REGULAR PLANNING COMMISSION MEETING AGENDA

City Hall - Council Chambers
4381 Broadway, Ste. 201, American Canyon
October 26, 2023
6:30 PM

Chair: Crystal Mallare
Vice Chair: Brando Cruz
Commissioners: Eric Altman, Andrew Goff, Davet Mohammed
Youth Commissioner: DeAndre Lendsey

AMENDED AGENDA
This agenda is amended as follows:

Presentations section added before Pledge of Allegiance.

Tonight's meeting is a limited public forum. American Canyon promotes respectful and responsible behavior among its meeting participants, whether they are present in person or remotely. Using offensive language or remarks that promote, foster, or perpetuate discrimination based on race, creed, color, age, religion, gender marital status, status regarding public assistance, national origin, physical or mental disability or sexual orientation/gender identification, as well as any other category protected by federal, state or local laws will not be tolerated. In the case of an occurrence, the speaker will be immediately disconnected from the microphone.

Planning Commission and other public meetings will be conducted in person at City Hall, 4381 Broadway, Suite 201, American Canyon, CA 94503. This meeting is also available via Zoom Teleconferencing as a convenience for public participation. This meeting will be broadcast live to residents on Napa Valley TV, on our website here and on YouTube here. Should technical issues with Zoom occur, please select another viewing option.

PUBLIC PARTICIPATION

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

Written comments, via eComments: Please submit written comments through the eComments link, located on the Meetings & Agendas page of our website here. Comments will be available to Planning Commissioners in real time. To allow for review of comments, eComments will close at 3:00 pm on the day of the meeting. All comments received will be posted online and become part of the meeting record.

Zoom Meeting Link: Click here.
Webinar ID: 847 8832 3786 Passcode: 442253

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act. For more information, please call the Office of

the City Clerk at (707) 647-4369 or email cityclerk@cityofamericancanyon.org.

AGENDA MATERIALS: Planning Commission agenda materials are published 72 hours prior to the meeting and are available to the public via the City's website at www.cityofamericancanyon.org.

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

CALL TO ORDER

PRESENTATIONS

Introduction of Youth Planning Commissioner DeAndre Lendsey

PLEDGE

6:30 P.M. REGULAR MEETING

ROLL CALL

PUBLIC COMMENT

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

AGENDA CHANGES

CONSENT CALENDAR

1. **Minutes of August 24, 2023**
Recommendation: Approve the Minutes of August 24, 2023

PUBLIC HEARINGS

2. **PG&E Monopole Design Permit**
Recommendation: Approve a Resolution of the Planning Commission of the City of American Canyon, California approving a Design Permit for development of a Private Non-

Commercial 60-foot-tall monopole for PG&E's telecommunications at 500 Boone Drive, APN 057-360-002 (File No. PL23-0011)

3. Paoli/Watson Lane Annexation Project

Recommendation: Consider three Resolutions to recommend to the City Council:

(1) A Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon (i) Certify the Paoli/Watson Lane Annexation Project Final Environmental Impact Report (SCH #2022090097), (ii) Adopt CEQA Findings of Fact, and (III) Adopt a Mitigation Monitoring and Reporting Program; approximately 83 acres located within the City of American Canyon Sphere of Influence in unincorporated Napa County and approximately 3-acres in the City of American Canyon east of SR-29.

(2) A Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve a General Plan Amendment for the Paoli/Watson Lane Annexation Project for land currently designated Agriculture to Industrial and Residential Estate, approximately 83 acres located within the City of American Canyon Sphere of Influence in unincorporated Napa County.

(3) A Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve Pre-Zoning from Agriculture to Paoli Light Industrial, Paoli Commercial Overlay District, Residential Estate, and Railroad Right-of-Way for the Paoli/Watson Lane Annexation Project, approximately 83 acres, located within the City of American Canyon Sphere of Influence in unincorporated Napa County east of State Route (SR-29) and Paoli Loop Road; and an approximately 3-acre Rezoning within the City of American Canyon between SR-29 and Paoli Loop Road from Light Industrial to Paoli Light Industrial with a Paoli Commercial Overlay District.

MANAGEMENT AND STAFF ORAL REPORTS

4. Active Planning Projects

Recommendation: Review Active Planning Projects

COMMISSIONER ITEMS

ADJOURNMENT

CERTIFICATION

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

_____

Nicolle Hall, Administrative Technician

CITY OF AMERICAN CANYON
REGULAR PLANNING COMMISSION MEETING

ACTION MINUTES

August 24, 2023

6:30 P.M. REGULAR MEETING

CALL TO ORDER

The meeting was called to order at 6:32 p.m.

PLEDGE

The Pledge of Allegiance was recited.

ROLL CALL

Present: Commissioners Eric Altman, Andrew Goff, Davet Mohammed, Vice Chair Brando Cruz, Chair Crystal Mallare
Absent: None
Excused: None

PUBLIC COMMENT

Chair Crystal Mallare Opened Public Comment
Written Comment: None Oral Comment: None
Chair Mallare Closed Public Comment

AGENDA CHANGES

Community Development Director Brent Cooper requested that item three, the Vehicle Miles Traveled (VMT) policy, be heard before item two, the Public Hearing Ordinance Amendment and Discretionary Project Site Posting Policy.

Action: Motion to switch the order of the Business items, so that Item three is heard before item two made by Vice Chair Brando Cruz, seconded by Commissioner Eric Altman, and CARRIED by a roll call vote.

CONSENT CALENDAR

1. Minutes of July 27, 2023

Action: Motion to approve the Minutes of July 27, 2023, made by Commissioner Andrew Goff, seconded by Commissioner Davet Mohammed, and CARRIED by roll call vote.

Ayes: Andrew Goff, Crystal Mallare, Eric Altman, Davet Mohammed, Brando Cruz
Nays: None
Abstain: None
Absent: None
Excused: None

BUSINESS

2. Vehicle Miles Traveled (VMT) policy to implement Senate Bill (SB) 743

Community Development Director Brent Cooper and Colin Burgett from GHD who shared a PowerPoint presentation.

Chair Mallare opened public comment.

Written Comments: None Oral Comments: Beth Marcus was called to speak.

Chair Mallare closed public comment.

Commissioners discussed the item.

Action: Motion to adopt Resolution 2023-14 of the Planning Commission of the City of American Canyon, California recommending the City Council of the City of American Canyon, California approve a Citywide policy establishing Vehicle Miles traveled (VMT) as the standard of measurement for potential vehicle traffic impacts consistent with the California Environmental Quality Act (CEQA). Made by Brando Cruz, seconded by Eric Altman, and CARRIED by roll call vote.

Ayes: Andrew Goff, Crystal Mallare, Eric Altman, Davet Mohammed, Brando Cruz
Nays: None
Abstain: None
Absent: None
Excused: None

3. Public Hearing Notification Ordinance Amendment and Discretionary Project Site Posting Policy

Community Development Director Brent Cooper shared a PowerPoint presentation.

Speakers: City Attorney William Ross

Chair Mallare opened public comment.

Written Comment: None
Oral Comment: Al Donaldson was called to speak; Beth Marcus was called to speak; Al Donaldson was called to speak.

Chair Mallare closed public comment.

Commissioners discussed the item.

Action: Motion to adopt Resolution 2023-15 of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve an Ordinance to amend American Canyon Municipal Code (ACMC) Chapter 19.40.050 to increase hardcopy property owner notification from 300 feet to a minimum of 500 feet from the proposed project location; and adopt a Discretionary Project Site Posting Policy with the intent to have the sign posted until after the completion of the project, and with the intent to explore additional social media platforms for additional outreach, and to review proposed aesthetics of the four-foot by six-foot sign, made by Chair Crystal Mallare, seconded by Vice-Chair Brando Cruz, and CARRIED by roll call vote.

Ayes: Andrew Goff, Crystal Mallare, Eric Altman, Davet Mohammed, Brando Cruz
Nays: None
Abstain: None
Absent: None
Excused: None

MANAGEMENT AND STAFF ORAL REPORTS

4. Active Planning Projects

Action: Review Active Planning Projects

Community Development Director Brent Cooper reported on active planning projects including a use permit application for a warehouse on Commerce Court, City Council approved the Napa Valley Ruins and Gardens Tentative Map, City Council approved the tentative subdivision map for the Promontory project, City Council Approved the General Plan Amendment for Watson Ranch, Paintball Jungle Conditional Use Permit

COMMISSIONER ITEMS

Commissioners discussed items of interest.

ADJOURNMENT

The meeting adjourned at 8:06 p.m.

CERTIFICATION

Respectfully Submitted,

_____

Nicolle Hall, Administrative Technician

TITLE

PG&E Monopole Design Permit

RECOMMENDATION

Approve a Resolution of the Planning Commission of the City of American Canyon, California approving a Design Permit for development of a Private Non-Commercial 60-foot-tall monopole for PG&E's telecommunications at 500 Boone Drive, APN 057-360-002 (File No. PL23-0011)

CONTACT

William He, AICP, Senior Planner

BACKGROUND & ANALYSIS

General Plan Designation	Napa County Airport Industrial Specific Plan (SP2)
Zoning District	Napa County Airport Industrial Specific Plan Business Park
Site Size	24.51 acres
Present Use	PG&E Regional Center (under construction)
Surrounding Zoning and Uses	North: SP2/ biological resource area South: General Industrial / Biagi Brothers East: Business Park SP2/ Napa Logistics Park Bldg 4 West: Unincorporated Napa County / vacant site
Access	Boone Drive from Devlin Rd

History: The PG&E Regional Service Center at 500 Boone Drive consolidates the Service Centers in the Cities of Napa and Vallejo into a centralized regional facility. The Planning Commission approved Design Permit and Variance PL21-001 for three buildings totaling 98,800 square feet in September 2021 (Resolution 2021-19). The project is currently under construction.

Proposed Development: On April 12, 2023, PG&E (applicant) submitted a Design Permit application for development of a Private Non-Commercial 3-foot diameter, 60-foot-tall monopole for PG&E's telecommunications at its regional center at 500 Boone Drive. The monopole would be constructed immediately west of the Operations Building, approximately 800 feet west of Boone Drive. According to PG&E, the monopole will enhance PG&E's private mobile network, which distributes

video, phone, and SCADA (Supervisory Control and Data Acquisition) services.

A SCADA system uses sensors to capture real-time data to monitor motor, pump, and valve equipment to an onsite or remote server. Constructing a private monopole to serve the server network will help monitor electric and gas services at times when public networks are constrained by capacity or shut down during an emergency, such as an earthquake. The Design Permit plans and additional exhibits are available in Attachment 1 to 1.6. The location map to the site is available in Attachment 2.

Site Specific Issues:

Use Classification: 500 Boone is located in the Napa Logistics Park, which is part of the Napa County Airport Industrial Area Specific Plan (NCAISP) Business Park zoning district. Telecommunication facilities are not listed among the Permitted and Conditionally-Permitted land uses in the Business Park zoning district. However, NCAISP Section V(B)(2)(n) states that, "other uses, which in the opinion of the Director, are non-nuisance-causing and similar in character to the above list of uses" are permitted. Additionally, as discussed during Planning Commission review of the PG&E Service Center, NCAISP Section V(B)(2)(m) permits Utility Service Centers with equipment yards. The proposed Private Non-Commercial telecommunication monopole is an Accessory Use to the PG&E Service Center. An "Accessory Use" is an additional use on land that supports the primary uses on the property. In this case, the monopole would serve telecommunication needs for the PGE Service Center operations. The applicant provided monopole photo-simulations, which are available in Attachment 1.5.

Height: The City's Wireless Telecommunication Ordinance seeks to enhance telecommunication services with "stealth" facilities that utilize construction methods that are the "Least Intrusive." During project review, staff requested the applicant evaluate a less visually obtrusive alternative to a monopole to transmit its telecommunication needs.

According to the applicant, the microwave dishes mounted on the monopole require a clear line of site free from obstructions, such as nearby trees and buildings. Limited structures in the area and the need for up to 60-feet of antenna height necessitates a monopole in-lieu of a more "stealth" solution, such as antenna co-location on existing structures. A justification for the monopole is included as Attachment 3.

The 60-foot monopole height is consistent with allowable building heights in the Napa Logistics Park, which are allowed up to 100 feet (CC Resolution 2015-17). The applicant obtained FAA approval for a 70-foot monopole. A copy of the FAA determination is included as Attachment 1.2. Unfortunately, the FAA determination for 70-feet expired April 20, 2023. A condition of approval requires a current FAA determination prior to issuance of a building permit.

The proposed 60-foot-tall monopole will enable microwave dishes to extend above the adjacent 32-

foot-tall PG&E Operations building and is well within the allowable Napa Logistics Park building height and the assumed renewal of FAA approval.

Lastly, the applicant applied for a consistency determination with the Napa County Airport Land Use Commission (ALUC) in early September. On October 4, 2023, the ALUC reviewed the project through a public hearing and unanimously approved the consistency determination for the project. The approval letter is available on Attachment 6.

FCC Spectrum Act Section 6409: If a monopole is permitted, it will enjoy the benefits of Federal Communications Commission (FCC) Spectrum Act Section 6409 (FCC Spectrum Act). FCC Spectrum Act supersedes local authority to deny any existing telecommunication tower modification when the modification does not "substantially change the physical dimensions" of the tower facility. Therefore, at some time in the future, PG&E may expand the number and size of antennas and monopole height which may increase aesthetic impacts to the site and vicinity. A copy of the FCC Spectrum Act is included as Attachment 4.

Non-Commercial Monopole Use: The monopole as an Accessory Use is consistent with the description provided by the applicant. If the monopole is amended for commercial purposes, the monopole status would change from "Accessory Use" to "Commercial Antenna." This change would require a new Entitlement application.

Prior to September 26, 2023, the application did not mention "commercial partner antennas" on the monopole, including AT&T, Verizon, Direct TV, and T-Mobile. On October 3, 2023, the applicant clarified that commercial partner antennas hosted on the monopole will be used for PG&E's private use only and will not transmit telecommunication signals to the general public. According to the applicant, PG&E may receive signals from commercial carriers, but PG&E will not host any equipment from other carriers unless a subsequent City approval is granted. A copy of the applicant's clarification e-mail is available in Attachment 5.

To avoid potential confusion over the status of the monopole, a condition of approval limits the monopole to remain an Accessory Use to PG&E's private network. This condition would not prevent PG&E from expanding the monopole and antennas for its use but would not allow carriers to co-locate on the pole for commercial use.

Emergency Power: The 500 Boone Drive site is equipped with an emergency generator to enable services to function during a natural disaster or emergency. The monopole antenna will also be powered by the emergency generator in the event of an emergency.

*Radio Frequency (FR) Exposure:*PG&E submitted a technical study prepared by Site Safe, LLC (Sitesafe) to independently evaluate Radio Frequency (RF) compliance with the Federal Communications Commission (FCC) Rules and Regulations for RF exposure. Upon evaluation of the cumulative RF exposure levels from all operators at this site, Sitesafe determined that PG&E's

proposed monopole will be compliant on the condition that: 1) an NOC Informational sign will be installed at the base of the monopole; and 2) that access to the monopole be locked/restricted. A condition of approval requires proof that the Sitesafe conditions are met prior to final occupancy. A copy of the Sitesafe report is included as Attachment 1.4

Public Comment:

June 22 – Project Posted on website
June 22 - Neighborhood letters sent within 300 feet.
June 22 – Project Information Announcement to GovDelivery Recipients (3,800+/-)
Sept 14 – Public Hearing Notice mailed to property owners within 300 feet
Sept 14 – Public Hearing Notice Published in the Vallejo Times Herald
Oct. 20 – Staff Report published on City Website and emailed to GovDelivery Recipients
Oct. 25 – Project Public Hearing reminder emailed to GovDelivery Recipients

Throughout the public review period, staff did not receive any comments.

FISCAL IMPACT

The PG&E Monopole Design Permit application required a developer deposit for review and processing, so there is no fiscal impact for staff time.

ENVIRONMENTAL REVIEW

The proposed Design Permit is exempt from CEQA under Class 1 Section 15301(e), existing facilities. Under the exemption, additions to existing structures that are less than 2,500 SF qualifies for an exemption. The structure is 3 feet in diameter, which requires a pad of approximately 121 square feet. The structure is situated adjacent to the existing Operations Building. Additionally, the Design Permit is exempt under Class 3 Section 15303 (e), New Construction or Conversion of Small Structures. Given that the monopole occupies a 121 square foot pad and the use is accessory to the operations of the utility center, the project complies as a small accessory structure.

ATTACHMENTS:

1.0 PGE Monopole Design Permit - Resolution
1.1 Exhibit A - Design Permit Plans
1.2 Exhibit B - FAA DETERMINATION NAPA REGIONAL CENTER MONOPOLE
1.3 Exhibit C - Telecom Tower Antenna Data Worksheet for PGE 60ft Monopole
1.4 Exhibit D - SiteSafe OPERATIONS BUILDING Compliance EME Study
1.5 Exhibit E - Photosims
1.6 Exhibit F - PGE Monopole DP Confirmation of Conditions
2.0 Location Map
3.0 Justification for American Canyon
4.0 Reference - FCC Spectrum Act Section 6409
5.0 Monopole Email 10.03.2023

6.0 ALUC Hearing - Approval Letter

PC RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, APPROVING A DESIGN PERMIT FOR DEVELOPMENT OF A PRIVATE NON-COMMERCIAL SIXTY-FOOT-TALL MONOPOLE FOR PG&E'S TELECOMMUNICATIONS AT 500 BOONE DRIVE, APN 057-360-002 (FILE NO. PL23-0011)

WHEREAS, on September 30, 2021, the Planning Commission approved a Design Permit and Variance for development of a 98,800 square foot PG&E regional service center at 500 Boone Drive (file no. PL21-0011 and PL21-0022); and

WHEREAS, on April 12, 2023, PG&E (applicant) submitted a Design Permit application for development of a Private Non-Commercial 60-foot-tall monopole for PG&E's telecommunications at its regional center at 500 Boone Drive in the Napa County Airport Industrial Area Specific Plan (NCAIASP) Business Park zoning district (File No. PL23-0011); and

WHEREAS, on October 4, 2023, the Napa County Airport Land Use Commission unanimously approved a land use consistency determination (Napa County file #P23-00214-ALU) for the Project; and

WHEREAS, the proposed monopole would enhance PG&E's private mobile network help monitor electric and gas services at times when public networks are constrained by capacity or shut down during an emergency, such as an earthquake; and

WHEREAS, Napa County Airport Industrial Area Specific Plan Business Park does not list "Telecommunication Facilities" among the Permitted and Conditionally-Permitted land uses in the Business Park zoning district. However, NCAISP Section V(B)(2)(n) states that, "other uses, which in the opinion of the Director, are non-nuisance-causing and similar in character to the above list of uses" are permitted; and

WHEREAS, use of the proposed telecommunication monopole as PG&E's private mobile network qualifies the monopole as an Accessory Use to the PG&E Service Center; and

WHEREAS, limited structures in the area and the need for up to 60-feet of antenna height necessitates a monopole in-lieu of a more "stealth" solution such as antenna co-location on existing structures; and

WHEREAS, the proposed monopole includes "commercial partner antennas", including AT&T, Verizon, Direct TV, and T-Mobile, the applicant will host commercial partner antennas on the monopole for PG&E's private use only and will not transmit telecommunication signals to the general public; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed development was exempt as set forth in CEQA Sections 15301(e) and 15303(e); and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on October 26, 2023 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 PG&E Monopole Design Permit (File No. PL23-0011).

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

The proposed design permit is exempt from CEQA under Categorical Exemption, Class 1 (Section 15301) – Existing Facilities. The monopole would be an addition to a previously approved facility, the PG&E Regional Center that was approved in September of 2021. The PG&E Regional Center consists of three single-story buildings at 98,800 and complied with CEQA because it was contemplated in the Napa Logistics Park "Project Approvals" analyzed under the Project FEIR (SCH #2014082033). The PG&E monopole would be a modification to the existing approval. Additionally, the Monopole Project complies with CEQA under Categorical Exemption, Class 3 (Section 15303) – New Construction or Conversion of Small Structures. Class 3 states that small structures under 2,500 SF would qualify and the monopole consists of a 3-foot diameter monopole on a 121 SF pad.

SECTION 2. DESIGN PERMIT FINDINGS

Approval of the Private Non-Commercial 60-foot-tall PG&E Monopole Design Permit requires all 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.

The site at 500 Boone Dr. was approved by the Planning Commission on September 30, 2021, under PC Resolution 2021-19. The PG&E Monopole project is a modification of the approved facility as an accessory use and complies with the Zoning Code.

B. The project and its design comply with any applicable design guidelines.

The project complies with Napa County Airport Industrial Area Specific Plan (NCAIASP) Business Park development standards as follows:

NCAIASP Business Park Development Standards	*Required*	*Proposed*	*Compliance*
Minimum area	*5 acres*	*24 acres*	*Yes*
Minimum width	*125 ft*	*699 ft*	*Yes*
Minimum depth	*N/A*	*2,000 ft*	*Yes*
Minimum front yard building setback	*55 ft*	*200+ ft*	*Yes*
Minimum side yard	*10 ft*	*60 ft*	*Yes*
Minimum rear yard	*10 ft*	*385 ft*	*Yes*
Maximum floor area ratio (low-labor uses)	*50% max*	*9%*	*Yes*
Maximum building height	*100 ft max*	*60 ft*	*Yes*

The City Council approved a Conditional Use Permit on December 15, 2015, Resolution 2015-17, for the Napa Logistics Park Phase 2 Project. In the resolution, building heights were allowed up to 100 feet.

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

As discussed in Section B above, the project complies with the NCAIASP Business Park Development Standards and applicable General Plan policies.

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

The project is within Zone D of the Airport Land Use compatibility plan and low-intensity industrial uses are permitted uses. Furthermore, the applicant applied and received a FAA-FCC determination for the monopole and received confirmation stating the proposed height was acceptable. Additionally, the applicant applied for a consistency determination with the Airport Land Use Commission (ALUC). On October 4, 2023, the ALUC unanimously approved the project.

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 monopole will be compatible with the surrounding industrial area because the monopole is 3 feet wide and setback behind the operations building of the site, approximately 800 feet west of Boone Drive. The antennas and equipment will be painted to match the colors and materials of the pole.

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 monopole will be set behind the operations building and set back 815 feet from the nearest public right-of-way. Antennas on the monopole would be required to be painted to match the colors and materials of the monopole. The monopole would be compatible with the industrial nature of the Napa Logistics Park area.

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

The addition of a monopole does not add excessive variety or monotonous repetition to the PG&E Regional Center. As shown in a photosimulation of the monopole, the monopole visual impact is minimized by its slim (3-foot wide) pole and setback approximately 800 feet west of Boone Drive.

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 monopole is within the NCAIASP Business Park zone. The neighboring parcels are also similar industrial / business park uses. There is no transition required.

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

The project is proposed on an approved site with adequate vehicular and pedestrian circulation.

SECTION 3. CONDITIONS OF APPROVAL

General

1. The Design Permit approval is granted for development of a Private Non-Commercial 60-foot-tall monopole for PG&E's telecommunications at 500 Boone Drive (PL23-0011), which shall be substantially as shown on file in the Community Development Department, except as modified by conditions contained in this approval. The Exhibits include the following:

   A. Architectural Plans prepared by DGA, consisting of 4 sheets, submitted on April 12, 2023.
   B. FAA-FCC Determination issued on October 20, 2021.
   C. Telecommunications Tower Antenna Data Sheet, submitted on July 12, 2023, and revised on October 4, 2023.
   D. EME Report prepared by Site Safe, consisting of 21 pages, submitted on July 12, 2023.

E. Photosimulation prepared by DGA, consisting of 3 images, submitted on April 12, 2023.
F. Confirmation of Conditions of Approval

2. The applicant shall defend, indemnify, and hold harmless the City of American Canyon ("City"), its elected officials, officers, employees, attorneys, representatives, boards, commissions, consultants, volunteers and agents from and against all claims, actions, including actions to arbitrate or mediate, damages, losses, judgments, liabilities, expenses and other costs, or proceedings against the City, its elected officials, officers, employees, attorneys, representatives, boards, commissions, volunteers, or agents to attack, modify, set aside, void, or annul an approval, conditional approval, permit, entitlement, environmental document, environmental clearance, mitigation plan, or any other document or any of the proceedings, acts, or determinations taken, done, or made prior to granting of such approval, conditional approval, permit, entitlement, environmental clearance, environmental document, mitigation plan, or other documents, by the City, including, without limitation, an action against an advisory agency, appeal board, or legislative body within the applicable limitation period.

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

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

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

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

3. The approval shall become effective on the expiration of the appeal period, ten calendar days following the decision, unless an appeal to the City Council is filed. An appeal may be filed with the Community Development Director by filling out an Appeal Form accompanied by a fee of $751. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday. If there is no appeal, this approval will be final on November 6, 2023.

4. This approval is also subject to return of the "Applicant Confirmation of Conditions of Approval" form signed by the property owner, included in this Resolution as Exhibit E.

5. The applicant is responsible for paying all charges related to the processing of this discretionary case application within 30 days of the issuance of the final invoice or prior to the issuance of building permits for this project, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or the revocation of the approval of this application.

6. The date upon which the approval is final shall be considered the day of the imposition of the fees, dedications, reservations and exactions required by these conditions approval for the purposes of protesting the imposition pursuant to California Government Code Section 66020.

7. Expiration of this Approval. If no construction permits have been issued and construction commenced within two years of the date upon which this approval is final, the approval shall become null and void and of no effect. An extension of time may be granted by the Community Development Director upon the written request by a responsible party before the expiration of the two-year period, provided that the Director can make the findings that there have been no substantial changes in the approved plans, and that there has been no change of circumstances which would prevent any of the required findings of approval being made.

8. All plans submitted for review and approval and all development shall be in substantial conformance with the approved exhibits, except where modified by a condition of approval. The Community Development Director or designee may approve minor changes to the project as approved by the Planning Commission 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, 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.

9. Prior to obtaining a building permit, all parties working on the project must obtain a business license from the City.

10. Prior to issuance of each building permit, the applicant shall submit a Certificate of Compliance from the Napa Valley Unified School District (NVUSD). For more information contact NVUSD Developer Fees - developerfees@nvusd.org.

11. Physical or operational modifications to the pole that changes its status from non-commercial to commercial shall require a new or modified entitlement application consistent with American Canyon Municipal Code Chapter 19 (Zoning Ordinance).

Planning

12. The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Conditional Use Permit, under the title “Conditional Use Permit Conditions”. The second sheet may also be used if the first sheet is not of sufficient size to list all the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2” by 11” sheets are not acceptable.

13. All improvements shall be subject to a building permit and meet current code requirements.

14. All conditions of approval from Resolution 2021-19 (PG&E Regional Center Design Permit, PL21-0011) remain in effect.

15. The use of the monopole is limited to private use by PG&E only. Commercial use of the monopole (such as telecommunications for AT&T, Verizon, or T-Mobile) is not permitted. While PG&E-owned hardware and antennas on the monopole may receive signals from commercial carriers, PG&E shall

not host any equipment from other carriers. Expansion of uses for commercial antennas will require a separate entitlement from a future application by commercial carriers.

16. Prior to Building Permit issuance, the applicant shall provide an updated FAA-FCC determination. The submitted determination expired on April 20, 2023.

17. Prior to the final inspection of the Monopole building permit, the applicant shall install all signage as indicated by the Site Safe EME report.

18. Antennas and auxiliary telecommunications cables and equipment on the monopole shall be painted to match the colors and material of the pole.

Building and Safety

19. Prior to the final inspection, the applicant shall submit a letter of certification to the Building Official from the project architect, civil engineer, and landscape architect certifying that all improvements have been constructed in accordance with the approved building plans.

20. Construction and grading activities on the site shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday. Work between the hours of 6:00 pm and 7:00 am and work on weekends and holidays requires prior written approval from the Building Official. If weekends and holiday work is approved construction and grading activities on the site shall be limited to between 8:00 a.m. to 6:00 p.m. on Saturdays, and between 10:00 a.m. and 6:00 p.m. on Sundays and State and Federal holidays.

21. Recycling of Construction and Demolition Debris: Prior to issuance of a building permit, the applicant shall submit a plan for the diversion of at least 70 percent of the debris from the building demolition and construction. The plan shall include the qualified recycler that will be used, the methods of managing diversion of construction materials on site, and the proposed documentation that will be submitted to confirm that the diversion goal has been met.

22. Deferred Submittals: Prior to issuance of a building permit, the applicant shall submit a request to the Chief Building Official for any proposed deferred submittals on a form provided by the Building and Safety Division. The Deferred Submittal request shall include a justification for each proposed deferred submittal. The Chief Building Official shall issue a determination on each proposed deferred submittal request.

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 October, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

Crystal Mallare, Chair

ATTEST:

_____
Nicolle Hall, Administrative Technician

APPROVED AS TO FORM:

_____
William D. Ross, City Attorney

EXHIBITS:

A. Design Permit Plans
B. FAA-FCC Determination
C. Telecom Tower Antenna Worksheet
D. EME Report
E. Photosimulation
F. Applicant confirmation of Conditions of Approval

EXHIBIT F
Applicant Confirmation of Conditions of Approval
PG&E Monopole Design Permit
(FILE NO. PL23-0011)

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 October 26, 2023.

_____ _____
Applicant's signature Date

_____
Applicant's name

_____ _____
Property Owner's signature Date

_____
Property Owner's name

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

PL23-0011: Exhibit A - Design Permit Plans

PG&E NAPA REGIONAL CENTER

SITE DEVELOPMENT

500 BOONE DRIVE
AMERICAN CANYON, CA 94558

SCOPE OF WORK

CONSTRUCTION OF SITE CONCRETE PAVING, PARKING, FENCING, GATES, BOLLARDS, SITE LIGHTING AND SECURITY, LANDSCAPING, CODE SIGNAGE AND ASSOCIATED IMPROVEMENTS.

THE SITE WILL HAVE SEVERAL UNOCCUPIED SUPPORT STRUCTURES INCLUDING BULK MATERIALS STORAGE, POWER POLE STORAGE BINS, MATERIAL STORAGE CANOPY AND COVERED TRASH ENCLOSURE.

THE PROJECT WILL ALSO INCLUDE A 60' TALL, 3' DIAMETER STEEL MONOPOLE (ANTENNA) TO FACILITATE PG&E COMMUNICATION ON SITE AND BETWEEN OTHER PG&E SITES.

SITE MAP



VICINITY MAP



PROJECT DATA

PROJECT NAME:	PG&E NAPA REGIONAL CENTER
PROJECT ADDRESS:	500 BOONE RD. AMERICAN CANYON, CA 94558
ASSESSOR'S PARCEL NUMBER:	057-360-002
ZONING:	INDUSTRIAL (I)
TOTAL SITE AREA	24.5 ACRES (1,067,470 SF)
TOTAL COMBINED BUILDING AREA:	94,500 SF
FLOOR AREA RATIO (FAR)	9% (0.09) 50% ALLOWABLE PER ZONING
LOT WIDTH (AVERAGE):	512 FT
MAX BUILDING HEIGHT	40 FT

SITE PARKING:

PARKING CALCULATION:

REQUIRED: OFFICE: 1 PER 300 GSF
26,703 SF / 300 =
89 SPACES REQUIRED
LOGISTICS WAREHOUSE:1 PER 1,000 FOR 20,000 SF, THEN 1 PER 2,000 (CALCULATION INCLUDES OCCUPIED AREAS ONLY)
20,000 SF / 1,000 = 20 SPACES
14,000 SF / 2,000 = 7 SPACES = 20 + 7 =
27 SPACES REQUIRED
FLEET PARKING: 1 PER TRUCK/ CAR OR OTHER VEHICLE
69 FLEET VEHICLE SPACES PROVIDED
69 SPACE REQUIRED
FLEET MAINTENANCE: 4 PER REPAIR STALL
4 REPAIR BAYS x 4
16 SPACES REQUIRED

TOTAL REQUIRED 201 SPACES
TOTAL PROPOSED 270 SPACES

ACCESSIBLE PARKING
REQUIRED: 7 SPACES (PER TABLE 11B-280.2)
PROPOSED: 10 SPACES

ELECTRIC VEHICLE PARKING
REQUIRED: 6% OF TOTAL PARKING (CAL GREEN TABLES 5.106.5.3.3)
270 x 0.06 = 16 SPACES
PROPOSED: 24 SPACES

PERCENTAGE COMPACT: NO COMPACT STALLS PROPOSED

BIKE PARKING
REQUIRED: 8 SPACES (PER LOCAL ZONING ORDINANCE)
SHORT TERM: 5% OF VISITOR PARKING (CAL GREEN)
24 SPACES x 0.05 = 2 SPACES
LONGTERM: 5% OF TENANT PARKING (CAL GREEN)
89 + 27 = 116 x 0.05 = 6 SPACES
PROVIDED: 8 SHORT TERM SPACES PROVIDED, 8 LONG TERM SPACES PROVIDED AND 2 BIKE CHARGING STATIONS FOR A TOTAL OF 18 SPACES.

WILDLAND URBAN INTERFACE

PROPERTY IS LOCATED WITHIN A MODERATE FIRE HAZARD SEVERITY ZONE AND MUST COMPLY WITH CBC CHAPTER 7A. APPLICABLE SECTIONS FOR THE PROJECT PROVIDED AND SUMMARIZED BELOW:

1. EXTERIOR WALLS SHALL COMPLY WITH ONE OF THE FOLLOWING:
   A. NONCOMBUSTIBLE MATERIAL
   B. IGNITION-RESISTANT MATERIAL
   C. HEAVY TIMBER EXTERIOR WALL ASSEMBLY
   D. LOG WALL CONSTRUCTION ASSEMBLY
   E. WALL ASSEMBLIES THAT HAVE BEEN TESTED PER ASTM E2707
   F. BE TESTED TO MEET THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-1
2. EXPOSED ROOF DECKS ON THE UNDERSIDE OF UNENCLOSED ROOF SHALL CONSIST OF ONE OF THE FOLLOWING:
   A. NONCOMBUSTIBLE MATERIAL
   B. IGNITION-RESISTANT MATERIAL
   C. ONE LAYER OF 5/8" TYPE X GYPSUM SHEATHING APPLIED BEHIND AN EXTERIOR COVERING ON THE UNDERSIDE OF ROOF DECK.
   D. EXTERIOR PORTION OF 1-HOUR FIRE RESISTIVE EXTERIOR WALL ASSEMBLY APPLIED TO THE UNDERSIDE OF THE ROOF DECK
3. EXTERIOR GLAZING SHALL COMPLY WITH ONE OF THE FOLLOWING:
   A. CONSTRUCTED OF MULTIPANED GLAZING WITH A MINIMUM OF ONE TEMPERED PAIN MEETING THE REQUIREMENTS OF SECTION 2406.
   B. GLAZING THAT MEETS A MINIMUM FIRE RESISTANCE RATING OF 20 MINUTES (NFPA 257)
   C. BE TESTED TO MEET THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-2.
4. EXTERIOR DOORS SHALL COMPLY WITH ONE OF THE FOLLOWING:
   A. EXTERIOR SURFACE/CLADDING SHALL BE NONCOMBUSTIBLE MATERIAL
   B. EXTERIOR SURFACE/CLADDING SHALL BE IGNITION/RESISTANT MATERIAL.
   C. EXTERIOR DOORS SHALL BE CONSTRUCTED OF SOLID CORE WOOD THAT COMPLIES WITH THE FOLLOWING:
      - STILES AND RAILS SHALL NOT BE LESS THAN 1.3/8" THICK
      - PANELS SHALL NOT BE LESS THAN 1 1/4" INCHES THICK. PERIMETER OF THE PANEL SHALL BE PERMITTED TO TAPER TO A TONGUE NOT LESS THAN 3/8" THICK
   D. HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 20 MINUTES (NFPA 257)
   E. BE TESTED TO MEET THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-2.
5. WEATHERSTRIPPING
   A. EXTERIOR GARAGE DOORS SHALL BE PROVIDED WITH WEATHER STRIPPING TO RESIST INTRUSION OF EMBERS FROM ENTERING THROUGH GAPS BETWEEN DOOR AND DOOR OPENING WHEN VISIBLE GAPS EXCEED 1/8"
   B. WEATHER STRIPPING OR SEALS ON BOTTOM, SIDES, AND TOPS OF DOORS TO REDUCE GAPS BETWEEN DOORS AND DOOR OPENINGS TO 1/8" OR LESS

GOVERNING CODES

PART 2:	2019 CALIFORNIA BUILDING CODE (CBC)
PART 3:	2019 CALIFORNIA ELECTRICAL CODE (CEC)
PART 4:	2019 CALIFORNIA MECHANICAL CODE (CMC)
PART 5:	2019 CALIFORNIA PLUMBING CODE (CPC)
PART 6:	2019 CALIFORNIA ENERGY CODE
PART 9:	2019 CALIFORNIA FIRE CODE (CFC)
PART 11:	2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
PART 12:	2019 CALIFORNIA REFERENCE STANDARDS CODE

CALIFORNIA CODE OF REGULATIONS, TITLE 8 (CAL OSHA)

OTHER REGULATIONS
BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD)

NOTE: SEE INDIVIDUAL BUILDING SUBMITTAL PACKAGES FOR IDENTIFIED LOCATIONS OF ROOFTOP SOLAR READY ZONES

CODE SUMMARY FOR BUILDINGS ASSOCIATED WITH THE ENTIRE PROJECT

MATERIAL STORAGE CANOPY
OCCUPANCY TYPE: U
TOTAL OCCUPANT LOAD: N/A (UNOCCUPIED OPEN-SIDED SHED STRUCTURE)
CONSTRUCTION TYPE: TYPE II
FIRE SPRINKLERS: NO
NUMBER OF STORIES: 1
BUILDING HEIGHT: 20'-0"
BUILDING AREA: 4,200 SF

BULK SITE MATERIAL STORAGE
OCCUPANCY TYPE: U
TOTAL OCCUPANT LOAD: N/A (UNOCCUPIED OPEN-SIDED SHED STRUCTURE)
CONSTRUCTION TYPE: TYPE II
FIRE SPRINKLERS: NO
NUMBER OF STORIES: 1
BUILDING HEIGHT: 24'-7"
BUILDING AREA: 3,760 SF

UTILITY POLE STORAGE BINS
OCCUPANCY TYPE: U
TOTAL OCCUPANT LOAD: N/A (UNOCCUPIED BIN STRUCTURE)
CONSTRUCTION TYPE: TYPE II
FIRE SPRINKLERS: NO
NUMBER OF STORIES: 1
BUILDING HEIGHT: 8'-0"
BUILDING AREA: 1,200 SF

OPEN CANOPY AT PATIO
OCCUPANCY TYPE: U (UNENCLOSED SHADE STRUCTURE)
TOTAL OCCUPANT LOAD: 15 Net = 47
CONSTRUCTION TYPE: TYPE II
FIRE SPRINKLERS: NO
NUMBER OF STORIES: 1
BUILDING HEIGHT: 11'-6"
BUILDING AREA: 706 SF (ALLOWED 8,500 SF)

PROJECT TEAM

OWNER
PACIFIC GAS & ELECTRIC COMPANY
245 MARKET STREET, 15TH FLOOR
SAN FRANCISCO, CA 94105
TEL: 628.249.6581
CONTACT: BORIS LETUCHY
EMAIL: BSLE@PGE.COM

CIVIL
BKF ENGINEERS
1646 N. CALIFORNIA BLVD., SUITE 400
WALNUT CREEK, CA 94596
TEL: 925.940.2210
CONTACT: JOSEPH YOUNG, PE
EMAIL: JYOUNG@BKF.COM

LANDSCAPE
ENVIRONMENTAL FORESIGHT, INC.
1700 N. BROADWAY, SUITE 401
WALNUT CREEK, CA 94596
TEL: 925.945.0300
CONTACT: KEVIN PROCTOR
EMAIL: KPROCTOR@ENVIRONMENTALFORESIGHT.COM

STRUCTURAL
KPW STRUCTURAL ENGINEERS, INC
55 HARRISON ST., SUITE 550
OAKLAND, CA 94607
TEL: 925.940.2218
CONTACT: JAMES PASSAGLIA
EMAIL: JIM.PASSAGLIA@SALASOBRIEN.COM

ARCHITECT
DGA planning | architecture | interiors
1720 8TH STREET
SACRAMENTO, CA 95811
TEL: 916.441.6800
CONTACT: RICHARD PRICE
EMAIL: RPRICE@DGA-SAC.COM

MECHANICAL/ PLUMBING/ ELECTRICAL / TECHNOLOGY
SYSKA HENNESSY GROUP
444 S FLOWER STREET, SUITE 2000
LOS ANGELES, CA 90071
TEL: 310.254.3625
CONTACT: ILYA POLYAKOV
EMAIL: IPOLYAKOV@SYSKA.COM

DEFERRED SUBMITTALS
THE FOLLOWING SHALL BE SUBMITTED SEPARATELY:
1. EMERGENCY GENERATOR, CNG STATION, FUELING STATION
2. SEISMIC ANCHORAGE OF EQUIPMENT OVER 400 LBS.
3. PV SOLAR
4. SITE LIGHTING IN THE EMPLOYEE PARKING AREA. THAT IS ATTACHED/ UNDER PV CANOPIES.
5. MONOPOLE ANTENNA

DEFERRED SUBMITTAL NOTES:
1. DEFERRAL OF ANY SUBMITTAL ITEMS MUST HAVE PRIOR APPROVAL OF THE BUILDING OFFICIAL. THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.
2. THE ENGINEER(S) RESPONSIBLE FOR THE DESIGN OF THE DEFERRED SUBMITTAL ITEMS SHALL STAMP AND WET-SIGN THOSE DRAWINGS AND CALCULATIONS FOR WHICH HE/SHE IS RESPONSIBLE.
3. COPIES OF EACH DEFERRED SUBMITTAL WILL FIRST BE SUBMITTED TO THE ARCHITECT/ENGINEER-OF-RECORD, WHO WILL REVIEW THEM AND FORWARD THEM TO THE BUILDING DEPARTMENT WITH A NOTATION INDICATING THAT THE SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND CONFORM TO THE DESIGN OF THE BUILDING.

DRAWING NO.	DRAWING NAME
GENERAL	
GI001	COVER SHEET
GI100	SITE ACCESSIBILITY AND CODE PLAN
GI501	ACCESSIBILITY - SITE
GI502	ACCESSIBILITY - MOVEMENT
GI503	ACCESSIBILITY - SITE SIGNAGE
ARCHITECTURAL SITE	
AS101	OVERALL SITE PLAN (FOR REFERENCE)
AS102	ENLARGED SITE PLAN - EAST
AS103	ENLARGED SITE PLAN - WEST
AS104	ENLARGED GATE PLANS
AS501	SITE DETAILS
AS502	SITE DETAILS
AS503	SITE DETAILS
STRUCTURAL	
S001	SITE DEVELOPMENT - GENERAL NOTES
S002	SITE DEVELOPMENT - GENERAL NOTES
S101	SITE DEVELOPMENT - OVERALL SITE PLAN
S102	COVERED MATERIAL STORAGE, EMERGENCY GENERATOR & TRASH ENCLOSURE - PARTIAL PLANS
S103	SITE DEVELOPMENT - PARTIAL PLANS
S501	SITE DEVELOPMENT - CONCRETE DETAILS
S502	SITE DEVELOPMENT - CONCRETE DETAILS
S601	SITE DEVELOPMENT - MASONRY DETAILS
S701	SITE DEVELOPMENT - STEEL DETAILS
ELECTRICAL	
E0.0	SITE DEVELOPMENT ELECTRICAL COVER SHEET
E0.1	SITE DEVELOPMENT SINGLE LINE DIAGRAM
E1.0	SITE DEVELOPMENT ENLARGED ELECTRICAL YARD PLAN
E1.1	SITE DEVELOPMENT ELECTRICAL SITE PLAN (LIGHTING)
E1.2	SITE DEVELOPMENT ELECTRICAL SITE PLAN (TECHNOLOGY & SECURITY)
E1.3	SITE DEVELOPMENT LIGHTING SITE PLAN PHOTOMETRY
E2.0	SITE DEVELOPMENT ELECTRICAL DETAILS
E3.0	SITE DEVELOPMENT PANEL SCHEDULES
TELECOMMUNICATIONS	
T-0.0	SITE DEVELOPMENT TECHNOLOGY & SECURITY COVER SHEET
T-0.1	SITE DEVELOPMENT TECHNOLOGY & SECURITY GENERAL NOTES
T-1.0	SITE DEVELOPMENT TECHNOLOGY & SECURITY SITE PLAN (FENCE & GATES)
T-1.2	SITE DEVELOPMENT TECHNOLOGY & SECURITY SITE PLAN
T-4.0	SITE DEVELOPMENT TECHNOLOGY & SECURITY ENLARGED PLANS
T-5.0	SITE DEVELOPMENT TECHNOLOGY & SECURITY DETAILS

SUBMITTED UNDER SEPARATE COVER:
SITE LIGHTING FIXTURE PACKAGE; TAIT FUELING STATION PACKAGE; COVERED MATERIAL STORAGE BUILDING STRUCTURE; SITE BULK MATERIAL STORAGE BUILDING STRUCTURE; AND POLE BIN STRUCTURE.

REV	DATE	DESCRIPTION	DSGN	DWN	CHKD	SUPV	APVD

JOB NO 21043
DSGN DGA
DWN DGA
CHKD DGA
SUPV
APVD 1 DGA
APVD 2
DATE 3.2.22

LICENSED ARCHITECT — RANDALL DONNER — NO. C23107 — REN. 2/28/23 — STATE OF CALIFORNIA

CRESS Corporate Real Estate Strategy and Services
CORPORATE REAL ESTATE STRATEGY AND SERVICES
PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO, CALIFORNIA

DGA planning | architecture | interiors

PG&E NO	
SITE TYPE	
SITE NAME	
SITE CODE	
BLDG CODE	
BLDG NAME	
FLOOR CODE	
JOB NO	21043

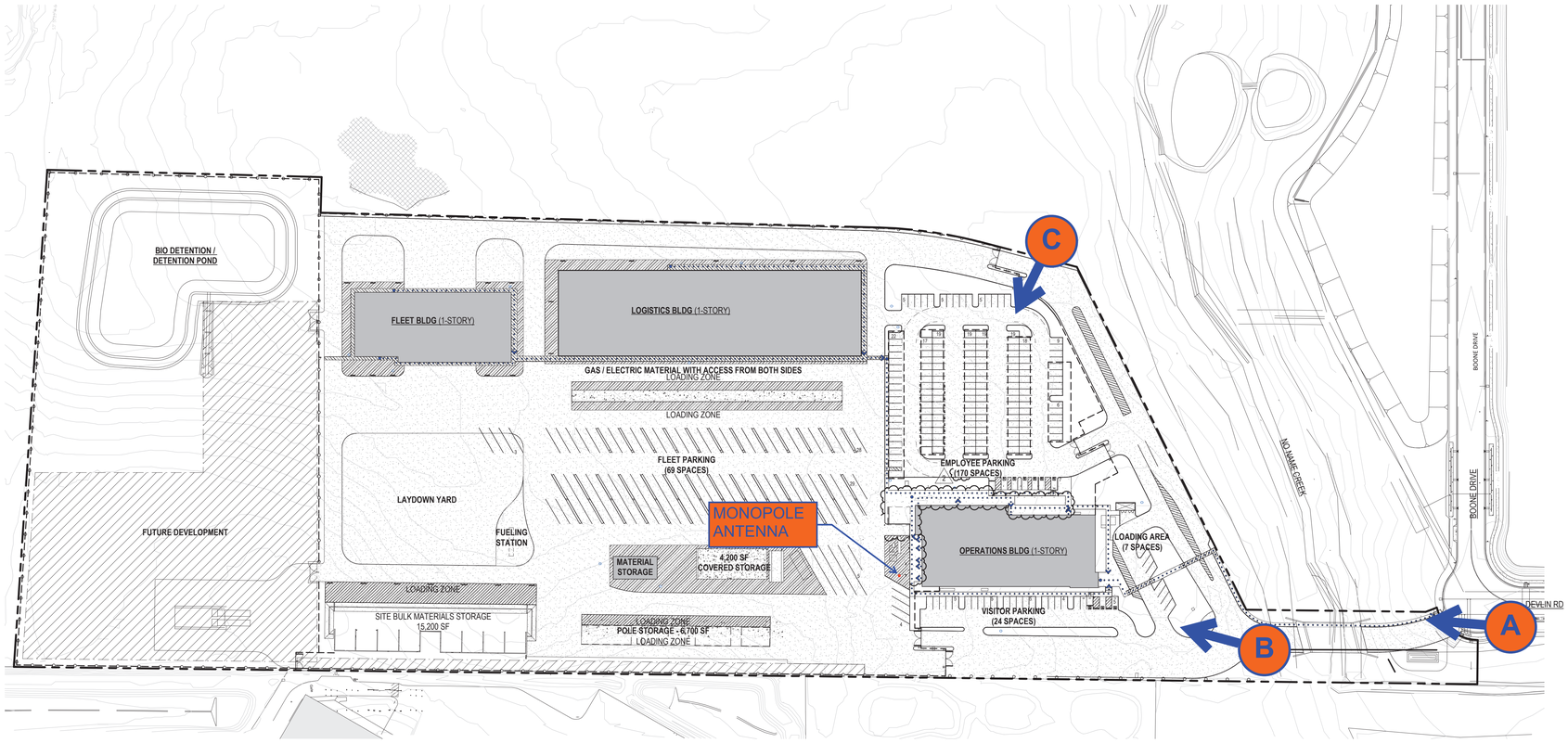
PG&E NAPA REGIONAL CENTER - SITE DEVELOPMENT PACKAGE
COVER SHEET
500 BOONE DR., AMERICAN CANYON, CA 94558

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ERM
DRAWING NUMBER
SHEET NUMBER GI001
REV

ARCH D

PL23-0011: Exhibit A - Design Permit Plans



1 OVERALL SITE PLAN
SCALE: 1" = 80'-0"

PLAN NORTH

LEGEND

X LOCATION AND DIRECTION OF RENDERED PERSPECTIVE VIEWS

SITE GENERAL NOTES:

1. REFER TO ENLARGED SITE PLANS FOR ADDITIONAL ANNOTATIONS AND DIMENSIONS. DIMENSIONS SHOWN ARE FOR REFERENCE, REFER TO CIVIL HORIZONTAL CONTROL PLANS).
2. REFER TO CIVIL DOCUMENTS FOR SITE EXISTING CONDITIONS AND PROPOSED GRADNING AND DRAINAGE INFORMATION.
3. REFER TO LANDSCAPE DOCUMENTS FOR SITE PLANTING, IRRIGATION AND BIO DETENTION TREATMENT.
4. REFER TO ELECTRICAL DRAWINGS FOR SITE ELECTRICAL LIGHTING
5. REFER TO **AS101** FOR SITE ACCESSIBLITY NOTES.
6. REFER TO **AS501** FOR TYPICAL SITE DETAILS.
7. FOR BUILDING PLANS, REFER TO COVERSHEET FOR SPECIFIC DRAWING LOCATION.
8. WALKS AND SIDEWALKS SHALL HAVE A CONTINUOUS COMMON SURFACE NOT BE INTERRUPTED BY STEPS OR BY ABRUPT CHANGES IN LEVEL EXCEEDING 1/2", AND SHALL BE A MINIMUM OF 48 INCHES IN WIDTH.
9. THE SLOPE IN THE DIRECTION OF TRAVEL OF ANY WALK SHALL NOT EXCEED 1:20 (5%GRADIENT). WHEN THE WALK EXCEEDS 1:20 IT SHALL COMPLY WITH THE PROVISIONS FOR PEDESTRIAN RAMPS.
10. WALKS SHALL BE PROVIDED WITH A LEVEL AREA NOT LESS THEN 60"x60" AT A DOOR OR GATE THAT SWINGS TOWARD THE WALK AND NOT LESS THEN 48" WIDE x 44" DEEP AT THE DOOR OR GATE THAT SWINGS AWAY FROM THE WALK. SUCH WALK SHALL EXTEND 24" TO THE SIDE OF THE STRIKE EDGE OF THE DOOR OR GATE.
11. COORDINATE SEPARATE PROJECTS WITH PG&E.

REV	DATE	DESCRIPTION	DSGN	DWN	CHKD	SUPV	APVD

JOB NO	21043
DSGN	DGA
DWN	DGA
CHKD	DGA
SUPV	
APVD 1	DGA
APVD 2	
DATE	3.2.22

LICENSED ARCHITECT RANDALL DONEE NO. C23107 REN. 2/28/23 STATE OF CALIFORNIA

PG&E CRESS Corporate Real Estate Strategy and Services
CORPORATE REAL ESTATE STRATEGY AND SERVICES
PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO, CALIFORNIA

DGA planning | architecture | interiors

PG&E NO	
SITE TYPE	
SITE NAME	
SITE CODE	
BLDG CODE	
BLDG NAME	
FLOOR CODE	
JOB NO	21043

PG&E NAPA REGIONAL CENTER - SITE DEVELOPMENT PACKAGE
OVERALL SITE PLAN
500 BOONE DR., AMERICAN CANYON, CA 94558

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ERM DRAWING NUMBER

SHEET NUMBER AS101 | REV

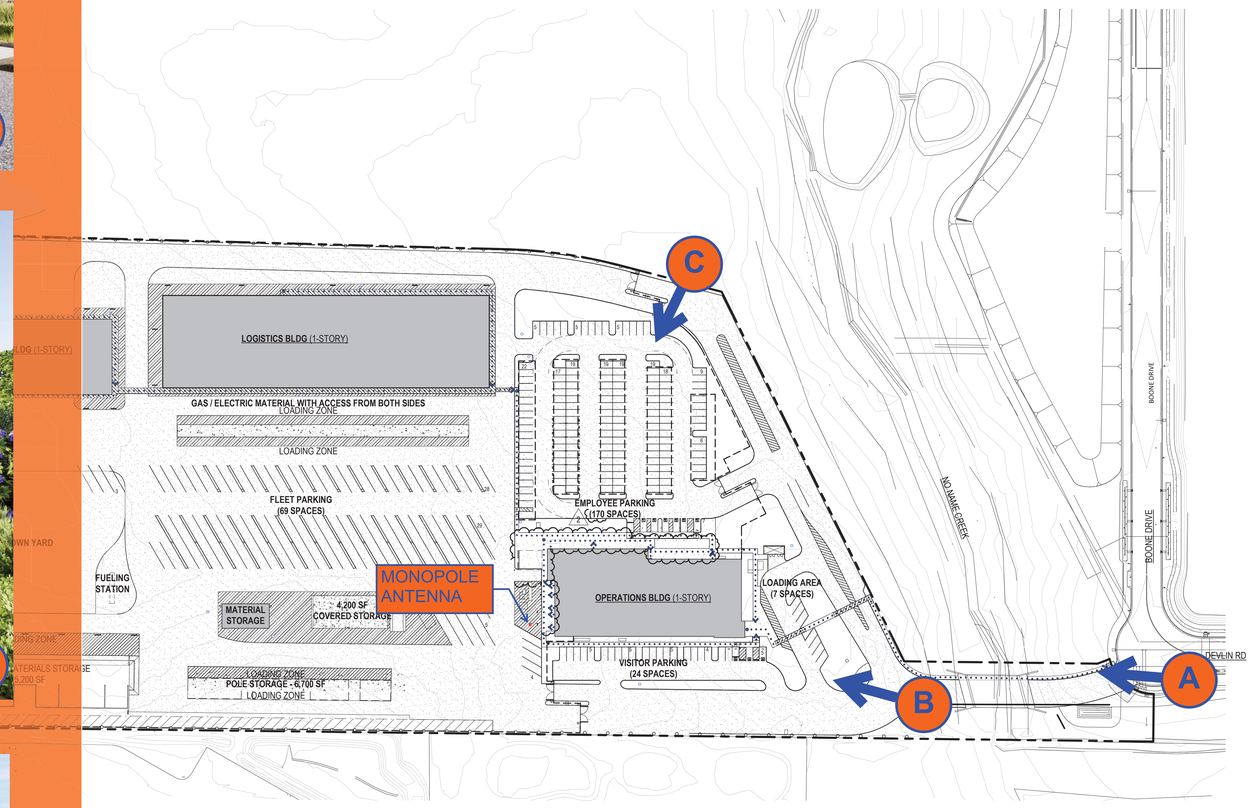
ARCH D

PL23-0011: Exhibit A - Design Permit Plans









PLAN NORTH

LEGEND

X — LOCATION AND DIRECTION OF RENDERED PERSPECTIVE VIEWS

SITE GENERAL NOTES:

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2. REFER TO CIVIL DOCUMENTS FOR SITE EXISTING CONDITIONS AND PROPOSED GRADNING AND DRAINAGE INFORMATION.
3. REFER TO LANDSCAPE DOCUMENTS FOR SITE PLANTING, IRRIGATION AND BIO DETENTION TREATMENT.
4. REFER TO ELECTRICAL DRAWINGS FOR SITE ELECTRICAL LIGHTING
5. REFER TO **AS101** FOR SITE ACCESSIBLITY NOTES.
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    GATE THAT SWINGS TOWARD THE WALK AND NOT LESS THEN 48" WIDE x 44" DEEP AT
    THE DOOR OR GATE THAT SWINGS AWAY FROM THE WALK. SUCH WALK SHALL EXTEND 24" TO THE SIDE OF THE STRIKE EDGE OF THE DOOR OR GATE.
11. COORDINATE SEPARATE PROJECTS WITH PG&E.

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DSGN	DGA
DWN	DGA
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APVD 1	DGA
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DATE	3.2.22

LICENSED ARCHITECT — RANDALL DONNER — NO. C23107 — REN. 2/28/23 — STATE OF CALIFORNIA

PG&E CRESS Corporate Real Estate Strategy and Services
CORPORATE REAL ESTATE STRATEGY AND SERVICES
PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO, CALIFORNIA

DGA planning | architecture | interiors

PG&E NO	
SITE TYPE	
SITE NAME	
SITE CODE	
BLDG CODE	
BLDG NAME	
FLOOR CODE	
JOB NO	21043

PG&E NAPA REGIONAL CENTER - SITE DEVELOPMENT PACKAGE
OVERALL SITE PLAN
500 BOONE DR., AMERICAN CANYON, CA 94558

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ERM DRAWING NUMBER

SHEET NUMBER AS101 /RENDERINGS | REV

ARCH D

KEYNOTES - EAST SITE

1 PROPERTY LINE
2 EXISTING CURB RAMP AND DRIVEWAY CUT AT PUBLIC RIGHT-OF-WAY
3 EXISTING BRIDGE OVER 'NO NAME CREEK' WITH SIDEWALK
4 CONRETE SIDEWALK AND CURB
5 CONCRETE CURB RAMP TO LEVEL LANDING/ DETECTABLE WARNINGS AT ROADWAY ENTRANCE.
6 GRAPHIC REPRESENTS A 65' TRACKOR TRAILER, FOR SCHEMATIC SCALE PURPOSES
7 PAVEMENT MARKS AT DIVIDED ROAD, 4" STRIPES PAINTED WHITE
8 CONCRETE ROAD CROSSING
9 CONCRETE CURB AT LANDSCAPE PLANTER, TYPICAL.
10 MONUMENT/ WAY-FINDING SITE SIGNAGE (TBD)
11 VEHICLE ACCESS PATH FOR EASEMENT
12 PERIMETER SECURITY FENCE
13 SECURITY TRAFFIC GATES; SWINGING
14 DIRECTION PAVEMENT MARKINGS, TYPICAL
15 DASHED LINES INDICATE SOLAR PV CANOPIES ABOVE PARKING, WHERE NOTED
16 ACCESSIBLE PARKING STALLS FOR THE SITE; REFER TO THE COVERSHEET INFORMATION FOR REQUIRED.
19 SECURITY PEDESTRIAN ACCESS GATE
20 PERIMETER SECURITY FENCE; ORNAMENTAL IRON WITH SECURITY PICKETS. TYPICAL AT SECURE PERIMETER.
21 ELECTRIC VEHICLE CHARGING STATIONS

KEYNOTES - EAST SITE

22 LANDSCAPE PLANTER; REFER TO LANDSCAPE PLANTING PLAN.
23 ROLLED CURB AT WETLAND ACCESS EASEMENT
24 GROUND MOUNTED EQUIPMENT LOCATION; REFER TO BUILDING MECH. DRAWINGS.
25 DASHED ARC LINE REPRESENTS FIRE TRUCK APPARATUS TURN RADIUS.
26 STEEL BOLLARDS AROUND EMERGENCY GENERATOR AND CNG FUELING STATION.
27 APPROXIMATE LOCATION OF BICYCLE RACKS; REFER TO LANDSCAPE PLANS FOR LOCATION AND COUNT
28 FUTURE FOOTING FOR FUTURE MONOPOLE
31 BOLLARD, TYP.
33 PROVIDE (2) ELECTRICAL BICYLCE CHARGING STATION, SARIS INFRASTRUCTURE EBIKE
34 3'-6" X 3'-6" CONC. PAD FOR AT-GRADE SOLAR PANEL, SMARTFLOWER MODEL NO. 150-0016
35 TWO DUAL EV CHARGERS
36 SINGLE EV CHARGERS
37 ONE DUAL EV CHARGERS
38 ALL DUAL CHARGERS WITH FOUR BOLLARDS EACH, TYPICAL
39 ALL ELECTRICAL CHARGING PEDESTALS WITH FOUR BOLLARDS EACH, TYPICAL
40 6" HIGH CMU WALL
41 5'X8' PAD FOR ELECTRICAL EQUIPMENT

SITE GENERAL NOTES:

1. REFER TO ENLARGED SITE PLANS FOR ADDITIONAL ANNOTATIONS AND DIMENSIONS. DIMENSIONS SHOWN ARE FOR REFERENCE, REFER TO CIVIL HORIZONTAL CONTROL PLAN(S).
2. REFER TO CIVIL DOCUMENTS FOR SITE EXISTING CONDITIONS AND PROPOSED GRADNING AND DRAINAGE INFORMATION.
3. REFER TO LANDSCAPE DOCUMENTS FOR SITE PLANTING, IRRIGATION AND BIO DETENTION TREATMENT.
4. REFER TO ELECTRICAL DRAWINGS FOR SITE ELECTRICAL LIGHTING
5. REFER TO **AS101** FOR SITE ACCESSIBILITY NOTES.
6. REFER TO **AS501** FOR TYPICAL SITE DETAILS.
7. FOR BUILDING PLANS, REFER TO COVERSHEET FOR SPECIFIC DRAWING LOCATION.
8. COORDINATE SEPARATE PROJECTS WITH PG&E.
9. FORE ADDITIONAL NOTES, SEE AS101

PG&E PL21-0011 and PL21-0022
Minor Modification submittal - Monopole

4/11/2023

LOGISTICS BLDG (1-STORY)
LOADING ZONE
GAS / ELECTRIC MATERIAL WITH ACCESS FROM BOTH SIDES
LOADING ZONE
FLEET PARKING
EMPLOYEE PARKING
OUTDOOR BREAK PATIO
CONCRETE PATIO
MECHANICAL YARD
OPERATIONS BLDG (1-STORY)
MAIN ENTRANCE
LOADING AREA
VISITOR PARKING
COVERED MATERIAL STORAGE
EGEN
CNG FUELING STATION
POLE STORAGE
MONOPOLE ANTENNA
NO NAME CREEK
BOONE DRIVE
DEVLIN ROAD
815'
140'
34'
PLAN NORTH

1 ENLARGED SITE PLAN - EAST
SCALE: 1" = 30'-0"

REV	DATE	DESCRIPTION	DSGN	DWN	CHKD	SUPV	APVD
2	5/6/22	PLAN CHECK RESUBMITTAL					
	3/2/22	ADDENDUM #1					
1	2/10/22	ADDENDUM #1					
A	1/17/22	ISSUE FOR BID					
	12/10/21	PERMIT SUBMITTAL					

JOB NO 21043
DSGN DGA
DWN DGA
CHKD DGA
SUPV
APVD 1 DGA
APVD 2
DATE 3.2.22

LICENSED ARCHITECT RANDALL DONEER NO. C23107 REN. 2/28/23 STATE OF CALIFORNIA

PG&E CRESS Corporate Real Estate Strategy and Services
CORPORATE REAL ESTATE STRATEGY AND SERVICES
PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO, CALIFORNIA

DGA planning | architecture | interiors

PG&E NO	
SITE TYPE	
SITE NAME	
SITE CODE	
BLDG CODE	
BLDG NAME	
FLOOR CODE	
JOB NO	21043

PG&E NAPA REGIONAL CENTER - SITE DEVELOPMENT PACKAGE
ENLARGED SITE PLAN - EAST
500 BOONE DR., AMERICAN CANYON, CA 94558

WARNING:
THIS DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY INFORMATION THAT IS THE SOLE PROPERTY OF PACIFIC GAS AND ELECTRIC COMPANY AND IS INTENDED FOR USE ONLY BY AUTHORIZED PACIFIC GAS AND ELECTRIC COMPANY EMPLOYEES AND ITS AGENTS.

