailed delivery, or within another timeframe specified in the NOV, the City may pursue additional enforcement actions as authorized by this Chapter. If a violation remains unresolved and poses a threat to public health or the quality of the City's water supply, the City may perform or arrange for the repair or replacement of the backflow prevention assembly as necessary to protect the public water system. The property owner shall be responsible for reimbursement of all reasonable costs incurred by the City associated with such corrective actions. Fees established pursuant to this Chapter shall be based on the reasonable costs incurred by the City for administering, implementing, and enforcing the Backflow Prevention and Cross-Connection Control Program. Fee amounts may be based on factors including, but not limited to, staff time, inspection requirements, recordkeeping, reporting, testing administration, program management, and other costs necessary to provide the applicable service. Fees shall be established and updated by City Council Resolution and shall not exceed the reasonable cost of providing the associated service or administering the program

3. Final Notice / Shutoff Warning: If still noncompliant after 30 days from the initial NOV issuance date, water service may be terminated per AMC §13.08.090.
4. Reinstatement: Service restored upon receipt of passing test report and payment of applicable fees.

13.08.110 ADMINISTRATIVE APPEALS

A. Customers may appeal any enforcement action when supported by substantial information under AMC §13.08.100 to the City Manager within ten (10) days of a NOV issuance. The decision of the City Manager is final.

13.08.120. FORMS AND REFERENCES

A. The following forms and references are adopted by reference and maintained by the Water Division:

1. City of American Canyon Backflow Test Report Form.
2. Certified Tester Application Form.
3. USC-FCCCHR Approved Assemblies List.
4. City of American Canyon Standard Detail Drawings for Backflow Assemblies.
5. AWWA Manual M14 – Recommended Practice for Backflow Prevention and Cross-Connection Control.

B. Forms, standard details, and administrative documents, provided such updates do not amend the substantive requirements of Chapter 13.08, may be updated by the Public Works Director or designee without further City Council action.

EXHIBIT B: AMENDMENTS TO AMERICAN CANYON MUNICIPAL CODE SECTION 13.04 – WATER SERVICE REGULATIONS

Section 13.04 of the American Canyon Municipal Code is hereby amended to add the following:

All new water service connections, and any modifications to existing water service connections that require a building permit, encroachment permit, or discretionary or ministerial development review approval, shall comply with Chapter 13.08, Backflow Prevention and Cross-Connection Control.

Existing water service connections that are not subject to modification, redevelopment, or permit review may remain in their current condition. If future construction, redevelopment, change in use, or permit activity triggers City review, the water service shall be brought into compliance with Chapter 13.08 as a condition of approval.

All applicable program fees, including inspection fees, testing fees, and administrative fees associated with Chapter 13.08, shall be assessed at the time of permit issuance or development review.

**EXHIBIT C: AMENDMENTS TO AMERICAN CANYON MUNICIPAL CODE SECTION 13.06 –
WATER RATES AND CONNECTION FEES**

Section 13.06 is hereby amended to add the following provision:

The City Council may establish by resolution an annual backflow assembly testing administration fee for each backflow prevention assembly subject to inspection, testing, or compliance under Chapter 13.08. The fee shall be established to recover the reasonable costs of program administration, inspection coordination, and compliance oversight.

**EXHIBIT D: AMENDMENTS TO AMERICAN CANYON MUNICIPAL CODE SECTION
16.14.080 – WATER EFFICIENT LANDSCAPING**

Section 16.14.080 is hereby amended to read as follows:

All irrigation systems shall include an approved backflow prevention assembly. The assembly shall be installed and maintained in accordance with Chapter 13.08, Backflow Prevention and Cross-Connection Control.

**EXHIBIT E: AMENDMENTS TO AMERICAN CANYON MUNICIPAL CODE SECTION
19.51.060 – STANDARD CONDITIONS OF APPROVAL**

Section 19.51.060, Condition of Approval No. (12), is hereby amended to read as follows:

All water services, including domestic, irrigation, and fire services, shall be equipped with approved backflow prevention assemblies. The assemblies shall be installed, tested, and maintained in accordance with Chapter 13.08 prior to final occupancy approval.

EXHIBIT F: AMENDMENTS TO TITLE 14 – UNCODIFIED PUBLIC WORKS STANDARDS

Title 14 of the American Canyon Municipal Code is hereby amended to add a new uncodified policy to require that all standard plans, specifications, and construction details for water system improvements be updated to reflect the requirements of Chapter 13.08.

These updates shall include, but are not limited to, standards for backflow prevention assembly installation, vault sizing and placement, clearance requirements, access requirements, and approved device types consistent with applicable state and industry standards.

All water system improvements shall be constructed in accordance with these updated standards.

EXHIBIT G: AMENDMENTS TO TITLE 1 – GENERAL PENALTY AND ENFORCEMENT

Title 1 of the American Canyon Municipal Code is hereby amended to add the following as a new section::

Section 1.24.060:

Any violation of Chapter 13.08 is unlawful and may be enforced as an infraction, misdemeanor, or by administrative citation in accordance with City enforcement procedures. Each day a violation continues shall constitute a separate and distinct offense.

The remedies provided herein are cumulative and not exclusive.



TITLE

Hess/Laird Territory Special Study Pre-Zoning

RECOMMENDATION

Waive first reading, read by title only, and adopt an Ordinance to approve Special Study Pre-Zoning for the Hess/Laird Territory consistent with the General Plan (American Canyon Municipal Code Chapter 19.50).

CONTACT

Brent Cooper, AICP, Community Development Director
Matthew Summers, City Attorney

BACKGROUND & ANALYSIS

The Hess/Laird property consists of approximately 281 acres and is located outside the City limits in unincorporated Napa County, east of State Route 29 and north of Watson Lane. In March 2026, the property owners initiated an application with the Napa County Local Agency Formation Commission (LAFCO) to annex their property into the City of American Canyon (Assessor Parcel Numbers 057-090-065 and 057-090-066). A location map of the Hess/Laird property is included as Attachment 2.

The properties surrounding the Hess/Laird territory include:

- North: Unincorporated Napa County Commercial and Agriculture/Open Space lands
- South: Watson Lane and vacant land adjacent to Paoli Loop
- East: Agricultural and rural lands within unincorporated Napa County
- West: State Route 29 and Light Industrial properties within American Canyon

The General Plan contemplates annexation of the Hess/Laird property into the City limits. General Plan Land Use Element Policy LU-11.5 states: "Meet and confer with Napa County and LAFCO to amend the City's Sphere of Influence to include the "Hess and Laird" Properties and other properties at the direction of the City Council." Earlier administrative and financial actions associated with the Hess/Laird properties were approved by the City Council on April 21, 2026. These include a property tax sharing agreement and an urban limit line and regional housing needs allocation agreement with Napa County, governing the property tax sharing and regional housing needs allocation transfers that would occur if and when the proposed Hess Laird annexation is approved and if and when the

City's urban limit line is amended by a General Plan amendment to include the Hess Laird Affected Territory.

The City and County approvals of the property tax sharing agreement and urban limit line and regional housing needs allocation agreement are approval of pre-annexation ministerial administrative and financial actions that do not themselves constitute a change to the urban limit line or approval of the proposed annexation of the Hess Laird Affected Territory.

The County previously approved an Industrial zoning designation for the property. However, as part of the annexation process, California law and LAFCO procedures require the City to establish zoning regulations for the property that would take effect upon LAFCO approval of the annexation. Per California law, the zoning must be consistent with the City's General Plan.

General Plan Consistency

The General Plan designates the property as Special Study which is defined as a designation on certain parcels that may be needed for future urban growth, but for which appropriate land use designations have yet to be determined. To maintain consistency with the General Plan, staff recommends that the territory be pre-zoned with the corresponding Special Study (SS) zoning district. A copy of the General Plan land use map, showing the Special Study designation on this property and property in Napa County west of Highway 29 is included as Attachment 3.

During the July 30 Planning Commission meeting, staff pointed out that the General Plan land use map does not depict all property owned by the Hess/Laird applicants. The intent with the General Plan was to depict all the property owned by the Hess/Laird applicants, but incomplete information at the time prevented an accurate map (see General Plan map, Attachment 3). As shown with a comparison graphic Attachment 4, there is a small property located at the upper left corner, north of North Kelley Road and upper right corner missing from the General Plan map. These properties are included in the pre-zoning because the General Plan intent was intended to include all the Hess/Laird property.

The American Canyon Municipal Code Chapter 19.50 describes the SS zoning district as:

- Allow properties to be zoned or pre-zoned until the City has completed appropriate planning studies to determine the types and intensities of land uses through an amendment of the City's General Plan.
- Allow agricultural, grazing, open space, and public uses within the district as interim uses.

A map depicting Special Study zoning on the Hess/Laird property is included as Attachment 1, Exhibit A. A copy of the Special Study zoning regulations is included as Attachment 1, Exhibit B

Napa Airport Land Use Compatibility Plan

The proposed pre-zoning is consistent with the Napa Airport Land Use Compatibility Plan (NALUCP). The affected territory is located within Compatibility Zones D1 and D2, where agricultural, grazing, open space, and public uses are considered "normally compatible."

The pre-zoning would continue to allow these low-intensity uses and would not introduce uses that would create noise, safety, overflight, or airspace protection concerns. Additionally, the property is located approximately one mile from the Napa Airport runway, and the proposed uses would not create physical, visual, or electronic hazards to aircraft operations. Therefore, the pre-zoning would not affect Napa Airport operations, and referral to the Napa County Airport Land Use Commission (ALUC) is not required.

On July 31, 2026, the applicant submitted a voluntary project referral to the ALUC. Consistent with NALUCP Section 2.6.1(c), the ALUC Executive Director issued a finding of consistency with the NALUCP for the version of the project that was referred to the Executive Director. A copy of the consistency determination is included as Attachment 5.

On July 30, 2026, the Planning Commission conducted a public hearing on this application and unanimously recommended approval with no public opposition or comments presented.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

Not applicable due to zoning regulations that allow very limited land use potential.

ENVIRONMENTAL REVIEW

The Affected Territory Special Study General Plan designation was evaluated in the General Plan Program Environmental Impact Report (Program EIR) (SCH# 2022070038). The implementing Special Study Pre-Zoning, and contemplated LAFCO actions are consistent with the General Plan, is a contemplated "Project Approval" under the Program EIR. Therefore, approval of the Pre-Zoning based on the Certified General Plan Final EIR, which includes the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program, complies with CEQA. The City Council certified the General Plan Final EIR by adoption of Resolution No. 2025-37 on May 20, 2025. A copy of the addendum is included as Exhibit C to Attachment 1.

COMMUNICATION

Level 0: No Further Public Communication Needed

ATTACHMENTS:

1. [Ordinance HLAT PreZoning](#)
2. [Hess Laird Location Map](#)
3. [Hess Laird General Plan Land Use](#)
4. [General Plan Map Correction](#)
5. [ALUCP Consistency Determination Hess-Laird Affected Territory Pre-Zoning](#)

ORDINANCE NO. 2026-XX

**AN ORDINANCE ADOPTING SPECIAL STUDY PREZONING FOR THE HESS/LAIRD TERRITORY
CONSISTENT WITH THE GENERAL PLAN (AMERICAN CANYON MUNICIPAL CODE CHAPTER 19.50)**

WHEREAS, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon (City) has adopted a General Plan (the 2040 General Plan Update) 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, on May 20, 2025, the City Council of the City of American Canyon adopted Resolution No. 2025-38 adopting the 2040 General Plan Update, including the "Future Study Area" designation of approximately 282 acres located northeast of the City of American Canyon in unincorporated Napa County, California. The property is known as the Hess/Laird Territory (hereafter the "Affected Territory") and identified by Assessor's Parcel Numbers (APNs) 057-090-065 and 057-090-066; and

WHEREAS, in March 2026, Hess-Laird property owners initiated proceedings with the Local Area Formation Commission of Napa County ("LAFCO") to annex the Hess-Laird Affected Territory into the City of American Canyon and the American Canyon Fire Protection District, with concurrent and coterminous amendment of the City of American Canyon's Sphere of Influence ("SOI"), which requires an application to the Local Agency Formation Commission of Napa County ("Napa LAFCo") for approval of the proposed reorganization (collectively, "Reorganization Activities"); and

WHEREAS, pursuant to Section 56375(a)(7) of the Government Code the City must pre-zone the Affected Territory as a condition to LAFCO's approval of the proposed annexation; and

WHEREAS, the City is lead agency and LAFCO is the responsible agency for the Reorganization Activities on the Affected Territory under California Environmental Quality Act ("CEQA"), Public Resources Code section 2000 et seq.; and

WHEREAS, notwithstanding any annexation, under Government Code section 65860, the City is obligated to bring zoning into conformance with the Update General Plan; and

WHEREAS, the City seeks to pre-zone the Affected Territory as a "special study zone" ("SSZ") within the Special Study Zone District as described in American Canyon Municipal Code Chapter 19.50, consistent with the 2040 General Plan Update and Government Code Section 65859; and

WHEREAS, the purpose of the SSZ district is to: (a) allow properties to be zoned or Pre-Zoned until the City has completed appropriate planning studies to determine the types and intensities of land uses through an amendment of the City's general plan; and (b) allow agricultural, grazing, open space and public uses within the district as interim uses; and

WHEREAS, the proposed Reorganization Activities will maintain the status quo of land use designations, zoning, infrastructure, and municipal services, including the 2040 General Plan Update's "Future Study Area" designation and consistent SSZ pre-zoning. The SSZ pre-zoning is more restrictive than the County's current industrial zoning, reducing rather than increasing land use intensity; and do not propose any development or other physical change to the Hess-Laird Property or propose any particular action affecting the environment; and

WHEREAS, on May 20, 2025, as the Lead Agency under the City Council of the City of American Canyon adopted Resolution No. 2025-37 certifying that the 2040 General Plan Update Final Program Environmental Impact Report (“General Plan EIR”) (State Clearinghouse No. 2022070038) had been prepared in full compliance with CEQA and includes the Affected Territory at a program level of analysis, required mitigation measures, and a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, for purposes of CEQA analysis the proposed Reorganization Activities and Pre-zoning are a project (Project); and

WHEREAS, the proposed Project has been reviewed for consistency with the applicable General Plan, zoning, and other applicable land use regulations; and

WHEREAS, Public Resources Code section 21083.3 and CEQA Guidelines section 15183 provide that projects which are consistent with the development density established by an existing General Plan, community plan, or zoning for which an EIR has been certified require no additional environmental review except as necessary to examine project-specific effects that are peculiar to the project or its site; and

WHEREAS, in connection with the proposed Project, an Addendum to the 2040 General Plan Update Final Program Environmental Impact Report (“Addendum”), a copy of which is on file in the Community Development Department and attached as Exhibit C, has been prepared pursuant to Public Resources Code section 21166 and sections 15163-15164.7 of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3) to determine whether any new or substantially more severe significant environmental impacts would result from the proposed reorganization; and

WHEREAS, the City has reviewed and considered the Addendum together with the General Plan EIR and the entire administrative record; and

WHEREAS, the proposed Affected Territory Pre-Zoning is a contemplated “Project Approval” under the General Plan EIR and the City is lead agency for reorganization actions pursuant to CEQA Guidelines section 15367; and

WHEREAS, the Affected Territory is located in Napa Airport Land Use Compatibility Plan District Zones D1 and D2; and

WHEREAS, allowable uses in the Special Study Pre-Zoning district, such as agricultural, grazing, open space and public uses are deemed “normally compatible” within the Napa Airport Land Use Compatibility Plan District Zones D1 and D2 (Exhibit 5-2); and

WHEREAS, on July 30, 2026, the Planning Commission of the City of American Canyon conducted a public hearing and unanimously recommended City Council approval of the ordinance; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of American Canyon on September 1, 2026, at which time all interested persons were given an opportunity to be heard regarding the proposed Municipal Code amendments.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of American Canyon hereby adopts the Affected Territory Pre-Zoning to Special Study Zone as described in American Canyon Municipal Code Chapter 19.50 based on the findings and depicted on Exhibit A and Exhibit B and attached hereto.

SECTION 1. FINDINGS. The City Council finds 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.

Pre-Zoning Special Study will achieve the project objectives listed in the Resolution recitals which include facilitating an orderly and public discussion, supported by technical analysis that will determine beneficial land uses in this area consistent with objectives in the American Canyon General Plan. Furthermore, permitting interim use of agriculture and open space uses demonstrates that the annexation is part of a longer-term, staged plan that avoids rushing the Affected Territories into development by maintaining agricultural resources until no longer needed.

b. The amendment is consistent with the purposes of this title, as set forth in Chapter 19.01, Authority, Purposes and Effects of the Zoning Ordinance.

The Pre-Zoning is consistent with the purpose of the Zoning Ordinance to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare because the proposed Pre-Zoning regulations will maintain a low intensity of use prior to an orderly and transparent decision making process on optimal long-term land use or land uses in the Affected Territory.

SECTION 2. CEQA FINDINGS: The Affected Territory Special Study General Plan designation was evaluated in the General Plan Program Environmental Impact Report (General Plan EIR) (SCH# 2022070038). Implementing Special Study Pre-Zoning and Reorganization Activities is a contemplated later “Project Approval” under the General Plan EIR.

Section 2.1 The Project is consistent with the land use designation, development density, applicable General Plan policies, and zoning applicable to the Project site.

Section 2.2 The City previously certified the General Plan EIR, which analyzed the environmental impacts associated with development contemplated by the General Plan, including development of the type and intensity proposed by the Project.

Section 2.3 The City finds that the Project will not result in significant environmental effects that are peculiar to the Project which were not analyzed in the certified General Plan EIR.

Section 2.4 The Project will not result in significant off-site or cumulative impacts that were not adequately analyzed in the certified General Plan EIR.

Section 2.5 There is no substantial new information that was not known at the time the General Plan EIR was certified demonstrating that the Project would result in previously identified significant impacts that would be substantially more severe than disclosed in the prior EIR.

Section 2.6 All applicable mitigation measures adopted in connection with certification of the General Plan EIR that are relevant to the Project have been incorporated into the Project or otherwise will be implemented through existing City ordinances, development standards, permit conditions, or other uniformly applied policies.

Section 2.7 To the extent applicable, uniformly applied development policies, regulations, and standards adopted by the City substantially mitigate environmental effects associated with the Project.

Section 2.8 Accordingly, pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183, no additional Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration is required because the Project is consistent with the development density established by the applicable General Plan and the certified General Plan EIR adequately addresses the environmental effects of the Project, subject only to implementation of applicable mitigation measures and uniformly applied development standards.

Section 2.9 The Addendum to the General Plan EIR was prepared for Project in compliance with the requirements of CEQA and the CEQA Guidelines.

Section 2.10 Based on the evidence submitted and as demonstrated by the analysis in the Addendum, and in light of the record as a whole, none of the conditions described in Public Resources Code section 21166 or CEQA Guidelines sections 15162 or 15163 calling for preparation of a subsequent or supplemental EIR or negative declaration have occurred. Specifically:

(1) No substantial changes are proposed by the Project that will require major revisions of the General EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) No substantial changes have occurred with respect to the circumstances under which these actions are undertaken that will require major revisions of the General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan EIR was certified as complete and the 2040 General Plan Update was adopted, shows any of the following:

(A) The Project will have one or more significant effects not discussed in the General Plan EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the General Plan EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the pre-zoning or Reorganization Activities, but the proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives that are considerably different from those analyzed in the General Plan EIR would substantially reduce one or more significant effects on the environment, but the proponents decline to adopt the mitigation measure or alternative.

Section 2.11 The City has considered the Addendum in connection with the previously approved General Plan EIR and hereby finds on the basis of the whole record before it that based on substantial evidence the Project will have no significant effect on the environment. The Project not authorize development beyond the land uses, densities, intensities, and development assumptions analyzed in the General Plan EIR. The City further finds that the Addendum fully discloses and analyzes the environmental effects of the Project and reflects the City's independent judgment and analysis.

Section 2.12 Pursuant to the above findings, the City Council of the City of American Canyon determines that the 2040 General Plan Update Final General Plan EIR and MMRP, together with the Addendum (Exhibit C), satisfy all requirements of CEQA and are adequate to serve as the required environmental documentation for the proposed Pre-zoning the Affected Territory and Reorganization Activities and, therefore, hereby approves and adopts the Addendum to the 2040 General Plan Update Final General Plan EIR.

Section 2.13 The City Council hereby directs the Community Development Director or designee, to file a Notice of Determination in accordance with the requirements of the CEQA Guidelines and the Public Resources Code in accordance with Public Resources Code section 21152 and CEQA Guidelines sections 15075 and 15094, as applicable.

SECTION 3. NAPA AIRPORT LAND USE COMPATIBILITY PLAN. The Pre-Zoning that accommodates agricultural, grazing, open space and public uses are considered “normally compatible” within Zones D1 and D2 of the Napa Airport Land Use Compatibility Plan (NALUCP) (Exhibit 5-2). Furthermore, the Pre-Zoning does not involve the types of airport impact concerns listed in Policy 2.3.1(a) which include:

- (1) Noise: Locations exposed to potentially disruptive levels of aircraft noise.

The proposed uses are deemed “normally compatible” within Zones D1 and D2.

- (2) Safety: Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.

Zones D1 and D2 present minimal aircraft accident hazards coupled with extremely low population densities permitted within the proposed Pre-Zoning.

- (3) Airspace Protection: Places where height and various other land use characteristics need to be restricted in order to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the Airport.

The Affected Territory subject to the Pre-Zoning is approximately 1 mile at its closest point to the Napa Airport runway. The proposed agricultural, grazing, open space and public uses represent historical uses on the property and do not present a height characteristic that would impair physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the Airport.

- (4) Overflight: Locations where aircraft overflying can be intrusive and annoying to many people.

The proposed uses are very low in population density and deemed “normally compatible” within Zones D1 and D2.

For reasons explained above, it can be concluded with certainty that the Affected Territory Pre-Zoning would not affect Napa County airport operations and therefore referral to the Napa County Airport Land Use Commission is not required.

Furthermore, the applicant received a voluntary project referral finding of consistency with the NALUCP consistent with NALUCP Section 2.6.1(c), by the ALUC Executive Director. A copy of the consistency determination is included as Exhibit D to this Ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective effect 30 days after its final passage pursuant to Government Code section 36937.

SECTION 5. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 1st day of September, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pierre Washington, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

Matthew Summers, City Attorney

EXHIBITS

- A. Pre-Zoning Map
- B. Pre-Zoning District Regulations
- C. General Plan EIR Addendum
- D. Napa County Airport Land Use Consistency Determination

EXHIBIT A **Hess/Laird Territory Annexation Project Pre-Zoning Map**



Legend

Special Study Zoning District

EXHIBIT B
PRE-ZONING DISTRICT REGULATIONS

Chapter 19.50 SPECIAL STUDY ZONE DISTRICT

19.50.010 Purpose.

The purpose of the special study zone district is to:

(A) Allow properties to be zoned or prezoned until the city has completed appropriate planning studies to determine the types and intensities of land uses through an amendment of the city's general plan.

(B) Allow agricultural, grazing, open space and public uses within the district as interim uses. (Res. 2008-105 § 4, 2008)

19.50.020 Applicability.

Properties designated as "special study zone" by the general plan shall be within the special study zone district. (Res. 2008-105 § 4, 2008)

19.50.030 Permitted uses.

Permitted uses shall be: agriculture, grazing, open space and public uses, except as provided in [Section 19.12.040](#). (Res. 2008-105 § 4, 2008)

19.50.040 Conditionally permitted uses.

Any structure greater than ten thousand square feet shall be a conditionally permitted use. (Res. 2008-105 § 4, 2008)

EXHIBIT C

City of American Canyon Pre-Zoning and Proposed Reorganization Project

Addendum to 2040 General Plan Program EIR
State Clearinghouse Number 2022070038

July 2026

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1 Introduction and Project Summary

1.1 Overview

This document is an Addendum to the previously certified City of American Canyon 2040 General Plan Program Environmental Impact Report (“General Plan EIR”) (State Clearinghouse [SCH] Number 2022070038), prepared in compliance with the California Environmental Quality Act (CEQA) and the state CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The 2040 General Plan Update includes the “Future Study Area” designation of approximately 282 acres located northeast of the City of American Canyon (“City”) in unincorporated Napa County, California. The property is known as the Hess-Laird Territory (the “Affected Territory”). The City seeks to pre-zone the Affected Territory as a “special study zone” (SSZ) within the Special Study Zone District as described in American Canyon Municipal Code (ACMC) Chapter 19.50, consistent with the 2040 General Plan Update and the City’s obligation to make zoning consistent with its General Plan under Government Code section 65860 (the “Project”).

Additionally, the Affected Territory owners submitted an application in March 2026 to the Local Area Formation Commission of Napa County (“LAFCO”) to seek annexation of the Affected Territory into the City and the American Canyon Fire Protection District, and concurrent amendment of the City’s and Fire Protection District’s Spheres of Influence (SOI) (collectively, “Reorganization Activities”), which also requires an application to the LAFCO. Section 56375(a)(7) of the Government Code requires that the City must pre-zone the Affected Territory as a condition of annexation. LAFCO, not the City, is the approving authority for the Reorganization Activities.

Where more than one agency may take a discretionary action with respect to a project under CEQA (a “Project”), the law generally requires that one agency serve as the CEQA “lead agency” and the other agencies serve as “responsible agencies.” Section 15051(b) of the CEQA Guidelines, which establish criteria for the identification of the lead agency, provides that the lead agency will normally be the agency with general governmental powers rather than an agency with a single or limited purpose. That section further provides that, when a city pre-zones an area, the city will be the appropriate lead agency for any subsequent annexation of the area, and that the LAFCO shall act as a responsible agency. The responsibilities of a responsible agency are set forth in Section 15096 of the CEQA Guidelines.

Because no person challenged the General Plan EIR following its May 20, 2025 certification and within the applicable statute of limitation, the EIR is *conclusively* presumed to comply with the provisions of CEQA for the purpose of its use by responsible agencies unless a supplemental or subsequent EIR (either, an “SEIR”) and is required under Section 21166 of CEQA due to changes in the project, changes in circumstances, or certain types of new information. The purpose of this Addendum is therefore to assess whether any of the triggers requiring preparation of an SEIR have occurred. An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA Section 21166 and State CEQA Guidelines Sections 15162, 15164, 15166, 15168, and 15183.

As the lead agency under the CEQA, the City has determined, based on substantial evidence, that the proposed pre-zoning warrants the preparation of an addendum in accordance with Section 15164 of the CEQA Guidelines. The Project will neither result in new significant impacts nor

substantially increase the severity of previously disclosed impacts beyond those already identified in the certified 2040 General Plan EIR. Moreover, the Project has not changed to any extent requiring preparation of an SEIR. Accordingly, the certified 2040 General Plan EIR, together with this Addendum, provides the environmental documentation required for the Project and will be relied upon by both the City and LAFCO.

1.2 Lead Agency Name and Address

City of American Canyon
Community Development Department
4381 Broadway, Suite 201
American Canyon, California 94503

1.3 Contact Person and Phone Number

Brent Cooper, AICP
Community Development Director for the City of American Canyon
4381 Broadway, Suite # 201
American Canyon, CA 94503
(707) 647-4335
bcooper@americancanyon.gov

1.4 Project Location

The City is located in Napa County at the southern entrance of the Napa Valley, approximately 35 miles northeast of San Francisco, and serves as a northern Bay Area gateway north of Vallejo and south of downtown Napa. The City is bordered by the Napa River to the west, Sulphur Springs Mountain foothills to the east, Vallejo to the south, and vineyards near the Napa County Airport to the north. Figure 1 shows a regional map of the City's relationship to nearby cities, communities, and the regional transportation system, and Figure 1 also shows the City's limits and the location of the Project.

The Affected Territory is located outside of and adjacent to the City's limits, as shown as the "Future Study Area" in Figure 2. The Project Area includes the Affected Territory, Future Study Area which consists of approximately 282 acres located northeast of the City in unincorporated Napa County, California. The property is also identified by Assessor's Parcel Numbers (APNs) 057-090-065 and 057-090-089.

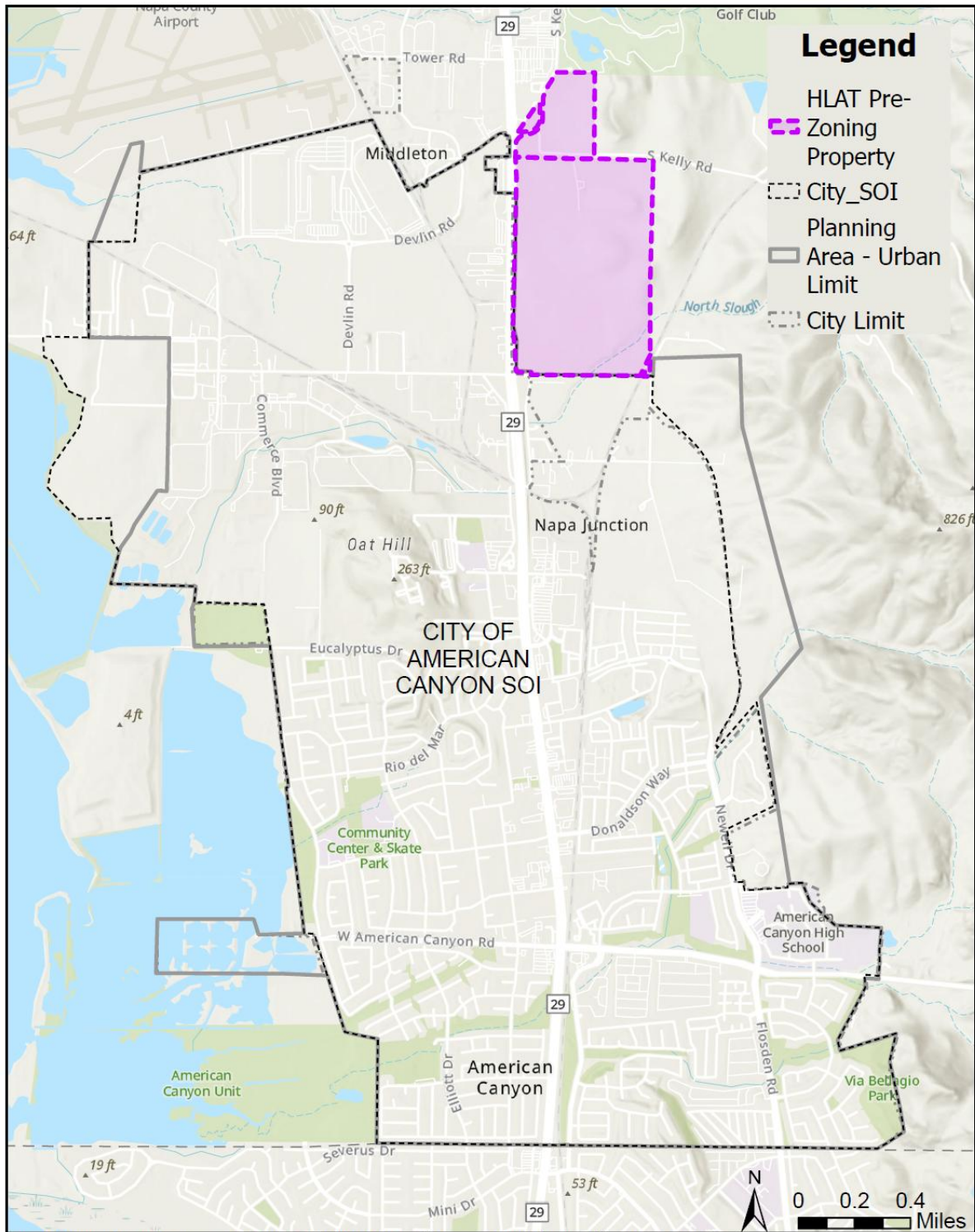
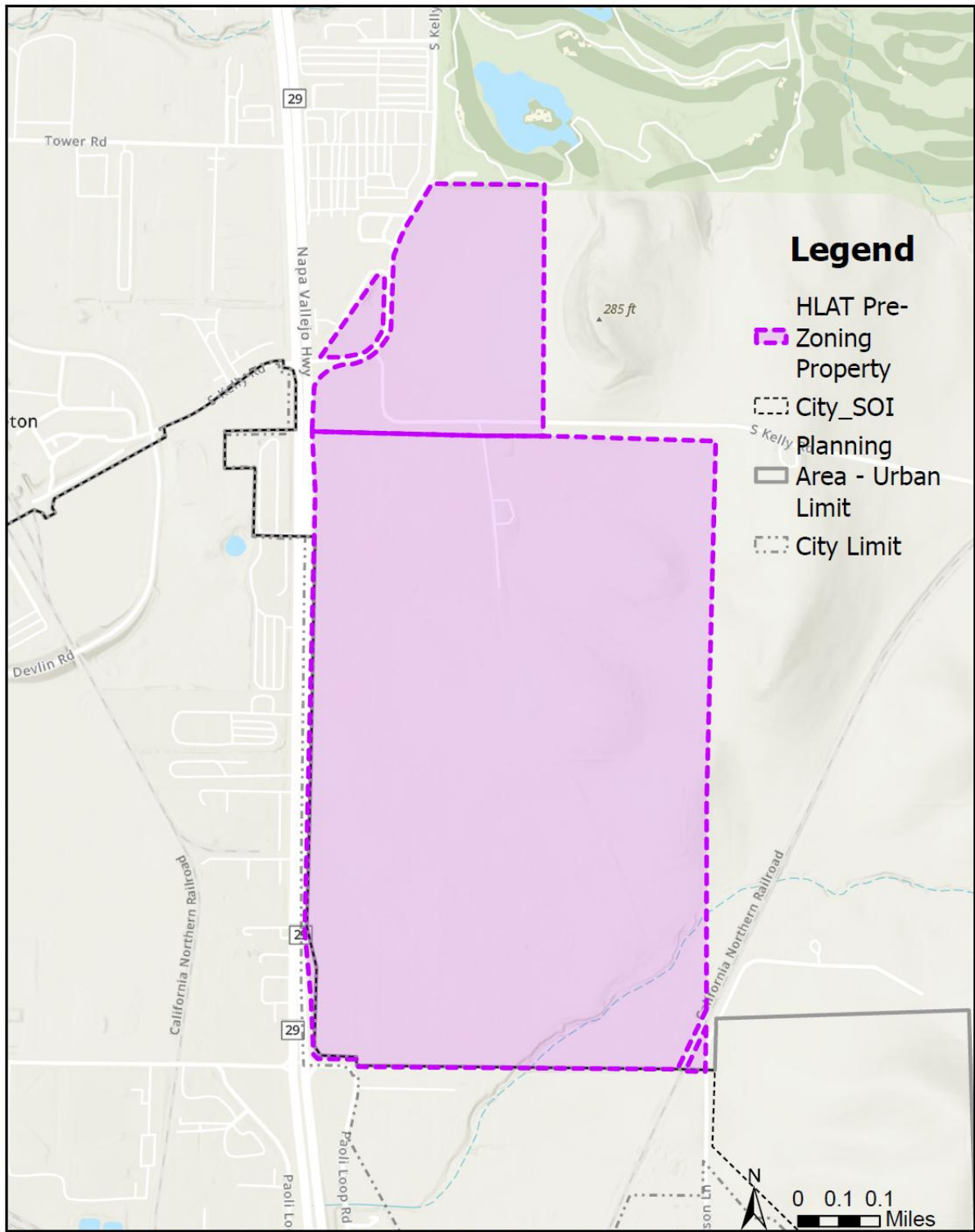
Figure 1 Regional Location.

