



REGULAR PLANNING COMMISSION MEETING AGENDA

City Hall - Council Chambers
4381 Broadway, Ste. 201, American Canyon
August 26, 2021
6:30 PM

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

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

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

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

Zoom Meeting Link: [Click Here](#)
Webinar ID: 988 1767 2794 **Passcode:** 569330

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

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

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

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

6:30 P.M. REGULAR MEETING

CALL TO ORDER

PLEDGE

ROLL CALL

PRESENTATIONS

PUBLIC COMMENT

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

AGENDA CHANGES

CONSENT CALENDAR

1. **Minutes of July 22, 2021**

Recommendation: Approve Minutes ([Attachment 1](#)) of the July 22, 2021 Planning Commission meeting.

2. **Minutes of July 29, 2021**

Recommendation: Approve Minutes ([Attachment 1](#)) of the July 29, 2021 Special Joint City Council/Planning Commission Meeting.

PUBLIC HEARINGS

3. **Watson Ranch Lot 10 Design Permit and Vesting Tentative Subdivision Map for the development of 219 single-family residential units on a 27.17-acre site**

Recommendation: Adopt the following resolutions:

1. A [Resolution](#) of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve a Vesting Tentative Subdivision map for Watson Ranch Lot 10 to create 219 single-family residential units; 6 parcels; 9 public courts; and 6 public streets on 27.17-acre site within the Watson Ranch; located north of Vintage Ranch and accessible from the future extension of Rolling Hills Drive and Rio Del Mar, APNs 059-430-015 and -016 (File no. PL21-0013) and;

2. A [Resolution](#) of the Planning Commission of the City of American Canyon, California approving a Design Permit for 219 single family home lots on 27.17 acres within the Watson Ranch Specific Plan Lot 10 Medium Density Residential-16 Zoning District; located north of Vintage Ranch and accessible from the future extension of Rolling Hills Drive and Rio Del Mar, APNs 059-430-015 (File no. PL21-0014).

BUSINESS

4. [Administrative Citation CE2105-009 Appeal for indoor Cannabis Cultivation: 51 Pelleria Drive continued from July 22, 2021](#)
Recommendation: On the basis of the approval criteria not being met in accordance with ACMC Section 9.12.070, staff recommends the Planning Commission deny the Administrative Citation CE2105-009 Appeal for Indoor Cannabis Cultivation of more than twenty (20) plants at 51 Pelleria Drive filed by Nim Cho Wu and Wendy We.

MANAGEMENT AND STAFF ORAL REPORTS

5. [Active Planning Projects](#)
Recommendation: Review [Active Planning Projects](#) list.

COMMISSIONER ITEMS

ADJOURNMENT

CERTIFICATION

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

Nicolle Jones, Administrative Technician

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

ACTION MINUTES

July 22, 2021

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

6:30 P.M. REGULAR MEETING

CALL TO ORDER

Meeting called to order at 6:30 PM.

PLEDGE

ROLL CALL

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

Absent: None.

AGENDA CHANGES

None.

PUBLIC COMMENT

Speakers:

None.

CONSENT CALENDAR

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

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

Moved by Commissioner Altman, second by Vice Chair Mallare and carried unanimously to approve the consent calendar.

PUBLIC HEARINGS

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

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

Community Development Director Brent Cooper shared a PowerPoint Presentation.

Speakers:

Police Chief Rick Greenberg
City Attorney William Ross
City of American Canyon Detective Franklin Walsh
Wendy We, appellant
Nimcho Wu, appellant

Action: City Attorney William Ross recommended continuing the item due to the fact that the appellant had technical issues with communication at the hearing.

Action: Moved by Commissioner Altman, second by Commissioner Wong and carried unanimously to continue this item to the August 26, 2021 Regular Planning Commission meeting.

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

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

Community Development Director Brent Cooper shared a PowerPoint Presentation.

Action: Chair Navarro opened the public hearing.

Speakers:

Jim Wilson, Napa Climate Now Steering Committee

Action: Chair Navarro closed the Public Hearing

Commissioners discussed the item.

Action: Chair Navarro reopened the public hearing.

Speakers:

None

Action: Chair Navarro closed the public hearing.

Speakers:

City Attorney William Ross

Action: Moved by Commissioner Wong, second by Commissioner Goff and carried unanimously to adopt Resolution Number 2021-16 recommending City Council approval of climate change, adaption, and greenhouse gas reduction policies into the General Plan Land Use Element (PL21-0017) with amendments to draft a policy on engine idling.

MANAGEMENT AND STAFF ORAL REPORTS

4. Active Planning Projects

Action: [Review Active Planning Projects list.](#)

Community Development Director Brent Cooper reported on active planning projects, including Napa Cove, Watson Ranch Lot 10, the appeal of the Planning Commission denial of a food truck Design Permit, PG&E Design Permit, Hampton Inn Hotel Project, SDG 217 Conditional Use Permit appeal, Fume cannabis business, and Home2Suites.

COMMISSIONER ITEMS

Commissioners reported on items of interest.

ADJOURNMENT

Meeting adjourned at: 8:36 PM.

CERTIFICATION

Respectfully Submitted,

Nicolle Jones, Administrative Technician

CITY OF AMERICAN CANYON
SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION

ACTION MINUTES

July 29, 2021

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

6:00 P.M. SPECIAL MEETING

Meeting called to order at 6:02 PM.

PLEDGE

ROLL CALL – City Council

Present: Council Members Mariam Aboudamous, David Oro, Pierre Washington, Vice Mayor Mark Joseph, Mayor Leon Garcia.

Absent: None.

ROLL CALL – Planning Commission

Present: Commissioners Eric Altman, Andrew Goff (arrived at 6:12pm), Tammy Wong, Vice Chair Crystal Mallare, Chair Tyrone Navarro.

Absent: None.

PUBLIC COMMENT

Speakers:
None.

BUSINESS

Council Disclosure of ex parte communications.

Mayor Garcia – Conversation with Manuel Trento who represents a Hampton Inn business interest.

David Oro -Conversations with Rick Hess, Buzz Butler, and a housing developer considering property adjacent to the Mosquito Abatement District in the Broadway District Specific Plan.

Vice Mayor Joseph - Multiple conversations with Rick Hess, Jim Wilson, Napa Climate Now, and prospective developers of affordable housing within the BDSP.

Pierre Washington- Conversations with Rick Hess and Buzz Butler.

Mariam Aboudamous – Conversations with Rick Hess, email from Buzz Butler.

Eric Altman – Conversations with Rick Hess.

Tammy Wong – Conversations Rick Hess.

1. Conduct a follow-up workshop to review permitted land uses in the Broadway District Specific Plan and the Hampton Inn Hotel Marketing Study

Action: Provide staff direction on permitted land uses in the Broadway District Specific Plan and the Hampton Inn Hotel Marketing Study.

City Manager, Jason B. Holley introduced the item and outlined the meeting purpose.

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

Council and Commission discussed desired zoning land uses for the Broadway District Specific Plan.

Mayor Garcia opened public comment for the Broadway District Specific Plan.

Speakers:

Rick Hess, Hess Development

Valerie Zizak-Morais, American Canyon Chamber of Commerce

Melissa Lamattina

Barry Christian
Chris James
Ken Leary
Frank Copola
Ross Hillesheim
Bryan Hassemer
Lynn
Al Shaghaghi

Mayor Garcia closed public comment for the Broadway District Specific Plan.

Mayor Garcia opened discussion of Hampton Inn Hotel.

City Manager, Jason B. Holley reported on an economic study provided by Visit Napa Valley.

Speakers:

Community Development Director, Brent Cooper
City Attorney William Ross

Council and Commissioners discussed the project.

Mayor Garcia opened public comment for the Hampton Inn project.

Speakers:

Ben Sigman, Economic & Planning Systems.

Mayor closed public comment.

ADJOURNMENT

Meeting at 8:53 PM adjourned with Happy Birthday wishes to Fran Lemos.

CERTIFICATION

Respectfully Submitted,

Nicolle Jones, Administrative Technician



TITLE

Watson Ranch Lot 10 Design Permit and Vesting Tentative Subdivision Map for the development of 219 single-family residential units on a 27.17-acre site

RECOMMENDATION

Adopt the following resolutions:

1. A **Resolution** of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve a Vesting Tentative Subdivision map for Watson Ranch Lot 10 to create 219 single-family residential units; 6 parcels; 9 public courts; and 6 public streets on 27.17-acre site within the Watson Ranch; located north of Vintage Ranch and accessible from the future extension of Rolling Hills Drive and Rio Del Mar, APNs 059-430-015 and -016 (File no. PL21-0013) and;
2. A **Resolution** of the Planning Commission of the City of American Canyon, California approving a Design Permit for 219 single family home lots on 27.17 acres within the Watson Ranch Specific Plan Lot 10 Medium Density Residential-16 Zoning District; located north of Vintage Ranch and accessible from the future extension of Rolling Hills Drive and Rio Del Mar, APNs 059-430-015 (File no. PL21-0014).

CONTACT

William He, AICP, Associate Planner

BACKGROUND & ANALYSIS

Site Information

General Plan Designation	Watson Ranch Specific Plan (WRSP)- Medium Density Residential 16
Zoning District	Watson Ranch Specific Plan - Medium Density Residential 16
Site Size	27.17 acres (18.05 acres for the 219 single-family residential lots)
Present Use	Undeveloped Lot

Surrounding Zoning and Uses	North: WRSP / vacant lot South: WRSP / vacant lot East: WRSP / vacant lot West: WRSP / vacant lot (Approved for Lemos Pointe Apts)
Access	Site Access is provided from the future extension of Rio Del Mar and Rolling Hills Drive

Proposed Development

D.R Horton proposes two applications for the Watson Ranch Lot 10 site, 1) a Vesting Tentative Subdivision Map (PL21-0013); and 2) a Design Permit (PL21-0014). The project is located in Watson Ranch Specific Plan (WRSP) area, which was approved with an Environmental Impact Report in November 2018. Watson Ranch Lot 10 consists of two vacant lots north of the Vintage Ranch subdivision, APNs 059-430-015 and 059-430-016.

Vesting Tentative Map

The Subdivision Map divides the Lot 10 into 219 Single Family Residential (SFR) lots, 6 parcels, and 6 streets with 9 courts. The site is bounded by Street A to the north, the Vine Trail to the east, Rio Del Mar to the south, and Loop Road to the west. The SFR lots range from 3,198 SF to 6,724 square feet in gross area. A vicinity map of the project site is shown in [Attachment 1](#). The proposed map is consistent with the General Plan, the Watson Ranch Specific Plan (WRSP), and the Watson Ranch Development Agreement. The new SFR lots will be supported with dry utilities from PG&E for electricity, AT&T for telephone, and Comcast for cable TV. The City will provide wet utilities for water, wastewater, and storm water access.

The site includes 6 interior streets (A-F) with 9 courts (A-I), which consists of 7.76 acres. Streets A, D, E, and F traverse west to east and streets B and C traverse north to south. There are courts at the east end of streets A, D, E, and F. The site also includes two emergency vehicle access (EVA) areas in the east side of site and a 20-foot wide pedestrian walkway (Parcel F) that connects the site to Loop Road and the Lemos Pointe Apartments. The streets will be supported with landscaping compliant to WRSP standards.

The details of the project findings are available in the draft VTM resolution in [Attachment 2](#). The site-specific conditions of approval are showing in VTM Exhibit A, [Attachment 3](#). The Master Conditions of approval for AC-1 are shown in VTM Exhibit B, [Attachment 4](#). The Watson Ranch VTM plans are shown in VTM Exhibit C, [Attachment 5](#).

Design Permit

The Design Permit application complies with WRSP design standards and the WRSP Final Environmental Impact Report (FEIR). The lots are located in the WRSP Medium Density Residential 16 (MDR-16) zoning district, which allows single-family detached houses. The project has a density of 8.1 dwelling units per acre. The homes range from 1,583 SF to 1,824 SF. They feature 3 to 4 bedrooms, two-car garages, and two-stories. The applicant provides 3 styles of architecture:

farmhouse, ranch, and traditional. The architecture features earth tone colors, composite shingle roofing, lap sidings, and decorative shutters. The draft Design Permit resolution is available in [Attachment 6](#). The Design Permit conditions, Exhibit A, is shown in [Attachment 7](#). The architectural Plans, Exhibit B, is shown in [Attachment 8](#).

The subdivision includes front yard landscaping, which consists of trees, shrubs, and ground cover. The landscaping plan includes European Olive, Coast Live Oak, Strawberry, Western Red Bud, and Sweet Bay trees. The landscaping plans are available in [Attachment 9](#).

In accordance to WRSP Section A.4.2.2, all elevations on corner lots and rear elevations facing public streets and open space shall include articulation of architectural details and materials to enhance these elevations consistent with the style of the homes. The enhanced architectural wrap includes window trim, siding at roof gable areas, shutters, belly bands, other architectural details. A map of applicable residential lots is available in [Attachment 10](#).

Site Specific Issues

1. Design Exception Request

According to Section 2 of the Public Works Department Engineering Plans and Specifications for Public Improvements guide book, the City Engineer is authorized to approve variations from the approved Engineering Design Standards. The Engineering Design Standards impact the Subdivision Map Design. The applicant requests an exception to the Engineering Design Standards. The applicant requested to modify the cul-de-sac radius of several courts on the east side of the site. The cul-de-sac radius is proposed to be reduced from 50 feet to 33 feet on Courts A, D, E, and F.

At this time, the City Engineer is considering the proposed Engineering Design Exception. For purposes of the Planning Commission review, staff has included Conditions of Approval that require the City Engineer's decision prior to City Council review of the subdivision map review.

2. Rio Del Mar Landscaping

According to WRSP Section 3.7, homes along Rio Del Mar are required to front onto Rio Del Mar. Garage access is intended to be provided from an alley at the rear of the lots. The applicant proposes an exception to this standard as follows:

- A landscape strip that varies in width from 6 feet to 24 feet will be placed along Rio Del Mar across the Project frontage.
- Between Loop Road and Rolling Hills Drive, the front door on the side of each home will face Rio Del Mar.
- East of Rolling Hills Drive, the rear yard of each home will face Rio Del Mar.
- A privacy fence will be placed between the proposed landscape strip and each home.

According to the WRSP, Rio Del Mar is classified as a 4-lane arterial. The MDR-16 zoning requires a

10-foot front yard setback from the street right-of-way. If homes were constructed consistent with the WRSP with the front yards facing Rio Del Mar, drivers and pedestrians would see 10-feet of landscaping behind the sidewalk. A homeowner association is not proposed within Watson Ranch, so each homeowner is responsible for their front yard maintenance.

The applicant justification for not fronting homes directly onto Rio Del Mar include a more efficient subdivision layout to maximize usable area within the property. The side yard or rear yard privacy fence will visually separate the homes from Rio Del Mar. The proposed landscape strip would provide a visual substitute for the intended single-family home front yard landscaping. Maintenance of the landscape strip would be provided by the City.

Staff agrees that a proposed Rio Del Mar landscape strip is a suitable substitute for individual homeowner front yards because Rio Del Mar serves an important visual entrance to the entire Watson Ranch community. Since there is no homeowner association in Watson Ranch, front yard landscape maintenance along Rio Del Mar would be inconsistent – with some homes likely appearing weedy or unkept.

An elevation of Rio Del Mar is shown in Page 4 of the Landscape Plan [Attachment 9](#). The applicant's letter of justification is available in [Attachment 11](#).

3. Standard Conditions

There has been a significant effort in planning and entitling Watson Ranch. These entitlements include: a General Plan Amendment, Watson Ranch Specific Plan (and related Zoning), Large Lot Vesting Tentative Map, and Development Agreement. The project is subject to the American Canyon Municipal Code, the WRSP policies and mitigation measures, the WRSP Development Agreement, and the AC-1 Master Conditions of Approval.

Given the significant analysis already completed, Standard Conditions for the AC-1 portion of Watson Ranch provides a standardized method to ensure each development project will construct its share of physical improvements and environmental mitigation from the Watson Ranch Program Environmental Impact Report. A copy of the AC-1 Master resolution and conditions of approval are available in VTM Exhibit B, [Attachment 4](#).

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Infrastructure: "Develop and maintain infrastructure resources to support sustainable growth."

FISCAL IMPACT

The Watson Ranch Lot 10 Design Permit and Vesting Tentative Map required a developer's deposit for review and processing, so there is no fiscal impact for staff's time. If the Planning Commission approves the project, then the City will gain 219 single-family homes, which provides additional tax revenue.

ENVIRONMENTAL REVIEW

The environmental impacts of the Watson Ranch Specific Plan (WRSP) Project which includes the proposed Watson Ranch Lot 10 Design Permit were adequately considered in the certified Final EIR for the Watson Ranch Specific Plan Project (State Clearinghouse No. 2015022030) which includes findings, a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations for the Project. Approval of the proposed Vesting Tentative Subdivision Map and Design Permit is based on the Final EIR and complies with CEQA. Under CEQA, the Watson Ranch Specific Plan Project FEIR is a program EIR and is generally assumed to be used at a "development level." See, e.g., CEQA Guidelines § 15168. There is no substantial evidence of changed circumstances under CEQA Guidelines section 15162 requiring further CEQA review as the whole of the approvals sought are contemplated under the Project FEIR analysis.

ATTACHMENTS:

01. WR Lot 10 - Location Map
02. WR Lot 10 - VTM Reso Rev2
03. WR Lot 10 - Exhibit A VTM Specific Conditions Rev3.pdf
04. WR Lot 10 - Exhibit B AC1 Master Conditions
05. WR Lot 10 - Exhibit C VTM Plans 2021-07-19
06. WR Lot 10 - Design Permit Resolution
07. WR Lot 10 - Exhibit A Design Permit Specific Conditions
08. WR Lot 10 - Exhibit B Architecture Plans 8.10.21
09. WR Lot 10 - Exhibit C Landscaping Plan 07.16.21
10. WR Lot 10 - Arch wrap lots map
11. WR Lot 10 - Rio Del Mar exception letter

Watson Ranch Lot 10 Vicinity Map

Attachment 1



PC RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVE A VESTING TENTATIVE SUBDIVISION MAP FOR WATSON RANCH LOT 10 TO CREATE 219 SINGLE FAMILY HOME LOTS ON 21.17 ACRES WITHIN THE WATSON RANCH SPECIFIC PLAN LOT 10 MEDIUM DENSITY RESIDENTIAL-16 ZONING DISTRICT; LOCATED NORTH OF VINTAGE RANCH AND ACCESSIBLE FROM RIO DEL MAR AND ROLLING HILLS DRIVE, ASSESSOR'S PARCEL NUMBERS 059-430-015 AND -016 (FILE NO. PL21-0013)

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

WHEREAS, the City of American Canyon General Plan land use and zoning designation for the property known as the Watson Ranch Specific Plan property is Town Center, which requires the approval of a specific plan to designate the land uses, range of residential and nonresidential densities and unified design standards within the Watson Ranch Specific Plan property; and

WHEREAS, on November 6, 2018, the City Council of the City of American Canyon adopted an Ordinance approving the Watson Ranch Specific Plan that provides for the development of the approximately 309-acre Watson Ranch Specific Plan site with a mixed use community component including a mixed use town center (NVRG), 1,253 residential units, approximately 23 acres of improved parks, an additional 30 acres of parks, trails and open space, a 10-acre school site, roads and supporting water, wastewater, recycled water and storm drainage infrastructure; and

WHEREAS, on June 18, 2019, the City Council approved the Watson Ranch Specific Plan Development Agreement (Ordinance 2019-06, Agreement 2019-A107); and

WHEREAS, DR Horton "Applicant" submitted a Vesting Tentative Subdivision Map to create 219 single family home lots, 6 open space parcels (Parcels A to F), and 6 public streets on 27.17 acres located north of Vintage Ranch with access from the future extension of Rio Del Mar and Rolling Hills Drive, Assessor's Parcel Numbers 059-430-015 and 059-430-016 (File No. PL21-0013); and

WHEREAS, Chapter 18.22.055 of the Municipal Code sets forth findings required for approval of a tentative subdivision map; and

WHEREAS, the proposed map is consistent with the City of American Canyon General Plan, Municipal Code and the Watson Ranch Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a final environmental impact report (Final EIR) was prepared for the Watson Ranch Specific Plan, which included the proposed Vesting Tentative Map (VTM), having analyzed the actions contemplated by the VTM and includes required mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on August 26, 2021 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of American Canyon, having considered all the evidence, including any submitted by member of the public, hereby recommends the City Council of the City of American Canyon approve the Vesting Tentative Subdivision Map for Watson Ranch Lot 10 (PL21-0013), subject to the following Findings and Conditions of Approval.

SECTION 1: Findings Regarding Environmental Review pursuant to the California Environmental Quality Act (CEQA)

1. The City of American Canyon makes the following findings and determinations based on substantial evidence in the record as a whole pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) and its Guidelines (California Code of Regulations, Title 14 §§ 15000, *et seq.*), as each is amended from time to time (“CEQA”).
2. Pursuant to CEQA, an Environmental Impact Report (EIR) was prepared, supplemented, and certified for the Watson Ranch Project (“Project EIR”). The Project EIR considered and analyzed the significant adverse environmental impacts of, related mitigation measures for, and reasonable alternatives to, the planning, development, construction, operation, and maintenance of the proposed uses of the Property implemented through the “Project Approvals” of the “Project,” including without limitation, the General Plan Amendment, Watson Ranch Specific Plan (and related Zoning), Large Lot Vesting Tentative Map, and Development Agreement. In accordance with CEQA, City certified as legally adequate and complete the Project EIR, and approved the development allowed and approved by said existing and future Project Approvals contemplated by the Project EIR and the Development Agreement.
3. The proposed Vesting Tentative Map for that Watson Ranch Lot 10 is a contemplated “Project Approval” under the Project EIR and the Development Agreement. Under CEQA, a Specific Plan EIR, like the Watson Ranch Specific Plan Project EIR, is generally assumed to be used at a “development level.” *See, e.g.,* CEQA Guidelines § 15168. Under controlling CEQA law, particularly CEQA Guidelines section 15162, the legal question is whether the Project EIR, itself, needs updating (through a Subsequent or Supplemental EIR) before the City can consider and approve the Watson Ranch Lot 10 VTM, or whether the Project EIR provides the appropriate CEQA compliance work for the City’s consideration and approval of the Watson Ranch Lot 10 VTM. For the following reasons and findings, by law, no such Subsequent or Supplemental EIR can be required by the City, and the Project EIR provides the appropriate CEQA compliance work for the City’s consideration and approval of the Watson Ranch Lot 10 VTM.

First, CEQA Guidelines section 15162 provides as follows [*City responses to the issues raised by Section 15162 are provided in bracketed, italicized text below*]:

(a) When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental

effects or a substantial increase in the severity of previously identified significant effects; *[There is no substantial evidence in the light of the whole record revealing any changes proposed in the Project, let alone changes that will involve involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Watson Ranch Lot 10 VTM implements the Watson Ranch Specific Plan Project, and no new significant environmental effects or substantial increase in the severity of previously identified significant effects not already addressed by the Project EIR will result from that implementation.]*

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; *[There is no substantial evidence in the light of the whole record revealing circumstances under which the Project is undertaken which require major revisions to the Project EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects: the Watson Ranch Lot 10 VTM is anticipated by, and is the implementation of, the Watson Ranch Specific Plan Project (and Project Approvals), and no new significant environmental effects or a substantial increase in the severity of previously identified significant effects not already addressed by the Project EIR will result from that implementation.];* or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following *[There is no substantial evidence in the light of the whole record revealing any such new information of any kind has been presented]:*

(A) The project will have one or more significant effects not discussed in the previous EIR . . . *[There is no substantial evidence in the light of the whole record revealing that the Watson Ranch Lot 10 VTM will have one or more significant effects not discussed in the Project EIR: Instead, the Watson Ranch Lot 10 VTM is anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project as fully analyzed by the Project EIR];*

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR *[There is no substantial evidence in the light of the whole record revealing that the Watson Ranch Lot 10 VTM will result in a situation where significant effects previously examined in the Project EIR will be substantially more severe than shown and discussed in the Project EIR: Instead, the Watson Ranch Lot 10 VTM are anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project as fully analyzed by the Project EIR];*

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative *[There is no substantial evidence in the light of the whole record supporting a determination that 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

(D) 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. *[There is no substantial evidence in the light of the whole record supporting a determination that mitigation measures or alternatives which are considerably different from those analyzed in the Project EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. No such mitigation measure nor alternatives have been proposed, nor are warranted, and no rejection of such mitigation measure or alternative by the project applicant has taken place.]*

Because there is no substantial evidence in the record to support any of the findings set forth in CEQA Guidelines section 15162, as a matter of law, no additional CEQA work can be required by the City relating to the City's consideration and approval of the VTM 1A.

Second, similar to CEQA Guidelines section 15162, CEQA Guidelines section 15163 provides that a public agency may choose to prepare a "Supplement" to an EIR - rather than a "Subsequent" EIR - only if (1) any of the findings described in Section 15162 (above) would require the preparation of a Subsequent EIR, yet (2) only minor additions or changes would be necessary to make the Project EIR adequately apply to the changed situation. As stated above, because there is no substantial evidence in the record to support any of the findings set forth in CEQA Guidelines section 15162, then, as a matter of law, no finding can be made under CEQA Guidelines section 15163. Therefore, no additional CEQA work for the Watson Ranch Lot 10 VTM can be required by the City.

Third, and lastly, under the Development Agreement, "to the extent permitted or required by CEQA, City shall use . . . existing environmental assessments, declarations, reports and studies as adequately addressing the environmental impacts of the Project and its Subsequent Approvals without requiring new or supplemental environmental documentation." Development Agreement § 2.04(k). Because CEQA prohibits the City from requiring additional CEQA compliance work for the Watson Ranch Lot 10 VTM approval, for the reasons discussed above, the Development Agreement likewise enforces that CEQA requirement and prohibits additional "new or supplemental environmental documentation." Development Agreement § 2.04(k).

Therefore, the City finds and determines that the Project EIR provides the appropriate CEQA compliance documentation for the City's consideration and approval of the proposed Watson Ranch Lot 10 VTM.

SECTION 2. FINDINGS

1. The proposed map is consistent with the General Plan and the Watson Ranch Specific Plan.

The subdivision is proposed to delineate parcels that reflect the proposed land uses and street lay out of the Watson Ranch Specific Plan; and

2. American Canyon Municipal Code (ACMC) Section 18.22.055 provides that the planning commission shall not recommend approval and the city council shall not approve a tentative subdivision map if any of the following findings are made:

- A. That the proposed tentative subdivision map is not consistent with the city's general plan or its elements or other applicable plans;

The proposed map is consistent with the General Plan because it will provide individual lots with adequate access and utility services to be developed with single family homes.

- B. That the design or improvement of the proposed subdivision is not consistent with the city's general plan or its elements or any other applicable plans;

The proposed improvements for the subdivision are consistent with the City's General Plan, Watson Ranch Specific Plan, and the Watson Ranch Development Agreement, including the size of individual lots, as analyzed in the staff report for this project. The applicant a design exception to Engineering Design Standards. The applicant proposed to modify the cul-de-sac radii of Courts A, D, E, and F to be reduced from 50 feet to 33 feet. The Public Works Department is reviewing the design exception requests and have made them conditions of approval.

- C. That the site is not physically suitable for the type of development proposed;

The subdivision site is physically suitable for the type of development because it is adjacent to existing residential development, the subdivision is designed to accommodate the proposed 219 single family homes.

- D. That the site is not physically suitable for the proposed density of development proposed;

The site is physically suitable for the proposed density of development because the density of development will comply with the limits set out in the Watson Ranch Specific Plan and can be improved and provided with necessary utilities to serve the future development. There are no geologic conditions which would prevent the intended development, and the future extension of Rio Del Mar, Loop Road, and Rolling Hills Road will provide access to the new homes.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

The subdivision and related improvements would not adversely affect wildlife habitat areas, as described in the Watson Ranch Environmental Impact Report (SCH # 2015022030), approved by the City council in November 6, 2018.

- F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

The subdivision improvements are consistent with the improvements provided for other development in the City and are not likely to cause serious health problems.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city council may approve a tentative subdivision map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted

to the city council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision;

There is a 20-foot wide public access easement (PAE) along the north side of Watson Ranch Lot 10. The PAE was dedicated on the Watson Ranch Large Lot Final Map (recorded on December 18, 2019) to provide access to the future park site, Lot 19. The Owner's Statement say that the easement is subject to replacement, relocation, or abandonment. Street A will replace this PAE and the easement will be vacated on the final map for Watson Ranch Lot 10. This is a Public Works condition of approval and will need to be completed prior to the final approval of the site improvement plan. With the vacation of the PAE, the subdivision is consistent with the General Plan.

- H. That the discharge of waste water, including sewage and stormwater runoff, from the proposed subdivision would result in a violation of existing water quality requirements prescribed by the regional water quality control board.

The conditions of approval will require the completion of infrastructure improvements to accommodate sewage and stormwater runoff in compliance with water quality requirements, as shown in the Vesting Tentative Map.

Because none of the findings to disapprove the proposed subdivision can be made, the Vesting Tentative Subdivision Map for Watson Ranch Lot 10 (PL21-0013); is recommended for approval, subject to the following conditions.

SECTION 3: CONDITIONS OF APPROVAL

The Watson Ranch Lot 10 VTM conditions of approval incorporate the adopted Master Conditions of Approval for AC-1 Portion of Watson Ranch (Resolution No. 2020-106) as Exhibit B, and specific conditions of approval included as Exhibit A to this Resolution.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of American Canyon held on the 26th day of August, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tyrone Navarro, Chair

ATTEST:

APPROVED AS TO FORM:

Nicolle Jones, Administrative Technician

William D. Ross, City Attorney

EXHIBITS:

- A. Watson Ranch Lot 10 VTM Conditions of Approval
- B. Master Conditions of Approval for AC-1 Portion of Watson Ranch (Resolution 2020-106)
- C. Vesting Tentative Subdivision Map for Watson Ranch Lot 10 (PL21-0013)

Attachment 3: Exhibit A

SPECIFIC CONDITIONS – WATSON RANCH LOT 10 VESTING TENTATIVE MAP

Planning Conditions

APPROVAL, EXHIBITS, AND EXPIRATION

<i>Specific Condition</i>	<i>Developer Obligations</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
1.	The Vesting Tentative Subdivision Map for Watson Ranch Phase Lot 10 (PL21-0013; APN 059-430-015 and 059-430-016) (sometimes referred to herein as “Watson Ranch Lot 10 VTM” and sometimes referred to herein as the “Project”) to subdivide Large Lot 10 (approximately) into 219 single-family residential lots and 6 parcels, is approved as shown on the Vesting Tentative Map for Watson Ranch Lot 10 prepared by Carlson, Barbee & Gibson, revised through August, 2021, consisting of multiple sheets, marked “Exhibit C” to the Resolution approving Watson Ranch Lot 10 VTM, and on file in the Community Development Department. The final map for Watson Ranch Lot 10 VTM is referred to herein as the “Final Map.”	Watson Ranch Lot 10 VTM	Final Map Recordation	Applicable
2.	The Master Conditions adopted for the AC-1 Portion of the Watson Ranch Specific Plan are attached hereto and incorporated herein by this reference as if set forth herein in full, and shall apply to the Project where relevant, i.e., where such Master Conditions set general principles applicable to all Parcels comprising the AC-1 portion of the Watson Ranch Specific Plan, and/or where such Master Conditions set specific requirements relating to Lot 10, which Lot 10 comprises the land within the Watson Ranch Lot 10 VTM.	SIA	Execution of SIA	Applicable
3.	Development of the subdivision and the individual lots comprising Watson Ranch Lot 10 VTM shall be subject to the Watson Ranch Lot 10 Residential Design Guidelines, on file in the Community Development Department.	Design Guidelines	Building Permit	Applicable
4.	WATSON RANCH LOT 10 VTM shall have that life set forth in the Watson Ranch Specific Plan Development Agreement (Development Agreement).	Development Agreement	Final Map	Applicable
5.	Applicant shall defend, indemnify, and hold harmless the City of American Canyon, its elected and appointed officials, employees, volunteers, and legal counsel, as set forth in the Development Agreement.	Development Agreement	Final Map	Applicable
6.	Applicant shall be responsible for paying for charges related to the processing of WATSON RANCH LOT 10 VTM as set forth in the Development Agreement.	Development Agreement	Final Map	Applicable

Specific Condition	Developer Obligations	Mechanism	Implementation	Status
7.	Street names within WATSON RANCH LOT 10 VTM shall be subject to City review and approval prior to recordation of the Final Map.	Specific Condition	Final Map	Applicable
8.	Compliance of the Project with City's Inclusionary Housing Requirements is as set forth in the Development Agreement.	Development Agreement	Sale of Parcel 24	Completed
9.	Applicant shall make all public dedications shown on WATSON RANCH LOT 10 VTM through the Final Map, and City shall accept those public dedications.	Final Map	Recordation	Applicable
10.	Prior to the approval of the Final Map, the applicant shall provide a fence or wall specification and detail along the north side of Rio Del Mar to be reviewed and found satisfactory by the Community Development Director (physical improvement will not be installed prior to Final Map approval).	Specific Condition	Final Map	Applicable

Public Works Conditions

GENERAL CONDITIONS OF APPROVAL

Specific Condition	Developer Obligations	Mechanism	Implementation	Status
11.	Applicant's responsibility for fees and costs relating to Final Map check, Improvement Plans check, inspections, and all other related City acts shall be as set forth in the Development Agreement.	Development Agreement	Relevant City Act	Applicable
12.	All improvements shall be designed in accordance with the City's American Canyon Municipal Code (ACMC), Engineering Standard Plans and Specifications for Public Improvements (City Standards), except as specifically noted otherwise in these Specific Conditions or the Development Agreement.	City Standards	Relevant SIA, Building Permits, Certificates of Occupancy	Applicable
13.	All proposed new utilities to serve the Project, both on-site and along Project frontages, shall be placed underground. Exceptions may be allowed for surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets.	Specific Conditions	SIA	Applicable
14.	Unless otherwise explicitly permitted by the Development Agreement, all existing wells, septic tanks and/or underground fuel storage tanks shall be	Development Agreement	Relevant Permit	Applicable

	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.			
15.	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.	Specific Conditions	Improvement Plans Submittal	Applicable
16.	A Drainage Report prepared by a California Registered Civil Engineer shall be submitted for review with the initial submittal of the Improvement Plans. The Drainage Report shall include hydrologic and hydraulic calculations to support the design and sizing of all public and private drainage facilities including storm drains, detention facilities, and weirs. The report shall include hydraulic grade line profiles for all proposed storm drains for the 10-year, 25-year and 100-year storm events.	Specific Conditions	Improvement Plans Submittal	Applicable
17.	A 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 approval. The Plan shall be prepared in accordance with the latest edition of the <i>Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual</i> and the requirements of the State Water Resources Control Board Phase II Municipal Separate Storm Water System (MS4) General Permit (Order 2013-0001 DWQ).	Specific Conditions	Improvement Plans Submittal	Applicable
18.	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 Applicant shall enter into an	Specific Conditions	Improvement Plans Submittal	Applicable

	agreement (transferable to future Homeowner’s Association) with the City that provides the terms, conditions, and security associated with the ongoing requirements of the Post Construction Stormwater Best Management Practices.			
19.	Final Maps, as defined in the Subdivision Map Act, shall be prepared by a licensed surveyor or civil engineer. Final Maps shall show all lots, parcels, rights-of-way, and easement(s), and shall be submitted to the City Engineer for review. Final Maps shall be in substantial conformance with the approved VTM WATSON RANCH LOT 10 and all applicable Conditions of Approval. Final Maps shall be approved by the City and recorded with the Napa County Recorder. Closure calculations shall be provided at the time of each initial Final Map submittal. All calculated points within the Final Maps shall be based upon one common set of coordinates. All information shown on the Final Maps shall be directly verifiable by information shown on the closure calculation printout. The point(s) of beginning shall be clearly defined. All lot acreages shall be shown on the Final Maps and shall be verifiable from information shown on the closure calculation printout. A current title report shall be submitted at the time of each initial Final Map submittal.	Specific Conditions	Final Map Approval and Recordation	Applicable
20.	Where relevant, Applicant shall secure all necessary rights-of-way and public and private easements for both onsite and offsite Public Improvements, pursuant to the Development Agreement. Public rights-of-way and easements shall be dedicated to the City on the Final Map or granted by separate instrument, all pursuant to the Development Agreement. If granted by separate instrument, Applicant shall prepare all necessary legal descriptions and deeds.	Specific Conditions	Final Map Dedication and Recordation	Applicable
21.	To the extent any offsite Public Improvements require the acquisition of property not currently owned by Applicant or the City, the Development Agreement shall apply, and if the Development Agreement does not address the issue, the California Subdivision Map Act shall apply.	Specific Conditions	Final Map Submitted	Applicable

22.	Applicant shall transmit by certified mail a copy of VTM WATSON RANCH LOT 10 to each public entity or public utility that is an easement holder of record on the land comprising the Final Map.	Specific Conditions	Pre Final Map Recordation	Applicable
23.	Applicant shall submit all site Improvement Plans, prepared by a registered Civil Engineer, for review and approval of the City. 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. Applicant shall submit a Rough Grading Plan for all phases for review and approval of the City. Rough Grading Plan approval and site grading may commence prior to Improvement Plan and Final Map approval. An Encroachment Permit shall be required for any work within City right of way, unless explicitly not required by the City.	Specific Conditions	Improvement Plans Submittal	Applicable
24.	All Public Improvements, including without limitation street, water mains, sewer mains, recycled water facilities, and storm drains shall be clearly labeled as "Public" on the Improvement Plans, along with clear demarcation points where they become Public. Likewise, all Private Improvements, including without limitation, retention basins, shall be clearly labeled as "Private " on the Improvement Plans, along with clear demarcation points.	Specific Conditions	Improvement Plans Submittal	Applicable
25.	Cathodic protection shall be provided for all water valves, fittings, hydrants, meters, backflow devices and other metal appurtenances, regardless of the findings of any soils corrosivity analysis. Cathodic protection details shall be included in the Improvement Plans.	City Standards	During Construction	Applicable
26.	All public water service laterals or services (domestic, recycled and fire water) shall include approved backflow prevention devices.	City Standards	During Construction	Applicable
27.	Applicant shall keep adjoining public streets free and clean of Project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.	Specific Conditions	During Construction	Applicable

28.	If any hazardous material is encountered during any construction, all construction work shall immediately stop, and the Fire Department, Napa County Department of Environmental Services, or other designated agency, and the City Inspector, shall be notified immediately. Construction work shall not recommence until clearance has been issued by appropriate agencies.	Specific Conditions	During Construction	Applicable
29.	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. All public utilities, cable TV, sanitary sewers, and water lines, shall be installed in a manner that, where possible, will not result in disturbing the street pavement, curbs, gutters, and sidewalks when future service connections or extensions are made.	Specific Conditions	During Construction	Applicable
30.	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 shall be provided to the City for review and approval prior to construction.	Specific Conditions	During Construction	Applicable
31.	All new fire hydrants shall be covered with burlap coverings 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(s) shall be permitted on-site until all hydrants meet City flow requirements, or until alternative fire protection measures are in place, as determined by the City.	Specific Conditions	Pre- and during construction	Applicable
32.	Prior to placing the final lift of asphalt, all public storm drains and sanitary sewer lines shall be video inspected at Applicant's expense. All video tapes shall be submitted to the City. If any inadequacies are found by City, such inadequacies shall be repaired prior to the placement of the final lift of asphalt.	Specific Conditions	Prior to placing the final lift of asphalt	Applicable

33.	All streets, curbs, gutters, sidewalks, or other public facilities damaged in the course of construction associated with the Project shall be the responsibility of Applicant and shall be repaired to the satisfaction of the City, at Applicant's expense.	Specific Conditions	During and post Construction	Applicable
34.	After all of the new underground utilities within public streets have been installed, where necessary, the affected areas shall be milled and repaved to present a neat finished pavement area. Multiple trench patches are not acceptable.	Specific Conditions	SIA	Applicable
35.	All construction stormwater pollution prevention best management practices (BMP's) shall be installed as the first order of work and in accordance with the <i>State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ)</i> and Applicant's Storm Water Pollution Prevention Plan (SWPPP). All stormwater BMP's shall be maintained to the satisfaction of the Qualified SWPPP Developer (QSD), Qualified SWPPP Practitioner (QSP), and the City Engineer.	Specific Conditions	Pre-Construction	Applicable
36.	Construction and grading activities on the site shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. Work on Sunday and holidays shall require approval from the City Engineer. If Sunday and/or holiday work is approved, construction and grading activities on the site shall be limited to the hours between 10:00 a.m. and 6:00 p.m. on Sundays and State and Federal holidays.	Specific Conditions	Any Construction and Grading Activity	Applicable
37.	In accordance with the Development Agreement, City shall execute any and all Will-Serve Letter(s) and Water Supply Report(s) that will quantify the new potable water demand for the proposed development and will identify the necessary mitigation for the development's demands with "wet-water" offsets with one or more of the options set forth in the Development Agreement.	Specific Conditions	Relevant Permit	Applicable
38.	All Public Improvement landscaping shall be designed to use recycled water for irrigation. Recycled water	Specific Conditions	Improvement Plans Submittal	Applicable

	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.			
39.	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.	Specific Conditions	During Construction	Applicable

SPECIAL CONDITIONS OF APPROVAL

<i>Specific Condition</i>	<i>Developer Obligation</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
40.	Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with VTM WATSON RANCH LOT 10 (Sheets TM-1 through TM-8), prepared by CBG Civil Engineers dated July 19, 2021, except as modified by these conditions. This shall be a single set of improvement plans for all of the improvements in all phases.	Specific Condition	Improvement Plans Submittal	Applicable
41.	All on-site (defined as within the boundaries of VTM WATSON RANCH LOT 10) and off-site (defined as outside the boundaries of VTM WATSON RANCH LOT 10) Public Improvements constructed by Developer shall be dedicated to, and accepted, operated, and maintained by, City.	Specific Condition	Final Map Recommendation; Relevant Acceptance	Applicable
42.	Applicant shall construct all of the on-site and off-site Public Improvements as shown on VTM WATSON RANCH LOT 10); although, construction may be phased to correspond with the boundaries of each final map. Loop Road and Rio Del Mar improvements, including the improvements fronting VTM WATSON RANCH LOT 10, will be constructed by others.	Specific Condition	Relevant Approval	Applicable
43.	Applicant shall construct all of the on-site and off-site Private Improvements as shown on VTM WATSON RANCH LOT 10.	Specific Condition	Relevant Approval	Applicable

<p>44.</p>	<p>Applicant shall construct all of the on-site and off-site Public Improvements as shown on VTM WATSON RANCH LOT 10 except as modified below:</p> <ul style="list-style-type: none"> a. The 4" beveled curb and gutter shown on Sections A-A, B-B and E-E in Sheet TM-2.1 does not meet City Standards and is not acceptable. Improvement Plans shall show 6" curb and gutter conforming to City Standard 3.06 and 3.07. b. It is acceptable not to show driveway locations in the interim but it would need to be detailed in the Improvement Plans conforming to City Standards or custom designed to fit within constraints. CBG shall coordinate with the City on the final configuration of the driveway. c. Redesign the east curb ramps along Street F in the intersections of Court G and Court H to eliminate sidewalk taper. d. Because Cul-de-sacs at end of Courts A, D, E and F are non-standard and have smaller radii, oversized vehicles like garbage trucks and RV's will have to make 3-point turn or more to get out. Pavement surface shall be designed by the geotechnical engineer for durability. e. The EVAs shall be paved with an asphalt concrete surface or with an alternative pavement surface as approved by the City Engineer. 	<p>Specific Condition</p>	<p>Relevant Approval</p>	<p>Applicable</p>
<p>45.</p>	<p>Prior to the submittal of any Improvement Plans, Applicant shall:</p> <ul style="list-style-type: none"> a. Submit the City's "Improvement Plan Checklist" to City. b. Be responsible for Improvement Plan check services, as set forth in the Development Agreement. c. Provide the following: <ul style="list-style-type: none"> (1) Public Street Repair Plan (2) Utility Plan and Joint Trench Plan (3) Construction Storm Water Pollution Prevention Plan (SWPPP) (4) Drainage Report (5) Post-Construction Stormwater Runoff Management Plan (SRMP) 	<p>Specific Condition</p>	<p>Prior to the submittal of any Improvement Plans</p>	<p>Applicable</p>

	<p>(6) Geotechnical Report</p> <p>(7) Soil Corrosivity Analysis</p> <p>(8) Construction Traffic Control Plan.</p>			
46.	<p>Prior to APPROVAL OF THE IMPROVEMENT PLANS, the Applicant shall:</p> <ul style="list-style-type: none"> 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. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans. c. Fill out and submit the City’s Erosion and Sediment Control Template. d. Furnish proof that all permits that may be required by the California Department of Fish & Wildlife, State and Regional Water Quality Control Board, US Army Corps of Engineers and any other regulatory agencies with jurisdiction over the proposed construction have been obtained. e. 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). 	<p>Specific Condition</p>	<p>Prior to approval of Improvement Plans</p>	<p>Applicable</p>
47.	<p>Unless otherwise specified in the Development Agreement, prior to commencement of construction activities, Applicant shall:</p> <ul style="list-style-type: none"> a. Pay off all current account balances with the City of American Canyon. b. Pay any inspection fees pursuant to the Development Agreement. c. Conduct a pre-construction meeting with representatives of the City whereby Applicant, the Legally Responsible Party (LRP), Qualified SWPPP Practitioner (QSP), Qualified SWPPP Developer (QSD), and/or the Contractor provides the following: <ul style="list-style-type: none"> (1) Six (6) full-size bond copies of the approved Improvement Plans for the City's use. 	<p>Specific Condition</p>	<p>Prior to Commencement of Construction</p>	<p>Applicable</p>

	<p>(2) One (1) job-site copy of the latest edition of the City Standards for the Contractor use.</p> <p>(3) One (1) job-site copy of the SWPPP for use by the LRP, QSP, QSD, and Contractor.</p>			
<p>48.</p>	<p>The VTM WATSON RANCH LOT 10 states that multiple final maps may be filed and shows a preliminary phasing between Phase 1 and Phase 2 final maps. Prior to RECORDATION OF EACH FINAL MAP, the Applicant shall:</p> <ul style="list-style-type: none"> a. Construct all of the Public and Private Improvements within that final map phase to the satisfaction of the City. Alternatively, the Applicant may enter into a Subdivision Improvement Agreement with the City agreeing to substantially complete all of the Public and Private Improvements to the satisfaction of the City Engineer prior to occupancy of first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as deemed satisfactory to the City. b. Generally, in substantial conformance with that which is shown on the approved VTM WATSON RANCH LOT 10, convey all easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on within each Final Map on said Final Map or by separate instruments. All dedications to the City shall be irrevocable offers of dedication. Specific public offers of dedication include: <ul style="list-style-type: none"> i. Streets A though F and Courts A through I for public road and utility purposes. ii. Approximately 0.83 acres of additional right-of-way for public road and utility purposes for the realigned Rio Del Mar. iii. Parcels B though F in fee for emergency vehicle access and public access. iv. Public utility easements (PUEs) as shown on the VTM WATSON RANCH LOT 10. c. Vacate the existing 20-foot-wide public access easement along the north line of the VTM WATSON RANCH LOT 10. d. Dedicate by separate instrument for public road and utility purposes that portion of Street A lying within Watson Ranch Lot 8. 			

	e. Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.			
49.	<p>Prior to release of Project Bonds, Applicant shall:</p> <ul style="list-style-type: none"> a. Submit an inspector's punch list indicating that all of the improvements are constructed to the satisfaction of the City Engineer. b. Restore all adjacent off-site road surfaces to pre-Project conditions. c. 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. d. Submit testing certification all backflow devices installed. e. Provide a bond and digital copy of the Improvement Plans and Rough Grading Plans that include all as-built or field changes, in digital AutoCAD (.dwg) compatible with the City's current version. f. Provide proof that all relevant Conditions of Approval have been satisfied. g. Provide a letter from the Civil Engineer of Record certifying that all the site improvements were constructed in substantial conformance with the approved Improvement Plans and City Standards. h. Provide proof from the Architect of Record, Structural Engineer of Record and/or other design professionals who signed the building permit plan submittal indicating that all building improvements have been constructed in substantial conformance with relevant plans. i. Execute Post-Construction Stormwater Operations and Maintenance Agreement with the City. j. Enter into a Recycled Water User's Agreement with the City. 	Specific Condition	Prior to release of project Bond's.	Applicable

Fire District Conditions

GENERAL - FIRE

<i>Specific Condition</i>	<i>Developer Obligation</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
50.	In accordance with the standard mitigation measures and conditions of approval set forth by the American Canyon Fire Protection District, the developer shall pay the Fire and Paramedic Impact Fee.	Specific Condition	Issuance of Building Permit	Applicable
51.	Fire District 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.	Specific Condition	Relevant Permit	Applicable

ACCESS - FIRE DEPARTMENT

<i>Specific Condition</i>	<i>Developer Obligation</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
52.	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 American Canyon Fire Protection District and the applicable Public Works Standard.	Specific Condition	Pre-Construction	Applicable
53.	Fire apparatus access shall be provided to within 150 feet of the most remote portions of all buildings from an approved exterior route. The final design of fire department access components shall be reviewed and approved by the Fire Chief prior to installation.	Specific Condition	Pre-Construction	Applicable
54.	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 71,000 pounds.	Specific Condition	Pre-Construction	Applicable
55.	Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction.	Specific Condition	Pre-Construction	Applicable
56.	When required by the 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.	Specific Condition	Pre-Construction	Applicable

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PROTECTION - FIRE

<i>Specific Condition</i>	<i>Developer Obligation</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
57.	Fire Protection systems shall be installed in accordance with provisions set forth in the California Fire Code as amended by the American Canyon Fire Protection District and the applicable National Fire Protection Association Standard.	Specific Condition	Relevant Permit	Applicable
58.	Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.	Specific Condition	Building Permit	Applicable
59.	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.	Specific Condition	Relevant Permit	Applicable
60.	All required inspection testing and maintenance of the water delivery system including hydrants and valves shall meet the standards adopted by the California State Fire Marshal and the American Canyon Fire Protection District including but not limited to the most current adopted editions of the California Code of Regulations Title 24, Part 9 (California Fire Code) and adopted NFPA Standards.	Specific Condition	SIA	Applicable

CONSTRUCTION - FIRE

<i>Specific Condition</i>	<i>Developer Obligation</i>	<i>Mechanism</i>	<i>Implementation; Parcel #</i>	<i>Status</i>
61.	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 standards and nationally recognized standards.	Specific Condition	Relevant Permit	Applicable
62.	Buildings undergoing construction shall maintain fire safety at all times. Construction practices shall be in accordance with Chapter 14 of the California Fire Code. Hot work shall be performed in accordance with Chapter 26 of the California Fire Code.	Specific Condition	During Construction	Applicable

Attachment 3: Exhibit A

APPLICABLE MITIGATION MEASURES FROM THE WATSON RANCH PROGRAM EIR

Mitigation Measures with strikethrough text do not apply.

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.1: Aesthetics					
<p>Mitigation Measure 4.1-1: Water Tank Visibility. As required by the 2004 <i>Proposed Water Tanks (2) Mitigated Negative Declaration</i>, construction plans for the Zone 3 water tank shall incorporate the following mitigation:</p> <ol style="list-style-type: none"> 1. A landscaped earthen berm shall be constructed around the tank site to eliminate direct views of the water tank as much as feasible from the areas surrounding the tank site. The earthen berm shall be landscaped with trees and other vegetation suitable to the City, such as evergreen trees, to screen the water tank from surrounding areas, reduce soil erosion, and blend the berm with the surrounding vegetation. 2. The water tank shall be painted a neutral color deemed appropriate by the City so the tank blends with the surrounding hillside vegetation as much as possible. 	Approval of water tank plans	Prior to issuance of grading permit	City of American Canyon		
<p>Mitigation Measure 4.1-3: Lighting Plan. Prior to any site disturbance activities, the Project Applicant shall submit a construction lighting plan to the City for approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and to ensure that limited spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses.</p>	Approval of construction lighting plan	Prior to any site disturbance activities	City of American Canyon		
Section 4.2: Air Quality and Greenhouse Gas Emissions					

<p>Mitigation Measure 4.2-1: Construction Fugitive Dust Emissions. The following Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) and additional mitigation measures for fugitive dust control shall be required for all construction activities within the project area. These measures would reduce fugitive dust emissions primarily during soil movement and grading, but also during vehicle and equipment movement on unpaved project sites.</p> <p><i>Basic BMPs that Apply to All Construction Sites</i></p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 	<p>Notes on construction plans; site inspections to verify BMPs are implemented</p>	<p>During construction activities</p>	<p>City of American Canyon</p>		
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial

<p>8. A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action, if necessary, within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</p> <p><i>Additional BMPs that Apply to All Construction Sites</i></p> <ol style="list-style-type: none"> 1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content may be verified by lab samples or moisture probe. 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks shall have at maximum 50 percent air porosity. 4. For areas that are to remain open space (e.g., not a road, building, or otherwise structurally covered area), vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 5. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 6. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. 7. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. <p>Before starting on-site construction activities, the contractor or Project Applicant shall submit a site-specific dust control plan (Plan) to the American Canyon Planning Division for review and approval. The Project Applicant shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall state, in reasonable detail, how the Contractor shall meet the requirements above. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p>					
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<p>Mitigation Measure 4.2-2: Operational Emissions Reductions. The total reduction in ROG and NO_x emissions that would be achieved from implementation of Mitigation Measure 4.2-2a, the TDM program, and Mitigation Measure 4.2-2b, the CAP mitigation strategies, would be calculated at the time the final TDM program and CAP strategies are determined. If the ROG and NO_x emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-2b are determined by a qualified air quality expert to reduce the project's emissions to below the BAAQMD operational thresholds contained in the 2017 BAAQMD CEQA Air Quality Guidelines, no further mitigation would be required. If the ROG and NO_x emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-2b do not reduce the project's emissions to below the BAAQMD operational thresholds identified in the 2017 BAAQMD CEQA Air Quality Guidelines, Mitigation Measure 4.2-2c, purchase of emission offsets, would be pursued.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.2 2a (same as Mitigation Measure 4.12 3a in Section 4.12, Transportation and Traffic): Transportation Demand Management (TDM) Program. Prior to issuance of the first building permit for the non-residential use areas (i.e., Napa Valley Ruins & Gardens [NVR&G] and hotel), the Project Applicant shall develop a TDM program for the non-residential use areas (i.e., NVR&G and hotel) and shall submit the TDM program to the City Department of Public Works for review and approval. A qualified air quality expert shall prepare a calculation of the ROG and NO_x emissions reductions that would result from implementation of the TDM program. The Project Applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies, which may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Establishment of carpool, buspool, or vanpool programs; 2. Vanpool purchase incentives; 3. Cash allowances, passes or other public transit subsidies and purchase incentives; 4. Preferential parking locations for ridesharing vehicles; 5. Computerized commuter rideshare matching services; 6. Guaranteed ride home program for ridesharing; 7. Bicycle programs including bike purchase incentives, storage, and maintenance programs; 8. On-site car share and bike share service; 9. Preparation of a Parking Management Plan to address parking accommodations for large events; 10. Designation of an on-site transportation coordinator for the project; 11. Transit and trip planning resources such as commute information kiosk; 12. Employer provided showers, changing rooms, and clothing lockers for office employees that commute via active transportation; 13. Bicycle route mapping resources; 14. Participation in future citywide Transportation Management Association (TMA); and 	Approval of TDM Program	Prior to issuance of first building permit for the nonresidential use area (i.e., NVR&G and hotel)	City of American Canyon		

<p>15. Submit annual reports to the City regarding TDM activities.</p>					
<p>Mitigation Measure 4.2-2b: Operational Emissions Reduction Strategies. To reduce ROG and NO_x emissions within the project site, the project shall include feasible operational emissions reduction strategies as part of its final design. The specific strategies may include, but are not limited to, the measures described below; however, other measures may be implemented:</p> <ul style="list-style-type: none"> ○ Prior to issuance of the first building permit for each phase of the project, the Project Applicant shall develop operational emissions reduction strategies, which could include the mitigation strategies identified in Table 4.2-8, Summary of Operational CAP Mitigation Strategies, to provide options for reducing ROG and NO_x emissions from operation of the project. The operational emissions reduction strategies shall be submitted to and approved by the City, prepared by a qualified air quality technical expert, and evaluate the emissions reduction strategies in relation to the project's emissions. 	<p>Recommendations from Air Quality Technical Report that identify updated project emissions calculations and feasible operational emissions reduction strategies</p>	<p>Prior to issuance of the first building permit for the project</p>	<p>City of American Canyon</p>		

	Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
					Date	Initial
	<p>Mitigation Measure 4.2-2c: Purchase Emission Offsets. Prior to the issuance of the final Certificate of Occupancy for Phase 1 or prior to the issuance of the first residential building permit in Phase 2, whichever occurs first, the Project Applicant would, partially or wholly, purchase offset credits if determined to be feasible based on information available at the time implementation would be required. To reduce ROG and NO_x emissions depending on the reductions achieved through Mitigation Measure 4.2-2a and Mitigation Measure 4.2-2b, and if this mitigation is implemented.</p> <ul style="list-style-type: none"> ○ The Project Applicant or its designee shall pay a mitigation offset fee to the BAAQMD Bay Area Clean Air Foundation (Foundation)¹ in an amount to be determined at the time of the impact. The fee would offset emissions that exceed the threshold of significance after implementation of Project- Level Reduction Strategies and the TDM Program described above to the extent feasible. ○ The Project Applicant would implement Mitigation Measure 4.2-2c through payment of a mitigation offset fee to the BAAQMD’s Foundation in an amount not to exceed \$30,000 per weighted ton per year of ozone precursors per year requiring emissions offsets plus a 5 percent administrative fee to fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin (SFBAAB). The fee shall be determined by the City of American Canyon Planning Division in consultation with the Project Applicant and be based on the type of projects available at the time of the payment. The offset fee is calculated to be “roughly proportional” to the operational air quality impacts. Documentation of payment shall be provided to the City of American Canyon or its designated representative. <p>The current process for payment of offset fees is detailed above. As required by this mitigation measure, payment of offset fees would proceed according to BAAQMD procedures when initiated. The Project Applicant or its designee would enter into a memorandum of understanding (MOU) with the BAAQMD’s Foundation. The MOU would</p>	Bay Area Air Quality Management District Memorandum of Understanding	Prior to the issuance of the final Certificate of Occupancy for Phase 1 or prior to the issuance of the first residential building permit in Phase 2, whichever occurs first	City of American Canyon		

¹ More information on the Bay Area Clean Air Foundation can be found at Bay Area Air Quality Management District (BAAQMD), Bay Area Clean Air Foundation, 2015, available at <http://www.baaqmd.gov/about-the-air-district/bay-area-clean-air-foundation>.