ERM
DRAWING NUMBER
SHEET NUMBER AS102
REV

ARCH D

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AWP-20387-OE
Prior Study No.
2021-AWP-13137-OE

Issued Date: 11/29/2022

FCC/FAA COMPLIANCE DESK
PACIFIC GAS & ELECTRIC COMPANY
705 P STREET 223B
FRESNO, CA 93704

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Pole NAPA REGIONAL CENTER MONOPOLE
Location:	American Canyon,, CA
Latitude:	38-12-10.34N NAD 83
Longitude:	122-16-39.93W
Heights:	17 feet site elevation (SE)
	100 feet above ground level (AGL)
	117 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.
Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/29/2024 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination does not constitute authority to transmit on the frequency(ies) identified in this study. The proponent is required to obtain a formal frequency transmit license from the Federal Communications Commission (FCC) or National Telecommunications and Information Administration (NTIA), prior to on-air operations of these frequency(ies).

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Lan Norris, at (404) 305-6645, or Lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AWP-20387-OE.

Signature Control No: 503864687-562976076 (DNE)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Case Description

Frequency Data
Map(s)

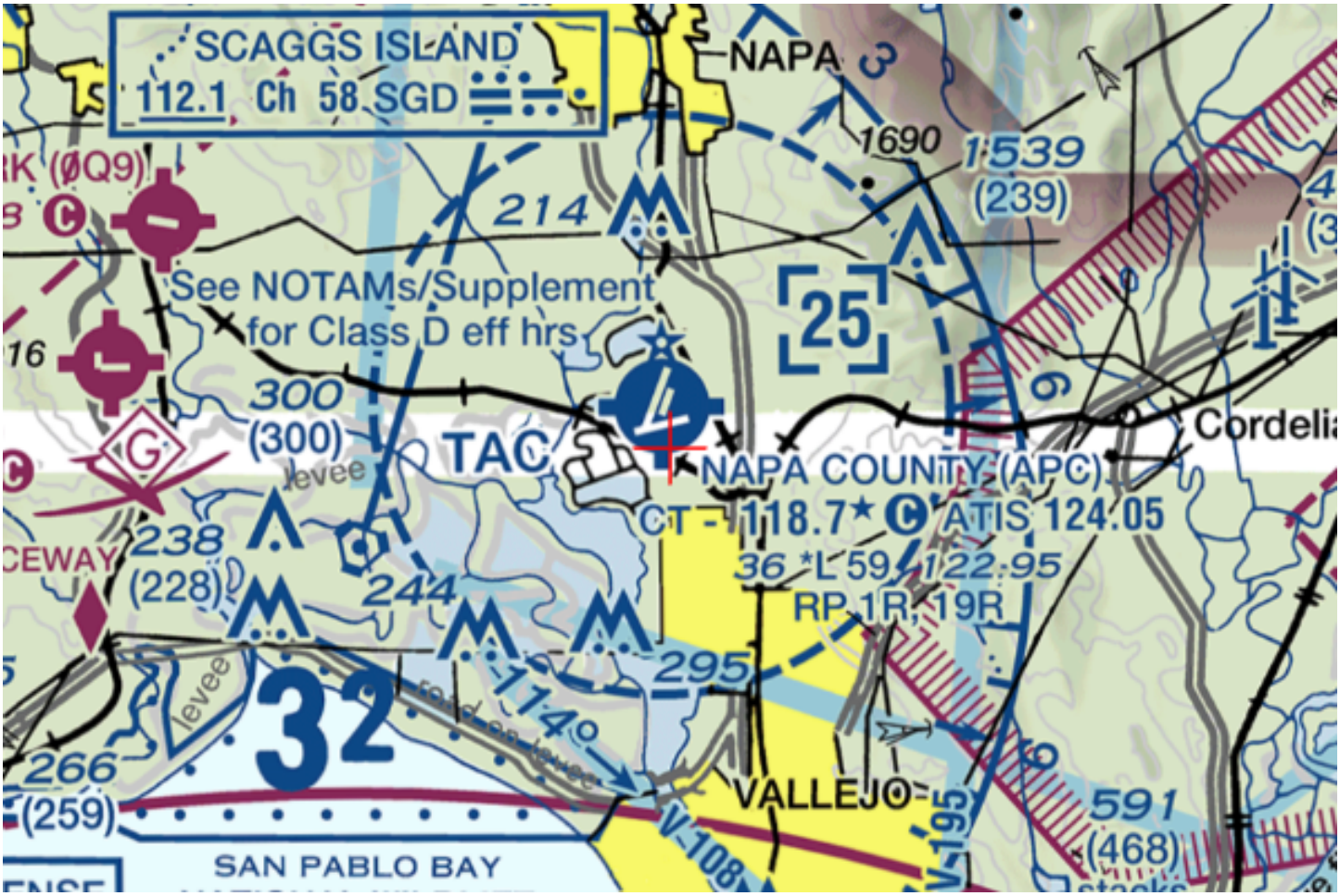
cc: FCC

Frequency Management - At a distance of 1600 feet from transmitter site spurious emissions signal levels from proposed transmitters must be less than -104 dBm in the 108-137, 225-400 MHz frequency bands.

proposing new 100' monopole WITH 2 OMNI STANDOFF MOUNTED ANTENNAS TROPOS 6420 MOUNTED AT 55' TRANSMIT FREQUENCIES 2.4k/5k AZ 360, 2MW ANTENNAS 900 MHZ, 6GHZ MOUNTED

Frequency Data for ASN 2021-AWP-20387-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	42	dBW
931	932	MHz	3500	W


SCAGGS ISLAND
112.1 Ch 58 SGD
NAPA
1690
1539
(239)
214
See NOTAMs/Supplement
for Class D eff hrs
25
300
(300)
TAC
levee
NAPA COUNTY (APC)
CT - 118.7★ ATIS 124.05
36 *L 59 122.95
RP 1R 19R
238
(228)
244
295
114°
32
levee
road on levee
266
(259)
VALLEJO
591
(468)
V195
V108
SAN PABLO BAY
Cordelia

Telecommunications Tower Antenna Data Worksheet

Site Name: Napa Regional Center **Coordinates: (NAD83)**

Tower Owner: PG&E **Type:** Valmont Monopole **Height:** 60' **Base Dim:** **PG&E #** **ASR#**

Antenna #	Owner/ Agency	Make/ Model	Quantity	Type (i.e. dish, omni, yagii, panel)	Frequencies (Mhz) TX	Frequencies (Mhz) RX	Dim.	Mount Height	Mount Type	RAD Center	Tower Position	Radiation Direction	# Lines/ antenna	Line Type	Line Diameter (inches)	Path/ System Name
1	PG&E	3' Lightning Rod	1					60'	-	-		-	-	-	-	Lightning Rod
2	PG&E	RFS UXA4-107	1	Dish	Licensed 11GHz	Licensed 11GHz	4'	57'	Pipe	57'		TBD	1	EW90	1.75"	Future
3	PG&E	RFS SCX3-W100	1	Dish	Licensed 11GHz	Licensed 11GHz	3'	50'	Pipe	50'		TBD	1	EW90	1.75"	Future
4	PG&E	Katherein SCALA Omni SL11-940/DT2	1	Dish	900MHz	900MHz	2.375" x 13'	59''	Standoff Pipe	59'		N/A	1	7/8" Heliax	7/8"	Future
5	PG&E	Tropos 6420 Outdoor Mesh Router	2	FAN	Unlicensed 5GHz	Unlicensed 5Ghz	8.75" x 7.25" x 14"	60'	Standoff Pipe	60'		N/A	4	Shielded Cat5	1"	FAN
6	PG&E	Katherein SCALA Omni SL11-940/DT2	1	Omni	900MHz	900MHz	2.375" x 13'	50'	Standoff Pipe	50'		N/A	1	7/8" Heliax	7/8"	Future
7	PG&E	Yagi	1	Yagi	900MHz	900MHz	4'	50'	Standoff Pipe	50'		N/A	1	7/8 Heliax	7/8"	Future
8	PG&E	Amphenol DCS43PA05F00	2	Cell DAS	806-2700Mhz	806-2700Mhz	18x18x2	30'	Pipe	30'		TBD	1	Coax	1/2"	DAS
9	PG&E	Directv AU9	1	satellite dish	250-2150 mhz		22.5" high, 32.5" wide	35'	standoff pipe, 2"OD tubing	35'		N/A	4	RG6 or RG11 coax	RG6-.275, RG11-.405"	Direct TV
10																
11																
12																
13																
14																
15																

Not dish, actually vertical rod

receives ATT, Verizon, T-mobil,commercial signals - no additional dishes to be installed.

Clarifications to City Planning 10/3/2023

SiteSafe
A QUALTEK Company

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703.276.1100 ● 703.276.1169 fax
info@sitesafe.com ● www.sitesafe.com

Pacific Gas and Electric Company
Site Name – PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING
Site Compliance Report

500 Boone Drive
American Canyon, CA 94558

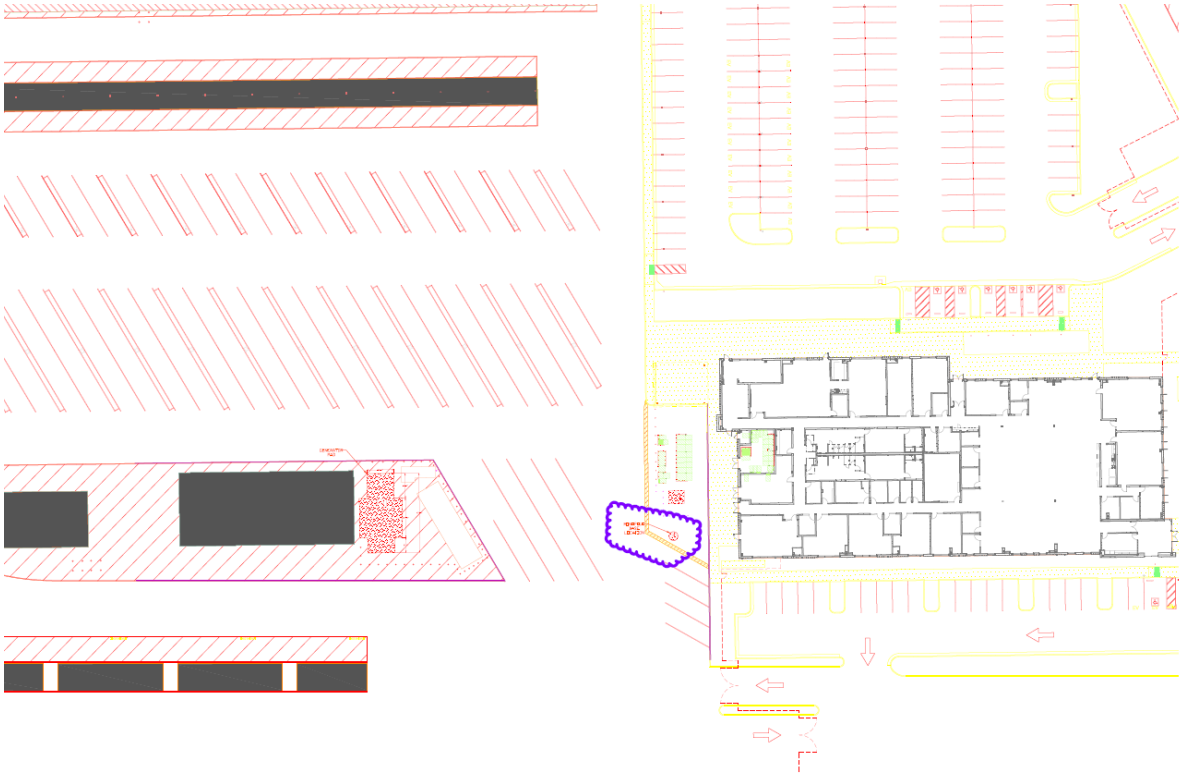
Latitude: N38-12-07.32
Longitude: W122-16-02.64
Structure Type: Monopole

Report generated date: July 11, 2023
Report by: Benjamin Schnable
Customer Contact: Tanner Minor

Pacific Gas and Electric Company's proposed modification will be compliant upon completion of the remediation identified in Section 2.2.

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Pacific Gas and Electric Company
PG&E NAPA REGIONAL CENTER
- OPERATIONS BUILDING
Radio Frequency (RF) Site Compliance Report



500 Boone Drive, American Canyon, CA 94558

8618 Westwood Center Drive • Suite 315 • Vienna, VA 22182
703.276.1100 • info@sitesafe.com

Table of Contents

1 EXECUTIVE SUMMARY 3

2 SITE COMPLIANCE 4

2.1 SITE COMPLIANCE STATEMENT 4
2.2 ACTIONS FOR SITE COMPLIANCE 4

3 ANALYSIS 5

3.1 RF EXPOSURE DIAGRAM 5

4 ANTENNA INVENTORY 8

5 REVIEWER CERTIFICATION 10

APPENDIX A – STATEMENT OF LIMITING CONDITIONS 11

APPENDIX B – ASSUMPTIONS AND DEFINITIONS 12

GENERAL MODEL ASSUMPTIONS 12
USE OF GENERIC ANTENNAS 12
DEFINITIONS 13

APPENDIX C – RULES & REGULATIONS 15

EXPLANATION OF APPLICABLE RULES AND REGULATIONS 15
OCCUPATIONAL ENVIRONMENT EXPLAINED 15

APPENDIX D – GENERAL SAFETY RECOMMENDATIONS 16

ADDITIONAL INFORMATION 17

APPENDIX E – REGULATORY BASIS 18

FCC RULES AND REGULATIONS 18

APPENDIX F – SAFETY PLAN AND PROCEDURES 20

1 Executive Summary

Pacific Gas and Electric Company has contracted with Site Safe, LLC (Sitesafe), an independent Radio Frequency (RF) regulatory and engineering consulting firm, to determine whether the proposed communications site, PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING, located at 500 Boone Drive, American Canyon, CA, is in compliance with the Federal Communications Commission (FCC) Rules and Regulations for RF exposure.

This report contains a detailed summary of the RF environment at the site including:

- Diagram of the site
- Inventory of the make / model of all antennas
- Theoretical MPE based on modeling

This report addresses exposure to radio frequency electromagnetic fields in accordance with the FCC Rules and Regulations for all individuals, classified in two groups, "Occupational or Controlled" and "General Public or Uncontrolled."

Pacific Gas and Electric Company's proposed modification will be compliant with the FCC Rules and Regulations, as described in OET Bulletin 65, **upon completion of the remediation identified in section 2.2**.

Pacific Gas and Electric Company proposes to build a new wireless site. The proposed antennas are noted as "Proposed" in the antenna table under Section 4.

This document and the conclusions herein are based on the information provided by Pacific Gas and Electric Company.

If you have any questions regarding RF safety and regulatory compliance, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

2 Site Compliance

2.1 Site Compliance Statement

Upon evaluation of the cumulative RF exposure levels from all operators at this site, Sitesafe has determined that:

Pacific Gas and Electric Company's proposed modification will be compliant, upon completion of the remediation identified in section 2.2.

The compliance determination is based on theoretical modeling, RF signage placement recommendations, proposed antenna inventory and/or the level of restricted access to the antennas at the site. Any deviation from the Pacific Gas and Electric Company proposed deployment plan could result in the site being rendered non-compliant upon further evaluation.

2.2 Actions for Site Compliance

Based on common industry practice and our understanding of FCC and OSHA requirements, this section provides a statement of recommendations for site compliance. If required, RF alert signage recommendations have been proposed based on theoretical analysis of MPE levels.

Pacific Gas and Electric Company's proposed modification will be compliant upon completion of the following remediation:

Base of Monopole Location

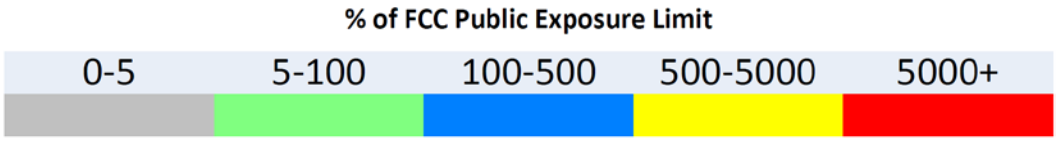
(1) NOC Information sign required at the base of the monopole.
Ensure that access to the monopole is locked/restricted.

3 Analysis

3.1 RF Exposure Diagram

The RF diagram(s) below display theoretical percentage of the Maximum Permissible Exposure for all systems at the site. These diagrams use modeling as prescribed in OET Bulletin 65 and assumptions detailed in Appendix B.

The key at the bottom of each diagram indicates if percentages displayed are referenced to FCC **General Public** Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:



This table displays the maximum theoretical percentage of the FCC's General Public MPE limits:

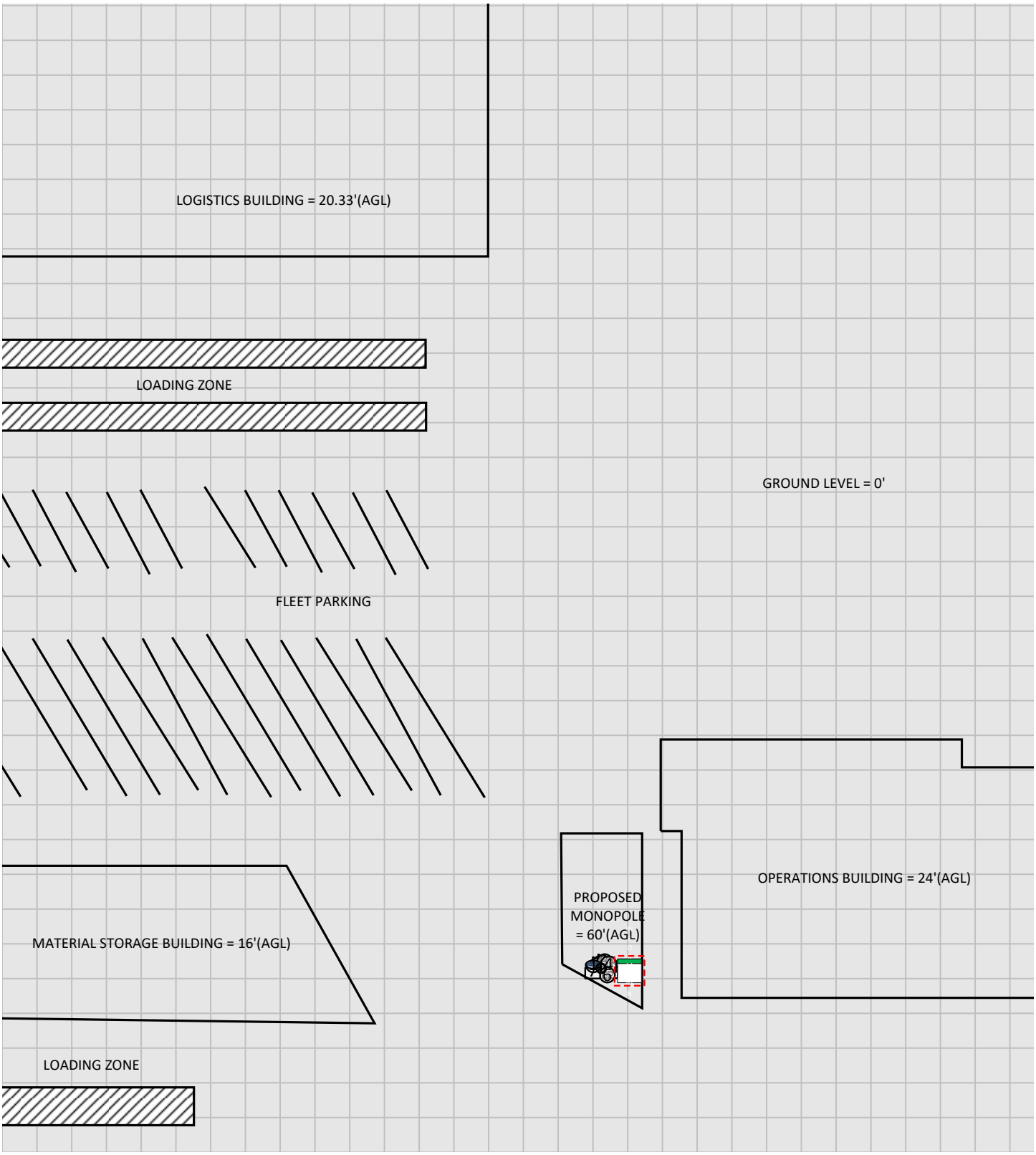
	General Public Levels:		
Exposure Type:	**Spatial Average**	**Maximum**	**Spatial Average**
Reference Level:	**Nearby Rooftops**	**Antenna**	**Ground**
Pacific Gas and Electric Company:	<1.0%	55.7%	<1.0%
Composite:	<1.0%	55.7%	<1.0%

Note: On the diagrams shown below, each level is marked with a height. For all diagrams that are marked as *Spatially Averaged*, the modeling program will spatially average the exposure within the area six feet above each set level. This provides an accurate spatial average of the percentage of the FCC's MPE limits within an accessible area.

In the RF exposure simulations below, all heights are reflected with respect to the ground level. Each different area, rooftop, or platform level is labeled with its height relative to the main site level. Exposure is calculated appropriately based on the relative height and location of that area to all antennas. The analyzed elevations in the RF exposure simulations are as follows:

- GROUND LEVEL = 0'
- NEARBY ROOF LEVELS = 16', 20.33', & 24'

RF Exposure Simulation For: PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING
Composite View



% of FCC Public Exposure Limit

0-5	5-100	100-500	500-5000	5000+

AT&T MOBILITY LLC | VERIZON WIRELESS | T-MOBILE | SPRINT | DISH | UNKNOWN CARRIER

Barrier Signage Legend

No-sign | Notice | Caution | Warning | Notice 2 | Caution 2 | Warning 2

Existing Barrier ——— Proposed Barrier/Sign — — — Remove Barrier/Sign - - - /X

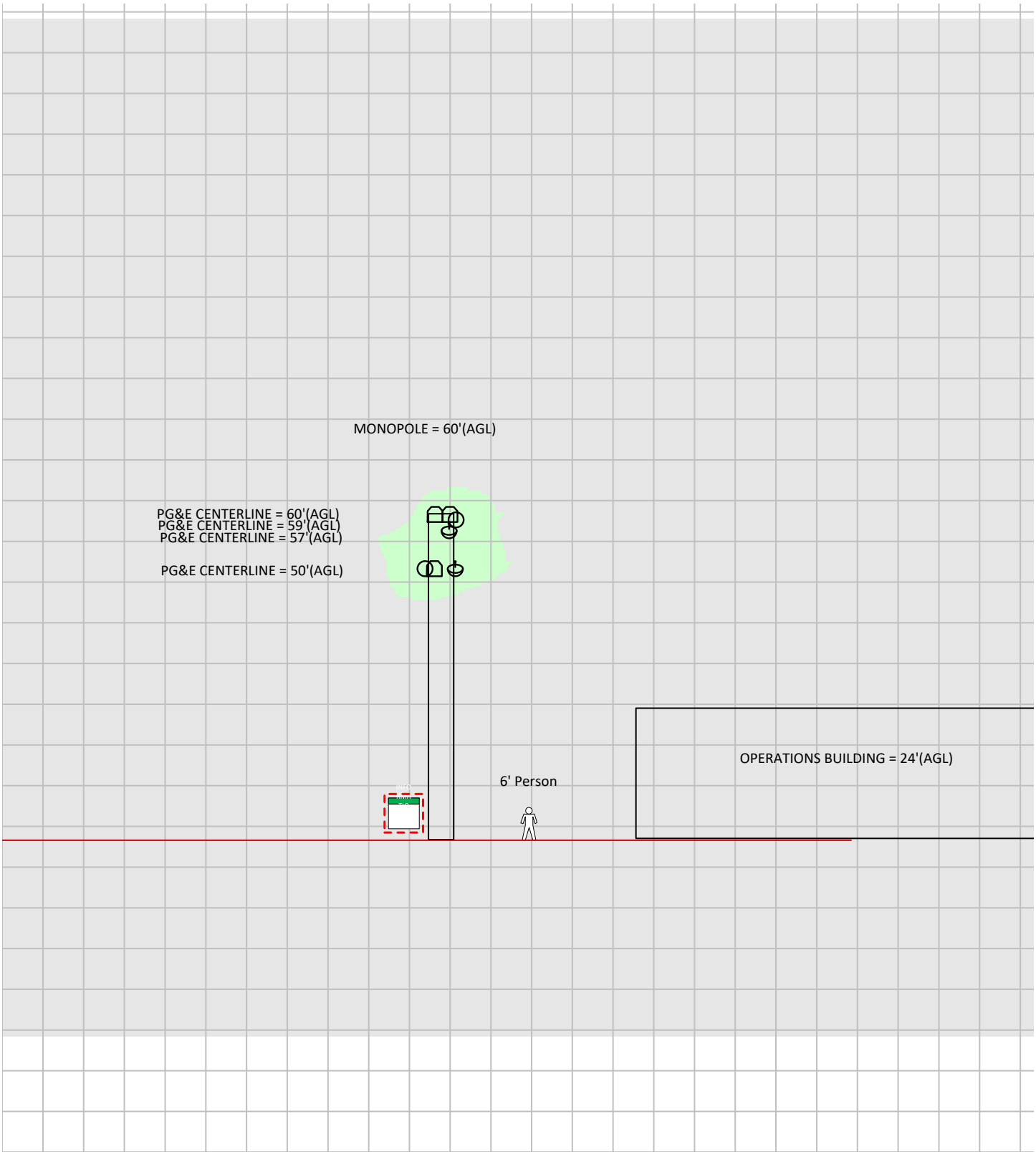
(Feet)

0 29.7 59.4

www.sitesafe.com
7/11/2023 2:31:21 PM

Sitesafe OET-65 Model
Near Field Boundary:
1.5 * Aperture
Reflection Factor: 1
Spatially Averaged

RF Exposure Simulation For: PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING
Elevation View



% of FCC Public Exposure Limit

0-5	5-100	100-500	500-5000	5000+

AT&T MOBILITY LLC | VERIZON WIRELESS | T-MOBILE | SPRINT | DISH | UNKNOWN CARRIER

Barrier Signage Legend

No-sign | Notice | Caution | Warning | Notice 2 | Caution 2 | Warning 2

Existing Barrier ——— Proposed Barrier/Sign — — — Remove Barrier/Sign - - - - /X

(Feet)

0 12.7 25.4

www.sitesafe.com
7/11/2023 2:26:42 PM

Sitesafe OET-65 Model
Near Field Boundary:
1.5 * Aperture
Reflection Factor: 1
Single Level (0)

4 Antenna Inventory

The Antenna Inventory shows all transmitting antennas at the site. This inventory was provided by the customer and was utilized by Sitesafe to perform theoretical modeling of RF exposure. The inventory coincides with the site diagrams in this report, identifying each antenna's location at PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING. The antenna information collected includes the following information:

- Licensee or wireless operator name
- Frequency or frequency band
- Transmitter power – Transmitter Power Output ("TPO"), Effective Radiated Power ("ERP"), or Equivalent Isotropic Radiated Power ("EIRP")
- Antenna manufacturer make, model, and gain

For other carriers at this site, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.

The following antenna inventory was provided by the customer and was utilized to create the site model diagrams:

Ant ID	Operator	Antenna Make and Model	Type	TX Freq (MHz)	Technology	Az (Deg)	Hor BW (Deg)	Ant Len (ft)	Ant Gain (dBd)	Power	Power Type	Power Units	TX Count	Misc Loss	Total ERP (Watts)	Z (ft)	MDT (Deg)	EDT (Deg)
1	PG&E	RFS UXA4-107	Aperture	11000		0	0.0	0	37.66	0.01	TPO	Watt	1	0.00	58.34	57	0	0
2	PG&E	RFS SCX3-W100	Aperture	11000		0	0.0	0	31.16	0.01	TPO	Watt	1	0.00	13.06	50	0	0
3	PG&E	Kathrein-Scala SL11-940/DT2	Omni	900		0	360.0	10	9.01	100.00	ERP	Watt	1	0.00	100	59	0	0
4	PG&E	Tropos 6420 Outdoor Mesh Router	Panel	5000		0	90.0	1	15.36	4.00	ERP	Watt	1	0.00	4	60	0	0
5	PG&E	Tropos 6420 Outdoor Mesh Router	Panel	5000		0	90.0	1	15.36	4.00	ERP	Watt	1	0.00	4	60	0	0
6	PG&E	Kathrein-Scala SL11-940/DT2	Omni	900		0	360.0	10	9.01	100.00	ERP	Watt	1	0.00	100	50	0	0
7	PG&E	Generic	Yagi	900		0	60.0	0.5	9.97	20.00	ERP	Watt	1	0.00	20	50	0	0

Note: The Z reference indicates antenna height above the ground level (AGL). ERP values provided by the client and used in the modeling may be greater than are currently deployed. For additional modeling information, refer to Appendix B. Proposed equipment is tagged as *(Proposed)* under *Operator* or *Antenna Make and Model*.

5 Reviewer Certification

The reviewer whose signature appears below hereby certifies and affirms:

That I am an employee of Site Safe, LLC, in Vienna, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Benjamin Schnable.

July 11, 2023

Mahmoud Eid Mahmoud Eid

Appendix A – Statement of Limiting Conditions

Sitesafe will not be responsible for matters of a legal nature that affect the site or property.

Due to the complexity of some wireless sites, Sitesafe performed this analysis and created this report utilizing best industry practices and due diligence. Sitesafe cannot be held accountable or responsible for anomalies or discrepancies due to actual site conditions (i.e., mislabeling of antennas or equipment, inaccessible cable runs, inaccessible antennas or equipment, etc.) or information or data supplied by Pacific Gas and Electric Company, the site manager, or their affiliates, subcontractors or assigns.

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe's recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, observed during the survey of the subject property or that Sitesafe became aware of during the normal research involved in performing this survey. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data provided by a second party and physical data collected by Sitesafe, the physical data will be used.

Appendix B – Assumptions and Definitions

General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at **full power at all times**. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Sitesafe believes this to be a *worst-case* analysis, based on best available data. Areas modeled to predict exposure exposure greater than 100% of the applicable MPE level may not actually occur but are shown as a *worst-case* prediction that could be realized real time. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Thus, at any time, if power density measurements were made, we believe the real-time measurements would indicate levels below those depicted in the RF exposure diagram(s) in this report. By modeling in this way, Sitesafe has conservatively shown exclusion areas – areas that should not be entered without the use of a personal monitor, carriers reducing power, or performing real-time measurements to indicate real-time exposure levels.

Use of Generic Antennas

For the purposes of this report, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer's published data regarding the antenna's physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna's range that corresponds to the highest MPE, resulting in a conservative analysis.

Definitions

5% Rule – The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of 5% of the exposure limits. In other words, any wireless operator that contributes 5% or greater of the MPE limit in an area that is identified to be greater than 100% of the MPE limit is responsible for taking corrective actions to bring the site into compliance.

Compliance – The determination of whether a site complies with FCC standards with regards to Human Exposure to Radio Frequency Electromagnetic Fields from transmitting antennas.

Decibel (dB) – A unit for measuring power or strength of a signal.

Duty Cycle – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of 100% corresponds to continuous operation.

Effective (or Equivalent) Isotropic Radiated Power (EIRP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Effective Radiated Power (ERP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Gain (of an antenna) – The ratio, usually expressed in decibels, of the power required at the input of a loss-free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. Gain may be considered for a specified polarization. Gain may be referenced to an isotropic antenna (dBi) or a half-wave dipole (dBd) antenna.

General Population/Uncontrolled Environment – Defined by the FCC as an area where RF exposure may occur to persons who are *unaware* of the potential for exposure and who have no control over their exposure. General Population is also referenced as General Public.

Generic Antenna – For the purposes of this report, the use of "Generic" as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use its industry specific knowledge of antenna models to select a worst-case scenario antenna to model the site.

Isotropic Antenna – An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.

Maximum Measurement – This measurement represents the single largest measurement recorded when performing a spatial average measurement.

Maximum Permissible Exposure (MPE) – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

Occupational/Controlled Environment – Defined by the FCC as an area where RF exposure may occur to persons who are **aware** of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

OET Bulletin 65 – Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of RF exposure on humans. The guideline was published in August 1997.

OSHA (Occupational Safety and Health Administration) – Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Radio Frequency Exposure or Electromagnetic Fields – Electromagnetic waves that are propagated from antennas through space.

Spatial Average Measurement – A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy a 6-foot tall human body will absorb while present in an electromagnetic field of energy.

Transmitter Power Output (TPO) – The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load.

Appendix C – Rules & Regulations

Explanation of Applicable Rules and Regulations

The FCC has set forth guidelines in OET Bulletin 65 for human exposure to radio frequency electromagnetic fields. Specific regulations regarding this topic are listed in Part 1, Subpart I, of Title 47 in the Code of Federal Regulations. Currently, there are two different levels of MPE - General Public MPE and Occupational MPE. An individual classified as Occupational can be defined as an individual who has received appropriate RF training and meets the conditions outlined below. General Public is defined as anyone who does not meet the conditions of being Occupational. FCC and OSHA Rules and Regulations define compliance in terms of total exposure to total RF energy, regardless of location of or proximity to the sources of energy.

It is the responsibility of all licensees to ensure these guidelines are maintained at all times. It is the ongoing responsibility of all licensees composing the site to maintain ongoing compliance with FCC rules and regulations. Individual licensees that contribute less than 5% MPE to any total area out of compliance are not responsible for corrective actions.

OSHA has adopted and enforces the FCC's exposure guidelines. A building owner or site manager can use this report as part of an overall RF Health and Safety Policy. It is important for building owners/site managers to identify areas in excess of the General Population MPE and ensure that only persons qualified as Occupational are granted access to those areas.

Occupational Environment Explained

The FCC definition of Occupational exposure limits apply to persons who:

- are exposed to RF energy as a consequence of their employment;
- have been made aware of the possibility of exposure; and
- can exercise control over their exposure.

OSHA guidelines go further to state that persons must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

In order to consider this site an Occupational Environment, the site must be controlled to prevent access by any individuals classified as the General Public. Compliance is also maintained when any non-occupational individuals (the General Public) are prevented from accessing areas indicated as Red or Yellow in the attached RF exposure diagram. In addition, a person must be aware of the RF environment into which they are entering. This can be accomplished by an RF Safety Awareness class, and by appropriate written documentation such as this Site Compliance Report.

All Pacific Gas and Electric Company employees who require access to this site must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

Appendix D – General Safety Recommendations

The following are *general recommendations* appropriate for any site with accessible areas in excess of 100% General Public MPE. These recommendations are not specific to this site. These are safety recommendations appropriate for typical site management, building management, and other tenant operations.

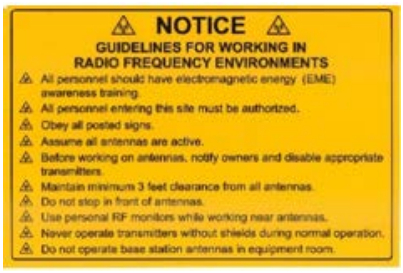
1. All individuals needing access to the main site (or the area indicated to be in excess of General Public MPE) should wear a personal protective monitor (PPM), successfully complete proper RF Safety Awareness training, and have and be trained in the use of appropriate personal protective equipment.

2. All individuals needing access to the main site should be instructed to read and obey all posted placards and signs.

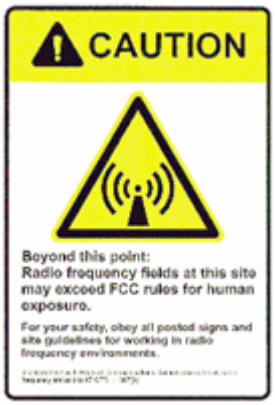
3. The site should be routinely inspected and this or similar report updated with the addition of any antennas or upon any changes to the RF environment including:

- adding new antennas that may have been located on the site
- removing of any existing antennas
- changes in the radiating power or number of RF emitters

4. Post the appropriate **NOTICE**, **CAUTION,** or **WARNING** sign at the main site access point(s) and other locations as required. Note: Please refer to RF Exposure Diagrams in Section 3.1 to inform <u>everyone</u> who has access to this site that beyond posted signs there may be levels in excess of the limits prescribed by the FCC. In addition to RF Advisory Signage, a RF Guideline Signage is recommended to be posted at the main site access point(s). The signs below are examples of signs meeting FCC guidelines.









5. Ensure that the site door remains locked (or appropriately controlled) to deny access to the general public if deemed as policy by the building/site owner.

6. For a General Public environment the five color levels identified in this analysis can be interpreted in the following manner:

- Gray represents areas predicted to be at 5% or less of the General Public MPE limits. *The General Public can access these areas with no restrictions.*

- Green represents areas predicted to be between 5% and 100% of the General Public MPE limits. *The General Public can access these areas with no restrictions.*
- Blue represents areas predicted to be between 100% and 500% of the General Public MPE limits. *The General Public should be restricted from accessing these areas.*
- Yellow represents areas predicted to be between 500% and 5000% of the General Public MPE limits. *The General Public should be restricted from accessing these areas.*
- Red represents areas predicted to be greater than 5000% of the General Public MPE limits. *The General Public should be restricted from accessing these areas.*

7. For an Occupational environment the five color levels identified in this analysis can be interpreted in the following manner:

- Gray represents areas predicted to be at 1% or less of the Occupational MPE limits. *Workers can access these areas with no restrictions.*
- Green represents areas predicted to be between 1% and 20% of the Occupational MPE limits. *Workers can access these areas with no restrictions.*
- Blue represents areas predicted to be between 20% and 100% of the Occupational MPE limits. Workers can access these areas assuming they have basic understanding of EME awareness and RF safety procedures and understand how to limit their exposure.
- Yellow represents areas predicted to be between 100% and 1000% of the Occupational MPE limits. Workers can access these areas assuming they have basic understanding of EME awareness and RF safety procedures and understand how to limit their exposure. Transmitter power reduction and/or time-averaging may be required.
- Red represents areas predicted to be greater than 1000% of the Occupational MPE limits. These areas are not safe for workers to be in for prolonged periods of time. Special procedures must be adhered to, such as lockout/tagout or transmitter power reduction, to minimize worker exposure to EME.

8. Use of a Personal Protective Monitor (PPM): When working around antennas, Sitesafe strongly recommends the use of a PPM. Wearing a PPM will properly forewarn the individual prior to entering an RF exposure area.

Keep a copy of this report available for all persons who must access the site. They should read this report and be aware of the potential hazards with regards to RF and MPE limits.

Additional Information

Additional RF information is available at the following sites:
https://www.fcc.gov/general/radio-frequency-safety-0
https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety

OSHA has additional information available at:
https://www.osha.gov/SLTC/radiofrequencyradiation/index.html

Appendix E – Regulatory Basis

FCC Rules and Regulations

In 1996, the Federal Communications Commission (FCC) adopted regulations for evaluating the effects of RF exposure in 47 CFR § 1.1307 and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 ("OET Bulletin 65"), *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, Edition 97-01, published August 1997. Since 1996 the FCC periodically reviews these rules and regulations as per their congressional mandate.

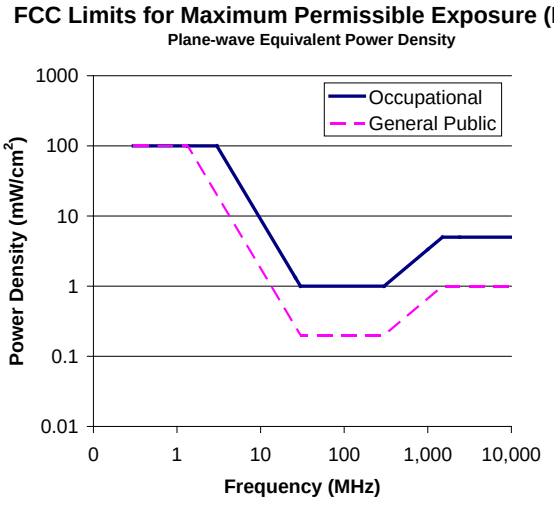
FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limits. The General Public limits apply to *accessible* areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF hazard signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF hazard signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:



Limits for Occupational/Controlled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $\|E\|^2$, $\|H\|^2$ or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	($900/f^2$)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

Limits for General Population/Uncontrolled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $\|E\|^2$, $\|H\|^2$ or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	($180/f^2$)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz *Plane-wave equivalent power density

Appendix F – Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

General Maintenance Work: Any maintenance personnel required to work immediately in front of antennas and / or in areas indicated as above 100% of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

Training and Qualification Verification: All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a worker's understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet-based courses).

Physical Access Control: Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:

- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

RF Signage: Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

Assume all antennas are active: Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

Site RF Exposure Diagram(s): Section 3 of this report contains RF Diagram(s) that outline various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst-case scenario assuming a duty cycle of 100% for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.


A


B


C

EXHIBIT F
Applicant Confirmation of Conditions of Approval
PG&E Monopole Design Permit
(FILE NO. PL23-0011)

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 October 26, 2023.

_____ _____
Applicant's signature Date

_____
Applicant's name

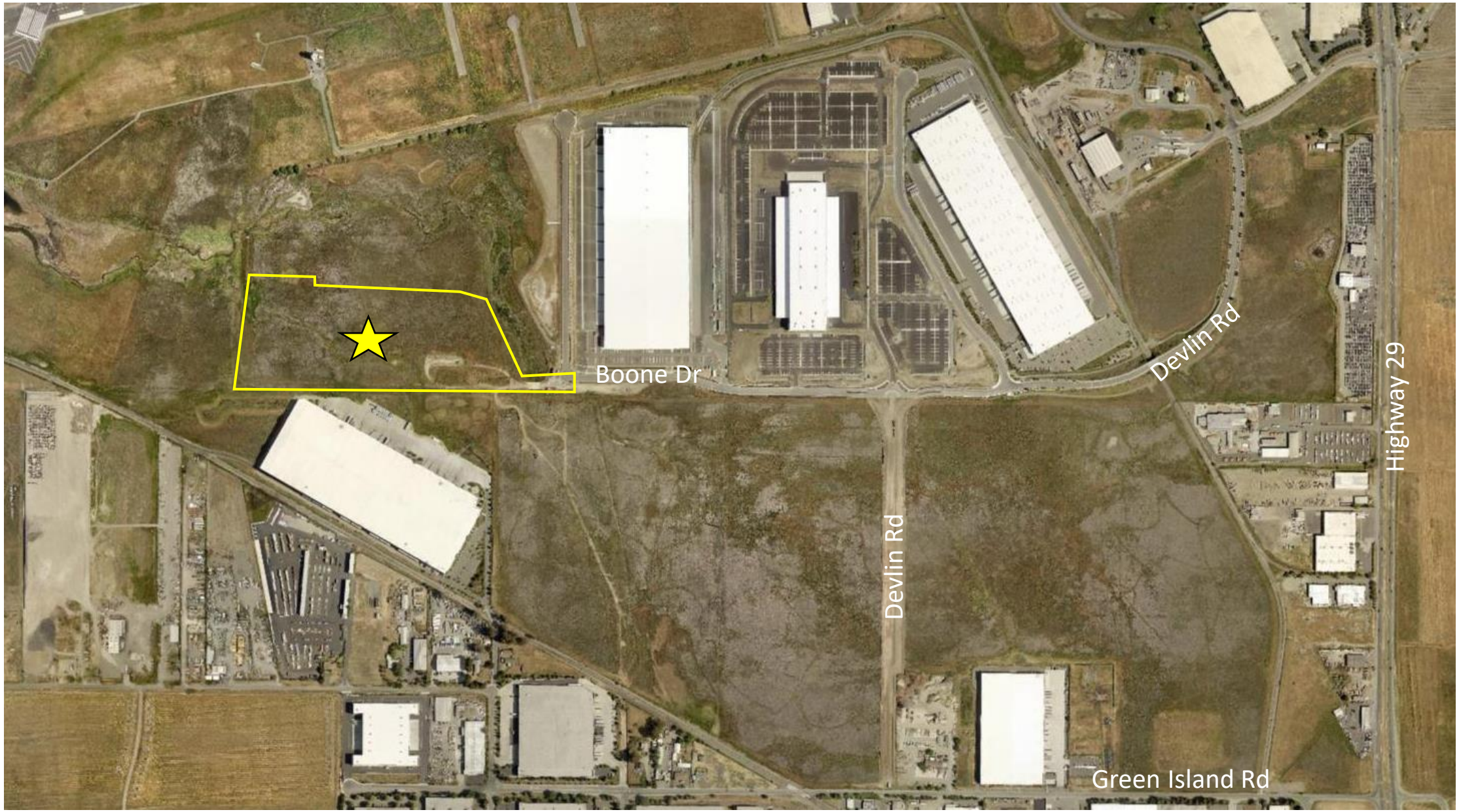
_____ _____
Property Owner's signature Date

_____
Property Owner's name

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

PG&E Monopole Design Permit – Location Map

Attachment 2



Justification for American Canyon City Council

Why does PG&E need Microwave dishes, Satellite dishes, SCADA antennas and other equipment on a Monopole?

Private networks rely on fiber and Microwave based equipment. Private networks allow PG&E to control how the bandwidth is distributed across the organization especially for latency sensitive services like video, phone, and SCADA.

Private mobile network provides control of the network. It allows PG&E to provide Operational data network and allows controlled access to the network that can prevent hacking into the system and allows PG&E to provide dependable and redundant service to customers.

Mobile SCADA network that consists of Microwave dishes, Omni and Yagi antennas provides coverage for line reclosers, capacitors and transformer banks. All these devices help the company to provide reliable electric, and gas services to residents and businesses of most of the California.

Coverage and capacity that is provided by private network cannot be provide by other wireless providers as our equipment is often located in areas not well served by public wireless providers.

During times of emergency like earthquakes in California, public networks are either constrained by capacity or completely shut sown. It becomes especially important to maintain electric and Gas services during those times.

Microwave and SCADA equipment operate on frequencies that are easily blocked by trees and buildings around the Monopole. PG&E building will be thirty-two feet high so installing 35 ft Monopole will not serve the purpose as signals will be blocked. We request you to allow 60 ft Monopole. We have already received approval from FAA for 70 ft Monopole. We have reduced the height to 60 ft though we will prefer 70ft.

PG&E does utilize combination of public and private services depending on coverage, capacity needs, and criticality of equipment to be served.

May 19, 2020

FCC FACT SHEET*

State/Local Approval of Wireless Equipment Modifications Under Section 6409(a)

Declaratory Ruling and Notice of Proposed Rulemaking –WT Docket No. 19-250 and RM-11849

Background: Congress enacted section 6409(a) of the Spectrum Act of 2012 to streamline State and local government review of requests to modify existing wireless structures, and the Commission adopted rules in 2014 to implement section 6409(a). With this *Declaratory Ruling and Notice of Proposed Rulemaking*, the Commission would clarify its rules implementing section 6409(a) and seek comment on rule changes to accelerate the deployment of communications infrastructure. These clarifications and potential rule changes would address the critical need to upgrade existing sites for 5G networks, particularly in rural areas.

What the Declaratory Ruling Would Do:

- Clarify that, under section 1.6100(c)(2) of our rules, the 60-day shot clock to review and approve a modification under section 6409(a) commences when: (1) the applicant takes the first procedural step that the local jurisdiction requires as part of its applicable regulatory review process; and (2) the applicant submits documentation showing that the modification qualifies for streamlined review.
- Clarify the definition of "substantial change" in section 1.6100(b)(7) of our rules as follows:
  - The phrase "with separation from the nearest existing antenna not to exceed twenty feet," in the context of permissible tower height increases from adding an antenna, is measured from the top of an existing antenna to the bottom of a proposed new antenna;
  - The term "equipment cabinets" does not include relatively small electronic components if they are not used as physical containers for smaller devices, and the maximum number of additional equipment cabinets is measured for each separate eligible facilities request;
  - The term "concealment element" must be part of a stealth-designed facility that the locality approved in its prior review; to "defeat" concealment, a modification must cause a reasonable person to conclude that the structure's intended stealth design is no longer effective; and
  - The phrase "conditions associated with the siting approval" may include conditions that require a feature to minimize the visual impact of a wireless facility, as long as there is express evidence that the feature was required as part of the prior siting approval, and as long as the conditions do not prevent otherwise permissible modifications to the physical dimensions of the structure.
- Clarify that an environmental assessment is not required under section 1.1307(a)(4) when the FCC, an applicant, and other affected parties have entered into a memorandum of agreement to mitigate effects on historic properties.

What the NPRM Would Do:

- Seek comment on changes to our rules regarding excavation or deployment outside the boundaries of an existing tower site, including the definition of the boundaries of a tower site, which would affect whether certain modifications of existing structures qualify for streamlined section 6409(a) review.

* This document is being released as part of a "permit-but-disclose" proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WT Docket No. 19-250, which may be accessed via the Electronic Comment Filing System (https://www.fcc.gov/ecfs/). Before filing, participants should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. *See* 47 CFR § 1.1200 et seq.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of State and Local Governments'	)	WT Docket No. 19-250
Obligation to Approve Certain Wireless Facility	)	
Modification Requests Under Section 6409(a) of	)	RM-11849
the Spectrum Act of 2012	)	

DECLARATORY RULING AND NOTICE OF PROPOSED RULEMAKING*

Adopted: [ ] **Released: [ ]**

Comment Date: [20 days after publication in the Federal Register]
Reply Date: [10 days after publication in the Federal Register]

By the Commission:

TABLE OF CONTENTS

Heading Paragraph #

I. INTRODUCTION 1
II. BACKGROUND 6
III. DECLARATORY RULING 11
A. Commencement of Shot Clock 14
B. Height Increase for Towers Outside the Public Rights-of-Way 24
C. Equipment Cabinets 29
D. Concealment Elements 31
E. Conditions Associated with the Siting Approval 40
F. Environmental Assessments After Execution of Memorandum of Agreement 44
IV. NOTICE OF PROPOSED RULEMAKING 50
V. PROCEDURAL MATTERS 55
VI. ORDERING CLAUSES 61
APPENDIX A – Comments and Reply Comments
APPENDIX B – Initial Regulatory Flexibility Analysis

* This document has been circulated for tentative consideration by the Commission at its June 9, 2020 open meeting. The issues referenced in this document and the Commission's ultimate resolution of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The FCC's *ex parte* rules apply and presentations are subject to "permit-but-disclose"*ex parte* rules. *See, e.g.*, 47 C.F.R. §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. *See* 47 CFR §§ 1.1200(a), 1.1203.

I. INTRODUCTION

1. Today, we continue our efforts to facilitate the deployment of 5G networks – and the economic opportunity that they enable – in every community. To reach all corners of our nation, 5G networks must use a range of spectrum bands, from low to high frequencies, and a variety of physical infrastructure, from small cells to macro towers. To meet these needs, the Commission's spectrum policy has focused on making available a wide range of low-, mid-, and high-band spectrum.[1] Similarly, the Commission's infrastructure policy has focused on updating our regulations to reflect new technology like small cells. Most notably, the Commission has modernized its approach to federal historic preservation and environmental review governing wireless infrastructure to accommodate small cell technology[2] and has addressed outlier conduct at the State and local government level that needlessly slowed down and increased the costs of deploying new small cells and modified wireless facilities.[3] We have seen a significant acceleration of wireless builds in the wake of those decisions. At the same time, there remain additional barriers to wireless infrastructure deployment that merit our consideration.

2. These barriers affect not just small cell deployment. Indeed, we know that providers of 5G networks will not reach all Americans solely by deploying small cell technology. We therefore also must focus on ensuring that our infrastructure regulations governing macro towers align with the critical need to upgrade existing sites for 5G networks, particularly in rural areas, where small cell deployment may be less concentrated. As the record in this proceeding shows, ongoing uncertainty regarding the application of existing federal law to aspects of State and local government review of modifications to existing wireless equipment remains a deterrent to the rapid deployment of 5G wireless infrastructure. We are committed to working with State and local governments to facilitate the deployment of advanced wireless networks in all communities consistent with the decisions already made by Congress, which we expect will usher in a new era of American entrepreneurship, productivity, economic opportunity, and innovation for years to come.[4]

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[1] *Review of the Commission's Rules Governing the 896-901/935-940 MHz Band*, WT Docket No. 17-200, Report and Order, Order of Proposed Modification, and Orders, FCC 20-67 (May 14, 2020); *Transforming the 2.5 GHz Band*, WT Docket No. 18-120, Report and Order, 34 FCC Rcd 5446 (2019); *Auction of Priority Access Licenses for the 3550-3650 MHz Band, Comment Sought on Competitive Bidding Procedures for Auction 105*, AU Docket No. 19-244, Public Notice, 34 FCC Rcd 9215 (OEA/AU 2019); *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020); *Wireless Telecommunications Bureau Announces that Applications for Auction 103 Licenses are Accepted for Filing*, Public Notice, DA 20-461, 2020 WL 2097298 (WTB Apr. 30, 2020).

[2] *See, e.g., Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Second Report and Order, 33 FCC Rcd 3102 (2018) (*2018 NEPA/NHPA Order*) (streamlining environmental and historic preservation review procedures and clarifying cases in which fees are required for Tribal review), *aff'd in part, rev'd in part, United Keetoowah Band of Cherokee Indians, v. FCC*, 933 F.3d 728 (D.C. Cir. 2019) (affirming the FCC's changes in the *2018 NEPA/NHPA Order* to tribal involvement in Section 106 review and denying request to vacate the *Order* in its entirety while granting petitioners' request to vacate the portion of the decision that exempted small cells from NEPA/NHPA review).

[3] *See, e.g., Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, WC Docket No. 17-84, Declaratory Ruling and Third Report & Order, 33 FCC Rcd 9088, 9096-100, paras. 23-28, 32 (2018) (*2018 Small Cell Order*) (clarifying state and local legal requirements that may have the effect of prohibiting service under 47 U.S.C. § 253, 332(c)(7)), pets. for review pending, *Sprint Corp. v. FCC, et al.* (9th Cir).

[4] *See, e.g.*, FCC, *The FCC's 5G FAST Plan*, https://www.fcc.gov/5G; Remarks of FCC Chairman Ajit Pai to the New York State Wireless Association (June 21, 2019), https://docs.fcc.gov/public/attachments/DOC-358113A1.pdf; FCC Chairman Pai Announces Major Initiatives to Promote U.S. Leadership on 5G and Connect Rural Americans to High-Speed Internet at White House Event (Apr. 12, 2019), https://docs.fcc.gov/public/attachments/DOC-356995A1.pdf; Remarks of FCC Commissioner Brendan Carr, "A Modern Approach To 5G," at the Transatlantic Policy Dialogue, MWC-Barcelona, (Feb. 25, 2019), https://docs.fcc.gov/public/attachments/DOC-356317A1.pdf.

3. Therefore, in this *Declaratory Ruling and Notice of Proposed Rulemaking*, we clarify the meaning of our rules implementing Congress' decisions in section 6409(a) of the Spectrum Act of 2012,[5] which recognized the efficiency of using existing infrastructure for the expansion of advanced wireless networks. Those rules set forth a streamlined process for State and local government review of applications to deploy wireless telecommunications equipment on existing infrastructure.[6] Under this framework, a State or local government shall approve within 60 days any request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.[7]

4. Our clarifications are necessary to ensure fidelity to the language of those rules and the decisions Congress made in section 6409(a) in encouraging the use of existing infrastructure for expansion of advanced wireless networks across the country. Specifically, our Declaratory Ruling clarifies our rules regarding when the 60-day shot clock for State or local government review of modifications of existing structures commences.[8] We also clarify what constitutes a "substantial change" in the physical dimensions of wireless infrastructure under our rules, and the extent to which certain elements of a proposed modification to existing infrastructure affect the eligibility of that proposed modification for streamlined State or local government review under section 6409(a).[9] Finally, we further streamline our historic preservation and environmental review process to eliminate a redundant and unnecessary element by clarifying that when the FCC and applicants have entered into a memorandum of agreement to mitigate effects on historic properties a subsequent environmental assessment addressing such effects is not required.[10]

5. In the Notice of Proposed Rulemaking, we seek comment on whether changes to our rules regarding excavation outside the boundaries of an existing tower site, including the definition of the boundaries of a tower "site," would advance the objectives of section 6409(a).[11]

II. BACKGROUND

6. Under Section 6409(a) of the Spectrum Act, Congress determined that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."[12] Congress intended this provision of the Spectrum Act to advance wireless

[5] Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, title VI (Spectrum Act of 2012), § 6409(a), 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

[6] *See* 47 U.S.C. § 1455(a); 47 CFR § 1.6100; *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238 and 13-32, WC Docket No. 11-59, Report and Order, 29 FCC Rcd 12865, 12922-66, paras. 135-241 (2014) (*2014 Infrastructure Order*), *aff'd*, *Montgomery Cty. v. FCC*, 811 F.3d 121 (4th Cir. 2015).

[7] 47 U.S.C. § 1455(a)(1); *see* 47 CFR § 1.6100 (b)(7), (c); *2014 Infrastructure Order*, 29 FCC Rcd at 12940-58, paras. 182-204, 205-21.

[8] 47 CFR § 1.6100(c)(2)-(4); *2014 Infrastructure Order*, 29 FCC Rcd at 12955-58, paras. 211-221.

[9] 47 CFR § 1.6100(b)(7)(i), (iii), (v), (vi); *2014 Infrastructure Order*, 29 FCC Rcd at 12944-47, 49-51, paras. 188-94, 200, 204.

[10] *See* 47 CFR §§ 1.1307(a), 1.1308, 1.1311; *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (Wireless Facilities Nationwide Programmatic Agreement), 47 CFR pt. 1, Appx. C.

[11] 47 CFR § 1.6100(b)(7)(iv); 47 CFR § 1.6100(b)(6).

[12] 47 U.S.C. § 1455(a).

service by expediting the deployment of the network facilities needed to provide wireless services.[13]

7. In 2014, the Commission adopted the *2014 Infrastructure Order*, which, among other things, codified rules to implement section 6409(a).[14] Commission rules provide that a State or local government must approve an eligible facilities request within 60 days of the date on which an applicant submits the request.[15] The Commission defined the term "eligible facilities request" as "[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment."[16] The Commission's rules provide that changes are "substantial" if they: exceed defined limits on increases in the height or girth of the structure or the number of associated equipment cabinets, involve excavation or deployment on ground outside a structure's current site, defeat the concealment elements of the preexisting structure, or violate conditions previously imposed by the local zoning authority.[17] The Commission also established procedures for when the 60-day shot clock for review may be tolled, as well as a "deemed granted" remedy in the event that states and localities fail to act on an eligible facilities request within the 60-day window.[18] In recent years, the Commission has taken additional actions to streamline review by State and local governments of wireless infrastructure.[19]

8. In August and September of 2019, WIA and CTIA filed separate Petitions for Declaratory Ruling asking, among other things, for the Commission to make certain clarifications to streamline the section 6409(a) process,[20] and WIA filed a Petition for Rulemaking seeking changes to

[13] *See* H.R. Rep. No. 112-399, at 136 (2012). A section-by-section analysis of the JOBS Act, a precursor to the Spectrum Act of 2012, was submitted in the Congressional Record during floor debate of the Middle Class Tax Relief and Job Creation Act of 2012. The analysis explains that the precursor section to section 6409(a) was intended to "streamline[] the process for siting of wireless facilities by preempting the ability of State and local authorities to delay collocation of, removal of, and replacement of wireless transmission equipment." 157 Cong. Rec. 2055 (2012) (statement of Rep. Fred Upton).