Figure 2 Project Area



Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community
Prepared by: JAC Development

1.5 Project Description

The City proposes to pre-zone the Affected Territory to the Special Study Zone District (SSZ) pursuant to Government Code Section 65859 (the “Project”).

The Special Study Zone District is established by ACMC Chapter 19.50 for the following purposes:

- Allow properties to be zoned or pre-zoned until the City has completed appropriate planning studies to determine the types and intensities of land uses through an amendment of the City’s General Plan.
- Allow agricultural, grazing, open space, and public uses within the district as interim uses.

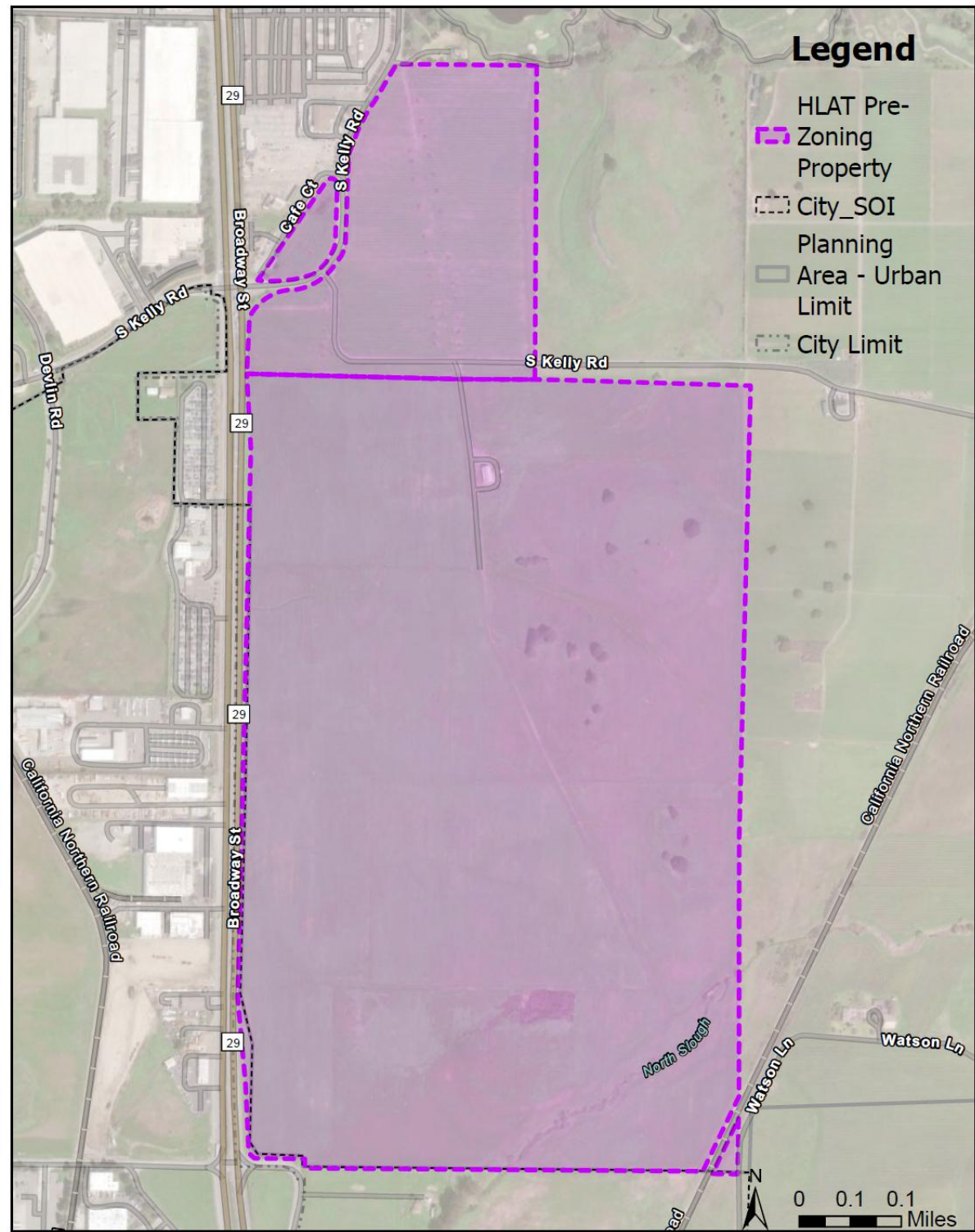
The Affected Territory has not been pre-zoned by the City on any prior occasion and therefore currently carries no municipal zoning district designation. On November 12, 2024, the Napa County Board of Supervisors unanimously approved a General Plan Amendment (P21-00055) and Rezone (P24-0221), that redesignated and rezoned the Affected Territory as “Industry.” Under Napa County Code of Ordinances Chapter 18.08.330, “Industry” means, “the processing of materials or fabricating of articles, including research, manufacturing and refining, and the packaging, treatment, assembly and storage of goods, materials, liquids and equipment in connection therewith. It includes sales of items produced on the premise.” The County’s general plan designation and zoning are not legally relevant to the Project, because upon Reorganization the City’s general plan and pre-zoning will govern the use of the Affected Territory. It should nonetheless be noted that the Affected Territory was formerly a vineyard; however, operations have ceased and the property is currently in a fallow, open space condition with no structures or active land uses.

The City’s proposed SSZ pre-zoning is substantially more restrictive than the County’s current “Industry” zoning designation. The SSZ District does not authorize any of the industrial, commercial, or warehouse uses that would be permissible under the County’s Industry zoning. Rather, the SSZ serves as a study zone that limits uses to agriculture, grazing, open space, and public uses pending completion of future City planning studies. Upon the potential Reorganization Activities approval by LAFCO, the effect of the SSZ District would replace the County’s Industry designation with a more restrictive, less environmentally impactful, interim classification that preserves the Affected Territory’s current fallow/open space condition. As such, the Project would not allow for any intensification of existing or planned land uses beyond what already would be allowed under existing conditions. Additionally, following Reorganization Activities, the Project would not authorize or permit any new urban development within the Affected Territory, as all future development within the Affected Territory would be subject to rezoning and applications for discretionary permits that would separately require their own review and analysis in compliance with CEQA. Although the SSZ District allows certain by-right agricultural and rural residential uses, the property owners have advised the City that they do not have any intention of developing such uses on the Affected Territory.

In conjunction with their Reorganization Activities application, the Affected Territory landowners have requested the LAFCO to amend the SOI for the City and the American Canyon Fire Protection District and concurrently annex into the City’s and American Canyon Fire Protection District’s boundaries, which requires LAFCO approval of the Reorganization Activities into the respective agency boundaries. Under state law, LAFCO is responsible for coordinating and overseeing logical and timely changes to local government agency boundaries. As a responsible agency under CEQA, LAFCO also must consider this addendum in conjunction with the City’s 2040 General Plan Program

EIR in evaluating whether to approve the Project. The SOI amendment and annexation areas for the City and American Canyon Fire Protection District included in the Project are shown in Figure 3.

Figure 3 Annexation Detail



Vantor, , , Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community
Prepared by: JAC Development

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1.6 Prior Environmental Document

The City prepared the General Plan EIR for the 2040 General Plan Update (State Clearinghouse No. 2022070038) in accordance with CEQA and the CEQA Guidelines.

On May 20, 2025, the City Council reviewed and considered the entire record before taking the following actions (Resolution No. 2025-37):

- Certified the Final Program EIR (SCH No. 2022070038);
- Adopted CEQA Findings of Fact pursuant to CEQA Guidelines Section 15091;
- Adopted a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093;
- Adopted a Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Guidelines Section 15097; and
- Adopted the 2040 General Plan Update, including the "Future Study Area" designation for the Affected Territory.

A Notice of Determination was filed on May 21, 2025. No challenge was filed. The General Plan EIR is conclusive.

The General Plan EIR analyzed the environmental impacts of a full buildout of the 2040 General Plan across the entire planning area, including the City limits, SOI, Urban Limit Line (ULL), and historic water service area. The General Plan EIR analyzed the update to the City's current General Plan, which established the City's vision for future development through the horizon year of 2040. The 2040 General Plan Update is the City's primary guide for future land use and development decisions in a way that meets the community needs and priorities while serving as a key tool for influencing and improving the quality of life for residents and businesses. As such, it serves as the "blueprint" for future development and conservation of a community. The 2040 General Plan Update helps the City plan for important community issues, such as community growth; health, housing, mobility, and infrastructure needs; climate change; and environmental protection. It sets the stage for future social, physical, and economic development of the city.

In the General Plan EIR, the Affected Territory was specifically included in the planning area and its designation as "Future Study Area" was part of the project description analyzed in the Program EIR. The Program EIR also contemplated the potential future expansion of the City's SOI and ULL to include the Affected Territory, as reflected in the "Future Study Area" designation and the General Plan's ULL extension provisions. Furthermore, General Plan Land Use Element Policy LU-11.5 states: LU-11.5: SOI Amendment. Meet and confer with Napa County and LAFCO to amend the City's Sphere of Influence to include the "Hess and Laird" Properties and other properties at the direction of the City Council. The General Plan EIR also identifies LAFCO as a Responsible Agency under the General Plan EIR for its implementation through annexations over the project life. (p. 1-6.)

2 Addendum Criteria

Under Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15164, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but the lead agency determines, based on substantial evidence in the light of the whole record, that none of the following has occurred:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR.
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR.
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
 - D. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The analysis pursuant to Public Resources Code section 21166 and sections 15162 and 15164 of the CEQA Guidelines demonstrates whether the lead agency can approve the activity as being within the scope of the existing certified EIR, that an addendum to the existing EIR would be appropriate, and no new environmental document, such as a subsequent EIR or EIR supplement, would be required.¹ Moreover, the tiering provisions of CEQA Guidelines Section 15183 require that when a project is consistent with the development density established by general plan policies for which an EIR was certified, lead agencies shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project.

The analysis herein substantiates and supports the City's determination that the Project does not require subsequent or supplemental review under Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15164, and contains no peculiar environmental impacts under section 15183. In conjunction with the Program EIR, this Addendum adequately analyzes potential environmental impacts of the Project and no additional environmental review is required.

¹ The addendum need not be circulated for public review but can be included in or attached to the final EIR, and the decision-making body shall consider the addendum with the final EIR prior to deciding on the project.

3 Addendum Evaluation

3.1 Overview

3.1.1 No substantial changes justifying preparation of an SEIR are proposed to the Project

Pre-zoning the Project Area as SSZ is consistent with the current land use designations provided in the City's General Plan EIR. The Project would not result in zoning or land use regulations different from those in the City's General Plan such that there would be a net increase of potential buildout in the Affected Territory or associated significant impacts. As noted above, the City's proposed SSZ pre-zoning is substantially more restrictive than the current industrial zoning designation. The SSZ District does not authorize any of the industrial, commercial, or warehouse uses that would be permissible under the County's General Industrial zoning. Rather, the SSZ serves as a zoning district that limits uses to agriculture, grazing, open space, and public uses pending completion of future City planning studies. The effect of the SSZ pre-zoning, upon LAFCO's potential approval of the Reorganization Activities, would be to replace the County's Industry designation with a classification that preserves the property's current fallow/open space condition. As such, the Project would not allow for any intensification of existing or planned land uses beyond what already would be allowed under existing conditions. Additionally, the Project would not authorize or permit any new development within the Affected Territory, as all future development within the Affected Territory would be subject to rezoning and applications for discretionary permits that would separately require their own review and analysis in compliance with CEQA. The City has received no development applications from either Hess or Laird.

3.1.2 No substantial changes to the circumstances have occurred that would justify preparation of an SEIR

No substantial changes in circumstances have occurred since the General Plan EIR was certified on May 20, 2025 — approximately 13 months ago. The Affected Territory remains in a fallow, open space condition. Former vineyard operations have ceased and no new, more intensive development is occurring or planned on the Project Area that would alter the environmental baseline analyzed in the General Plan EIR.

Further, in November 12, 2024, the Napa County Board of Supervisors' rezoned the property from Agriculture, Watershed and Open Space (AWOS) to Industry. As this predated the General Plan EIR certification it was known to the City during General Plan EIR preparation. No new infrastructure projects, changed environmental regulations, or altered site conditions have been identified that would require major revisions to the EIR.

3.1.3 No new information of substantial importance showing an environmental impact that was not previously analyzed to the extent an SEIR is required

Likewise, no new information of substantial importance has become available since certification of the Program EIR that would trigger any of the conditions for subsequent or supplemental environmental review. The pre-zoning to SSZ does not introduce any new land uses, development potential, or significant unmitigated environmental impacts that were not analyzed in the Program

EIR. Because the SSZ District authorizes only agriculture, grazing, open space, and public uses — and no new, more intensive development entitlements — the pre-zoning would not result in new or more severe significant effects. No new mitigation measures or alternatives have been identified that are relevant to this non-development action.

The following table examines each environmental topic area addressed in the Program EIR and confirms that the Project is within the scope of the prior analysis and does not result in any new or substantially more severe environmental impact.

3.2 Environmental Checklist

The purpose of this checklist is to evaluate the Project to determine if it may result in new or substantially more severe environmental impacts when compared to the impacts identified in the certified General Plan EIR. The following sections, adapted from Appendix G of the CEQA Guidelines, examines each environmental topic area addressed in the General Plan Program EIR and confirms that the Project is within the scope of the prior analysis, including applicable MMRPs, and does not result in any new or substantially more severe environmental impact. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category; rather, it means there is no change in the condition or status of the impact compared to the conclusions of the General Plan EIR.

Aesthetics: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not authorize any new structures or development that would significantly alter the visual character of the property. The property will continue in its existing fallow/open space condition. No new significant sources of light or glare will be introduced. Visual impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Agriculture and Forestry Resources: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

Agricultural uses (former vineyard) have ceased and the property is currently fallow. The SSZ District expressly permits agriculture and grazing as primary uses (ACMC § 19.50.030), preserving the option for future agricultural use. The pre-zoning does not convert farmland to non-agricultural use; rather, it establishes a zoning district allows agriculture, grazing, open space and public uses when the County’s current Industry designation authorized conversion of agricultural to industrial use. Agricultural resources impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Air Quality: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not authorize any new significant development, construction activity, or operational emissions sources. No significantly new vehicle trips, stationary sources, or fugitive dust emissions will result. Air quality impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Biological Resources: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The SSZ District expressly agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. No significantly new ground disturbance, grading, vegetation removal, or habitat modification is authorized by the SSZ pre-zoning. No new significant impacts to special-status species, sensitive habitats, wetlands, or wildlife corridors will occur.

Biological resources impacts were analyzed in the General Plan EIR and no new or more severe impacts result from the Project.

Cultural Resources: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not authorize more significant ground disturbance or construction that could affect historical or archaeological resources because the SSZ District expressly agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use.. Cultural resources impacts were addressed in the General Plan EIR and no new or more severe impacts will result from the Project.

Energy: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

No new significant increase in energy demand or consumption will result from the Project because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. Energy impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Geology and Soils: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project authorizes no significantly new construction, grading, or ground disturbance that could expose people or structures to seismic or geologic hazards, or affect paleontological resources beyond anticipated by the General Plan EIR because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. Geology and soils impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Greenhouse Gas Emissions: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

No significantly new GHG emission sources will result from the Project because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. GHG impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Hazards and Hazardous Materials: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The SSZ pre-zoning does not authorize industrial uses that could significantly increase hazardous materials handling, transport, use, or disposal because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. No new hazard conditions are created. Proximity to the Napa County Airport was addressed in the General Plan EIR; the SSZ does not introduce incompatible land uses within any Airport Land Use Compatibility Plan zone. Hazard impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Hydrology and Water Quality: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

No new water supply demand is created because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. Hydrology and water quality impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Land Use and Planning: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The SSZ pre-zoning directly correlates with the "Future Study Area" designation in the adopted 2040 General Plan (ACMC § 19.50.020) and establishes consistency as required by law. It does not divide an established community or conflict with any applicable land use plan, policy, or regulation because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. This is the express purpose of the pre-zoning action — to achieve General Plan/zoning consistency as required by Gov. Code §§ 56375(a)(7) and 65860.

The Affected Territory is located outside the City's current Sphere of Influence (SOI) and outside the City's current Urban Limit Line (ULL). LAFCO's policy on urban growth boundaries for annexations to a City or Town states: "To the extent that a city or town maintains an urban growth boundary, the affected territory proposed for annexation should be included in the urban growth boundary prior to submittal of an annexation proposal." LAFCO's policy states that ideally, territory proposed for annexation should be within a city's urban growth boundary prior to submittal.

Because this policy is not mandatory, however, the Commission retains the full scope of its discretion to approve conditional annexations. This allows LAFCO to adapt to specific, beneficial regional circumstances.²

Conditional annexation of the Affected Territory subject to future adjustment of the ULL addresses and aligns with LAFCO's policies concerning annexation because (i) the landowner concurrently requests that the parcels be included within the City's SOI; (ii) LAFCO encourages concurrent annexation to special districts, including the American Canyon Fire Protection District; (iii) a property tax exchange agreement is in place between all affected agencies; (iv) the annexation facilitates logical and orderly boundaries for all affected agencies. Annexation conditioned on future adjustment of the City's urban growth boundary will facilitate effective long-range planning because it gives the City proactive control over regional development before disjointed growth occurs.

By bringing the Affected Territory under its jurisdiction, the City can logically map out a development future which, for example, may contain transportation corridors, coordinate the efficient extension of water and sewer infrastructure, and reserve strategic plots for schools, parks, and emergency services in advance of potential development pressure. Annexation transforms unpredictable fringe development into a deliberate, economically sustainable expansion that aligns with the City's long-term vision for housing, commerce, and resource conservation. The General Plan EIR also contemplated the potential future expansion of the City's SOI and ULL to include the Affected Territory, as reflected in the "Future Study Area" designation and the General Plan's ULL extension provisions.

Land use impacts associated with the pre-zoning which expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Mineral Resources: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

² LAFCOs are afforded "large discretionary powers" under the Cortese-Knox-Hertzberg Local Government Reorganization Act. (Gov. Code § 56300(a); *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263)

The Project does not affect the availability of known mineral resources or mineral resource recovery sites because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030), preserving the option for future agricultural use. The pre-zoning would not allow a development that may preclude mineral extraction. Mineral resource impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Noise: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not introduce any new noise sources because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). No new significant construction, operational noise, or ground-borne vibration will result. Noise impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Population and Housing: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not significantly impact population or housing because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). No residents currently reside on the property. Therefore, displacement of people or housing will not occur. Population and housing impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Public Services: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

No new significant demand for fire protection, police protection, schools, parks, or other public services will result from the Project because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). Public service impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Fire protection to the property is currently provided by the American Canyon Fire Protection District (ACFPD) by mutual aid (Long Range Master Plan, 2022). Current response times show up to eight (8) minutes for the property. Reorganization Activities to the ACFPD would not significantly increase demands for fire or municipal services because the SSZ District expressly permits agriculture, grazing, open space and public uses as primary uses (ACMC § 19.50.030). As such, it results in no significant change to the existing physical environment and does not require significant construction of new facilities, increased service capacity, or any other alteration of facilities or operations.

Recreation: Yes, it is within scope of the General Plan EIR. No new or more severe impact. The Project does not generate significantly new residents or increase demand for recreational facilities because the SSZ District expressly permits agriculture, grazing, open space and public as primary uses (ACMC § 19.50.030). No physical deterioration of existing parks or facilities will occur. Recreation impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Transportation: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

No significant new vehicle trips are generated by the Project because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). Transportation impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Tribal Cultural Resources: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not authorize significant new ground disturbance or construction that could affect tribal cultural resources because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). Therefore, no significant new physical changes to the property will occur. The City conducted AB 52 consultation as part of the General Plan Update process. Tribal cultural resources impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Utilities and Service Systems: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

No new significant demand for water supply, wastewater treatment, stormwater drainage, electric power, natural gas, telecommunications, or solid waste disposal will result from the Project because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). Utility impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

Wildfire: Yes, it is within scope of the General Plan EIR. No new or more severe impact.

The Project does not authorize new significant structures or development in a wildfire hazard area because the SSZ District expressly permits agriculture, grazing, open space and public uses (ACMC § 19.50.030). No new significant population will be exposed to wildfire risks. Wildfire impacts were analyzed in the General Plan EIR and no new or more severe impacts will result from the Project.

4 Cumulative Impacts

The Project would not result in new or more severe cumulatively considerable impacts than were identified in City's 2040 General Plan Program EIR. No new or substantially more severe significant effects would occur related to cumulative impacts, and no new mitigation measures are required. Additionally, any potential future use of the Project Area beyond allowable pre-zoning land uses without further environmental review is too speculative to consider in cumulative impacts. No substantial changes have occurred that require major revisions to the City's 2040 General Plan Program EIR, and none of the conditions identified in Public Resources Code section 21166 or CEQA Guidelines section 15162 requiring preparation of a subsequent or supplemental EIR have been met.

5 Conclusion

The City of American Canyon, as the CEQA lead agency, determined that an addendum is the appropriate CEQA document because the Project would not create any new significant environmental impacts, substantially increase the severity of previously identified impacts, or involve changes in circumstances or new information that would require further environmental review under Public Resources Code section 21166 and CEQA Guidelines section 15162. The Project is consistent with the development and growth assumptions analyzed in the certified 2040 General Plan Program EIR. Therefore, no additional CEQA review is required.

6 References

1. City of American Canyon, 2040 General Plan (adopted May 20, 2025).
2. City of American Canyon, 2040 General Plan Draft Environmental Impact Report (SCH No. 2022070038) (September 2024).
3. City of American Canyon, 2040 General Plan Final Environmental Impact Report (SCH No. 2022070038) (May 2025).
4. City of American Canyon, CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for 2040 General Plan (May 20, 2025).
5. City of American Canyon, Ordinance No. 2025-02 (2040 General Plan Municipal Code Consistency Updates) (May 20, 2025).
6. City of American Canyon, Notice of Determination — 2040 General Plan Municipal Code Consistency Updates (June 4, 2025).
7. American Canyon Municipal Code, Title 19, Chapter 19.50 (Special Study Zone District).
8. California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.
9. CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), Sections 15061(b)(3), 15062, 15162, 15164, 15168, 15183.
10. California Government Code Sections 56375(a)(7), 56425, 65859, 65860.
11. Napa County Board of Supervisors, Resolution approving General Plan Amendment (P21-00055) and Rezone (P24-0221) for the Hess-Laird Property from AWOS to Industrial, with Addendum to 2008 General Plan EIR (November 12, 2024).
12. Napa County Board of Supervisors, Urban Limit Line and RHNA Allocation Transfer Agreement with City of American Canyon (Agreement No. 260377B) (May 2026).
13. Napa LAFCO, Staff Report — Current and Future Proposals (June 1, 2026).
14. Rincon Consultants, Inc., Environmental Impact Report for the City of American Canyon 2040 General Plan Update (2024–2025).
15. AP Triton, American Canyon Fire Protection District Long-Range Master Plan (September 2022).



RECEIVED
AUG 11 2026
CITY OF AMERICAN CANYON
COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.napacounty.gov
Main: (707) 253-4417

Brian D. Bordona
Director

Napa County Airport Land Use Consistency Determination

August 11, 2026

Hess-Laird (Hess Collection Winery)
Attn: Timothy Persson
4411 Redwood Road
Napa, CA 94558

Dear Mr. Persson,

The project considered by the Airport Land Use Commission (ALUC) Executive Officer consisted of pre-zoning the Affected Territory as a "special study zone" ("SSZ") within the Special Study Zone District as described in American Canyon Municipal Code Chapter 19.50, consistent with the 2040 General Plan Update.

The properties are located generally east of Highway 29, north of Paoli Loop Road and south of South Kelly Road (APNs 057-090-065 and 057-090-089), in Napa County, Airport Compatibility Zones D1 and D2.

Chapter 2.6 Referral Process After local Agency Attains General Plan Consistency of the Airport Land Use Compatibility Plan, allows a local agency to voluntarily refer Major Land Use Actions to the ALUC. Section 2.6.1(c) states that the ALUC Executive Officer is authorized on behalf of the ALUC to provide comments on all Actions referred to the ALUC on a voluntary basis.

On May 7, 2025, the Airport Land Use Commission found the City of American 2040 General Plan Update consistent with the Countywide Airport Land Use Compatibility Plan.

The ALUC's Executive Officer considered the City of American Canyon's voluntary referral of the City of American Canyon Hess/Laird Territory Special Study Pre-Zoning Action and found the Action consistent with the Napa Countywide Airport land use Compatibility Plan provided the requirements are met for the following uses:

- Allowable uses in the Special Study Pre-Zoning district, such as agriculture and grazing, are deemed "Conditional" within the Napa County Airport Compatibility Zones D1 and D2,

provided the use avoids new features that attract birds or provide mitigation consistent with FAA regulations¹, exercise caution with uses involving noise-sensitive animals.

Because the City of American Canyon does not define “public uses” the following consistency information is provided for the various public uses described in the Napa County Airport Compatibility Plan, Exhibit 5-1 Basic Compatibility Criteria, Napa County Airport.

- Allowable uses in the Special Study Pre-Zoning district, such as public uses [Outdoor Major Assembly Facilities (capacity ≥1,000 people); spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, racetracks, water parks, zoos] are deemed “incompatible” within the Napa County Airport Compatibility Zone D1, and “Conditional” within the Napa County Airport Compatibility Zone D2, and allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential; ensure intensity criteria met.
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- Allowable uses in the Special Study Pre-Zoning district, such as public uses (Local/Community Parks: neighborhood parks, community parks, playgrounds are deemed “Normally Compatible” within the Napa County Airport Compatibility Zones D1 and D2.

This finding of consistency with the ALUCP applies to the version of the project referred to the Executive Director, dated July 31, 2026. If there are any changes to the projects scope or scale it may necessitate further consistency review.

Please note that future development of the parcels would be subject to the Airport Land Use Compatibility Plan.

¹ No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On or Near Airports and Advisory Circular 150/5200-34A, Construction or Establishment of Landfills near Public Airports. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight. See Policy 3.5.3.

If you have any questions about this letter, please feel free to contact me at (707) 259-8757 or via email at Wendy.Atkins@CountyofNapa.org.

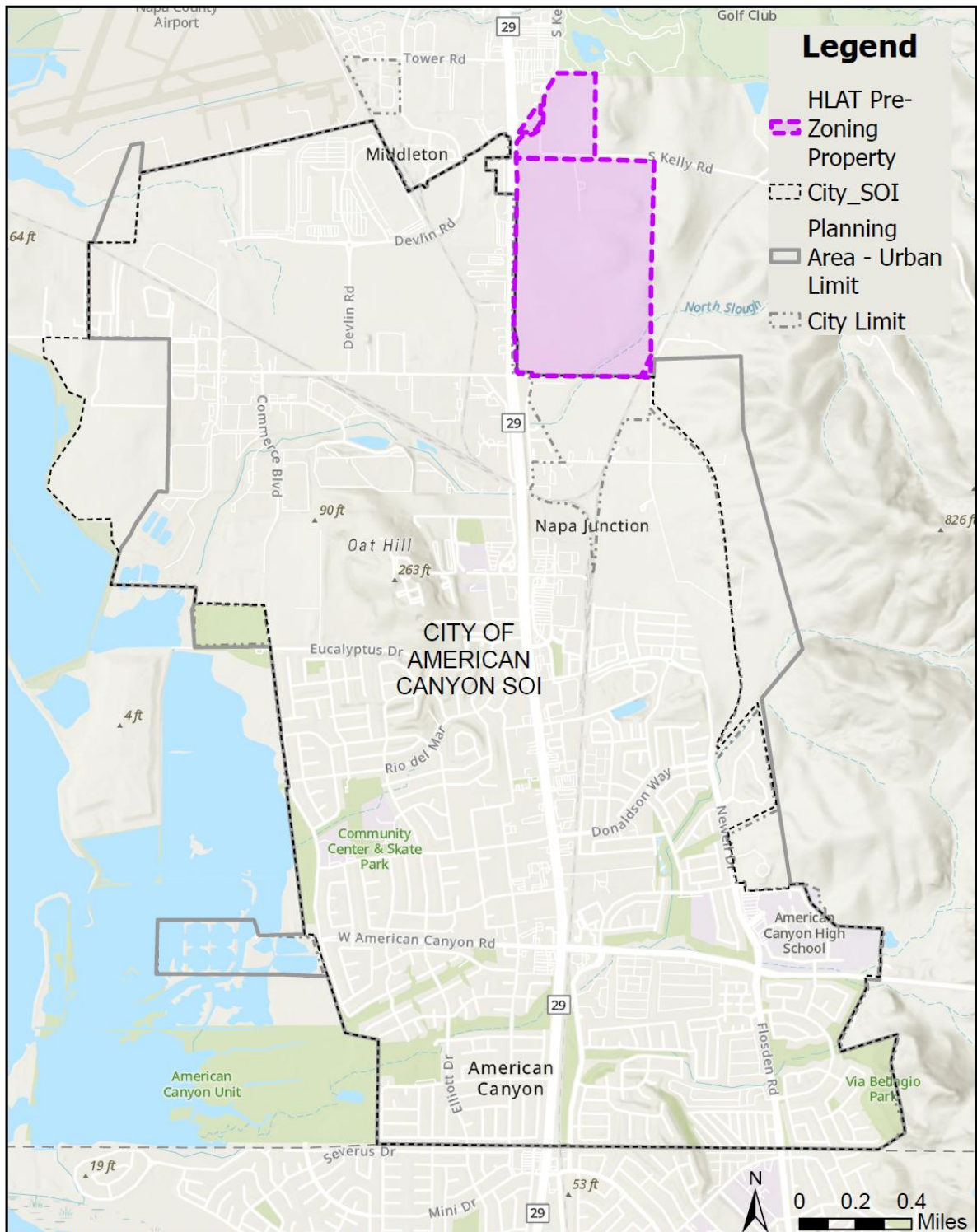
Sincerely,

A handwritten signature in cursive script that reads "Wendy Atkins".