<p>include details regarding the funds to be paid, the administrative fee, and the timing of the emissions reduction project. Acceptance of this fee by the BAAQMD shall serve as an acknowledgment and commitment by the BAAQMD to (1) implement an emissions reduction project(s) within a timeframe to be determined based on the type of project(s) selected and after receipt of the mitigation fee to achieve the emission reduction objectives specified above, and (2) provide documentation to City of American Canyon or its designated representative and to the Project Applicant describing the amount of and the project(s) funded by the mitigation fee, including the amount of emissions of ROG and NO_x reduced (tons per year) within SFBAAB from the emissions reduction project(s). If there is any remaining unspent portion of the mitigation offset fee following implementation of the emission reduction project(s), the Project Applicant shall be entitled to a refund in that amount from the BAAQMD. To qualify under this mitigation measure, the specific emissions retrofit project must result in emission reductions within SFBAAB that would not otherwise be achieved through compliance with existing regulatory requirements.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.2-3a: <i>Architectural Coatings</i>. The applicant shall use low-VOC architectural coatings during construction for all buildings, which shall have VOC content that is more stringent than local requirements prescribed in Bay Area Air Quality Management District (BAAQMD) Regulation 8 Organic Compounds, Rule 3 Architectural Coatings as revised on July 1, 2009. Coatings that meet the “super-compliant” VOC standard of less than 10 grams of VOC per liter of paint would qualify.</p>	Notes on construction plans indicating the use of low-VOC architectural coatings during construction of all buildings	Prior to issuance of building permits	City of American Canyon		
<p>Mitigation Measure 4.2-3b: <i>Tier 4 Construction Equipment</i>. To reduce construction emissions to below the 2017 BAAQMD CEQA Air Quality Guidelines, prior to start of construction activities after the occupancy of Phase 1, the Project Applicant shall submit to the City either:</p> <ul style="list-style-type: none"> • Documentation showing that all off-road construction equipment used prior to the start of construction activities after the occupancy of Phase 1 with greater than 25 hp and operating for more than 20 hours total over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 4 off-road emission standards. <p>or,</p> <ul style="list-style-type: none"> • Provide supplemental analysis prepared by a qualified air quality specialist to show that emissions of ROG and NO_x would not exceed the thresholds from the 2017 BAAQMD CEQA Air Quality Guidelines using other methods. 	Documentation of compliance with the 2017 BAAQMD CEQA Air Quality Guidelines based on the type of construction equipment used or supplemental analysis prepared by a qualified air quality specialist	Prior to the start of construction activities after the occupancy of Phase 1	City of American Canyon		

<p>Mitigation Measure 4.2-5: Construction Emissions Minimization. To reduce construction emissions to below the thresholds identified in the 2017 BAAQMD CEQA Air Quality Guidelines, prior to the start of construction of each of the following—Phase 1 area south of the NVR&G and the off-site Rio Del Mar roadway improvements and Phase 4—the Project Applicant shall submit to the City either:</p> <ul style="list-style-type: none"> Documentation showing that all off-road construction equipment used in the southwestern portion of Phase 1 of construction (located directly south of Napa Valley Ruins & Gardens), the entirety of Phase 4 of construction, and the off-site Rio Del Mar roadway improvements with greater than 25 hp and operating for more than 20 hours total over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 2 off-road emission standards and have been retrofitted with an CARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. <p>or,</p> <ul style="list-style-type: none"> Provide supplemental analysis prepared by a qualified air quality specialist to show health risks at on- and off-site sensitive receptors would not exceed the thresholds from the 2017 BAAQMD CEQA Air Quality Guidelines using other methods. 	<p>Documentation of compliance with the 2017 BAAQMD CEQA Air Quality Guidelines based on the type of construction equipment used or supplemental analysis prepared by a qualified air quality specialist</p>	<p>Prior to the start of construction of the Phase 1 area south of the NVR&G and the off-site Rio Del Mar roadway improvements and Phase 4</p>	<p>City of American Canyon</p>		
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.2-7: GHG Emissions Reductions. The total reduction in GHG emissions that would be achieved from implementation of Mitigation Measure 4.2-2a, the TDM program, and Mitigation Measure 4.2-7a, the GHG reduction strategies, would be calculated at the time the final TDM program and GHG reduction strategies are determined. If the GHG emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-7a are determined by a qualified air quality expert to reduce the project’s emissions to below the operational thresholds of 2.67 MT CO₂e per service population per year, no further mitigation would be required. If the GHG emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-7a do not reduce the project’s emissions to below this threshold, Mitigation Measure 4.2-7b, purchase of GHG emission offsets, would be pursued.</p>					

<p>Mitigation Measure 4.2-7a: GHG Reduction Strategies. To reduce greenhouse gas (GHG) emissions within the project site and to maximize the project’s ability to achieve the GHG operational threshold of 2.67 MT CO₂e per service population per year, the project shall include feasible operational GHG emissions reduction strategies as part of its final design. The specific strategies of the program may include, but are not limited to, the measures described below; however, other measures may be implemented:</p> <ul style="list-style-type: none"> ○ All development shall, at a minimum, meet the Title 24, Part 6 (2016), standards, or the most current Title 24, Part 6, standard, whichever is more conservative. All residences shall meet the anticipated 2019 Title 24 Standards to achieve Zero Net Electricity. The GHG emissions benefit from residential Zero Net Electricity was included in the unmitigated inventory. ○ Prior to issuance of the first building permit for each phase of the project, the Project Applicant shall identify operational GHG emissions reduction strategies that could include the strategies identified in Table 4.2-14, Summary of Operational GHG Mitigation Strategies, which provides options for reducing GHG emissions from project operation. The operational GHG emissions reduction strategies shall be submitted to and approved by the City, developed by a qualified air quality technical expert, and evaluate the emissions reduction strategies in relation to the project’s emissions. 	<p>Calculations from a GHG technical expert based on specific strategies incorporated into the project</p>	<p>Prior to issuance of building permits for each phase</p>	<p>City of American Canyon</p>																		
<p>Table 4.2-14 Summary of Operational GHG Mitigation Strategies</p>																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Description</th> <th style="text-align: right; border-bottom: 1px solid black;">Approximate Reduction MT CO₂e/year^a</th> </tr> </thead> <tbody> <tr> <td>Exceed 2016 Title 24 (15%)</td> <td style="text-align: right;">354</td> </tr> <tr> <td>Exceed 2016 Title 24 (15%, electricity only, non-residential only)</td> <td style="text-align: right;">27</td> </tr> <tr> <td>High-efficiency lighting</td> <td style="text-align: right;">126</td> </tr> <tr> <td>Purchase 100% renewable electricity (non-residential benefit only, as residences assumed to achieve zero net electricity)</td> <td style="text-align: right;">709</td> </tr> <tr> <td>Zero net electricity—non-residential</td> <td style="text-align: right;">709</td> </tr> <tr> <td>Solar water heating</td> <td style="text-align: right;">317</td> </tr> <tr> <td>Solar panels</td> <td style="text-align: right;">484</td> </tr> </tbody> </table>						Description	Approximate Reduction MT CO ₂ e/year ^a	Exceed 2016 Title 24 (15%)	354	Exceed 2016 Title 24 (15%, electricity only, non-residential only)	27	High-efficiency lighting	126	Purchase 100% renewable electricity (non-residential benefit only, as residences assumed to achieve zero net electricity)	709	Zero net electricity—non-residential	709	Solar water heating	317	Solar panels	484
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Residential electric vehicles					
Non-residential EV charging (5% of spaces; 54 total)					
Preferential parking locations for ridesharing vehicles; computerized commuter rideshare matching services; and/or guaranteed ride-home program for ridesharing					
On-site car share and bike share service					
Unbundled parking; shared parking; eliminate on-street parking					
Bicycle and pedestrian network					
Reduce distance to transit station					
Expand transit coverage					
Other traffic reductions (for every 1%)					
Smart traffic signals (or traffic signal synchronization)					
Institute recycling and composting services (additional 50% diversion)					
Solar swimming pool heating					
Planting trees					
Electrify landscaping equipment					
<hr/> <p>SOURCE: Refer to Tables Ops-14 through Ops-21 in EIR Appendix B2.</p> <p>NOTE:</p> <p>a. Measures are not all additive. See detailed assumptions and magnitudes assumed for each measure in source above.</p>					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.2-7b: Purchase GHG Emission Offsets. In order to determine whether or to what extent the purchase of GHG emissions offsets is necessary to reduce greenhouse gas (GHG) emissions for each year that the GHG emissions exceed the threshold of 2.67 MT CO₂e per service population per year for the lifetime of the project (assumed to be 30 years), the operational GHG emissions reduction program described above in Mitigation Measure 4.2-7a will include a plan for the purchase of GHG offsets. The amount of offsets needed will take into account the GHG emissions reductions associated with the TDM program and the operational GHG emissions reduction program. Additionally, the feasibility of offsets shall be evaluated at the time implementation would be required. If feasible, the plan shall include:</p> <ul style="list-style-type: none"> ○ The plan for the purchase of GHG offsets shall include timing requirements, which take into account calculations showing actual emissions of the project, which could take into account phase-in of occupancy, reductions in vehicle emissions, as well as other factors that affect emissions. ○ GHG emission offsets could include any of the following sources: (1) the California Air Resources Board (CARB) quarterly allowance auctions held as part of its Cap-and-Trade Program; (2) the Greenhouse Gas Reduction Exchange (GHG Rx); or (3) Approved Registries recognized by the State of California, which currently include the Climate Action Reserve (CAR), American Carbon Registry (ACR), and Verra (formerly Verified Carbon Standard). ○ The amount of offsets purchased shall depend on the cost per annual metric ton of CO₂e reductions, the overall cost feasibility of this measure, which shall be determined based on information available at the time implementation would be required, and the on-site GHG reduction measures. ○ To demonstrate compliance, the Project Applicant or its designee would provide the following documentary evidence to City’s Planning Division: An attestation from an Approved Registry or other source described above that the Project Applicant or its designee has retired a given quantity of carbon offsets. Offsets from the approved 	<p>Calculations from a GHG technical expert based on specific strategies incorporated into the project and, if necessary and feasible, attestation from an Approved Registry or other source described above regarding the purchase of required carbon offsets</p>	<p>Evaluated prior to issuance of building permits for each phase</p>	<p>City of American Canyon</p>		

<p>sources above satisfy defined standards and incorporate principles of GHG emissions reduction accounting. These principles ensure the offsets use relevant methodologies and assumptions, represent additional reductions that would not otherwise be achieved by law, do not double count reductions, and are enforceable.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.3: Biological Resources					
<p>Mitigation Measure 4.3-1a: <i>Protocol-Level Surveys.</i> Prior to issuance of a grading permit, written proof shall be submitted that a qualified botanist conducted preconstruction CDFW protocol-level surveys during the appropriate blooming periods for the 19 special-status plants (listed above in Table 4.3-1, Special Status Species Potentially Occurring in the Study area) within the WRSP site, off-site water improvement area (OSWA) and other off-site areas.</p> <p>The qualified botanist shall conduct surveys to following performance standards. Typically, two surveys are required to capture the blooming periods of all the species. These surveys would be conducted in early spring between March and April and in summer between June and August to capture the flowering times of all species. Individual flowering times for these 19 species are included in the species accounts above. These surveys should be performed in compliance with CDFW (2018b) and USFWS (2002) published survey guidelines. A technical report prepared by the botanist describing the results of the survey shall be provided to the City for review and approval prior to issuance of a grading permit.</p> <p>If no special-status plants are found during focused surveys, then these plants would be assumed to be absent from the WRSP site, OSWA, and other off-site areas. The botanist would document the findings in a technical memorandum to the lead agency, as appropriate, and no further mitigation would be required. If special-status plants are found during focused surveys, Mitigation Measure 4.3-1b shall be implemented.</p>	Submittal of technical memorandum	Prior to issuance of a grading permit	City of American Canyon		
<p>Mitigation Measure 4.3-1b: <i>Measures to Implement if Special-Status Plants Are Found.</i> If special-status plants are found during focused surveys, prior to issuance of a grading permit, written proof shall be submitted that the following measures were implemented:</p> <ol style="list-style-type: none"> a. Information regarding the special-status plant populations shall be reported to the California Natural Diversity Database (CNDDDB). b. The Project Applicant in consultation with City, CDFW, and/or the USFWS (as appropriate) shall assess if any individual or population can be avoided during project implementation. If any viable populations can be avoided, the avoided areas shall be clearly marked in the field by a qualified botanist and avoided during construction activities. Construction activities shall be set back a minimum of 100 feet or further in accordance with the recommendation of the qualified botanist. A qualified botanist shall monitor the avoided areas throughout the time that construction activities occur adjacent to the avoided areas 	Issuance of a Biology Report and Mitigation Plan, if necessary	Prior to issuance of grading permit	City of American Canyon, CDFW, and/or USFWS, as necessary		

<p>where special-status plants occur and document the successful avoidance in a report to the City, and CDFW and/or the USFWS as appropriate. Before ground clearing or ground disturbance, all on-site construction personnel shall be instructed as to the species' presence and the importance of avoiding impacts to this species and its habitat.</p> <p>c. If special-status plant populations are present and cannot be avoided or are found to have been impacted by project construction and operation activities, resulting in their mortality despite implementing the avoidance measures under the preceding Item b, consultations with the CDFW and/or the USFWS shall be required. A mitigation plan to compensate for the loss of special-status plant species shall be prepared and submitted for review and approval of the CDFW or the USFWS, as applicable. This plan shall be developed by a qualified botanist in consultation with the appropriate agencies, prior to the start of local construction activities in the area where the special-status plant populations are found. The mitigation plan shall conform to the following specific performance standards. The plan shall detail appropriate replacement ratios, which shall be a minimum of 1:1 based on area and number of plants and may be increased based on the recommendation of the botanist or the relevant resource agency to achieve no net</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>loss of habitat. The plan shall describe the location of the mitigation site, methods for implementation (e.g., construction techniques, timing and sequencing, watering, soil properties, and other necessary specifications), success criteria (e.g., minimum 75 percent plant survival after 5 years, 75 percent vegetative cover by desirable species or comparable to existing conditions, and a viable, self-sustaining plant community), monitoring and reporting protocols, and contingency measures that shall be implemented if the initial mitigation fails. The mitigation plan may include the collection of seeds, propagules, and top soils under the supervision of a qualified botanist from the WRSP site for installation at the mitigation site. The mitigation site may be located on the WRSP site or in close proximity to the WRSP site. If on-site options are not available, off-site areas may be considered if the qualified biologist in consultation and the agencies agree that potentially impacted plants can be planted and/or propagated successfully. The mitigation plan shall be submitted to the City for approval prior to the issuance of permits that would affect the special-status plant population(s).</p> <p>d. If mitigation is required for loss of special-status plant populations, the Project Applicant shall establish, maintain, and monitor the mitigation area identified in the plan for 5 years following the completion of construction and restoration activities. Annual monitoring reports shall be submitted to the City and, if required, the resource agencies at the completion of restoration and for 5 years following restoration implementation. Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the mitigation plan.</p>					
<p>Mitigation Measure 4.3-1c: Biological Resources Awareness Training Program. A USFWS-approved biologist shall conduct a biological resources awareness training session for all construction personnel prior to any ground-disturbing activities such as grading or vegetation removal. The performance standards for the training shall include a description of special-status species and their habitats, their status and regulatory protection, general protection measures to be implemented to protect special-status species and minimize take, and a delineation of limits of the work area as established by an approved biologist. General protection from project permits shall be included, to include construction speed limits, trash</p>	Completion of a biological resources awareness training session	Prior to any ground disturbing activities	City of American Canyon		

<p>containment and removal, restriction of pets and firearms, and fueling setbacks from sensitive habitats.</p>					
<p>Mitigation Measure 4.3-1d: <i>Preconstruction Surveys for California Red-Legged Frogs.</i> Preconstruction surveys for California red-legged frogs shall be conducted prior to grading or earth-moving activities within the WRSP site and within the OSWA to ensure project activities do not result in direct take of dispersing or entrapped California red-legged frog individuals. The performance standards for the preconstruction survey are as follows. USFWS-approved biologist shall conduct preconstruction surveys at least 24 hours prior to any grading or earth-moving activities within the WRSP site and within the OSWA. Any California red-legged frogs that are found during these surveys shall be salvaged and relocated by a USFWS-approved biologist under an incidental take permit issued by the USFWS to suitable California redlegged frog habitat as determined in coordination with USFWS and CDFW. The nearby California redlegged frog preserve, also known as the NVUSD Open Space, located to the southeast of the study area, can serve as suitable relocation habitat. All observed and relocated California red-legged frogs shall be reported to USFWS and CDFW within 5 days, and records of any special-status species or natural communities detected should be entered into the California Natural Diversity Database (CNDDDB).</p>	<p>Submittal of documentation to verify surveys were completed and frogs relocated, if found</p>	<p>Prior to any ground disturbing activities</p>	<p>City of American Canyon, CDFW, and/or USFWS, as necessary</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>Mitigation Measure 4.3-1e: Procedures if California Red-Legged Frogs Are Identified. If individual California red-legged frogs are identified during construction activities within the WRSP or OSWA, all work within 200 feet of the frog shall immediately stop and a biologist approved by the USFWS to relocate California red-legged frogs shall be consulted immediately (see Mitigation Measure 4.3-1g for additional requirements). Work shall not commence within 200 feet of the frog’s location until an approved biologist has cleared the area of California red-legged frogs.</p>	<p>Submittal of documentation from a qualified biologist regarding work stoppage and relocation efforts, as necessary</p>	<p>During construction activities</p>	<p>City of American Canyon and/or USFWS, as necessary</p>		
<p>Mitigation Measure 4.3-1f: California Red-Legged Frog and Western Pond Turtle Exclusion Fencing. Prior to any ground disturbance activities, suitable exclusion fencing shall be installed along the outside edge of the off-site water storage tank and connecting pipeline and roadway construction footprint to ensure that western pond turtles and migrating California red-legged frogs are precluded from being able to move into designated work areas. A USFWS-approved biologist shall delineate the fence line and be present during initial installation to ensure that California red-legged frogs and western pond turtles are not trapped within the fence. This fence shall remain in good condition throughout the duration of construction activities and be checked by a USFWS-approved biological monitor. Exclusion fencing shall consist of a 3-foot wall of 0.25-inch mesh and be attached by welded galvanized wire (or equivalent USFWS-approved fencing such as Ertek™ fencing). The fence shall be buried along the bottom margin for 4 inches into the ground, or if soils are not stable, shall be landscape stapled with 7-inch staples every 3 inches along the bottom of the fence. The approximate 3 feet of fencing above the ground should be anchored to metal T-posts installed every 8 feet along the length of the fence.</p>	<p>Submittal of documentation verifying that exclusion fencing was installed and other mitigation requirements were met</p>	<p>Documentation shall be submitted prior to any ground disturbing activities within off-site water improvement area; site inspections shall occur during construction</p>	<p>City of American Canyon and/or USFWS, as necessary</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.3-1g: Construction Monitoring for California Red-Legged Frog. A USFWS approved biologist shall monitor all construction activities within designated California red-legged frog critical habitat, which includes the entire off-site water improvement area. The following measures shall be implemented to avoid and minimize impacts to California red-legged frogs:</p> <ul style="list-style-type: none"> a. During site grading and construction of the off-site water storage tank and pipeline, a biological monitor shall be on site at all times during ground-disturbing activities; b. A biologist approved by USFWS to relocate frogs shall be available for consultation as needed; c. If a California red-legged frog individual is identified, all work within 200 feet of the frog shall stop and the on-site biological monitor shall observe the frog until it has been relocated off site by a USFWS approved biologist; relocation habitat shall be determined in coordination with USFWS; d. In the event that red-legged frogs are identified and must be relocated, the following performance standards shall apply: <ul style="list-style-type: none"> 1. Capture and relocation of California red-legged frogs may only be authorized pursuant to an incidental take authorization issued by the USFWS. Project applicants shall provide the City with proof of incidental take authorization prior to any relocation of California red-legged frogs. 2. Individuals shall only be relocated into USFWS approved locations where habitat has a full complement of existing and/or expanded habitat features that are required for the species' life history (i.e., foraging habitat, burrows, aquatic habitat, etc.); 3. Releasing individuals into habitats, where mortality is higher than reproduction, shall be avoided; and 4. Prevalence of disease or competition by non-native species (e.g., chytrid fungus presence in aquatic California red-legged frog habitat) shall be evaluated before animals are relocated. e. All observed and relocated California red-legged frogs shall be reported to USFWS within 5 days. 	<p>Submittal of documentation to verify monitoring occurred and other mitigation requirements were met</p>	<p>During construction within off-site water improvement area</p>	<p>City of American Canyon and/or USFWS, as necessary</p>		
<p>Mitigation Measure 4.3-1h: Mitigation for the California Red-Legged Frog. The Project Applicant shall mitigate for all permanent and temporary impacts to California red-legged</p>	<p>Compensation agreement with</p>	<p>Prior to any ground</p>	<p>City of American</p>		

<p>frog habitat in compliance with the following minimum performance standards. For the permanent loss of California red-legged frog habitat, the Project Applicant shall provide compensation with an equivalent amount of acreage at a minimum ratio of 1:1 (estimated at 309 acres), through the preservation of suitable mitigation lands approved by the USFWS and the City. The habitat mitigation may be achieved through (1) establishment of a permittee responsible habitat management lands (see discussion on AC-1's proposed Mitigation Area, Draft EIR pp. 4.3-49 and 4.3-50) or (2) purchase of credits from a USFWS-approved conservation bank such as the Ridgetop Conservation Bank near Benicia. Areas that are temporarily disturbed in the OSWA shall be reestablished to similar topographic conditions and replanted with native vegetation to mitigate temporary impacts to California red-legged frog habitat.</p> <p>Any permittee-responsible mitigation property shall be protected in perpetuity under a conservation easement (CE), management plan, habitat establishment plans, and funding mechanism approved by the City and USFWS. Funding for management shall include direct costs for initial establishment of the site, interim management, and establishment of a non-depleting endowment for the long-term maintenance, management, and monitoring of the CE.</p>	<p>USFWS, including compensatory mitigation and replanting for temporary disturbance</p>	<p>disturbing activities on the WRSP or off-site water improvement area sites</p>	<p>Canyon and/or USFWS, as necessary</p>		
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.3-1i: <i>Preconstruction Surveys for Western Pond Turtle.</i></p> <p>a. The Project Applicant shall enlist the services of a qualified biologist to conduct preconstruction surveys 14 days before and 24 hours prior to any ground-disturbing activities within 300 feet of the quarry pond or within 300 feet of drainages within the off-site water improvement area to ensure these activities do not result in direct take of western pond turtles. If western pond turtles are identified within work areas, the California Department of Fish and Wildlife (CDFW) shall be notified regarding the presence of the western pond turtles and all work shall stop until additional exclusion measures have been defined and authorization to proceed is obtained from CDFW. In general, the exclusion fencing described under Mitigation Measure 4.3-1f will provide appropriate exclusion.</p> <p>b. No person shall handle or otherwise harass any individual western pond turtle encountered during construction, with the exception of handling by the qualified biologist. If western pond turtles or their nests are observed during pre-construction surveys, a qualified biologist shall be on site to monitor construction in suitable western pond turtle habitat. Any western pond turtles found within the construction area shall be allowed to leave of its own volition, or if authorized by CDFW, western pond turtles shall be captured by a qualified biologist and relocated out of harm’s way to the approved relocation sites. A plan shall be developed in consultation with and approved by CDFW to relocate the western pond turtle individuals to the nearest protected suitable pond turtle habitat. If a nest is located within a work area (typically nesting occurs between mid-June and mid-July), a qualified biologist shall delineate a 300-foot no-disturbance buffer between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction shall not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist. If a nest cannot be avoided, CDFW approval shall be needed to gather eggs, house them at a suitable facility for incubation, and release hatchlings into the pond or nearby creek system (Newell Creek or American Canyon Creek) as determined in coordination with CDFW.</p> <p>c. In the event that western pond turtles are identified and must be relocated, the following protocols and performance standards shall be addressed in the relocation plan:</p>	<p>Submittal of documentation to verify surveys were completed and turtles were relocated, if found</p>	<p>Prior to any ground disturbing activities near the quarry pond or drainages within the off-site water improvement area</p>	<p>City of American Canyon and/or CDFW, as necessary</p>		

<ol style="list-style-type: none"> 1. Individuals shall only be relocated into habitat that has a full complement of existing and/or expanded habitat features that are required for the species' life history (i.e., foraging habitat, aquatic habitat, basking structures, etc.); 2. Releasing individuals into habitats, where mortality is higher than reproduction, would be avoided; and 3. Prevalence of disease or competition by non-native species (e.g., red-eared slider [<i>Trachemys scripta elegans</i>] presence in western pond turtle habitat) shall be evaluated before animals are relocated. <p>d. Information regarding western pond turtle occurrences shall be reported to the CNDDB.</p>					
<p>Mitigation Measure 4.3-1j: Preconstruction Surveys for Breeding Birds, Including Raptors and Tricolored Blackbird. The following performance standards shall be followed:</p> <ol style="list-style-type: none"> 1. For construction activities that occur between February 1 and August 31, preconstruction breeding bird surveys shall be conducted by a qualified biologist familiar with bird behavior and knowledge of nest types prior to and within 10 days of any initial ground-disturbance activities. Surveys shall be conducted within all suitable nesting habitat within 250 feet for passerines and 0.5 mile for raptors (see additional detailed performance standards for special-status raptors in Mitigation Measures 4.3-1k and 4.3-1l, 	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation</p>	<p>Prior to construction activities that occur between February 1 and August 31; recurring for time</p>	<p>City of American Canyon, CDFW, and/or USFWS, as necessary</p>		

	Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>2. below), to the extent land is accessible. Raptor surveys shall include a ground survey for nesting golden eagles following USFWS guidelines.² The survey also shall include searching for ground nesting raptors, such as short-eared owl and Northern harrier, following CDFW recommendations.</p> <p>If nesting raptors are detected, the qualified biologist shall establish buffers around nests that are sufficient to ensure that breeding is not likely to be disrupted or adversely</p> <p>3. impacted by construction. Buffers around active raptor nests shall be 500 feet for non-listed raptors, unless the qualified biologist determines that larger or smaller buffers are necessary to avoid impacts to nesting raptors. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers shall be maintained until the qualified biologist has determined</p> <p>4. that young have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>5. If known nesting trees (used for raptor nesting within the last 5 years) or tricolored blackbird colony nest sites are to be removed during construction activities, removal shall take place outside of the nesting season or until the nest or colony has been determined to be inactive. The Project Applicant in consultation with the CDFW shall develop a plan to replace known nest trees at a ratio of 3:1. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for the mitigation shall be 65 percent survival of all replacement plantings.</p> <p>Construction activity, including vegetation removal within designated buffer zones, shall occur only outside the typical breeding season for raptors (September 16 to December 31), if raptors are determined to be present.</p> <p>The following considerations apply to this mitigation measure:</p> <ul style="list-style-type: none"> a) Survey results are valid for 14 days from the survey date. Should ground disturbance commence later than 14 days from the survey date, surveys shall be repeated. If no breeding birds are encountered, then work may proceed as planned. b) After commencement of work, if there is a period of no work activity of 14 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity. If new nests are encountered, buffers shall be established. 	<p>requirements were met</p>	<p>lapses greater than 14 days between project activities</p>			
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² Pagel, J.E., D.M. Whittington, and G.T. Allen. 2010. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management, U.S. Fish and Wildlife Service.

	<p>c) Exclusion buffers sizes may vary, depending on habitat characteristics, project disturbance levels, and species, and are generally larger for raptors and colonial nesting birds. Exclusion buffers may be adjusted by a qualified biologist in coordination with USFWS and CDFW. Each exclusion buffer shall remain in place until the nest has successfully fledged or is otherwise inactive as determined by a qualified biologist.</p> <p>d) If birds establish nesting sites during work activities, it is assumed those birds are habituated to project disturbances and exclusion buffers may be adjusted by a qualified biologist. Disturbance activities within a minimum of 50 feet of the nest shall be postponed until a qualified biologist can determine to reduce the exclusion zone or the nest has successfully fledged.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>Mitigation Measure 4.3-1k: Preconstruction Surveys for Swainson’s Hawk, Golden Eagle, and White-Tailed Kite. The following performance standards shall be followed:</p> <ol style="list-style-type: none"> 1. If construction activities occur between February 1 and August 31, the Project Applicant shall retain a qualified biologist to conduct surveys for Swainson’s hawk, golden eagle, and white-tailed kite in accordance with the Swainson’s Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000), or current species specific guidance. Surveys shall cover a minimum of a 0.5-mile radius around the construction area. If nesting Swainson’s hawks, golden eagle, or white-tailed kites are detected, the qualified biologist shall establish a 0.5-mile no-disturbance buffer, although buffer widths may be adjusted, consistent with the performance standards in Mitigation Measure 4.3-1j, Item 5.c. Buffers shall be maintained until the qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. 2. If known nesting trees are to be removed during construction activities, removal shall take place outside of Swainson’s hawk, golden eagle, and white tailed kite nesting season and the Project Applicant shall develop a plan to replace known nest trees at a ratio of 3:1. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation’s effectiveness. The performance standard for the mitigation shall be 65 percent survival of all replacement plantings. 3. In addition, the following mitigation measures shall be required to mitigate for the loss of raptor foraging habitat. The replacement ratios shall be consistent with the performance standards for Swainson’s Hawk foraging habitat, identified in the CDFW staff report Regarding Mitigation for Impacts to Swainson’s Hawk (<i>Buteo swainsoni</i>) in the Central Valley of California (1994): <ol style="list-style-type: none"> a. Construction activity, including vegetation removal, shall only occur outside the typical breeding season for raptors (September 16 to December 31), if nesting raptors are determined to be present. b. For projects within 1 mile of an active nest tree (the Swainson’s Hawk Staff report defines an active nest tree as used during one or more of the last 5 years), the Project Applicant shall provide 1 acre of preserved Swainson’s hawk foraging habitat for each acre of development authorized (1:1 ratio). c. For projects within 5 miles of an active nest tree, but greater than 1 mile from the nest tree, the Project Applicant shall provide 0.75 acre of preserved Swainson’s hawk foraging habitat for each acre of development authorized (0.75:1 ratio). For projects within 10 miles of an active nest tree, but greater than 5 miles from the nest tree, the Project Applicant shall provide 0.5 acre of preserved Swainson’s hawk foraging habitat for each acre of development authorized (0.5:1 ratio). 	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>Prior to ground disturbing activities that occur between February 1 and August 31</p>	<p>City of American Canyon and/or CDFW, as necessary</p>		
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<p>Mitigation lands shall be protected in perpetuity under a conservation easement and include an endowment fund for long-term resource management for raptor habitat. Preservation and management of Swainson’s hawk foraging habitat under this criterion will also serve to mitigate the reduction of foraging habitat for golden eagle, white-tailed kite, and other grassland-associated raptors. The AC-1 proposed mitigation site for the California red-legged frog at the 321-acre Jaeger Conservation Area provides suitable foraging habitat mitigation (see Applicant Proposed Mitigation Area discussion above).</p>					
<p>Mitigation Measure 4.3-11: <i>Preconstruction Surveys for Burrowing Owls.</i> Burrowing owl Take Avoidance Surveys shall be conducted according to the methodologies and performance standards prescribed by the CDFW in the 2012 <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012). Take Avoidance Surveys shall be conducted 14 days prior or less to initiating ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses greater than 14 days between project activities require subsequent</p>	<p>Submittal of documentation to verify that survey(s) have been conducted</p>	<p>Prior to any ground disturbing activities; recurring for time lapses greater than</p>	<p>City of American Canyon and/or</p>		

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<p>a. surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance to ensure absence. The following guidelines pertain to burrowing owl surveys: Burrowing owl Take Avoidance Surveys shall be conducted by walking the entire WRSP site and (where possible) in accessible areas within 660 feet of the project disturbance footprint. The 660-foot buffer zone is surveyed to identify burrows and owls outside of the study area, which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be 20 feet to 65 feet and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Poor weather may affect the surveyor’s ability to detect burrowing owls thus, avoid conducting surveys when wind speed is greater than 20 kilometers per hour and there is precipitation or dense fog. To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of 160 feet wherever practical to avoid flushing owls from occupied burrows. Disturbance to occupied burrows shall be avoided during all seasons.</p> <p>b. If burrowing owls are detected on the site, the following restricted activity dates and setback distances derived from the 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012), or as otherwise coordinated with the CDFW:</p> <p>c. <input type="checkbox"/> Occupied burrows shall not be disturbed during the nesting season, from February 1 through August 31; <input type="checkbox"/> No disturbance shall occur within 50 meters (approximately 160 feet) of occupied burrows during October 16 through March 31 or within 200 meters (approximately 660 feet) April 1 through October 15;</p> <p>d. <input type="checkbox"/> No earth-moving activities or other disturbance shall occur within the aforementioned buffer zones of occupied burrows. These buffer zones shall be well-marked or fenced as well. If burrowing owls were found in the study area, a qualified biologist shall also delineate the extent of burrowing owl habitat on the site; and</p>	and other mitigation requirements were met	14 days between project activities	CDFW, as necessary		

<p>o Buffers may be modified by a qualified western burrowing owl biologist that is knowledgeable enough to establish buffer sizes that are commensurate with the acclimation of western burrowing owls to disturbance. These buffers if modified over that prescribed above, shall be coordinated with the CDFW.</p> <p>Finally, in accordance with the 2012 Staff Report, if burrowing owls were found nesting on site and must be passively removed in the non-nesting season (October 1 to February 1) to accommodate the project, suitable artificial burrows shall be established within appropriate habitat for western burrowing owls to minimize the potential for mortality of burrowing owls due to stress, lack of resources, or predation. The habitat enhancement plan shall be developed in coordination with the CDFW and the City of American Canyon.</p> <p>Information regarding the occurrence of burrowing owls at the WRSP site shall be reported to the CNDDDB.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>Mitigation Measure 4.3-1m: Preconstruction Surveys for Callippe Silverspot Butterfly Host Plant (Johnny Jump Up). Prior to construction a qualified botanist shall survey the off-site water improvement area (OSWA) for the host plant of the Callippe silverspot butterfly (Johnny jump up [<i>Viola pedunculata</i>]) during the plants blooming period of February to April in accordance with the performance standards provided in Mitigation Measures 4.3-1m through 4.3-1o. A qualified botanist is a person who has at least an undergraduate degree in entomology or a related field, has a minimum of 2 years' field experience, and is knowledgeable of identification of adult, egg, and larval life stages of butterflies. The botanist shall clearly demarcate the boundary of Johnny jump ups where this species occurs within the proposed OSWA on project plan maps. The Project Applicant shall avoid removal and disturbance to all identified Johnny jump ups and install orange construction fencing between any identified plant populations and construction activities to ensure that construction activities do not impact any host plants and/or life stages of the Callippe silverspot butterfly. If Johnny jump up plants are not identified within the OSWA or all identified Johnny jump up plants shall be avoided and protected from project disturbance, breeding Callippe silverspot butterflies will not be impacted, and further mitigation is not needed.</p>	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>Prior to construction activities in the offsite water improvement area that occur between February and April</p>	<p>City of American Canyon</p>		
<p>Mitigation Measure 4.3-1n: Presence Surveys for Callippe Silverspot Butterfly. If Johnny jump ups are found in the area of disturbance and cannot be avoided, presence surveys for Callippe silverspot shall be conducted three times during the peak flight season in May and June the year prior to site disturbance by a qualified biologist. A qualified biologist is a person with at least an undergraduate degree in entomology or a related field with a minimum of 2 years' field experience and who is knowledgeable of identification of adult, egg, and larval life stages of butterflies. Walking transects spaced to allow 100 percent coverage of the off-site water improvement area (OSWA) area shall be conducted during the last week of May, second week of June, and last week of June. Surveys shall be conducted during times of warm, calm weather when butterflies are most active and shall not occur during precipitation, heavy fog, or wind speeds greater than 10 mph. If any life stage of Callippe silverspot butterfly is not identified during presence surveys, it is expected the survey area</p>	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>During May and June the year prior to any ground disturbing activities in the off-site water improvement area (if Johnny jump ups are found)</p>	<p>City of American Canyon</p>		

<p>does not support breeding butterflies and Johnny jump up plants may be removed by hand from construction areas within the OSWA and further mitigation is not needed.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>Mitigation Measure 4.3-1a: <i>Protocols if Callippe Silverspot Butterflies Are Found.</i> If any life stage of Callippe silverspot butterfly is found during presence surveys, it is expected the survey area does support breeding butterflies. Prior to issuance of a grading permit, the Project Applicant shall submit written proof that the following measures were implemented:</p> <p>a. Information regarding the Callippe silverspot sightings shall be reported to the CNDDDB.</p> <p>b. If federally listed species are present, consultation with the USFWS shall be required to determine the need for an incidental take permit and coordinate mitigation (see Item d, below). The applicant/entity constructing the facilities in the OSWA shall provide proof to the City prior to any ground disturbance that an incidental take permit has been obtained or written correspondence from the USFWS that no incidental take permit is required.</p> <p>c. If any individual Johnny jump up plant or population can be avoided during project implementation, it shall be clearly marked in the field by a qualified botanist and avoided during construction activities. Before ground clearing or ground disturbance, all on-site construction personnel shall be instructed as to Callippe silverspot identification, this species' host plant presence and the importance of avoiding impacts to this species and its habitat.</p> <p>d. If occupied breeding habitat or nectar food sources for Callippe silverspot butterfly would be directly impacted by the project, a mitigation plan shall be developed by a qualified biologist in consultation with the USFWS prior to the start of local construction activities. The plan shall detail appropriate habitat replacement ratios, which shall be a minimum of 1:1 based on breeding habitat area and anticipated number of host plants and 3:1 for native nectar plants, location of the mitigation site, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures that shall be implemented if the initial mitigation fails. The mitigation site may be located on the WRSP site or in occupied habitat in proximity to the WRSP site. If on-site options are not available, off-site areas may be considered (e.g., Jaeger Conservation Area). The success criteria and monitoring requirements for Callippe silverspot butterfly mitigation areas shall be as described in Mitigation Measure 4.3-1b, Item c. The mitigation</p>	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>Prior to issuance of grading permit for the off-site water improvement area</p>	<p>City of American Canyon</p>		

<p>plan shall include continuing presence surveys, seeding or plantings of Callippe silverspot host and nectar plants, and invasive plant species removal to enhance butterfly habitat.</p> <p>e. If mitigation is required for incidental take of Callippe silverspot butterflies or their habitat, the Project Applicant shall establish, maintain, and monitor the mitigation area identified in the plan for 5 years following the completion of construction and restoration activities. Monitoring reports shall be submitted to the USFWS at the completion of restoration and for 5 years following restoration implementation. Monitoring reports shall include photo documentation, a site layout map, presence survey results, and justification for any deviations from the mitigation plan.</p> <p>f. In lieu of the above prescribed mitigation, requirements may be satisfied via the purchase of qualified mitigation credits or the preservation of off-site habitat in coordination with the USFWS, as appropriate.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.3-1p: <i>Preconstruction Surveys and Avoidance Measures for the American Badger.</i> Performance standards for preconstruction surveys and avoidance measures for badger are:</p> <p>a. Preconstruction surveys shall be conducted for the American badger within 7 days prior to ground-disturbing activities in grassland habitats within the study area and off-site water improvement area (OSWA). Surveys shall be conducted by a qualified wildlife biologist with experience and knowledge in identifying badger burrows and include walking parallel transects looking for badger burrows and sign. Any badger burrows identified shall be mark and mapped on WRSP site maps.</p> <p>b. If active badger dens are identified within the study are or OSWA a no-work buffer of 200 feet shall be established around the den and associated occupied areas. If avoidance is not feasible, a biologist shall determine if the burrow is being used as an active maternity den through utilization of remote cameras. If young are determined to be present, the burrow shall be avoided until the young have vacated the burrow as determined by a qualified biologist. If the burrow is determined not to be an active maternity den and young are not present, in coordination with the CDFW (CDFW), a one-way eviction door shall be installed between September 1 and January 1 to passively relocate the badger and to avoid impacts during the breeding season. If the badger digs back into the burrow, CDFW staff may allow the use of live traps to relocate badgers to suitable habitat away from the area of project impact.</p> <p>c. If capture/active or passive relocation of American badgers is determined to be necessary in consultation with CDFW, the Applicant shall prepare a relocation plan for review and approval by CDFW and the City prior to any relocation. The Relocation Plan shall address measure to minimize potential for mortality due to stress, predation, or lack of available burrows. If active relocation is deemed appropriate and approved by CDFW, the relocation plan shall address the following protocols:</p> <ol style="list-style-type: none"> 1. Individuals shall only be actively relocated into habitat that has a full complement of existing and/or expanded habitat features that are required for the species' life history (i.e., foraging habitat, burrows, aquatic habitat, etc.); 2. Finally, prevalence of disease or competition by non-native species shall be evaluated before animals are actively relocated; and 	<p>Submittal of documentation that surveys have been conducted, and burrows have been avoided, or badgers have been relocated in coordination with CDFW</p>	<p>Prior to ground disturbing activities in grassland habitats within the WRSP site and the off-site water improvement area</p>	<p>City of American Canyon and/or CDFW, as necessary</p>		

<p>3. Prevalence of disease or competition by non-native species shall be evaluated before animals are actively relocated.</p>					
<p>Mitigation Measure 4.3-2a: CDFW Streambed Alteration Agreement. The Project Applicant shall be required to obtain a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW). Subject to the final terms of the LSAA, the following performance standards shall be implemented:</p> <ul style="list-style-type: none"> • Construction activities and equipment staging shall be designed to avoid and minimize direct and indirect impacts to wetlands and riparian habitat; • Construction occurring in the vicinity of riparian areas shall be delimited with a minimum 20-foot setback to avoid intrusion of construction activities into sensitive habitat; • Construction areas within 500 feet of riparian habitat shall be subject to best management practices under the General National Pollutant Discharge Elimination System Permit; and • To offset temporary and permanent impacts to riparian habitats, mitigation at a minimum ratio of 1:1 shall be provided, or as required by the LSAA. 	<p>Submittal of documentation, including copy of LSAA, verifying permit has been obtained and mitigation measures have been implemented</p>	<p>Prior to construction activities</p>	<p>City of American Canyon and CDFW</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.3-2b: Protocol Level Surveys. Prior to issuance of a grading permit, the Project Applicant shall submit written proof that a qualified biologist conducted preconstruction CDFW protocol level surveys during the appropriate blooming periods for occurrence of sensitive natural communities, especially purple needlegrass grasslands) within the footprint of the construction activities at the WRSP site, off-site water improvement area (OSWA), and other off-site project features. These surveys should be performed in compliance with the most recent CDFW survey protocol, currently 2018. If no sensitive vegetation communities are found during focused surveys of the project footprint, then sensitive vegetation communities would be assumed to be absent from OSWA. The botanist shall document the findings in a technical memorandum to the lead agency, as appropriate, and no further mitigation would be required. If sensitive vegetation communities are found within the footprint of the project activities during focused surveys, Mitigation Measure 4.3-2c shall be implemented.</p>	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>Prior to issuance of a grading permit for the off-site water improvement area</p>	<p>City of American Canyon and/or CDFW, as necessary</p>		

<p>Mitigation Measure 4.3-2c: Measures to Implement if Sensitive Natural Vegetation Communities Are Found. If a sensitive vegetation community is found during focused surveys, prior to issuance of a grading permit, the Project Applicant shall submit written proof that the following measures were implemented in compliance with the following performance standards:</p> <ol style="list-style-type: none"> a. Information regarding the sensitive vegetation community shall be reported to the CNDDDB. b. If any sensitive vegetation community can be avoided during project implementation, it shall be clearly marked in the field by a qualified botanist and avoided during construction activities. Before ground clearing or ground disturbance, all on-site construction personnel shall be instructed as to the community's presence and the importance of avoiding impacts to this sensitive vegetation community. c. If sensitive vegetation communities are present and cannot be avoided, consultations with the CDFW and/or the USFWS shall be required. A mitigation plan to compensate for the loss of the sensitive vegetation community could be required. This plan may be developed by a qualified botanist in consultation with the appropriate agencies prior to the start of local construction activities. The plan shall detail appropriate replacement ratios, which shall be a minimum of 1:1 based on area and number of plants and may be increased based on the recommendation of the botanist or the relevant resource agency to achieve no net loss of habitat. The plan shall describe the location of the mitigation site, methods for implementation (e.g., construction techniques, timing and sequencing, watering, soil properties, and other necessary specifications), success criteria (e.g., minimum 75 percent plant survival after 5 years, 75 percent vegetative cover by desirable species or comparable to existing conditions, and a viable, self-sustaining plant community), monitoring and reporting protocols, and contingency measures that shall be implemented if the initial mitigation fails. The mitigation plan may include the collection of seeds, propagules, and top soils under the supervision of a qualified botanist from the WRSP site for installation at the mitigation site. The mitigation site may be located on the WRSP site, such as within the pipeline disturbance corridor, or in close proximity to the WRSP site. If on-site options are not available, off-site areas may be considered. The mitigation plan shall be submitted to the City for approval prior to the issuance of permits that would affect the respective sensitive vegetation communities. d. If mitigation is required for loss of sensitive vegetation communities, the Project Applicant shall establish, maintain, and monitor the mitigation area identified in the plan for 5 years following the completion of construction and restoration activities. Annual monitoring reports shall be submitted to the 	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>Prior to issuance of a grading permit</p>	<p>City of American Canyon and/or CDFW, as necessary</p>		
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<p>City and the resource agencies at the completion of restoration and for 5 years following restoration</p>					
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<p>Mitigation Measures</p>	<p>Method of Verification</p>	<p>Timing of Verification</p>	<p>Responsible for Verification</p>	<p>Verification of Completion</p>	
				<p>Date</p>	<p>Initial</p>
<p>implementation. Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the mitigation plan.</p>					

<p>Mitigation Measure 4.3-3a: Wetlands and Other Waters Avoidance and Minimization Effects. Final project design shall avoid and minimize the fill of wetlands and other waters to the greatest practicable extent. Areas that are avoided shall be subject to best management practices under the National Pollutant Discharge Elimination System Permit Construction General Permit, as described in Mitigation Measure 4.7-1. To minimize indirect effects, the Project Applicant shall design and implement a wetland management plan and stormwater management system to maintain a minimum normal inflow equivalent (roughly equivalent to the 2-year storm event) to the into each avoided wetland system. Any stormwater from impervious surfaces shall be pretreated prior discharge into the avoided wetlands. The management plan shall include a minimum 5-year monitoring plan to document performance and conditions in the avoided wetlands. The minimum performance standard shall be no reduction in avoided wetland acreage. If the project fails to achieve performance standards, remedial actions to correct deficiencies shall be implemented and additional mitigation shall be provided to offset temporal losses. The Plan shall be developed in consultation with the U.S. Army Corps of Engineers and San Francisco Bay Regional Water Quality Control Board and approved by the City.</p>	<p>Preparation and implementation of a Wetland Management Plan and Stormwater Management System</p>	<p>Prior to construction activities in areas near wetlands and other waters</p>	<p>City of American Canyon, U.S. Army Corps of Engineers, and/or San Francisco Bay Regional Water Quality Control Board, as necessary</p>		
<p>Mitigation Measure 4.3-3b: Invasive Species Management. Where perennial or seasonal water features are maintained outside of the quarry pond, invasive species, such as non-native fish, bullfrogs, and plants, could cause significant adverse impacts to populations of special-status species utilizing adjacent habitats and downstream reaches. To reduce these potentially significant impacts, an invasive species management plan shall be developed for seasonal wetlands, ditches, and detention basins. This plan shall include intermittent surveys for invasive species and potential actions to manage these species, such as draining basins or actively capturing bullfrogs. The plan shall also include adaptive measures to be implemented should the above actions fail to adequately manage bullfrogs and other non-native invasive species. Note: This mitigation measure does not apply to Quarry Pond, which cannot be effectively drained and cannot be effectively managed to remove invasive fish and bullfrogs without other potential significant effects.</p>	<p>Preparation and implementation of an Invasive Species Management Plan</p>	<p>Implementation of an Invasive Specific Management Plan</p>	<p>City of American Canyon</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.3-3c: <i>Mitigation for Wetlands and Other Waters.</i> Where jurisdictional wetlands and other waters cannot be avoided, to offset temporary and permanent impacts that would occur as a result of the project, mitigation for preservation, restoration, and creation shall be provided through the following mechanisms and subject to the following performance standards:</p> <ol style="list-style-type: none"> 1. Purchase or dedication of land to provide wetland preservation, restoration or creation. If restoration is available and feasible, then a ratio of at least 2:1 shall be used. Where practical and feasible, on-site mitigation shall be implemented whenever possible. 2. If on-site mitigation is used, a wetland mitigation and monitoring plan shall be developed by a qualified biologist in coordination with the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and/or Regional Water Quality Control Board that details mitigation and monitoring obligations for temporary and permanent impacts to wetlands and other waters as a result of construction activities. The plan shall quantify the total acreage lost to jurisdictional areas and describe mitigation ratios for lost habitat. The plan shall also include: <ol style="list-style-type: none"> a. Annual success criteria, including plant survivorship and vigor to be determined by counting individuals of each species and comparing the counts to the numbers originally planted for that species. A minimum survival rate of 75 percent of installed plants is required for all years including at least 2 years’ post-irrigation; b. Means for controlling invasive species near plantings; and c. A description of mitigation areas and monitoring and reporting requirements. 3. The mitigation and monitoring plan shall be submitted to the appropriate regulatory agencies for approval. <p>If monitoring suggests that the performance standards outlined above are not being met, corrective actions shall be implemented. Possible contingency measures include, but are not limited to:</p> <ol style="list-style-type: none"> 4. Replanting of native trees and shrubs; 5. Adjusting the quantity and timing of irrigation to develop a schedule that better meets the characteristics of the site and the needs of the plants; 	<p>Submittal of documents verifying restoration and compensatory mitigation has been implemented, if needed</p>	<p>Prior to construction activities in areas near wetlands and other waters</p>	<p>City of American Canyon, CDFW, U.S. Army Corps of Engineers, and/or San Francisco Regional Water quality Control Board, as necessary</p>		

<p>6. Installing additional protective wire cages around plants to minimize damage from wildlife or other sources;</p> <p>7. Incorporating additional monitoring events in an attempt to address site deficiencies proactively; or</p> <p>8. Adjusting the weed maintenance methods or schedule to address specific problems that arise.</p>					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial

<p>Mitigation Measure 4.3-4: Preconstruction Surveys for Bats. A qualified biologist shall conduct a passive habitat assessment for bat use and habitat a minimum of 6 months prior to project construction activities in known or potential bat roosting habitat in the ruins and trees in the WRSP area which shall conform to the performance standards below. If the habitat assessment reveals bat activity, then a qualified bat biologist shall conduct a presence absence survey during peak activity periods. Survey methods, timing, duration, and species shall be provided for review and approval by the lead agency prior to habitat disturbance. Human intrusion into an active roost could be damaging to a population, particularly during the maternity season, March 15 through September 15, when females are aggregated and rearing defenseless young. To reduce potentially significant impacts to sensitive bat species during surveys by the qualified biologist, the following shall be verified:</p> <ul style="list-style-type: none"> a. Qualifications to determine adequate knowledge and experiences with the particular species for which they are surveying; and b. Demonstrable experience with bat surveys in specific roost types for project-specific conditions. Should bat species be confirmed on site either through the habitat assessment or during surveys, then at minimum the following shall be implemented: <ul style="list-style-type: none"> a. Species-specific avoidance methods to avoid disturbance; b. Evaluate the impact, including the length of time of disturbance, equipment noise, and the type of habitat present within the project footprint; c. Develop work windows for building demolition, tree trimming, or tree removal (typically August 31 through October 15 when young would be self-sufficiently volant and prior to hibernation and March 1 to April 15 to avoid hibernating or maternity colonies); d. Identify appropriate buffers outside of this work window; e. Outline specific timing of building demolition, renovation, or tree trimming or removal; and f. Incorporate and implement mitigation measures to offset any impacts to bat roosts on site through bat-friendly design and integrated bat roost construction. When designing new or renovated buildings, architects can include safe and attractive roosting opportunities for bats such as wall cavities in buildings. This includes the construction of connected bat boxes or design of other artificial bat roost habitat in remodeled structures (see Erickson et al. 2002) to enhance roosting opportunities on structures. 	<p>Submittal of documentation to verify that survey(s) have been conducted and other mitigation requirements were met</p>	<p>Within six month of the demolition of onsite structures</p>	<p>City of American Canyon</p>		
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.4: Cultural Resources					
<p>Mitigation Measure 4.4-2: <i>Unanticipated Discovery of Archaeological Resources.</i> If prehistoric or historic-era archaeological resources are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City of American Canyon. Prehistoric archaeological materials might include obsidian and chert flaked-stone 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); battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.</p> <p>The Project Applicant shall retain a Secretary of the Interior-qualified archaeologist to inspect the findings within 24 hours of discovery and inform the City of American Canyon. If it is determined that the project may damage a historical resource or a unique archaeological resource (as defined pursuant to CEQA and the CEQA Guidelines), construction shall cease in an area determined by the archaeologist until a mitigation plan has been prepared in accordance with PRC § 21083.2 and CEQA Guidelines § 15126.4; approved by the City; and implemented to the satisfaction of the archaeologist. In consultation with the City, the archaeologist shall determine when construction may commence.</p> <p>Consistent with § 15126.4(b)(3), the mitigation plan shall recommend preservation in place, as a preference, or, if preservation in place is not feasible, data recovery through excavation. If preservation in place is feasible, this may be accomplished through one of the following means: (1) modifying the construction plan to avoid the resource; (2) incorporating the resource within open space; (3) capping and covering the resource before building appropriate facilities on the resource site; or (4) deeding resource site into a permanent conservation easement. If preservation in place is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan to recover the scientifically consequential information from and about the resource, which shall be reviewed and approved by the City prior to any excavation at the resource site. Treatment of archaeological resources shall follow the requirements of PRC § 21083.2. Treatment for most resources shall consist of (but would not necessarily be not limited to) sample</p>	Submit documentation of findings and mitigation plan, if resources are encountered	During grading activities	City of American Canyon		

<p>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.</p>					
<p>Mitigation Measure 4.4-3: <i>Unanticipated Discovery of Paleontological Resources.</i> If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City of American Canyon. The Project Applicant shall retain a qualified paleontologist to inspect the findings within 24 hours of discovery. The paleontologist shall assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of American Canyon. The Project Applicant shall implement the final treatment measures.</p>	<p>Submit documentation of findings and verification of treatment measures, if resources are encountered</p>	<p>During grading activities</p>	<p>City of American Canyon</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.4-4: <i>Unanticipated Discovery of Human Remains.</i> If human remains are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City of American Canyon. The City shall contact the Napa County Coroner to affirmatively indicate to the City that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if the Coroner determines that the remains are Native American. The NAHC shall then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC § 5097.98), who in turn shall make recommendations to the City of American Canyon for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines § 15064.5(d)).</p>	Submit documentation of findings and treatment measures, if remains are encountered	During grading activities	City of American Canyon		
Section 4.5: Geology, Soils, and Seismicity					
<p>Mitigation Measure 4.5-4: <i>Geotechnical Requirements for the Quarry Pond.</i> Prior to issuance of any building permits, the Project Applicant shall submit to the City plans that are consistent with the geotechnical recommendations of a minimum setback of 3:1 (horizontal:vertical) from the toe of the existing quarry pond bank. Any proposed plans inside of the 3:1 setback, shall be the subject of a detailed slope stability analysis by a current California registered Geotechnical Engineer or Engineering Geologist where proposed slopes must meet minimum factor of safety requirements as determined by the most recent California Building Code for both static and dynamic (earthquake) conditions. Graded cut and fill slopes over 15 feet shall be no steeper than 3:1 with slopes up to 15 feet no steeper than 2:1. Other measures, such as use of retaining walls and geogrid reinforcement or corrective grading, shall be implemented as necessary in accordance with the specific geotechnical recommendation informed by the aforementioned detailed slope stability analysis and outlined in the design level geotechnical report.</p>	Submit grading plans for Quarry Lake Pond	Prior to issuance building permits	City of American Canyon		
Section 4.6: Hazards and Hazardous Materials					

<p>Mitigation Measure 4.6-1a: Evaluation for Lead-Based Paint or Coatings, Asbestos-Containing Materials, or Polychlorinated Biphenyls. The Project Applicant shall submit documentation to the City to verify that all proposed areas for demolition or modification have been assessed by California state licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and polychlorinated biphenyl-containing equipment prior to issuance of a demolition permit.</p>	<p>Submit documentation of findings</p>	<p>Prior to demolition activities</p>	<p>City of American Canyon</p>		
<p>Mitigation Measure 4.6-1b: Health and Safety Plan. If the assessment required by Mitigation Measure 4.6-1a finds presence of lead-based paint, asbestos, and/or polychlorinated biphenyls, prior to any construction or demolition activities on the project site, the Project Applicant shall submit to the City for approval and shall implement a health and safety plan to protect workers from risks associated with hazardous materials during abatement, demolition or renovation of affected structures.</p>	<p>Submit and receive approval of Health and Safety Plan</p>	<p>Prior to demolition of structures containing lead-based paint, asbestos, and/or polychlorinated biphenyls</p>	<p>City of American Canyon</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.6-1c: <i>Lead-Based Paint Removal Plan.</i> If the assessment required by Mitigation Measure 4.6-1a finds presence of lead-based paint, prior to any demolition of structures containing lead based paint, the Project Applicant shall submit to the City for approval and shall implement a lead-based paint removal plan in accordance with City and California Code of Regulations Title 8, §§ 1532.1 et seq., requirements. The plan shall specify, but not be limited to, the following elements for implementation:</p> <ul style="list-style-type: none"> • Develop a removal specification approved by a Certified Lead Project Designer;³ • Ensure that all removal workers are properly trained; • Contain all work areas to prohibit off-site migration of paint chip debris; • Remove all peeling and stratified lead-based paint on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition; • Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used; • Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter; • Collect, segregate, and profile waste for disposal determination; or • Properly dispose of all waste. 	Submit and receive approval of LeadBased Paint Removal Plan	Prior to demolition of structures containing leadbased paint	City of American Canyon		
<p>Mitigation Measure 4.6-1d: <i>Asbestos Abatement.</i> If the assessment required by Mitigation Measure 4.6-1a finds asbestos, prior to undertaking demolition or construction activities involving asbestos disturbance, the Project Applicant shall, demonstrate to the City that asbestos abatement shall be conducted by a California state licensed contractor prior to building demolition. Abatement of known or suspected asbestos-containing materials shall occur prior to demolition or construction activities that would disturb those materials.</p>	Submit documentation that abatement has been completed	Prior to demolition of structures containing asbestos	City of American Canyon		

³ A Lead Project Designer is defined in CCR Title 17, Division 1, Chapter 8.