[14] 47 CFR § 1.6100; *2014 Infrastructure Order*, 29 FCC Rcd at 12922-65, paras. 135-241.

[15] 47 CFR § 1.6100(c); *2014 Infrastructure Order*, 29 FCC Rcd at 12952, 12955-57, paras. 206, 211, 212, 215.

[16] 47 CFR § 1.6100(b)(3). The statutory definition of "eligible facilities request" is slightly different. *See* 47 U.S.C. § 1455(a). Our use of the term eligible facilities request in this order relies on the definition set forth in the rule. *See also 2014 Infrastructure Order*, 29 FCC Rcd at 12944-45, 12955, paras. 188, 211.

[17] 47 CFR § 1.6100(b)(7)(i)-(vi).

[18] 47 CFR § 1.6100(c)(2)-(4).

[19] *See 2018 Small Cell Order*, 33 FCC Rcd at 9096-100, paras. 23-28, 32; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, WC Docket No. 17-84, Third Report & Order and Declaratory Ruling, 33 FCC Rcd 7705, 7775, 7777-79, paras. 140, 145-46 (2018) (*2018 Moratorium Order*) pets. for review pending, *American Elec. Power v. FCC*, et al. (9th Cir.).

[20] Petition of Wireless Infrastructure Association for Declaratory Ruling, WT Docket No. 19-250, at 2-4 (filed Aug. 27, 2019), https://ecfsapi.fcc.gov/file/109180312204232/19-250%20WIA%20Ex%20Parte%20(9-18-19).pdf (WIA Petition for Decl. Ruling); Petition of CTIA for Declaratory Ruling, WT Docket No. 19-250, WC Docket No. 17-84 at 2 (filed Sept. 6, 2019), https://ecfsapi.fcc.gov/file/1091954184161/190906%20CTIA%20Infrastructure%20PDR%20Final.pdf (CTIA Petition for Decl. Ruling). Although WIA and CTIA filed their Petitions for Declaratory Ruling in WT Docket No. 17-79, that proceeding does not address issues arising under section 6409(a) of the Spectrum Act. Rather, that proceeding focuses on wireless infrastructure deployment issues under sections 253 and 332(c)(7) of the Communications Act, the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA). Thus, the Public Notice opening this proceeding directed parties to use new WT Docket No. 19-250 for filings addressing the section 6409(a) issues raised in WIA's and CTIA's petitions. *See Wireless Telecommunications Bureau and Wireline Competition Bureau Seek Comment on WIA Petition For Rulemaking*, (continued….)

section 1.6100 of the Commission's rules.[21] The petitioners and individual wireless service providers assert that localities are misinterpreting the requirements of section 6409(a) and our implementing rules.[22] They contend that these misinterpretations are delaying 5G deployment and other needed infrastructure upgrades, and they urge us to clarify aspects of the Commission's rules implementing section 6409(a).[23]

9. Specifically, WIA's Petition for Declaratory Ruling asks the Commission to clarify: (1) when the section 6409(a) shot clock begins to run; and (2) whether the shot clock and "deemed granted remedy" apply to all authorizations necessary to deploy wireless infrastructure.[24] It also asks the Commission to clarify: (1) the definitions of "concealment elements," "equipment cabinets," and "current site;" (2) when a change to the size or height of an antenna is a "substantial change; (3) the interpretation of the separation clause in section 1.6100(b)(7)(i); (4) what are the "conditions associated with the siting approval" under section 1.6100(b)(7)(vi); and (5) that legal, non-conforming structures do not *per se* constitute substantial changes.[25] Additionally, WIA asks the Commission to clarify that localities may not issue conditional approvals under section 6409(a), nor may they needlessly impose processes to delay section 6409(a) approval.[26] CTIA's Petition requests clarification of the terms "concealment elements," "equipment cabinets," and "base station," under section 1.6100(b)(7), and it asks the Commission to find that applicants may lawfully construct facilities or make modifications if a locality has not issued all permits within the 60-day section 6409(a) shot clock and an application is deemed granted.[27]

10. Local governments allege that the current rules and processes are working well and that

(Continued from previous page)
WIA Petition For Declaratory Ruling and CTIA Petition For Declaratory Ruling, WT Docket No. 19-250, Public Notice, 34 FCC Rcd 8099, 8099 & n.4 (WTB/WCB 2019) (*WIA/CTIA Petitions Public Notice*).

[21] Petition of Wireless Infrastructure Association for Rulemaking, File No. RM-11849, https://ecfsapi.fcc.gov/file/108273047516225/WIA%20Petition%20for%20Rulemaking%20(8-27-19).pdf, (filed Aug. 27, 2019) (WIA Petition for Rulemaking). WIA's Petition for Rulemaking asks the FCC to amend section 1.6100 of the rules to determine that a compound expansion (*i.e.*, excavation outside the current boundaries of leased or owned properties surrounding a tower site) is a "substantial change" under section 6409(a) only if excavation occurs more than 30 feet from a tower site boundary. The Petition for Rulemaking also asks the FCC to adopt rules requiring that (1) any fees charged for processing eligible facilities requests represent no more than a reasonable approximation of actual and direct costs incurred; and (2) an applicant's failure to pay disputed fees is not a valid basis for denial or refusal to process an eligible facilities request. WIA Petition for Rulemaking at 9-13.

[22] *See, e.g.*, WIA Petition for Decl. Ruling at 2; CTIA Petition for Decl. Ruling, at 3-4, 7-9; AT&T Comments at 2, 5; Competitive Carriers Association (CCA) Comments at 2; Crown Castle Comments at 4-6; CTIA Comments at 2-3, 6; CTIA Reply at 5-6; Extenet Comments at 21; Free State Comments at 2; T-Mobile Comments at 3, 6-7; WIA Comments at 3.

[23] WIA Petition for Decl. Ruling at 5-7; CTIA Petition for Decl. Ruling at 4-5. *See, e.g.*, CTIA Petition for Decl. Ruling at i-ii ("While the Commission's rules implementing Sections 6409 and 224 have played a vital role in promoting wireless infrastructure deployment, experience with these rules in the years since their adoption has identified areas of uncertainty and inconsistent application that slow down deployment and undermine Congressional and Commission intent.").

[24] WIA Petition for Decl. Ruling at 5-8.

[25] WIA Petition for Decl. Ruling at 9-10, 13, 16-20.

[26] WIA Petition for Decl. Ruling at 20, 21.

[27] CTIA Petition for Decl. Ruling at 9-16. CTIA also asks the Commission to clarify provisions of section 224 of the Communications Act related to accessing light poles, accessing space on poles, and pole attachment agreements. CTIA Petition for Decl. Ruling at 20-28. The portion of CTIA's Petition for Declaratory Ruling concerning pole attachments under section 224 of the Communications Act is being considered in WC Docket No. 17-84 and is not a subject of this Declaratory Ruling.

they are making efforts to comply with section 6409(a) and to process applications expeditiously.[28] They maintain that they have no interest in thwarting wireless network upgrades or delaying the deployment of appropriate facilities. They further claim that, to the extent their reviews are delayed at all, most of the delays are caused by applicants' errors[29] or their contractors' delays,[30] rather than by any improper local government review practices. They contend that the industry parties' arguments and proposals are premised on vague, unsubstantiated, and often false allegations that fail to identify specific localities or provide sufficiently concrete descriptions of their alleged violations.[31]

III. DECLARATORY RULING

11. In this *Declaratory Ruling*, we clarify several key elements that determine whether a modification request qualifies as an eligible facilities request that a State or local government must approve within 60 days, and we clarify when the 60-day shot clock for review of an eligible facilities request commences. These interpretations provide greater certainty to applicants for State and local government approval of wireless facility modifications, as well as to the reviewing government agencies, and these interpretations should accelerate the deployment of advanced wireless networks.

12. Specifically, we clarify that:

- The 60-day shot clock in section 1.6100(c)(2) begins to run when an applicant takes the first procedural step in a locality's application process and submits written documentation showing that a proposed modification is an eligible facilities request;
- The phrase "with separation from the nearest existing antenna not to exceed twenty feet" in section 1.6100(b)(7)(i) allows an increase in the height of the tower of up to twenty (20) feet between antennas, as measured from the top of an existing antenna to the bottom of a proposed new antenna on the top of a tower;
- The term "equipment cabinets" in section 1.6100(b)(7)(iii) does not include relatively

[28] *See, e.g.*, City of Huntington Beach Comments at 1; NATOA Comments at 7; NATOA Reply at 3; City of Newport News Comments at 2; New York City Comments at 2; National League of Cities (NLC) Comments at 7; NLC Reply at 6-7; San Francisco Reply at 2-3; Seattle Comments at 1.

[29] *See, e.g.*, San Diego Comments at 4-5 (summarizing survey finding that more than 70% of EFR requests processed by 8 jurisdictions since 2014 required at least two incomplete notices before the applicant provided all needed information, adding an average of 29 days to the process; about 20% required a third notice, adding an average of 31 days; and 5% required a fourth notice, adding an average of 40 days); *id.* at 10-11 (examples of applicant misconduct include a provider's leaving small cell applications on the counter at town hall and later sending a letter asserting that the shot clock had commenced). The City of San Diego filed comments and reply comments jointly with 33 other municipal and county governments, referring to themselves collectively as the "Western Communities Coalition." For purposes of simplicity and easy identification, we refer to this group of commenters as "San Diego" throughout. *See also* NLC Comments at 27 (stating that Montgomery County, MD completes section 6409(a) review, on average, within 60 days, but about 24 of those days are spent waiting for applicants to correct errors, and more than half of EFRs require at least one request for submission of missing information).

[30] NLC Comments at 4-5 (asserting that from January through October 2019, the City of Portland, Oregon received 82 small wireless facilities permit applications, including 72 subject to section 6409(a), and that 17 of the 50 applications that the city had finished reviewing were not picked up by a contractor for a least a month after the city approved them); San Diego Comments at 5 (reporting that, based on the 650 EFRs that the City of San Diego reviewed pursuant to section 6409(a), applicants' contractors picked up building permits about 129 days after the city issued them, on average – approximately three times the length of time that the city took to process and approve them). *See also* Seattle Comments at 4-6 (asking the Commission to examine the problematic practices and processes employed by wireless companies and their contractors).

[31] *See, e.g.*, San Diego Comments at 1-3, 9; NLC Comments at 2-3; NLC Reply at 2-3 (industry parties fail to respond to documented information submitted by localities).

small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted behind antennas, and up to four such cabinets may be added to an existing facility per separate eligible facilities request;

- The term "concealment element" in section 1.6100(b)(7)(v) means an element that is part of a stealth-designed facility intended to make a structure look like something other than a wireless facility, and that was part of a prior approval;
- To "defeat" a concealment element under section 1.6100(b)(7)(v), a proposed modification must cause a reasonable person to view a structure's intended stealth design as no longer effective; and
- The phrase "conditions associated with the siting approval" may include aesthetic conditions to minimize the visual impact of a wireless facility as long as the condition does not prevent modifications explicitly allowed under sections 1.6100(b)(7)(i)-(iv) (antenna height, antenna width, equipment cabinets, and excavations or deployments outside the current site) and so long as there is express evidence that at the time of approval the locality required the feature and conditioned approval upon its continuing existence.

13. Certain parties contend that we lack legal authority to adopt the rulings requested in the petitions, which they contend do not just clarify or interpret the rules established in 2014 but also change them, requiring that we issue a Notice of Proposed Rulemaking followed by a Report and Order.[32] As an initial matter, we note that we are not adopting all of the rulings requested in WIA's and CTIA's petitions for declaratory ruling because we find incremental action to be an appropriate step at this juncture, particularly given, as mentioned above, that the Commission has continued to take steps to ease barriers to deployment of wireless infrastructure since adopting rules to implement section 6409(a).[33] Our determinations in this Declaratory Ruling are intended solely to interpret and clarify the meaning and scope of the existing rules set forth in the *2014 Infrastructure Order*, in order to remove uncertainty and in light of the differing positions of the parties on these questions.[34] In addition, we find it appropriate to initiate a Notice of Proposed Rulemaking regarding tower site boundaries or excavation or deployment outside the boundaries of an existing tower site, in order to consider whether modifications of our rules are needed to resolve current disputes. We intend, with these steps, to continue to advance the same goals that led the Commission to adopt regulations implementing section 6409(a) in the first instance – to avoid ambiguities leading to disputes that could undermine the goals of the Spectrum Act, i.e., to advance wireless broadband service.[35]

[32] *See, e.g.*, NLC Comments at ii, 2 (the interpretations requested by WIA and CTIA "are not 'clarifications' – these are, in fact, substantial changes to the Section 6409(a) regime, and inconsistent with … the Commission's prior rulings" – and consequently, the Commission "cannot proceed purely on the basis of these petitions [by Declaratory Ruling], and should instead advance a clear proposal of its own, consistent with the APA.") (citing *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92 (2015)); San Diego Comments at 1, 3 (same).

[33] For example, we do not address WIA's and CTIA's requests for clarification that the shot clock and deemed granted rules apply to all permits relating to a proposed modification, including authorizations relating to compliance with health and safety rules. WIA Petition for Decl. Ruling at 2; CTIA Petition for Decl. Ruling at 3-4, 7-9. Nor do we address CTIA's request for clarification of the permissible increases in the height of base stations, CTIA Petition for Decl. Ruling at 15-16. We do, however, clarify some of the limitations raised by WIA that apply to "conditions of approval" under section 1.6100(b)(7)(vi). WIA Petition for Decl. Ruling at 14-16, 19-24. Additionally, as noted herein, we offer other clarifications and seek comment on rule changes.

[34] In a few instances, we also provide further guidance on the interpretation of the underlying statute with regard to issues that the rules and the *2014 Infrastructure Order* do not directly address.

[35] *See 2014 Infrastructure Order*, 29 FCC Rcd at 12922-26, paras. 135-44.

A. Commencement of Shot Clock

14. Section 1.6100(c)(2) provides that the 60-day review period for eligible facilities requests begins "on the date on which an applicant submits [an eligible facilities request] seeking review."[36] If the local jurisdiction "fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted."[37] The *2014 Infrastructure Order* discusses the procedures that local governments need to implement in order to carry out their obligations to approve eligible facilities requests within 60 days;[38] it does not, however, define the date on which an applicant is deemed to have submitted an eligible facilities request for purposes of triggering the 60-day shot clock.

15. There is evidence in the record that some local jurisdictions effectively postpone the date on which they consider eligible facilities requests to be duly filed (thereby delaying the commencement of the shot clock) by treating applications as incomplete unless applicants have complied with time-consuming requirements. Such requirements include meeting with city or county staff, consulting with neighborhood councils, obtaining various certifications, or making presentations at public hearings.[39] While some stakeholders may have assumed that, after the *2014 Infrastructure Order*, local governments would develop procedures designed to review and approve covered requests within a 60-day shot clock period,[40] many have not done so and instead continue to require applicants to apply for forms of authorizations that entail more "lengthy and onerous processes" of review.[41] In such jurisdictions, applicants may need to obtain clearance from numerous, separate municipal departments, which could make it difficult to ascertain whether or when the shot clock has started to run.[42]

16. To address uncertainty regarding the commencement of the shot clock, we clarify that, for purposes of our shot clock and deemed granted rules, an applicant has effectively submitted a request for approval that triggers the running of the shot clock when it satisfies *both* of the following criteria: (1) the applicant takes the first procedural step that the local jurisdiction requires as part of its applicable

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[36] 47 CFR § 1.6100(c)(2); *see also* 47 CFR § 1.6100(c)(3) ("The 60-day [shot clock] period begins to run when the application is filed. . . ."); *2014 Infrastructure Order*, 29 FCC Rcd at 12957, para. 216 ("[I]f an application covered by Section 6409(a) has not been approved by a State or local government within 60 days *from the date of filing*, accounting for any tolling, . . . the reviewing authority will have violated Section 6409(a)'s mandate to approve and not deny the request, and the request will be deemed granted") (emphasis added).

[37] 47 CFR § 1.6100(c)(4); *see also 2014 Infrastructure Order*, 29 FCC Rcd at 12957, para. 216 (noting that the 60-day "timeframe sets an absolute limit that—in the event of a failure to act— results in a deemed grant.").

[38] *2014 Infrastructure Order*, 29 FCC Rcd at 12955-58, paras. 212-13, 215-21.

[39] *See, e.g.*, Crown Castle Comments at 21 & n.51; AT&T Comments at 13, n.35 (citing *Douglas Cty. v. Crown Castle USA, Inc.*, 411 F. Supp. 3d 1176, 1182 (D. Colo. 2019) (noting county's characterization of carrier's filing as a "'Presubmittal Review Request,' not a formal EFR application"), *amended and superseded on other grounds*, No. 18-cv-03171-DDD-NRN, 2020 WL 109208 (D. Colo. Jan. 9, 2020)).

[40] *2014 Infrastructure Order*, 29 FCC Rcd at 12956, para. 214.

[41] *See, e.g.*, WIA Petition for Decl. Ruling at 8-9; T-Mobile Comments at 17 & n.64 (citing T-Mobile Reply Comments, WT Docket No. 13-238 (filed Mar. 5, 2014), Attach. A (Declaration of John L. Zembrusky) (identifying municipalities that lack section 6409(a) procedures and that insist on full-scale zoning review)).

[42] *See, e.g.*, T-Mobile Reply at 4-5 (describing municipal ordinances or informal processes in Richmond, CA, Torrance, CA, and Chapel Hill, NC, that require applicants to obtain building permits either before or after the eligible facilities request shot clock runs); Crown Castle Comments at 5-6 (describing the processes of a township in New York, a county in California, and town in Massachusetts that each require review by multiple municipal departments before a building permit will be approved); CTIA Petition for Decl. Ruling at 18 & n.41 (discussing several localities that require "sequential" approvals, in which a locality will issue a conditional use permit or other document that approves the EFR, and then also require an applicant to obtain a building permit or other authorization, which the locality claims is not subject to the section 6409(a) shot clock).

regulatory review process under section 6409(a), and, to the extent it has not done so as part of the first required procedural step, (2) the applicant submits written documentation addressing the applicable eligible facilities request criteria, including that the proposed modification would not cause a "substantial change" to the existing structure.[43]

17. By requiring that an applicant take the first procedural step required by the locality, our goal is to give localities "considerable flexibility" to structure their procedures for review of eligible facilities requests,[44] but prevent localities from "impos[ing] lengthy and onerous processes not justified by the limited scope of review contemplated" by section 6409(a).[45] In taking the first procedural step that the local jurisdiction requires as part of its applicable regulatory review process, applicants demonstrate that they are complying with a local government's procedures. The second criterion—requiring applicants to submit information demonstrating that the proposed modification does not constitute a "substantial change"—is necessary because localities must have the opportunity to review the information specified in section 1.6100(c)(1) in order to decide whether applications meet the criteria for an eligible facilities request that must be approved within 60 days.[46] We find that these criteria strike a reasonable balance between local government flexibility and the streamlined review envisioned by section 6409(a).[47]

18. In addition, we find that further clarifications are needed to achieve our goal of balancing local government flexibility with the streamlined review envisioned by section 6409(a). First, we clarify that a local government may not delay the triggering of the shot clock by establishing a "first step" that is outside of the applicant's control or is not objectively verifiable. For example, if the first step required by a local government is that applicants meet with municipal staff before making any filing, the applicant should be able to satisfy that first step by making a written request to schedule the meeting—a step within the applicant's control. In this example, the 60-day shot clock would start once the applicant has made a written request for the meeting and the applicant also has satisfied the second of our criteria by providing the requisite documentation. While we do not wish to discourage meetings between applicants and the local governments, as we recognize that such consultations may help avoid errors that localities have

[43] We provide this limited guidance in order to resolve uncertainty about what the Commission intended by its reference to when an applicant "submits a request seeking approval under this section." This guidance does not constitute a legislative rule, and we disagree with commenters that a further rulemaking would be required. *See* NATOA Reply at 5 (arguing that a "good faith" standard would be "a change to—not a clarification of—the current rule"); San Diego Comments at 6-8. The localities' comments are directed at relief not granted in this Declaratory Ruling and are therefore outside its scope.

[44] *2014 Infrastructure Order*, 29 FCC Rcd at 12956, para. 214 & n.595.

[45] *2014 Infrastructure Order*, 29 FCC Rcd at 12955, para. 212.

[46] *2014 Infrastructure Order*, 29 FCC Rcd at 12956-57, paras. 215-16 (60 days sufficient for eligible facilities request review).

[47] *Cf.* WIA Petition for Decl. Ruling at 8-9 (seeking ruling that "the Section 6409(a) shot clock begins to run once an applicant" makes "a good faith attempt to seek the necessary government approvals" by "submitting an EFR under any reasonable process," *i.e.*, "upon initial written submission in the case where a state or local government requires any type of pre-application submission or meetings."). Similarly, a number of providers request a ruling that the shot clock is not tolled by mandatory pre-application meetings or public hearings. *See, e.g.*, CTIA Comments at 12-13; Crown Castle Comments at 21-22; T-Mobile Comments at 4, 17; WISPA Comments at 6. Numerous providers support these proposals. *See, e.g.*, CTIA Comments at 13; AT&T Comments at 12-14; Crown Castle Comments at 22-23; Nokia Comments at 5-6; T-Mobile Comments at 16; Verizon Comments at 8-9; WISPA Comments at 6. By specifying concrete steps that are more specific and verifiable than the "good faith" standard that WIA proposed, we believe we will facilitate compliance by both localities and applicants. *See, e.g.*, NATOA Comments at 6 (criticizing WIA's proposed "good faith" standard); San Diego Comments at 6-8 (same).

identified as leading to delays,[48] such meetings themselves should not be allowed to cause delays or prevent these requests from being timely approved. As an additional example, a local government could not establish as its first step a requirement that an applicant demonstrate that it has addressed all concerns raised by the public, as such a step would not be objectively verifiable.

19. Second, we clarify that a local government may not delay the triggering of the shot clock by defining the "first step" as a combination or sequencing of steps, rather than a single step. For example, if a local government defines the first step of its process as separate consultations with a citizens' association, a historic preservation review board, and the local government staff, an applicant will trigger the shot clock by taking any one of those actions, along with providing the requisite documentation under our rules.[49] Once the shot clock has begun, it would not be tolled if the local government were to deny, delay review of, or require refiling of the application on the grounds that the local government's separate consultation requirements were not completed.[50] The local government would bear responsibility for ensuring that any separate consultations, as well as the substantive review of the proposed facility modification, are all completed within 60 days. If not, the eligible facilities request would be deemed granted under our rules.

20. Third, we clarify that a local government may not delay the start of the shot clock by declining to accept an applicant's submission of the documentation required under our rules to demonstrate satisfaction of the criteria for an eligible facilities request.[51] In addition, a local government may not delay the start of the shot clock by requiring an applicant to submit documentation *other than* the documentation required under our rules.[52] We clarify how our documentation rules apply in the context of the shot clock to provide certainty that unnecessary documentation requests do not effectively delay the shot clock as part of the local government's "first step," even if providing that documentation would be within the applicant's control and could be objectively verified. For example, if a locality requires as the first step in its section 6409(a) process that an applicant meet with a local zoning board, that applicant would not need to submit local zoning documentation as well in order to trigger the shot clock.

21. Fourth, we note that a local government may use conditional use permits, variances, or other similar types of authorizations under the local government's standard zoning or siting rules, in connection with the consideration of an eligible facilities request. We clarify, however, that requirements to obtain such authorizations may not be used by the local government to delay the start of the shot clock

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[48] *See, e.g.*, NLC Comments at 25-26; San Diego Comments at 29-30; Seattle Comments at 2 (asserting that applicants' errors account for far more delays in the review process for eligible facilities requests than improper review processes and arguing that pre-application meetings help applicants avoid errors and thus expedite review).

[49] 47 CFR § 1.6100(c)(1).

[50] *See 2014 Infrastructure Order*, 29 FCC Rcd at 12957, para. 217 ("[A]n initial determination of incompleteness tolls the running of the [shot clock] period only if the State or local government provides notice to the applicant in writing within 30 days of the application's submission [and]. . . clearly and specifically delineate[s] the missing information in writing. . . . Further, consistent with the documentation restriction established above, *the State or municipality may only specify as missing [such]information and supporting documents that are reasonably related to determining whether the request meets the requirements of Section 6409(a).*") (emphasis added). *See also* 47 CFR § 1.6100(c)(1) (setting forth the documentation required to be submitted by the eligible facilities request applicant); 47 CFR § 1.6100(c)(3) (setting forth criteria for tolling of the shot clock).

[51] 47 CFR § 1.6100(c)(1); *see also 2014 Infrastructure Order*, 29 FCC Rcd at 12956, para. 214 & n.595 (clarifying documentation requirements).

[52] 47 CFR § 1.6100(c)(1). This rule provides that "[w]hen an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities."

under the section 6409(a) process. The shot clock would begin once the applicant takes the first step in whatever process the local government uses in connection with reviewing applications subject to section 6409(a) and submits all documentation required under our rules. Subsequently, if the locality rejects the applicant's request to modify wireless facilities as incomplete based on requirements relating to such permits, variances or similar authorizations, the shot clock would not be tolled and the application would be deemed granted after 60 days if the application constitutes an eligible facilities request under our rules.

22. Fifth, we note that some jurisdictions have not established specific procedures for the review and approval of eligible facilities requests under section 6409(a). In those cases, we clarify that, for purposes of triggering the shot clock under section 6409(a), the applicant can consider the first procedural step to be submission of the type of filing that is typically required to initiate a standard zoning or siting review of a proposed deployment that is not subject to section 6409(a).[53]

23. We find that these clarifications serve to remove uncertainty about the scope and meaning of various provisions of section 1.6100 consistent with the text, history, and purpose of the *2014 Infrastructure Order*.[54] We also note that the commencement of the shot clock does not excuse the applicant from continuing to follow the locality's procedural and substantive requirements (to the extent those requirements are consistent with the Commission's rules), including obligations "to comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety."[55]

B. Height Increase for Towers Outside the Public Rights-of-Way

24. Adding new collocated equipment near or at the top of an existing tower can be an efficient means of expanding the capacity or coverage of a wireless network without the disturbances associated with building an entirely new structure. Adding this equipment to an existing tower would change the tower's physical dimensions, but if such a change is not "substantial," then a request to implement it would qualify as an eligible facilities request, and a locality would be required to approve it. Section 1.6100(b)(7)(i) provides that a modification on a tower outside of the public rights-of-way would cause a substantial change if it "increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater."[56]

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[53] Comparable modification requests might include applications to install, modify, repair, or replace wireless transmission equipment on a structure that is outside the scope of section 6409(a), or to mount cable television, wireline telephone, or electric distribution cables or equipment on outdoor towers or poles.

[54] We note that sections 253 and 332(c)(7) generally prohibit local governments from making regulatory decisions that "prohibit or have the effect of prohibiting" the provision of personal wireless service or other forms of telecommunications service by any provider. *See* 47 U.S.C. §§ 253(a) and 332(c)(7)(B)(i)(I). Accordingly, localities' regulatory decisions affecting eligible facilities requests are subject to sections 253 and 332(c)(7) as well as section 6409(a); and unless one of the narrow statutory safe harbors applies, localities may not use procedural mechanisms to deny covered requests and may not deny individual eligible facilities requests in a manner that "materially inhibits the provision of such [telecommunications] services," including by materially inhibiting providers' ability to "densify[] a wireless network, introduce[e] new services or otherwise improv[e] service capabilities." *2018 Small Cell Order*, 33 FCC Rcd at 9104-05, para. 37. Nor may localities regulate in a manner that creates *de facto* moratoria in the context of eligible facilities requests, such as "frequent and lengthy delays in. . . issuing permits and processing applications" or imposing "onerous conditions." *2018 Moratorium Order*, 33 FCC Rcd at 7779-80, paras. 149-150. While some delay in deployment does not constitute a *de facto* moratorium, "[s]ituations cross the line into *de facto* moratoria where the delay continues for an unreasonably long or indefinite amount of time such that providers are discouraged from filing applications, or the action or inaction has the effect of preventing carriers from deploying certain types of facilities or technologies." *Id.* at 7781, para. 150.

[55] *2014 Infrastructure Order*, 29 FCC Rcd at 12951, para. 202.

[56] 47 CFR § 1.6100(b)(7)(i) (emphasis added). Section 1.6100(b)(7)(i) establishes different standards governing whether a "substantial change" would result from an increase in the height of a tower located outside of the public (continued….)

25. Commenters assert that they have two different interpretations of the meaning of this language in section 1.6100(b)(7)(i). Industry commenters read section 1.6100(b)(7)(i) as allowing a new antenna to be added without being a substantial change if there is no more than twenty feet in "separation" between the existing and new antennas, and that the size/height of the new antenna itself is irrelevant to the concept of "separation."[57] Localities appear to be of the view, however, that such an interpretation strains what the statute and regulations would permit—creating different standards for antenna height depending on where it is located and leading to indefinite increases in antenna height under a streamlined process not designed for that purpose.[58] Adding an antenna array to a tower out of the public right-of-way that increases the height of the tower would not be considered a substantial change, by itself, if there is no more than twenty feet of separation between the nearest existing antenna. The phrase "separation from the nearest existing antenna" means the distance from the top of the highest existing antenna on the tower to the *bottom* of the proposed new antenna to be deployed above it. Thus, when determining whether an application satisfies the criteria for an eligible facilities request, localities should not measure this separation from the top of the existing antenna to the *top* of the new antenna, because the height of the new antenna itself should not be included when calculating the allowable height increase. Rather, under our interpretation, the word "separation" refers to the distance from the top of the existing antenna to the bottom of the proposed antenna. Interpreting "separation" otherwise to include the height of the new antenna could limit the number of proposed height increases that would qualify for section 6409(a) treatment, given typical antenna sizes and separation distances between antennas, which would undermine the statute's objective to facilitate streamlined review of modifications of existing wireless structures.

26. Specifically, and in response to commenters' arguments regarding the language in section 1.6100(b)(7)(i), we find that our resolution today is consistent with the long-established interpretation of the comparable standard set forth in the 2001 *Collocation Agreement* for determining the maximum size of a proposed collocation that is categorically excluded from historic preservation review.[59] Commission staff explained, in a fact sheet released in 2002, that under this provision of the *Collocation Agreement*, if a "150-foot tower… already [has] an antenna at the top of the tower, the tower height could increase by up to 20 feet [*i.e.*, the "separation" distance] *plus* the height of a new antenna to be located at the top of the tower" without constituting a substantial increase in size.[60] That standard was the source of the standard for the allowable height increases for towers outside the rights-of-way that the Commission

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rights-of-way versus the increase in the height of a base station (*i.e.*, a structure other than a tower that supports collocated transmission equipment) or a tower located within the rights-of-way. Our focus here is on the definition of height increases for towers outside the rights-of-way.

[57] *See* CTIA Comments at 10-11; Crown Castle Comments at 15-16; CTIA and Crown Castle urge the Commission to clarify that, in the case of a tower, section 1.6100(b)(7)(i) allows a new antenna to be added without constituting a substantial change if there is up to 20 feet in "separation" between the existing and new antennas. They assert that the size/height of the new antenna itself is irrelevant to the concept of "separation." Both commenters argue that this interpretation is consistent with the Collocation NPA and is needed to counter locality attempts to include the dimensions of the new antenna itself into the 20 feet limit.

[58] *See* San Diego Comments at 47-48; *see also* San Diego Reply at 80-82 (arguing that the requested clarification would eliminate any maximum height limit for towers).

[59] *See* National Programmatic Agreement for the Collocation of Wireless Antennas, 47 CFR pt. 1, Appx. B (*Collocation Agreement*), § I.E (a collocation on an existing tower causes a "substantial increase in the size of the tower" if it would increase the tower's existing height by an amount more than "10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas.").

[60] *Wireless Telecommunications Bureau and Mass Media Bureau Announce the Release of a Fact Sheet Regarding the March 16, 2001 Antenna Collocation Programmatic Agreement,* Public Notice, 17 FCC Rcd 508 (2002).

adopted in the *2014 Infrastructure Order*.[61]

27. Our interpretation also aligns with the clarification sought by WIA and other industry parties.[62] We reject the argument that this interpretation creates irrational inconsistences among height increase standards depending on the type of structure and whether a tower is inside or outside the rights-of-way.[63] As we discussed in the *2014 Infrastructure Order*, limits on height and width increases should depend on the type and location of the underlying structure.[64] We therefore adopted the *Collocation Agreement's* "substantial increase in size" test for towers outside the rights-of-way,[65] and we adopted a different standard for non-tower structures.[66] Localities are rearguing an issue already settled in the *2014 Infrastructure Order* when they urge that the same height increase standard should apply to different types of structures.[67] We also reject the argument that this interpretation would lead to virtually unconstrained increases in the height of such towers.[68] These concerns are unwarranted because the*2014 Infrastructure Order* already limits the cumulative increases in height from eligible modifications and nothing in this Declaratory Ruling changes those limits.[69]

28. Our clarification is limited to section 1.6100(b)(7)(i) and the maximum increase in the height of a tower outside the rights-of-way allowed pursuant to an eligible facilities request under section 6409(a). We remind applicants that "eligible facility requests covered by section 6409(a) must comply with any relevant Federal requirement, including any applicable Commission, FAA, NEPA, or section 106 [historic review] requirements."[70]

C. Equipment Cabinets

29. To upgrade to 5G and for other technological and capacity improvements, providers often add equipment cabinets to existing wireless sites. Section 1.6100(b)(7)(iii) provides that a proposed modification to a support structure constitutes a substantial change if "it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets."[71] Some localities suggest that telecommunications transmission equipment manufactured with

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[61] *2014 Infrastructure Order*, 29 FCC Rcd at 12946, para. 192.

[62] WIA Petition for Decl. Ruling at 17-18; CTIA Comments at 10-11; Crown Castle Comments at 15-16.

[63] *Cf.* San Diego Comments at 47-48 (arguing that WIA's interpretation would create an inconsistency between the height increase standard for towers outside public rights-of-way and the standard for other structures).

[64] *2014 Infrastructure Order*, 29 FCC Rcd at 12946, para. 192.

[65] 47 CFR § 1.6100(b)(7)(i); *2014 Infrastructure Order*, 29 FCC Rcd at 12946, para. 192; *Collocation Agreement* § I.C(1).

[66] *2014 Infrastructure Order*, 29 FCC Rcd at 12946-47, para. 193; *see* 47 CFR § 1.6100(b)(7)(i) (stating a substantial change would occur for other eligible support structures when, "it increases the height of the structure by more than 10% or more than ten feet, whichever is greater").

[67] 47 CFR § 1.6100(b)(7)(i). *See 2014 Infrastructure Order*, 29 FCC Rcd at 12946-48, paras. 193-95 (explaining reasons for different standards).

[68] San Diego Reply at 80-82 (quoting *2014 Infrastructure Order*, 29 FCC Rcd at 12949, para. 197).

[69] 47 CFR § 1.6100(b)(7)(i)(A); *2014 Infrastructure Order*, 29 FCC Rcd at 12948-49, paras. 196-97 (stating that "our substantial change criteria for changes in height should be applied as limits on cumulative changes; otherwise, a series of permissible small changes could result in an overall change that significantly exceeds our adopted standards.").

[70] *2014 Infrastructure Order*, 29 FCC Rcd at 12951, para. 203.

[71] *See* 47 CFR § 1.6100(b)(7)(iii). Section 1.6100(b)(7)(iii) imposes additional restrictions on equipment cabinet installations that constitute a substantial change in the context of towers in the public ROW and base stations either within or outside the public ROW. Petitioners do not raise issues regarding these additional provisions.

outer protective covers can be "equipment cabinets" under section 1.6100(b)(7)(iii) of the rules.[72] We conclude that localities are interpreting "equipment cabinet" under section 1.6100(b)(7)(iii) too broadly to the extent they are treating equipment itself as a cabinet simply because transmission equipment may have protective housing. Nor does a small piece of transmission equipment mounted near an antenna become an "equipment cabinet" simply because it is more visible when mounted above ground.[73] Consistent with common usage of the term "equipment cabinet" in the telecommunications industry, small pieces of equipment such as remote radio heads/remote radio units, amplifiers, transceivers mounted behind antennas, and similar devices are not "equipment cabinets" under section 1.6100(b)(7)(iii) if they are not used as physical containers for smaller, distinct devices.[74] Moreover, we note that section 1.6100(b)(3) defines an "eligible facilities request" (i.e., a request entitled to streamlined treatment under section 6409(a)) as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station and that involves the collocation, removal or replacement of "transmission equipment."[75] Interpreting "transmission equipment," an element required in order for a modification to qualify for streamlined treatment, with "equipment cabinets," an element that is subject to numerical limits that can cause the modification not to qualify for streamlined treatment, would strain the intended purposes of sections 1.6100(b)(3) and 1.6100(b)(7)(iii). We do not address here other aspects of the definition of equipment cabinets on which industry commenters seek clarification.[76]

30. In addition, we clarify that the maximum number of additional equipment cabinets that can be added under the rule is measured for each separate eligible facilities request. According to WIA, one unidentified city in Tennessee interprets the term "not to exceed four cabinets" in section 1.6100(b)(7)(iii) as "setting a cumulative limit, rather than a limit on the number of cabinets associated with a particular eligible facilities request."[77] We find that such an interpretation runs counter to the text of section 1.6100(b)(7)(iii), which restricts the number of "new" cabinets per eligible facilities request. The city's interpretation ignores the fact that the word "it" in the rule refers to a "modification" and supports the conclusion that the limit on equipment cabinet installations applies separately to each eligible facilities request.[78]

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[72] San Diego Comments at 41-42, 44.

[73] *Contra* San Diego Comments at 44 (stating, "CTIA suggests that the difference is the size and location of the equipment enclosure, not its function. To adopt the industry's definition is nonsensical given that it is the function that controls, and locational visibility matters. The industry omits the fact that RRUs located near the antennas creates substantial visible bulk, as do RRUs and associated equipment above ground, and that bulk is more visible than ground mounted cabinets or for new cabinets installed existing enclosures.").

[74] *Accord* CTIA Petition for Decl. Ruling at 13; WIA Petition for Decl. Ruling at 13; Crown Castle Comments at 11. *Cf.* San Diego Comments at 42 & n.114 (citing technical documents referring to equipment cabinets as containers for smaller devices).

[75] 47 CFR § 1.6100(b)(3).

[76] We find this relief to suffice at this stage and thus do not address the industry parties' contention that, in the portion of section 1.6100(b)(7)(iii) applicable to any eligible support structure, the term "equipment cabinets" applies only to cabinets installed on the ground and not to those mounted above ground level on the side of structures. *See* CTIA Petition for Decl. Ruling at 5, 13-14; WIA Petition for Decl. Ruling at 13-14; AT&T Comments at 8-10; Crown Castle Comments at 10-11; T-Mobile Comments at 4-5, 19-20; Verizon Comments at 9; *contra* San Diego Comments at 41-44; NLC Comments at 20-21.

[77] WIA Petition for Decl. Ruling at 13.

[78] This conclusion is also supported by the context of the rule as a whole. The number and size of preexisting cabinets are irrelevant to the limitation on equipment cabinets on eligible support structures, in contrast to the rest of the rule, which takes into account whether there are preexisting ground cabinets at the site and whether proposed new cabinets' volume exceeds the volume of preexisting cabinets by more than 10%. 47 CFR § 1.6100(b)(7)(iii).

D. Concealment Elements

31. Section 1.6100(b)(7)(v) states that a modification "substantially changes" the physical dimensions of an existing structure if "[i]t would defeat the concealment elements of the eligible support structure."[79] The *2014 Infrastructure Order* provides that, "in the context of a modification request related to concealed or 'stealth'-designed facilities —*i.e.*, facilities designed to look like some feature other than a wireless tower or base station—any change that defeats the concealment elements of such facilities would be considered a 'substantial change' under Section 6409(a)."[80] The *2014 Infrastructure Order* notes that both locality and industry commenters generally agreed that "a modification that undermines the concealment elements of a stealth wireless facility, such as painting to match the supporting façade or artificial tree branches, should be considered substantial under Section 6409(a)."[81]

32. Stakeholders subsequently have interpreted the definition of "concealment element" and the types of modifications that would "defeat" concealment in different ways. Petitioners and industry commenters urge the Commission to clarify that the term "concealment element" only refers to "a stealth facility or those aspects of a design that were specifically intended to disguise the appearance of a facility, such as faux tree branches or paint color."[82] T-Mobile states that some localities are "proffering 'creative or inappropriate' regulatory interpretations of what a concealment element is."[83] Locality commenters counter that there is more to concealment than "fully stealthed facilities and semi-stealthed monopines."[84] They argue that the proposed changes would undermine the ability of local jurisdictions to enforce regulations designed to conceal equipment.[85] NLC asserts that many attributes of a site contribute to concealment, such as the "specific location of a rooftop site, or the inclusion of equipment in a particular architectural feature."[86] Locality commenters contend that limiting concealment elements to features identified in the original approval would negate land use requirements that were a factor in the original deployment but not specified as such.[87]

33. *Clarification of "Concealment Element."* We clarify that concealment elements are elements of a stealth-designed facility intended to make the facility look like something other than a wireless tower or base station.[88] The *2014 Infrastructure Order* defines "concealed or 'stealth'"-designed

[79] 47 CFR § 1.6100(b)(7)(v).

[80] *2014 Infrastructure Order*, 29 FCC Rcd at 12949-50, para. 200.

[81] *2014 Infrastructure Order*, 29 FCC Rcd at 12949-50, para. 200.

[82] CTIA Petition for Decl. Ruling at 12; *see also* WIA Reply at 24; T-Mobile Comments at 4, 8; AT&T Comments at 7; ATC Comments at 9-10; Crown Castle Comments at 9-10.

[83] T-Mobile Comments at 7-8; *see also* AT&T Comments at 6-7; ATC Comments at 9-10; Crown Castle Comments at 8.

[84] NLC Comments at 17.

[85] Gwen Kennedy Comments at 1 (rec. Nov. 13, 2019) (filed on behalf of Loudoun County, Virginia) (Loudoun County Comments).

[86] NLC Comments at 17, 19.

[87] NATOA Comments at 9; *see also* Chino Hills Comments at 2; NLC Comments at 18; NLC Reply at 6; Loudoun County Comments at 1. NATOA notes that many towers and collocations were approved "long before the enactment of Section 6409 and the Commission's Rules [and there] was no way for municipalities to know that the conditions of approval would be ignored if they did not use magic words adopted years later." NATOA Comments at 9; *see also* NLC Comments at 18; San Diego Comments at 38.

[88] *Contra* NATOA Comments at 8 (contending that Petitioners' requests for clarification are a "substantial change to the Rules that would unreasonably narrow the common meaning of 'concealment elements.'"); San Diego Comments at 31 ("The Petitioners' arguments attempt to expand the scope of eligible facilities requests by narrowing the definition of concealment elements."). The rules and *2014 Infrastructure Order* do not provide (continued….)

facilities as "facilities designed to look like some feature other than a wireless tower or base station," and further provides that any change that defeats the concealment elements of *such* facilities would be considered a substantial change under section 6409(a).[89] Significantly, the *2014 Infrastructure Order* identified parts of a stealth wireless facility such as "painting to match the supporting façade or artificial tree branches" as examples of concealment elements.[90] We agree with industry commenters that concealment elements are those elements of a wireless facility installed for the purpose of rendering the "appearance of the wireless facility as something fundamentally different than a wireless facility,"[91] and that concealment elements are "confined to those used in stealth facilities."[92]

34. We disagree with localities who argue that any attribute that minimizes the visual impact of a facility, such as a specific location on a rooftop site or placement behind a tree line or fence, can be a concealment element.[93] As localities acknowledged in comments they submitted in response to the *2013 Infrastructure NPRM*, "local governments often address visual effects and concerns in historic districts not through specific stealth conditions, but through careful placement" conditions.[94] Our rules separately address conditions to minimize the visual impact of non-stealth facilities under section 1.6100(b)(7)(vi) governing "conditions associated with the siting approval."[95] The Commission narrowly defined concealment elements to mean the elements of a stealth facility, and no other conditions fall within the scope of section 1.6100(b)(7)(v).

35. We also clarify that, in order to be a concealment element under section 1.6100(b)(7)(v), the element must have been part of the facility that the locality approved in its prior review.[96] Our clarification that concealment elements must be related to the locality's prior approval is informed by the *2014 Infrastructure Order* and its underlying record, which assumed that "stealth" designed facilities in

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detailed guidance on when modifications "defeat the concealment elements" under section 1.6100(b)(7)(v), and we disagree that providing clarity on existing language constitutes a rule change.

[89] *2014 Infrastructure Order*, 29 FCC Rcd at 12950, para. 200.

[90] *2014 Infrastructure Order*, 29 FCC Rcd at 12949-50, para. 200; *see also* WIA Petition for Decl. Ruling at 11 ("Faux tree branches serve no other purpose than to create the appearance that a tower is a tree. Painting a rooftop antenna to match the building serves no purpose other than to enhance the appearance of the building.").

[91] WIA Petition for Decl. Ruling at 11; *see also* AT&T Reply at 6 ("[T]he Commission should clarify [] that (1) 'concealment elements' refer only to the 'stealth' elements of a structure that disguise the structure as something other than a wireless site . . . ."); CCA Comments at 7-8 ("In the *2014 Order*, the Commission described concealment elements as those tailored to make wireless facilities 'look like some feature other than a wireless tower or base station,' and specifically identified 'painting to match the supporting façade' and 'artificial tree branches' as examples."); Letter from Cathleen Massey, Vice President of Regulatory Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-250 et. al., at 2 & n.6 (filed May 13, 2020) ("the Commission should clarify that 'concealment elements' means 'a stealth facility or those aspects of a deployment's design that were specifically intended to disguise the appearance of a facility'").

[92] CTIA Petition for Decl. Ruling at 10.

[93] *See* National League of Cities Comments at 16-17; *see also* NATOA Comments at 8-9.

[94] *See* City of Alexandria, Virginia; City of Arlington, Texas; City of Bellevue Washington; City of Boston, Massachusetts; City of Davis, California; City of Los Angeles, California; Los Angeles County, California; City of McAllen, Texas; Montgomery County, Maryland; City of Ontario, California; Town of Palm Beach, Florida; City of Portland, Oregon; City of Redwood City, California; City of San Jose, California; Village of Scarsdale, New York; City of Tallahassee, Florida; Texas Coalition of Cities for Utility Issues; Georgia Municipal Association; International Municipal Lawyers Association; and American Planning Association (Alexandria et al.) Reply at 18-19; *see also* Alexandria et al. Comments at 19.

[95] 47 CFR § 1.6100(b)(7)(vi).

[96] *See 2014 Infrastructure Order*, 29 FCC Rcd at 12945, 12949, paras. 188, 200.

most cases would be installed at the request of an approving local government.[97] Further, in the *2014 Infrastructure Order*, the Commission stated that a modification would be considered a substantial increase if "it would defeat the *existing* concealment elements of the tower or base station."[98] We clarify that the term "existing" means that the concealment element existed on the facility that was subject to a prior approval by the locality. In addition, the record in the *2014 Infrastructure Order*, as relied upon by the Commission, characterized stealth requirements as identifiable, pre-existing elements in place before an eligible facilities request is submitted.[99]

36. Regarding the meaning of a prior approval in the context of an "existing" concealment element, we note that section 1.6100(b)(7)(i) provides that permissible increases in the height of a tower (other than a tower in the public rights-of-way) should be measured relative to a locality's original approval of the tower or the locality's approval of any modifications that were approved prior to the passage of the Spectrum Act.[100] We find it reasonable to interpret an "existing" concealment element relative to the same temporal reference points, which are intended to allow localities to adopt legitimate requirements for approval of an original tower at any time but not to allow localities to adopt these same requirements for a modification to the original tower (except for a modification prior to the Spectrum Act when localities would not have been on notice of the limitations in section 6409(a)).[101] In other words, the purpose of section 1.6100(b)(7)(v) is to identify and preserve prior local recognition of the need for such concealment, but not to invite new restrictions that the locality did not previously identify as necessary. Accordingly, we clarify that under section 1.6100(b)(7)(v), a concealment element must have been part of the facility that was considered by the locality at the original approval of the tower or at the modification to the original tower, if the approval of the modification occurred prior to the Spectrum Act or lawfully outside of the section 6409(a) process (for instance, an approval for a modification that did not qualify for streamlined section 6409(a) treatment).

37. We are not persuaded by localities' arguments that our clarification would negate land use requirements that were a factor in the approval of the original deployment even if those requirements were not specified as a condition.[102] Our clarification does not mean that a concealment element must have been explicitly articulated by the locality as a condition or requirement of a prior approval. Magic words are not needed to demonstrate that a locality considered in its approval that a stealth design for a telecommunications facility would look like something else, such as a pine tree, flag pole, or chimney. However, it would be inconsistent with the purpose of section 6409(a) – facilitating wireless infrastructure deployment – to give local governments discretion to require new concealment elements that were not part of the facility that was subject to the locality's prior approval.[103] We expect that this

[97] *2014 Infrastructure Order*, 29 FCC Rcd at 12949-50, para. 200.

[98] *See 2014 Infrastructure Order*, 29 FCC Rcd at 12945, para. 188 (emphasis added).

[99] *See 2013 Infrastructure NPRM*, 28 FCC Rcd at 14284, para. 127.

[100] 47 CFR § 1.6100(b)(7)(i)(A).

[101] By permitting localities to rely on concealment elements required when approving modifications of towers prior to the Spectrum Act, we address in part locality concerns about concealment conditions imposed on older structures after an original approval. *See, e.g.*, San Diego Comments at 38 (stating that WIA's request for clarification that concealment elements must have been named in the initial approval "would unfairly and retroactively punish both communities and providers who had no notice, and therefore no reason to expect that regulation would be premised upon such a requirement.").

[102] NATOA Comments at 9.

[103] NATOA Comments at 9; *see also* Chino Hills Comments at 2; NLC Comments at 18; NLC Reply at 6; Gwen Kennedy Comments at 1 (rec. Nov. 13, 2019) (filed on behalf of Loudoun County, Virginia) (Loudoun County Comments) (stating that the proposed clarifications would undermine the ability of local jurisdictions to enforce regulations designed to conceal equipment). NATOA insists that many towers and collocations were approved "long before the enactment of Section 6409 and the Commission's Rules [and there] was no way for municipalities (continued….)

clarification will also promote the purpose of the rules to provide greater certainty to localities and applicants as to whether a concealment element exists.

38. *Clarification of "Defeat Concealment."* Next, we clarify that, to "defeat concealment," the proposed modification must cause a reasonable person to view the structure's intended stealth design as no longer effective after the modification. In other words, if the stealth design features would continue effectively to make the structure appear not to be a wireless facility, then the modification would not defeat concealment. Our definition is consistent with dictionary definitions and common usage[104] of the term "defeat" and is supported by the record.[105] Our clarification is necessary because, as industry commenters point out, some localities construe even small changes to "defeat" concealment, which delays deployment, extends the review processes for modifications to existing facilities, and frustrates the intent behind section 6409(a).[106]

39. *Examples of Whether Modifications Defeat Concealment Elements*. We offer the following examples to provide guidance on concealment elements and whether or not they have been defeated to help inform resolution of disputes should they arise:

- In some cases, localities take the position that the placement of coaxial cable on the outside of a stealth facility constitutes a substantial change based on the visual impact of the cable. Coaxial cables typically range from 0.2 inches to slightly over a half-inch in diameter,[107] and it is extremely unlikely that such cabling would render the intended stealth design ineffective at the distances where individuals would view a facility.
- In other cases, localities have interpreted any change to the color of a stealth tower or structure as defeating concealment.[108] Such interpretations are overly broad and can

(Continued from previous page)
to know that the conditions of approval would be ignored if they did not use magic words adopted years later." NATOA Comments at 9; *see also* NLC Comments at 18; San Diego Comments at 38 (stating that WIA's request for clarification that concealment elements must have been named in the initial approval "would unfairly and retroactively punish both communities and providers who had no notice, and therefore no reason to expect that regulation would be premised upon such a requirement.").

[104] *See Defeat*, Black's Law Dictionary (11th ed. 2019) (*Defeat* means "2. To annul or render (something) void. 3. To vanquish; to conquer (someone or something). 4. To frustrate (someone or something).").

[105] *See* Crown Castle Comments at 9-10 (suggesting that, in order to defeat a concealment element, a modification "must entirely render the concealment void or useless"); AT&T Comments at 8 (stating that a modification must "materially change" the appearance of a concealment element for there to be "substantial change").

[106] T-Mobile Comments at 7-8; Crown Castle Comments at 9-10; CCA Comments at 5; *see also* ATC Reply at 6, n.13 (arguing that adoption of Petitioners' clarifications regarding "defeat" will "allow for appropriate, real world, case-by-case analysis of those elements which actually contribute to concealment"); AT&T Comments at 6-7; CTIA Comments at 8 ("localities are broadly treating the *entire structure* as a concealment element, or otherwise improperly invoking the rule to deem a modification to be substantial."); Crown Castle Comments at 8, n.20 (stating that there are "myriads" of ways of that localities claim concealment is defeated, "even when not included in siting approval: increasing the height of a monopine; increasing the height of a light pole; failure to add screens to antenna; any change to branches on a stealth tree; addition of opaque fencing; enclosing of equipment within shelters; increasing the width of a canister on a flagpole or utility pole; and external cabling on a non-camouflaged monopole.").

[107] RS Components, Ltd., *Everything You Need to Know About Coaxial Cable*, https://uk.rs-online.com/web/generalDisplay.html?id=ideas-and-advice/coaxial-cable-guide.

[108] WIA Petition for Decl. Ruling at 3 ("In many cases, these requirements are not mandated by local codes but are imposed on an ad hoc basis by local jurisdictions."); T-Mobile Reply at 14; AT&T Reply at 6-7; NLC Reply at 17-18; *see also* Letter from Alexi Maltas, Senior Vice President and General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Jul. 12, 2019) (CCA 2019 Letter).

frustrate Congress's intent to expedite the section 6409(a) process. A change in color must make a reasonable person believe that the intended stealth is no longer effective.[109] Changes to the color of a stealth structure can occur for many reasons, including for example, the discontinuance of the previous color. An otherwise compliant eligible facilities request will not defeat concealment in this case merely because the modification uses a slightly different paint color. Further, if the new equipment is shielded by an existing shroud that is not being modified, then the color of the equipment is irrelevant because it is not visible to the public and would not render an intended concealment ineffective. Therefore, such a change would not defeat concealment.[110]

- WIA reports that a locality in Colorado claims that a small increase in height on a stealth monopine, which is less than the size thresholds of section 1.6100(b)(7)(i)-(iv), defeats concealment and therefore constitutes a substantial change.[111] We clarify that such a change would not defeat concealment if the change in size does not cause a reasonable person to view the structure's intended stealth design (i.e., the design of the wireless facility to resemble a pine tree) as no longer effective after the modification.
- If a prior approval included a stealth-designed monopine that must remain hidden behind a tree line, a proposed modification within the thresholds of section 1.6100(b)(7)(i)-(iv) that makes the monopine visible above the tree line would be permitted under section 1.6100(b)(7)(v). First, the concealment element would not be defeated if the monopine retains its stealth design in a manner that a reasonable person would continue to view the intended stealth design as effective. Second, a requirement that the facility remain hidden behind a tree line is not a feature of a stealth-designed facility; rather it is an aesthetic condition that falls under section 1.6100(b)(7)(vi). Under that analysis, as explained in greater detail below, a proposed modification within the thresholds of section 1.6100(b)(7)(i)-(iv) that makes the monopine visible above the tree line likely would be permitted under section 1.6100(b)(7)(vi).

E. Conditions Associated with the Siting Approval

40. Section 1.6100(b)(7)(vi) states that a modification is a substantial increase if "[i]t does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.61001(b)(7)(i) through (iv)." Industry commenters argue that changes specifically allowed under section 1.6100(b)(7)(i)-(iv) should not constitute a substantial change under section 1.6100(b)(vi).[112] For example, the record shows that some localities claim that small increases in the size of a structure, such as

[109] The *2014 Infrastructure Order* noted that "a replacement of exactly the same dimensions could still violate concealment elements if it does not have the same camouflaging paint as the replaced facility." 29 FCC Rcd at 12949, para. 200, n.543. For such a change in paint color to defeat concealment, however, the color of the -stealth tower must make a reasonable person believe that the modified facility will no longer resemble the stealth designed facility

[110] In a further example, according to Crown Castle, San Diego and Cerritos, California take the position that additions or modifications of antennas on faux trees defeat concealment even if the appearance of the faux tree remains the same. *See, e.g.*, Letter from Kenneth Simon, Senior Vice President and General Counsel, Crown Castle, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 10, 2018) (Crown Castle August 2018 *Ex Parte* Letter); *see also* T-Mobile Reply at 13. Additional faux branches would need to render the intended disguise (resembling a tree, in this example) ineffective in order to defeat concealment.

[111] WIA Petition for Decl. Ruling at 10.

[112] T-Mobile Comments at 18-19; *see also* WIA Reply at 24-25.

increasing its height or increasing the width of its cannister, are a substantial change because they wrongly characterize any increase to a structure's visual profile or negative aesthetic impact as defeating a concealment element – even if the size changes would be within the allowances under our rules.[113]

41. Conditions associated with the siting approval under section 1.6100(b)(7)(vi) may relate to improving the aesthetics, or minimizing the visual impact, of non-stealth facilities (facilities not addressed under section 1.6100(b)(7)(v)). However, localities cannot merely assert that a detail or feature of the facility was a condition of the siting approval; there must be express evidence that at the time of approval the locality required the feature and conditioned approval upon its continuing existence for non-compliance with the condition to disqualify a modification from being an eligible facilities request. Even so, like any other condition under section 1.6100(b)(7)(vi), such an aesthetics-related condition still cannot be used to prevent modifications specifically allowed under sections 1.6100(b)(7)(i)-(iv) of our rules.[114] Consistent with "commonplace [] statutory construction that the specific governs the general," we clarify that where there is a conflict between a locality's general ability to impose conditions under (vi) and modifications specifically deemed not substantial under (i)-(iv), the conditions under (vi) should be enforced only to the extent that they do not prevent the modification in (i)-(iv).[115] In other words, when a proposed modification otherwise permissible under sections 1.6100(b)(7)(i)-(iv) cannot reasonably comply with conditions under section 1.6100(b)(7)(vi), the conflict should be resolved in favor of permitting the modifications. For example, a local government's condition of approval that requires a specifically sized shroud around an antenna could limit an increase in antenna size that is otherwise permissible under section 1.6100(b)(7)(i). Under section 1.6100(b)(7)(vi), however, the size limit of the shroud would not be enforceable if it purported to prevent a modification to add a larger antenna, but a local government could enforce its shrouding condition if the provider reasonably could install a larger shroud to cover the larger antenna and thus meet the purpose of the condition.

42. By providing guidance on the relationship between sections 1.6100(b)(7)(i) – (iv) and 1.6100(b)(7)(vi), including the limitations on conditions that a locality may impose, we expect there to be fewer cases where conditions, especially aesthetic conditions, are improperly used to prevent modifications otherwise expressly allowed under sections 1.6100(b)(7)(i)-(iv).[116] We reaffirm that beyond the specific conditions that localities may impose through section 1.6100(b)(7)(vi), localities can enforce "generally applicable building, structural, electrical, and safety codes and [] other laws codifying objective standards reasonably related to health and safety."[117]

43. *Examples of Aesthetics Related Conditions*. Petitioners and both industry and locality

[113] T-Mobile Comments at 9-10; *see also* Nokia Comments at 6-7; Crown Castle August 2018 *Ex Parte* Letter at 16 (claiming that a California locality treats the dimensions of "every aspect" of a project as a concealment element); WIA Petition for Decl. Ruling at 11 (stating that a city in California does not allow weatherproof enclosure expansions greater than 36 inches). Additionally, WIA offers examples of localities that take the position that any increase in height on a monopine, even if below the substantial change threshold of section 1.16100(b)(7)(i)-(iv), defeats concealment and therefore constitutes a substantial change. WIA Petition for Decl. Ruling at 10.

[114] *See, e.g.*, Crown Castle August 2018 *Ex Parte* Letter at 13 ("Imposing size-based 'concealment elements' is nothing more than an attempt to evade the specific, objective size criteria that the Commission adopted in the *2014 Infrastructure Order*."); *see also* AT&T Comments at 6-7 ("If such generic features as height, width, or equipment could be construed as concealment elements, the concealment exception would swallow the rule, nullifying the Section 6409(a) protections adopted by Congress."); T-Mobile Comments at 9; WIA Petition for Decl. Ruling at 10 ("[T]he record in this proceeding reflects that some jurisdictions are interpreting this language so broadly that the exception swallows the rule."); ATC Comments at 9.

[115] *Morales v. Trans World Airlines, Inc*., 504 U.S. 374, 384 (1992).

[116] *See, e.g., Douglas Cty. v. Crown Castle USA, Inc*., 2020 WL 109208, Case No. 18-cv-03171 (D. Colo., Jan. 9, 2020).

