



## REGULAR PLANNING COMMISSION MEETING AGENDA

City Hall - Council Chambers  
4381 Broadway, Ste. 201, American Canyon  
February 23, 2023  
6:30 PM

**Chair:** Crystal Mallare  
**Vice Chair:** Brando Cruz  
**Commissioners:** Eric Altman, Andrew Goff, Davet Mohammed

---

---

*Consistent with Government Code Section 54953 and the American Canyon City Council Resolution Declaring the Existence of a Local Emergency due to the COVID-19 Pandemic, City Council and other public meetings will be conducted both in person at City Hall, 4381 Broadway, Suite 201, and also via Zoom Teleconferencing to promote local, state, and federal guidelines and social distancing recommendations for the containment of the coronavirus. City officials and members of the public are invited to attend the meeting either in person or via teleconference. This meeting will be broadcast live to residents on Napa Valley TV, on our website [here](#) and on YouTube [here](#).*

### **PUBLIC PARTICIPATION**

**Oral comments, during the meeting:** Oral comments can be made in person during the meeting. A Zoom Webinar has been established for public comments made via zoom. To give your public comment via zoom, use the Register to Speak feature of eComments, connect via the below Zoom link and use the “raise your hand” tool, or call into the zoom meeting at 408-638-0968 and press \*9 to “raise your hand” when the item is called. To avoid confusion, all hands raised outside of Public Comment periods will be lowered.

**Written comments, via eComments:** Please submit written comments through the eComments link, located on the Meetings & Agendas page of our website [here](#). Comments will be available to council members in real time. eComments will remain open throughout the meeting. All comments received will be posted online and become part of the meeting record.

**Zoom Meeting Link:** [Click here](#)

**Webinar ID:** 874 5922 8500 **Passcode:** 188165

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act. For more information, please call the Office of the City Clerk at (707) 647-4369 or email [cityclerk@cityofamericancanyon.org](mailto:cityclerk@cityofamericancanyon.org).

**AGENDA MATERIALS:** Planning Commission agenda materials are published 72 hours prior to the meeting and are available to the public via the City’s website at [www.cityofamericancanyon.org](http://www.cityofamericancanyon.org).

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

## 6:30 P.M. REGULAR MEETING

### CALL TO ORDER

### PLEDGE

### ROLL CALL

## PUBLIC COMMENT

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

## AGENDA CHANGES

## CONSENT CALENDAR

1. **Minutes of January 26, 2023**  
**Recommendation:** Approve the Minutes of January 26, 2023
2. **Minutes of Special Joint City Council Planning Commission Meeting of January 31, 2023**  
**Recommendation:** Approve the Minutes of January 31, 2023, Special Joint City Council Planning Commission Meeting

## PUBLIC HEARINGS

3. **Chicken Guy Restaurant Conditional Use Permit**  
**Recommendation:** Approve a Conditional Use Permit for development of a 2,818 square feet quick-serve restaurant with drive-thru lane at 200 American Canyon Road, APN 059-110-056 (File No. PL22-0021)
4. **Housing Element Annual Progress Report 2022**  
**Recommendation:** Receive and file 2022 Calendar Year Housing Element Annual Progress Report

## MANAGEMENT AND STAFF ORAL REPORTS

5. **Active Planning Projects**  
**Recommendation:** Review Active Planning Projects List

## **COMMISSIONER ITEMS**

## **ADJOURNMENT**

## **CERTIFICATION**

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

---

Nicolle Hall, Administrative Technician

**CITY OF AMERICAN CANYON  
REGULAR PLANNING COMMISSION MEETING**

**ACTION MINUTES**  
*January 26, 2023*

---

**6:30 P.M. REGULAR MEETING**

**CALL TO ORDER**

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

**PLEDGE**

The Pledge of Allegiance was recited.

**ROLL CALL**

**Present:** Commissioners Eric Altman, Brando Cruz, Andrew Goff, Davet Mohammed, Chair Crystal Mallare

**Absent:** None

**Excused:** None

**PUBLIC COMMENT**

Chair Mallare opened public comment for non-agenized items.

Speakers: Leon Garcia, attending as a private citizen was called to speak, Justin Hamilton Hole was called to speak.

**AGENDA CHANGES**

There were no agenda changes.

**CONSENT CALENDAR**

**1. Minutes of November 17, 2022**

**Action:** Approve the minutes of November 17, 2022

**Action:** Motion to approve the minutes of November 17, 2022 made by Commissioner Goff, Seconded by Commissioner Mohammed and CARRIED by a roll call vote.

**Ayes:** Commissioners Brando Cruz, Andrew Goff, Davet Mohammed, Chair Crystal Mallare

**Nays:** None

**Abstain:** Commissioner Eric Altman

**Excused:** None

**PUBLIC HEARINGS**

**2) Watson Ranch Hotel at the Ruins Design Permit**

**Action:** Approve a Resolution of the Planning Commission of the City of American Canyon, California, approving a Design Permit for a 200-room hotel and 30 residences within the Watson Ranch Specific Plan Lot 16 and 17 Mixed-Use District; located north of Vintage Ranch and accessible from Rio Del Mar East, Mallen Way, and Rolling Hills Drive, Assessor’s Parcel Numbers 059-430-020 and -021 (File No. PL22-0012)

Senior Planner William He shared a PowerPoint presentation. Terrance McGrath, owner developer of Watson Ranch shared additional information about the project and aerial drone photos of the site.

**Speakers:**

Terrance McGrath, McGrath Properties

Commissioners discussed the item.

Chair Mallare opened the public the hearing.

Written comments: None

**Speakers:** Beth Marcus was called to speak, Fran Lemos was called to speak, Eva Garcia was called to speak, Luz Marcel, was called to speak, Leon Garcia, attending as a private citizen was called to speak.

Chair Mallare close the public hearing.

**Action:** Motion to Approve a Resolution 2023-01 of the Planning Commission of the City of American Canyon, California, approving a Design Permit for a 200-room hotel and 30 residences within the Watson Ranch Specific Plan Lot 16 and 17 Mixed-Use District; located north of Vintage Ranch and accessible from Rio Del Mar East, Mallen Way, and Rolling Hills Drive, Assessor’s Parcel Numbers 059-430-020 and -021 (File No. PL22-0012) made by Andrew Goff, seconded by Eric Altman, and CARRIED by roll call vote.

**Ayes:** Commissioners Andrew Goff, Eric Altman, Davet Mohammed, Brando Cruz, Chair Crystal Mallare

**Nays:** None

**Abstain:** None

**Absent:** None

**Excused:** None

## **BUSINESS**

### **3. 6th Cycle Draft Public Review Housing Element Workshop**

**Action:** Receive and File draft 6th Cycle Housing Element workshop.

Community Development Director Brent Cooper shared a PowerPoint presentation on the item.

Chair Mallare opened public comments.

Written Comments: None.

Speakers:

Luz Maristela, was called to speak; Beth Marcus was called to speak; Fran Lemos was called to speak.

Chair Mallare closed public comment.

Commissioners discussed the item.

**Action:** The draft 6<sup>th</sup> Cycle Housing Element was received and filed.

#### **4. Matters relating to the selection of Planning Commission Chair and Vice Chair appointments for 2023**

**Action:** Matters relating to the selection of Planning Commission Chair and Vice Chair appointments for 2023:

By Minute Order, nominate and select a Vice Chair to serve a one-year term, February 2023 - December 2023.

By Minute Order, nominate and select a Chair to serve a one-year term, February 2023 - December 2023.

By Minute Order, approve the "2023 Planning Commission Appointment List."

Commissioners discussed the item.

**Action:** Motion approve Planning Commission Minute order 2023-01 nominating Brando Cruz to serve as Planning Commission Vice Chair for a one-year term, February 2023 – December 2023 made by Commissioner Goff, seconded by Chair Mallare and CARRIED by a roll call vote.

**Ayes:** Commissioners Andrew Goff, Eric Altman, Davet Mohammed, Vice Chair Brando Cruz, Chair Crystal Mallare

**Nays:** None

**Abstain:** None

**Absent:** None

**Excused:** None

**Action:** Motion to approve Planning Commission Minute Order 2023-02 nominating Crystal Mallare to serve as Planning Commission Chair for a one year term, February 2023 – December 2023 made by Commissioner Goff, seconded by Commissioner Mohammed and CARRIED by a roll call vote.

**Ayes:** Commissioners Andrew Goff, Eric Altman, Davet Mohammed, Vice Chair Brando Cruz, Chair Crystal Mallare

**Nays:** None

**Abstain:** None

**Absent:** None

**Excused:** None

## MANAGEMENT AND STAFF ORAL REPORTS

### 5. Active Planning Projects

**Action:** [Review Active Planning Projects List](#)

Community Development Director Brent Cooper provided an update on active planning projects, including Bell Products, pre-application for Paintball Jungle Conditional Use Permit, Promontory residential subdivision located in Watson Ranch, Conditional Use Permit for a trucking business at 1190 Green Island Road, PG&E Regional Center, Giovannoni Logistics Center, Oat Hill apartments building permit applications, Circle K fuel station, Comprehensive General Plan Update Environmental Impact Report, 6th Cycle Housing Element, Paoli Watson Lane annexation environmental impact report, Napa County Airport Land Use Compatibility Plan update.

## COMMISSIONER ITEMS

Commissioners discussed items of interest.

## ADJOURNMENT

The meeting was adjourned at 9:06 p.m.

## CERTIFICATION

Respectfully Submitted,

---

Nicolle Hall, Administrative Technician



**TITLE**

[Minutes of Special Joint City Council Planning Commission Meeting of January 31, 2023](#)

**RECOMMENDATION**

Approve the Minutes of January 31, 2023, Special Joint City Council Planning Commission Meeting

**CONTACT**

Nicolle Hall, Administrative Technician

**ATTACHMENTS:**

[January 31, 2023, Special Joint City Council Planning Commission Minutes](#)

**CITY OF AMERICAN CANYON**  
**SPECIAL JOINT CITY COUNCIL PLANNING COMMISSION MEETING**

**ACTION MINUTES**  
*January 31, 2023*

---

**6:30 P.M. SPECIAL MEETING**

**CALL TO ORDER**

The meeting was called to order at 6:34 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

**Present:** Mayor Leon Garcia, Vice Mayor Pierre Washington, Council Member Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Chair Crystal Mallare, Vice Chair Brando Cruz, Commissioner Eric Altman, Commissioner Davet Mohammed

**Absent:** Commissioner Andrew Goff

**Excused:** None

**PUBLIC COMMENT - ITEMS NOT ON THE AGENDA**

Mayor Garcia opened Public Comments for City Council items not on the agenda

Written Comments: None

Oral Comments: None

Mayor Garcia Closed Public Comments for City Council

**PUBLIC COMMENT - ITEMS NOT ON THE AGENDA**

Mayor Garcia opened Public Comments for Planning Commission items not on the agenda.

Written Comments: None

Oral Comments: None

Mayor Garcia closed Public Comments for Planning Commission

## PUBLIC HEARINGS

### 6th Cycle Draft Housing Element Update

**Action:** Adopt a Resolution taking the following actions in conjunction with the Sixth Cycle Housing Element Update:

Adopt a Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon, California adopt a General Plan Amendment Sixth Cycle Housing Element Update pursuant to California Government Code Section 65588 (File No. PL23-0001);

Adopt a Resolution of the City Council of the City of American Canyon, California adopting a General Plan Amendment Sixth Cycle Housing Element Update pursuant to California Government Code Section 65588 (File No. PL23-0001).

Community Development Brent Cooper shared a PowerPoint Presentation.

Council & Commissioners discussed the item.

City Attorney William Ross shared additional information.

Mayor Garcia Opened the Public Hearing.

Written Comments:

Barry Christian

Californians for Homeownership

Oral Comments Comments: none

**Action:** Motion to Adopt Resolution 2023-02 of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon, California adopt a General Plan Amendment Sixth Cycle Housing Element Update pursuant to California Government Code Section 65588 (File No. PL23-0001) made by Commissioner Altman, seconded by Commissioner Mohammed, and CARRIED by a roll call vote.

**Ayes:** Commissioners Eric Altman, Davet Mohammed, Vice Chair Brando Cruz, Chair Crystal Mallare

**Nays:** None

**Abstain:** None

**Absent:** Andrew Goff

**Excused:** None

**Action:** The Planning Commission adjourned at 7:55 p.m.

**Action:** The City Council Recessed into Closed Session at 7:55 p.m.

**Action:** The City Council meeting reconvened at 8:09 p.m.

City Attorney William Ross reported that a closed session discussion occurred during the meeting recess.

**Action:** Motion to adopt Adopt Resolution 2023-06 of the City Council of the City of American Canyon, California adopting a General Plan Amendment Sixth Cycle Housing Element Update pursuant to California Government Code Section 65588 (File No. PL23-0001). Made by Councilmember Joseph, seconded by Vice-Mayor Washington and CARRIED by a roll call vote

**Ayes:** Councilmembers Miriam Aboudamous, Mark Joseph, David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

**Nays:** None

**Abstain:** None

**Absent:** None

**Excused:** None

## **ADJOURNMENT**

The meeting adjourned at 8:13 p.m.

## **CERTIFICATION**

Respectfully Submitted,

---

Nicolle Hall, Administrative Technician



**TITLE**

Chicken Guy Restaurant Conditional Use Permit

**RECOMMENDATION**

Approve a Conditional Use Permit for development of a 2,818 square feet quick-serve restaurant with drive-thru lane at 200 American Canyon Road, APN 059-110-056 (File No. PL22-0021)

**CONTACT**

William He, AICP Senior Planner

**BACKGROUND & ANALYSIS**

Site Information:

General Plan Designation	Neighborhood Commercial (CN)
Zoning District	Neighborhood Commercial (CN)
Site Size	1.03-acres
Present Use	Undeveloped Lot
Surrounding Zoning and Uses	North: CN / Walgreens pharmacy South: Public (P) / Veterans Park East: Mobile Home Park (MHP) / Mobile Home Park residences West: CN / Vacant lot owned by Union Pacific Railroad
Access	Site access is provided off Broadway St and American Canyon Road

Summary: The project site is located at a vacant parcel within the American Canyon Road and Broadway Commercial Project, south of the Walgreens Pharmacy at 200 American Canyon Road. Located within the Neighborhood Commercial (CN) zoning district of the Broadway District Specific Plan (BDSP), a quick serve restaurant requires a Conditional Use Permit (CUP) when it is adjacent to residential uses or residential zones. The site is vacant and is ready for dry and wet utility connections. A location map is included as Attachment 2. Site photographs are included as Exhibit 3.

History: On May 22, 2008, the Planning Commission approved the American Canyon Road and Broadway Commercial Project (the “Project”). The 2008 Project approvals included a tentative parcel map providing three parcels in conjunction with a Design Permit and two Minor Variations to initially authorize four buildings on the property, consisting of a Walgreens pharmacy, two multi-tenant “retail” buildings, and an approximately 2,974 square-foot “El Pollo Loco” quick serve drive-thru restaurant. The Project was analyzed in a Mitigated Negative Declaration (“MND”) consistent with the California Environmental Quality Act.

Upon approval of a Final Parcel Map and further Minor Variations in 2011, building permits were issued for two of the three parcels. These include the Walgreens Pharmacy and a 7-Eleven convenience store, respectively. No action was taken with respect to the third parcel until the City received the Chicken Guy Conditional Use Permit application in August 2022.

Proposed Development: Chandi Hospitality Group proposes to develop a 2,818 square foot quick-serve Chicken Guy restaurant with drive-thru service on a vacant retail parcel at 200 American Canyon Road. The shopping center located at the northwest corner of Broadway and American Canyon Drive includes a Walgreens Pharmacy, a 7-Eleven convenience store, and a second vacant retail pad.

The proposed Chicken Guy restaurant features seating capacity for 70 people with an indoor dining room and an outdoor covered dining porch. The restaurant is proposed to operate from 8:00 AM to 12:00 AM daily. The site includes 29 parking spaces supported with approximately 3,994 square feet of landscaping. The restaurant is a franchise developed by Food Network celebrity, Guy Fieri.

The architecture consists of modern industrial design consistent with BDSP architectural standards. The single-story restaurant includes large windows and a centralized entrance on the north side. The exterior includes a variety of colors and materials, including a horizontal metal canopy and angled red arches at the drive-thru that breaks up the mass of the building. The building uses durable materials, consisting of wood, metal, and glass. The top of the building is 20 feet high with a parapet that reaches 25 feet. A condition of approval requires the parapet to be at least equal in height to screen rooftop equipment. The restaurant also includes two tower features that show the business logo. A photorendering of the restaurant is included as Attachment 4.

Site Specific Issues:

*Drive-thru lanes:* The Design Permit plans depict a single drive-thru lane entering the east side of the site, south of Walgreens. The single lane splits into two drive-thru lanes on the west side of the restaurant where food is ordered from a menu. The two drive-thru lanes merge into one lane on the east side of the restaurant where food orders are delivered. The drive-thru lane exits into the shopping center parking lot just south of the entrance drive-thru lane. A graphic depicting the site plan with the initial drive-thru lane proposal is included as Attachment 5.

Staff reviewed the proposed drive-thru lane configuration and noted that a parking lot drive aisle

conflicts with the turning radius for vehicles exiting the drive-thru lane. A condition of approval requires the applicant to submit improvement plans (i.e.: construction documents) that demonstrate a safe and convenient vehicle pathway for the restaurant drive-thru exit lane.

*Overhead Utility Undergrounding:* BDSP Policy 3-4 requires all existing overhead utility poles on-site and along the property frontage to be placed underground in conjunction with development of the site or as a deferred requirement subject to approval of the City Engineer.

The Chicken Guy Restaurant parcel has approximately 360 linear feet of overhead utilities consisting of three overhead telecom utility poles. A condition of approval requires the applicant to underground the overhead utilities within the site and across Broadway to the first pole. A graphic depicting the undergrounding requirement is included as Attachment 6.

*Public Outreach:* Staff and the applicant conducted public outreach for the Project. On October 10, 2022, staff mailed a letter to all property owners within 300 feet of the project site and sent e-mails to all interested stakeholders in the City's Gov-Delivery mailing list. The project was also added to the Community Development Department's website for active planning projects.

On February 8, 2023, staff mailed out an official public hearing notice regarding project to the property owners within 300 feet and sent a second round of e-mails to City's Gov-Delivery mailing list. The mailings provided a link that allowed people to provide comments or questions regarding the project. The comments link will remain open until 3:00 pm on the Planning Commission Hearing day. As of this writing, staff received eight responses. Four responses were opposed the project, and four were in favor. A copy of the comments received is included as Attachment 7.

On October 28, 2022, the Yocha Dehe Wintun Nation (Tribe) concluded they have a cultural interest and authority in the proposed project area because it is within the aboriginal territories of the Yocha Dehe Wintun Nation Tribe. For this reason, the Tribe has concerns that the project could impact unknown cultural resources and requested a site visit to the project area to evaluate their cultural concerns.

The draft Resolution includes BDSP Mitigation Measure MM-CUL-1 and MM CUL-4 which include protocols in the event prehistoric or historic-period human remains or archaeological resources are encountered during ground disturbing activities.

In addition, on January 31, 2023, the City adopted a General Plan Amendment Policy H-8.12 that requires the "Yocha Dehe Wintun Nation Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation" to be implemented in the event any Native American human remains, grave goods, ceremonial items, and items of cultural patrimony are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity.

As a result, an additional condition of approval has been added to the resolution requiring the use of the Yocha Dehe Wintun Nation Treatment Protocol when any Native American human remains, grave goods, ceremonial items, and items of cultural patrimony are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity. A copy of the “Yocha Dehe Wintun Nation Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation” is included as Attachment 1.4. A condition of approval requires the applicant to include cultural representatives to the pre-construction meeting invitation prior to any grading activities.

*Entitlement Processing:* In November 2022, the property leasehold’s attorney, Marcus J. LoDuca, submitted a letter stating that the proposed Chicken Guy restaurant Conditional Use Permit application is not required because a drive-thru restaurant and a subdivision was approved on this parcel in 2008, and the subdivision map was subsequently recorded. A copy of the Marcus J. LoDuca letter is included as Attachment 8.

On January 6, 2023, the City Attorney responded to the developer’s claims of continual Project Permit Validity in a letter that explains that the three standards for obtaining vested rights to develop has not been satisfied. For this reason, the proposed Chicken Guy Conditional Use Permit application must be approved by the Planning Commission. A copy of the City Attorney’s vesting analysis letter is included as Attachment 9.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Economic Development and Vitality: "Attract and expand diverse business and employment opportunities."

## **FISCAL IMPACT**

The Chicken Guy Restaurant Conditional Use Permit application required a developer’s deposit for review and processing, so there is no fiscal impact for staff’s time.

## **ENVIRONMENTAL REVIEW**

The 2019 Broadway District Specific Plan (BDSP) Final Environmental Impact Report (FEIR) evaluated the development of the 292-acre site area along the Broadway corridor. The City made findings of overriding consideration for significant and unavoidable impacts. The Chicken Guy Restaurant project site and the amount of development are consistent with the FEIR. In accordance with CEQA Section 15168 (c), staff reviewed the project with a written checklist, supplemental CEQA analysis submitted by applicant, and evaluated the site and operation. The checklist determined that, with the mitigation measures prescribed, the project’s environmental effects were within the scope of the program FEIR and there is no substantial evidence that there are changed circumstances requiring further CEQA review. Additionally, the proposed conditional use permit is exempt from CEQA under Categorical Exemption, Class 32 (Section 15332) – In-fill Development Projects.

## **ATTACHMENTS:**

1. Chicken Guy CUP - Resolution
- 1.1 Exhibit A - BDSP Program EIR Evaluation Chicken Guy
- 1.2 Exhibit B - Chicken Guy CUP Plans
- 1.3 Exhibit C - Chicken Guy CUP Confirmation of COA
- 1.4 Exhibit D - Yocha Dehe Protocols
2. Chicken Guy CUP Location Map
3. Site Photographs
4. Photo Renderings
5. Site Plan with Drive-Thru
6. Utility undergrounding exhibit 10.27.23
7. Public Comments
8. Do Luca Letter 11.28.22
9. City Attorney (Chicken Guy) 01.06.23

## RESOLUTION NO. 2023-XX

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF A 2,818 SQUARE FOOT QUICK-SERVE RESTAURANT WITH A DRIVE-THRU LANE AT 200 AMERICAN CANYON ROAD, APN 59-110-056 (FILE NO. PL22-0021)**

**WHEREAS**, on August 22, 2022, the Chandi Hospitality Group filed a Conditional Use Permit application (File No. PL22-0021) for development of a 2818 square feet quick-serve restaurant with a drive-thru lane at a vacant lot at 200 American Canyon Road (Walgreens Pharmacy), APN 059-110-056; and

**WHEREAS**, the project site is located on a 1.03-acre site in the Neighborhood Commercial (NC) zoning district within the Broadway District Specific Plan; and

**WHEREAS**, the project will be supported with 29 parking stalls and approximately 3,994 square feet of landscaping; and

**WHEREAS**, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on February 23, 2023 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal; and

**WHEREAS**, the Planning Commission considered all of the written and oral testimony presented at the public hearing in making its decision on February 23, 2023; and

**NOW THEREFORE BE IT RESOLVED** that the American Canyon Planning Commission hereby makes the following CEQA findings and findings set out in Sections 1 and 2 to approve Conditional Use Permit PL22-0021 for the Project, subject to the conditions of approval set out in Section 3.

#### **SECTION 1: CEQA FINDINGS**

The 2019 Broadway District Specific Plan (BDSP) Final Environmental Impact Report (FEIR) evaluated the development of the 292-acre site area along the Broadway corridor. The City made findings of overriding consideration for significant and unavoidable impacts. The Chicken Guy Restaurant project site and the amount of development are consistent with the FEIR. In accordance with CEQA Section 15168 (c), staff reviewed the project with a written checklist, supplemental CEQA analysis submitted by applicant, and evaluated the site and operation. The checklist determined that, with the mitigation measures prescribed, the project's environmental effects were within the scope of the program FEIR and there is no substantial evidence that there are changed circumstances requiring further CEQA review. An analysis of the Project consistent with the BDSP Final EIR is included as Exhibit A to this Resolution.

Additionally, the proposed conditional use permit is exempt from CEQA under Categorical Exemption, Class 32 (Section 15332) – In-fill Development Projects. The project meets all the characteristics of Class 32 listed below.

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- b. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

**SECTION 2: CONDITIONAL USE PERMIT FINDINGS**

Approval of the Conditional Use Permit requires that all of the following findings be made, pursuant to American Canyon Municipal Code Section 19.42.020:

- A. The proposed use is consistent with the policies and programs of the general plan and any applicable master or specific plan.

*The project is located in the Neighborhood Commercial (NC) zoning district within the Broadway District Specific Plan. A quick-serve restaurant with drive-thru that is adjacent to residential uses requires a conditional use permit. With the conditions of approval identified in Section 3, the project complies with the policies and programs of the General Plan and BDSP.*

- B. The proposed use is consistent with the purpose(s) and standards of the applicable zoning district(s).

*The project complies with the development standards identified in BDSP Table 2-13:*

	<i>Required</i>	<i>Proposed</i>	<i>Compliance</i>
<i>Minimum area</i>	<i>1 acre</i>	<i>1.03 acres</i>	<i>Yes</i>
<i>Minimum width</i>	<i>200 ft</i>	<i>270 ft</i>	<i>Yes</i>
<i>Minimum depth</i>	<i>100 ft</i>	<i>140 ft</i>	<i>Yes</i>
<i>Minimum front yard building setback</i>	<i>15 ft</i>	<i>30 ft plus</i>	<i>Yes</i>
<i>Minimum side yard</i>	<i>10 ft</i>	<i>20 ft</i>	<i>Yes</i>
<i>Minimum rear yard</i>	<i>10 ft</i>	<i>47 ft</i>	<i>Yes</i>
<i>Maximum density (nonresidential)</i>	<i>0.5 FAR</i>	<i>0.06 FAR</i>	<i>Yes</i>
<i>Maximum number of stories</i>	<i>3</i>	<i>1</i>	<i>Yes</i>
<i>Maximum building height</i>	<i>54 ft</i>	<i>25'</i>	<i>Yes</i>

- C. The proposed use complies with applicable policies of the Napa County Airport land use compatibility plan.

*The project is within Zone E of the Airport Land Use Compatibility Plan, and restaurants are permitted uses within the zone.*

- D. The project site is physically suitable for the type and intensity of land use being proposed.

*The site is relatively flat and is accessible by Broadway St. The site is suitable for the proposed quick-serve restaurant.*

- E. The proposed use will not be a nuisance or materially detrimental to the general health, safety, and welfare of the public or to property and residents in the vicinity.

*The quick-serve restaurant shall comply with all Napa County health regulations. The site does not pose a nuisance to property or residents in the vicinity.*

- F. The site for the proposed use has adequate access, and meets parking and circulation standards and criteria.

*The site has a main access from Broadway Street and American Canyon Road through the shopping center parking lot. The site has 29 parking spaces. Reciprocal parking easements provides shared parking in the Walgreens and 7-Eleven parking areas. The site includes two pedestrian paths of travel.*

- G. There are adequate provisions for water and sanitary services, and other public utilities to ensure that the proposed use would not be detrimental to public health and safety.

*The site is ready for wet and dry utilities. Additionally, the site is required to underground utilities on and adjacent to the site. As a condition of approval, the applicant shall underground the telecom poles and overhead utilities on site. The proposed use would not be detrimental to public health and safety.*

### **SECTION 3. CONDITIONS OF APPROVAL**

#### **General**

1. The Conditional Use Permit approval is granted for the development of a 2,818 SF quick serve restaurant with drive-thru at the vacant lot at 200 American Canyon Rd, APN 059-110-056. The restaurant includes 70 fixed seats, a drive-thru, and 29 parking stalls. The 1.03-acre site is within the Neighborhood Commercial zoning district, shown on Exhibit B, which is on file in the Community Development Department, except as modified by conditions contained in this approval. Exhibit B includes the following:
  - a. Site Plan and Architectural Plans prepared by Milestone Associates Imagineering, Inc, from Yuba City, CA, dated August 22,2022.
  - b. Landscaping Plans prepared by Watkins Planning and Landscape Architecture, from Carmichael, CA, dated August 22, 2022.
2. The applicant shall defend, indemnify, and hold harmless the City of American Canyon ("City"), its elected and appointed officials, officers, employees, attorneys, representatives, boards, commissions, consultants, volunteers and agents from and against all claims, actions, including actions to arbitrate or mediate, damages, losses, judgments, liabilities, expenses and other costs, or proceedings against the City, its elected and appointed officials, officers, employees, attorneys, representatives, boards, commissions, volunteers, or agents to attack, modify, set aside, void, or annul an approval, conditional approval, permit, entitlement, environmental document, environmental clearance, mitigation plan, or any other document or any of the proceedings, acts, or determinations taken, done, or made prior to granting of such approval, conditional approval, permit, entitlement, environmental clearance, environmental document, mitigation plan, or other documents, by the City, including, without limitation, an action against an advisory agency, appeal board, or legislative body within the applicable limitation period.