<p>Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all asbestos-containing materials shall be removed and appropriately disposed of by a state certified asbestos contractor in accordance with Caltrans transportation requirements and any requirements of the receiving facility.</p>					
<p>Mitigation Measure 4.6-1e: Polychlorinated Biphenyl Abatement. If the assessment required by Mitigation Measure 4.6-1a finds polychlorinated biphenyls (PCBs), prior to undertaking demolition or construction activities that could disturb potential PCBs, the Project Applicant shall ensure that PCB abatement shall be conducted prior to building demolition or renovation. The Project Applicant shall demonstrate to the satisfaction of the City that PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.</p>	<p>Submit documentation of PCB abatement</p>	<p>Prior to demolition of structures containing PCBs</p>	<p>City of American Canyon</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Mitigation Measure 4.6-2a: Phase I Recommendations. Prior to commencement of construction, the Project Applicant shall contract a qualified environmental consulting firm with state registered professionals (Professional Engineers or Geologists) to carry out the recommendations contained in the April 14, 2015, Phase I Environmental Site Assessment report by ENGEO Incorporated pertaining to the potential environmental concerns. The Phase I report included recommendations for collection of surface soil samples for laboratory analysis and oversight of other earthwork activities. The findings of the soil sampling effort shall be submitted to the Napa County Environmental Health Division (NCEHD) prior to initiating any earthwork activities on the project site for direction on whether any further sampling or remediation may be necessary.</p>	<p>Submit documentation that recommendations of the Phase I Environmental Site Assessment have been implemented, as necessary</p>	<p>Prior to commencement of construction</p>	<p>City of American Canyon</p>		

<p>Mitigation Measure 4.6-2b: Soil Management Plan. The project shall submit and obtain approval of a Soil Management Plan from the Napa County Environmental Health Division (NCEHD) prior to initiating any earthwork activities on the project site. During construction, the contractor shall cease any earthwork activities upon discovery of any suspect soils or groundwater (e.g., petroleum odor and/or discoloration) during construction in accordance with a Soil Management Plan prepared for the project by a qualified environmental consultant and approved by the NCEHD. The contractor shall notify the NCEHD upon discovery of suspect soils or groundwater and retain a qualified environmental firm to collect soil samples to confirm the level of contamination that may be present. If contamination is found to be present, any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a California state licensed professional. The contractor shall follow all procedural direction given by NCEHD and in accordance with the Soil Management Plan prepared for the site to ensure that suspect soils are isolated, protected from runoff, and disposed of in accordance with transportation laws and the requirements of the licensed receiving facility.</p>	<p>Submit NCEHD-approved Soil Management Plan and Health and Safety Plan, as necessary</p>	<p>Prior to grading and during construction</p>	<p>City of American Canyon and/or Napa County Environmental Health Division, as necessary</p>		
<p>Mitigation Measure 4.6-2c: Removal of Contaminated Soil or Groundwater. If contaminated soil or groundwater is encountered and identified constituents exceed human health risk levels, the Project Applicant shall submit documentation to the City to verify that it has been delineated, removed, and disposed of off site in compliance with the receiving facilities' requirements prior to construction of any building foundation.</p>	<p>Submit documentation of removal of contaminated soil or groundwater, if encountered</p>	<p>Prior to construction of any building foundation</p>	<p>City of American Canyon</p>		
<p>Mitigation Measure 4.6-4: Development within 50 Feet of the Pacific Gas & Electric (PG&E) Pipeline/Easement. Prior to issuance of building or grading permits, Project Applicant shall submit documentation to the City to verify that development plans located within 50 feet of the existing PG&E pipeline/easement, including utilities that may intersect the existing PG&E pipeline, have been submitted to PG&E Gas Transmission Integrity Management and PG&E Land Development for review and approval. Project Applicant plans for all proposed improvements located within this zone shall adhere to the requirements of PG&E Gas Transmission Integrity Management and PG&E Land Development, including without limitation, setback requirements, depth of cover over pipeline, location of trees and maintenance requirements, minimum separation of crossing utilities, trail location, as well as any relocation requirements, if applicable.</p>	<p>Submit development plans for any activities within 50 feet of the existing PG&E pipeline/easement</p>	<p>Prior to issuance of building or grading permits for any activities within 50 feet of the existing PG&E pipeline/easement.</p>	<p>City of American Canyon and/or PG&E, as necessary</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.7: Hydrology and Water Quality					
<p>Mitigation Measure 4.7-1: <i>Stormwater Pollution Prevention Plan (SWPPP)</i>. Prior to issuance of grading permits for the project, the Project Applicant shall submit documentation to the City to verify that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirements of the statewide National Pollutant Discharge Elimination System (NPDES) Construction General Permit. The SWPPP shall be designed, without limitation, to address the following objectives: (1) 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; (2) 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; (3) 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 (4) stabilization BMPs are installed to reduce or eliminate pollutants after construction is completed. The SWPPP shall be prepared by a qualified SWPPP developer and included as part of construction specifications. The SWPPP shall include the minimum BMPs required for the identified Risk Level in accordance with NPDES Construction General Permit requirements. BMPs could include, but are not necessarily limited to the use of straw bales, silt fences, fiber rolls, hydroseeding, preservation of existing vegetation, straw mulch, washing of truck tires prior to exiting site, protection of existing storm drain inlets, dedicated refueling areas with secondary containment, and on-site storage of spill prevention kits. 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 <i>Stormwater Quality Handbook Construction Site BMPs Manual</i>.</p>	Submit Stormwater Pollution Prevention Plan	Prior to issuance of grading permits	City of American Canyon		

<p>Mitigation Measure 4.7-2: Water Discharge Requirements for Dewatering. For areas that may encounter groundwater during excavation activities, the Project Applicant shall incorporate San Francisco Regional Water Quality Control Board (SFRWQCB) discharge requirements into construction specifications for any dewatering activities that may be necessary. The Project Applicant shall provide all requested plans and protocols and incorporate any SFRWQCB additional comments or requests into project specifications for construction activities. Dewatering plans shall include, without limitation, an assessment of water quality, protocols for containment, and thresholds for discharge. No discharge of pumped water for dewatering shall occur prior to approval from SFRWQCB.</p>	<p>Submittal of dewatering plans</p>	<p>During excavation and grading activities</p>	<p>City of American Canyon</p>		
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<p>Mitigation Measures</p>	<p>Method of Verification</p>	<p>Timing of Verification</p>	<p>Responsible for Verification</p>	<p>Verification of Completion</p>	
				<p>Date</p>	<p>Initial</p>
<p>Mitigation Measure 4.7-3a: Post-Construction Stormwater Controls. Prior to approval of tentative maps or issuance of building permits for the project, the Project Applicant shall submit documentation to the City to verify that post-construction stormwater controls have been included in the site design in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Small Municipal Separate Storm Sewer Systems (MS4) Permit and the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. The Project Applicant shall prepare the final Stormwater Control Plan (SCP) and any necessary changes by the City or the SFRWQCB shall be incorporated into project design plans to ensure the required controls are in place and adhere to the requirements of the NPDES Phase II Small MS4 Permit and consistent with the BASMAA manual. At a minimum, the SCP shall demonstrate how the following measures shall be incorporated into the project:</p> <ul style="list-style-type: none"> • Low-impact development (LID) site design principles (e.g., preserving natural drainage channels, treating stormwater runoff at its source rather than in downstream centralized controls); • Source control best management practices (BMPs) in the form of design standards and structural features for all proposed areas of development; 	<p>Submit documentation of compliance with the NPDES Phase II Small Municipal Separate Storm Sewer Systems Permit and the Bay Area Stormwater management Agencies Association Postconstruction Manual</p>	<p>Prior to approval of tentative maps or issuance of building permits</p>	<p>City of American Canyon</p>		

<ul style="list-style-type: none"> • Source control BMPs for landscaped areas shall be documented in the form of a Landscape Management Plan that relies on Integrated Pest Management and also includes pesticide and fertilizer application guidelines designed to minimize any off-site discharge; and • Treatment control measures (e.g., bioretention, porous pavement, vegetated swales) targeting any potential pollutants such as sediment, pathogens, metals, nutrients (nitrogen and phosphorus compounds), oxygen-demanding substances, organic compounds (e.g., PCBs, pesticides), oil and grease, and trash and debris. The SCP shall demonstrate that the project has the land area available to support the proposed BMP facilities sized per the required water quality design storm. 					
<p>Mitigation Measure 4.7-3b: Compliance with the MS4 Permit. Prior to issuance of any building permits, the Project Applicant shall submit documentation to the City to demonstrate adherence to Provision E.12.h of the Municipal Separate Storm Sewer Systems (MS4) Permit, which requires that an Operation and Maintenance Program is implemented for post-construction stormwater management features. Responsible parties and funding for long-term maintenance of all Best Management Practices (BMPs) must be specified within the Operation and Maintenance Plan. This Plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval.</p>	<p>Submit documentation that an Operation and Maintenance Program has been implemented for post-construction stormwater management features</p>	<p>Prior to issuance of building permits</p>	<p>City of American Canyon</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.9: Noise					
<p>Mitigation Measure 4.9-1: Construction Noise. To reduce the potential for noise impacts due to construction of the project, the Project Applicant shall require construction contractors to implement the following measures:</p> <ul style="list-style-type: none"> • Stationary construction noise sources shall not be located within 200 feet of residence. If necessary to locate this equipment within 200 of existing residences, stationary equipment shall be shielded by temporary noise barriers or acoustic enclosures that are long and tall enough to break line of sight. • Noise barriers or shielding shall be erected for construction work associated with on-site construction activities that involves heavy construction equipment and occurs within 200 feet of residences for an extended period of time (i.e., more than 2 weeks). The barriers shall be long enough to break line of sight and at least 8 feet in height. • Equipment warm up areas and equipment storage areas shall not be located closer than 500 feet of adjacent residences. • All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have properly functioning manufacturer-installed mufflers. • Stationary noise sources, such as temporary generators and pumps, shall be positioned as far from nearby receivers as possible, within temporary enclosures and shielded by barriers (which could reduce construction noise by as much as 5 dB), or other measures, to the extent feasible. • Use “quiet” models of air compressors and other stationary equipment where such technology exists. • Prohibit unnecessary idling of internal combustion engines. • To further reduce the potential for impacts, a Construction Noise Management Plan shall be prepared and shall include the following: <ul style="list-style-type: none"> ○ A process by which to provide a minimum of 2 weeks’ advance notice to all residences located within 200 feet of construction activities that are expected to occur for a period of 2 weeks or longer within a defined area, including the approximate start and end dates of such activities. ○ Signs shall be posted at all project entrances upon commencement of construction for the purposes of informing all contractors/subcontractors, their employees, agents, 	Submit documentation verifying implementation of mitigation implementation, including construction Noise Management Plan	During construction activities	City of American Canyon		

<p>material haulers, and all other persons at the project of the basic requirements of Mitigation Measure 4.9-1.</p> <ul style="list-style-type: none"> o Publicly visible signs shall be posted on security fencing at multiple locations around the perimeter of the project construction boundary that include: <ul style="list-style-type: none"> ■ Permitted construction days and hours. ■ A telephone number and designated person to contact for registering noise complaints. The designated person shall be available to respond to, and if necessary through complaint verification, take corrective action to ensure that noise emissions from the offending equipment or activity is addressed. Corrective action shall be applied immediately if feasible, and within no later than 48 hours after receipt of the noise complaint. The designated person shall track complaints and corrective actions taken to resolve noise complaint issues. 					
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 4.12: Transportation and Traffic					

<p>Mitigation Measure 4.12-3a (same as Mitigation Measure 4.2-2a in Section 4.2, Air Quality and Greenhouse Gas Emissions): Transportation Demand Management (TDM) Program.</p> <p>Prior to issuance of the first building permit for the non-residential use areas (i.e., Napa Valley Ruins & Gardens [NVR&G] and hotel), the Project Applicant shall develop a TDM program for the non-residential use areas (i.e., NVR&G and hotel) and shall submit the TDM program to the City Department of Public Works for review and approval. The Project Applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies, which may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Establishment of carpool, buspool, or vanpool programs; 2. Vanpool purchase incentives; 3. Cash allowances, passes or other public transit subsidies and purchase incentives; 4. Preferential parking locations for ridesharing vehicles; 5. Computerized commuter rideshare matching services; 6. Guaranteed ride home program for ridesharing; 7. Bicycle programs including bike purchase incentives, storage, and maintenance programs; 8. On-site car share and bike share service; 9. Preparation of a Parking Management Plan to address parking accommodations for large events; 10. Designation of an on-site transportation coordinator for the project; 11. Transit and trip planning resources such as commute information kiosk; 12. Employer provided showers, changing rooms, and clothing lockers for office employees that commute via active transportation; 13. Bicycle route mapping resources; 14. Participation in future citywide Transportation Management Association (TMA); and 15. Submit annual reports to the City regarding TDM activities. 	<p>Approval of TDM program</p>	<p>Prior to issuance of first building permit for the nonresidential use area (i.e., NVR&G and hotel)</p>	<p>City of American Canyon</p>		
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RESOLUTION NO. 2020-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING THE MASTER CONDITIONS OF APPROVAL FOR AC-1 PORTION OF WATSON RANCH

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

WHEREAS, the City of American Canyon General Plan land use and zoning designation for the property known as the Watson Ranch Specific Plan property is Town Center, which requires the approval of a specific plan to designate the land uses, range of residential and nonresidential densities and unified design standards within the Watson Ranch Specific Plan property; and

WHEREAS, on November 6, 2018, the City Council of the City of American Canyon adopted an Ordinance approving the Watson Ranch Specific Plan that provides for the development of the approximately 309-acre Watson Ranch Specific Plan site with a mixed use community component including a mixed use town center (NVRG), 1253 residential units, approximately 23 acres of improved parks, an additional 30 acres of parks, trails and open space, a 10 acre school site, roads and supporting water, wastewater, recycled water and storm drainage infrastructure; and

WHEREAS, on June 18, 2019, the City Council approved the Watson Ranch Specific Plan Development Agreement (Ordinance 2019-06, Agreement 2019-A107); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a final environmental impact report (Final EIR) was prepared for the Watson Ranch Specific Plan, and includes required Mitigation Measures; and

WHEREAS, on November 19, 2020, the City of American Canyon Planning Commission conducted a duly-noticed public hearing and unanimously recommended City Council approval of the Master Conditions of Approval for AC-1 Portion of Watson Ranch; and

WHEREAS, a duly-noticed public hearing was held by the City Council of the City of American Canyon on December 15, 2020 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon, having considered all the evidence, including any submitted by member of the public, hereby approves the Master Conditions of Approval for AC-1 Portion of Watson Ranch as attached hereto as Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of American Canyon, having considered all the evidence, including any submitted by member of the public, hereby makes the following findings consistent with the California Environmental Quality Act (CEQA).

SECTION 1: Findings Regarding Environmental Review pursuant to the California Environmental Quality Act (CEQA).

1. The City of American Canyon makes the following findings and determinations based on substantial evidence in the record as a whole pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) and its Guidelines (California Code of Regulations, Title 14 §§ 15000, *et seq.*), as each is amended from time to time (“CEQA”).
2. Pursuant to CEQA, an Environmental Impact Report was prepared, supplemented, and certified for the Watson Ranch Project (“Project EIR”). The Project EIR considered and analyzed the significant adverse environmental impacts of, related mitigation measures for, and reasonable alternatives to, the planning, development, construction, operation, and maintenance of the proposed uses of the Property implemented through the “Project Approvals” of the “Project,” including without limitation, the General Plan Amendment, Watson Ranch Specific Plan (and related Zoning), Large Lot Vesting Tentative Map, and Development Agreement. In accordance with CEQA, City certified as legally adequate and complete the Project EIR, and approved the development allowed and approved by said existing and future Project Approvals contemplated by the Project EIR and the Development Agreement.
3. The proposed Master Conditions of Approval for AC-1 Portion of Watson Ranch is a contemplated “Project Approval” under the Project EIR and the Development Agreement. Under CEQA, a Specific Plan EIR, like the Watson Ranch Specific Plan Project EIR, is generally assumed to be used at a “development level.” *See, e.g.*, CEQA Guidelines § 15168. Under controlling CEQA law, particularly CEQA Guidelines section 15162, the legal question is whether the Project EIR, itself, needs updating (through a Subsequent or Supplemental EIR) before the City can consider and approve the Master Conditions of Approval for AC-1 Portion of Watson Ranch, or whether the Project EIR provides the appropriate CEQA compliance work for the City’s consideration and approval of the Master Conditions of Approval for AC-1 Portion of Watson Ranch. For the following reasons and findings, by law, no such Subsequent or Supplemental EIR can be required by the City, and the Project EIR provides the appropriate CEQA compliance work for the City’s consideration and approval of the Master Conditions of Approval for AC-1 Portion of Watson Ranch.

First, CEQA Guidelines section 15162 provides as follows [*City responses to the issues raised by Section 15162 are provided in bracketed, italicized text below*]:

(a) When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; [*There is no substantial evidence in the light of the whole record revealing any changes proposed in the Project, let alone changes that will involve involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Master Conditions of Approval for AC-1 Portion of Watson Ranch implement the Watson Ranch Specific Plan Project, and no new significant environmental effects or substantial increase in the severity of previously identified significant effects not already addressed by the Project EIR will result from that implementation.*]

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR . . . due to the involvement of

new significant environmental effects or a substantial increase in the severity of previously identified significant effects. *[There is no substantial evidence in the light of the whole record revealing circumstances under which the Project is undertaken which require major revisions to the Project EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects: the Master Conditions of Approval for AC-1 Portion of Watson Ranch are anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project (and Project Approvals), and no new significant environmental effects or a substantial increase in the severity of previously identified significant effects not already addressed by the Project EIR will result from that implementation.];* or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following *[There is no substantial evidence in the light of the whole record revealing any such new information of any kind has been presented]:*

(A) The project will have one or more significant effects not discussed in the previous EIR . . . *[There is no substantial evidence in the light of the whole record revealing that the Master Conditions of Approval for AC-1 Portion of Watson Ranch will have one or more significant effects not discussed in the Project EIR: Instead, the Master Conditions of Approval for AC-1 Portion of Watson Ranch are anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project as fully analyzed by the Project EIR];*

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR *[There is no substantial evidence in the light of the whole record revealing that the Master Conditions of Approval for AC-1 Portion of Watson Ranch will result in a situation where significant effects previously examined in the Project EIR will be substantially more severe than shown and discussed in the Project EIR: Instead, the Master Conditions of Approval for AC-1 Portion of Watson Ranch are anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project as fully analyzed by the Project EIR];*

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative *[There is no substantial evidence in the light of the whole record supporting a determination that 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

(D) 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. *[There is no substantial evidence in the light of the whole record supporting a determination that mitigation measures or alternatives which are considerably different from those analyzed in the Project EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. No such mitigation measure nor alternatives have been proposed,*

nor are warranted, and no rejection of such mitigation measure or alternative by the project applicant has taken place.]

Because there is no substantial evidence in the record to support any of the findings set forth in CEQA Guidelines section 15162, as a matter of law, no additional CEQA work can be required by the City relating to the City's consideration and approval of the Master Conditions of Approval for AC-1 Portion of Watson Ranch.

Second, similar to CEQA Guidelines section 15162, CEQA Guidelines section 15163 provides that a public agency may choose to prepare a "Supplement" to an EIR - rather than a "Subsequent" EIR - only if (1) any of the findings described in Section 15162 (above) would require the preparation of a Subsequent EIR, yet (2) only minor additions or changes would be necessary to make the Project EIR adequately apply to the changed situation. As stated above, because there is no substantial evidence in the record to support any of the findings set forth in CEQA Guidelines section 15162, then, as a matter of law, no finding can be made under CEQA Guidelines section 15163. Therefore, no additional CEQA work for the Master Conditions of Approval for AC-1 Portion of Watson Ranch can be required by the City.

Third; and lastly, under the Development Agreement, "to the extent permitted or required by CEQA, City shall use . . . existing environmental assessments, declarations, reports and studies as adequately addressing the environmental impacts of the Project and its Subsequent Approvals without requiring new or supplemental environmental documentation." Development Agreement § 2.04(k). Because CEQA prohibits the City from requiring additional CEQA compliance work for the Master Conditions of Approval for AC-1 Portion of Watson Ranch approvals, for the reasons discussed above, the Development Agreement likewise enforces that CEQA requirement and prohibits additional "new or supplemental environmental documentation." Development Agreement § 2.04(k).

Therefore, the City finds and determines that the Project EIR provides the appropriate CEQA compliance documentation for the City's consideration and approval of the proposed Master Conditions of Approval for AC-1 Portion of Watson Ranch.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 15th day of December, 2020, by the following vote:

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



Leon Garcia, Mayor

ATTEST:



Cherri Walton, Interim City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney

EXHIBITS:

A. Master Conditions of Approval for AC-1 Portion of Watson Ranch

**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

A. MASTER CONDITIONS - GENERALLY

<i>Master COA #</i>	<i>Developer Obligations</i>	<i>Mechanism</i>	<i>Implementation; Parcel #</i>	<i>Status</i>
1.	These Master Conditions of Approval (“Master Conditions”) adopted by the City of American Canyon (“City”) relate only to the American Canyon I, LLC portion of the City’s Watson Ranch project (“Project”). American Canyon I, LLC shall also be referred to herein as “AC-1,” “Master Developer,” “Developer,” and/or “Applicant,” and shall include successors, as explained and controlled by the Development Agreement between the City and AC-1 (“Development Agreement”). Unless otherwise defined in these Master Conditions, terms and phrases used in these Master Conditions shall have that meaning set forth in the Development Agreement. The Development Agreement, as amended over time, shall control over these Master Conditions and any subsequent “Specific Conditions,” as described herein. These Master Conditions provide certain provisions of the Development Agreement. However, regardless of whether present or not in these Master Conditions, the entire Development Agreement, as amended over time, shall apply to, and control over, these Master Conditions.	Relevant Subsequent Approvals	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable or Satisfied
2.	The Project’s “Large Lot Vesting Tentative Map” was approved and later recorded as the “Large Lot Final Map,” producing twenty four (24) lots/parcels (“Large Lot Parcels”). Each of those Large Lot Parcels will be further subdivided over time creating additional lots/parcels. These Master Conditions apply to the Project, the large Lot Parcels, and all such subsequent subdivision map approvals. The idea behind these Master Conditions is to establish a consistent set of “rules” (Conditions of Approval) that can be used throughout the implementation of the Project, thereby ensuring certainty and efficiency.	Relevant Subsequent Approvals	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
3.	These Master Conditions also express certain requirements from the Watson Ranch Specific Plan.	Relevant Subsequent Approvals	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
4.	These Master Conditions also contain the relevant Mitigation Measures relating to the Project, including without limitation, the EIR’s Mitigation Monitoring and Reporting Program, as clarified, updated and refined by these Master Conditions to reflect implementation progress.	Relevant Subsequent Approvals	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
5.	These Master Conditions also contain requirements from the City’s standard Subdivision Improvement Agreement (“SIA”) in order to streamline the future SIA process. Subsequent subdividing of the Project will involve SIAs, which SIAs will employ these Master Conditions.	SIA	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

<p>6.</p>	<p>In addition to these Master Conditions, “Specific Conditions of Approval” (also referred to as “Specific Conditions”) resulting from the subsequent subdivision map approvals, Design Permit/Guidelines approvals, and/or other development approvals may be drafted and imposed on a Large Lot Parcel’s subsequent development. Such Specific Conditions may stand alone and be imposed in addition to these Master Conditions, and/or may be added to these Master Conditions over time. Any and all such Specific Conditions shall be subject to and controlled by these Master Conditions, which Master Conditions shall be subject to, and controlled by, the Development Agreement. If a conflict arises between these Master Conditions, and/or any Specific Conditions and the express and/or implied provisions of the Development Agreement, as amended over time, the Development Agreement shall control.</p> <p>Where possible, these Master Conditions describe the “Mechanism” for satisfying the Master Condition (for example, subdivision map approval, adopted Design Guidelines, etc.), the “Implementation” timing of the Master Condition (for example, Building Permit issuance), and the “Status” of such Master Condition performance (whether the requirement is still “Applicable, whether it has been “Completed,” etc.). Additionally, through subsequent “mapping” of a particular Large Lot Parcel pursuant to the Subdivision Map Act, listed Master Conditions applicable to that Parcel may be further organized into relevant Phases (phased final maps) of that Parcel, if applicable.</p> <p>As used in these Master Conditions, a reference to “All” or “All Parcels” shall mean that the Master Condition is setting a general rule that applies to the development of any and all Large Lot Parcels. When these Master Conditions provide that the Master Condition in question shall apply to “Applicable Parcels,” that means that each Parcel over which the Master Backbone Infrastructure (MBI) in question lies and/or abuts (and therefore the Parcel is responsible for the “Parcel’s MBI Portion”) is one of the “Applicable Parcels.”</p>	<p>Relevant Subsequent Approvals</p>	<p>Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit</p>	<p>Applicable</p>
<p>7.</p>	<p>As used in these Master Conditions, the following definitions shall apply. “SIA” shall mean the relevant/applicable “Subdivision Improvement Agreement.” “Major Backbone Infrastructure” work or “MBI” shall have that meaning provided by the Development Agreement. “Public Improvements” work shall mean infrastructure improvements to be constructed by Developer, and then dedicated to, accepted by, and operated and maintained by, City. “Private Improvements” shall mean infrastructure improvements that shall be constructed by Developer and not be dedicated to, accepted by, and operated and maintained by, City. “Improvement Plans” shall mean those improvement plans and specifications relating to MBI, Public Improvements, and/or Private Improvements. Developer shall obtain City approval of all Improvement Plans for the relevant MBI, Public Improvements, and/or Private Improvements work. All work on the relevant MBI, Public Improvements, and/or Private Improvements shall be performed by Developer at the places, at the grades, with the materials, and in the manner as shown on the City-approved Improvement Plans. Additionally, the phrase: “Pre-Final Map, Final Map Recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit” shall mean that the timing of performance of the particular Master Condition will be satisfied at one of those performance events, as will be determined by the Subsequent Approval.</p>	<p>Relevant Subsequent Approvals</p>	<p>Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit</p>	<p>Applicable</p>

**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

8.	<p>Unless otherwise set forth in these Master Conditions, or unless otherwise agreed to by City and Developer, each Parcel shall be responsible for the entirety of the design and construction of the “Master Backbone Infrastructure” (also “MBI”) of the Public Improvement for the geographic distance of the Parcel’s entire frontage on such MBI, and/or the entire geographic distance that such MBI traverses such Parcel (“Parcel’s MBI Portion”). For example, if the MBI in question is Rio Del Mar, then the Parcel in question shall be responsible for the design and construction of all of that portion of Rio Del Mar that traverses and/or abuts such Parcel, i.e., the “Parcel’s MBI Portion.” Such Parcel MBI Portion design and construction shall be to the “ultimate design” of the MBI in question, including without limitation, ultimate width, depth, curb, gutter, sidewalk, street lighting, landscaping, etc. City, Developer, and the owner/builder of the relevant Parcel (if different than Developer) may by mutual agreement refine the requirements of this Master Condition. Therefore, if the Master Conditions provide that the Master Condition in question shall apply to “Applicable Parcels,” that means that each Parcel over which the MBI in question lies and/or abuts (and therefore the Parcel is responsible for the “Parcel’s MBI Portion”) is one of the “Applicable Parcels.” If the MBI in question traverse and/or abuts more than one Parcel, then the responsibility of each such Parcels shall be determined (“Proportional Share”) and the first Parcel (of such Parcels) to develop shall be responsible for the design and construction of all of that portion of MBI and that traverses and/or abuts such first Parcel (i.e., the “Parcel’s MBI Portion”) and such first Parcel shall have the right to secure a Reimbursement Agreement from the City so that such first Parcel is reimbursed by such other Parcels for such other Parcels’ Proportional Share at such time when such other Parcel(s) would have otherwise been responsible to provide such MBI, or at such other time/or by such means as is mutually agreed to by City and Developer.</p>	<p>Applicable Parcels Parcel’s MBI Portion Reimburse</p>	<p>Pre-Final Map, final map recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit</p>	<p>Applicable</p>
9.	<p>When Parcel-necessary infrastructure has not yet been brought to the physical (geographic) location of the Parcel in question to be developed (the “Relevant Parcel”), then the development of such Relevant Parcel shall require (unless otherwise agreed between City and Developer) that such Relevant Parcel shall provide and construct all of the MBI otherwise required of other Parcels (the Parcel MBI Portion of all such other Large Lot Parcels) over which the MBI is needed to traverse and/or abut in order to access the Relevant Parcel and bring and provide such Parcel-necessary infrastructure to the Relevant Parcel. In such a case, the Relevant Parcel shall have the right to secure a Reimbursement Agreement from the City so that the costs of such additional provision and construction by the Relevant Parcel of the MBI otherwise required of such other Parcels is reimbursed to the Relevant Parcel at such time as such other Parcel(s) would have otherwise been responsible to provide such infrastructure, or at such other time/or by such means as is mutually agreed to by City and Master Developer.</p>	<p>Relevant Parcels Parcel’s MBI Portion Reimburse</p>	<p>Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit</p>	<p>Applicable</p>
10.	<p>When a Large Lot Parcel is further subdivided, it shall have its own separate SIA and attached Exhibit(s) containing relevant Master Conditions and any other Specific Conditions, as described herein.</p>	<p>SIA</p>	<p>Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit</p>	<p>Applicable</p>

**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

11.	These Master Conditions apply to Developer, and Developer’s successors, as more specifically set forth in the Development Agreement, as amended over time.	Relevant Subsequent Approvals	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
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B. MASTER CONDITIONS - SPECIFIC PLAN

Master COA #	Developer Obligations	Mechanism	Implementation; Parcel #	Status
12.	PHASING OF PRIVATE DEVELOPMENT NVR&G is a development priority in the Specific Plan. Development of the NVR&G may commence pursuant to the phasing plan as part of phase 1. If not initiated during phase 1 of the residential development, the NVR&G must commence development in conjunction with the start of phase 2 of the residential development. Developer shall have the right to commence development of any portion of the NVR&G at any time provided necessary MBI and other Public Improvements are constructed and operational before or at the time of occupancy of such portion of the NVR&G.	Relevant Subsequent Approvals	Relevant Parcel	Applicable

C. MASTER CONDITIONS – DEVELOPMENT AGREEMENT

Master COA #	Section and Page	Developer Obligations	Mechanism	Implement.	Status
13.		The entire Development Agreement, as amended, shall apply. Any reference in these Master Conditions to “Development Agreement” shall mean the Development Agreement by and between AC-1 and City, as amended over time. The following Master Conditions provide certain terms and conditions set forth in the Development Agreement, and shall automatically be amended as the Development Agreement is amended over time. Not all Development Agreement terms and conditions are set forth below; however, all terms and conditions of the Development Agreement, as amended over time, shall nonetheless apply to the Project, the Project Approvals, these Master Conditions, and any Specific Conditions, regardless of whether or not set forth herein.	Relevant Subsequent Approvals	Pre-Final Map, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
14.	§§ 2.06 through 2.07 Page 32	As more particularly described in the Development Agreement, if chosen by Master Developer in its sole and exclusive discretion, Master Developer shall be responsible for the design and construction of the “Phase 1 Newell Drive Initial Access.” The Phase 1 Newell Drive Initial Access shall begin (commence) from the existing terminus of Newell Drive,	Relevant Subsequent Approvals Certain proceeds	As set forth in Development Agreement (e.g., Pre-Final Map,	Applicable

**MASTER CONDITIONS OF APPROVAL
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		northward to the intersection of Newell Drive and Rio Del Mar then westward on Rio Del Mar to the intersection of Rio Del Mar and Loop Road, then northward on Loop Road to include “Loop Road Segment 1,” as that term is defined in Section 2.07 of the Development Agreement, and as shown on <i>Exhibit B</i> to the Development Agreement, and <i>Exhibit A</i> to these Master Conditions.	from State of California will help fund portions of the Newell Drive Initial Access	SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit)	
15.	§ 2.06(c)(1) Page 32	As more particularly described in the Development Agreement, if chosen by Master Developer in its sole and exclusive discretion, Master Developer shall be responsible for the design and construction of the “Phase 2 Newell Drive Initial Access.” The Phase 2 Newell Drive Initial Access shall include the extension of Rolling Hills Drive from the Phase 1 terminus of Rolling Hills Drive northward to the intersection of Rolling Hills Drive and Rio Del Mar, and the extension of Loop Road from the Phase 1 terminus of Loop Road, to the northward edge of Loop Road Segment 2, as both are shown on <i>Exhibit B</i> to the Development Agreement, and <i>Exhibit A</i> to these Master Conditions.	Applicable Parcels	As set forth in Development Agreement	Applicable
16.	§ 2.06(c)(1) Page 32	As more particularly described in the Development Agreement, before the 743 rd building permit for a residential structure on the Project can be issued by the City, Developer, at Developer’s sole and exclusive discretion, shall construct one of the following roadway improvements (all shown on <i>Exhibit B</i> to the Development Agreement and <i>Exhibit A</i> to these Master Conditions.): A. Commencing from the intersection of Loop Road and Rio Del Mar westward on Rio Del Mar to the intersection of Rio Del Mar and SR 29, as shown on Exhibit B to the Development Agreement. B. Commencing from the intersection of Loop Road and Rio Del Mar westward on Rio Del Mar, then southward as Rio Del Mar becomes South Napa Junction, to the intersection of South Napa Junction and SR 29, as shown on <i>Exhibit B</i> to the Development Agreement, and <i>Exhibit A</i> to these Master Conditions. Any and all affordable residential housing units built in the Watson Ranch Specific Plan shall be exempt from, and therefore shall not be included, in determining the 743 residential housing unit count or any other residential unit cap.	Applicable Parcels	As set forth in Development Agreement	Applicable
17.	§ 2.07(a) Page 34	Developer shall not be responsible for any fees and costs related to the City Attorney, and/or any City Special Legal Counsel regarding any railroad crossing, roadway, and/or other MBI.	Applicable Parcels	Pre-Final Map, SIA, Grading Permit,	Applicable

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				Construction Permit, Building Permit, Occupancy Permit	
18.	§ 2.07(c)(1) Page 34	At the time of Building Permit issuance for a “Model Plan Review” (model home plan review) residential unit, Developer shall pay to City Processing Fees in the amount designated for that size/type of model home residential unit set forth in <i>Exhibit C</i> to the Development Agreement. Said amount of Processing Fees shall be considered to be in Calendar Year 2019 dollars, and, commencing in 2020, that amount shall be increased each year by the relevant year’s percentage amount set forth in the Construction Cost Index for the San Francisco Region.	Applicable Parcels	Building Permit	Applicable
19.	§ 2.07(c)(2) Page 34	At the time of Building Permit issuance for an “After Model Plan Review” residential unit, Developer shall pay to City Processing Fees in the amount designated for that size/type of After Model Plan Review residential unit set forth in Exhibit C to the Development Agreement. Said amount of Processing Fees shall be considered to be in Calendar Year 2019 dollars, and, commencing in 2020, that amount shall be increased each year by the relevant year’s percentage amount set forth in the Construction Cost Index for the San Francisco Region.	Applicable Parcels	Building Permit	Applicable
20.	§ 2.07(c) Page 34	Processing of project approvals shall be performed pursuant to the Development Agreement.	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
21.	§ 2.07(c)(3) Pages 34-35	Developer shall pay, one or some combination of the following options, in Developer’s sole and exclusive discretion: A. To City, those Processing Fees that at the time Processing Fees are due to City reflects the amount that City actually expends to provide such processing services, which City actual expenditures shall not include any administrative fees, charges, and/or assessments; and/or B. To a third-party consultant (“Processing Consultant”) acceptable to City and contracted directly with Developer the amount that the Processing Consultant and Developer contract for such processing services. Should	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<p>Developer desire to contract with a particular Processing Consultant, prior to entering into such contract, Developer shall provide written notice to City at least thirty (30) days prior to Developer entering into such Processing Consultant contract (the “30-day period”), which notice to City shall address such intended contract, including without limitation, naming the intended Processing Consultant. Within thirty (30) days of receipt of such notice from Developer, City shall indicate its consent or objections, in writing. If City fails to raise objection to Developer within such 30-day period, City consent shall be deemed provided. If City raises objection to such Developer-noticed Processing Consultant within said 30-day period, then the Resolution Process set forth in the Development Agreement shall apply. City and Developer shall maintain and update a list of Processing Consultants acceptable to City. And/or,</p> <p align="center">C. To a Processing Consultant acceptable to City and contracted directly with Developer and City (a three-party agreement) the amount that the Processing Consultant and Developer contract for such processing services. Again, City and Developer shall maintain and update a list of Processing Consultants acceptable to City.</p>			
22.	§ 2.07(d) Pages 35-36	<p>In Developer’s sole and exclusive discretion, Developer shall pay Inspection Fees for residential development, MBI, in-tract infrastructure, NVRG and Hotel, and/or any other Project construction requiring inspection, in either or some combination of the following options:</p> <p align="center">1. To City, those Inspection Fees that at the time Inspection Fees are due to City reflects the amount that City actually expends to provide such inspection services, which City actual expenditures shall not include any administrative fees, charges, and/or assessments; and/or;</p> <p align="center">2. To a third-party consultant acceptable to City and contracted directly with Developer (“Inspection Consultant”) the amount that the Inspection Consultant and Developer contract for such inspection services. Should Developer desire to contract with a particular Inspection Consultant, prior to entering into such contract, Developer shall provide written notice to City at least thirty (30) days prior to Developer entering into such Inspection Consultant contract (the “30-day period”), which notice to City shall address such intended contract, including without limitation, naming the intended Inspection Consultant. Within thirty (30) days of receipt of such notice from Developer, City shall indicate its consent or objections, in writing. If City fails to raise objection to Developer within such 30-day period, City consent shall be deemed provided. If City raises objection to</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<p>such Developer-noticed Inspection Consultant within said 30-day period, then the Resolution Process set forth in the Development Agreement shall apply. City and Developer shall maintain and update a list of Inspection Consultants acceptable to City. And/or,</p> <p>3. To an Inspection Consultant acceptable to City and contracted directly with Developer and City (a three-party agreement) the amount that the Inspection Consultant and Developer contract for such inspection services. Again, City and Developer shall maintain and update a list of Inspection Consultants acceptable to City.</p>			
23.	§ 2.07(f) Page 37	<p>During the Term of the Development Agreement, Developer shall not pay any past, current and/or future City development fees, impact fees, mitigation fees and/or any and all other impact fees imposed on development in the City in any and all categories (collectively, “City Impact Fees”). Such City Impact Fees that Developer shall not pay during the Term of the Agreement include, without limitation, Civic Facility Fees, Wastewater Capacity Fees, Water Capacity Fees, Traffic Impact Fees, Parks & Recreation Fees, and/or General Plan Update Fees, and any other present or future City Impact Fee imposed on development to mitigate Project impacts and provide funding for public infrastructure, services and/or facilities.</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
24.	§ 2.07(h)(1)(D) Page 39	<p>Developer shall improve and construct the relevant portions of Newell Drive, including and excluding, as follows: Newell Drive Segment 1, with the exception that the portion of such Newell Drive Segment 1 improvements located on the Newell Property that Developer shall improve and construct shall be limited to one-half (1/2) width of a typical roadway section (as shown in the Specific Plan), which provides for a single travel lane in each direction.</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
25.	§ 2.07(h)(1)(E) Page 39	<p>Developer’s commencement of Watson Ranch Specific Plan’s Phase 4 of residential development shall be conditioned upon Developer’s commencement of “Developer’s Newell Drive Obligations,” provided the relative/relevant “City Precursors” (prerequisites) to each such Developer’s Newell Drive Obligations have been satisfied by City, all as provided in the Development Agreement.</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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26. 	§ 2.07(h)(1)(E) Page 40	If at Developer’s planned commencement of Watson Ranch Specific Plan’s Phase 4 of residential development, the City Precursors are not fully satisfied and in place, then Developer may commence development of the Watson Ranch Specific Plan’s Phase 4 of residential development and shall no longer be responsible for Developer’s Newell Drive Obligation. The status of the City Precursors shall be addressed in the Annual Review of the Development Agreement in order to keep the Parties apprised of status.	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
27.	§ 2.07(h)(2) Page 40	Regarding Rio Del Mar With an At-Grade Railroad Crossing. A railroad crossing at Rio Del Mar is anticipated for the Project by the General Plan and Specific Plan. The Parties generally desire that the railroad crossing at Rio Del Mar be an “at-grade” crossing. However, the Parties also recognize that time, money, and the authority of others, including without limitation governmental agencies such as the California Public Utilities Commission (“PUC”), have influence and authority over such at-grade crossing options. Further, the Parties recognize that time savings, certain Developer financial obligation reductions, and other factors may make a grade-separated crossing at Rio Del Mar more attractive and achievable. Lastly, the Parties recognize that should an at-grade or grade-separated railroad crossing at Rio Del Mar prove unsuccessful, there exists a private at-grade railroad crossing at South Napa Junction that is the subject of a previous settlement agreement. Therefore, which railroad crossing to pursue will be an evolving analysis by the Parties as they work through the many issues. At any time period during which an at-grade railroad crossing is being pursued, Developer, exercising its sole and exclusive discretion, shall have the right to assert to City that such an at-grade application should be abandoned and/or otherwise put aside and that a grade-separated railroad crossing at Rio Del Mar shall be pursued. If such an assertion is made, then such at-grade application will be abandoned and/or otherwise put aside and a grade-separated railroad crossing at Rio Del Mar shall be pursued by the Parties.	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
28.	§ 2.07(h)(2)(C) Pages 42-43	When Developer or City is required by the Development Agreement (below) to construct (or cause the financing and/or construction of) At-Grade Rio Del Mar improvements, such improvements shall be constructed and improved at such time as set forth in the Project’s relevant subdivision map approval. That being stated, general construction and improvement obligations regarding At-Grade Rio Del Mar are as follows: i. Developer shall be responsible for the construction and improvement of At-Grade Rio Del Mar Segment	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit,	Applicable

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		<p>I at such time as set forth in the Project's relevant subdivision map approval, provided that Developer shall be reimbursed by City for Developer's full costs related to such construction and improvement of such At-Grade Rio Del Mar Segment 1, and provided that such full reimbursement by City to Developer shall occur the earlier of the following events: Within thirty (30) days of the date of the recording of any final subdivision map regarding the "Adobe Property," or within thirty (30) days of the date of the City's issuance of any Building Permit regarding the Adobe Property. For the purposes of the Development Agreement, the "Adobe Property" shall mean that property depicted on <i>Exhibit A</i> to the Development Agreement. Further, for the purposes of the Development Agreement, Developer's full costs (including without limitation, a reasonable construction management fee in an amount consistent with practices within the trades for such roadway construction, and every other task required) related to such construction and improvement of such At-Gracie Rio Del Mar Segment 1 shall be referred to as "Developer's At-Grade Rio Del Mar Segment 1 Costs";</p> <p>ii. Developer shall be responsible for the construction and improvement of At-Grade Rio Del Mar Segment 2 at such time as set forth in the Project's relevant subdivision map approval, provided that Developer shall be reimbursed by City for Developer's full costs related to such construction and improvement of such At-Grade Rio Del Mar Segment 2, with such reimbursement being a priority, and coming from funds City secures through City's imposition on other development in the City some form of fees, charges, assessments and/or other means, and further provided that such City reimbursement obligation to Developer shall continue until such time as- Developer is fully so reimbursed, or the Development Agreement's Term concludes, whichever occurs first. For the purposes of the Development Agreement, Developer's full costs related to such construction and improvement of such At-Grade Rio Del Mar Segment 2 shall be referred to as "Developer's At-Grade Rio Del Mar Segment 2 Costs";</p> <p>iii. The details of the "At-Grade Rio Del Mar Railroad Crossing Segment" are addressed in subdivision</p>		Occupancy Permit	
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		<p>(h)(4) of the Section 2.07 of the Development Agreement;</p> <p>iv. Developer shall be responsible for the construction and improvement of At-Grade Rio Del Mar Segment 3 at such time as set forth in the Project's relevant subdivision map approval;</p> <p>v. Developer shall be responsible for the construction and improvement of At-Grade Rio Del Mar Segment 4 at such time as set forth in the Project's relevant subdivision map approval; and,</p> <p>vi. Developer shall be responsible for the construction and improvement of At-Grade Rio Del Mar Segment 5 at such time as set forth in the Project's relevant subdivision map approval.</p>			
29.	<p>§ 2.07(h)(3)(B) Pages 44-45</p>	<p>It is understood by the Parties that all such right-of-way dedications shall reflect the right-of-way requirements of the General Plan and Specific Plan, and that if City is responsible for securing the dedication, that City shall secure the dedication at City's sole cost and expense and at such time as the Parties agree is necessary to ensure the absence of Developer construction delay on the Rio Del Mar Improvements. City shall coordinate the acquisition of right-of-way from the relevant property owner, with the goal being the full dedication of Grade-Separated Segment A and Grade-Separated Segment B, and Grade-Separated E at no cost to the Parties. The Parties recognize that if eminent domain or other City actions are necessary to acquire the right-of-way from the relevant property owner(s) needed for the construction of Grade-Separated Segment A, Grade-Separated Segment B, and Grade-Separated E, delays may occur and shall be allowed. Should eminent domain be required, acquisition shall be by, and at the sole and exclusive cost and expense of, City. Regarding the dedication of the relevant Segments of Grade-Separated Rio Del Mar, the following shall apply:</p> <p>i. City shall secure the dedication of Grade-Separated Rio Del Mar Segment A;</p> <p>ii. City shall secure the dedication of Grade-Separated Rio Del Mar Segment B;</p> <p>iii. The details of the "Grade-Separated Rio Del Mar Railroad Crossing Segment" are addressed below in subdivision (h)(4) of the Section 2.07 of the Development Agreement;</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<ul style="list-style-type: none"> iv. Developer shall dedicate to City, upon the Project’s first recorded subdivision map (e.g., the final map relating to the Large Lot Vesting Tentative Map), Grade-Separated Rio Del Mar Segment C; v. Developer shall dedicate to City, upon the Project’s first recorded subdivision map (e.g., the final map relating to the Large Lot Vesting Tentative Map), Grade-Separated Rio Del Mar Segment D; and vi. City secured the dedication of Grade-Separated Rio Del Mar Segment E through the recordation of the Newell Parcel Map. 			
30.	<p>§ 2.07(h)(3)(C) Pages 45-46</p>	<p>It is understood by the Parties that when Developer or City is required by the Development Agreement (below) to construct (or cause the financing and/or construction of) Grade-Separated Rio Del Mar improvements, such improvements shall be constructed and improved at such time as set forth in the Project’s relevant subdivision map approval. That being stated, general construction and improvement obligations regarding Grade-Separated Rio Del Mar are as follows:</p> <ul style="list-style-type: none"> i. Developer shall be responsible for the construction and improvement of Grade-Separated Rio Del Mar Segment A at such time as set forth in the Project’s relevant subdivision map approval, provided that the portion of the costs to Developer of constructing and improving Grade-Separated Rio Del Mar Segment A that is equal to “Developer’s At-Grade Rio Del Mar Segment 1 Costs” shall be reimbursed by City to Developer, and provided that such reimbursement by City to Developer (for the dollar amount of the portion of the costs to Developer of constructing and improving Grade-Separated Rio Del Mar Segment A that is equal to “Developer’s At-Grade Rio Del Mar Segment 1 Costs”) shall occur the earlier of the following events: Within 30 days of the date of the recording of any final subdivision map regarding the Adobe Property, or within 30 days of the date of any City issuance of any Building Permit regarding the Adobe Property. ii. Developer shall be responsible for the construction and improvement of Grade-Separated Rio Del Mar Segment B at such time as set forth in the Project’s relevant subdivision map approval, provided that the portion of the costs to Developer of constructing and improving Grade-Separated Rio Del Mar Segment B that is equal to “Developer’s At-Grade Rio Del Mar 	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<p>Segment 2 Costs” shall be reimbursed by City to Developer, and provided that such reimbursement by City to Developer (for the dollar amount of the portion of the costs to Developer of constructing and improving Grade-Separated Rio Del Mar Segment B that is equal to “Developer’s At-Grade Rio Del Mar Segment 2 Costs”) shall be a priority, and shall come from funds come from funds City secures through City’s imposition on other development in the City some form of fees, charges, assessments and/or other means, and further provided that such City reimbursement obligation to Developer shall continue until such time as Developer is fully so reimbursed, or the Development Agreement’s Term concludes, whichever occurs first.</p> <p>iii. The details of the “Grade-Separated Rio Del Mar Railroad Crossing Segment” are addressed in the Development Agreement;</p> <p>iv. Developer shall be responsible for the construction and improvement of Grade-Separated Rio Del Mar Segment C at such time as set forth in the Project’s relevant subdivision map approval;</p> <p>v. Developer shall be responsible for the construction and improvement of Grade-Separated Rio Del Mar Segment D at such time as set forth in the Project’s relevant subdivision map approval; and</p> <p>vi. Developer shall be responsible for the construction and improvement of Grade-Separated Rio Del Mar Segment E at such time as set forth in the Project’s relevant subdivision map approval.</p>			
31.	<p>§ 2.07(h)(3)(E) Page 47</p>	<p>It is understood by the Parties that right-of-way dedications shall reflect the right-of-way requirements of the General Plan and Specific Plan, and that if City is responsible for securing the dedication under the Development Agreement, that City shall secure the dedication at City’s sole cost and expense and at such time as the Parties agree is necessary to ensure the absence of Developer construction delay on South Napa Junction. City shall coordinate the acquisition of right-of-way from the relevant property owner, with the goal being the full dedication of South Napa Junction Segment 1 and/or South Napa Junction Segment 2 at no cost to the Parties. The Parties recognize that if <i>eminent domain</i> or other City actions are necessary to acquire the right-of-way from the relevant property owner(s) needed for the construction South Napa Junction Segment 1 and/or South Napa Junction Segment 2,</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<p>delays may occur and shall be allowed. Should <i>eminent domain</i> be required, acquisition shall be by, and at the sole and exclusive cost and expense of, City. Regarding the dedication of the relevant Segments of South Napa Junction, the following shall apply:</p> <p style="padding-left: 40px;">i. City shall secure the dedication of South Napa Junction Segment 1;</p> <p style="padding-left: 40px;">ii. City shall secure the dedication of South Napa Junction Segment 2;</p> <p style="padding-left: 40px;">iii. The details of the “South Napa Junction Railroad Crossing” are addressed in subdivision (h)(4) of the Section 2.07 of the Development Agreement;</p> <p style="padding-left: 40px;">The details of the “South Napa Junction Railroad Crossing” are addressed in subdivision (h)(4) of the Section 2.07 of the Development Agreement.</p>			
32.	<p>§ 2.07(h)(3)(F) Page 48</p>	<p>General construction and improvement obligations regarding South Napa Junction are as follows:</p> <p style="padding-left: 40px;">i. Developer shall be responsible for the construction and improvement of South Napa Junction Segment 1 at such time as set forth in the Project’s relevant subdivision map approval, provided that Developer shall be reimbursed by City for Developer’s full costs related to such construction and improvement of such South Napa Junction Segment 1, and provided that such full reimbursement by City to Developer shall occur the earlier of the following events: The recording of any final subdivision map regarding the “Adobe Property,” or the City issuance of any Building Permit regarding the Adobe Property. For the purposes of the Development Agreement, the “Adobe Property” shall mean that property depicted on <i>Exhibit A</i> to the Development Agreement. Further, for the purposes of the Development Agreement, Developer’s full costs related to such construction and improvement of such South Napa Junction Segment 1 shall be referred to as “Developer’s South Napa Junction Segment 1 Costs”;</p> <p style="padding-left: 40px;">ii. Developer shall be responsible for the construction and improvement of South Napa Junction Segment 2 at such time as set forth in the Project’s relevant subdivision map approval, provided that Developer shall be reimbursed by City for Developer’s full costs related to such construction and improvement of such South Napa Junction Segment 2, with such reimbursement being a priority, and coming from funds City secures through City’s imposition on other development in the City some form of fees, charges, assessments and/or other means, and further provided that such</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<p>City reimbursement obligation to Developer shall continue until such time as Developer is fully so reimbursed, or the Development Agreement’s Term concludes, whichever occurs first;</p> <p>iii. The details of the “South Napa Junction Railroad Crossing” are addressed in subdivision (h)(4) of the Section 2.07 of the Development Agreement;</p> <p>iv. Developer shall be responsible for the construction and improvement of South Napa Junction Segment 3 at such time as set forth in the Project’s relevant subdivision map approval;</p> <p>v. Developer shall be responsible for the construction and improvement of South Napa Junction Segment 4 at such time as set forth in the Project’s relevant subdivision map approval; and,</p> <p>vi. Developer shall be responsible for the construction and improvement of South Napa Junction Segment 5 at such time as set forth in the Project’s relevant subdivision map approval.</p>			
33.	§ 2.07(h)(4)(B) Page 49	<p>City shall be responsible for making any and all application(s) to such relevant public agencies including without limitation the PUC for any and all such rail crossing(s), and Developer shall be responsible for coordinating and paying for the consultants needed to support that effort. Developer shall be responsible for all City Staff costs and fees relating to whichever/all railroad crossings pursued, which City Staff costs and fees reflect the amount that City actually expends for such City Staff costs and fees, which City actual expenditures shall not include any administrative fees, charges, and/or assessments; Developer shall not be responsible for the City costs and fees relating to the City Attorney, and any additional City-hired special legal counsel, regarding whichever/all railroad crossings are pursued.</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
34.	§ 2.07(h)(4)(C) Pages 49-50	<p>If Developer, in its sole and exclusive discretion, determines to pursue the At-Grade Railroad Crossing, then the following shall apply:</p> <p>i. Developer shall provide City written notice that Developer has determined to pursue the At-Grade Railroad Crossing; and</p> <p>ii. Developer shall be responsible for the costs and fees related to such At-Grade Railroad Crossing Segment. Developer shall be responsible for all costs related to the SR 29/Rio Del Mar Tie-in, up to a maximum of \$2.5 million. Any amount beyond such \$2.5 million shall be subject to the “Resolution Process” requirements of Section 2.03 of the Development Agreement, where the Parties will endeavor to resolve the amount in excess of \$2.5 million dollars. City shall</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		<p>be responsible for making application to all relevant public agencies - including without limitation, the California Department of Transportation (“CalTrans”) - to secure encroachment Permits required to build that SR 29 Tie-In Developer decides to pursue (either the SR 29/Rio Del Mar Tie-In or the SR 29/South Napa Junction Tie-In). Developer shall be responsible for the costs and fees related to such City cooperation, coordination and application, including the costs and fees related to City Staff, which City Staff costs and fees reflect the amount that City actually expends for such City Staff costs and fees, which City actual expenditures shall not include any administrative fees, charges, and/or assessments; time; however, Developer shall not be responsible for any costs and fees relating to the City Attorney and/or Special Counsel hired by City to assist. Developer shall be reimbursed by City for Developer’s costs (up to a maximum of \$2.5 million - any amount beyond such \$2.5 million shall be subject to the “Resolution Process” requirements of Section 2.03 of the Development Agreement) related to such construction and improvement of such SR 29/Rio Del Mar Tie-in in two ways: First, the first fifty percent (50%) of Developer’s costs related to such construction and improvement of such SR 29/Rio Del Mar Tie-shall be reimbursed by City to Developer at the earlier of the following events: Within 30 days of the date of the recording of any final subdivision map regarding the Adobe Property, or within 30 days of the date of City’s issuance of any Building Permit regarding the Adobe Property; and Second, the second and final 50% of Developer’s costs related to such construction and improvement of such SR 29/Rio Del Mar Tie-shall be reimbursed by City to Developer, with such reimbursement being given priority, and such reimbursement coming from funds City secures through City’s imposition on other development in the City some form of fees, charges, assessments and/or other means, and further provided that such City reimbursement obligation to Developer shall continue until such time as Developer is fully so reimbursed, or the Development Agreement’s Term concludes, whichever occurs first.</p>			
35.	<p>§ 2.07(h)(2)(D) Pages 50-51</p>	<p>If Developer, in its sole and exclusive discretion, determines to pursue the Grade-Separated Railroad Crossing, then the following shall apply:</p> <ul style="list-style-type: none"> i. Developer shall provide City written notice that Developer has determined to pursue the Grade-Separated Crossing at Rio Del Mar. ii. Developer shall be responsible for all costs and fees related to the Grade-Separated Railroad Crossing Segment, including the costs and fees related to City Staff time, which City Staff time costs and fees reflect the amount that City 	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		actually expends for such City Staff costs and fees, which City actual expenditures shall not include any administrative fees, charges, and/or assessments; however, Developer shall not be responsible for any costs and fees relating to the City Attorney and/or Special Counsel hired by City to assist.			
36.	§ 2.07(h)(2)(E) Pages 51-52	<p>If neither the At-Grade Railroad Crossing Segment nor the Grade-Separated Railroad Crossing Segment is pursued by Developer and/or either or both are pursued but denied by the PUC (and/or others), and/or either or both are pursued but abandoned by Developer, then if Developer, in its sole and exclusive discretion, determines to pursue the existing at-grade railroad crossing at South Napa Junction, then the following shall apply:</p> <p style="padding-left: 40px;">i. Developer shall provide City written notice that Developer has determined to pursue the at-grade railroad crossing at South Napa Junction; and</p> <p style="padding-left: 40px;">ii. Developer shall be responsible for the costs and fees related to such South Napa Junction Railroad Crossing Segment.</p> <p style="padding-left: 40px;">iii. Developer shall be responsible for all costs and fees related to the SR 29/South Napa Junction Tie-In, up to a maximum of \$2.5 million. Any amount beyond such \$2.5 million shall be subject to the “Resolution Process” requirements of Section 2.03 of the Development Agreement, where the Parties will endeavor to resolve the amount in excess of \$2.5 million dollars. City shall be responsible for making application to all relevant public agencies - including without limitation, the California Department of Transportation (“CalTrans”) - to secure encroachment Permits required to build that SR 29 Tie-In Developer decides to pursue (either the SR 29/Rio Del Mar Tie-In or the SR 29/South Napa Junction Tie-In). Developer shall be responsible for the costs and fees related to such City cooperation, coordination and application, including the costs and fees related to City Staff time, which City Staff costs and fees reflect the amount that City actually expends for such City Staff costs and fees, which City actual expenditures shall not include any administrative fees, charges, and/or assessments; however, Developer shall not be responsible for any costs and fees relating to the City Attorney and/or Special Counsel hired by City to assist. Developer shall be reimbursed by City for Developer’s costs (up to a maximum of \$2.5 million - any amount beyond such \$2.5 million shall be subject to the “Resolution Process” requirements of Section 2.03 of the Development Agreement) related to such construction and improvement of such SR 29/South Napa Junction Tie-In in two ways: First, the first fifty percent (50%) of Developer’s costs related to such construction and improvement of such SR 29/South Napa Junction Tie-In shall</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		be reimbursed by City to Developer at the earlier of the following events: The recording of any final subdivision map regarding the Adobe Property, or the City issuance of any Building Permit regarding the Adobe Property; and Second, the second and final 50% of Developer’s costs related to such construction and improvement of such SR 29/South Napa Junction Tie-In shall be reimbursed by City to Developer, with such reimbursement being a priority, and coming from funds City secures through City’s imposition on other development in the City some form of fees, charges, assessments and/or other means, and further provided that such City reimbursement obligation to Developer shall continue until such time as Developer is fully so reimbursed, or the Development Agreement’s Term concludes, whichever occurs first.			
37.	§ 2.07(h)(5)(B) Page 52	City and Developer shall cooperate and coordinate their efforts to secure approval of the SR 29 Tie-In that Developer decides to pursue (either the SR 29/Rio Del Mar Tie-In or the SR 29/South Napa Junction Tie-In) in a manner to ensure the absence of Developer construction delay on either the At-Grade Rio Del Mar, Grade-Separated Rio Del Mar improvements, or South Napa Junction improvements.	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
38.	§ 2.07(h)(6) Page 52	<p>Relating to the Loop Road Improvements:</p> <p style="padding-left: 40px;">A. Developer shall dedicate to City at such relevant Project subdivision map recordation date, that land described in <i>Exhibit B</i> to the Development Agreement.</p> <p style="padding-left: 40px;">B. Developer shall construct (or cause the finance and construction of) at such time as set forth in the Specific Plan (and such relevant Project subdivision map approval), those roadway improvements described in Exhibit C to the Development Agreement (collectively, the “Loop Road Improvements”). The Loop Road Improvements are comprised of “Loop Road Segment 1,” “Loop Road Segment 2,” and “Loop Road Segment 3,” as shown on <i>Exhibit B</i> to the Development Agreement , and <i>Exhibit A</i> to these Master Conditions.</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
39.	§ 2.07(h)(7) Pages 52-53	<p>Relating to the Rolling Hills Drive Improvements:</p> <p style="padding-left: 40px;">A. Developer shall dedicate to City at such relevant Project subdivision map recordation date, that land described in <i>Exhibit B</i> to the Development Agreement, and <i>Exhibit A</i> to these Master Conditions (collectively, the “Rolling Hills Drive Improvements”).</p>	Applicable Parcels	Pre-Final Map, SIA, Grading Permit, Construction Permit, Building Permit,	Applicable