Wendy Atkins, Planner II

cc: Nick Johnson, via email: nick@jacair.com

Hess/Laird Location Map

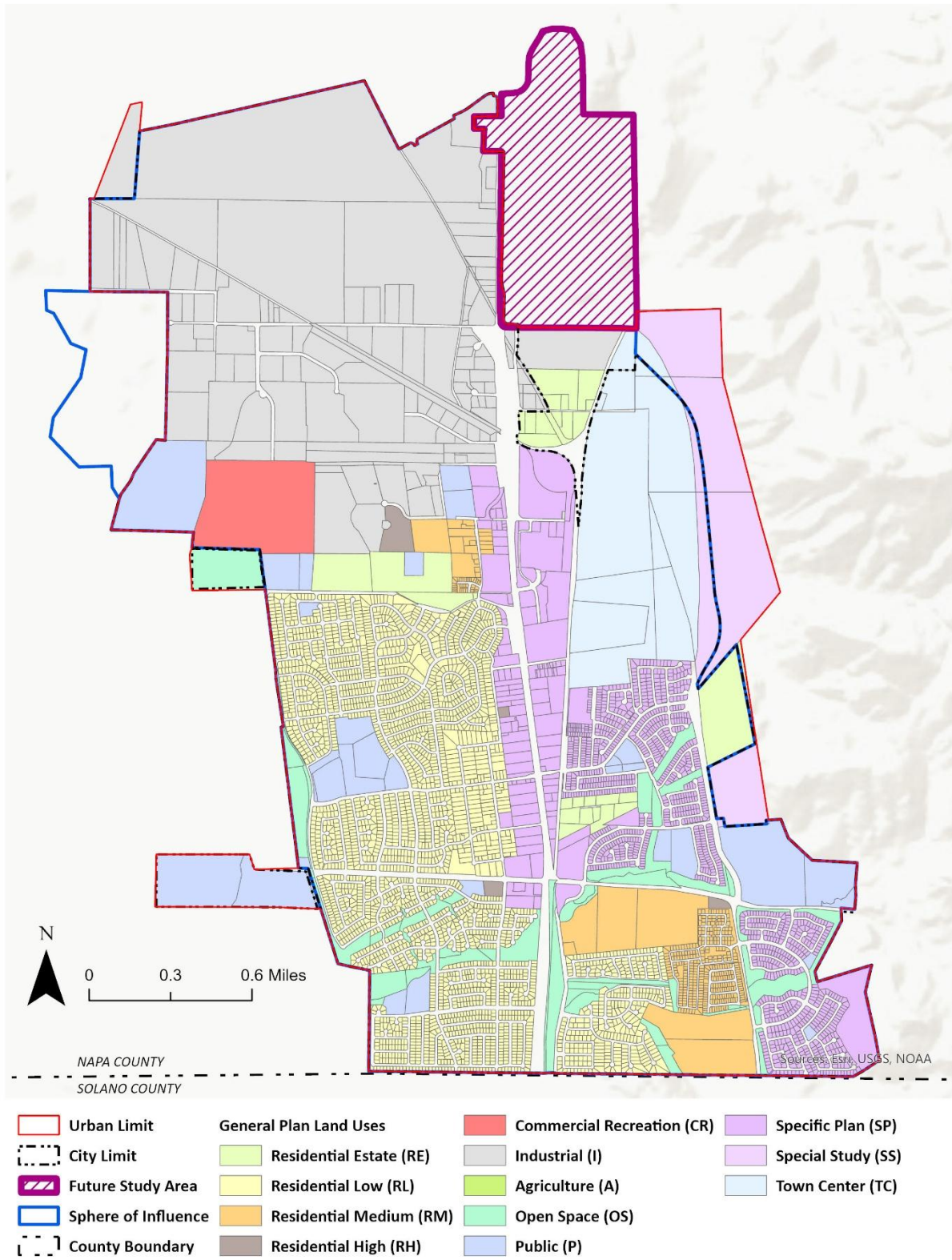


Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Prepared by: JAC Development

Hess/Laird General Plan Land Use

LU-Figure 2: Land Use Diagram



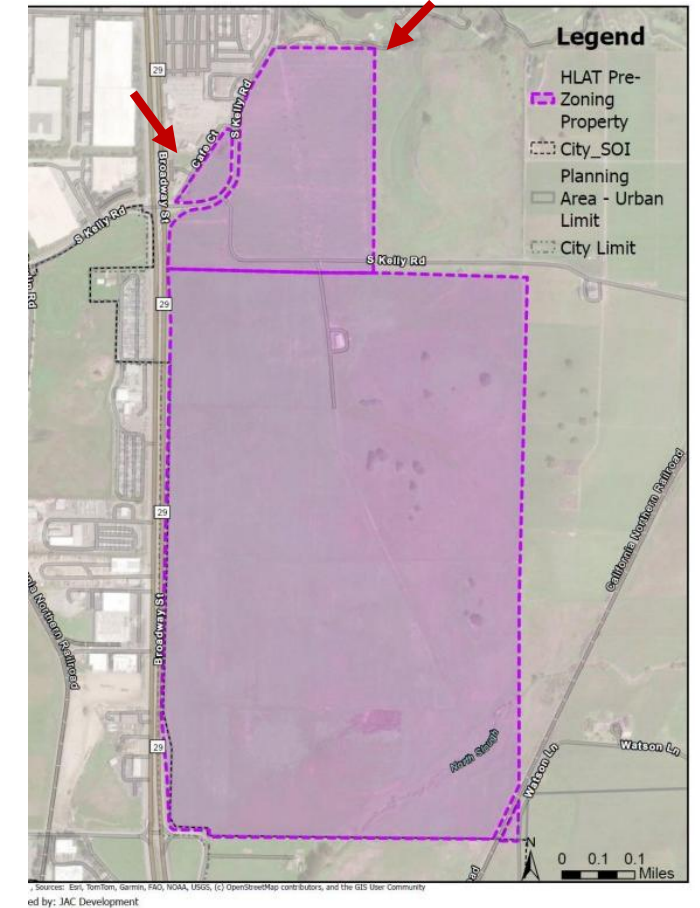
General Plan / Zoning Map Interpretation

- General Plan/Zoning Map Intended to include all Hess/Laird Property Ownership
- Small area in northwest and northeast excluded from General Plan and draft Zoning Map
- Inclusion of all ownership is consistent with the general plan intent



Legend

Special Study Zoning District





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If you have any questions about this letter, please feel free to contact me at (707) 259-8757 or via email at Wendy.Atkins@CountyofNapa.org.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Atkins".

Wendy Atkins, Planner II

cc: Nick Johnson, via email: nick@jacair.com



TITLE

Accessory Dwelling Unit, Density Bonus, and Inclusionary Housing Ordinance Update

RECOMMENDATION

Waive first reading, read by title only, and adopt an Ordinance to amend the American Canyon Municipal Code to update Chapter 19.27 (Density Bonus), Chapter 19.28 (Inclusionary Housing), and Chapter 19.39 (Accessory Dwelling Units) consistent with current State laws and Housing Element Implementation Measures.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

The proposed amendments update the City's Inclusionary Housing, Density Bonus, and Accessory Dwelling Unit (ADU) ordinances to reflect changes in State law, clarify administrative procedures, and support the production of new housing. Together, these regulations help implement the Housing Element and support the City's efforts to meet its Regional Housing Needs Allocation (RHNA), which requires planning for housing across all income levels.

The RHNA is supported by a range of policies and programs designed to reduce barriers to housing development. Because affordable housing is often the most difficult type of housing to finance and construct, State and local policies provide additional incentives and requirements to encourage the development of housing affordable to lower-income households.

A copy of the revised Inclusionary Housing, Density Bonus, and ADU ordinances is included as Attachment 1. The Planning Commission held public hearings on April 23, 2026, June 23, 2026, and July 30, 2026, and unanimously recommended approval of all three ordinances, with no opposition expressed.

1. *Density Bonus Ordinance (ACMC Chapter 19.27)*

Per California law, every city and county must provide a density bonus and other incentives or development standard concessions to a developer that proposes lower income housing units or donates land for affordable housing. Last updated in 2019, the California Legislature since that time has adopted at least fifteen separate bills modifying the State Density Bonus Law. These

amendments expanded affordability categories, increased available incentives and concessions, added new density bonus programs, strengthened affordable housing replacement requirements, revised parking standards, created commercial density bonus opportunities, and imposed additional procedural requirements on local agencies.

The proposed amendments to Chapter 19.27 are intended to bring the City's Density Bonus Ordinance into conformance with these legislative changes which is required by law. A redline copy of the revised Density Bonus Ordinance showing all changes is included as Attachment 2.

2. Inclusionary Ordinance Update (ACMC Chapter 19.28)

State law authorizes local governments to adopt inclusionary housing ordinances requiring a percentage of new housing units to be affordable to households at specified income levels. Cities and counties may establish their own requirements, such as American Canyon's current inclusionary housing requirements of 10% for ownership units and 15% for rental units.

Although the City's Inclusionary Housing Ordinance remains consistent with State law, staff has identified opportunities to improve its organization and clarity. Key revisions include updated definitions, clearer applicability standards, retention of existing affordability requirements, strengthened standards for inclusionary units, clarification of housing agreement requirements, streamlined inclusionary credit provisions, revisions to alternatives for providing on-site inclusionary units, removal of ADUs as a stand-alone compliance option, and clarification that affordable housing nexus fees are established by City Council resolution. A redline version of the revised Inclusionary Housing Ordinance is included as Attachment 3.

3. Accessory Dwelling Unit Ordinance Update (ACMC Chapter 19.39)

The proposed ADU ordinance amendments are largely administrative updates intended to align the City's Municipal Code with current State ADU laws and recent guidance from the California Department of Housing and Community Development (HCD). A copy of HCD's review letter is included as Attachment 4.

The California Housing Defense Fund (Cal HDF) also reviewed the draft ordinance and identified additional changes needed to ensure full compliance with State law. A copy of Cal HDF's comment letter is included as Attachment 5. Staff revised the ordinance in response to those comments and subsequently received confirmation from Cal HDF that the necessary changes had been made. See Attachment 6.

As revised, the ordinance includes updated definitions, greater reliance on State development standards, revised fire sprinkler requirements, removal of most owner-occupancy requirements, clarification of impact fee provisions, updated parking standards, streamlined ministerial review procedures, revised appeal processes, clarified code enforcement provisions, and a section expressly recognizing State law preemption where applicable. A redline copy of the revised ADU Ordinance is included as Attachment 7.

Stacked ADUs

At a recent ADU workshop featuring panelists from Napa County, the City of American Canyon, and the Napa Sonoma ADU Center, a member of the public asked whether ADUs could be "stacked." A stacked ADU is a two-story structure containing one ADU on each floor, with each unit having its own separate entrance.

Staff reviewed both the City's ADU Ordinance and State ADU law and determined that stacked ADUs are not currently permitted. However, this housing type could potentially be allowed through an amendment to the City's ADU Ordinance.

Because stacked ADUs are not specifically addressed in State law, the City has flexibility to establish its own development standards. Staff presented the concept to the Planning Commission during an informal discussion. The Commission responded favorably and provided preliminary input on potential ordinance provisions.

If the City Council wishes to pursue this concept, staff will further develop the proposed standards and return with a formal ordinance amendment for consideration by both the Planning Commission and City Council at a future meeting. A graphic illustrating a prototype stacked ADU is included as Attachment 8.

General Plan Consistency

The proposed amendments are consistent with the Housing Element of the American Canyon General Plan and support implementation of the City's housing goals, policies, and programs. The amendments help remove constraints to housing production, facilitate the development of housing affordable to lower-income households, and ensure continued compliance with State housing law. Specifically, the amendments further:

- **Goal H-1 (Housing Supply)** by updating local regulations to remove regulatory barriers and maintain a framework that supports housing production for all income levels, consistent with Policies H-1.2 (Zoning Capacity) and H-1.6 (Constraints to Housing Production).
- **Goal H-2 (Balance of Housing Types)** by maintaining and clarifying provisions that support a variety of housing types, including affordable housing, density bonus projects, and accessory dwelling units, consistent with Policies H-2.1 (Diversity of Housing Types), H-2.3 (Housing Incentives), and H-2.7 (Accessory Dwelling Units).
- **Goal H-5 (Affordable Housing)** by preserving the City's inclusionary housing requirements, continuing implementation of the Affordable Housing Nexus Fee program, and updating density bonus provisions that encourage the production of affordable housing. These amendments directly advance Policies H-5.1 (Inclusionary Housing), H-5.8 (Affordable Housing Incentives), H-5.13 (Inclusionary Housing Ordinance), and H-5.14 (Affordable Housing Nexus Fee).

- **Goal H-6 (Preservation of Affordability)** by strengthening affordability requirements, housing agreement provisions, and long-term affordability standards for inclusionary units, consistent with Policies H-6.3 and H-6.6.

In addition, the amendments implement several Housing Element programs, including Program C (Municipal Code Updates), Program F (Accessory Dwelling Units), Program P (Density Bonus Program), and Program V (Inclusionary Housing Program), all of which call for updates to the Municipal Code to ensure compliance with State law and facilitate the production of housing affordable to a range of income levels.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

N/A

ENVIRONMENTAL REVIEW

The City Council finds the municipal code amendments are exempt from environmental review under CEQA because the amendments are consistent with State law that preempt any inconsistent local ordinance. Thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084(a) and both Section 15002(i)(1) – lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the ordinance adoption is exempt from CEQA review and a Notice of Exemption has been prepared for this proposed amendment. Further, Public Resources Codes Section 21080.17 exempts the adoption of an ordinance implementing state law governing accessory dwelling units and junior accessory dwelling units from review under the California Environmental Quality Act.

COMMUNICATION

Level 0: No Further Public Communication Needed

ATTACHMENTS:

1. [Ordinance Affordable Housing Updates](#)
2. [REDLINE Density Bonus Ordinance](#)
3. [REDLINE Chapter 19 - Inclusionary Ordinance](#)
4. [HCD Review Letter 05112026](#)
5. [Cal HDF Letter 062526](#)
6. [CalHDF Letter 073026](#)
7. [REDLINE Accessory Dwelling Unit Ordinance](#)
8. [Stacked ADU Concept Graphic](#)

ORDINANCE NO. 2026-XX

AN ORDINANCE TO AMEND THE AMERICAN CANYON MUNICIPAL CODE TO UPDATE CHAPTER 19.27 (DENSITY BONUS), CHAPTER 19.28 (INCLUSIONARY HOUSING), AND CHAPTER 19.39 (ACCESSORY DWELLING UNITS) CONSISTENT WITH CURRENT STATE LAWS AND HOUSING ELEMENT IMPLEMENTATION MEASURES

WHEREAS, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon (City) has adopted a General Plan (the 2040 General Plan Update) 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, WHEREAS, on January 31, 2023, the City Council adopted the 6th Cycle Housing Element; and

WHEREAS, on June 30, 2023, the California Department of Housing and Community Development certified the Housing Element; and

WHEREAS, the Housing Element includes programs intended to reduce constraints to housing production, facilitate housing development for all income levels, and maintain compliance with State housing law; and

WHEREAS, Housing Element Implementation Programs C, F, P, and V require updates to the Accessory Dwelling Unit, Density Bonus, and Inclusionary Housing ordinances; and

WHEREAS, since adoption of the City's existing ordinances, the California Legislature has enacted numerous amendments to State housing laws affecting accessory dwelling units, density bonus requirements, affordability requirements, development incentives, parking standards, and housing approval procedures; and

WHEREAS, on April 23, 2026, June 25, 2026, and July 30, 2026, the Planning Commission of the City of American Canyon conducted a public hearing and unanimously recommended City Council approval of the ordinance; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of American Canyon on September 1, 2026, at which time all interested persons were given an opportunity to be heard regarding the proposed Municipal Code amendments.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of American Canyon hereby adopts the following amendments to the American Canyon Municipal Code: Chapter 19.27 (Density Bonus) as depicted on Exhibit A, and Chapter 19.28 (Inclusionary Housing) as depicted on Exhibit B, Chapter 19.39 (Accessory Dwelling Units) as depicted on Exhibit C; to clarify administration, retain the City's inclusionary housing requirements, support affordable housing production, and remain consistent with State law.

SECTION 1. CEQA FINDINGS: The City Council finds the municipal code amendments are exempt from environmental review under CEQA because the amendments are consistent with State law that preempt any inconsistent local ordinance. Thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084(a) and both Section 15002(i)(1) – lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the ordinance

adoption is exempt from CEQA review and a Notice of Exemption has been prepared for this proposed amendment. Further, Public Resources Codes Section 21080.17 exempts the adoption of an ordinance implementing state law governing accessory dwelling units and junior accessory dwelling units from review under the California Environmental Quality Act.

SECTION 3. GENERAL PLAN CONSISTENCY. The municipal code amendments are consistent with the Housing Element of the American Canyon General Plan and support implementation of the City's housing goals, policies, and programs. The amendments help remove constraints to housing production, facilitate the development of housing affordable to lower-income households, and ensure continued compliance with State housing law. Specifically, the amendments further:

- **Goal H-1 (Housing Supply)** by updating local regulations to remove regulatory barriers and maintain a framework that supports housing production for all income levels, consistent with Policies H-1.2 (Zoning Capacity) and H-1.6 (Constraints to Housing Production).
- **Goal H-2 (Balance of Housing Types)** by maintaining and clarifying provisions that support a variety of housing types, including affordable housing, density bonus projects, and accessory dwelling units, consistent with Policies H-2.1 (Diversity of Housing Types), H-2.3 (Housing Incentives), and H-2.7 (Accessory Dwelling Units).
- **Goal H-5 (Affordable Housing)** by preserving the City's inclusionary housing requirements, continuing implementation of the Affordable Housing Nexus Fee program, and updating density bonus provisions that encourage the production of affordable housing. These amendments directly advance Policies H-5.1 (Inclusionary Housing), H-5.8 (Affordable Housing Incentives), H-5.13 (Inclusionary Housing Ordinance), and H-5.14 (Affordable Housing Nexus Fee).
- **Goal H-6 (Preservation of Affordability)** by strengthening affordability requirements, housing agreement provisions, and long-term affordability standards for inclusionary units, consistent with Policies H-6.3 and H-6.6.

In addition, the amendments implement several Housing Element programs, including Program C (Municipal Code Updates), Program F (Accessory Dwelling Units), Program P (Density Bonus Program), and Program V (Inclusionary Housing Program), all of which call for updates to the Municipal Code to ensure compliance with State law and facilitate the production of housing affordable to a range of income levels.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective effect 30 days after its final passage pursuant to Government Code section 36937.

SECTION 5. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 1st day of September, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pierre Washington, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

Matthew Summers, City Attorney

EXHIBITS

- A. American Canyon Municipal Code Chapter 19.27 (Density Bonus)
- B. Chapter 19.28 (Inclusionary Housing)
- C. Chapter 19.39 (Accessory Dwelling Units)

EXHIBIT A

Chapter 19.27 Density Bonus

19.27.000 Purpose of chapter.

[This chapter](#) is intended to implement the requirements of [Government Code Section 65915](#) et seq., and the housing element of the general plan. In the event of any conflict between this chapter and applicable state law, the applicable state law shall control.

19.27.005 Definitions

For purposes of [this chapter](#), the following definitions apply:

"Additional density bonus" means the bonus authorized by Government Code § 65915(v) for a housing development that first qualifies for the maximum 50 percent base density bonus and that agrees to provide additional for-sale or rental units affordable to very low-income or moderate-income households. Moderate-income units used to qualify for this additional bonus may be rental or for-sale.

"Affordable housing cost" has the definition set forth in [California Health and Safety Code Section 50052.5](#).

"Affordable rent" has the definition set forth in [California Health and Safety Code Section 50053](#).

"Child care facility" means a facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age childcare centers.

"Common interest development" has the definition set forth in [California Civil Code Section 4100](#).

"Concession" or "incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (the State Building Code commencing with [Health and Safety Code Section 18901](#)) of Division [13 of the California Health and Safety Code](#), including, but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city and approved by the city that result in identifiable and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the city.

"Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation.

"Director" means the director of community development or the director's designee.

"Disabled veteran" has the definition set forth in [California Government Code Section 18541](#).

"Equivalent size" means that the replacement dwelling units contain at least the same total number of bedrooms as the units being replaced.

"Homeless person" has the definition set forth in 42 U.S.C. Section 11301 et seq.

"Housing development" means a development project for five or more residential units, including mixed-use developments. "Housing development" also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower income households" has the definition set forth in [California Health and Safety Code Section 50079.5](#).

"Major transit stop" has the definition set forth in [Public Resources Code Section 21155](#).

"Maximum allowable residential density" means the greatest number of units allowed, in dwellings per acre, under the City's Zoning Ordinance and the land use element of the General Plan, or, if a range of density is permitted, the greatest number of units allowed by the specific zoning range, as applicable to the project

"Moderate income households" has the definition for "persons or families of moderate income" set forth in [California Health and Safety Code Section 50093\(b\)](#).

"Multifamily dwelling" has the definition set forth in [California Government Code Section 65863.4\(d\)](#).

"Property containing existing affordable housing" means any property that includes any parcel on which rental dwelling units are or have been: (1) subject to any other form of rent or price control through a public entity's valid exercise of its police power; (2) occupied by lower or very low income households; or (3) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and households of lower or very low income. Such rental dwelling units include rental dwelling units that

have been vacated or demolished in the five-year period preceding the application seeking the density bonus.

"Replace" has the definition set forth in [California Government Code Section 65915\(c\)\(3\)\(B\)](#).

"Senior citizen housing development" has the definition set forth in [California Civil Code Section 51.3](#).

"Special needs housing development" has the definition set forth in [California Health and Safety Code Section 51312](#).

"Specific, adverse impact" has the definition set forth in [California Government Code Section 6559.5\(d\)\(2\)](#).

"Transitional foster youth" has the definition set forth in [California Education Code Section 66025.9](#).

"Unobstructed access" means access where a resident is able to travel without encountering natural or constructed impediments, as outlined in [California Government Code Section 65915\(p\)\(2\)](#).

"Very low income households" has the definition set forth in [California Health and Safety Code Section 50105](#)

19.27.010 General density bonus provisions

(A) Application. Any person that desires a density bonus shall make an application on a form approved by the director at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by [this chapter](#) only applies to housing developments consisting of five or more dwelling units.

(B) Incentives and Concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city shall provide the applicant incentives or concessions for the production of housing units and childcare facilities as provided in [this chapter](#).

(C) Available Density Bonus Options.

The planning commission or city council shall grant one density bonus, the amount of which shall be as specified in Section 19.27.030, and incentives or concessions as described in Section 19.27.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that shall contain at least one of the following:

- (1) Ten percent of the total units of a housing development for rental or sale to lower income households.
- (2) Five percent of the total units of a housing development for rental or sale to very low-income households.
- (3) A senior citizen housing development.

(4) Ten percent of the total dwelling units of a housing development for sale to moderate-income households, provided that all units in the housing development are offered to the public for purchase.

(5) Ten percent of the total units of a housing development for transitional foster youth, disabled veterans, or homeless persons to be provided at the same affordability level as very low-income units subject to a recorded affordability restriction of fifty-five years. As used in this subsection, "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this chapter, but includes units designated to satisfy a requirement under the City's Inclusionary Housing Requirements Ordinance (chapter 19.28).

Upon deeming a density bonus application complete and verifying eligibility under Government Code § 65915, the City shall issue a determination awarding one base density bonus, the amount of which shall be as specified in Section 19.27.030, and incentives or concessions as described in Section 19.27.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by any density bonus awarded pursuant to this chapter, that shall contain at least one of the qualifying affordability options.

(D) Applicant's Election of Basis for Bonus.

For purposes of calculating the amount of the base density bonus pursuant to Section 19.27.030, the applicant must elect whether the base bonus shall be awarded on the basis of paragraph (1), (2), (3), (4) or (5) of subsection C of this section. A housing development that first qualifies for the maximum base density bonus may also receive an additional density bonus pursuant to Government Code § 65915(v) by providing additional very low-income or moderate-income units as specified in Section 19.27.030(J).

(E) Continued Affordability.

(1) Qualified Households. An applicant shall agree that the occupants of the low, very low, and moderate income units that are directly related to the receipt of the density bonus in a housing development or common interest development shall be low, very low, or moderate income households, as applicable.

(2) Term.

(a) An applicant shall agree to set rents at affordable rent levels and to the continued affordability of all rental units that qualified the applicant for the award of the density bonus for a period of fifty-five (55) years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(b) All for-sale units shall initially be sold to very low, lower, or moderate income households at an affordable housing cost and shall be subject to a recorded affordability restriction of fifty-five (55) years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program.- If the unit is not purchased by an income-qualified household within one hundred and eighty (180) days after the issuance of the certificate of occupancy, the unit shall be purchased by a qualified nonprofit housing corporation that meets all of the following requirements, pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code:

(i) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation, as defined in Section 509 of the Internal Revenue Code.

(ii) The nonprofit corporation is based in California.

(iii) All of the board members of the nonprofit corporation have their primary residence in California.

(iv) The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement or affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least forty-five (45) years for owner-occupied housing units and will be sold or resold only to very low, lower, or moderate income households.

(3) Equity Sharing. The city shall require an equity-sharing agreement for all for-sale units, unless such an agreement would be in conflict with the requirements of another public funding source or law.

(4) Notwithstanding any other provision of this chapter, moderate-income units provided to qualify a project for the additional density bonus under Section 19.27.030(J) and Government Code § 65915(v) may be offered as rental or for-sale units. Rental units shall be subject to an affordability term of fifty-five (55) years, consistent with subsection (E)(2)(a), or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program.

(F) Housing Development Involving Property Containing Existing Affordable Housing. An applicant shall be ineligible for a density bonus or any other incentives or concessions under [this chapter](#) if the housing development is proposed on any parcel or parcels on which rental dwelling units that:

(1) Have been vacated or demolished in the five-year period preceding the application;

(2) Have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;

(3) Subject to any other form of rent or price control through a public entity's valid exercise of its police power; or

(4) Occupied by lower or very low income households, for a proposed housing development involving a property containing existing affordable housing, unless:

(a) The proposed housing development replaces the existing affordable housing units. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least fifty-five years. If the proposed development is for-sale units, the units replaced shall be affordable as defined in [Section 50052.5 of the Health and Safety Code](#), and

(b) Either:

(i) The proposed housing development, inclusive of the units replaced, contains affordable units at the percentages set forth in subsection C of [this section](#), or

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low-income household.

19.27.015 Requirements for equity-sharing agreement.

The following provisions shall be included in any equity-sharing agreement required under [this chapter](#):

(A) Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five years for any of the purposes that promote home ownership, as described in [California Health and Safety Code Section 33334.2\(e\)](#).

(B) For purposes of [this section](#), the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, as applicable, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.

(C) For purposes of [this section](#), the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

19.27.020 Incentives and concessions

(A) An applicant for a density bonus pursuant to [Section 19.27.010](#) may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to [this chapter](#), and may request a meeting with the director.

(B) Subject to subsection C below, the applicant shall receive the following number of incentives or concessions:

(1) One incentive or concession for projects that include at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a development in which the units are for sale.

(2) Two incentives or concessions for projects that include at least seventeen percent (17%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a development in which the units are for sale.

(3) Three incentives or concessions for projects that include at least twenty-four percent (24%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at

least thirty percent (30%) for persons and families of moderate income in a development in which the units are for sale.

(4) Five incentives or concessions for a project in which between eighty to one hundred percent (80-100%) of the originally proposed units are restricted to lower-income households and the remaining proposed units are for moderate-income households, except for the manager's unit. If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(5) One incentive or concession for projects that include at least twenty percent (20%) of the total units for lower income students in a student housing development. If a project includes at least twenty-three percent (23%) of the total units for lower income students in a student housing project, the applicant shall instead receive two incentives or concessions.

(6) Four incentives or concessions for projects that include at least sixteen percent (16%) of the units for very low income households or at least forty-five percent (45%) for persons and families of moderate income in a development in which the units are for sale.

(C) The planning commission or city council shall grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:

(1) The concession or incentive does not result in identifiable and actual affordable housing cost reductions, or rents for the targeted units will not be set as specified in [Section 19.27.010\(E\)](#);

(2) The concession or incentive would have a specific, adverse impact upon public health and safety, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or

(3) The concession or improvement would be contrary to state or federal law.

(D) The City is not required to provide incentives or concessions to transient housing, including a hotel, motel, or bed and breakfast inn. This subsection does not apply to a residential hotel or a resident's use or marketing of their unit as short-term lodging.

(E) A grant of a incentive or concession may not result in a proposed project with a commercial floor area ratio that is greater than two and a half times the premises' current allowed base zone commercial floor area ratio. This limitation does not apply to a project which submitted a preliminary application or an entitlement application prior to January 1, 2026.

(F) Projects that qualify for the additional density bonus pursuant to Government Code, § 65915(v) remain eligible for incentives or concessions pursuant to this chapter and Government Code, § 65915(d). The number of incentives or concessions shall be determined in accordance with state law and shall not be reduced due to a request for the additional density bonus.

19.27.025 Waiver or reduction of development standards.

(A) An applicant may submit a proposal to the city and request a meeting with the director to waive or reduce development standards that the applicant believes will physically preclude housing construction that satisfies [Section 19.27.010\(C\)](#) criteria at the densities or with the concessions or incentives permitted by [this chapter](#). Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under [Section 19.27.020](#).

(B) The planning commission or city council shall waive or reduce an applicant's development standard request, unless it makes a written finding, based upon substantial evidence, that:

(1) The waiver or reduction would have a specific, adverse impact upon public health and safety, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

(2) The waiver or reduction would be contrary to state or federal law.

19.27.030 Calculation of density bonus

(A) The applicant is entitled to a density bonus that varies according to the percentage of affordable housing units that exceed the percentage established in [Section 19.27.010\(CB\)](#).

(B) For housing developments meeting the lower income household criteria of [Section 19.27.010\(C\)\(1\)](#), the density bonus shall be calculated as follows:

Table 19.27.030(B)
Density Bonus for Lower Income Units

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35
21	38.75

22	42.5
23	46.25
24	50

(C) For housing developments meeting the very low income criteria of Section 19.27.010(C)(2), the density bonus shall be calculated as follows:

Table 19.27.030(C)
Density Bonus for Very Low Income Units

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(D) For housing developments meeting the criteria of Sections 19.27.010(C)(3), and 19.27.010(C)(5), (senior citizen and transitional foster youth, disabled veterans, or homeless persons), the density bonus shall be 20 percent.

(E) For housing developments meeting the moderate income criteria of Section 19.27.010(C)(4), the density bonus shall be calculated as follows:

Table 19.27.030(E)
Density Bonus for Moderate Income Units

Percentage Moderate Income Units	Percentage Density Bonus
10	5

11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32

38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

(F) All density calculations resulting in fractional units shall be rounded up to the next whole number.

(G) A density bonus shall not require a general plan amendment, zoning change, other discretionary approval, or study other than those provided under California Government Code section 65915(j)(1).

(H) A density bonus shall not require the city to waive any unrelated development standard ordinance, except as provided for in Sections 19.27.20 and 19.27.25.

(I) A project in which between eighty to one hundred percent (80-100%) of the originally proposed units are restricted to lower income households and the remaining proposed units are for moderate-income households, except for the manager's unit, shall be entitled to a density bonus equal to 80 percent of the number of units reserved for lower income households. If the project is located within one-half mile of a transit stop or is located in a very low vehicle travel area, the City shall not impose any maximum controls on density.

(J) Additional Density Bonus Pursuant to Government Code, § 65915(v):

(1) Eligibility. A housing development that first qualifies for the maximum base density bonus of 50 percent under this chapter by providing either (i) at least 15 percent of the total units for very low-income households, or (ii) at least 24 percent of the total units for lower income households, or (iii) at least 44 percent of the total units for moderate-income households, may receive an additional density bonus by providing additional rental or for sale very low-income or moderate-income units as described below.