The obligation to defend, indemnify and hold the City harmless shall include the payment of all legal costs and attorney's fees (including a third party award of attorney's fees), arising out of, resulting from, or in connection with the City's act or acts leading up to and including approval of any environmental document or mitigation plan granting approvals to the applicant, incurred on behalf of, or by, the City, its elected and appointed officials, officers, employees, representatives, attorneys, boards, commissions, volunteers and agents in connection with the defense of any claim, action, or proceeding challenging the entire or a portion of an approval, conditional approval, permit, entitlement or any other document of any related claim.

The obligation to defend, indemnify, and hold the City harmless shall include, but not be limited to, the cost of preparation of any administrative record by the City, staff time, copying costs, court costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of a permit, approval, conditional approval, entitlement, environmental document, mitigation plan, environmental clearance, or any other document or approval related to the applicant's project.

The City will promptly notify the applicant of any claim, action, or proceeding and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not be responsible to defend, indemnify, or hold harmless the City.

In the event a legal challenge to a City permit, approval, conditional approval, environmental document, environmental clearance, mitigation plan, entitlement or any other document, proceeding, determination, or action related to the applicant's project is successful, and an award of attorneys' fees is granted against the City, the applicant shall be responsible to timely pay the full amount of such an award.

3. The approval shall become effective on the expiration of the appeal period, ten calendar days following the decision, unless an appeal to the City Council is filed. An appeal may be filed with the Community Development Director by filling out an Appeal Form accompanied by a fee of \$751.
4. This approval is also subject to return of the "Applicant Confirmation of Conditions of Approval" form signed by the property owner as incorporated in this Resolution as Exhibit C. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday. If there is no appeal, this approval will be final on March 6, 2023.
5. The applicant is responsible for paying all charges related to the processing of this discretionary case application within 30 days of the issuance of the final invoice or prior to the issuance of building permits for this project, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or the revocation of the approval of this application.
6. The date upon which the approval is final shall be considered the day of the imposition of the fees, dedications, reservations and exactions required by these conditions approval for the purposes of protesting the imposition pursuant to California Government Code Section 66020.
7. If no construction permits have been issued and construction commenced within one year of the date upon which this approval is final, the approval shall become null and void and of no effect (see APMC 19.42.030(A)). An extension of time may be granted by the Community Development Director upon the written request by a responsible party before the expiration of the one-year period, provided that the Director can make the findings that there have been no substantial changes in the approved plans, and that there has been no change of circumstances which would prevent any of the required findings of approval to be made.
8. Prior to obtaining a building permit, all parties working on the project must obtain a business license from the City.

9. The Property Owner is responsible to remove any graffiti that occurs on the site within 24 hours.
10. The Property Owner is responsible to maintain the site free of all litter and debris and ensure that all facilities and grounds are properly maintained.

### **Planning**

11. The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Conditional Use Permit, under the title "Conditional Permit Conditions". The second sheet may also be used if the first sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
12. The Conditional Use Permit approval does not include signs. Prior to the installation of signs, submit a new sign program application for all signs proposed for Parcel 3.
13. Prior to building permit issuance, the applicant shall submit final landscape plans that comply with the State of California Water Efficient Landscape Ordinance. The landscape architect shall document and attest to the compliance with the State ordinance on the landscape plans. The plans shall incorporate the following requirements:
  - a. All trees must be 15 gallons in size or larger.
  - b. According to ACMC Section 19.21.030(L), provide an evergreen hedge that will grow to 30 inches tall along the west side of the drive-thru lane to screen view of drive-thru vehicles from Broadway (SR-29).
14. Prior to the issuance of a certificate of occupancy, the project landscape architect shall certify that all plant materials have been installed in accordance with the approved landscape plan.
15. All tree stakes and ties shall be removed within one year following installation or as soon as trees are able to stand erect without support.
16. Clear sight triangles shall be maintained at all driveways. Low-lying plantings and other site fixtures, including signs, shall be no taller than 30 inches within the site vision triangles.
17. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.
18. According to BDSP Policy 3-2, roof access ladders mounted to the building exterior walls are not permitted.
19. According to BDSP Policy 3-2, projects are required to incorporate equipment and service items such as: garbage storage, loading docks, vents, AC compressors, roof access ladders, meters, and transformers into the building design and/or landscape areas to minimize noise and visual impacts on

pedestrian areas, streets and adjacent properties. Roof mounted mechanical equipment shall be screened with a parapet equal in height to the highest equipment facility.

20. Prior to the issuance of the building permit, the “tower” feature above the pickup window on the east elevation shall be confirmed as an enclosed box above the building parapet.
21. Prior to the issuance of the building permit, provide revised building elevation drawings. Ensure the drawings illustrate the colors and materials of the “back” of any architectural feature that rises above the parapet and faces the interior of the building.
22. According to BDSP Policy 3-4, existing overhead utility poles on-site and along the property frontage to be placed underground in conjunction with development of the site or as a deferred requirement subject to approval of the City Engineer. Parcel 3 contains three utility poles and overhead utilities. Prior to the issuance of the site improvement plans, identify the undergrounding of the utility poles and overhead utilities. Prior to the certificate of occupancy, complete the utility undergrounding.
23. According to APMC Section 19.21.050, developments with 29 parking spaces shall provide 2 bicycle parking spaces. Prior to building permit issuance, identify the bicycle parking spaces on the site plan.
24. Consistent with General Plan Policy H-8.12, the “Yocha Dehe Wintun Nation Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation” shall be implemented in the event any Native American human remains, grave goods, ceremonial items, and items of cultural patrimony are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity. A copy of the “Yocha Dehe Wintun Nation Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation” is included in this Resolution as Exhibit D.

### **Building and Safety**

25. According to BDSP Chapter 2.2, prior to issuance of a building permit, the applicant shall submit plans that demonstrate the proposed project shall exceed compliance with Title 24 Part 6 Energy Standards by 15%.
26. Prior to building permit issuance, the applicant shall submit plans that demonstrate the women’s restrooms have no fewer toilets than the men’s room has toilets and urinals, per CPC Table 422.1 footnote 3.
27. Prior to the building permit issuance, ensure trash enclosure have drains and hot water or steam for cleaning.
28. Prior to the final inspection, the applicant shall submit a letter of certification to the Building Official from the project architect, civil engineer, and landscape architect certifying that all improvements have been constructed in accordance with the approved building plans.
29. Prior to the final inspection, a Certified Access Specialist (CASP) shall submit a letter certifying that all improvements have been constructed in compliance with applicable state and federal accessibility

standards. Determination of consistency shall be subject to the review and approval of the Building Official.

### **Fire District General Comments**

30. In accordance with the standard mitigation measures and conditions of approval set forth by the City of American Canyon, the developer shall pay the Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.
31. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code, California Fire Code, City of American Canyon standards and Nationally Recognized Standards.
32. There shall be no deferred submittals for fire protection equipment and related utilities. Fire protection plans shall not be attached to or bound with the building plan submittal package. This includes but is not limited to Automatic Fire Sprinkler, Fire Alarm, Fixed Fire Protection and Civil plans.
33. All Fire related underground piping and fire appurtenances shall be shown on the Civil plan submittal. In addition to the Civil plan submittal, at least (1) plan set under separate cover shall be submitted to American Canyon Building Division for routing to the American Canyon Fire Protection District detailing all underground piping and related fire appurtenances including but not limited to underground piping, underground sweep detail, underground trench details showing depth of burial, type of backfill, manufacturer's specifications of piping, valves joints, fittings and calculated size and locations of thrust blocks, hydrants locations (designate public or private), gate shut-off valves, PIV's, FDC's, fire pumps, fire pump and/or riser rooms.
34. Underground utility contractor, architect and fire sprinkler contractor shall coordinate the location of risers and control valves prior to the issuance of a building permit.
35. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the installation of additional fire protection systems or components.
36. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code. Applicant shall demonstrate on plan submittal; square footage of each building on plan and provide the required fire flow information. Applicant shall demonstrate that the number and spacing of onsite fire hydrants meets with requirements of the California Fire Code. See sample below regarding fire flow and hydrant detail information needed.

**BUILDING FIRE FLOW REQUIREMENTS – CFC TABLES B105.2 & B105.1(2)**  
***INFORMATION BELOW IS A SAMPLE AND FOR REFERENCE ONLY***

Table B105.1(2) – Building size = 129, 600 square feet  
Construction type = Type IIA  
FF = 5,250 gpm at 20 psi  
Duration = 4 hours

Table B105.2 – Fire sprinkler allowance = - 50%

$5,250 - 2,625 = 2,625$  gpm

FF = 2,625 gpm @ 20 psi

Duration = 2 hours

Table CC105.1 – Approximate number of hydrants = 3

Average spacing = 400 feet + 25% allowable increase = 500

Maximum distance from street or frontage = 225 feet = 50% allowable increase = 337.5

37. Fire Protection systems shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City of American Canyon and the applicable National Fire Protection Association Standard.
38. The fire protection equipment shall be located within an interior room having an approved exterior access door or in an exterior enclosure attached to the building, specifically, for the purpose of housing such equipment.
39. Fire Apparatus Access Roads shall be designed in accordance with provisions set forth in the California Fire Code Chapter 5 and Appendix D as amended by the City of American Canyon and the applicable Public Works Standard.
40. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 75,000 pounds.
41. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all building from an approved exterior route. If this cannot be achieved fire apparatus turn arounds will be needed.
42. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in Section 503.2.1 shall be maintained at all times.
43. When required by the Fire Chief, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.
44. Where applicable improvement plan submittals for permit shall include locations of fire lane red curbing and fire lane signage. Please refer to and include City Public Works Standard FP-2A & 2B with plan submittals for permitting.
45. The City of American Canyon requires that a fire hydrant be in service within 250 feet of the furthest point of construction prior to the stockpiling of combustible materials for the beginning of construction.
46. Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.

## Public Works General Conditions of Approval

47. The Applicant shall be responsible for all City plan check and inspection costs. The Applicant shall establish a Developer Deposit Account with the City upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual costs.
48. All improvements shall be designed in accordance with the American Canyon Municipal Code (ACMC), City of American Canyon Engineering Standard Plans and Specifications for Public Improvements (City Standards), except as specifically noted otherwise in these conditions.
49. All new utilities to serve the project, shall be placed underground. Exceptions may be allowed for surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
50. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Napa County Department of Environmental Services or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination.
51. A detailed Soils Investigation/Geotechnical Report shall be prepared and submitted for review. The report shall address, at a minimum, potential for liquefaction, R-values, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report.
52. A drainage report prepared by a California Registered Civil Engineer shall be submitted for review with the initial submittal of the Improvement Plans. The report shall include detailed hydrologic and hydraulic calculations to support the design and sizing of all public and private drainage facilities including storm drains and detention facilities. The report shall address existing downstream storm drain facilities and hydraulic conditions which may impact the design of proposed facilities and improvements.
53. A final detailed post-construction Stormwater Control Plan (SWCP) that identifies and sizes all permanent post-construction stormwater treatment BMPs shall be prepared and submitted for review and approval. The SWCP shall be prepared in accordance with the latest edition of the *Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual* and the requirements of the State Water Resources Control Board Phase II Municipal Separate Storm Water System (MS4) General Permit (Order 2013-0001 DWQ). It is the City's discretion whether to accept alternative treatment facilities other than bioretention.
54. A Post Construction Stormwater Operations and Maintenance Plan that includes a plan sheet showing all storm drain and water quality infrastructure that is to be maintained, along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs shall be submitted for review and approval by the City Engineer. Once approved, the property owner(s) shall enter into an agreement with the City that provides the terms, conditions, and security associated with the ongoing requirements of the post-construction Stormwater Best Management Practices.

55. The Applicant shall secure all necessary rights-of-way and public and private easements for both onsite and offsite improvements. The Applicant shall prepare all necessary legal descriptions and deeds.
56. To the extent any offsite public improvements require the acquisition of property not currently owned by the Applicant or the City, the Applicant shall first make a good-faith effort to acquire the necessary property rights, however if the Applicant makes such an effort and is unable to acquire such rights, then the Applicant may request the City acquire the necessary property rights through the exercise of eminent domain provided that the Applicant enters first into an agreement with the City to pay for all costs incurred by the City to acquire such rights and if the City does not acquire the rights necessary to allow the offsite public improvements to be completed by the Applicant within statutory timeline provided by law, then the Applicant shall be relieved of the obligation to construct those off-site improvements only to the extent they require property not currently owned by the Applicant or the City. The Applicant shall make a good-faith effort to identify and acquire the necessary property rights at the earliest opportunity.
57. The Applicant shall submit site Improvement Plans, prepared by a registered Civil Engineer, for review and approval of the City's Public Works Department. **Please be aware that this is separate submittal from the building permit application.** The final plan set shall include all civil, landscape and joint trench drawings under a single cover sheet. No final grading or other construction shall be performed until the Improvement Plans have been approved. The Applicant shall not begin clearing, grubbing, or rough grading at the site prior to approval of the Improvement Plans, unless explicitly approved by the City of American Canyon through the standard grading and utilities only permit process. An Encroachment Permit is required for any work within City right of way. Encroachment Permits will not be issued prior to the approval of the Improvement Plans.
58. All public water service laterals or services (domestic, recycled and fire water) shall include approved backflow prevention devices.
59. Cathodic protection shall be provided for all water valves, fittings, hydrants, meters, backflow devices, ductile iron pipe, and other metal appurtenances, regardless of the findings of any soils corrosivity analysis.
60. All sanitary sewer manholes shall be epoxy coated on the inside or installed with an exterior seal to limit infiltration.
61. The Applicant shall keep adjoining public and private streets free and clean of project dirt, mud, materials, and debris during the construction period in accordance with an approved SWPPP and Erosion and Sediment Control Plan using appropriate BMPs and as is found necessary by the City Engineer.
62. If any hazardous material is encountered during the construction of this project, all work shall be immediately stopped and the Fire Department, Napa County Department of Environmental Services or other designated agency, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
63. Prior to final preparation of the subgrade and placement of base materials, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV,

sanitary sewers, and water lines shall be installed in a manner that will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.

64. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction.
65. All new fire hydrants shall be covered with burlap sacks until the hydrants have been tested and found to be in conformance with City flow requirements. No storage of combustible materials or construction of building shall be permitted until all hydrants meet City flow requirements.
66. Prior to placing the final lift of asphalt, all public storm drains and sanitary sewer lines shall be video inspected at the Applicant's expense. All video media (CD, DVD, or portable hard drive) shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
67. All streets, curbs, gutters, sidewalks or other public facilities damaged in the course of construction associated with this Project shall be the responsibility of the Applicant and shall be repaired to the satisfaction of the City at the Applicant's expense.
68. After all of the new underground utilities within existing public streets have been installed, the entire affected areas shall be milled and repaved to present a neat finished pavement area. Multiple trench patches are not acceptable.
69. All construction stormwater pollution prevention best management practices (BMP's) shall be installed as the first order of work and in accordance with the *State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, as amended)*, the Applicant's Storm Water Pollution Prevention Plan (SWPPP), and the City's Erosion and Sediment Control Plan in accordance with the City's MS4 Permit. All stormwater BMP's shall be maintained to the satisfaction of the Qualified SWPPP Developer (QSD), Qualified SWPPP Practitioner (QSP), and the City Engineer.
70. Construction activities associated with the grading/improvement plans shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday. Work on weekends and holidays require written approval from the Public Works Director. If weekends and holiday work is approved, construction and grading activities shall be limited to between 8:00 a.m. to 6:00 p.m. on Saturdays, and between 10:00 a.m. and 6 p.m. on Sundays and holidays.
71. With the exception of water used for loading and testing of potable water lines, all construction water used for the project shall be obtained from a source other than American Canyon potable water sources. The Applicant shall provide verification that an outside source of construction water, e.g., recycled water, has been established and will be available for the duration of the project construction.
72. The development shall comply with the City's Zero Water Footprint policy.

73. All landscaping shall be designed to use recycled water for irrigation. Recycled water landscaping shall be designed to comply with California Code of Regulations Title 22 and shall include design details to prevent runoff of recycled water. The irrigation system shall include an ET/SMART controller.

#### **Public Works Special Conditions of Approval**

74. The Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary civil plans titled "Chicken Guy Restaurant" prepared by Milestone Associates Imagineering, Inc., dated August 22, 2022, except as modified by these conditions.

75. Improvement Plans shall be tied to the State of California coordinate system.

76. The Applicant shall design and construct all of the Public Improvements generally shown on the Preliminary Plans and more specifically described below.

a. **Underground Utility:**

Per the Broadway District Specific Plan, development of the site requires the project to have all existing overhead utilities on-site and along the frontage relocated underground. Developer shall underground the on-site AT&T overhead lines, as shown in the Utility Underground Exhibit that was circulated, October 27, 2022. The undergrounding shall extend south crossing Broadway.

77. The Applicant shall construct all of the on-site private drive aisles, parking spaces, walks, water, recycled water, sanitary sewer, storm drainage and stormwater quality and landscaping "**Private Improvements**" generally shown on the Preliminary Plans and more specifically described below. All private drive aisles, parking spaces, walks, water, sewer, storm drainage and stormwater quality improvements shall be designed in accordance with the City of American Canyon Engineering Standard Plans and Specifications for Public Improvements (City Standards), except as specifically noted otherwise in these conditions.

- a. Revise the site plan so that if vehicle queuing entering the drive thru extends beyond the drive thru lane, it will not conflict with vehicles exiting the restaurant drive thru lane or the Walgreens drive thru.
- b. Revise the site plan to replace the pedestrian path of travel from Broadway to Walgreens.
- c. Locate any monument signs such that they do not create sight obstructions for vehicles exiting the site.
- d. Revise the site grading and drainage design so that all site runoff will pass through the existing Contech StormFilter vault.
- e. Provide a floor drain in the garbage enclosure that is connected to the sewer service upstream of the grease interceptor. Also provide a hose bib at the trash enclosure for wash down.
- f. Provide accessible crosswalk between the curb ramp northwest of the building and trash enclosure.

- g. Trash enclosures shall be design in accordance with the American Canyon Draft Trash Enclosure Standards. Trash enclosures shall also be coordinated with Recology.
- h. All other unresolved Public Works comments during the Conditional Use Permit review shall be addressed and incorporated in the Improvement Plans.

78. Prior to SUBMITTAL OF THE IMPROVEMENT PLANS, the Applicant shall:

- a. Submit a current preliminary title report with links to all record documents.
- b. Submit a copy of the current American Canyon Commercial Center shared maintenance agreement.
- c. Submit the City's "Improvement Plan Checklist".
- d. Pay an initial cash deposit for City plan check services in amount to be determined by the City prior to the time of submittal. The Project engineer shall contact City staff to discuss submittal details to determine initial deposit amount.
- e. Provide the following:
  - (1) Public Street Repair Plan
  - (2) Utility Plan and Joint Trench Plan
  - (3) Construction Storm Water Pollution Prevention Plan (SWPPP) and a City Erosion and Sediment Control Plan (ESCP)
  - (4) Drainage Report
  - (5) Post-Construction Stormwater Control Plan (SWCP)
  - (6) Geotechnical Report
  - (7) Construction Traffic Control Plan.
  - (8) Traffic Impact Analysis that identifies net new trips generated by the new restaurant.
  - (9) Submit application for Water and Sewer Will Serve.
  - (10) Submit Vehicle Queuing Plan and Traffic Management Plan to address circulation conflict.
- f. Pothole and physically determine (by way of a survey performed by the Engineer of record) the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.

79. Prior to APPROVAL OF THE IMPROVEMENT PLANS, the Applicant shall:

- a. Provide written acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
- b. Complete and submit the City's Erosion and Sediment Control Plan (ESCP) Template. Applicant may refer to a SWPPP, as appropriate, by referencing page number within the SWPPP that addresses the requirements of the ESCP.
- c. Submit a copy of the Notice of Intent and WDID# for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

80. Prior to COMMENCEMENT OF CONSTRUCTION ACTIVITIES, the Applicant shall:

- a. Pay off all current account balances with the City of American Canyon.
- b. Pay an inspection fee in amount to be determined at the time of commencement for the City's inspection of the Public Improvements.
- c. Conduct a pre-construction meeting with representatives of the City whereby the Applicant, the Legally Responsible Party (LRP), Qualified SWPPP Practitioner (QSP), Qualified SWPPP Developer (QSD), cultural representatives, and/or the Contractor provides the following:
  - (1) Six (6) full-size bond copies of the approved Improvement Plans for the City's use.
  - (2) One (1) job-site copy of the latest edition of the City Standards for the Contractor use.
  - (3) One (1) job-site copy of the SWPPP for use by the LRP, QSP, QSD, and Contractor.
  - (4) Electronic copies of Improvement Plans and SWPPP

81. Prior to APPROVAL OF A BUILDING PERMIT, the Applicant shall:

- a. Pay all account balances and current City and American Canyon Fire District fees (Mitigation & Capacity) based on the rates in effect at the time of permit issuance. These fees include, but may not be limited to the following: Traffic Mitigation, General Plan Update, Civic Facilities, Fire District, Water Capacity, Zero Water Footprint Mitigation and Wastewater Capacity.

82. Prior to ACCEPTANCE OF IMPROVEMENTS, the Applicant shall:

- a. Restore all adjacent off-site road surfaces to pre-project conditions.
- b. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
- c. Provide a mylar and digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD (.dwg) and (.pdf) format (void of any AutoCAD block formats preventing full editing capabilities of the drawings), compatible with the City's current version, and tied to the NAD83 (California Zone 2, feet) coordinate system.
- d. Provide a letter stating that all of the Developer's Conditions of Approval have been met.
- e. Provide a letter from the Civil Engineer of Record certifying that all the site improvements were constructed and inspected in substantial conformance with the approved plans and City Standards.

### **Mitigation Monitoring and Reporting Program**

All applicable mitigations in the Mitigation Monitoring and Reporting Program for the Broadway District Specific Plan Project Environmental Impact Report (Resolution No. 2019-51, State Clearinghouse No. 2017042025) are incorporated as conditions of approval by reference as listed below.

## Mitigation Measures

83. MM AIR-2: Prior to issuance of the first construction permit for projects that occur pursuant to the Specific Plan, the applicant shall submit construction plans to the City of American Canyon with the following notes on them. The dust abatement measures described in the notes shall be implemented during construction.
- a. During construction activities, the following air pollution control measures shall be implemented:
  - b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed.
  - c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - e. All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour.
  - f. All roadways, driveways, and sidewalks shall be paved as soon as possible.
  - g. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - h. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes (beyond the 5-minute limit required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - i. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - j. A publicly visible sign shall be posted with a name and telephone number of the person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.
84. MM AIR-3: Prior to issuance of the first construction permit for development projects that occur pursuant to the Specific Plan, the applicant shall provide documentation to the City of American Canyon demonstrating that all off-road by diesel equipment proposed for use is powered with Tier 3 or cleaner engines.
85. MM AIR-4b: Prior to issuance of building permits for any potential source of toxic air contaminants that would be developed pursuant to the Specific Plan, the applicant shall complete either of the following two options:
- a. Prepare and submit a toxic air contaminant risk screening assessment to the City of American Canyon that demonstrates the proposed development would not expose sensitive receptors to levels of risk that exceed the BAAQMD project level and cumulative risk threshold for toxic air contaminant impacts.
  - b. Prepare and submit a Health Risk Analysis to the City of American Canyon consistent with BAAQMD recommended methodology, which demonstrates the proposed development would not expose sensitive receptors to levels of risk that would exceed the BAAQMD project level and cumulative risk threshold for toxic air contaminant impacts. If mitigation

is required to reduce a potentially significant risk to less than the cumulative risk threshold, that mitigation shall be clearly identified and the associated risk reduction quantified. The mitigation must be incorporated into the project and implemented.

86. MM CUL-1: If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities associated with new development that occurs pursuant to the Specific Plan, all construction activities within 100 feet of the find shall halt and the City of American Canyon shall be notified. Prehistoric archaeological materials might include obsidian and chert flakedstone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the City of American Canyon. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.
87. MM CUL-3: If potential fossils are discovered during project implementation, all earthwork or other types of ground disturbance within 100 feet of the find shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find. The paleontologist shall report his/her findings to the City of American Canyon. Based on the scientific value or uniqueness of the find, the paleontologist shall either record the find and recommend that the City of American Canyon allow work to continue, or recommend salvage and recovery of the fossil. The paleontologist shall, if required, propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. If treatment and salvage is required, recommendations will be consistent with Society of Vertebrate Paleontology guidelines and currently accepted scientific practice. If required, treatment for fossil remains shall include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and, if required, shall also include preparation of a report for publication describing the finds.
88. MM CUL-4: In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the Napa County Coroner has

been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City of American Canyon for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5(d)).

89. MM GEO-1b: Prior to issuance of building permits for development projects that occur pursuant to the Specific Plan, the City of American Canyon shall verify that the applicant has commissioned a design-level geotechnical report. The report shall be prepared by a licensed geologist or geotechnical engineer and determine whether the geologic conditions of the site in question are suitable for development. All recommendations for grading, soil engineering, and construction shall be incorporated into the project plans.
90. MM HYD-1a: Prior to issuance of grading permits for development projects that occur pursuant to the Specific Plan, the City of American Canyon shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives:
  - a. all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
  - b. where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
  - c. site best management practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and
  - d. stabilization BMPs are installed to reduce or eliminate pollutants after construction are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook—Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.
91. MM HYD-1b: Prior to issuance of building permits for development projects that occur pursuant to the Specific Plan, the project applicant shall prepare a Stormwater Control Plan that includes post-construction stormwater controls in the site design to satisfy requirements of the Phase II Small MS4 Permit. This shall include a review of the final Stormwater Control Plan by the City of American Canyon to ensure that the required controls are in place.

Provision E.12.h of the MS4 Permit requires that an operation and maintenance program be implemented for post-construction stormwater management features. Responsible parties and funding for long-term maintenance of all BMPs must be specified. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the MS4 Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval.

**PASSED, APPROVED and ADOPTED** at a regularly scheduled meeting of the Planning Commission of the City of American Canyon held on the 23<sup>rd</sup> day of February, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

**Crystal Mallare, Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

---

**Nicolle Jones, Administrative Technician**

---

**William D. Ross, City Attorney**

EXHIBITS:

- A. BDSP Program EIR Evaluation
- B. Project Plans
- C. Applicant confirmation of Conditions of Approval
- D. "Yocha Dehe Wintun Nation Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation"



## Environmental Evaluation for SUBSEQUENT ACTIVITY UNDER A PROGRAM EIR (This is not an Initial Study)

---

### SECTION I. Project Information

**Project Title and File No:** Chicken Guy Design Permit (PL 22-0021).

**Program EIR Name:** Broadway District Specific Plan Program Environmental Impact Report.  
**EIR State Clearinghouse Number:** #2017042025

**Project Location & APN(s):** Located at 200 American Canyon Road; APN 059-056-000

**Project Applicant:** Chandi Hospitality, 537 4<sup>th</sup> Street, Suite A, Santa Rosa, CA 95401

**General Plan Designation:** Neighborhood Commercial

**Zoning:** Neighborhood Commercial

**Description of Project:** A new 2,818 square foot drive thru quick serve restaurant within a developed shopping center

**Surrounding Land Uses and Setting:** North: Walgreens Pharmacy  
South: Veterans Park and Open space  
East: Neighborhood Commercial center  
West: Broadway (SR-29)

**Prepared by:** William He, Senior Planner **Date:** 9/21/2022  
Name, Title

**Approved by:** Brent Cooper, Community Dev. Director **Date:** 9/21/2022  
Name, Title

## SECTION II. Program EIR Checklist

In accordance with Section 15168c of the California Environmental Quality Act (CEQA) Guidelines, the following checklist ensures that all project-related impacts have been addressed in the Program EIR. Mitigation measures identified in the Program EIR are listed for each project-related impact.