[117] *2014 Infrastructure Order*, 29 FCC Rcd at 12951, para. 202.

commenters have provided numerous examples of disputes involving modifications to wireless facilities. Using examples from the record,[118] and assuming that the locality has previously imposed an aesthetic-related condition under section 1.6100(b)(7)(vi), we offer examples to provide guidance on the validity of the condition to decrease future disputes and to help inform resolution of disputes should they arise:

- If a city has an aesthetic-related condition that specified a three-foot shroud cover for a three-foot antenna, the city could not prevent the replacement of the original antenna with a four-foot antenna otherwise permissible under section 1.6100(b)(7)(i) because the new antenna cannot fit in the shroud. As described above, the city could enforce its shrouding condition if the provider reasonably could install a four-foot shroud to cover the new four-foot antenna. The city also could enforce a shrouding requirement that is not size-specific and that does not limit modifications allowed under sections 1.6100(b)(7)(i)-(iv).
- T-Mobile claims that some localities consider existing walls and fences around non-camouflaged towers to be concealment elements that have been defeated if new equipment is visible over those walls or fences.[119] First, such conditions are not concealment elements; rather, they are considered aesthetic conditions under section 1.6100(b)(7)(vi). Such conditions may not prevent modifications specifically allowed by sections 1.6100(b)(7)(i)-(iv). However, if there were express evidence that the wall or fence were conditions of approval to fully obscure the original equipment from view, the locality may require a provider to make reasonable efforts to extend the wall or fence to maintain the covering of the equipment.
- If an original siting approval specified that a tower must remain hidden behind a tree line, a proposed modification within the thresholds of section 1.6100(b)(7)(i)-(iv) that makes the tower visible above the tree line would be permitted under section 1.6100(b)(7)(vi), because the provider cannot reasonably replace a grove of mature trees with a grove of taller mature trees to maintain the absolute hiding of the tower.
- In a similar vein, San Francisco has conditions to reduce the visual impact of a wireless facility, including that it must be set back from the roof at the front building wall.[120] San Francisco states that it will not approve a modification if the new equipment to be installed does not meet the set back requirement. Even if a proposed modification within the thresholds of section 1.6100(b)(7)(i)-(iv) exceeds the required set back, San Francisco could enforce its set back condition if the provider reasonably could take other steps to reduce the visual impact of the facility to meet the purpose of its condition.

F. Environmental Assessments After Execution of Memorandum of Agreement

44. The Commission's environmental rules implementing the National Environmental Policy Act categorically exclude all actions from environmental evaluations, including the preparation of an environmental assessment, except for defined actions associated with the construction of facilities that may significantly affect the environment.[121] Pursuant to section 1.1307(a) of the Commission's rules, applicants currently submit an environmental assessment for those facilities that fall within specific categories, including facilities that may affect historic properties protected under the National Historic

[118] *See* San Diego Reply at 44-60 (pictures of multiple structures that commenters consider to be concealed).

[119] Letter from Cathleen Massey, Vice-President of Regulatory Affairs, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 3-4 (filed Aug. 30, 2019) (T-Mobile 2019 Letter).

[120] San Francisco Reply at 3.

[121] 47 CFR §§ 1.1306, 1.1307; *see also* 42 U.S.C. § 4321 *et seq.*

Preservation Act.[122] Under our current process, an applicant submits an environmental assessment for facilities that may affect historic properties, even if the applicant has executed a memorandum of agreement[123] with affected parties to address those adverse effects.[124]

45. We clarify on our own motion that an environmental assessment is not needed when the FCC and applicants have entered into a memorandum of agreement to mitigate effects of a proposed undertaking on historic properties, consistent with 36 CFR § 800.6(b), if the only basis for the preparation of an environmental assessment was the potential for significant effects on such properties. We expect this clarification should further streamline the environmental review process.

46. Section 1.1307(a)(4) of the Commission's rules requires an environmental assessment if a proposed communications facility may have a significant effect on a historic property.[125] The Commission adopted a process to identify potential effects on historic properties by codifying the Wireless Facilities Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (Wireless Facilities Nationwide Programmatic Agreement) as the means to comply with section 106 of the National Historic Preservation Act.[126] If adverse effects on historic properties are identified during this process, the Wireless Facilities Nationwide Programmatic Agreement requires that the applicant consult with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer, and other interested parties to avoid, minimize, or mitigate the adverse effects.[127]

47. When such effects cannot be avoided, under the terms of the Wireless Facilities Nationwide Programmatic Agreement, the applicant, the State Historic Preservation Officer and/or Tribal Historic Preservation Officer and other interested parties may proceed to negotiate a memorandum of agreement that the signatories agree fully mitigates all adverse effects. The agreement is then sent to Commission staff for review and signature.[128] Under current practice, even after a memorandum of agreement is executed, an applicant is still required to prepare an environmental assessment and file it with the Commission.[129] The Commission subsequently places the environmental assessment on public notice, and the public has 30-days to file comments/oppositions.[130] If the environmental assessment is determined to be sufficient and no comments or oppositions are filed, the Commission issues a Finding of No Significant Impact and allows an applicant to proceed with the project.[131]

48. In this Declaratory Ruling we clarify that an environmental assessment is unnecessary

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[122] 47 CFR § 1.1307(a).

[123] A memorandum of agreement is a mechanism to address adverse effects on historic properties or Indian religious sites. *See* Wireless Facilities NPA at § VII.D.

[124] FCC, Tower and Antenna Siting, National Historic Preservation Act, The Nationwide Programmatic Agreements, https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting.

[125] 47 CFR §§ 1.1307(a)(4).

[126] Wireless Facilities Nationwide Programmatic Agreement, 47 CFR pt. 1, Appx. C. The Wireless Facilities NPA was executed by the Advisory Council on Historic Preservation (ACHP), the National Conference on State Historic Preservation Officers, and the FCC.

[127] Wireless Facilities NPA at § VII.D.1.

[128] Wireless Facilities NPA at § VII.D.4.

[129] FCC, *Tower and Antenna Siting, National Historic Preservation Act, The Nationwide Programmatic Agreements*, https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting.

[130] FCC, *Tower and Antenna Siting, The National Environmental Policy Act, FCC's NEPA Process*, https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting.

[131] *Id*.

after an adverse effect on a historic property is mitigated by a memorandum of agreement.[132] Applicants already are required to consider alternatives to avoid adverse effects prior to executing a memorandum of agreement.[133] The executed agreement demonstrates that the applicant has notified the public of the proposed undertaking, has consulted with the State Historic Preservation Officer and/or Tribal Historic Preservation Officers, and other interested parties to identify potentially affected historic properties, and that it has worked with such parties to agree on a plan to mitigate adverse effects.[134] This mitigation eliminates any significant adverse effects on a historic property, and each memorandum of agreement must include as a standard provision that the memorandum of agreement "shall constitute full, complete, and adequate mitigation under the NHPA . . . and the FCC's rules."[135]

49. We note that section 1.1307(a) requires an applicant to submit an environmental assessment if a facility "may significantly affect the environment," which includes facilities that may affect historic properties, endangered species, or critical habitats.[136] As a result of the mitigation required by a memorandum of agreement, we conclude that any effects on historic properties remaining after the agreement is executed would be below the threshold of "significance" to trigger an environmental assessment.[137] After the memorandum of agreement is executed, a proposed facility should no longer "have adverse effects on identified historic properties" within the meaning of section 1.1307(a)(4)[138] and, therefore, should no longer be within the "types of facilities that may significantly affect the environment."[139] If none of the other criteria for requiring an environmental assessment in section 1.1307(a) exist, then such facilities automatically fall into the broad category of actions that the Commission has already found to "have no significant effect on the quality of the human environment and are categorically excluded from environmental processing."[140] The Commission's rules should be read in light of the scope of our obligation under section 106 and the ACHP's rules, which explicitly state that

[132] *See* Council on Environmental Quality, Executive Office of the President, and Advisory Council on Historic Preservation, NEPA and NHPA: A Handbook for Integrating NEPA and Section 106 at 11, 21 (2013) https://ceq.doe.gov/docs/ceq-publications/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf (2013 NHPA/NEPA Handbook).

[133] Standard language in the template of the FCC's memoranda of agreement provides that the applicant, "consistent with the FCC's environmental rules has considered and evaluated a number of alternatives for the project and concluded that these options are either unavailable . . . or do not meet the technical requirements necessary to satisfy the coverage needs of the telecommunications system to be supported by the antennas." FCC, *Tower and Antenna Siting, The Nationwide Programmatic Agreements*, https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting.

[134] Wireless Facilities NPA at §§ IV, V, VI, VII.

[135] This provision is standard language in the FCC's memoranda of agreement, and it is included in the template located on the Commission's website. *See* FCC, *Tower and Antenna Siting, National Historic Preservation Act, The Nationwide Programmatic Agreements*, https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting.

[136] 47 CFR § 1.1307(a).

[137] 47 CFR § 1.1307(a).

[138] 47 CFR § 1.1307(a)(4).

[139] 47 CFR § 1.1307(a) (introductory paragraph).

[140] 47 CFR § 1.1306(a); 2013 NHPA/NEPA Handbook at 21 ("New facilities and collocations that do not affect historic properties may be categorically excluded from NEPA."). We note that nothing in this *Declaratory Ruling* changes the scope or application of section 1.1307(c), which allows any person to submit a petition to deny any undertaking otherwise categorically excluded, and (d), which allows a Bureau to require an applicant to submit an environmental assessment even if a proposed undertaking would be otherwise categorically excluded. 47 CFR § 1.1307(c) and (d).

such a memorandum of agreement "evidences the agency official's compliance with section 106."[141] We remind applicants that an environmental assessment is still required if the proposed project may significantly affect the environment in ways unrelated to historic properties.[142]

IV. NOTICE OF PROPOSED RULEMAKING

50. Section 1.6100(b)(7)(iv) provides that "[a] modification substantially changes the physical dimensions of an eligible support structure if . . . [i]t entails any excavation or deployment outside the current site[.]"[143] In other words, a proposed modification that entails any excavation or deployment outside the current site of a tower or base station is not eligible for section 6409(a)'s streamlined procedures. Section 1.6100(b)(6) defines "site" for towers outside of the public rights-of-way as "the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground."[144]

51. In its Petition for Declaratory Ruling, WIA requests that the Commission clarify that "current site," for purposes of section 1.6100(b)(7)(iv), is the *currently* leased or owned compound area.[145] Industry commenters argue that current "site" means the property leased or owned by the applicant at the time it submits an application to make a qualifying modification under section 6409(a).[146] Industry commenters state that their proposed clarification merely affirms the plain meaning of the rule.[147] They assert that such clarification is needed because many local governments interpret section 1.6100(b)(6) as referring to the original site and wrongly claim that a modification is not entitled to section 6409(a) if it entails any deployment outside of those original boundaries.[148]

52. WIA's Petition for Rulemaking also requests that the Commission amend its rules to establish that a modification would not cause a "substantial change" if it entails excavation or facility deployments at locations of up to 30 feet in any direction outside the boundaries of a macro tower compound.[149] Industry commenters contend that it is often difficult to collocate transmission equipment on existing macro towers without expanding the compounds surrounding those towers in order to deploy additional equipment sheds or cabinets on the ground.[150] They argue that such deployments are becoming increasingly necessary to house multiple carriers' facilities on towers built in the past to support the needs of a single carrier and to facilitate the extensive network densification needed for rapid 5G deployment.[151] WIA states that this proposal is consistent with the Wireless Facilities Nationwide Programmatic Agreement,[152] which excludes from section 106 historic preservation review "the construction of a

[141] 36 CFR § 800.6(b)-(c).

[142] 47 CFR § 1.1307(a)(1)-(3), (6)-(8); *see also* note to section 1.1307(d) (requiring EA filings for certain proposed facilities that may affect migratory birds).

[143] 47 CFR § 1.6100(b)(7)(iv).

[144] 47 CFR § 1.6100(b)(6).

[145] WIA Petition for Decl. Ruling at 9-11.

[146] *See, e.g.*, WIA Petition for Decl. Ruling at 18; CTIA Comments at 11; AT&T Comments at 9; Crown Castle Comments at 18.

[147] AT&T Comments at 19; Crown Castle at 18; CTIA Comments at 11; WIA Comments at 11.

[148] *See* AT&T Comments at 19; American Tower Comments at 19; Crown Castle Comments at 28.

[149] WIA Petition for Rulemaking at 3-11.

[150] ATC Comments at 5-8; Crown Castle Comments at 31-32; CTIA Comments at 15-16; WIA Comments at 7.

[151] WIA Petition for Rulemaking at 7; ATC Comments at 7-8; AT&T Comments at 29; Crown Castle Comments at 31; CTIA Comments at 15-16; WIA Comments at 6-7; WISPA Comments at 8.

[152] WIA Petition for Decl. Ruling at 10.

replacement for any existing communications tower" that, *inter alia*, "does not expand the boundaries of the leased or owned property surrounding the tower by more than 30 feet in any direction or involve excavation outside these expanded boundaries or outside any existing access or utility easement related to the site."[153]

53. Local governments argue that the definition of "site" should not be interpreted to mean the applicant's leased or owned property on the date it submits its eligible facilities request.[154] They assert that this interpretation would permit providers to expand the boundaries of a site without review and approval by a local government by entering into leases that increase the area of a site after the locality's initial review.[155] NLC argues that it would lead to "extensive bypassing of local review for property uses not previously reviewed and approved to support wireless equipment."[156] Localities also generally oppose the compound expansion proposal because they argue that excavation of up to 30-feet beyond a tower's current site cannot be considered insubstantial.[157] Moreover, several cities argue that the Commission considered and rejected this proposal in the *2014 Infrastructure Order* and that circumstances have not changed that would warrant a policy reversal.[158]

54. In light of the different approaches recommended by the industry and localities, we seek comment on whether we should revise our rules to resolve these issues and, if so, in what manner. For example, we seek comment on whether we should revise the definition of "site" to make clear that "site" refers to the current boundary of the leased or owned property surrounding the tower and any access or utility easements currently related to the site *as of the date an applicant submits a modification request*. Alternatively, should we limit "site" to the boundary of the leased or owned property surrounding the tower and any access or utility easements related to the site *as of the date that the facility was last reviewed and approved by a locality*? As another option, we seek comment on whether to adopt the definition of "current site" as of the date that the facility was last reviewed and approved by a locality, in conjunction with amending our rules so that modification of an existing facility that entails ground excavation or deployment of up to 30 feet in any direction outside the facility's site should be eligible for streamlined processing under section 6409(a). Although the Commission found that excavation or deployment outside the boundaries of a site was a substantial change in the *2014 Infrastructure Order*,[159] we seek comment on any subsequent developments relevant to whether we should take a different approach. Commenters also should describe the costs and benefits of these approaches, as well as any other alternatives that they discuss in comments, and provide quantitative estimates as appropriate.

V. PROCEDURAL MATTERS

55. *Comment Filing Procedures*: Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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[153] Wireless Facilities NPA at § III.B.

[154] NLC Comments at 10-12; NATOA Comments at 11-12.

[155] NLC Comments at 10-12; NATOA Comments at 11-12.

[156] NLC Comments at 10-12; *see also* NATOA Comments at 11.

[157] San Diego Comments at 53; NLC Comments at 4-5, 10-12; NATOA Comments at 14-15.

[158] San Diego Comments at 49-53.

[159] *2014 Infrastructure Report and Order*, 29 FCC Rcd at 12949, para. 199. The Commission declined to adopt this approach for proposed modifications under section 6409(a) in the *2014 Infrastructure Order* because a similar exclusion is not available in the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://apps.fcc.gov/ecfs/.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020). https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

56. *People with Disabilities*: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

57. *Ex Parte Rules—Permit-But-Disclose.* This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[160] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Rule 1.1206(b). In proceedings governed by Rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

[160] 47 CFR § 1.1200 *et seq.*

58. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[161] the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and actions addressed in the Notice of Proposed Rulemaking. The IRFA is set forth in Appendix B. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the *Notice*, and should have a separate and distinct heading designating them as responses to the IRFA.

59. *Paperwork Reduction Act*. This Declaratory Ruling and Notice of Proposed Rulemaking does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

60. *Congressional Review Act*. The Commission will submit this Declaratory Ruling and Notice of Proposed Rulemaking to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for concurrence as to whether this rule is "major" or "non-major" under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Declaratory Ruling and Notice of Proposed Rulemaking to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

VI. ORDERING CLAUSES

61. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i)-(j), 7, 201, 253, 301, 303, 309, 319, and 332 of the Communications Act of 1934, as amended, and section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 157, 201, 253, 301, 303, 309, 319, 332, 1455 that this Declaratory Ruling in WT Docket No. 19-250 and Notice of Proposed Rulemaking in RM-11849 IS hereby ADOPTED.

62. IT IS FURTHER ORDERED that this Declaratory Ruling SHALL BE effective upon release. It is our intention in adopting the foregoing Declaratory Ruling that, if any provision of the Declaratory Ruling, or the application thereof to any person or circumstance, is held to be unlawful, the remaining portions of such Declaratory Ruling not deemed unlawful, and the application of such Declaratory Ruling to other person or circumstances, shall remain in effect to the fullest extent permitted by law.

63. IT IS FURTHER ORDERED that, pursuant to 47 CFR § 1.4(b)(1), the period for filing petitions for reconsideration or petitions for judicial review of this Declaratory Ruling will commence on the date that this Declaratory Ruling is released.

64. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Declaratory Ruling and Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

65. IT IS FURTHER ORDERED that this Declaratory Ruling and Notice of Proposed Rulemaking SHALL BE sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

[161] *See* 5 U.S.C. § 603.

Marlene H. Dortch
Secretary

APPENDIX A

Comments and Reply Comments

Comments

ACT—The App Association
Alamo Improvement Association
Ameren Service Company; American Electric Power Service Corporation; Duke Energy Corporation; Entergy Corporation; Oncor Electric Delivery Company LLC; Southern Company; Tampa Electric Company
American Tower Corporation
AT&T
Chevy Chase Village
City of Brea, California
City of Chino Hills
City of Coconut Creek
City of College Park
City of Costa Mesa
City of Frederick
City of Fort Bragg, California
City of Gaithersburg
City of Huntington Beach
City of Newport News, Virginia
City of New York
City of Ojai
City of San Diego, Cal.; City of Beaverton, Or.; City of Boulder, Colo.; Town of Breckenridge, Colo.; City of Carlsbad, Cal.; City Of Cerritos, Cal.; Colorado Communications And Utility Alliance; City Of Coronado, Cal.; Town Of Danville, Cal.; City of Encinitas, Cal.; City of Glendora, Cal.; King County, Wash.; City of Lacey, Wash.; City of La Mesa, Cal.; City of Lawndale, Cal.; League of Oregon Cities; League of California Cities; City of Napa, Cal.; City of Olympia, Wash.; City of Oxnard, Cal.; City of Pleasanton, Cal.; City of Rancho Palos Verdes, Cal.; City of Richmond, Cal.; Town of San Anselmo, Cal.; City of San Marcos, Cal.; City of San Ramon, Cal.; City of Santa Cruz, Cal.; City of Santa Monica, Cal.; City of Solana Beach, Cal.; City of South Lake Tahoe, Cal.; City of Tacoma, Wash.; City of Thousand Oaks, Cal.; Thurston County, Wash.; City of Tumwater, Wash. (San Diego)
City of Seattle
Communications Workers of America
Competitive Carriers Association
Consumer Technology Association
Crown Castle International Corp.
CTIA
East Bay Neighborhoods for Responsible Technology
ExteNet Systems, Inc.
Free State Foundation
Gwen Kennedy (on behalf of Loudon County, Virginia)
Margaret Phillips
Maryland Municipal League
Comments of The National Association of Telecommunications Officers and Advisors; The United States Conference of Mayors; and The National Association of Counties (NATOA)
National League of Cities; Clark County, Nevada; Cobb County, Georgia; Howard County, Maryland; Montgomery County, Maryland; The City of Ann Arbor, Michigan; The City of Arlington, Texas; The City of Bellevue, Washington; The City of Boston, Massachusetts; The City of Burlingame, California; The Town of Fairfax, California; The City of Gaithersburg, Maryland; The City of Greenbelt, Maryland; The Town of Hillsborough, California; The City of Kirkland,

Washington; The City of Lincoln, Nebraska; The City of Los Angeles, California; The City of Monterey, California; The City of Myrtle Beach, South Carolina; The City of New York, New York; The City of Omaha, Nebraska; The City of Portland, Oregon; The City of San Bruno, California; The Michigan Coalition to Protect Public Rights-Of-Way; The Texas Municipal League; and The Texas Coalition of Cities for Utility Issues (NLC)

Nokia

States of California and Nevada Chapter of the National Association of Telecommunications Officers and Advisors (SCAN NATOA, Inc.)

T-Mobile USA, Inc.

Town of Chesapeake Beach

Town of Kensington, Maryland

Verizon

WIA–The Wireless Infrastructure Association

Wireless Internet Service Providers Association

Reply Comments

American Tower Corporation

AT&T

City and County of San Francisco

City of San Diego, CA; City of Beaverton, Or.; City of Boulder, Colo.; Town of Breckenridge, Colo.; City of Carlsbad, Cal.; City of Cerritos, Cal.; Colorado Communications And Utility Alliance; City of Coronado, Cal.; Town of Danville, Cal.; City of Encinitas, Cal.; City of Glendora, Cal.; King County, Wash.; City of Lacey, Wash.; City of La Mesa, Cal.; City of Lawndale, Cal.; League of Oregon Cities; League of California Cities; City of Napa, Cal.; City of Olympia, Wash.; City of Oxnard, Cal.; City of Pleasanton, Cal.; City of Rancho Palos Verdes, Cal.; City of Richmond, Cal.; Town of San Anselmo, Cal.; City of San Marcos, Cal.; City of San Ramon, Cal.; City of Santa Cruz, Cal.; City of Santa Monica, Cal.; City of Solana Beach Cal.; City of South Lake Tahoe, Cal.; City of Tacoma, Wash.; City of Thousand Oaks, Cal.; Thurston County, Wash.; City of Tumwater, Wash. (San Diego)

Competitive Carriers Association

Consumer Technology Association

Crown Castle International Corp.

CTIA

ExteNet Systems, Inc.

National Association of Telecommunications Officers and Advisors; United States Conference of Mayors; National Association of Counties (NATOA *et. al*.)

National League of Cities; Clark County, NV; Cobb County, GA; Howard County, MD; Montgomery County, MD; City of Ann Arbor, MI; City of Arlington, TX; City of Baltimore, MD; City of Bellevue, WA; City of Boston, MA; City of Burien, WA; City of Burlingame, CA; City of Culver City, CA; Town of Fairfax, CA; City of Gaithersburg, MD; City of Greenbelt, MD; Town of Hillsborough, CA; City of Kirkland, WA; City of Lincoln, NE; City of Los Angeles, CA; City of Monterey, CA; City of Myrtle Beach, SC; City of New York, NY; City of Omaha, NE; City of Ontario, CA; City of Piedmont, CA; City of Portland, OR; City of San Bruno, CA; Michigan Coalition To Protect Public Rights-of-Way; Texas Municipal League; The Texas Coalition of Cities For Utility Issues (NLC *et. al.*)

Nina Beety

R Street Institute

The City of Frederick

T-Mobile USA, Inc.

Wireless Infrastructure Association (WIA)

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[162] the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the policies and rules proposed in this Notice of Proposed Rulemaking (*Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).[163] In addition, the *Notice* and IRFA (or summaries thereof) will be published in the *Federal Register*.[164]

A. Need for, and Objectives of, the Proposed Rules

2. The *Notice* would seek comment on whether changes to our rules regarding excavation outside the boundaries of an existing tower site, including the definition of the boundaries of a tower "site," would facilitate the purpose of section 6409(a). It seeks comment on ways to address different positions by industry and localities relating to the application of section 6409(a) to the excavation and deployment within and outside of a site and whether changes should be made to the rule and related definition of "site." The *Notice* seeks comment on different interpretations of the definition of the term "site" in section 1.6100(b)(6), including the temporal point in time used to determine a site's boundaries. It also seeks comment on potential rule changes regarding modification of a facility that entails ground excavation or deployment outside a facility's current site.

3. Section 1.6100(b)(7)(iv) of the Commission's rules provides that a modification substantially changes the physical dimensions of an eligible support structure if … [i]t entails any excavation or deployment outside the current site[.]"[165] Accordingly, a proposed modification that entails any excavation outside the current site of a tower or base station is not eligible for streamlined approval by State or local governments under section 6409(a). Section 1.6100(b)(6) defines "site" for towers outside of the public rights-of-way as "the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground."[166]

4. Industry commenters argue that current "site" means the property leased or owned by the applicant at the time it submits an application to make a qualifying modification under section 6409(a).[167] Industry commenters state that their proposed clarification merely affirms the plain meaning of the rule.[168] They state that such clarification is needed, because many local governments interpret section 1.6100(b)(6) as referring to the original site and wrongly claim that a modification is not entitled to section 6409(a) if it entails any deployment outside of those original boundaries.[169] Local governments

[162] *See* 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601 – 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA"), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

[163] *See* 5 U.S.C. § 603(a).

[164] *See id.*

[165] 47 CFR § 1.6100(b)(7)(iv).

[166] 47 CFR § 1.6100(b)(6).

[167] *See e.g.,* WIA Petition for Decl. Ruling at 18; CTIA Comments at 11; AT&T Comments at 9; Crown Castle Comments at 18.

[168] AT&T Comments at 19; Crown Castle at 18; CTIA Comments at 11; WIA Comments at 11.

[169] *See* AT&T Comments at 19; American Tower Comments at 19; Crown Castle Comments at 28.

oppose WIA's interpretation, saying it would permit providers to expand the boundaries of a site without review and approval by a local government by entering into leases that increase the area of a site after the locality's initial review.[170]

5. Section 1.6100(b)(7)(iv) provides that a modification substantially changes the physical dimensions of an eligible support structure if … [i]t entails any excavation or deployment outside the current site[.]"[171] However "site" is defined, a proposed modification is not eligible for streamlined processing under section 6409(a) if it is on a tower outside a right-of-way and involves excavation outside the site.[172] WIA and other industry commenters urge the Commission to amend this rule so that "excavation or facility deployments at locations up to 30 feet in any direction outside the current boundaries of a macro tower compound" would not constitute a substantial change in the physical dimensions.[173]

6. Industry commenters contend that it is often difficult to collocate transmission equipment on existing macro towers without expanding the compounds surrounding those towers in order to deploy additional equipment sheds or cabinets on the ground.[174] They argue that such deployments are becoming increasingly necessary to house multiple carriers' facilities on towers built in the past to support the needs of a single carrier and to facilitate the extensive network densification needed for rapid 5G deployment.[175] In contrast, local governments generally oppose the compound expansion proposal arguing that excavation of up to a 30-feet beyond a tower's current site cannot be considered insubstantial.[176] Moreover, several cities argue that the Commission considered and rejected this proposal in the *2014 Infrastructure Order* and that circumstances have not changed that would warrant a policy reversal.[177] The *Notice* seeks comment on whether there have been developments since the *2014 Infrastructure Order* relevant to these compound expansions.

B. Legal Basis

7. The proposed action is authorized pursuant to sections 1, 4(i)-(j), 7, 201, 253, 301, 303, 309, 319, and 332 of the Communications Act of 1934, as amended, and section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 157, 201, 253, 301, 303, 309, 319, 332, 1455.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

8. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.[178] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business,"

[170] NLC Comments at 10-12; NATOA Comments at 11-12.

[171] 47 CFR § 1.6100(b)(7)(iv).

[172] *See* 47 CFR § 1.6100(b)(6)

[173] WIA Petition for Rulemaking at 9-11.

[174] American Tower Comments at 5-8; Crown Castle Comments at 31-32; CTIA Comments at 15-16; WIA Comments at 7.

[175] WIA Petition for Rulemaking at 7; American Tower Comments at 7-8; AT&T Comments at 29; Crown Castle Comments at 31; CTIA Comments at 15-16; WIA Comments at 6-7; WISPA Comments at 8.

[176] San Diego Comments at 53-53; NLC Comments at 4-5, 12-14; NATOA Comments at 14-15.

[177] *See e.g.*, San Diego Comments at 49-53.

[178] 5 U.S.C. § 603(b)(3).

"small organization," and "small governmental jurisdiction."[179] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[180] A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[181]

9. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.[182] First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.[183] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 30.7 million businesses.[184]

10. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[185] The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.[186] Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.[187]

11. Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special

[179] 5 U.S.C. § 601(6).

[180] 5 U.S.C. § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

[181] 15 U.S.C. § 632.

[182] *See* 5 U.S.C. § 601(3)-(6).

[183] *See* SBA, Office of Advocacy, "What's New With Small Business?", https://cdn.advocacy.sba.gov/wp-content/uploads/2019/09/23172859/Whats-New-With-Small-Business-2019.pdf (Sept 2019).

[184] *Id*.

[185] 5 U.S.C. § 601(4).

[186] The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number small organizations in this small entity description. *See* Annual Electronic Filing Requirement for Small Exempt Organizations — Form 990-N (e-Postcard), "Who must file," https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

[187] *See* Exempt Organizations Business Master File Extract (EO BMF), "CSV Files by Region," https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO BMF data for Region 1-Northeast Area (76,886), Region 2-Mid-Atlantic and Great Lakes Areas (221,121), and Region 3-Gulf Coast and Pacific Coast Areas (273,702) which includes the continental U.S., Alaska, and Hawaii. This data does not include information for Puerto Rico.

districts, with a population of less than fifty thousand."[188] U.S. Census Bureau data from the 2017 Census of Governments[189] indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.[190] Of this number there were 36,931 general purpose governments (county[191], municipal and town or township[192]) with populations of less than 50,000 and 12,040 special purpose governments - independent school districts[193] with enrollment populations of less than 50,000.[194] Accordingly, based on the 2017 U.S. Census of Governments data, we estimate that at least 48,971 entities fall into the category of "small governmental jurisdictions."[195]

12. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services.[196] The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.[197] For this industry, U.S. Census Bureau data for 2012 show that there

[188] 5 U.S.C. § 601(5).

[189] *See* 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with "2" and "7". *See also* Census of Governments, https://www.census.gov/programs-surveys/cog/about.html.

[190] *See* U.S. Census Bureau, 2017 Census of Governments – Organization Table 2. Local Governments by Type and State: 2017 [CG1700ORG02]. https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). *See also* Table 2. CG1700ORG02 Table Notes_Local Governments by Type and State_2017.

[191] *See* U.S. Census Bureau, 2017 Census of Governments - Organization, Table 5. County Governments by Population-Size Group and State: 2017 [CG1700ORG05]. https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html. There were 2,105 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

[192] *See* U.S. Census Bureau, 2017 Census of Governments - Organization, Table 6. Subcounty General-Purpose Governments by Population-Size Group and State: 2017 [CG1700ORG06]. https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html. There were 18,729 municipal and 16,097 town and township governments with populations less than 50,000.

[193] *See* U.S. Census Bureau, 2017 Census of Governments - Organization, Table 10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2017 [CG1700ORG10]. https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html. There were 12,040 independent school districts with enrollment populations less than 50,000. *See also* Table 4. Special-Purpose Local Governments by State Census Years 1942 to 2017 [CG1700ORG04], CG1700ORG04 Table Notes_Special Purpose Local Governments by State_Census Years 1942 to 2017.

[194] While the special purpose governments category also includes local special district governments, the 2017 Census of Governments data does not provide data aggregated based on population size for the special purpose governments category. Therefore, only data from independent school districts is included in the special purpose governments category.

[195] This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,931) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (12,040), from the 2017 Census of Governments - Organizations Tables 5, 6, and 10.

[196] *See* U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers (except Satellite)"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517312&search=2017%20NAICS%20Search.

[197] *See* 13 CFR § 121.201, NAICS Code 517312 (previously 517210).

were 967 firms that operated for the entire year.[198] Of this total, 955 firms employed fewer than 1,000 employees and 12 firms employed of 1000 employees or more.[199] Thus under this category and the associated size standard, the Commission estimates that the majority of Wireless Telecommunications Carriers (except Satellite) are small entities.

13. The Commission's own data—available in its Universal Licensing System—indicate that, as of August 31, 2018 there are 265 Cellular licensees that will be affected by our actions.[200] The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services.[201] Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees.[202] Thus, using available data, we estimate that the majority of wireless firms can be considered small.

14. *All Other Telecommunications.* The "All Other Telecommunications" category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.[203] This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.[204] Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.[205] The SBA has developed a small business size standard for "All Other Telecommunications", which consists of all such firms with annual receipts of $35 million or less.[206] For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year.[207] Of those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had

[198] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012.

[199] *Id*. Available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees. The largest category provided is for firms with "1000 employees or more."

[200] *See* http://wireless.fcc.gov/uls. For the purposes of this IRFA, consistent with Commission practice for wireless services, the Commission estimates the number of licensees based on the number of unique FCC Registration Numbers.

[201] *See* Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division, Trends in Telephone Service at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*), https://apps.fcc.gov/edocs_public/attachmatch/DOC-301823A1.pdf.

[202] *See id*.

[203] *See* U.S. Census Bureau, *2017 NAICS Definition*, "*517919 All Other Telecommunications*", https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017.

[204] *Id*.

[205] *Id*.

[206] *See* 13 CFR § 121.201, NAICS Code 517919.

[207] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012*, NAICS Code 517919, https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517919&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false.

annual receipts of $25 million to $49, 999,999.[208] Thus, the Commission estimates that the majority of "All Other Telecommunications" firms potentially affected by our action can be considered small.

15. *Fixed Microwave Services.* Microwave services include common carrier,[209] private-operational fixed,[210] and broadcast auxiliary radio services.[211] They also include the Upper Microwave Flexible Use Service[212], Millimeter Wave Service[213], Local Multipoint Distribution Service (LMDS),[214] the Digital Electronic Message Service (DEMS),[215] and the 24 GHz Service,[216] where licensees can choose between common carrier and non-common carrier status.[217] There are approximately 66,680 common carrier fixed licensees, 69,360 private and public safety operational-fixed licensees, 20,150 broadcast auxiliary radio licensees, 411 LMDS licenses, 33 24 GHz DEMS licenses, 777 39 GHz licenses, and five 24 GHz licenses, and 467 Millimeter Wave licenses in the microwave services.[218] The Commission has not yet defined a small business with respect to microwave services. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite)[219] and the appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.[220] For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year.[221] Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.[222] Thus under this SBA category and the associated size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

16. The Commission does not have data specifying the number of these licensees that have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of fixed microwave service licensees that would qualify as small business concerns under the SBA's

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[208] *Id.*

[209] *See* 47 CFR Part 101, Subparts C and I.

[210] *See* 47 CFR Part 101, Subparts C and H.

[211] Auxiliary Microwave Service is governed by Part 74 of Title 47 of the Commission's Rules. *See* 47 CFR Part 74. Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

[212] *See* 47 CFR Part 30.

[213] *See* 47 CFR Part 101, Subpart Q.

[214] *See* 47 CFR Part 101, Subpart L.

[215] *See* 47 CFR Part 101, Subpart G.

[216] *See id.*

[217] *See* 47 CFR §§ 101.533, 101.1017.

[218] These statistics are based on a review of the Universal Licensing System on September 22, 2015.

[219] *See* U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers* (*except Satellite*)", https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517312&search=2017%20NAICS%20Search.

[220] *See* 13 CFR § 121.201, NAICS Code 517312 (previously 517210).

[221] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series, Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012.

[222] *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees. The largest category provided is for firms with "1000 employees or more."

small business size standard. Consequently, the Commission estimates that there are up to 36,708 common carrier fixed licensees and up to 59,291 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services that may be small and may be affected by the rules and policies discussed herein. We note, however, that the microwave fixed licensee category includes some large entities.

17. *FM Translator Stations and Low Power FM Stations***.** FM translators and Low Power FM Stations are classified in the category of Radio Stations and are assigned the same NAICs Code as licensees of radio stations.[223] This U.S. industry, Radio Stations, comprises establishments primarily engaged in broadcasting aural programs by radio to the public.[224] Programming may originate in their own studio, from an affiliated network, or from external sources.[225] The SBA has established a small business size standard which consists of all radio stations whose annual receipts are $41.5 million dollars or less.[226] U.S. Census Bureau data for 2012 indicate that 2,849 radio station firms operated during that year.[227] Of that number, 2,806 operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999 million and 26 with annual receipts of $50 million or more.[228] Therefore, based on the SBA's size standard we conclude that the majority of FM Translator Stations and Low Power FM Stations are small.

18. *Location and Monitoring Service (LMS).* LMS systems use non-voice radio techniques to determine the location and status of mobile radio units. For purposes of auctioning LMS licenses, the Commission has defined a "small business" as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed $15 million.[229] A "very small business" is defined as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed $3 million.[230] These definitions have been approved by the SBA.[231] An auction for LMS licenses commenced on February 23, 1999 and closed on March 5, 1999. Of the 528 licenses auctioned, 289 licenses were sold to four small businesses.

19. *Multichannel Video Distribution and Data Service (MVDDS).* MVDDS is a terrestrial fixed microwave service operating in the 12.2-12.7 GHz band. The Commission adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. It defined a very small business as an entity with average annual gross revenues not exceeding $3 million for the preceding three years; a small business as an entity with average annual gross revenues not exceeding $15 million for the preceding three years; and an

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[223] *See* U.S. Census Bureau, *2017 NAICS Definition, "515112 Radio Stations"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017.

[224] *Id.*

[225] *Id.*

[226] *See* 13 C.F.R. 121.201, NAICS Code 515112.

[227] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ4, *Information: Subject Series – Estab and Firm Size: Receipts Size of Firms for the U.S.:2012*, NAICS Code 515112, https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=515112&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false.

[228] *Id.*

[229] Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, PR Docket No. 93-61, *Second Report and Order*, 13 FCC Rcd 15182, 15192 para. 20 (1998); *see also* 47 CFR § 90.1103.

[230] *Id.*

[231] *See* Letter from Aida Alvarez, Administrator, Small Business Administration to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC (Feb. 22, 1999).

entrepreneur as an entity with average annual gross revenues not exceeding $40 million for the preceding three years.[232] These definitions were approved by the SBA.[233] On January 27, 2004, the Commission completed an auction of 214 MVDDS licenses (Auction No. 53). In this auction, ten winning bidders won a total of 192 MVDDS licenses.[234] Eight of the ten winning bidders claimed small business status and won 144 of the licenses. The Commission also held an auction of MVDDS licenses on December 7, 2005 (Auction 63). Of the three winning bidders who won 22 licenses, two winning bidders, winning 21 of the licenses, claimed small business status.[235]

20. *Multiple Address Systems***.** Entities using Multiple Address Systems (MAS) spectrum, in general, fall into two categories: (1) those using the spectrum for profit-based uses, and (2) those using the spectrum for private internal uses. With respect to the first category, Profit-based Spectrum use, the size standards established by the Commission define "small entity" for MAS licensees as an entity that has average annual gross revenues of less than $15 million over the three previous calendar years.[236] A "Very small business" is defined as an entity that, together with its affiliates, has average annual gross revenues of not more than $3 million over the preceding three calendar years.[237] The SBA has approved these definitions.[238] The majority of MAS operators are licensed in bands where the Commission has implemented a geographic area licensing approach that requires the use of competitive bidding procedures to resolve mutually exclusive applications.

21. The Commission's licensing database indicates that, as of April 16, 2010, there were a total of 11,653 site-based MAS station authorizations. Of these, 58 authorizations were associated with common carrier service. In addition, the Commission's licensing database indicates that, as of April 16, 2010, there were a total of 3,330 Economic Area market area MAS authorizations. The Commission's licensing database also indicates that, as of April 16, 2010, of the 11,653 total MAS station authorizations, 10,773 authorizations were for private radio service. In 2001, an auction for 5,104 MAS licenses in 176 EAs was conducted.[239] Seven winning bidders claimed status as small or very small businesses and won 611 licenses. In 2005, the Commission completed an auction (Auction 59) of 4,226 MAS licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands. Twenty-six winning bidders won a total of 2,323 licenses. Of the 26 winning bidders in this auction, five claimed small business status and won 1,891 licenses.

22. With respect to the second category, Internal Private Spectrum use consists of entities

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[232] Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Rcd 9614, 9711, para. 252 (2002).

[233] *See* Letter from Hector V. Barreto, Administrator, U.S. Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC (Feb. 13, 2002).

[234] *See* "*Multichannel Video Distribution and Data Service Spectrum Auction Closes; Winning Bidders Announced*," Public Notice, 19 FCC Rcd 1834 (2004).

[235] *See* "*Auction of Multichannel Video Distribution and Data Service Licenses Closes; Winning Bidders Announced for Auction No. 63*," Public Notice, 20 FCC Rcd 19807 (2005).

[236] *See* Amendment of the Commission's Rules Regarding Multiple Address Systems, *Report and Order*, 15 FCC Rcd 11956, 12008, para. 123 (2000).

[237] *Id*.

[238] *See* Letter from Aida Alvarez, Administrator, Small Business Administration, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, FCC (June 4, 1999).

[239] *See* "Multiple Address Systems Spectrum Auction Closes," Public Notice, 16 FCC Rcd 21011 (2001).

that use, or seek to use, MAS spectrum to accommodate their own internal communications needs, MAS serves an essential role in a range of industrial, safety, business, and land transportation activities. MAS radios are used by companies of all sizes, operating in virtually all U.S. business categories, and by all types of public safety entities. For the majority of private internal users, the definition developed by the SBA would be more appropriate than the Commission's definition. The closest applicable definition of a small entity is the "Wireless Telecommunications Carriers (except Satellite)" definition under the SBA size standards.[240] The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.[241] For this category, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year.[242] Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.[243] Thus under this category and the associated small business size standard, the Commission estimates that the majority of firms that may be affected by our action can be considered small.

23. *Non-Licensee Owners of Towers and Other Infrastructure*. Although at one time most communications towers were owned by the licensee using the tower to provide communications service, many towers are now owned by third-party businesses that do not provide communications services themselves but lease space on their towers to other companies that provide communications services. The Commission's rules require that any entity, including a non-licensee, proposing to construct a tower over 200 feet in height or within the glide slope of an airport must register the tower with the Commission's Antenna Structure Registration ("ASR") system and comply with applicable rules regarding review for impact on the environment and historic properties.

24. As of March 1, 2017, the ASR database includes approximately 122,157 registration records reflecting a "Constructed" status and 13,987 registration records reflecting a "Granted, Not Constructed" status. These figures include both towers registered to licensees and towers registered to non-licensee tower owners. The Commission does not keep information from which we can easily determine how many of these towers are registered to non-licensees or how many non-licensees have registered towers.[244] Regarding towers that do not require ASR registration, we do not collect information as to the number of such towers in use and therefore cannot estimate the number of tower owners that would be subject to the rules on which we seek comment. Moreover, the SBA has not developed a size standard for small businesses in the category "Tower Owners." Therefore, we are unable to determine the number of non-licensee tower owners that are small entities. We believe, however, that when all entities owning 10 or fewer towers and leasing space for collocation are included, non-licensee tower owners number in the thousands. In addition, there may be other non-licensee owners of other wireless infrastructure, including Distributed Antenna Systems (DAS) and small cells that might be affected by the measures on which we seek comment. We do not have any basis for estimating the number of such non-licensee owners that are small entities.

25. The closest applicable SBA category is All Other Telecommunications[245], and the

[240] *See* 13 CFR § 121.201, NAICS Code 517312 (formerly 517210).

[241] *Id*.

[242] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012.

[243] Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees. The largest category provided is for firms with "1000 employees or more."

[244] We note, however, that approximately 13,000 towers are registered to 10 cellular carriers with 1,000 or more employees.

[245] *See* U.S. Census Bureau, *2017 NAICS Definition*, "*517919 All Other Telecommunications*", https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017.

appropriate size standard consists of all such firms with gross annual receipts of $38 million or less.[246] For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year.[247] Of these firms, a total of 1,400 had gross annual receipts of less than $25 million and 15 firms had annual receipts of $25 million to $49, 999,999.[248] Thus, under this SBA size standard a majority of the firms potentially affected by our action can be considered small.

26. *Personal Radio Services.* Personal radio services provide short-range, low-power radio for personal communications, radio signaling, and business communications not provided for in other services. Personal radio services include services operating in spectrum licensed under Part 95 of our rules.[249] These services include Citizen Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service.[250] There are a variety of methods used to license the spectrum in these rule parts, from licensing by rule, to conditioning operation on successful completion of a required test, to site-based licensing, to geographic area licensing. All such entities in this category are wireless, therefore we apply the definition of Wireless Telecommunications Carriers (except Satellite)[251], pursuant to which the SBA's small entity size standard is defined as those entities employing 1,500 or fewer persons.[252] For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year.[253] Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.[254] Thus under this category and the associated size standard, the Commission estimates that the majority of firms can be considered small. We note however, that many of the licensees in this category are individuals and not small entities. In addition, due to the mostly unlicensed and shared nature of the spectrum utilized in many of these services, the Commission lacks direct information upon which to base an estimation of the number of small entities that may be affected by our actions in this proceeding.

27. *Private Land Mobile Radio Licensees*. Private land mobile radio (PLMR) systems serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. Companies of all sizes operating in all U.S. business categories use these radios. Because of the vast

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[246] *See* 13 CFR § 121.201, NAICS Code 517919.

[247] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012*, NAICS Code 517919, https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517919&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false.

[248] *Id*.

[249] 47 CFR Part 90.

[250] The Citizens Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service are governed by subpart D, subpart A, subpart C, subpart B, subpart H, subpart I, subpart G, and subpart J, respectively, of Part 95 of the Commission's rules. See generally 47 CFR Part 95.

[251] *See* U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers* (*except Satellite)"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517312&search=2017%20NAICS%20Search.

[252] *See* 13 CFR § 121.201, NAICS Code 517312 (previously 517210).

[253] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012.

[254] *Id*. Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees. The largest category provided is for firms with "1000 employees or more."

array of PLMR users, the Commission has not developed a small business size standard specifically applicable to PLMR users. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engag*ed in radiotelephone communications.*[255] The appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.[256] For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year.[257] Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.[258] Thus under this category and the associated size standard, the Commission estimates that the majority of PLMR Licensees are small entities.

28. According to the Commission's records, a total of approximately 400,622 licenses comprise PLMR users.[259] Of this number there are a total of approximately 3,174 PLMR licenses in the 4.9 GHz band;[260] 29,187 PLMR licenses in the 800 MHz band;[261] and 3,374 licenses in the frequencies range 173.225 MHz to 173.375 MHz.[262] The Commission does not require PLMR licensees to disclose information about number of employees, and does not have information that could be used to determine how many PLMR licensees constitute small entities under this definition. The Commission however believes that a substantial number of PLMR licensees may be small entities despite the lack of specific information.

29. *Public Safety Radio Licensees.* As a general matter, Public Safety Radio Pool licensees include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services.[263] Because of the vast array of public safety licensees, the Commission has not

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[255] *See* U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers (except Satellite)"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517312&search=2017%20NAICS%20Search.

[256] *See* 13 CFR § 121.201, NAICS Code 517312 (formerly 517210).

[257] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012.

[258] *Id*. Available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees. The largest category provided is for firms with "1000 employees or more."

[259] This figure was derived from Commission licensing records as of September 19, 2016. Licensing numbers change on a daily basis. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of PLMR licensees that have fewer than 1,500 employees.

[260] Based on an FCC Universal Licensing System search of January 26, 2018. Search parameters: Radio Service = PA – Public Safety 4940-4990 MHz Band; Authorization Type = Regular; Status = Active.

[261] Based on an FCC Universal Licensing System search of May 15, 2017. Search parameters: Radio Service = GB, GE, GF, GJ, GM, GO, GP, YB, YE, YF, YJ, YM, YO, YP, YX; Authorization Type = Regular; Status = Active.

[262] This figure was derived from Commission licensing records as of August 16, 2013. Licensing numbers change daily. We do not expect this number to be significantly smaller today. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of licensees that have fewer than 1,500 employees.

[263] *See* subparts A and B of Part 90 of the Commission's Rules, 47 C.F.R. §§ 90.1-90.22. Police licensees serve state, county, and municipal enforcement through telephony (voice), telegraphy (code), and teletype and facsimile (printed material). Fire licensees are comprised of private volunteer or professional fire companies, as well as units under governmental control. Public Safety Radio Pool licensees also include state, county, or municipal entities that use radio for official purposes. State departments of conservation and private forest organizations comprise forestry service licensees that set up communications networks among fire lookout towers and ground crews. State and local (continued….)

developed a small business size standard specifically applicable to public safety licensees. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications.[264] The appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.[265] For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.[266] Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.[267] Thus under this category and the associated size standard, the Commission estimates that the majority of firms can be considered small. With respect to local governments, in particular, since many governmental entities comprise the licensees for these services, we include under public safety services the number of government entities affected. According to Commission records, there are a total of approximately 133,870 licenses within these services.[268] There are 3.121 licenses in the 4.9 GHz band, based on an FCC Universal Licensing System search of March 29, 2017.[269] We estimate that fewer than 2,442 public safety radio licensees hold these licenses because certain entities may have multiple licenses.

30. *Radio Stations*. This Economic Census category "comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources."[270] The SBA has established a small business size standard for this category as firms having $41.5 million or less in annual receipts.[271] U.S. Census Bureau data for 2012 show that 2,849 radio station firms operated during that year.[272] Of that

(Continued from previous page)
governments are highway maintenance licensees that provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. Emergency medical licensees use these channels for emergency medical service communications related to the delivery of emergency medical treatment. Additional licensees include medical services, rescue organizations, veterinarians, persons with disabilities, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities.

[264] *See* U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers (except Satellite)"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517312&search=2017%20NAICS%20Search.

[265] *See* 13 CFR § 121.201, NAICS Code 517312 (formerly 517210).

[266] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012.

[267] *Id*. Available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees. The largest category provided is for firms with "1000 employees or more."

[268] This figure was derived from Commission licensing records as of June 27, 2008. Licensing numbers change on a daily basis. We do not expect this number to be significantly smaller today. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of public safety licensees that have less than 1,500 employees.

[269] Based on an FCC Universal Licensing System search of March 29, 2017. Search parameters: Radio Service = PA – Public Safety 4940-4990 MHz Band; Authorization Type = Regular; Status = Active.

[270] *See* U.S. Census Bureau, *2017 NAICS Definition, "515112 Radio Stations,"* https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017.

[271] *See* 13 CFR § 121.201, NAICS Code 515112.

[272] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ4, *Information: Subject Series – Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012*, NAICS Code 515112, https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=515112&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false.

number, 2,806 firms operated with annual receipts of less than $25 million per year and 17 with annual receipts between $25 million and $49,999,999 million.[273] Therefore, based on the SBA's size standard the majority of such entities are small entities.

31. According to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database as of January 2018, about 11,261 (or about 99.9 percent) of 11,383 commercial radio stations had revenues of $38.5 million or less and thus qualify as small entities under the SBA definition.[274] The Commission has estimated the number of licensed commercial AM radio stations to be 4,580 stations and the number of commercial FM radio stations to be 6,726, for a total number of 11,306.[275] We note the Commission has also estimated the number of licensed noncommercial (NCE) FM radio stations to be 4,172.[276] Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

32. We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included.[277] The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a "small business," an entity may not be dominant in its field of operation.[278] We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these basis, thus our estimate of small businesses may therefore be over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

33. *Satellite Telecommunications.* This category comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications."[279] Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $35 million or less in average annual receipts, under SBA rules.[280] For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year.[281] Of this total, 299 firms had annual

[273] *Id.*

[274] BIA/Kelsey, MEDIA Access Pro Database (viewed Jan. 26, 2018).

[275] Broadcast Station Totals as of March 31, 2020, Press Release (MB April 6, 2020) (March 31, 2020 Broadcast Station Totals), https://docs.fcc.gov/public/attachments/DOC-363515A1.pdf.

[276] *Id.*

[277] "[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both." 13 C.F.R. § 121.103(a)(1).

[278] 13 C.F.R. § 121.102(b).

[279] *See* U.S. Census Bureau, *2017 NAICS Definition, "517410 Satellite Telecommunications"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517410&search=2017+NAICS+Search&search=2017.

[280] *See* 13 CFR § 121.201, NAICS Code 517410.

[281] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012*, NAICS Code 517410, https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517410&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false&vintage=2012.

receipts of less than $25 million.[282] Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

34. *Television Broadcasting.* This Economic Census category "comprises establishments primarily engaged in broadcasting images together with sound."[283] These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public.[284] These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: those having $41.5 million or less in annual receipts.[285] The 2012 Economic Census reports that 751 firms in this category operated in that year.[286] Of that number, 656 had annual receipts of $25,000,000 or less, and 25 had annual receipts between $25,000,000 and $49,999,999.[287] Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

35. The Commission has estimated the number of licensed commercial television stations to be 1,377.[288] Of this total, 1,258 stations (or about 91 percent) had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on November 16, 2017, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational television stations to be 384.[289] Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. There are also 2,300 low power television stations, including Class A stations (LPTV) and 3,681 TV translator stations.[290] Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

36. We note, however, that in assessing whether a business concern qualifies as "small" under the above definition, business (control) affiliations[291] must be included. Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition,

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[282] *Id*. The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard of annual receipts of $35 million or less.

[283] *See* U.S. Census Bureau, *2017 NAICS Definition, "515120 Television Broadcasting"*, https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515120&search=2017+NAICS+Search&search=2017.

[284] *Id*.

[285] *See* 13 CFR § 121.201, NAICS Code 515120.

[286] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ4, *Information: Subject Series – Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012*, NAICS Code 515120, https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=515120&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false.

[287] *Id*.

[288] *Broadcast Station Totals* as of June 30, 2018, Press Release (MB, rel. Jul. 3, 2018) (June 30, 2018 Broadcast Station Totals Press Release), https://docs.fcc.gov/public/attachments/DOC-352168A1.pdf.

[289] *Id*.

[290] *Id*.

[291] "[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both." 13 C.F.R. § 21.103(a)(1).

another element of the definition of "small business" requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and its estimates of small businesses to which they apply may be over-inclusive to this extent.

37. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)).[292]

38. *BRS* - In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years.[293] The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 86 incumbent BRS licensees that are considered small entities (18 incumbent BRS licensees do not meet the small business size standard).[294] After adding the number of small business auction licensees to the number of incumbent licensees not already counted, there are currently approximately 133 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules.

39. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas.[295] The Commission offered three levels of bidding credits: (i) a bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid.[296] Auction 86 concluded in 2009 with the sale of 61 licenses.[297] Of the ten winning bidders, two bidders that claimed small business status won

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[292] *Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, Report and Order, 10 FCC Rcd 9589, 9593, para. 7 (1995).

[293] 47 CFR § 21.961(b)(1).

[294] 47 U.S.C. § 309(j). Hundreds of stations were licensed to incumbent MDS licensees prior to implementation of Section 309(j) of the Communications Act of 1934, 47 U.S.C. § 309(j). For these pre-auction licenses, the applicable standard is SBA's small business size standard of 1500 or fewer employees.

[295] *Auction of Broadband Radio Service (BRS) Licenses, Scheduled for October 27, 2009, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 86*, Public Notice, 24 FCC Rcd 8277 (2009).

[296] *Id*. at 8296 para. 73.

[297] *Auction of Broadband Radio Service Licenses Closes, Winning Bidders Announced for Auction 86, Down Payments Due November 23, 2009, Final Payments Due December 8, 2009, Ten-Day Petition to Deny Period*, Public Notice, 24 FCC Rcd 13572 (2009).

4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

40. *EBS* - Educational Broadband Service has been included within the broad economic census category and SBA size standard for Wired Telecommunications Carriers since 2007. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies."[298] The SBA's small business size standard for this category is all such firms having 1,500 or fewer employees.[299] U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year.[300] Of this total, 3,083 operated with fewer than 1,000 employees.[301] Thus, under this size standard, the majority of firms in this industry can be considered small. In addition to U.S. Census Bureau data, the Commission's Universal Licensing System indicates that as of October 2014, there are 2,206 active EBS licenses. The Commission estimates that of these 2,206 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.[302]

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

41. The excavation or deployment boundaries of an eligible facilities request poses significant policy implications associated with the Commission's section 6409(a) rules. We anticipate that any rule changes that result from the *Notice* will provide certainty for providers, state and local governments, and other entities in interpreting the section 6409(a) rules. In the *Notice*, we seek comment on changes to our rules regarding excavation outside the boundaries of an existing tower site, including the definition of the boundaries of a tower site, which would affect whether certain modifications of existing structures qualify for streamlined Section 6409(a) review.[303] The Commission does not believe that our resolution of these matters will create any new reporting, recordkeeping, or other compliance requirements for small entities or others that will be impacted by our decision.

42. Specifically, we seek comment on interpretations of the term "site" in section 1.6100(b)(6). One possible interpretation of "site" is the current boundary of the leased or owned property surrounding the tower and any access or utility easements currently related to the site on the date an applicant submits a modification request. Another possible interpretation is the boundary of the leased or owned property surrounding the tower and any access or utility easements related to the site as of the date it was last reviewed and approved by a locality. We also seek comment on alternative definitions. In addition, we seek comment on whether we should change the Commission's rules to allow "compound expansions" (i.e. excavation or facility deployments outside the current boundaries of a macro tower compound) of up to 30 feet in any direction outside a site to fall within the expedited processes of section

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[298] *See* U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers"* (partial definition), http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517311&search=2017.

[299] *See* 13 CFR § 121.201, NAICS Code 517311 (previously 517110).

[300] *See* U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517110, https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517110&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false.

[301] *Id.*

[302] The term "small entity" within SBREFA applies to small organizations (non-profits) and to small governmental jurisdictions (cities, counties, towns, townships, villages, school districts, and special districts with populations of less than 50,000). 5 U.S.C. §§ 601(4)-(6).

[303] 47 CFR § 1.6100(b)(6), (7)(iv).

6409(a). This change to the existing rule, which was requested by industry commenters, is opposed by state and local government jurisdictions, and was previously considered but not adopted by the Commission in the *2014 Infrastructure Order*. As such, the Commission also seeks comment on whether there have been developments since the 2014 *Infrastructure Order* to warrant changes to the rules regarding compound expansions.

43. We do not anticipate rule changes resulting from the *Notice* to cause any new recordkeeping, reporting, or compliance requirements for entities preparing eligible facilities requests under section 6409(a) because entities are required to submit detailed construction proposals outlining the work to be done regardless of whether the project qualifies as an eligible facilities request under section 6409(a). Additionally, while we do not anticipate that any action we take on the matters raised in the *Notice* will require small entities to hire attorneys, engineers, consultants, or other professionals to comply, the Commission cannot quantify the cost of compliance with the potential changes discussed in the *Notice*. As part of our invitation for comment however, we request that parties discuss any tangible benefits and any adverse effects as well as alternative approaches and any other steps the Commission should consider taking on these matters. We expect the information we received in comments to help the Commission identify and evaluate relevant matters for small entities, including compliance costs and other burdens that may result from the matters raised in the *Notice*.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

44. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.[304]

45. The Commission believes that clarifying the parameters of excavation or deployment within or around a "site" under section 1.6100 will provide more certainty to relevant parties and enable small entities and others to navigate more effectively state and local application processes. As a result, we anticipate that any clarifying rule changes on which the *Notice* seeks comment may help reduce the economic impact on small entities that may need to deploy wireless infrastructure by reducing the cost and delay associated with the deployment of such infrastructure.

46. To assist the Commission in its evaluation of the economic impact on small entities, and of such a rule change generally, and to better explore options and alternatives, the *Notice* asks commenters to discuss any benefits or drawbacks to small entities associated with making such a rule change. Specifically, we inquire whether there are any specific, tangible benefits or harms from changing the definition of "site" or applying section 6409(a)'s streamlined process to compound expansions that may cause an unequal burden on small entities.

47. The Commission is mindful that there are potential impacts from our decisions for small entity industry participants as well as for small local government jurisdictions. We are hopeful that the comments we receive illuminate the effect and impact of the prospective regulation alternatives in the *Notice* on small entities and small local government jurisdictions, the extent to which the regulations would relieve any burdens on small entities, including small local government jurisdictions, and whether there are any alternatives the Commission could implement that would achieve the Commission's goals while at the same time minimizing or further reducing the economic impact on small entities, including small local government jurisdictions.

[304] *See* 5 U.S.C. § 603(c)(1)-(4).

48. The Commission expects to consider more fully the economic impact on small entities following its review of comments filed in response to the *Notice*. The Commission's evaluation of the comments filed in this proceeding will shape the final alternatives we consider, the final conclusions we reach, and any final actions we ultimately take in this proceeding to minimize any significant economic impact that may occur on small entities, including small local government jurisdictions.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

49. None.

From: Richard Price <rprice@dga-mv.com>
Sent: Tuesday, October 3, 2023 5:56 PM
To: Brent Cooper <bcooper@cityofamericancanyon.org>
Cc: Letuchy, Boris <BSLE@pge.com>; Nicolle Hall <nhall@cityofamericancanyon.org>; Van Gorder, Mark <MKV5@pge.com>; Jason Holley <jholley@cityofamericancanyon.org>; William He <whe@cityofamericancanyon.org>; Bill Ross - External <wross@lawross.com>
Subject: Re: [External] PG&E Monopole Design Permit Staff Report and Resolution

Brent, William and all City Stakeholders:
Please let me respond in hopes of clarifying the situation/intent:
PG&E's application was accurate, but we can see where there might have been some confusion.

Regarding the Tower Antenna Data Worksheet:

1. The items listed on the worksheet to be mounted on the monopole are accurate. **Please see attached markup with clarifications**.
2. The Cell DAS antenna (item #8) picks up commercial signals from various carriers. No additional dishes or antennas are required to utilize their frequencies for communications within and between PG&E facilities and field crews.
3. The Direct tv dish was accurately noted on the worksheet (item #9). This is unique in that that signal is not picked up by the DAS antenna (item #8). This was previously approved (i.e. per the letter to the planning commission, no objections to this equipment were noted).
4. There was a minor error regarding the SCALA antenna (item #4) - it is actually a small vertical rod type antenna, not a dish.
5. Therefore there is no need to change the original submittal regarding equipment; there is no change in scope. The email with the 'clarification' unfortunately proved to be more confusing to everyone. We hope this clears up that confusion.

Regarding the Rendering:

- Renderings are meant to convey concepts; it is a representation, not a photo-realistic permit document. This is consistent with the actual building renderings as we did not render every exterior building-mounted light fixture, tree, or canopy to a level of 100% accuracy, in part because the design was evolving.
- The monopole graphic simulation was only aimed to represent the size and scale of it relative to the surrounding buildings, not for all details of all antenas (some are only a few inches in size).

SUMMARY:
We receive the signals from all commercial carriers but utilize PG&E-owned hardware/antennas (DAS). **These services are supplementing PG&E private networks and it's an Accessory Use, not for commercial applications or for profit.** PG&E will **not** host any equipment from other carriers unless there is AHJ approval from a future application by those carriers.
We would appreciate a 20 minute call, if still appropriate and necessary, to reconvene on this subject.