(2) Additional Bonus for Very Low-Income Units. If the applicant provides additional very low-income units beyond those required to achieve the maximum base bonus, the project shall receive the following additional density bonus (calculated on the project's maximum allowable residential density):

Table 19.27.030(J)

Additional Density Bonus for Very Low-Income Units Pursuant to Government Code, § 65915(v)

Additional % Very Low-Income Units	Additional % Density Bonus
------------------------------------	----------------------------

5	20%
6	23.75%
7	27.5%
8	31.25%
9	35%
10	38.75%

(3) Additional Bonus for Moderate-Income Units. If the applicant provides additional moderate-income units beyond those required to achieve the maximum base bonus, the project shall receive the following additional density bonus (calculated on the project's maximum allowable residential density). Moderate-income units used for this subsection may be rental or for-sale:

Table 19.27.030(J.3)
Additional Density Bonus for Moderate-Income Units Pursuant to Government Code, § 65915(v)

Additional % Moderate-Income Units	Additional % Density Bonus
5	20%
6	22.5%
7	25%
8	27.5%
9	30%
10	32.5%
11	35%
12	38.75%
13	42.5%
14	46.25%
15	50%

(4) Total Allowable Bonus. A project that qualifies under this subsection may receive a bonus increase in addition to any increase in density granted by subsections (A) through (I), consistent with Government Code § 65915(v).

(5) Rounding. Fractional units resulting from the computation of the additional bonus shall be rounded up to the next whole number, consistent with subsection (F) of this section.

(K) Commercial Development Bonus.

(1) The City shall grant a commercial developer a “commercial development bonus” if the commercial developer enters into an agreement for partnered housing with an affordable housing developer to continue affordable housing through a joint project or two separate projects, pursuant to Government Code section 65915.7.

(2) Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

- (a) Within the boundaries of the local government.
- (b) In close proximity to public amenities including schools and employment centers.
- (c) Located within one-half mile of a major transit stop.

(3) A commercial development bonus awarded pursuant to this subsection includes:

- (a) Up to a 20-percent increase in maximum allowable intensity in the General Plan.
- (b) Up to a 20-percent increase in maximum allowable floor area ratio.
- (c) Up to a 20-percent increase in maximum height requirements.
- (d) Up to a 20-percent reduction in minimum parking requirements.
- (e) Use of a limited-use/limited-application elevator for upper floor accessibility.
- (f) An exception to a zoning ordinance or other land use regulation

19.27.035 Additional density bonus through donation of land

(A) When an applicant for a tentative subdivision map, parcel map, or other residential development donates land to the city, as provided for in this section, the applicant shall be entitled to a fifteen percent increase above the maximum residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Table 19.27.035
Affordable Housing Land Donation

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19

15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	21
27	32
28	33
29	34
30	35

(B) The land dedication density bonus shall be in addition to any increase in density mandated by Section 19.27.010(C), up to a maximum combined density increase of thirty-five percent, if an applicant seeks increases required pursuant to both this section and Section 19.27.010(C).

(1) All density calculations resulting in fractional units shall be rounded up to the next whole number.

(2) Nothing in this section shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

(C) An applicant shall be eligible for an increased density bonus described in this section if all of the following conditions are met:

(1) The applicant donates and transfers land no later than the date of approval of the final subdivision map or parcel map or residential development application.

(2) The developable acreage and zoning classification of the transferred land will provide at least ten percent of the residential units in the proposed development to be affordable to very low-income households.

(3) The transferred land is at least one acre or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

(a) The land must have appropriate zoning and development standards to make the development of the affordable units feasible.

(b) No later than the final subdivision map, parcel map, or of the residential development approval date, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design permit, to the extent authorized by California Government Code Section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.

(4) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 19.27.010(E)(1) and (2), which restriction shall be recorded on the property at the time of the transfer.

(5) The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.

(6) The transferred land must be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

(7) A proposed very low-income unit funding source shall be identified no later than the final subdivision map, parcel map, or residential development application approval date.

19.27.040 Additional density bonus or concession or incentive through provision of housing with a child care facility.

(A) When an applicant proposes to construct a housing development that conforms to the requirements of [Section 19.27.010\(C\)](#) and includes a childcare facility located on the premises of, as part of, or adjacent to, the project, the planning commission or city council shall grant either of the following:

(1) An additional residential square footage density bonus equal to or greater than the child care facility square footage; or

(2) An additional concession or incentive that contributes significantly to the economic feasibility of the childcare facility construction.

(B) The planning commission or city council shall require, as a condition of approving the housing development, that the following occur:

(1) The child care facility must remain in operation as long as or longer than the density bonus units affordable term pursuant to [Section 19.27.010\(E\)](#).

(2) Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to [Section 19.27.010\(C\)](#).

(C) Notwithstanding any requirement of [this section](#), the planning commission or city council is not required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

(D) Density bonus units do not have to be located in the same geographic area of the housing development.

(E) Granting a concession or incentive shall not in and of itself, require a general plan amendment, zoning change, or other discretionary approval.

(F) Section 9.27.040 does not limit or require the city to provide direct financial incentives for housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

19.27.045 City's discretion in granting density bonus.

Nothing in this chapter limits a project's eligibility for the additional density bonus authorized by Government Code § 65915(v). Where applicable, a project may receive the additional density bonus pursuant to Section 19.27.030(J) in addition to the maximum base density bonus set forth in Section 19.27.030(A)-(I), provided that all eligibility criteria in state law and this chapter are met.

19.27.050 Parking requirements

(A) An applicant of a development meeting the criteria of Section 19.27.010(C) may request the city not require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

- (1) Zero to one bedroom: one on-site parking space per unit.
- (2) Two to three bedrooms: one and one-half on-site parking spaces per unit.
- (3) Four and more bedrooms: two and one-half parking spaces per unit.

(B) Notwithstanding subsection (A), if a development includes at least twenty percent (20%) lower income units, or at least eleven percent (11%) very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon request, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds one-half spaces per unit. Notwithstanding subsection (A), if a development includes at least forty percent (40%) moderate-income units, is located within one-half mile of a major transit stop, and the residents of the development have unobstructed access to the major transit stop from the development then, upon request, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds one-half spaces per bedroom.

(C) An applicant of a development project that consists solely of rental units affordable lower income households (exclusive of a manager's unit) may apply for a waiver of vehicular parking standards if the project is any of the following:

- (1) Located within one-half mile of a major transit stop, and has unobstructed access to the major transit stop;
- (2) A for-rent housing development for individuals who are fifty-five (55) years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and has either paratransit service, or unobstructed access to a fixed bus route service that is within one-half mile and operates at least eight times per day;-
or

(3) A special needs rental housing development project, as defined in Section 51312 of the Health and Safety Code, or a supportive needs housing development, as defined in Section 50675.14 of the Health and Safety Code.

(E) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

(F) An applicant that meets the requirements of Section 19.27.010(C) may request additional parking incentives or concessions beyond those provided in this Section, subject to Section 19.27.020.

(G) Notwithstanding subsections B and C, the city may impose a higher vehicular parking ratio, not to exceed the ratio described in subsection A, based upon substantial evidence found in a parking study prepared at city expense by the city or an independent consultant in the last seven years that includes:

(1) An analysis of parking availability;

(2) Differing levels of transit access;

(3) Walkability access to transit services;

(4) The potential for shared parking;

(5) The effect of parking requirements on the cost of market-rate and subsidized developments; and

(6) The lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals.

The city shall make findings, based on a parking study completed in conformity with this section, supporting the need for the higher parking ratio.

19.27.060 Denial to grant a requested density bonus, incentive, or concession.

(A) The applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subsection shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subsection shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(B) The city shall bear the burden of proof for the denial of a requested concession or incentive.

EXHIBIT B

Chapter 19.28 INCLUSIONARY HOUSING REQUIREMENTS

19.28.010 Purpose.

The purpose of [this chapter](#) is to implement the inclusionary housing program set forth in the housing element of the American Canyon general plan.

(Ord. 2001-02 § 1, 2001; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.020 Definitions.

Unless the context clearly requires otherwise, the definitions in [this chapter](#) shall have the following meanings:

"Above moderate-income households" are those households with income of more than one hundred twenty percent of area median income for Napa County, as published by the state of California Department of Housing and Community Development, and its successors.

"Affordable housing nexus fee" is an impact fee to fund affordable housing demand created by new market-rate housing and new nonresidential development, in an amount set by the city council by resolution.

"Apartment" is a multifamily development residential project that creates residential dwelling units that are rented or leased.

"Financially infeasible" is a residential project, once all costs for development are established, (i.e. land acquisition, entitlements, site development fees, and construction costs), the developer (and/or their creditors) would not achieve an Internal Rate of Return (IRR) of at least six percent.

"Gross square feet" see ACMC Section 19.04.030.

"Inclusionary units" are those that are required to be provided at affordable rents or sales prices to specified households.

"Lower income households" are those households with income of no more than eighty percent of the area median income for Napa County, adjusted for household size, as published by the state of California Department of Housing and Community Development, and its successors.

"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum residential density" means the maximum number of dwelling units permitted in a residential project by the city's zoning ordinance and by the land use element of the general plan on the date that the application for the residential project is deemed complete, excluding any density bonus or other units required to be excluded from the maximum residential density calculation by applicable State law. If the

maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of the general plan, the land use element density shall prevail or applicable State law.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential development" means any development in the city for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential ownership project" means any residential project that may legally advertise, sell, or otherwise transfer dwelling units for sale to an individual homeowner. A residential ownership project also includes the conversion of rental apartments to condominiums.

"Residential project" means any development for which one or more building permits may be issued for one or more new dwelling units, conversion of nonresidential uses to dwelling units, or a condominium conversion. Residential projects include both residential ownership projects and residential rental projects.

"Residential rental unit" means any residential unit that is rented to its resident(s).

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in [Civil Code Section 51.3](#), or a mobilehome park that limits residency based on age requirements for older persons pursuant to [Civil Code](#) Sections [798.76](#) or [799.5](#).

"Stacked Flat" means a multi-family residential building with single-level dwelling units, stacked on top of each other in a multi-story building.

"Target unit" means a deed-restricted dwelling unit within a residential project that is reserved for sale or rent at an affordable rent or affordable sales price to very low, low, or moderate income households.

"Very low income households" are those households with income of no more than fifty percent of the area median income for Napa County, adjusted for household size, as published by the state of California Department of Housing and Community Development, and its successors.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.030 Applicability.

(A) The provisions of [this chapter](#) shall apply to:

(1) Residential projects containing five or more residential parcels or units whose initial sales prices or rents will be affordable (as defined in [Chapter 19.04](#), Definitions) to above moderate-income households.

(2) Residential rental projects containing five or more rental dwelling units.

(3) Nonresidential projects.

(B) These provisions shall not apply to:

(1) Any subdivision for which the final or parcel map was recorded, or any residential project subject to discretionary approval by the city for which a building permit has been issued by the city prior to the effective date of [this chapter](#), unless approval or conditional approval of the subdivision or project was expressly conditioned upon participation in an inclusionary program such as that established by [this chapter](#), or such participation was expressly required as an environmental mitigation measure for the subdivision.

(2) New residential development that is deed restricted to be affordable to lower income households.

(3) New nonresidential development with a bona fide tax-exempt status.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.040 Inclusionary requirements.

(A) Required Number and Type of Inclusionary Units.

(1) Residential Ownership projects subject to the provisions of [this chapter](#) shall provide a number of inclusionary units equal to at least ten percent of applicable project units (per [this chapter](#)) at prices or rents affordable to lower-income households, unless one of the alternative actions set forth in [this chapter](#) is approved. Such inclusionary units may be either ownership units or rental units.

(2) Residential Rental projects subject to the provisions of [this chapter](#) shall provide a number of inclusionary units equal to at least five percent of applicable project units (per [this chapter](#)) at prices or rents affordable to very low-income households, five percent affordable to low-income households, and five percent to moderate income households unless one of the alternative actions set forth in [this chapter](#) is approved. The inclusionary units shall be rental units.

(3) In determining the number of inclusionary units to be provided, any decimal fraction of 0.3 or more shall be rounded up to the nearest whole number, and any decimal fraction of less than 0.3 shall be rounded down to the nearest whole number.

(4) Where an even number of inclusionary units are required of a residential rental housing project, a larger number of units affordable to very low-income households shall be provided (e.g., if the inclusionary requirement equals four units, two shall be affordable to very low-income households and

one shall be affordable to a lower-income household and one shall be affordable to a moderate income household). If only one inclusionary unit is required, such unit must be affordable to a very low-income household.

(B) Development Standards for Target Units.

(1) Inclusionary units shall be constructed concurrently with market rate units unless both the city and the developer/applicant agree within the housing agreement to an alternative schedule for development.

(2) Inclusionary units shall be evenly distributed throughout the project, except that the decision-making body may waive this requirement if it finds that such distribution is infeasible for one or more of the following reasons:

(a) Significant topographic or other constraints exist rendering such distribution infeasible.

(b) Substantially improved site design will result from such waiver.

(c) Substantially improved building design and an improved unit amenity level will result from such waiver.

(d) Significant economic hardships will result from such distribution that does not apply to other projects in the city.

(e) Significant economic hardships will result from such distribution for the developer of the inclusionary units receiving financial assistance from federal, state, or local governmental agencies if such waiver is not granted.

(3) The number of bedrooms of the inclusionary units shall be equivalent to the bedroom mix of the market rate units of the housing development; except that the developer may include a higher proportion of inclusionary units with more bedrooms.

(4) The design and appearance of the inclusionary units shall be consistent with the design permit for the housing development.

(5) The applicant may reduce the size or interior amenities of the inclusionary units.

(6) Inclusionary units shall comply with all applicable development standards, except those which may be modified as provided by [this chapter](#).

(C) Continued Affordability of Ownership Units. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least fifty-five years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Covenants evidencing these restrictions shall be recorded against the property.

(D) Continued Affordability of Rental Units. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least fifty-five years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Covenants evidencing these restrictions shall be recorded against the property.

(E) Determination of Affordable Rents and Sales Prices. In determining the maximum affordable rent or affordable sales price of inclusionary units, the following household and unit size assumptions shall be used, unless the project is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	6 person

(F) Housing Agreement. A housing agreement consistent with [this chapter](#) is required for a housing project (e.g., tract maps, parcel maps, design permits, planned development, or conditional use permits) that provides inclusionary units.

(G) If a project provides more inclusionary units than required under this chapter, the project owner may request a one-time inclusionary unit credit, subject to applicable law and to approval of the city council. This credit may be used to satisfy the inclusionary unit requirement of another project. The applicant shall demonstrate that the project receiving the inclusionary unit transfer qualifies for the credit under the current inclusionary ordinance and all applicable state laws.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.050 Inclusionary alternatives.

(A) It is the intent of these provisions to require that inclusionary units be provided within each project so they are dispersed within the community.

(B) The decision-making body may approve one of the following alternatives to providing inclusionary units on-site if the applicant demonstrates either (a) that on-site inclusionary units are financially infeasible due to project size, location or site characteristics, or (b) that the proposed alternative would provide affordable housing opportunities for lower-income households to an equal or greater extent:

(1) Provide some or all the required inclusionary units at an approved off-site location.

(2) The applicant may dedicate suitable land to the city, or to another entity the city approves, for the construction of the inclusionary units. The city evaluates the dedication based on the site's suitability, such as location, size, zoning, expected construction timing and other relevant factors. The city also compares the dedicated land's fair market value to the in-lieu contribution that would otherwise apply under this chapter.

(3) Acquisition and rehabilitation of existing rental units.

(a) The term of existing rental unit affordability shall be extended fifty-five years longer than any existing affordability term.

(b) The existing units shall be affordable to the same income groups as the on-site inclusionary units that they replace.

(4) Provide an affordability term longer than fifty-five years for fewer than fifteen percent of the units.

(5) Provide fewer than fifteen percent inclusionary units, but increase the number of bedrooms in the inclusionary units that are provided.

(6) Provide fewer than fifteen percent inclusionary units, but increase the percentage of lower-income units.

(7) Provide greater than fifteen percent inclusionary overall, but a smaller percentage of lower-income units.

(8) Extend the affordability terms of existing inclusionary units.

(9) Any combination of the above alternatives.

(10) Other alternatives that achieve inclusionary housing not listed above.

(11) As a last resort, the developer may be allowed to pay in-lieu nexus fees, in an amount set by the affordable housing nexus fee adopted by resolution by the city council.

(a) The in-lieu contribution shall be paid to the city at the issuance of the building permit for each unit.

(b) Such contribution shall be deposited in the city housing fund and can only be used to provide housing affordable to very low and low-income households.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2009-09 § 3, 2009; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.060 City assistance.

The following development concessions may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are financially infeasible due to project size, location or site characteristics, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent. Possible assistance includes the following:

(A) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division [13 of the California Health and Safety Code](#) for the inclusionary units. These may include, but are not limited to, one or more of the following:

(1) Increase the allowable density limits of the zoning district (i.e., a density bonus);

(2) Reduced minimum lot sizes and/or dimensions;

- (3) Reduced minimum lot setbacks;
- (4) Reduced minimum outdoor and/or private outdoor living area;
- (5) Increased maximum lot coverage;
- (6) Increased maximum building height and/or stories;
- (7) Reduced on-site parking standards, including the number or size of spaces and garage requirements;
- (8) Reduced minimum building separation requirements;
- (9) Reduced street standards, e.g., reduced minimum street widths;
- (10) Waived, reduced, or deferred planning, plan check, building permit, and/or development impact fees (e.g., capital facilities, park, or traffic fees); or
- (11) Any development standard concession not listed above.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.070 Application procedures.

In addition to the application contents required for any associated permits or approvals, an applicant proposing to include inclusionary units in a project shall provide the following information:

- (A) The number of proposed inclusionary units and an indication of the target households;
- (B) Proposed sales prices or rents for the inclusionary units;
- (C) The location, unit size (square feet), and number of bedrooms of inclusionary units;
- (D) A description of any proposed differences between the inclusionary units and other project units in terms of construction, appearance, or amenities;
- (E) A schedule for completion and occupancy of the inclusionary units compared to a schedule for completion and occupancy of market rate units in the subject development; and
- (F) An offer to reserve inclusionary units for target households for at least fifty-five years when proposing ownership units and fifty-five years when proposing rental units.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.080 Housing agreement.

(A) Where required by [this chapter](#), applicants/developers shall draft and agree to enter into a housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the community development director, who shall formulate a recommendation to the decision-making body for final approval.

(B) The housing agreement shall include at least the following:

(1) The number of inclusionary units, bedroom counts for the inclusionary units and their target households;

(2) The standards for determining the affordable rent or affordable sales price and housing cost for the inclusionary units;

(3) The location, unit size (square feet), and number of bedrooms of the inclusionary units;

(4) The tenure of use restrictions for the inclusionary units;

(5) A schedule for completion and occupancy of the inclusionary units and market rate units;

(6) A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third party beneficiaries under the agreement);

(7) Other provisions to ensure implementation and compliance with [this chapter](#).

(C) In the case of for-sale inclusionary units in a residential ownership project, the housing agreement shall include the following conditions governing the sale and use of inclusionary units during the applicable use restriction period:

(1) The inclusionary units shall be sold to and owner-occupied by eligible lower-income households at an affordable sales price and housing cost.

(2) The initial and subsequent purchasers of an inclusionary unit shall execute an instrument or agreement approved by the city restricting the sale of the inclusionary unit in accordance with [this chapter](#) during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain such provisions as the city may require to ensure continued compliance with [this chapter](#).

(3) The city shall establish maximum resale prices for inclusionary units during the applicable use restriction period, taking into consideration such factors as cost-of-living increases, any improvements made to the unit, and customary closing costs.

(4) The owner of an inclusionary unit who wishes to sell the unit shall provide the first right of refusal to purchase the unit to the city and send written notice to the city of their intent to sell not less than sixty calendar days prior to the intended date of sale of the unit. Upon receipt of the owner's notice, the city shall have sixty calendar days to purchase the unit or to assign its right of refusal.

(5) The owner shall share with the city any amount received by the owner as a result of the first sale following expiration of the applicable use restriction period that is above the maximum resale price. The city shall deposit its share of any such proceeds in its housing fund.

(D) In the case of rental inclusionary units in a residential rental project, the housing agreement shall provide for the following conditions governing the use of inclusionary units during the use restriction period:

(1) The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining inclusionary units for qualified tenants;

(2) Provisions requiring owners of the residential rental project to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with [this chapter](#);

(3) Provisions requiring owners of the residential rental project to submit an annual report to the city which includes the name, address, and income of each person occupying the inclusionary units, and which identifies the bedroom size and monthly rent or cost of each inclusionary unit.

(E) Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefore filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The housing agreement shall be binding to all future owners and successors in interest.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.090 Nonresidential inclusionary requirements.

Nonresidential projects subject to the provisions of [this chapter](#) shall provide the applicable affordable housing nexus fee for each square foot of new construction. The affordable housing nexus fee shall be adopted by resolution by the city council.

(Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.100 Waiver.

Notwithstanding any other provision of [this chapter](#), the requirements of [this chapter](#) shall be waived, adjusted or reduced if the applicant shows that there is no reasonable relationship between the impact of a proposed residential project and the requirements of [this chapter](#), or that applying the requirements of [this chapter](#) would take property in violation of the United States or California Constitution. To receive a waiver, adjustment or reduction under [this section](#), the applicant must make a showing under [this section](#) when applying for a first approval for the residential project, and/or as part of any appeal which the city provides as part of the process for the first approval.

EXHIBIT C

Chapter 19.39 ACCESSORY DWELLING UNITS

19.39.010 Purpose of the chapter

The purpose of this chapter is to increase the supply of smaller units and rental housing units by allowing accessory dwelling units on lots containing a single-family dwelling in various residential districts as shown on Table 19.10.040, and to establish design and development standards for accessory dwelling units to ensure that they are compatible with existing neighborhoods and consistent with the general plan and its elements. Accessory dwelling units contribute needed housing to the community's housing stock.

(Ord. No. 2024-04 Section 6; Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.020 Applicability

This chapter applies to all residentially zoned lots that contain a single-family or multifamily dwelling. An accessory dwelling unit (ADU) does not count toward the maximum allowed density of the lot on which it is located. An ADU is considered a residential use and is consistent with the lot's General Plan designation and zoning.

(Ord. No. 2024-04 Section 6; Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.030 General plan consistency

An accessory dwelling unit (ADU) that complies with this chapter is considered an accessory use or accessory structure. An ADU does not count toward the maximum residential density allowed on the lot where it is located. An ADU is considered a residential use that is consistent with the lot's General Plan and zoning designation. ADUs also may not be counted or used when applying any local ordinance, policy, or program that limits residential growth, as provided by Government Code Section 65852.2(a)(8).

(Ord. No. 2024-04 Section 6; Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.040 Definitions

"Accessory dwelling unit" means any of the following:

- (1) One dwelling unit attached to, within, or detached from the proposed or existing primary dwelling unit that is on the same parcel in areas zoned to allow single-family and/or multifamily dwelling residential use, and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons.
- (2) An efficiency unit, as defined in [Section 17958.1 of the Health and Safety Code](#).
- (3) A manufactured home, as defined in [Section 18007 of the Health and Safety Code](#).
- (4) Multiple accessory dwelling units up to 25 percent of the existing multifamily dwelling units within portions of existing multifamily dwelling structures that are not used as livable space, including, but not

limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings, as defined in [Government Code section 65852.2](#), subdivision (e)(1)(C).

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet of interior livable space that is contained entirely within the existing footprint of a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Primary residence" means the residential dwelling that existed on the parcel before or constructed concurrent with the accessory dwelling unit.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.050 Development standards—Generally

(A) Each accessory dwelling unit requires approval of a building permit.

(B) The applicant of each accessory dwelling unit building permit application shall identify the anticipated rent and household size of the new accessory dwelling unit.

(C) The number of accessory dwelling units and junior accessory dwelling units permitted on a lot with an existing or proposed single-family dwelling shall be consistent with Government Code Section 66323 and this Chapter.

(D) A multi-family or single-family primary residence dwelling must exist on the parcel before the accessory dwelling unit is built or it shall be built concurrently with the accessory dwelling unit.

(E) Accessory dwelling units qualifying under Government Code Section 66323 shall be subject only to the development standards expressly authorized by Government Code Sections 66321 and 66323 and shall not be subject to any other local development or design standards.

(F) Accessory Dwelling Living Area Standard.

(1) A Detached accessory dwelling unit shall not exceed one 1,200 square feet, unless:

(a) On a single-family lot, the detached ADU converts a previously-permitted accessory structure which is greater than 1,200 square feet. In this circumstance, the ADU may equal the square footage of the existing accessory structure.

(b) On a lot with a multifamily primary dwelling, the detached ADU is not subject to a square foot limit ([Gov. Code](#), § 65852.2, subs. (e)(1)(A), (C), and (D)).

(2) Attached ADUs shall not exceed 1,200 square feet, except this limitation shall not apply to conversion ADUs under Government Code 66323(a)(1) or (a)(3).

(3) A Junior accessory dwelling unit shall not exceed 500 square feet.

(G) Fire Sprinkler Requirements.

(1) Accessory dwelling units (ADUs) must comply with all applicable state fire safety requirements and locally adopted building and fire codes in Title 16. These requirements may include, but are not limited to, adequate water supply and fire department access.

(2) Accessory dwelling units (ADUs) are not required to have fire sprinklers unless fire sprinklers are also required in the primary dwelling. The following standards apply to this requirement:

(a) When the primary residence has fire sprinklers, the accessory dwelling unit or junior accessory dwelling unit shall be constructed with fire sprinklers.

(b) When the primary residence does not have fire sprinklers, the ~~junior~~ accessory dwelling unit or junior accessory dwelling unit do not require fire sprinklers, and the construction of an accessory dwelling unit or junior accessory dwelling unit shall not trigger a requirement to retrofit the primary dwelling with fire sprinklers.

(H) The City shall not require recordation of a deed restriction except where authorized by state law. Owner-occupancy shall not be required for ADUs. Owner occupancy of the primary home is required only when there is no separate sanitation facilities for the JADU.

(4) When the applicant is a qualified nonprofit housing organization, a deed restriction is not required.

(I) Impact Fees.

(1) Accessory dwelling units less than 750 square feet or less of interior livable space and all junior accessory dwelling units with 500 square feet or less of interior livable space shall be exempt from all city impact fees.

(2) Impact fees for accessory dwelling units equal to or greater than 750 square feet are exempt from water and sewer capacity fees. All remaining impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(J) Accessory Dwelling Units on Multifamily Dwellings. The building division shall review and approve ministerially accessory dwelling units under the following conditions.

(1) Non-habitable area within an existing multifamily dwelling structure, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to one or more accessory dwelling units if each accessory dwelling unit complies with state dwelling unit building standards.

(2) An existing multifamily dwelling shall be permitted to accommodate additional accessory dwelling units in an amount up to twenty-five percent of the existing multifamily dwelling units.

(3) Multifamily lots may include detached ADUs consistent with Government Code Section 66323(a)(4), up to eight units not exceeding existing unit count.

(K) CC&Rs. As defined in [California Civil Code Section 4751](#) or any successor statute, any covenant, condition, and restriction (CC&R) or contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards (subsections F and G) established for those units shall be void and unenforceable. Reasonable restrictions include restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit. Reasonable restrictions shall not include any fee, charge, or other financial requirement related to the construction or use of an accessory dwelling unit or junior accessory dwelling unit.

(L) ADUs that qualify under Government Code Section 66323 shall be approved ministerially and are not subject to local development or design standards, except as specifically allowed by state law.
([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.060 Junior accessory dwelling unit standards

(A) Each junior accessory dwelling unit shall comply with the following building standards.

(1) The dwelling must have its own exterior entrance.

(2) The kitchen must include a cooking facility with appliances and includes a food preparation counter and storage cabinets.

(3) The bathroom may be included in the unit or shared with the primary residence.

(4) Junior accessory dwelling units are exempt from the building code wall separation requirements with the primary residence.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.070 Parking standards

Parking shall not be required for ADUs qualifying under Government Code Section 66323.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.080 Operational standards

(A) The accessory dwelling unit may not be sold separately from the primary residence except as authorized by Government Code Section 66341.

(B) Minimum rental term for an accessory dwelling unit or junior accessory dwelling unit is thirty consecutive days.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.090 Design standards

Accessory dwelling units shall comply with the following standards.

(A) An accessory dwelling unit connected to an onsite water treatment system requires a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

(Ord. No. 2024-04 Section 6; Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.100 Review and approval process

Permits for accessory dwelling units and junior accessory dwelling units shall be reviewed ministerially through the building division in accordance to (a) through (d).

(A) The building division shall 'approve or deny' the application to create an accessory dwelling unit or junior accessory dwelling unit within sixty days from the date the building division receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

(B) If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with a permit application to create a new single-family dwelling on the lot, the building division may delay acting on the accessory dwelling unit or junior accessory dwelling unit permit application until the building division acts on the new single-family dwelling permit application, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered ministerial without discretionary review or a hearing. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.

(C) Within 15 business days of receipt of an application for an accessory dwelling unit or junior accessory dwelling unit, the Building Division shall determine whether the application is complete and shall provide written notice to the applicant.

(D). If the application is determined to be incomplete, the written notice shall identify all deficiencies and describe the additional information required to complete the application. The applicant may cure the deficiencies in accordance with state law.

(E). The City shall provide a process for an applicant to appeal a determination that an application is incomplete or denied. A final written determination on appeal shall be issued no later than 60 business days following receipt of the written appeal.

(Ord. No. 2024-04 Section 6; Ord. 2020-04 § 1, 2020.)

19.39.110 Code enforcement

For accessory dwelling units built before January 1, 2020, the property owner may request delayed enforcement of building standards for five years pursuant to Health and Safety Code section 17980.12.

(A) There shall be no delays granted after January 1, 2030.

(B) There shall be no delays granted if the delay of the correction will cause a violation needed to protect health and safety.

(C) A permit for an accessory dwelling unit or junior accessory dwelling unit constructed prior to January 1, 2020 shall not be denied solely due to building code violations unless the City makes a written finding that correction of the violation is necessary to comply with conditions that would otherwise deem the structure substandard.

19.39.120 State Law Preemption.

If any provision of this Chapter is found to be inconsistent with state accessory dwelling unit or junior accessory dwelling unit law, state law shall control. Failure to timely submit ordinance amendments to the California Department of Housing and Community Development shall result in the City applying only state standards, as required by law.

([Ord. No. 2024-04 Section 6](#); Ord. 2020-04 § 1, 2020.)

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Proposed Redline Amendments for Density Bonus Law changes through March 2026

Chapter 19.27 of the American Canyon Municipal Code is hereby amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck through text~~:

Justification: The revisions to this ordinance throughout are designed to comply with twenty new pieces of legislation that amended the density bonus laws from 2008 through 2026.

Chapter 19.27 Density Bonus

19.27.000 Purpose of chapter.

This chapter is intended to implement the requirements of Government Code Section 65915 et seq., and the housing element of the general plan. In the event of any conflict between this chapter and applicable state law, the applicable state law shall control.

19.27.005 Definitions

For purposes of this chapter, the following definitions apply:

"Additional density bonus" means the bonus authorized by Government Code § 65915(v) for a housing development that first qualifies for the maximum 50 percent base density bonus and that agrees to provide additional for-sale or rental units affordable to very low-income or moderate-income households. Moderate-income units used to qualify for this additional bonus may be rental or for-sale.

"Affordable housing cost" has the definition set forth in California Health and Safety Code Section 50052.5.

"Affordable rent" has the definition set forth in California Health and Safety Code Section 50053.

"Child care facility" means a facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age childcare centers.

"Common interest development" has the definition set forth in California Civil Code Section 4100.

"Concession" or "incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (the State Building Code commencing with Health and Safety Code Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable and actual cost reductions.

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2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the city and approved by the city that result in identifiable and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the city.

"Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation.

"Director" means the director of community development or the director's designee.

"Disabled veteran" has the definition set forth in [California Government Code Section 18541](#).

"Equivalent size" means that the replacement dwelling units contain at least the same total number of bedrooms as the units being replaced.

"Homeless person" has the definition set forth in 42 U.S.C. Section 11301 et seq.

"Housing development" means a development project for five or more residential units, including mixed-use developments. "Housing development" also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower income households" has the definition set forth in [California Health and Safety Code Section 50079.5](#).

"Major transit stop" has the definition set forth in [Public Resources Code Section 21155](#).

~~"Maximum allowable residential density" means the density allowed under the zoning code, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.~~

"Maximum allowable residential density" means the greatest number of units allowed, in dwellings per acre, under the City's Zoning Ordinance and the land use element of the General

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Plan, or, if a range of density is permitted, the greatest number of units allowed by the specific zoning range, as applicable to the project

"Moderate income households" has the definition for "persons or families of moderate income" set forth in [California Health and Safety Code Section 50093\(b\)](#).