Checklist Issues:	Project Related Impact (Bold and Underline)	Impact DOES NOT require mitigation through EIR analysis	Impact DOES require mitigation through EIR analysis**	Assigned Mitigation measures (Bold and Underline)
<b>1. Aesthetics</b>				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	Yes/ <u>No</u>	X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	Yes/ <u>No</u>	X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Yes/ <u>No</u>	X		
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Yes/ <u>No</u>	X		
<b>2. Agricultural Resources</b>				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Yes/ <u>No</u>	X		
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Yes/ <u>No</u>	X		
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	Yes/ <u>No</u>	X		
<b>3. Air Quality</b>				
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</i>				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<u>Yes/No</u>		X	<b><u>AIR-2, AIR-3, AIR-4a, AIR-4b</u></b>

<b>Checklist Issues:</b>	<b>Project Related Impact (Bold and Underline)</b>	<b>Impact DOES NOT require mitigation through EIR analysis</b>	<b>Impact DOES require mitigation through EIR analysis**</b>	<b>Assigned Mitigation measures (Bold and Underline)</b>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<u>Yes/No</u>		X	<u><b>AIR-2</b></u>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<u>Yes/No</u>		X	<u><b>AIR-3</b></u>
d) Expose sensitive receptors to substantial pollutant concentrations?	<u>Yes/No</u>		X	AIR-4a, <u><b>AIR-4b</b></u>
e) Create objectionable odors affecting a substantial number of people?	Yes/ <u>No</u>	X		
f) Generate direct and indirect GHG emissions?	Yes/ <u>No</u>	X		
g) Conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of GHGs?	Yes/ <u>No</u>	X		
<b>4. Biological Resources</b> <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Yes/ <u>No</u>		X	BIO-1a, BIO-1b
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Yes/ <u>No</u>		X	BIO-2
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Yes/ <u>No</u>		X	BIO-2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	Yes/ <u>No</u>	X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Yes/ <u>No</u>	X		

Checklist Issues:	Project Related Impact (Bold and Underline)	Impact DOES NOT require mitigation through EIR analysis	Impact DOES require mitigation through EIR analysis**	Assigned Mitigation measures (Bold and Underline)
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Yes/ <u>No</u>	X		
<b>5. Cultural Resources</b> <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<u>Yes</u> /No		X	<u>CUL-1</u>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<u>Yes</u> /No		X	<u>CUL-1</u>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<u>Yes</u> /No		X	<u>CUL-3</u>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<u>Yes</u> /No		X	<u>CUL-4</u>
e) Will subsurface construction activities damage or destroy previously undiscovered tribal cultural resources?	<u>Yes</u> /No		X	<u>CUL-1</u>
<b>6. Geology and Soils</b> <i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects associated with seismic hazards.	<u>Yes</u> /No		X	GEO-1a, <u>GEO-1b</u>
b) Result in substantial soil erosion or the loss of topsoil?	<u>Yes</u> /No		X	<u>HYD-1A</u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Yes/ <u>No</u>	X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<u>Yes</u> /No		X	<u>GEO-1b</u>
<b>7. Hazards and Hazardous Materials</b> <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Yes/ <u>No</u>	X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	Yes/ <u>No</u>	X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Yes/ <u>No</u>	X		

<b>Checklist Issues:</b>	<b>Project Related Impact (Bold and Underline)</b>	<b>Impact DOES NOT require mitigation through EIR analysis</b>	<b>Impact DOES require mitigation through EIR analysis**</b>	<b>Assigned Mitigation measures (Bold and Underline)</b>
d) Be located within one-quarter mile of a facility that might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste?	Yes/ <u>No</u>	X		
e) Be located on a site of a current or former hazardous waste disposal site or solid waste disposal site unless wastes have been removed from the former disposal site; or 2) that could release a hazardous substance as identified by the State Department of Health Services in a current list adopted pursuant to Section 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code?	Yes/ <u>No</u>	X		
f) Be located on land that is, or can be made, sufficiently free of hazardous materials so as to be suitable for development and use as a school?	Yes/ <u>No</u>	X		
g) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Yes/ <u>No</u>	X		
h) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Yes/ <u>No</u>	X		
i) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Yes/ <u>No</u>	X		
j) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Yes/ <u>No</u>	X		
k) Be located within 1500 feet of: (i) an above-ground water or fuel storage tank, or (ii) an easement of an above ground or underground pipeline that can pose a safety hazard to the proposed school?	Yes/ <u>No</u>	X		
<b>8. Hydrology and Water Quality</b> <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<u>Yes/No</u>		X	<b><u>HYD-1a, HYD-1b</u></b>

<b>Checklist Issues:</b>	<b>Project Related Impact (Bold and Underline)</b>	<b>Impact DOES NOT require mitigation through EIR analysis</b>	<b>Impact DOES require mitigation through EIR analysis**</b>	<b>Assigned Mitigation measures (Bold and Underline)</b>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	Yes/ <u>No</u>	X		
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Yes/ <u>No</u>	X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	Yes/ <u>No</u>	X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Yes/ <u>No</u>	X		
f) Otherwise substantially degrade water quality?	Yes/ <u>No</u>	X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Yes/ <u>No</u>	X		
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	Yes/ <u>No</u>	X		
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Yes/ <u>No</u>	X		
j) Inundation by seiche, tsunami, or mudflow?	Yes/ <u>No</u>	X		
<b>9. Land Use and Planning</b> <i>Would the project:</i>				
a) Physically divide an established community?	Yes/ <u>No</u>	X		
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Yes/ <u>No</u>	X		
c) Conflict with the Napa County Airport Land Use Compatibility Plan?	Yes/ <u>No</u>	X		

<b>Checklist Issues:</b>	<b>Project Related Impact (Bold and Underline)</b>	<b>Impact DOES NOT require mitigation through EIR analysis</b>	<b>Impact DOES require mitigation through EIR analysis**</b>	<b>Assigned Mitigation measures (Bold and Underline)</b>
d) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	Yes/ <u>No</u>	X		
<b>10. Mineral Resources</b> <i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Yes/ <u>No</u>	X		
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Yes/ <u>No</u>	X		
<b>11. Noise</b> <i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Yes/ <u>No</u>	X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Yes/ <u>No</u>	X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Yes/ <u>No</u>	X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Yes/ <u>No</u>	X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Yes/ <u>No</u>	X		
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Yes/ <u>No</u>	X		
<b>12. Population and Housing</b> <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	Yes/ <u>No</u>	X		
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Yes/ <u>No</u>	X		
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	Yes/ <u>No</u>	X		

Checklist Issues:	Project Related Impact (Bold and Underline)	Impact DOES NOT require mitigation through EIR analysis	Impact DOES require mitigation through EIR analysis**	Assigned Mitigation measures (Bold and Underline)
<b>13. Public Services</b>				
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire Protection?	Yes/ <u>No</u>	X		
b) Police Protection?	Yes/ <u>No</u>	X		
c) Schools?	Yes/ <u>No</u>	X		
d) Parks?	Yes/ <u>No</u>	X		
e) Other public facilities?	Yes/ <u>No</u>	X		
<b>14. Recreation</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Yes/ <u>No</u>	X		
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	Yes/ <u>No</u>	X		
<b>15. Transportation/Traffic</b>				
<i>Would the project:</i>				
a) Would the Project from an “Existing Plus Background Plus Proposed Specific Plan Traffic” perspective conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets ,highways and freeways, pedestrian and bicycle paths, and mass transit?	Yes/ <u>No</u>	X		
b) Would the Project from a “Cumulative” Traffic perspective conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Yes/ <u>No</u>	X		
c) Conflict with applicable congestion management program?	Yes/ <u>No</u>	X		

<b>Checklist Issues:</b>	<b>Project Related Impact (Bold and Underline)</b>	<b>Impact DOES NOT require mitigation through EIR analysis</b>	<b>Impact DOES require mitigation through EIR analysis**</b>	<b>Assigned Mitigation measures (Bold and Underline)</b>
d) Alter air traffic patterns?	Yes/ <u>No</u>	X		
e) Create hazards associated with design features or incompatible uses, or result in inadequate emergency access?	Yes/ <u>No</u>	X		
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Yes/ <u>No</u>	X		
<b>16. Utilities and Service Systems</b>				
<i>Would the project:</i>				
a) Require additional water supply entitlements?	Yes/ <u>No</u>	X		
b) Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Yes/ <u>No</u>	X		
c) Create the need for new or expanded downstream storm drainage facilities?	Yes/ <u>No</u>	X		
d) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Yes/ <u>No</u>	X		
e) Result in the inefficient, wasteful or unnecessary consumption of energy?	Yes/ <u>No</u>	X		

\*\*The list of "Assigned Mitigation Measures" include *Project Design Features (PDF)*, *Existing Plans, Programs, and Policies (PPP)*, and *Mitigation Measures*. Similar to Mitigation Measures, PDFs and PPPs are project requirements that reduce potential significant impacts of the project

**SECTION III. Applicability of CEQA Guidelines**  
**Sections 15162 and 15163**

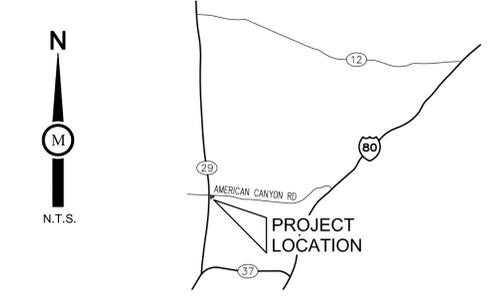
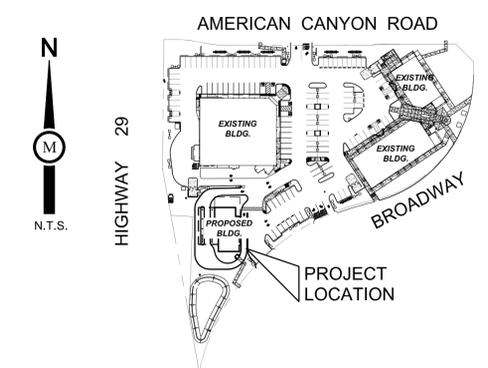
	<u>YES</u>	<u>NO</u>
1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.	_____	X _____
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects of a substantial increase in the severity of previously identified significant effects; or	_____	X _____
3. New information of substantial importance to the project becomes available; and		
A. The information was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete, shows any of the following:		X _____
(1) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;	_____	X _____
(2) Significant effects previously examined will be substantially more severe than shown in the previous EIR;	_____	X _____
(3) 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; or	_____	X _____
(4) Mitigation measures or alternatives which 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.	_____	X _____

**SECTION IV. Findings**

	<u>YES</u>	<u>NO</u>
1. The project has effects that were not examined in the EIR; therefore, an Initial Study needs to be prepared leading to either an EIR or a negative Declaration.	_____	X _____
2. The agency finds that pursuant to Section 15162, no new effects will occur or no new mitigation measures will be required. The agency can approve the project as being within the scope of the project covered by the EIR, and no new environmental document is required.	X _____	_____

# CHICKEN GUY RESTAURANT

PARCEL 3 (26 PM 76)  
AMERICAN CANYON, CA 94503  
A.P.N. 059-110-056-000



VICINITY MAP  
NOT TO SCALE

LOCATION MAP  
NOT TO SCALE

### CONSTRUCTION NOTES

- 1 EXISTING PAVEMENT TO REMAIN
- 2 NEW PORTLAND CEMENT CONCRETE PAVEMENT
- 3 NEW 15' WIDE x 12' DEEP COVERED TRASH ENCLOSURE
- 4 NEW LANDSCAPE AREA
- 5 EXISTING DECORATIVE WROUGHT IRON FENCE TO REMAIN
- 6 REMOVE EXISTING SIDEWALK AS REQUIRED FOR NEW ACCESSIBLE RAMPS
- 7 NEW ACCESSIBLE PARKING SPACE PER ADA REQUIREMENTS
- 8 NEW STAMPED CONCRETE WALK (MATCH EXISTING)
- 9 REMOVE EXISTING STAMPED CONCRETE WALK, REPLACE WITH NEW ASPHALT PAVING (MATCH EXISTING)
- 10 NEW MENU BOARD (TYP. OF 2)
- 11 NEW PRE-ORDER MENU BOARD (TYP. OF 2)
- 12 NEW OVERHEAD CANOPY
- 13 NEW BICYCLE RACK PER CITY STDS.
- 14 NEW OUTDOOR SEATING AREA
- 15 NEW PORTLAND CEMENT CONCRETE SIDEWALK
- 16 REMOVE EXISTING SIDEWALK AS REQUIRED FOR NEW IMPROVEMENTS
- 17 NEW RAISED CURB MEDIAN

### PROPERTY DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF AMERICAN CANYON, COUNTY OF NAPA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 3, AS SHOWN ON THE PARCEL MAP FILED OCTOBER 19, 2011, IN BOOK 26 OF PARCEL MAPS AT PAGES 75 AND 76, IN THE OFFICE OF THE COUNTY RECORDER OF NAPA COUNTY.

APN 059-110-056-000

### SITE UTILITIES

SEWAGE DISPOSAL:	CITY
WATER SUPPLY:	CITY
DRAINAGE:	CITY

### APPLICANT

JOTI SINGH CHANDI  
CHANDI HOSPITALITY GROUP  
537 4TH STREET, SUITE A  
SANTA ROSA, CA 95401  
PHONE: 925-348-2693

### LOT DATA:

A.P.N.:	059-110-056-000
TOTAL ACREAGE:	44,853 SF (1.03 AC)
EXISTING PARCELS:	1
PROPOSED PARCELS:	1
EXISTING ZONE:	CN NEIGHBORHOOD COMMERCIAL
PROPOSED ZONE:	SAME
EXISTING USE:	VACANT-UNDEVELOPED
PROPOSED USE:	DRIVE THRU RESTAURANT

### SITE COVERAGE

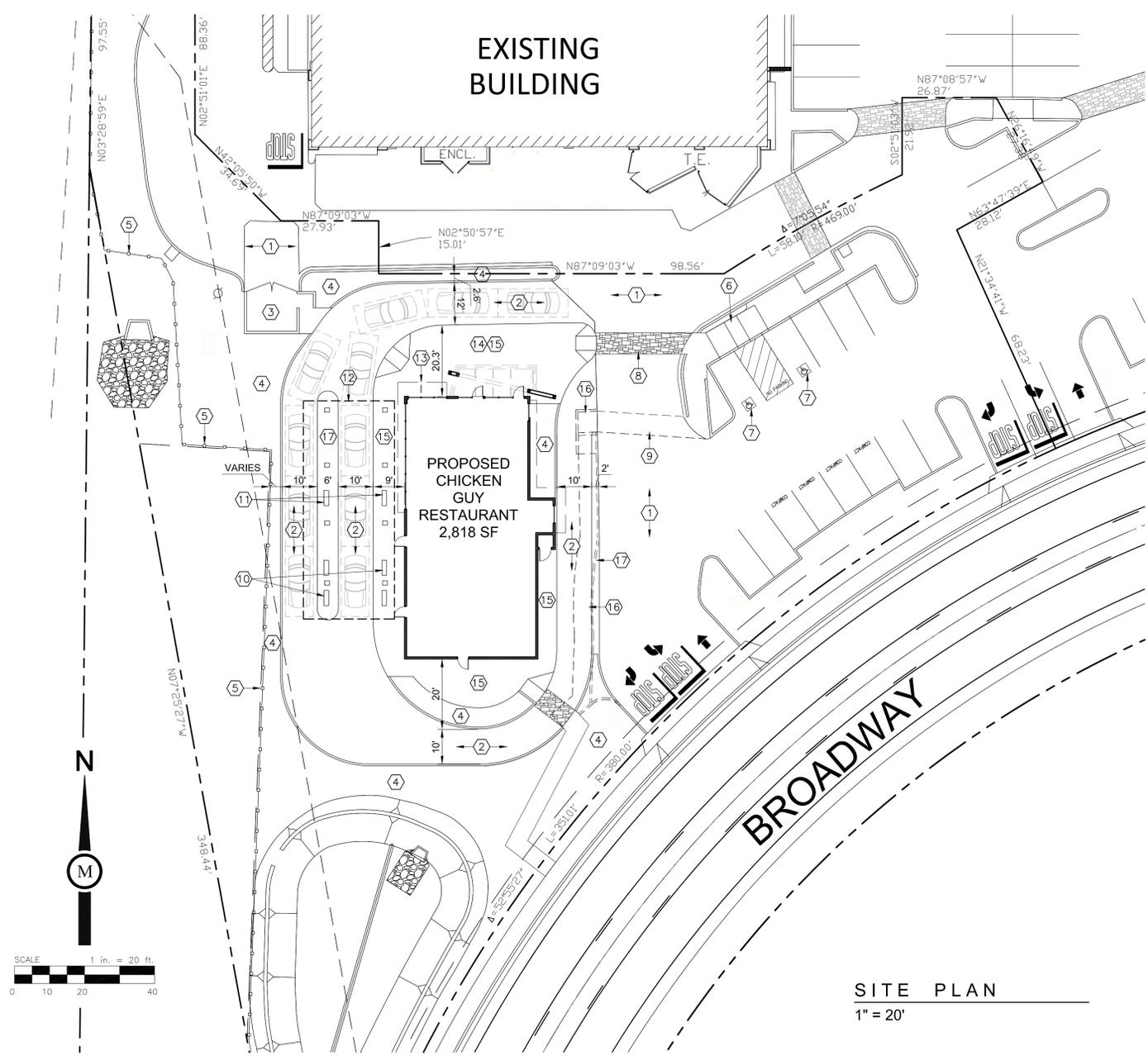
RESTAURANT:	2,818 SF (6.3%)
LANDSCAPE AREA:	4,540 SF (10.1%)
PAVED SURFACE AREA:	37,495 SF (83.6%)

### PARKING DATA:

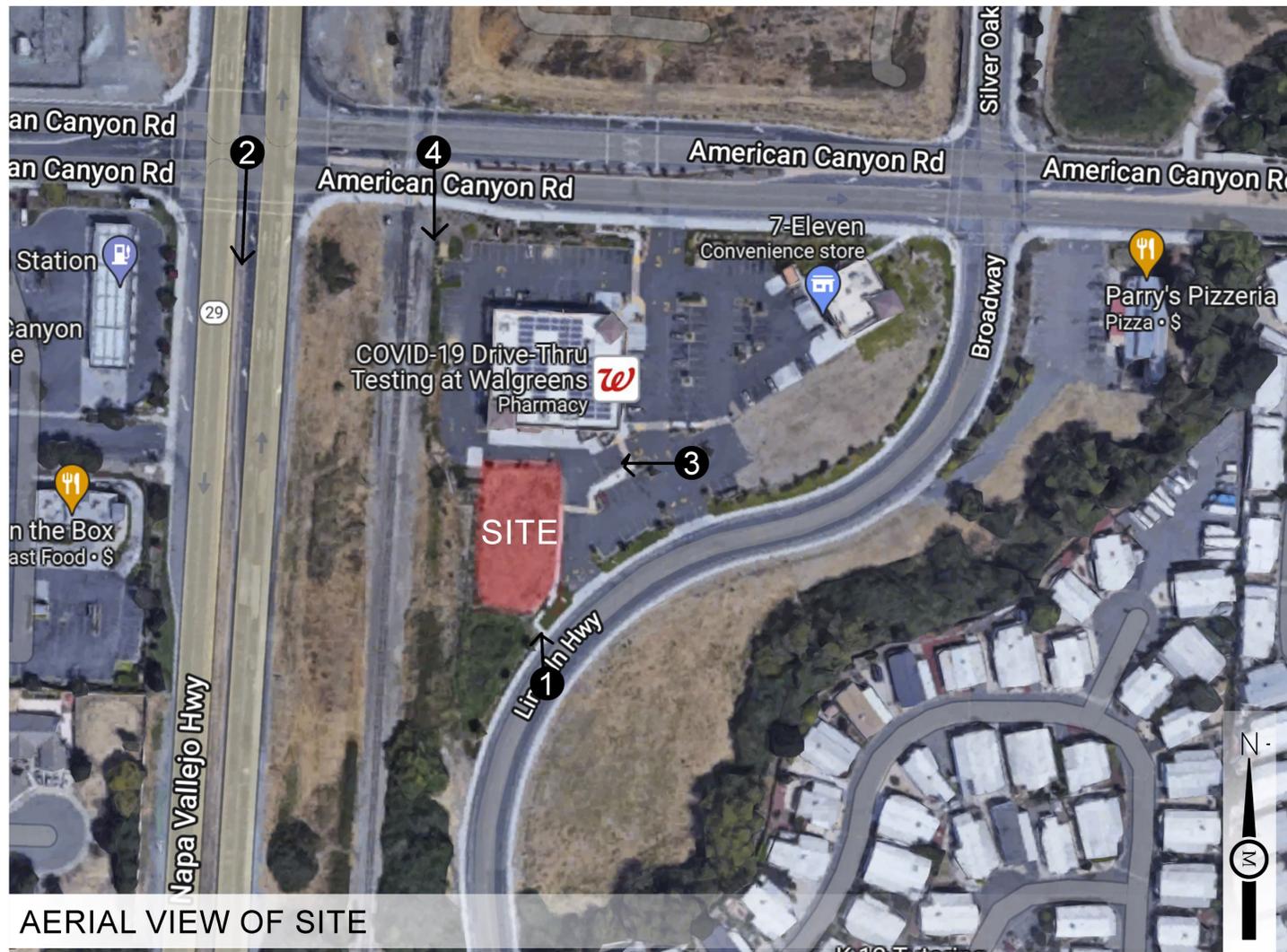
DRIVE THRU RESTAURANT (2,818 SF):	29
(2,818 SF / 100 SF):	
REQUIRED:	29 SPACES
STANDARD PARKING SPACE (9'x18')	13 SPACES
RECIPROCAL PARKING SPACE (9'x18')	14 SPACES
ACCESSIBLE PARKING SPACE (9'x18')	2 SPACES
PROVIDED:	29 SPACES

### SHEET INDEX

- 1 SITE PLAN / PROJECT DATA
- 2 SITE PHOTOGRAPHS
- 3 CONCEPTUAL GRADING PLAN
- 4 CONCEPTUAL UTILITY PLAN
- 5 LANDSCAPE CONCEPT PLAN
- 6 PHOTOMETRIC PLAN
- 7 FLOOR PLAN
- 8 ROOF PLAN
- 9 EXTERIOR ELEVATIONS
- 10 EXTERIOR ELEVATIONS
- 11 BUILDING SECTION
- 12 RENDERINGS



SITE PLAN  
1" = 20'



AERIAL VIEW OF SITE



1 VIEW FROM BROADWAY LOOKING NORTH TOWARDS SITE



2 VIEW FROM INTERSECTION OF AMERICAN CANYON ROAD AND HWY 29



4 VIEW FROM AMERICAN CANYON ROAD LOOKING SOUTH



3 VIEW FROM PARKING LOT ON NEIGHBORING SITE



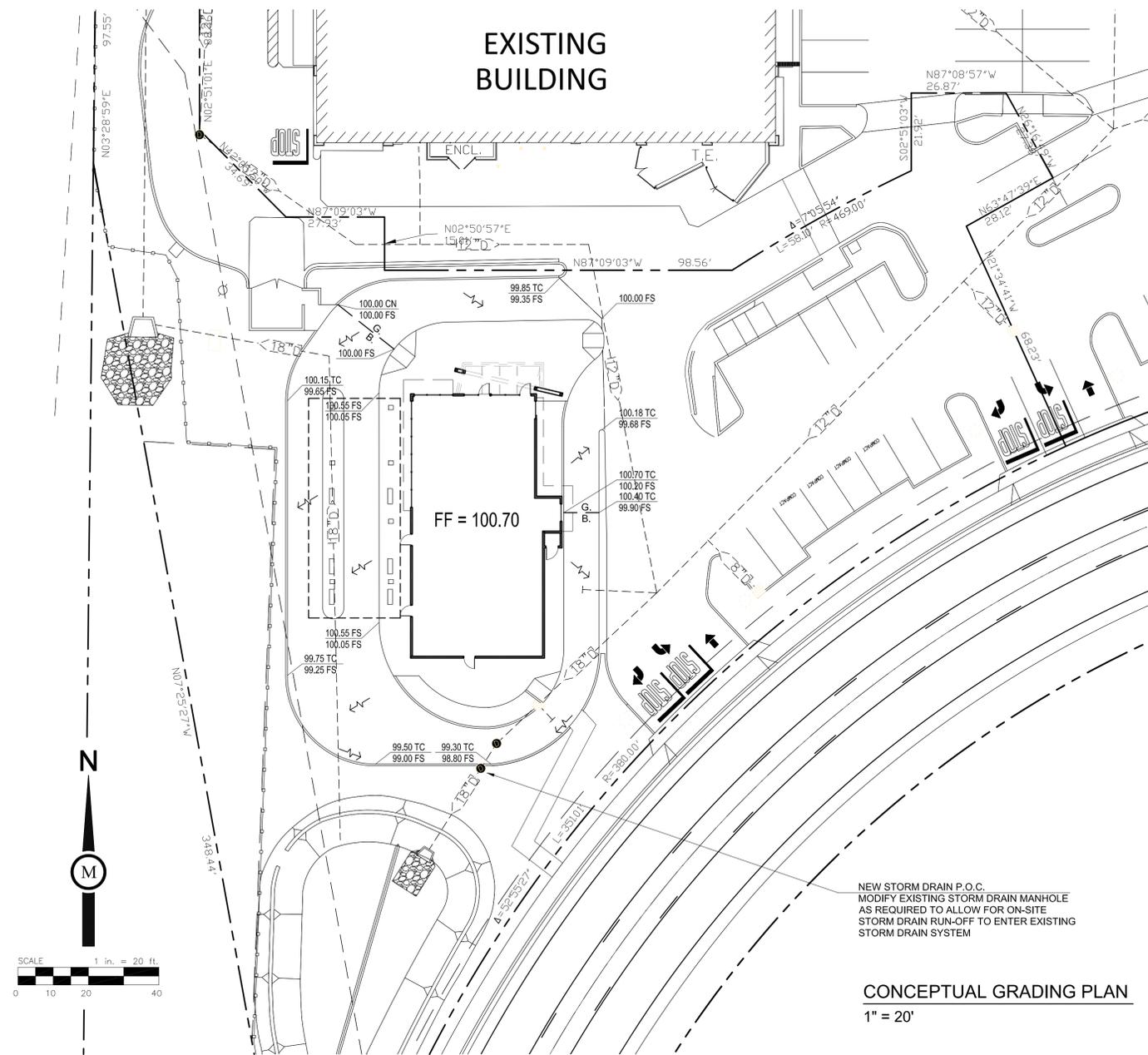
Milestone Associates Imengineering, Inc.  
 1000 Lincoln Road, Suite H202, Yuba City, CA 95991  
 (530) 755-4700