I hope this clears the air on the intent of the submittal and the use of the monopole.
Please contact us with any further questions.
Sincerely
Richard Price
DGA

Attachment 6

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Brian D. Bordona
Director

A Tradition of Stewardship
A Commitment to Service

October 16, 2023

PG&E
Attn: Boris Letuchy
245 Market Street, 15th Floor
San Francisco, CA 941105

Via email: bsle@pge.com

Re: P23-00214; PG&E Monopole Project
500 Boone Drive, American Canyon; APN 057-360-002-000
Approval Letter

Dear Mr. Letuchy:

Please be advised that Land Use Consistency Determination #P23-00214-ALU was **APPROVED** by the Napa County Airport Land Use Commission (hereafter "Commission") on October 4, 2023.

This permit is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

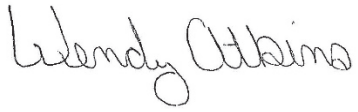
You are hereby further notified that the ninety-day period, established by California Government Code Section 66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions, which may have been adopted as conditions of approval has commenced.

Pursuant to Section 18.124.080 of the Napa County Code, the Modification must be activated within two (2) years of the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration of your permit.

EXPIRATION DATE: October 4, 2025

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

Sincerely,



Wendy Atkins
Planner II

Attachment

Cc: Richard West, via email: r7wf@pge.com
Napa County Dept. GIS; J. Tuteur (Assessor)
Project File-OnBase

TITLE

Paoli/Watson Lane Annexation Project

RECOMMENDATION

Consider three Resolutions to recommend to the City Council:

(1) A Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon (i) Certify the Paoli/Watson Lane Annexation Project Final Environmental Impact Report (SCH #2022090097), (ii) Adopt CEQA Findings of Fact, and (III) Adopt a Mitigation Monitoring and Reporting Program; approximately 83 acres located within the City of American Canyon Sphere of Influence in unincorporated Napa County and approximately 3-acres in the City of American Canyon east of SR-29.

(2) A Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve a General Plan Amendment for the Paoli/Watson Lane Annexation Project for land currently designated Agriculture to Industrial and Residential Estate, approximately 83 acres located within the City of American Canyon Sphere of Influence in unincorporated Napa County.

(3) A Resolution of the Planning Commission of the City of American Canyon, California, recommending the City Council of the City of American Canyon approve Pre-Zoning from Agriculture to Paoli Light Industrial, Paoli Commercial Overlay District, Residential Estate, and Railroad Right-of-Way for the Paoli/Watson Lane Annexation Project, approximately 83 acres, located within the City of American Canyon Sphere of Influence in unincorporated Napa County east of State Route (SR-29) and Paoli Loop Road; and an approximately 3-acre Rezoning within the City of American Canyon between SR-29 and Paoli Loop Road from Light Industrial to Paoli Light Industrial with a Paoli Commercial Overlay District.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

The Paoli/Watson Lane area is proposed to be annexed into the City of American Canyon. Consisting of approximately 83 acres, the Annexation Area is located northeast of the City in unincorporated

Napa County within the City's Sphere of Influence (SOI). SOI is a phrase in State Law that recognizes land that is logical to add to the City limits in the foreseeable future. A vicinity map is included as Attachment 0.1. The Annexation Area is surrounded by City limits to the east, west, and south.

- East of the Annexation Area is Watson Ranch and agricultural uses in unincorporated Napa County.
- West of the Annexation Area is Paoli Loop Road, State Route (SR) 29, and industrial uses to the west of SR-29.
- South of the Annexation Area are two homes, vacant Union Pacific Railroad (UPRR) land, and the Napa Junction mixed residential/commercial development.
- North of the Annexation Area is the "Hess/Laird" property in unincorporated Napa County. Napa County is currently reviewing a proposed industrial entitlement for this property.

The Paoli/Watson Annexation Area contains a mix of undeveloped land, residential uses, outdoor storage, and UPRR right-of-way. An aerial map of the project site is included as Attachment 0.2. Site photographs depicting the Annexation Area is included as Attachment 0.3.

The Objectives of the Proposed Project are to:

1. Promote economic growth in American Canyon by attracting new industries.
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development.
3. Create new employment opportunities for residents of Napa County and the surrounding region.
4. Extend Newell Drive, which would augment north-south travel parallel to SR-29.
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities.
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use.
7. Preserve the most biologically sensitive portions of the project site as open space.
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the Proposed Project while also ensuring these facilities operate at acceptable levels.
9. Promote public safety by incorporating security measures into the project design.
10. Mitigate impacts on the environment through implementation of feasible mitigation measures.

The Project includes three Entitlements. They are:

1. A Program Environmental Impact Report (PEIR) (See Attachment 1 to 1.E);
2. A General Plan amendment to designate land currently designated Agriculture to Industrial and Residential Estate (See Attachment 2); and
3. Pre-Zoning consistent with the General Plan and Rezoning within American Canyon consistent with adjacent property in the Annexation Area (See Attachment 3).

The Planning Commission's role is to review the Project and make recommendations to the City Council on each of the three entitlements. The City Council is the final approval authority because the project includes an amendment to the General Plan, Pre-Zoning, and Rezoning.

General Plan

The County General Plan designates most of the Annexation Area as Industrial, while the area east of the UPRR right-of-way is designated Agriculture-Watershed.

The City's General Plan designates this property for Agriculture, Town Center, and Residential Estate. Annexation Laws in California generally prohibit cities from annexing land with "rural" land use designations, such as Agriculture or Open Space. From a practical point of view, there are few reasons to annex Agriculture or Open Space land because in most cases, it does not generate sufficient economic activity to warrant annexing into the City. For this reason, the City must amend the General Plan to accommodate "urban" uses within the Annexation Area.

In place of an Agriculture General Plan designation, the Project would designate the Annexation Area west of the UPRR with Industrial and Estate Residential. The Industrial component adds economic value to help fund an extension to Newell Drive. The Rural Estate designation reflects the existing residential neighborhood and County regulations on Watson Lane. The property east of UPRR was previously designated Town Center along with Watson Ranch in 2008. A map depicting current and proposed General Plan land use is included as Attachment 0.4.

Extending Newell Drive across the northern boundary of the Annexation Area to Watson Ranch would complete an "eastside" parallel roadway to SR-29 and help relieve traffic congestion. The Hess/Laird project in Napa County, north of the annexation area would extend Newell Drive further north to S. Kelly Road. A graphic depicting the Paoli/Watson Newell Drive extension is included as Attachment 0.5.

Pre-Zoning and Rezoning

Annexation laws require cities to "Pre-Zone" property within the Annexation Area. "Pre-Zone" is a State Annexation term for designating zoning regulations on property outside the City limits. Once the property is annexed, the "Pre-Zoning" becomes "Zoning."

The proposed Pre-Zoning would consist of the following changes:

- The property east of the UPRR right-of-way was Pre-Zoned as Town Center in 2008 along with Watson Ranch. No change is proposed for this property.
- The land designated by the General Plan as Residential Estate would be Pre-Zoned Residential Estate. This zoning district would allow residences with a minimum lot size of 1 acre.
- The land designated by the General Plan as Industrial in the Annexation Area and City would be Pre-Zoned and Rezoned Paoli Light Industrial. This is a new zoning designation would

accommodate light industrial, research and development, offices, or similar uses.

- The land designated by the General Plan as Industrial in the Annexation Area and City west of the North Slough would be Pre-Zoned Paoli Light Industrial with a Commercial Overlay District. In addition to allowing light industrial uses, the Commercial Overlay District would allow commercial and commercially-related uses that capitalize on vehicle access and visibility from SR-29.
- The land within the "eye" of the UPRR railroad tracks at the southeast corner of the annexation area would be Pre-Zoned Railroad Right-of-Way.

A map depicting the current and proposed Pre-Zoning is included as Attachment 0.6. The proposed zoning regulations are included in Attachment 2.

Environmental Impact Report

An Environmental Impact Report (EIR) was prepared for the Paoli/Watson Lane Annexation Project (Proposed Project) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse No. 2021010104). An EIR is an informational document for City decision-makers, organizations, other public agencies, and the public to understand potential environmental impacts associated with the Proposed Project.

The proposed Paoli/Watson Lane Annexation EIR is a Program EIR. The Program-level analysis anticipates Local Agency Formation Commission (LAFCO) annexation approval, City Entitlement permitting, and construction of up to nearly 500,000 square feet of commercial development, nearly 700,000 square feet of industrial development, and nearly 190,000 square feet of visitor serving/hotel development. The EIR is available in Attachments 1 to 1.E.

Notice of Preparation (NOP) Comments

The City released a "Notice of Preparation" (NOP) for a 30-day agency and public review period starting September 7, 2022 and ending October 7, 2022. In addition, the City held an EIR Scoping Meeting on September 21, 2022. The meeting, held from 2:00 PM to 2:30 PM, provided information about the project to members of public agencies, interested stakeholders and residents/community members. The meeting was held virtually through an online meeting platform and a call-in number.

The City received letters from agencies and the public in response to the NOP during the public review period and oral comments during the Scoping Meeting. The NOP comments and responses are included as Appendix A to the EIR. (See Attachment 1.B).

In response to the NOP and during the EIR Workshop and Comments to the EIR, certain residents on Watson Lane noted that the proposed Land Use Plan is different from a version considered in 2019. The 2019 land use proposal, which represented a *Property Owner Annexation Effort*, designated the northern portion of residential properties on Watson Lane as Industrial. The *Property Owner Annexation Effort* was terminated because it failed to obtain a sufficient number of property owner authorizations.

The 2019 land use proposal would have introduced industrial uses and truck traffic to the rural Watson Lane residential neighborhood and roadway. A similar idea outlined in EIR Alternative 4 would upgrade Watson Lane to a collector roadway to accommodate additional automobile and truck traffic as a Newell Road bypass. This Alternative not receive support from Watson Lane residents that requested Industrial zoning on their property. (See EIR Comment Letter P-2 found in the Final EIR, Attachment 1.C). An image of Watson Lane is available on Page 4 of Attachment 0.3.

The current land use plan, which represents a *City-Initiated Annexation Effort*, designates the northern portion of residential properties on Watson Lane as Residential Estate. Residential Estate was proposed because it maintains a "status quo" zoning for Watson Lane properties to minimize environmental impacts and mitigation.

Fortunately, as noted in the December 2, 2022 response to Ms. Ford (Attachment 0.7), the Property Owners have the right to file a subsequent General Plan Amendment and Zone Change application to consider different or modified land use regulations on their property. A copy of the NOP comment letter and staff response is included as Attachment 0.7.

Environmental Impact Report Analysis
CEQA requires every project to evaluate impacts on a range of environmental topics. Listed below are each of the required environmental topics and the degree of impact caused by the Project:

1. No Significant Impact. The Project's impact on following topic areas are Not Significant:
    - Mineral Resources
    - Public Services (Schools)

An explanation why each issue is determined to be Not Significant is provided in EIR Chapter 4.19, Effects Found Not to be Significant. See Attachment 1.A. Paoli/Watson Annexation Draft EIR.

2 . Project Impacts Less Than Significant. The project's characteristics and/or feasible mitigation measures determine that the Project impact is Less Than Significant. These topic areas include the following:
    - Aesthetics, Light, and Glare
    - Agriculture and Forest Resources
    - Air Quality
    - Biological Resources
    - Cultural Resources and Tribal Cultural Resources
    - Energy
    - Geology, Soils, and Seismicity
    - Greenhouse Gas Emissions
    - Hazards and Hazardous Materials
    - Hydrology and Water Quality

- Land Use
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

An explanation why each issue is determined to be Less Than Significant is provided in EIR Chapter 4, Environmental Impact Analysis. See Attachment 1.A. Paoli/Watson Annexation Draft EIR.

3) Significant and Unavoidable Impacts. The EIR did not identify any impacts that are Significant and Unavoidable.

Project Alternatives
CEQA requires an EIR evaluate alternatives to the Proposed Project that are potentially feasible and would attain most of the basic Project Objectives while avoiding or substantially lessening the project's potential impacts. A table comparing the Alternative Buildout development is included as Attachment 0.9. A table that compares the environmental impacts of each Alternative is included as Attachment 0.91.

Alternative 1: No Project
A "No Project" Alternative is a requirement under CEQA. The Proposed Project would not be pursued, and the project site would remain undeveloped for the foreseeable future. The Newell Drive extension would not be constructed. This Alternative would not accomplish any of the Project Objectives.

Alternative 2: At-Grade Newell Drive Crossing
The Newell Drive extension would use an "At-Grade" UPRR crossing instead of an Overcrossing at the northeastern corner of the project site. Development would occur with the same intensity and land uses as described in Section 2, Project Description and buildout totals would remain unchanged.

The Alternative 2 At-Grade crossing would achieve all Project Objectives while reducing construction costs compared to an Overcrossing. However, an At-Grade crossing would reduce the usefulness of Newell Drive by halting traffic during times of railroad use. Furthermore, an At-Grade crossing would require approval from the California Public Utilities Commission (CPUC) pursuant to California Public Utilities Code Section 1201.

Alternative 3: Reduced Buildout
Total development in Alternative 3 would be reduced from approximately 1.3 million square feet to

690,764 square feet. This represents an approximately 50 percent reduction compared to the Proposed Project. The layout and project boundaries would remain the same as the Proposed Project. This Alternative would lessen accomplishment of all the Proposed Project's objectives.

Alternative 4: Watson Lane Reconfiguration

The Newell Drive extension in Alternative 4 would not cross over the UPRR Railroad line. Instead, drivers travelling northbound on Newell Drive would use Watson Lane and Paoli Loop Road to reach northbound SR-29 and the planned South Kelly Road extension through the Hess/Laird property.

To accommodate traffic demand from the re-routed Newell Drive bypass, Watson Lane would be improved to meet City Major Collector street standards. This standard includes an 80-foot right-of-way for two motor vehicle lanes (one per direction), bicycle lanes, sidewalks and landscape strips on both sides, with a raised center median. The Watson Lane railroad crossing would be improved with gates and flashers, and the roadway grade would be raised to reduce the steep roadway elevation change near the railroad crossing.

Development would occur with the same intensity and land uses as described in Chapter 2, Project Description. This Alternative would achieve all the Proposed Project's Objectives except the objective to extend Newell Drive. A graphic depicting Watson Lane improvements is included as Attachment 0.8.

Environmentally Superior Alternative

CEQA requires identification of an Environmentally Superior Alternative among the Alternatives. The Environmentally Superior Alternative must be an Alternative that reduces some of the Project's environmental impacts, regardless of the financial costs. Identification of the Environmentally Superior Alternative is informational and this Alternative may not meet some or all the goals of the proposed project.

Among the 4 Alternatives, the No Project Alternative is the Environmentally Superior Alternative because it would avoid every Project impact. However, this Alternative is problematic because none of the Project Objectives would be met.

State CEQA law says that if the No Project Alternative is determined to be the Environmentally Superior Alternative, the EIR must identify an Environmentally Superior Alternative among the other Alternatives (CEQA Guidelines Section 15126.6[e]).

Among the remaining Alternatives, Alternative 3 (Reduced Buildout by 50%) would be the Environmentally Superior Alternative because it would reduce severity of 12 impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, noise, public services and recreation, tribal cultural resources, and utilities and service systems) compared to the Project. However, Alternative 3 would not achieve the Project goals as effectively as the Project.

A table comparing the Alternative Environmental Impacts is included as Attachment 0.9. Alternatives to the Proposed Project are more fully described in the Draft EIR, Chapter 6. See Attachment 1.A.

Review of Remaining Alternatives

As discussed above, the Alternative 2 At-Grade crossing would achieve all Project Objectives while reducing construction costs compared to an Overcrossing. An At-Grade crossing would reduce the usefulness of Newell Drive by halting traffic during times of railroad use. Furthermore, an At-Grade crossing would require approval from the California Public Utilities Commission (CPUC) pursuant to California Public Utilities Code Section 1201. As an independent agency from the City, there is no guarantee the CPUC would permit an At-Grade crossing.

The Alternative 4 Watson Lane Reconfiguration Alternative (Alternative 4) would re-route Newell Drive automobile and truck traffic onto Watson Lane. Today, Watson Lane is a narrow, low traffic volume street that terminates at rural farm properties in Napa County. Paired with costly widening and improvements, this Alternative would significantly increase traffic conditions on this rural roadway and likely require private property acquisition to widen the road.

Final EIR

The EIR was circulated for public review for 45 days from March 14, 2023 to April 28, 2023. A copy of the Draft EIR and Appendices is included as Attachments 1.A and 1.B.

The City received 8 comments on the Draft EIR. These comments were reviewed and a response to each comment was prepared. As discussed in the response to comments, none of the comments received, or the responses provided, constitute “significant new information” by CEQA standards (CEQA Guidelines Section 15088.5). Responses to EIR comments were distributed to the Commenters on October 19, 2023. Altogether, the Final EIR includes the Draft EIR and Appendices (see Attachments 1.A and 1.B), Responses to EIR comments, Errata corrections (see Attachment 1.C), and a Mitigation and Monitoring Report (see Attachments 1.D).

Statement of Findings

A Statement of Findings (SOF) has been prepared to document the project description, environmental review process, and substantial evidence to support all the conclusions in the EIR. The SOF provides further analysis and conclusions regarding the feasibility of each Project Alternative. See Attachment 1.E.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Transportation: "Improve the transportation network within the City to alleviate congestion and enhance the quality of life for the community."

FISCAL IMPACT

Costs for the preparation of the Land Use Documents and Annexation Application shall be borne proportionally by Owner after the effective date of the annexation.

ENVIRONMENTAL REVIEW

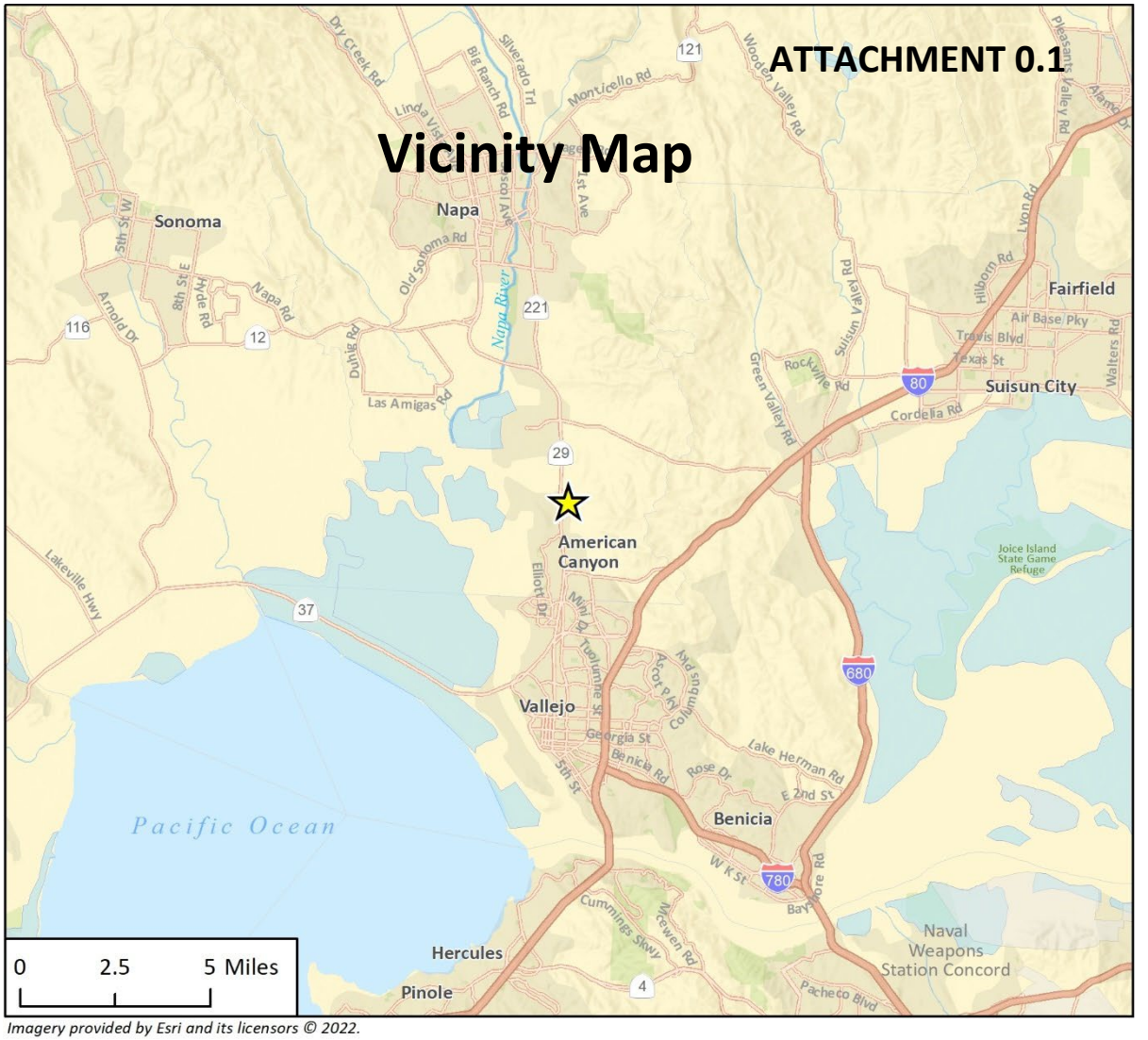
The City of American Canyon prepared an Environmental Impact Report (EIR – State Clearinghouse No. 2022090097) for the Paoli/Watson Lane Annexation Project in accordance with the California Environmental Quality Act.

ATTACHMENTS:

0.1 Regional Location
0.2 Existing Aerial
0.3 Site Photographs
0.4 Current and Proposed General Plan
0.5 Conceptual Newell Drive Alignment
0.6 Current and Proposed Pre-Zoning
0.7 Email to Ladeena Ford Regarding NOP Comments 12.02.22
0.8 Alternative 4 - Watson Lane Reconfiguration
0.9 Comparison of Alternative Buildout
0.91 Comparison of Alternative Impacts
1 Paoli Watson PC CEQA Reso
1.A - Paoli Watson Lane Annexation Draft EIR
1.B - Paoli Watson Lane Annexation Draft EIR Appendices
1.C Paoli Watson Final EIR
1.D - Paoli Watson Lane_MMRP
1.E Paoli Watson CEQA Findings
2. Paoli Watson AX - GPA Reso
3. Paoli Watson AX - ZC Reso

ATTACHMENT 0.1

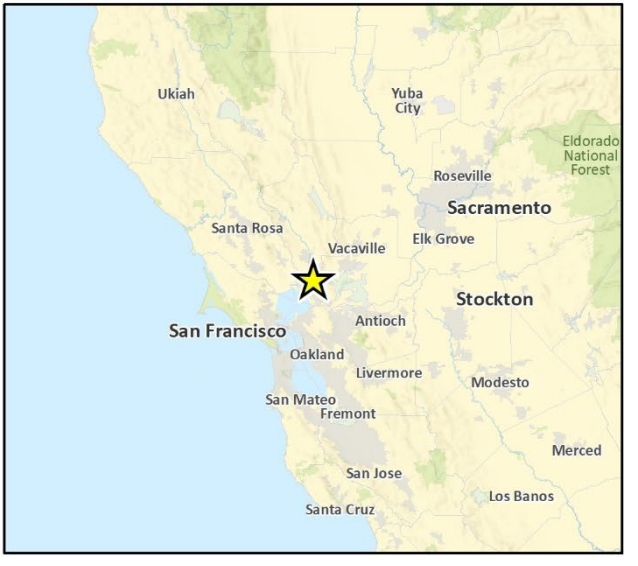
Vicinity Map



Imagery provided by Esri and its licensors © 2022.

Project Location

N



ATTACHMENT 0.2

Existing Aerial View



Imagery provided by Microsoft Bing and its licensors © 2022.

Viewpoint Locations
Site Photographs follow on next pages

ATTACHMENT 0.3



View looking east from the northeastern corner of the project site



Source: Rincon Consultants 2022

View looking west from the northeastern corner of the project site



Source: Rincon Consultants 2022

View looking east from the north central portion of the project site



Source: Rincon Consultants 2022

View of structures located in the north central portion of the project site



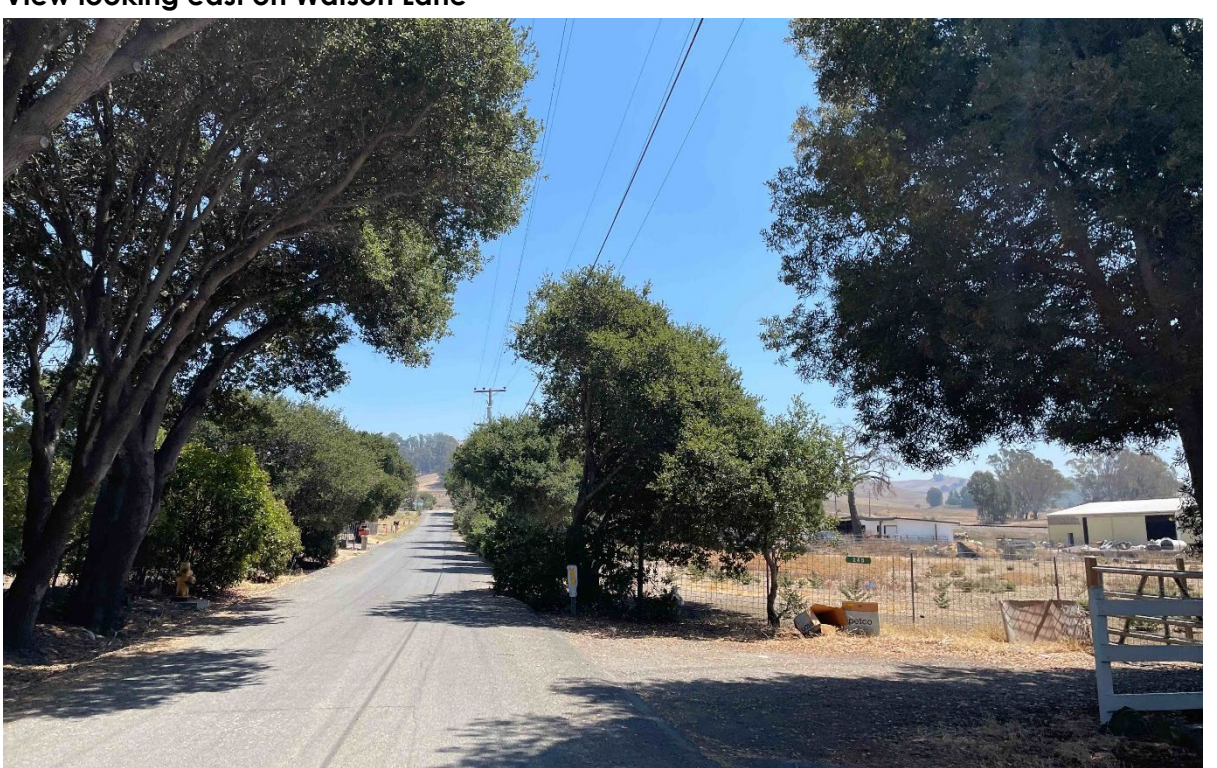
Source: Rincon Consultants 2022

View looking north on Paoli Loop Road on the northwestern corner of the project site



Source: Rincon Consultants 2019

View looking east on Watson Lane

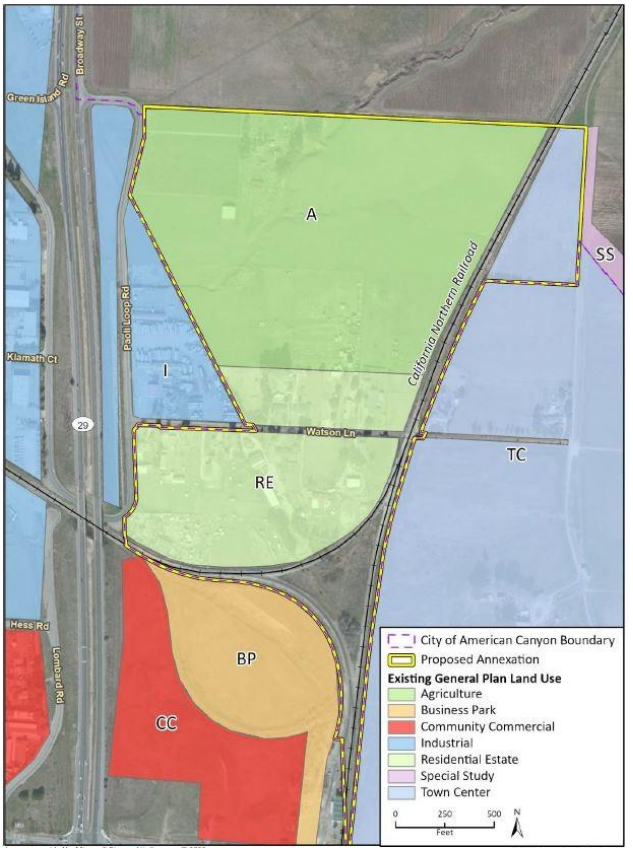


Source: Rincon Consultants 2022

ATTACHMENT 0.4

Amendment to the General Plan Land Use Element Map

Existing General Plan

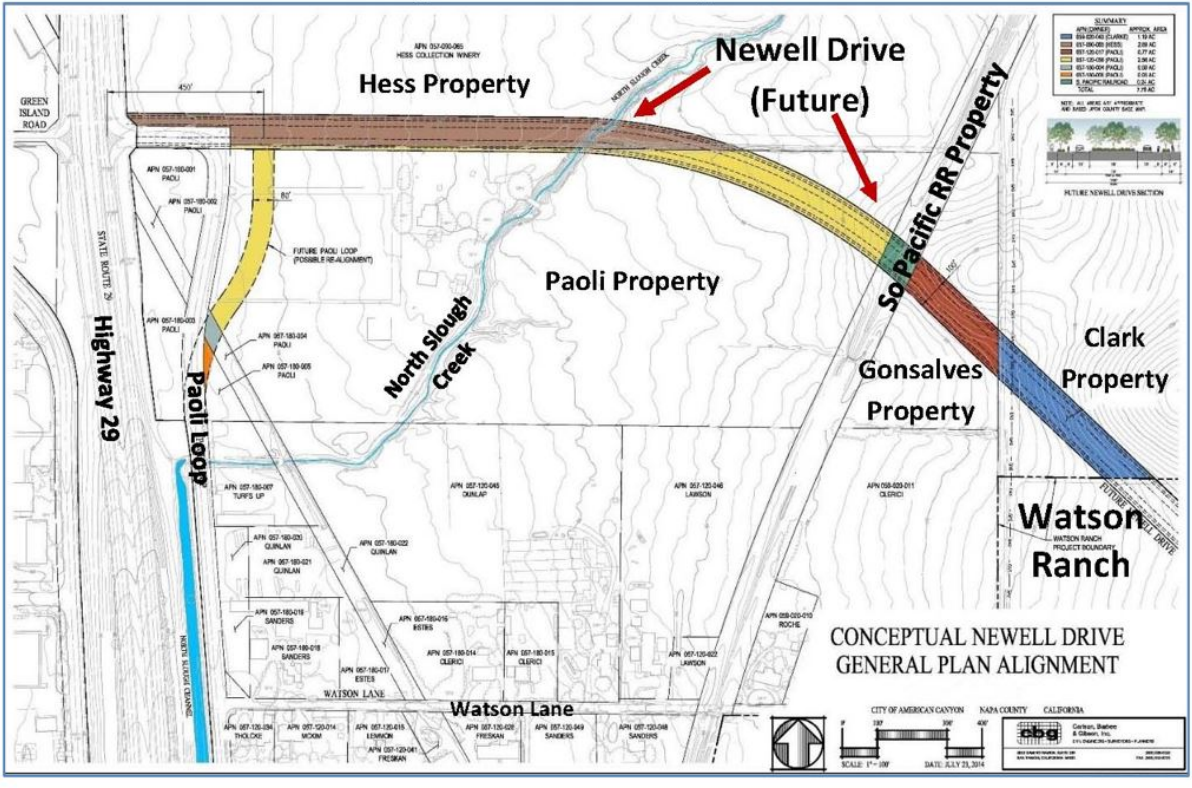


Proposed General Plan



ATTACHMENT 0.5

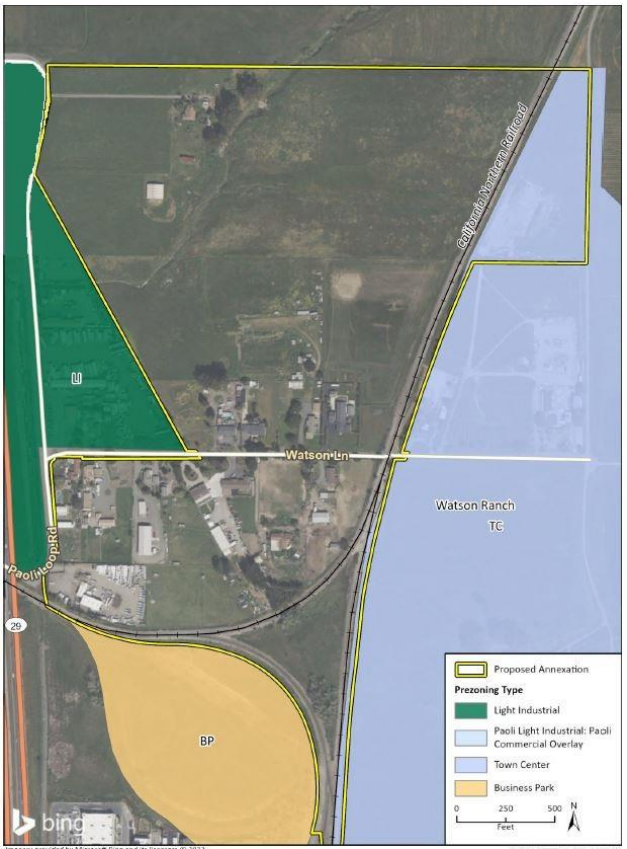
Conceptual Newell Drive Alignment



ATTACHMENT 0.6

Paoli/Watson Annexation Project Pre-Zoning and Rezoning Map

Existing Pre-Zoning



Proposed Pre-Zoning and Rezoning



Brent Cooper

From: Brent Cooper
Sent: Friday, December 2, 2022 9:54 AM
To: Ladeena Ford [redacted]
Cc: 'Leo Mena'; sean@lakassociates.com; William He; Erica Ahmann Smithies; Jason Holley; Bill Ross - External; Les Lawson
Subject: Ladeena Ford Watson Lane Annexation NOP Comments

Hello Ladeena,

Thank you for reaching out concerning your comments on the Paoli/Watson Lane Annexation Notice of Preparation. A Notice of Preparation (NOP) is a brief notice sent by the "lead agency" (i.e. City of American Canyon) to notify "responsible agencies", "trustee agencies", and involved federal agencies that the lead agency plans to prepare an Environmental Impact Report (EIR) for a project.

The previous project you noted was a Property Owner-initiated annexation effort. Unfortunately, that effort failed due to an insufficient number of property owner authorizations.

The current (i.e. new) project is a City-Initiated annexation covering the same geographical area as the 2019 effort. The new project maintains a "status-quo" zoning for Watson Lane properties to minimize environmental impacts and mitigation.

Fortunately, land use changes on Watson Lane may be considered at any time following annexation consistent with State Planning laws, such as a subsequent Property Owner or City-initiated effort.

Regarding your question on sewer service, annexation offers the potential to extend sewer service down Watson Lane. Extending a sewer service is very technical so I would suggest that following annexation, please contact Erica Ahmann Smithies, Public Works Director. I have copied Ms. Smithies on this email.

We look forward to your involvement in the Paoli/Watson Lane Annexation process.

Sincerely,

Brent Cooper, AICP
Community Development Director
City of American Canyon | Broadway Street, Suite 201 | American Canyon, CA 94503
(707) 647-4335

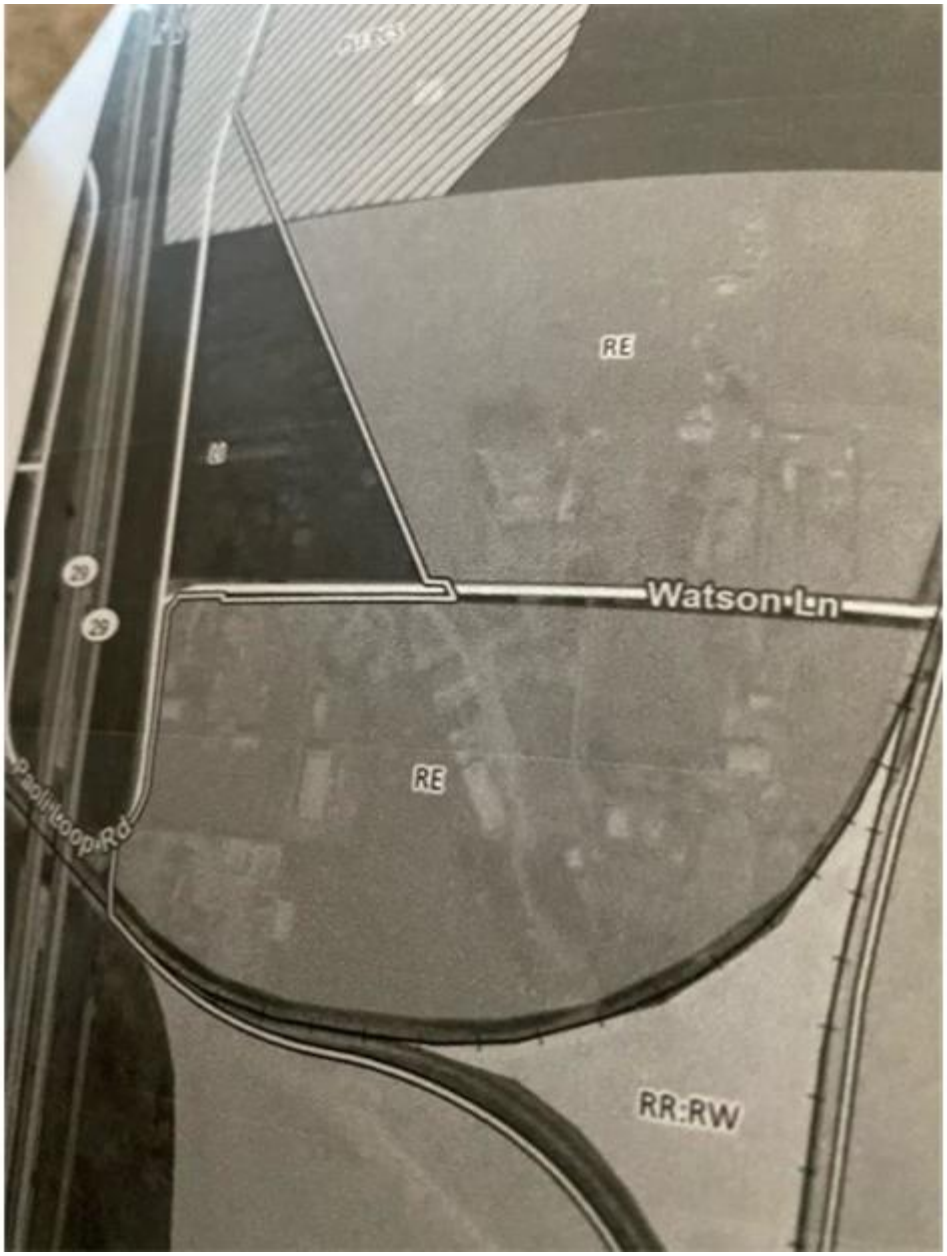
-----Original Message-----
From: Ladeena Ford [redacted]
Sent: Tuesday, October 4, 2022 2:00 PM
To: sean@lakassociates.com
Cc: [redacted]
Subject: Watson Lane

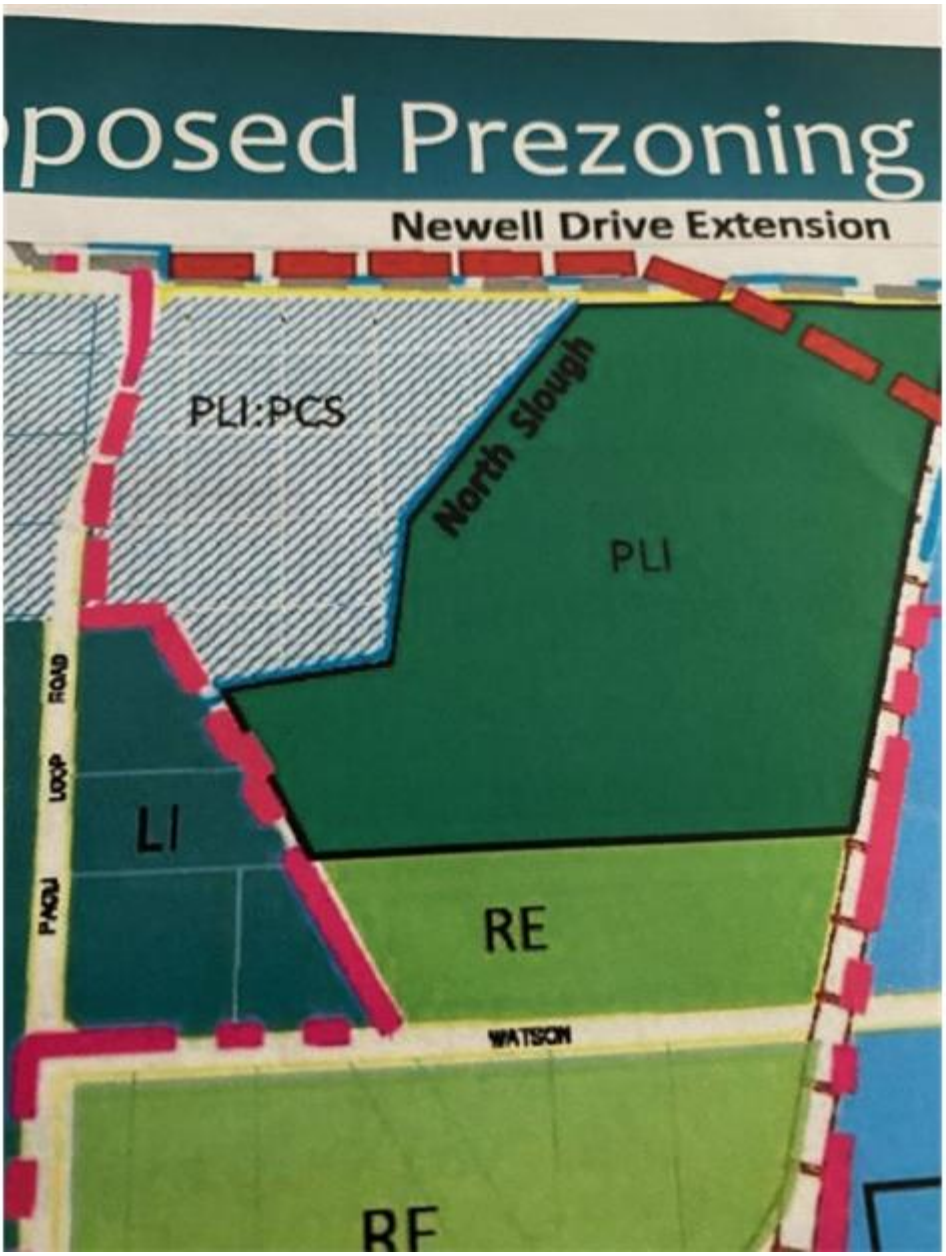
>>>
>>> Hi Sean,
>>>

>>> I am providing comments on behalf of my parents Les and Earlene Lawson, Watson Lane residents.
>>>
>>> They watched the meeting via zoom and reviewed the proposed zoning.
>
>>> They are concerned because the recent proposal is not the same as the 2019 proposal.
>>>
>>> The 2019 proposal has their one acre parcel with their home zoned as residential, and their property behind their home zoned as light industrial. The recent proposal has it all zoned as residential.
>
>>> Please note that the 2019 proposal reflects residential use restrictions due to the property's location in zone D of the airport which restricts residential use. That is why it made sense that the property behind their home was proposed to be zoned as light industrial.
>>>
>>> The changes in the most recent proposal when compared to the 2019 proposal impacts 2 property owners, my parents and the property owned by the Dunlops.
>>>
>>> Can you please let us know the purpose of changing the zoning from the 2019 proposal? Please note that this new proposal limits the use of my parents property and the Dunlap's property. They can't develop residential due to airport restrictions and they can't develop light industrial.
>>>
>>> To be clear, my parents want the property behind their home zoned as light industrial same as the adjacent Paoli property, as reflected in the 2019 proposal.
>
> Also, can you please let us know if sewer will be brought down Watson Lane when it is annexed into the City.

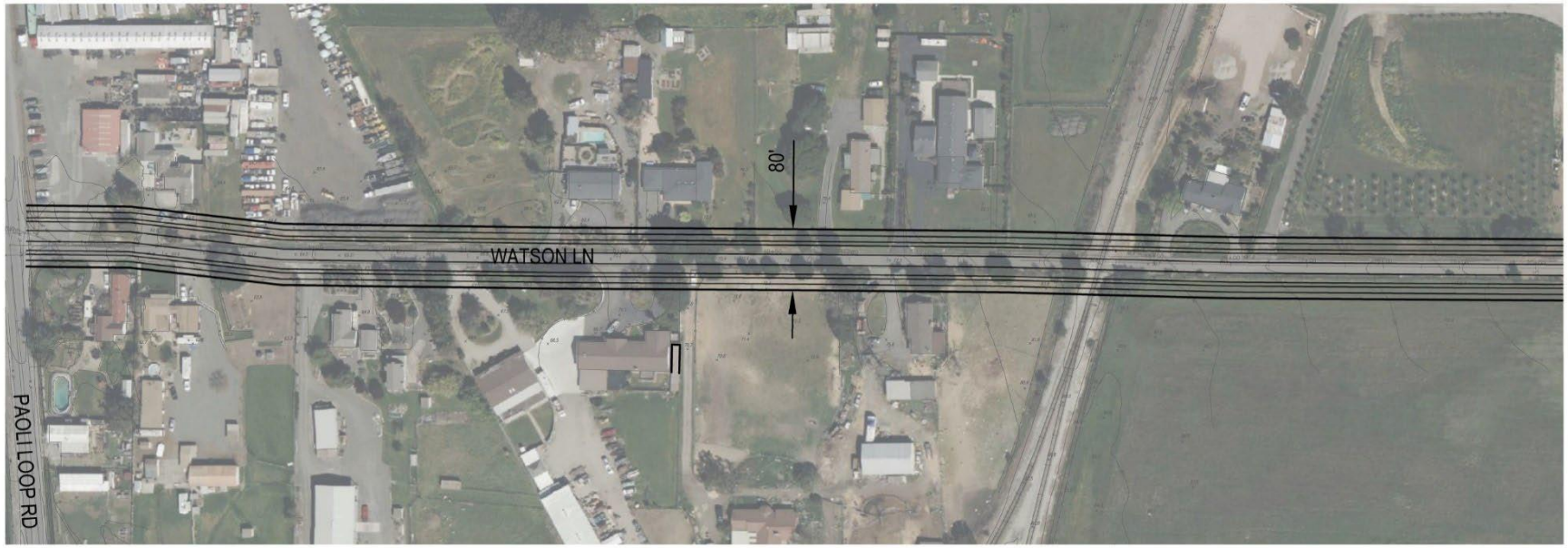
See below for a picture of the most recent proposal, the 2019 proposal, and the letter regarding submittal of comments.

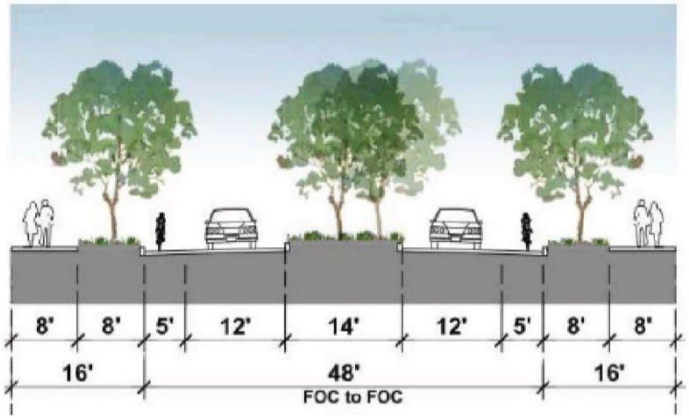
Although the letter states we can provide comments within 30 days, October 7 is not 30 days from the zoom meeting. My parents are concerned impacted Watson Lane residents may not have a sufficient amount of time to provide comments to this revised proposal.

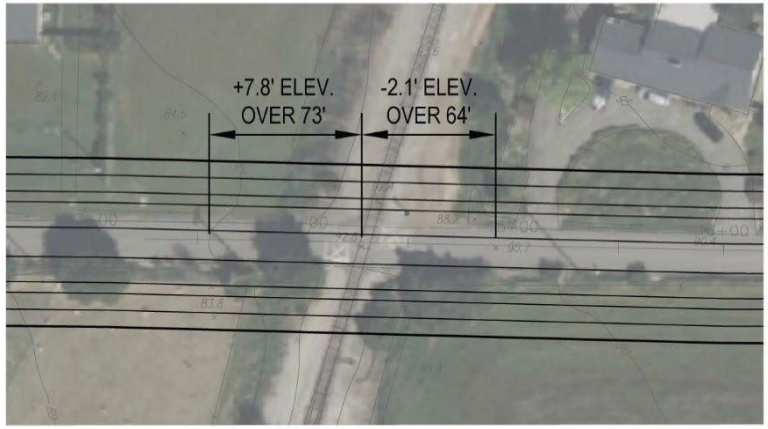

RE
Watson Ln
RE
RR:RW


posed Prezoning
Newell Drive Extension
PLI:PCS
North Slough
PLI
LI
RE
WATSON
RE

Alternative 4 – Watson Lane Reconfiguration







0 100 200
Feet
N

Source: GHD, 2/1/2023.

ATTACHMENT 0.9

Comparison of Alternative Buildout

	Project	Alternative 1: No Project	Alternative 2: At-Grade Newell Drive Crossing	Alternative 3: Reduced Buildout	Alternative 4: Watson Lane Reconfiguration
Total allowable non-residential area (square feet)	1,321,528	0	1,321,528	660,764	1,321,528
Change in total area compared to project (square feet)	n/a	-1,321,528	0	660,764	0
Total employees	1,650	0	1,650	825	1,650
Change in employee compared to project	n/a	-1,650	0	825	0

ATTACHMENT 0.91

Comparison of Alternative Impacts

Issue	Project	Alternative 1: No Project	Alternative 2: At-Grade Newell Drive Crossing	Alternative 3: Reduced Buildout	Alternative 4: Watson Lane Reconfiguration
Aesthetics	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Agricultural and Forestry Resources	NI	NI (+)	NI (=)	NI (=)	NI (=)
Air Quality	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Biological Resources	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Cultural Resources	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Energy	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Geology and Soils	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Greenhouse Gas Emissions	SU	NI (+)	SU (+)	SU (+)	SU (+)
Hazards and Hazardous Materials	LTSM	NI (+)	LTSM (-)	LTSM (=)	LTSM (-)
Hydrology and Water Quality	LTS	NI (+)	LTS (=)	LTS (+)	LTS (+)
Land Use and Planning	LTS	NI (+)	LTS (=)	LTS (=)	LTS (-)
Noise	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (-)
Population and Housing	LTS	NI (+)	LTS (=)	LTS (=)	LTS (=)
Public Services and Recreation	LTSM	NI (+)	LTSM (-)	LTSM	LTSM (-)
Transportation	LTS	NI (+)	LTS (-)	LTS (=)	LTS (-)
Tribal Cultural Resources	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Utilities and Service Systems	LTS	NI (+)	LTS (=)	LTS (+)	LTS (=)
Wildfire	LTSM	NI (+)	LTSM (-)	LTSM (=)	LTSM (-)

NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with Mitigation; SU = Significant and Unavoidable

Green: + Superior to the proposed project (reduced level of impact)

Red: - Inferior to the proposed project (increased level of impact)

No color: = Similar level of impact to the project

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON (i) CERTIFY THE PAOLI/WATSON LANE ANNEXATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2022090097), (ii) ADOPT CEQA FINDINGS OF FACT, AND (III) ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM, APPROXIMATELY 83 ACRES, LOCATED WITHIN THE CITY OF AMERICAN CANYON SPHERE OF INFLUENCE (SOI) IN UNINCORPORATED NAPA COUNTY ("COUNTY") AND APPROXIMATELY 3 ACRES IN THE CITY OF AMERICAN CANYON, EAST OF SR-29

WHEREAS, on September 5, 2017, the City Council directed staff to prepare a Napa County Local Agency Formation Commission (LAFCO) annexation application for the Paoli Loop/Watson Lane Sphere of Influence (SOI) ("Paoli/Watson Lane Annexation Project"); and

WHEREAS, the Paoli/Watson Lane area (hereafter the "Affected Territory") is comprised of approximately 83 acres currently in the unincorporated County of Napa ("County"), located East of State Route (SR) 29 and Paoli Loop Road and is comprised of the following APNs and parcels:

a. 059-020-036
b. 057-120-014
c. 057-120-015
d. 057-120-017
e. 057-120-028
f. 057-120-034
g. 057-120-036
h. 057-120-041
i. 057-120-045
j. 057-120-047
k. 057-120-048
l. 057-120-049
m. 057-120-050
n. 057-120-051
o. 057-180-014
p. 057-180-015
q. A portion of the Union Pacific Railroad right-of-way running approximately northeast by southwest at the eastern boundary of the Affected Territory; and

WHEREAS, the Project also includes approximately 3-acres within the City of American Canyon that is proposed to be Rezoned to Paoli Light Industrial with a Paoli Commercial Overlay District; and

WHEREAS, the City currently provides several municipal services to the Affected Area, including water, recycled water, and sewer services; and

WHEREAS, the Affected Area is within the American Canyon Fire Protection District, which provides the Affected Area with fire and emergency response services; and

WHEREAS, all the properties in the Affected Area must be included in the Affected Area property annexation to avoid creating an "Island" of unincorporated territory; and

WHEREAS, on December 3, 2018 the Napa County Local Agency Formation Commission ("LAFCO") confirmed the SOI, which includes the Affected Area; and

WHEREAS, a Pre-Annexation Agreement by and between the City of American Canyon ("City") and Cecil A. Paoli, an individual ("Paoli Pre-Annexation Agreement") was executed by Mr. Paoli on February 19, 2019 and approved by the City Council on March 19, 2019 (by City Resolution 2019-22); and

WHEREAS, the Paoli Pre-Annexation Agreement was intended to serve as the basis for formulating land use planning designations and necessary entitlement, transaction, and environmental documents for real property thought to be owned by Mr. Paoli in unincorporated County of Napa ("County") that was intended to be annexed to the City; and

WHEREAS, on June 18, 2019, the City Council approved a First Amended Pre-Annexation Agreement for the Cecil Augusto Paoli Revocable Family Trust property as a portion of the Paoli Loop/Watson Lane Area Annexation affected area (by City Resolution 2019-44); and

WHEREAS, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon 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 Paoli Watson Annexation Project includes an amendment to the General Plan to designate land currently designated Agriculture to Industrial and Residential Estate; and

WHEREAS, the Paoli Watson Annexation Project includes Pre-Zoning consistent with the General Plan to designate Residential Estate land Pre-Zoned as such, which would allow residences with a minimum lot size of 1 acre; and

WHEREAS, land designated as Industrial would be Pre-Zoned as Paoli Light Industrial, which would be a new zoning designation that accommodates existing and new light manufacturing uses, research and development, offices, or similar uses; and

WHEREAS, Industrial land west of the North Slough would be Pre-Zoned Paoli Commercial Overlay District, which would allow commercial and commercially-related uses that capitalize on vehicle access and visibility; and

WHEREAS, outside the Annexation Area, the land between SR 29 and Paoli Loop Road currently zoned as Light Industrial would be Rezoned as Paoli Light Industrial with a Paoli Commercial Overlay District; and

WHEREAS, no change is proposed to the existing Town Center Pre-Zoning for the Annexation parcel east of the Union Pacific Railroad (UPRR); and

WHEREAS, accordingly, an Environmental Impact Report (EIR) evaluates the Paoli/Watson Annexation Project at a Program level of analysis; and

WHEREAS the objectives of the Paoli/Watson Annexation Project are to:

1. Promote economic growth in American Canyon by attracting new industries;
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development;
3. Create new employment opportunities for residents of Napa County and the surrounding region;
4. Extend Newell Drive, which would augment north-south travel parallel to SR 29;
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities;
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use;
7. Preserve the most biologically sensitive portions of the project site as open space;
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the proposed project while also ensuring these facilities operate at acceptable levels;
9. Promote public safety by incorporating security measures into the project design; and
10. Mitigate impacts on the environment through implementation of feasible mitigation measures; and

WHEREAS, for purposes of the California Environmental Quality Act (Public Resources Code, Sections 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), ("CEQA") the City is the lead agency for the Project; and

WHEREAS, the City released a Notice of Preparation of a Draft Environmental Impact Report for the Paoli/Watson Lane Annexation Project from September 7, 2022 to October 7, 2022; and

WHEREAS, the City filed a notice of availability (NOA) and notice of completion (NOC) with the Governor's Office of Planning and Research and the Napa County Clerk to begin a 45-day public review period (Public Resources Code [PRC] Section 21161), which began on March 14, 2023, and ended on April 28, 2023; and

WHEREAS, the City notified the public about the availability of the Draft EIR through the publication of an advertisement in a newspaper (Vallejo Times Herald) and via email; and

WHEREAS, the environmental analysis concludes that implementation of the project will not result in any significant and unavoidable impacts; and

WHEREAS, on April 27, 2023, the Planning Commission conducted a publicly-noticed workshop to discuss the Paoli/Watson Lane Annexation Draft EIR; and

WHEREAS, within the 45-day public review period, the City received eight written comments on the content of the Draft EIR; and

WHEREAS, the City prepared a Final EIR, which was published and submitted to the State Clearinghouse on October 13, 2023; and

WHEREAS, on or before October 13, 2023, the City delivered responses to each of the eight written comments received on the content of the Draft EIR in the form of the Final EIR; and

WHEREAS, CEQA Guidelines section 15090 requires that, prior to approving a proposed project for which a Final EIR has been prepared, a lead agency's decision making body must certify that: (1) the Final EIR has been completed in compliance with CEQA; (2) the Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) the Final EIR reflects the lead agency's independent judgment and analysis; and

WHEREAS, prior to approving a proposed project for which a Final EIR has identified significant environmental effects, a lead agency's decision making body is required, pursuant to Public Resources Code section 21081, subdivision (a), and CEQA Guidelines section 15091, to adopt findings demonstrating that the decision making body has considered and adopted all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects ("CEQA Findings of Fact"); and

WHEREAS, prior to approving a project that requires the adoption of feasible mitigation measures to substantially lessen or avoid significant environmental effects, a lead agency's decision-making body is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the lead agency are carried out; and

WHEREAS, on October 26, 2023, the Planning Commission conducted a duly-noticed public hearing to evaluate the Paoli/Watson Lane Annexation Project and Final EIR and determined that based on all the evidence presented, including, but not limited to, written and oral testimony given at meetings, it is appropriate to recommend that the City Council certify the Final EIR as adequate to address environmental impacts associated with the Paoli/Watson Lane Annexation Project, and adopt the Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and are included herein by reference as findings.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council makes the three findings necessary to certify that the Final EIR reflects the independent judgement and analysis of the City and thoroughly as adequate to addresses the potentially significant environmental impacts associated with implementation of the Paoli/Watson Lane Annexation Project. The Final EIR consists of the Draft EIR (Exhibit A to this Resolution) and Appendices (Exhibit B to this Resolution), and the Final EIR, which includes a list of persons, organizations, and agencies that provided comments on the Draft EIR, responses to the comments received regarding the Draft EIR, and errata or revisions to the Draft EIR (Exhibit C to this Resolution).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends that City Council adopt the Mitigation Monitoring and Reporting Plan for the Paoli/Watson Lane Annexation Project Exhibit D to this Resolution).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends that City Council adopt Findings of Fact for the Paoli/Watson Lane Annexation Project (Exhibit E to this Resolution).