"Multifamily dwelling" has the definition set forth in [California Government Code Section 65863.4\(d\)](#).

"Property containing existing affordable housing" means any property that includes any parcel on which rental dwelling units are or have been: (1) subject to any other form of rent or price control through a public entity's valid exercise of its police power; (2) occupied by lower or very low income households; or (3) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and households of lower or very low income. Such rental dwelling units include rental dwelling units that have been vacated or demolished in the five-year period preceding the application seeking the density bonus.

"Replace" has the definition set forth in [California Government Code Section 65915\(c\)\(3\)\(B\)](#).

"Senior citizen housing development" has the definition set forth in [California Civil Code Section 51.3](#).

"Special needs housing development" has the definition set forth in [California Health and Safety Code Section 51312](#).

"Specific, adverse impact" has the definition set forth in [California Government Code Section 6559.5\(d\)\(2\)](#).

"Transitional foster youth" has the definition set forth in [California Education Code Section 66025.9](#).

"Unobstructed access" means access where a resident is able to travel without encountering natural or constructed impediments, as outlined in [California Government Code Section 65915\(p\)\(2\)](#).

"Very low income households" has the definition set forth in [California Health and Safety Code Section 50105](#)

19.27.010 General density bonus provisions

(A) Application. Any person that desires a density bonus shall make an application on a form approved by the director at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by [this chapter](#) only applies to housing developments consisting of five or more dwelling units.

(B) Incentives and Concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city shall provide the

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applicant incentives or concessions for the production of housing units and childcare facilities as provided in [this chapter](#).

(C) Available Density Bonus Options.

The planning commission or city council shall grant one density bonus, the amount of which shall be as specified in Section 19.27.030, and incentives or concessions as described in Section 19.27.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that shall contain at least one of the following:

- (1) Ten percent of the total units of a housing development for [rental or sale to](#) lower income households.
- (2) Five percent of the total units of a housing development for [rental or sale to](#) very low-income households.
- (3) A senior citizen housing development.
- (4) Ten percent of the total dwelling units of a housing development ~~in a common interest development~~ for [sale to](#) moderate-income households, provided that all units in the housing development are offered to the public for purchase.
- (5) Ten percent of the total units of a housing development for transitional foster youth, disabled veterans, or homeless persons to be provided at the same affordability level as very low-income units subject to a recorded affordability restriction of fifty-five years. As used in this subsection, "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this chapter, [but includes units designated to satisfy a requirement under the City's Inclusionary Housing Requirements Ordinance \(chapter 19.28\)](#).

[Upon deeming a density bonus application complete and verifying eligibility under Government Code § 65915, the City shall issue a determination awarding one base density bonus, the amount of which shall be as specified in Section 19.27.030, and incentives or concessions as described in Section 19.27.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by any density bonus awarded pursuant to this chapter, that shall contain at least one of the qualifying affordability options.](#)

(D) Applicant's Election of Basis for Bonus.

~~For purposes of calculating the amount of the density bonus pursuant to Section 19.27.030, the applicant who requests a density bonus pursuant to this section must elect whether the bonus shall be awarded on the basis of paragraph (1), (2), (3), (4) or (5) of subsection C of this section.~~

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For purposes of calculating the amount of the base density bonus pursuant to Section 19.27.030, the applicant must elect whether the base bonus shall be awarded on the basis of paragraph (1), (2), (3), (4) or (5) of subsection C of this section. A housing development that first qualifies for the maximum base density bonus may also receive an additional density bonus pursuant to Government Code § 65915(v) by providing additional very low-income or moderate-income units as specified in Section 19.27.030(J).

(E) Continued Affordability.

(1) Qualified Households. An applicant shall agree that the occupants of the low, very low, and moderate income units that are directly related to the receipt of the density bonus in a housing development or common interest development shall be low, very low, or moderate income households, as applicable.

(2) Term.

(a) An applicant shall agree to set rents at affordable rent levels and to the continued affordability of all rental units that qualified the applicant for the award of the density bonus for a period of fifty-five (55) years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(b) All for-sale units shall initially be sold to very low, lower, or moderate income households at an affordable housing cost and shall be subject to a recorded affordability restriction of ~~remain subject to a resale affordable housing cost restriction for a period of~~ fifty-five (55) years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program. ~~The applicable resale affordable housing cost restriction period shall reset upon each sale of an affordable unit. If the unit is not purchased by an income-qualified household within one hundred and eighty (180) days after the issuance of the certificate of occupancy, the unit shall be purchased by a qualified nonprofit housing corporation that meets all of the following requirements, pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code:~~

(i) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation, as defined in Section 509 of the Internal Revenue Code.

(ii) The nonprofit corporation is based in California.

(iii) All of the board members of the nonprofit corporation have their primary residence in California.

(iv) The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to

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repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement or affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least forty-five (45) years for owner-occupied housing units and will be sold or resold only to very low, lower, or moderate income households.

(3) Equity Sharing. The city shall require an equity-sharing agreement for all for-sale units, unless such an agreement would be in conflict with the requirements of another public funding source or law.

(4) Notwithstanding any other provision of this chapter, moderate-income units provided to qualify a project for the additional density bonus under Section 19.27.030(J) and Government Code § 65915(v) may be offered as rental or for-sale units. Rental units shall be subject to an affordability term of fifty-five (55) years, consistent with subsection (E)(2)(a), or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program.

(F) Housing Development Involving Property Containing Existing Affordable Housing. An applicant shall be ineligible for a density bonus or any other incentives or concessions under [this chapter](#) if the housing development is proposed on any parcel or parcels on which rental dwelling units that:

- (1) Have been vacated or demolished in the five-year period preceding the application;
- (2) Have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;
- (3) Subject to any other form of rent or price control through a public entity's valid exercise of its police power; or
- (4) Occupied by lower or very low income households, for a proposed housing development involving a property containing existing affordable housing, unless:
 - (a) The proposed housing development replaces the existing affordable housing units. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least fifty-five years. If the proposed development is for-sale units, the units replaced shall be affordable as defined in [Section 50052.5 of the Health and Safety Code](#), and
 - (b) Either:
 - (i) The proposed housing development, inclusive of the units replaced, contains affordable units at the percentages set forth in subsection C of [this section](#), or
 - (ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low-income household.

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19.27.015 Requirements for equity-sharing agreement.

The following provisions shall be included in any equity-sharing agreement required under [this chapter](#):

(A) Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five years for any of the purposes that promote home ownership, as described in [California Health and Safety Code Section 33334.2\(e\)](#).

(B) For purposes of [this section](#), the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, as applicable, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.

(C) For purposes of [this section](#), the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

19.27.020 Incentives and concessions

(A) An applicant for a density bonus pursuant to [Section 19.27.010](#) may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to [this chapter](#), and may request a meeting with the director.

(B) Subject to subsection C below, the applicant shall receive the following number of incentives or concessions:

(1) One incentive or concession for projects that include at least ten percent [\(10%\)](#) of the total units for lower income households, at least five percent [\(5%\)](#) for very low income households, or at least ten percent [\(10%\)](#) for [persons and families of moderate income in a development in which the units are for sale](#)~~moderate income households in a common interest development.~~

(2) Two incentives or concessions for projects that include at least ~~seventeen~~[twenty](#) percent [\(17%\)](#) of the total units for lower income households, at least ten percent [\(10%\)](#) for very low income households, or at least twenty percent [\(20%\)](#) for [persons and families of moderate income in a development in which the units are for sale](#)~~moderate income households in a common development.~~

(3) Three incentives or concessions for projects that include at least ~~twenty-four~~[thirty](#) percent [\(24%\)](#) of the total units for lower income households, at least fifteen percent [\(15%\)](#) for very low income households, or at least thirty percent [\(30%\)](#) for [persons and families of moderate income in a development in which the units are for sale](#)~~moderate income households in a common interest development.~~

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(4) Five incentives or concessions for a project in which between eighty to one hundred percent (80-100%) of the originally proposed units are restricted to lower-income households and the remaining proposed units are for moderate-income households, except for the manager's unit. If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(5) One incentive or concession for projects that include at least twenty percent (20%) of the total units for lower income students in a student housing development. If a project includes at least twenty-three percent (23%) of the total units for lower income students in a student housing project, the applicant shall instead receive two incentives or concessions.

(6) Four incentives or concessions for projects that include at least sixteen percent (16%) of the units for very low income households or at least forty-five percent (45%) for persons and families of moderate income in a development in which the units are for sale.

(C) The planning commission or city council shall grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:

(1) The concession or incentive does not result in identifiable and actual affordable housing cost reductions, or rents for the targeted units will not be set as specified in [Section 19.27.010\(E\)](#);

(2) The concession or incentive would have a specific, adverse impact upon public health and safety, ~~or the physical environment~~, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or

(3) The concession or improvement would be contrary to state or federal law.

(D) The City is not required to provide incentives or concessions to transient housing, including a hotel, motel, or bed and breakfast inn. This subsection does not apply to a residential hotel or a resident's use or marketing of their unit as short-term lodging.

(E) A grant of a incentive or concession may not result in a proposed project with a commercial floor area ratio that is greater than two and a half times the premises' current allowed base zone commercial floor area ratio. This limitation does not apply to a project which submitted a preliminary application or an entitlement application prior to January 1, 2026.

(F) Projects that qualify for the additional density bonus pursuant to Government Code, § 65915(v) remain eligible for incentives or concessions pursuant to this chapter and Government Code, § 65915(d). The number of incentives or concessions shall be determined in accordance with state law and shall not be reduced due to a request for the additional density bonus.

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19.27.025 Waiver or reduction of development standards.

(A) An applicant may submit a proposal to the city and request a meeting with the director to waive or reduce development standards that the applicant believes will physically preclude housing construction that satisfies [Section 19.27.010\(C\)](#) criteria at the densities or with the concessions or incentives permitted by [this chapter](#). Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under [Section 19.27.020](#).

(B) The planning commission or city council shall waive or reduce an applicant's development standard request, unless it makes a written finding, based upon substantial evidence, that:

(1) The waiver or reduction would have a specific, adverse impact upon public health and safety, ~~or the physical environment~~, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

(2) The waiver or reduction would be contrary to state or federal law.

19.27.030 Calculation of density bonus

(A) The applicant is entitled to a density bonus that varies according to the percentage of affordable housing units that exceed the percentage established in Section 19.27.010(~~C~~**B**).

(B) For housing developments meeting the lower income household criteria of Section 19.27.010(C)(1), the density bonus shall be calculated as follows:

Table 19.27.030(B)
Density Bonus for Lower Income Units

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

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<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

(C) For housing developments meeting the very low income criteria of Section 19.27.010(C)(2), the density bonus shall be calculated as follows:

Table 19.27.030(C)
Density Bonus for Very Low Income Units

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

(D) For housing developments meeting the criteria of Sections 19.27.010(C)(3), and 19.27.010(C)(5), (senior citizen and transitional foster youth, disabled veterans, or homeless persons), the density bonus shall be 20 percent.

(E) For housing developments meeting the [moderate income](#) ~~common interest development~~ criteria of Section 19.27.010(C)(4), the density bonus shall be calculated as follows:

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Table 19.27.030(E)

Density Bonus for Moderate Income ~~Common Interest Development~~ Units

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28

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34	29
35	30
36	31
37	32
38	33
39	34
40	35
<u>41</u>	<u>38.75</u>
<u>42</u>	<u>42.5</u>
<u>43</u>	<u>46.25</u>
<u>44</u>	<u>50</u>

(F) All density calculations resulting in fractional units shall be rounded up to the next whole number.

(G) A density bonus shall not require a general plan amendment, zoning change, other discretionary approval, or study other than those provided under California Government Code section 65915(j)(1).

(H) A density bonus shall not require the city to waive any unrelated development standard ordinance, except as provided for in Sections 19.27.20 and 19.27.25.

[\(I\) A project in which between eighty to one hundred percent \(80-100%\) of the originally proposed units are restricted to lower income households and the remaining proposed units are for moderate-income households, except for the manager's unit, shall be entitled to a density bonus equal to 80 percent of the number of units reserved for lower income households. If the project is located within one-half mile of a transit stop or is located in a very low vehicle travel area, the City shall not impose any maximum controls on density.](#)

[\(J\) Additional Density Bonus Pursuant to Government Code, § 65915\(v\):](#)

[\(1\) Eligibility. A housing development that first qualifies for the maximum base density bonus of 50 percent under this chapter by providing either \(i\) at least 15 percent of the total units for very low-income households, or \(ii\) at least 24 percent of the total units for lower income households, or \(iii\) at least 44 percent of the total units for moderate-income households, may receive an additional density bonus by providing additional rental or for sale very low-income or moderate-income units as described below.](#)

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(2) Additional Bonus for Very Low-Income Units. If the applicant provides additional very low-income units beyond those required to achieve the maximum base bonus, the project shall receive the following additional density bonus (calculated on the project's maximum allowable residential density):

<u>Additional % Very Low-Income Units</u>	<u>Additional % Density Bonus</u>
<u>5</u>	<u>20%</u>
<u>6</u>	<u>23.75%</u>
<u>7</u>	<u>27.5%</u>
<u>8</u>	<u>31.25%</u>
<u>9</u>	<u>35%</u>
<u>10</u>	<u>38.75%</u>

(3) Additional Bonus for Moderate-Income Units. If the applicant provides additional moderate-income units beyond those required to achieve the maximum base bonus, the project shall receive the following additional density bonus (calculated on the project's maximum allowable residential density). Moderate-income units used for this subsection may be rental or for-sale:

<u>Additional % Moderate-Income Units</u>	<u>Additional % Density Bonus</u>
<u>5</u>	<u>20%</u>
<u>6</u>	<u>22.5%</u>
<u>7</u>	<u>25%</u>
<u>8</u>	<u>27.5%</u>
<u>9</u>	<u>30%</u>
<u>10</u>	<u>32.5%</u>
<u>11</u>	<u>35%</u>
<u>12</u>	<u>38.75%</u>
<u>13</u>	<u>42.5%</u>
<u>14</u>	<u>46.25%</u>
<u>15</u>	<u>50%</u>

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(4) Total Allowable Bonus. A project that qualifies under this subsection may receive a bonus increase in addition to any increase in density granted by subsections (A) through (I), consistent with Government Code § 65915(v).

(5) Rounding. Fractional units resulting from the computation of the additional bonus shall be rounded up to the next whole number, consistent with subsection (F) of this section.

(K) Commercial Development Bonus.

(1) The City shall grant a commercial developer a “commercial development bonus” if the commercial developer enters into an agreement for partnered housing with an affordable housing developer to continue affordable housing through a joint project or two separate projects, pursuant to Government Code section 65915.7.

(2) Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

(a) Within the boundaries of the local government.

(b) In close proximity to public amenities including schools and employment centers.

(c) Located within one-half mile of a major transit stop.

(3) A commercial development bonus awarded pursuant to this subsection includes:

(a) Up to a 20-percent increase in maximum allowable intensity in the General Plan.

(b) Up to a 20-percent increase in maximum allowable floor area ratio.

(c) Up to a 20-percent increase in maximum height requirements.

(d) Up to a 20-percent reduction in minimum parking requirements.

(e) Use of a limited-use/limited-application elevator for upper floor accessibility.

(f) An exception to a zoning ordinance or other land use regulation

19.27.035 Additional density bonus through donation of land

(A) When an applicant for a tentative subdivision map, parcel map, or other residential development donates land to the city, as provided for in this section, the applicant shall be entitled to a fifteen percent increase above the maximum residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

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Table 19.27.035

Affordable Housing Land Donation

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	21
27	32
28	33
29	34
30	35

(B) The land dedication density bonus shall be in addition to any increase in density mandated by Section 19.27.010(C), up to a maximum combined density increase of thirty-five percent, if an applicant seeks increases required pursuant to both this section and Section 19.27.010(C).

(1) All density calculations resulting in fractional units shall be rounded up to the next whole number.

(2) Nothing in this section shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

(C) An applicant shall be eligible for an increased density bonus described in this section if all of the following conditions are met:

(1) The applicant donates and transfers land no later than the date of approval of the final subdivision map or parcel map or residential development application.

(2) The developable acreage and zoning classification of the transferred land will provide at least ten percent of the residential units in the proposed development to be affordable to very low-income households.

(3) The transferred land is at least one acre or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for

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development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

(a) The land must have appropriate zoning and development standards to make the development of the affordable units feasible.

(b) No later than the final subdivision map, parcel map, or of the residential development approval date, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design permit, to the extent authorized by California Government Code Section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.

(4) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 19.27.010(E)(1) and (2), which restriction shall be recorded on the property at the time of the transfer.

(5) The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.

(6) The transferred land must be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

(7) A proposed very low-income unit funding source shall be identified no later than the final subdivision map, parcel map, or residential development application approval date.

19.27.040 Additional density bonus or concession or incentive through provision of housing with a child care facility.

(A) When an applicant proposes to construct a housing development that conforms to the requirements of [Section 19.27.010\(C\)](#) and includes a childcare facility located on the premises of, as part of, or adjacent to, the project, the planning commission or city council shall grant either of the following:

(1) An additional residential square footage density bonus equal to or greater than the child care facility square footage; or

(2) An additional concession or incentive that contributes significantly to the economic feasibility of the childcare facility construction.

(B) The planning commission or city council shall require, as a condition of approving the housing development, that the following occur:

(1) The child care facility must remain in operation as long as or longer than the density bonus units affordable term pursuant to [Section 19.27.010\(E\)](#).

(2) Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required for

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very low income households, lower income households, or moderate income households pursuant to [Section 19.27.010\(C\)](#).

(C) Notwithstanding any requirement of [this section](#), the planning commission or city council is not required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

(D) Density bonus units do not have to be located in the same geographic area of the housing development.

(E) Granting a concession or incentive shall not in and of itself, require a general plan amendment, zoning change, or other discretionary approval.

(F) Section 9.27.040 does not limit or require the city to provide direct financial incentives for housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

19.27.045 City's discretion in granting density bonus.

~~Nothing in this chapter shall be construed to prohibit the planning commission or city council from granting a greater density bonus than what is described in this chapter, or from granting a proportionately lower density bonus for developments that do not meet the requirements of this chapter.~~

Nothing in this chapter limits a project's eligibility for the additional density bonus authorized by Government Code § 65915(v). Where applicable, a project may receive the additional density bonus pursuant to Section 19.27.030(J) in addition to the maximum base density bonus set forth in Section 19.27.030(A)-(I), provided that all eligibility criteria in state law and this chapter are met.

19.27.050 Parking requirements

(A) An applicant of a development meeting the criteria of Section 19.27.010(C) may request the city not require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

- (1) Zero to one bedroom: one on-site parking space [per unit](#).
- (2) Two to three bedrooms: [one and one-half](#) ~~two~~ on-site parking spaces [per unit](#).
- (3) Four and more bedrooms: two and one-half parking spaces [per unit](#).

(B) Notwithstanding subsection (A), if a development includes at least twenty percent (20%) lower income units, or at least eleven percent (11%) very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon request, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds one-half spaces per

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unit. Notwithstanding subsection (A), if a development includes at least forty percent (40%) moderate-income units, is located within one-half mile of a major transit stop, and the residents of the development have unobstructed access to the major transit stop from the development then, upon request, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds one-half spaces per bedroom. ~~An applicant of a development project meeting the criteria of Section 19.27.010(C), that is located within one-half mile of a major transit stop, and has unobstructed access to the major transit stop may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed one-half on-site parking space per bedroom.~~

(C) An applicant of a development project that consists solely of rental units affordable lower income households (exclusive of a manager's unit) may apply for a waiver of vehicular parking standards if the project is any of the following ~~vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed one-half on-site parking space per unit, and is either:~~

(1) Located within one-half mile of a major transit stop, and has unobstructed access to the major transit stop; ~~or~~

(2) A for-rent housing development for individuals who are fifty-five (55) ~~sixty-two~~ years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and has either paratransit service, or unobstructed access to a fixed bus route service that is within one-half mile and operates at least eight times per day; ~~or~~ or

~~(D)~~ (D3) ~~An applicant of a~~ special needs rental housing development project, as defined in Section 51312 of the Health and Safety Code ~~affordable to lower income households (exclusive of a manager's unit), or a supportive needs housing development, as defined in Section 50675.14 of the Health and Safety Code.~~ ~~may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed one-third on-site parking space per unit, when the development has either paratransit service, or unobstructed access to a fixed bus route service that is within one-half mile and operates at least eight times per day.~~

(E) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

(F) An applicant that meets the requirements of Section 19.27.010(C) may request additional parking incentives or concessions beyond those provided in this Section ~~chapter~~, subject to Section 19.27.020.

(G) Notwithstanding subsections B and C, the city may impose a higher vehicular parking ratio, not to exceed the ratio described in subsection A, based upon substantial evidence found in a parking study prepared at city expense by the city or an independent consultant in the last seven years that includes:

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- (1) An analysis of parking availability;
- (2) Differing levels of transit access;
- (3) Walkability access to transit services;
- (4) The potential for shared parking;
- (5) The effect of parking requirements on the cost of market-rate and subsidized developments;
and
- (6) The lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals.

The city ~~shall~~ may make findings, based on a parking study completed in conformity with this section, supporting the need for the higher parking ratio.

19.27.060 Denial to grant a requested density bonus, incentive, or concession.

(A) The applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subsection shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health, or safety, ~~or the physical environment~~, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subsection shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(B) The city shall bear the burden of proof for the denial of a requested concession or incentive.

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References (for staff and legislative history)

2018

- AB 2372 (Gloria), Chapter 915, Statutes of 2018; Government Code § 65917.2.
- AB 2753 (Friedman), Chapter 921, Statutes of 2018; Government Code § 65915.
- SB 1227 (Skinner), Chapter 937, Statutes of 2018; Government Code § 65915.

2019

- AB 1763 (Chiu), Chapter 666, Statutes of 2019; Government Code § 65915.

2020

- AB 2345 (Gonzalez), Chapter 197, Statutes of 2020; Government Code §§ 65400, 65915.

2021

- AB 571 (Mayes), Chapter 346, Statutes of 2021; Government Code § 65915.1.
- AB 634 (Carrillo), Chapter 348, Statutes of 2021; Government Code § 65915.2.
- SB 290 (Skinner), Chapter 340, Statutes of 2021; Government Code §§ 65400, 65915.
- SB 728 (Hertzberg), Chapter 365, Statutes of 2021; Government Code § 65915.

2022

- AB 682 (Bloom), Chapter 634, Statutes of 2022; Government Code § 65915.
- AB 1551 (Santiago), Chapter 637, Statutes of 2022; Government Code § 65915.7.
- AB 2334 (Wicks), Chapter 653, Statutes of 2022; Government Code § 65915.

2023

- AB 1287 (Alvarez), Chapter 755, Statutes of 2023; Government Code § 65915.
- SB 713 (Padilla), Chapter 784, Statutes of 2023; Government Code § 65915.
- AB 323 (Holden), Chapter 738, Statutes of 2023; Government Code § 65915.

2024

- AB 2694 (Ward), Chapter 278, Statutes of 2024; Government Code § 65915.
- AB 3116 (Garcia), Chapter 432, Statutes of 2024; Government Code § 65915.

2025

- SB 92 (Blakespear), Chapter 484, Statutes of 2025; Government Code § 65915.
- AB 87 (Boerner), Chapter 486, Statutes of 2025; Government Code §§ 65589.5, 65912.101, 65912.123, 65912.124, 65915, 65915.3.
- SB 79 (Wiener), Chapter 512, Statutes of 2025; Government Code §§ 65912.155–65912.162.

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Chapter 19.28 INCLUSIONARY HOUSING REQUIREMENTS

19.28.010 Purpose.

The purpose of [this chapter](#) is to implement the inclusionary housing program set forth in the housing element of the American Canyon general plan.

(Ord. 2001-02 § 1, 2001; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.020 Definitions.

Unless the context clearly requires otherwise, the definitions in [this chapter](#) shall have the following meanings:

"Above moderate-income households" are those households with income of more than one hundred twenty percent of area median income for Napa County, as published by the state of California Department of Housing and Community Development, and its successors.

"Affordable housing nexus fee" is an impact fee to fund affordable housing demand created by new market-rate housing and new nonresidential development, [in an amount set by the city council by resolution](#).

Justification: [Added reference to the City Council setting the fee by resolution to ensure clarity.](#)

"Apartment" is a multifamily development residential project that creates residential dwelling units that ~~can be rented~~ or leased ~~not be sold individually~~.

Justification: [Revised for clarity – apartments means rental apartments.](#)

"Financially infeasible" is a residential project, once all costs for development are established, (i.e. land acquisition, entitlements, site development fees, and construction costs), the developer (and/or their creditors) would not achieve an Internal Rate of Return (IRR) of at least six percent.

"Gross square feet" ~~is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports see APMC Section 19.04.030.~~

Justification: [eliminate duplication within the zoning ordinance.](#)

"Inclusionary units" are those that are required to be provided at affordable rents or sales prices to specified households.

"Lower income households" are those households with income of no more than eighty percent of the area median income for Napa County, adjusted for household size, as published by the state of California Department of Housing and Community Development, and its successors.

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"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum residential density" means the maximum number of dwelling units permitted in a residential project by the city's zoning ordinance and by the land use element of the general plan on the date that the application for the residential project is deemed complete, excluding any density bonus or other units required to be excluded from the maximum residential density calculation by applicable State law. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of the general plan, the land use element density shall prevail or applicable State law.

Justification: This change contemplates that one or more state laws may override the city's maximum zoning limits.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential development" means any development in the city for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential ownership project" means any residential project that may legally advertise, sell, or otherwise transfer dwelling units for sale to an individual homeowner. that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of rental apartments to condominiums.

Justification: This change clarifies that a residential ownership project must have sufficient legal status to sell individual homes to the public to qualify as an ownership project. Any project whose units have sufficient legal status to be sold individually is required to meet the 10% inclusionary requirement.

"Residential project" means any development for which a discretionary permit one or more building permits is may be issued required that includes the creation of for one or more additional new dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion. Residential projects include both residential ownership projects and residential rental projects.

Justification: This change clarifies that a project cannot be developed for residential unless it qualifies for one or more building permits.

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"Residential rental ~~project unit~~" means any residential ~~project unit~~ that ~~creates residential dwelling units that is rented to its resident(s) cannot be sold individually.~~

Justification: ~~Stating that rental projects are rented instead of not being sold individually is a more direct way to state the issue. Any project that rents its units is required to meet the 15% rental inclusionary requirement.~~

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in [Civil Code Section 51.3](#), or a mobilehome park that limits residency based on age requirements for older persons pursuant to [Civil Code](#) Sections [798.76](#) or [799.5](#).

"Stacked Flat" means a multi-family residential building with single-level dwelling units, stacked on top of each other in a multi-story building.

"Target unit" means a deed-restricted dwelling unit within a residential project ~~which that~~ is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, ~~and which qualifies the residential project for a state density bonus and incentives pursuant to Chapter 19.27.~~

Justification: ~~The definition addresses what is meant by a target unit. Discussing whether one target unit is enough to qualify the project for a density bonus does not belong in a definition and is appropriately discussed in the Density Bonus Chapter 19.27.~~

"Very low income households" are those households with income of no more than fifty percent of the area median income for Napa County, adjusted for household size, as published by the state of California Department of Housing and Community Development, and its successors.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.030 Applicability.

(A) The provisions of [this chapter](#) shall apply to:

(1) Residential projects containing five or more residential parcels or units whose initial sales prices or rents will be affordable (as defined in [Chapter 19.04](#), Definitions) to above moderate-income households.

(2) Residential rental projects containing five or more rental dwelling units.

(3) Nonresidential projects.

(B) These provisions shall not apply to:

(1) Any subdivision for which the final or parcel map was recorded, or any residential project subject to discretionary approval by the city for which a building permit has been issued by the city prior to the

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effective date of [this chapter](#), unless approval or conditional approval of the subdivision or project was expressly conditioned upon participation in an inclusionary program such as that established by [this chapter](#), or such participation was expressly required as an environmental mitigation measure for the subdivision.

~~(2) New residential development that is owned and operated by a nonprofit entity.~~

~~**Justification:** Nonprofit status is about the mission and tax structure of the organization. There is no way to determine based on its tax status whether the project or any units within it are restricted affordable or not. Affordable non-profit housing would fall under item (2) below.~~

~~(32)~~ New residential development that is deed restricted to be affordable to lower income households.

~~(43)~~ New nonresidential development with a bona fide tax-exempt status.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.040 Inclusionary requirements.

(A) Required Number and Type of Inclusionary Units.

(1) [Residential](#) Ownership projects subject to the provisions of [this chapter](#) shall provide a number of inclusionary units equal to at least ten percent of applicable project units (per [this chapter](#)) at prices or rents affordable to lower-income households, unless one of the alternative actions set forth in [this chapter](#) is approved. Such inclusionary units may be either ownership units or rental units.

(2) [Residential](#) Rental projects subject to the provisions of [this chapter](#) shall provide a number of inclusionary units equal to at least five percent of applicable project units (per [this chapter](#)) at prices or rents affordable to very low-income households, five percent affordable to low-income households, and five percent to moderate income households unless one of the alternative actions set forth in [this chapter](#) is approved. The inclusionary units shall be rental units.

(3) In determining the number of inclusionary units to be provided, any decimal fraction of 0.3 or more shall be rounded up to the nearest whole number, and any decimal fraction of less than 0.3 shall be rounded down to the nearest whole number.

(4) Where an even number of inclusionary units are required of a [residential](#) rental housing project, a larger number of units affordable to very low-income households shall be provided (e.g., if the inclusionary requirement equals four units, two shall be affordable to very low-income households and one shall be affordable to a lower-income household and one shall be affordable to a moderate income household). If only one inclusionary unit is required, such unit must be affordable to a very low-income household.

(B) Development Standards for Target Units.

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(1) Inclusionary units ~~should~~shall be constructed concurrently with market rate units unless both the city and the developer/applicant agree within the housing agreement to an alternative schedule for development.

Justification: The word “should” is subjective whereas “shall” is required. The revised wording requires inclusionary construction concurrent with the rest of the project unless an alternative is negotiated.

(2) Inclusionary units shall be evenly distributed throughout the project, except that the decision-making body may waive this requirement if it finds that such distribution is infeasible for one or more of the following reasons:

(a) Significant topographic or other constraints exist rendering such distribution infeasible.

(b) Substantially improved site design will result from such waiver.

(c) Substantially improved building design and an improved unit amenity level will result from such waiver.

(d) Significant economic hardships will result from such distribution that does not apply to other projects in the city.

(e) Significant economic hardships will result from such distribution for the developer of the inclusionary units receiving financial assistance from federal, state, or local governmental agencies if such waiver is not granted.

(3) ~~Where feasible, the~~ The number of bedrooms of the inclusionary units ~~should~~shall be equivalent to the bedroom mix of the market rate units of the housing development; except that the developer may include a higher proportion of inclusionary units with more bedrooms.

Justification: The existing language does not define feasibility and suggests but does not require the bedroom count to be the same proportion as the market rate housing. The revised language tightens up this language. Flexibility in bedroom count is provided by other provisions of the inclusionary ordinance where feasibility is defined.

(4) The design and appearance of the inclusionary units shall be ~~compatible~~consistent with the design ~~permit for~~ the ~~total~~ housing development.

Justification: ACMC Chapter 19.41 requires a design permit for most residential projects. The design of the inclusionary units would need to fall within the parameters of the approved design permit.

(5) The applicant may reduce the size or interior amenities of the inclusionary units ~~as long as there are not significant differences between inclusionary and market rate units visible from the exterior of the dwelling units and the size and design of the dwelling units are reasonably consistent with the market rate units in the project, provided that all dwelling units conform to the requirements of the applicable building and housing codes.~~

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Justification: Language clarification reduces duplication of item (4) above. All housing needs to comply with building and housing codes due to California Building Code law.

(6) Inclusionary units shall comply with all applicable development standards, except those which may be modified as provided by [this chapter](#).

(C) Continued Affordability of Ownership Units. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least fifty-five years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Covenants evidencing these restrictions shall be recorded against the property.

(D) Continued Affordability of Rental Units. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least fifty-five years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Covenants evidencing these restrictions shall be recorded against the property.