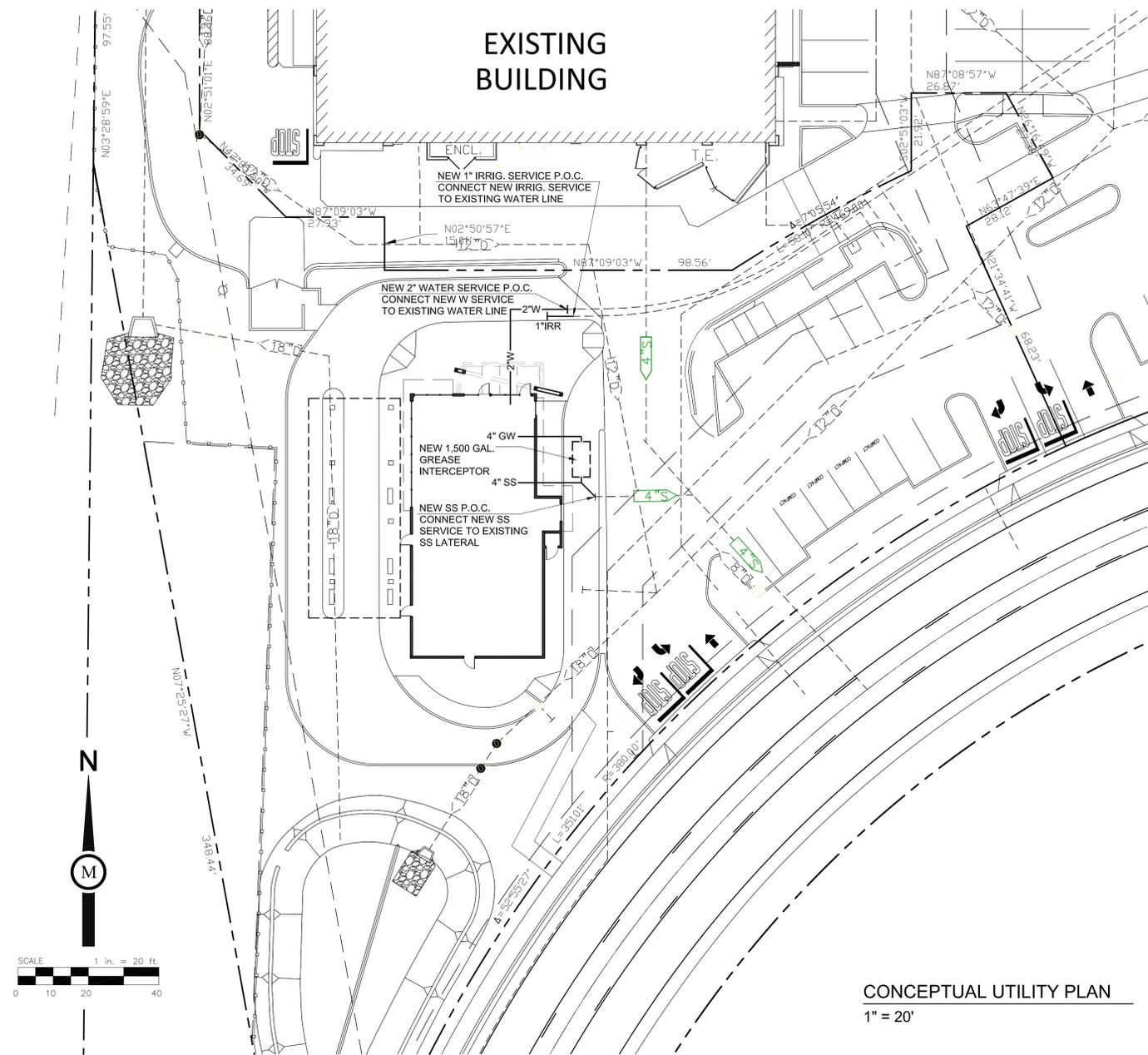
CHICKEN GUY RESTAURANT  
 AMERICAN CANYON, CALIFORNIA

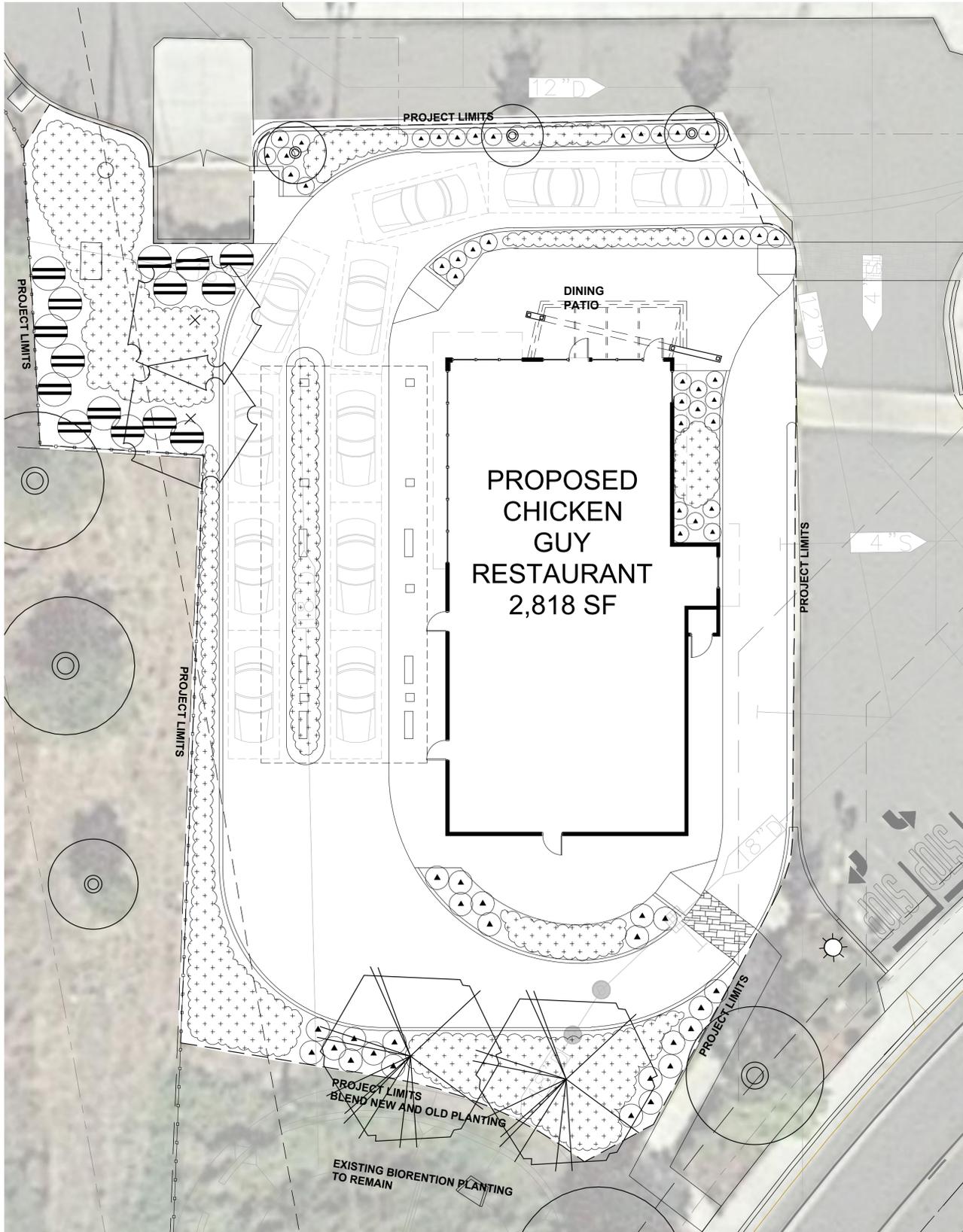
SITE PHOTOGRAPHS

2

8-12-22







### PROPOSED PLANTING LEGEND

TREE SPECIES	SYM	BOTANICAL NAME	COMMON NAME	SIZE	QTY	WATER USAGE
		ULMUS PARVIFOLIA	CHINESE EVERGREEN ELM	15 GAL	2	LOW
		LAGERSTROEMIA H. 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	15 GAL	2	LOW
		EXISTING TREES TO REMAIN				
SHRUB SPECIES	ABRV.	BOTANICAL NAME	COMMON NAME	SIZE	QTY	WATER USAGE
<b>LARGE SCREENING SHRUBS</b>						
		ARBUTUS 'MARINA'	MARINA STRAWBERRY BUSH	5 GAL		LOW
		FEUJOA SELLOWIANA	PINEAPPLE GUAVA	5 GAL		LOW
		LIGUSTRUM OVALIFOLIUM	CALIFORNIA PRIVET	5 GAL		LOW
		ARCTOSTAPHYLOS 'HOWARD MCMINN'	HOWARD MCMINN MANZANITA	5 GAL		LOW
<b>ACCENT SHRUBS</b>						
		HESPERALOE PARVIFOLIA	RED YUCCA	5 GAL		LOW
		CEANOTHUS 'CONCHA'	CONCHA CEANOTHUS	5 GAL		LOW
		PHORMIUM TENAX & HYBRIDS	NEW ZEALAND FLAX	5 GAL		LOW
		PLUMBAGO AURICULATA	CAPE PLUMBAGO	5 GAL		LOW
<b>LOW-SPREADING SHRUBS</b>						
		ARCTOSTAPHYLOS HOOKERI	MONTEREY CARPET MANZANITA	5 GAL		LOW
		EPILOBIUM CANUM	CALIFORNIA FUCHSIA	5 GAL		LOW

### MAWA CALCULATIONS (2015 Update)

MAXIMUM APPLIED WATER ALLOWANCE CALCULATIONS FOR NEW AND REHABILITATED LANDSCAPES	
CITY NAME:	Vallejo (Vallejo Eto 40.3)
ETo of City:	40.3 ETo (Inches/Year)
Total Square Footage of Landscape (Including SLA):	3,994
Special Landscape Area (SLA):	0
<b>MAWA Results:</b>	
MAWA = (ETo) x (.62) x [(.45 x LA) + (.55 x SLA)]	44,907 Gallons
	6,003.24 Cubic Feet
	60.03 HCF
	0.14 Acre-feet
	0.04 Millions of Gallons

### WATER EFFICIENT LANDSCAPE WORKSHEET (2015 Update)

ESTIMATED TOTAL WATER USAGE (ETWU)						
Reference Evapotranspiration (ETo): 40.3 Vallejo						
ETWU = (ETo) x (.62) x [(ETAF x LA) + (1-ETAF x SLA)]						
Hydrozone #	Plant	Irrigation Method	Irrigation Efficiency	ETAF (PF/IE)	Landscape Area (sq. ft.)	Est. Total Water Use (ETWU)*
<b>Regular Landscape Areas</b>						
A 1 - Low	Drip	0.81	0.37		1,000	370.4
A 2 - Low	Bubbler	0.81	0.37	Incl. in Zone A		9,254.1
B 3 - Low	Drip	0.81	0.37		1,352	600.7
B 4 - Low	Bubbler	0.81	0.37	Incl. in Zone B		12,511.5
C 5 - Low	Drip	0.81	0.37		1,642	608.1
C 6 - Low	Bubbler	0.81	0.37	Incl. in Zone C		15,195.2
					<b>TOTALS:</b>	<b>3,994</b>
					<b>1479.3</b>	
<b>Special Landscape Areas</b>						
					<b>1</b>	
					<b>TOTALS:</b>	<b>0</b>
					<b>ETWU Total:</b>	<b>36,961 Gal</b>
					<b>MAXIMUM ALLOWED WATER ALLOWANCE (MAWA):</b>	<b>44,907 Gal</b>
ETWU complies with MAWA						
<b>ETAF Calculations</b>						
<b>Regular Landscape Areas</b>				<b>Plant Factors:</b>		
Total ETAF x Area:	1479.3			Low	0.1 - 0.3	
Total Area:	3994			Medium	0.4 - 0.6	
Average ETAF:	0.37			High	0.7 - 1.0	
<b>All Landscape Areas</b>				<b>Irrigation Efficiency (IE):</b>		
Total ETAF x Area:	1479.3			Spray Heads	0.75	
Total Area:	3994			Drip Emitters	0.81	
Average ETAF:	0.37					

### STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWEO) NOTES:

Changes to the approved plans or field substitutions shall not be permitted without prior written approval from the Landscape Architect and the City of American Canyon. If the owner/contractor deviates from the approved plan without prior written approval they will be required to make any corrections, at their own expense, to bring the landscape and irrigation into compliance with the approved plans and the State Model Water Efficient Landscape Ordinance.

PRELIMINARY LANDSCAPE IRRIGATION CALCULATIONS

### ZONING CODE NOTES:

§16.14 ET SEQ.: WATER-EFFICIENT LANDSCAPING:

§16.14.060 GENERAL REQS & STANDARDS:

- LANDSCAPED AREAS SHALL BE PROTECTED BY SIX-INCH CONCRETE CURBING;
- LANDSCAPING DESIGNED TO SEPARATE PARKING AND VEHICLE CIRCULATION AREAS FROM BUILDINGS, PROVIDING A VISUALLY PLEASING FOREGROUND FOR BUILDINGS, AND ENHANCING THE PERIMETER OF THE PROJECT;
- PLAN PROPOSES LARGE-SCALE STREET TREES WITH BROAD CANOPIES ALONG MAJOR STREETS;
- TREE PLANTING DESIGN CONSIDERS PASSIVE AND ACTIVE SOLAR HEATING OPPORTUNITIES; AND
- PARKING LOT TREES ARE PROPOSED TO PROVIDE SHADING OF PARKED VEHICLES TO THE MAXIMUM EXTENT FEASIBLE.

§16.14.070 WATER EFFICIENT LANDSCAPE WORKSHEET:

- LANDSCAPE CONSTRUCTION DOCUMENTS WILL BE PRODUCED AND SUBMITTED TO THE CITY OF AMERICAN CANYON;
- LANDSCAPE CDs WILL INCLUDE WATER EFFICIENT LANDSCAPE WORKSHEET; AND
- WATER BUDGET CALCULATIONS SHALL BE PURSUANT TO AB 1881, WUCOLS AND USE THE ANNUAL ETO 45.8.

§16.14.080 IRRIGATION EFFICIENCY:

- MAWA WILL BE CALCULATED ASSUMING 0.71 AS THE AVERAGE IRRIGATION EFFICIENCY;

§16.14.090 SOIL MANAGEMENT REPORT: (TO BE PROVIDED BY OTHERS)

§16.14.100 LANDSCAPE DESIGN PLAN:

- ALL PROPOSED PLANTS ARE ADAPTED TO THE CLIMATE;
- AT LEAST 75% OF THE TOTAL NUMBER OF PLANTS SHALL REQUIRE OCCASIONAL, LITTLE OR NO SUMMER WATER;
- WATER CATEGORIZING CAN BE BASED ON THE FOLLOWING SOURCES: CALIFORNIA NATIVE PLANTS FOR THE GARDEN (OCCASIONAL, INFREQUENT, DROUGHT TOLERANT), EB MUD PLANTS & LANDSCAPES FOR SUMMER DRY CLIMATES (OCCASIONAL, INFREQUENT, NO SUMMER WATER), SUNSET WESTERN (LITTLE OR NO WATER), AND UC COOP EXTENSION'S GUIDE TO ESTIMATING IRRIGATION WATER NEEDS OF LANDSCAPE PLANTINGS IN CA (LOW, VERY LOW);
- PROPOSED PLANTS EXCLUDE CALIFORNIA INVASIVE PLANT COUNCIL'S (CAL-IPC) PLANTS INVASIVE TO SAN FRANCISCO BAY AREA;
- PLANT SPECIES WILL BE SELECTED AND SPACED TO ALLOW TO GROW TO NATURAL SIZE AND SHAPE; AND
- PLANTS ARE SELECTED AND PLANTED APPROPRIATELY BASED UPON THEIR ADAPTABILITY TO THE CLIMATIC, GEOLOGIC, AND TOPOGRAPHICAL CONDITIONS OF THE PROJECT SITE.

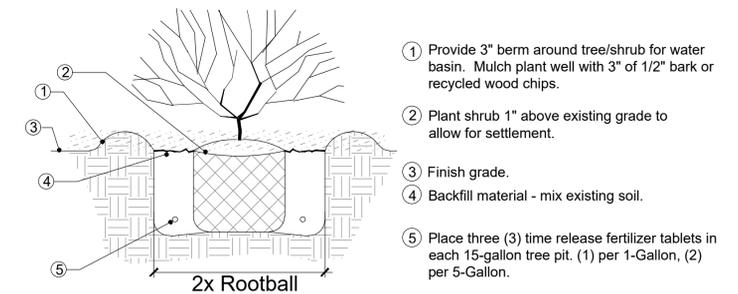
§19.21.030(K) ET SEQ. VEHICLE PARKING REQUIREMENTS (LANDSCAPING):

- LANDSCAPED AREA MUST BE A MINIMUM 10% OF PARKING AND CIRCULATION SQUARE FOOTAGE;
- LANDSCAPED AREAS HAVE A MINIMUM WIDTH OF 5';
- ONE SHADE TREE FOR EVERY 6 (DOUBLE-LOADED) PARKING LAYOUT, OR ONE TREE FOR EVERY 3 (SINGLE-LOADED) PARKING LAYOUT; AND
- LANDSCAPED PLANTERS WITHIN PARKING AREAS MAY BE DIAMOND-SHAPED.

TOTAL LANDSCAPE SQUARE FOOTAGE: 3,994 SF

TOTAL SITE AREA: 14,788 SF

SCOPE SQUARE FOOTAGES ARE APPROXIMATE. ALL NEW LANDSCAPE TO BE BLENDED INTO EXISTING LANDSCAPE, WHERE EXISTING LANDSCAPE IS REASONABLY AESTHETIC. NOTIFY LANDSCAPE ARCHITECT IF ESTIMATED PROJECT BOUNDARIES HEREIN DO NOT MEET ACTUAL SITE CONDITIONS.



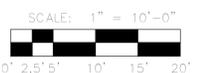
### TYPICAL SHRUB PLANTING

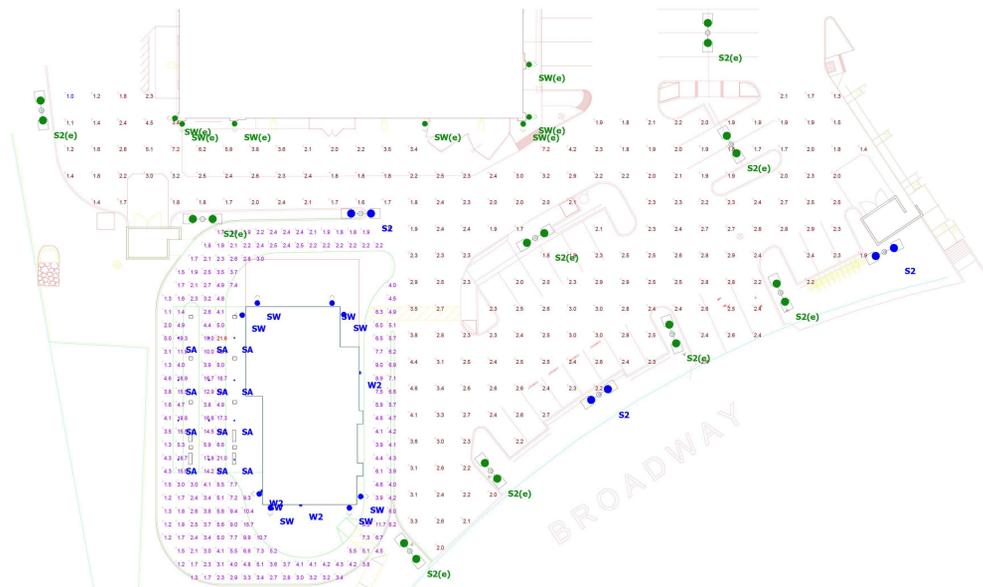
### SQUARE FOOTAGE TABLE

ITEM	TOTAL (SF)	% OF SITE	% OF LANDSCAPE
SITE	14,788		
LANDSCAPE	3,994*	27.0%*	
LANDSCAPE ADJACENT TO/SURROUNDING PARKING AND CIRCULATION AREAS	3,994*	27.0%	100.0%
PARKING AND CIRCULATION AREAS	5,218	35.3%	
TURF	0	0%	0%

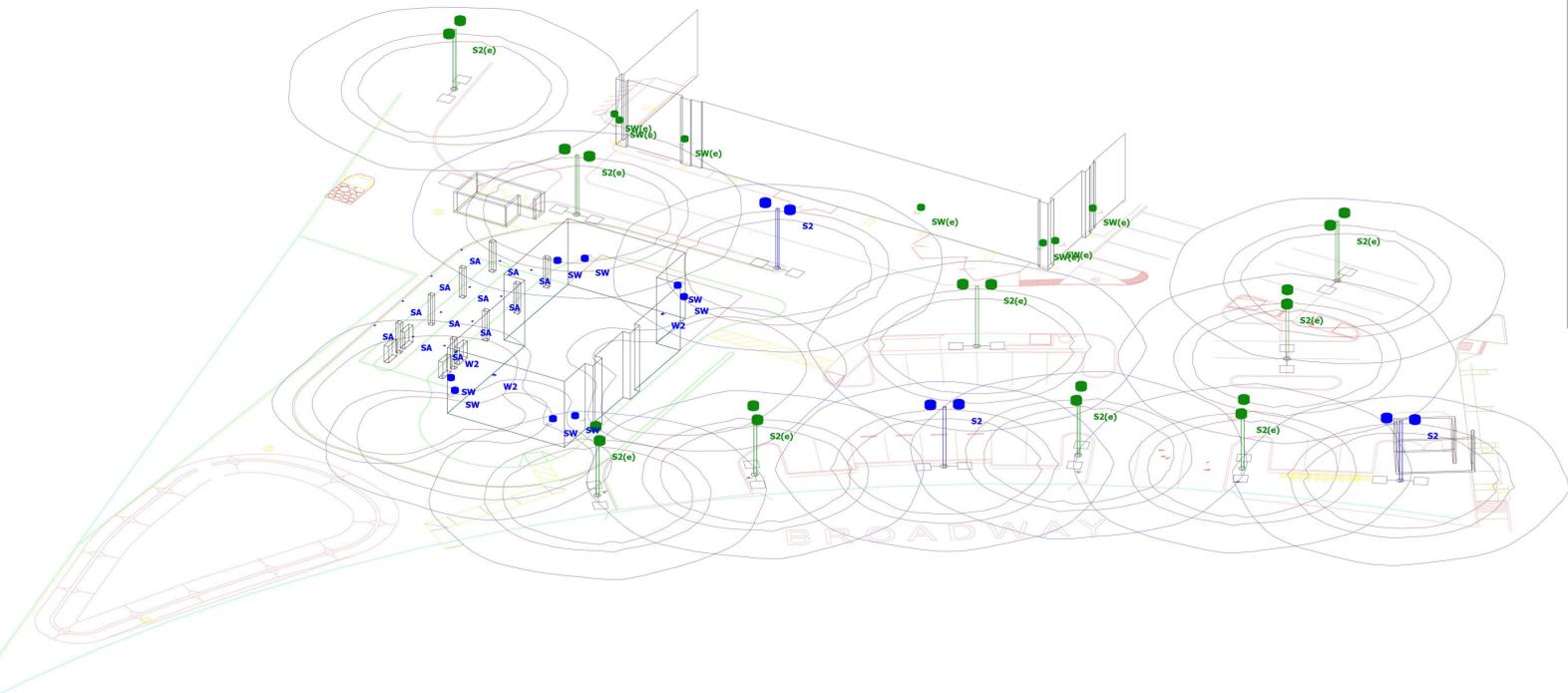
\* DOES NOT INCLUDE BIORETENTION BASIN SF

### SQUARE FOOTAGE TABLE





Plan View  
Scale - 1/32" = 1ft



Symbol	Label	Image	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage	Plot
○	S2		3	SUN VALLEY LIGHTING	LCGR-LED-VPA-V-64LED-525mA-NW	DECORATIVE POST TOP, LED MODULES EACH CONSISTING OF:	64	123	0.9	209.6	
○	S2(e)		9	SUN VALLEY LIGHTING	LCGR-LED-VPA-V-64LED-525mA-NW	DECORATIVE POST TOP, LED MODULES EACH CONSISTING OF: *** Existing fixture shown for light contribution***	64	123	0.9	209.6	
∧	SW		8	SUN VALLEY LIGHTING	LCGR-LED-VPA-III-36LED-525mA-NW, WALL MOUNTED	DECORATIVE POST TOP, LED MODULES EACH CONSISTING OF: WALL MOUNTED	36	131	0.9	60.4	
∧	SW(e)		7	SUN VALLEY LIGHTING	LCGR-LED-VPA-III-36LED-525mA-NW, WALL MOUNTED	DECORATIVE POST TOP, LED MODULES EACH CONSISTING OF: WALL MOUNTED *** Existing fixture shown for light contribution***	36	131	0.9	60.4	
⏏	W2		3	Lithonia Lighting	WDGE3 LED P3 70CRI RFT 40K	WDGE3 LED WITH P3 - PERFORMANCE PACKAGE, 4000K, 70CRI, FORWARD THROW OPTIC	1	10145	0.9	71.6952	
⊗	SA		12	Lithonia Lighting	LDN6 40/20 L06AR LD	6IN LDN, 4000K, 2000LM, CLEAR, MATTE DIFFUSE REFLECTOR, CRI80	1	1798	0.9	22.52	

### Statistics

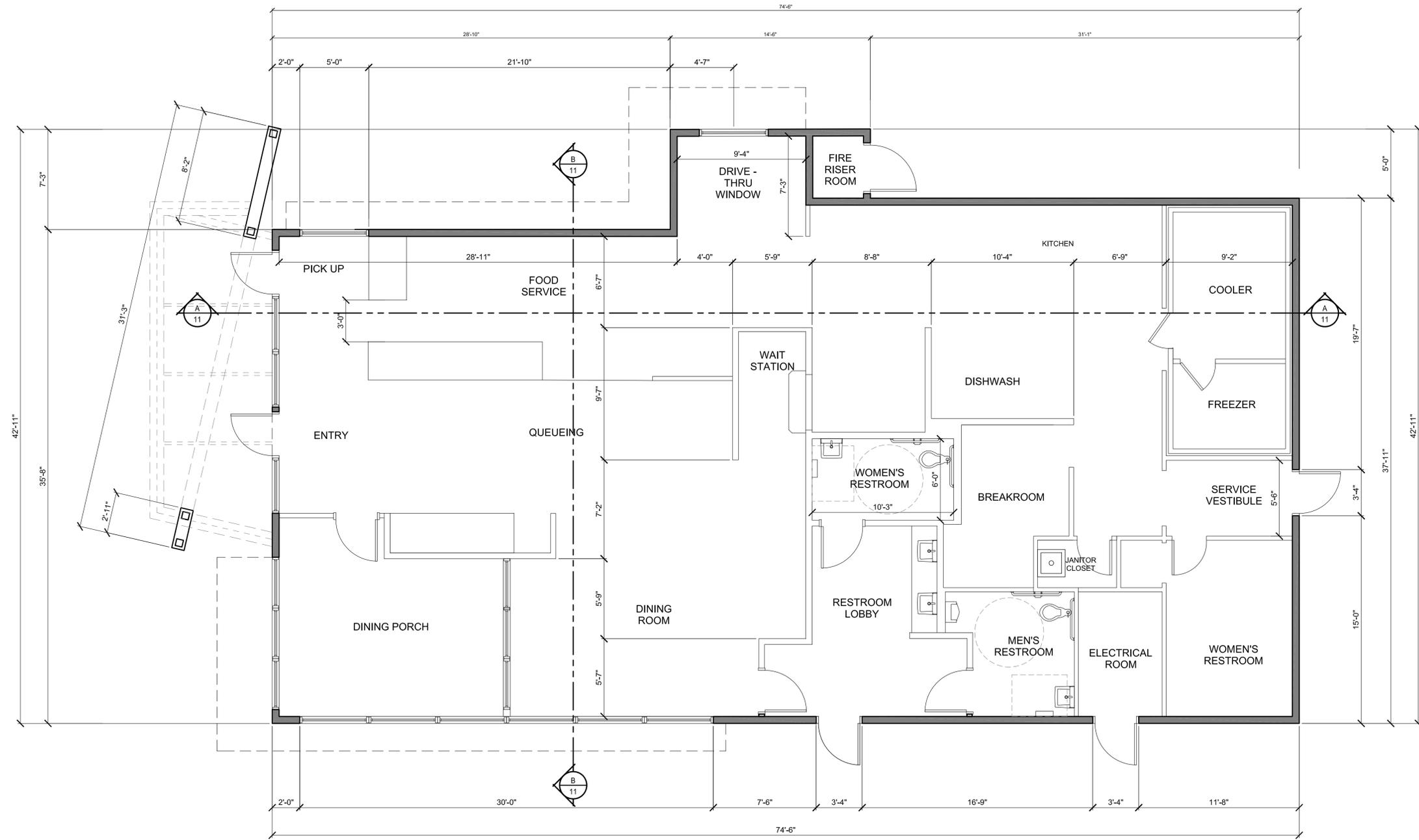
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
DRIVE / PARKING	+	2.5 fc	2.5 fc	7.2 fc	1.0 fc	7.2:1
DRIVE-THRU	+	5.5 fc	5.5 fc	21.6 fc	1.1 fc	19.6:1

### Luminaire Locations

Label	MH
S2(e)	18.00
S2	18.00
SA	9.00
SW	8.00
SW(e)	8.00
W2	16.00

Disclaimer  
Photometric analyses performed by CJS Lighting are intended for informational and/or estimation purposes only. Using industry-recognized software, calculations correspond to the information provided to CJS Lighting, and are subject to the limitations of the software. Assumptions may be made for information that is not provided or available. It is the responsibility of the client to verify that the input data is consistent with actual field conditions.  
Due to the above considerations, CJS Lighting does not guarantee that actual light levels measured in the field will match initial calculations, and recommend that drawings be submitted to a certified electrical engineer for verification.