PASSED, APPROVED and **ADOPTED** at a specially scheduled meeting of Planning Commission of the City of American Canyon held on the October 26, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Crystal Mallare, Chair

ATTEST:

Nicolle Jones, Administrative Technician

APPROVED AS TO FORM:

William D. Ross, City Attorney

Exhibit A: Draft EIR
Exhibit B: Draft EIR Appendices
Exhibit C: Final EIR
Exhibit D: Mitigation Monitoring and Reporting Plan
Exhibit E: Findings of Fact



Paoli/Watson Lane Annexation

Draft Environmental Impact Report

State Clearinghouse No. 2022090097

prepared by

City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, California 94503
Contact: Brent Cooper, Community Development Director

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

March 2023

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Environmental Scientists | Planners | Engineers
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Table of Contents

Executive Summary ES-1
Project Synopsis ES-1
Project Objectives ES-2
Alternatives ES-3
Areas of Known Controversy ES-4
Issues to be Resolved ES-5
Issues Not Studied in Detail in the EIR ES-5
Summary of Impacts and Mitigation Measures ES-5

1 Introduction 1-1
1.1 Environmental Impact Report Background 1-1
1.2 Project Overview 1-2
1.3 Purpose and Legal Authority 1-2
1.3.1 Streamlining Under CEQA Guidelines 15183 1-3
1.3.2 Other Tiering Opportunities 1-4
1.4 Public Review and Participation Process 1-4
1.5 Scope and Content 1-6
1.6 Lead, Responsible, and Trustee Agencies 1-7
1.7 Environmental Review Process 1-7

2 Project Description 2-1
2.1 Project Applicant 2-1
2.2 Lead Agency Contact Person 2-1
2.3 Project Location 2-1
2.4 Existing Site Characteristics 2-6
2.4.1 Current Land Use Designation and Zoning 2-6
2.4.2 Existing Land Uses 2-6
2.4.3 Surrounding Land Uses 2-6
2.5 Project Characteristics 2-6
2.5.1 Proposed Land Use Designation and Pre-Zoning 2-6
2.5.2 Newell Drive Extension 2-12
2.5.3 Pre-Annexation Agreement 2-12
2.5.4 Napa County Local Agency Formation Commission 2-12
2.5.5 Utilities 2-14
2.5.6 Agricultural Land 2-14
2.5.7 Project Buildout 2-15
2.6 Vine Trail 2-15
2.7 Project Objectives 2-15
2.8 Required Approvals 2-16

3 Environmental Setting 3-1
3.1 Regional Setting 3-1
3.2 Project Site Setting 3-1
3.3 Cumulative Development 3-2

4 Environmental Impact Analysis 4-1

4.1 Aesthetics 4.1-1
4.1.1 Setting 4.1-1
4.1.2 Regulatory Setting 4.1-7
4.1.3 Impact Analysis 4.1-10
4.1.4 Cumulative Impacts 4.1-15
4.2 Agriculture and Forestry Resources 4.2-1
4.2.1 Setting 4.2-1
4.2.2 Regulatory Setting 4.2-3
4.2.3 Impact Analysis 4.2-4
4.2.4 Cumulative Impacts 4.2-7
4.3 Air Quality 4.3-1
4.3.1 Setting 4.3-1
4.3.2 Regulatory Setting 4.3-7
4.3.3 Impact Analysis 4.3-14
4.3.4 Cumulative Impacts 4.3-25
4.4 Biological Resources 4.4-1
4.4.1 Setting 4.4-1
4.4.2 Regulatory Setting 4.4-6
4.4.3 Impact Analysis 4.4-13
4.4.4 Cumulative Impacts 4.4-21
4.5 Cultural Resources 4.5-1
4.5.1 Setting 4.5-1
4.5.2 Regulatory Setting 4.5-8
4.5.3 Impact Analysis 4.5-13
4.5.4 Cumulative Impacts 4.5-20
4.6 Energy 4.6-1
4.6.1 Setting 4.6-1
4.6.2 Regulatory Setting 4.6-3
4.6.3 Impact Analysis 4.6-8
4.6.4 Cumulative Impacts 4.6-11
4.7 Geology and Soils 4.7-1
4.7.1 Setting 4.7-1
4.7.2 Regulatory Setting 4.7-10
4.7.3 Impact Analysis 4.7-17
4.7.4 Cumulative Impacts 4.7-23
4.8 Greenhouse Gas Emissions 4.8-1
4.8.1 Setting 4.8-1
4.8.2 Regulatory Setting 4.8-5
4.8.3 Impact Analysis 4.8-16
4.8.4 Cumulative Impacts 4.8-22
4.9 Hazards and Hazardous Materials 4.9-1
4.9.1 Setting 4.9-1
4.9.2 Regulatory Setting 4.9-6
4.9.3 Impact Analysis 4.9-12
4.9.4 Cumulative Impacts 4.9-21
4.10 Hydrology and Water Quality 4.10-1
4.10.1 Setting 4.10-1
4.10.2 Regulatory Setting 4.10-3

4.10.3 Impact Analysis 4.10-9
4.10.1 Cumulative Impacts 4.10-18
4.11 Land Use and Planning 4.11-1
4.11.1 Setting 4.11-1
4.11.2 Regulatory Setting 4.11-1
4.11.3 Impact Analysis 4.11-4
4.11.4 Cumulative Impacts 4.11-10
4.12 Noise 4.12-1
4.12.1 Environmental Setting 4.12-1
4.12.2 Regulatory Setting 4.12-5
4.12.3 Impact Analysis 4.12-10
4.12.4 Cumulative Impacts 4.12-20
4.13 Population and Housing 4.13-1
4.13.1 Setting 4.13-1
4.13.2 Regulatory Setting 4.13-3
4.13.3 Impact Analysis 4.13-3
4.13.4 Cumulative Impacts 4.13-5
4.14 Public Services and Recreation 4.14-1
4.14.1 Setting 4.14-1
4.14.2 Regulatory Setting 4.14-4
4.14.3 Impact Analysis 4.14-6
4.14.4 Cumulative Impacts 4.14-11
4.15 Transportation 4.15-1
4.15.1 Setting 4.15-1
4.15.2 Regulatory Setting 4.15-2
4.15.3 Impact Analysis 4.15-7
4.15.4 Cumulative Impacts 4.15-11
4.16 Tribal Cultural Resources 4.16-1
4.16.1 Setting 4.16-1
4.16.2 Regulatory Setting 4.16-2
4.16.3 Impact Analysis 4.16-5
4.16.4 Cumulative Impacts 4.16-7
4.17 Utilities and Service Systems 4.17-1
4.17.1 Setting 4.17-1
4.17.2 Regulatory Setting 4.17-7
4.17.3 Impact Analysis 4.17-18
4.17.4 Cumulative Impacts 4.17-25
4.18 Wildfire 4.18-1
4.18.1 Setting 4.18-1
4.18.2 Regulatory Setting 4.18-5
4.18.3 Impact Analysis 4.18-9
4.18.4 Cumulative Impacts 4.18-15
4.19 Effects Found Not to be Significant 4.19-1
4.19.1 Mineral Resources 4.19-1
4.19.2 Public Services (Schools) 4.19-1

5 Other CEQA Required Discussions 5-1
5.1 Growth Inducement 5-1
5.1.1 Population Growth and Economic Growth 5-1
5.1.2 Removal of Obstacles to Growth 5-1
5.2 Significant Irreversible Environmental Effects 5-2

6 Alternatives 6-1
6.1 Alternative 1: No Project Alternative 6-2
6.1.1 Description 6-2
6.1.2 Impact Analysis 6-2
6.2 Alternative 2: At-Grade Newell Drive Crossing 6-2
6.2.1 Description 6-2
6.2.2 Impact Analysis 6-3
6.3 Alternative 3: Reduced Buildout 6-8
6.3.1 Description 6-8
6.3.2 Impact Analysis 6-8
6.4 Alternative 4: Watson Lane Reconfiguration 6-12
6.4.1 Description 6-12
6.4.2 Impact Analysis 6-14
6.5 Alternatives Considered but Rejected 6-20
6.6 Environmentally Superior Alternative 6-20

7 References and List of Preparers 7-1
7.1 Bibliography 7-1
7.2 List of Preparers 7-19

Tables

Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts ES-6
Table 1-1 NOP Comments and EIR Response 1-5
Table 2-1 Proposed Parcels for Annexation 2-4
Table 2-2 Estimated Maximum Buildout 2-15
Table 3-1 Cumulative Projects List 3-3
Table 4.3-1 Federal and State Ambient Air Quality Standards 4.3-5
Table 4.3-2 Attainment Status of Criteria Pollutants in Napa County 4.3-5
Table 4.3-3 Ambient Air Quality Data 4.3-6
Table 4.3-4 Clean Air Plan Control Measures Consistency Analysis 4.3-17
Table 4.3-5 Comparison of VMT and Population Increase due to the Project 4.3-20
Table 4.5-1 Properties with Age-Eligible Buildings 4.5-6
Table 4.6-1 Napa County 2021 Gasoline and Diesel Consumption 4.6-3
Table 4.11-1 Project Consistency with the Plan Bay Area 2050 ..... 4.11-6
Table 4.11-2 Project Consistency with the City of American Canyon General Plan 4.11-6
Table 4.12-1 Criteria for Vibration Damage Potential 4.12-3
Table 4.12-2 Existing Traffic Noise Levels Along Roadway Segments 4.12-4
Table 4.12-3 Exterior Noise Limits for Stationary Sources 4.12-9

Table 4.12-4 Noise Limits for Construction Activities 4.12-10
Table 4.12-5 Construction Equipment Noise Levels 4.12-11
Table 4.12-6 Typical Vibration Levels for Construction Equipment 4.12-13
Table 4.12-7 Summary of Project and Cumulative Traffic Noise Increases 4.12-18
Table 4.13-1 Housing Inventory in the City, County, and State 4.13-1
Table 4.13-2 Household Size in the City, County, and State 4.13-2
Table 4.13-3 American Canyon Population, Dwelling Units, and Employment 4.13-3
Table 4.14-1 ACFPD Equipment 4.14-2
Table 4.15-1 VMT Impact Threshold 4.15-8
Table 4.15-2 Project VMT 4.15-10
Table 4.17-1 Current Sources of Water Supply 4.17-1
Table 4.17-2 Projected Water Demand 4.17-22
Table 4.17-3 Projected Water Supply and Demand 4.17-22
Table 4.19-1 2020-2021 Enrollment for NVUSD Schools in American Canyon 4.19-2
Table 4.19-2 Enrollment Trends for NVUSD Schools in American Canyon 4.19-2
Table 6-1 Comparison of the Alternatives 6-2
Table 6-2 Estimated Maximum Buildout for Alternative 3 6-8
Table 6-3 Comparison of Alternative's Impacts 6-22

Figures

Figure 1-1 Environmental Review Process 1-10
Figure 2-1 Regional Location 2-2
Figure 2-2 Project Site Location 2-3
Figure 2-3 Parcel Map 2-5
Figure 2-4 Existing City of American Canyon Land Use Designations 2-7
Figure 2-5 Exisiting City of American Canyon Pre-Zoning 2-8
Figure 2-6 Proposed City of American Canyon Land Use Designations 2-9
Figure 2-7 Proposed City of American Canyon Pre-Zoning 2-11
Figure 2-8 Proposed Newell Drive Alignment 2-13
Figure 4.1-1 Viewpoint Locations 4.1-3
Figure 4.1-2 View looking east from the northeastern corner of the project site 4.1-4
Figure 4.1-3 View looking west from the northeastern corner of the project site 4.1-4
Figure 4.1-4 View looking east from the north central portion of the project site 4.1-5
Figure 4.1-5 View of structures located in the north central portion of the project site 4.1-5
Figure 4.1-6 View looking north on Paoli Loop Road on the northwestern corner of the project site 4.1-6
Figure 4.1-7 View looking east on Watson Lane 4.1-6
Figure 4.2-1 Farmland on the Project Site 4.2-2
Figure 4.4-1 Landcover Types within the Project Boundary 4.4-2
Figure 4.5-1 Age Eligible Properties Map 4.5-7

Figure 4.7-1 Fault Zones 4.7-3
Figure 4.7-2 Liquefaction Risk 4.7-6
Figure 4.7-3 Landslide Zones 4.7-7
Figure 4.7-4 Geologic Map of the Annexation Area 4.7-9
Figure 4.9-1 Napa County Airport Compatability Zones 4.9-5
Figure 4.18-1 SRA Fire Hazard Severity Zones 4.18-4
Figure 6-1 Configuration of Watson Lane under Alternative 4 6-13

Appendices

Appendix A Notice of Preparation and Scoping Comments Received
Appendix B Biological Resources Assessment
Appendix C Supporting Noise Information

Executive Summary

This document is a Draft Environmental Impact Report (EIR) analyzing the environmental effects of the Watson Lane Annexation Project (project). This section summarizes the characteristics of the project, alternatives to the project, and the environmental impacts and mitigation measures associated with the project.

Project Synopsis

Project Applicant

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American Canyon, California 94503

Lead Agency Contact Person

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Project Description

This EIR has been prepared to examine the potential environmental effects of the project. The following is a summary of the full project description, which can be found in Section 2, *Project Description*.

Project Setting

The area proposed for annexation (annexation area) is located in unincorporated Napa County within the Sphere of Influence (SOI) of the City of American Canyon (City). The annexation site is surrounded by City limits to the east, west, and south. To the east of the annexation site past the Union Pacific Railroad (UPRR) are existing agricultural uses in unincorporated Napa County, two residential parcels, and the Watson Ranch Specific Plan within American Canyon. Immediately west of the annexation area is Paoli Loop Road and State Route (SR) 29, as well as existing industrial uses. The annexation area is bounded to the south by the UPRR and vacant land and mixed residential/commercial uses further south. North of the annexation areas are existing agricultural uses in unincorporated areas of Napa County.

The annexation area contains a mix of undeveloped land, residential uses, outdoor storage, and UPRR right-of-way within the SOI of the City. Land use designations in the City's General Plan include Agriculture, Town Center, and Residential Estate. In the County General Plan most of the annexation area is designated as Industrial, while the area east of the UPRR and UPRR right-of-way are designated as Agriculture-Watershed. Most of the annexation area is not pre-zoned by the City. A small section, east of the UPRR right-of-way that is designated as Town Center in the City's General Plan, is pre-zoned as Town Center.

The annexation area is approximately 83 acres. The northern portion is largely undeveloped, save a farmhouse and accessory outbuildings. The central and southern portion includes 13 residential lots, varying in size from 1 to 10 acres. The residential parcel in the southwest corner has a conditional use permit issued by the County for outdoor storage. Some of the residential lots lack municipal sewer service. The northeast portion to the east of the UPRR is a site with outdoor truck and material storage. The UPRR right-of-way in the southeast portion is undeveloped. The annexation area is surrounded by either industrial, commercial, residential, or agricultural uses. To the north and east are residential and agricultural lands. To the west are industrial uses beyond SR 29. Immediately to the south is vacant land, beyond which are residential/commercial uses.

Project Characteristics

The project would annex the entirety of the annexation area into the City of American Canyon, pending approval from the Napa County Local Agency Formation Commission (LAFCO) and amendments to the City's General Plan and zoning ordinance.

City General Plan designations would remain primarily unchanged. The land currently designated for Agriculture would be changed to Industrial, but the remaining land would not be re-designated. Other than the area east of the UPRR in the northeast section, the annexation area is not currently pre-zoned by the City. The land designated as Residential Estate would be pre-zoned as such, which would allow for residences with a minimum lot size of 1 acre. The land designated as Industrial would be pre-zoned as Paoli Light Industrial, which would be a new zoning designation that accommodates existing and new light manufacturing uses, research and development, offices, or similar uses. The Industrial land west of the North Slough would also be pre-zoned with a Paoli Commercial Overlay District, which would allow for commercial and commercially-related uses that capitalize on vehicle access and visibility. Outside of the annexation area, the land between SR 29 and Paoli Loop Road currently zoned as Light Industrial would be rezoned as Paoli Light Industrial with a Paoli Commercial Overlay District. No parcel subdivisions are proposed.

Along the northern boundary of the annexation area, the City would extend Newell Drive. The proposed roadway would connect SR 29 with the existing Newell Drive, approximately one mile southeast of the annexation area. The purpose of the Newell Drive extension would add a parallel roadway to SR 29 to relieve traffic congestion. The Newell Drive extension would extend east from SR 29 and Paoli Loop Road along the northern boundary of the annexation area and gently curve southeast towards Watson Lane as it approaches the UPRR. The Newell Drive extension would cross the UPRR tracks via an overcrossing. In addition, Newell Drive would cross the North Slough with a long span, in order to avoid the slough.

Project Objectives

The objectives of the project are to:

1. Promote economic growth in American Canyon by attracting new industries.
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development.
3. Create new employment opportunities for residents of Napa County and the surrounding region.
4. Extend Newell Drive, which would augment north-south travel parallel to SR 29.

5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities.
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use.
7. Preserve the most biologically sensitive portions of the project site as open space.
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the project while also ensuring these facilities operate at acceptable levels.
9. Promote public safety by incorporating security measures into the project design.
10. Mitigate impacts on the environment through implementation of feasible mitigation measures.

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed project. Studied alternatives include the following four alternatives.

- Alternative 1: No Project
- Alternative 2: At-Grade Newell Drive Crossing
- Alternative 3: Reduced Buildout
- Alternative 4: Watson Lane Reconfiguration

CEQA Guidelines (Section 15126.6[e][2]) require that the alternatives discussion include an analysis of a No Project Alternative. Pursuant to CEQA, the No Project Alternative refers to the analysis of existing conditions and what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services The No Project Alternative (Alternative 1) assumes that the project site is not annexed into the City of American Canyon and existing land uses and Napa County zoning and land use designations remain. Current uses on the sites would continue under this alternative. No additional development would be assumed on the project site nor within the city. In addition, the Newell Drive extension would not be constructed. The No Project Alternative would lessen the severity of every impact of the project.; however, this alternative would not meet the project objectives, including those related to facilitating the development of land planned for business park/industrial uses to its highest and best use; positively contributing to the local economy; providing the City of American Canyon with a high-quality, employment-generating industrial development; serving local and regional demand for manufacturing, logistics warehouse, and other industrial uses; and extending Newell Drive to augment north-south travel parallel to SR 29.

Alternative 2 assumes that the Newell Drive extension would utilize an at-grade crossing instead of an overcrossing at the Union Pacific Railroad in the northeastern corner of the project site. Development would occur with the same intensity and land uses as described in Section 2, *Project Description* and buildout totals would remain unchanged. Alternative 2 would generally result in similar or incrementally decreased environmental impacts compared to the project and meet all project objectives. Alternative 2 would reduce the severity of nine impacts [aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas (GHG) emissions, noise, tribal cultural resources] due to reduced construction intensity. However Alternative 2 would increase the severity of four impacts (hazards, public services, transportation, and wildfire) due to potential conflicts between evacuating and emergency vehicles and train traffic. In addition, Alternative 2 may not be feasible depending on coordination with UPRR and the California Public Utilities Commission (CPUC). Coordination with UPRR and the CPUC would be required for either an

at-grade crossing or an overcrossing; however, both the UPRR and the CPUC prefer implementing overcrossings instead of at-grade crossings due to safety and other reasons.

Alternative 3 assumes that buildout would decrease from 80 percent of the project site area to 40 percent. Alternative 3 would configure Newell Drive the same as the project (i.e., an overcrossing over the Union Pacific Railroad). Alternative 3 is the environmentally superior alternative as it would reduce the severity of 12 impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, noise, public services and recreation, tribal cultural resources, and utilities and service systems) compared to the project. Alternative 3 would meet the project objectives identified in Section 2, *Project Description*, as it would provide additional acreage for industrial uses and facilitate development of the Newell Drive extension. However, it should be noted that Alternative 3 would meet the project objectives to a reduced extent because it would provide lower buildout opportunities.

Alternative 4 assumes that the Newell Drive extension would not extend north of Watson Lane, and that travelers would instead utilize Watson Lane and Paoli Loop Road for travel between Newell Drive and SR 29, and between Newell Drive and the planned extension of South Kelly Road. Alternative 4 would utilize an existing at-grade crossing of the UPRR tracks on Watson Lane, instead of an overcrossing. Under Alternative 4, the existing at-grade crossing on Watson Lane would be modernized to accommodate increased travel. Modifications to Watson Lane would require the expansion of Watson Lane to 80 feet, as well as fill along approximately 670 feet of Watson Lane. In comparing the proposed project and Alternatives 2 through 4, Alternative 4 would result in the greatest environmental impacts. Alternative 4 would reduce the severity of eight impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, and tribal cultural resources) due to reduced construction intensity. While the Watson Lane roadway widening for Alternative 4 would have reduced construction intensity compared to the project, the roadway widening for Alternative 4 would have a greater construction intensity compared to the at-grade crossing for Alternative 2. This is due to the fill that would be required for the Watson Lane at-grade crossing, in order to raise the elevation along 670 feet of Watson Lane. Alternative 4 would increase the severity of impacts for six environmental resources. Like the at-grade crossing for Alternative 2, the at-grade crossing along Watson Lane associated with Alternative 4 would increase the severity of hazards, public services, transportation, and wildfire due to potential conflicts between evacuating and emergency vehicles and train traffic. Alternative 4 would also increase the impacts for land use and planning due to Alternative 4's inconsistency with the existing General Plan Circulation Element, which identifies the Newell Drive extension as the proposed roadway alignment. Alternative 4 would also result in greater construction noise impacts due to the increased proximity of construction to residences. Furthermore, unlike the proposed project or Alternative 2 and 3, Alterative 4 would require the take of portions of private residences located along Watson Lane. For all these reasons, Alternative 4 would result in the greatest environmental impacts.

For the reasons identified above, Alternative 3 was found to be the environmentally superior alternative.

Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy for the project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are summarized in Section 1, *Introduction*.

Issues to be Resolved

There are no issues to be resolved at this time.

Issues Not Studied in Detail in the EIR

Section 4.19, *Effects Found Not to be Significant*, briefly analyzes issues from the environmental checklist that were determined to not have significant impacts. As discussed in Section 4.19, there is no substantial evidence that significant impacts would occur to mineral resources and schools.

Summary of Impacts and Mitigation Measures

Table ES-1 summarizes the environmental impacts of the project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required). Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per CEQA Guidelines Section 15093.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under CEQA Guidelines Section 15091.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure (s)	Residual Impact
Aesthetics		
Impact AES-1: The project would not have a substantial adverse effect on a scenic vista, including views of hills, and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact AES-2: The City of American Canyon does not have a designated state scenic highway and the project would not damage scenic resources within a state scenic highway. No impact would occur.	No mitigation measures would be required.	No Impact
Impact AES-3: The project is in an urbanized area and would not conflict with applicable zoning or General Plan policies governing scenic quality. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact AES-4: Construction and operation of future development facilitated by the project could create new sources of light or glare that could adversely affect the visual environment. Impacts would be less than significant with mitigation measures incorporated.	*AES-1 Construction Lighting Plan* Prior to nighttime construction, if needed for a particular project, project applicants shall submit a construction lighting plan to the City for review and approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and ensure no spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses. *AES-2 Operational Lighting Plan* Prior to discretionary project approval, the project applicant shall prepare and submit a photometric plan to the City for review and approval which demonstrates that all exterior light fixtures will be directed downward or employ full cut-off fixtures to prevent light spillage. The approved plan shall be incorporated into the project design plans.	Less than Significant
Agricultural and Forestry Resources		
Impact AG-1: The project would not convert Farmland, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program, to non-agricultural use. No impact would occur.	No mitigation measures would be required.	No Impact

Impact	Mitigation Measure (s)	Residual Impact
Impact AG-2: The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur.	No mitigation measures would be required.	No Impact
Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production, or result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.	No mitigation measures would be required.	No Impact
Impact AG-4: The project would not involve other changes in the existing environment and would not result in the conversion of farmland or forestland to non-agricultural use or non-forest use. No impact would occur.	No mitigation measures would be required.	No Impact
Air Quality		
Impact AQ-1: The project would be consistent with the BAAQMD's 2017 Clean Air Plan. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact AQ-2: The project would not result in a cumulatively considerable net increase of operational criteria pollutants. Impacts from construction would be less than significant with mitigation. Impacts from operation would be less than significant.	*AQ-1 Implement BAAQMD Basic Construction Mitigation Measures* To reduce fugitive dust emissions from the construction of individual projects, the applicant shall implement the BAAQMD Basic Construction Mitigation Measures. The BAAQMD Basic Construction Mitigation Measures are listed below: ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▪ 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. ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. ▪ All roadways, 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.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	▪ 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 California Code of Regulations). Clear signage shall be provided for construction workers at all access points. ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. ▪ Post a publicly visible sign with the telephone number and person to contact at the City of American Canyon regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.	
Impact AQ-3: Construction activities for future individual projects lasting longer than two months or located within 1,000 feet of sensitive receptors could expose sensitive receptors to substantial pollutant concentrations. Implementation of the project may also expose sensitive receptors to operational sources of toxic air contaminants. Impacts would be less than significant with mitigation.	*AQ-2 Conduct Construction Health Risk Assessment* Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit to the City a construction health risk assessment (HRA) in accordance with BAAQMD recommendations for any development project (including the proposed Newell Drive extension) that has at least one the following characteristics: ▪ The project is located within 1,000 feet of sensitive receptors. ▪ Project construction would last longer than two months. ▪ Project construction would not utilize equipment rated USEPA Tier 4 (for equipment of 50 horsepower or more); construction equipment fitted with Level 3 Diesel Particulate Filters (for all equipment of 50 horsepower or more); or alternative fuel construction equipment. If the HRA determines that construction will exceed BAAQMD significance thresholds, the HRA shall provide mitigation measures to reduce the impact to less than significant, including but not limited to requiring the use of Tier 4 engines, Level 3 Diesel Particulate Filters, and/or alternative fuel construction equipment. *AQ-3 Conduct Operational Health Risk Assessment* Prior to submittal of a subsequent discretionary development permit application for industrial, warehousing, or commercial land uses that would generate at least 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day, the applicant shall submit an operational health risk assessment (HRA) or submit proof that an HRA is not required in accordance with BAAQMD thresholds. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements, and mitigated to an acceptable level. Typical measures to reduce risk impacts may include, but are not limited to: ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. ▪ Truck Electric Vehicle (EV) Capable trailer spaces.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. The operational HRA shall be provided to the City for review and concurrence prior to project approval.	
Impact AQ-4: The project would not create objectionable odors that could adversely affect a substantial number of people. Impacts related to odors would be less than significant.	No mitigation measures would be required.	Less than Significant
Biological Resources		
Impact BIO-1: The project may result in direct or indirect impacts to special-status species, their associated habitats, and nesting birds. This impact would be less than significant with mitigation.	*BIO-1 Site-Specific Biological Resources Assessment* The City shall implement the following measures during environmental review of future development within the project site. On a project-by-project basis, a preliminary biological resource screening shall be performed to determine whether a specific project has the potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, nesting birds, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be necessary. The City shall review and approve the BRA prior to project approval. *BIO-2 Pre-construction Surveys for Swainson's Hawk, Other Raptors and Nesting Birds* Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season (September 16 to January 31), when feasible. If construction activities occur during the nesting bird season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to Swainson's hawk, protected raptor species, and other nesting birds protected by the MBTA and CFGC. A qualified biologist shall conduct surveys for Swainson's hawk between January 1 and March 20. A preconstruction survey for other raptors and nesting birds shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the project site and include a 150-foot buffer for passerines, 500-foot buffer for other raptors, and 0.5 mile buffer for active Swainson's hawk nests. The surveys shall be conducted by a biologist familiar with the identification of avian species known to occur in the region. It is recommended that surveys follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	Hawk Nesting Surveys in California's Central Valley. If a Swainson's hawk or white-tailed kite nest is found, the biologist shall set up appropriate buffers in consultation with CDFW. If the nesting bird survey results are negative, no further action is required. If nests are found, the biologist shall determine and demarcate an appropriate avoidance buffer with high visibility material. For Swainson's hawk nests, the biologist shall establish an avoidance buffer of up to 0.5 mile based on the nest location in relation to the construction activity, the line-of-sight from the nest to the construction activity, and observed hawk behavior at the nest. The qualified biologist shall notify all construction personnel of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the biologist. Results of the preconstruction nesting bird survey shall be submitted to the City in a brief letter report no more than 30 days after completion of the survey. *BIO-3 Pre-construction Surveys for Western Burrowing Owl* Prior to ground disturbance activities, a qualified biologist shall conduct pre-construction clearance surveys within suitable natural habitats and ruderal areas throughout the project site, to confirm the presence/absence of active western burrowing owl burrows. The surveys shall be consistent with the recommended survey methodology provided by CDFW's Staff Report on Burrowing Owl Mitigation. Clearance surveys shall be conducted within 30 days prior to construction and ground disturbance activities. If no western burrowing owls are observed, no further actions are required. If western burrowing owls are detected during the pre-construction clearance surveys, the following measures shall apply: ▪ Avoidance buffers during the breeding and non-breeding season shall be implemented in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation minimization mitigation measures. ▪ If avoidance of western burrowing owls is not feasible, then additional measures such as passive relocation during the nonbreeding season and construction buffers of 200 feet during the breeding season shall be implemented, in consultation with CDFW. In addition, a Western Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993). Project applicants shall submit evidence of clearance surveys, avoidance buffers or additional measures to the City as required. *BIO-4 Worker Environmental Awareness Program* Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project site. The program shall include identification of the sensitive species and habitats, a description of the regulatory	

Impact	Mitigation Measure (s)	Residual Impact
	status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form documenting attendance at the Worker Environmental Awareness Program and that they understand the information presented to them. The form shall be submitted to the City to document compliance.	
Impact BIO-2: No riparian habitat or sensitive natural communities are present in the project site. No impact would occur.	No mitigation measures would be required.	Less than Significant
Impact BIO-3: Implementation of the project may result in impacts to state or federally protected waters. This impact would be less than significant with mitigation.	*BIO-5 Aquatic Resources Delineation* A qualified biologist shall complete an aquatic resources delineation survey that establishes the extent of the waters of the U.S. and State and identify the potential jurisdictional limits of USACE, RWQCB, and CDFW. The delineation shall be conducted in accordance with the requirement set forth by each agency and the results presented in a report that shall be submitted to the City, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If the USACE asserts its authority, then a permit pursuant to Section 404 of the CWA would be required. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Section 401 Water Quality Certification and/or Waste Discharge Requirement permit (depending upon whether the feature falls under federal jurisdiction or not). If CDFW asserts its jurisdictional authority, then a Lake or Streambed Alteration Agreement pursuant to Section 1600 et seq. of the CFGC would also be required prior to construction within the areas of CDFW jurisdiction. *BIO-6 General Avoidance and Minimization* Development shall be designed to avoid potentially jurisdictional features identified in aquatic resources delineation reports (Mitigation Measure BIO-4), to the extent feasible. No development shall occur within 50 feet of the top of bank for North Slough. Projects with potentially jurisdictional features shall provide the City with a report detailing how all identified aquatic features will be avoided, including groundwater draw down, prior to project approval. *BIO-7 Restoration for Impacts to Waters and Wetlands* If the project cannot be designed to avoid impacts to waters and wetlands (as described in Mitigation Measure BIO-6), then impacts shall be fully mitigated at an appropriate ratio, as determined by a qualified biologist and in accordance with regulatory agency requirements. Mitigation can be achieved through the setting aside or acquisition and in-perpetuity management of similar habitat on-site (this can include restoration of jurisdictional features within the project site) or as close to the impact habitat as possible. Mitigation lands must be placed into a conservation easement or other covenant restricting future development. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submittal to the regulatory agency overseeing the project for	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved mitigation bank. Mitigation lands or in lieu funding sufficient to acquire lands should provide habitat at a minimum 1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. The City shall review and approve the plan before submittal to the agencies.	
Impact BIO-4: Implementation of the project would not substantially impede the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors after the implementation of Mitigation Measure BIO-6. This impact would be less than significant with mitigation.	Mitigation Measure BIO-6 (see Impact BIO-3).	Less than Significant
Impact BIO-5: Implementation of the project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. However, this impact would be less than significant with mitigation.	Mitigation Measures BIO-5, BIO-6, and BIO-7 (see Impact BIO-3).	Less than Significant
Impact BIO-6: Implementation of the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. No impact would occur.	No mitigation measures would be required	No Impact
Cultural Resources		
Impact CUL-1: The project could adversely affect previously unidentified historic-period resources. Impacts to historic-period resources would be less than significant with mitigation.	*CUL-1 Historical Built Environment* Prior to project approval, the applicant shall submit a report to the City that identifies any historic-age features (i.e., structures over 45 years of age) proposed to be altered or demolished. If historical-age features are present, the applicant shall submit a historical resources evaluation to the City prepared in areas that contains buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history (36 CFR Part 61). The evaluation shall include an intensive-level evaluation, in accordance with the guidelines and best practices meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the City for review and approval. If historical resources are identified through the survey and evaluation, efforts shall be made by the applicant to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). The applicant shall submit a report to the City that identifies and specifies the treatment of character-defining features and construction activities, and demonstrates how the project complies with the Standards and avoids the substantial adverse change in the significance of the historical resource as defined by CEQA Guidelines Section 15064.5(b). The report shall be prepared by an architectural historian or historical architect meeting the PQS as defined by 36 CFR Part 61 and provided to the City for review and concurrence prior to project approval.	
Impact CUL-2: The project could adversely affect previously unidentified archaeological resources. Impacts would be less than significant with mitigation.	*CUL-2 Archaeological Resources Assessment* Prior to submittal of any discretionary development application that involves ground disturbance activities (that may include but are not limited to, pavement removal, potholing, grubbing, tree removal, and grading), the applicant shall submit an archaeological resources assessment prepared by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology. Assessments shall include a CHRIS records search at the NWIC and a SLF Search from the NAHC. The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the development site. If the assessment begins on or before 2027, the results of the NWIC and SLF search for this EIR can be summarized as part of the assessment. A Phase I pedestrian survey shall be undertaken in future project areas that are undeveloped to locate any surface cultural materials. By performing a records search, a SLF search, and a Phase I survey, a qualified archaeologist shall be able to classify the future project area as having high, medium, or low sensitivity for archaeological resources. If the Phase I archaeological survey identifies resources that may be affected by the future project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant level by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit, to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. The archaeological resources assessment shall be reviewed and approved by the City prior to project approval.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	CUL-3 Unanticipated Discoveries An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be present on-site during all earth disturbing activities. If cultural resources are encountered during ground-disturbing activities, work within 100 feet of the area shall be halted and the contractor shall contact an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology in either prehistoric or historic archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as excavating the cultural deposit to fully characterize its extent and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. If archaeological resources of Native American origin are identified during construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures. Periodic reports of the find and subsequent evaluations shall be submitted to the City during construction.	
Impact CUL-3: The project could result in damage to or destruction of human burials. Impacts would be less than significant through adherence to existing regulations and with mitigation.	*CUL-4 Human Remains* In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98. 2. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: ▪ The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. ▪ The descendant identified fails to make a recommendation. ▪ The landowner or authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains: ▪ When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may each develop a plan with respect to their respective individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC. *CUL-5 Tribal Monitoring* A Tribal Monitor representing the Yocha Dehe Wintun Nation shall be present during all project-related ground disturbance. Additionally, the Yocha Dehe Wintun Nation's Treatment Protocol (Protocol) shall be followed with respect to Tribal Cultural Resources (TCRs). The purpose of the protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, if any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground-disturbing activity. This Protocol also formalizes procedures for Tribal Monitoring during archaeological studies, grading, and ground-disturbing activities. 1. Cultural Affiliation: The Yocha Dehe Wintun Nation (Tribe) traditionally occupied lands in Yolo, Solano, Lake, Colusa, and Napa Counties. The Tribe has designated its Cultural Resources Committee (Committee) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with projects on lands culturally affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol. 2. Inadvertent Discovery of Native American Human Remains: Whenever Native American human remains are found during the course of a project, the determination of Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (NAHC) upon notification to the NAHC of the discovery of said remains at a project site. If the location of the site and the history and prehistory of the area is culturally affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe agrees with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely. 3. Treatment of Native American Remains: In the event that Native American human remains are found during development of a project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall	

Impact	Mitigation Measure (s)	Residual Impact
	immediately be notified, ground-disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity. The Tribe shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact. 4. Non-Disclosure of Location of Reburials: Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form acceptable to the CHRIS center. The Tribe may also suggest the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property. 5. Treatment of Cultural Resources: Treatment of all cultural items, including ceremonial items and archaeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archaeological items, which may be found at a project site shall be turned over to the Tribe for appropriate treatment, unless ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of Tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the Tribe. If any intermediary, (for example, an Archaeologist retained by the project proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe. 6. Inadvertent Discoveries: If additional significant sites or sites not identified as significant in a project environmental review process, but later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by	

Impact	Mitigation Measure (s)	Residual Impact
	the project proponent, the Lead Agency, and the Tribe to determine whether additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.	
Energy		
Impact E-1: The project would not result in the wasteful, inefficient, or unnecessary consumption of energy and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact E-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency because the project would require Mitigation Measures that require advanced energy efficiency and the use of carbon-free electricity sources. Therefore, impacts would be less than significant with mitigation.	Mitigation Measures GHG-4 and GHG-5 (see Impact GHG-1).	Less than Significant
Geology and Soils		
Impact GEO-1: The project would not be subject to rupture of a known earthquake fault. There would be no impact.	No mitigation measures would be required.	No Impact
Impact GEO-2: Following project implementation, future structures, roadways, and occupants could be located in areas that would be exposed to seismic events, including ground shaking, liquefaction, and landslides, creating the risk for damage or injury. Compliance with the CBC, the City's Municipal Code, and Mitigation Measure GEO-1 would minimize ground shaking, liquefaction, and landslide hazards. Impacts would be less than significant with mitigation.	*GEO-1 Geotechnical Investigation* Prior to the issuance of improvement plans and building permits, the project applicant shall submit a design-level Geotechnical Investigation to the City of American Canyon for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code (CBC) geologic, soils, and seismic requirements, including abatement of expansive soil conditions. The report shall also determine the final design parameters for walls, foundations, foundation slabs, and surrounding related improvements (e.g., utilities roadways, parking lots, and sidewalks). The measures identified in the approved report shall be incorporated into the project plans and all applicable construction related permits.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Impact GEO-3: The project could result in soil erosion or the loss of topsoil. Adherence to permit requirements and Mitigation Measure HYD-1 would reduce this impact to a less than significant level. Impacts would be less than significant with mitigation.	Mitigation Measure HYD-1 (see Impact HYD-1).	Less than Significant
Impact GEO-4: The project could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Compliance with CBC requirements would reduce hazards resulting from expansive soils and impacts would be less than significant.	Mitigation Measure GEO-1 (see Impact GEO-2).	Less than Significant
Impact GEO-5: The project would be served by sanitation infrastructure. No septic tanks or alternative wastewater disposal systems would be used; therefore, there would be no impact.	No mitigation measures would be required.	No Impact
Impact GEO-6: Development facilitated by the project has the potential to impact paleontological resources. Impacts would be less than significant with mitigation incorporated.	*GEO-2 Retention of Qualified Professional Paleontologist* Prior to submittal of a discretionary development application, the project applicant shall retain a Qualified Professional Paleontologist, as defined by SVP (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall direct mitigation measures to reduce potential impacts to paleontological resources to a less than significant level. The City shall review and approve the Qualified Professional Paleontologist's findings and recommendation. All recommendations shall be incorporated into the project plans prior to issuance of a grading permit.	Less than Significant
Greenhouse Gas Emissions		
Impact GHG-1: The project would be consistent with BAAQMD thresholds after implementation of Mitigation Measures GHG-1 through GHG-5. This impact would be less than significant with mitigation.	*GHG-1 Construction BMPs* Prior to the issuance of any grading permits, the project applicant shall provide the City of American Canyon with documentation (e.g., site plans) demonstrating project construction will include the following construction Best Management Practices (BMPs): ▪ At least 15 percent of the construction fleet for each project phase shall be alternatively fueled or electric. ▪ At least 10 percent of building materials used for project construction shall be sourced from local suppliers. ▪ At least 65 percent of construction and demolition waste materials shall be recycled or reused.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	▪ At least one contractor that has a business location in American Canyon shall be contracted for project construction. ▪ All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) using during construction be electrically powered. ▪ Architectural coatings used for project construction shall be "Low-VOC," containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product. ▪ Project construction shall prohibit the use of generators and shall establish grid power connection to electrical equipment needs. ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points. ▪ 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. ▪ The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be identified and visible to ensure compliance with applicable regulations. *GHG-2 Electric Vehicle Charging Stations* Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2. Prior to the issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that each loading dock is outfitted with at least one 240-volt outlet to accommodate truck and Transport Refrigeration Unit (TRU) charging and/or electrical power connection while trucks are loading and unloading goods. *GHG-3 All Electric Buildings* Prior to the issuance of any building permits, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating the project is designed without the use of any natural gas-fueled appliances or natural gas plumbing.	

Impact	Mitigation Measure (s)	Residual Impact
	GHG-4 Tier 2 Advanced Energy Efficiency Requirements Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed buildings are designed and will be built to, at a minimum, the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards Code, Division A5.2, Energy Efficiency, as outlined under Section A5.203.1.2.2. *GHG-5 Carbon-Free Electricity Sources* Prior to the issuance of any building permit for the project, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating to the City's satisfaction that electricity demand will be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.	
Hazards and Hazardous Materials		
Impact HAZ-1: Development facilitated by the project could involve the use, storage, disposal, or transportation of hazardous materials. Upset or accident conditions in the project site could involve the release of hazardous materials into the environment. However, implementation of Mitigation Measure HAZ-1 would ensure that impacts would be less than significant.	*HAZ-1 Property Assessment – Phase I and II Environmental Site Assessments* Prior to submittal of a discretionary development application or engineering plans for the Newell Drive Extension, the project applicant shall retain a qualified environmental professional, as defined by ASTM E-1527 to prepare a project area Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site that will be affected. After the site-specific Phase I ESA has been completed, the determination of specific areas that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated by the project applicant. The Phase II ESA shall be completed prior to construction and shall be based on the results of the Phase I ESA. Specifically, if the Phase I ESA identifies recognized environmental conditions or potential concern areas, the project applicant shall retain a qualified environmental consultant, California Professional Geologist or California Professional Engineer, to prepare a Phase II ESA of the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses. As part of the Phase II ESA, the qualified environmental consultant shall screen the analytical results against the San Francisco Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels for direct exposure of a construction worker under various depth and land use scenarios. If the Phase II ESA for the development site indicates that contaminants are detected in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan for Impacted Soils prior to project construction. If the Phase II ESA for the contaminant site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (CCR Title 22,	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation at the project prior to onsite construction. The City shall review and approve the Phase I ESA and Phase II ESA prior to construction (i.e., demolition and grading).	
Impact HAZ-2: Development facilitated by the project would not result in the release of potentially hazardous materials within 0.25 mile of a school. There would be no impact.	No mitigation measures would be required.	No Impact
Impact HAZ-3: Development facilitated by the project would not be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. However, impacts could occur from unknown hazardous materials. Compliance with Mitigation Measure HAZ-1 would minimize impacts from development on previously unknown contaminated sites and impacts would be less than significant after mitigation.	Mitigation Measure HAZ-1 (see Impact HAZ-1).	Less than Significant
Impact HAZ-4: Development facilitated by the project would occur in the Napa County Airport Land Use Compatibility Zone D. Development would occur in compliance with the Napa County Airport Land Use Compatibility Plan and impacts would be further reduced through adherence to General Plan policies. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact HAZ-5: Development facilitated by the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant	No mitigation measures would be required.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Hydrology and Water Quality		
Impact HWQ-1: The project would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Individual projects would be required to comply with BMPs in accordance with State and local regulations and permit requirements, as well as Mitigation Measures HYD-1 and HYD-2. Impacts would be less than significant with mitigation.	*HYD-1 Water Pollution Prevention Plan* Prior to issuance of grading permits for the project, the applicant shall submit to the City of American Canyon for review and approval a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources (e.g., runoff), 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 (RWQCB) permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) (e.g., silt fencing, street sweeping, routine inspection, etc.) 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 are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association (CASQA) Stormwater Best Management Handbook–Construction or the California Department of Transportation (Caltrans) Stormwater Quality Handbook Construction Site BMPs Manual. The SWPPP shall be implemented during construction to the satisfaction of the City. *HYD-2 Stormwater Control Plan* Prior to the issuance of building permits, the project applicant shall submit a Stormwater Control Plan to the City of American Canyon for review and approval. The plan shall be developed using the California Stormwater Quality Association (CASQA) "New Development and Redevelopment Handbook" and include the applicable provisions of Section C.3 of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008 (or more recent permit). The Stormwater Control Plan shall identify pollution prevention measures and Best Management Practices (BMPs) to control stormwater pollution from operational activities and facilities and provide maintenance in perpetuity. The Stormwater Control Plan shall include Low Impact Development (LID) design concepts, as well as concepts that accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City, identifying procedures to ensure stormwater quality control measures work properly during operations.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Impact HWQ-2: The project would not interfere substantially with groundwater recharge such that sustainable groundwater management of the basin would be impeded. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact HWQ-3: The project could alter drainage patterns but would not result in substantial erosion or siltation after compliance with existing regulations and implementation of Mitigation Measures HYD-1 and HYD-2. Impacts would be less than significant with mitigation.	Mitigation Measures HYD-1 and HYD-2 (see Impact HYD-1).	Less than Significant
Impact HWQ-5: The project site is not within an area at risk from inundation by flood hazard, seiche, or tsunami and would not risk the release of pollutants due to project inundation. The project is not in a flood hazard zone and would not impede or redirect flood flows. There would be no impact.	No mitigation measures would be required.	No Impact
Impact HWQ-6: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Land Use and Planning		
Impact LU-1: The project would not physically divide an established community and there would be no impact.	No mitigation measures would be required.	No Impact
Impact LU-2: The project would not result in a significant environmental impact due to a conflict with a plan adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.	No additional mitigation measures for land use and planning would be required beyond those identified throughout this EIR, including Mitigation Measures AES-1 and AES-2; AQ-1 through AQ-3; BIO-1 through BIO-7; CUL-1 through CUL-5; GEO-1 and GEO-2; GHG-1 through GHG-5; HAZ-1; HYD-1 and HYD-2; PSR-1; and NOI-1 through NOI-3.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Noise		
Impact NOI-1: Project Construction would result in a temporary increase in ambient noise. Implementation of Mitigation Measures NOI-1 and NOI-2 would reduce construction noise levels. Therefore, impacts generated by temporary construction noise would be less than significant with mitigation.	*NOI-1 Construction Noise Reduction Measures* The following measures shall be implemented where future development construction sites are located within 150 feet of a sensitive receiver: 1. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. 2. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. 3. Shielding and Silencing. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications. 4. Construction Staging Areas. Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. 5. Smart Back-Up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction and in accordance with all applicable safety laws. 6. Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use. 7. Workers' Radios. All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses. 8. Noise Complaint Response. Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City of each complaint occurrence. 9. Temporary Noise Barriers. For non-pile driving construction activity within 150 feet of residences, erect temporary noise barriers at the edge of the construction site closest to residences. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier and a height of at least 12 feet. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher. Plans indicating compliance with these noise reduction measures shall be provided to the City for review and concurrence prior to project approval. *NOI-2 Construction Noise Reduction Measures During Pile Driving* The following measures shall be implemented during pile driving: 1. Alternative Pile Methods. For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used instead of impact pile driving, where feasible. 2. Scheduling. Pile driving will be scheduled to have the least impact on nearby sensitive receivers. 3. Shrouding. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler. Plans indicating compliance with these pile driving measures shall be provided to the City for review and concurrence prior to project approval.	

Impact	Mitigation Measure (s)	Residual Impact
Impact NOI-2: Development facilitated by the project could include mechanical equipment (i.e., HVAC) and on-site activities would be required to comply with applicable noise standards in the American Canyon Municipal Code but may still exceed noise thresholds for off-site sensitive receivers. Therefore, operational stationary source impacts would be less than significant with mitigation. Furthermore, while development would generate an increase in traffic noise, the increase would not be significant. Therefore, permanent traffic noise increases due to project operation would be less than significant.	*NOI-3 Operational Stationary Source Noise Control Analysis and Measures* Prior to the issuance of a building permit for projects adjacent to the property lines of noise-sensitive uses that could exceed noise standards from the American Canyon Municipal Code or General Plan, a noise analysis shall be conducted to assess and mitigate potential noise and impacts related to the operations of the project. The noise analysis shall be conducted by a qualified and experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents. Measures to reduce operational stationary sources to acceptable levels include, but are not limited to, operational hour restrictions, equipment optimization, shielding, mufflers, acoustical louvers, sound blankets, and sound walls. The noise analysis and recommended measures to implement shall be provided to the City for review and concurrence prior to project approval.	Less than Significant
Impact NOI-3: Project construction would generate temporary vibration in the project area. However, construction-related vibration impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact NOI-4: The project is outside the Napa County Airport noise contours and the project would not expose people working in the project site to excessive noise levels. No impact would occur.	No mitigation measures would be required.	No Impact
Population and Housing		
Impact POP-1: The project would not directly or indirectly induce substantial unplanned population growth. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact POP-2: The project would not displace substantial numbers of existing people or housing and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Public Services and Recreation		
Impact PSR-1: The project could result in the need for additional fire facilities; however, Mitigation Measure PSR-1 would require measures to maintain adequate fire service. Impacts would be less than significant with mitigation.	*PSR-1 Fire Facilities Coordination* After the City receives an application for development within the project site, the City shall provide the American Canyon Fire Protection District (ACFPD) with the development application. If the ACFPD determines that an additional fire station is needed, the City shall assist the District by implementing current fire service-related mitigation fee programs, as well as future fire service-related mitigation fee programs developed by the ACFPD, which shall provide funding for the additional station.	Less than Significant
Impact PSR-2: The project would be adequately served by existing police protection services. Payment of public safety taxes and development impact fees would minimize potential impacts to police service facilities and performance and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact PSR-3: The project would be adequately served by existing park facilities. The project would not include residence or induce growth in population that would utilize park facilities. Thus, impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact PSR-4: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities. No new facilities would be required to accommodate the project and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Transportation		
Impact TRA-1: The project would not conflict with a program, plan, ordinance or policy addressing the circulation system and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Impact TRA-2: The rate of VMT per job that would be generated by the project is anticipated to be lower than the significance threshold. The project would not conflict with or be inconsistent with CEQA Guidelines 15064.3(b) and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact TRA-3: The project would not substantially increase hazards due to a geometric design feature and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact TRA-4: The project would not substantially increase hazards due to a geometric design feature and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Tribal Cultural Resources		
Impact TCR-1: The Project could adversely impact Tribal Cultural Resources. Impacts would be less than significant through consultation conducted pursuant to AB 52 and implementation of mitigation.	Mitigation Measures CUL-2 through CUL-5 (see Impacts CUL-2 and CUL-3).	Less than Significant
Utilities and Service Systems		
Impact UTL-1: The project would increase demand for water, wastewater, electric power, telecommunications, and stormwater drainage; however, no additional relocation or construction of utility services will be required to service the project beyond connections to existing utilities. The project would not increase demand on natural gas. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
Impact UTL-2: The project would increase demand for water; however, with adherence to the ZWF Policy, water supplies would be sufficient to serve the project and reasonably foreseeable future development in normal, dry, and multiple dry years. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact UTL-3: The project would increase demand for wastewater treatment but there is adequate wastewater treatment capacity to serve the project's projected demand in addition to existing commitments. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact UTL-4: The project would not generate solid waste in excess of state or local standards, would not exceed the capacity of local infrastructure, and would not impair the attainment of solid waste reduction goals. Impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Wildfire		
Impact WF-1: The project would not impair an emergency response plan and impacts would be less than significant.	No mitigation measures would be required.	Less than Significant
Impact WF-2: The project could expose employees and structures to wildfire risk; however, wildfire risks would be reduced with mitigation and impacts would be less than significant with mitigation.	*WF-1 Wildfire Risk Reduction During Construction* Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit documentation that they will implement the following measures to reduce risk of loss, injury, or death from wildfire during construction: 1. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance. 2. Certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location shall be prohibited. Example activities that shall be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.	Less than Significant

Impact	Mitigation Measure (s)	Residual Impact
	3. Fire extinguishers shall be required to be onsite during construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher. *WF-2 Fire Suppression Requirements* Prior to issuance of improvement plans, the applicant shall submit plans that demonstrate all fire hydrants on the project site satisfy the Fire District's minimum fire flow requirements. *WF-3 California Building Code Chapter 7A Compliance* Prior to issuance of a building permit, the applicant shall submit plans that demonstrate compliance with Chapter 7A of the California Building Code. *WF-4 Fire Resistant Vegetation and Landscaping* Prior to issuance of a building permit, the applicant shall submit landscape plans prepared by a registered Landscape Architect that are consistent with applicable Building and Fire Codes at the time the building permit is issued.	
Impact WF-3: The project would include the installation of utilities and a roadway extension (Newell Drive Extension). However, impacts would be less than significant because the Newell Drive Extension would allow for simultaneous egress and ingress during an evacuation, which would not exacerbate a fire risk.	No mitigation measures would be required.	Less than Significant
Impact WF-4: The project site is relatively flat and not downslope from a hillside that could result in a landslide following a wildfire. There would be adequate drainage on the project site to prevent flooding. Wildfire risks from flooding or landslides would be less than significant.	No mitigation measures would be required.	Less than Significant

1 Introduction

This Environmental Impact Report (EIR) examines the potential environmental effects of the City of American Canyon's (City) proposed Watson Lane Annexation Project (hereafter also referred to as "project"). The environmental review process for the project, and legal basis for preparing an EIR, are described below.

1.1 Environmental Impact Report Background

This document is an EIR that evaluates the potential environmental impacts associated with implementation of the project. This section of the EIR:

- Provides an overview of the project's background
- Describes the purpose of and legal authority of the EIR
- Summarizes the scope and content of the EIR
- Lists lead, responsible, and trustee agencies for the EIR
- Describes the intended uses of the EIR
- Provides a synopsis of the environmental review process required under the California Environmental Quality Act (CEQA)

The contents of other EIR sections are as follows:

- Section 2, *Project Description*, provides a detailed discussion of the project
- Section 3, *Environmental Setting*, describes the general environmental setting for the project site
- Section 4, *Environmental Impact Analysis*, describes the potential environmental effects associated with the project
- Section 5, *Alternatives*, discusses alternatives to the project, including the CEQA-required "no project" alternative
- Section 6, *Other CEQA Required Sections*, discusses issues such as growth inducement and significant irreversible environmental effects
- Section 7, *References and Report Preparers*, lists informational sources for the EIR and persons involved in the preparation of the document

In addition, this EIR also includes the following Appendices:

- Appendix A. Notice of Preparation and Scoping Comments Received
- Appendix B. Biological Resources Assessment
- Appendix C. Supporting Noise Information

1.2 Project Overview

The project involves annexation of 83 acres of Napa County land within the City's sphere of influence. The annexation area requires amendment of the General Plan to redesignate the land use and pre-zone certain parcels. Additionally, consistent with the City's Circulation Element, Newell Drive would be extended through the annexation area to connect State Route 29 with the planned extension of Newell Drive through Watson Ranch. The project is described in detail in Section 2, *Project Description*.

1.3 Purpose and Legal Authority

Proposed General Plan Amendments and Pre-zoning requires discretionary approval of the American Canyon City Council; therefore, the project is subject to the environmental review requirements of CEQA. The City also contemplates Napa County Local Agency Formation Commission (LAFCo) approval of annexation within the Sphere of Influence. This EIR has been prepared in accordance with CEQA and the CEQA Guidelines. In accordance with CEQA Guidelines Section 15121(a) (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

> Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR fulfills the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as a Project EIR, Program EIRs are by necessity more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in CEQA Guidelines Section 15168, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the City (as Lead Agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the City with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways. By its nature, a Program EIR considers the broad effects associated with implementing a program (such as an annexation) and does not, and is not intended to, examine the specific environmental effects associated with projects that may be accommodated by the provisions of the annexation process.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documentation may not be required (CEQA Guidelines Section 15168(c)). When a Lead agency relies on a Program EIR for a subsequent activity, it must incorporate applicable mitigation measures and alternatives developed in the Program EIR into the subsequent activities (CEQA Guidelines Section 15168(c)(3)). If a subsequent activity would have effects not contemplated or not within the scope of the Program EIR, the Lead Agency must prepare a new Initial Study leading to a Negative

Declaration, Mitigated Negative Declaration, or a project level EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. CEQA Guidelines Section 15168(b) encourage the use of Program EIRs, citing five advantages:

- Provide a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR.
- Focus on cumulative impacts that might be slighted in a case-by-case analysis.
- Avoid continual reconsideration of recurring policy issues.
- Consider broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them.
- Reduce paperwork by encouraging the reuse of data (through tiering).

As a wide-ranging environmental document, the Program EIR uses expansive thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project. It should not be assumed that impacts determined not to be significant at a program level would not be significant at a project level. In other words, determination that implementation of the project as a program would not have a significant environmental effect does not necessarily mean that an individual project would not have significant effects based on project-level CEQA thresholds, even if the future development is consistent with the project.

This EIR has been prepared to analyze potentially significant environmental impacts associated with future development resulting from implementation of the project, as well as the extension of Newell Drive, and provides appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. Additionally, this EIR provides the primary source of environmental information for the City of American Canyon, which is the Lead Agency, to use when considering approval and implementation of the project.

This EIR is intended to provide decision-makers and the public with information that enables intelligent consideration of the environmental consequences of the project. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts could be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, this document functions as a tool for fact-finding, allowing concerned citizens and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

1.3.1 Streamlining Under CEQA Guidelines 15183

CEQA mandates that projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects peculiar to the project or its site (CEQA Guidelines 15183). This streamlines review of such projects and reduces the need to prepare repetitive environmental studies. Projects may be eligible for this process if the following findings can be made:

1. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
2. There are no project-specific effects which are peculiar to the project or its site.
3. There are no project-specific impacts which the EIR failed to analyze as significant effects.

4. There are no potentially significant off-site and/or cumulative impacts which the EIR failed to evaluate.
5. There is no substantial new information resulting in more severe impacts than anticipated by the EIR.

The intent of this Program EIR is to enable development facilitated by the project to use CEQA Guidelines Section 15183 to streamline future CEQA compliance. Projects consistent with City and LAFCo regulations, including zoning, would require no additional CEQA review, but applicants would be responsible for implementing applicable mitigation measures, including site-specific environmental studies. The recommended mitigation measures, once adopted by the City Council, will be implemented on a project-specific basis as part of the entitlement or building permit application process.

1.3.2 Other Tiering Opportunities

Other projects proposed or approved by a lead agency may use this Program EIR for CEQA tiering (Public Resource Code [PRC] Sections 21068.5, 21093-21094, CEQA Guidelines 15152, 15385). Tiering is the process by which general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance are relied upon by a narrower second-tier or site-specific EIR (PRC Section 21068.5). Moreover, by tiering from this Program EIR (once certified by the City Council), a later tiered EIR would not be required to examine effects that (1) were mitigated or avoided in this EIR, (2) were examined at a sufficient level of detail in this Program EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21094).

1.4 Public Review and Participation Process

The City of American distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on September 7, 2022 and ending on October 7, 2022. In addition, the City held an EIR Scoping Meeting on September 21, 2022. The meeting, held from 2:00 PM to 2:30 PM, provided information about the project to members of public agencies, interested stakeholders and residents/community members. The meeting was held virtually through an online meeting platform and a call-in number. The City received letters from agencies and the public in response to the NOP during the public review period and oral comments during the Scoping Meeting. The NOP is presented in Appendix A of this EIR, along with the NOP responses received. Table 1-1 on the following page summarizes the content of the letters and oral comments and where the issues raised are addressed in the EIR.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agency Comments		
California Department of Transportation (Caltrans)	Inquired whether a transportation impact analysis or study will be prepared for the project.	Section 4.15, *Transportation* of the EIR includes the transportation analysis for the project.
Native American Heritage Commission (NAHC)	States that the proposed project is subject to the requirements and provisions under Assembly Bill 52 and State Bill 18 for tribal cultural resources.	Consultation required by AB 52 and SB 18 were carried out by the City of American Canyon. Potential impacts to cultural resources and tribal cultural resources are discussed in Section 4.5, *Cultural Resources*, and Section 4.16, *Tribal Cultural Resources*, of this EIR.
California Department of Fish and Wildlife	Requested that the project description include details regarding land use changes, footprints of project features, proposed buildings/structures, operational features, and construction schedules.	Since this is a programmatic EIR, specific details were not available for the environmental analysis. However, sufficient project details are provided in Section 2, *Project Description*.
	Advised that the EIR must regulatory requirements related to California Endangered Species Act and Native Plant Protection Act, nesting birds, fully protected species (included in Attachment 1 of the comment letter), and lake and streambed alteration agreement.	Section 4.4, *Biological Resources*, includes descriptions of all relevant regulatory requirements and their applications to the project. Additionally, the section includes a list of special-status species and plants that may be impacted by the project.
	Requested that the EIR provide sufficient environmental setting information related to special-status plant, fish and wildlife species, sensitive natural communities, riparian habitats, or stream and wetlands.	Baseline conditions of biological resources are included in Section 4.4, *Biological Resources.*
	The EIR should discuss impacts that reduce open spaces or agricultural land, encroach into riparian habitats or wetlands, impact special-status species, loss of habitat, disturbance to habitat, or obstruction of movement corridors.	These impacts to biological resources are discussed in Section 4.4, *Biological Resources*.
Public Comments		
Charles Lemmon	Requested a scoping document with a plan for the annexation area.	The NOP, included as Appendix A, includes figures with proposed land use designations and pre-zoning for the annexation area.
	Inquires whether the potential hotel/visitor serving site would be on Watson Lane.	The hotel/visitor-serving use would occur within the Town Center pre-zoned area. As shown on Figure 2-6 of Section 2, *Project Description*, the Town Center pre-zoning would be along the north-south segment of Watson Lane.
	Concerned that the Newell Drive extension would encourage more traffic on Paoli Loop if there were congestion or an accident on State Route 29.	Traffic and congestion are not required topics under CEQA. However, transportation impacts are discussed in Section 4.15, *Transportation.*

Commenter	Comment/Request	How and Where It Was Addressed
John Dutra	The commentor requests that his property is not zoned for public use and further requests information on how the annexation area would be zoned.	Proposed pre-zoning of the annexation area is shown on Figure 2-6 of Section 2, *Project Description*.
Ladeena Ford	The commentor expresses concern that the proposed pre-zoning does not match an earlier 2019 proposal and questions whether the proposed residential use conflicts with the Napa County Airport Compatibility Zones.	Issues pertaining to the Napa County Airport Land Use Compatibility Plan are discussed in Section 4.9, *Hazards and Hazardous Materials* and Section 4.11, *Land Use and Planning.*
	The commentor inquires whether sewer would be extended into the annexation area.	Sewer services and other utilities are discussed in Section 4.17, *Utilities and Service Systems*.

1.5 Scope and Content

As discussed in Section 1.4, *Public Review and Participation Process*, an NOP was prepared and circulated (Appendix A), and responses received on the NOP were considered when setting the scope and content of the environmental information in the Program EIR. Sections 4.1 through 4.18 address the resource areas outlined in the bullet points below. Section 5, *Other CEQA Required Discussions*, covers topics including growth-inducing effects, irreversible environmental effects, and significant and unavoidable impacts. Environmental topic areas addressed in this Program EIR include the following:

1. Aesthetics
2. Agriculture and Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Energy
7. Geology and Soils
8. Greenhouse Gas Emissions
9. Hazards and Hazardous Materials
10. Hydrology and Water Quality
11. Land Use and Planning
12. Noise
13. Population and Housing
14. Public Services and Recreation
15. Transportation
16. Tribal Cultural Resources
17. Utilities and Service Systems
18. Wildfire

This EIR evaluates potential impacts in each of these areas. The focus of this EIR is to:

- Provide information about the project for consideration by the City Council in its selection of the project, an alternative to the project, or a combination of various elements from the project and its alternatives, for approval.
- Review and evaluate the potentially significant environmental impacts that could occur because of the project.
- Identify feasible mitigation measures that may be incorporated to reduce or eliminate potentially significant effects.
- Disclose any potential growth-inducing and/or cumulative impacts associated with the project.