(E) Determination of Affordable Rents and Sales Prices. In determining the maximum affordable rent or affordable sales price of inclusionary units, the following household and unit size assumptions shall be used, unless the project is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	6 person

(F) Housing Agreement. A housing agreement consistent with [this chapter](#) ~~is required for a housing project (e.g., tract maps, parcel maps, design permits, planned development, or conditional use permits) that provides inclusionary units shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) for a project that provides inclusionary units.~~

Justification: Clarifies that the zoning code requires a Housing Agreement when inclusionary units are provided.

(G) ~~If a project provides more inclusionary units than required under this chapter, the project owner may request a one-time inclusionary unit credit, subject to applicable law and to approval of the city council. This credit may be used to satisfy the inclusionary unit requirement of another project. The applicant shall demonstrate that the project receiving the inclusionary unit transfer qualifies for the credit under the current inclusionary ordinance and all applicable state laws.~~

~~In the event a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits that may be used to meet the inclusionary unit requirements of another project, subject to the approval of the city manager. Inclusionary unit credits are issued to and become the possession of the project owner and may only be transferred to another~~

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~~project owner subject to the approval of the city council. The number of inclusionary unit credits awarded for any project is subject to the approval of the city council.~~

Justification: The amendment maintains the ability to transfer excess inclusionary units while streamlining the approval process and ensuring that any receiving project complies with the current inclusionary ordinance and applicable state housing laws.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.050 Inclusionary alternatives.

(A) It is the intent of these provisions to require that ~~the~~ inclusionary units be provided within each project ~~in order to so they dispers are dispersed~~ such units throughout within the community.

Justification: The amendment clarifies the intent without changing it.

(B) The decision-making body may approve one of the following alternatives to providing inclusionary units on-site ~~may be approved by the decision making body if the applicant demonstrates either (a) it finds that evidence presented by the applicant shows~~ that on-site inclusionary units are financially infeasible due to project size, location or site characteristics, or (b) that the proposed alternative would provide further affordable housing opportunities for lower-income households to an equal or greater extent:

Justification: The amendment clarifies the intent without changing it.

(1) ~~The provision of~~ Provide some or all ~~of~~ the required inclusionary units at an approved off-site location.

Justification: The amendment clarifies the intent without changing it.

(2) The applicant may ~~dedicate~~ ion of suitable land to the city, or to another entity ~~acceptable to~~ the city approves, for the construction of the inclusionary units. The city evaluates the acceptability of such dedication ~~shall be based on the site's suitability, such as of the site in terms of~~ location, size, zoning, expected construction timing ~~of construction~~ and other applicable relevant factors. The city also compares acceptability of such dedication shall also be based on the dedicated land's fair market value ~~of the dedicated land, in comparison to the amount of in-lieu contribution that would otherwise apply under this chapter as calculated above.~~

Justification: The amendment clarifies the intent without changing it.

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(3) Acquisition and rehabilitation of existing rental units.

(a) The term of existing rental unit affordability shall be extended fifty-five years longer than any existing affordability term.

(b) The existing units shall be affordable to the same income groups as the on-site inclusionary units that they replace.

~~(4) Incorporate attached or detached accessory dwelling units (ADUs) into the project.~~

Justification: ADUs alone are not restricted to be affordable, so removed as an inclusionary housing alternative in favor of the other alternatives that achieve inclusionary housing.

~~(45)~~ Provide an affordability term longer than fifty-five years for fewer than fifteen percent of the units.

~~(56)~~ Provide fewer than fifteen percent inclusionary units, but increase the number of bedrooms in the inclusionary units that are provided.

~~(67)~~ Provide fewer than fifteen percent inclusionary units, but increase the percentage of lower-income units.

~~(78)~~ Provide greater than fifteen percent inclusionary overall, but a smaller percentage of lower-income units.

~~(89)~~ Extend the affordability terms of existing inclusionary units.

~~(940)~~ Any combination of the above alternatives.

~~(101)~~ Other alternatives that achieve inclusionary housing not listed above.

~~(112)~~ As a last resort, the developer may be allowed to pay in-lieu nexus fees, in an amount set by the affordable housing nexus fee adopted by resolution by the city council.

Justification: The nexus fee reference implies, but does not state, that the amount of the in-lieu fee must the amount approved by the City Council adopted in-lieu fee study. Added the express reference to avoid ambiguity.

(a) The in-lieu contribution shall be paid to the city at the issuance of the building permit for each unit.

(b) Such contribution shall be deposited in the city housing fund and can only be used to provide housing affordable to very low and low-income households.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2009-09 § 3, 2009; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.060 City assistance.

REVISED INCLUSIONARY ORDINANCE - REDLINE

The following development concessions may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are financially infeasible due to project size, location or site characteristics, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent. Possible assistance includes the following:

(A) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division [13 of the California Health and Safety Code](#) for the inclusionary units. These may include, but are not limited to, one or more of the following:

- (1) Increase the allowable density limits of the zoning district (i.e., a density bonus);
- (2) Reduced minimum lot sizes and/or dimensions;
- (3) Reduced minimum lot setbacks;
- (4) Reduced minimum outdoor and/or private outdoor living area;
- (5) Increased maximum lot coverage;
- (6) Increased maximum building height and/or stories;
- (7) Reduced on-site parking standards, including the number or size of spaces and garage requirements;
- (8) Reduced minimum building separation requirements;
- (9) Reduced street standards, e.g., reduced minimum street widths;
- (10) Waived, reduced, or deferred planning, plan check, building permit, and/or development impact fees (e.g., capital facilities, park, or traffic fees); or
- (11) Any development standard concession not listed above.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.070 Application procedures.

In addition to the application contents required for any associated permits or approvals, an applicant proposing to include inclusionary units in a project shall provide the following information:

- (A) The number of proposed inclusionary units and an indication of the target households;
- (B) Proposed sales prices or rents for the inclusionary units;

REVISED INCLUSIONARY ORDINANCE - REDLINE

- (C) The location, unit size (square feet), and number of bedrooms of inclusionary units;
- (D) A description of any proposed differences between the inclusionary units and other project units in terms of construction, appearance, or amenities;
- (E) A schedule for completion and occupancy of the inclusionary units compared to a schedule for completion and occupancy of market rate units in the subject development; and
- (F) An offer to reserve inclusionary units for target households for at least fifty-five years when proposing ownership units and fifty-five years when proposing rental units.

Justification: Revised for clarity.

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.080 Housing agreement.

(A) Where required by this chapter, applicants/developers shall draft and agree to enter into a housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the community development director, who shall formulate a recommendation to the decision-making body for final approval.

(B) The housing agreement shall include at least the following:

- (1) The number of inclusionary units, bedroom counts for the inclusionary units and their target households;
- (2) The standards for determining the affordable rent or affordable sales price and housing cost for the inclusionary units;
- (3) The location, unit size (square feet), and number of bedrooms of the inclusionary units;
- (4) The tenure of use restrictions for the inclusionary units;
- (5) A schedule for completion and occupancy of the inclusionary units and market rate units;
- (6) A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third party beneficiaries under the agreement);
- (7) Other provisions to ensure implementation and compliance with this chapter.

(C) In the case of for-sale inclusionary units in a residential ownership project, the housing agreement shall include the following conditions governing the sale and use of inclusionary units during the applicable use restriction period:

REVISED INCLUSIONARY ORDINANCE - REDLINE

[Justification: Revised for clarity.](#)

(1) The inclusionary units shall be sold to and owner-occupied by eligible lower-income households at an affordable sales price and housing cost.

(2) The initial and subsequent purchasers of an inclusionary unit shall execute an instrument or agreement approved by the city restricting the sale of the inclusionary unit in accordance with [this chapter](#) during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain such provisions as the city may require to ensure continued compliance with [this chapter](#).

(3) The city shall establish maximum resale prices for inclusionary units during the applicable use restriction period, taking into consideration such factors as cost-of-living increases, any improvements made to the unit, and customary closing costs.

(4) The owner of an inclusionary unit who wishes to sell the unit shall provide the first right of refusal to purchase the unit to the city and send written notice to the city of their intent to sell not less than sixty calendar days prior to the intended date of sale of the unit. Upon receipt of the owner's notice, the city shall have sixty calendar days to purchase the unit or to assign its right of refusal.

(5) The owner shall share with the city any amount received by the owner as a result of the first sale following expiration of the applicable use restriction period that is above the maximum resale price. The city shall deposit its share of any such proceeds in its housing fund.

(D) In the case of rental inclusionary units [in a residential rental project](#), the housing agreement shall provide for the following conditions governing the use of inclusionary units during the use restriction period:

(1) The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining inclusionary units for qualified tenants;

(2) Provisions requiring owners of the [residential](#) rental project to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with [this chapter](#);

(3) Provisions requiring owners of the [residential](#) rental project to submit an annual report to the city which includes the name, address, and income of each person occupying the inclusionary units, and which identifies the bedroom size and monthly rent or cost of each inclusionary unit.

[Justification: Revised for clarity.](#)

(E) Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefore filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The housing agreement shall be binding to all future owners and successors in interest.

REVISED INCLUSIONARY ORDINANCE - REDLINE

(Ord. 2001-02 § 1, 2001; Ord. 2006-08 § 1, 2006; Ord. 2006-09 § 1, 2006; Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.090 Nonresidential inclusionary requirements.

Nonresidential projects subject to the provisions of [this chapter](#) shall provide the applicable affordable housing nexus fee for each square foot of new construction. The affordable housing nexus fee shall be adopted by resolution by the city council.

(Ord. 2016-05 § 1, 2016; Ord. 2019-10 § 1, 2019.)

19.28.100 Waiver.

Notwithstanding any other provision of [this chapter](#), the requirements of [this chapter](#) shall be waived, adjusted or reduced if the applicant shows that there is no reasonable relationship between the impact of a proposed residential project and the requirements of [this chapter](#), or that applying the requirements of [this chapter](#) would take property in violation of the United States or California Constitution. To receive a waiver, adjustment or reduction under [this section](#), the applicant must make a showing under [this section](#) when applying for a first approval for the residential project, and/or as part of any appeal which the city provides as part of the process for the first approval.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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 Sacramento, CA 95811
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May 11, 2026

Brent Cooper, Community Development Director
 City of American Canyon
 4381 Broadway, Suite 201
 American Canyon, CA 94503

Dear Brent Cooper:

**RE: City of American Canyon – Accessory Dwelling Unit (ADU) Ordinance
 Updates – Letter of Technical Assistance**

The most recent ADU ordinance on file for the City of American Canyon with the California Department of Housing and Community Development (HCD) is from 2023. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City of American Canyon ADU ordinance:

Check out the updated [2026 ADU Handbook](#)!

Changes to ADU Law in 2025:

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Requires rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).

- Revises the definition of a “junior accessory dwelling unit” to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice, and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).
- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD’s findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are

met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).

- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

Changes to ADU Law in 2024:

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subds. (a)-(c)).
- Defines “livable space” as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).
- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

Changes to ADU Law in 2023:

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).

- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by June 10, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Hani Baker at hani.baker@hcd.ca.gov.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit



Jun 25, 2026

City of American Canyon
4381 Broadway, Ste. 201
American Canyon, CA 94503

By email: bcooper@cityofamericancanyon.org

Cc: cityclerk@americancanyon.gov; jholley@cityofamericancanyon.org;
thighsmith@chwlaw.us

Re: Proposed Amendment to the City's Accessory Dwelling Unit Ordinance

Dear American Canyon Planning Commission,

The California Housing Defense Fund (CalHDF) submits this letter as a public comment concerning Item 2 on the agenda for the Planning Commission meeting scheduled for June 25, 2026, proposed amendments to the City's regulations for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

We applaud the City for updating its ADU ordinance to keep pace with changes in state law. However, the City's proposed ordinance contains several provisions that fail to comply with state law, and the City must address these issues before adopting the ordinance.

Background

The law gives local governments authority to enact zoning ordinances implementing development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (*See id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs satisfying the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."]).

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hi@calhdf.org

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).) State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

Impermissible Underlying Zoning Standards

Code section 19.39.050(E) requires ADUs to comply with underlying zoning standards regarding lot area, yard setback, height, and building coverage standards.

However, as discussed above, Government Code section 66323, subdivision (b) specifically forbids the application of local standards to section 66323 ADUs. This exemption includes underlying zoning requirements.

From page 19 of the March 2026 HCD ADU [Handbook](#) (emphasis added):

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) **This includes, but is not limited to**, parking, height, setbacks, **or other zoning provisions** (e.g., lot size, open space, floor area ratio, etc.).

The waiver provision in section 19.39.050(E)(3) for ADUs up to 800 square feet is insufficient, as ADUs developed pursuant to Government Code section 66323, subdivisions (a)(1), (a)(3), and (a)(4) are not subject to size restrictions, and the application of underlying standards would impede their development.

The City must amend its ADU ordinance to exempt section 66323 ADUs from these underlying zoning standards.

Impermissible Size Limitation

Code section 19.39.050(F)(2) limits attached ADUs to 50% of the size of the existing residence or 1,200 square feet, whichever is less.

However, as discussed above, Government Code section 66323, subdivision (b) specifically forbids the application of local standards to section 66323 ADUs. This exemption includes underlying such impermissible size limits.

Government Code section 66323, subdivision (a)(1) allows the conversion of existing space in a single-family dwelling or accessory structure (or the development of an ADU in a proposed single-family dwelling) without size restriction. Government Code section 66323,

subdivision (a)(3) allows the conversion of existing space in a multifamily building without size restriction.

From page 19 of the March 2026 HCD ADU [Handbook](#) (emphasis added):

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) **This includes, but is not limited to**, parking, height, setbacks, **or other zoning provisions** (e.g., lot size, open space, floor area ratio, etc.).

While the City may limit the size of a new construction attached ADU, it may not limit the size of an ADU that is created via the conversion of existing space in either a single-family dwelling or multifamily building pursuant to Government Code section 66323, subdivisions (a)(1) or (a)(3).

The City must amend its ADU ordinance to exempt conversion ADUs developed pursuant to Government Code section 66323 from this size restriction.

Impermissible Deed Restriction Requirement

Code section 19.39.050(H) requires a deed restriction to be placed on the property as a condition of permitting an ADU. This is a clear violation of Government Code section 66323, which prohibits any standards not explicitly authorized in that section. Deed restrictions are also not permitted by Government Code section 66315, which forbids standards not listed in section 66314.

The California Department of Housing and Community Development (“HCD”) has communicated that such deed restrictions are unlawful. The March 2026 HCD ADU [Handbook](#) specifically forbids deed restrictions as a condition of ADU development (see page 21).

Additionally, such deed restrictions imposed on ADUs (or on other accessory structures) are unenforceable. This is due to the absence of horizontal privity between the Town and the applicant. In other words, since the City does not own the applicant’s property at the time of the application, and does not own a neighboring property to whose benefit the proposed restriction(s) redound, black letter property law bars the restrictions from binding future property owners. (See, e.g., *Scaringe v. J. C. C. Enters* (1988) 205 Cal.App.3d 1536 [describing the types of privity relationship between covenanting parties that allow enforcement of a deed restriction]; see also Civ. Code, §§ 1460 et seq.)

The City must therefore amend the proposed ordinance to remove the deed restriction requirement.

Impermissible Limit on Detached ADUs on Multifamily Parcels

Code section 19.39.050(J)(3) only allows two detached ADUs per multifamily parcel.

However, Government Code section 66323, subdivision (a)(4) allows up to eight detached ADUs on any parcel with an existing multifamily building provided that the number of such detached ADUs does not exceed the number of existing units on the parcel.

The City must amend its code to allow up to eight detached ADUs per parcel with an existing multifamily building pursuant to Government Code section 66323, subdivision (a)(4).

Impermissible Parking Requirements

Code section 19.39.070(C) imposes parking requirements on all detached ADUs, less certain specified exceptions.

However, the City cannot impose local development standards on ADUs that conform to the requirements of Government Code section 66323, subdivision (a), as section 66323, subdivision (b) specifically exempts such ADUs from all local requirements. This means that the City cannot impose parking requirements on section 66323 ADUs (also known as “exemption ADUs”).

From page 19 of the March 2026 HCD ADU [Handbook](#) (emphasis added):

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, **parking**, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

From page 33 of the HCD ADU Handbook:

In addition, local agencies may not impose parking requirements on 66323 Units.

The City must exempt section 66323 ADUs from parking requirements, as is required by state law.

Impermissible Blanket Ban on Separate ADU Sales

Code section 19.39.080(A) forbids all separate sales of ADUs. However, Government Code section 66341 allows separate sales of ADUs in certain circumstances.

The City must amend its code to allow sales of ADUs pursuant to Government Code section 66341.

Impermissible Owner Occupancy Requirement

Code section 19.39.080(B) requires owner occupancy for all properties with an ADU or JADU, unless the application was submitted between January 1, 2020 and January 1, 2025.

However, SB 477, effective March 25, 2024, forbids owner occupancy requirements for ADUs. Government Code section 66315:

Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. **No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement**, except that a local agency may require that the property may be used for rentals of terms 30 days or longer. (emphasis added)

Furthermore, AB 1154 amended state JADU law so that owner-occupancy is only required if the JADU does not have its own bathroom. Government Code section 66333, subdivision (b): “... Owner-occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities ...”

While Code section 19.39.050(H)(3) only requires owner occupancy for JADUs that do not have their own bathroom, this code provision is contradicted by section 19.39.080(B).

The City must amend its proposed ADU ordinance to remove the owner-occupancy requirement for ADUs and to remove the owner-occupancy requirement for JADUs if they have their own bathrooms.

Out-of-Date Citations

The City’s ADU ordinance refers to Government Code Section 65852.2 throughout. However, in 2024 the Legislature reorganized state ADU law to Government Code section 66310 et seq. The City should update its code accordingly.



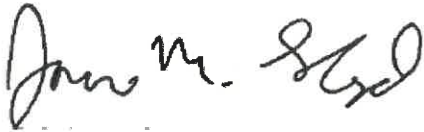
CalHDF appreciates the City’s effort to implement state law governing ADU construction. However, the City must amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations



Jul 30, 2026

City of American Canyon
4381 Broadway, Ste. 201
American Canyon, CA 94503

By email: bcooper@cityofamericancanyon.org

Cc: cityclerk@americancanyon.gov; jholley@cityofamericancanyon.org;
thighsmith@chwlaw.us

Re: Proposed Amendment to the City's Accessory Dwelling Unit Ordinance

Dear American Canyon Planning Commission,

The California Housing Defense Fund (CalHDF) submits this letter as a public comment concerning Item 2 on the agenda for the Planning Commission meeting scheduled for July 30, 2026, proposed amendments to the City's regulations for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

We would like to thank the City for taking our previous public comment letter into account and for amending the proposed ordinance in response. The proposed ordinance addresses all our concerns. ADUs will be able to be developed in accordance with state law as a result of the proposed amendments, and the City will be better able to meet its housing goals as a result.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

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REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

Chapter 19.39 ACCESSORY DWELLING UNITS

19.39.010 Purpose of the chapter

The purpose of this chapter is to increase the supply of smaller units and rental housing units by allowing accessory dwelling units on lots containing a single-family dwelling in various residential districts as shown on Table 19.10.040, and to establish design and development standards for accessory dwelling units to ensure that they are compatible with existing neighborhoods and consistent with the general plan and its elements. Accessory dwelling units contribute needed housing to the community's housing stock.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.020 Applicability

~~The provisions of this chapter apply to all lots that are occupied with a single-family dwelling unit and multifamily dwelling and zoned residential. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located and are a residential use that is consistent with the existing general plan and zoning designation for the lot.~~

This chapter applies to all residentially zoned lots that contain a single-family or multifamily dwelling. An accessory dwelling unit (ADU) does not count toward the maximum allowed density of the lot on which it is located. An ADU is considered a residential use and is consistent with the lot's General Plan designation and zoning.

JUSTIFICATION: Simplified the language to be easier to understand.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.030 General plan consistency

~~An accessory dwelling unit that conforms to this chapter shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth in accordance with [Government Code Section 65852.2\(a\)\(8\)](#).~~

An accessory dwelling unit (ADU) that complies with this chapter is considered an accessory use or accessory structure. An ADU does not count toward the maximum residential density allowed on the lot where it is located. An ADU is considered a residential use that is consistent with the lot's General Plan and zoning designation. ADUs also may not be counted or used when applying any local ordinance, policy, or program that limits residential growth, as provided by Government Code Section 65852.2(a)(8).

JUSTIFICATION: Simplified the language to be easier to understand.

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.040 Definitions

"Accessory dwelling unit" means any of the following:

- (1) One dwelling unit attached to, within, or detached from the proposed or existing primary dwelling unit that is on the same parcel in areas zoned to allow single-family and/or multifamily dwelling residential use, and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons.
- (2) An efficiency unit, as defined in [Section 17958.1 of the Health and Safety Code](#).
- (3) A manufactured home, as defined in [Section 18007 of the Health and Safety Code](#).
- (4) Multiple accessory dwelling units up to 25 percent of the existing multifamily dwelling units within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings, as defined in [Government Code section 65852.2](#), subdivision (e)(1)(C).

"Junior accessory dwelling unit" means ~~one accessory dwelling unit that is 500 square feet or less~~ no more than 500 square feet of interior livable space that is contained entirely within the existing footprint of a single-family residence in the primary residence or within an attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

JUSTIFICATION: Revised the JADU definition to explicitly tie the size to interior livable space (Gov. Code §66313(d)). Clarified that a JADU must be contained entirely within a single family home footprint, which includes the attached garage. Conforms with rule under §66313(d) regarding sanitation facilities.

"Primary residence" means the residential dwelling that existed on the parcel before or constructed concurrent with the accessory dwelling unit.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.050 Development standards—Generally

(A) Each accessory dwelling unit requires approval of a building permit.

(B) The applicant of each accessory dwelling unit building permit application shall identify the anticipated rent and household size of the new accessory dwelling unit.

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

(C) The number of accessory dwelling units and junior accessory dwelling units permitted on a lot with an existing or proposed single-family dwelling shall be consistent with Government Code Section 66323 and this Chapter.

JUSTIFICATION: Currently, State Law allows two detached ADUs and one JADU. Due to frequent changes in State Law, the proposed language avoids hard-coding a potentially outdated unit cap (Gov. Code §66323(a)). Added “and this Chapter” in case an additional ADUs are permitted by the ADU ordinance in the future (i.e., through a bonus program).

(D) A multi-family or single-family primary residence dwelling must exist on the parcel before the accessory dwelling unit is built or it shall be built concurrently with the accessory dwelling unit.

(E) Accessory dwelling units qualifying under Government Code Section 66323 shall be subject only to the development standards expressly authorized by Government Code Sections 66321 and 66323 and shall not be subject to any other local development or design standards.

Accessory dwelling units shall comply with the lot area, yard setback, height, and building coverage standards of the applicable residential zoning district as described in [Section 19.10.050](#) except for the following:

~~(1) The accessory dwelling unit is built in the garage and the garage setback is closer than the setback for the primary residence.~~

~~(2) If the accessory dwelling unit is built in a previously permitted accessory structure, the accessory structure setbacks apply and not the setbacks for a single-family house.~~

~~(3) Development standards shall be waived to permit a detached accessory dwelling unit that is no greater than eight hundred square feet, and has four-foot setbacks.~~

~~(4) The maximum ADU height depends on these conditions:~~

~~(a) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.~~

~~(b) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in [Section 21155 of the Public Resources Code](#).~~

~~(c) A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.~~

~~(d) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.~~

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

~~(e) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.~~

~~(5) The applicant shall not be required to correct pre-existing nonconforming zoning conditions that are not related to the ADU as a condition of ADU approval.~~

JUSTIFICATION: State Law regularly amends allowable ADU development standards. It is no longer practical to list them in the city's ordinance. Instead, it is more accurate to look up the current development standards in Government Code Section 66323, 66321, and 66323.

(F) Accessory Dwelling Living Area Standard.

(1) A Detached accessory dwelling unit shall not exceed one 1,200 square feet, unless:

(a) On a single-family lot, the detached ADU converts a previously-permitted accessory structure which is greater than 1,200 square feet. In this circumstance, the ADU may equal the square footage of the existing accessory structure.

(b) On a lot with a multifamily primary dwelling, the detached ADU is not subject to a square foot limit ([Gov. Code](#), § 65852.2, subds. (e)(1)(A), (C), and (D)).

~~(2) Attached ADUs shall not exceed 1,200 square feet, except this limitation shall not apply to conversion ADUs under Government Code 66323(a)(1) or (a)(3). An Attached accessory dwelling unit may occupy up to fifty percent of the primary residence living area but shall not exceed 1,200 square feet.~~

(3) A Junior accessory dwelling unit shall not exceed 500 square feet.

(G) Fire Sprinkler Requirements.

~~(1) Accessory dwelling units (ADUs) must comply with all applicable state fire safety requirements and locally adopted building and fire codes in Title 16. These requirements may include, but are not limited to, adequate water supply and fire department access. Accessory dwelling units shall comply with all applicable fire safety provisions of state law as well as locally adopted building and fire codes under Title 16. Examples include, but are not limited to, standards such as water supply and fire department access.~~

~~(2) Accessory dwelling units (ADUs) are not required to have fire sprinklers unless fire sprinklers are also required in the primary dwelling. The following standards apply to this requirement: Accessory dwelling units shall not be required to be equipped with fire sprinklers unless fire sprinklers are required for the primary residence. For purposes of this requirement, the following standards shall apply:~~

JUSTIFICATION: Simplified the language to be easier to understand.

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

(a) When the primary residence has fire sprinklers, the accessory dwelling unit or junior accessory dwelling unit shall be constructed with fire sprinklers.

(b) When the primary residence does not have fire sprinklers, the ~~junior~~ accessory dwelling unit ~~and or junior attached~~ accessory dwelling unit do not require fire ~~sprinklers, and the construction of an accessory dwelling unit or junior accessory dwelling unit shall not trigger a requirement to retrofit the primary dwelling with fire sprinklers.~~

~~(c) Detached accessory dwelling units require fire sprinklers unless the primary residence does not have fire sprinklers.~~

JUSTIFICATION: Sprinkler retrofits will not be required for a new ADU or JADU when the primary house does not have sprinklers (Gov. Code §66323(d)). Cleaned up for clarity and conciseness, removing the currently arbitrary distinction between detached ADUs, attached ADUs, and JADUs for purposes of fire sprinklers. Fixed typo in subsection b which previously read “fire” instead of “fire sprinklers.”

~~(H) The City shall not require recordation of a deed restriction except where authorized by state law. Deed Restrictions. Prior to issuing a building permit for an accessory dwelling unit, the property owner shall file with the county recorder, in a format with language approved by the city, a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:~~

~~(1) The accessory dwelling unit shall not be sold separately.~~

~~(2) The restrictions are binding upon any successor in ownership of the property.~~

~~(3) The property owner must occupy as a primary residence one of the two dwelling units on the property, either the primary or accessory dwelling unit except accessory dwelling unit and junior accessory dwelling unit applications submitted between January 1, 2020 to January 1, 2025.~~

Owner-occupancy shall not be required for ADUs. Owner occupancy of the primary home is required only when there is no separate sanitation facilities for the JADU.

JUSTIFICATION: Owner-occupancy must occur when sanitation facilities are shared between the primary house and the JADU (Gov. Code §66333(b)). State law now prohibits other owner occupancy requirements for ADUs and JADUS with separate sanitation facilities. (Gov. Code § 66315 [ADUs] & Gov. Code §66333(b) [JADUs]).

(4) When the applicant is a qualified nonprofit housing organization, a deed restriction is not required.

(I) Impact Fees.

(1) Accessory dwelling units less than 750 square feet or less of interior livable space and all junior accessory dwelling units with 500 square feet or less of interior livable space shall be ~~are~~ exempt from all city impact fees.

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

JUSTIFICATION: Clarifies a specific exemption for JADUs that was implied in the current ordinance (Gov. Code §66311.5)

(2) Impact fees for accessory dwelling units equal to or greater than 750 square feet are exempt from water and sewer capacity fees. All remaining impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(J) Accessory Dwelling Units on Multifamily Dwellings. The building division shall review and approve ministerially accessory dwelling units under the following conditions.

(1) Non-habitable area within an existing multifamily dwelling structure, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to one or more accessory dwelling units if each accessory dwelling unit complies with state dwelling unit building standards.

(2) An existing multifamily dwelling shall be permitted to accommodate additional accessory dwelling units in an amount up to twenty-five percent of the existing multifamily dwelling units.

~~(3) Multifamily lots may include detached ADUs consistent with Government Code Section 66323(a)(4), up to eight units not exceeding existing unit count. An existing multifamily dwelling is permitted a minimum of one accessory dwelling unit up to two detached accessory dwelling units on the same lot. Each detached accessory dwelling unit shall subject to a height limit in accordance with Section 19.35.050(E)(4) and four-foot rear yard and side yard setbacks.~~

(K) CC&Rs. As defined in [California Civil Code Section 4751](#) or any successor statute, any covenant, condition, and restriction (CC&R) or contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards (subsections F and G) established for those units shall be void and unenforceable. Reasonable restrictions include restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit. Reasonable restrictions shall not include any fee, charge, or other financial requirement related to the construction or use of an accessory dwelling unit or junior accessory dwelling unit.

JUSTIFICATION: CC&R restrictions may not impose fees or financial requirements for an ADU or JADU (Civ. Code §714.3(b)).

(L) ADUs that qualify under Government Code Section 66323 shall be approved ministerially and are not subject to local development or design standards, except as specifically allowed by state law.

JUSTIFICATION: This section reinforces ministerial approval of ADUs as mentioned elsewhere.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

19.39.060 Junior accessory dwelling unit standards

(A) Each junior accessory dwelling unit shall comply with the following building standards.

(1) The dwelling must have its own exterior entrance.

(2) The kitchen must include a cooking facility with appliances and includes a food preparation counter and storage cabinets.

(3) The bathroom may be included in the unit or shared with the primary residence.

(4) Junior accessory dwelling units are exempt from the building code wall separation requirements with the primary residence.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.070 Parking standards

Parking shall not be required for ADUs qualifying under Government Code Section 66323.

~~(A) When accessory dwelling unit parking is required by this chapter or provided at the discretion of the homeowner, parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway or on a paved surface in a setback or yard area.~~

~~(B) Primary Residence. Parking for the primary residence must comply with Chapter 19.21 except when the garage is converted to an ADU.~~

~~(C) Detached Accessory Dwelling Unit:~~

~~(1) A minimum of one on-site parking space is required.~~

~~(2) Notwithstanding subsection (C)(1), on-site ADU parking is not required when:~~

~~(a) The detached accessory dwelling unit is located within one-half mile walking distance of public transit or within one block of a car-sharing pickup/drop-off location; and/or~~

~~(b) The ADU is located within an architecturally and historically significant historic district; and/or~~

~~(c) The ADU is part of the proposed or existing primary residence or an accessory structure; and/or~~

~~(d) On-street parking permits are required but not offered to the occupant of the ADU; and/or~~

~~(e) A car share vehicle is located within one block of the accessory dwelling unit; and/or~~

~~(f) An accessory dwelling unit building permit application is submitted in conjunction with a building permit application for a new single-family dwelling or a new multifamily dwelling on the same lot.~~

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

~~D. Attached Accessory Dwelling Unit. No on-site parking is required.~~

~~E. Junior Accessory Dwelling Unit. No on-site parking is required.~~

~~F. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the city shall not require replacement of the off-street parking spaces. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)~~

JUSTIFICATION: State Law regularly amends allowable ADU development standards. It is no longer practical to list them in the city's ordinance. Instead, it is more accurate to look up the current development standards in Government Code Section 66323, 66321, and 66323.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.080 Operational standards

(A) The accessory dwelling unit may not be sold separately from the primary residence except as authorized by Government Code Section 66341.

~~(B) Owner-Occupancy. The property owner shall reside in either the primary residence or the accessory dwelling unit except accessory dwelling unit and junior accessory dwelling unit applications submitted between January 1, 2020 to January 1, 2025.~~

(C) Minimum rental term for an accessory dwelling unit or junior accessory dwelling unit is may not be rented for transient occupancy (less than thirty consecutive days).

JUSTIFICATION: State law requires a specific minimum 30-day rental term for JADUs (Gov. Code §66333(g)). The City can require that rentals for ADUs must be for 30 days or longer. (Gov. Code §66315).

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.090 Design standards

Accessory dwelling units shall comply with the following standards.

(A) An accessory dwelling unit connected to an onsite water treatment system requires a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

([Ord. No. 2024-04 Section 6](#); Ord. 2017-05 § 2, 2017; Ord. 2020-04 § 1, 2020.)

19.39.100 Review and approval process

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

Permits for accessory dwelling units and junior accessory dwelling units shall be reviewed ministerially through the building division in accordance to [Government Code Section 66317.65852-2](#) (a) through (de).