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		<p>B. Developer Developer shall construct (or cause the finance and construction of) at such time as the commencement of Watson Ranch Specific Plan’s Phase 2 of residential development (and such relevant Project subdivision map approval) or sooner if required to meet secondary access requirements for residential development, those roadway improvements described in <i>Exhibit B</i> to the Development Agreement.</p>		Occupancy Permit	
40.	<p>§ 2.07(h)(8) Page 53</p>	<p>Relating to Underground Utilities:</p> <p>A. Developer shall dedicate to City at such relevant Project subdivision map recordation date those underground utility and storm drain infrastructure improvements within the Project subdivision map required by the Project subdivision map’s development.</p> <p>B. Developer shall construct (or cause the finance and construction of) at such time as set forth in such relevant Project subdivision map approval, those underground utility and storm drain infrastructure improvements within the Project required by the Project’s development.</p>	Applicable Parcels	Pre-Final Map; Final Map Recordation	Applicable
41.	<p>§ 2.07(k) Page 53</p>	<p>Developer shall dedicate to City at such relevant Project subdivision map recordation date and improve at such time as set forth in the Specific Plan and such relevant Project subdivision map approval, approximately three and fifty-five/one hundredths (3.55) acres of the Property for use as “Park A,” as more particularly set forth in Exhibit B to the Development Agreement. Developer shall be obligated to contribute no more than five million six hundred thousand (\$5,600,000) for the improvement of Park A; said \$5,600,000 maximum shall include any and all Processing Fees, Building Permit Fees, User Fees, and/or Inspection Fees. Notwithstanding the forgoing, the \$5,600,000 amount (for the improvement of Park A) shall be considered to be in Calendar Year 2019 dollars, and, commencing in 2020, that amount shall be increased each year by the relevant year’s percentage amount set forth in the Construction Cost Index for the San Francisco Region, until such Park A improvements are completed. Consistent with the foregoing, the Parties shall work together to secure that portion of Park A that sits on the Newell Property, including seeking to have the controlling owners of the Newell Property dedicate such portion to the City through existing and/or future subdivision maps. Developer’s obligation to improve/construct Park A shall commence only after both fee title to that portion of Park A that sits on the Newell Property has been secured and is in City</p>	Applicable Parcels	Pre-Final Map; Final Map Recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		possession, and the Specific Plan’s Phase 2 of development of the Project has commenced.			
42.	§ 2.07(l) Page 53-54	Developer shall dedicate to City at such relevant Project subdivision map recordation date and improve at such time as set forth in at such relevant Project subdivision map approval, approximately five and fifty-seven/one hundredths (5.57) acres for use as “Park B,” as more particularly set forth in <i>Exhibit B</i> to the Development Agreement. Developer shall be obligated to contribute no more than two million eight hundred thousand dollars (\$2,800,000) for the improvement of Park B; said \$2,800,000 maximum shall include any and all Processing Fees, and/or Inspection Fees. Notwithstanding the forgoing, the \$2,800,000 amount (for the improvement of Park B) shall be considered to be in Calendar Year 2019 dollars, and, commencing in 2020, that amount shall be increased each year by the relevant year’s percentage amount set forth in the Construction Cost Index for the San Francisco Region, until such Park B improvements are completed. Consistent with the foregoing, the Parties shall work together to secure that portion of Park B that sits on the Newell Property, including seeking to have the controlling owners of the Newell Property dedicate such portion to the City through existing and/or future subdivision maps. Developer’s obligation to improve/construct Park B shall commence only after both: fee title to that portion of Park B that sits on the Newell Property has been secured and is in City possession; and the Specific Plan’s Phase 3 of development of the Project has commenced.	Applicable Parcels	Pre-Final Map; Final Map Recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
43.		Developer shall dedicate to the City, at such relevant Project subdivision map recordation date, and improve at such time as set forth in such relevant Project subdivision map approval, approximately sixty-seven one hundredths (.67) acres for use as the “Napa Valley Vine Trail,” as more particularly set forth in Exhibit B to the Development Agreement. Developer shall be obligated to contribute no more than four hundred sixty thousand dollars (\$460,000) for the improvement of the Napa Valley Vine Trail; said \$460,000 maximum shall include any and all Processing Fees, and/or Inspection Fees. Notwithstanding the forgoing, the \$460,000 amount (for the improvement of the Napa Valley Vine Trail) shall be considered to be in Calendar Year 2019 dollars, and, commencing in 2020, that amount shall be increased each year by the relevant year’s percentage amount set forth in the Construction Cost Index for the San Francisco Region, until such Napa Valley Vine Trail improvements are completed. Consistent with the foregoing, the Parties shall work together to secure that portion of the Napa Valley Vine Trail that sits on the Newell Property, including seeking to have the controlling owners of the Newell Property dedicate such portion to the	Applicable Parcels	Pre-Final Map; Final Map Recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		City through existing and/or future subdivision maps. Said Developer’s obligation to improve the Napa Valley Vine Trail shall commence only after fee title to that portion of the Napa Valley Vine Trail that sits on the Newell Property has been secured and is in City possession. The Parties recognize the City has exercised its discretion in requiring the Developer to construct various Class I trails including the Napa Valley Vine Trail and the River to Ridge Trail. The Parties shall coordinate and cooperate, including without limitation, the entering into of any necessary or desirous “Measure T Funding Equivalent Set-Aside Agreement,” regarding the accounting procedures used to memorialize the Developer’s costs in dedicating and improving said Class I trails with express purpose of maximizing the amount of “Measure T Funding Equivalent Set-Aside” defined by that certain Napa Valley Transportation Authority – Tax Authority Measure T Ordinance, and that certain Measure T Funding Agreement by and between the City and the Napa Valley Transportation Authority – Tax Authority.			
44.	§ 2.07(n) Page 54-55	Developer shall dedicate to the City at such relevant Project subdivision map recordation date approximately two (2) acres of the Property for use as the “Community Plaza and Community Center Site” (which includes the required parking for the use), as more particularly set forth in <i>Exhibit B</i> to the Development Agreement. The Parties recognize that Developer, in Developer’s sole and exclusive discretion, may save the “Silos” depicted in the Specific Plan, and if Developer determines to so save the Silos, then Developer may move the location of the Community Plaza and Community Center Site further south to accommodate the Silos preservation. City shall complete the improvements to the Community Plaza and the Community Center Site as set forth in the Specific Plan.	Applicable Parcels	Pre-Final Map; Final Map Recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable
45.	§ 2.07(o) Page 55	Developer shall dedicate an easement to the City, at such relevant Project subdivision map recordation date, and improve at such time as set forth in at such relevant Project subdivision map approval, approximately six and seventy one hundredths (6.7) acres of the Property for use as the “Quarry Lake Park,” as more particularly set forth in Exhibit B to the Development Agreement. Developer shall be obligated to contribute no more than one million six hundred thousand dollars (\$1,600,000) for the improvement of the Quarry Lake Park; said \$1,600,000 maximum shall include any and all Processing Fees, and/or Inspection Fees. Developer may, in Developer’s sole and exclusive discretion, further improve the Quarry Lake Park with additional uses that complement the “Napa Valley Ruins & Gardens” (described herein). The \$1,600,000 maximum (for the improvement of Quarry Lake Park) shall be considered to be in Calendar Year 2019 dollars, and,	Applicable Parcels	Pre-Final Map; Final Map Recordation, Grading Permit, Construction Permit, Building Permit, Occupancy Permit	Applicable

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		commencing in 2020, that amount shall be increased each year by the relevant year's percentage amount set forth in the Construction Cost Index for the San Francisco Region, until such Quarry Lake Park improvements are completed.			
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D. MASTER CONDITIONS – SUBDIVISION IMPROVEMENT AGREEMENTS

<i>Master COA #</i>	<i>Developer Obligations</i>	<i>Mechanism</i>	<i>Implement.</i>	<i>Status</i>
46.	At Developer's expense, in a good and workmanlike manner, Developer shall furnish all required materials and labor for all of the relevant MBI, Public Improvements, and/or Private Improvements work shown on all Improvement Plans prepared by Developer's engineer of record, and submitted to and approved by City.	SIA	SIA	Applicable
47.	Developer shall do all work and furnish all materials necessary to complete the relevant MBI, Public Improvements, and/or Private Improvements work in accordance with the approved Improvement Plans for the relevant MBI, Public Improvements, and/or Private Improvements work, or with any changes required or ordered by said City's Engineer for the relevant MBI, Public Improvements, and/or Private Improvements work, which, in his/ her reasonable opinion, are necessary or required to complete the relevant MBI, Public Improvements, and/or Private Improvements work. All construction work on the relevant MBI, Public Improvements, and/or Private Improvements work must be performed solely by licensed contractors, and the word "Developer" when used in this Agreement shall mean and include all such licensed contractors performing such construction on Developer's behalf or account.	SIA	SIA	Applicable
48.	Completion of the relevant MBI, Public Improvements, and/or Private Improvements work shall be accomplished within 24 months of the execution of the relevant SIA, subject to the Developer protections provided by the Development Agreement, and subject to extensions granted by City-. Additionally, to the extent greater than the Developer protections provided by the Development Agreement, City shall extend the relevant SIA, as needed, in the event "good cause" is shown by Developer.	SIA	SIA	Applicable
49.	Developer shall replace or have replaced, repair or have repaired, as the case may be, or pay to the City, the entire cost of replacements or repairs, of any and all public and/or private (non-Developer) property damaged or destroyed by reason of any work done on the relevant MBI, Public Improvements, and/or Private Improvements work under the relevant SIA, whether such public property be owned by the United States or any agency thereof, or the State of California, or any agency or political subdivision thereof, or by the City or by any public or private corporation, partnership or association, or by any person whomsoever, or by any combination of such owners. Such replacement and/or repair cost shall not exceed the cost of such property damage or destruction suffered.	SIA	SIA	Applicable

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50.	Developer shall, at Developer's sole expense, obtain all necessary permits and licenses for the approval and construction of the relevant MBI, Public Improvements, and/or Private Improvements work, give all necessary notices, and pay all fees and taxes required. Developer shall furnish to City proof of having obtained required workers' compensation insurance coverage prior to commencing any relevant MBI, Public Improvements, and/or Private Improvements work.	SIA	SIA	Applicable
51.	Developer shall ensure competent supervision of all relevant MBI, Public Improvements, and/or Private Improvements work at all times. The Developer, at Developer's expense, shall have a registered civil engineer establish the horizontal and vertical control survey, if necessary, to construct the relevant MBI, Public Improvements, and/or Private Improvements work in accordance with the plans and specifications for such relevant MBI, Public Improvements, and/or Private Improvements work.	SIA	SIA	Applicable
52.	Developer shall at all times maintain proper facilities and provide safe access for inspection to all parts of the work on the relevant MBI, Public Improvements, and/or Private Improvements work, and to the shops wherein the work is in preparation, to assure that the relevant MBI, Public Improvements, and/or Private Improvements work shall be done in accordance with the approved Improvement Plans for such relevant MBI, Public Improvements, and/or Private Improvements work.	SIA	SIA	Applicable
53.	<p>Developer shall furnish to City all of the following:</p> <ul style="list-style-type: none"> a) A surety bond or bonds in the amount equal to 100% of the estimated cost of the on the relevant MBI, Public Improvements, and/or Private Improvements work, as security for the faithful performance of all the provisions of the relevant SIA, including without limitation, the repair and reconstruction of defective work on the relevant MBI, Public Improvements, and/or Private Improvements work. Such surety bond shall remain in effect at a minimum of thirty-five (35) days beyond the date of Notice of Completion of the relevant MBI, Public Improvements, and/or Private Improvements work b) A surety bond or bonds in the amount equal to 50% of the estimated cost of the relevant MBI, Public Improvements, and/or Private Improvements work, as security to guarantee payment in full of all persons who perform labor upon or furnish materials to be used in construction of the relevant MBI, Public Improvements, and/or Private Improvements work. Such surety bond shall remain in effect at a minimum of thirty-five (35) days beyond the date of Notice of Completion of the relevant MBI, Public Improvements, and/or Private Improvements work. c) A surety bond in the amount of 10% of the estimated cost of the relevant MBI, Public Improvements, and/or Private Improvements work as security for the warrantee of all the provisions of the relevant SIA, including without limitation the repair and reconstruction of defective work provisions of such Agreement. Such surety bond shall remain in effect at a minimum of thirty-five (35) days beyond the date of Notice of 	SIA	SIA	Applicable

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	<p>Completion of the relevant MBI, Public Improvements, and/or Private Improvements work.</p> <p>d) All surety bonds referenced shall be prepared on the standard forms provided by City and available from City's Engineer.</p> <p>e) Consistent with the Development Agreement, other forms of surety – such as irrevocable letters of credit, cash deposits, savings account(s), certificate(s) payable to City, etc. - in a form equivalent to each said surety bonds may be proposed by Developer, and shall be accepted by City in place of such surety bonds described herein, provided such other form of surety is satisfactory to City's City Attorney, and provided that all legal expenses incurred by City in reviewing and approving said other forms of surety be paid by Developer.</p> <p>f) Developer shall maintain such surety bonds and/or approved other form of surety in full force and effect consistent with the terms of the relevant SIA, including any extensions of time to such relevant SIA.</p> <p>In the event Developer fails to meet the Developer obligation(s) for which the relevant surety bond or other form of approved surety was provided, then, contingent upon City having properly followed and exhausted the requirements of the Development Agreement, City shall have the right to call upon each such relevant surety bond or other approved form of surety to satisfy the Developer obligation(s) for which such relevant surety bond or other approved form of surety was provided to City.</p>			
54.	Title to, and ownership of, all relevant MBI and/or Public Improvements which are to be delivered to City as shown on the Improvement Plans shall vest absolutely in City upon completion and acceptance of such relevant MBI and/or Public Improvements by City, which City shall accept.	SIA	SIA	Applicable
55.	If, within a period of one (1) year after final acceptance by City of any MBI and/or Public Improvements work performed under the applicable SIA, any such MBI and/or Public Improvement work fails to fulfill any of the requirements of such applicable SIA or the Improvement Plans referred to therein, Developer shall, without delay and without any cost to City, repair or replace or reconstruct any such failure regarding such MBI and/or Public Improvements work. Any dispute between City and Developer on this topic shall be addressed through the provisions of the Development Agreement. City may, at its option, make the necessary repairs or replacements or perform the necessary work, again, with the provisions of the Development Agreement applying regarding the resolution of such City payment and actions. Likewise, City may, but shall not be required to and without limitation, draw upon the applicable surety bond or other approved form of security deposited by Developer and/or take such action as authorized under the relevant SIA and the Development Agreement.	SIA	SIA	Applicable
56.	Notwithstanding any other provision of an applicable SIA, neither Developer nor any of Developer's agents or contractors are or shall be considered to be agents of City in connection with the performance of Developer's obligations under the applicable SIA.	SIA	SIA	Applicable

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57.	Inspections, Improvement Plans review, and other services performed shall be pursuant to the Development Agreement.	SIA	SIA	Applicable
58.	The Development Agreement shall apply regarding all inspection, Improvement Plan review, and other services performed by City or others chosen by Developer after the execution of the relevant SIA.	SIA	SIA	Applicable
59.	In the event any such notice of breach is given and surety is present, Developer's surety shall have the duty to take over and complete the work and the Public Improvements; provided, however, that if the surety, within ten (10) days after serving upon it such notice of breach, does not give City written notice of its intention to take over and complete the performance of the contract, and does not commence performance thereof within ten (10) days after notice to City of such election, City may take over the work and prosecute the same to completion by contract or any other method City may deem advisable, for the account and at the expense of Developer, and Developer's surety shall be liable to City for any direct costs or damages occasioned City thereby, and, in such event, City without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer as may be on the site of the work and necessary therefor.	SIA	SIA	Applicable
60.	Developer shall not commence work under this contract until Developer shall have obtained all insurance required under this section and such insurance shall have been reasonably approved by City as to form, amount, and carrier. A lapse in any required insurance coverage during this Agreement shall be a breach of this Agreement. Developer agrees that if the aforesaid insurance is not kept in full force and effect, City may terminate this Agreement upon ten (10) days prior notice to Developer, unless Developer delivers evidence of insurance to City within such ten (10) day period.	SIA	SIA	Applicable
61.	Developer shall take out and maintain during the life of this contract such insurance as shall protect City, its elected and appointed officials, officers, directors, attorneys, agents (including outside consultants), and employees and each of them,, and Developer and any agents and employees performing work covered by this contract from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from Developer's or any sub-contractor's operations under this contract, whether such operations be by Developer or by anyone directly or indirectly employed by Developer.	SIA	SIA	Applicable
62.	The certificate or policy of insurance shall name the City (and such, other entities or individuals of the City as are indemnified under the contract, such as "... its elected and appointed officials, officers, directors, attorneys, agents, and employees...") as additional, or co-insureds with the Developer. The amounts of such insurance shall be as follows: a) <u>Public Liability Insurance</u> . In an amount not less than \$1,000,000 for injuries, including, but not limited to, death to any one person and subject to the same limit for each person in an amount not less than <u>\$1,000, 000</u> on account of any one occurrence;	SIA	SIA	Applicable

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	<p>b) <u>Property Damage Insurance</u>. In an amount of not less than \$1,000,000 for damage to the property of each person on account of any one occurrence;</p> <p>c) <u>Comprehensive Automobile Liability</u>. Bodily injury liability coverage of \$1,000,000 for each person in any one accident and \$1,000,000 for injuries sustained by two or more persons in any one accident. Property damage liability of \$1,000,000 for each accident.</p> <p>d) <u>Worker's Compensation Insurance</u>. In the amounts required by law.</p>			
63.	<p>City shall not, nor shall any officer, agent or employee thereof, be liable or responsible for any accident, loss or damage happening or occurring in the work specified in this Agreement prior to the completion, approval and/ or acceptance of the same; nor shall the City, nor any of its elected and appointed officials, officers, directors, attorneys, agents (including outside consultants), and employees and each of them, thereof, be liable for any persons or property injured by reason of said work or by reason of the acts or omissions of the Developer, its officers, agents or employees, in the performance of said work. Prior to the completion, approval, or acceptance of the work, the Developer agrees to indemnify, defend and save harmless the City, its elected and appointed officials, officers, directors, attorneys, agents (including outside consultants), and employees and each of them, from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury, or property damage arising from the Developer's operations or its services hereunder, including any workers' compensation suits, liability, or expense, arising from or connected with services by any person pursuant to this Agreement, whether arising from activities of Developer or any of Developer's contractors, subcontractors or by persons directly or indirectly employed by or acting as agent for Developer or arising out of the use of any patent or patented article in the construction of said work. Developer agrees to, and shall upon request, promptly and fully defend City and its elected and appointed officials, officers, directors, attorneys, agents (including outside consultants), and employees and each of them,, from any suits or actions at law or equity for damages caused, or alleged to have been caused, by reason of the activities hereinabove identified as being the responsibility of Developer.</p>	SIA	SIA	Applicable
64.	<p>Developer shall comply with all applicable provisions of the California Labor Code.</p>	SIA	SIA	Applicable
65.	<p>Developer shall at all times from the effective date of this Agreement to the completion and acceptance of the Public Improvements by the City, give good and adequate warning of each and every dangerous condition caused by the construction of said Public Improvements and will protect the traveling public therefrom.</p>	SIA	SIA	Applicable
66.	<p>Developer warrants that it has control of the real property reserved, or needed for the installation of the Public Improvements, and the streets in which it is to be placed, as is necessary to allow it to carry out its obligations under this Agreement.</p>	SIA	SIA	Applicable

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67.	The acquisition price and costs and all other expenses of obtaining all easements required for the Public Improvements shall be, paid by Developer. All necessary easements for the Public Improvements to be dedicated to City, if not already conveyed to City, shall be granted to City concurrently with the inspection and acceptance by the City of the relevant MBI, an/or Public Improvements.	SIA	SIA	Applicable
68.	All service connection charges for the Public Improvements to be constructed to serve said parcel(s) of real property shall be the amounts described in the Development Agreement.	SIA	SIA	Applicable
69.	Upon the provision of reasonable notice, the City, its officers, agents, and employees and the Surety upon any bond shall have the right from and after the date of the execution of the relevant SIA to enter upon said parcel of real property and any property where appurtenant easements are located for purposes of inspection and investigation at any and all reasonable times.	SIA	SIA	Applicable
70.	When relevant to the MBI and/or Public Improvements work, Developer shall retain and pay the cost of the Geotechnical Engineer of Record to perform all testing and reporting of items including but not limited to, rough grading, sub-grade preparation and compaction, concrete testing, and asphalt testing and compaction. Such reports shall be made available to City upon City's request.	SIA	SIA	Applicable
81.	Developer shall retain and pay the cost of the Engineer of Record to certify the Private Improvements are constructed to their satisfaction and at the places, at the grades, with the materials and in the manner shown upon the plans and specifications therefor approved by the City's Engineer.	SIA	SIA	Applicable

E. MASTER CONDITIONS – MITIGATION MEASURES

<i>Master COA #</i>	<i>Mitigation Measures</i>	<i>Method of Verification Timing; Parcel #</i>	<i>Status</i>
82.	Mitigation Measure 4.1-1: Water Tank Visibility. As required by the 2004 <i>Proposed Water Tanks (2) Mitigated Negative Declaration</i> , construction plans for the Zone 3 water tank shall incorporate the following mitigation: <ol style="list-style-type: none"> 1. A landscaped earthen berm shall be constructed around the tank site to eliminate direct views of the water tank as much as feasible from the areas surrounding the tank site. The earthen berm shall be landscaped with trees and other vegetation suitable to the City, such as evergreen trees, to screen the water tank from surrounding areas, reduce soil erosion, and blend the berm with the surrounding vegetation. 2. The water tank shall be painted a neutral color deemed appropriate by the City so the tank blends with the surrounding hillside vegetation as much as possible. 	Approval of water tank plans	Prior to issuance of grading permit
83.	Mitigation Measure 4.1-3: Lighting Plan. Prior to any site disturbance activities, the Project Applicant shall submit a construction lighting plan to the City for approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and to ensure that limited spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses.	Design Guidelines	Complete upon Design Guidelines approval
84.	Mitigation Measure 4.2-1: Construction Fugitive Dust Emissions. The following Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs)	Notes on construction plans; site	During construction activities

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<p>and additional mitigation measures for fugitive dust control shall be required for all construction activities within the project area. These measures would reduce fugitive dust emissions primarily during soil movement and grading, but also during vehicle and equipment movement on unpaved project sites.</p> <p><i>Basic BMPs that Apply to All Construction Sites</i></p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action, if necessary, within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. <p><i>Additional BMPs that Apply to All Construction Sites</i></p> <ol style="list-style-type: none"> 1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content may be verified by lab samples or moisture probe. 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks shall have at maximum 50 percent air porosity. 4. For areas that are to remain open space (e.g., not a road, building, or otherwise structurally covered area), vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 5. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 6. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. 7. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. <p>Before starting on-site construction activities, the contractor or Project Applicant shall submit a site-specific dust control plan (Plan) to the American Canyon Planning Division for review and approval. The Project Applicant shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall state, in</p>	<p>inspections to verify BMPs are implemented</p>	
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	reasonable detail, how the Contractor shall meet the requirements above. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.		
85.	Mitigation Measure 4.2-2: Operational Emissions Reductions. The total reduction in ROG and NO _x emissions that would be achieved from implementation of Mitigation Measure 4.2-2a, the TDM program, and Mitigation Measure 4.2-2b, the CAP mitigation strategies, would be calculated at the time the final TDM program and CAP strategies are determined. If the ROG and NO _x emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-2b are determined by a qualified air quality expert to reduce the project's emissions to below the BAAQMD operational thresholds contained in the 2017 BAAQMD CEQA Air Quality Guidelines, no further mitigation would be required. If the ROG and NO _x emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-2b do not reduce the project's emissions to below the BAAQMD operational thresholds identified in the 2017 BAAQMD CEQA Air Quality Guidelines, Mitigation Measure 4.2-2c, purchase of emission offsets, would be pursued.	Contingent on future conditions.	Applicable
86.	Mitigation Measure 4.2-2a (same as Mitigation Measure 4.12-3a in Section 4.12, Transportation and Traffic): Transportation Demand Management (TDM) Program. Prior to issuance of the first building permit for the non-residential use areas (i.e., Napa Valley Ruins & Gardens ("NVRG") and hotel), the Project Applicant shall develop a TDM program for the non-residential use areas (i.e., NVRG and hotel) and shall submit the TDM program to the City Department of Public Works for review and approval. A qualified air quality expert shall prepare a calculation of the ROG and NO _x emissions reductions that would result from implementation of the TDM program. The Project Applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies, which may include, but are not limited to, the following: <ol style="list-style-type: none"> 1. Establishment of carpool, buspool, or vanpool programs; 2. Vanpool purchase incentives; 3. Cash allowances, passes or other public transit subsidies and purchase incentives; 4. Preferential parking locations for ridesharing vehicles; 5. Computerized commuter rideshare matching services; 6. Guaranteed ride-home program for ridesharing; 7. Bicycle programs including bike purchase incentives, storage, and maintenance programs; 8. On-site car share and bike share service; 9. Preparation of a Parking Management Plan to address parking accommodations for large events; 10. Designation of an on-site transportation coordinator for the project; 11. Transit and trip planning resources such as commute information kiosk; 12. Employer-provided showers, changing rooms, and clothing lockers for office employees that commute via active transportation; 13. Bicycle route mapping resources; 14. Participation in future citywide Transportation Management Association (TMA); and 15. Submit annual reports to the City regarding TDM activities. 	Approval of TDM Program	Prior to issuance of first building permit for the non-residential use area (i.e., NVRG and hotel)
87.	Mitigation Measure 4.2-2b: Operational Emissions Reduction Strategies. To reduce ROG and NO _x emissions within the Project Site, the Project shall include feasible operational emissions reduction strategies as part of its final design. The specific strategies may include, but are not limited to, the measures described below; however, other measures may be implemented:	Recommendations from Air Quality Technical Report that identify updated project emissions	Prior to issuance of the first building

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	<ul style="list-style-type: none"> ○ Prior to issuance of the first building permit for each phase of the Project, the Applicant shall develop operational emissions reduction strategies, which could include the mitigation strategies identified in Table 4.2-8, Summary of Operational CAP Mitigation Strategies, to provide options for reducing ROG and NO_x emissions from operation of the project. The operational emissions reduction strategies shall be submitted to and approved by the City, prepared by a qualified air quality technical expert, and evaluate the emissions reduction strategies in relation to the project's emissions. 	<p>calculations and feasible operational emissions reduction strategies</p>	<p>permit for the project</p>
<p>88.</p>	<p>Mitigation Measure 4.2-2c: Purchase Emission Offsets. Prior to the issuance of the final Certificate of Occupancy for Phase 1 or prior to the issuance of the first residential building permit in Phase 2, whichever occurs first, the Applicant would, partially or wholly, purchase offset credits if determined to be feasible based on information available at the time implementation would be required. To reduce ROG and NO_x emissions depending on the reductions achieved through Mitigation Measure 4.2-2a and Mitigation Measure 4.2-2b, and if this mitigation is implemented.</p> <ul style="list-style-type: none"> ○ The Applicant or its designee shall pay a mitigation offset fee to the BAAQMD Bay Area Clean Air Foundation (Foundation)¹ in an amount to be determined at the time of the impact. The fee would offset emissions that exceed the threshold of significance after implementation of Project-Level Reduction Strategies and the TDM Program described above to the extent feasible. ○ The Project Applicant would implement Mitigation Measure 4.2-2c through payment of a mitigation offset fee to the BAAQMD's Foundation in an amount not to exceed \$30,000 per weighted ton per year of ozone precursors per year requiring emissions offset. The fee shall be determined by the City of American Canyon Planning Division in consultation with the Applicant and be based on the type of projects available at the time of the payment. The offset fee is calculated to be "roughly proportional" to the operational air quality impacts. Documentation of payment shall be provided to the City of American Canyon or its designated representative. <p>The current process for payment of offset fees is detailed above. As required by this mitigation measure, payment of offset fees would proceed according to BAAQMD procedures when initiated. The Applicant or its designee would enter into a memorandum of understanding (MOU) with the BAAQMD's Foundation. The MOU would include details regarding the funds to be paid, the administrative fee, and the timing of the emissions reduction project. Acceptance of this fee by the BAAQMD shall serve as an acknowledgment and commitment by the BAAQMD to (1) implement an emissions reduction project(s) within a timeframe to be determined based on the type of project(s) selected and after receipt of the mitigation fee to achieve the emission reduction objectives specified above, and (2) provide documentation to City of American Canyon or its designated representative and to the Project Applicant describing the amount of and the project(s) funded by the mitigation fee, including the amount of emissions of ROG and NO_x reduced (tons per year) within SFBAAB from the emissions reduction project(s). If there is any remaining unspent portion of the mitigation offset fee following implementation of the emission reduction project(s), the Project Applicant shall be entitled to a refund in that amount from the BAAQMD. To qualify under this mitigation measure, the specific emissions retrofit project must result in emission reductions within SFBAAB that would not otherwise be achieved through compliance with existing regulatory requirements.</p>	<p>Bay Area Air Quality Management District Memorandum of Understanding</p>	<p>Prior to the issuance of the final Certificate of Occupancy for Phase 1 or prior to the issuance of the first residential building permit in Phase 2, whichever occurs first</p>

¹ More information on the Bay Area Clean Air Foundation can be found at Bay Area Air Quality Management District (BAAQMD), Bay Area Clean Air Foundation, 2015, available at <http://www.baaqmd.gov/about-the-air-district/bay-area-clean-air-foundation>.

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89.	<p>Mitigation Measure 4.2-3a: Architectural Coatings. The applicant shall use low-VOC architectural coatings during construction for all buildings, which shall have VOC content that is more stringent than local requirements prescribed in Bay Area Air Quality Management District (BAAQMD) Regulation 8 Organic Compounds, Rule 3 Architectural Coatings as revised on July 1, 2009. Coatings that meet the “super-compliant” VOC standard of less than 10 grams of VOC per liter of paint would qualify.</p>	Notes on construction plans indicating use of low-VOC architectural coatings during construction of all buildings	Prior to issuance of building permits
90.	<p>Mitigation Measure 4.2-3b: Tier 4 Construction Equipment. To reduce construction emissions to below the 2017 BAAQMD CEQA Air Quality Guidelines, prior to start of construction activities after the occupancy of Phase 1, the Project Applicant shall submit to the City either:</p> <ul style="list-style-type: none"> • Documentation showing that all off-road construction equipment used prior to the start of construction activities after the occupancy of Phase 1 with greater than 25 hp and operating for more than 20 hours total over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 4 off-road emission standards. <p>or,</p> <ul style="list-style-type: none"> • Provide supplemental analysis prepared by a qualified air quality specialist to show that emissions of ROG and NO_x would not exceed the thresholds from the 2017 BAAQMD CEQA Air Quality Guidelines using other methods. 	Documentation of compliance with the 2017 BAAQMD CEQA Air Quality Guidelines based on the type of construction equipment used or supplemental analysis prepared by a qualified air quality specialist	Prior to the start of construction activities after the occupancy of Phase 1
91.	<p>Mitigation Measure 4.2-5: Construction Emissions Minimization. To reduce construction emissions to below the thresholds identified in the 2017 BAAQMD CEQA Air Quality Guidelines, prior to the start of construction of each of the following— Phase 1 area south of the NVRG and the off-site Rio Del Mar roadway improvements and Phase 4—the Project Applicant shall submit to the City either:</p> <ul style="list-style-type: none"> • Documentation showing that all off-road construction equipment used in the southwestern portion of Phase 1 of construction (located directly south of Napa Valley Ruins & Gardens), the entirety of Phase 4 of construction, and the off-site Rio Del Mar roadway improvements with greater than 25 hp and operating for more than 20 hours total over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 2 off-road emission standards and have been retrofitted with an CARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. <p>or,</p> <ul style="list-style-type: none"> • Provide supplemental analysis prepared by a qualified air quality specialist to show health risks at on- and off-site sensitive receptors would not exceed the thresholds from the 2017 BAAQMD CEQA Air Quality Guidelines using other methods. 	Documentation of compliance with the 2017 BAAQMD CEQA Air Quality Guidelines based on the type of construction equipment used or supplemental analysis prepared by a qualified air quality specialist	Prior to the start of construction of the Phase 1 area south of the NVR&G and the off-site Rio Del Mar roadway improvements and Phase 4
92.	<p>Mitigation Measure 4.2-7: GHG Emissions Reductions. The total reduction in GHG emissions that would be achieved from implementation of Mitigation Measure 4.2-2a, the TDM program, and Mitigation Measure 4.2-7a, the GHG reduction strategies, would be calculated at the time the final TDM program and GHG reduction strategies are determined. If the GHG emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-7a are determined by a qualified air quality expert to reduce the project’s emissions to below the operational thresholds of 2.67 MT CO₂e per service population per year, no further mitigation would be required. If the GHG emissions reduction from implementation of Mitigation Measures 4.2-2a and 4.2-7a do not reduce the project’s</p>	Contingent	Applicable

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	emissions to below this threshold, Mitigation Measure 4.2-7b, purchase of GHG emission offsets, would be pursued.		
93.	<p>Mitigation Measure 4.2-7a: GHG Reduction Strategies. To reduce greenhouse gas (GHG) emissions within the project site and to maximize the Project’s ability to achieve the GHG operational threshold of 2.67 MT CO₂e per service population per year, the project shall include feasible operational GHG emissions reduction strategies as part of its final design. The specific strategies of the program may include, but are not limited to, the measures described below; however, other measures may be implemented:</p> <ul style="list-style-type: none"> ○ All development shall, at a minimum, meet the Title 24, Part 6 (2016), standards, or the most current Title 24, Part 6, standard, whichever is more conservative. All residences shall meet the anticipated 2019 Title 24 Standards to achieve Zero Net Electricity. The GHG emissions benefit from residential Zero Net Electricity was included in the unmitigated inventory. ○ Prior to issuance of the first building permit for each phase of the project, the Project Applicant shall identify operational GHG emissions reduction strategies that could include the strategies identified in Table 4.2-14, Summary of Operational GHG Mitigation Strategies, which provides options for reducing GHG emissions from project operation. The operational GHG emissions reduction strategies shall be submitted to and approved by the City, developed by a qualified air quality technical expert, and evaluate the emissions reduction strategies in relation to the project’s emissions. 	Calculations from a GHG technical expert based on specific strategies incorporated into the project	Prior to issuance of building permits for each phase
94.	<p>Mitigation Measure 4.2-7b: Purchase GHG Emission Offsets. In order to determine whether or to what extent the purchase of GHG emissions offsets is necessary to reduce greenhouse gas (GHG) emissions for each year that the GHG emissions exceed the threshold of 2.67 MT CO₂e per service population per year for the lifetime of the project (assumed to be 30 years), the operational GHG emissions reduction program described above in Mitigation Measure 4.2-7a will include a plan for the purchase of GHG offsets. The amount of offsets needed will take into account the GHG emissions reductions associated with the TDM program and the operational GHG emissions reduction program. Additionally, the feasibility of offsets shall be evaluated at the time implementation would be required. If feasible, the plan shall include:</p> <ul style="list-style-type: none"> ○ The plan for the purchase of GHG offsets shall include timing requirements, which take into account calculations showing actual emissions of the project, which could take into account phase-in of occupancy, reductions in vehicle emissions, as well as other factors that affect emissions. ○ GHG emission offsets could include any of the following sources: (1) the California Air Resources Board (CARB) quarterly allowance auctions held as part of its Cap-and-Trade Program; (2) the Greenhouse Gas Reduction Exchange (GHG Rx); or (3) Approved Registries recognized by the State of California, which currently include the Climate Action Reserve (CAR), American Carbon Registry (ACR), and Verra (formerly Verified Carbon Standard). ○ The amount of offsets purchased shall depend on the cost per annual metric ton of CO₂e reductions, the overall cost feasibility of this measure, which shall be determined based on information available at the time implementation would be required, and the on-site GHG reduction measures. <p>To demonstrate compliance, the Project Applicant or its designee would provide the following documentary evidence to City’s Planning Division: An attestation from an Approved Registry or other source described above that the Project Applicant or its designee has retired a given quantity of carbon offsets. Offsets from the approved sources</p>	Calculations from a GHG technical expert based on specific strategies incorporated into the project and, if necessary and feasible, attestation from an Approved Registry or other source described above regarding the purchase of required carbon offsets	Evaluated prior to issuance of building permits for each phase

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	above satisfy defined standards and incorporate principles of GHG emissions reduction accounting. These principles ensure the offsets use relevant methodologies and assumptions, represent additional reductions that would not otherwise be achieved by law, do not double count reductions, and are enforceable.		
95.	Mitigation Measure 4.3-1a through Mitigation Measure 4.3-41c: <i>Special-Status Plants, California Red-Legged Frogs, Western Pond Turtle, Breeding Birds, Including Raptors and Tri-colored Blackbird, Swainson’s Hawk, Golden Eagle, and White-Tailed Kite, Burrowing Owls, Callippe Silverspot Butterfly Host Plant (Johnny Jump Up), Callippe Silverspot Butterfly, American Badger, CDFW Streambed Alteration Agreement, Wetlands and Other Waters, Bats.</i> Developer shall be responsible for conducting all applicable studies, and obtaining any and all permits required by any and all State and/or Federal agencies. If such permits require the Developer to provide studies, reports, mitigation or other actions or measures, then the Developer shall provide such reports, mitigation or other actions or measures to the satisfaction of such governing State and/or Federal agencies. When requested by City, Developer shall send a letter to the City explaining such Developer compliance, and shall send City copies of compliance permits, letters, and/or other authorizations received by Developer from any such State and/or Federal agencies.	Compliance prior to issuance of applicable permit	Satisfied
96.	Mitigation Measure 4.4-2: <i>Unanticipated Discovery of Archaeological Resources.</i> If prehistoric or historic-era archaeological resources are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City of American Canyon. Prehistoric archaeological materials might include obsidian and chert flaked-stone 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); battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. The Project Applicant shall retain a Secretary of the Interior-qualified archaeologist to inspect the findings within 24 hours of discovery and inform the City of American Canyon. If it is determined that the project may damage a historical resource or a unique archaeological resource (as defined pursuant to CEQA and the CEQA Guidelines), construction shall cease in an area determined by the archaeologist until a mitigation plan has been prepared in accordance with PRC § 21083.2 and CEQA Guidelines § 15126.4; approved by the City; and implemented to the satisfaction of the archaeologist. In consultation with the City, the archaeologist shall determine when construction may commence. Consistent with § 15126.4(b)(3), the mitigation plan shall recommend preservation in place, as a preference, or, if preservation in place is not feasible, data recovery through excavation. If preservation in place is feasible, this may be accomplished through one of the following means: (1) modifying the construction plan to avoid the resource; (2) incorporating the resource within open space; (3) capping and covering the resource before building appropriate facilities on the resource site; or (4) deeding resource site into a permanent conservation easement. If preservation in place is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan to recover the scientifically consequential information from and about the resource, which shall be reviewed and approved by the City prior to any excavation at the resource site. Treatment of archaeological resources shall follow the requirements of PRC § 21083.2. Treatment for most resources shall consist of (but would not necessarily 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	Submit documentation of findings and mitigation plan, if resources are encountered	During grading activities

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	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.		
97.	Mitigation Measure 4.4-3: <i>Unanticipated Discovery of Paleontological Resources.</i> If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City of American Canyon. The Project Applicant shall retain a qualified paleontologist to inspect the findings within 24 hours of discovery. The paleontologist shall assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of American Canyon. The Project Applicant shall implement the final treatment measures.	Submit documentation of findings and verification of treatment measures, if resources are encountered	During grading activities
98.	Mitigation Measure 4.4-4: <i>Unanticipated Discovery of Human Remains.</i> If human remains are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City of American Canyon. The City shall contact the Napa County Coroner to affirmatively indicate to the City that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) shall be contacted within 24 hours if the Coroner determines that the remains are Native American. The NAHC shall then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC § 5097.98), who in turn shall make recommendations to the City of American Canyon for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines § 15064.5(d)).	Submit documentation of findings and treatment measures, if remains are encountered	During grading activities
99.	Mitigation Measure 4.5-4: <i>Geotechnical Requirements for the Quarry Pond.</i> Prior to issuance of any building permits, the Project Applicant shall submit to the City plans that are consistent with the geotechnical recommendations of a minimum setback of 3:1 (horizontal:vertical) from the toe of the existing quarry pond bank. Any proposed plans inside of the 3:1 setback, shall be the subject of a detailed slope stability analysis by a current California registered Geotechnical Engineer or Engineering Geologist where proposed slopes must meet minimum factor of safety requirements as determined by the most recent California Building Code for both static and dynamic (earthquake) conditions. Graded cut-and-fill slopes over 15 feet shall be no steeper than 3:1 with slopes up to 15 feet no steeper than 2:1. Other measures, such as use of retaining walls and geogrid reinforcement or corrective grading, shall be implemented as necessary in accordance with the specific geotechnical recommendation informed by the aforementioned detailed slope stability analysis and outlined in the design level geotechnical report.	Submit grading plans for Quarry Lake Pond	Prior to issuance building permits
100.	Mitigation Measure 4.6-1a: <i>Evaluation for Lead-Based Paint or Coatings, Asbestos-Containing Materials, or Polychlorinated Biphenyls.</i> The Project Applicant shall submit documentation to the City to verify that all proposed areas for demolition or modification have been assessed by California state licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and polychlorinated biphenyl-containing equipment prior to issuance of a demolition permit.	Submit documentation of findings	Prior to demolition activities
101.	Mitigation Measure 4.6-1b: <i>Health and Safety Plan.</i> If the assessment required by Mitigation Measure 4.6-1a finds presence of lead-based paint, asbestos, and/or polychlorinated biphenyls, prior to any construction or demolition activities on the project site, the Project Applicant shall submit to the City for approval and shall implement a health and safety plan to protect workers from risks associated with hazardous materials during abatement, demolition or renovation of affected structures.	Submit and receive approval of Health and Safety Plan	Prior to demolition of structures containing lead-based paint, asbestos, and/or

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			polychlorinated biphenyls
102.	<p>Mitigation Measure 4.6-1c: Lead-Based Paint Removal Plan. If the assessment required by Mitigation Measure 4.6-1a finds presence of lead-based paint, prior to any demolition of structures containing lead based paint, the Project Applicant shall submit to the City for approval and shall implement a lead-based paint removal plan in accordance with City and California Code of Regulations Title 8, §§ 1532.1 et seq., requirements. The plan shall specify, but not be limited to, the following elements for implementation:</p> <ul style="list-style-type: none"> ● Develop a removal specification approved by a Certified Lead Project Designer;² ● Ensure that all removal workers are properly trained; ● Contain all work areas to prohibit off-site migration of paint chip debris; ● Remove all peeling and stratified lead-based paint on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition; ● Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used; ● Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter; ● Collect, segregate, and profile waste for disposal determination; or ● Properly dispose of all waste. 	Submit and receive approval of Lead-Based Paint Removal Plan	Prior to demolition of structures containing lead-based paint
103.	<p>Mitigation Measure 4.6-1d: Asbestos Abatement. If the assessment required by Mitigation Measure 4.6-1a finds asbestos, prior to undertaking demolition or construction activities involving asbestos disturbance, the Project Applicant shall, demonstrate to the City that asbestos abatement shall be conducted by a California state licensed contractor prior to building demolition. Abatement of known or suspected asbestos-containing materials shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all asbestos-containing materials shall be removed and appropriately disposed of by a state certified asbestos contractor in accordance with Caltrans transportation requirements and any requirements of the receiving facility.</p>	Submit documentation that abatement has been completed	Prior to demolition of structures containing asbestos
104.	<p>Mitigation Measure 4.6-1e: Polychlorinated Biphenyl Abatement. If the assessment required by Mitigation Measure 4.6-1a finds polychlorinated biphenyls (PCBs), prior to undertaking demolition or construction activities that could disturb potential PCBs, the Project Applicant shall ensure that PCB abatement shall be conducted prior to building demolition or renovation. The Project Applicant shall demonstrate to the satisfaction of the City that PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.</p>	Submit documentation of PCB abatement	Prior to demolition of structures containing PCBs
105.	<p>Mitigation Measure 4.6-2a: Phase I Recommendations. Prior to commencement of construction, the Project Applicant shall contract a qualified environmental consulting firm with state registered professionals (Professional Engineers or Geologists) to carry out the recommendations contained in the April 14, 2015, Phase I Environmental Site Assessment report by ENGEIO Incorporated pertaining to the potential environmental concerns. The Phase I report included recommendations for collection of surface soil samples for laboratory analysis and oversight of other earthwork activities. The findings of the soil sampling effort shall be submitted to the Napa County Environmental Health</p>	Submit documentation that recommendations of the Phase I Environmental Site Assessment have been	Prior to commencement of construction

² A Lead Project Designer is defined in CCR Title 17, Division 1, Chapter 8.