- Examine a reasonable range of alternatives that could feasibly attain the basic objectives of the project, while eliminating and/or reducing some or all of its potentially significant adverse environmental effects.

Two resources listed on Appendix G of the CEQA Guidelines – Mineral Resources and Schools – were determined not to be significantly affected by the project and are analyzed with brevity within Section 4.19, *Effects Found Not to be Significant*.

1.6 Lead, Responsible, and Trustee Agencies

The City of American Canyon is the lead agency under CEQA for this EIR because it has primary discretionary authority to approve the project. CEQA Guidelines Section 15381 defines responsible agencies as other public agencies that are responsible for carrying out/implementing a specific component of a project or for approving a project (such as an annexation) that implements the goals and policies of a General Plan. Prior to annexation, the LAFCo must approve the City's annexation application, which City Council directed City staff to prepare in September 2017. Napa County LAFCo requires preparation of CEQA documentation prior to annexation and identifies five issue areas of local interest to address in the CEQA documentation. Those issues include cumulative and regional impacts, impacts to public services, conversion of prime agricultural lands, consistency with general and specific plans, and availability of affordable housing. These issues are addressed in this EIR. Napa County LAFCo may use this EIR to approve the City's proposed annexation.

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. CEQA Guidelines Section 15386 designates four agencies as trustee agencies: CDFW with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission, with regard to state-owned "sovereign" lands, such as the beds of navigable waters and State school lands; the California Department of Parks and Recreation, with regard to units of the State park system; and, the University of California, with regard to sites within the Natural Land and Water Reserves System. The CDFW, due to the potential for rare or endangered species, is the only trustee agency for the project.

The Napa County Airport Land Use Commission is an advisory agency for the project. Most of the project site lays within Zone D of the Napa County Airport Land Use Compatibility Zones, with the remainder in Zone E. Land within Airport Land Use Compatibility Zones requires review from the Airport Land Use Commission.

The California Public Utilities Commission (CPUC) governs railroad crossings. The project is proposing the Newell Drive Extension, which include an overcrossing over the Union Pacific Railroad. A permit is required by the CPUC for the Newell Drive Extension overcrossing.

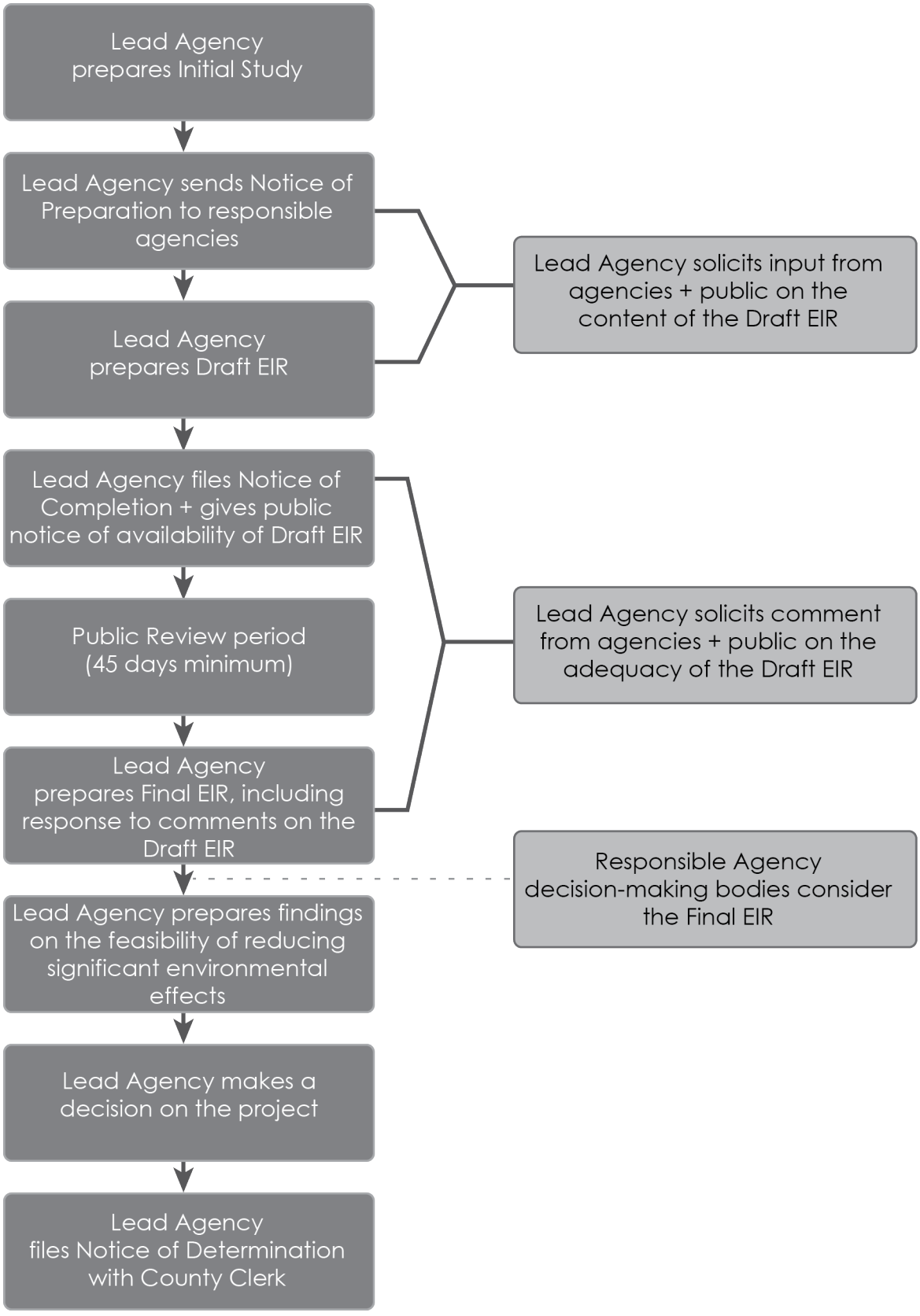
1.7 Environmental Review Process

The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) and Initial Study**. After deciding that an EIR is required, the lead agency (City of American Canyon) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Public Notice and Review.** A lead agency must prepare a Public Notice of Availability (NOA) of an EIR. The NOA must be placed in the County Clerk's office for 30 days (Public Resources Code Section 21092) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091). Distribution of the Draft EIR may be required through the State Clearinghouse. This EIR will be circulated for a 45-day public review and will be sent to the State Clearinghouse.
4. **Notice of Completion.** A lead agency must file a Notice of Completion (NOC) with the State Clearinghouse as soon as it completes a Draft EIR.
5. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
6. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).
7. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043).
8. **Findings/Statement of Overriding Considerations**. For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

9. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process



2 Project Description

This section describes the proposed project, including the project applicant and lead agency, the project site and surrounding land uses, major project characteristics, project objectives, and discretionary actions needed for approval.

2.1 Project Applicant

City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, California 94503

2.2 Lead Agency Contact Person

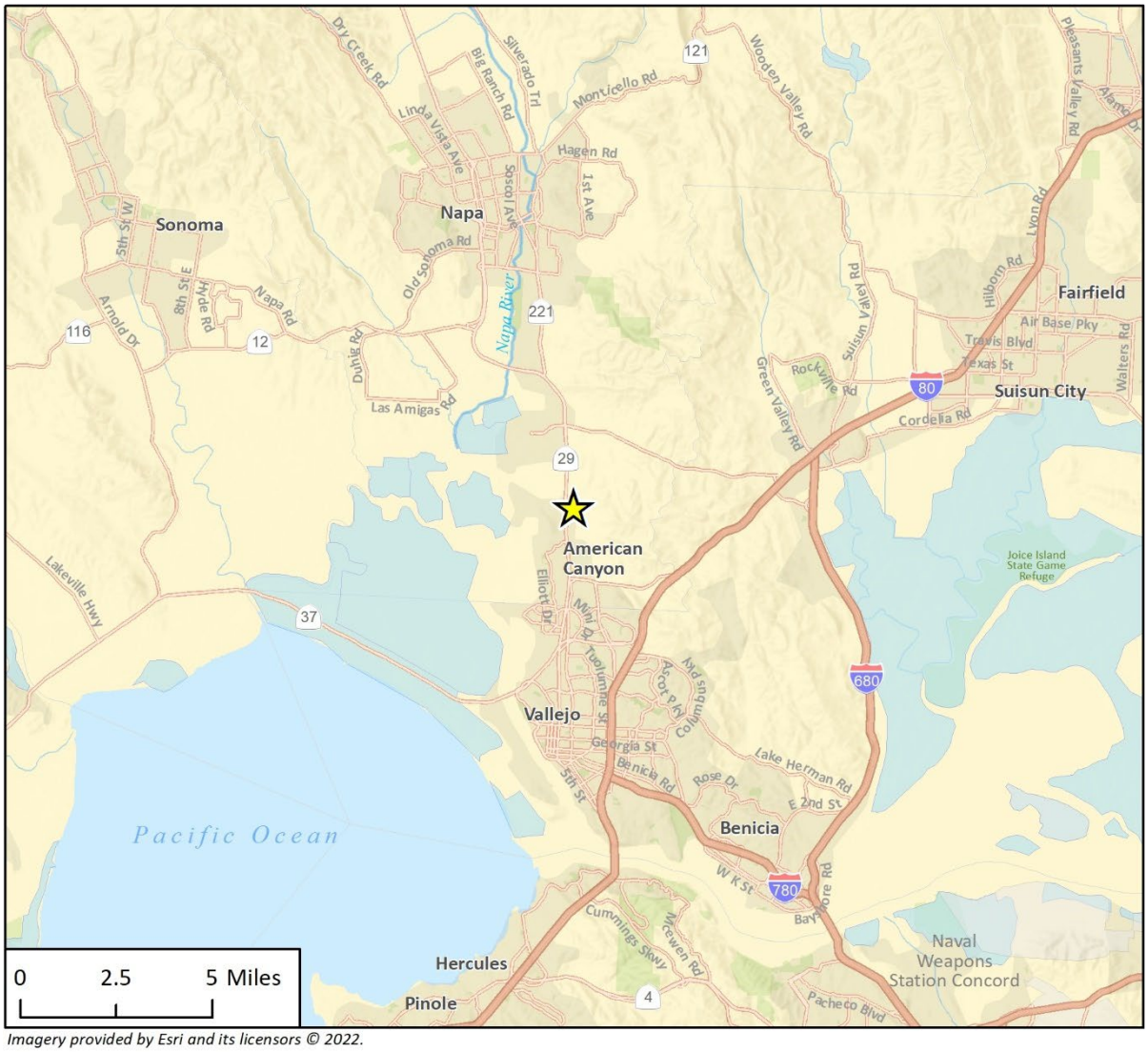
Sean Kennings, Planning Consultant
LAK Associates, LLC
P.O. Box 7043
Corte Madera, California 94976
(415) 533-2111

2.3 Project Location

The area proposed for annexation (annexation area) is located in unincorporated Napa County within the Sphere of Influence (SOI) of the City of American Canyon (City). The project's regional location is shown in Figure 2-1. The annexation site is surrounded by City limits to the east, west, and south. To the east of the annexation site, past the Union Pacific Railroad (UPRR) are existing agricultural uses in unincorporated Napa County, two residential parcels, and the Watson Ranch Specific Plan within American Canyon. Immediately west of the annexation area is Paoli Loop Road and State Route (SR) 29, as well as existing industrial uses. The annexation area is bounded to the south by the UPRR and vacant land and mixed residential/commercial uses further south. North of the annexation areas are existing agricultural uses in unincorporated areas of Napa County (County). The project location and surrounding jurisdictional boundaries are shown in Figure 2-2.

The annexation area contains 17 assessor parcel numbers (APNs) and a portion of the UPRR right-of-way running approximately northeast by southwest at the eastern boundary of the annexation area. APNs are listed in Table 2-1. A map showing all parcels is shown in Figure 2-3.

Figure 2-1 Regional Location



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Project Location

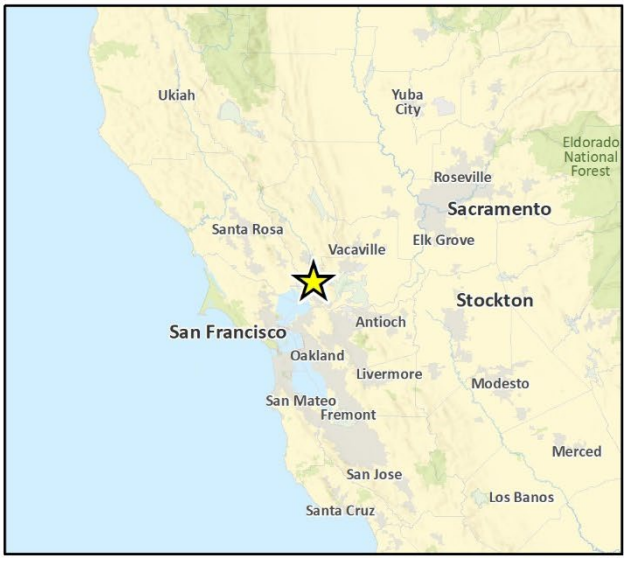


Figure 2-2 Project Site Location

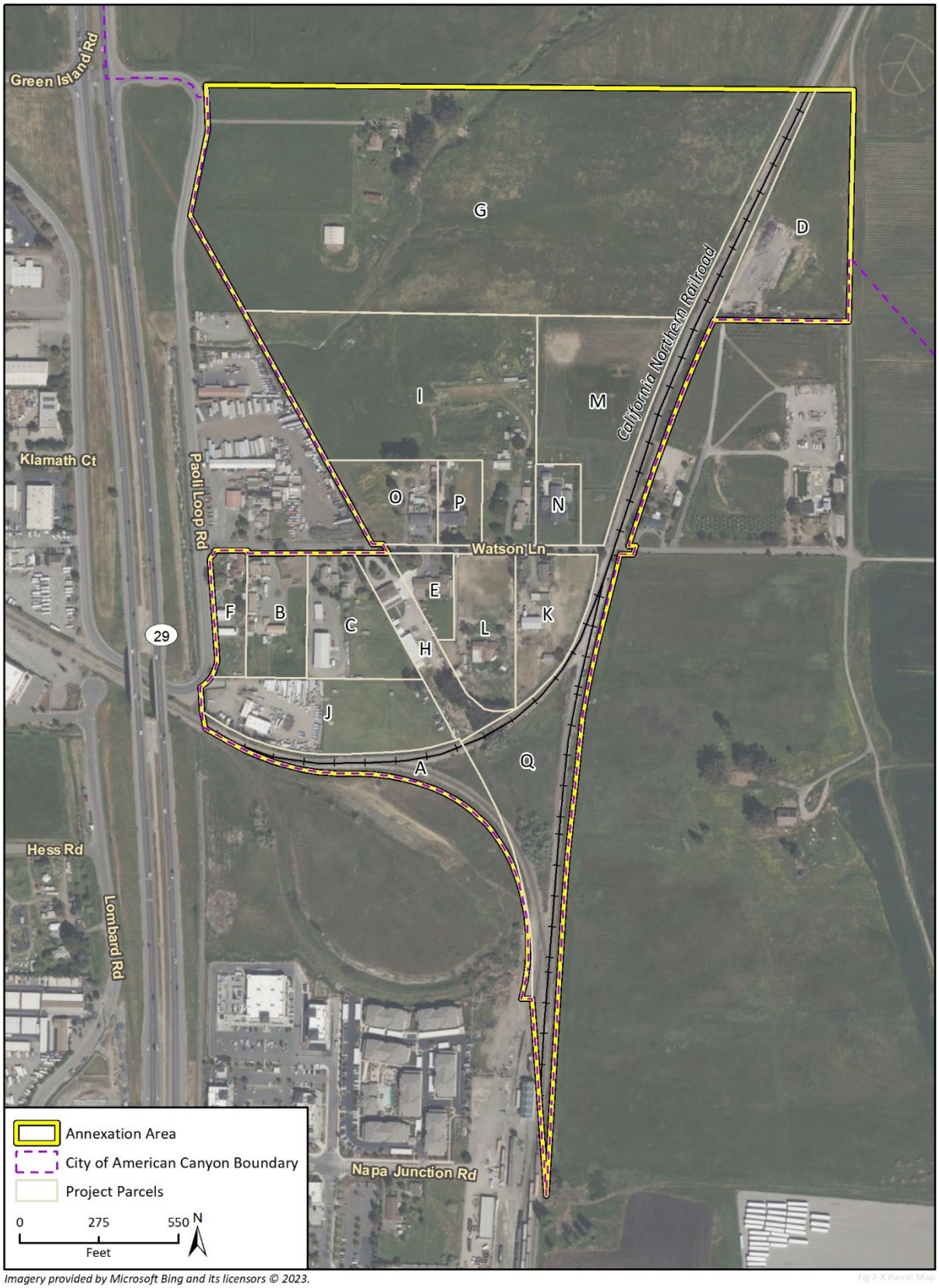


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Table 2-1 Proposed Parcels for Annexation

Parcel ID	Accessor Parcel Number	Acres	Address
A	059-020-036	3.05	N/A
B	057-120-014	2.1	165 Watson Lane
C	057-120-015	2.88	193 Watson Lane
D	057-120-017	5.6	N/A
E	057-120-028	1	225 Watson Lane
F	057-120-034	1.18	157 Watson Lane
G	057-120-036	31.12	4000 Paoli Loop
H	057-120-041	1.72	205 Watson Lane
I	057-120-045	10.4	254 Watson Lane
J	057-120-047	4.58	4400 Paoli Loop
K	057-120-048	2.03	265 Watson Lane
L	057-120-049	2.49	245 Watson Lane
M	057-120-050	5.57	N/A
N	057-120-051	1	260 Watson Lane
O	057-180-014	2.1	165 Watson Lane
P	057-180-015	2.88	193 Watson Lane
Q	A portion of the UPRR right-of-way running approximately northeast by southwest on the eastern boundary of annexation area	3.3	N/A
	Total	**83**	**N/A**

Figure 2-3 Parcel Map



2.4 Existing Site Characteristics

2.4.1 Current Land Use Designation and Zoning

The annexation area contains a mix of undeveloped land, residential uses, outdoor storage, and UPRR right-of-way within the SOI of the City. Land use designations in the City's General Plan include Agriculture, Town Center, and Residential Estate, as shown on Figure 2-4.

Most of the land north of Watson Lane and west of the UPRR right-of-way is designated Agriculture with a Special Study overlay. The parcel east of the UPRR right-of-way is designated Town Center. The land north and south of Watson Lane is designated Residential Estate. The UPRR right-of-way does not have a City General Plan land use designation. In the County General Plan most of the annexation area is designated Industrial, while the area east of the UPRR and UPRR right-of-way are designated Agriculture-Watershed.

Most of the annexation area is not pre-zoned by the City. A small section, east of the UPRR right-of-way is designated Town Center in the City's General Plan, and pre-zoned Town Center, as is shown on Figure 2-5.

2.4.2 Existing Land Uses

The annexation area is approximately 83 acres. The northern portion is largely undeveloped, except for a farmhouse and accessory outbuildings. The central and southern portion includes 13 residential lots, varying in size from 1 to 10 acres. The residential parcel in the southwest corner has a conditional use permit issued by the County for outdoor storage. All residential lots are served with City potable water. Most of the residential lots lack municipal sewer service. The parcel northeast of the UPRR is a site with outdoor truck and material storage. The UPRR right-of-way in the southeast portion accommodates an active rail use.

2.4.3 Surrounding Land Uses

The annexation area is surrounded by industrial, commercial, residential, or agricultural uses. To the north and east are residential and agricultural lands. To the west are industrial uses beyond SR 29 within the City of American Canyon. Immediately to the south is vacant land, beyond which are residential/commercial uses.

2.5 Project Characteristics

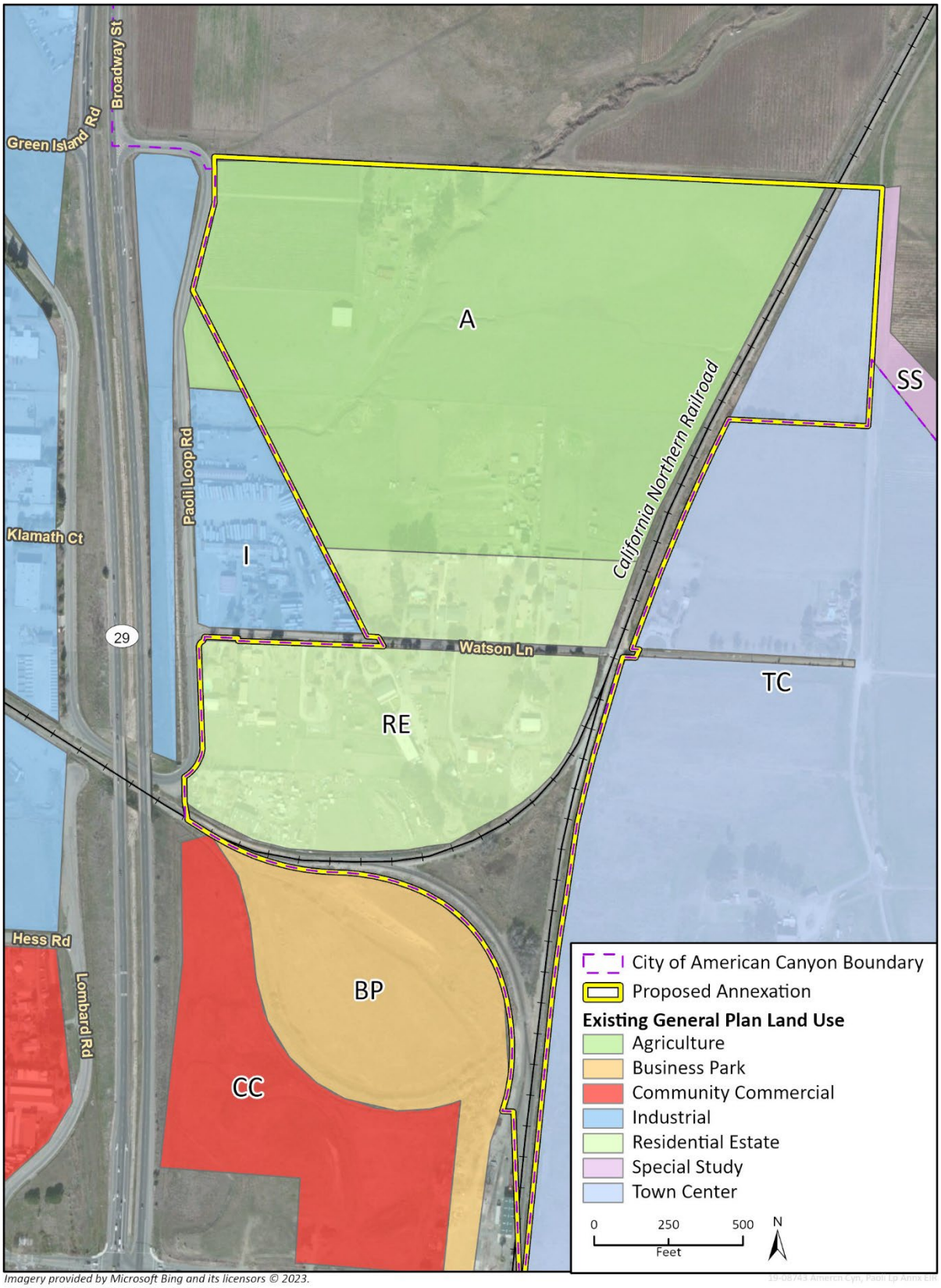
The project would annex the entire 83-acre SOI area into the City of American Canyon, pending amendments to the City's General Plan and zoning ordinance, and approval from the Napa County Local Agency Formation Commission (LAFCo).

2.5.1 Proposed Land Use Designation and Pre-Zoning

Proposed General Plan Amendment

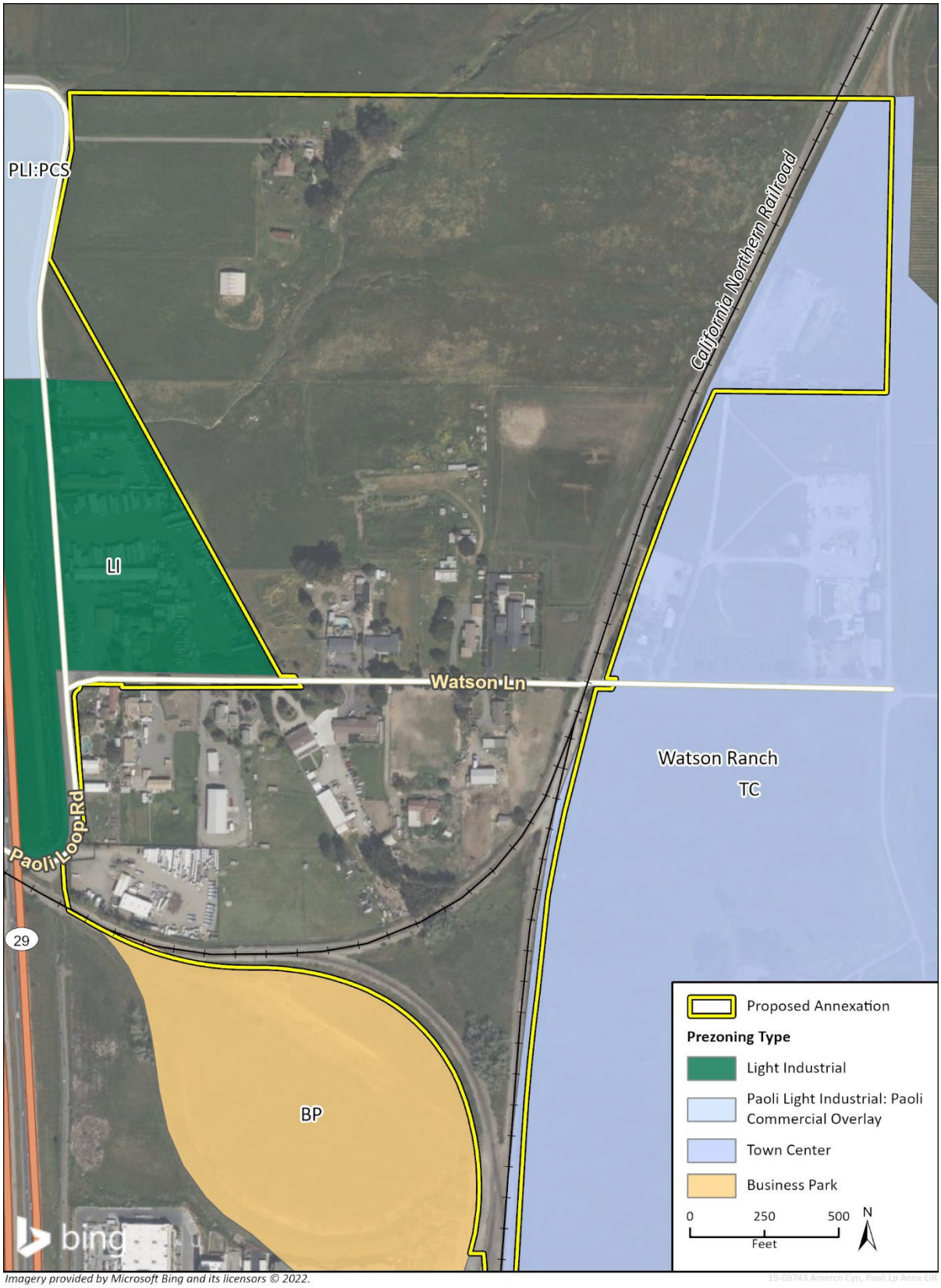
City General Plan designation for land currently designated Agriculture would be changed to Industrial. The remaining land would not be re-designated, as shown in Figure 2-6.

Figure 2-4 Existing City of American Canyon Land Use Designations



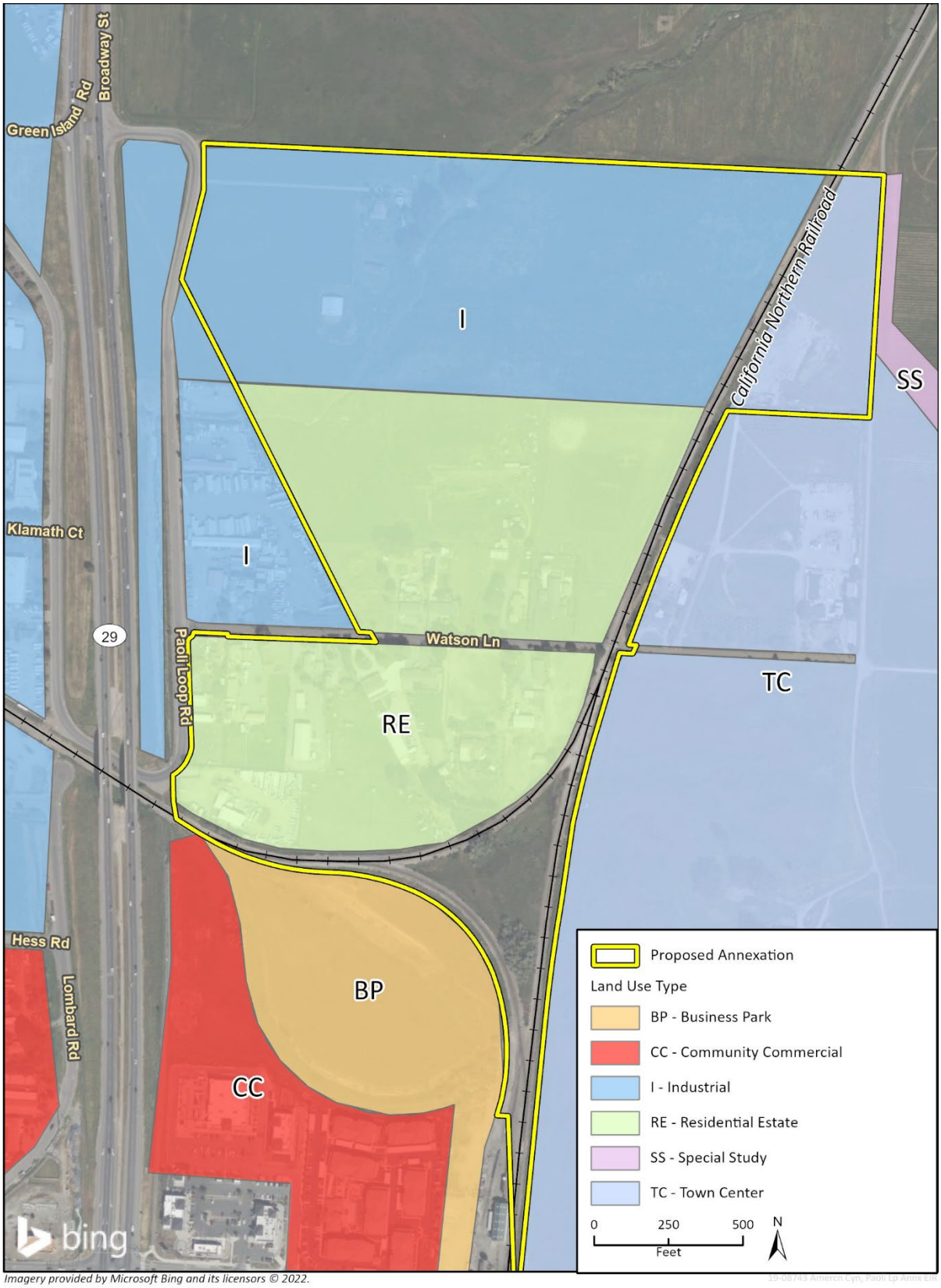
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Additional data provided by County of Napa, 2022.

Figure 2-5 Exisiting City of American Canyon Pre-Zoning



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Figure 2-6 Proposed City of American Canyon Land Use Designations



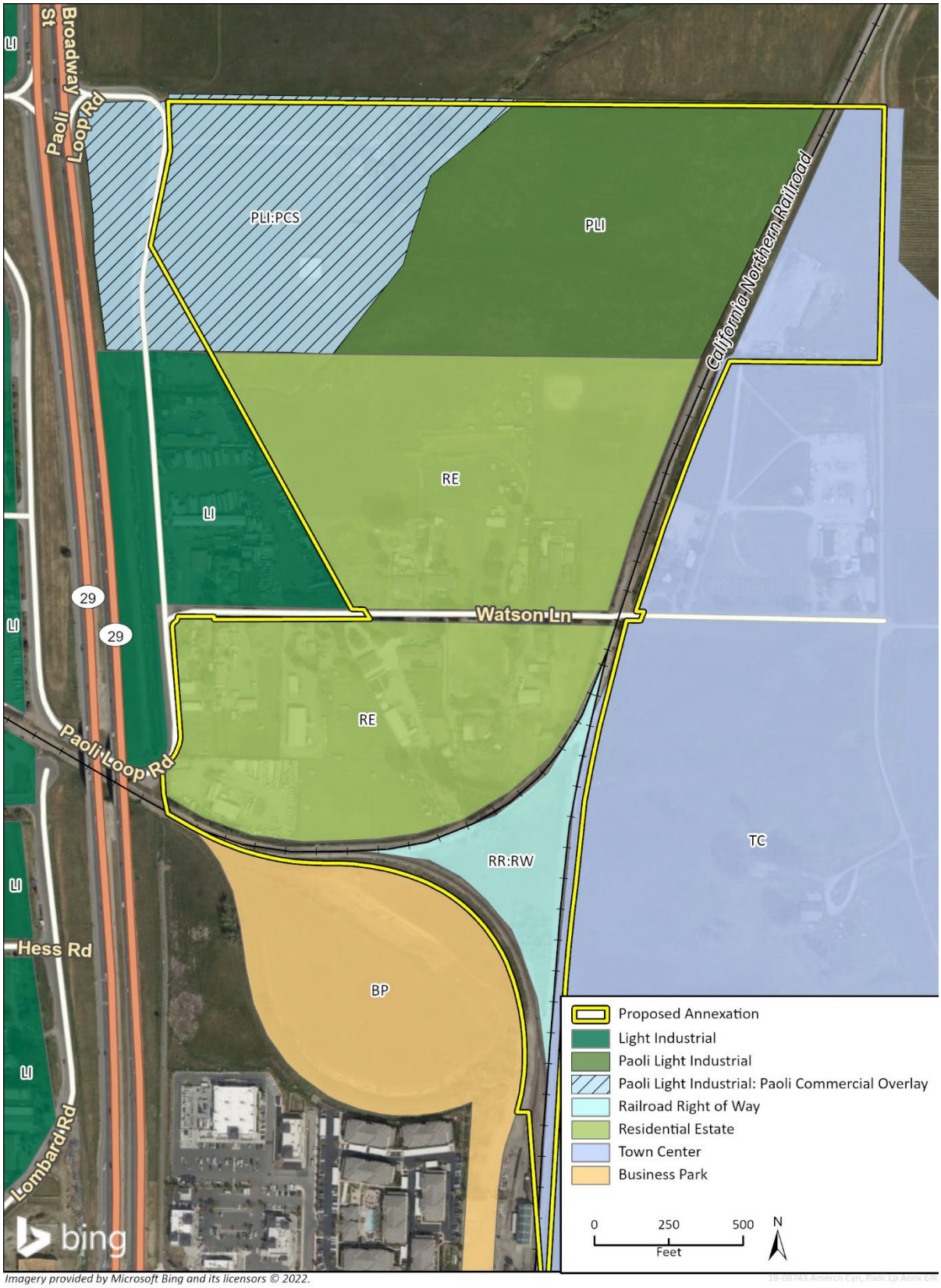
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Proposed Pre-Zoning

The land designated as Residential Estate would be pre-zoned as such, which would allow residences with a minimum lot size of 1 acre. The land designated as Industrial would be pre-zoned as Paoli Light Industrial, which would be a new zoning designation that accommodates existing and new light manufacturing uses, research and development, offices, or similar uses. The Industrial land west of the North Slough would also be pre-zoned with a Paoli Commercial Overlay District, which would allow commercial and commercially-related uses that capitalize on vehicle access and visibility. Outside the annexation area, the land between SR 29 and Paoli Loop Road currently zoned as Light Industrial would be rezoned as Paoli Light Industrial with a Paoli Commercial Overlay District. No change is proposed to the existing Town Center pre-zoning for the parcel east of the UPRR. The proposed pre-zoning is shown in Figure 2-7. No parcel subdivisions are proposed at this time. Pre-zoning would include the following building design elements that ensure new industrial development is aesthetically pleasing.

- 19.14.100 Building Design (All Industrial Districts).
  - A. Achieve high quality development design and existing use compatibility following design features:
    - a. Architectural treatment of all building elevations.
    - b. Extensive use of landscape along the primary street frontages and parking lots.
    - c. Enclose storage areas visible from principal highways (including Highway 29) and peripheral residential and commercial districts with decorative screening or other elements.
    - d. Screen rooftop mechanical equipment with a parapet or roof screen equal in height to the mechanical equipment.
  - B. Require that industrial areas developed as research and development and office-oriented business parks be designed to convey a unified character by consideration of the following:
    - a. Interconnect individual buildings with pedestrian walkways, arcades, and/or other visual elements.
    - b. Differentiate building facades with materials, color, architectural details and building elevation articulation.
    - c. Incorporate extensive landscape in parking areas, along building frontages, and other public areas.
    - d. Use consistent and well-designed public and informational signage.
    - e. Installation of elements (or install elements) that define key entry points into the industrial district.

Figure 2-7 Proposed City of American Canyon Pre-Zoning



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Additional data provided by County of Napa, 2022.

2.5.2 Newell Drive Extension

Newell Drive is a planned roadway in the City of American Canyon General Plan Circulation Element. The project includes extending Newell Drive across the northern boundary of the annexation area east from SR 29, across the North Slough with a long span, and gently curving southeast toward Watson Lane to the UPRR. The Newell Drive extension would cross the UPRR tracks via an overcrossing and continue southeast to the planned extension of Newell Drive in Watson Ranch, approximately 1 mile southeast of the annexation area. Extending Newell Drive would help relieve SR 29 traffic congestion. The City is also considering an at-grade crossing alternative for the project and the analysis for this alternative can be found in Chapter 6, *Alternatives*. The Newell Drive extension is shown in relation to the annexation area in Figure 2-8.

2.5.3 Pre-Annexation Agreement

In June 2019, the American Canyon City Council adopted Resolution 2019-44 to execute a First Amended Pre-Annexation Agreement for the annexation area. The resolution notes that the annexation area includes continuous parcels to avoid creating an "island" of unincorporated territory surrounded by the City. The islands being referred to include the UPRR right-of-way in the southeastern section of the annexation area and the area to the east of the UPRR. The resolution includes a clause that mentions dedication of a public right-of-way for the Newell Drive extension, as discussed above. Finally, the resolution grants City Council the right to consider amending the General Plan to change the designation of the northern portion of the annexation area from Industrial to Community Commercial at some time in the future.

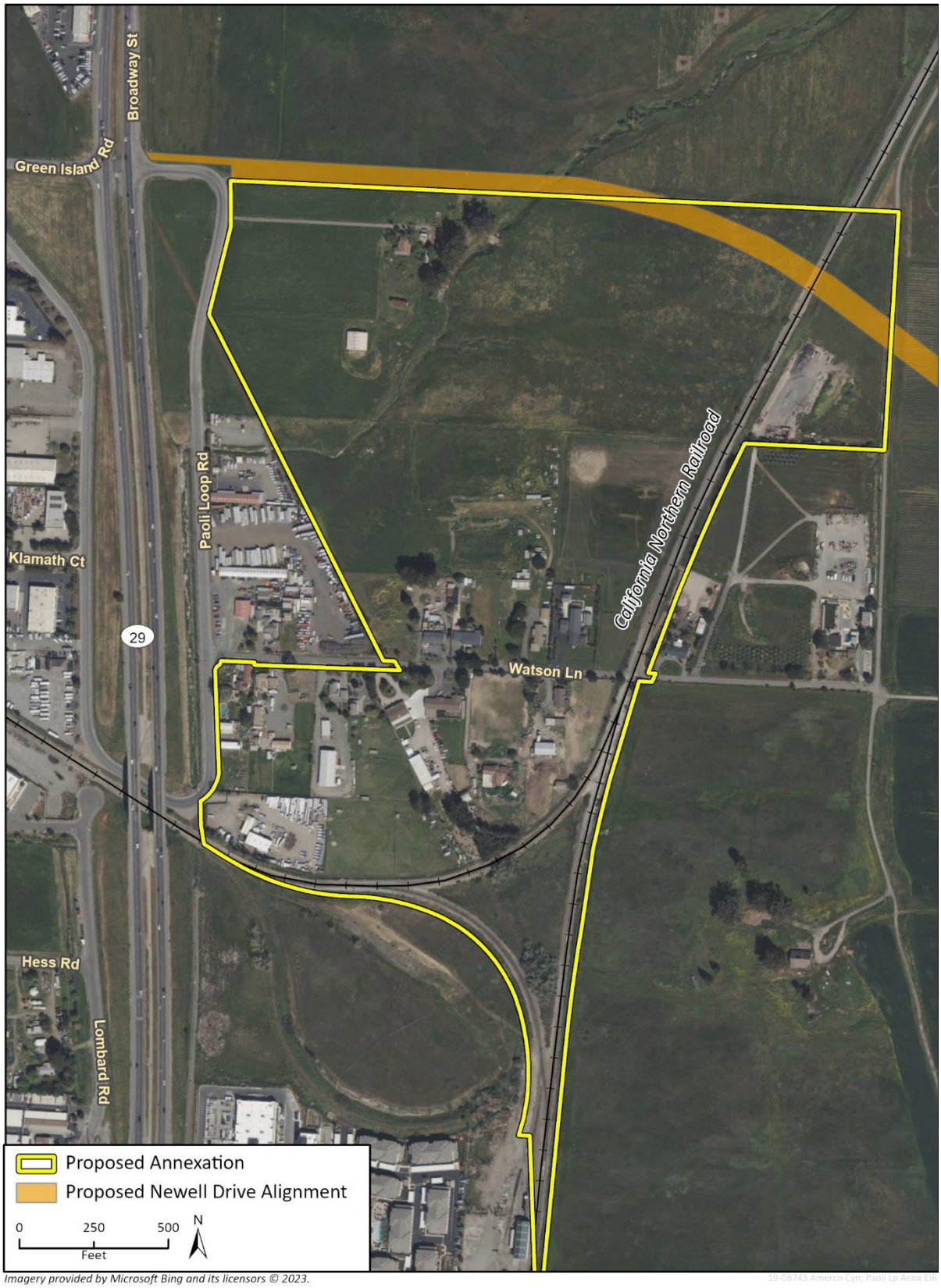
2.5.4 Napa County Local Agency Formation Commission

Prior to annexation, Napa County LAFCo must approve the City's annexation application, which City Council directed City staff to prepare in September 2017. Napa County LAFCo requires preparation of California Environmental Quality Act (CEQA) documentation prior to annexation and identifies five additional issue areas of local interest to address in the CEQA documentation. Those include cumulative and regional impacts, impacts to public services, conversion of prime agricultural lands, consistency with general and specific plans, and availability of affordable housing.

Cortese-Knox Hertzberg Local Government Reorganization Act

The Cortese-Knox Hertzberg Local Government Reorganization Act is the most significant reform to local government reorganization law since the 1963 statute that created a LAFCo in each county. The law established procedures for local government changes of organization, including city incorporation, annexation to a city or special district, and consolidation of cities or special districts (California Government Code Section 56000, et seq.). LAFCo's have numerous powers under the Act, but those of prime concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies. The law also states that to update an SOI, LAFCo's are required to first conduct a review of the municipal services provided in the county.

Figure 2-8 Proposed Newell Drive Alignment



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Additional data provided by County of Napa, 2022.

While LAFCo does not have any direct land use authority, the Act assigns LAFCo's a significant role in planning issues by requiring them to consider a wide range of land use and growth factors when they consider proposals. California Government Code Section 56001 specifically states that "the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing State interests of discouraging urban sprawl, preserving open space and prime agricultural lands, [and] efficiently extending government services."

The Act also requires LAFCo's to update SOIs for every city and special district every 5 years. The original deadline was January 2006, 5 years following the CHK Act becoming State law. That deadline was extended 2 years to January 2008. Every SOI update must be accompanied by an update of the municipal services review (MSR). Pursuant to Government Code Section 56430, Napa LAFCo conducts MSRs for each agency under LAFCo jurisdiction. The MSRs provide an in-depth look at provider service needs, use of resources, and possibilities for partnership with other agencies; and contain determinations that serve as guidelines to inform and support the LAFCo's decisions about SOIs. The most recent MSR for the City of American Canyon was approved by LAFCo on December 3, 2018.

2.5.5 Utilities

The annexation site is within the City's sewer and water service area. However, most of the annexation site is not currently serviced by existing infrastructure. New development on the project site would be connected to City sewer and water services.

Under the Cortese-Knox Hertzberg Local Government Reorganization Act, Napa County LAFCo is required to conduct a comprehensive study of services within their scope. Napa County LAFCo conducted a Countywide Water and Wastewater Municipal Services Review (MSR), approved in November 2020 (Napa County LAFCo 2020). The MSR evaluated water and wastewater services within the City, including the SOI. The City purchases water from the State Water Project and City of Vallejo and is considered adequate to meet the City's current needs and projected needs through 2040 depending on dry water year conditions. The City's water treatment plant has sufficient capacity to accommodate current and projected demand (Napa County LAFCo 2020).

2.5.6 Agricultural Land

The northern section of the annexation site is currently designated by the American Canyon General Plan as "Agriculture." The project would redesignate this property as "Industrial." Prior to annexation Napa County LAFCo requires the environmental review consider the annexation's impact on agricultural land. Napa County LAFCo defines prime agricultural land as an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- Land that qualifies for rating 80 through 100 Storie Index Rating.
- Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

- Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.
- Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

2.5.7 Project Buildout

The annexation area would ultimately be developed for commercial, industrial, and visitor-serving/hotel use. For purposes of analysis in this EIR, it is conservatively assumed that 80 percent of parcels pre-zoned for Paoli Light Industrial, Paoli Light Industrial with Paoli Commercial Overlay, and Town Center would be developed for commercial, industrial, and visitor-serving/hotel uses. The remaining 20 percent accounts for building setbacks, right-of-way for construction of the proposed Newell Drive extension, including an overcrossing at the railroad, and a biological resources buffer around North Slough. Parcels pre-zoned for Residential Estate have existing residential uses and the application of the Residential Estate pre-zoning is to acknowledge these existing uses. The application of the Residential Estate pre-zoning would not induce additional residential development beyond existing conditions. Estimated buildout is summarized in Table 2-2. It is estimated that approximately 1,650 employees could be generated, as a result of this buildout.

Table 2-2 Estimated Maximum Buildout

Land Use	Area (Square Feet)
Commercial	494,942
Industrial	696,888
Visitor-Serving/Hotel	189,698

2.6 Vine Trail

The project site is located within a proposed segment of the Vine Trail, a countywide bicycle/pedestrian trail planned to ultimately connect the City of Calistoga to the Vallejo Ferry. This proposed segment of the Vine Trail is found in American Canyon's Circulation Element (City of American Canyon 2018). As envisioned in the General Plan, project applicants would complete segments of the Vine Trail located on the frontage of future development.

2.7 Project Objectives

The objectives of the project are to:

1. Promote economic growth in American Canyon by attracting new industries.
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development.
3. Create new employment opportunities for residents of Napa County and the surrounding region.

4. Extend Newell Drive, which would augment north-south travel parallel to SR 29.
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities.
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use.
7. Preserve the most biologically sensitive portions of the project site as open space.
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the project while also ensuring these facilities operate at acceptable levels.
9. Promote public safety by incorporating security measures into the project design.
10. Mitigate impacts on the environment through implementation of feasible mitigation measures.

2.8 Required Approvals

Prior to annexation approvals by several agencies must occur. Those include:

- Napa County LAFCo must approve the City's annexation application, which would include approval of this Environmental Impact Report.
- A Property Tax Sharing Agreement between the City and County.
- City Council approval of General Plan amendments and pre-zoning.
- Napa County Airport Land Use Commission advisory review for compatibility with the Napa County Airport Land Use Compatibility Plan.
- California Public Utilities Commission approval of the Newell Drive extension overcrossing of the UPPR railroad.

In addition, a Settlement Agreement between Napa County, the Napa County Airport Land Use Commission, and the City of American Canyon was executed on May 3, 2022. The Settlement Agreement provides that the City will not approve any residential use application in Zone D until an amendment to the Airport Land Use Compatibility Plan has been approved or December 31, 2023, whichever occurs first. The Settlement Agreement does not prohibit the City from processing an application for a residential proposal within Zone D. Nonetheless, as described in Section 2.5.7, *Project Buildout,* the proposed project would not induce additional residential development beyond existing conditions.

3 Environmental Setting

This section provides a general overview of the environmental setting for the project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4, *Environmental Impact Analysis*.

3.1 Regional Setting

The City of American Canyon is in southern Napa County, approximately 5 miles south of the City of Napa, 25 miles northeast of the city of San Francisco, and approximately 20 miles north of the City of Oakland. The city is located to the north of San Francisco Bay and San Pablo Bay, east of Napa River and west of the Newell Open Space Preserve and Lynch Canyon Open Space Park. Broadly, the City of American Canyon is bordered by unincorporated Napa County and the Napa County Airport to the north, Sulphur Spring Mountains to the east, Solano County and the City of Vallejo to the south, and a salt marsh and wetland area including the Napa River to the west.

The City encompasses an area of approximately 6.1 square miles. In addition, the City has a sphere of influence (SOI), which represents those areas that may already receive City services and are a visual and logical expansion of the city boundaries. There is currently one area in the SOI that is not within City limits. The City is currently in the process of annexing that area as part of this project. Primary regional access to the city is provided by Interstate 80 (I-80), approximately 5 miles to the east of the city limits. State Route (SR) 29 provides north-south access while SR 12 and SR 37 provide east-west access to the city. The city is served by a surface street system ranging from multi-lane arterial roadways to narrow two-lane streets. Primary access to the project site is currently provided by SR 29.

The climate of the City of American Canyon is a warm-summer Mediterranean climate, characterized by dry, hot summers and moderately moist, cool winters. The average temperature for the year in the City is 56.4°F (13.6°C). The warmest month, on average, is August with an average temperature of 65.1°F (18.4°C). The coolest month on average is December, with an average temperature of 45.4°F (7.4°C) (Weatherbase 2022). Average annual precipitation in American Canyon is 17.4 inches. Generally, in an average or typical year, most precipitation is received from October through April (Weatherbase 2022).

3.2 Project Site Setting

The area proposed for annexation is 83 acres in unincorporated Napa County within the SOI of the City of American Canyon. The project site is surrounded by City limits to the east, west, and south. To the east of the project site are existing agricultural uses in unincorporated Napa County, two residential parcels, and the Watson Ranch Specific Plan within American Canyon. Immediately west of the project site is Paoli Loop Road and SR 29, as well as existing industrial uses. The project site is bound to the south by the Union Pacific Railroad (UPRR) and vacant land and mixed residential/commercial uses further south. North of the project site are existing agricultural uses in unincorporated areas of Napa County.

The project site contains a mix of undeveloped land, residential uses, outdoor storage, and UPRR right-of-way within the SOI of the City. The northern portion is largely undeveloped, except for a

farmhouse and accessory outbuildings. The central and southern portion includes 13 residential lots, varying in size from 1 to 10 acres. The residential parcel in the southwest corner has a conditional use permit issued by the County for outdoor storage. Most of the residential lots lack municipal sewer service. The northeast portion to the east of the UPRR is a greenfield site with outdoor truck and material storage. The UPRR right-of-way in the southeast portion is undeveloped.

Land use designations in the City's General Plan include Agriculture, Town Center, and Residential Estate. In the County General Plan most of the project site is designated as Industrial, while the area east of the UPRR and UPRR right-of-way are designated as Agriculture-Watershed. A small section, east of the UPRR right-of-way is designated Town Center in the City's General Plan, and pre-zoned Town Center. The rest of the annexation area is not pre-zoned by the City.

3.3 Cumulative Development

In addition to the specific impacts of development facilitated by the project, the California Environmental Quality Act (CEQA) requires an Environmental Impact Report (EIR) to consider potential cumulative impacts of the proposed project. CEQA defines "cumulative impacts" as two or more individual impacts that, when considered together, are substantial or will compound other environmental impacts. Cumulative impacts are the combined changes in the environment that result from the incremental impact of development of the project and other nearby projects. For example, transportation impacts of two nearby projects may be less than significant when analyzed separately but could have a significant impact when analyzed together. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects. This EIR uses a hybrid approach, consisting of a combination of the list-based and projection-based plan-based) approaches, to best identify cumulative impacts. Each approach is summarized below.

The projection approach discloses regional cumulative impacts related to air quality, energy, greenhouse gas (GHG) emissions, population and housing, public services and recreation, transportation, and utilities and service systems. To consider the potential cumulative impacts that are a result of overall growth, the cumulative analysis uses projections for the City of American Canyon. These projections are based on the City's Transportation Impact Fee, which identifies that in 2040, approximately 3,379 residences and 10,204,000 square feet of non-residential space would be added to the City of American Canyon.

For the list approach, the project and specific cumulative projects in or adjacent to the project were examined for the potential to result in cumulatively significant localized impacts. The cumulative analysis uses this approach to identify localized impacts related to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, tribal cultural resources, and wildfire. Currently planned and pending projects in American Canyon and Napa County, are listed in Table 3-1. Cumulative impacts for each environmental resource topic are provided at the end of each environmental resource section.

Table 3-1 Cumulative Projects List

Project Name	Project Location	Land Use	Distance to Project Site (miles)
City of American Canyon – Active Construction			
Hampton Inn Hotel	3443 Broadway Street	Commercial	1.5
Core Tree Care Yard	352 Green Island Road	Commercial	0.6
SGD 2017	1075 Commerce Court	Industrial	1.2
Oat Hill Multifamily Project	Hess Road	Residential	0.5
Circle K Gas Station	Napa Junction and Lombard Street	Commercial	0.5
Napa Cove Apartments	Melvin Road	Residential	1.2
Green Island Road Widening and Reconstruction	Green Island Road	Roadways	1.3
Donaldson, Gisela and Surrounding Area Utility Project	Various locations	Utilities	N/A
City of American Canyon – Project Applications Under Review			
Watson Ranch Specific Plan Amendment	North of Vintage Ranch	Residential/ Commercial	0.8
Watson Ranch Lot Line Adjustment	Marcus Road	Residential/ Commercial	0.8
Napa Junction Solar Farm and RV Parking	5381 Broadway	Commercial/ Utilities	0.5
Chicken Guy Restaurant	200 American Canyon Road	Commercial	1.8
5555 Broadway Building Preapplication	5555 Broadway	Industrial	0.5
Hotel @ The Ruins	Southeast Corner Rollings Hills/Rio Del Mar	Hotel	1.1
Residences at Napa Junction	1000 Reliant Way	Residential	0.4
Carwash Preapplication	3885 Broadway	Commercial	1.0
Napa Logistics Park Road Improvement Mitigation Amendment	South of Napa Airport	Roadways	1.2
Sunsquare Mixed Use Building	425 Napa Junction Road	Residential/ Office	0.5
Giovannoni Logistics Center	300 Green Island Road	Commercial/ Industrial	0.6
Element 7 Cannabis Business Permit	1300 Green Island Road	Industrial	1.4
Reesan Live, Inc. Cannabis Business Permit	834 Green Island Road	Industrial	1.0
City of American Canyon – Major Building/Grading Permits			
SDG 217 Warehouse	1075 Commerce Court	Industrial	1.2
Napa Cove Improvement Plans	3787 Broadway	Residential	1.0
PG&E Regional Center Improvement Plans	500 Boone Drive	Utilities	1.5
Watson Ranch Lot 10	Northeast corner Marcus Road/Rio Del Mar East	Residential	1.1
Watson Ranch Lot 14/15	Northern Terminus of Summerwood	Residential	1.1

Project Name	Project Location	Land Use	Distance to Project Site (miles)
Lemos Pointe	Northeast corner Marcus Road/Rio Del Mar East	Residential	1.1
Napa Junction III Building 6B North Bay Urgent Care	416 Napa Junction Road	Commercial	0.4
Fume Commercial Cannabis Will Serve	180 Klamath Court	Commercial	0.3
Canyon Estates	Northeast Corner Silver Oak/Newell Drive	Residential	1.3
Copart	1587 and 1660 Green Island Road	Commercial/ Office	1.7
Home2Suites	3701 Main Street	Hotel	0.9
Circle K and Fuel Station Improvement Plans	112 Lombard	Commercial	0.5
PG&E Regional Center Improvement Plans	500 Boone	Utilities	1.5
Single Family Home Improvement Plans	219 Rio Del Mar	Residential	1.1
City of American Canyon – Major City Initiated Projects			
Watson Ranch Specific Plan	Southeast of the project site	Specific Plan	0.1
Comprehensive General Plan Update	Citywide	General Plan	N/A
6th Cycle Housing Element Update	Citywide	Housing Element	N/A
Napa County			
Hess Persson General Plan Amendment	5750 South Kelly Road	Industrial	Adjacent (north of project site)

4 Environmental Impact Analysis

This section discusses the possible environmental effects of the Watson Lane Annexation Project (project) for the specific issue areas identified through the scoping process with potential to experience significant effects. A "significant effect" as defined by the CEQA Guidelines Section 15382:

> means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the City and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable**. An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved pursuant to CEQA Guidelines Section 15093.
- **Less than Significant with Mitigation Incorporated**. An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under CEQA Guidelines Section 15091.
- **Less than Significant**. An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the project in conjunction with other planned and pending developments in the area listed in Section 3, *Environmental Setting*. The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the project.

In addition, the City is currently updating the General Plan; however, the General Plan Update has not been adopted. As such, this analysis relies on the current General Plan, which includes policies that apply to this project.

Furthermore, the Napa County Local Agency Formation Commission (LAFCo) requires preparation of CEQA documentation prior to annexation. LAFCo may use this EIR to adopt the City's proposed annexation. In addition, LAFCo identifies five additional issue areas of local interest to address in the CEQA documentation. These include the following:

- Cumulative and regional impacts;
- Impacts to public services, including but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; public school districts, fire and police protection; and public facilities, including discussion on the ability of the receiving entities (i.e., water district, sewer district, school district) to provide the services to the proposed boundary change area;
- Conversion of prime agricultural lands to urban uses and protection/preservation of prime agricultural lands and resources;
- Consistency with general and specific plans; and
- Availability of affordable housing.

This EIR covers each of these five topics in the following sections.

- Cumulative and regional impacts are provided at the end of each environmental resource topics.
- Impacts to public services and public facilities are addressed in Section 4.14, *Public Services and Recreation* and Section 4.17, *Utilities and Service Systems.*
- Impacts to prime agricultural lands are addressed in Section 4.2, *Agricultural Resources.*
- Impacts related to consistency with general plans are addressed in Section 4.11, *Land Use and Planning*.
- The availability of affordable housing is discussed briefly in Section 4.13, *Population and Housing.* The discussion is brief because the project would not affect affordable housing and because the City's Housing Element is currently being updated based on the 6th Cycle State requirements for the 2023-2031 planning horizon. The City's Housing Element will help facilitate the development of housing, including meeting its Regional Housing Needs Allocation of 622 residential units.

4.1 Aesthetics

This section summarizes existing aesthetics in the City and analyzes the impacts on aesthetics, including impacts to scenic vistas, scenic resources, visual character, visual quality, and light and glare due to the project.

4.1.1 Setting

The City of American Canyon (City) and its Sphere of Influence (SOI) are situated in the central portion of the Coast Mountain Ranges in the southeastern portion of Napa County, between the east bank of the Napa River and the Sulfur Springs Mountains foothills. The primary arterial roadway in the city is State Route (SR) 29, which bisects the city from north to south and serves as the primary commercial corridor. Residential uses are generally located in the southern portion of the city, with commercial and industrial uses located in the northern portion near the Napa County Airport. American Canyon is characterized by a contemporary, low-rise, suburban appearance, with most development having occurred within the last 40 years. The city is characterized by a rich diversity of visual resources, both natural and human-made, including the rolling foothills to the east, riparian corridors found throughout the area, Oat Hill, Napa River, and the Basalt Plant (City of American Canyon 1994). The project site is located on the northeastern border of American Canyon, adjacent to Paoli Loop Road. This area is flat with views of the scenic Newell Open Space Preserve to the east and southeast.

a. Scenic Resources

Most communities identify scenic resources as important assets that form community identity. Scenic resources can be natural or man-made features such as trees, rock formations, historic buildings, and public art. The eastern foothills, rising approximately 1 mile east of the project site, contribute significantly to the city's visual image as they provide a transition between the higher mountain ranges to the east and the low land or floodplains to the west. The foothills also contribute to the rural feel of the community and serve as a backdrop against which much of the city's existing development is viewed and appreciated. Active vineyards located on portions of the foothills provide a strong linkage with the Napa Valley (City of American Canyon 1994).

Oat Hill is in the western portion of the city between developed land and the Napa River and is approximately 0.75 mile southwest of the project site. The hill is a distinct visual landmark that provides direction and orientation to many residents in the community, particularly those living in residential neighborhoods within proximity to the hill (City of American Canyon 1994).

Although most of the city's visual resources are natural, the Napa Valley Ruins and Gardens is a notable exception. The Basalt Rock Company started a rock quarrying facility and operations near the Napa River in 1941. Following World War II, the plant built almost 30 miles of pipeline in Napa County. This facility is now the focus of the Watson Ranch Specific Plan neighborhood, and its distinctive architectural features and location is in the process of rejuvenation. The Napa Valley Ruins and Gardens are approximately 0.8 mile south of the project site.