(A) The building division shall 'approve or deny' the application to create an accessory dwelling unit or junior accessory dwelling unit within sixty days from the date the building division receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

~~(B) If the City denies an accessory dwelling unit building permit application, the applicant shall receive a list of application deficiencies that would remedy a subsequent building permit application.~~

JUSTIFICATION: This issue is revised and relocated to (C) and (D) below.

~~(B) (C)~~ If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with a permit application to create a new single-family dwelling on the lot, the building division may delay acting on the accessory dwelling unit or junior accessory dwelling unit permit application until the building division acts on the new single-family dwelling permit application, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered ministerial without discretionary review or a hearing. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.

(C) Within 15 business days of receipt of an application for an accessory dwelling unit or junior accessory dwelling unit, the Building Division shall determine whether the application is complete and shall provide written notice to the applicant.

JUSTIFICATION: Clarifies that a letter with completeness comments are due within 15-days (Gov. Code §66317(a)(2)(A)–(B)).

(D). If the application is determined to be incomplete, the written notice shall identify all deficiencies and describe the additional information required to complete the application. The applicant may cure the deficiencies in accordance with state law.

JUSTIFICATION: Codifies our normal plan check process (Gov. Code §66317(a)(2)(A)–(B)).

(E). The City shall provide a process for an applicant to appeal a determination that an application is incomplete or denied. A final written determination on appeal shall be issued no later than 60 business days following receipt of the written appeal.

JUSTIFICATION: Adds a formal appeal process to an incomplete determination or denial and adds the state appeal timeline of sixty business days from receipt of the appeal. (Gov. Code §66317(d)).

[\(Ord. No. 2024-04 Section 6;](#) Ord. 2020-04 § 1, 2020.)

19.39.110 Code enforcement

REVISED ACCESSORY DWELLING UNIT ORDINANCE – REDLINE

For accessory dwelling units built before January 1, 2020, the property owner may request delayed enforcement of building standards for five years pursuant to Health and Safety Code section 17980.12.

(A) There shall be no delays granted after January 1, 2030.

(B) There shall be no delays granted if the delay of the correction will cause a violation needed to protect health and safety.

(C) A permit for an accessory dwelling unit or junior accessory dwelling unit constructed prior to January 1, 2020 shall not be denied solely due to building code violations unless the City makes a written finding that correction of the violation is necessary to comply with conditions that would otherwise deem the structure substandard.

JUSTIFICATION: Cannot deny an ADU permit solely due to existing building code violations (Gov. Code §66311.7).

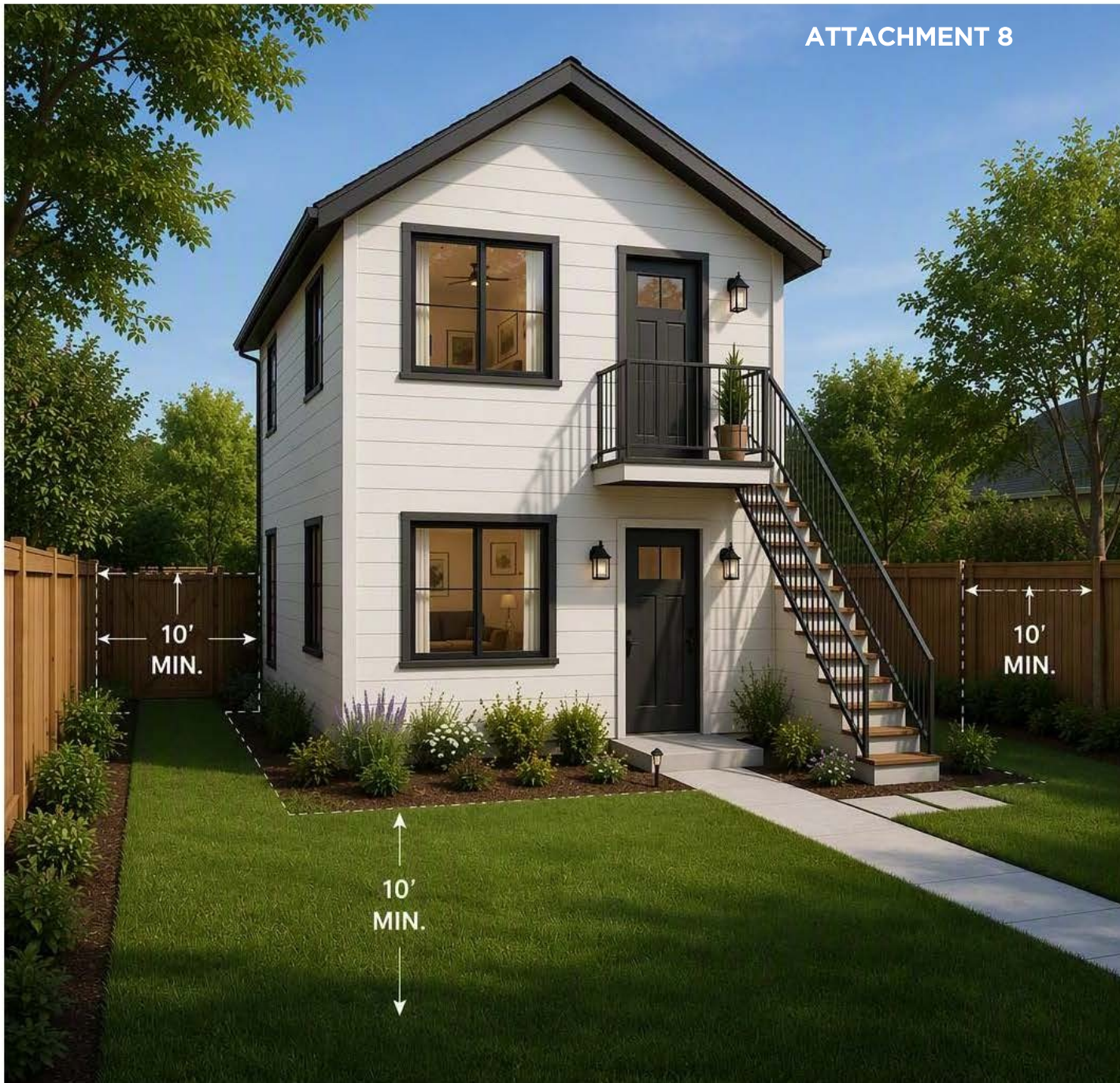
19.39.120 State Law Preemption.

If any provision of this Chapter is found to be inconsistent with state accessory dwelling unit or junior accessory dwelling unit law, state law shall control. Failure to timely submit ordinance amendments to the California Department of Housing and Community Development shall result in the City applying only state standards, as required by law.

JUSTIFICATION: Noncompliant ordinances are null and void; state law controls (Gov. Code §§66316, 66326(d), 66333.5).

([Ord. No. 2024-04 Section 6](#); Ord. 2020-04 § 1, 2020.)

ATTACHMENT 8



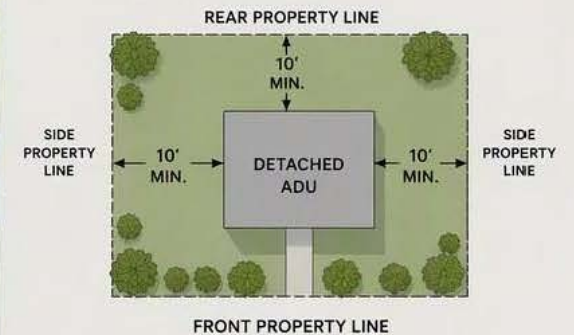
DETACHED TWO-STORY ADU

- 600 sq ft ADU on each floor (stacked)
- Separate entrance for each ADU
- Pitched roof
- Shiplap (lap siding) exterior
- Located at least 10 feet from side and rear property lines

SECOND FLOOR ADU – 600 SQ FT



FIRST FLOOR ADU – 600 SQ FT





TITLE

Accessory Animal Husbandry and Livestock Keeping Regulations Zoning Code Amendment

RECOMMENDATION

Waive first reading, read by title only, and adopt an Ordinance to amend American Canyon Municipal Code Sections 19.05.090, 19.05.100, 19.10.040, and 19.31.020 to remove the prohibition on swine, limit livestock keeping to the Residential Estate (RE) Zoning district, and remove obsolete General Plan policy references.

CONTACT

Brent Cooper, AICP, Community Development Director
Matthew Summers, City Attorney

BACKGROUND & ANALYSIS

Project Description

The proposed Zoning Code Amendment would revise three sections of the American Canyon Municipal Code related to animal husbandry and livestock keeping. These include:

- 1) Remove language that currently excludes swine from the definition of Animal Husbandry in ACMC Section 19.05.090 and 2) removes the same prohibition from the definition of Livestock Keeping in ACMC section 19.05.100. This amendment would allow swine to be kept wherever animal husbandry or livestock keeping is otherwise permitted under the zoning code, subject to all existing animal keeping standards, lot size requirements, setbacks, and nuisance regulations.
- 3) The amendment also provides that animal husbandry and livestock keeping is permitted as an accessory use only in the Residential Estate (RE) zoning district.

Background

The Residential Estate (RE) zoning district currently permits animal husbandry. Properties within the RE district include areas such as Watson Lane, Holcomb Lane, and certain vacant parcels north of Eucalyptus Drive. A variety of large animals are allowed, however, swine are specifically excluded from both the animal husbandry classification and livestock keeping provisions.

The proposed zoning code amendment would allow swine (pigs) within the Animal Husbandry and

Livestock Keeping regulations. This amendment is appropriate because Animal Keeping Standards have extensive requirements to ensure compatibility with animal keeping activities and neighboring properties. For this reason, there is no compelling reason to continue with a prohibition on on swine (pigs) in locations where large animals are permitted in American Canyon.

Animal husbandry, where animals are kept for commercial purposes, is a rural activity. The code amendment removes commercial animal raising from the suburban and urban zoning districts, and retains it in Residential Estate, which requires a minimum one acre lot size. It is proposed to be deleted from the remaining suburban residential zoning districts (i.e.: Rural Residential Hillside (RRH), Rural Residential (RR), Residential Single Family (RS), Residential Medium Density (RM), and Residential High Density (RH) zoning districts).

One final change proposed is to amend the Residential Use list to delete references to policies in the former General Plan. Removing these references is necessary to maintain consistency between the Zoning Code and General Plan.

A copy of redline changes to the municipal code are included in Attachment 2. Each change proposed is discussed in detail below:

Proposed Zoning Code Amendments

1. Animal Husbandry Definition (ACMC 19.05.090) and Livestock Keeping Definition (ACMC 19.05.100)

Existing Code and Proposed Change

The Animal Husbandry classification includes activities such as grazing, ranching, dairy farming, poultry raising, and the raising of fur-bearing animals, but specifically excludes the raising of swine. The amendment would remove the prohibition of swine as shown in strikeout text below:

Animal husbandry: raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. This classification includes grazing, ranching, dairy farming, poultry raising, the raising of fur-bearing animals, and the sale and storage of materials produced on-site, but excludes ~~the raising of swine,~~ feed lots, stockyards, slaughterhouses, dead animal rendering and wild animal keeping.

The amendment to Livestock Keeping definition would remove he prohibition of swine as shown in strikeout text below:

Livestock keeping: the keeping of large animals for personal purposes, including equines, bovines, sheep and goats, ~~but excluding swine,~~ in accordance with the provisions of Chapter 19.31, Animal Keeping Regulations.

Staff Analysis

The proposed Animal Husbandry amendment recognizes swine as a form of livestock consistent with other agricultural activities already permitted within appropriate zoning districts. Staff is aware of instances where swine have been raised in a manner compatible with surrounding residential and agricultural uses. Furthermore, existing Animal Keeping Standards require property owners to prevent nuisances associated with noise, odors, insects, and vermin. These standards provide safeguards that address the primary concerns commonly associated with swine husbandry.

2. Livestock Keeping Standards (ACMC 19.31.020(B)(2))

Existing Code and Proposed Change

The code allows the keeping of equines, bovines, sheep, and goats for personal purposes where livestock keeping is permitted but specifically excludes swine. The proposed change would delete the prohibition of swine from the list of permitted livestock as shown in strikeout text below:

(B) Permitted Animals.

(2) Livestock. Large animals, including equines, bovines, sheep, and goats , but excluding swine, may be kept for personal purposes where "livestock keeping" is permitted as an accessory use in each underlying zoning district.

Staff Analysis

The code already requires a minimum lot area of 20,000 square feet for livestock keeping. (Section 19.31.020.) In addition, all animal keeping activities are subject to maintenance, sanitation, setback, and nuisance control standards. Staff finds that these regulations provide adequate safeguards regardless of the species of livestock being kept. Because swine can be regulated under the same operational standards applied to other livestock, staff does not identify a compelling land-use basis for maintaining a categorical prohibition on swine.

3. Amendment to ACMC Section 19.10.040 Allowable Use Table

Existing Code and Proposed Change.

The existing code allows livestock keeping in several residential zoning districts, including Rural Residential Hillside (RRH), Residential Estate (RE), Rural Residential (RR), Residential Single Family (RS) and Medium Density Residential (RM). The amendment would allow livestock keeping only in the Residential Estate (RE) zoning district. Furthermore, the zoning code would delete cross references to General Plan policies from the former General Plan as described below:

Amend ACMC Section 19.10.040 to:

- Permit livestock keeping as an accessory use only in the Residential Estate (RE) zoning district;
- Clarify where animal husbandry is permitted;
- Continue recognition of legally established nonconforming uses as provided by the Municipal Code; and

- Remove obsolete General Plan policy references.

Staff Analysis

The Residential Estate (RE) zoning district has a 1-acre minimum lot size which is the largest of all residential single family zoning districts. Because all other residential zoning districts are more urban in nature with smaller lots, they are not as well suited to animal husbandry as the Residential Estate (RE) zoning districts.

Existing areas of the City that have large animals as pets (livestock keeping) would be permitted to continue as a legal, nonconforming use.

Striking out obsolete General Plan policy references is needed to ensure consistency between the zoning code and general plan.

Existing Regulatory Safeguards

ACMC Section 19.31.020, referred to as "Animal Keeping Standards" provides standards for owning and keeping animals of any size or purpose. The proposed amendment does not change these performance standards. The following requirements would continue to apply:

Property Maintenance

- Animal facilities, enclosures, and pasture areas must be maintained free of litter, garbage, and manure accumulations.
- Premises must be kept in a neat and sanitary condition.

Nuisance Prevention

- Animal owners must take reasonable measures to prevent excessive noise, odors, flies, vermin, and other nuisances from negatively affecting adjacent properties.
- The City may initiate enforcement actions if nuisance conditions occur.

Minimum Lot Size

- Livestock keeping, which refers to animals kept for personal (not commercial) purposes requires a minimum lot size of 20,000 square feet, with at least 75 percent of the site accessible and usable for the animals.

Setbacks

- Animal enclosures, barns, corrals, pens, and related facilities must comply with zoning setbacks and separation requirements from structures used for human occupancy.
- Violation of animal keeping standards are subject to enforcement and penalties under Chapter 19.02 of the Municipal Code.

Consistency with the General Plan

The proposed amendment is consistent with General Plan policies supporting agricultural uses

within areas designated and zoned for such activities. The amendment does not expand locations where livestock keeping is permitted; rather, it modifies the types of livestock that may be kept in areas where livestock keeping is already allowed. Existing performance standards ensure compatibility with surrounding land uses.

The Planning Commission conducted a public hearing on July 30, 2026 and unanimously recommends the ordinance amendment with no opposition present.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Community and Sense of Place: "Build on the strength of our local community to develop a clear 'sense of place' and establish our unique identity."

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL REVIEW

The proposed amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) because it can be seen with certainty that the amendment will not have a significant effect on the environment. The amendment does not authorize new development and retains all existing operational standards governing animal keeping.

The proposed amendments do not authorize new development, increase development density, expand the geographic area where livestock keeping or animal husbandry is allowed, or eliminate existing operational standards applicable to animal keeping. Rather, the amendments remove the prohibition on swine within existing use classifications, reduce and clarify where livestock keeping and animal husbandry are permitted, and retain all existing standards governing lot size, setbacks, maintenance, sanitation, nuisance prevention, and code enforcement. Accordingly, the amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment and are exempt under CEQA Guidelines Section 15061(b)(3). The proposed amendments are also exempt under CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations) because they constitute minor modifications to land use regulations and do not change land use designations, density, or development intensity.

COMMUNICATION

Level 0: No Further Public Communication Needed

ATTACHMENTS:

- [1. Ordinance Animal Keeping Zoning](#)
- [2. Redline Amendments to Accessory Use Zoning Code Amendment](#)

ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING AMERICAN CANYON MUNICIPAL CODE SECTIONS 19.05.090, 19.05.100, 19.10.040, AND 19.31.020 TO REMOVE THE PROHIBITION ON SWINE, LIMIT LIVESTOCK KEEPING TO THE RESIDENTIAL ESTATE (RE) ZONING DISTRICT, AND REMOVE OBSOLETE GENERAL PLAN POLICY REFERENCES

WHEREAS, the American Canyon Municipal Code (ACMC) regulates livestock keeping and animal husbandry through Chapter 19.05 (Use Classifications), Chapter 19.10 (Residential Zoning Districts), and Chapter 19.31 (Animal Keeping Standards); and

WHEREAS, ACMC Sections 19.05.090 and 19.05.100 currently exclude swine from the definitions of animal husbandry and livestock keeping; and

WHEREAS, the proposed amendments would remove those exclusions and allow swine where animal husbandry or livestock keeping are otherwise permitted by the ACMC; and

WHEREAS, The Residential Estate (RE) zoning district is intended for low-density residential development on large lots where livestock keeping is compatible with the area's rural character. In contrast, the Rural Residential Hillside (RRH), Rural Residential (RR), and Residential Single-Family (RS) zoning districts are intended primarily for residential use and generally have development patterns or lot sizes that make livestock keeping less compatible with surrounding neighborhoods.; and

WHEREAS, the proposed amendments would clarify that livestock keeping is allowed as an accessory use only in the Residential Estate (RE) zoning district. Livestock-keeping uses that were legally established in other residential zoning districts may continue in accordance with the Municipal Code as legal nonconforming uses; and

WHEREAS, the proposed amendments would clarify that animal husbandry is permitted only in the Residential Estate (RE) zoning district, as animal husbandry is generally a rural agricultural use that is most appropriate on larger lots with greater separation from nearby homes. Any animal husbandry uses that were legally established in other residential zoning districts may continue as legal nonconforming uses; and

WHEREAS, ACMC Chapter 19.31 establishes standards for animal keeping, including minimum lot sizes, setbacks, maintenance requirements, sanitation standards, nuisance prevention measures, and enforcement provisions, all of which would remain in effect; and

WHEREAS, the proposed amendments primarily remove the prohibition on swine and update zoning regulations while retaining all existing animal-keeping standards and operational requirements; and

WHEREAS, the proposed amendments would remove obsolete General Plan policy references currently contained in ACMC Section 19.10.040; and

WHEREAS, the proposed amendments are consistent with the General Plan because they support animal keeping and agricultural uses in appropriate locations while maintaining compatibility with surrounding properties through existing Municipal Code standards; and

WHEREAS, on July 30, 2026, the Planning Commission of the City of American Canyon conducted a public hearing and unanimously recommended City Council approval of the ordinance; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of American Canyon on September 1, 2026, at which time all interested persons were given an opportunity to be heard regarding the proposed Municipal Code amendments.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of American Canyon hereby adopts amendments to the American Canyon Municipal Code as follows:

SECTION 1. Amendment to APMC Section 19.05.090 – Animal Husbandry

Amend the definition of Animal Husbandry to remove the prohibition on swine as follows:

Animal Husbandry: Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. This classification includes grazing, ranching, dairy farming, poultry raising, the raising of fur-bearing animals, the raising of swine, and the sale and storage of materials produced on-site, but excludes feed lots, stockyards, slaughterhouses, dead animal rendering, and wild animal keeping.

SECTION 2. Amendment to APMC Section 19.05.100 – Livestock Keeping

Amend the definition of Livestock Keeping to allow swine as follows:

Livestock Keeping: The keeping of large animals for personal purposes, including equines, bovines, sheep, goats, and swine in accordance with the provisions of Chapter 19.31, Animal Keeping Regulations.

SECTION 3. Amendment to APMC Section 19.31.020(B)(2) – Animal Keeping Standards

Amend the livestock provisions to allow swine as follows:

(B) Permitted Animals

(2) Livestock. Large animals, including equines, bovines, sheep, goats, and swine, may be kept for personal purposes where livestock keeping is permitted as an accessory use in the underlying zoning district.

SECTION 4. Amendment to APMC Section 19.10.040 – Allowable Uses Table

Amend APMC Section **19.10.040** to:

1. Permit livestock keeping as an accessory use only in the Residential Estate (RE) zoning district;
2. Clarify where animal husbandry is permitted;
3. Continue recognition of legally established nonconforming uses as provided by the Municipal Code; and
4. Remove obsolete General Plan policy references as shown on the table below:

Table [19.10.040](#)
PERMITTED AND CONDITIONALLY PERMITTED USES
RESIDENTIAL DISTRICTS ¹

RESIDENTIAL DISTRICT	ZONING DISTRICTS						
Use Classifications	RRH	RE	RR	RS	RM	RH	Related Provisions
Residential							
Congregate living facility	-	-	-	-	P	P	
Cottage food operations	P	P	P	P	P	P	
Employee housing (1 to 6 occupants)	P	P	P	P	-	-	
Garden apartments	-	-	-	-	P	P	
Mobilehome	-	C	C	C	-	-	
Mobilehome park	-	-	-	-	C	C	Chapter 19.10
Multifamily residential	-	-	-	-	P	P	
Residential Care Home, Small	P	P	P	P	P	P	
Second residential unit	P	P	P	P	P	-	Section 19.10.120
Single room occupancy	-	-	-	-	-	P	Section 19.10.160
Single-family residential		-	-	-	-	-	
- Detached	P	P	P	P	p ²	p ²	
- Semidetached	-	-	p ³	p ⁴	P	P	
Townhouses	-	-	-	-	P	P	
Commercial							
Adult business	-	-	-	-	-	-	
Animal sales and service	-	C	-	-	-	-	
- Boarding kennel	-	C	-	-	-	-	
- Grooming	-	C	-	-	-	-	
- Medical care	-	C	-	-	-	-	
- Retail care	-	C	-	-	-	-	
Bank, savings and loan	-	-	-	-	-	-	
- Drive-up service	-	-	-	-	-	-	
- Walk-up service	-	-	-	-	-	-	
Building materials and services	-	-	-	-	-	-	
Catering	-	-	-	-	-	-	
Commercial printing	-	-	-	-	-	-	
- Limited printing	-	-	-	-	-	-	
Communication services	-	-	-	-	-	-	
Entertainment, indoor	-	-	-	-	-	-	
- Amusement center	-	-	-	-	-	-	
- Gaming	-	-	-	-	-	-	

Funeral and interment services	-	-	-	-	-	-	
Health services	-	-	-	-	-	-	
Laboratory	-	-	-	-	-	-	
Lodging services	-	-	-	-	-	-	
- Bed and breakfast inn	C	C	C	-	-	-	
Long-term care facility	-	-	-	-	-	-	
Maintenance and repair services	-	-	-	-	-	-	
Nursery	-	-	-	-	-	-	
Offices, business, and professional	-	-	-	-	-	-	
On-premises liquor consumption		-	-	-	-	-	
- Tasting room	-	-	-	-	-	-	
Pawnshops	-	-	-	-	-	-	
Personal improvement services	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Personal services	-	-	-	-	-	-	
Recycling collection center	-	-	-	-	-	-	
Restaurant	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Restaurant, take-out	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Retail food sales	-	-	-	-	-	-	
- Convenience store	-	-	-	-	-	-	
- Liquor store	-	-	-	-	-	-	
Retail sales	-	-	-	-	-	-	
- Limited	-	-	-	-	-	-	
- Visitor-oriented	-	-	-	-	-	-	
Vehicle/equipment sales and service	-	-	-	-	-	-	
- Automobile rental	-	-	-	-	-	-	
- Automobile washing	-	-	-	-	-	-	
- Service station	-	-	-	-	-	-	
- Vehicle/equipment repair	-	-	-	-	-	-	
- Vehicle/equipment sales, lease and rentals	-	-	-	-	-	-	
Wholesaling, commercial	-	-	-	-	-	-	
Industrial							
Hazardous use	-	-	-	-	-	-	
Industry, general	-	-	-	-	-	-	
Industry, limited	-	-	-	-	-	-	
Mineral extraction	-	-	-	-	-	-	
Recycling center	-	-	-	-	-	-	
Research and development	-	-	-	-	-	-	

Storage tank(s)	-	-	-	-	-	-	
Vehicle/equipment services	-	-	-	-	-	-	
- Vehicle/equipment repair	-	-	-	-	-	-	
- Vehicle storage	-	-	-	-	-	-	
Wholesaling, distribution and storage	-	-	-	-	-	-	
- Small scale	-	-	-	-	-	-	
- Trucking terminal	-	-	-	-	-	-	
Recreational							
Recreational facilities, public	C	C	P	P	P	P	
Recreation and sports, outdoor	C	C	C	C	C	C	
Recreation, passive	C	C	C	C	C	C	
Staging area	C	C	C	-	-	-	
Public and Quasi-Public							
Antenna	-	-	P	P	P	P	
- Exceeding height limitations	-	-	C	C	C	C	
Community center	-	-	-	C	C	C	
Conference center	-	-	-	-	-	-	
Cultural facility	-	-		C	C	C	
Day care center	-	M	M	M	M	M	
Homeless shelter	-	-	-	-	C	C	Chapter 19.42
Public safety facility	C	C	C	C	C	C	
Religious facility	C	C	C	C	C	C	
School	-	C	C	C	C	C	
Utilities, major	-	-	C	C	C	C	
Utilities, minor	-	-	P	P	P	P	
Agriculture							
Animal husbandry	-	P	-	-	-	-	
Crop production	C	P	-	-	-	-	
Accessory							
Accessory dwelling unit	-	-	-	-	-	-	
Livestock keeping	-	P	-	-	-	-	Chapter 19.31
Caretaker's quarters	C	C	-	-	-	-	
Family child care home, large	P	P	P	P	-	-	Chapter 19.33
Family child care home, small	P	P	P	P	P	P	
Guest house	C	C	C	C	-	-	
Home occupation	P	P	P	P	P	P	Chapter 19.29
Horticulture, limited	P	P	P	P	P	P	
Room rentals	-	-	C	C	-	-	
Temporary							
Animal show			-	-	-	-	

Commercial filming	C	C	C	C	C	C	
Mobile structures	C	C	C	C	C	C	Chapter 19.30
Personal property sales	P	P	P	P	P	P	

SECTION 5. CEQA Findings The City Council finds that the proposed Municipal Code amendments are exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (General Rule) because it is clear that the amendments will not have a significant effect on the environment.

The amendments do not allow new development, increase development density, expand the areas where livestock keeping or animal husbandry are permitted, or remove existing rules for animal keeping. Instead, the amendments remove the prohibition on swine in certain existing use classifications, clarify and in some cases limit where livestock keeping and animal husbandry are allowed, and continue to apply all existing standards related to lot size, setbacks, maintenance, sanitation, nuisance prevention, and code enforcement. Because the amendments will not cause a direct or reasonably foreseeable indirect physical change to the environment, they are exempt under CEQA Guidelines Section 15061(b)(3).

The City Council also finds that the amendments are exempt under CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations) because they make only minor changes to land use regulations and do not change land use designations, allowed density, or development intensity.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective effect 30 days after its final passage pursuant to Government Code section 36937.

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 1st day of September, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pierre Washington, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

Matthew Summers, City Attorney

Redline Zoning Code Amendments

SECTION 1. Amendment to APMC Section 19.05.090 – Agricultural Classifications

19.05.090 Agricultural classifications.

Amend the definition of Animal Husbandry allowing swine within this use classification as amended below:

Animal husbandry: raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. This classification includes grazing, ranching, dairy farming, poultry raising, the raising of fur-bearing animals, the raising of swine, and the sale and storage of materials produced on-site, but excludes ~~the raising of swine~~, feed lots, stockyards, slaughterhouses, dead animal rendering and wild animal keeping.

JUSTIFICATION: Animal husbandry is permitted in the Residential Estate (RE) zoning district. Properties with RE zoning include Watson Lane, Holcomb Lane, vacant properties on the north side of Eucalyptus Drive. In places where it occurs today, raising swine has been done in a manner compatible with the neighbors. Swine husbandry has historically been a component of agricultural operations and educational projects. Allowing the raising of swine promotes agricultural diversity while recognizing that livestock operations can coexist with surrounding uses when conducted in accordance with established operational standards. Animal husbandry is subject to Animal Keeping Standards which require protection from nuisances, such as noise, odors, vermin, and insects (APMC 19.31.020). The ordinance balances the interests of agricultural operators with those of nearby residents by permitting swine raising only where parcel size and operational standards are sufficient to minimize land use conflicts.

SECTION 2. Amendment to APMC Section 19.05.100, Livestock Keeping

Amend the definition of Livestock Keeping to allow swine as follows:

Livestock keeping: the keeping of large animals for personal purposes, including equines, bovines, sheep, ~~and goats, but excluding~~ and swine in accordance with the provisions of Chapter 19.31, Animal Keeping Regulations.

JUSTIFICATION: The amendment adds swine to the allowable list of animals that meet the definition of Livestock keeping. Historical practice of raising swine has been done in a manner compatible with the neighbors and is similar to other livestock animals for personal purposes, providing no compelling reason to prohibit swine from accessory use of livestock keeping. Amends for consistency with Chapter 19.21.020 provisions.

SECTION 3. Amendment to APMC Section 19.31.020(B)(2) – Animal Keeping Standards

Amend the Livestock provisions to allow swine as follows:

(B) Permitted Animals.

(2) Livestock. Large animals, including equines, bovines, sheep, ~~and goats, and but excluding swine~~, may be kept for personal purposes where livestock keeping is permitted as an accessory use in the underlying zoning district.

JUSTIFICATION: Animal Keeping standards prohibit nuisances from all animals, including livestock. Given that swine has been kept while maintaining compatibility with neighbors, there is no compelling reason to prohibit swine from the list of large animals permitted under this ordinance.