FLOOR PLAN

1/4" = 1'-0"

LEGEND:

- NEW WALL
- INTERIOR WALL



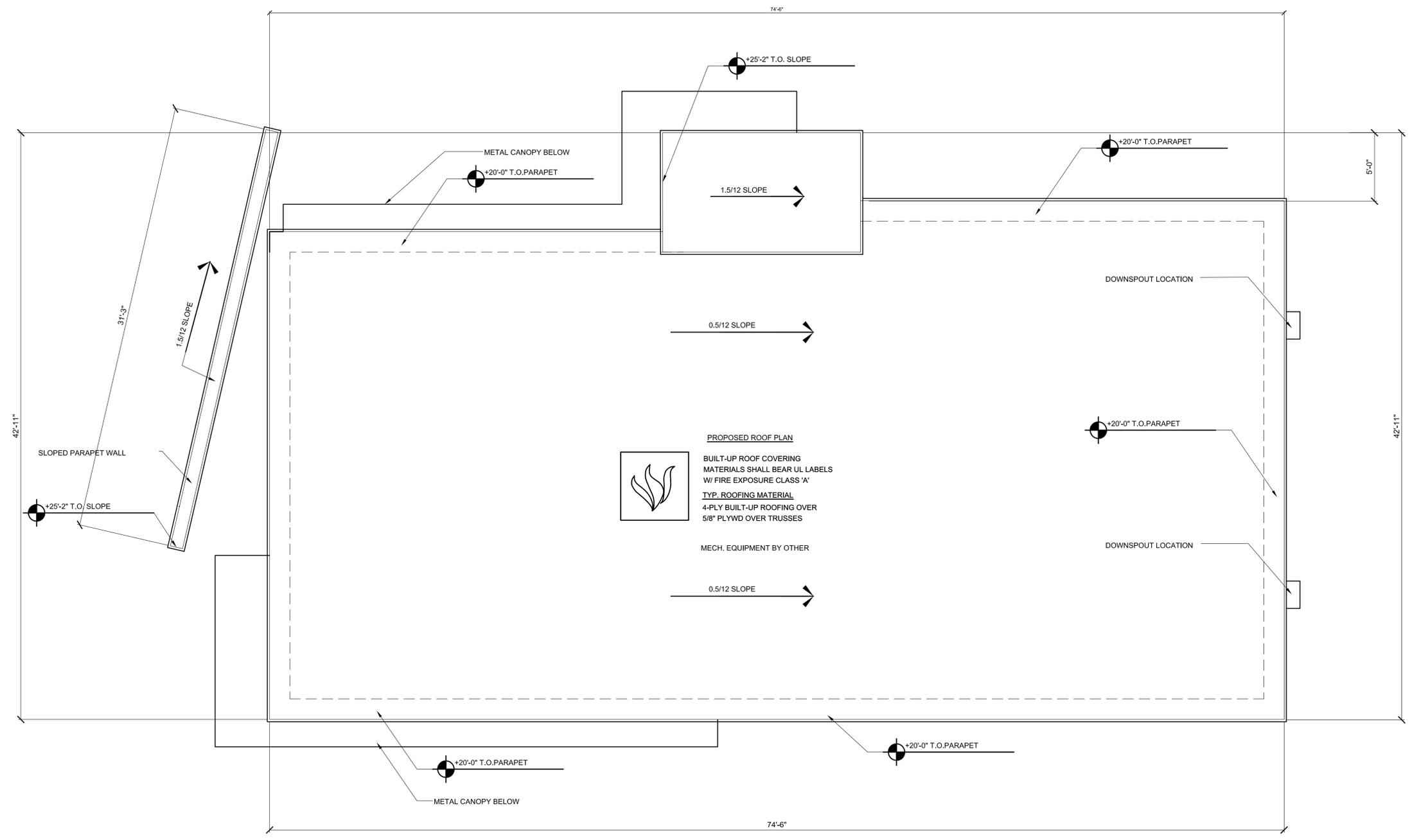
Milestone Associates Imengineering, Inc.  
 1000 Lincoln Road, Suite H202, Yuba City, CA 95991  
 (530) 755-4700

CHICKEN GUY RESTAURANT  
 AMERICAN CANYON, CALIFORNIA

FLOOR PLAN

7

8-12-22



ROOF PLAN

1/4" = 1'-0"

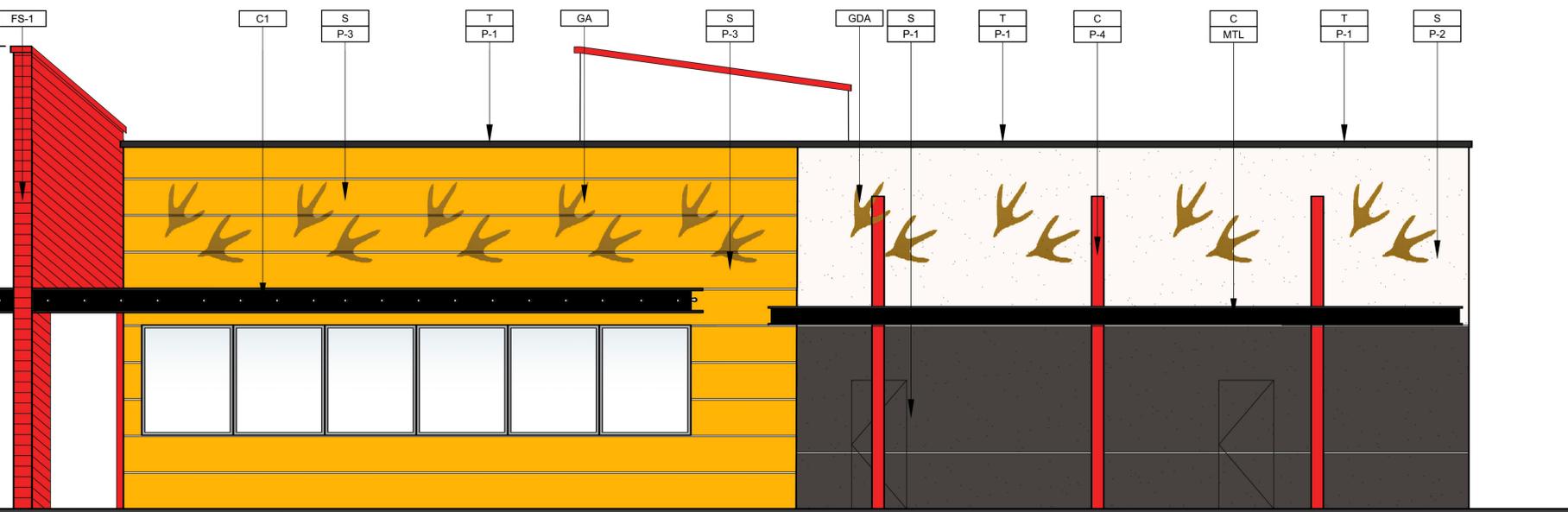


- +25'-2" T.O. ROOF SLOPE
- +20'-0" T.O. PARAPET
- +14'-0" TOP PLATE
- +12'-0" T.O. CANOPY
- +10'-0" WINDOW HEAD
- +7'-0" T.O. DOOR
- 0'-0" FIN. FLR.



FRONT ELEVATION (NORTH)  
1/4" = 1'-0"

- +25'-2" T.O. ROOF SLOPE
- +20'-0" T.O. PARAPET
- +14'-0" TOP PLATE
- +12'-0" T.O. CANOPY
- +10'-0" WINDOW HEAD
- +7'-0" T.O. DOOR
- 0'-0" FIN. FLR.



RIGHT SIDE ELEVATION (WEST)  
1/4" = 1'-0"

GENERAL NOTES:

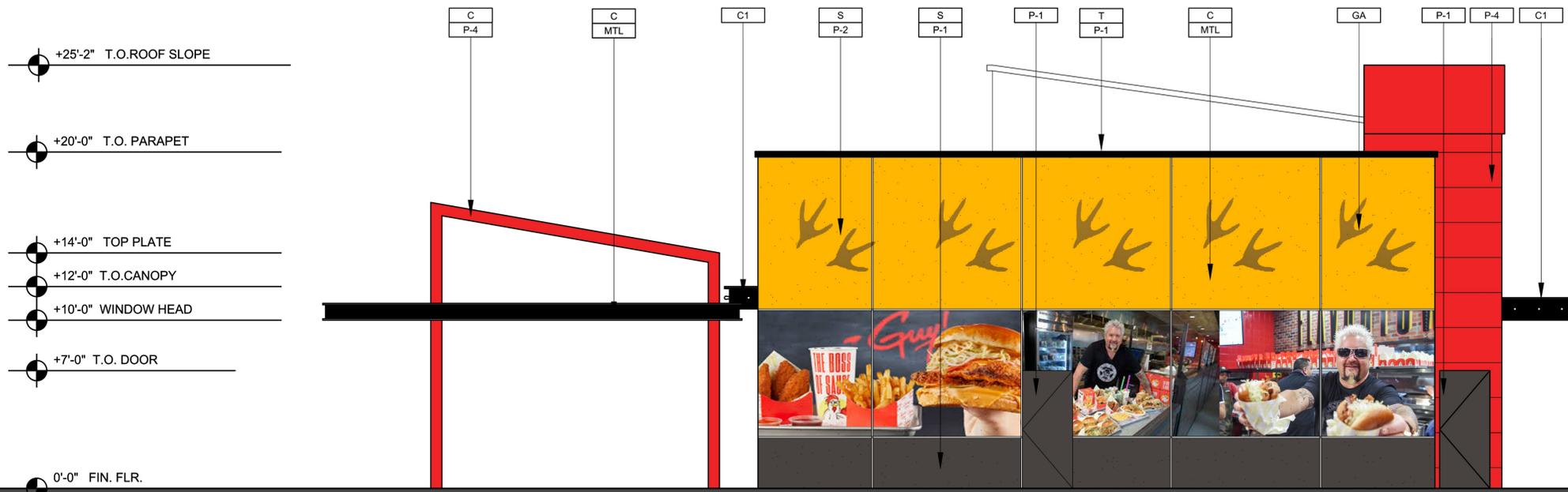
- A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

COLOR LEGEND:

<b>P-1</b>	SHERWIN WILLIAMS COLOR: SW7020 BLACK FOX	<b>FS-1</b>	TRESPA PURA LAMINATE WALL CLADDING COLOR: PASSION RED
<b>P-2</b>	SHERWIN WILLIAMS COLOR: SW7006 EXTRA WHITE	<b>MTL</b>	TO MATCH BERRIDGE MATTE BLACK
<b>P-3</b>	SHERWIN WILLIAMS COLOR: SW6905 GOLDFINCH		
<b>P-4</b>	SHERWIN WILLIAMS COLOR: SW6869 STOP		

MATERIAL LEGEND:

<b>C</b>	PRE ENGINEERED METAL CANOPY
<b>C1</b>	PRE ENGINEERED METAL CANOPY IN BLACK WITH EDISON BULB STYLE LIGHTING ACCENT
<b>S</b>	STUCCO; 7/8" CEMENT PLASTER
<b>T</b>	TRIM AND CORNICE
<b>SF</b>	STOREFRONT
<b>GDA</b>	GOLD FCO ALUMINUM. (CHICKEN TRACKS)
<b>GA</b>	GREY FCO ALUMINUM. (CHICKEN TRACKS)



REAR ELEVATION (SOUTH)

1/4" = 1'-0"

GENERAL NOTES:

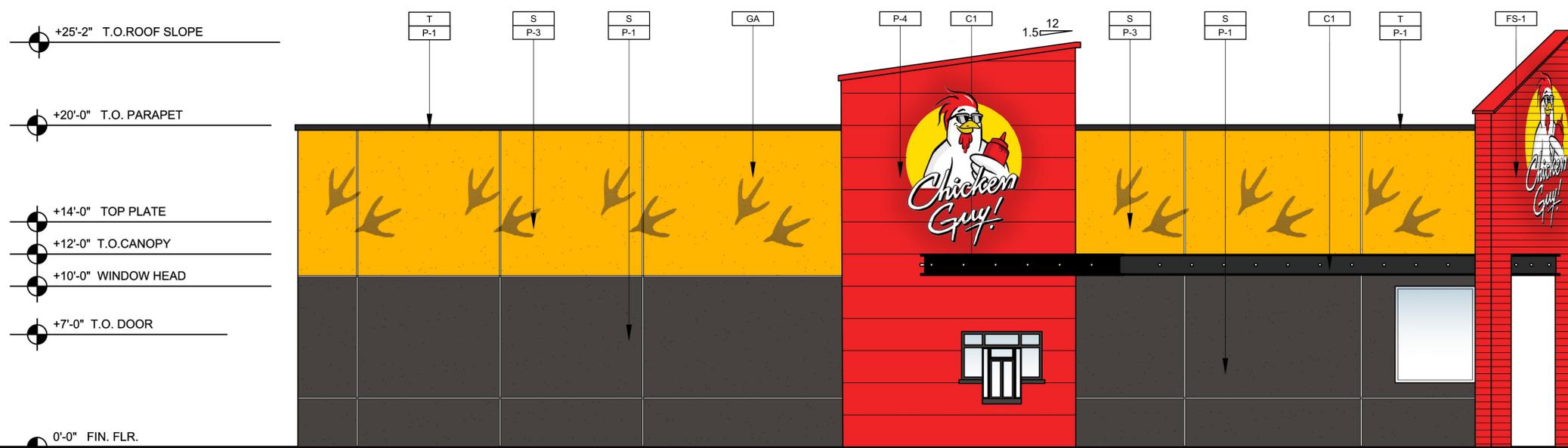
A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

COLOR LEGEND:

P-1	SHERWIN WILLIAMS COLOR: SW7020 BLACK FOX	FS-1	TRESPA PURA LAMINATE WALL CLADDING COLOR: PASSION RED
P-2	SHERWIN WILLIAMS COLOR: SW7006 EXTRA WHITE	MTL	TO MATCH BERRIDGE MATTE BLACK
P-3	SHERWIN WILLIAMS COLOR: SW6905 GOLDFINCH		
P-4	SHERWIN WILLIAMS COLOR: SW6869 STOP		

MATERIAL LEGEND:

C	PRE ENGINEERED METAL CANOPY
C1	PRE ENGINEERED METAL CANOPY IN BLACK WITH EDISON BULB STYLE LIGHTING ACCENT
S	STUCCO; 7/8" CEMENT PLASTER
T	TRIM AND CORNICE
SF	STOREFRONT
GDA	GOLD FCO ALUMINUM. (CHICKEN TRACKS)
GA	GREY FCO ALUMINUM. (CHICKEN TRACKS)

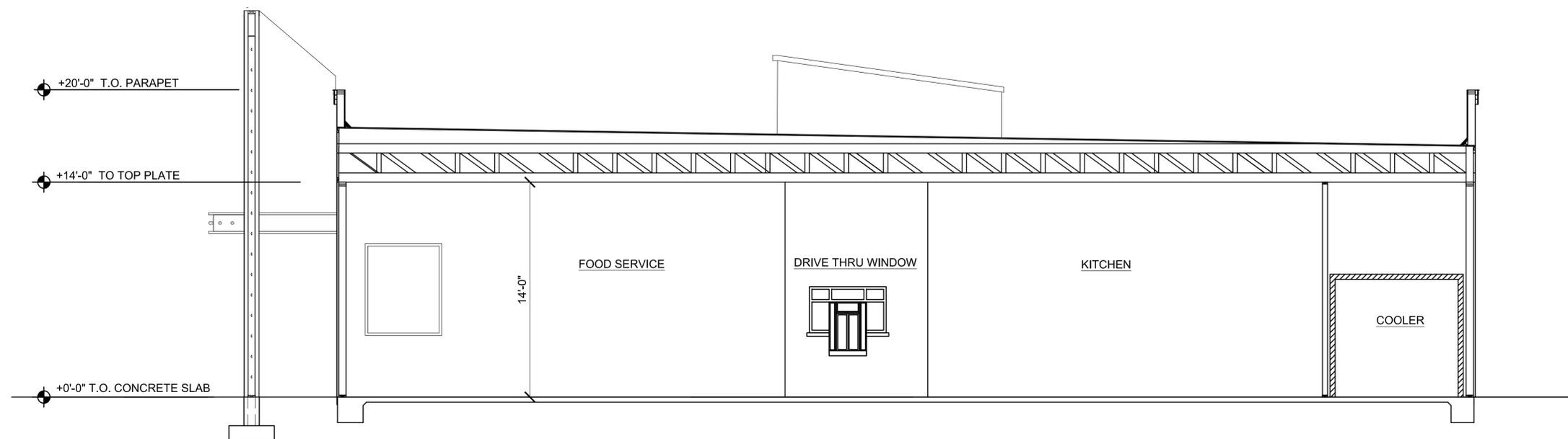


LEFT SIDE ELEVATION (EAST)

1/4" = 1'-0"



**B-B SECTION**  
 1/4" = 1'-0"



**A-A SECTION**  
 1/4" = 1'-0"



Milestone Associates Imagineering, Inc.  
 1000 Lincoln Road, Suite H202, Yuba City, CA 95991  
 (530) 755-4700

CHICKEN GUY RESTAURANT  
 AMERICAN CANYON, CALIFORNIA

RENDERING

12

8-12-22



**EXHIBIT C**  
**Applicant Confirmation of Conditions of Approval**  
**Chicken Guy Restaurant Conditional Use Permit**  
**(FILE NO. PL22-0021)**

As shown by my signature below, I confirm that I understand and agree to abide by the conditions of approval included in the Planning Commission Resolution dated February 23, 2023.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's name

\_\_\_\_\_  
Property Owner's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's name

Please return signed confirmation to the City of American Canyon Community Development Department,  
4381 Broadway, Suite 201, American Canyon, CA 94503



YOCHA DEHE  
CULTURAL RESOURCES

August 18, 2022

City of American Canyon  
Attn: Nicolle Hall, Administrative Technician  
4381 Broadway St., Suite 201  
American Canyon, CA 94503

RE: American Canyon 6th Cycle Housing Element YD-03152022-04

Dear Ms. Hall:

Thank you for the consultation meeting on, August 08, 2022, regarding the proposed American Canyon 6th Cycle Housing Element. We appreciate you taking the time to discuss the project.

Based on the information provided during our consultation meeting, the Tribe has concerns that the project could impact known cultural resources. Therefore, we request that you incorporate Yocha Dehe Wintun Nation's Treatment Protocol into the mitigation measures for this project. Please submit the updated mitigation measures to the Cultural Resources Department once completed. We respectfully decline any comment on the project at this time.

Should you have any questions, please feel free to contact:

CRD Administrative Staff  
Yocha Dehe Wintun Nation  
Office: (530) 796-3400  
Email: [THPO@yochadehe-nsn.gov](mailto:THPO@yochadehe-nsn.gov)

Please refer to identification number YD - 03152022-04 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

DocuSigned by:

5ED632FDB9C34EA  
Tribal Historic Preservation Officer



YOCHA DEHE  
CULTURAL RESOURCES

## **Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation**

The purpose of this Protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, in the event that any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity. This Protocol also formalizes procedures for Tribal monitoring during archaeological studies, grading, and ground-disturbing activities.

### **I. Cultural Affiliation**

The Yocha Dehe Wintun Nation (“Tribe”) traditionally occupied lands in Yolo, Solano, Lake, Colusa and Napa Counties. The Tribe has designated its Cultural Resources Committee (“Committee”) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with Projects on lands culturally-affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.

### **II. Inadvertent Discovery of Native American Human Remains**

Whenever Native American human remains are found during the course of a Project, the determination of Most Likely Descendant (“MLD”) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (“NAHC”) upon notification to the NAHC of the discovery of said remains at a Project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents.

Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.

### **III. Treatment of Native American Remains**

In the event that Native American human remains are found during development of a Project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site



YOCHA DEHE  
CULTURAL RESOURCES

of the discovery and (2) make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.

The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.

The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

#### **IV. Non-Disclosure of Location of Reburials**

Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System ("CHRIS") on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

#### **V. Treatment of Cultural Resources**

Treatment of all cultural items, including ceremonial items and archeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at a Project site should be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Project Proponent should waive any and all claims to ownership of



YOCHA DEHE  
CULTURAL RESOURCES

Tribal ceremonial and cultural items, including archeological items, which may be found on a Project site in favor of the Tribe. If any intermediary, (for example, an archaeologist retained by the Project Proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.

**VI. Inadvertent Discoveries**

If additional significant sites or sites not identified as significant in a Project environmental review process, but later determined to be significant, are located within a Project impact area, such sites will be subjected to further archeological and cultural significance evaluation by the Project Proponent, the Lead Agency, and the Tribe to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.

**VIII. Work Statement for Tribal Monitors**

The description of work for Tribal monitors of the grading and ground disturbing operations at the development site is attached hereto as Addendum I and incorporated herein by reference.



YOCHA DEHE  
CULTURAL RESOURCES

**ADDENDUM I**

**Yocha Dehe Wintun Nation  
Tribal Monitors  
Description of Work and Treatment Protocol**

**I. Preferred Treatment**

The preferred protocol upon the discovery of Native American human remains is to (1) secure the area, (2) cover any exposed human remains or other cultural items, and (3) avoid further disturbances in the area.

**II. Comportment**

All parties to the action are strongly advised to treat the remains with appropriate dignity, as provided in Public Resource Code Section 5097.98. We further recommend that all parties to the action treat tribal representatives and the event itself with appropriate respect. For example, jokes and antics pertaining to the remains or other inappropriate behavior are ill advised.

**III. Excavation Methods**

If, after the Yocha Dehe Tribal representative has been granted access to the site and it is determined that avoidance is not feasible, an examination of the human remains will be conducted to confirm they are human and to determine the position, posture, and orientation of the remains. At this point, we recommend the following procedures:

*(A) Tools.* All excavation in the vicinity of the human remains will be conducted using fine hand tools and fine brushes to sweep loose dirt free from the exposure.

*(B) Extent of Exposure.* In order to determine the nature and extent of the grave and its contents, controlled excavation should extend to a full buffer zone around the perimeter of the remains.

*(C) Perimeter Balk.* To initiate the exposure, a perimeter balk (especially, a shallow trench) should be excavated, representing a reasonable buffer a minimum of 10 cm around the maximum extent of the known skeletal remains, with attention to counter-intuitive discoveries or unanticipated finds relating to this or other remains. The dirt from the perimeter balk should be bucketed, distinctly labeled, and screened for cultural materials.

*(D) Exposure Methods.* Excavation should then proceed inward from the walls of the balk as well as downward from the surface of the exposure. Loose dirt should be scooped out and brushed off into a dustpan or other collective device. Considerable care should be given to ensure that human remains are not further impacted by the process of excavation.



YOCHA DEHE  
CULTURAL RESOURCES

(E) Provenience. Buckets, collection bags, notes, and tags should be fully labeled per provenience, and a distinction should be made between samples collected from: (1) **Perimeter Balk** (described above), (2) **Exposure** (dirt removed in exposing the exterior/burial plan and associations, and (3) **Matrix** (dirt from the interstices between bones or associations). Thus, each burial may have three bags, “Burial 1 Perimeter Balk,” “Burial 1 Exposure Balk,” “Burial 1 Matrix.”

Please note the provisions below with respect to handling and conveyance of records and samples.

(F) Records. The following records should be compiled in the field: (1) a detailed scale drawing of the burial, including the provenience of and full for all human remains, associated artifacts, and the configuration of all associated phenomena such as burial pits, evidence for preinterment grave pit burning, soil variability, and intrusive disturbance, (2) complete a formal burial record using the consultants proprietary form or other standard form providing information on site #, unit or other proveniences, level depth, depth and location of the burial from a fixed datum, workers, date(s), artifact list, skeletal inventory, and other pertinent observations, (3) crew chief and worker field notes that may supplement or supercede information contained in the burial recording form, and (4) photographs, including either or standard photography or high-quality (400-500 DPI or 10 MP recommended) digital imaging.

(G) Stipulations for Acquisition and Use of Imagery. Photographs and images may be used only for showing location or configuration of questionable formation or for the position of the skeleton. They are not to be duplicated for publication unless a written release is obtained from the Tribe.

(H) Association. Association between the remains and other cultural materials should be determined in the field in consultation with an authorized Tribal representative, and may be amended per laboratory findings. Records of provenience and sample labels should be adequate to determine association or degree of likelihood of association of human remains and other cultural materials.

(I) Samples. For each burial, all **Perimeter Balk** soil is to be 1/8”-screened. All **Exposure** soil is to be 1/8”-screened, and a minimum of one 5-gallon bucket of excavated but unscreened Exposure soil is to be collected, placed in a plastic garbage bag in the bucket. All **Matrix** soil is to be carefully excavated, screened as appropriate, and then collected in plastic bags placed in 5-gallon buckets.

(J) Human remains are not to be cleaned in the field.



YOCHA DEHE  
CULTURAL RESOURCES

(K) Blessings. Prior to any physical action related to human remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

#### **IV. Lab Procedures**

No laboratory studies are permitted without consultation with the tribe. Lab methods are determined on a project-specific basis in consultation with Yocha Dehe Wintun Nation representatives. The following procedures are recommended:

(A) Responsibility. The primary archaeological consultant will be responsible for insuring that all lab procedures follow stipulations made by the Tribe.

(B) Blessings. Prior to any laboratory activities related to the remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

(C) Physical Proximity of Associations. To the extent possible, all remains, associations, samples, and original records are to be kept together throughout the laboratory process. In particular, **Matrix** dirt is to be kept in buckets and will accompany the remains to the lab. The primary archaeological consultant will be responsible for copying all field records and images, and insuring that the original notes and records accompany the remains throughout the process.

(E) Additional Lab Finds. Laboratory study should be done making every effort to identify unanticipated finds or materials missed in the field, such as objects encased in dirt or human remains misidentified as faunal remains in the field. In the event of discovery of additional remains, materials, and other associations the tribal representatives are to be contacted immediately.

#### **V. Re-internment without Further Disturbance**

No laboratory studies are permitted on human remains and funerary objects. The preferred treatment preference for exhumed Native American human remains is reburial in an area not subject to further disturbance. Any objects associated with remains will be reinterred with the remains.

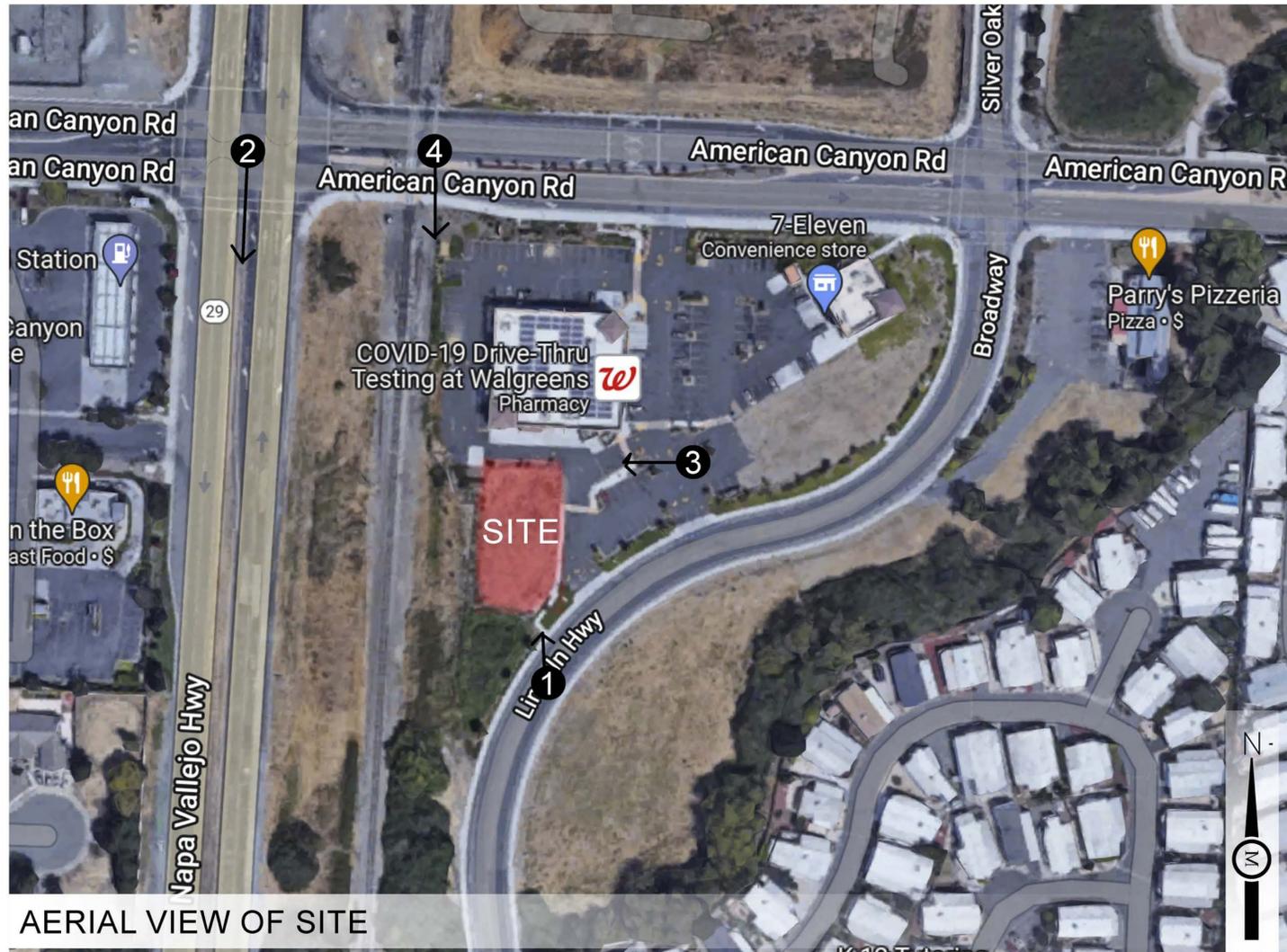


YOCHA DEHE  
CULTURAL RESOURCES

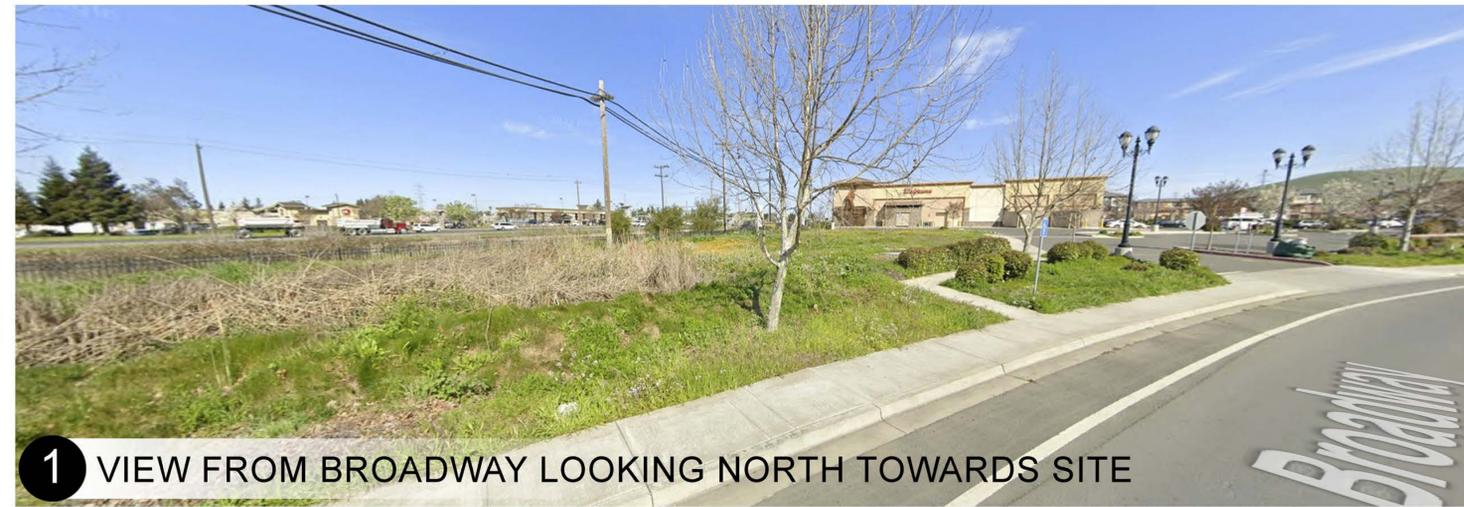
**VI. Curation of Recovered Materials**

Should all, or a sample, of any archaeological materials collected during the data recovery activities – with the exception of Human Remains – need to be curated, an inventory and location information of the curation facility shall be given to tribe for our records.