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	Division (NCEHD) prior to initiating any earthwork activities on the project site for direction on whether any further sampling or remediation may be necessary.	implemented, as necessary	
106.	Mitigation Measure 4.6-2b: Soil Management Plan. The project shall submit and obtain approval of a Soil Management Plan from the Napa County Environmental Health Division (NCEHD) prior to initiating any earthwork activities on the project site. During construction, the contractor shall cease any earthwork activities upon discovery of any suspect soils or groundwater (e.g., petroleum odor and/or discoloration) during construction in accordance with a Soil Management Plan prepared for the project by a qualified environmental consultant and approved by the NCEHD. The contractor shall notify the NCEHD upon discovery of suspect soils or groundwater and retain a qualified environmental firm to collect soil samples to confirm the level of contamination that may be present. If contamination is found to be present, any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a California state licensed professional. The contractor shall follow all procedural direction given by NCEHD and in accordance with the Soil Management Plan prepared for the site to ensure that suspect soils are isolated, protected from runoff, and disposed of in accordance with transportation laws and the requirements of the licensed receiving facility.	Submit NCEHD-approved Soil Management Plan and Health and Safety Plan, as necessary	Prior to grading and during construction
107.	Mitigation Measure 4.6-2c: Removal of Contaminated Soil or Groundwater. If contaminated soil or groundwater is encountered and identified constituents exceed human health risk levels, the Project Applicant shall submit documentation to the City to verify that it has been delineated, removed, and disposed of off site in compliance with the receiving facilities' requirements prior to construction of any building foundation.	Submit documentation of removal of contaminated soil or groundwater, if encountered	Prior to construction of any building foundation
108.	Mitigation Measure 4.6-4: Development within 50 Feet of the Pacific Gas & Electric (PG&E) Pipeline/Easement. Prior to issuance of building or grading permits, Project Applicant shall submit documentation to the City to verify that development plans located within 50 feet of the existing PG&E pipeline/easement, including utilities that may intersect the existing PG&E pipeline, have been submitted to PG&E Gas Transmission Integrity Management and PG&E Land Development for review and approval. Project Applicant plans for all proposed improvements located within this zone shall adhere to the requirements of PG&E Gas Transmission Integrity Management and PG&E Land Development, including without limitation, setback requirements, depth of cover over pipeline, location of trees and maintenance requirements, minimum separation of crossing utilities, trail location, as well as any relocation requirements, if applicable.	Submit development plans for any activities within 50 feet of the existing PG&E pipeline/easement	Prior to issuance of building or grading permits for any activities within 50 feet of the existing PG&E pipeline/easement.
109.	Mitigation Measure 4.7-1: Stormwater Pollution Prevention Plan (SWPPP). Prior to issuance of grading permits for the project, the Project Applicant shall submit documentation to the City to verify that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirements of the statewide National Pollutant Discharge Elimination System (NPDES) Construction General Permit. The SWPPP shall be designed, without limitation, to address the following objectives: (1) 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; (2) 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; (3) 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 (4) stabilization BMPs are installed to reduce or eliminate pollutants after construction is completed. The SWPPP shall be prepared by a qualified SWPPP developer and included as part of	Submit Stormwater Pollution Prevention Plan	Prior to issuance of grading permits

**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

	<p>construction specifications. The SWPPP shall include the minimum BMPs required for the identified Risk Level in accordance with NPDES Construction General Permit requirements. BMPs could include, but are not necessarily limited to the use of straw bales, silt fences, fiber rolls, hydroseeding, preservation of existing vegetation, straw mulch, washing of truck tires prior to exiting site, protection of existing storm drain inlets, dedicated refueling areas with secondary containment, and on-site storage of spill prevention kits. 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 <i>Stormwater Quality Handbook Construction Site BMPs Manual</i>.</p>		
110.	<p>Mitigation Measure 4.7-2: Water Discharge Requirements for Dewatering. For areas that may encounter groundwater during excavation activities, the Project Applicant shall incorporate San Francisco Regional Water Quality Control Board (SFRWQCB) discharge requirements into construction specifications for any dewatering activities that may be necessary. The Project Applicant shall provide all requested plans and protocols and incorporate any SFRWQCB additional comments or requests into project specifications for construction activities. Dewatering plans shall include, without limitation, an assessment of water quality, protocols for containment, and thresholds for discharge. No discharge of pumped water for dewatering shall occur prior to approval from SFRWQCB.</p>	<p>Submittal of dewatering plans</p>	<p>During excavation and grading activities</p>
111.	<p>Mitigation Measure 4.7-3a: Post-Construction Stormwater Controls. Prior to approval of tentative maps or issuance of building permits for the project, the Project Applicant shall submit documentation to the City to verify that post-construction stormwater controls have been included in the site design in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Small Municipal Separate Storm Sewer Systems (MS4) Permit and the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. The Project Applicant shall prepare the final Stormwater Control Plan (SCP) and any necessary changes by the City or the SFRWQCB shall be incorporated into project design plans to ensure the required controls are in place and adhere to the requirements of the NPDES Phase II Small MS4 Permit and consistent with the BASMAA manual. At a minimum, the SCP shall demonstrate how the following measures shall be incorporated into the project:</p> <ul style="list-style-type: none"> ● Low-impact development (LID) site design principles (e.g., preserving natural drainage channels, treating stormwater runoff at its source rather than in downstream centralized controls); ● Source control best management practices (BMPs) in the form of design standards and structural features for all proposed areas of development; ● Source control BMPs for landscaped areas shall be documented in the form of a Landscape Management Plan that relies on Integrated Pest Management and also includes pesticide and fertilizer application guidelines designed to minimize any off-site discharge; and ● Treatment control measures (e.g., bioretention, porous pavement, vegetated swales) targeting any potential pollutants such as sediment, pathogens, metals, nutrients (nitrogen and phosphorus compounds), oxygen-demanding substances, organic compounds (e.g., PCBs, pesticides), oil and grease, and trash and debris. The SCP shall demonstrate that the project has the land area available to support the proposed BMP facilities sized per the required water quality design storm. 	<p>Submit documentation of compliance with the NPDES Phase II Small Municipal Separate Storm Sewer Systems Permit and the Bay Area Stormwater management Agencies Association Post-construction Manual</p>	<p>Prior to approval of tentative maps or issuance of building permits</p>
112.	<p>Mitigation Measure 4.7-3b: Compliance with the MS4 Permit. Prior to issuance of any building permits, the Project Applicant shall submit documentation to the City to demonstrate adherence to Provision E.12.h of the Municipal Separate Storm Sewer Systems (MS4) Permit, which requires that an Operation and Maintenance Program is implemented for post-construction stormwater management features. Responsible parties and funding for long-term maintenance of all Best Management Practices (BMPs) must be</p>	<p>Submit documentation that an Operation and Maintenance Program has been</p>	<p>Prior to issuance of building permits</p>

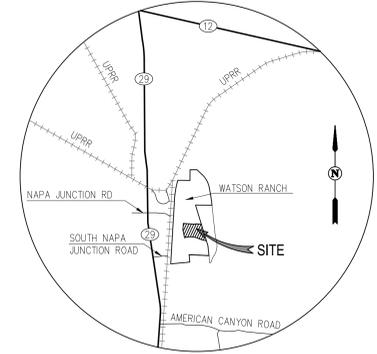
**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

	specified within the Operation and Maintenance Plan. This Plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval.	implemented for post-construction stormwater management features	
113.	<p>Mitigation Measure 4.9-1: Construction Noise. To reduce the potential for noise impacts due to construction of the project, the Project Applicant shall require construction contractors to implement the following measures:</p> <ul style="list-style-type: none"> ● Stationary construction noise sources shall not be located within 200 feet of residence. If necessary to locate this equipment within 200 of existing residences, stationary equipment shall be shielded by temporary noise barriers or acoustic enclosures that are long and tall enough to break line of sight. ● Noise barriers or shielding shall be erected for construction work associated with on-site construction activities that involves heavy construction equipment and occurs within 200 feet of residences for an extended period of time (i.e., more than 2 weeks). The barriers shall be long enough to break line of sight and at least 8 feet in height. ● Equipment warm up areas and equipment storage areas shall not be located closer than 500 feet of adjacent residences. ● All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have properly functioning manufacturer-installed mufflers. ● Stationary noise sources, such as temporary generators and pumps, shall be positioned as far from nearby receivers as possible, within temporary enclosures and shielded by barriers (which could reduce construction noise by as much as 5 dB), or other measures, to the extent feasible. ● Use “quiet” models of air compressors and other stationary equipment where such technology exists. ● Prohibit unnecessary idling of internal combustion engines. ● To further reduce the potential for impacts, a Construction Noise Management Plan shall be prepared and shall include the following: <ul style="list-style-type: none"> ○ A process by which to provide a minimum of 2 weeks’ advance notice to all residences located within 200 feet of construction activities that are expected to occur for a period of 2 weeks or longer within a defined area, including the approximate start and end dates of such activities. ○ Signs shall be posted at all project entrances upon commencement of construction for the purposes of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the project of the basic requirements of Mitigation Measure 4.9-1. ○ Publicly visible signs shall be posted on security fencing at multiple locations around the perimeter of the project construction boundary that include: <ul style="list-style-type: none"> ■ Permitted construction days and hours. ■ A telephone number and designated person to contact for registering noise complaints. The designated person shall be available to respond to, and if necessary through complaint verification, take corrective action to ensure that noise emissions from the offending equipment or activity is addressed. Corrective action shall be applied immediately if feasible, and within no later than 48 hours after receipt of the noise complaint. The designated person shall track complaints and corrective actions taken to resolve noise complaint issues. 	Submit documentation verifying implementation of mitigation implementation, including construction Noise Management Plan	During construction activities
114.	<p>Mitigation Measure 4.12-3a (same as Mitigation Measure 4.2-2a in Section 4.2, Air Quality and Greenhouse Gas Emissions): Transportation Demand Management (TDM) Program. Prior to issuance of the first building permit for the non-residential use areas (i.e.,</p>	TDM program	Prior to issuance of first

**MASTER CONDITIONS OF APPROVAL
FOR AC-1 PORTION OF WATSON RANCH**

	<p>Napa Valley Ruins & Gardens [NVR&G] and hotel), the Project Applicant shall develop a TDM program for the non-residential use areas (i.e., NVR&G and hotel) and shall submit the TDM program to the City Department of Public Works for review and approval. The Project Applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies, which may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Establishment of carpool, buspool, or vanpool programs; 2. Vanpool purchase incentives; 3. Cash allowances, passes or other public transit subsidies and purchase incentives; 4. Preferential parking locations for ridesharing vehicles; 5. Computerized commuter rideshare matching services; 6. Guaranteed ride-home program for ridesharing; 7. Bicycle programs including bike purchase incentives, storage, and maintenance programs; 8. On-site car share and bike share service; 9. Preparation of a Parking Management Plan to address parking accommodations for large events; 10. Designation of an on-site transportation coordinator for the project; 11. Transit and trip planning resources such as commute information kiosk; 12. Employer-provided showers, changing rooms, and clothing lockers for office employees that commute via active transportation; 13. Bicycle route mapping resources; 14. Participation in future citywide Transportation Management Association (TMA); and 15. Submit annual reports to the City regarding TDM activities. 		<p>building permit for the non-residential use area (i.e., NVR&G and hotel)</p>
<p>115.</p>	<p>Mitigation Measure 4.12-9: Construction Management Plan. The Project Applicant shall develop and submit a Construction Management Plan (CMP) to the City of American Canyon prior to commencement of any construction activities, including construction activities associated with the transportation mitigation measures. The provisions of a CMP shall specifically address the characteristics of construction-related traffic associated with development. Such plans identify construction phasing and the level and type of construction-related traffic. The CMP shall identify construction truck routes to access the WRSP site, lane closures on existing public streets (if needed) including a plan for any necessary traffic control measures, and on-site staging requirements, and other information as required by the City.</p> <p>Once the construction truck routes have been approved, but before construction has started, the Project Applicant shall conduct a survey of existing conditions of pavement along the approved truck routes and submit documentation of the results to the City. When construction has been substantially completed such that there would be no further construction truck trips, the Project Applicant shall re-survey the construction truck routes. The Project Applicant shall be responsible for repairing damage to roadways used for construction vehicle access to the site and attributable to the project so that the roadway conditions are returned to their pre-construction conditions (or better) as documented in the pre-construction survey along the truck routes following the construction of the project.</p>	<p>Construction Management Plan</p>	<p>Prior to construction activities</p>

Attachment 5



VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	CENTERLINE
---	---	LOT LINE
---	---	RIGHT OF WAY
---	---	EASEMENT LINE
---	---	CURB & SIDEWALK
---	---	CURB RAMP
---	---	PRELIMINARY PHASE LINE

NO	BEARING	LENGTH
L1	N24°23'58"E	5.00'
L2	S65°36'02"E	58.00'
L3	S24°23'58"W	6.36'

ABBREVIATIONS

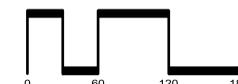
AC	ACRES/ASPHALT CONCRETE	PR	PROPOSED
AB	AGGREGATE BASE	PUE	PUBLIC UTILITY EASEMENT
BD	BOUNDARY	PAE	PUBLIC ACCESS EASEMENT
BGL	BOTTOM OF GRAVEL LAYER	R	RADIUS
B.O.	BLOWOFF	RET	RETURN/RETAINING
CB	CATCH BASIN	RM	RECORDED MAP
CL	CENTERLINE	RW	RECYCLED WATER
CY	CUBIC YARD	R/W	RIGHT-OF-WAY
ESMT	EASEMENT	SF	SQUARE FOOT
EVA	EMERGENCY & MAINTENANCE VEHICLE ACCESS EASEMENT	SD	STORM DRAIN
EX	EXISTING	SS	SANITARY SEWER
FH	FIRE HYDRANT	S/W	SIDEWALK
INV	INVERT	TGL	TOP OF GRAVEL LAYER
L/S	LANDSCAPE	TSL	TOP OF SOIL LAYER
MH	MANHOLE	TYP	TYPICAL
P	PAD ELEVATION	W	WATER
PUE	PUBLIC UTILITY EASEMENT	TE	TRASH ENCLOSURE

SHEET INDEX

SHEET NUMBER	SHEET TITLE
TM-1	VESTING TENTATIVE MAP
TM-2.1	VESTING TENTATIVE MAP
TM-2.2	SITE AREAS
TM-3	EXISTING CONDITIONS PLAN
TM-4	PRELIMINARY GRADING & DRAINAGE PLAN
TM-5	PRELIMINARY GRADING CROSS SECTIONS
TM-6	PRELIMINARY UTILITY PLAN
TM-7	PRELIMINARY STORMWATER CONTROL PLAN
TM-8	PRELIMINARY FIRE ACCESS PLAN

VESTING TENTATIVE MAP WATSON RANCH - LOT 10

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
SCALE: 1" = 60' DATE: JULY 19, 2021



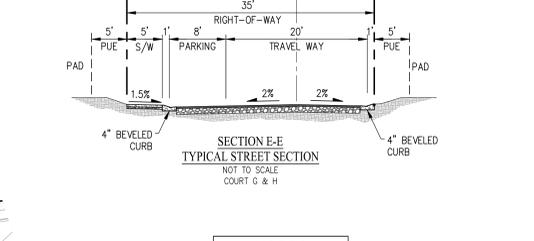
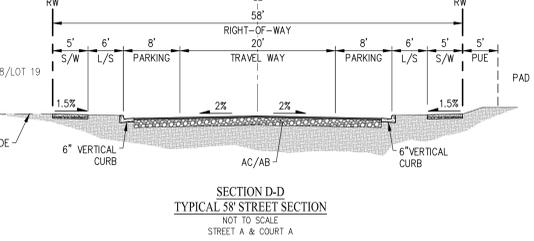
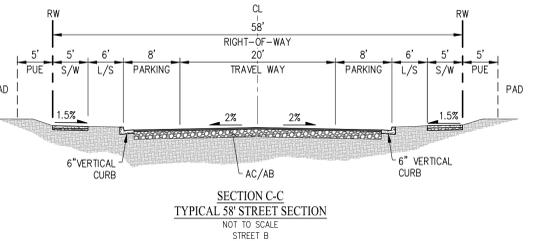
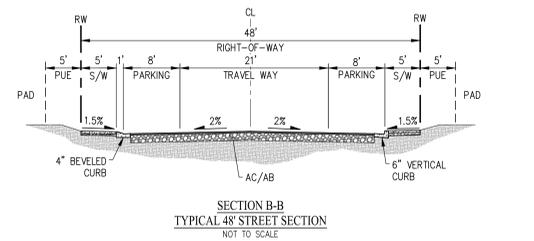
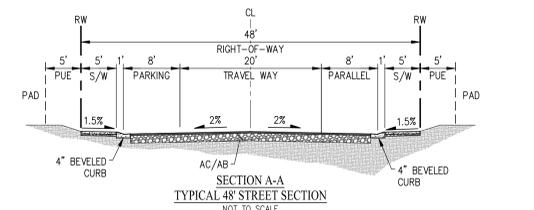
SAN RAMON (925) 866-0322
ROSEVILLE (916) 788-4456
WWW.CBANOG.COM

SHEET NO.
TM-1
OF 9 SHEETS



GENERAL NOTES

- OWNER/DEVELOPER: AMERICAN CANYON I, LLC
1001 42ND STREET, SUITE 200
DUBLIN, CA 94568
CONTACT: TERRANCE M. McGRATH
PHONE: (510) 273-2001
- DEVELOPER/BUILDER: D.R. HORTON
6883 OWENS DRIVE
PLEASANTON, CA 94588
CONTACT: CHRIS ZABALLOS
PHONE: (925) 808-1894
- CIVIL ENGINEER: CARLSON, BARBEE, & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
CONTACT: JASON J. NERI, PE 59136
PHONE: (925) 866-0322
- ARCHITECT: WHA ARCHITECTS
500 EXECUTIVE PKWY, SUITE 375
SAN RAMON, CA 94583
CONTACT: MARK RETHERFORD
PHONE: (925) 463-1700
- LANDSCAPE ARCHITECT: SWA GROUP
530 BRUSH STREET, 6TH FLOOR
SAN FRANCISCO, CA 94108
CONTACT: DANIEL AFELECK
PHONE: (415) 710-1706
- GEOTECHNICAL ENGINEER: ENCO INCORPORATED
2010 CROW CANYON PLACE, SUITE 250
SAN RAMON, CA 94583
CONTACT: TED P. BAYHAM
PHONE: (925) 866-9000
- TOPOGRAPHIC SOURCE: EXISTING TOPOGRAPHY PREPARED BY AEROMETRIC SURVEYS, DATED OCTOBER 20, 2005.
- BENCHMARK: NAPA COUNTY BENCHMARK BM 934C. STATE WELL MONUMENT STAMPED B-55 IN CUL DE SAC AT NORTH END OF LOMBARD ROAD.
EL = 58.37' NGVD 29
(TO CONVERT TO NAVD88 = NGVD29 + 2.44')
- A.P.N.'S: 059-430-015 (PORTION), 059-430-016 (PORTION).
- EXISTING LAND USE: VACANT/UNDEVELOPED OPEN SPACE
- PROPOSED LAND USE: RESIDENTIAL & OPEN SPACE
- SITE AREA:
27.17± ACRES (GROSS)
0.04± ACRES (PARCEL A (PRIVATE))
1.06± ACRES (PARCELS B-F (PUBLIC))
0.83± ACRES (FUTURE RIO DEL MAR RIGHT-OF-WAY DEDICATION)
7.17± ACRES (STREET DEDICATION (PUBLIC))
0.59± ACRES (STREET A DEDICATION) - LOT 8
25.24± ACRES (NET)
- RESIDENTIAL UNITS: 219 LOTS & 6 PARCELS
- GENERAL PLAN: TOWN CENTER (TC)
- ZONING: MEDIUM DENSITY RESIDENTIAL - 16 (TC-1 MDR-16)
- DENSITY: 8.1± DU/ACRE (GROSS)
8.7± DU/ACRE (NET)
- WATER: CITY OF AMERICAN CANYON
- SANITARY SEWER: CITY OF AMERICAN CANYON
- STORM DRAIN: CITY OF AMERICAN CANYON
- GAS & ELECTRIC: PACIFIC GAS AND ELECTRIC (PG&E)
- TELEPHONE: AT&T
- CABLE TV: COMCAST
- FLOOD ZONE: FEMA FLOOD ZONE X - UNSHADED (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
MAP NUMBER: 060550C0650E
- DIMENSIONS: ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO THE FINAL CONSTRUCTION DOCUMENTS.
- EASEMENTS: EXISTING EASEMENTS MAY REQUIRE VACATION OR RELOCATION TO FACILITATE DEVELOPMENT. ALL PROPOSED, EXISTING, RELOCATED AND VACATED EASEMENTS TO BE SHOWN ON THE FINAL MAP OR PROVIDED BY SEPARATE INSTRUMENT.
- STREETS: ALL STREETS TO BE PUBLIC STREETS, OWNED AND MAINTAINED BY THE CITY OF AMERICAN CANYON.
- STORMWATER/DETENTION: ALL STORMWATER QUALITY TREATMENT AND DETENTION NEEDS FOR THE SITE WILL BE PROVIDED ON WATSON RANCH LARGE LOT 9 (APN: 059-430-017). SEE WATSON RANCH BACKBONE IMPROVEMENT PLANS - PHASE 1A FOR DETAILS.
- RIO DEL MAR & LOOP ROAD: RIO DEL MAR & LOOP ROAD IMPROVEMENTS ARE SHOWN FOR REFERENCE. TO BE CONSTRUCTED BY OTHERS UNDER SEPARATE PERMIT.
- PHASING: THIS PROJECT MAY BE PHASED. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS VESTING TENTATIVE MAP IN ACCORDANCE WITH ARTICLE 4, SECTION 66456.1 OF THE SUBDIVISION MAP ACT. PHASING SHOWN ON THE VESTING TENTATIVE MAP IS PRELIMINARY AND SUBJECT TO THE FINAL MAP(S).



LINE TABLE		
NO	BEARING	LENGTH
L1	N25°16'09"E	10.70'
L2	N65°36'02"W	58.00'
L3	N24°05'54"E	9.52'

VESTING TENTATIVE MAP WATSON RANCH - LOT 10

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
SCALE: 1" = 60' DATE: JULY 19, 2021

SAN RAMON • (925) 866-0322
ROSEVILLE • (916) 788-4456
WWW.CBANDG.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SHEET NO.
TM-2.1
OF 8 SHEETS

PHASE 1 LOT AREAS											
LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)
1	3,843	19	3,821	37	3,280	55	3,198	73	4,314	91	3,740
2	3,883	20	3,354	38	4,400	56	3,198	74	3,280	92	3,995
3	3,891	21	3,440	39	6,478	57	3,198	75	3,920	93	4,444
4	3,900	22	3,440	40	3,198	58	3,198	76	4,864	94	6,159
5	3,908	23	3,440	41	3,198	59	3,198	77	3,690	95	3,590
6	3,917	24	3,440	42	3,198	60	3,198	78	4,950	96	3,763
7	3,984	25	3,440	43	3,198	61	3,198	79	4,920	97	3,892
8	4,657	26	3,456	44	3,198	62	4,665	80	4,901	98	4,019
9	4,960	27	3,569	45	3,198	63	5,645	81	3,326	99	3,917
10	5,004	28	4,081	46	3,198	64	4,186	82	3,075	100	3,216
11	3,996	29	3,948	47	3,198	65	3,772	83	3,212	101	3,862
12	3,690	30	3,368	48	3,198	66	4,416	84	4,994	102	3,485
13	3,690	31	3,280	49	3,198	67	5,472	85	4,756	103	3,590
14	3,690	32	3,280	50	3,198	68	4,113	86	3,906	104	3,694
15	3,690	33	3,280	51	3,198	69	5,304	87	3,336	105	3,805
16	3,690	34	3,280	52	3,198	70	4,864	88	3,527	106	4,128
17	3,690	35	3,280	53	3,502	71	3,690	89	3,527	107	3,451
18	3,690	36	3,280	54	3,502	72	4,410	90	3,740		
										TOTAL AREA (LOTS 1-107)	408,897

PHASE 2 LOT AREAS											
LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)	LOT	AREA (SF±)
108	3,631	127	6,724	146	3,198	165	3,198	184	3,198	203	3,198
109	3,198	128	3,631	147	3,198	166	3,502	185	3,198	204	3,198
110	3,198	129	3,198	148	3,198	167	3,502	186	3,198	205	3,198
111	3,198	130	3,198	149	5,320	168	3,198	187	3,198	206	3,198
112	3,198	131	3,198	150	3,631	169	3,198	188	3,198	207	3,198
113	3,198	132	3,198	151	3,198	170	3,198	189	3,502	208	3,198
114	3,198	133	3,198	152	3,198	171	5,883	190	3,502	209	3,198
115	3,198	134	3,198	153	3,198	172	3,568	191	3,198	210	3,198
116	3,198	135	3,198	154	3,198	173	3,198	192	3,198	211	3,502
117	3,198	136	3,198	155	3,198	174	3,198	193	3,198	212	3,502
118	3,198	137	3,198	156	3,198	175	3,198	194	3,198	213	3,198
119	3,198	138	3,198	157	3,198	176	3,198	195	5,293	214	3,198
120	3,198	139	3,198	158	3,198	177	3,198	196	4,922	215	3,198
121	3,198	140	3,198	159	3,198	178	3,198	197	3,198	216	3,198
122	3,198	141	3,198	160	3,198	179	3,198	198	3,198	217	3,198
123	3,502	142	3,198	161	3,198	180	3,198	199	3,198	218	3,198
124	3,502	143	3,198	162	3,198	181	3,198	200	3,198	219	5,893
125	3,198	144	3,502	163	3,198	182	3,198	201	3,198		
126	3,198	145	3,502	164	3,198	183	3,198	202	3,198		
										TOTAL AREA (LOTS 1-107)	377,732

PARCEL AREAS	
PARCEL	AREA (SF±)
A	1,800
B	10,467
C	16,476
D	10,542
E	5,407
F	3,400
TOTAL AREA (LOTS 1-107)	48,092

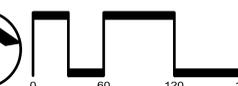
PUBLIC STREET AREAS	
PHASE 1	
STREET	AREA (SF±)
STREET A (PORTION)	14,207
STREET B (PORTION)	13,952
STREET C	30,314
COURT C	9,023
STREET F	31,305
COURT F	20,507
COURT G	4,949
COURT H	4,949
COURT I	29,942
PHASE 1 TOTAL AREA:	159,148
PHASE 2	
STREET	AREA (SF±)
STREET A (PORTION)	44,117
COURT A	8,823
STREET B (PORTION)	28,359
STREET D	34,358
COURT D	13,038
STREET E	34,028
COURT E	16,443
PHASE 2 TOTAL AREA:	179,166
TOTAL AREA:	338,314

* STREET A INCLUDES AREA FROM LOT 8 RIGHT-OF-WAY DEDICATION

VESTING TENTATIVE MAP WATSON RANCH - LOT 10

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA

SCALE: 1" = 60' DATE: JULY 19, 2021



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SHEET NO.
TM-2.2
OF 9 SHEETS



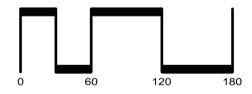
LEGEND

EXISTING	
	EXISTING BOUNDARY
	EASEMENT
	CATCH BASIN
	FIRE HYDRANT
	MANHOLE
	STREET LIGHT
	STORM DRAIN
	SANITARY SEWER
	WATER LINE
	RECYCLED WATER
	GAS

- NOTES:**
1. ALL EXISTING UTILITIES TO BE REMOVED UNLESS OTHERWISE NOTED.
 2. EXISTING TOPOGRAPHY PREPARED BY AEROMETRIC SURVEYS, DATED OCTOBER 20, 2005.
 3. ALL EXISTING VEGETATION WITHIN LOT 10 TO BE REMOVED.
 4. SEE GEOTECHNICAL REPORT FOR REMEDIATION RECOMMENDATIONS AND BACKFILL REQUIREMENTS.

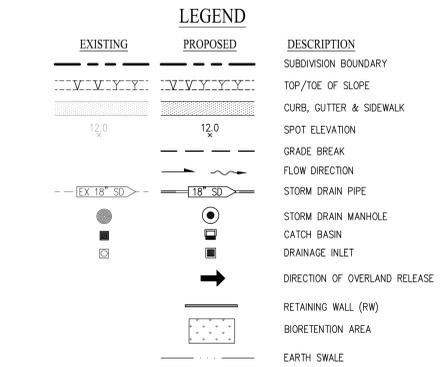
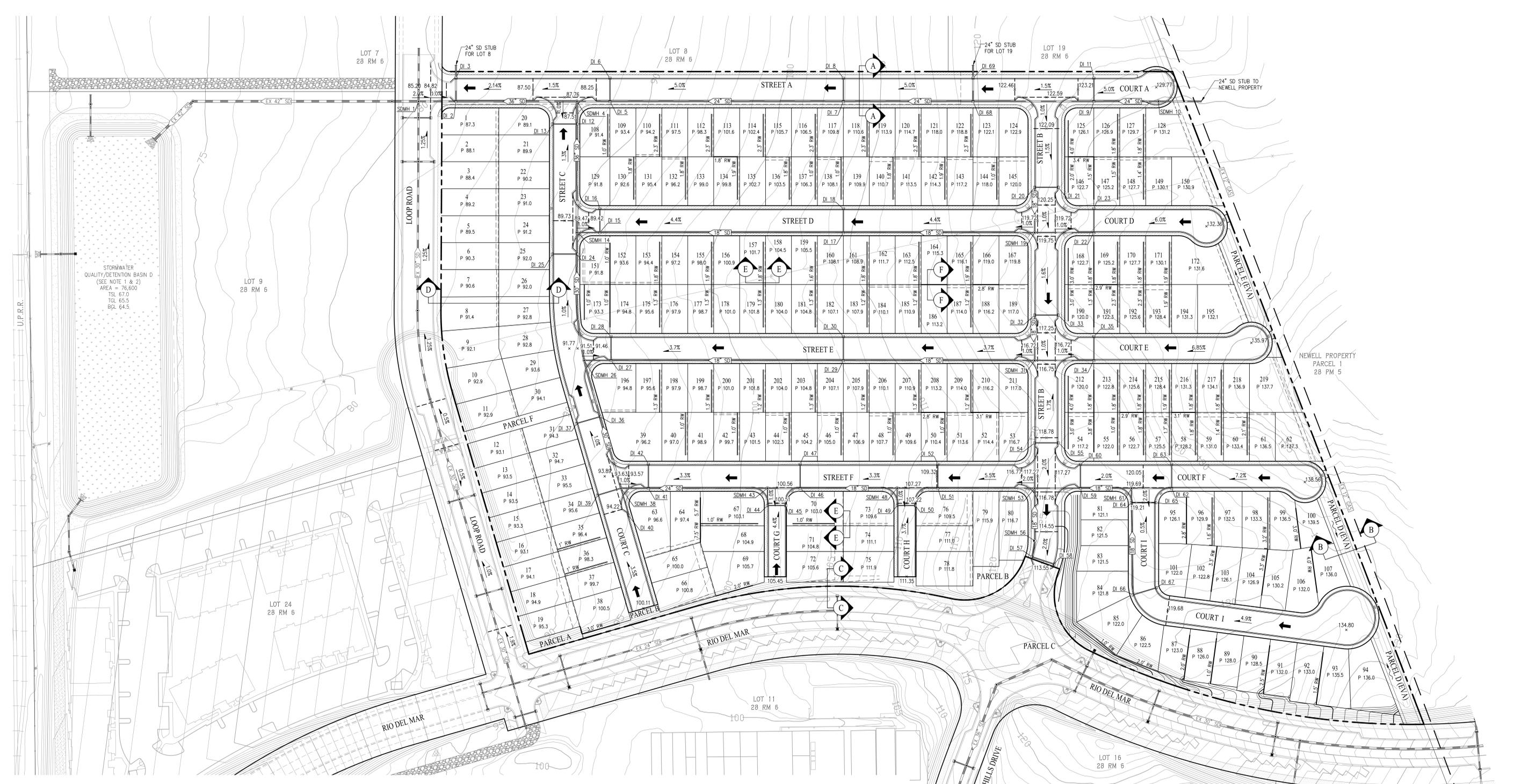
**VESTING TENTATIVE MAP
WATSON RANCH - LOT 10
EXISTING CONDITIONS**

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
SCALE: 1" = 60' DATE: JULY 19, 2021



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SHEET NO.
TM-3
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PRELIMINARY PAVEMENT DESIGN CHART

	TI	PCC	AC	AB
STREETS	6	-	0.30' (3.5")	1.10' (13")
SIDEWALK	-	0.35' (4")	-	0.35' (4")

- NOTES:**
- ALL GRADES ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.
 - STORM DRAIN SIZING IS PRELIMINARY AND SUBJECT TO FINAL DESIGN.
 - ALL ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON THE NGVD29 DATUM.
 - SEE SHEET TM-5 FOR PRELIMINARY GRADING CROSS SECTIONS.
 - RETAINING WALLS ARE NOT PROPOSED FOR PAD SPLITS OF 1.0' OR LESS.
 - THE SITE DRAINS TO THE STORMWATER QUALITY/RETENTION BASIN D (ON LARGE LOT 9). SEE WATSON RANCH PHASE 1 BACKBONE GRADING AND IMPROVEMENT PLANS FOR BASIN DETAILS.
 - SEE SHEET TM-5 FOR PRELIMINARY STORM DRAIN TABLE.

PRELIMINARY EARTHWORK SUMMARY

DESCRIPTION	CUT (CY)	FILL (CY)
ROUGH GRADING	70,000	74,000
UTILITY/DEVELOPMENT SPOILS	10,000	-
SUBTOTAL	80,000	74,000
NET (EXPORT)	6,000	-

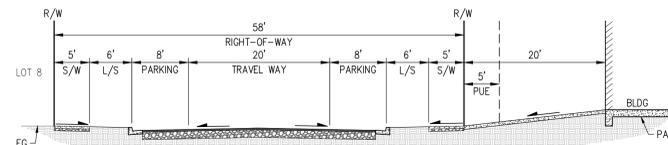
- EARTHWORK NOTES:**
- ASSUMES A STREET SECTION OF 3.5" AC/ 13" AB (WITH T.I. OF 6.0). FINAL STREET STRUCTURAL SECTION TO BE VERIFIED WITH FINAL DESIGN.
 - ALL SPOIL QUANTITIES ARE PRELIMINARY. QUANTITIES EXCLUDE BUILDING SPOILS, UTILITY SPOILS (BELOW BUILDING), FOOTING SPOILS, RETAINING WALL SPOILS, AND SPOILS FOR LANDSCAPE ELEMENTS AND TREES. CONTRACTOR TO VERIFY ALL SPOILS WITH FINAL UTILITY, ARCHITECTURAL, AND STRUCTURAL PLANS PRIOR TO CONSTRUCTION.
 - EARTHWORK QUANTITIES DO NOT INCLUDE ANY SHRINK OR SWELL ADJUSTMENT.
 - EXISTING TOPOGRAPHY SHOWN ON THIS PLAN FOR RIO DEL MAR AND LOOP ROAD IS BASED ON THE WATSON RANCH ROUGH GRADING PLANS PHASE 1A. IT IS ASSUMED THAT THE MASTER DEVELOPER WILL GRADE THE BACKBONE ROADS PRIOR TO THE START OF CONSTRUCTION ON LOT 10.
 - EARTHWORK QUANTITIES DO NOT INCLUDE ANY GEOTECHNICAL REMEDIATION. EARTHWORK QUANTITIES ASSUME THAT ALL GEOTECHNICAL REMEDIATION HAS OCCURRED AND SITE GRADES MATCH EXISTING.

VESTING TENTATIVE MAP WATSON RANCH - LOT 10 PRELIMINARY GRADING & DRAINAGE PLAN

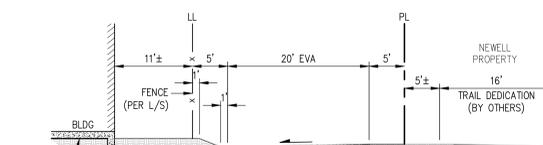
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SHEET NO.
TM-4
OF 9 SHEETS

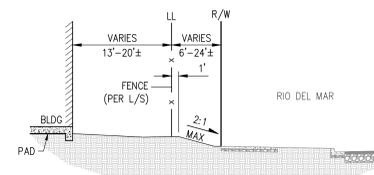


SECTION A-A
NOT TO SCALE

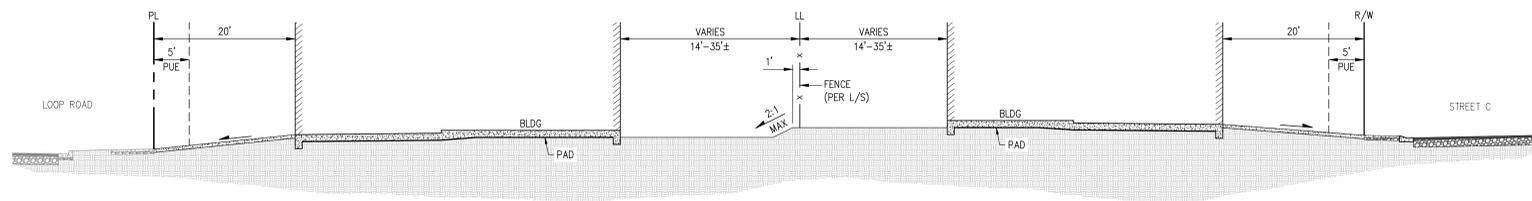


EVA TO BE DESIGNED TO MEET FIRE DISTRICT STANDARDS TO WITHSTAND MINIMUM LOAD OF 75,000 LBS. FINAL SURFACE MATERIAL TO BE APPROVED AS PART OF CONSTRUCTION DOCUMENTS

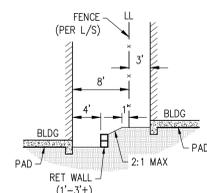
SECTION B-B
NOT TO SCALE



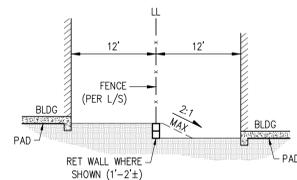
SECTION C-C
NOT TO SCALE



SECTION D-D
NOT TO SCALE



SECTION E-E
NOT TO SCALE



SECTION F-F
NOT TO SCALE

PRELIMINARY STORM DRAIN TABLE						
UPSTREAM STRUCTURE	RIM ELEVATION	INVERT	PIPE SIZE (IN)	SLOPE (%)	LENGTH (LF)	DOWNSTREAM STRUCTURE
DI 2	84.5	76.24	36	2.00	59.0	SDMH 1
DI 3	85.2	78.35	24	1.00	36.0	DI 12
SDMH 4	87.8	80.06	36	2.00	191.0	DI 3
DI 5	94.5	82.61	24	2.00	52.0	SDMH 4
DI 6	94.5	83.22	15	1.00	36.0	DI 5
DI 7	109.5	101.06	24	5.00	369.0	DI 5
DI 8	109.5	101.68	15	1.00	37.0	DI 7
DI 68	119.8	111.31	24	5.00	205.0	DI 7
DI 69	119.8	111.68	24	1.00	37.0	DI 68
DI 9	112.6	120.86	15	1.00	191.0	DI 68
DI 11	125.6	121.48	15	1.00	37.0	DI 9
SDMH 10	129.6	121.88	24	1.00	102.0	DI 9
DI 12	87.3	80.43	36	1.00	36.0	SDMH 4
DI 13	87.3	82.96	15	1.00	38.0	DI 12
SDMH 14	89.7	82.16	36	1.00	173.0	DI 12
DI 15	89.6	84.02	18	1.00	39.0	SDMH 14
DI 16	89.6	84.65	15	1.00	38.0	DI 15
DI 17	106.6	100.96	18	4.40	385.0	DI 15
DI 18	106.6	101.59	15	1.00	38.0	DI 17
SDMH 19	119.4	114.27	18	4.40	302.0	DI 17
DI 20	120.3	115.00	18	1.00	72.0	SDMH 19
DI 21	120.3	115.61	15	1.00	37.0	DI 20
DI 22	121.2	115.21	18	1.00	93.0	SDMH 19
DI 23	121.2	115.84	15	1.00	38.0	DI 22
DI 24	89.8	83.00	30	1.00	34.0	SDMH 14
DI 25	89.8	84.64	15	1.00	38.0	DI 24
SDMH 26	91.8	84.71	30	1.00	170.0	DI 24
DI 27	91.9	86.13	18	1.00	42.0	SDMH 26
DI 28	91.9	86.76	15	1.00	38.0	DI 27
DI 29	105.6	99.72	18	3.70	367.0	DI 27
DI 30	105.6	100.35	15	1.00	38.0	DI 29
SDMH 31	116.4	110.92	18	3.70	302.0	DI 29
DI 32	117.3	111.64	18	1.00	72.0	SDMH 31
DI 33	117.3	112.26	15	1.00	37.0	DI 32
DI 34	118.7	111.85	18	1.00	93.0	SDMH 31
DI 35	118.7	112.43	15	1.00	38.0	DI 34
DI 36	92.6	85.64	30	1.00	93.0	SDMH 26
DI 37	96.5	87.28	15	1.00	38.0	DI 36
SDMH 38	93.8	86.83	30	1.00	119.0	DI 36
DI 39	97.7	88.46	15	1.00	38.0	SDMH 38
DI 40	94.6	88.28	18	1.00	45.0	SDMH 38
DI 41	94.0	88.57	24	2.86	43.0	SDMH 38
DI 42	94.0	89.70	15	1.00	38.0	DI 41
SDMH 43	100.4	93.96	24	1.00	188.0	DI 41
DI 44	100.4	94.81	15	1.00	28.0	SDMH 43
DI 45	100.3	95.10	15	1.00	29.0	DI 44
DI 46	101.9	95.44	24	2.86	52.0	SDMH 43
DI 47	101.9	96.57	15	1.00	38.0	DI 46
SDMH 48	106.9	100.85	18	3.20	153.0	DI 46
DI 49	107.1	101.37	15	1.00	28.0	SDMH 48
DI 50	107.0	101.66	15	1.00	29.0	DI 49
DI 51	109.0	102.90	18	3.20	64.0	SDMH 48
DI 52	109.0	103.53	15	1.00	38.0	DI 51
SDMH 53	116.8	107.81	18	3.20	153.0	DI 51
DI 54	117.4	108.53	18	1.00	72.0	SDMH 53
DI 55	117.8	109.16	15	1.00	38.0	DI 54
SDMH 56	113.6	108.83	15	1.00	84.0	SDMH 53
DI 57	112.7	109.57	15	1.00	26.0	SDMH 56
DI 58	113.1	109.97	15	1.00	37.0	DI 57
DI 59	117.6	110.12	18	3.20	72.0	SDMH 53
DI 60	117.6	110.75	15	1.00	38.0	DI 59
SDMH 61	120.3	112.70	18	3.20	81.0	DI 59
DI 62	122.9	117.30	18	7.24	63.0	SDMH 61
DI 63	122.9	117.93	15	1.00	38.0	DI 62
DI 64	119.5	112.93	18	1.00	23.0	SDMH 61
DI 65	119.5	113.91	15	1.00	38.0	DI 64
DI 66	120.2	114.40	18	1.00	147.0	DI 64
DI 67	120.2	115.03	15	1.00	38.0	DI 66

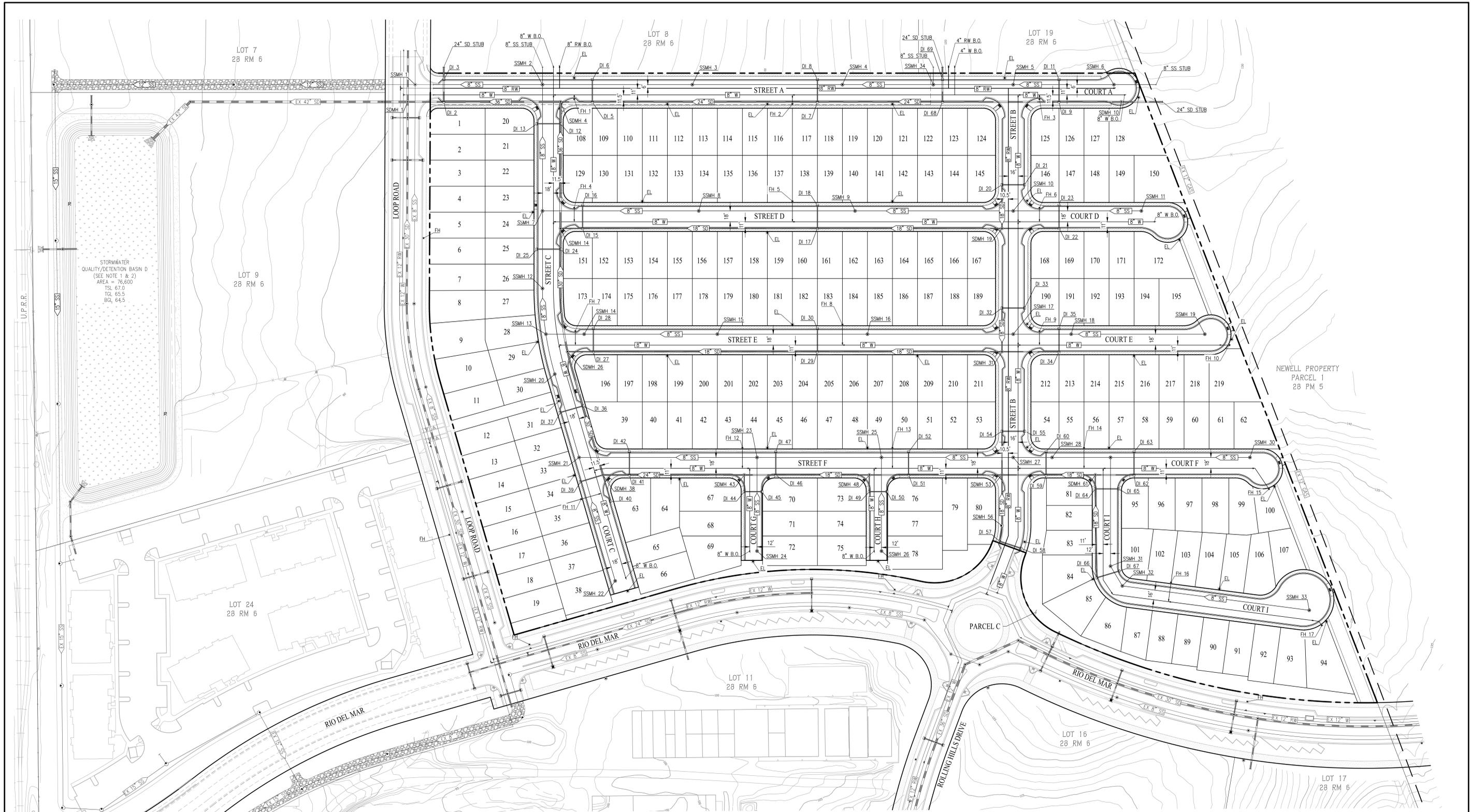
VESTING TENTATIVE MAP WATSON RANCH - LOT 10 PRELIMINARY GRADING CROSS SECTIONS

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
SCALE: 1" = 60' DATE: JULY 19, 2021



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SHEET NO.
TM-5
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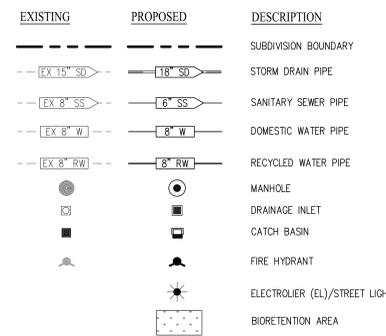


PRELIMINARY SANITARY SEWER TABLE

UPSTREAM STRUCTURE	RIM ELEVATION	INVERT	PIPE SIZE (IN)	SLOPE (%)	LENGTH (LF)	DOWNSTREAM STRUCTURE
SSMH 2	87.9	78.37	8	2.0	208	SSMH 1
SSMH 3	98.1	87.74	8	3.8	246	SSMH 2
SSMH 4	110.4	100.14	8	5.0	246	SSMH 3
SSMH 34	117.9	107.69	8	5.0	149	SSMH 4
SSMH 5	122.6	114.24	8	5.0	131	SSMH 34
SSMH 6	129.1	116.81	8	1.5	165	SSMH 5
SSMH 7	89.4	80.38	8	1.0	209	SSMH 2
SSMH 8	98.2	89.45	8	3.5	256	SSMH 7
SSMH 9	109.5	100.82	8	4.4	256	SSMH 8
SSMH 10	120.1	112.33	8	4.4	259	SSMH 9
SSMH 11	129.3	116.63	8	2.0	210	SSMH 10
SSMH 12	90.7	81.76	8	1.0	128	SSMH 7
SSMH 13	91.4	82.62	8	1.0	76	SSMH 12
SSMH 14	91.6	83.35	8	1.0	63	SSMH 13
SSMH 15	99.7	91.30	8	3.7	218	SSMH 14

SSMH 16	108.8	100.73	8	3.7	246	SSMH 34
SSMH 17	117.1	109.67	8	3.7	237	SSMH 16
SSMH 18	120.1	110.72	8	1.0	95	SSMH 17
SSMH 19	135.1	125.82	8	6.9	219	SSMH 18
SSMH 20	92.1	83.40	8	1.0	68	SSMH 19
SSMH 21	93.6	84.94	8	1.0	143	SSMH 20
SSMH 22	99.6	87.16	8	1.0	213	SSMH 21
SSMH 23	101.0	92.33	8	2.5	292	SSMH 21
SSMH 24	104.6	93.98	8	1.0	155	SSMH 23
SSMH 25	107.7	99.12	8	3.2	204	SSMH 23
SSMH 26	110.6	100.77	8	1.0	155	SSMH 25
SSMH 27	117.8	105.97	8	3.2	216	SSMH 25
SSMH 28	118.1	108.11	8	3.2	64	SSMH 27
SSMH 29	120.8	111.27	8	3.2	96	SSMH 28
SSMH 30	137.0	127.92	8	7.2	229	SSMH 29
SSMH 31	120.4	113.17	8	1.0	180	SSMH 29
SSMH 32	120.8	113.65	8	1.0	38	SSMH 31
SSMH 33	135.1	128.98	8	4.9	309	SSMH 32

LEGEND



NOTES:

- SEE WATSON RANCH PHASE 1 BACKBONE IMPROVEMENT PLANS FOR ALL BACKBONE STORM DRAIN, SANITARY SEWER, DOMESTIC WATER, FIRE HYDRANTS, AND RECLAIMED WATER IMPROVEMENTS.
- THE SITE DRAINS TO THE STORMWATER QUALITY/DETENTION BASIN D (ON LARGE LOT 9). SEE WATSON RANCH PHASE 1 BACKBONE GRADING AND IMPROVEMENT PLANS FOR BASIN DETAILS.
- ALL UTILITIES ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.

VESTING TENTATIVE MAP WATSON RANCH - LOT 10 PRELIMINARY UTILITY PLAN

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
SCALE: 1" = 60' DATE: JULY 19, 2021

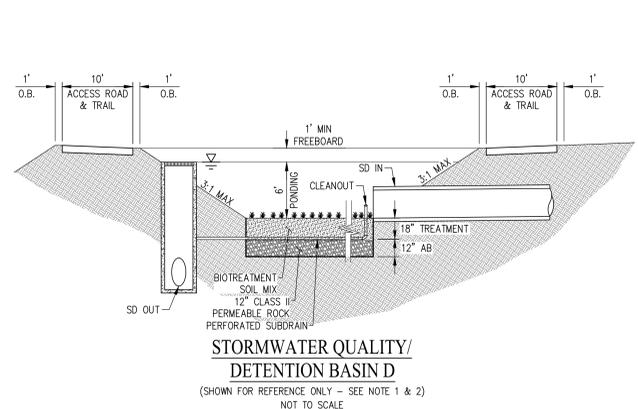
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SHEET NO.
TM-6
OF 9 SHEETS



LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	DMA (DRAINAGE MANAGEMENT AREA)
---	---	FLOW DIRECTION
---	---	EARTH SWALE
---	---	STORM DRAIN PIPE
○	○	MANHOLE
□	□	DRAINAGE INLET
□	□	CATCH BASIN
□	□	DEVELOPED LOT AREA
□	□	IMPERVIOUS ASPHALT/CONCRETE AREA
□	□	BIORETENTION AREA
○	○	BIORETENTION SUBDRAIN CLEANOUT
○	○	BIORETENTION PERFORATED SUBDRAIN
○	○	DMA ID



LOT 10 STORMWATER TREATMENT SUMMARY

DMA ID	DRAINAGE AREA (SF)	SURFACE TYPE	RUNOFF FACTOR	SIZING FACTOR	TREATMENT AREA REQUIRED (SF)	BIASIN D AREA PROVIDED (SF)
1	260,052	ROOF	1.00	0.04	10,402	76,600
	349,681	ROADWAY	1.00	0.04	13,987	
	174,046	HARDSCAPE	1.00	0.04	6,962	
	399,563	SOFTSCAPE	0.1	0.04	1,598	
TOTAL	1,183,342				32,949	

- NOTES:**
- SEE DRAINAGE REPORT PREPARED BY BALANCE HYDROLOGICS DATED JANUARY 29, 2021 FOR SIZING OF STORMWATER QUALITY BASIN D.
 - STORMWATER QUALITY/DETENTION BASIN D APPROVED UNDER SEPARATE PERMIT. SEE WATSON RANCH PHASE 1A BACKBONE IMPROVEMENT PLANS FOR DETAILS.
 - SEE WATSON RANCH PHASE 1A BACKBONE IMPROVEMENT PLANS FOR ALL BACKBONE STORM DRAIN AND STORM WATER IMPROVEMENTS.
 - STORM DRAIN SIZING IS PRELIMINARY AND SUBJECT TO FINAL DESIGN.

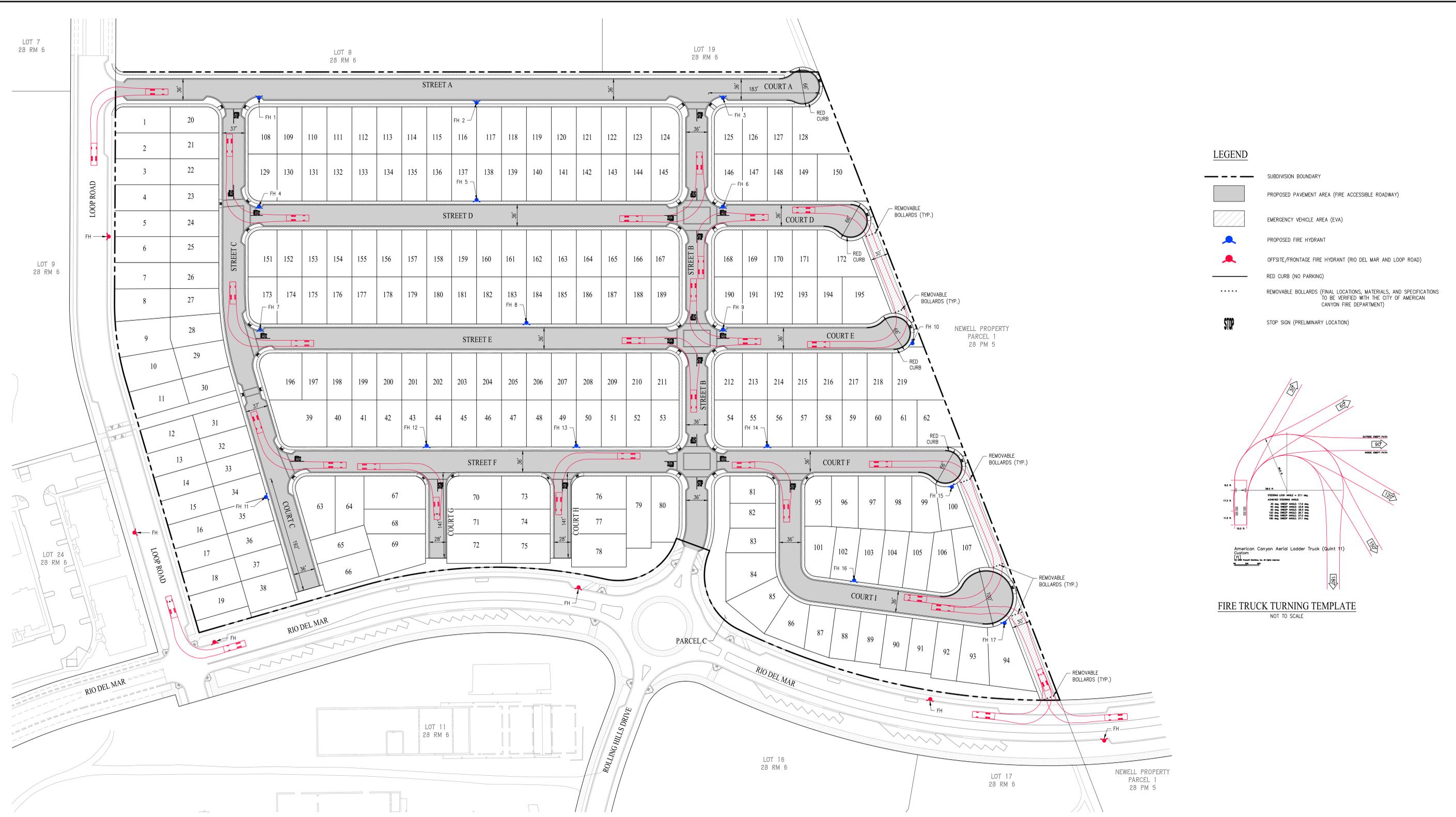
**VESTING TENTATIVE MAP
WATSON RANCH - LOT 10
PRELIMINARY STORMWATER CONTROL PLAN**

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
SCALE: 1" = 60' DATE: JULY 19, 2021

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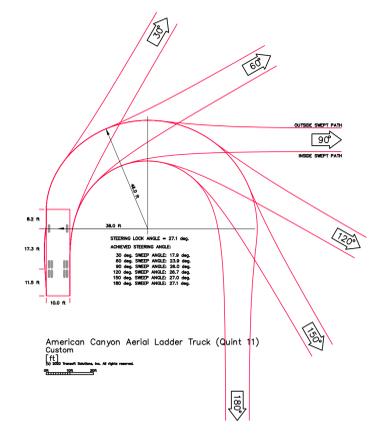
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SHEET NO. **TM-7**
OF 9 SHEETS



LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED PAVEMENT AREA (FIRE ACCESSIBLE ROADWAY)
- EMERGENCY VEHICLE AREA (EVA)
- PROPOSED FIRE HYDRANT
- OFFSITE/FRONTAGE FIRE HYDRANT (RIO DEL MAR AND LOOP ROAD)
- RED CURB (NO PARKING)
- REMOVABLE BOLLARDS (FINAL LOCATIONS, MATERIALS, AND SPECIFICATIONS TO BE VERIFIED WITH THE CITY OF AMERICAN CANYON FIRE DEPARTMENT)
- STOP SIGN (PRELIMINARY LOCATION)



**VESTING TENTATIVE MAP
WATSON RANCH - LOT 10
PRELIMINARY FIRE ACCESS PLAN**

CITY OF AMERICAN CANYON NAPA COUNTY CALIFORNIA
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SHEET NO. **TM-8**
OF 9 SHEETS

PC RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, APPROVING A DESIGN PERMIT FOR 219 SINGLE FAMILY HOMES LOTS ON 21.17 ACRES WITHIN THE WATSON RANCH SPECIFIC PLAN LOT 10 MEDIUM DENSITY RESIDENTIAL-16 ZONING DISTRICT; LOCATED NORTH OF VINTAGE RANCH AND ACCESSIBLE FROM RIO DEL MAR, LOOP ROAD, AND ROLLING HILLS DRIVE, ASSESSOR'S PARCEL NUMBERS 059-430-015 AND -016 (FILE NO. PL21-0014)

WHEREAS, on November 6, 2018, the City Council of the City of American Canyon adopted an Ordinance approving the Watson Ranch Specific Plan which provides for the development of the approximately 309-acre Watson Ranch Specific Plan site with a mixed use community including a mixed use town center (NVRG), 1253 residential units, approximately 23 acres of improved parks, an additional 30 acres of parks, trails and open space, a 10-acre school site, roads and supporting water, wastewater, recycled water and storm drainage infrastructure; and

WHEREAS, on June 18, 2019, the City Council approved the Watson Ranch Specific Plan Development Agreement (Ordinance 2019-06, Agreement 2019-A107); and

WHEREAS, the applicant submitted a Vesting Tentative Subdivision Map to create 219 single family home lots, 6 open space parcels (Parcels A to F), and 6 public streets on 27.17 acres located north of Vintage Ranch with access from the future extension of Rio Del Mar and Rolling Hills Drive, Assessor's Parcel Numbers 059-430-015 and 059-430-016 (File No. PL21-0013); and

WHEREAS, the applicant submitted a Design Permit for 219 single family homes on 27.17 acres north of Vintage Ranch within the Vesting Tentative Subdivision Map for Watson Ranch Phase Lot 10 (File No. PL21-0014); and

WHEREAS, the Design Permit is located within the Watson Ranch Specific Plan Medium Density Residential-16 zoning district; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a final environmental impact report (Final EIR) was prepared for the Watson Ranch Specific Plan, which included the 27.17 acres within the Watson Ranch Specific Plan Medium Density Residential-16 zoning district, having analyzed the actions contemplated by the Design Permit and includes required mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on August 26, 2021 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal, and all comments were reviewed and considered.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of American Canyon hereby approves the Watson Ranch Lot 10 Design Permit (File No. PL21-0014).

SECTION 1: Findings Regarding Environmental Review pursuant to the California Environmental Quality Act (CEQA).

1. The City of American Canyon makes the following findings and determinations based on substantial evidence in the record as a whole pursuant to the California Environmental Quality Act (Pub. Res.

Code §§ 21000 *et seq.*) and its Guidelines (California Code of Regulations, Title 14 §§ 15000, *et seq.*), as each is amended from time to time (“CEQA”).