Redline Zoning Code Amendments

SECTION 4. Amendment to ACMC Section 19.10.040 Allowable Use Table

Amend ACMC Section 19.10.040 to:

- Permit livestock keeping as an accessory use only in the Residential Estate (RE) zoning district and remove livestock keeping as an accessory use from Rural Residential Hillside (RRH), Rural Residential (RR), and Residential Single Family (RS);
- Clarify where animal husbandry is permitted;
- Continue recognition of legally established nonconforming uses as provided by the Municipal Code; and
- Remove obsolete General Plan policy references as shown below:

Table [19.10.040](#)
PERMITTED AND CONDITIONALLY PERMITTED USES
RESIDENTIAL DISTRICTS ¹

RESIDENTIAL DISTRICT	ZONING DISTRICTS						
Use Classifications	RRH	RE	RR	RS	RM	RH	Related Provisions
Residential							
Congregate living facility	-	-	-	-	P	P	
Cottage food operations	P	P	P	P	P	P	
Employee housing (1 to 6 occupants)	P	P	P	P	-	-	
Garden apartments	-	-	-	-	P	P	
Mobilehome	-	C	C	C	-	-	
Mobilehome park	-	-	-	-	C	C	Chapter 19.10
Multifamily residential	-	-	-	-	P	P	
Residential Care Home, Small	P	P	P	P	P	P	
Second residential unit	P	P	P	P	P	-	Section 19.10.120
Single room occupancy	-	-	-	-	-	P	Section 19.10.160
Single-family residential		-	-	-	-	-	
- Detached	P	P	P	P	P ²	P ²	~~²GP Policy 1.8.3~~
- Semidetached	-	-	P ³	P ⁴	P	P	~~³GP Policy 1.7.1~~
							~~⁴GP Policy 1.7.2~~
Townhouses	-	-	-	-	P	P	
Commercial							
Adult business	-	-	-	-	-	-	
Animal sales and service	-	C	-	-	-	-	
- Boarding kennel	-	C	-	-	-	-	
- Grooming	-	C	-	-	-	-	
- Medical care	-	C	-	-	-	-	
- Retail care	-	C	-	-	-	-	
Bank, savings and loan	-	-	-	-	-	-	

Redline Zoning Code Amendments

- Drive-up service	-	-	-	-	-	-	
- Walk-up service	-	-	-	-	-	-	
Building materials and services	-	-	-	-	-	-	
Catering	-	-	-	-	-	-	
Commercial printing	-	-	-	-	-	-	
- Limited printing	-	-	-	-	-	-	
Communication services	-	-	-	-	-	-	
Entertainment, indoor	-	-	-	-	-	-	
- Amusement center	-	-	-	-	-	-	
- Gaming	-	-	-	-	-	-	
Funeral and interment services	-	-	-	-	-	-	
Health services	-	-	-	-	-	-	
Laboratory	-	-	-	-	-	-	
Lodging services	-	-	-	-	-	-	
- Bed and breakfast inn	C	C	C	-	-	-	
Long-term care facility	-	-	-	-	-	-	
Maintenance and repair services	-	-	-	-	-	-	
Nursery	-	-	-	-	-	-	
Offices, business, and professional	-	-	-	-	-	-	
On-premises liquor consumption		-	-	-	-	-	
- Tasting room	-	-	-	-	-	-	
Pawnshops	-	-	-	-	-	-	
Personal improvement services	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Personal services	-	-	-	-	-	-	
Recycling collection center	-	-	-	-	-	-	
Restaurant	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Restaurant, take-out	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Retail food sales	-	-	-	-	-	-	
- Convenience store	-	-	-	-	-	-	
- Liquor store	-	-	-	-	-	-	
Retail sales	-	-	-	-	-	-	
- Limited	-	-	-	-	-	-	
- Visitor-oriented	-	-	-	-	-	-	
Vehicle/equipment sales and service	-	-	-	-	-	-	
- Automobile rental	-	-	-	-	-	-	
- Automobile washing	-	-	-	-	-	-	
- Service station	-	-	-	-	-	-	

Redline Zoning Code Amendments

- Vehicle/equipment repair	-	-	-	-	-	-	
- Vehicle/equipment sales, lease and rentals	-	-	-	-	-	-	
Wholesaling, commercial	-	-	-	-	-	-	
Industrial							
Hazardous use	-	-	-	-	-	-	
Industry, general	-	-	-	-	-	-	
Industry, limited	-	-	-	-	-	-	
Mineral extraction	-	-	-	-	-	-	
Recycling center	-	-	-	-	-	-	
Research and development	-	-	-	-	-	-	
Storage tank(s)	-	-	-	-	-	-	
Vehicle/equipment services	-	-	-	-	-	-	
- Vehicle/equipment repair	-	-	-	-	-	-	
- Vehicle storage	-	-	-	-	-	-	
Wholesaling, distribution and storage	-	-	-	-	-	-	
- Small scale	-	-	-	-	-	-	
- Trucking terminal	-	-	-	-	-	-	
Recreational							
Recreational facilities, public	C	C	P	P	P	P	
Recreation and sports, outdoor	C	C	C	C	C	C	
Recreation, passive	C	C	C	C	C	C	
Staging area	C	C	C	-	-	-	
Public and Quasi-Public							
Antenna	-	-	P	P	P	P	
- Exceeding height limitations	-	-	C	C	C	C	
Community center	-	-	-	C	C	C	~~GP Policy 1.12.1~~
Conference center	-	-	-	-	-	-	
Cultural facility	-	-		C	C	C	~~GP Policy 1.12.1~~
Day care center	-	M	M	M	M	M	~~GP Policy 1.23.5~~
Homeless shelter	-	-	-	-	C	C	Chapter 19.42
Public safety facility	C	C	C	C	C	C	
Religious facility	C	C	C	C	C	C	~~GP Policy 1.23.4~~
School	-	C	C	C	C	C	~~GP Policy 1.12.1~~
Utilities, major	-	-	C	C	C	C	
Utilities, minor	-	-	P	P	P	P	
Agriculture							
Animal husbandry	-	P	-	-	-	-	
Crop production	C	P	-	-	-	-	
Accessory							
Accessory dwelling unit	-	-	-	-	-	-	

Redline Zoning Code Amendments

Livestock keeping	~~P~~	P	~~P~~	~~P~~	-	-	Chapter 19.31
Caretaker's quarters	C	C	-	-	-	-	
Family child care home, large	P	P	P	P	-	-	Chapter 19.33
Family child care home, small	P	P	P	P	P	P	
Guest house	C	C	C	C	-	-	
Home occupation	P	P	P	P	P	P	Chapter 19.29
Horticulture, limited	P	P	P	P	P	P	
Room rentals	-	-	C	C	-	-	
Temporary							
Animal show			-	-	-	-	
Commercial filming	C	C	C	C	C	C	
Mobile structures	C	C	C	C	C	C	Chapter 19.30
Personal property sales	P	P	P	P	P	P	

JUSTIFICATION: Animal husbandry is excluded in the Rural Residential Hillside (RRH), Rural Residential (RR), Residential Single Family (RS), Residential Medium Density (RM), and Residential High Density (RH) zoning districts, but continue to allow animal husbandry in the Residential Estate (RE) zoning district because all residential zoning districts except RE are more urban in nature. Animal husbandry, where animals are kept for commercial purposes is a rural activity, not appropriate in a suburban residential zoning district.

Livestock keeping is permitted as an accessory use only in the Residential Estate (RE) zoning district that legally established livestock-keeping uses in other residential zoning districts may continue in accordance with the Municipal Code as legal nonconforming uses. The Residential Estate (RE) zoning district is intended to accommodate low-density residential development on large lots where the keeping of livestock is compatible with the district's rural estate character. The larger minimum parcel sizes, greater setbacks, and lower residential density provide sufficient space to accommodate accessory livestock uses while minimizing potential adverse impacts on neighboring properties, including noise, odors, flies, dust, waste management, and conflicts between residential and agricultural activities. By contrast, the Rural Residential Hillside (RRH), Rural Residential (RR), and Residential Single-Family (RS) zoning districts are intended primarily for residential living and are characterized by development patterns or lot configurations that make livestock uses less compatible with surrounding neighborhoods. Although RR and RRH retain certain rural characteristics, these districts are intended principally for residential use rather than agricultural or estate uses. Limiting livestock keeping to the RE district promotes compatibility between land uses, protects neighborhood character, reduces nuisance conflicts, minimizes public health and safety concerns, and ensures that livestock are maintained only on properties capable of accommodating such uses without adversely affecting adjacent residential properties.

Deleting references to obsolete General Plan policies is necessary for zoning-general plan consistency.



TITLE

Napa Olympia Rent Stabilization Mediation Budget Amendment

RECOMMENDATION

Adopt a Resolution increasing the Community Development Housing Division Contract Services Budget by \$80,000 from \$28,600 to \$108,600 to fund Mediation Services related to the Napa Olympia Mobilodge Rent stabilization matter.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

Background

In 2011, the City Council adopted the City's Mobile Home Rent Stabilization Ordinance (RSO). The ordinance was developed through several years of work by a 13-member Ad Hoc Task Force.

The RSO allows annual rent increases equal to 100% of the local CPI, up to a maximum of 6%, with at least 90 days' notice to residents and the City. If a park owner seeks a larger increase or certain other rent adjustments, residents representing at least 51% of affected spaces may petition for mandatory mediation.

Following receipt of the petition, the City convenes a three-member Mediation Panel consisting of a:

- qualified mediator,
- a mobile home park owner from another park, and
- a resident from another park.

As part of the mediation process, the Mediation Panel may retain an independent expert to review the park owner's rent increase justification and prepare an independent analysis. The cost of the expert review is paid by the park owner and is not funded by the City. The expert's findings are provided to both parties and are used by the Mediation Panel to assist in negotiations. Mediation proceeds as long as both parties are satisfied that progress is being made.

If mediation does not resolve the dispute, either party may request arbitration. Once an arbitration

petition is filed, the proposed rent increase is stayed and cannot be collected unless and until it is approved by the arbitrator. The arbitrator may approve, modify, or deny the requested increase. Arbitration costs are paid by the park owner, although up to 25% of those costs may be passed through to residents if specifically awarded by the arbitrator. The arbitrator's decision is final, subject to judicial review.

Napa Olympia Mobilodge Rent Increase

In May 2026, the City and residents were informed of a planned rent increase by Stockton-based Napa OML MHP 101 LLC (ownership). The rent increase, which would take effect on September 1, 2026, equals approximately 20-40% which exceeds the latest June 2026 CPI of 3.8 percent. A copy of the proposed rent increase is included as Attachment 2.

Per the RSO, a petition signed by more than 51% of resident spaces received by the City. The petition included the name and contact for a resident representative. On June 24, 2026, the City accepted the petition and informed the ownership and resident representative that a mediation case has been opened.

Mediation Panel Selection Process

The City appoints a three-member Mediation Panel consisting of a qualified mediator, a mobile home park owner from another park, and a mobile home resident from another park. The City has assembled a list of three volunteer candidates from mobile park ownership and residents outside the Napa Olympia Mobilodge.

The mediator is selected by the City after consultation with the Napa Olympia Mobilodge ownership and resident representative. The City solicited interest from three mediators with excellent credentials and selected a Professional Mediator. Following allocation of funds through this budget adjustment, the City Manager will award a contract within signing authority.

Following contract execution, the Mediator, along with the representative of the Golden State Manufactured Home Owners League (GSMOL) and the affected park owner may select the resident and park-owner panel members from the City's list of candidates.

Staff recommends the Council authorize additional appropriations of \$80,000 to fund mediation services.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

Approval of the recommended action will increase the General Fund budget by \$80,000 to fund mediation services. The additional appropriation will be made to the General Fund's Professional Services line item 100-60-630-42160 and will be funded through the use of Unassigned Fund

Balance.

ENVIRONMENTAL REVIEW

This action is not a project under CEQA (State CEQA Guidelines Section 15378) because it involves the allocation of funds for administrative services and will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

COMMUNICATION

Level 0: No Further Public Communication Needed

ATTACHMENTS:

1. [Reso Mediation Services Budget Adjustment](#)
2. [Napa Olympia Mobilodge Rent Increase Notice](#)

RESOLUTION NO. 2026-

A RESOLUTION INCREASING THE COMMUNITY DEVELOPMENT HOUSING DIVISION CONTRACT SERVICES BUDGET BY \$80,000 FROM \$28,600 TO \$108,600 TO FUND MEDIATION SERVICES RELATED TO THE NAPA OLYMPIA MOBILODGE RENT STABILIZATION MATTER

WHEREAS, in 2011, the City Council adopted the City of American Canyon Mobile Home Rent Stabilization Ordinance (RSO), codified in Chapter 15.04 of the American Canyon Municipal Code, to protect residents from unreasonable rent increases while providing mobile home park owners a fair and reasonable return on their property; and

WHEREAS, the RSO establishes a dispute resolution process that includes mediation and, if necessary, arbitration for certain proposed rent increases; and

WHEREAS, in May 2026, the City and residents were notified of a proposed rent increase by Napa OML MHP 101 LLC for the Napa Olympia Mobilodge Mobile Home Park, with proposed increases ranging from approximately 20 percent to 40 percent; and

WHEREAS, residents representing more than fifty-one percent (51%) of the affected mobile home spaces submitted a petition requesting mandatory mediation pursuant to the RSO; and

WHEREAS, on June 24, 2026, the City accepted the petition and initiated the mediation process as required by the RSO; and

WHEREAS, the RSO requires the City to establish a Mediation Panel and fund the costs associated with mediation services; and

WHEREAS, staff has identified the need for additional appropriations in the amount of \$80,000 to retain professional mediation services and support the City's responsibilities under the RSO; and

WHEREAS, this action is not a project within the meaning of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378 because it consists solely of the allocation of funds for administrative services and will not result in a direct or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, a duly noticed public meeting was held by the City Council of the City of American Canyon on September 1, 2026, at which time all interested persons were given an opportunity to be heard regarding the proposed Municipal Code amendments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon hereby approves an increase in appropriations of \$80,000 to the Community Development Department, Housing Division Contract Services Account No. 100-60-630-42160, increasing the budget from \$28,600 to \$108,600 for mediation services related to the Napa Olympia Mobilodge rent stabilization matter.

SECTION 1. Authorization. The City Manager, or designee, is authorized to execute contracts and take all actions necessary to implement this Resolution, subject to applicable purchasing and contracting requirements and within the City Manager's delegated authority.

SECTION 2. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 1st day of September, 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pierre Washington, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

Matthew Summers, City Attorney

Napa OML MHP 101, LLC

6653 Embarcadero Drive, Ste C, Stockton, CA 95219 • (209) 932-8747 • info@HarmonyCom.com

May 28, 2026

Brent Cooper, AICP
 Community Development Director, as Mobile Home Rent Stabilization Administrator
 City of American Canyon
 4381 Broadway, Suite 201
 American Canyon, CA 94503

RECEIVED**MAY 29 2026**CITY OF AMERICAN CANYON
COMMUNITY DEVELOPMENT DEPARTMENT**Re: Notice of Rent Increase — Olympia Mobilodge of Napa — Filing under AMC § 15.04.090(D)**

Dear Mr. Cooper:

Pursuant to American Canyon Municipal Code §§ 15.04.070(G) and 15.04.090(B)–(E), Napa OML MHP 101, LLC, as owner of Olympia Mobilodge of Napa (the “Park”), hereby submits notice of a proposed space rent increase and the supporting documentation required by Chapter 15.04. The proposed increase exceeds the permissible CPI adjustment under § 15.04.070(A), and the above-CPI notice procedure applies.

Summary of proposed increase

Park: Olympia Mobilodge of Napa (244 American Canyon Rd, American Canyon, CA 94503).

Number of affected (non-exempt) spaces: 200. Space 105 is a park-owned rental unit and is excluded under AMC § 15.04.020.

Date of notice to residents: May 28, 2026; served by mail May 29, 2026.

Proposed effective date: September 1, 2026 (the Park’s anniversary date).

Current average space rent: \$720.69/month across the 200 non-exempt spaces.

Component A — Annual CPI (§ 15.04.070(A)): 1.5% of each resident’s current rent, applied per the City Administrator’s confirmed methodology for the 2026 cycle (BLS Series CUURA422SA0, June 2025 vs. June 2024).

Component B — Fair-return (MNOI, § 15.04.120(C)): \$278.80 per space per month, uniform across all 200 non-exempt spaces. Derived from the enclosed MNOI Fair-Return Analysis.

Component C — Rent stabilization fee allocation (§ 15.04.200(E)): \$1.00 per space per month, continuing per the City’s FY 2025/2026 Mobilehome Park Rent Stabilization Program Annual Registration Form. This is a separate-line item on residents’ monthly statements and is not part of base space rent.

Enclosures

This filing is enclosed in a single bookmarked PDF binder. This cover letter is Tab 1; the supporting documents are organized by tab as follows:

Tab 2: Resident Notice Package — the full envelope served on each affected resident, comprising:

- a. Notice of Rent Increase (template form; per-resident dollar amounts appear at Tab 3).
- b. Resident Companion Letter (supplemental letter from the Park).
- c. Supporting Documentation Package (the five summaries required by AMC § 15.04.090(C)(1)).
- d. Owner Declaration of Esther Ubaldi verifying financial information under penalty of perjury (AMC § 15.04.090(E)).
- e. Roster of all affected residents identified by space number (AMC § 15.04.090(C)(2)).

f. City Mobilehome Rent Petition Form (Revised 5.22.26).

g. City FY 2025/2026 Mobilehome Park Rent Stabilization Program Annual Registration Form (Component C supporting document).

Tab 3: Per-Resident Rent Increase Calculation Exhibit — shows Components A, B, and total dollar amount for each of the 199 occupied non-exempt spaces.

Tab 4: MNOI Fair-Return Analysis — Exhibit 1 (Fair Return Analysis) and Exhibit 2 (Net Operating Income Build), per AMC § 15.04.120(C).

Tab 5: 2010 base-year profit-and-loss statement.

Tab 6: 2024 twelve-month profit-and-loss statement.

Tab 7: 2025 twelve-month profit-and-loss statement.

Tab 8: 2025 general ledger.

Tab 9: 2025 balance sheet.

Verification. The financial information accompanying this filing is verified by separate Owner Declaration of Esther Ubaldi (Manager of MHC Manager 2, LLC, which is the Manager of Napa OML MHP 101, LLC), executed under penalty of perjury at Stockton, California, on May 28, 2026, as required by AMC § 15.04.090(E).

Please contact the undersigned at (209) 932-8747 / info@HarmonyCom.com with any questions or to schedule a meeting.

Very truly yours,



Sherrie Johnston, on behalf of Napa OML MHP 101, LLC
Authorized Representative

cc: Resident Representative (when designated); file

Napa OML MHP 101, LLC
6653 Embarcadero Drive, Ste C, Stockton, CA 95219
Phone (209) 932-8747 Email info@HarmonyCom.com

Olympia Mobilodge of Napa
NINETY (90) DAY NOTICE OF SPACE RENT INCREASE
American Canyon Municipal Code Chapter 15.04
TEMPLATE — for City filing under § 15.04.090(D)

May 28, 2026

[Resident Name] — see Roster of Affected Residents (Doc 8)

244 American Canyon Rd, Space [#]

American Canyon, CA 94503

Dear [Resident Name],

PLEASE TAKE NOTICE that effective **September 1, 2026**, or ninety (90) days after you have been served with this rent increase notice, whichever is later, your monthly space rent at Olympia Mobilodge of Napa (“Olympia”) will be increased to **[New Rent]** (your new total monthly space rent). Napa OML MHP 101, LLC, the owner of Olympia, is implementing a rent increase that combines the annual Consumer Price Index (CPI) adjustment permitted by AMC § 15.04.070(A) with an additional fair-return rent adjustment based on the Maintenance of Net Operating Income (MNOI) standard under AMC §§ 15.04.120(C), 15.04.130, 15.04.140, and 15.04.150. Because the proposed increase exceeds 100% of the annual change in CPI, the alternative dispute resolution procedures of § 15.04.100 (mandatory mediation and, if necessary, arbitration) are available with respect to this increase.

The components of the proposed increase are itemized below. Per-resident dollar amounts are computed individually from each resident’s current rent and are listed in the per-resident calculation exhibit.

Component	Basis	% of Current Rent	Dollar Amount
Current monthly space rent	—	—	[Current Rent]
A. Annual CPI increase	§ 15.04.070(A)	1.5%	[1.5% × Current Rent]
B. Fair-return (MNOI) increase	§ 15.04.120(C)	[B%]	\$278.80
Total monthly increase (A + B)		[Total %]	[A + 278.80]
New monthly space rent	—	—	[New Rent]

Supporting documentation. Documentation supporting the level of increase — summary of operating-expense increases, affirmative statements regarding capital improvements and debt service, the preceding 24 months of net operating income, the MNOI fair-return analysis, and CPI calculation — is enclosed and is on file with the Administrator for inspection during normal business hours.

Other affected residents. This rent increase affects all 200 non-exempt mobilehome spaces at Olympia. A roster identifying each affected resident by space number is enclosed.

Administrator. You are encouraged to contact the Administrator for an explanation of the provisions of Chapter 15.04: City Manager, City of American Canyon, 4381 Broadway St., Suite 201, American Canyon, CA 94503, (707) 647-4360.

Petition for mediation. The petition form provided by the Administrator to initiate mandatory mediation is enclosed.

Rent stabilization fee allocation. Per American Canyon Municipal Code Section 15.04.200(E), Allocation of Fee, the Park bills each resident a \$1.00 per month per space rent stabilization fee. (200 spaces $\times$ \$24.00 $\times$ 50% allowed to pass through to residents = \$2,400 divided by 200 spaces divided by 12 months = \$1.00 per month per space.) This charge is billed on your monthly statement as a separate line item and is not a part of, or an increase in, your base space rent. The City of American Canyon Mobilehome Park Rent Stabilization Program Annual Registration Form, Fiscal Year 2025/2026, is enclosed.

PLEASE TAKE FURTHER NOTICE: MANDATORY MEDIATION AND, IF NECESSARY, ARBITRATION OF THE PROPOSED INCREASE ARE AVAILABLE AS ALTERNATIVE DISPUTE RESOLUTION REMEDIES IN THIS MATTER BY OPERATION OF LAW.

Napa OML MHP 101, LLC



By:

Sherrie Johnston, Authorized Representative

Olympia Mobilodge of Napa
244 American Canyon Rd • American Canyon, CA 94503

May 28, 2026

Dear Olympia Mobilodge of Napa Resident,

You have just received a formal 90-Day Notice of Space Rent Increase required by the American Canyon Mobilehome Park Rent Stabilization Ordinance. This letter explains, in plain language, what the Notice says and what comes next. We know that opening a notice like this can be unsettling, and we want to speak with you directly — not just in the language of the ordinance — about what it means and what comes next.

What the notice says, and why. Like every mobilehome park, Olympia Mobilodge of Napa is required to keep up with the rising real costs of operating the community — insurance, property taxes, water and sewer, maintenance, ground lease obligations, and many other expenses that have grown significantly since the ordinance's 2010 base year. Under the City's Maintenance of Net Operating Income ("MNOI") formula, the park has documented a fair-return entitlement of approximately \$278.80 per space per month.

What we want you to know. We understand that an increase of that size would be a real burden on many of our neighbors here. Olympia Mobilodge of Napa is your community and your home, and we want it to stay that way. While the law entitles the park to seek the full amount, we are committed to working toward an increase that gives the park the room it needs to keep operating responsibly and is reasonable for the residents who live here. We expect that the actual increase implemented will be significantly less than the \$278.80 formally noticed.

Resident meeting — please join us by videoconference

We are holding a virtual resident meeting to talk this through together, hear from you, and answer your questions. Because of scheduling constraints with our on-site availability, the meeting will be held by videoconference (with a phone-in option for those without internet access). To keep the conversation productive, we are inviting up to five (5) residents to participate on behalf of the community.

- **Date:** June 14, 2026
- **Time:** 2:00 p.m.
- **Format:** Videoconference — link and call-in details will be sent to participating residents in advance.

How to participate. If you would like to be one of the five residents at the videoconference, please contact the office at (209) 932-8747 / info@harmonycom.com by 6/10/2026 with your name and preferred contact method. If more than five residents respond, we will work with the group to identify five who can speak to the range of concerns in the community.

At the meeting we will:

- Walk through, in plain language, why the law requires the notice you received.
- Share the reduced rent increase the park is prepared to implement, and explain how we arrived at it.
- Describe the financial-hardship assistance available to qualifying residents.
- Answer your questions, listen to your concerns, and take notes so we can follow-up individually.

If you are unable to attend or are not one of the five participating residents, please send any questions or concerns to the office at (209) 932-8747 / info@harmonycom.com and we will respond individually.



Nick Ubaldi, on behalf of Napa OML MHP 101, LLC
Authorized Representative

Olympia Mobilodge of Napa (the “Park”)
Supporting Documentation for 90-Day Notice of Space Rent Increase
Furnished pursuant to AMC § 15.04.090(C)(1)

1. Summary of unavoidable increases in maintenance and operating expenses

The table below summarizes the principal operating-expense categories for the Park, comparing the 2010 base year to the 2025 comparison year. All figures are stated on the operating-expense basis used in the Maintenance of Net Operating Income (MNOI) Fair-Return Analysis. Underlying P&L statements are on file with the Administrator.

Expense category	2010 (Base)	2025 (Comp.)	Δ (\$)
Property taxes	\$24,049	\$124,097	\$100,048
Property & liability insurance	\$13,314	\$112,646	\$99,332
Repairs & maintenance (net)	\$22,520	\$27,352	\$4,832
Management fees	\$0	\$99,465	\$99,465
Wages, payroll taxes, WC ins.	\$47,656	\$90,976	\$43,320
Ground rent (land lease)	\$120,927	\$711,886	\$590,959
Accounting, legal, outside svc	\$42,634	\$22,242	-\$20,392
Other operating (postage, supplies, telephone, etc.)	\$33,409	\$15,571	-\$17,838
Total operating expenses (NOI basis)	\$295,610	\$1,276,079	\$980,469

Key drivers of the 2010-to-2025 change include: a roughly five-fold increase in property taxes; an approximately eight-fold increase in property and liability insurance premiums; addition of third-party professional management (with no comparable line item in 2010); and ground rent paid to underlying landowners growing from \$120,927 in 2010 to \$711,886 in 2025, an increase of approximately six-fold. These increases substantially exceed cumulative CPI growth for the SF-Oakland-Hayward area over the same period (approximately 62%).

2. Statement regarding substantial rehabilitation and capital improvements

No capital-improvement or substantial-rehabilitation costs are being charged through to residents in connection with this rent adjustment. No cost, amortization, or per-space allocation under AMC §§ 15.04.020 (definition of “Capital improvements” / “Substantial rehabilitation”) or 15.04.120(D) is being claimed against residents in this filing.

3. Statement regarding debt service and any sale or refinancing transaction

No increase in debt service cost is being charged through to residents in connection with this rent adjustment. Mortgage interest is excluded from net operating income under AMC § 15.04.150(B)(1) and has not been included in the MNOI fair-return calculation. No sale of the Park has occurred giving rise to increased debt service costs to be passed through. No refinancing transaction has occurred that meets the criteria of AMC § 15.04.150(A)(11) (refinancing mandated by a financing transaction entered into prior to July 1, 2010, or increased interest under a pre-July-1-2010 variable-rate loan).

4. Summary of net operating income — preceding 24 months

The following summarizes the Park's net operating income for the two most recent fiscal years on a book basis. All amounts are rounded to the nearest dollar; underlying P&Ls are on file with the Administrator.

Line	2024 (12 mo.)	2025 (12 mo.)
Total income (book)	\$2,309,489	\$2,377,171
Operating expenses (book)	(\$1,877,083)	(\$2,066,977)
Net operating income (book)	\$432,406	\$310,194
Year-over-year change		(\$122,212) / -28%

The 2025 NOI shown above (\$310,194) is the book figure required under § 15.04.090(C)(1)(iv). For Maintenance of Net Operating Income (MNOI) fair-return purposes, 2025 NOI is calculated as \$444,367 after the methodology adjustments required by AMC §§ 15.04.130–150 (principally the conversion of cash-paid ground rent to recurring contract rate, plus depreciation and non-recurring item adjustments). The full reconciliation is on file with the Administrator and available for inspection during normal business hours.

5. Other relevant information supporting the level of increase desired

The full Maintenance of Net Operating Income (MNOI) Fair-Return Analysis — including the base-year and comparison-year build, the 75% CPI indexing computation per AMC § 15.04.120(C)(1), the application to all 200 non-exempt mobilehome spaces, and the resulting per-space monthly increase of \$278.80 — is on file with the Administrator and available for inspection during normal business hours. The CPI figure applied to Component A (1.5%) is the City Administrator-confirmed value for the 2026 anniversary cycle (BLS Series CUURA422SA0, June 2025 vs. June 2024).

Verification

The financial information in this Supporting Documentation is verified by separate Owner Declaration of Esther Ubaldi, Manager of MHC Manager 2, LLC (Manager of Napa OML MHP 101, LLC), executed under penalty of perjury pursuant to AMC § 15.04.090(E) and provided as a separate enclosure.

Napa OML MHP 101, LLC
6653 Embarcadero Drive, Ste C, Stockton, CA 95219
Phone (209) 932-8747 Email info@HarmonyCom.com

DECLARATION OF OWNER UNDER PENALTY OF PERJURY
Verification of Financial Information Pursuant to AMC § 15.04.090(E)

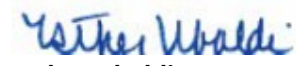
Re: Olympia Mobilodge of Napa — 90-Day Notice of Space Rent Increase, effective September 1, 2026

I, Esther Ubaldi, declare as follows:

- 1.** I am the Manager of MHC Manager 2, LLC, a California limited liability company. MHC Manager 2, LLC is the Manager of Napa OML MHP 101, LLC, a California limited liability company, which is the owner of Olympia Mobilodge of Napa, a mobilehome park located at 244 American Canyon Rd, American Canyon, CA 94503 (the "Park"). I am authorized to make this Declaration on behalf of Napa OML MHP 101, LLC by virtue of my position as Manager of MHC Manager 2, LLC.
- 2.** This Declaration is given to verify the financial information accompanying the 90-Day Notice of Space Rent Increase served upon residents of the Park and concurrently filed with the City Manager of the City of American Canyon (the "Administrator"), as required by American Canyon Municipal Code § 15.04.090(E).
- 3.** The financial information accompanying the Notice consists of (i) the Supporting Documentation Package furnished pursuant to AMC § 15.04.090(C)(1); (ii) the Maintenance of Net Operating Income (MNOI) Fair-Return Analysis (Olympia MNOI Analysis v5); (iii) the 2010 base-year profit-and-loss statement, the 2024 and 2025 twelve-month profit-and-loss statements, the 2025 general ledger, and the 2025 balance sheet of the Park; and (iv) the Consumer Price Index calculation worksheet derived from BLS Series CUURA422SA0 (San Francisco-Oakland-Hayward).
- 4.** I have reviewed the foregoing financial information, and based on my personal knowledge and the books and records of the Park and of Napa OML MHP 101, LLC, I declare that such financial information is true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Stockton, California, on May 28, 2026.


Esther Ubaldi

Manager, MHC Manager 2, LLC
Manager of Napa OML MHP 101, LLC, owner of Olympia Mobilodge of Napa

City of American Canyon

Mobilehome Rent Petition Form - For Rent Increases that are NOT the standard CPI increase (ACMC 15.04.070(A)) (Per ACMC Section 15.04.090(C))

1. Park Information

Park Name:

Park Address:

Date Notice Received:

2. Rent Increase (Park Owner Proposal)

Effective Date:

Increase (\$):

Increase (%):

3. Petitioners' Proposed Rent Adjustment (Optional)

Proposed Increase (\$):

Proposed Increase (%):

Explanation / Basis (attach additional pages if needed):

4. Resident Signatures (Requires Signatures of 51% of Affected Spaces – Add Additional Petition Sheets as Necessary)

Space #	Name	Signature	Date

5. Contact Representative (Optional)

Name:

Phone:

Park Management: Submit to City of American Canyon Ordinance Administrator

Future Agenda Items

September 2, 2026, OSATS Meeting. 6:30 p.m.

Napa County BayREN Home Energy Savings
Reusable Foodware Ordinance *Council req.*

September 3, 2026, Finance Subcom. 1:00 p.m.

5 Year Budget *Council Req.*

September 10, 2026, PCS, 6:30 p.m.

Active Adult Program Fee Waiver Policy
Municipal Code Chapter 2.29 and Guidelines

September 15, 2026, City Council 6:30 p.m.

Proclamation: Community Planning Month
Proclamation: National Recovery Month
NVTa SR29 Multi-Modal Project Local Funding Commitment
Rural Neighborhood Home Occupation Ord.
Urban Water Management Plan
Water Treatment Plant Filter Media Replacement & Underdrain Repair (WA23-0200)
TIF Program Update: Award to Fehr and Peers

September 24, 2026, Planning Comm. 6:30p.

Promontory TSM and WRSPA

October 6, 2026, City Council 6:30 p.m.

Proclamation: Domestic Violence Awareness
Proclamation: Filipino American Heritage
Q1 CIP Update

October 7, 2026, Joint OSATS & PCS 6:30p

E-Bike Ordinance

October 8, 2026, PCS - CANCELLED

October 20, 2026, City Council 6:30 p.m.

Proclamation: Code Compliance Month
Proclamation: Veteran's Day
Promontory TSM and WRSPA

October 22, 2026, Planning Comm. 6:30 p.m.

November 3, 2026, City Council - CANCELLED

November 4, 2026, OSATS. 6:30 p.m.

Residential Tree Program
Reusable Foodware Ordinance
E-bike Ordinance

November 12, 2026, PCS 6:30 p.m.

Community Grant Program Recipients
Presentations Update

November 17, 2026, City Council 6:30 p.m.

Proclamation: Acknowledging Diwali

November 19, 2026, Planning Commission

December 1, 2026, City Council 6:30p

Certify Election Results
Swear-In New Council Member(s)
Select Vice-Mayor
Council Committee Appointments
2027 Council and Commission Calendar

December 2, 2026, TBID 11:00 a.m.

December 2, 2026, OSATS - CANCELLED

December 10, 2026, JOINT PCS & OSATS 6:30p

Presentation: Tree City USA
Evaluate Trail Way Finding & Park Connectivity

December 15, 2026, City Council 6:30p

FY 25/26 ACFR

December 17, 2026, Planning Commission

Unscheduled Council Directed Items			
Item	Councilmember	Date of Vote	Notes
Purple Heart Designation	Washington	10/15/2024	TBD
Add Quarterly Circulation Update Report	Joseph	06/02/2026	TBD
Economic Development in Industrial Park	Joseph	08/04/2026	TBD