AERIAL VIEW OF SITE



1 VIEW FROM BROADWAY LOOKING NORTH TOWARDS SITE



2 VIEW FROM INTERSECTION OF AMERICAN CANYON ROAD AND HWY 29



4 VIEW FROM AMERICAN CANYON ROAD LOOKING SOUTH



3 VIEW FROM PARKING LOT ON NEIGHBORING SITE





Milestone Associates Imagineering, Inc.  
1000 Lincoln Road, Suite H202, Yuba City, CA 95991  
(530) 755-4700

CHICKEN GUY RESTAURANT  
AMERICAN CANYON, CALIFORNIA

RENDERING

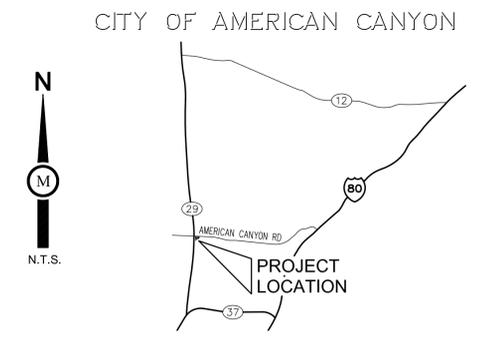
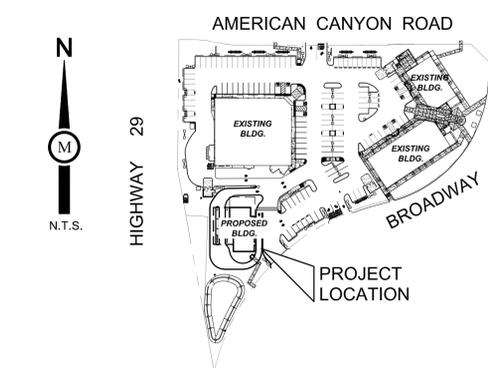
12

8-12-22

# CHICKEN GUY RESTAURANT

PARCEL 3 (26 PM 76)  
 AMERICAN CANYON, CA 94503  
 A.P.N. 059-110-056-000

## ATTACHMENT 5



VICINITY MAP  
 NOT TO SCALE

LOCATION MAP  
 NOT TO SCALE

### CONSTRUCTION NOTES

- 1 EXISTING PAVEMENT TO REMAIN
- 2 NEW PORTLAND CEMENT CONCRETE PAVEMENT
- 3 NEW 15' WIDE x 12' DEEP COVERED TRASH ENCLOSURE
- 4 NEW LANDSCAPE AREA
- 5 EXISTING DECORATIVE WROUGHT IRON FENCE TO REMAIN
- 6 REMOVE EXISTING SIDEWALK AS REQUIRED FOR NEW ACCESSIBLE RAMPS
- 7 NEW ACCESSIBLE PARKING SPACE PER ADA REQUIREMENTS
- 8 NEW STAMPED CONCRETE WALK (MATCH EXISTING)
- 9 REMOVE EXISTING STAMPED CONCRETE WALK, REPLACE WITH NEW ASPHALT PAVING (MATCH EXISTING)
- 10 NEW MENU BOARD (TYP. OF 2)
- 11 NEW PRE-ORDER MENU BOARD (TYP. OF 2)
- 12 NEW OVERHEAD CANOPY
- 13 NEW BICYCLE RACK PER CITY STDS.
- 14 NEW OUTDOOR SEATING AREA
- 15 NEW PORTLAND CEMENT CONCRETE SIDEWALK
- 16 REMOVE EXISTING SIDEWALK AS REQUIRED FOR NEW IMPROVEMENTS
- 17 NEW RAISED CURB MEDIAN

### PROPERTY DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF AMERICAN CANYON, COUNTY OF NAPA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 3, AS SHOWN ON THE PARCEL MAP FILED OCTOBER 19, 2011, IN BOOK 26 OF PARCEL MAPS AT PAGES 75 AND 76, IN THE OFFICE OF THE COUNTY RECORDER OF NAPA COUNTY.

APN 059-110-056-000

### SITE UTILITIES

SEWAGE DISPOSAL:	CITY
WATER SUPPLY:	CITY
DRAINAGE:	CITY

### APPLICANT

JOTI SINGH CHANDI  
 CHANDI HOSPITALITY GROUP  
 537 4TH STREET, SUITE A  
 SANTA ROSA, CA 95401  
 PHONE: 925-348-2693

### LOT DATA:

A.P.N.:	059-110-056-000
TOTAL ACREAGE:	44,853 SF (1.03 AC)
EXISTING PARCELS:	1
PROPOSED PARCELS:	1
EXISTING ZONE:	CN NEIGHBORHOOD COMMERCIAL
PROPOSED ZONE:	SAME
EXISTING USE:	VACANT-UNDEVELOPED
PROPOSED USE:	DRIVE THRU RESTAURANT

### SITE COVERAGE

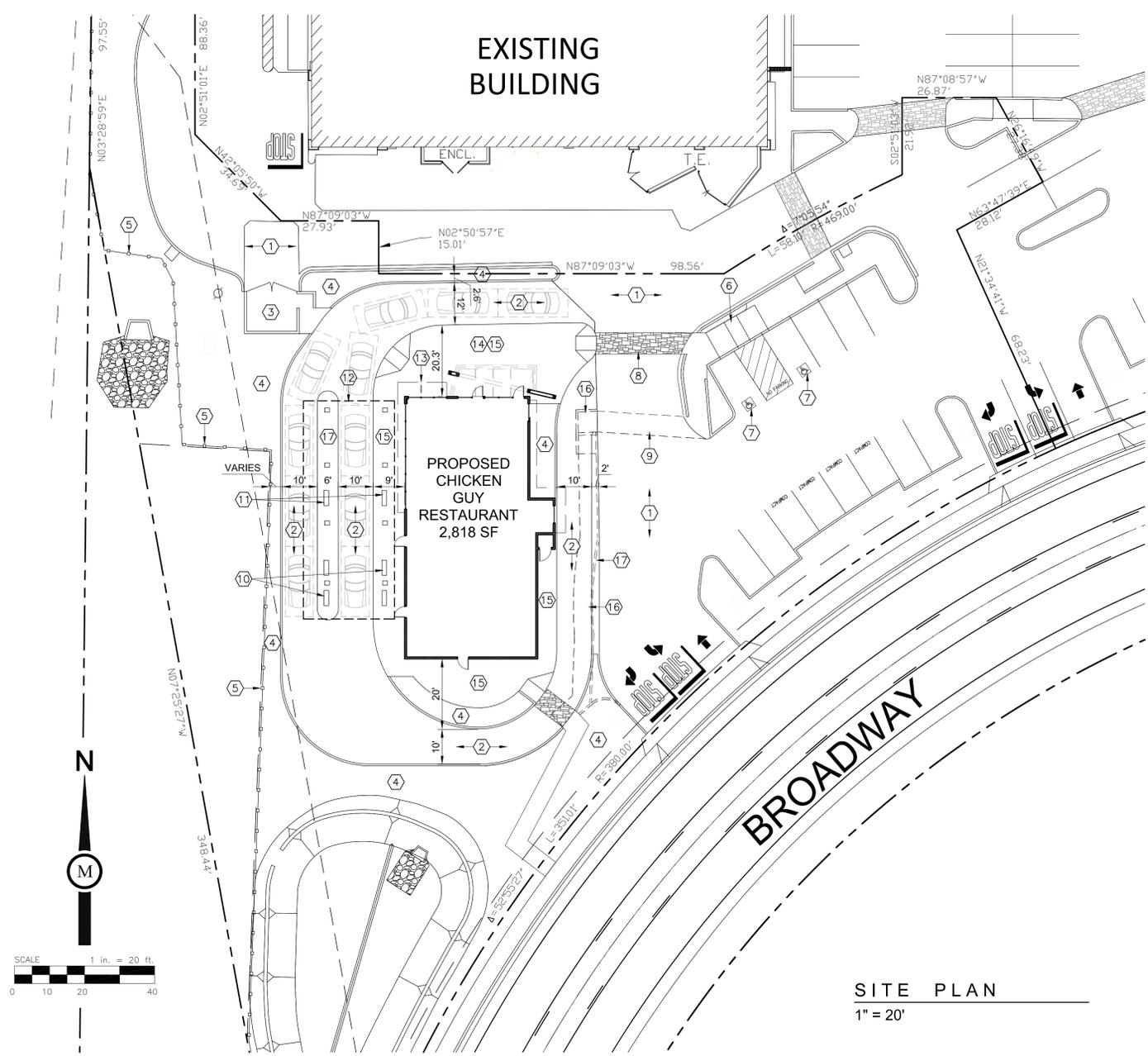
RESTAURANT:	2,818 SF (6.3%)
LANDSCAPE AREA:	4,540 SF (10.1%)
PAVED SURFACE AREA:	37,495 SF (83.6%)

### PARKING DATA:

DRIVE THRU RESTAURANT (2,818 SF):	29
(2,818 SF / 100 SF):	
REQUIRED:	29 SPACES
STANDARD PARKING SPACE (9'x18')	13 SPACES
RECIPROCAL PARKING SPACE (9'x18')	14 SPACES
ACCESSIBLE PARKING SPACE (9'x18')	2 SPACES
PROVIDED:	29 SPACES

### SHEET INDEX

- 1 SITE PLAN / PROJECT DATA
- 2 SITE PHOTOGRAPHS
- 3 CONCEPTUAL GRADING PLAN
- 4 CONCEPTUAL UTILITY PLAN
- 5 LANDSCAPE CONCEPT PLAN
- 6 PHOTOMETRIC PLAN
- 7 FLOOR PLAN
- 8 ROOF PLAN
- 9 EXTERIOR ELEVATIONS
- 10 EXTERIOR ELEVATIONS
- 11 BUILDING SECTION
- 12 RENDERINGS



SITE PLAN  
 1" = 20'

Attachment 6





### Chicken Guy Restaurant Project Comments

**Date\*** 02/16/2023

**Name\*** Bayard Fox

**Company** BFS LLC

**Email\*** [REDACTED]

**Phone Number\*** [REDACTED]

**Address\*** Street Address

[REDACTED]

Address Line 2

City

Napa

Postal / Zip Code

94558

State / Province / Region

CA

Country

United States

**Comments\*** If comments are being provided through the upload of a document, please indicate so.

See attachment

**File Upload** American Canyon Drive Thru proposal 2023.docx 13.34KB

Dear Planning Commissioners and Planner He,  
We are writing to you to bring your attention to a significant issue in conflict with the City of American Canyon's Climate Emergency Resolution. The Climate Emergency Resolution commits to evaluate all planning and policy decisions through the lens of the pledge of Net Zero Climate Pollution by or before 2030.

A drive-through window at the proposed Chicken Guy restaurant would increase greenhouse gas emissions from idling vehicles.

The Draft Napa Regional 2019 GHG Inventory prepared for the Countywide Climate Action Committee shows that on-road emissions due to vehicles make up 54% of American Canyon's total emissions. (Idling cars account for over 1.6% of total greenhouse gas emissions; see US Dept. of Energy citation). The proposed drive-through will increase emissions and result in unavoidable negative impacts on air quality.

According to Idle Free California, idling vehicles burn more than 300 million gallons of fuel annually, emitting more than 3 million tons of CO<sub>2</sub> and other climate pollutants. The EPA states that idling for more than 10 seconds exceeds the emissions from stopping and restarting a vehicle. The restaurant industry publication QSR Magazine, stated that in 2019 wait times at a leading fast food chain average 5 minutes and 22 seconds per vehicle. It appears the site will have more than one lane, increasing the potential for more vehicles and more idling.

The pandemic has revealed the solution: expand curbside and walk-up service. The chain has several outlets (Gatlinburg, TN, Nashville, TN, Landover, MD, Santa Clara, CA) that don't have a drive-through window, indicating that other methods of food delivery work well for this restaurant.

Thank you for your time and consideration.

Bayard Fox

Napa Climate Now



## Chicken Guy Restaurant Project Comments

Date\* 02/13/2023

Name\* Yvonne Baginski

Company

Email\* [REDACTED]

Phone Number\* [REDACTED]

Address\*

Street Address

[REDACTED]

Address Line 2

City

Napa

Postal / Zip Code

94558

State / Province / Region

CA

Country

United States

Comments\*

If comments are being provided through the upload of a document, please indicate so.

We have a problem with idling engines. They needlessly contribute to CO2 emissions, wasted energy and an adverse impact on air quality. American Canyon already has a problem with the air pollution caused by the diesel trucks. In 2019, Napa County estimated that 67 percent of greenhouse gas emissions were caused by diesel trucks. Much of this truck traffic is concentrated in American Canyon. While the City brags of its family friendly standards, and good schools, there is some discrepancy with the allowance of air quality diminishment due to idling traffic and traffic, in general. California recognized this issue in 2016 when the state legislature adopted ACR-160. This resolution addresses the issue of vehicular air pollution, specifically motor vehicle idling and children. It encourages motorists not to idle their motor vehicles where children are present. However, it is a resolution, not an ordinance. I would ask that the planning commission consider banning all new drive thru's in the City of American Canyon. This is a movement gaining momentum throughout the nation. But, just so the drive-thru's don't feel "picked on," I would also recommend considering limiting idling engines throughout the city, on city streets and especially in the caravan lines waiting to pick up children from schools. Many cities are enacting the "no idle" ordinance, including Santa Cruz, Palo Alto and Santa Barbara. With drive-thrus, we are seeing bans in Minneapolis, Long Beach, and many other cities. This is one way that a planning commission/city council can work together to reduce GHG emissions...which is especially crucial in these times of reduction mandates. Another thing to consider is to limit idling (to 90 seconds), in already established drive-thrus. But, let's start with a ban on new drive-thrus. Drive-thrus are most definitely an American convenience, not seen in other countries. Please consider a rejection of this drive-thru with a request to the City Council to ban all future drive-thrus.

**File Upload**

## Brent Cooper

---

**From:** Cathelyn Atajar [REDACTED]  
**Sent:** Friday, October 21, 2022 10:09 AM  
**To:** William He  
**Subject:** [External] Another fast food

Can we have a decent sit down restaurant instead of drive through. Jack in the Box is just across the street from where this is going to be! Too many drive through fast food! We have too many "Gas Station" and not enough family restaurants that we can be proud of. I hope you have other vendor (s) that would like to do business in American Canyon.

Cathelyn

## Brent Cooper

---

**From:** Shana Ellis [REDACTED]  
**Sent:** Friday, October 21, 2022 1:22 PM  
**To:** William He  
**Subject:** [External] WHY ANOTHER FAST FOOD RESTAURANT???????

Ughhh

Sent from my iPhone



## Chicken Guy Restaurant Project Comments

Date\* 01/27/2023

Name\* Brian Jew

Company

Email\* [REDACTED]

Phone Number\* [REDACTED]

Address\*

Street Address

[REDACTED]

Address Line 2

City

AMERICAN CANYON

Postal / Zip Code

94503

State / Province / Region

CA

Country

United States

Comments\*

If comments are being provided through the upload of a document, please indicate so.

I fully support this project and hope to see more restaurants and dining options come to our city.

File Upload



## Chicken Guy Restaurant Project Comments

**Date\*** 01/06/2023

**Name\*** Mignon Benedict

**Company**

**Email\*** [REDACTED]

**Phone Number\*** [REDACTED]

**Address\***

Street Address

[REDACTED]

Address Line 2

City

American Canyon

Postal / Zip Code

94503

State / Province / Region

CA

Country

United States

**Comments\***

If comments are being provided through the upload of a document, please indicate so.

American Canyon needs more food places to feed all the people who live here and especially those who are passing through. A great place like The Chicken Guy would only give us a better choice of food and more revenue.

**File Upload**



## Chicken Guy Restaurant Project Comments

**Date\*** 10/22/2022

**Name\*** Jeff Servente

**Company**

**Email\*** [REDACTED]

**Phone Number\*** [REDACTED]

**Address\***

Street Address

[REDACTED]

Address Line 2

City

American Canyon

State / Province / Region

CA

Postal / Zip Code

94503

Country

United States

**Comments\***

If comments are being provided through the upload of a document, please indicate so.

All for this. For those who have complained of AC's lack of food diversity, here's a chance to not blow the door open but, at least give it a good kick. With Watson Ranch around the corner, this franchise could be a win-win-win for AmCan

**File Upload**



## Chicken Guy Restaurant Project Comments

**Date\*** 10/21/2022

**Name\*** James W Dickieson

**Company**

**Email\*** [REDACTED]

**Phone Number\*** [REDACTED]

**Address\***

Street Address

[REDACTED]

Address Line 2

City

American Canyon

Postal / Zip Code

94503

State / Province / Region

CA

Country

United States

**Comments\***

If comments are being provided through the upload of a document, please indicate so.

That would be soooooooooo cool!!!!!!!!!!!!!!!

**File Upload**

LAW OFFICE OF  
MARCUS J. LO DUCA  
A Professional Corporation

---

MARCUS J. LO DUCA

November 28, 2022

Mr. Brent Cooper  
Community Development Director  
City of American Canyon  
4381 Broadway Street, Suite 201  
American Canyon, CA 94503

Re: American Canyon Road and Broadway Commercial Center (DR 07-06,  
MV 07-01, & TM 07-04)

Dear Mr. Cooper:

This office represents Best/American Canyon Partners, owner/developer of the American Canyon Road and Broadway Commercial Center project (the "Project") in American Canyon. As I am sure you are aware, the Project was approved as a phased project on May 22, 2008 with the above-listed entitlements, with the tentative parcel map subsequently recorded. The Project was "inaugurated" with the buildout of all site work for the entire property (the "Property"), with the first building, the Walgreens on Lot 1, completed in 2011. On October 4, 2011, a parcel map dividing Lot 2 into Lots 2A and 2B was approved by the American Canyon City Council. That parcel map was then recorded, and my client constructed in 2012 the 7-11 on what is Lot 2A. Lot 3 on the original parcel map was not changed by the subsequent parcel map on Lot 2.

My client wishes to develop the final pad building in the Project with a drive-up restaurant on Lot 3, pursuant to the above-referenced approved entitlements. However, City Planning staff recently informed my client that staff is of the opinion that the project entitlements for Lot 3 have expired. Based on both the Project's conditions of approval and relevant sections of the City Code, including the City Code section cited by staff, not to mention constitutionally protected vested development rights, we believe that staff's position is not supported, and the previously approved entitlements

remain in place relative to Lot 3. Our analysis of both those conditions of approval and the relevant City Code provisions follows.

A. Conditions of Approval

The Project conditions of approval clearly state that “This approval shall become null and void and of no effect if the project has not been inaugurated within two years of the approval date” (Condition 6). The Project, as defined in the conditions of approval, is not development of a building on a single parcel, but “the construction of a 29,270 square foot shopping center, including a drive-through pharmacy and a drive-up restaurant...” (Condition 1). That the shopping center project so described is comprised of multiple buildings as part of the whole project and not a single building is clearly acknowledged by the City in Condition 8, which begins with the wording “The shopping center may be constructed in phases.....” Condition 8 goes on to state that such phasing is approved “provided that all site work is completed with the first building to be constructed. Site work includes all the improvements, including landscaping, except the buildings and landscaping associated with individual building pads.” (Emphasis added). It is beyond dispute that the all the site improvements, including landscaping, involved with the site work for the entire site were constructed in the timeframe set forth in Condition 6, except for the buildings and landscaping associated with individual building pads. Thus, the required improvements to allow the phasing of the development of each of the lots in the Project were completed consistent with the requirements of the conditions of approval.

The life of the entitlements as noted in Condition 6 required that the Project be “inaugurated within two years of the approval date.” “Project inauguration” is defined in 19.04.030 of the City Code as follows:

““Project inauguration” means a project has been inaugurated if applicable grading and building permits have been issued, necessary infrastructure installed, foundations installed and aboveground construction initiated and ongoing without any cessations of construction activity for more than one hundred eighty days.”

The site work and first building permit in the Project (for Walgreens), including the site grading and installation of infrastructure, and initiation and construction of

aboveground construction, were completed with the initial construction on the Property. Therefore, under Condition 6, the Project---the approved shopping center to be built in phases--was “inaugurated” in the timeframe called for in the conditions of approval, vesting the approved land use entitlements for the entire Project, and not just for the initial site development and construction of the Walgreens on Lot 1. It is also critical to note that the building permit for the 7-11 constructed on Lot 2A was issued by the City in 2012, four years after approval of the phased Project on May 22, 2008, and two years past the two year deadline for project inauguration set forth in Condition 6, yet the City had no issue with issuance of that building permit and construction of that building on Lot 2A pursuant to the approved entitlements for the Project, including the Design Review approved for the Project.

#### B. City Code

The November 17, 2022 email to my client from William He (on which you were copied) cites City Code Section 19.41.060 for support of the position that the Project entitlements for the shopping center have expired as to Lot 3. The first sentence of Section 19.41.060 simply mirrors the exact wording of Condition 6, i.e., the project approval becomes null and void and of no effect if the project for which a design permit has been approved has not been inaugurated within two year of the granting of the design permit. There is no factual dispute possible that the Project (i.e., the shopping center) was inaugurated for purposes of Section 19.41.060 and Condition 6. Interestingly, the next sentence of Section 19.41.060 states that the provision just noted above “shall not apply to applications approved in conjunction with another discretionary permit.” Here, the Project had two other land use entitlements approved together with design review approval DR 07-06: a Minor Variation (MV 07-01) and a Tentative Parcel Map (TM 07-04). The provision cited in Mr. He’s email is therefore inapplicable to the design review approval for the development of Lot 3 that was part and parcel of the application for land use entitlements for the Project.

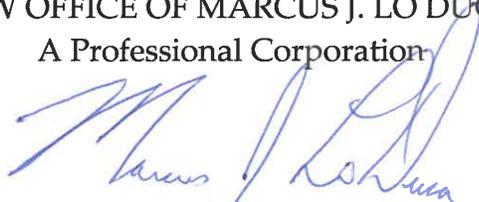
Just as importantly, if staff’s position that the inauguration of the Project, the site development, and the construction of buildings on two of the four parcels (with the subsequent parcel map creating Lots 2A and 2B) were not enough to effectuate, i.e., vest, the land use entitlements for the entire center, then the staff position renders the phasing provisions of Condition 9 meaningless. There is nothing in the conditions of approval or City Code that requires that all buildings in a phased project must be

constructed, i.e., inaugurated, within the first two years after a project's approval. That position would mean that a phasing condition placed on a project in the City of American Canyon has no practical force and effect at all.

Moreover, the City's own rules for the construction of language in the City's Municipal Code undermine any such position that the approved entitlements are not still in place for the development of Lot 3. As noted above, Condition 1 states what the approved project is: the construction of a 29,270 square foot shopping center, including a drive-through pharmacy and a drive-up restaurant. In other words, the singular project is defined to contain multiple buildings. Section 19.04.020.H. of the City Code states that, in interpreting the Municipal Code, "The singular number includes the plural, and the plural, the singular." Here, the singular Project includes the plural number of buildings approved with the 2008 approved entitlements. Those 2008 approved entitlements for the entirety of the phased Project as defined in the conditions were fully vested as a matter of Federal and State constitutional law, not to mention by the wording of the conditions and City Code provisions themselves, via the development of the site improvements for the entire site and the construction of the Walgreens building. Therefore, on the basis of the foregoing analysis, my client intends to proceed forward with the construction of the building on Lot 3 pursuant to the existing approved entitlements. We would request that you confirm the City's acknowledgement of this position so that the development of Lot 3 can proceed without further delay.

Very truly yours,

LAW OFFICE OF MARCUS J. LO DUCA  
A Professional Corporation



Marcus J. Lo Duca

Cc: Client



January 6, 2023

**VIA E-MAIL**

Brent Cooper, AICP  
 Community Development Director  
 City of American Canyon  
 4381 Broadway Street  
 American Canyon, CA 94503

Re: American Canyon Road and Broadway Commercial Center Project;  
 Communication Dated November 28, 2022

Dear Mr. Cooper:

This communication analyzes issues presented in a November 28, 2022 communication from Mr. Marcus J. Lo Duca, Attorney for Best/American Canyon Partners, the present owner/developer of partially improved real property located at the Southwest corner of the intersection of American Canyon Road and State Highway 29 (the "Property"), which was the subject of City of American Canyon ("City") land-use approvals on May 22, 2008 for the American Canyon Road and Broadway Commercial Project (the "Project").

The 2008 Project approvals included a tentative parcel map providing for three parcels in conjunction with Design Review and two Minor Variations to authorize initially four buildings on the Property which were analyzed in a Mitigated Negative Declaration ("MND") under the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, "CEQA"), as described in further detail *infra*.

Upon approval of the Final Parcel Map and further Minor Variations in 2011, building permits were issued for two of the three parcels resulting in those two parcels being improved with a Walgreens and the 7-11 store, respectively. No action was taken with respect to the third parcel for its prospective development until August of 2022.

Upon plan check review of the 2022 Application by Staff, it was determined that the original Project approvals not already developed had expired, a Staff position which Mr. Lo Duca's letter refutes.

Brent Cooper, AICP  
Community Development Director  
City of American Canyon  
January 6, 2023

### **Detailed Factual Background**

The Final Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared for the Project which analyzed a neighborhood serving-commercial center providing 29,270 square-feet of tenant space in four buildings. A Walgreens drug store, a drive-thru restaurant, and two multi-tenant “retail” buildings were analyzed for the site. The drive-thru restaurant analyzed in the environmental review is a “El Pollo Loco” restaurant of approximately 2,974 square-feet. On May 22, 2008, the Planning Commission approved the IS/MND.

On May 22, 2008, the Planning Commission approved a Project Tentative Parcel Map (TM07-04), a Design Review (07-08) and two minor variations (MV 07-04).

On December 4, 2008 a sign program was developed for the Project. Two grading permits were issued for the Walgreens parcel on September 23, 2009, and November 30, 2010. A building permit was issued for the Walgreens parcel on February 10, 2011, followed by an August 31, 2011 Certificate of Occupancy. Subsequently on October 4, 2011, the City Council approved a Project Final Map. The Final Map delineated square footage on each Building depicted (1-4) but did not note any specified use.

Subsequently, on October 26, 2011, the Final Map was amended through a Minor Modification Approval for the Project by the City Community Development Director, reducing the Project Building 2 square-footage to accommodate a 7-11 convenience store, and by increasing the Project Building 3 square-footage to equalize the approved overall Project square-footage

Later, on May 31, 2012 a building permit was issued for the 7-11, followed by the issuance of a June 6, 2012 grading permit, and an October 12, 2012 Certificate of Occupancy.

The City has no record of an issued grading or building permit for the drive-thru restaurant or any other use on Lot 3 of the Project (depicted as Building 4 on the Final Map).

### **Developer’s Claims of Continual Project Permit Validity**

Mr. Lo Duca claims that the remaining undeveloped lot of the Project can be developed ministerially due to constitutionally protected Project “vested development rights,” therefore claiming that the Staff position that the undeveloped portion of the Project approval has expired is not correct.

Mr. Lo Duca’s communication references the Design Review Conditions of Approval 6, 1, and 8 contending:

Brent Cooper, AICP  
Community Development Director  
City of American Canyon  
January 6, 2023

... the required improvements to allow the phasing of the development of each of the lots in the Project were completed consistent with the requirements of the Conditions of Approval.

Mr. Lo Duca contends that the Project has been initiated with the completion of both the 7-11 facility on Lot 2 and the Walgreens facility on Lot 1.

Mr. Lo Duca also objects to the November 17, 2022 City Staff email to Best/American Canyon Partners, stating the City position that the drive-thru restaurant approval Design Review permit had expired. Mr. Lo Duca contends that the Project has been “inaugurated,” and that the Staff position is inapplicable to the Design Review Approval of Lot 3.

More specifically, Mr. Lo Duca concludes:

There is nothing in the Conditions of Approval or City Code that requires that all buildings in the phase Project must be constructed, i.e., inaugurated within the first 2 years after a Project’s approval. That position would mean that a phasing condition placed on a project in the City of American Canyon has no practical force and effect at all.