2. Pursuant to CEQA, an Environmental Impact Report was prepared, supplemented, and certified for the Watson Ranch Project (“Project EIR”). The Project EIR considered and analyzed the significant adverse environmental impacts of, related mitigation measures for, and reasonable alternatives to, the planning, development, construction, operation, and maintenance of the proposed uses of the Property implemented through the “Project Approvals” of the “Project,” including without limitation, the General Plan Amendment, Watson Ranch Specific Plan (and related Zoning), Large Lot Vesting Tentative Map, and Development Agreement. In accordance with CEQA, City certified as legally adequate and complete the Project EIR, and approved the development allowed and approved by said existing and future Project Approvals contemplated by the Project EIR and the Development Agreement.
3. The proposed Watson Ranch Lot 10 Design Permit is a contemplated “Project Approvals” under the Project EIR and the Development Agreement. Under CEQA, a Specific Plan EIR, like the Watson Ranch Specific Plan Project EIR, is generally assumed to be used at a “development level.” *See, e.g.,* CEQA Guidelines § 15168. Under controlling CEQA law, particularly CEQA Guidelines section 15162, the legal question is whether the Project EIR, itself, needs updating (through a Subsequent or Supplemental EIR) before the City can consider and approve the Watson Ranch Lot 10 Design Permit, or whether the Project EIR provides the appropriate CEQA compliance work for the City’s consideration and approval of Watson Ranch Lot 10 Design Permit. For the following reasons and findings, by law, no such Subsequent or Supplemental EIR can be required by the City, and the Project EIR provides the appropriate CEQA compliance work for the City’s consideration and approval of the Watson Ranch Lot 10 Design Permit.

First, CEQA Guidelines section 15162 provides as follows [*City responses to the issues raised by Section 15162 are provided in bracketed, italicized text below*]:

(a) When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; [*There is no substantial evidence in the light of the whole record revealing any changes proposed in the Project, let alone changes that will involve involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Watson Ranch Lot 10 Design Permit implements the Watson Ranch Specific Plan Project, and no new significant environmental effects or substantial increase in the severity of previously identified significant effects not already addressed by the Project EIR will result from that implementation.*]

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. [*There is no substantial evidence in the light of the whole record revealing circumstances under which the Project is undertaken which require major revisions to the Project EIR due to the involvement of new significant environmental effects or a substantial increase*

in the severity of previously identified significant effects: the Watson Ranch Lot 10 Design Permit is anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project (and Project Approvals), and no new significant environmental effects or a substantial increase in the severity of previously identified significant effects not already addressed by the Project EIR will result from that implementation.]; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following [*There is no substantial evidence in the light of the whole record revealing any such new information of any kind has been presented*]:

(A) The project will have one or more significant effects not discussed in the previous EIR . . . [*There is no substantial evidence in the light of the whole record revealing that the Watson Ranch Lot 10 Design Permit will have one or more significant effects not discussed in the Project EIR: Instead, the Watson Ranch Lot 10 Design Permit is anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project as fully analyzed by the Project EIR*];

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR [*There is no substantial evidence in the light of the whole record revealing that the Watson Ranch Lot 10 Design Permit will result in a situation where significant effects previously examined in the Project EIR will be substantially more severe than shown and discussed in the Project EIR: Instead, the Watson Ranch Lot 10 Design Permit is anticipated by, and are the implementation of, the Watson Ranch Specific Plan Project as fully analyzed by the Project EIR*];

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative [*There is no substantial evidence in the light of the whole record supporting a determination that 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

(D) 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. [*There is no substantial evidence in the light of the whole record supporting a determination that mitigation measures or alternatives which are considerably different from those analyzed in the Project EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. No such mitigation measure nor alternatives have been proposed, nor are warranted, and no rejection of such mitigation measure or alternative by the project applicant has taken place.*]

Because there is no substantial evidence in the record to support any of the findings set forth in CEQA Guidelines section 15162, as a matter of law, no additional CEQA work can be required by the City relating to the City's consideration and approval of the Watson Ranch Lot 10 Design Permit.

Second, similar to CEQA Guidelines section 15162, CEQA Guidelines section 15163 provides that a public agency may choose to prepare a “Supplement” to an EIR - rather than a “Subsequent” EIR - only if (1) any of the findings described in Section 15162 (above) would require the preparation of a Subsequent EIR, yet (2) only minor additions or changes would be necessary to make the Project EIR adequately apply to the changed situation. As stated above, because there is no substantial evidence in the record to support any of the findings set forth in CEQA Guidelines section 15162, then, as a matter of law, no finding can be made under CEQA Guidelines section 15163. Therefore, no additional CEQA work for the Watson Ranch Lot 10 Design Permit can be required by the City.

Third, and lastly, under the Development Agreement, “to the extent permitted or required by CEQA, City shall use . . . existing environmental assessments, declarations, reports and studies as adequately addressing the environmental impacts of the Project and its Subsequent Approvals without requiring new or supplemental environmental documentation.” Development Agreement § 2.04(k). Because CEQA prohibits the City from requiring additional CEQA compliance work for the Watson Ranch Lot 10 Design Permit approvals, for the reasons discussed above, the Development Agreement likewise enforces that CEQA requirement and prohibits additional “new or supplemental environmental documentation.” Development Agreement § 2.04(k).

Therefore, the City finds and determines that the Project EIR provides the appropriate CEQA compliance documentation for the City’s consideration and approval of the proposed Watson Ranch Lot 10 Design Permit.

SECTION 2. DESIGN PERMIT FINDINGS

Approval of the Watson Ranch Lot 10 Design Permit requires that all of the following findings be made, pursuant to American Canyon Municipal Code Section 19.41.050:

- A. The project complies with all applicable provisions of this title and any applicable approvals granted for the project by any decision-making authority.

This project complies with the Zoning Ordinance, Watson Ranch Specific Plan, Watson Ranch Program EIR, and Watson Ranch Development Agreement.

- B. The project and its design complies with any applicable design guidelines.

The single-family houses come in three types: traditional, farmhouse, and Ranch. Each of the architectural designs reflect the Watson Ranch Specific Plan Design Guidelines.

- C. The project and its design complies with all applicable general plan policies.

The General Plan designated the design standards to the Watson Ranch Specific Plan. As discussed in Section B above, the project complies with the Watson Ranch Specific Plan Design Guidelines.

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

The project is within the E-zone of the Airport Land Use compatibility plan and single-family dwellings are permitted within the zone.

- E. The project’s quality and character are compatible with the surrounding area, unless physically deteriorated or blighted, and will not be materially detrimental to existing development.

The new single-family detached houses are compatible with nearby homes in Vintage Ranch.

F. The proposed design is compatible with existing development in the area in terms of scale, height, bulk, proportion, materials, cohesiveness, color, and the preservation of privacy.

The proposed houses are two-story; ranging in size from 1583 to 1859 SF with options from 3 to 4 bedrooms. All homes have a two-car attached garage. The exterior of the houses consists of earth-tone colors, composite shingle roofing, lap sidings, and decorative shutters.

G. The design improves the community’s appearance by avoiding both excessive variety and monotonous repetition.

Three floorplans are proposed. Each floorplan comes with three compatible variations, traditional, farmhouse and ranch styles. The variations are similar to avoid excessive variety.

H. The proposed design promotes a harmonious transition in terms of scale and character between areas of different general plan land use designations and zoning districts.

The proposed single-family detached houses are similar in height to existing 2-story single family homes. There is no transition necessary.

I. The proposed design provides for adequate and safe on-site vehicular and pedestrian circulation.

The project is designed with adequate on-site vehicular and pedestrian circulation. All the houses will take access off a new public street. An emergency vehicle access is provided to the west of the subdivision.

SECTION 4. CONDITIONS OF APPROVAL. The Watson Ranch Lot 10 Design Permit conditions of approval incorporate the adopted Master Conditions of Approval for AC-1 Portion of Watson Ranch (Resolution No. 2020-XX) and specific conditions of approval included as Exhibit A to this Resolution.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of American Canyon held on the 26th day of August, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tyrone Navarro, Chair

ATTEST:

APPROVED AS TO FORM:

Nicolle Jones, Administrative Technician

William D. Ross, City Attorney

EXHIBITS:

- A. Watson Ranch Lot 10 Design Permit specific conditions of approval
- B. Applicant confirmation of Conditions of Approval
- C. Project Plans



EXHIBIT B
Applicant Confirmation of Conditions of Approval
Watson Ranch Lot 10 Design Permit
(FILE NO. PL21-0014)

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 August 26, 2021.

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

Attachment 7: Exhibit A

SPECIFIC CONDITIONS – DESIGN PERMIT APPROVAL

General Conditions

Approval, Exhibits, and Expiration

<i>Specific Condition</i>	<i>Developer Obligations</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
1.	The Watson Ranch Lot 10 Residential Design Guidelines, (on file in the Community Development Department (“Design Guidelines”), are hereby approved. “Design Guidelines” as used in these Specific Conditions shall mean and include all Applicant-submitted materials relating to the Design Guidelines. Development of the subdivision and the individual lots comprising Watson Ranch Lot 10 Vesting Tentative Subdivision Map (VTM) shall be subject to, and in compliance with, the Design Guidelines.	Design Guidelines	Prior to City Issuance of Occupancy Permit	Applicable
2.	Appeal. These Design Guidelines approval shall become effective on the expiration of the appeal period, which appeal period is ten (10) calendar days following the date of the Planning Commission approval of these Design Guidelines. If, during the appeal period, an appeal is properly filed with the Community Development Director - by filling out an Appeal Form accompanied by the appropriate appeal fee – the City Council shall notice, hear, and decide the appeal. Should the 10-day 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.	City Code	Whether Appeal Brought	Applicable
3.	The Development Agreement by and between the City and AC-1, as may be amended from time to time (“Development Agreement”) shall apply to and control over the Design Guidelines, their implementation, and these Design Guidelines Specific Conditions of Approval. These Specific Conditions of Approval shall only be interpreted in a manner that is consistent with the Development Agreement. If these Specific Conditions of Approval, or any one or more of them, are ever interpreted by the City to have a meaning inconsistent with the Development Agreement, then the provisions of the Development Agreement shall apply, including without limitation, the Resolution Process. For the purposes of these Design Guidelines Specific Conditions of Approval, “Developer” as used in the Development Agreement shall mean and include “Applicant” as used in these Design Guidelines Specific Conditions of Approval.	Development Agreement	Relevant City Permit	Applicable
4.	The Design Guidelines shall have the life (term) set forth in the Development Agreement.	Development Agreement	Specific Conditions	Applicable
5.	Applicant shall defend, indemnify, and hold harmless the City of American Canyon, its elected and appointed officials, employees, volunteers, and legal counsel, as set forth in the Development Agreement.	Development Agreement	As Needed	Applicable

6.	Applicant shall be responsible for paying for all fees, charges, and other City impositions related to the processing of this Design Guidelines application as set forth in the Development Agreement.	Development Agreement	Appropriate City permit	Applicable
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Planning Conditions

<i>Specific Condition</i>	<i>Developer Obligation</i>	<i>Mechanism</i>	<i>Implementation</i>	<i>Status</i>
7.	All plans submitted for review and approval by City and all development within the Project shall be in substantial conformance with the approved Design Guidelines. City’s Community Development Director or designee may approve minor changes on the plans submitted for the construction permits with a determination that the changes are in substantial compliance with the representation of the project as reviewed by the Planning Commission (and City Council if applicable), that the proposed change will be in compliance with the required development standards, and the change will not materially affect adjacent private or public property.	Design Guidelines	Watson Ranch Lot 10 VTM, and all other Permits for Development within the area comprising Watson Ranch Lot 10 VTM	Applicable; Not Completed
8.	These Specific Conditions for the Design Guidelines shall be attached to plan sets submitted for building permits, under the title “Design Guidelines Conditions.”	Design Guidelines	Prior to the issuance of Building Permits	Applicable; Not Completed
9.	Plans submitted for building permits, including all exterior site lighting, building-mounted lighting, lighting within the parking areas, and along walkways shall be consistent with the Design Guidelines. Lighting shall be shielded, and avoid light spillage or glare from the project site, and exterior light fixtures on buildings shall be oriented downward and shall be shielded to return potential light and glare impacts, all as set forth in the Design Guidelines.	Design Guidelines	Prior to the issuance of Building Permits	Applicable; Not Completed
10.	Final landscape plans that comply with the State of California Water Efficient Landscape regulations are set forth in the Design Guidelines and shall be followed, and all plant materials shall be installed in accordance with the approved Design Guidelines. All tree stakes and ties shall be removed as set forth in the Design Guidelines. All landscape plantings and required irrigation systems shall be maintained as set forth in the Design Guidelines.	Design Guidelines	Prior to issuance of the Certificate of Occupancy	Applicable; Not Completed



PLAN 1583
Elevation 'C' Farmhouse
Color Scheme 3B

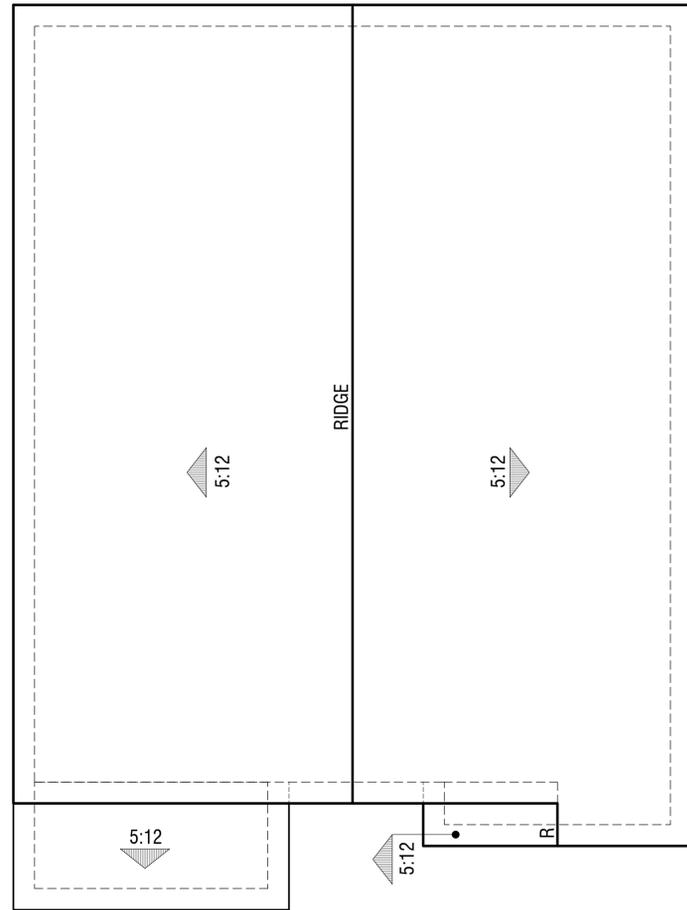
PLAN 1799
Elevation 'A' Ranch
Color Scheme 1B

PLAN 1859
Elevation 'B' Traditional
Color Scheme 3BC

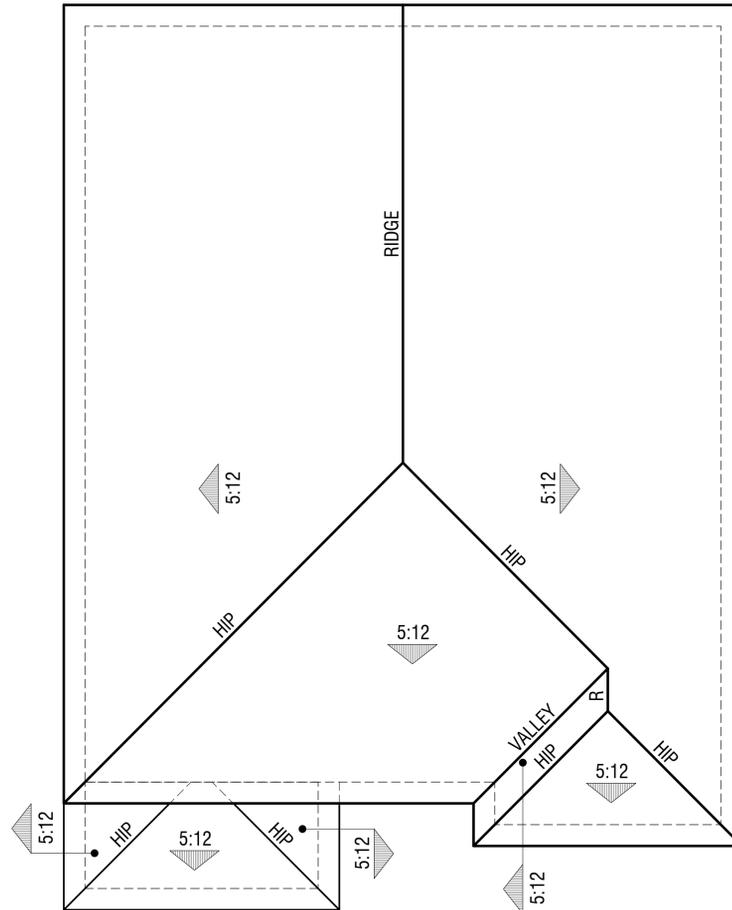
Sheet Index

CS	Cover Sheet & Conceptual Streetscene	A2.3	Plan 1799 Front Elevations	A2X.6	Plan 1799X Elevation C - Farmhouse
A1.1	Plan 1583 Floor Plan	A2.4	Plan 1799 Elevation A - Ranch	A3.1	Plan 1859 Floor Plans
A1.2	Plan 1583 Roof Plans	A2.5	Plan 1799 Elevation B - Traditional	A3.2	Plan 1859 Roof Plans
A1.3	Plan 1583 Front Elevations	A2.6	Plan 1799 Elevation C - Farmhouse	A3.3	Plan 1859 Front Elevations
A1.4	Plan 1583 Elevation A - Ranch	A2X.1	Plan 1799X Floor Plans	A3.4	Plan 1859 Elevation A - Ranch
A1.5	Plan 1583 Elevation B - Traditional	A2X.2	Plan 1799X Roof Plans	A3.5	Plan 1859 Elevation B -Traditional
A1.6	Plan 1583 Elevation C - Farmhouse	A2X.3	Plan 1799X Front Elevations	A3.6	Plan 1859 Elevation C - Farmhouse
A2.1	Plan 1799 Floor Plan	A2X.4	Plan 1799X Elevation A - Ranch	A4.1	Exterior Color & Materials
A2.2	Plan 1799 Roof Plans	A2X.5	Plan 1799X Elevation B - Traditional	A4.2	Exterior Color & Materials
				A4.3	Exterior Color & Materials

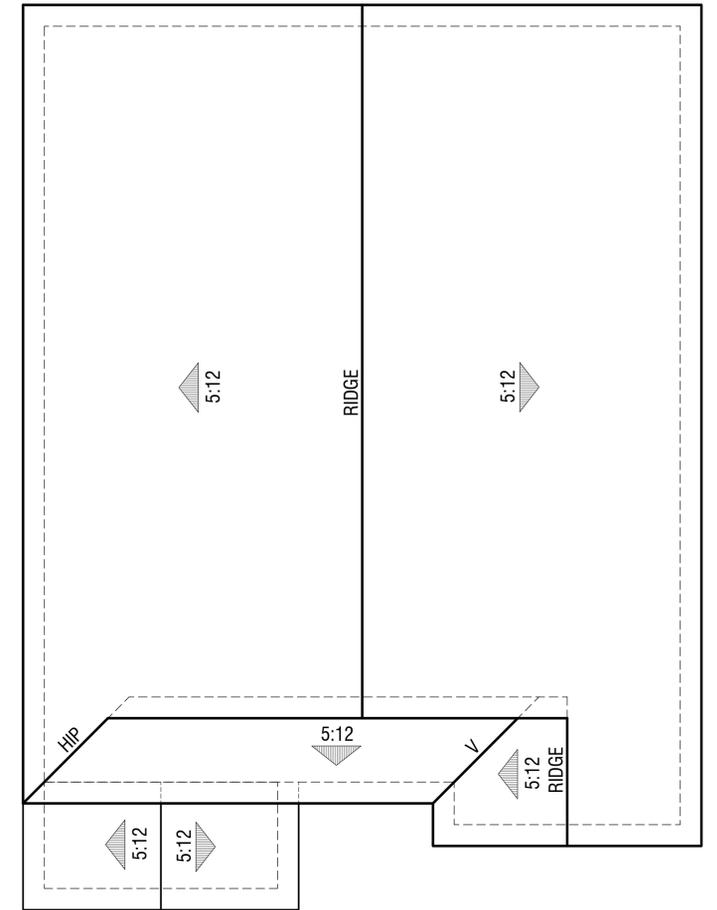
NOTE:
When residential project is in "Fire Hazard Severity Zone" as defined by Cal Fire and the Department of Forestry, the homes shall be designed and constructed to meet applicable state code requirements including California Residential Code Section 337.



Elevation C
Farmhouse



Elevation B
Traditional



Elevation A
Ranch

PLAN 1583
Roof Plans

WATSON RANCH
AMERICAN CANYON, CA



Elevation A
Ranch
Color Scheme 2BC



Elevation C
Farmhouse
Color Scheme 3B

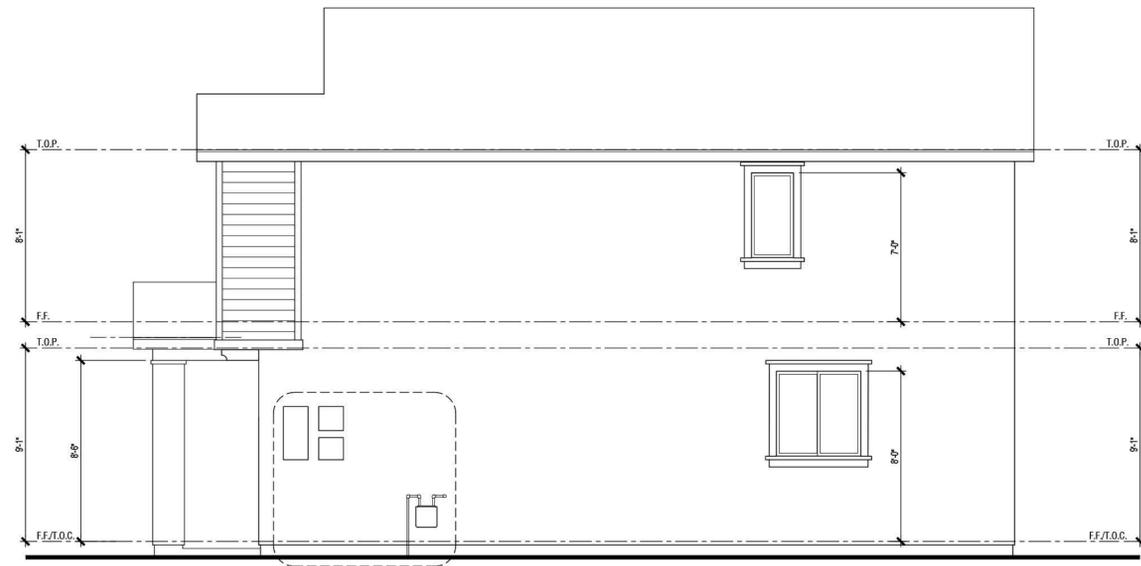


Elevation B
Traditional
Color Scheme 4B

Note: Artist's conception; colors, materials and application may vary.

PLAN 1583
Front Elevations

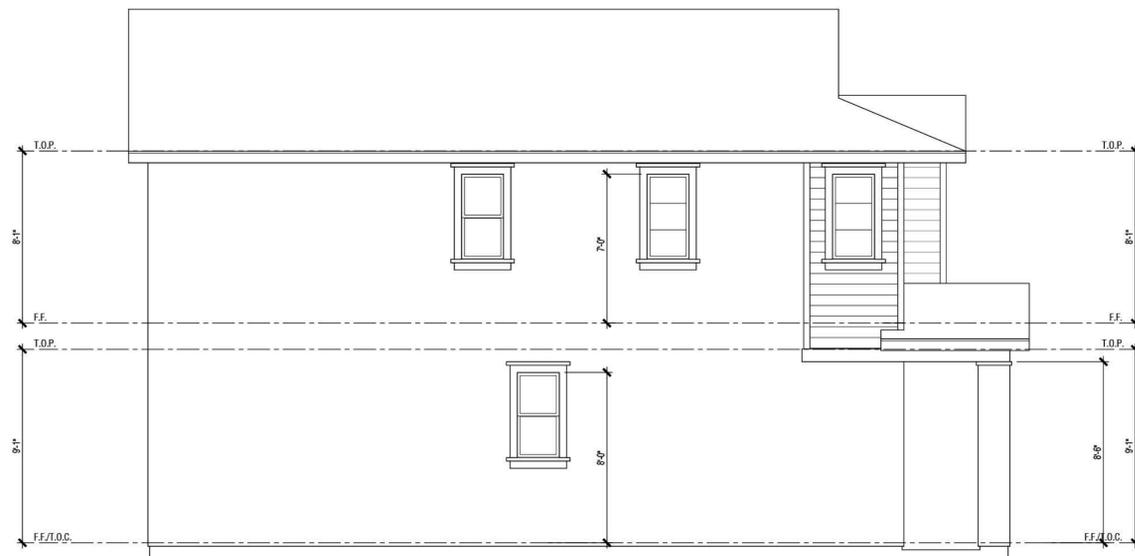
WATSON RANCH
AMERICAN CANYON, CA



Right



Rear



Left



Front

Exterior Materials:

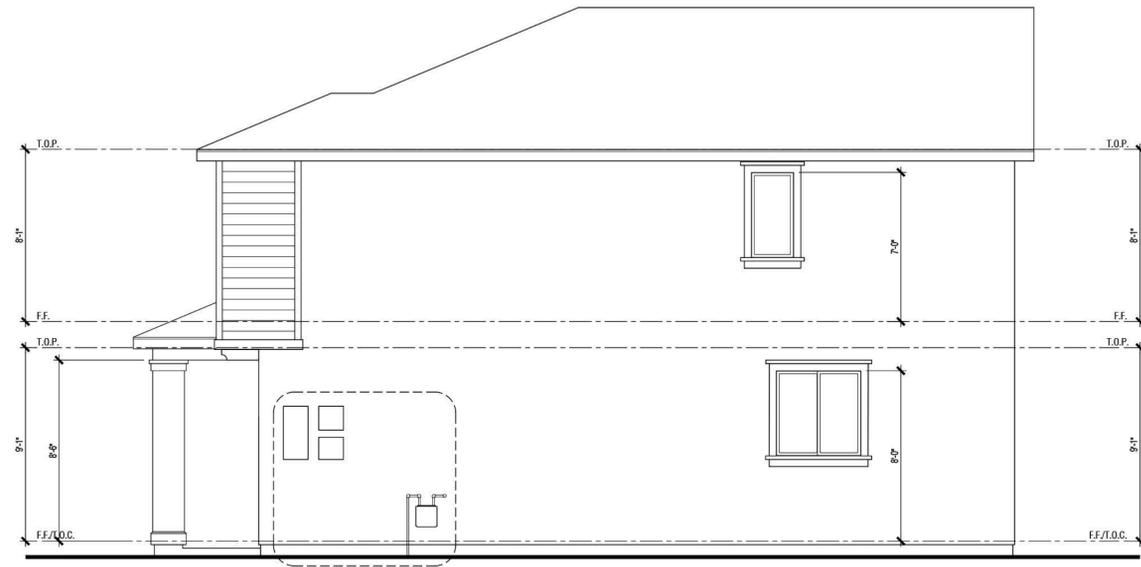
Elevation A - Ranch (Color Scheme 2BC)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Gable Siding: Fiber Cement
- 5 Windows: Insulated Vinyl
- 6 Garage Door: Metal Sectional Roll-Up
- 7 Shutters: Decorative Foam
- 8 Entry Door: Fiberglass
- 9 Address Light

PLAN 1583

Elevation A - Ranch

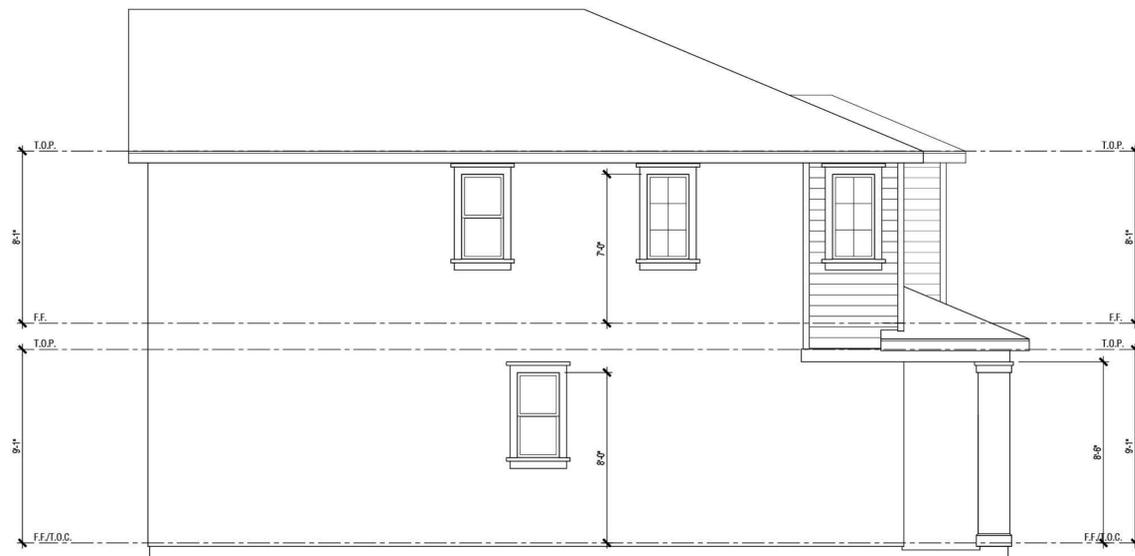
NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Right



Rear



Left



Front

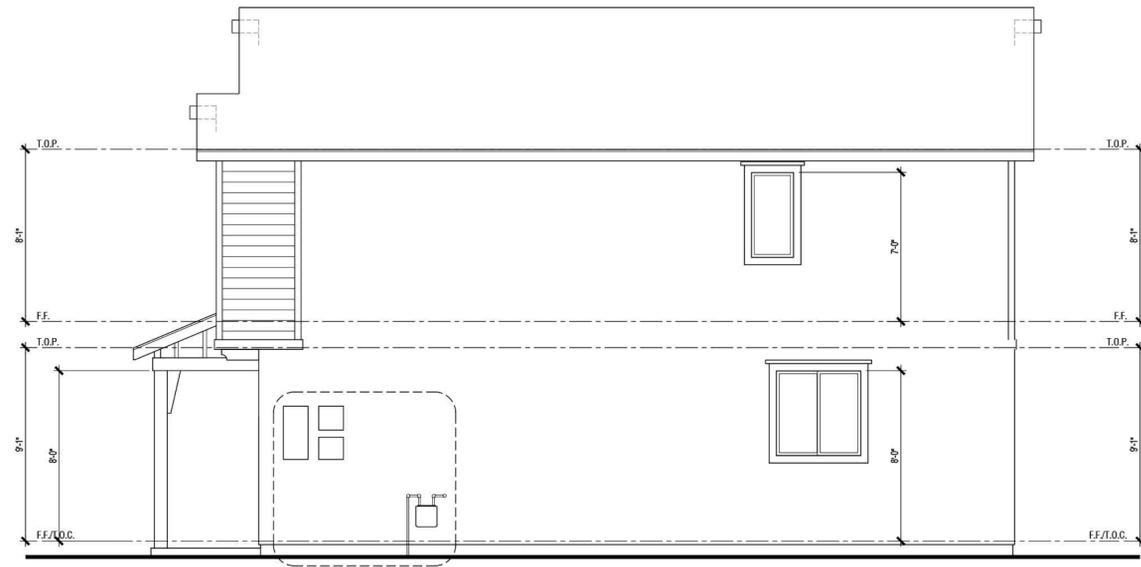
Exterior Materials:

Elevation B - Traditional (Color Scheme 4B)

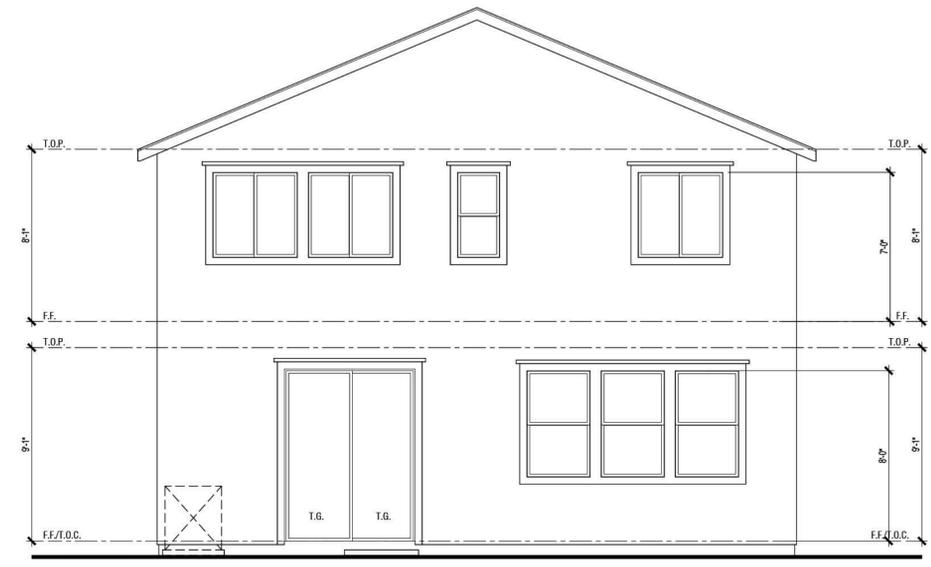
- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Entry Door: Fiberglass
- 7 Address Light

PLAN 1583
Elevation B - Traditional

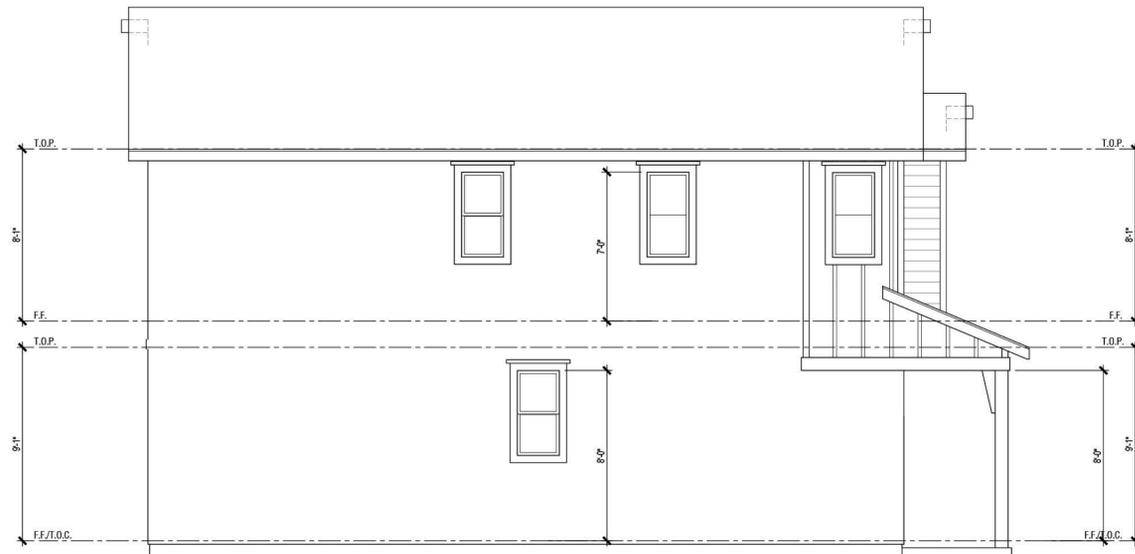
NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



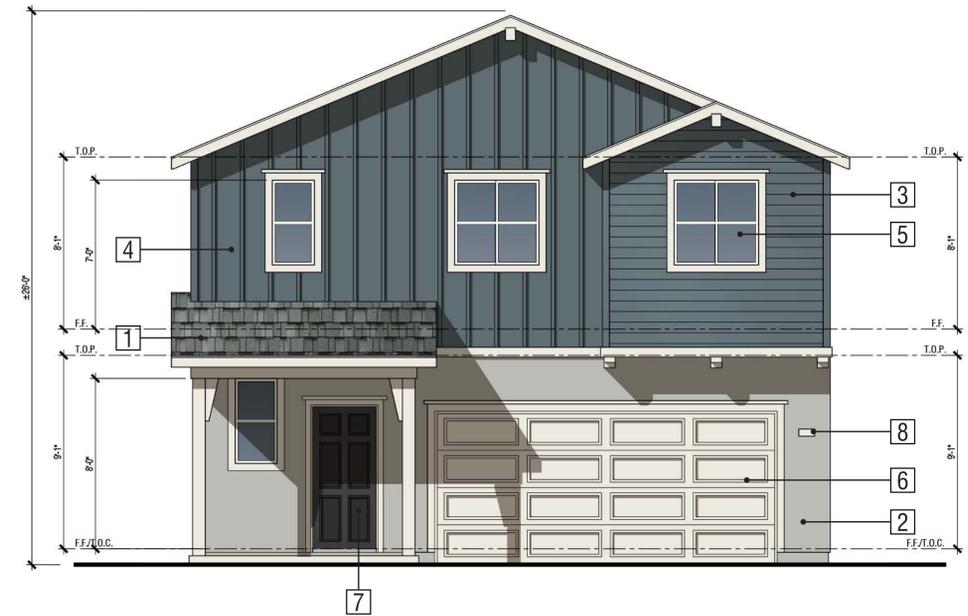
Right



Rear



Left



Front

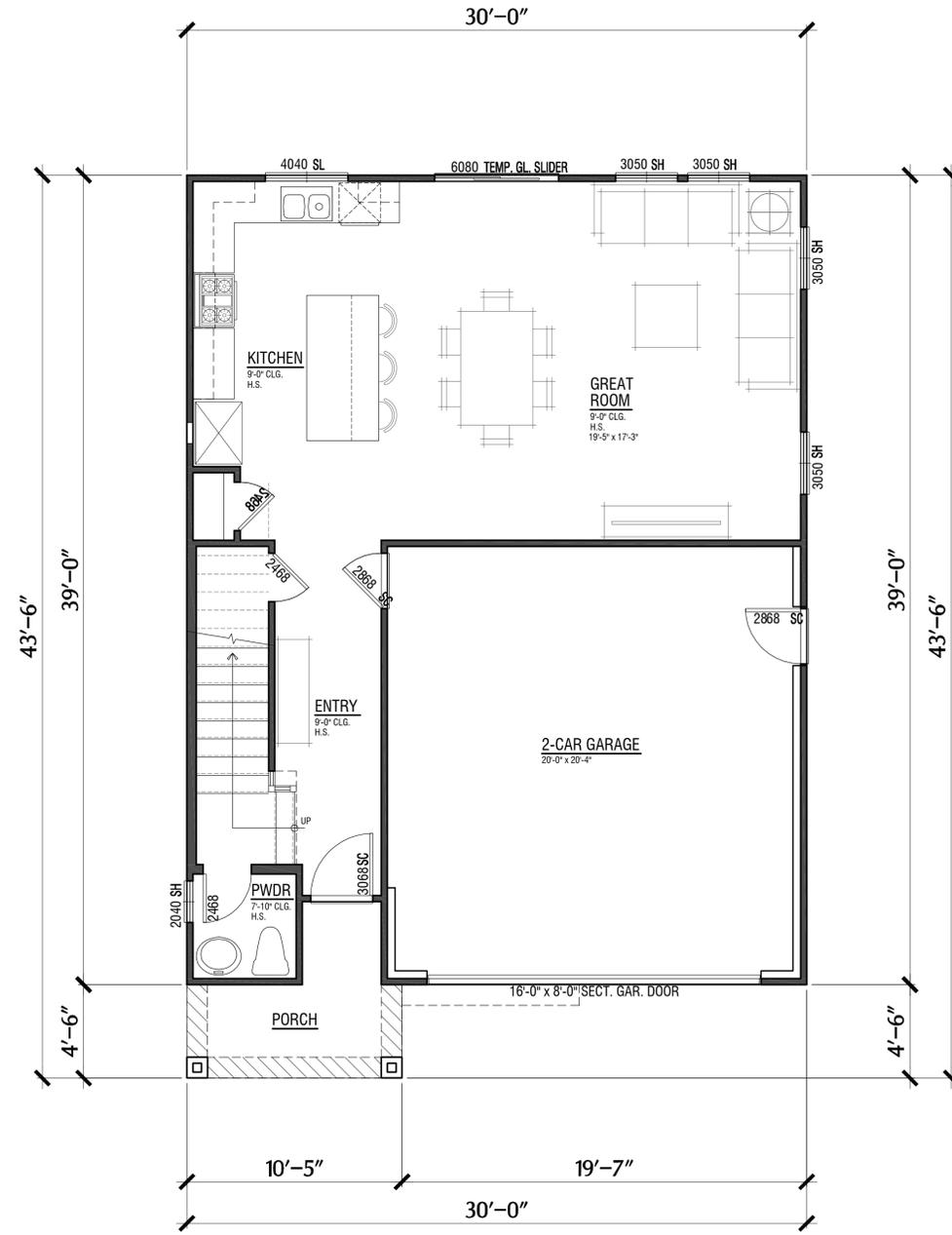
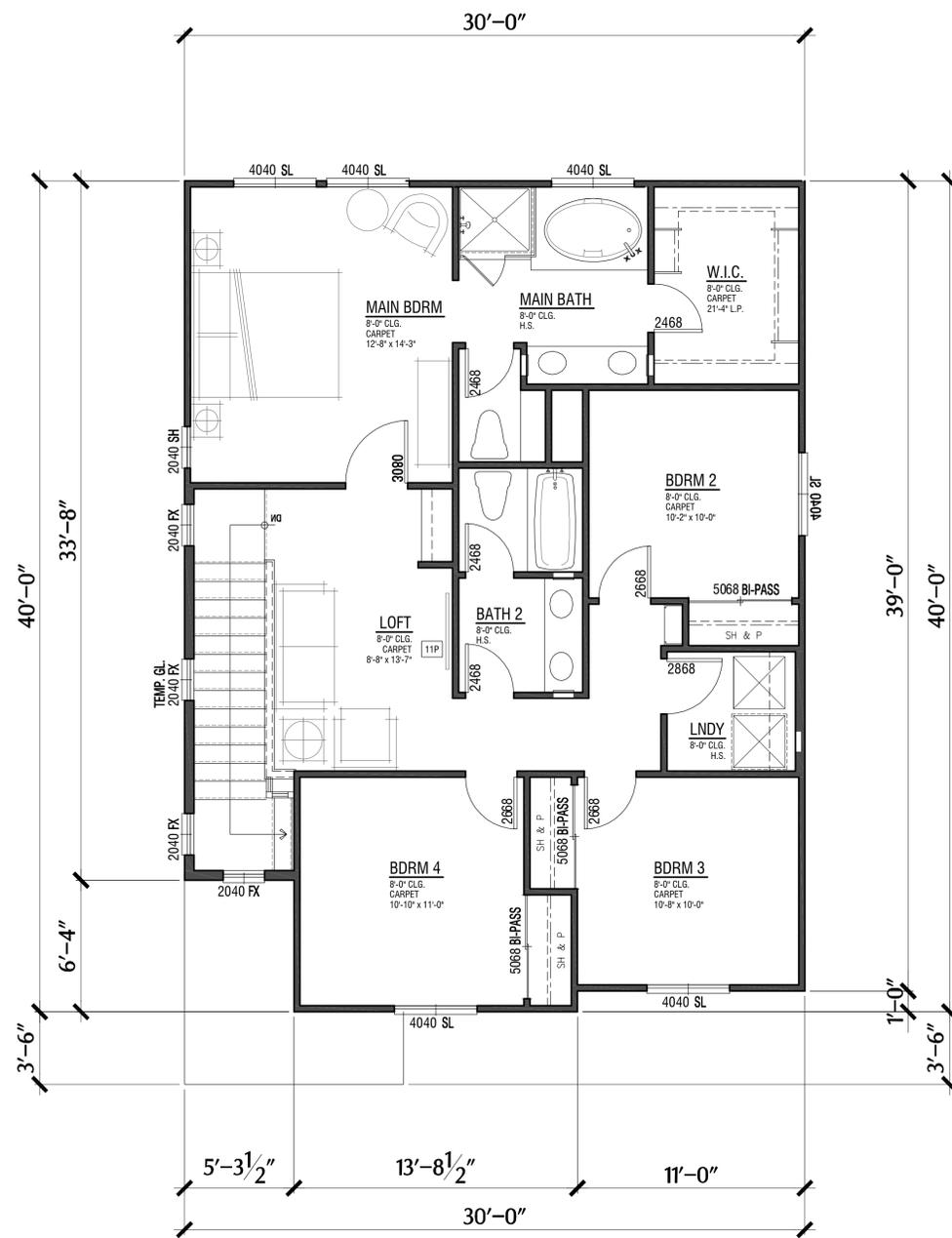
Exterior Materials:

Elevation C - Farmhouse (Color Scheme 3B)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Board and Batten Siding: Fiber Cement
- 5 Windows: Insulated Vinyl
- 6 Garage Door: Metal Sectional Roll-Up
- 7 Entry Door: Fiberglass
- 8 Address Light

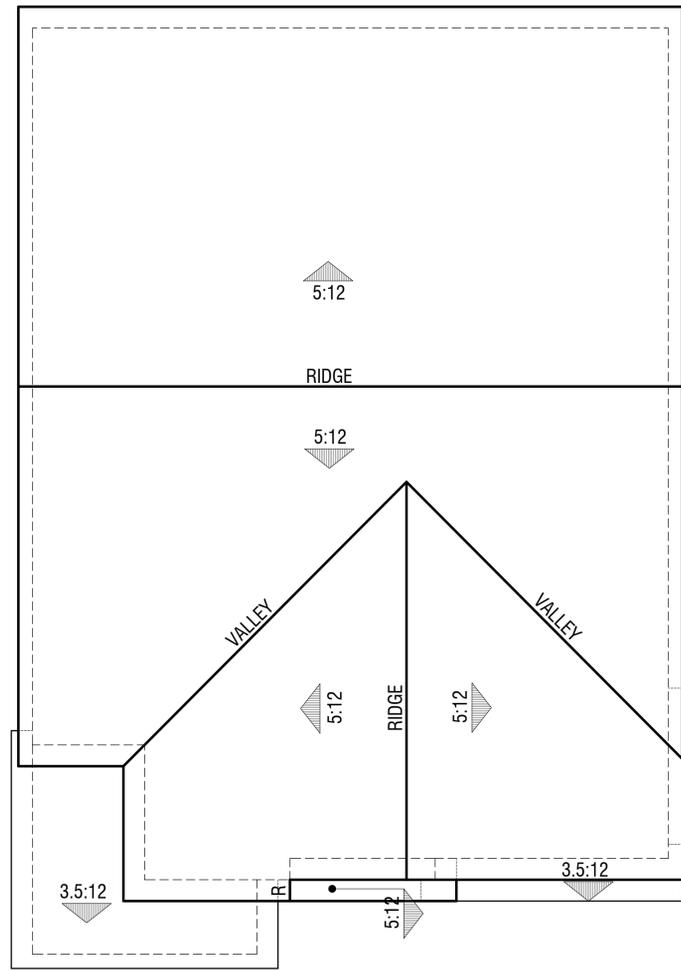
PLAN 1583
Elevation C - Farmhouse

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.

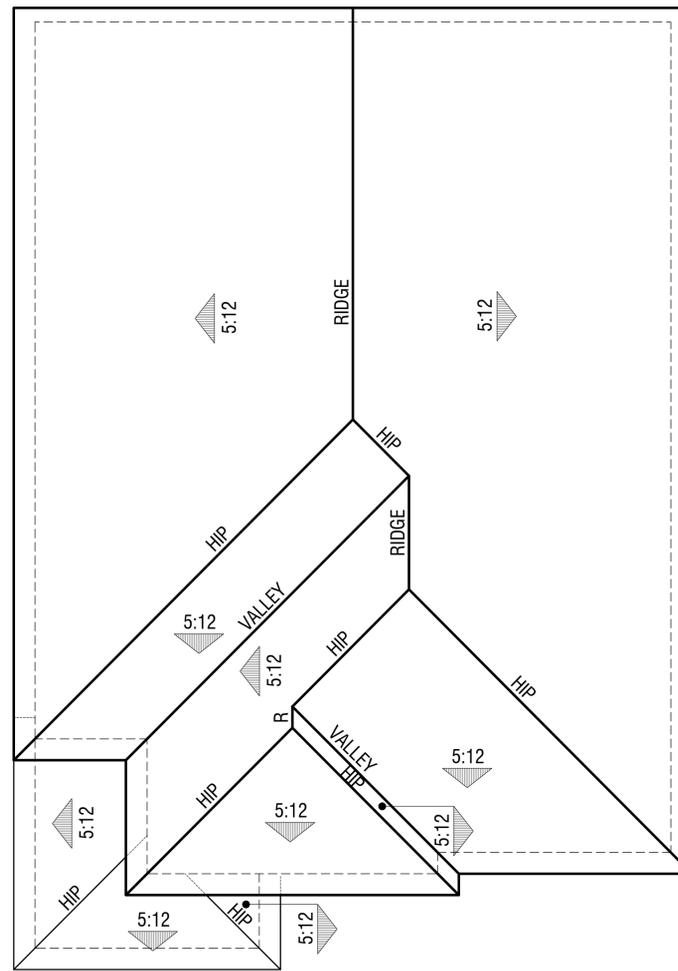


PLAN 1799

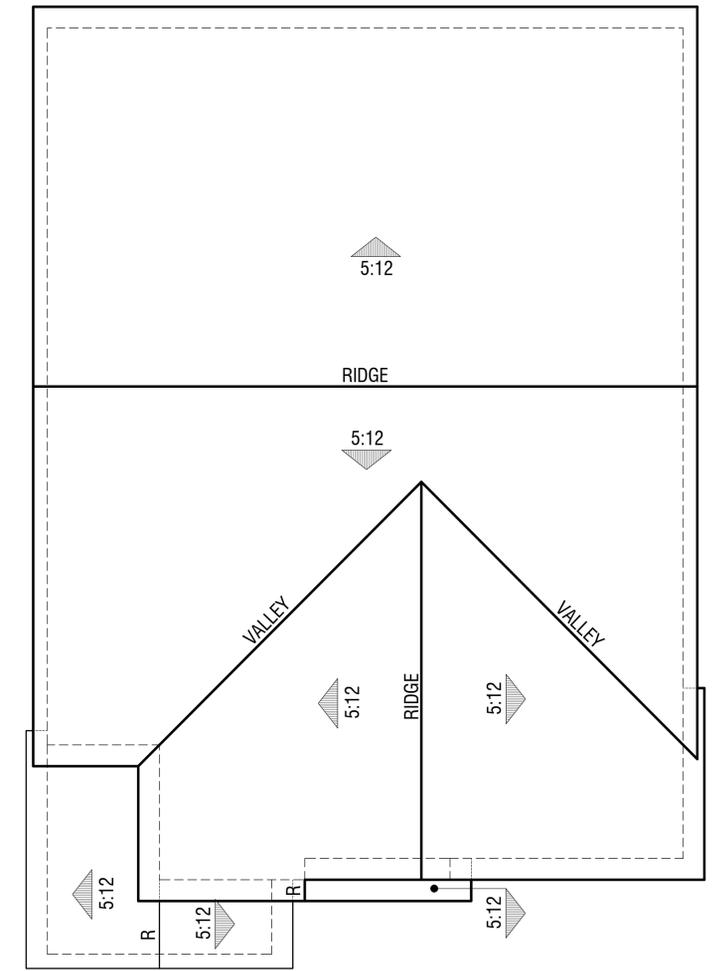
1,799 SF
 4 Bdrm | 2.5 Bath
 2-Car Garage



Elevation C
Farmhouse



Elevation B
Traditional



Elevation A
Ranch

PLAN 1799
Roof Plans

WATSON RANCH
AMERICAN CANYON, CA



Elevation A
Ranch
Color Scheme 1B



Elevation C
Farmhouse
Color Scheme 6B

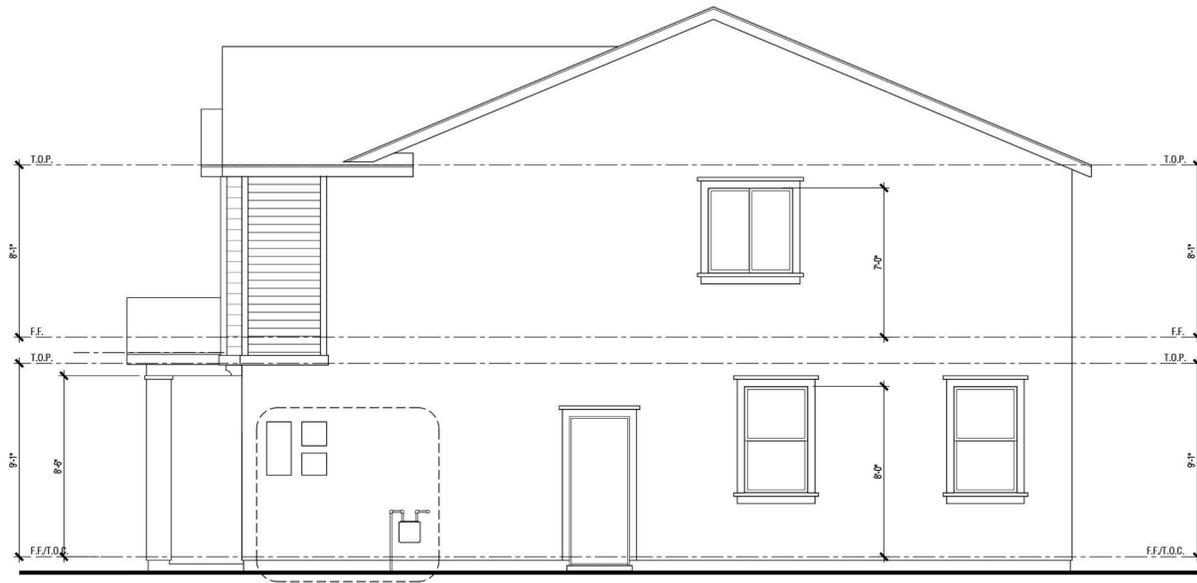


Elevation B
Traditional
Color Scheme 1BC

Note: Artist's conception; colors, materials and application may vary.