The communication concludes:

Those 2008 approved entitlements for the entirety of the phased Project as defined in the conditions were fully vested as a matter of Federal, State and Constitutional law, not to mention by the wording of the conditions and City Code provisions themselves via the development of site improvements for the entire site and the construction of the Walgreens building. Therefore, on the basis of the foregoing analysis, my client intends to proceed forward with the construction of the building on Lot 3, pursuant to existing approved entitlements.

#### **Standards for Obtaining Vested Rights to Develop**

The issue presented by Applicant’s Counsel involves what rights have vested, if any, resulting from the Project Approvals and subsequent construction of improvements on two of the Project’s three parcels.

There are three (3) ways to vest development rights in California.

Brent Cooper, AICP  
Community Development Director  
City of American Canyon  
January 6, 2023

First, is common-law vesting based on the seminal case of *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal. 3<sup>rd</sup>. 785, 793 (“*Avco*”). The *Avco* Court confirmed a vested right if a developer had obtained a validly issued building permit, completed substantial work and incurred substantial liabilities in good faith reliance on the building permit at the finished the project. Costs incurred based on a validly issued building permit, must be *hard costs* such as foundation permits for structural work and not *soft costs* such as further engineering or grading.<sup>1</sup>

The developers’ rights that vest through reliance on the building permit, or a building permit in combination with other permits, *cannot be greater* than those specifically granted or approved by the involved permit. See, *Russ Bldg. Partnership v. City & County of San Francisco* (1988) 44 Cal. 3<sup>rd</sup> 839, 846, 853; *Avco*, supra 17 Cal. 3<sup>rd</sup>. at 91 (perfection of a vested right for one phase of a multi-phased project does not create a vested right to build subsequent phases).

The second method of vesting is a vesting subdivision map under the provisions of Government Code Section 66498 *et seq.* Upon approval of a vesting tentative map, then the development standards, rules and regulations that are applicable to the project involved, are those that are in effect *at the time of a vesting map application.*

The third method of vesting is a development agreement as authorized by Government Code Section 65866. In the case of a development agreement, the development standards that are applicable to the Project, are those which are “frozen” at the time of execution of the development agreement. See, *Santa Margarita Area Residents Together v. San Luis Obispo County Board of Supervisors*, 2000 (84) Cal. App. 4<sup>th</sup>. 421.

### Analysis

Under the City Code,<sup>2</sup> a Project for which Design Review has been granted must be “inaugurated” within two years of the Design Review grant, or that permit expires:

If the project for which a design permit has been approved pursuant to this chapter has not been inaugurated within two years of the granting of the design permit, the approval shall become null and void and of no effect. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.

---

<sup>1</sup> See, *Hermosa Beach Stop Oil Coalition v. the City of Hermosa Beach* (2001), 86 Cal. App. 4<sup>th</sup>. 534.

<sup>2</sup> Municipal Code Sections are subject to the same construction as statutes. See, *C.Y. Development Co. v. City of Redlands* (1982) 137 Cal.App.3d 926, 929.

Brent Cooper, AICP  
Community Development Director  
City of American Canyon  
January 6, 2023

Municipal Code Section 19.41.060.A. As set forth in the Municipal Code, if another approval is approved along with another discretionary permit, the other permit's expiration period applies.

A Project is "inaugurated" when certain *applicable* ministerial permits are granted along with associated development beginning; however, inauguration can be lost if construction activity ceases for more than 180 days at a time:

"Project inauguration" means a project has been inaugurated if *applicable* grading and building permits have been issued, necessary infrastructure installed, foundations installed and aboveground construction initiated and ongoing ***without any cessations of construction activity for more than one hundred eighty days.***

Municipal Code Section 19.10.030 (*emphasis added*).

Here the permit accompanying the Project Design Permit approval was a tentative parcel map (also approved May 22, 2008), which also expired in two years, unless extended by the City Council or legislation. Municipal Code Section 18.22.060; Tentative Map Condition of Approval 12.

Legislation does extend the tentative parcel map for two years, but the October 11, 2011 Final Map approval terminated that extension. Accordingly, any portion of the Project had to be inaugurated no later than October 11, 2011.

No Project "inauguration" was achieved with respect to Lot 3, the originally intended location for the El Pollo Loco (and that of the 2022 Application) within the extended time period of Project approval and thus the Project approvals expired in 2011.

The Applicant's assertions indicating that the Project was phased (due to Project Condition 6 regarding phasing) precluding application of a two-year limit, are incorrect. Design Review Condition of Approval 9 states:

The shopping center *may be* constructed in phases, provided that all the site work is completed with the first building to be constructed. Site work includes all site improvements, including landscaping, except the buildings and landscaping associated with individual building pads (*emphasis added*).<sup>3</sup>

---

<sup>3</sup> Use of the term "may" in the Conditions contemplates a permissive, rather than a "mandatory" notion. See, Government Code Section 14.

Brent Cooper, AICP  
Community Development Director  
City of American Canyon  
January 6, 2023

The City routinely allows for Project phasing with respect to processing potential future discretionary applications (like Modifications) without having to bring the Project back for Planning Commission approval. This phasing does not overrule the Municipal Code admonition that the Project must have been inaugurated within two years.

In addition, the Applicant submitted no phasing plan, or any other agreement with the City that would extend inauguration beyond the two year expiration date. Nor did the Applicant timely request any permit extension under the Municipal Code.

It is emphasized that no inauguration (grading/building permits) was, or has been, sought for Lot 3 prior to August 2022 and accordingly the Lot 3 portion of the Project was not inaugurated within the expiration date of the Project approvals.

Even if the inauguration of the Walgreens and 7-11 is considered to have inaugurated *all* development on the Project, no grading or building permit or construction *had been* authorized or commenced within 180 days of the August 2022 Application for Lot 3. Stated differently, there has been no construction activity related to Lot 3 since 2012 prior to August 2022, well beyond the 180-day period referenced. Accordingly, even if development of Lot 3 was “inaugurated” in 2008, it has lost that status more than ten (10) years after the Final Map approval.

A review of the Project record shows no evidence or substantial evidence to support the conclusion that construction had been inaugurated on Lot 3 and must be vested under the previously described *Avco* standard for the entire Project, including Lot 3.

The Project approvals did not include a development agreement or a vesting subdivision map. Under common-law vesting, the *Avco* case, although building/occupancy permits were issued for other portions of the Project, none were issued for Lot 3.

### **Conclusion**

No grading or building permit has been issued for Lot 3. Since 2012 there has been no construction activities on the overall Project. Accordingly, under the City Municipal Code, the Design Review granted for Lot 3 become null and void 180 days after Final Map approval date, or at the latest 180 days after the last construction on the 7-11.

There have been no vested rights to maintain any such permit as: 1) there is no building permit and construction on Lot 3 to vest any common law rights; 2) the Project does not include a *vesting* map; and, 3) there is no Development Agreement extending Project entitlements. Also, the Project Condition of Approval referencing phasing does not overcome the Municipal Code mandate of Project inauguration within two years (without any construction gap greater than

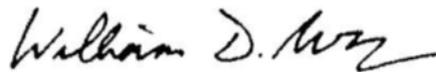
Brent Cooper, AICP  
Community Development Director  
City of American Canyon  
January 6, 2023

180 days), which is evidenced by the lack of any phasing plan indicating timing or order of development.

Accordingly, the Applicant must submit a new application for Design Review.

If upon review of this communication you have questions, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "William D. Ross". The signature is written in a cursive style with a prominent "W" and "R".

William D. Ross  
City Attorney

Enclosure: November 28, 2022 Communication from Mr. Lo Duca

cc: Marcus J. Lo Duca, Esq.  
Law Offices of Marcus J. Lo Duca, P.C.  
[mloluca@loducalaw.com](mailto:mloluca@loducalaw.com)

William He, AICP, Associate Planner  
City of American Canyon  
[whe@cityofamericancanyon.org](mailto:whe@cityofamericancanyon.org)



---

## **TITLE**

Housing Element Annual Progress Report 2022

## **RECOMMENDATION**

Receive and file 2022 Calendar Year Housing Element Annual Progress Report

## **CONTACT**

William He, AICP, Senior Planner

## **BACKGROUND & ANALYSIS**

On March 17, 2015, the City Council approved the 5th Cycle Housing Element. This Housing Element provides housing policy for the years 2015 – 2023. State law requires an Annual Housing Element Progress Report (APR) to highlight work that has been accomplished on the General Plan Housing Element. Each jurisdiction's APR must be submitted to California Housing and Community Development Department (HCD) and the Governor's Office of Planning and Research (OPR) by April 1 each year (covering the previous calendar year). The 2022 Annual Housing Element Progress Report is attached as Attachment 1.

AB 879 and SB 35 of the 2017 State-wide Housing legislation package added new data requirements for the Housing Element Annual Progress Reports (APRs) to encourage housing development and increase transparent reporting. The HCD mandated requirements include tracking housing units in all its approval stages:

- entitlement,
- building permit issuance, and
- certificate of occupancy.

The report also requires an accounting of affordable housing funds pursuant to Senate Bill 35. Tracking progress can be seen in Table #A2 of the report. In 2022, there were no projects that were conducted through SB35.

To address housing needs in California, State law requires each jurisdiction adopt a Housing Element as a chapter of its General Plan. The Housing Element includes the City's housing strategy to plan for existing and projected housing demand. Key to this strategy is the Housing Element identifies adequate sites to accommodate the City's share of regional housing needs. The Housing Element

also includes an evaluation that helps remove local policies, regulations, and requirements that may constrain housing development for all income levels.

The City's Regional Housing Needs Allocation (RHNA) is assigned by the Association of Bay Area Governments (ABAG). This allocation is intended to accommodate American Canyon's "fair share" of the regional housing demand in the Bay Area. Our RHNA allocation for the period between 2015 – 2023 is 392 dwelling units allocated among these income groups:

- 116 very low-income dwelling units;
- 54 low-income dwelling units;
- 58 moderate income dwelling units; and
- 164 above moderate dwelling units.

The RHNA allocation does not require the City to build these homes. It requires the City to identify land with residential zoning that can accommodate a variety of housing densities to achieve the RHNA allocation. The City is also required to adopt policies that facilitate housing for all incomes and special needs groups.

Housing Element law requires that cities provide an Annual Housing Element report on progress toward meeting the RHNA allocation and Housing Element policy implementation. After review by the Planning Commission and City Council, the attached report will be submitted to the California Housing and Community Development Department (HCD) and the Governor's Office of Planning and Research as required by Title 25 of the California Code of Regulations.

It is worth noting that before the 2018 Annual Report, the RHNA allocation period was from 2014 – 2021. Since 2018, the realigned period changed to 2015 – 2023, which corresponds to the City's Housing Element that was adopted in March 2015. There were no credits lost as the City did not issue any housing units in 2014.

#### *City RHNA Status*

The annual Housing Element Progress Report forms provided by HCD must be used to report building permits issued. In 2022, the City received 6 ADU applications and one multifamily development application for 453 units for a total of 459 proposed units. The City also issued building permits for 155 dwelling units. For occupancy, the City provided final inspections for 4 ADUs.

As shown on Table 1 below, the RHNA is disaggregated into income category groups. The City achieved 187% (733 of 392) of the RHNA requirement in 2022. The City exceeded every RHNA category assignment and issued 733 units of the required 392 in the 5th Cycle period. In a joint meeting with the Planning Commission, the City Council approved the 6th Cycle Housing Element on January 31, 2023. Comments were received by HCD on February 10, 2023, and staff will diligently respond to these comments. The Napa County area median income and affordable rent limits is attached in Attachment 2.

**Table 1  
2015-2023 RHNA Allocation Status**

<b>Income Level</b>	<b>Area Median Income in Napa County (AMI)</b>	<b>2015-2023 RHNA Dwelling Units</b>	<b>Dwelling Units issued 2015-2021</b>	<b>2022 Dwelling Units Issued</b>	<b>Remaining RHNA Units (Surplus)</b>	<b>Percent Complete</b>
Very Low Income	(0-50% of AMI)	116	182	27	Exceeded by 93 units	180%
Low Income	(51-80% of AMI)	54	109	39	Exceeded by 94 units	274%
Moderate Income	(81-120% of AMI)	58	143	1	Exceeded by 85 units	246%
Above Moderate Income	(over 120% of AMI)	164	144	88	Exceeded by 68 units	141%
	<b>Total</b>	<b>392</b>	<b>578</b>	<b>155</b>	<b>(340)</b>	<b>187%</b>

*Housing Element Policy Implementation*

Table D of the Progress report lists Housing Element policies and explains the status of City implementation of each policy during 2022. This year’s standouts include:

**Program 1.2.4: Incentives for Second Units (Accessory Dwelling Units)**

In 2022, the City approved a resolution to apply for the Permanent Local Housing Allocation (PLHA) program for a grant that would provide up to \$704,000 to assist homeowners construct an ADU that would be rented to low-income residents. The City is also scheduled to present revisions to the ADU Ordinance to comply with new state laws in early 2023.

The City received a steady stream of ADU activity in 2022. The City received 6 new ADU applications and issued 2 ADU permits. 4 ADU projects received final inspection this year. Staff expects to see a minor increase in the amount of ADUs in 2023.

**Program 1.2.10: Affordable Housing Fund**

The City received \$102,302.40 in Affordable Housing Nexus fees in 2022. These fees were generated from assessments on new non-residential building permits.

**Program 1.2.12: Density Bonus Program**

In May of 2022 the City received an application for the development of 453 apartment units, the Residents at Napa Junction. The Project utilizes a 50 percent State Density Bonus and includes several development standard concessions/waivers. The project includes 46 very-low-income units. Staff provided third comments to the applicant on February 9, 2023.

**Program 1.2.16: Partner with the Housing Authority**

In June 2022, the City Council approved a 2-year contract with the City of Napa Housing Authority.

**Program 1.2.22: Rental Assistance Program**

In 2022, the City completed affordable housing agreements with the Lemos Pointe Apartments for 186 affordable units and the Napa Cove Apartments for 66 affordable units.

*Housing in 2023*

Looking ahead to 2023, there are several housing projects that have been submitted and proceeding to construction.

Sun Square Mixed Use: The project consists of 20 one-bedroom apartments above 9,820 SF of office space on a one-acre lot in the Community Commercial (CC) zoning district in the Broadway District. The project consists of five buildings that are two-stories high each. The project requires a Design Permit. The applicant anticipates a Planning Commission hearing in 2023.

Residences at Napa Junction: The project consists of 453 dwelling units on a 15.05-acre parcel in the Business Park zoning district of the Broadway District. The project includes 46 affordable housing units at 50% AMI. The project also includes a community center, swimming pool, a volleyball court, and a basketball court. The project requires a Design Permit and an Environmental Impact Report. A Planning Commission and City Council hearing is anticipated in 2023.

Watson Ranch Lot 8: The project consists of 25 single-family lots on a 2.17-acre lot in Watson Ranch. The project is an extension of the Harvest Subdivision (Watson Ranch Lot 10). Staff provided comments on the first submittal in September 2022, but the project requires a Tentative Subdivision map and a Specific Plan Amendment, which is in review. The applicant anticipates resubmitting materials in 2023.

Promontory Subdivision: The project consists of 216 single-family homes and a 6-acre park on 23 acres in the Watson Ranch Specific Plan. The homes range from 2,200 SF to over 3,100 SF and are all two-stories tall. The project plans to provide at least 54 units (or 25%) with attached ADUs. The application includes a Specific Plan Amendment, a Tentative Subdivision map, and a Design Permit. Staff provided first round comments to the applicant in January 2023.

Crawford Way Multifamily: The project consists of 100 townhome style apartments on a 4.27-acre site in the Local Serving Mixed-Use (LSMU) zone in the BDSP. The project proposes 16 three-story buildings with garages and private open space. The project includes 5 very-low-income units, 5 low-income units, and 5 moderate income units. The applicant submitted a design permit for the project in January 2023 and staff anticipates first round comments to the applicant in February 2023.

Hotel at the Ruins: The project consists of a new 200-room hotel and 30 residential units designed as flats and townhomes. The residential units are proposed for sale as condominiums and range from

2,065 to 2,695 SF. The Planning Commission approved the project in January 2023 and the applicant plans to submit construction permits later in the year.

### **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Not applicable.

### **FISCAL IMPACT**

The City is required to complete the annual Housing Element Progress Report to comply with State Law. The completion of the annual report also enables the City to participate in many housing-related grant programs.

### **ENVIRONMENTAL REVIEW**

The annual Housing Element Progress Report is not a project in for purposes of complying with the California Environmental Quality Act in accordance with CEQA Guidelines Section 15378(b)(5) - organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### **ATTACHMENTS:**

- [1. Housing Element Annual Progress Report 2022](#)
- [2. 2022 Affordable Rents and Income Limits Charts](#)

## Please Start Here

General Information	
Jurisdiction Name	American Canyon
Reporting Calendar Year	2022
Contact Information	
First Name	William
Last Name	He
Title	Senior Planner
Email	whe@cityofamericancanyon.org
Phone	7076474337
Mailing Address	
Street Address	4381 Broadway St - Suite 201
City	American Canyon
Zipcode	94503

**Optional:** Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

12\_28\_22



Jurisdiction	American Canyon	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

### ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "\*" indicates an optional field  
Cells in grey contain auto-calculation formulas

**Table A2**

**Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units**

Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								Affordability by Household Incomes - Building Permits										
1					2	3	4								5	6	7						8	9	
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA, SFD, 2 to 4, 5+, ADU, MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits	
Summary Row: Start Data Entry Below							0	2	0	4	0	0	0		6	26	1	39	0	0	1	88		155	
058-141-003	44 Alta Loma	44 Alta Loma ADU	BP20-0024	ADU	R				1					1/21/2020	1				1				2/11/2021	1	
058-281-010	151 Thayer	151 Thayer ADU	BP20-0487	ADU	O		1							10/23/2020	1		1						3/24/2021	1	
058-492-005	21 Alder Ct	21 Alder ADU	BP21-0067	ADU	O				1					2/17/2021	1				1				6/3/2021	1	
058-173-002	100 Corsicana	100 Corsicana ADU	BP21-0325	ADU	O				1					7/22/2021	1				1				11/6/2021	1	
058-151-045	120 Gisela	120 Gisela ADU	BP21-0348	ADU	R		1							8/2/2021	1		1						11/6/2021	1	
058-563-001	457 Poppyfield	457 Poppyfield ADU	BP21-0553	ADU	O				1					12/23/2021	1		1						11/23/2022	1	
058-362-021	100 Rojas	Napa Cove	PL21-0027	5+	R		26		39			1		12/16/2021	66	26			39			1		3/23/2022	66
059-430-017	100 Fran Lemos	WRSP: Lemos Point	PL21-0004	5+	R		122		62		2			2/25/2021	186	122			62		2			11/23/2021	186
059-430-027	101 Frontier	WRSP Lot 14 and 15: Artisan	PL20-0032	SFD	O							98		12/15/2020	98								44	12/13/2022	44
059-430-015	101 Goldback	WRSP Lot 10: Harvest	PL21-0014	SFD	O							219		9/21/2021	219								44	12/14/2022	44
058-380-008	TBD	Oat Hill Parcel A	PL20-0022	5+	R							206		9/21/2021	206										0
058-320-001	TBD	Oat Hill Parcel B	PL20-0023	5+	R							85		9/21/2021	85										0
058-413-009	262 Sheffield	262 Sheffield ADU	BP22-0012	ADU	R		1							3/9/2022	1										0
058-611-019	1707 Rio Grande	1707 Rio Grande ADU	BP22-0125	ADU	R				1					3/17/2022	1										0
058-201-003	230 Andrew	230 Andrew ADU	BP22-0269	ADU	R				1					6/1/2022	1										0
059-241-019	58 Sarcedo	58 Sarcedo ADU	BP22-0465	ADU	R				1					8/30/2022	1										0
058-496-001	25 Larkspur	25 Larkspur ADU	BP22-0533	ADU	R				1					9/26/2022	1										0
058-544-010	209 Jana	209 Jana ADU	BP22-0732	ADU	R		1							12/14/2022	1										0
058-282-004	25 Andrew	25 Andrew ADU	BP19-0534	ADU	R				1					12/30/2019	1								6/26/2020	1	
059-430-012	TBD	WRSP Lot 8	PL22-0024	SFD	O							25			25										0
059-430-021	TBD	WRSP Lot 17: Hotel at the Ruins	PL22-0012	5+	O							30		1/26/2023	30										0
059-030-007	TBD	WRSP: Promontory	PL22-0034	SFD	O							216			216										0
059-030-007	TBD	WRSP: Promontory ADUs	PL22-0034	ADU	O			54							54										0
059-020-037	TBD	Residences at Napa Junction	PL22-0011	5+	R		46					407			453										0

Affordability by Household Incomes - Certificates of Occupancy								Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions	Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Density Bonus				Notes				
10							11	12	13	14	15	16	17	18	19	20			21	22	23	24	25	
Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low-Income Deed Restricted	Low-Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?*	Was Project APPROVED using GC 65913.4(b)? (SB 35 Streamlining) Y/N	Infill Units? Y/N*	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locally determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)*	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)	Notes*	
0	2	0	2	0	0	0		4	15	0						0		0						
			1				6/29/2022	1	0	N	Y			Self-certified income survey										
	1						1/19/2022	1	0	N	Y			Self-certified income survey										
								0	0	N	Y			Self-certified income survey										
	1						11/18/2022	1	1	N	Y			Self-certified income survey										
								0	0	N	Y			Self-certified income survey										
								0	0	N	Y			Self-certified income survey										
								0	13	N	Y	Other, LIHTC	INC	Deed Restricted	55						Development 2 Standards Modification	Yes	SB330 application	
								0	0	N	Y	Other	INC		55						Development 2 Standards Modification	Yes	Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018.	
								0	0	N	Y												Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018.	
								0	0	N	Y												Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018.	
								0		N	Y													
								0		N	Y			Self-certified income survey										
								0		N	Y			Self-certified income survey										
								0		N	Y			Self-certified income survey										
								0		N	Y			Self-certified income survey										
								0		N	Y			Self-certified income survey										
			1				8/17/2022	1	1	N	Y			Self-certified income survey										
								0	0	N	Y													Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018. Project in review.
								0	0	N	Y													Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018.
								0		N	Y													Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018. Project in review.
								0		N	Y	INC												Part of Watson Ranch Specific Plan entitlement, approved in Nov. 2018. Project in review.
								0		N	Y	INC	Deed Restricted											Project in Review

Jurisdiction	American Canyon	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1			2								3	4
Income Level		RHNA Allocation by Income Level		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	116	-	-	-	49	8	-	-	122	26	-	209	-
	Non-Deed Restricted		-	-	-	-	-	1	-	2	1	-		-
Low	Deed Restricted	54	-	9	-	20	8	-	-	62	39	-	148	-
	Non-Deed Restricted		-	-	-	-	3	-	3	4	-	-		-
Moderate	Deed Restricted	58	-	-	-	-	-	-	-	2	-	-	144	-
	Non-Deed Restricted		-	140	-	1	-	-	-	-	1	-		-
Above Moderate		164	-	-	-	-	143	-	-	1	88	-	232	-
Total RHNA		392												
Total Units			-	149	-	70	162	1	3	193	155	-	733	-
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5		2015	2016	2017	2018	2019	2020	2021	2022	2023	6	7
Extremely low-income Need													Total Units to Date	Total Units Remaining
Extremely Low-Income Units*		58		-	-	11	-	-	-	-	13	-	24	34

\*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at [apr@hcd.ca.gov](mailto:apr@hcd.ca.gov).



# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

Jurisdiction		American Canyon	
Reporting Year		2022	(Jan. 1 - Dec. 31)
<b>Table D</b>			
<b>Program Implementation Status pursuant to GC Section 65583</b>			
<b>Housing Programs Progress Report</b>			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe in H.E</b>	<b>Status of Program Implementation</b>
Program I.2.1: No-Net-Loss Evaluation Procedure	Policies 2.1.1, 2.1.2	Project review is ongoing with annual report to HCD	In 2018, one project has been approved on a 5-acre site. The project, HFP Church, utilized 1.5-acres for a new church, which reduces the number of developable housing units on the site by 33. The offset can be made up from the 1253 housing units entitled in the City's Watson Ranch Specific Plan that was approved on November 6, 2018.
Program I.2.2: Maintain Inventory of Developable Sites	Policy 2.1.1	Update annually	An inventory of housing sites and the number of permits issued in 2022 is available on the city's website and front counter for the Planning Division. The City approved the Broadway District Specific Plan (BDSP) in July 2018, which identified a capacity for up to 1,200 new units in the Broadway corridor. The City approved the Oat Hill multifamily project that proposes 291 apartment units on a site outside of the current inventory. The project required a Zone Change and General Plan Amendment.
Program I.2.3: Priority Sewer and Water Service for Affordable Housing	Policy 2.1.3	Dec-15	The City modified their Sewer and Water Service to put affordable housing as the first priority in July 2019. The update incorporated in ACMC Section 13.10.020.
Program I.2.4: Incentives for Second Units	Policy 2.2.4	Explore and adopt programs and/or incentives by 2018	The City adopted new guidelines and standards for Second Units, or Accessory Dwelling Units (ADUs), in 2017 and in 2020 to match the State's regulations. The new guidelines are available in ACMC section 19.39. New incentives for ADU's include the removal of water and wastewater capacity fees, the reduction in parking and fire sprinkler requirements, and the reduction in impact fees. In 2018, staff created two handouts that explains the building permit and zoning requirements for ADUs. In March 2019, the City joined the Napa-Sonoma ADU coalition to develop ADU outreach materials and fee estimating software. In 2022, the City approved a resolution to apply for the Permanent Local Housing Allocation (PLHA) program for a grant of up to \$704,000 to assist in ADUs developed for low-income residents. The City is also scheduled to present revisions to the ADU Ordinance to comply with new state laws in early 2023.
Program I.2.5: Neighborhood Preservation Program	Policy 2.4.1	Ongoing	The City's Code Enforcement officer continues to implement this program

Program I.2.6: Residential Rehabilitation Loan Program	Policies 2.5.1, 2.5.2, 2.5.3	Apply for funding annually	A \$1 million grant was awarded in 2017. The City applied for a new \$1 million CDBG grant, which includes \$300,000 for owner-occupied rehabilitation assistance programs in February 2019, but was not awarded.
Program I.2.7: Code Enforcement	Policies 2.5.1, 2.5.2	Ongoing	The City's Code Enforcement officer continues to implement this program
Program I.2.8: City-owned Land for Affordable Housing	Policy 2.6.3	Review opportunities annually	No city-owned land was made available during this period.
Program I.2.9: Employee Housing Program	Policy 2.6.10	Begin exploring options by 2017 and adopt, as appropriate by 2019	Employee housing is permitted by right in all single-family zoning districts. The City is on schedule to begin exploring options by 2017 and adopt, as appropriate by 2023.
Program I.2.10: Affordable Housing Fund	Policy 2.6.5	Review opportunities annually	The City approved up to \$1 million in funding support for the Valley View Affordable Senior Apartment Project in 2016. The City received \$102,302.40 in Affordable Housing Nexus fees in 2022.
Program I.2.11: Incentives for Affordable Housing	Policies 2.6.3, 2.6.5	Ongoing	The City required the Village at Vintage Ranch project increase the affordability term from 10 to 20 years for 8 Very Low and 8 Low income units in exchange for extending the term of their Design Permit approval. The City completed their update to the Density Bonus program to comply with the State's AB2753 Density Bonus Law in February 2019. In 2022, the City provided waivers for the Napa Cove project to reduce required parking, which provided 66 affordable apartment units. The City is currently reviewing a housing development project, the Residences at Napa Junction, that requested waivers for the development of 453 housing units that includes 46 very-low-income units.
Program I.2.12: Density Bonus Program	Policy 2.6.3	Prepare brochure by 2016	The density bonus brochure was posted to the City's website in 2016. See <a href="http://bit.ly/3x0U5k8">http://bit.ly/3x0U5k8</a> website link. The City updated their Density Bonus Ordinance in February 2019. The City approved two projects, the Lemos Pointe Apartments and the Napa Cove Apartments, which both utilized the Density Bonus program and requested concessions to design standards. The Lemos Pointe project consisted of 186 affordable units and the Napa Cove project consisted of 66 affordable units. In 2022 the City received an application for the development of 453 apartment units, the Residences at Napa Junction. The Project utilizes the State Density Bonus program and requests several waivers. The project includes 46 very-low-income units. Staff provided third round comments to the applicant on February 9, 2023.
Program I.2.13: Planned Development Process	Policy 2.6.3	Ongoing	The Village at Vintage Ranch provides 16 units of low and very low income units.
Program I.2.14: Assist in Accessing Grant Funding	Policies 2.6.5, 2.6.6, 2.6.7	Review funding opportunities annually	The City received a HOME grant in 2017. The City applied for a CalHome Disaster Assistance funds in December 2019 and was awarded \$2.2 million for down payment assistance. The funds are to assist low and moderate income households who are victims of the 2017-2018 fires in federally declared disasters. The City is also applying for \$1 million in HOME funds in January of 2020 and \$1 million in CalHome General Funds for OOR and ADU programs in February 2020. The City also applied for the SB2 Planning Grant in December 2019 and received \$160,000 in funding to update their building permit software and update their Housing Element. The City applied for the LEAP grant in March 2020 and was awarded \$160,000 for pro-housing efforts. The City will pursue OBAG 2 grant funds in 2023.