PLAN 1799
Front Elevations

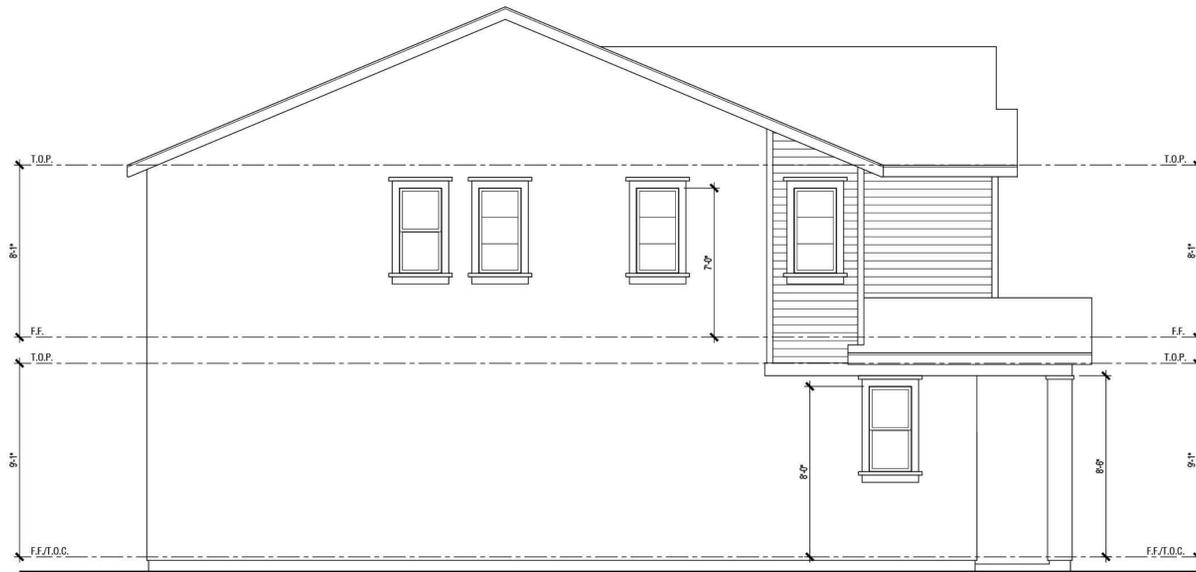
WATSON RANCH
AMERICAN CANYON, CA



Right



Rear



Left



Front

Exterior Materials:

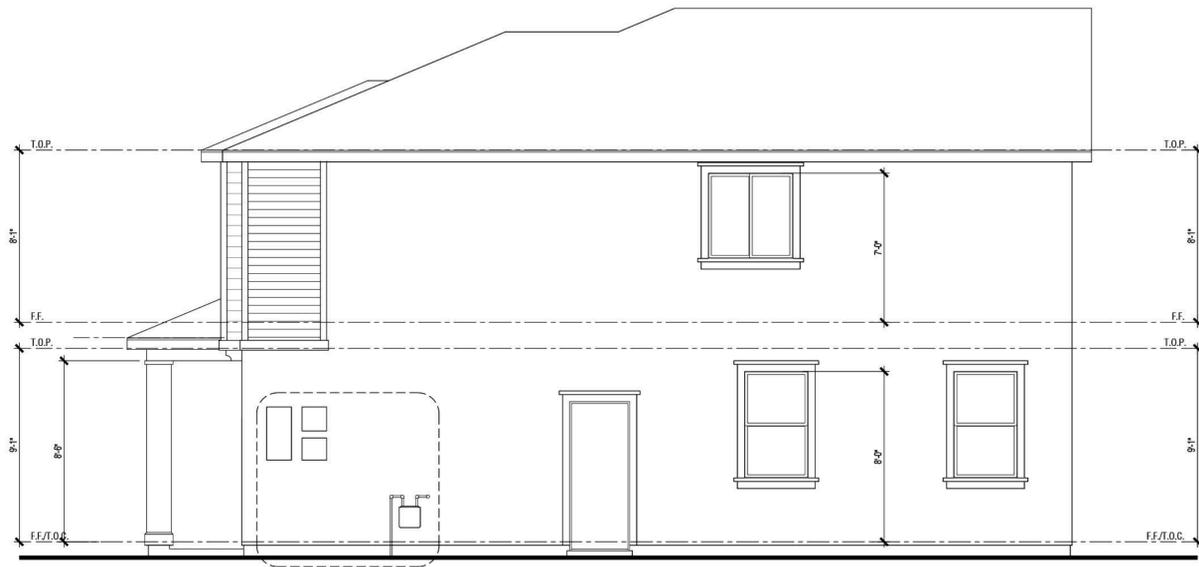
Elevation A - Ranch (Color Scheme 1B)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Shutters: Decorative Foam
- 7 Entry Door: Fiberglass
- 8 Address Light

PLAN 1799

Elevation A - Ranch

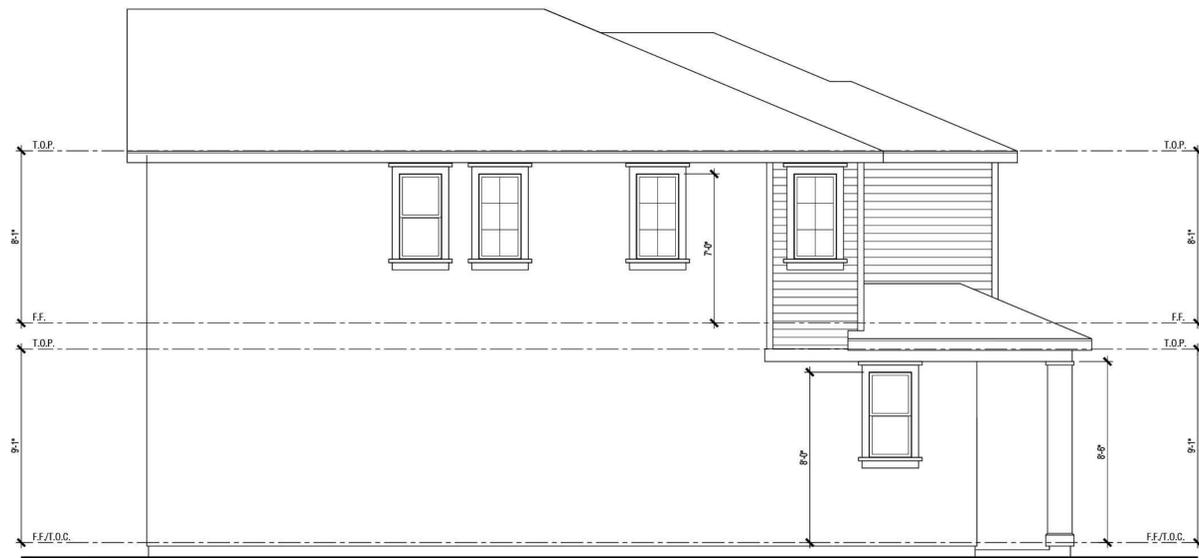
NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Right



Rear



Left



Front

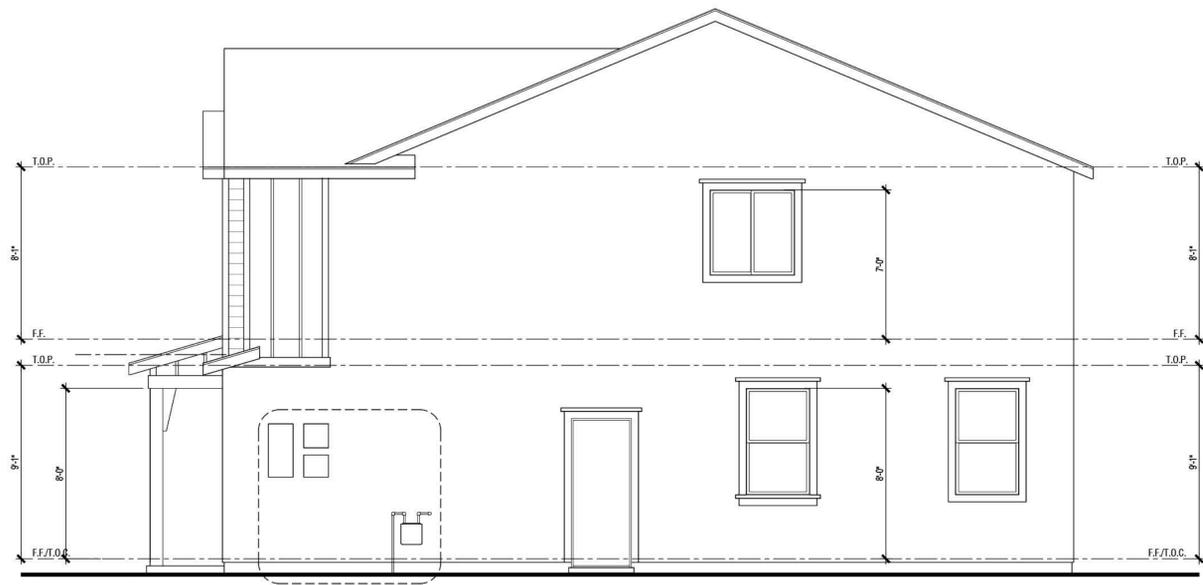
Exterior Materials:

Elevation B - Traditional (Color Scheme 1BC)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Entry Door: Fiberglass
- 7 Address Light

PLAN 1799
Elevation B - Traditional

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Right



Rear



Left



Front

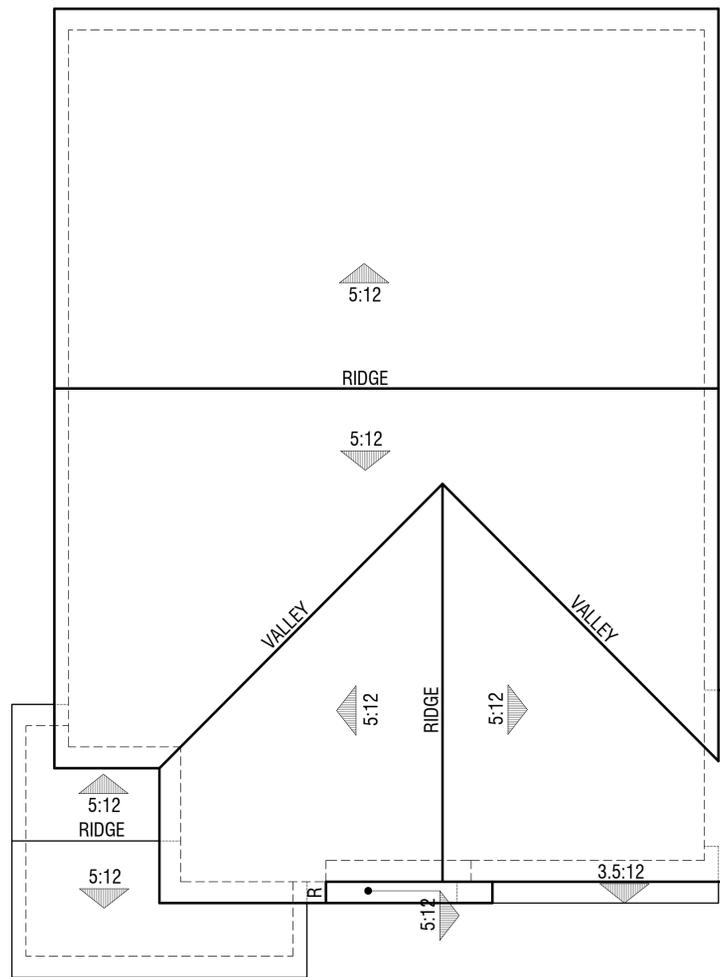
Exterior Materials:

Elevation C - Farmhouse (Color Scheme 6B)

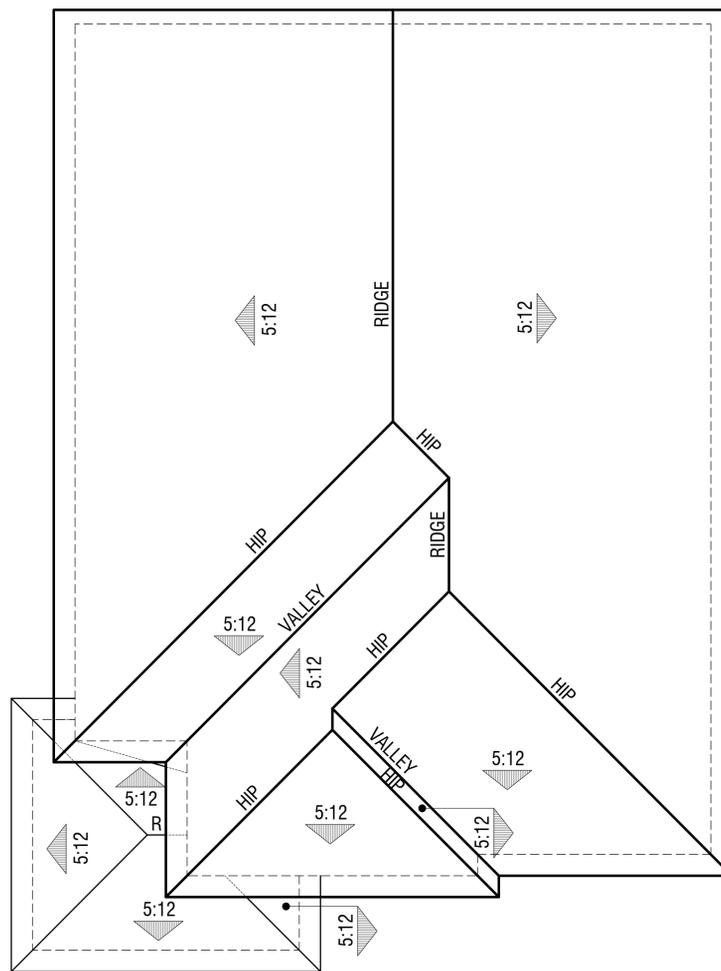
- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Board and Batten Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Entry Door: Fiberglass
- 7 Address Light

PLAN 1799
Elevation C - Farmhouse

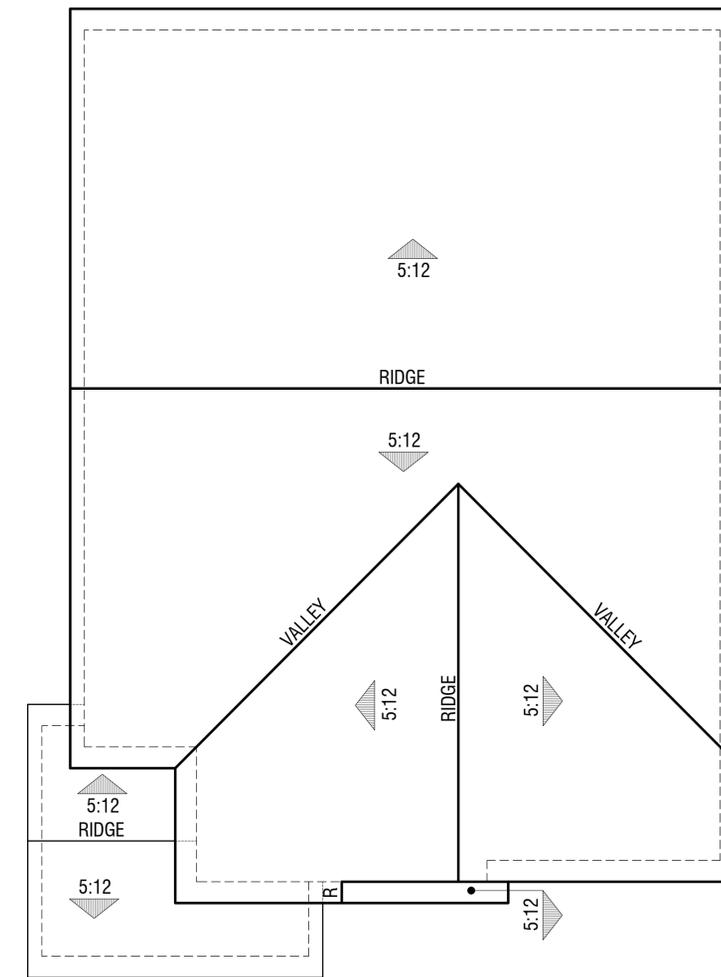
NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Elevation C
Farmhouse



Elevation B
Traditional



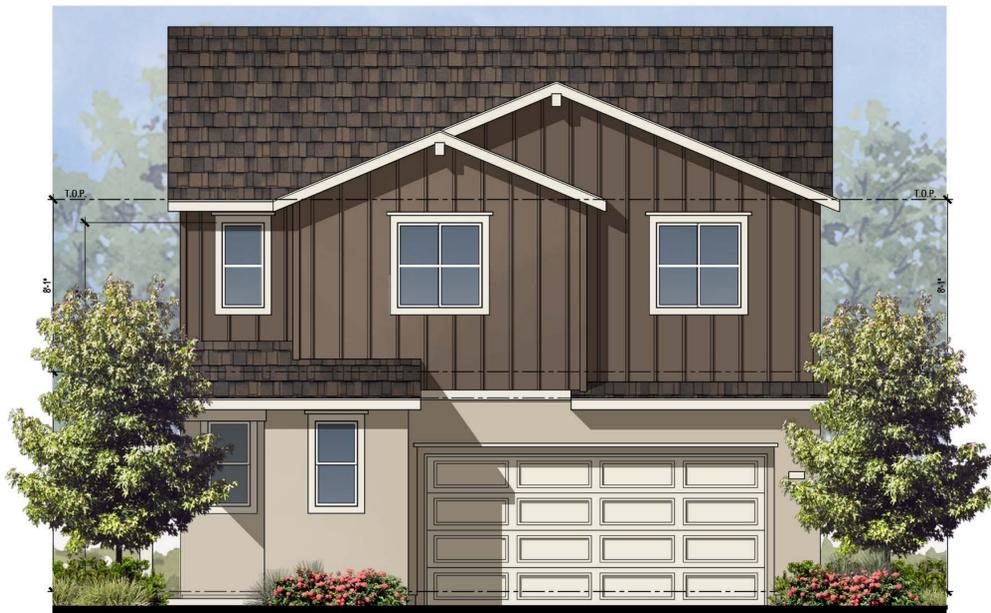
Elevation A
Ranch

PLAN 1799X
Roof Plans

WATSON RANCH
AMERICAN CANYON, CA



Elevation A
Ranch
Color Scheme 1B



Elevation C
Farmhouse
Color Scheme 6B



Elevation B
Traditional
Color Scheme 1BC

Note: Artist's conception; colors, materials and application may vary.

PLAN 1799X
Front Elevations

WATSON RANCH
AMERICAN CANYON, CA



Right



Rear



Left



Front

Exterior Materials:

Elevation A - Ranch (Color Scheme 1B)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Shutters: Decorative Foam
- 7 Entry Door: Fiberglass
- 8 Address Light

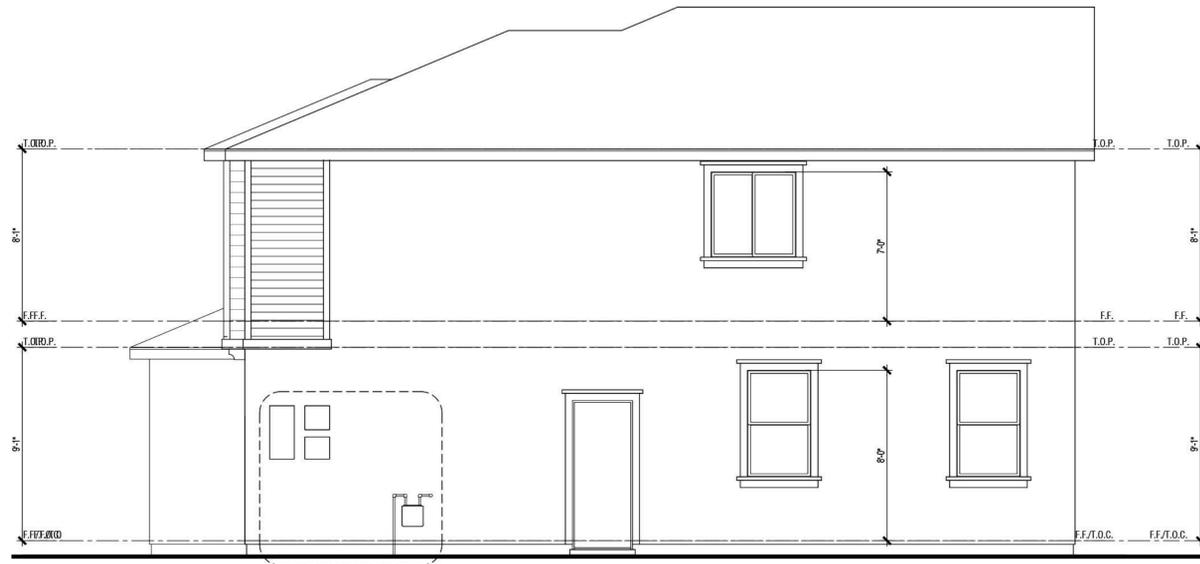
PLAN 1799X

Elevation A - Ranch

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



WATSON RANCH
AMERICAN CANYON, CA



Right



Rear



Left



Front

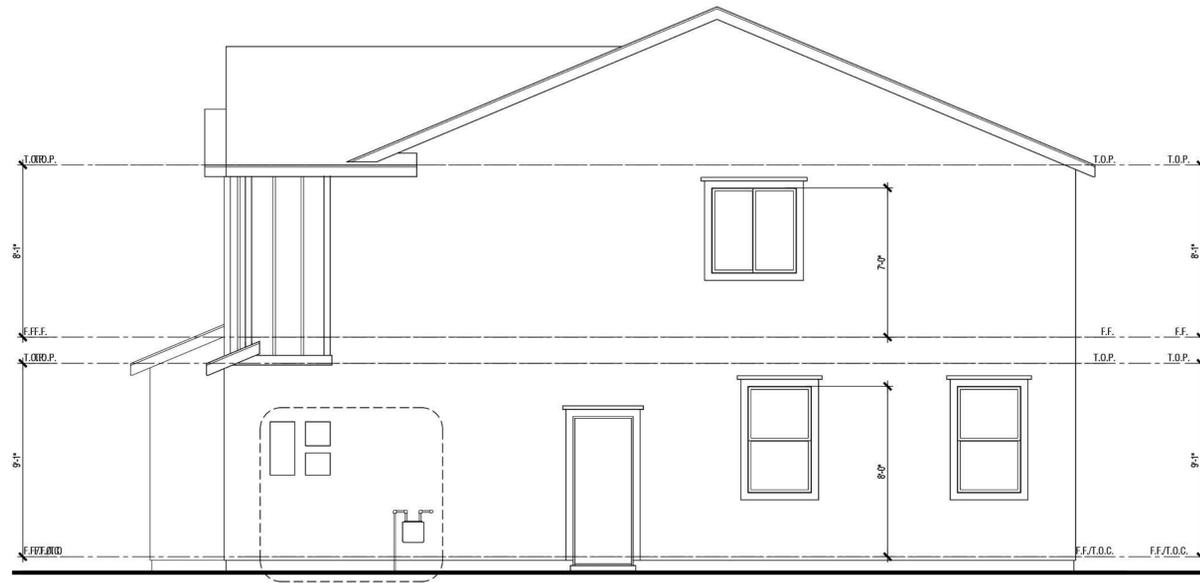
Exterior Materials:

Elevation B - Traditional (Color Scheme 1BC)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Entry Door: Fiberglass
- 7 Address Light

PLAN 1799X
Elevation B - Traditional

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Right



Rear



Left



Front

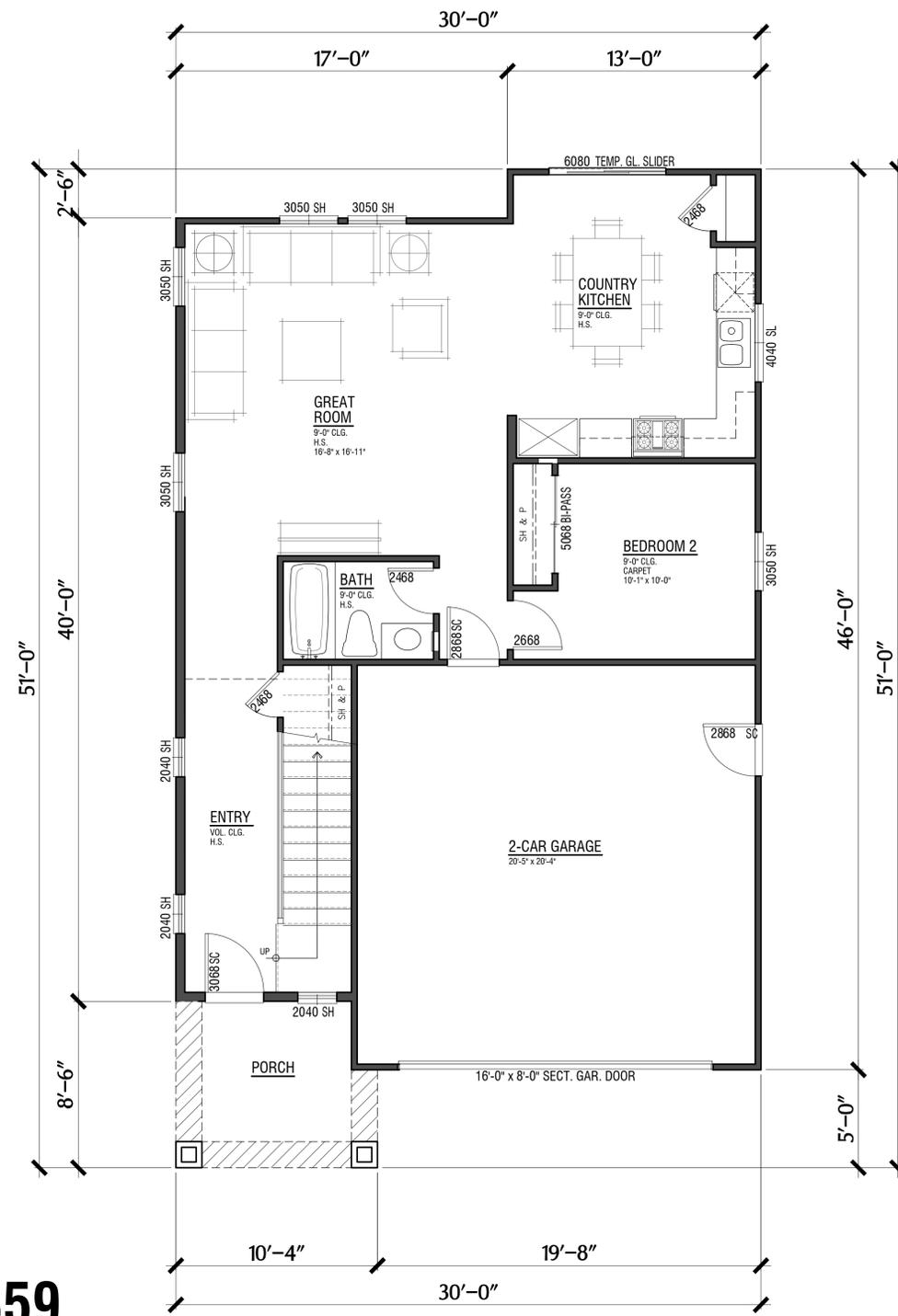
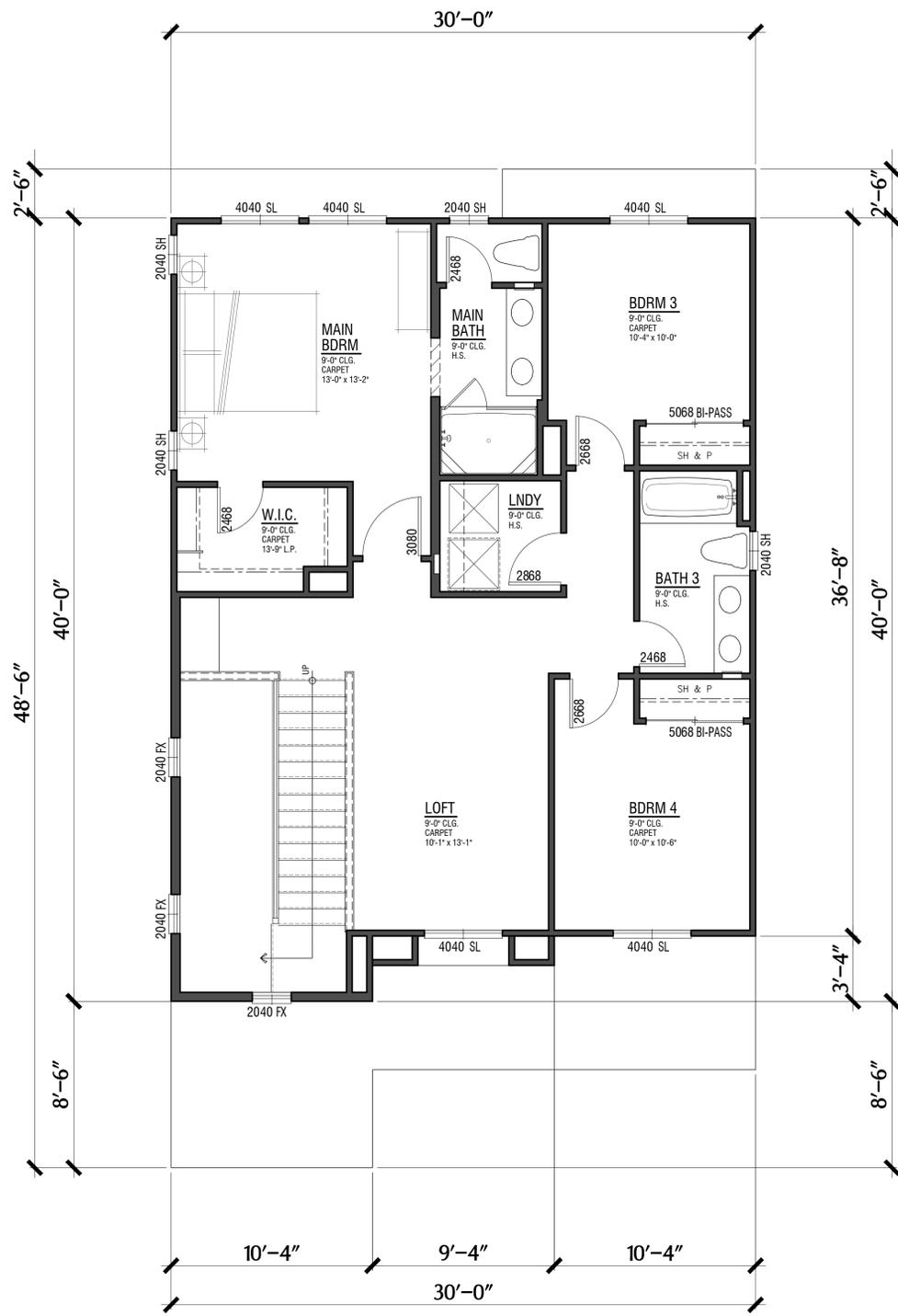
Exterior Materials:

Elevation C - Farmhouse (Color Scheme 6B)

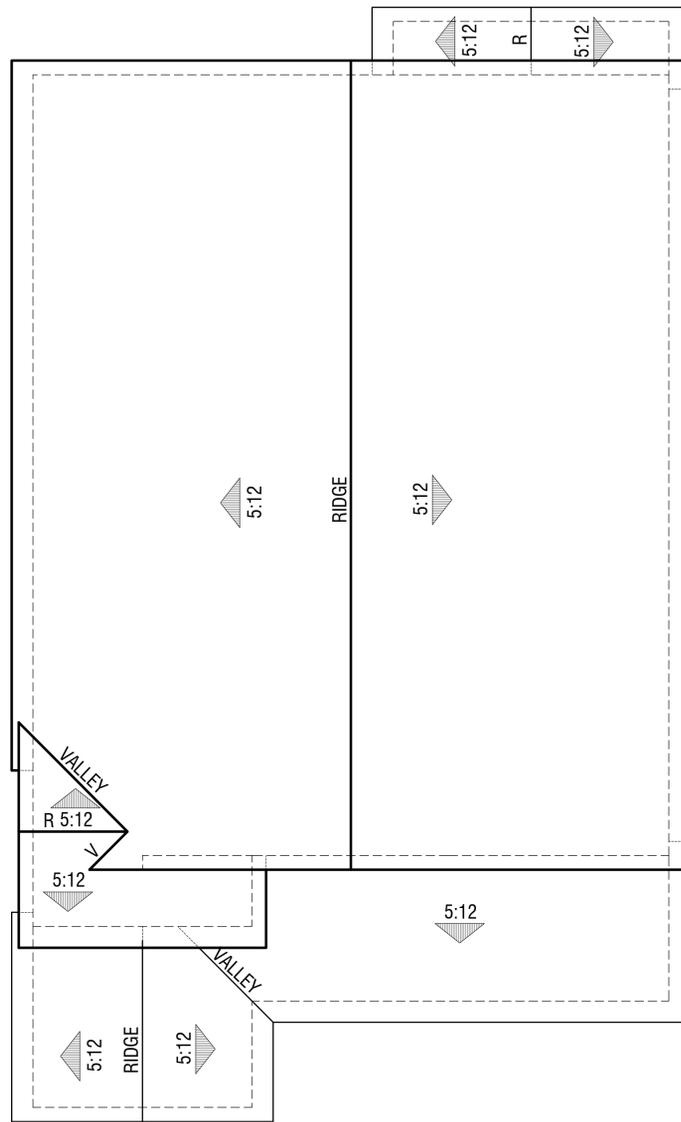
- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Board and Batten Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Entry Door: Fiberglass
- 7 Address Light

PLAN 1799X
Elevation C - Farmhouse

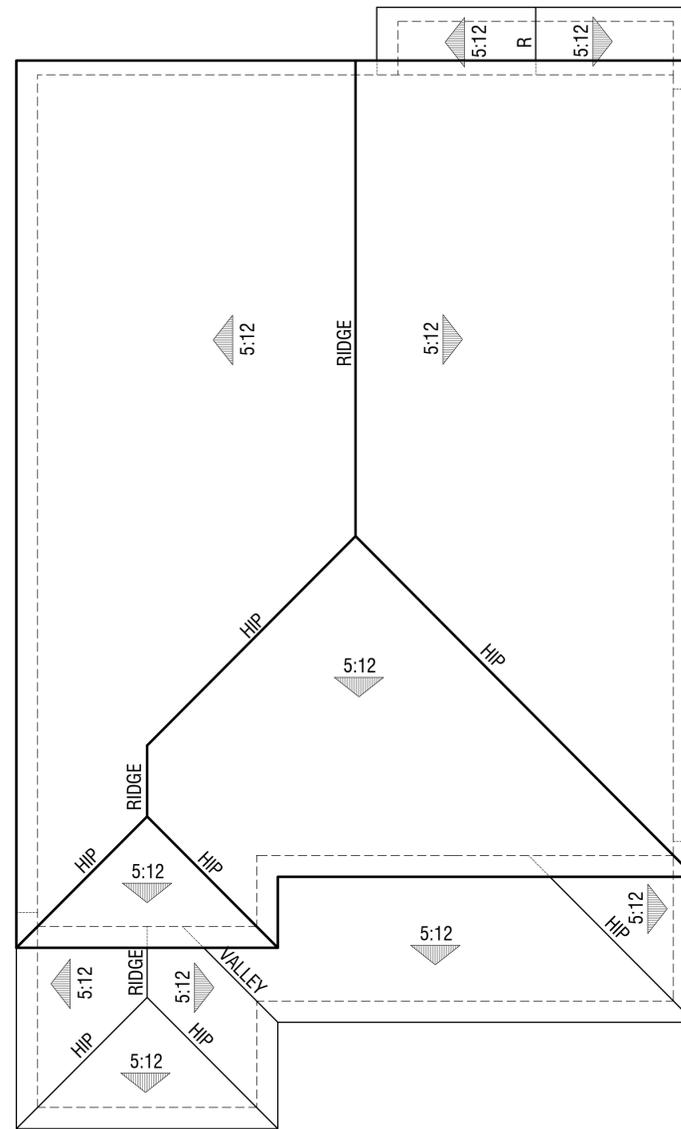
NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



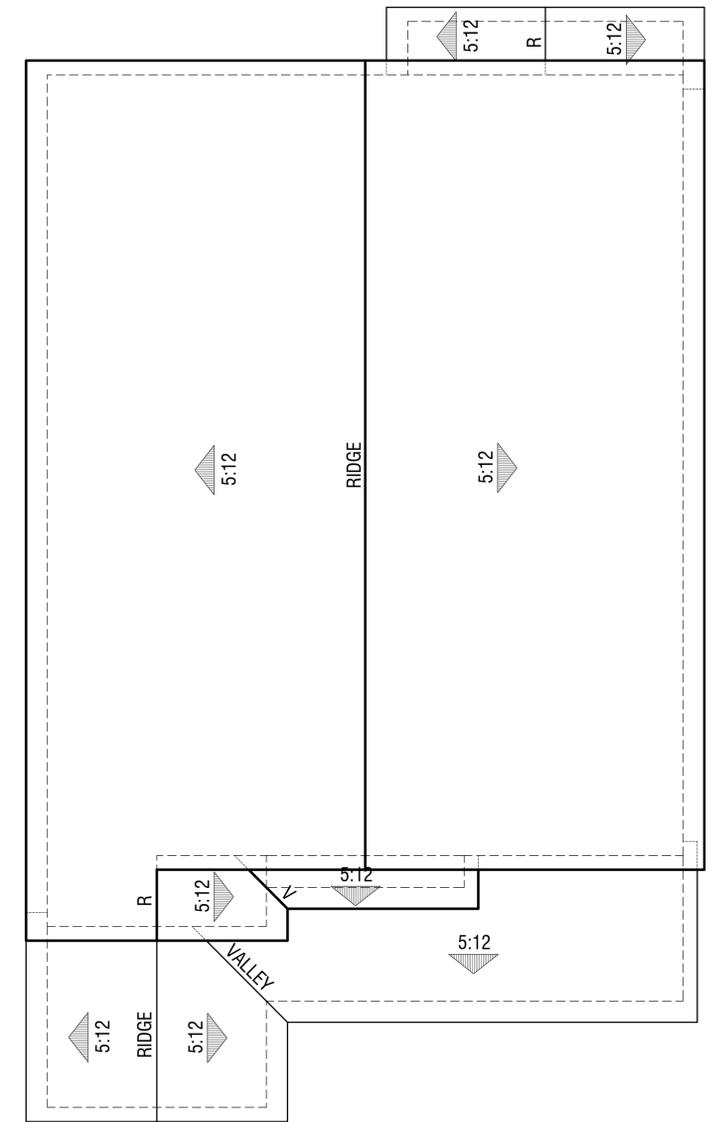
PLAN 1859
 1,859 SF
 4 Bdrm | 3 Bath | Loft
 2-Car Garage



Elevation C
Farmhouse



Elevation B
Traditional



Elevation A
Ranch

PLAN 1859
Roof Plans

WATSON RANCH
AMERICAN CANYON, CA



Elevation A
Ranch
Color Scheme 2BC



Elevation C
Farmhouse
Color Scheme 7B

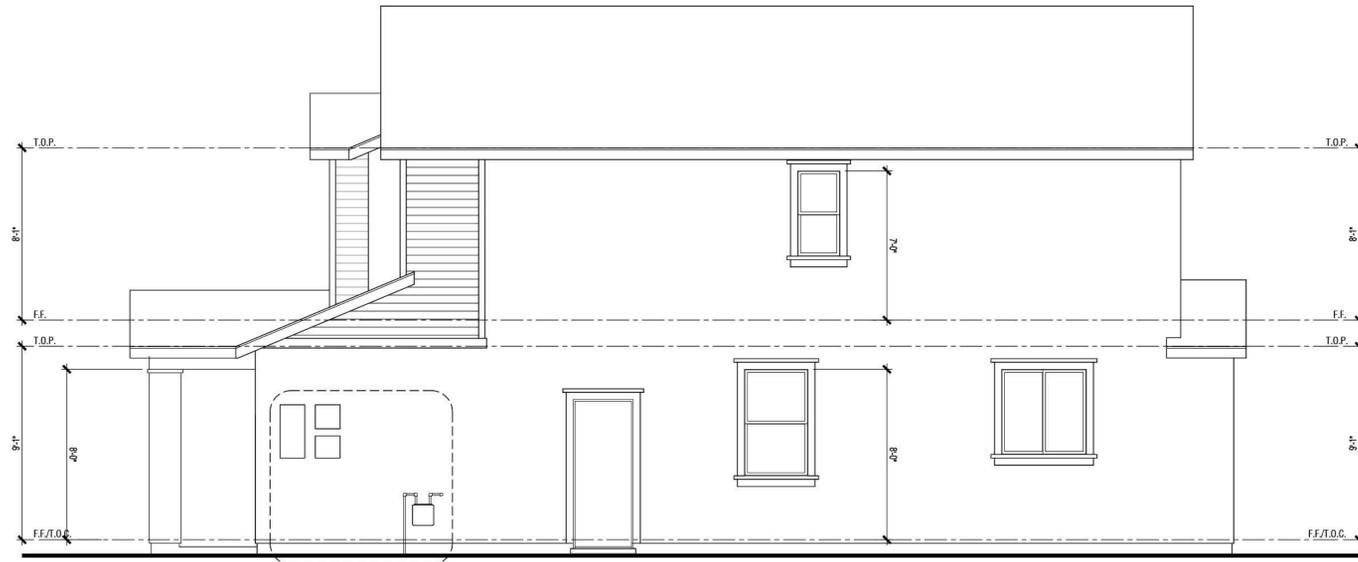


Elevation B
Traditional
Color Scheme 3BC

Note: Artist's conception; colors, materials and application may vary.

PLAN 1859
Front Elevations

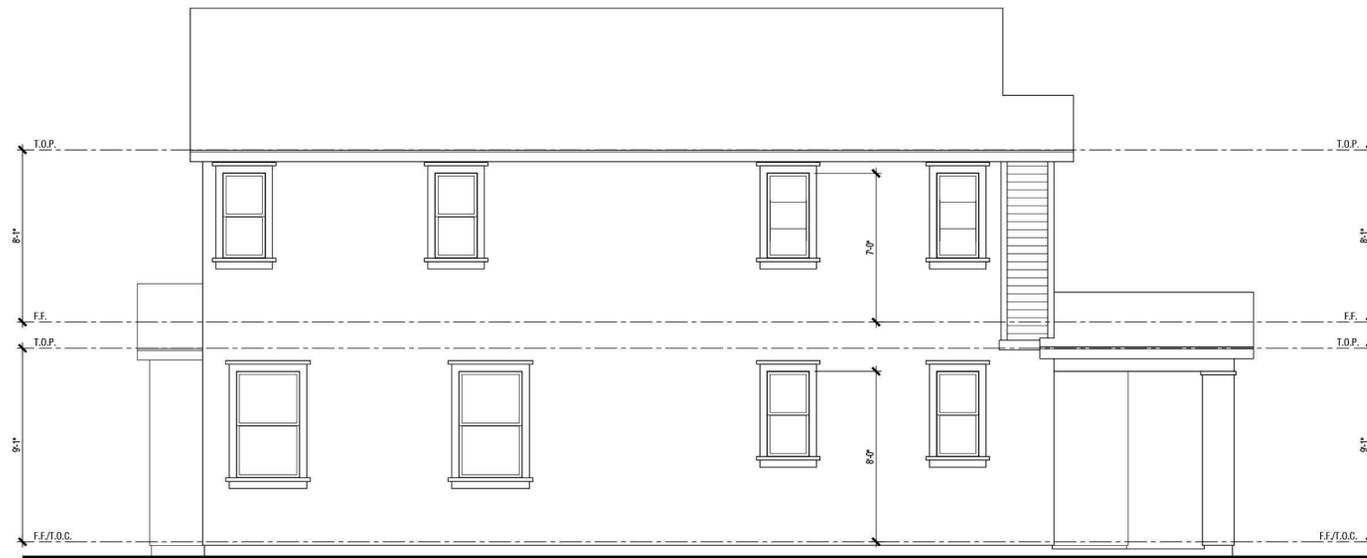
WATSON RANCH
AMERICAN CANYON, CA



Right



Rear



Left



Front

Exterior Materials:

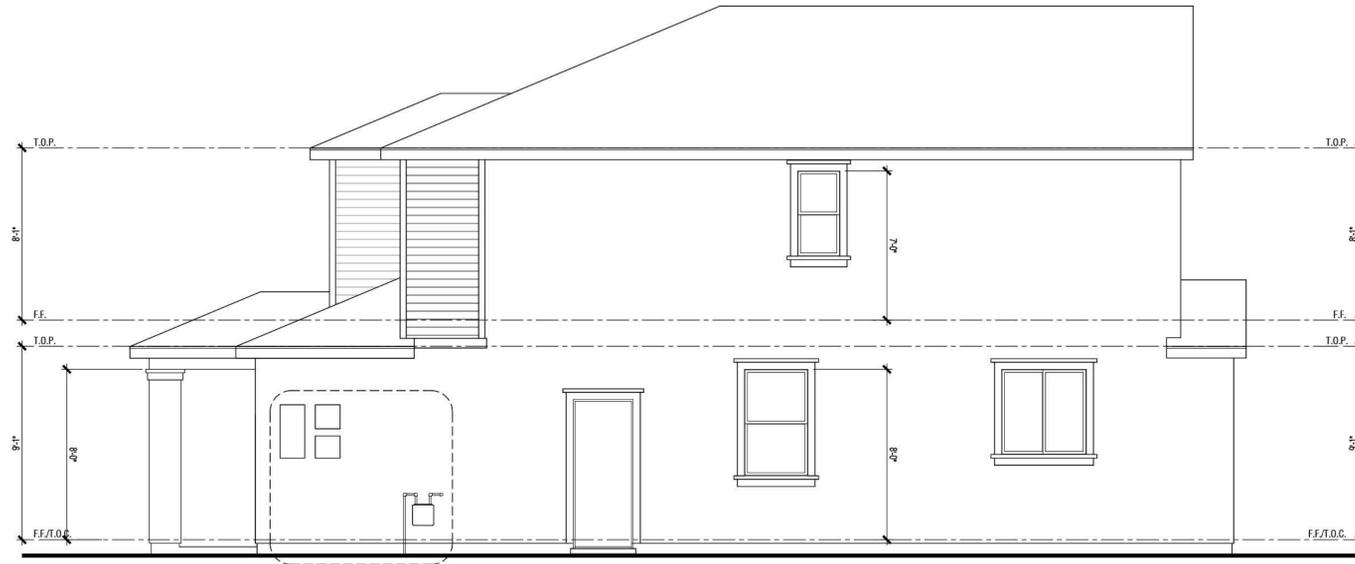
Elevation A - Ranch (Color Scheme 2BC)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Shutters: Decorative Foam
- 7 Entry Door: Fiberglass
- 8 Address Light

PLAN 1859

Elevation A - Ranch

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



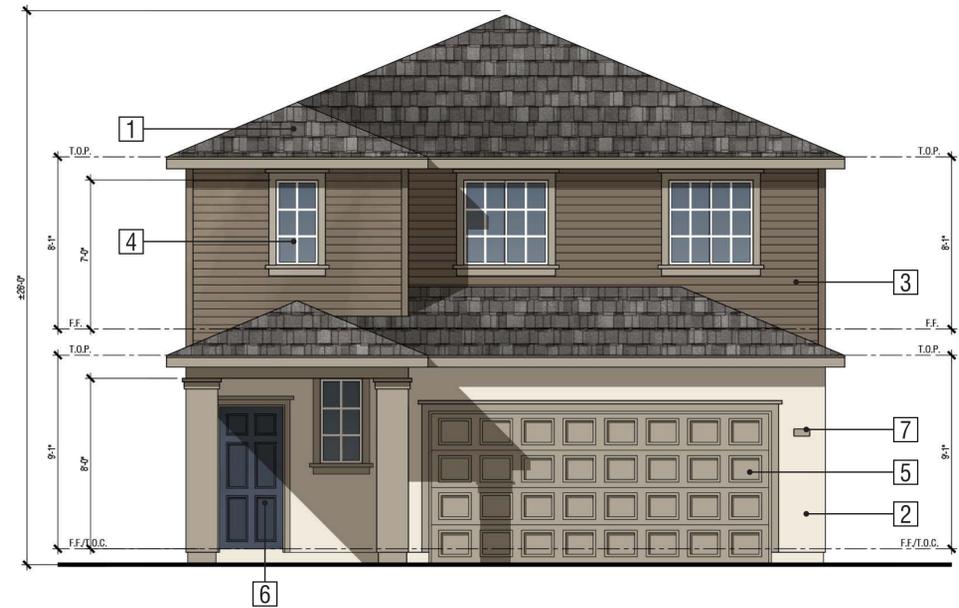
Right



Rear



Left



Front

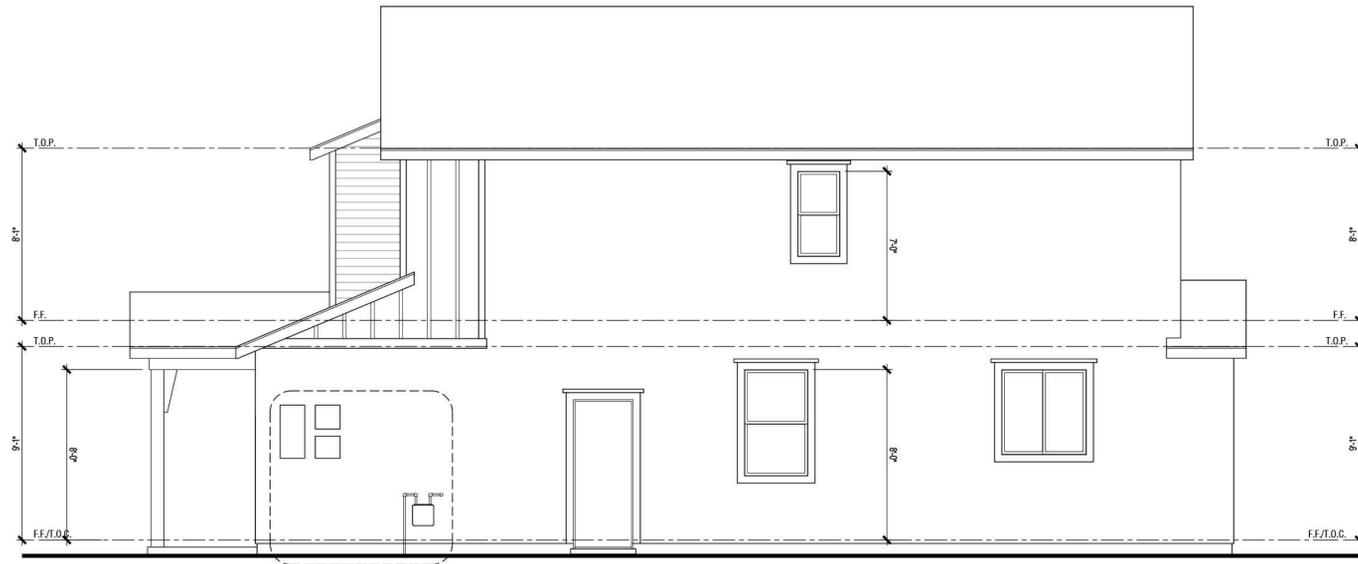
Exterior Materials:

Elevation B - Traditional (Color Scheme 3BC)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up
- 6 Entry Door: Fiberglass
- 7 Address Light

PLAN 1859
Elevation B - Traditional

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Right



Rear



Left



Front

Exterior Materials:

Elevation C - Farmhouse (Color Scheme 7B)

- 1 Roof: Composition Shingle Roofing
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Board and Batten Siding: Fiber Cement
- 5 Windows: Insulated Vinyl
- 6 Garage Door: Metal Sectional Roll-Up
- 7 Shutters: Decorative Foam
- 8 Entry Door: Fiberglass
- 9 Address Light

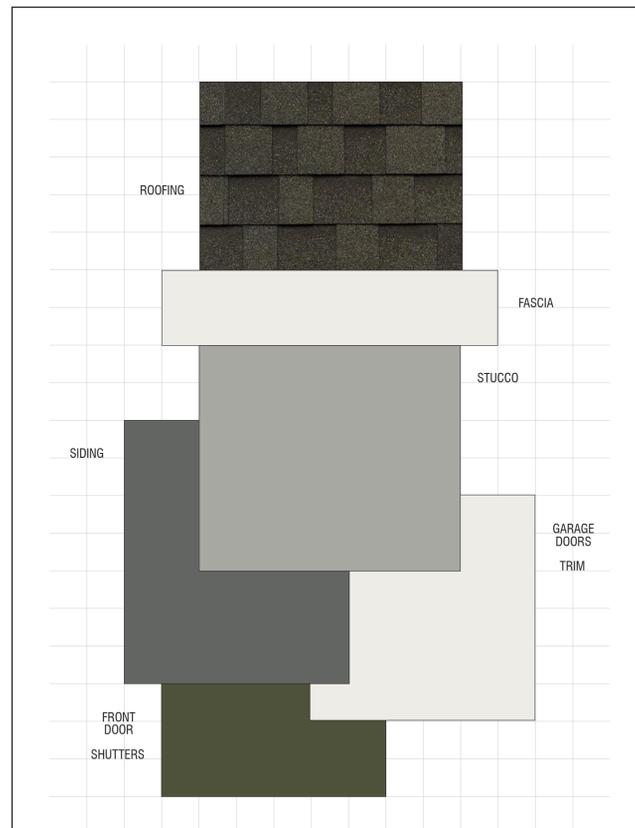
PLAN 1859
Elevation C - Farmhouse

WATSON RANCH
AMERICAN CANYON, CA

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.



Color Scheme 1B



WATSON RANCH

American Canyon, California
D.R. HORTON
May 18, 2021 | 2021159
PAGE 1 OF 8

Exterior Color & Materials

SCHEME 1B 'A' ELEVATIONS ONLY, RANCH

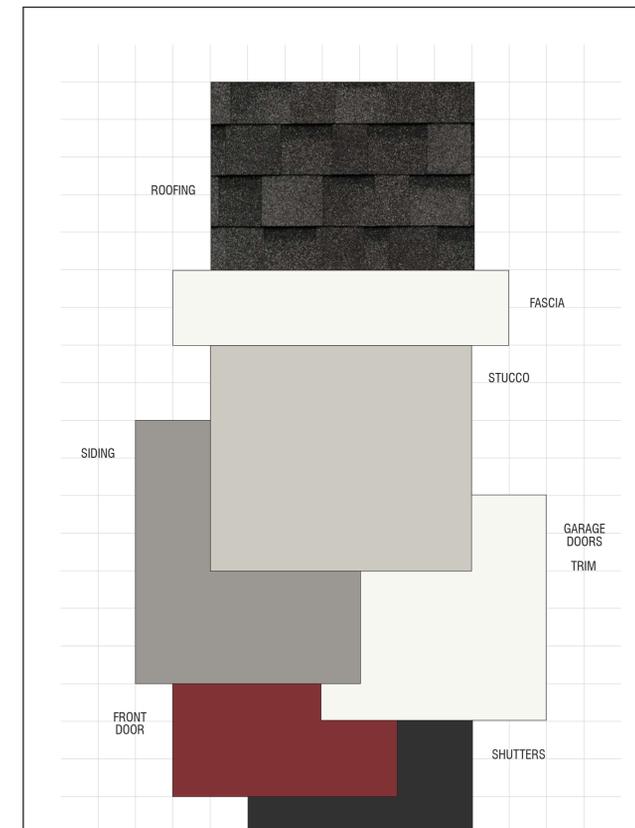
Material	Color	Manufacturer
Roofing: Composition Shingles	Weathered Wood Cambridge Series	IKO
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	*SW 7066 Gray Matters <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Corner Boards Lap Siding	*SW 7068 Grizzle Gray <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Gable Siding Garage Doors Trim	*SW 7005 Pure White <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door Shutters	*SW 6181 Secret Garden <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Cole Ruth (949) 250-0907. © 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

SCHEME 1B
'A' Elevations Only
Ranch



Color Scheme 2BC



WATSON RANCH

American Canyon, California
D.R. HORTON
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PAGE 2 OF 8

Exterior Color & Materials

SCHEME 2BC 'A' ELEVATIONS ONLY, RANCH

Material	Color	Manufacturer
Roofing: Composition Shingles	Charcoal Grey Cambridge Series	IKO
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	*SW 7015 Repose Gray <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Corner Boards Lap Siding	*SW 7673 Pewter Cast <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Gable Siding Garage Doors Trim	*SW 7757 High Reflective White <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color #1 (applied to): Front Door	*SW 7508 Stolen Kiss <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color #2 (applied to): Shutters	SW 6991 Black Magic <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Cole Ruth (949) 250-0907. © 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

SCHEME 2BC
'A' Elevations Only
Ranch



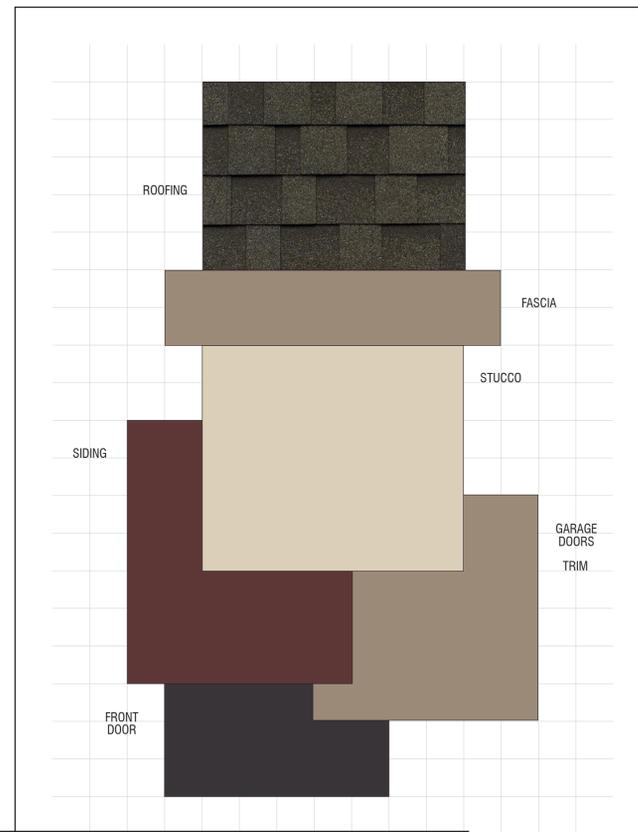
Exterior Color & Materials

Elevation A - Ranch

WATSON RANCH

AMERICAN CANYON, CA

Color Scheme 4B



WATSON RANCH

American Canyon, California
D.R. HORTON
May 18, 2021 | 2021159
PAGE 3 OF 8

Exterior Color & Materials

SCHEME 4B 'B' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	*Weathered Wood Cambridge Series	IKO
Gutters & Downspouts (factory finish)	*Bronze	Custom-Bilt Metals
Stucco (lightface finish)	*SW 7569 Stucco <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Corner Boards Lap Siding	*SW 7595 Sommelier <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	*SW 7508 Tavern Taupe <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door	*SW 9175 Deep Forest Brown <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Cole Rath (949) 250-9607.

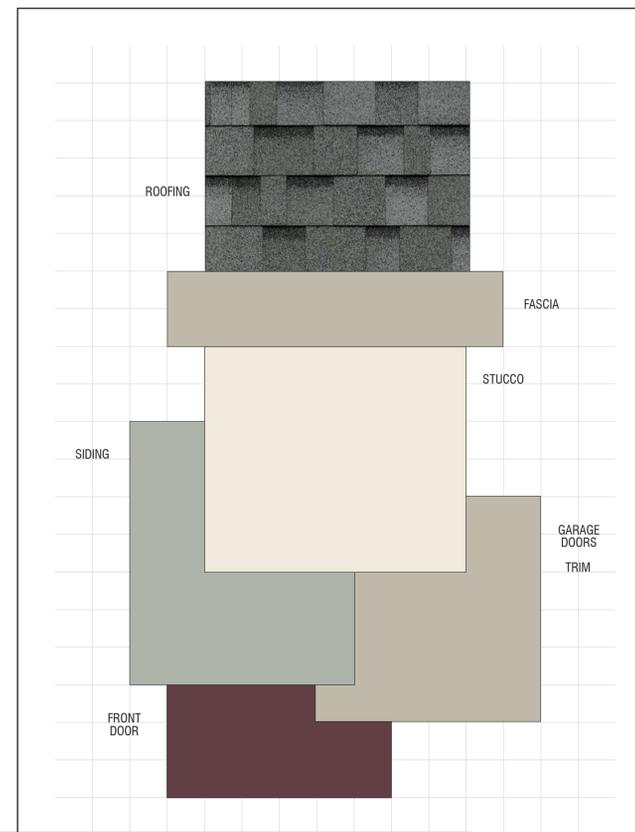
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SCHEME 4B

'B' Elevations Only
Traditional



Color Scheme 1BC



WATSON RANCH

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D.R. HORTON
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PAGE 4 OF 8

Exterior Color & Materials

SCHEME 1BC 'B' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	Dual Grey Cambridge Series	IKO
Gutters & Downspouts (factory finish)	*Bronze	Custom-Bilt Metals
Stucco (lightface finish)	*SW 0050 Classic Light Bluff <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Corner Boards Lap Siding	*SW 6206 Oyster Bay <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	*SW 6170 Techno Gray <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door	*SW 0072 Deep Maroon <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Cole Rath (949) 250-9607.

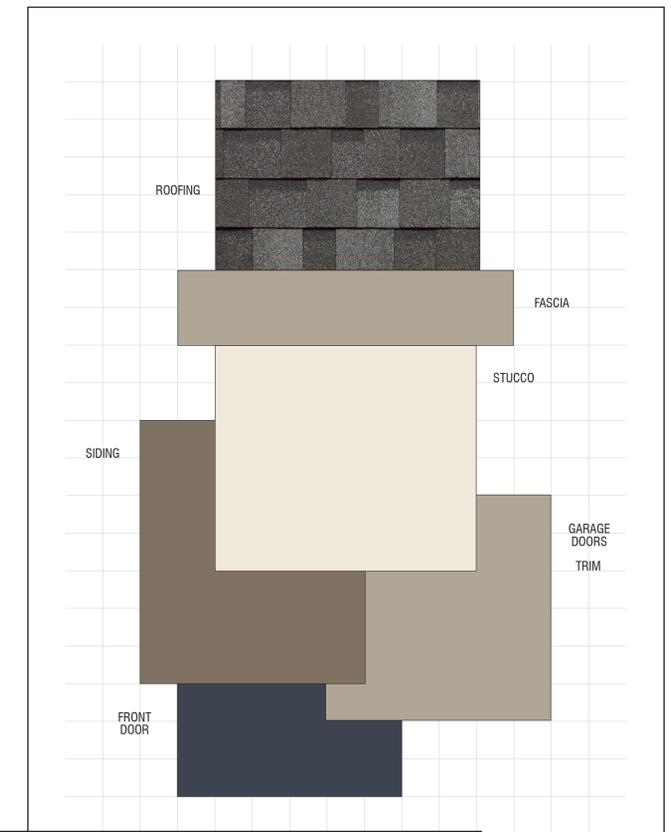
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SCHEME 1BC

'B' Elevations Only
Traditional



Color Scheme 3BC



WATSON RANCH

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D.R. HORTON
May 18, 2021 | 2021159
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Exterior Color & Materials

SCHEME 3BC 'B' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	Harvest Slate Cambridge Series	IKO
Gutters & Downspouts (factory finish)	*Bronze	Custom-Bilt Metals
Stucco (lightface finish)	*SW 6385 Dover White <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Corner Boards Lap Siding	*SW 0038 Library Pewter <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	*SW 7052 Gray Area <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door	*SW 2739 Charcoal Blue <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Cole Rath (949) 250-9607.

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SCHEME 3BC

'B' Elevations Only
Traditional



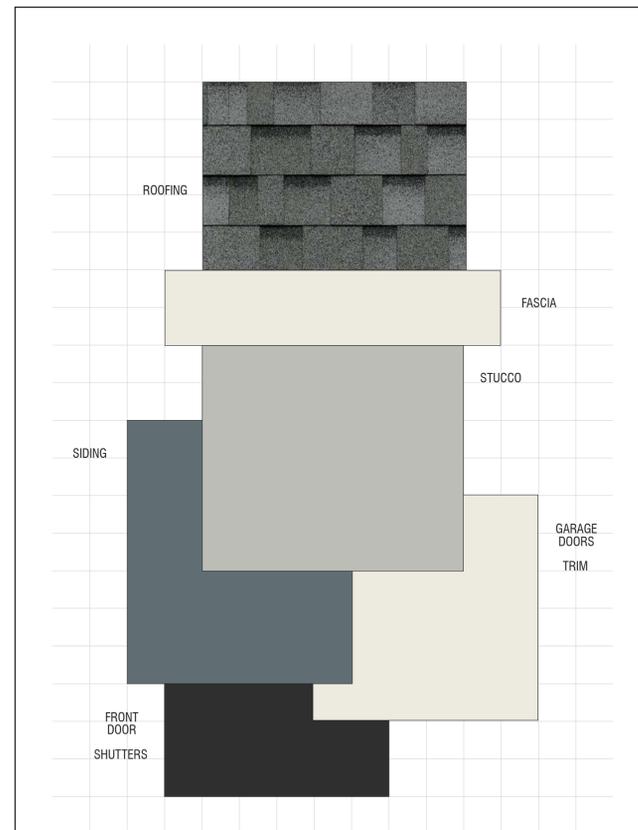
Exterior Color & Materials

Elevation B - Traditional

WATSON RANCH

AMERICAN CANYON, CA

Color Scheme 3B



WATSON RANCH

American Canyon, California
D.R. HORTON
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Exterior Color & Materials

SCHEME 3B 'C' ELEVATIONS ONLY, FARMHOUSE

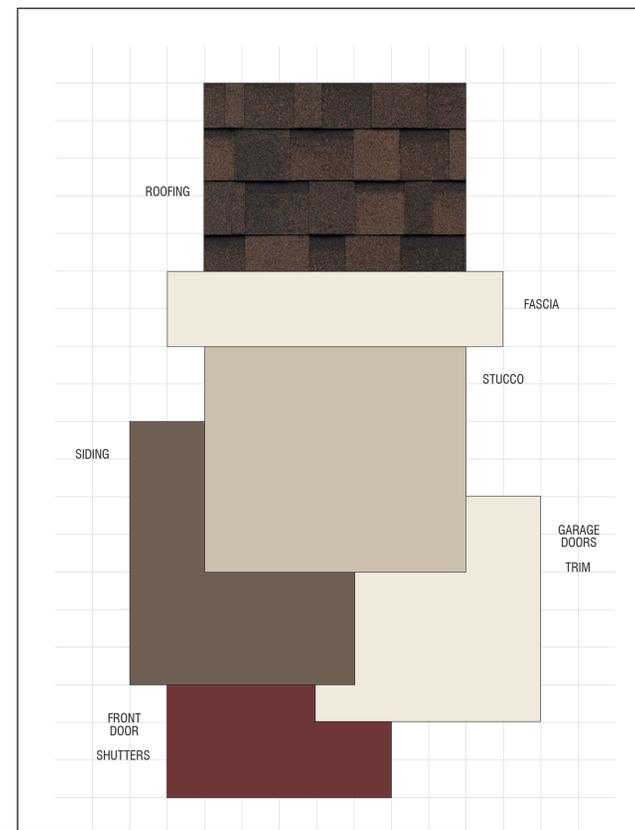
Material	Color	Manufacturer
Roofing: Composition Shingles	Dual Grey Cambridge Series	IKO
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	*SW 7065 Argos <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Lap Siding	*SW 7624 State Tile <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Gable Siding Garage Doors Trim	*SW 7008 Atabaster <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 6258 Tricorn Black <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Core Rath (949) 250-0607. © 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

SCHEME 3B
'C' Elevations Only
Farmhouse



Color Scheme 6B



WATSON RANCH

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D.R. HORTON
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Exterior Color & Materials

SCHEME 6B 'C' ELEVATIONS ONLY, FARMHOUSE

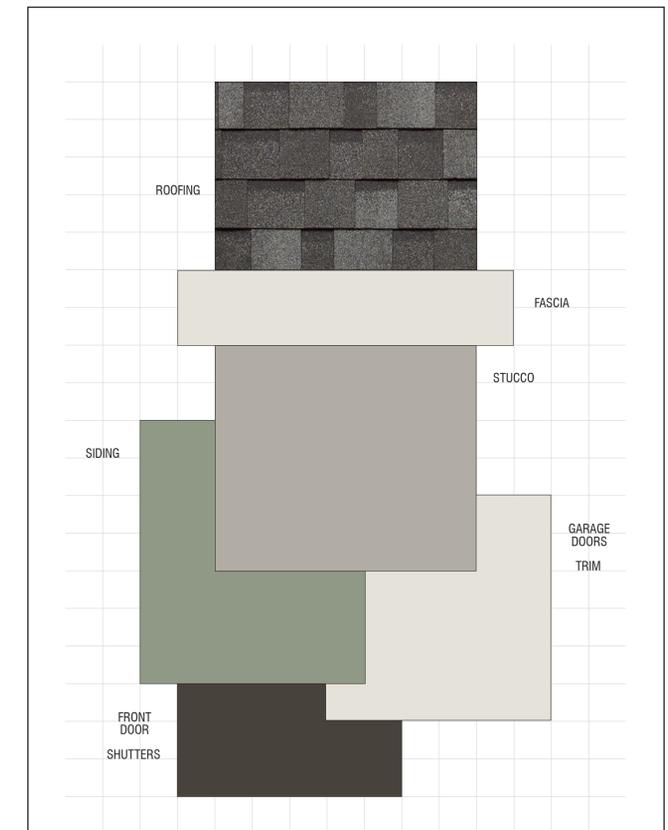
Material	Color	Manufacturer
Roofing: Composition Shingles	Dual Brown Cambridge Series	IKO
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	*SW 7542 Naturel <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Lap Siding	*SW 7515 Homestead Brown <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Gable Siding Garage Doors Trim	SW 6385 Dover White <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door Shutters	*SW 7584 Red Theatre <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Core Rath (949) 250-0607. © 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

SCHEME 6B
'C' Elevations Only
Farmhouse



Color Scheme 7B



WATSON RANCH

American Canyon, California
D.R. HORTON
May 18, 2021 | 2021159
PAGE 8 OF 8

Exterior Color & Materials

SCHEME 7B 'C' ELEVATIONS ONLY, FARMHOUSE

Material	Color	Manufacturer
Roofing: Composition Shingles	*Harvest Slate Cambridge Series	IKO
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	*SW 7643 Pussywillow <small>(low-VOC paint only)</small>	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Lap Siding	*SW 9129 Jade Dragon <small>(low-VOC paint only)</small>	Sherwin Williams
Trim Color (applied to): Fascia Gable Siding Garage Doors Trim	*SW 7636 Origami White <small>(low-VOC paint only)</small>	Sherwin Williams
Accent Color (applied to): Front Door Shutters	*SW 7675 Sealskin <small>(low-VOC paint only)</small>	Sherwin Williams
Garage Man Door	Match Stucco Color <small>(low-VOC paint only)</small>	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Core Rath (949) 250-0607. © 2021 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

SCHEME 7B
'C' Elevations Only
Farmhouse



Exterior Color & Materials

Elevation C - Farmhouse

WATSON RANCH
AMERICAN CANYON, CA

Attachment 9



SITE AREAS

TOTAL SF OF SITE	1,200,000 SF
TOTAL LANDSCAPE AREA	200,000 SF
PERCENTAGE LANDSCAPED	17%

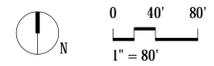
PLANTING PALLETTE

SYMBOL	BOTANICAL NAME COMMON NAME	SIZE	SPACING/ QUANTITY	WUCOLS	IRRIGATION TYPE
TREES					
	OLEA EUROPAEA EUROPEAN OLIVE	24" BOX	87	LOW	BUBBLER
	QUERCUS AGRIFOLIA COAST LIVE OAK	36" BOX	7	VERY LOW	BUBBLER
	ARBUTUS 'MARINA' STRAWBERRY TREE	24" BOX	70	LOW	BUBBLER
	CERIS OCCIDENTALIS WESTERN RED BUD	24" BOX	118	LOW	BUBBLER
	LAURUS NOBILIS 'SARATOGA' SWEET BAY	24" BOX	38	MODERATE MEDIUM	BUBBLER
RESIDENTIAL PLANTING					
	ARCTOSTAPHYLOS EMERALD CARPET	5 GAL	24" O.C.	LOW	DRIP
	CAREX PRAEGRACILIS CALIFORNIA FIELD SEDGE	5 GAL	24" O.C.	LOW	DRIP
	PITTIOSPORUM TEUFOLIUM KOHUHU	5 GAL	24" O.C.	MODERATE MEDIUM	DRIP
PLANTING STRIP					
	JUNCUS PATENS SPREADING RUSH	5 GAL	24" O.C.	LOW	DRIP
	IRIS DOUGLASSIANA DOUGLAS IRIS	5 GAL	24" O.C.	LOW	DRIP
	FESTUCA CALIFORNICA CALIFORNIA FESCUE	5 GAL	24" O.C.	LOW	DRIP
BUFFER PLANTING					
	ARCTOSTAPHYLOS SUNSET	5 GAL	48" O.C.	LOW	DRIP
	BHAMNIS CALIFORNICA CALIFORNIA COFFEEBERRY	5 GAL	36" O.C.	LOW	DRIP
	MUHLENBERGIA RIGENS DEER GRASS	5 GAL	36" O.C.	LOW	DRIP

SITE FEATURES

	RETAINING WALL BASILITE GEOWALL BLOCKS (SEE SHEET L.03)
	REMOVABLE BOLLARDS (SEE SHEET L.03)
	E.V.A. PATH DECOMPOSED GRANITE WITH GRAVELPAVE2 POROUS PAVEMENT MATS BY INVISIBLE STRUCTURES OR APPROVED EQUAL IN ORDER TO FURNISH AN ALL-WEATHER ADA-ACCESSIBLE SURFACE RATED FOR FIRE TRUCK USE. SLOPES NOT TO EXCEED 5% PER MANUFACTURER. **FINAL MATERIAL SELECTION PENDING APPROVAL BY CITY**
	GOOD NEIGHBOR FENCE WOOD FENCE, STEEL POSTS (SEE SHEET L.03)
	LOW WOOD FENCE WOOD OPEN PICKET FENCE, (SEE SHEET L.03)
	BORDER FENCE ALONG RIO DEL MAR WOOD FENCE, WOOD POSTS (SEE SHEET L.03)

WATER EFFICIENT LANDSCAPE WORKSHEET						
<small>This worksheet is filed out by the project applicant and it is a required element of the Landscape Documentation Package</small>						
Project Name:		Watson Ranch Parcel 10				
Project Address:		American Canyon, California				
Reference Evapotranspiration (ETo)		45.8 In. / Yr.		Residential Project?	Yes	
Hydrozone # / Planting Description*	Plant Factor	Irrigation Method ^b	Irrigation Efficiency (IE) ^c	ETAF (PF / IE)	Landscape Area (Sq. Ft.)	Estimated Total Water Use (ETWU) ^d
Regular Landscape Areas						
HZ1 - LWU Plantings	0.30	Drip	0.81	0.370	200,000	74,074.1
					Totals:	200,000 74,074
Special Landscape Areas						
1. Picnic Area			1.00	0	0	0
					Totals:	0 0
					Estimated Total Water Use (ETWU) Total:	2,103,407
					Maximum Applied Water Allowance (MAWA)^e:	3,123,560
^a Hydrozone # / Planting Description		^b Irrigation Method		^c Irrigation Efficiency		
E.g. 1.) Front Lawn 2.) Low Water Use Plantings 3.) Medium Water Use Plantings		Overhead Spray or Drip		0.75 for Spray 0.81 for Drip		
^d ETWU (Annual Gallons Required) = ETo x 0.62 x ETAF x Area Where 0.62 is a conversion factor that converts acre-inches/acre/year to gallons/square foot/year.						
^e MAWA (Annual Gallons Allowed) = ETo x 0.62 x [(ETAF x LA) + ((1 - ETAF) x SLA)] Where 0.62 is a conversion factor that converts acre-inches/acre/year to gallons/square foot/year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is 0.55 for residential projects and 0.45 for non-residential projects.						
Evapotranspiration Adjustment Factor (ETAF) Calculations						
This residential project complies with the WELO and its average ETAF is less than 0.55						
Regular Landscape Areas		All Landscape Areas				
Total ETAF x Area	74,074	Total ETAF x Area	74,074			
Total Area	200,000	Total Area	200,000			
Average ETAF	0.37	Average ETAF	0.37			



Client

Landscape Architect

swa

530 Bush Street
6th Floor
San Francisco, California
94104
United States
www.swagroup.com
+1.415.836.8770

Consultant

Stamp

Revisions

- 07.19.21 RESUBMITTAL
-
-
-
-

Date

06/04/21

Phase

SCHEMATIC DESIGN

Job Number

DHOT101

Scale

1" = 80'

North



Drawing Title

LANDSCAPE PLAN

Drawing Number

NOT FOR CONSTRUCTION

L.01

Client

Landscape Architect

swa

530 Bush Street
6th Floor
San Francisco, California
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United States
www.swagroup.com
+1.415.836.8770

Consultant

Stamp

Revisions

- 1 07.19.21 RESUBMITTAL
- 2
- 3
- 4
- 5

Date

06/04/21

Phase

SCHEMATIC DESIGN

Job Number

DHOT101

Scale

1" = 20'

North



Drawing Title

LANDSCAPE ENLARGEMENTS

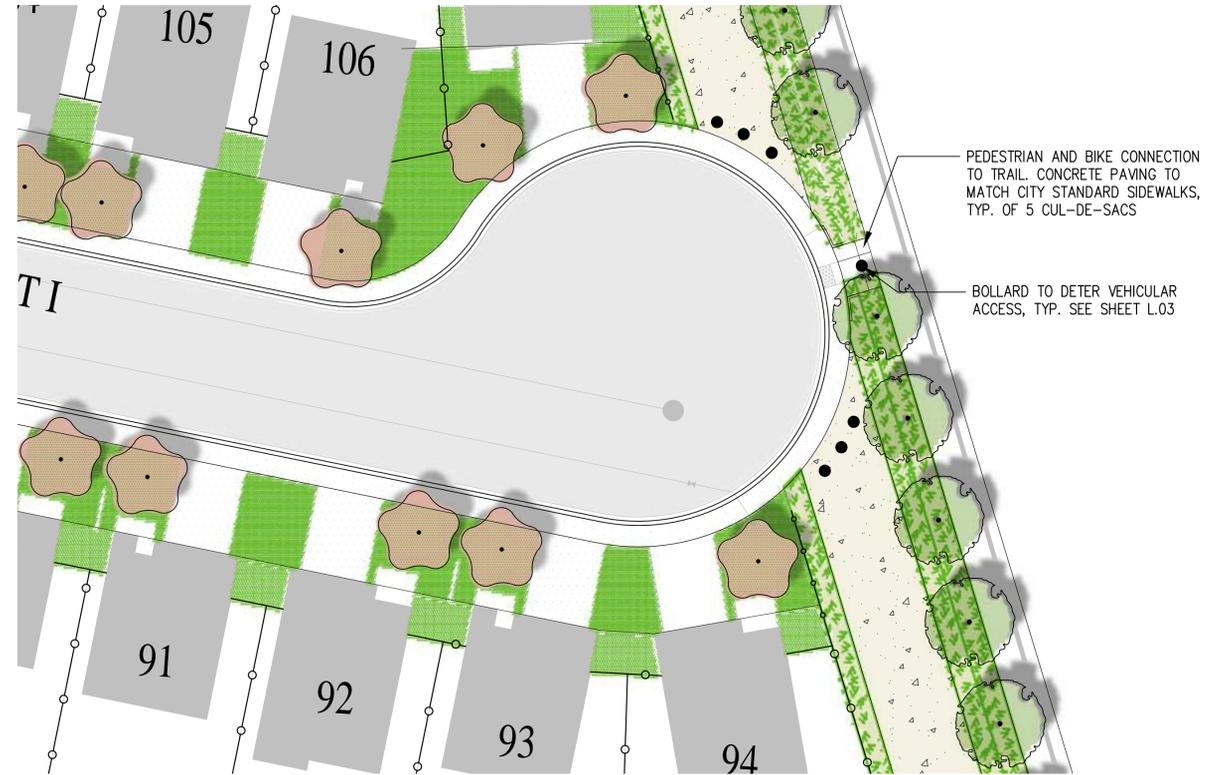
Drawing Number

NOT FOR CONSTRUCTION

L.02



4 ENLARGEMENT OF PARCEL 10 AND RIO DEL MAR
1"=20'



3 ENLARGEMENT OF EVA CONNECTION AND CUL DE SAC
1"=20'



2 ENLARGEMENT OF PEDESTRIAN CONNECTION AT LOOP ROAD
1"=20'



1 ENLARGEMENT AT RIO DEL MAR ROUNDABOUT
1"=20'

TREES



OLEA EUROPAEA
COAST LIVE OAK



QUERCUS AGRIFOLIA
COAST LIVE OAK



CERCIS OCCIDENTALIS
WESTERN RED BUD



ARBUTUS MARINA
STRAWBERRY TREE



LAURUS NOBILIS 'SARATOGA'
SWEET BAY

RESIDENTIAL PLANTING



PITTIOSPORUM TENUIFOLIUM
KOHUHU



CAREX PRAEGRACILIS
CALIFORNIA FIELD SEDGE



ARCTOSTAPHYLOS
'EMERALD CARPET'
CARPET MANZANITA

PLANTING STRIP



JUNCUS PATENS
SPREADING RUSH



IRIS DOUGLASIANA
DOUGLAS IRIS



FESTUCA CALIFORNICA
CALIFORNIA FESCUE

BUFFER PLANTING



RHAMNUS CALIFORNICA
COFFEEBERRY



MUHLENBERGIA RIGENS
DEERGRASS



ARCTOSTAPHYLOS 'SUNSET'
SUNSET MANZANITA

SITE FEATURES



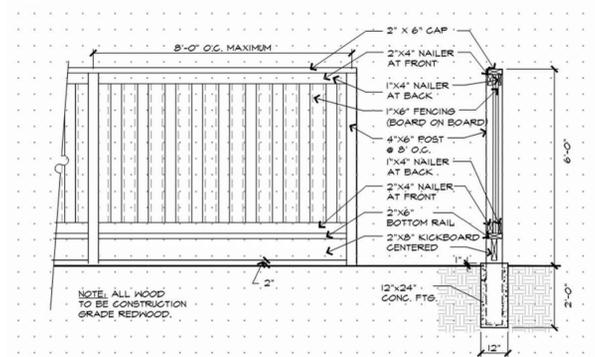
BOLLARDS



RETAINING WALLS 1-3' TALL
GEO BLOCKS



BORDER FENCE ALONG RIO DEL MAR - 5'-6" to
12' TALL



GOOD NEIGHBOR FENCE - 6' TALL



LOW WOOD FENCE - 3' TALL

Client

Landscape Architect

swa

530 Bush Street
6th Floor
San Francisco, California
94104
United States
www.swagroup.com
+1.415.836.8770

Consultant

Stamp

Revisions

- 1 07.19.21 RESUBMITTAL
- 2
- 3
- 4
- 5

Date

06/04/21

Phase

SCHEMATIC DESIGN

Job Number

DHOT101

Scale

Drawing Title

LANDSCAPE PALETTE

Drawing Number

NOT FOR CONSTRUCTION

L.03

Client

Landscape Architect

swa

530 Bush Street
6th Floor
San Francisco, California
94104
United States
www.swagroup.com
+1.415.836.8770 o

Consultant

Stamp

Revisions

- 1 07.19.21 RESUBMITTAL
- 2
- 3
- 4
- 5

Date

06/04/21

Phase

SCHEMATIC DESIGN

Job Number

DHOT101

Scale

Drawing Title

LANDSCAPE ELEVATIONS

Drawing Number

NOT FOR CONSTRUCTION

L.04

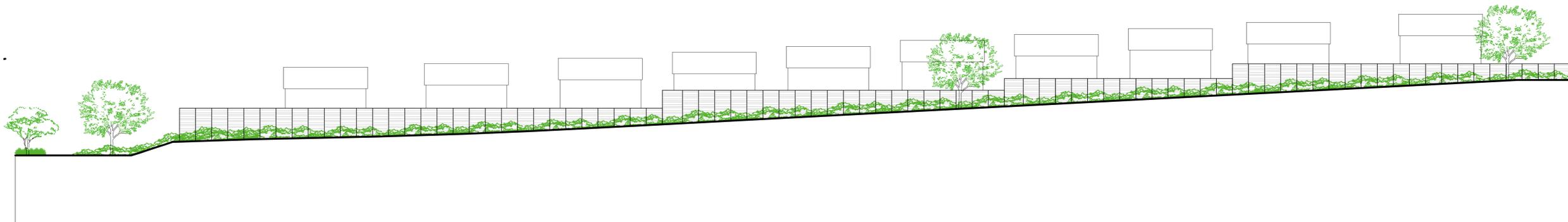
© 2015 SWA



3 RIO DEL MAR WEST ELEVATION A
1"=20'



2 RIO DEL MAR WEST ELEVATION B
1"=20'



1 RIO DEL MAR EAST ELEVATION
1"=20'

Attachment 10



All lots marked with the red star will conform to the Design Guidelines in A.4.2.2 of the WRSP which is noted on the plans and below

NOTE: In conformance with Watson Ranch Specific Plan Appendix A – Design Guidelines A.4.2.2 “Publicly Visible Facades” - All side elevations on corner lots and rear elevations facing public streets and open space areas shall include articulation of architectural details and materials to enhance these elevations consistent with the overall architectural style of the homes. Elevation enhancements may include window trim, siding at roof gable areas, shutters, belly bands and other details to satisfy the objectives of the WRSP.

Attachment 11

ARCHITECTS . PLANNERS . DESIGNERS



August 11, 2021

William He, AICP
Associate Planner, Community Development Department
City of American Canyon | 4381 Broadway Street, Suite 201 | American Canyon, CA

Subject: DR Horton Submittal for Watson Ranch - Lot 10

Mr. He,

In response to your Architecture Items comment #2 on email dated August 9, 2021 to Adam Lind of DR Horton regarding homes facing Rio Del Mar and how it complies with the vision and goals of the WRSP Section 3.7.:

Seven lots (#19, 38, 66, 69, 72, 75, 78) are located adjacent to, and, in proximity to the Rio Del Mar streetscape. The homes that have been designed for these lots include front doors and useable porches that face Rio Del Mar along with enhanced elevation details along the streetscape. Additional elevation details have been included on all four sides of the house. The driveways are located on the sides of the homes accessible via alleys that connect only to the interior street network. The use of landscaping and key placement of trees (Coast Live Oak and European Olive) have been included to minimize the sight lines to the alleys and driveways.

Please let me know if I can provide any further information at this point.

Regards,

Mark Retherford, Architect

680 Newport Center Drive
SUITE 300
Newport Beach, CA 92660
949 250 0607

ORANGE COUNTY
LOS ANGELES
BAY AREA

WHAINC.COM



TITLE

Administrative Citation CE2105-009 Appeal for indoor Cannabis Cultivation: 51 Pelleria Drive continued from July 22, 2021

RECOMMENDATION

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

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

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

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

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

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

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

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

According to APMC Section 9.12.070, an Administrative Citation recipient may appeal the Citation to the Planning Commission by completing a Request for Hearing Form and returning it to the City within fifteen days from the correction date of the Administrative Citation, together with an advanced deposit of the fine.

On May 28, 2021, the property owners, Nim Cho Wu and Wendy We submitted a written request to appeal the Citation and submitted the fine advanced deposit on June 22, 2021. A copy of the appeal, citation, staff correspondence, and fine deposit receipt is included ([Attachment 4](#)).

On July 22, 2021, the Planning Commission provided the appellants the right to present evidence consistent with City Municipal Code Section 9.12.090.(D). concerning the referenced Administrative Citation. However, oral telephonic communication at the meeting between the appellants and the Commission, City Staff and members of the public, was too quiet at times to be considered complete. To allow the appellants the opportunity to present evidence, the Planning Commission continued the matter to the August 26, 2021 meeting.

On July 26, 2021, the appellants were sent a letter by email and US Mail that explained they may provide evidence in any form, but it is preferred that they explain their position **in writing** by addressing the **specific** requirements of City Municipal Code Section 9.12.070 on or before the August 26, 2021 Planning Commission meeting. A copy of the the letter is included ([Attachment 8](#)).

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

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

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

Criteria #2: The Administrative Citation Ordinance Section 9.12.020(a) defines "Responsible person" as any individual who causes or maintains a violation of the American Canyon municipal code,

applicable state codes, or conditions to an entitlement and is the:

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

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

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

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

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

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

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

Cannabis Home Grow Ordinance: As described in Section 8.02.040, a maximum of six (6) cannabis plants may be cultivated indoors by either a qualified patient, primary caregiver, or an individual at least twenty-one (21) years old at each private residential dwelling regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential

dwelling. Section 8.02.040 also provides minimum standards under which the maximum six (6) cannabis plants may be cultivated indoors. A copy of the Cannabis Home Grow Ordinance (Ordinance 2020-06) is included ([Attachment 5](#)).

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

Administrative Civil Enforcement Fine Structure As directed by the City Council on August 18, 2020, the Administrative Civil Penalty Resolution contains a “two-tier” fine structure for violations of the Home Grow Ordinance.

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

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

Code Violations in Administrative Citation CE2105-009.

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

8.02.040. Personal Use Indoor Cannabis Cultivation.

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

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

COUNCIL PRIORITY PROGRAMS AND PROJECTS

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

FISCAL IMPACT

N/A.

ENVIRONMENTAL REVIEW

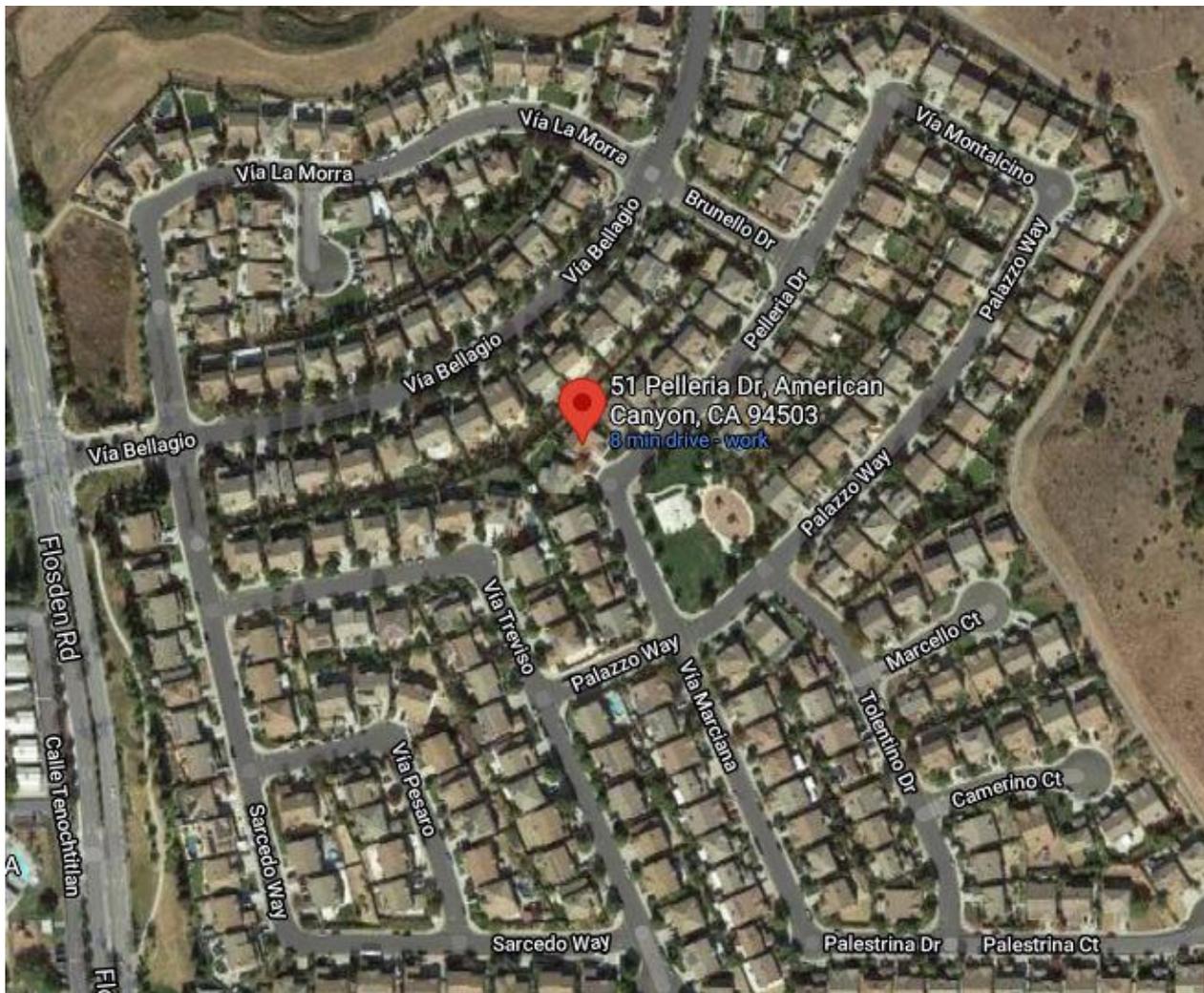
Enforcement of existing regulations is categorically exempt from CEQA in accordance with California Public Resources Code Section 15321.

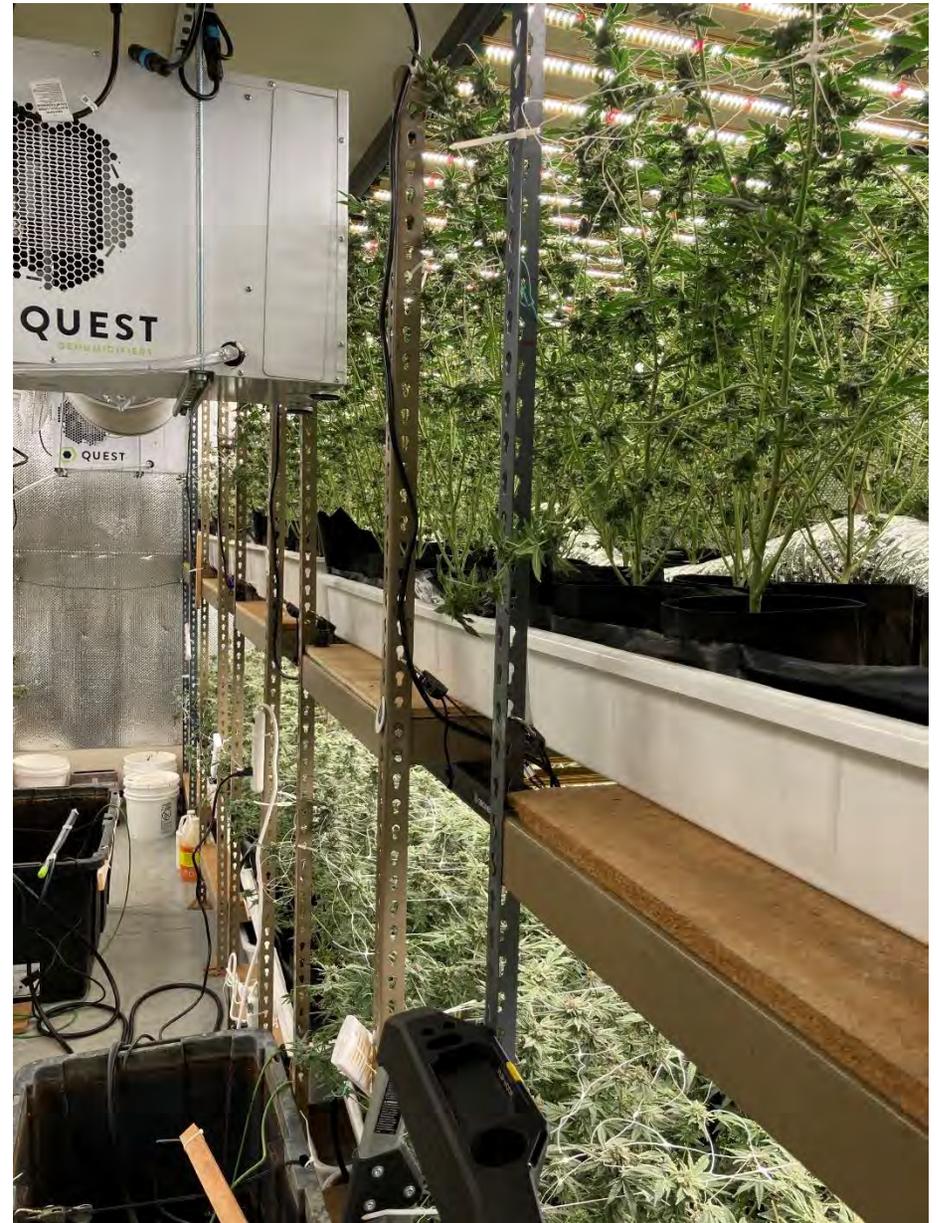
ATTACHMENTS:

1. [Location Map](#)
2. [Property Photographs](#)
3. [_Citation_CE2105-009](#)

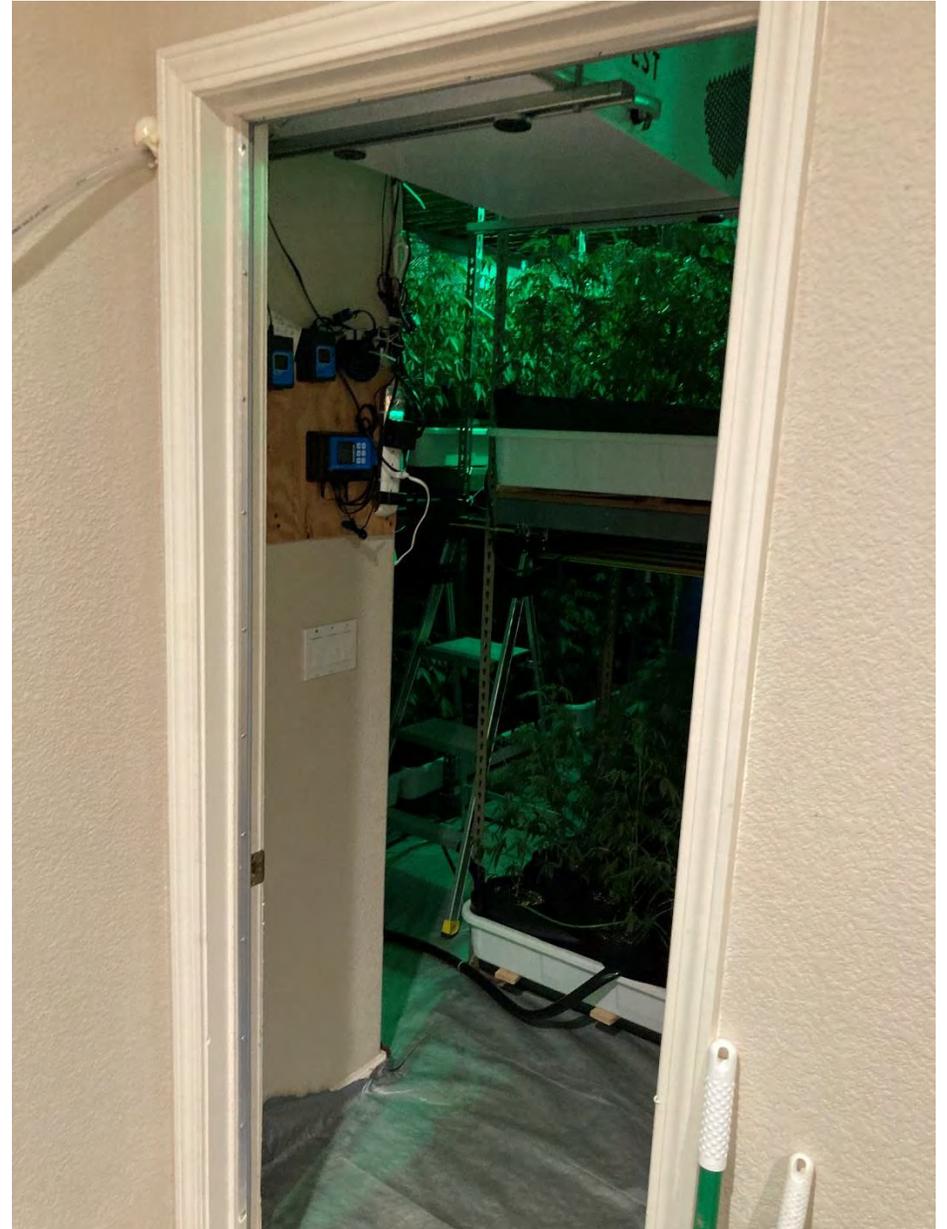
4. [Appeal Request](#)
5. [ORDINANCE 2020-06](#)
6. [Administrative Citation Ordinance - APMC Chapter 9.12](#)
7. [RESOLUTION 2020-93](#)
8. [Cannabis Appeal Testimony 07-26-21](#)

Attachment 1
51 Pelleria Drive Location Map





[Type here]



[Type here]



NOTICE OF ADMINISTRATIVE CITATION

Citation No. CE2105-009

CITY OF AMERICAN CANYON

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

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

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

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

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

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

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

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

CORRECTION(S) REQUIRED:

SERVED VIA CERTIFIED AND US MAIL

RECEIPT ACKNOWLEDGED BY DATE 5/24/21

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

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

May 28, 2021

Hi City of American Canyon,

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

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

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

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

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

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

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

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

Sincerely,



Wendy & Nim Cho Wu

CITY OF
AMERICAN
CANYON



June 11, 2021

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

CODE ENFORCEMENT DIVISION

VIA US MAIL
VIA CERTIFIED RETURN RECEIPT REQUESTED

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

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

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

Dear Nim Cho Wu and Wendy We:

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

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

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

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

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

Sincerely,

Brent Cooper, AICP
Community Development Director

cc: Lincoln Bogard, Finance Director

Encl: Administrative Citation CE2105-009



NOTICE OF ADMINISTRATIVE CITATION

Citation No. CE2105-009

CITY OF AMERICAN CANYON

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

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

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

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

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

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

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

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

CORRECTION(S) REQUIRED:

SERVED VIA CERTIFIED AND US MAIL

RECEIPT ACKNOWLEDGED BY DATE 5/24/21

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

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

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

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

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

Svc Add:

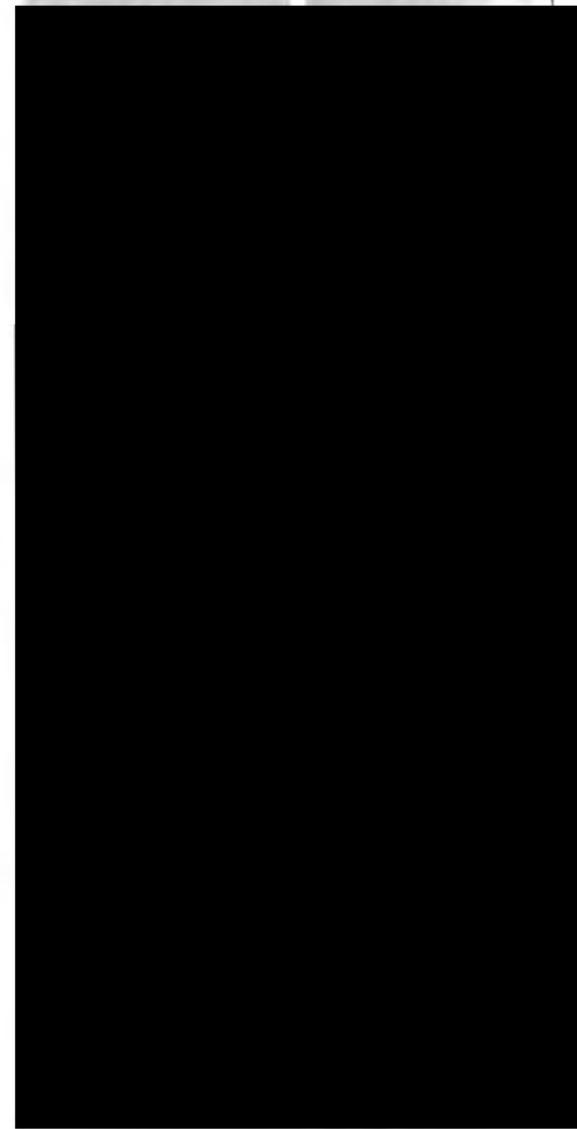
Total 5,000.00
Check 1251 5,000.00
Check Number: 1251
Change 0.00

Account Balance:
\$0.00

Customer Number:022306
wendy wu

Thank you for your payment!
Gracias!

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.02.010. Purpose and Intent.

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

8.02.020. Applicability.

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

8.02.030. Definitions.

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

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

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

8.02.040. Personal Use Indoor Cannabis Cultivation.

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

8.02.050. Other Requirements for Personal Use Indoor Cannabis Cultivation.

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

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

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

8.02.060. Enforcement.

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

Chapter 9.12 ADMINISTRATIVE CITATIONS

9.12.010 Legislative findings—Statement of purpose.

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

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

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

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

9.12.020 Definitions.

As used in this chapter:

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

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

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

9.12.030 Authority.

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

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

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

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

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

9.12.040 Service procedures.

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

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

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

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

9.12.050 Contents of notice.

Each administrative citation shall contain the following information:

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

9.12.060 Satisfaction of administrative citation.

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

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

9.12.070 Appeal of an administrative citation.

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

9.12.080 Hearing officers.

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

9.12.090 Hearing procedures.

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

9.12.100 Hearing officer's decision.

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

9.12.110 Failure to pay fines.

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

9.12.120 Right to judicial review.

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

9.12.130 Notices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOES: None

ABSTAIN: None

ABSENT: Councilmember Leary

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

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

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



July 26, 2021

VIA E-MAIL and U.S. MAIL

[Redacted]

Nim Cho Wu
Wendy We

[Redacted]
[Redacted]

Nim Cho Wu
Wendy We

[Redacted]
[Redacted]

Re: City of American Canyon Administrative Citation CE2105-009; Appeal for Indoor Cannabis Cultivation; 51 Pelleria Drive

Dear Mr. Wu and Mrs. We,

At the scheduled Hearing before the City of American Canyon (“City”) Planning Commission (“Commission”) on July 22, 2021, you were provided the right to present evidence consistent with City Municipal Code Section 9.12.090.(D)., concerning the referenced Administrative Citation.

At the July 22, 2021 Hearing, oral telephonic communication between you and the Commission, City Staff and members of the public, was too quiet at times to be considered complete.

The Commission continued the matter to the August 26, 2021 meeting to allow you the opportunity to present evidence. You may provide evidence in any form, but it is preferred that you explain your position **in writing** by addressing the **specific** requirements of City Municipal Code Section 9.12.070 on or before the August 26, 2021 Planning Commission meeting.

As set forth on page 8 of the Staff Report, those two criteria are:

1. There was no violation of the American Canyon Municipal Code, applicable State codes or conditions of an entitlement; or,
2. The Citation recipient was not the “responsible person.”

On the first requirement, the Staff Report provides:

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

On the second requirement, the following is stated by the Staff Report:

Criteria #2: The Administrative Citation Ordinance Section 9.12.020(a) defines a “responsible person” as any individual who causes or maintains violation of the American Canyon Municipal Code, applicable State Codes or conditions to an entitlement and is the:

- Owner or occupant of real property;
- Owner or authorized agent of any business, company or entity; and,
- The parent of the legal guardian of any person under the age of eighteen (18) years old.

According to the Appellants letter, the recipient of the Citation is the property owner.

Furthermore, in accordance with California Civil Code Sections 1929 and 1941, a landlord **must ensure that certain conditions are met which make the living space habitable and safe for potential lessees**. The failure of the landlord to provide such a condition could lead to a violation of law and impose civil and, at times, criminal liability on the landlord. Thus, the second criteria for appealing the citation, is not met. (*Emphasis added*)

Stated plainly, any additional evidence offered in writing must address these two criteria’s that govern your appeal of the Administrative Citation.

It is not presently known whether the August 26, 2021 meeting of the Commission will continue to be virtual, that is, by Zoom participation. You will be notified if the meeting can take place in person.

Should you have any questions concerning this matter, please contact the City Attorney, William D. Ross, at (650) 843-8080.

Sincerely yours,



Brent Cooper, AICP
Community Development Director

July 26, 2021

Page 3

cc: Tyrone Navarro, Chair
Crystal Mallare, Vice Chair
Eric Altman, Commissioner
Andrew Goff, Commissioner
Tammy Wong, Commissioner
City of American Canyon Planning Commission

William D. Ross, City Attorney



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

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
1.	Walmart Sign Modification (PL21-0023)	BRR Architecture	Update Walmart store signs.	7011 Main Street	8/19/21 Application received	William He
2.	NACC Development Agreement Annual Review (PL21-0021)	Napa Airport Corporate Center, I, LLC	Annual report on good faith compliance with the terms of the Development Agreement.	Southeast corner S. Kelly Drive/Devlin Road	8/5/21 Application received	Brent Cooper
3.	Watson Ranch Lot 10 Residential (PL21-0013, PL21-0014)	DR Horton	Tentative Subdivision Map and design Permit for 219 single family homes	NEC Loop Road/Rio Del Mar 26.55 acres	6/4/21 Application submitted 7/2/21 Comments to applicant 7/20/21 Application resubmitted 8/26/21 PC review scheduled 9/21 21 City Council scheduled	William He
4.	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	8/3/21 Application submitted 8/20/21 Comments to applicant	William He
5.	Tacos Baja Cali Food Truck (PL21-0007)	Karla Lara	Design Permit for a standalone food truck on a permanent site.	4225 Broadway	4/6/21 Application submitted 5/27/21 PC Denial 6/17/21 Appeal received 8/17/21 City Council appeal approved	William He
6.	PG&E Regional Center (PL21-0011)	Pacific Gas and Electric	Conditional Use Permit for Facilities for service crews to install, repair and replace electric and gas infrastructure in the region.	500 Boone	5/19/21 Application submitted 6/9/21 Comments to applicant 6/16/21 Meeting with applicant 9/22/21 PC Meeting tentatively scheduled	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
7.	Giovannoni Logistics Center (PL20-0042)	Buzz Oates Construction	EIR for approximately 2.4 million sqft logistics center and Design Permit for two warehouses. Building A is 627,976 square feet; and Building B is 469,512 square feet	300 Green Island Road (Bldg A) 1200 Devlin Road (Bldg B) 70 acres	11/13/20 Application submitted 12/12/20 Comments to applicant 01/05/21 Application resubmitted 01/12/21 Notice of Preparation (NOP) published 2/3/21 NOP scoping meeting 3/10/21 Comments to applicant	Brent Cooper
8.	Giovannoni Logistics Center (PL20-0043)	Buzz Oates Construction	Tentative Parcel Map for the Giovannoni Logistics Park	North of Green Island Road and East of future Devlin Road 70 acres	11/13/20 Application submitted 12/12/20 Comments to applicant 01/05/21 Application resubmitted 3/10/21 Comments to applicant 7/13/21 Application resubmitted 8/6/21 Comments to applicant	Brent Cooper
9.	Oat Hill Lot Line Adjustment (PL20-0039)	Oat Hill Properties II, LLC	Increase Lot C of 14 RM 4 from 10.17 acres to 13.59 acres; and decrease Parcel F of 12 RM 53 from 10.64 acres to 7.22 acres.	Southwest corner Hess Road and Napa Junction Road	10/2/20 Application submitted 11/7/20 Comments to applicant 2/25/21 Application resubmittal 3/1/21 Comments to applicant 3/11/21 Application deemed complete	Paul Wade
10.	7-11 Gas Station Conditional Use Permit (PL20-0035)	Best American Canyon Partners	Proposed 7-11 gas station	218 American Canyon Road	10/13/20 Application submitted. 11/11/20 Comments to applicant. Project on hold due to Fuel Station 10-month, 15-day moratorium	William He
11.	SDG 330 Final Map (DV18-0011)	SDG Commerce 330, LLC	Final map application to record the tentative map for the SDG 330 Project	1005 Commerce Court 35.85 acres	10/20/20 Application submitted 11/9/20 Comments to applicant 8/19/21 City Council review rescheduled.	Edison Bisnar

12.	Hampton Inn Hotel Zone Change and Design Permit (PL20-0029, PL20-0030)	AMS Associates, Inc.	New 3-story, 106 room Hampton Inn Hotel.	3443 Broadway 2.52 acres	8/26/20 Application submitted 9/21/20 Comments to applicant 12/1/20 CC Zone Change Workshop 12/21/20 Application resubmitted 1/25/21 Comments to applicant 3/12/21 Application resubmitted 4/27/21 Comments to applicant 5/25/21 Application resubmitted 6/25/21 Comments to applicant 7/13/21 Application resubmitted	William He
13.	Rotten Robbie Fuel Station (PL20-0047)	Robinson Oil Company	Conditional Use Permit for a Fuel station with eight fueling stations, a 4,800 square feet convenience store, a car wash, and three truck-fueling positions.	3519 Broadway St 3.33 acres	01/07/21 Application submitted 2/4/21 Comments to applicant Project on hold due to Fuel Station 10-month, 15-day moratorium	William He
14.	Oat Hill General Plan Amendment, Zone Change, Subdivision Map and Design Permit – Parcel A (PL20-0022, PL20-0024 and PL20-0025)	Oat Hill Properties, II, LLC	Policy amendments and site plan to allow construction of 121 multi-family dwelling units for rental and condominium purposes.	Top of Oat Hill on the southwest slope. 13.7 acres	8/25/20 Application submitted 9/11/20 Comments to applicant 2/8/21 30-day Mitigated Negative Declaration public review starts 2/22/21 Application resubmitted OSAC Review 3/25/21 PC recommendation 6/23/21 ALUC review 7/20/21 City Council approved intent to overrule ALUC 9/7/21 City Council scheduled to review Overrule and Project Entitlements	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
17.	Oat Hill General Plan Amendment, Zone Change, Subdivision Map and Design Permit – Parcel B (PL20-0023, PL20-0026 and PL20-0027)	Oat Hill Properties, II, LLC	Policy amendments and site plan to allow construction of 85 multi-family dwelling units for rental and condominium purposes.	Lower Oat Hill on the southwest slope. 7.1 acres	8/25/20 Application submitted 9/11/20 Comments to applicant 2/8/21 30-day Mitigated Negative Declaration public review starts 2/22/21 Application resubmitted OSAC Review 3/25/21 PC recommendation 6/23/21 ALUC review 7/20/21 City Council approved intent to overrule ALUC 9/7/21 City Council scheduled to review Overrule and Project Entitlements	William He
21.	SDG Commerce 217 Distribution Center (PL20-0008)	SDG Commerce 217, LLC	Conditional Use Permit for a new 217,000 sqft distribution warehouse.	1075 Commerce Court 10.39 acres	3/18/20 Application submitted 4/8/20 Comments to applicant 6/23/20 Second Submittal 1/28/21 PC Review continued to 2/25 2/25/21 PC Approved 3/5/21 Appeal Received 4/1/21 30-day Recirculated MND begins 5/4/21 30-day review period extended to 6/3/21 7/20/21 City Council appeal continued August 17.	William He

Project Applications Under Review						
No.	Project Name	Applicant	Description	Location/Area	Application Status	Planner
22.	Circle K and Fuel station Lot Line Adjustment (PL20-0011)	STEM, LLC	Lot Line Adjustment to merge two parcels into a single parcel.	Northeast corner Lombard/Napa Junction Road 2.25 acres	4/15/20 Application submitted 5/15/20 Comments to applicant 5/19/20 Second submittal 6/10/20 Comments to applicant	William He
22.	Element 7 Cannabis Business Permit (PL19-0008)	Element 7	Construct a 7,000 square foot building for Cannabis manufacturing, distribution and non-storefront retail (Delivery) business.	1300 Green Island Road	4/10/19 Application submitted 9/29/20 Application on Hold	Brent Cooper
23.	Reesan Live, Inc. Cannabis Business Permit (PL19-0024)	Reesan Live, Inc.	Construct an 82,328 sqft 2-story warehouse for cannabis cultivation, manufacturing, distribution and nonstorefront retail delivery.	834 Green Island Road	8/16/19 Application submitted. 4/1/20 Project on Hold	Brent Cooper

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

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

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

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

Major Building/Grading Permits					
Project Name	Description	Location	Area	Status	Staff Liaison
13. Home2Suites Building Permit (BP19-0499)	Building permit for 102 room hotel.	3830 Broadway	2.0 acres	12/3/19 Application submitted 12/19/19 Comments to applicant 3/9/20 Checked in with applicant 4/15/20 Building resubmittal 5/1/20 Comments to applicant 07/16/20 Building resubmittal 07/24/20 Comments to applicant 09/17/20 Building resubmittal 09/25/21 Comments to applicant 02/01/21 Waiting fire sprinkler plan submittal.	Interwest
14. Napa Logistics Building 3 (BP20-0179)	Building permit for new 201,839 sqft warehouse.	300 Boone Drive	24.5 acres	05/26/20 Application submitted 09/10/19 Comments to applicant 9/10/20 Permit Issued 02/18/21 Forms and Footings inspection 4/13/21 Walls and insulation installed 4/27/21 HVAC equipment installation 6/15/21 A 60-Day Temporary Occupancy Permit approved for interior stocking.	Interwest
15. Circle K and Fuel station Improvement Plans (DV20-0003)	STEM, LLC	Improvement plans for a new Circle K fuel station and convenience store.	Northeast corner Lombard/Napa Junction Road 2.25 acres	4/13/20 Application submitted	Edison Bisnar

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

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

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