Program I.2.15: Incentives for Lot Consolidation	Policy 2.6.3	Identify appropriate incentives and post information on website by 2017	Staff completed two lot mergers in 2016. There were no requests for consolidation and/or re-use of small lots to create larger parcels with greater affordable housing development potential in 2022.
Program I.2.16: Partner with the Housing Authority	Policy 2.6.6	Ongoing	The City Council approved a 2-year contract with the City of Napa Housing Authority in June 2022.
Program I.2.17: Inclusionary Housing Program	Policy 2.6.8	Amend Ordinance in 2015	The City amended the Inclusionary Housing Program Ordinance in October 2019. The new program made the option of paying for in-lieu fees a last resort for developers.
Program I.2.18: Conduct Nexus Study for Affordable Housing Fees	Policy 2.6.9	Consider adopting fee in 2015	The Nexus Study and Commercial linkage fee was adopted in 2016.
Program I.2.19: Preserve At-Risk Housing	Policy 2.7.1	Ongoing	The City of Napa Housing Authority (HACN) worked with the Lodge apartments to encourage preservation of 11 affordable units that were scheduled to expire in 2016. HACN worked with the property owner to provide financial incentives to tenants of the affordable units that were scheduled to vacate. In 2018, low-income tenants in 9 of the 11 units were vacated. The remaining 2 units to vacated in 2019. The City has ongoing efforts to preserve at-risk housing with the Napa Housing Authority.
Program I.2.20: Monitor Section 8 Status	Policy 2.7.1	2007-2014	The City of Napa Housing Authority monitors apartments for Section 8 status. In 2022, the Housing Authority administered 134 housing vouchers, in which 34 of them were for the Valley View Senior Apts.
Program I.2.21: Mobilehome Park Rent Stabilization Program	Policies 2.7.4	Ongoing	Ongoing
Program I.2.22: Rental Assistance Program	Policy 2.7.1	Seek funding for rental assistance when available.	The City Housing Authority secured 34 Section 8 vouchers for Homeless Veterans in 2016. The Housing Authority was awarded 11 Mainstream vouchers in 2018 and the City of American Canyon received those vouchers in 2019. The City applied for the CDBG Corona Response 1 (CARES grant) in August of 2020 and was awarded \$98,000 to provide rental assistance. In 2022, the City signed affordable housing agreements with the Lemos Pointe Apartments for 186 affordable units and the Napa Cove Apartments for 66 affordable units.
Program I.2.23: Rehabilitation Loan Program Outreach to Elderly Homeowners	Policy 2.8.1	Prepare outreach materials by 2016	The City Housing Authority provides on-going marketing of outreach materials to elderly citizens regarding Rehabilitation Loan Programs. The outreach consists of flyers, workshops, and newspaper advertisements. The City Housing Authority also conducts outreach meetings at the Senior Center and the Family Center in American Canyon. Due to the Governor's Shelter-In-Place order to prevent the spread of COVID-19, physical outreach meetings have been suspended from 2020 to 2022. Outreach is planned for Fall of 2023.
Program I.2.24: Facilitate Construction of Housing for Persons with Disabilities	Policies 2.8.1, 2.8.5	Ongoing	The Valley View affordable Senior housing project will provide handicap accessibility and on-site supportive services. The project received building permits in 2017 and was completed in 2019.
Program I.2.25: Outreach to Developmentally Disabled	Policies 2.8.1, 2.8.5	Initiate coordination by 2016	In 2016, the City coordinated with North Bay Regional Center and has a link to their services. See <a href="http://bit.ly/2k626Np">http://bit.ly/2k626Np</a> for a link to the website.

Program I.2.26: Zoning for Small Group Homes	Policy 2.8.8	2016	The City amended the zoning code in 2017 to classify small group homes, or residential care homes, as permitted uses for all residential zones.
Program I.2.27: Zoning for Employee Housing	Policy 2.8.6	2016	The City amended the zoning code in 2017 to add employee housing as a use classification with the class as a permitted use in all residential zones.
Program I.2.28: Zoning for Single Room Occupancy	Policy 2.8.1	2016	The City amended the zoning code in 2017 to add Single Room Occupancy facilities (SROs) use classification. The use is permitted in high-density residential zones.
Program I.2.29: Facilitate Construction of Large Units	Policy 2.8.2	Prepare fliers by 2017	The City prepared fliers in 2017 and they are available on the City's Housing website as well as the planning division counter. See <a href="http://bit.ly/3lgseK1">http://bit.ly/3lgseK1</a> for a link to the webpage.
Program I.2.30: Farmworker Housing	Policy 2.8.6	Reach out to developers by 2017 and bi-annually thereafter	The City added web links to farmworker housing resources on the City's housing website. See <a href="https://bit.ly/3rwxmK4">https://bit.ly/3rwxmK4</a> for a link to the web site.
Program I.2.31: Distribute Homeless Shelter Information	Policy 2.8.9	Ongoing	The City of Napa Housing Authority provides this service on an ongoing basis.
Program I.2.32: Distribute Fair Housing Information	Policies 2.9.1, 2.9.2	Ongoing	The City of Napa Housing Authority provides this service on an ongoing basis. Fair Housing posters are displayed at City Hall.
Program I.2.33: Fair Housing Event	Policy 2.9.2	Annually	The City of Napa Housing Authority provides this service on an ongoing basis.
Program I.2.34: Encourage Sustainable Building	Policies 2.10.1, 2.10.3, 2.10.4	Ongoing	The City adopted a new Electric Vehicle Ordinance that streamlines permit processing for residential projects in 2019. The City adopted the Broadway District Specific Plan in 2019, which requires new development in the 300-acre district to provide 15% more energy reduction than the California Building Code requires.
Program I.2.35: Energy Conservation Fact Sheet	Policies 2.10.5, 2.10.7	Distribute fact sheet by 2016	The Energy Conservation Fact sheet was prepared and is available on the City's website. See <a href="https://bit.ly/3rwxmK4">https://bit.ly/3rwxmK4</a> for a link to the website.
Program I.2.36: Adjust Utility Allowances for Green Affordable Housing Units	Policy 2.10.1	2016	The City adopted new utility allowances for affordable housing units and allowed for the adjustments of utility allowances for Green Affordable Housing units in 2017. See <a href="https://bit.ly/3rwxmK4">https://bit.ly/3rwxmK4</a> for a link to the website. The City updates the utility allowances on an annual basis.
Program I.2.37: Annual Housing Element Report	Policies 2.11.1, 2.11.2	Annually	The annual Housing Element report is scheduled to be reviewed by the Planning Commission on February 2023 and the City Council at a public hearing on March 2023.
Program I.2.38: Maintain Adequate Staffing	Policy 2.11.1	Annual review of staffing levels	Review of staffing levels occurred in conjunction with the annual fiscal year budget.



Jurisdiction	American Canyon	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

## ANNUAL ELEMENT PROGRESS REPORT

### Housing Element Implementation

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

**Table F**

**Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)**

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA <sup>+</sup> Listed for Informational Purposes Only				Units that Count Towards RHNA <sup>+</sup> Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1*. For detailed reporting requirements, see the checklist here: <a href="https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf">https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf</a>
	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									











<b>Jurisdiction</b>	American Canyon	
<b>Reporting Year</b>	2022	(Jan. 1 - Dec. 31)
<b>Planning Period</b>	5th Cycle	01/31/2015 - 01/31/2023

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	26
	Non-Deed Restricted	1
Low	Deed Restricted	39
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	1
Above Moderate		88
<b>Total Units</b>		<b>155</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Units by Structure Type</b>	<b>Entitled</b>	<b>Permitted</b>	<b>Completed</b>
SFA	0	0	0
SFD	0	88	0
2 to 4	0	0	0
5+	0	66	0
ADU	6	1	4
MH	0	0	0
<b>Total</b>	<b>6</b>	<b>155</b>	<b>4</b>

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	7
Number of Proposed Units in All Applications Received:	459
Total Housing Units Approved:	6
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cells in grey contain auto-calculation formulas



## 2022 NAPA COUNTY ANNUAL INCOME LIMITS AFFORDABLE RENTAL LIMITS

### INCOME LIMITS ALL RENTAL UNITS

Persons Per Household	15% Median Income	30% Median Income	35% Median Income	50% Median Income	60% Median Income	70% Median Income	80% Median Income	90% Median Income	100% Median Income
1	13,245	23,500	30,905	44,150	52,980	61,810	70,550	75,240	83,600
2	15,135	30,300	35,315	50,450	60,540	70,630	80,600	85,950	95,500
3	17,025	34,100	39,725	56,750	68,100	79,450	90,700	96,705	107,450
4	18,915	37,850	44,135	63,050	75,660	88,270	100,750	107,460	119,400
5	20,430	40,900	47,670	68,100	81,720	95,340	108,850	116,055	128,950
6	21,945	43,950	51,205	73,150	87,780	102,410	116,900	124,650	138,500
7	23,460	46,950	54,740	78,200	93,840	109,480	124,950	133,245	148,050
8	24,975	50,000	58,275	83,250	99,900	116,550	133,000	141,840	157,600

Source: U.S. Department of Housing and Urban Development  
and State Housing and Community Development

Effective: 4/18/2022  
Effective: 6/15/2022

### \*\*DENSITY BONUS AND/OR CITY FINANCED RENTAL UNITS\*\*

#### MONTHLY AFFORDABLE RENTS

Number Of Bedrooms**	50% Median Income	60-80% Median Income	100% Median Income	120% Median Income
Studio	1,104	1,325	2,090	2,508
1	1,261	1,514	2,388	2,866
2	1,419	1,703	2,686	3,224
3	1,576	1,892	2,985	3,583
4	1,703	2,043	3,224	3,869
5	1,829	2,195	3,463	4,156



### \*\*CITY INCLUSIONARY RENTAL UNITS\*\*

#### MONTHLY AFFORDABLE RENTS

Number Of Bedrooms**	30% Median Income	35% Median Income	50% Median Income	60% Median Income	70% Median Income	80% Median Income	90% Median Income	100% Median Income	120% Median Income
Studio	588	773	1,104	1,325	1,545	1,764	1,881	2,090	2,508
1	758	883	1,261	1,514	1,766	2,015	2,149	2,388	2,866
2	853	993	1,419	1,703	1,986	2,268	2,418	2,686	3,224
3	946	1,103	1,576	1,892	2,207	2,519	2,687	2,985	3,583
4	1,023	1,192	1,703	2,043	2,384	2,721	2,901	3,224	3,869
5	1,099	1,280	1,829	2,195	2,560	2,923	3,116	3,463	4,156

Total housing cost includes rent and all utilities except for phone service, and cannot exceed 30% of tenant's monthly gross income.

If utilities are paid by tenant, the maximum monthly rent is reduced by the Utility Allowance. The current Utility Allowance Chart can be found on the Housing Authority's webpage

#### \*\* Presumed Occupancy Levels:

Two Persons	1 Bedroom
Three Persons	2 Bedroom
Four Persons	3 Bedroom
Five Persons	4 Bedroom
Six Persons	5 Bedroom



**City of American Canyon  
Active Community Development Projects  
February 2023**

<b>Project Applications Under Review</b>						
<b>No.</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Description</b>	<b>Location/Area</b>	<b>Application Status</b>	<b>Planner</b>
1.	Crawford Way Multifamily Residential (PL23-0003)	Yeh Area Group	A 100-unit Townhome style apartment homes with sixteen 3-story buildings including a mix of 68 two-bedroom and 32 three-bedroom units.	Northwest corner Crawford Way/SR-29  4.276 acres	1/25/23 Application submitted	William He
2.	Napa Junction Solar Farm and RV Parking (PL23-0002)	RH Hess Development	A Design Permit for a minor utility solar farm with RV parking.	5381 Broadway 2.4 acres	1/20/23 Application submitted 2/17/23 Comments to applicant	William He
3.	Bell Products Design Permit (PL22-0037)	Bell Products	Construction of a new 2-story, 30,297 square foot industrial building for Bell Products.	130 Dodd Court 2.28 acres	12/27/22 Application submitted 1/27/23 Comments to applicant	William He
4.	Paintball Jungle Preapplication (PL22-0036)	Paintball Jungle	Pre-staff review in advance of submitting a Conditional Use Permit for the Paintball Jungle.	2 Eucalyptus Drive 14 acres	12/28/22 Application submitted 2/15/23 Staff Site Visit	William He
5.	Promontory at Watson Ranch Subdivision, Design Permit, and Specific Plan Amendment (PL22-0033-PL22-0035)	330 Land Company LLC	Entitlements for construction of 216 single family homes, 54 deed-restricted accessory dwelling units, and a 6-acre park.	Northwest corner Newell Drive/Rio Del Mar East 27 acres residential 6 acres park	12/16/22 Application submitted 1/27/23 Comments to applicant	William He
6.	Ibarra Terminal Conditional Use Permit (PL22-0032)	Ibarra Trucking	Convert an existing residential site into a trucking office with equipment and vehicle storage.	1190 Green Island Road  1.56 acres	12/6/22 Application submitted 12/16/22 Comments to applicant	William He

<b>Project Applications Under Review</b>						
<b>No.</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Description</b>	<b>Location/Area</b>	<b>Application Status</b>	<b>Planner</b>
7.	Napa Junction Mini-Storage Design Permit (PL22-0031)	RH Hess Development	Redevelop and industrial site into a mini-warehouse project.	4484 Hess Drive 8.41 acres	11/10/22 Application submitted 11/16/22 Applicant placed project on Hold	William He
8.	Watson Ranch Lot 8 Subdivision (PL22-0024)	American Canyon I, LLC	Development of 25 single-family residential lots in a 2.17-acre site in Watson Ranch	North of Watson Ranch Lot 10 (Harvest) Subdivision 2.17 acres	9/16/22 Application submitted 9/23/22 Comments to applicant	William He
9.	Watson Ranch Specific Plan Amendment (PL22-0023)	American Canyon I, LLC	Refinement to the Watson Ranch Specific Plan	North of Vintage Ranch 309 acres	8/26/22 Application submitted 11/16/22 Comments to applicant 12/2/22 Applicant response 12/6/22 Comments to applicant	Brent Cooper
10.	Chicken Guy Restaurant (PL22-0021)	Chandi Hospitality	A Conditional Use Permit for a 2,818 sqft quick serve drive-thru restaurant	200 American Canyon Road 1.03 acres	8/22/22 Application submitted 9/21/22 Comments to applicant 10/19/22 Project Review Meeting discussion with applicant 1/9/23 Staff Check in with Applicant 2/23/23 PC Hearing Scheduled	William He
11.	Giovannoni Logistics Center Development Agreement (PL22-0018)	Buzz Oates Construction	Proposed Development Agreement to extend the term of proposed entitlements	East and West of Devlin Road, north of Green Island Road 200 acres	8/1/22 Application submitted 9/1/22 Application on hold pending entitlement approvals	Brent Cooper
12.	PG&E Regional Center Traffic Impact Fee Revision (PL22-0025)	Corporate Real Estate Strategy & Services	A proposed reduction in traffic impact fees based on a change to the project operations.	500 Boone Drive 24.51 acres	7/15/22 Application submitted 9/15/22 Comments to applicant 10/18/22 Application resubmittal 2/6/23 Comments to applicant	William He

<b>Project Applications Under Review</b>						
<b>No.</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Description</b>	<b>Location/Area</b>	<b>Application Status</b>	<b>Planner</b>
13.	Hotel @ The Ruins Design Permit (PL22-0012)	McGrath Properties American Canyon, LLC	A proposed hotel at the Watson Ranch Ruins & Gardens with 200 hotel rooms, conference facilities and event venues and 30 multifamily dwelling units.	Southeast corner Rolling Hills/Rio Del Mar 19.8 acres	5/16/22 Application submitted 6/13/22 Comments to applicant 1/26/23 Planning Commission approved	William He
14.	Residences at Napa Junction (PL22-0011)	American Canyon Ventures LLC	453 multi-family rental dwellings with associated parking and amenities.	1000 Reliant Way 15 acres	5/2/22 Application submitted 6/1/22 Comments to applicant 7/22/22 Application resubmitted 8/19/22 Comments to applicant 1/11/23 Application resubmitted 2/9/23 Comments to applicant	William He
15.	Sunsquare Mixed Use Building (PL21-0020)	John Howland Architect	3-story mixed-use building with 20 apt units over a 9,820 SF office	425 Napa Junction Road 1.0 acre	8/3/21 Application submitted 8/20/21 Comments to applicant 12/1/21 Applicant on 6-month hold 10/15/22 Application resubmitted 11/10/22 Comments to applicant	William He
16.	Giovannoni Logistics Center (PL20-0042, PL20-0043)	Buzz Oates Construction	Design Permit, Tentative Map and EIR for approximately 2.4 million sqft logistics center and Design Permit for two warehouses. Building A is 627,976 square feet; and Building B is 469,512 square feet	300 Green Island Road (Bldg A) 1200 Devlin Road (Bldg B) 70 acres	11/13/20 Application submitted 11/17/22 PC Approved 12/6/22 City Council continued hearing to 2/21/23 2/21/23 City Council hearing scheduled	Brent Cooper
17.	Element 7 Cannabis Business Permit (PL19-0008)	Element 7	Construct a 7,000 square foot building for Cannabis manufacturing, distribution, and non-storefront retail (Delivery) business.	1300 Green Island Road	4/10/19 Application submitted 9/29/20 Application on Hold 9/20/21 Applicant confirmed Hold status	Brent Cooper

<b>Project Applications Under Review</b>						
<b>No.</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Description</b>	<b>Location/Area</b>	<b>Application Status</b>	<b>Planner</b>
18.	Reesan Live, Inc. Cannabis Business Permit (PL19-0024)	Reesan Live, Inc.	Construct an 82,328 sqft 2- story warehouse for cannabis cultivation, manufacturing, distribution and nonstorefront retail delivery.	834 Green Island Road	8/16/19 Application submitted. 4/1/20 Project on Hold 9/20/21 Applicant confirmed Hold status	Brent Cooper

<b>Major Building/Grading Permits</b>					
<b>Project Name</b>	<b>Description</b>	<b>Location</b>	<b>Area</b>	<b>Status</b>	<b>Staff Liaison</b>
1. Napa Valley Ruins and Gardens Building Retrofit (BP23-0010)	Level 1 and level 2 retrofit of Buildings 2, 3, 4, 5, 7 at the American Canyon Ruins.	Southwest corner Rio Del Mar East/Rolling Hills Drive	29 acres	1/4/23 Application submitted 1/20/23 Comments to applicant	Tom Trimberger
2. Oat Hill Residential Building Plan Check (BP22-0733)	Plan check for the 15-Unit Apartment Building	Western terminus Napa Junction Road	N/A	1/11/23 Application submitted 2/8/23 Comments to applicant	Tom Trimberger
3. Oat Hill Residential Building Plan Check (BP22-0736)	Plan check for the 18-Unit Apartment Building	Western terminus Napa Junction Road	N/A	1/11/23 Application submitted 2/8/23 Comments to applicant	Tom Trimberger
4. SDG 217 Warehouse Building Permit (BP22-0436)	Building Permit for a 217,294 sqft warehouse	1075 Commerce Ct	10.38 acres	8/18/22 Application submitted 9/15/22 First Plan check 10/12/22 Application submitted 10/21/22 Second Plan check 12/12/22 Third submittal 12/20/22 Third Plan check comments	Tom Trimberger
5. Napa Cove Improvement Plans and Grading (DV22-0001)	Grading and Improvement plans for the Napa Cove Apartment project.	3787 Broadway	3.48 acres	1/18/22 Application submitted 2/4/22 First Plan check 3/21/22 Grading permit approved	Edison Bisnar
6. Napa Cove Building Permits (BP22-0017, 0018, 0019)	Building Permits for the Napa Cove Apartment Project	3787 Broadway	3.48 acres	1/19/22 Application submitted 2/1/22 First Plan check 3/21/22 Permits issued	Tom Trimberger
7. PG&E Regional Center Improvement Plans (DV21-0018)	Improvement plans for the PG&E Regional Center	500 Boone Drive	24.5 acres	10/19/21 Application submitted 12/01/21 First Plan Check 01/13/22 Second Plan Check 02/14/22 Third Plan Check 02/22/22 Improvement Plans Approved	Edison Bisnar

<b>Major Building/Grading Permits</b>					
<b>Project Name</b>	<b>Description</b>	<b>Location</b>	<b>Area</b>	<b>Status</b>	<b>Staff Liaison</b>
8. Watson Ranch Lot 10 Rough grading and Subdivision Improvement Plans (DV21-0014, 0015)	Rough grading and site improvements for WRSP Lot 10	Northeast corner Marcus Road/Rio Del Mar East	27.17 acres	11/08/21 Application submitted 12/08/21 First Plan Check 01/03/22 Second Submittal 01/13/22 Second Plan Check 01/21/22 Third Submittal 1/24/22 Rough Grading Permit approved	Edison Bisnar
9. Watson Ranch Lot 10 Model Home Building Permits (BP21-0522, 0523)	Model Homes for Watson Ranch Lot 10	Northeast corner Marcus Road/Rio Del Mar East	27.17 acres	12/02/21 Application submitted 12/20/21 First Plan Check 02/10/22 Second Submittal 2/18/22 Second Plan Check 4/5/22 Applicant Submittal 4/7/22 Permit approved 9/2/22 Deferred Submittal 9/7/22 Permit approved	Tom Trimberger
10. Lemos Pointe Building Permit (BP21-0291 – BP21-0298)	186 modular affordable apartment units	Northwest corner Marcus Road/Rio Del Mar East	6.7 acres	6/28/21 Application submitted 11/23/21 Building Permits issued	Tom Trimberger
11. Lemos Pointe Grading Permit (DV21-0007)	Rough grading for the Lemos Point Apartment Project	Northwest corner Loop Road/Rio Del Mar	6.7 acres	6/9/21 Application submitted 8/9/21 Application approved.	Edison Bisnar
12. Watson Ranch Lot 14/15 (Artisan) Model Home Building Permits (BP21-0513, 0514, 0515)	Model Homes for Watson Ranch Lot 14/15.	Northern terminus of Summerwood	11.97 acres	11/30/21 Application submitted 5/4/22 Permits approved 9/1/22 Remaining fee payment requested	Tom Trimberger

<b>Major Building/Grading Permits</b>					
<b>Project Name</b>	<b>Description</b>	<b>Location</b>	<b>Area</b>	<b>Status</b>	<b>Staff Liaison</b>
13. Fume Commercial Cannabis Will Serve (DV20-0014)	Extend reclaimed water line to supply irrigation demand of the project.	180 Klamath Court	1.37 acres	12/16/20 Will serve and wastewater study received 1/28/21 PC approved the CUP 3/26/21 Will Serve comments to the applicant.	Edison Bisnar
14. Canyon Estates (DV18-0023)	Improvement plans, grading plans, potable water pump station plans and Final Map.	Northeast corner Silver Oak/ Newell Drive	35 acres	10/31/18 Applicant submitted 4/17/19 3 <sup>rd</sup> submittal received 5/22/19 Pump station submittal received 6/13/19 Grading and Improvement Plan Comments to applicant 7/14/20 Preconstruction meeting 3/19/21 Preconstruction meeting 3/22/21 Begin Construction 11/10/22 Civil Improvements are 95% complete	Edison Bisnar
15. Copart (DV20-0008)	Grading permit for an auto storage lot and office building Conditional Use Permit PL18-0019.	1587 and 1660 Green Island Road	20 acres	4/23/20 On-site private wastewater treatment system application submitted to the County 5/12/22 Grading Permit approved 11/10/22 Civil Improvements are 75% complete	Edison Bisnar
16. Home2Suites Building Permit (BP19-0499)	Building permit for 102 room hotel.	3701 Main Street	2.0 acres	12/3/19 Application submitted 8/9/22 BP Issued	Interwest

<b>Major Building/Grading Permits</b>					
<b>Project Name</b>	<b>Description</b>	<b>Location</b>	<b>Area</b>	<b>Status</b>	<b>Staff Liaison</b>
17. Home2Suites Will Serve and Improvement Plan (DV19-0015)	Will serve application and improvement plans for a 102-room hotel.	3701 Main Street	2.0 acres	9/5/19 Will Serve Application submitted 5/25/20 Improvement Plan Application submitted 4/5/22 Council approved fee reimbursement request 8/10/22 2 <sup>nd</sup> Change Plan Approved	Edison Bisnar
18. Circle K and Fuel station Improvement Plans (DV20-0003)	STEM, LLC	Improvement plans for a new Circle K fuel station and convenience store.	112 Lombard 2.25 acres	4/13/20 Application submitted 10/4/21 Grading Permit and Improvement Plans approved	Edison Bisnar
19. Circle K Fuel Station Building Permit (BP20-0457, BP20-0458)	STEM, LLC	New Circle K fuel station and convenience store.	112 Lombard 2.25 acres	10/14/20 Application submitted 10/25/21 Convenience store building permit issued 10/26/21 Gas Station canopy building permit issued 1/31/23 Temporary 30-day Certificate of Occupancy approved	Interwest
20. PG&E Regional Center Improvement Plans (DV21-0018)	Turner Construction	Improvement plans for the PG&E Regional Center	500 Boone 24.5 acres	10/19/21 Application submitted 2/23/22 Improvement Plans approved	Edison Bisnar
21. Single Family Home Improvement Plans (DV21-0019)	Hoi Wong	Improvement plan for a new single-family home.	219 Rio Del Mar 0.66 acres	11/17/21 Application submitted 5/12/22 Second Plan Check comments 9/23/22 Applicant explained project is on Hold for the winter	Edison Bisnar

<b>Major City-Initiated Projects</b>					
<b>Project Name</b>	<b>Description</b>	<b>Location</b>	<b>Area</b>	<b>Status</b>	<b>Staff</b>
1. Comprehensive General Plan Update	Review and update to bring the General Plan into conformance with current State standards and community values	Citywide	N/A	7/1/19 Drafting a Request for Proposal (RFP) 1/13/22 Modified "fast-track" technical update scope approved 6/7/22 City Council NOP approved 9/1/22 Administrative draft elements reviewed by staff 3/1/23 Administrative draft EIR anticipated.	Brent Cooper
2. 6 <sup>th</sup> Cycle Housing Element Update	Consistent with State Law, update the City's Housing Policies for an 8-year period 2023 - 2031	Citywide	N/A	9/1/20 Reviewing administrative draft documents 10/18/22 Joint CC/PC workshop 1/26/23 PC Workshop 1/31/23 PC/CC Approved 2/10/23 HCD Review letter received	Brent Cooper
3. Paoli/Watson Lane Annexation (PL19-0003)	General Plan Amendment, rezoning, and annexation of the Paoli/Watson Lane Property.	Southeast of Paoli Loop/SR-29	80 acres	9/5/17 City Council authorization to proceed 5/28/20 City received a Property Owner notice of intent to circulate a petition to annex the Paoli Loop/Watson Lane Property. 5/16/22 Annexation efforts returned to City initiated. Consultant preparing CEQA scope documents. 9/7/22 NOP Comment period begins 9/21/22 NOP Workshop	City Manager
4. Annual Housing Element Review	Required State review of the Housing Element	Citywide	N/A	2/23/23 PC Review scheduled 3/21/23 CC Review scheduled	William He
5. Accessory Dwelling Unit Ordinance Update	Update the Accessory Dwelling Unit Ordinance to comply with current State Standards	Citywide	N/A	2/7/23 HCD Review letter received 3/9/23 HCD Response Deadline 3/23/23 Tentative PC Hearing	Brent Cooper

<b>Major Regional Projects</b>					
<b>Project Name</b>	<b>Description</b>	<b>Location</b>	<b>Area</b>	<b>Status</b>	<b>Staff Liaison</b>
1. <a href="#">Napa Valley Transportation Authority 2045 Countywide Transportation Plan</a>	Update the 2015 NVTA Countywide Plan with new mobility priorities for the next 25 years.	Napa County	N/A	8/19 Project Kick-off 9/19 – 01/20 Public Input 01/21 Drafting the Plan	Alberto Esqueda (NVTA)
2. Regional Working Group on Climate Change	Countywide Working Group to evaluate efforts to adopt policies that will combat climate change.	Countywide	N/A	Most recent meeting: 2/26/21 Regular ongoing meetings continue.	Brent Cooper
3. <a href="#">Napa Valley Transportation Authority Highway 29 PID Study</a>	Project Initiation Document (PID) for Highway 29 through American Canyon	American Canyon	N/A	10/4/21 NVTA and American Canyon workshop 2/16/22 NVTA Board of Directors voted to remove the six-lane option from future study. 1/12/23 NVTA conducting environmental review over the next 1-2 years	Danielle Schmitz (NVTA)
4. Napa County Airport Land Use Compatibility Plan Update	Napa County Airport Land Use Compatibility Plan Update and associated CEQA documentation	Napa County Airport Compatibility Zones	N/A	January 2021 Board of Supervisors initiated Airport Land Use Compatibility Plan update 12/13/22 County selects aviation consultant Mead and Hunt 2/1/23 First working group meeting	