Scenic Vistas and Views

A scenic vista provides views of an aesthetically valued landscape that benefits the public. The term "vista" generally implies an expansive view, usually from an elevated point or open area. This designation may be officially designated or unofficially defined by a set of criteria. The City and its

SOI contain several streams and creeks, including American Canyon Creek, that provide the area with riparian habitats and vegetation. American Canyon Creek runs through the central portion of the city from the higher elevations of the Sulphur Spring Mountains to the Napa River (American Canyon 1994).

Although the Napa River flows outside City limits, the river serves as the primary western edge for American Canyon. In addition to the river's role as a key boundary, the river itself is another visual resource that enhances the overall beauty of the area. Napa River is clearly visible from the City's higher elevations, including atop Oat Hill and the eastern foothills and neighborhoods immediately east of the Napa River (City of American Canyon 1994).

Scenic Roadways

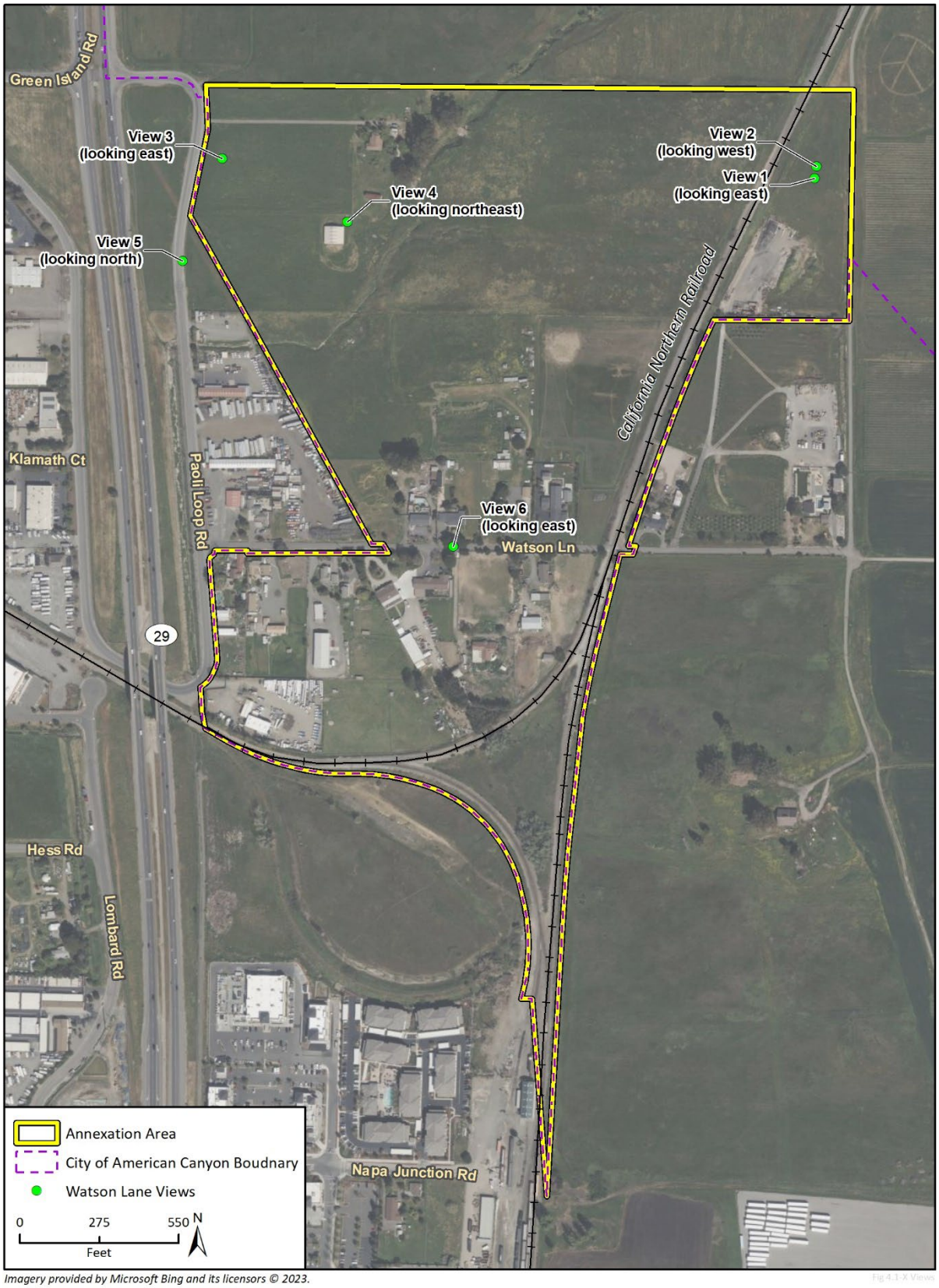
California's Scenic Highway Program designates scenic highways with the intention of protecting these corridors from change that would diminish the aesthetic value of adjacent lands. A highway is designated as an eligible scenic highway when the California Department of Transportation (Caltrans) determines that the roadway corridor qualifies for official status. The status of an officially designated scenic highway changes when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated (Caltrans 2022). Scenic highways must have an approved Corridor Protection Program and remain in compliance to maintain scenic highway status. According to the Caltrans State Scenic Highway Map and list of eligible and officially designated State Scenic Highways, SR 29 is eligible for designation as a State Scenic Highway but is not officially designated as such (Caltrans 2018). SR 29 is less than 200 feet from the westernmost boundary of the project site.

b. Visual Character

The city is in a transitional area between the Sulphur Springs Mountains and the Napa River. A high-quality visual image and environmental character distinguish the area from other cities in the northern San Francisco Bay region. These visual and physical qualities provide a contrast from the urbanized areas to the south. The mountains and river offer potential recreational opportunities for residents and visitors, including hiking, equestrian, water sports, camping, and nature education and observation (City of American Canyon 1994). Residential uses are generally located in the southern portion of American Canyon, with commercial and industrial uses located in the northern portion near the Napa County Airport. The city is characterized by a contemporary, low-rise, suburban appearance, with most development having occurred within the last 40 years (American Canyon 2016). The project site is characterized by flat, semi-rural parcels with views of rolling hills to the north and east.

Figure 4.1-1 shows the locations of six views from the northern portion of the project site, where future development would be located. Photographs themselves are shown in Figure 4.1-2 through Figure 4.1-7. Figure 4.1-2 shows the views of the hills to the east of the project site, which are visible from the project site, as well as SR 29. Figure 4.1-3 shows the views of the project site to the west, including the Union Pacific Railroad tracks, the structures located on the project site, and the auto-shop located adjacent to the project site.

Figure 4.1-1 Viewpoint Locations



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Figure 4.1-2 View looking east from the northeastern corner of the project site



Source: Rincon Consultants 2022

Figure 4.1-3 View looking west from the northeastern corner of the project site



Source: Rincon Consultants 2022

Figure 4.1-4 and Figure 4.1-5 show a closer view of the structures located on the project site. Figure 4.1-6 show views from the northwestern corner of the project site, looking north towards the hills. Figure 4.1-7 shows the views from Watson Lane, which is characterized with views of trees and single-story residences. As depicted in Figures 4.1-1 through 4.1-6, the views from the project site are characterized as undeveloped grassland areas. Of note are the views of hills to the east and north of the project site.

Figure 4.1-4 View looking east from the north central portion of the project site



Source: Rincon Consultants 2022

Figure 4.1-5 View of structures located in the north central portion of the project site



Source: Rincon Consultants 2022

Figure 4.1-6 View looking north on Paoli Loop Road on the northwestern corner of the project site



Source: Rincon Consultants 2019

Figure 4.1-7 View looking east on Watson Lane



Source: Rincon Consultants 2022

c. Light and Glare Conditions

Light and glare from indoor or outdoor uses can reduce visibility of the night sky, create potential hazards to drivers, and be a nuisance to residential areas. The City has typical light conditions found in suburban areas (e.g., roadway lighting, commercial parking lot and building lighting, residential buildings, headlights from motor vehicles). Sources of daytime glare include direct beam sunlight and reflections from windows, architectural coatings, glass, and other shiny reflective surfaces. Nighttime lighting and glare are produced by both stationary and mobile sources. Stationary sources of nighttime light include structure illumination, decorative landscape lighting, lighted signs, and streetlights. The primary source of mobile nighttime light is motor vehicle headlights. Sources of light and glare in the residential areas include street lighting along roadways, lit building exteriors and signage, and parking lot lighting.

4.1.2 Regulatory Setting

a. Federal Regulations

There are no federal regulations that would be applicable to the project.

b. State Regulations

California Scenic Highways Program

The California Scenic Highway Program, established in 1963, identifies and designates certain highways throughout the State which require special conservation treatment in relation to surrounding land use development. Caltrans manages the State Scenic Highway Program and defines a scenic highway as any freeway, highway, road, or other public right-of-way, that traverses an area of exceptional scenic quality. Suitability for designations as a State scenic highway is based on the vividness, intactness, and unity of their view corridors, as described in Caltrans' Scenic Highway Guidelines (Caltrans 2008):

- *Vividness* is the extent to which the landscape is memorable. This is associated with the distinctiveness, diversity, and contrast of visual elements. A vivid landscape makes an immediate and lasting impression on the viewer.
- *Intactness* is the integrity of visual order in the landscape and the extent to which the natural landscape is free from visual intrusions (e.g., buildings, structures, equipment, grading).
- *Unity* is the extent to which development is sensitive to and visually harmonious with the natural landscape.

California Green Building Code

The California Green Building Code, Section 5.106.8, stipulates that new lighting must conform to standards that keep light generated on site from leaving the site by using reflectors, shields, screen walls, and any other method which complies with the Code's intent to limit light pollution. As noted below in Section 4.1.2(c), *Local Regulations,* the City of American Canyon has adopted the California Green Building Code in Chapter 16.02 of the Municipal Code.

c. Local Regulations

City of American Canyon General Plan

The City's current General Plan addresses visual character and quality and scenic resources (City of American Canyon 1994). The Land Use and Natural and Historic/Cultural Resources Elements include the following goals, objectives and policies related to aesthetic resources:

Objective 1.18: Ensure that commercial development be designed to exhibit a high quality of architectural character and emphasize a low scale "village" environment and pedestrian activity.

Objective 1.32: Attain residential, commercial, industrial, and public buildings and sites which convey a high quality visual image and character.

Policy 1.18.1: Require that commercial buildings be designed to convey a high level of design quality, including the following:

a. Architectural treatment of all façade elevations, including the articulation and modulation of facades to provide visual interest;
b. Provision of visually and physically transparent building elements (windows, doors, etc.) along the majority of the ground elevation facing street frontages and primary parking areas;
c. incorporation of arcades, courtyards, and other recesses along the street elevations to provide visual relief and interest;
d. clear identification of building entrances by design elements (recessed or extended entries, porticoes, and other), signage, and/or landscape;
e. visual differentiation of upper from lower floors;
f. integration of signage with the architectural character of the structure and limitation on their number and size;
g. screening and visual integration of rooftop air conditioning, heating, and other mechanical equipment;
h. extensive use of landscape that provides a three-dimensional character, including elements such as planting beds, raised planters, containers, or window boxes; and
i. provision of clearly defined pedestrian access to parking areas, differentiated by materials, texture, signage, lighting, landscape, and/or other appropriate design elements (the use of painted walkways is unacceptable).

Policy 1.18.2: Require that multi-tenant and large scale commercial development be sited and designed to convey a "village" environment in accordance with the following:

a. use of multiple building volumes and masses and highly articulated facades to reduce the visual sense of large scale "boxes" and create a visual fabric of multiple buildings and storefronts;
b. linkage of individual structures and storefronts by establishing common building "walls" along pedestrian sidewalks, plazas, and other open spaces;
c. siting of a portion of the buildings along the primary street frontage, with parking partially or fully screened by the buildings;
d. use of roofline and height variations to break up massing and provide visual interest;

e. use of pedestrian-oriented signage;
f. design of parking structures to be visually integrated with the commercial buildings and convey the image of occupied space; and
g. provision of pedestrian and bicycle paths to adjacent districts and neighborhoods.

Policy 1.18.3: Require that the onsite lighting of commercial uses be unobtrusive and designed to ensure that only the intended area is illuminated, offsite glare is minimized, and adequate safety is provided.

Policy 1.18.4: Require that entertainment, drinking establishments, and other uses characterized by high levels of activity provide adequate physical, safety, and operational measures to prevent negative impacts on adjacent properties.

Objective 8.18: Maintain American Canyon's visual quality and character by preserving significant hillside and aesthetic resources.

Policy 8.18.1: Prohibit development along ridgelines and related significant land forms within the City and (in consultation with the County) the Planning Area:

a. Site development to prevent disruption of skyline topography as seen from lower lying viewsheds. Points of reference should be based on the following criteria:
    1. preservation of significant public views from areas along major arterial roadways;
    2. preservation of significant view sheds from prominent public viewing areas;
    3. preservation of significant public views from the Town Center, parks, and other major public open spaces; and
    4. preservation of significant public view corridors to the Eastern Foothills and Coastal Brackish Marsh.

Policy 8.18.2: Require that development in hillside areas comply with the following principles (in addition to Geology Element Policy 9.4.2[1]):

a. Density of development shall be reduced as the steepness of slope increases.
b. When grading is necessary, slope tops and bottoms shall be rounded and a smooth transition made where built and natural slopes intersect contour grading). Highly visible manufactured slope faces shall be varied and made to appear as natural as possible, avoiding flat planed surfaces, long straight embankments and repetitive terracing. The use of state- of-the- art landform grading concepts is encouraged.
c. Prohibit mass grading on slopes greater than 25 percent; except where such slopes are isolated anomalies within a generalized slope pattern.
d. Minimize the size of flat pads in site grading, limiting flat areas to the building footprint and a reasonable amount of related outdoor space, in areas where natural grades are 15 percent or greater.
e. The natural topographic character of hillsides shall be maintained, including ridgelines, rounded hill forms and angled slopes.

[1] Policy 9.4.2 is related to liquefaction and not to aesthetics. As such, this policy is not discussed further.

f. Significant natural systems and resources shall be maintained and restored, including existing vegetation, wildlife habitat, special geological features, canyons and natural drainage swales, steep slopes and important historic or cultural features.

g. Encourage the use of materials that complement their setting.

h. Buildings in hillside areas shall be designed to a scale and form that complement hillside character. Building forms, including roof lines, shall step with hill forms to minimize the visibility of building profiles on slopes. As a general rule, gabled roof ridgelines should be angled to follow the same direction of contour lines, thus reducing the exposure of gable roof ends and the primary building mass when viewed from a distance.

i. Design retaining walls with smooth, flowing forms that follow topographical lines, thereby minimizing long straight stretches and sharp angular forms. Minimize the height of retaining walls by terracing hillsides.

j. Plant all hillside slopes with drought- tolerant species to soften the visual impact of grading, retaining walls, buildings and roads. All manufactured slopes shall be revegetated with ground cover, shrubs and trees, and follow a planting pattern similar to the natural vegetation patterns in the area.

k. Arrange trees and shrubs in informal masses to produce a textured slope similar to natural chaparral.

American Canyon Municipal Code

The Zoning Code (Title 19) of the American Canyon Municipal Code implements the General Plan, particularly the Land Use Element. While General Plan designations are more generalized in nature, the Zoning Code and zoning districts provide specific controls on land use, density or intensity of development, and development standards to implement the City's General Plan goals and policies. The Zoning Code provides standards for protection of visual resources, compatible design, and illumination for new development in the City that is associated with zoning. Zoning Code Title 19 establishes standards for development within the City. Zoning Code Chapter 19.23 provides a list of prohibited signage in the City. The California Green Building Code, which includes lighting requirements, has been adopted in Chapter 16.02 of the Municipal Code.

4.1.3 Impact Analysis

a. Significance Thresholds and Methodology

CEQA Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on aesthetics if it would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
3. In non-urbanized areas, substantially degrade existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or,
4. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Methodology

Aesthetics impact assessments involve qualitative analysis that is subjective but informed by the City policies detailed above. Reactions to the same aesthetic conditions vary according to viewer taste and interests but are basically governed by the visual compatibility with the surroundings and existing development, coherence with design guidelines established by the jurisdiction, and use of high-quality materials that blend into the landscape. Ultimately, development decisions that prescribe aesthetic or design treatments for specific projects fall under the purview of the American Canyon Planning Commission and appointed or elected bodies charged with overseeing development permits. This project involves an annexation and rezone of properties in areas of Napa County and does not constitute a specific development proposal. This analysis focuses, therefore, on a general discussion of the aesthetic impacts on the annexation area, in terms of the arrangement of built space to open space and how new development might visually fit with the existing landscape characteristic of the area.

b. Project Impacts and Mitigation Measures

Threshold 1: Would the project have a substantial adverse effect on a scenic vista?

Impact AES-1 THE PROJECT WOULD NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA, INCLUDING VIEWS OF HILLS, AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Scenic vistas are considered expansive views from elevated positions, such as those from a roadway in the mountains, or views provided from a public place where the landscape is visible into the distance (e.g., looking at mountains across a field with little intervening development or vegetation). American Canyon is characterized by a unique scenic beauty that combines agriculture and viticulture in flat valley floors extending into the rolling terrain of the foothills, redwood forests, and grazing lands.

The City has no designated scenic vistas or scenic viewpoints. General Plan Policy 8.18, however, identifies views of the hills and ridgelines surrounding the City as important visual resources. Hills and ridgelines surrounding the City include the Sulphur Springs foothills to the east and Oat Hill to the west. Views from SR 29 provide motorists with expansive, although fleeting, views of these hills. In addition, expansive scenic views of the City and surrounding natural areas are provided from the Newell Open Space Preserve. Views from the Newell Open Space Preserve include the City, the Napa Wetlands, the Napa River, and Oat Hill.

The project would facilitate industrial, commercial, and visitor serving development within the northern portion of the project site. In addition, the project would facilitate the extension of Newell Drive. The extension of Newell Drive would include overcrossings above the Union Pacific Railroad and the North Slough. This would introduce elevated portions of the roadway on the project site. This development and extension would occur in a largely vacant, undeveloped area and would be visible from SR 29 and from the Newell Open Space Preserve. Figures 4.1-1 through 4.1-6 show typical views from and of the project site.

Motorists traveling on SR 29 currently experience views of hills in the background, as well as undeveloped, vacant areas with grasses on the project site. Figure 4.1-1 shows a view of these hills. Motorists today also experience views of auto tire and trucking businesses, located near where future development would occur. These views, however, are fleeting and intermittent because it is experienced while driving. Motorists are not considered sensitive viewers because their primary

focus is on road conditions. While future development and the Newell Drive Extension would be visible from SR 29 when the project is implemented, views of the hills would remain available in the background. Furthermore, views of the hills and undeveloped areas would remain visible north of the project site. As such, changes due to the project would not result in a substantial adverse effect on scenic vistas from SR 29. Thus, impacts from the project to the views from SR 29 would be less than significant.

Viewers at Newell Open Space Preserve are sensitive viewers because the viewpoint is in an open space/recreational area where views are an important element of the visitor experience. People experience public views from the public trails located in Newell Open Space Preserve. Future development from the project would be located approximately 1 mile from the nearest public trail in the Newell Open Space Preserve. While the project would introduce a roadway (Newell Drive Extension) and development, scenic resources, such as Oat Hill, the Napa River Wetlands, and the Sonoma Mountains would all remain visible. Views from the Newell Open Space Preserve would not result in a substantial adverse effect on a scenic vista. Therefore, impacts from the project to the view from the Newell Open Space Preserve would be less than significant.

The extension of Newell Drive would offer new opportunities for motorists to experience scenic views of undeveloped areas and the hills. Although portions of the roadway would be elevated to accommodate overcrossings, views of scenic resources such as hills would remain. Because the extension of Newell Drive would not significantly affect scenic views and because the extension would offer new opportunities for motorists to experience scenic views, impacts due to the extension of Newell Drive would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Impact AES-2 THE CITY OF AMERICAN CANYON DOES NOT HAVE A DESIGNATED STATE SCENIC HIGHWAY AND THE PROJECT WOULD NOT DAMAGE SCENIC RESOURCES WITHIN A STATE SCENIC HIGHWAY. NO IMPACT WOULD OCCUR.

There are no designated scenic highways within or directly adjacent to project site (SR-29 is not officially designated as a state scenic highway). Because there are no state scenic highways in the project area, there would be no impacts related to scenic resources within a state scenic highway.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 3:	Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Impact AES-3 THE PROJECT IS IN AN URBANIZED AREA AND WOULD NOT CONFLICT WITH APPLICABLE ZONING OR GENERAL PLAN POLICIES GOVERNING SCENIC QUALITY. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

CEQA Guidelines Section 21071 defines an urbanized area as an incorporated city that meets either of the following criteria:

1. A population of at least 100,000 persons.
2. A population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

The City of American Canyon does not meet the first criteria but does meet the second criteria.[2] As such, this analysis considers whether the project conflicts with applicable zoning and other regulations governing scenic quality.

Scenic quality in American Canyon is governed by the policies in the General Plan, listed in Section 4.1.2, *Regulatory Setting*. The General Plan policies include requirements related to designing structures to have high visual quality (Objectives 1.18 and 1.32, Policies 1.18.1 through 1.18.4). The structures and the Newell Drive Extension that would be located on the project site have not been designed yet. Furthermore, the proposed pre-zoning includes design standards for new buildings in the industrial zoning district (see Section 2.5.1 in Chapter 2, *Project Description*). The design of any future buildings would be reviewed by the City's Planning Commission to ensure that the buildings create a sense of place by interpreting the General Plan and Zoning. Likewise, the design of the Newell Drive Extension would be reviewed by the City. The policies in the General Plan also prohibit development along ridgelines (Policy 8.18.1) and requirements for development in hillside areas (Policy 8.18.2), which are meant to maintain American Canyon's visual quality and character by preserving significant hillside and aesthetic resources (Objective 8.18.1). Because the project is not located on ridgelines or hillside areas, the project would not conflict with this objective and these policies. The project would not conflict with applicable zoning and other regulations governing scenic quality, and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

[2] The City of Vallejo is an incorporated city that is contiguous to the City of American Canyon. The combined population of both cities is more than 100,000 persons.

Threshold 4:	Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Impact AES-4 CONSTRUCTION AND OPERATION OF FUTURE DEVELOPMENT FACILITATED BY THE PROJECT COULD CREATE NEW SOURCES OF LIGHT OR GLARE THAT COULD ADVERSELY AFFECT THE VISUAL ENVIRONMENT. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION MEASURES INCORPORATED.

The project site proximate to a developed and urbanized area where day and nighttime lighting is part of the built environment, including street lighting at intersections and along Paoli Loop, parking lot lighting, security lighting, and building lighting, as well as various other sources of light from nearby urban uses. For example, existing light sources in the project area include residences off Watson Lane, the auto repair business and industrial uses off Paoli Loop, vehicle headlights on SR 29 and other roadways.

During construction, activities associated with the project would be limited to between 7:00 a.m. and 7:00 p.m. pursuant to the City's Noise Ordinance. However, some temporary lighting may be necessary on site during the early morning or evening hours for safety and security reasons. This lighting could be bright, which would be a potentially significant impact. Implementation of Mitigation Measure AES-1 would require construction lighting to be minimized and downward-facing.

Implementation of the project would result in conversion of the site from primarily undeveloped to a developed site with exterior lighting for security and aesthetic illumination, which would contribute to the overall ambient lighting. In addition, there would be lighting from vehicles using the Newell Drive Extension. The project would adhere to requirements in the California Green Building Code, including Chapter 5.106.8 to reduce light pollution. Furthermore, implementation of Mitigation Measure AES-2 would require the submittal of a photometric plan for future development to ensure that all exterior light fixtures are directed downward or employ full cut-off fixtures to minimize light spillage. Implementation of this mitigation, as well as the requirements in the Municipal Code and policies in the General Plan would minimize potentially significant light and glare impacts.

Mitigation Measures

AES-1 Construction Lighting Plan

Prior to nighttime construction, if needed for a particular project, project applicants shall submit a construction lighting plan to the City for review and approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and ensure no spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses.

AES-2 Operational Lighting Plan

Prior to discretionary project approval, the project applicant shall prepare and submit a photometric plan to the City for review and approval which demonstrates that all exterior light fixtures will be directed downward or employ full cut-off fixtures to prevent light spillage. The approved plan shall be incorporated into the project design plans.

Significance After Mitigation

Implementation of Mitigation Measure AES-1 and AES-2 would ensure that lighting and glare is minimized during construction and operation of future development. With implementation of Mitigation Measure AES-1 and AES-2, impacts would be less than significant.

4.1.4 Cumulative Impacts

The geographic context for the cumulative aesthetics analysis is the City of American Canyon and Napa County, especially areas in the project vicinity. Cumulative development includes foreseeable future projects that could have a direct connection to the project from the perspective of visual resources. The Watson Ranch Specific Plan is the largest cumulative project and is close to the project site. As such, this cumulative project is discussed further below in the cumulative analysis.

As described in Impact AES-2, the project would have no impact on a scenic highway and therefore would not contribute to a cumulative impact. As such, it is not discussed further.

As described in Impact AES-1, the project would have a less than significant impact on scenic views for viewers on SR 29 and at the Newell Open Space Preserve. Under cumulative conditions, motorists on SR 29 would see the future development associated with the project, the Watson Ranch Specific Plan development, and the future Hess Collection-Laird General Plan Amendment industrial development north of the project site. While views of certain hills from SR 29 would be obstructed, hill views would not be completely obstructed. Furthermore, motorists are not considered sensitive viewers because their primary focus is on road conditions. As such, cumulative impacts on scenic views from SR 29 would be less than significant.

Under cumulative conditions, viewers from the Newell Open Space Preserve would see the project, as well as the future development associated with the Watson Ranch Specific Plan and any future industrial development from the Hess Collection-Laird General Plan Amendment. The Watson Ranch Specific Plan EIR identified that views of scenic resources (i.e., Oat Hill, Napa River Wetlands, and Sonoma Mountains) would remain even after implementation of the Specific Plan (City of American Canyon 2018). Similarly, the project would also maintain views of scenic resources from the Newell Open Space Preserve. As such, in the cumulative scenario, views of scenic resource would remain from the Newell Open Space Preserve and cumulative impacts on scenic views would be less than significant.

As described in Impact AES-3, the project would not conflict with applicable zoning or General Plan policies governing scenic quality. Similarly, all cumulative projects would be required to adhere to development standards included in the zoning ordinance and would be required to undergo design review by the City's Planning Division. As such, cumulative impacts related to conflicting with applicable zoning or General Plan policies governing scenic quality would be less than significant.

Cumulative development projects could contribute to light and glare impacts as the city continues to build out, as envisioned under the General Plan. Regulations that govern light and glare would apply to these projects. For example, cumulative development projects would adhere to the lighting requirements of the California Green Building Code. As such, because all cumulative development projects would be required to implement these lighting requirements, operational cumulative impacts would be less than significant.

Due to the proximity of the project site with the Watson Ranch Specific Plan, a cumulative impact on lighting from construction could occur if construction occurred at the same time. An EIR has been certified for the Watson Ranch Specific Plan, which includes a mitigation measure, requiring a

construction lighting plan, similar to the mitigation required for the project (City of American Canyon 2018). As such, because both the project and the Watson Ranch Specific Plan would mitigate lighting impacts during construction, cumulative lighting impacts from construction would be less than significant.

4.2 Agriculture and Forestry Resources

This section analyzes the potential effects related to agriculture and forestry resources due to implementation of the project.

4.2.1 Setting

a. Regional Agriculture

Napa County provides a variety of agricultural uses, including row crops, field crops, orchards, vineyards, and grazing land. The production of wine grapes accounts for the largest crop produced in Napa County, with approximately 46,019 acres used to produce wine grapes in 2021 (County of Napa 2021). The City of American Canyon is primarily developed and classified by the California Department of Conservation (DOC) as Urban and Built-Up Land and Farmland of Local Importance (DOC 2018). As defined by the DOC, Urban and Built-Up Land is occupied by structures with a building density of at least one unit to 1.5 acres and typically include residential, commercial, and/or industrial uses. Farmland of Local Importance is land determined by each county's board of supervisors and local advisory committees to be important to local agriculture (DOC 2018).

b. Important Farmland

To characterize agricultural land, the DOC has created Important Farmland Maps, which provide a visual representation of the quality of agricultural land based upon soil quality and irrigation status (DOC 2019a). Unless otherwise expressed, the use of "Important Farmland" in this section specifically includes the following DOC definitions (DOC 2018):

- **Prime Farmland**. Land which has the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance**. Irrigated land similar to Prime Farmland that has a good combination of physical and chemical characteristics for the production of agricultural crops. This land has minor shortcomings, such as greater slopes or less ability to store soil moisture than Prime Farmland. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.
- **Unique Farmland**. Lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

The project site is comprised of Urban and Built-Up Land and Farmland of Local Importance (DOC 2018). Figure 4.2-1 shows the distribution of both land designations on the project site. Farmland of Local Importance is not included in the DOC's definition of Important Farmland.

Figure 4.2-1 Farmland on the Project Site



Imagery provided by Microsoft Bing and its licensors © 2023.
Additional data provided by FMMP, 2018.

Fig X Farmland on Project Site

c. Williamson Act Contracts

Williamson Act contracts create an arrangement whereby private landowners enter a contract to voluntarily restrict their land to agricultural and compatible open space uses over a ten-year period in exchange for the land's property tax being assigned a rate consistent with actual use rather than potential market value (DOC 2019b). According to the County of Napa's Planning, Building, and Environmental Services Department (PBES) none of the parcels within the project site are under a Williamson Act contract (PBES 2018).

d. Napa County General Plan Land Use Designation and Zoning

The Agriculture Preservation and Land Use Element for the Napa County General Plan includes a Land Use Map (Figure AG/LU-3 in the General Plan) that shows the project site with a land use designation of Industrial (Napa County 2013). The project site is currently zoned by Napa County as Agricultural Watershed: Airport Compatibility (AW:AC) (Napa County 2015).

4.2.2 Regulatory Setting

a. Federal Regulations

There are no federal regulations that would be applicable to the project.

b. State Regulations

There are no State regulations that would be applicable to the project.

c. Local Regulations

Napa County LAFCo

The Napa County LAFCo is established under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000, et seq.). The job of the commission is to, "review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission," (California Government Code Section 56375). This gives the commission exclusive power to consider city annexations. Government Code Section 56377 requires the commission to minimize impacts on open space lands, including agricultural lands, as follows:

> "In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:"
>
> a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.

Napa County General Plan

The Napa County General Plan Agricultural Preservation and Land Use Element sets goals in order to preserve existing agricultural land, keep urban development within already urbanized areas, support agricultural economy, and plan for environmental or climatic changes. Policies that address agricultural preservation in Napa County include (County of Napa 2013):

Policy AG/LU-2: "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Policy AG/LU-130: The County recognizes the growth boundary for the City of American Canyon shown in Figure LU-5 [of the Napa County General Plan] and will support the City's annexation of unincorporated land located within the boundary provided that: (a) voters of American Canyon approve a ballot measure establishing the boundary and requiring any amendments prior to 2030 to be approved by the voters; (b) the City provides water service within their service area without discriminating between in-city and out-of-city customers except to the extent that rates may differ in accordance with law; (c) for industrial properties north of the current (2007) city limits, property owners provide an easement to the County agreeing to keep the properties in industrial use in perpetuity, and the City and County agree to share property tax revenues equally; and (d) for properties east of the current (2007) city limits, the City and County execute a revenue sharing agreement.

City of American Canyon General Plan

The current City of American Canyon General Plan sets forth the following goals, objectives, and policies concerning agriculture and forestry resources:

Goal 1D: Promote continued agricultural production.

Goal 8B: Promote the preservation of American Canyon's soil resources by protecting areas that are suitable for agricultural uses or buffer zones.

Objective 8.10: Encourage the preservation of existing agricultural operations except where designated for urban uses.

4.2.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on agricultural and forestry resources if it would:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use or a Williamson Act contract;
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g);
4. Result in the loss of forest land or conversion of forest land to non-forest use; or
5. involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Methodology

The location of agricultural lands and forest lands were identified by reviewing the DOC's Important Farmland Finder, information from the PBES, and aerial imagery. This analysis uses the definition of agricultural land provided in the California Environmental Quality Act (CEQA) Guidelines Section 21060.1, which provides the following definition: *"Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.* The definitions for prime farmland, farmland of statewide importance, and unique farmland are identified in Section 4.2.1, *Setting*.

Threshold 1:	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Impact AG-1 THE PROJECT WOULD NOT CONVERT FARMLAND, AS SHOWN ON MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM, TO NON-AGRICULTURAL USE. NO IMPACT WOULD OCCUR.

As described in Section 4.2.1, *Setting*, the project site contains land designated by the DOC as Urban and Built-Up Land and Farmland of Local Importance. However, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program, there are no Important Farmlands located on the project site (DOC 2018). Therefore, the project would not convert Important Farmland to non-agricultural use. No impact would occur.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 2:	Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

Impact AG-2 THE PROJECT WOULD NOT CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE OR A WILLIAMSON ACT CONTRACT. NO IMPACT WOULD OCCUR.

As described in Section 4.2.1, *Setting*, the project site is not held under a Williamson Act or other land conservation contract. As such, there would be no impact from conflicting with a Williamson Act contract.

The northern portion of the project site, where development would occur, has an American Canyon land use designation of Agriculture and no pre-zoning, as well as a Napa County land use designation of Industrial and Agricultural Watershed: Airport Compatibility zoning. As a part of this project, the City would change the land use designation and pre-zoning to Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. This change would ensure that there would be no conflict with an agricultural zoning. Furthermore, it should be noted that this annexation would be consistent with the overall vision in the City of American Canyon and Napa County General Plan. First, the annexation is within the City's sphere of influence, which defines the probable physical boundary and service area of a local agency. Second, the Napa County General Plan identifies the envisioned land use at the project site as industrial and includes Policy AG/LU-130, which supports the City's annexation of unincorporated land located within the growth boundary (the project site is located within the growth boundary). As such, there would be no impact from conflicting with zoning for agricultural uses.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 3:	Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
Threshold 4:	Would the project result in the loss of forest land or conversion of forest land to non-forest use?

Impact AG-3 THE PROJECT WOULD NOT CONFLICT WITH EXISTING ZONING FOR, OR CAUSE REZONING OF FOREST LAND, TIMBERLAND, OR TIMBERLAND ZONED TIMBERLAND PRODUCTION, OR RESULT IN THE LOSS OF FOREST LAND OR CONVERSION OF FOREST LAND TO NON-FOREST USE. NO IMPACT WOULD OCCUR.

Historic aerial imagery dating to 1948 does not show any forest land which existed on the project site (County of Napa 2022; Environmental Risk Information Services 2022). In addition, the project site is not zoned for forest land or timberland. Therefore, the project would not conflict with the existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production, or result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 5:	Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Impact AG-4 THE PROJECT WOULD NOT INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT AND WOULD NOT RESULT IN THE CONVERSION OF FARMLAND OR FORESTLAND TO NON-AGRICULTURAL USE OR NON-FOREST USE. NO IMPACT WOULD OCCUR.

As described in Impacts AG-1, AG-2, and AG-3, the project would not result in impacts to agricultural or forest lands. In addition, the project is not expected to result in off-site agricultural lands to non-agricultural use for the following reasons. The addition of industrial and commercial uses associated with the project would be located within the City's sphere of influence, within an area designated by Napa County as Industrial, and within the City's growth boundary. By locating industrial and commercial development within these areas of planned development, this would reduce pressure to convert agricultural lands in Napa County to industrial or commercial uses. As such, no impact would occur.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

4.2.4 Cumulative Impacts

The cumulative context for agricultural and forestry resources is the City and the County. The largest cumulative project and the one closest to the project site is the Watson Ranch Specific Plan. The Watson Ranch Specific Plan EIR identified no impacts on agricultural or forestry resources (City of American Canyon 2018). Furthermore, as identified in Impact AG-4, the project is not expected to result in off-site conversion of agricultural lands to non-agricultural use. Furthermore, agricultural lands in unincorporated Napa County (which is where agricultural lands are concentrated) are protected through the "Right to Farm" provisions, which ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. The "Right to Farm" provisions are included in Section 2.94 of the Napa County Municipal Code. For these reasons, a cumulative impact on agricultural and forestry resources is not expected. Furthermore, because the project would have no impact on agricultural or forestry resources, the project would not contribute to a cumulative impact.

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4.3 Air Quality

This section analyzes the potential effects on air quality related to implementation of the project, including impacts due to construction, operations, and impacts to nearby sensitive receptors.

4.3.1 Setting

a. Climate and Topography

Air quality is affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric conditions, such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, influence the relationship between air pollutant emissions and air quality.

The project site is in the San Francisco Bay Area Air Basin (SFBAAB), which is comprised of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma Counties. SFBAAB covers approximately 5,540 square miles of complex terrain, consisting of coastal mountain ranges, inland valleys, and the San Francisco Bay. The SFBAAB is generally bounded on the west by the Pacific Ocean, on the north by the Coast Ranges, and on the east and south by the Diablo Range.

The climate within the SFBAAB is dominated by a strong, semi-permanent, subtropical high-pressure cell over the northeastern Pacific Ocean. Climate is also affected by the adjacent oceanic heat reservoir's moderating effects. Mild summers and winters, moderate rainfall and humidity, and daytime onshore breezes characterize regional climatic conditions in the San Francisco Bay Area (Bay Area). In summer, when the high-pressure cell is strongest and farthest north, fog forms in the morning and temperatures are mild. In winter, when the high-pressure cell is weakest and farthest south, occasional rainstorms occur.

Winter daytime temperatures in the SFBAAB typically average in the mid-50s, with nighttime temperatures averaging in the low 40s. Summer daytime temperatures typically average in the 70s, with nighttime temperatures averaging in the 50s. Precipitation varies in the region, but in general, annual rainfall is lowest in the coastal plain and inland valley, higher in the foothills, and highest in the mountains.

b. Air Pollutants of Primary Concern

Criteria air pollutants are defined as those pollutants for which the federal and state governments have established air quality standards for outdoor or ambient concentrations to protect public health with a determined margin of safety. Ozone (O_3) is generally considered to be regional pollutants because they or their precursors affect air quality on a regional scale. Pollutants such as carbon monoxide (CO), nitrogen dioxide (NO_2), and sulfur dioxide (SO_2) are considered local pollutants because they tend to accumulate in the air locally. Coarse particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$) are considered both regional and local pollutants.

Ozone

O_3 is a highly oxidative unstable gas, produced by a photochemical reaction (triggered by sunlight) between NO_X and reactive organic gas (ROG)/volatile organic compounds (VOC).[1] ROG are composed of non-methane hydrocarbons (with some specific exclusions), and NO_X is composed of different chemical combinations of nitrogen and oxygen, mainly nitric oxide and NO_2. NO_X is formed during the combustion of fuels, while ROG are formed during combustion and evaporation of organic solvents. As a highly reactive molecule, O_3 readily combines with many different components of the atmosphere. Consequently, high levels of O_3 tend to exist only while high ROG and NO_X levels are present to sustain the O_3 formation process. Once the precursors have been depleted, O_3 levels rapidly decline. Because these reactions occur on a regional rather than local scale, O_3 is considered a regional pollutant. Groups most sensitive to O_3 include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors (United States Environmental Protection Agency [USEPA] 2022a). Depending on the level of exposure, O_3 can result in the following:

- Cause coughing and sore or scratchy throat;
- Make it more difficult to breathe deeply and vigorously and cause pain when taking a deep breath;
- Inflame and damage the airways;
- Make the lungs more susceptible to infection;
- Aggravate lung diseases such as asthma, emphysema, and chronic bronchitis; and/or
- Increase the frequency of asthma attacks.

Carbon Monoxide

CO is a localized pollutant that is found in high concentrations only near its source. The major source of CO, a colorless, odorless, poisonous gas, is the incomplete combustion of petroleum fuels by automobile traffic. Therefore, elevated concentrations are usually only found near areas of high traffic volumes. Other sources of CO include the incomplete combustion of petroleum fuels at power plants and fuel combustion from wood stoves and fireplaces during the winter. When CO levels are elevated outdoors, they can be of particular concern for people with some types of heart disease. People with heart disease have restricted blood flow which results in a lack of oxygen to the heart muscle. These people are especially vulnerable to the effects of CO when exercising or under increased stress, when the heart needs more oxygen than usual. In these situations, short-term exposure to elevated CO may result in reduced oxygen to the heart accompanied by chest pain also known as angina (USEPA 2022b).

Nitrogen Dioxide

NO_2 is a by-product of fuel combustion; the primary sources are motor vehicles and industrial boilers and furnaces. The principal form of NO_x produced by combustion is nitric oxide, but nitric oxide reacts rapidly to form NO_2, creating the mixture of nitric oxide and NO_2, commonly called NO_x. NO_2 is a reactive, oxidizing gas and an acute irritant capable of damaging cell linings in the respiratory tract. Such exposures over short periods can aggravate respiratory diseases, particularly

[1] The California Air Resources Board defines VOC and ROG similarly as, "any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate," with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG and VOC are considered comparable in terms of mass emissions, and the term ROG is used in this environmental impact report.

asthma, leading to respiratory symptoms (such as coughing, wheezing, or difficulty breathing), and increase hospital admissions and visits to emergency rooms. Longer exposures to elevated concentrations of NO_2 may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, as well as children and the elderly are generally at greater risk for the health effects of NO_2 (USEPA 2022c). NO_2 absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of O_3/smog and acid rain.

Sulfur Dioxide

SO_2 is included in a group of highly reactive gases known as "oxides of sulfur." The largest sources of SO_2 emissions are from fossil fuel combustion at power plants (73 percent) and other industrial facilities (20 percent). Smaller sources of SO_2 emissions include industrial processes such as extracting metal from ore and burning fuels with a high sulfur content by locomotives, large ships, and off-road equipment. Short-term exposures to SO_2 can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of SO_2 (USEPA 2022d).

Particulate Matter

Suspended atmospheric PM_{10} and $PM_{2.5}$ is comprised of finely divided solids and liquids such as dust, soot, aerosols, fumes, and mists. Both PM_{10} and $PM_{2.5}$ are directly emitted into the atmosphere as by-products of fuel combustion and wind erosion of soil and unpaved roads. Particulate matter is also created in the atmosphere through chemical reactions. The characteristics, sources, and potential health effects associated with PM_{10} and $PM_{2.5}$ can be very different. PM_{10} is generally associated with dust mobilized by wind and vehicles while $PM_{2.5}$ is generally associated with combustion processes as well as formation in the atmosphere as a secondary pollutant through chemical reactions. PM_{10} can cause increased respiratory disease, lung damage, cancer, premature death, reduced visibility, surface soiling. For $PM_{2.5}$, short-term exposures (up to 24-hours duration) have been associated with respiratory issues such as acute bronchitis and asthma attacks. In addition, $PM_{2.5}$ can cause premature mortality, increased hospital admissions for heart or lung issues, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases (California Air Resources Board [CARB] 2022a).

Toxic Air Contaminants

Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause or contribute to an increase in deaths or serious illness, or that may pose a present or potential hazard to human health. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. One of the main sources of TACs in California is diesel engine exhaust that contains solid material known as diesel particulate matter (DPM). More than 90 percent of DPM is less than one micron in diameter (about $1/70^{th}$ the diameter of a human hair) and thus is a subset of $PM_{2.5}$. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs (CARB 2022b).

TACs are different than criteria pollutants because ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is

typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health.

TACs include both organic and inorganic chemical substances. While DPM is a main source, TACs may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. People exposed to toxic air pollutants at sufficient concentrations and durations may have an increased chance of developing cancer or experiencing other serious health effects. These health effects can include damage to the immune system, as well as neurological, reproductive (e.g., reduced fertility), developmental, respiratory, and other health problems (USEPA 2020).

c. Air Quality Standards and Attainment

The federal and state governments have authority under the federal and state Clean Air Acts (CAA) to regulate emissions of airborne pollutants and have established ambient air quality standards (AAQS) for the protection of public health. An air quality standard is defined as "the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without harming public health" (CARB 2019a). The USEPA is the federal agency designated to administer air quality regulation, while CARB is the state equivalent in California. Federal and state AAQS have been established for six criteria pollutants: O_3, CO, NO_2, SO_2, $PM_{10,}$ $PM_{2.5}$, and lead. AAQS are designed to protect those segments of the public most susceptible to respiratory distress, such as children under the age of 14, the elderly (over the age of 65), persons engaged in strenuous work or exercise, and people with cardiovascular and chronic respiratory diseases (USEPA 2016). In addition to the federal criteria pollutants, the California Ambient Air Quality Standards (CAAQS) also specify standards for visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride (CARB 2019b). Table 4.3-1 lists the current National Ambient Air Quality Standards (NAAQS) as well as the CAAQS for regulated pollutants.

USEPA and CARB designate air basins or portions of air basins and counties as being in "attainment" or "nonattainment" for each of the criteria pollutants. Areas that do not meet the AAQS standards are classified as nonattainment areas. The NAAQS (other than O_3, PM_{10}, $PM_{2.5}$, and those based on annual averages or arithmetic mean) are not to be exceeded more than once per year. The NAAQS for O_3, PM_{10}, and $PM_{2.5}$ are based on statistical calculations over one- to three-year periods, depending on the pollutant. The CAAQS are not to be exceeded during a three-year period. The attainment status for Napa County is included in Table 4.3-2.

Pursuant to the CAA, USEPA designates areas as attainment, nonattainment, or maintenance for each criteria pollutant based on whether the NAAQS have been achieved. Whether an area meets the state and federal standards is based on air quality monitoring data. Areas that are unclassified have insufficient monitoring data for a specific pollutant to determine attainment or nonattainment status, although unclassified areas are typically treated as attainment for a specific pollutant. Since attainment and nonattainment designation is pollutant-specific, an area may be classified as nonattainment for one pollutant and attainment for another. Similarly, because the state and federal standards differ, an area could be classified as attainment for the federal standards of a pollutant and as nonattainment for the state standards of the same pollutant. The region is designated as a nonattainment area for the federal and state Ozone standards and the State PM_{10} and $PM_{2.5}$ standards. The region is designated unclassified or attainment for all other ambient air quality standards (BAAQMD 2017a).

Table 4.3-1 Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	NAAQS	CAAQS
Ozone	1-Hour	–	0.09 ppm
	8-Hour	0.070 ppm	0.070 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.053 ppm	0.030 ppm
	1-Hour	0.100 ppm	0.18 ppm
Sulfur Dioxide	Annual	–	–
	24-Hour	–	0.04 ppm
	1-Hour	0.075 ppm	0.25 ppm
PM_{10}	Annual	–	20 µg/m^3
	24-Hour	150 µg/m^3	50 µg/m^3
PM_{25}	Annual	12 µg/m^3	12 µg/m^3
	24-Hour	35 µg/m^3	–
Lead	30-Day Average	–	1.5 µg/m^3
	3-Month Average	0.15 µg/m^3	–

NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m^3 = micrograms per cubic meter
Source: CARB 2016; USEPA 2016

Table 4.3-2 Attainment Status of Criteria Pollutants in Napa County

Pollutant	State Designation	Federal Designation
O_3	Nonattainment	Nonattainment
PM_{10}	Nonattainment	Unclassified
$PM_{2.5}$	Nonattainment	Unclassified/Attainment
CO	Attainment	Attainment
NO_2	Attainment	Unclassified/Attainment
SO_2	Attainment	Attainment

Sources: BAAQMD 2017a

d. Current Ambient Air Quality

The project is located in Napa County which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD is responsible for achieving and maintaining the state and federal Ambient Air Quality Standards (AAQS) within its jurisdiction. BAAQMD operates a network of air quality monitoring stations throughout the San Francisco Bay Area Air Basin (SFBAAB). The monitoring stations aim to measure ambient concentrations of pollutants and determine whether ambient air quality meets the state and federal standards. The monitoring station closest to the project site is the Vallejo – 304 Tuolumne Street Station, approximately 5.4 miles south of the project site. This station measures 8-hour O_3, hourly O_3, $PM_{2.5}$, and NO_X. The Napa – Valley College air monitoring station (located at Magnolia Drive and Route 221) in Napa is the closest air monitoring station to the project site that measures PM_{10}. This station is approximately

6.5 miles north of the site. Table 4.3-3 indicates the number of days each federal and state standard was exceeded at the Vallejo – 304 Tuolumne Street and Napa – Valley College air monitoring stations. As shown in Table 4.3-3, O_3 measurements exceeded federal or state O_3 standards in all three observation years. PM_{10} measurements exceeded the State standard in 2020. $PM_{2.5}$ measurements exceeded federal $PM_{2.5}$ standards in 2020. No other state or federal standards were exceeded at these air monitoring stations.

Table 4.3-3 Ambient Air Quality Data

Pollutant	2019	2020	2021
8 Hour Ozone (ppm), 8-Hour Average[1]	**0.076**	**0.077**	**0.072**
Number of Days of state exceedances (>0.070 ppm)	1	1	1
Number of days of federal exceedances (>0.070 ppm)	1	1	1
Ozone (ppm), Worst Hour[1]	0.092	**0.096**	**0.099**
Number of days of state exceedances (>0.09 ppm)	0	1	1
Carbon Monoxide (ppm), Worst-Hour	*	*	*
Number of days of state exceedances (>20.0 ppm)	*	*	*
Nitrogen Dioxide (ppm) - Worst Hour[1]	0.053	0.048	0.041
Number of days of state exceedances (>0.18 ppm)	0	0	0
Number of days of federal exceedances (>0.10 ppm)	0	0	0
Particulate Matter 10 microns, μg/m^3, Worst 24 Hours[2]	37.5	**122.9**	22.9
Number of days of state exceedances (>50 μg/m^3)	0	12	0
Number of days above federal standard (>150 μg/m^3)	0	0	0
Particulate Matter <2.5 microns, μg/m^3, Worst 24 Hours[1]	30.5	**152.7**	32.0
Number of days above federal standard (>35 μg/m^3)	0	12	0

[1] Measurements were taken from the Vallejo – 304 Tuolumne Street Station
[2] Measurements taken from the Napa – Valley College Station.
*Insufficient data available to determine the value.
Bold lettering indicates an exceedance of applicable AAQS.
Source: CARB 2022c

e. Sensitive Receptors

Sensitive receptors are facilities or land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. According to BAAQMD, sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas (BAAQMD 2017b). The nearest sensitive receivers are residences. There are residences whose property lines are adjacent to the area that would be pre-zoned as Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. In addition, the residential structures on these properties are approximately 500 feet from the area that would be pre-zoned as Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. There is one residence located approximately 850 feet from where the Newell Drive Extension would be located.

4.3.2 Regulatory Setting

a. Federal

Federal Clean Air Act

The Federal Clean Air Act (CAA) governs air quality in the United States. The CAA is administered by United States Environmental Protection Agency (USEPA) at the federal level, California Air Resources Board (CARB) at the State level, and by the Air Quality Management Districts at the regional and local levels. The CAA of 1970 and the CAA Amendments of 1971 required the USEPA to establish the National Ambient Air Quality Standards (NAAQS), with states retaining the option to adopt more stringent standards or to include other specific pollutants. On April 2, 2007, the Supreme Court found that CO_2 is an air pollutant covered by the CAA; however, no NAAQS have been established for CO_2.

The USEPA is responsible for enforcing the federal CAA. The USEPA is also responsible for establishing NAAQS. NAAQS are required under the 1977 CAA and subsequent amendments. The USEPA regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain types of locomotives. The agency has jurisdiction over emission sources outside State waters (e.g., beyond the outer continental shelf) and establishes various emission standards, including those for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission standards established by CARB.

USEPA Emission Standards for New Off-road Equipment

Before 1994, there were no standards to limit the amount of emissions from off-road equipment. In 1994, USEPA established emission standards for hydrocarbons, NOx, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by USEPA, as well as by CARB. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 final emissions standards.

b. State

California Clean Air Act

The California CAA allows the state to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. CARB, a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the CAAQS. CARB also conducts research, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products (such as hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's State Implementation Plan (SIP), for which it works closely with the federal government and the local air districts.

California State Implementation Plan

The SIP is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins, as reported by the agencies with jurisdiction over them. The CAA Amendments dictate that states containing areas violating the NAAQS revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS. The USEPA has the responsibility to review all SIPs to determine if they conform to the requirements of the CAA.

State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the USEPA for approval and publication in the Federal Register. The BAAQMD 2017 Clean Air Plan is the SIP for the SFBAAB. The 2017 Clean Air Plan accommodates growth by projecting the growth in emissions based on different indicators. For example, population forecasts adopted by the Association of Bay Area Governments (ABAG) are used to forecast population-related emissions. Through the planning process, emissions growth is offset by basin-wide controls on stationary, area, and transportation sources of air pollution.

California Low-Emission Vehicle Program

CARB first adopted Low-Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represent continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In 2012, CARB adopted the LEV III amendments to California's LEV regulations. These amendments, also known as the Advanced Clean Car Program, include more stringent emission standards for model years 2017 through 2025 for both criteria pollutants and greenhouse gas (GHG) emissions for new passenger vehicles.

California On-Road Heavy-Duty Vehicle Program

CARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. Section 1956.8, Title 13, California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures. CARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, and the School Bus Program and others.

California Airborne Toxics Control Measure for Asbestos

CARB has adopted Airborne Toxics Control Measures for sources that emit a particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technology to minimize emissions. In July 2001, CARB approved an Air Toxic Control Measure for construction, grading, quarrying and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of best management practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities.

The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than one acre in size. These projects require the submittal of a "Dust Mitigation Plan" and approval by the air district prior to the start of a project.

Construction sometimes requires the demolition of existing buildings where construction occurs. Buildings often include materials containing asbestos. Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present. The project site is not located in an area likely to contain naturally occurring asbestos (California Department of Conservation 2000).

Verified Diesel Emission Control Strategies

USEPA and CARB tiered off-road emission standards only apply to new engines and off-road equipment can last several years. CARB has developed Verified Diesel Emission Control Strategies (VDECS), which are devices, systems, or strategies used to achieve the highest level of pollution control from existing off-road vehicles, to help reduce emissions from existing engines. VDECS are designed primarily for the reduction of diesel PM emissions and have been verified by CARB. There are three levels of VDECS, the most effective of which is the Level 3 VDECS. Tier 4 engines are not required to install VDECS because they already meet the emissions standards for lower tiered equipment with installed controls.

California Diesel Risk Reduction Plan

CARB Diesel Risk Reduction Plan has led to the adoption of new state regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce DPM emissions by about 90 percent overall from year 2000 levels. The projected emission benefits associated with the full implementation of this plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010, and 85 percent by 2020.

Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act

Toxic Air Contaminants (TACs) in California are primarily regulated through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588), also known as the Hot Spots Act. To date, CARB has identified more than 21 TACs and has adopted the USEPA list of Hazardous Air Pollutants (HAPs) as TACs.

Carl Moyer Memorial Air Quality Standards Attainment Program

The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), a partnership between the CARB and local air districts, issues grants to replace or retrofit older engines and equipment with engines and equipment that exceed current regulatory requirements

to reduce air pollution. Money collected through the Carl Moyer Program complements California's regulatory program by providing incentives to effect early or extra emission reductions, especially from emission sources in environmental justice communities and areas disproportionately affected by air pollution.

The program has established guidelines and criteria for the funding of emissions reduction projects. Within the San Francisco Bay Area Air Basin (Air Basin), the BAAQMD administers the Carl Moyer Program. The program has established guidelines and criteria for the funding of emissions reduction projects. Within the Air Basin, the BAAQMD administers the Carl Moyer Program. The program establishes cost-effectiveness criteria for funding emission reductions projects, which under the final 2017 Carl Moyer Program Guidelines are $30,000 per weighted ton of NOX, ROG, and PM.

c. Regional and Local Regulations

Bay Area Clean Air Plan

The BAAQMD is responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

BAAQMD adopted the *Bay Area Clean Air Plan: Spare the Air, Cool the Climate (Bay Area Clean Air Plan)* on April 19, 2017, as an update to the 2010 Clean Air Plan. The BAAQMD prepared the 2017 Clean Air Plan in cooperation with the Metropolitan Transportation Commission (MTC) and the ABAG. The goals of the 2017 Clean Air Plan are to reduce regional air pollutants and climate pollutants to improve the health of Bay Area residents for the next decades. The 2017 Clean Air Plan aims to lead the region into a post-carbon economy, continue progress toward attaining all State and federal air quality standards, and eliminate health risk disparities from air pollution exposure in Bay Area communities. The 2017 Clean Air Plan defines an integrated, multi-pollutant control strategy that includes 85 distinct feasible control measures to reduce emissions for four categories: ground-level ozone and its precursors, ROG and NO_X; PM (primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$); TACs, and greenhouse gas emissions. The control measures are categorized based on the economic sector framework and include stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water. To protect public health, the control strategy will decrease population exposure to PM and TACs in communities that are most impacted by air pollution with the goal of eliminating disparities in exposure to air pollution between communities. The control strategy will also protect the climate by reducing greenhouse gas emissions and developing a long-range vision of how the Bay Area could look and function in a year 2050 post-carbon economy.

The focus of control measures includes aggressively targeting the largest source of GHG, ozone pollutants, and PM emissions: transportation. This includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment. Additionally, the BAAQMD will continue to work with regional and local governments to reduce Vehicle Miles Traveled (VMT) through the further funding of rideshare, bike and shuttle programs.

BAAQMD Particulate Matter Plan

To fulfill federal air quality planning requirements, BAAQMD adopted a 2010 $PM_{2.5}$ emissions inventory in 2012. The Bay Area Clean Air Plan also included several measures for reducing PM emissions from stationary sources and wood burning. In 2013, USEPA issued a final rule determining that the Bay Area has attained the 24-hour $PM_{2.5}$ NAAQS, suspending federal SIP planning requirements for the SFBAAB. Despite this USEPA action, the SFBAAB will continue to be designated as nonattainment for the national 24-hour $PM_{2.5}$ standard until BAAQMD submits a redesignation request and a maintenance plan to USEPA, and USEPA approves the proposed redesignation.

The SFBAAB is in nonattainment for the federal PM_{10} and federal $PM_{2.5}$ standards. USEPA lowered the 24-hour $PM_{2.5}$ standard from 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$ in 2006, and designated the Air Basin as nonattainment for the new $PM_{2.5}$ standard effective December 14, 2009.

BAAQMD believes that it would be premature to submit a redesignation request and $PM_{2.5}$ maintenance plan at this time. Therefore, BAAQMD will prepare a "clean data" SIP to address the required elements, including:

- An emission inventory for primary $PM_{2.5}$, as well as precursors to secondary PM formation; and
- Amendments to the BAAQMD's New Source Review regulation to address $PM_{2.5}$.

The SFBAAB will continue to be designated as nonattainment for the 24-hour $PM_{2.5}$ NAAQS until the Air District elects to submit, and the EPA approves, a redesignation request and maintenance plan. At this time, BAAQMD does not have an applicable SIP with which the project would be required to comply. However, development facilitated by the project would be subject to the Bay Area Clean Air Plan, in addition to regulations set forth by BAAQMD as discussed in the following section.

BAAQMD Regulations

Regulation 2, Rule 1 (Permits–General Requirements)

The BAAQMD regulates new sources of air pollution and the modification and operation of existing sources through the issuances of authorities to construct and permits to operate. Regulation 2, Rule 1 provides an orderly procedure which the project would be required to comply with to receive authorities to construct or permits to operate from the BAAQMD, for new sources of air pollutants, as applicable.

Regulation 2, Rule 5 (New Source Review Permitting)

The BAAQMD regulates backup emergency generators, fire pumps, and other sources of TACs through its New Source Review (Regulation 2, Rule 5) permitting process. Although emergency generators are intended to be used only during periods of power outages, monthly testing of each generator is required. BAAQMD limits testing to no more than 50 hours per year. Each emergency generator installed is assumed to meet a minimum of Tier 2 emission standards (before control measures). As part of the permitting process, the BAAQMD limits the excess cancer risk from any facility to no more than 10 per 1-million-population for any permits that are applied for within a 2-year period, and would require any source that would result in an excess cancer risk greater than 1 per 1 million to install Best Available Control Technology for Toxics.

Regulation 6, Rule 1 (Particulate Matter–General Requirements)

The BAAQMD regulates PM emissions through Regulation 6 by means of establishing limitations on emission rates, emissions concentrations, and emission visibility and opacity. Regulation 6, Rule 1 provides existing standards for PM emissions that could result during project construction or operation that the project would be required to comply with, as applicable, such as the prohibition of emissions from any source for a period or aggregate periods of more than 3 minutes in any hour which are equal to or greater than 20 percent opacity.

Regulation 6, Rule 6, (Particulate Matter–Prohibition of Trackout)

One rule by which the BAAQMD regulates PM includes Regulation 6, Rule 6, which prohibits PM trackout during project construction and operation. Regulation 6, Rule 6 requires the prevention or timely cleanup of trackout of solid materials onto paved public roads outside the boundaries of large bulk material sites, large construction sites, and large disturbed surface sides such as landfills.

Regulation 8, Rule 3 (Architectural Coatings)

This rule governs the manufacture, distribution, and sale of architectural coatings and limits the reactive organic gases content in paints and paint solvents. Although this rule does not directly apply to the project, it does dictate the ROG content of paint available for use during the construction.

Regulation 8, Rule 15 (Emulsified and Liquid Asphalts)

Although this rule does not directly apply to the project, it does dictate the reactive organic gases content of asphalt available for use during construction by regulating the sale and use of asphalt and limiting the ROG content in asphalt.

Regulation 1, Rule 301 (Odorous Emissions)

BAAQMD enforces odor control by helping the public to document a public nuisance. Upon receipt of a complaint, BAAQMD sends an investigator to interview the complainant and to locate the odor source if possible. BAAQMD typically brings a public nuisance court action when there are a substantial number of confirmed odor events within a 24-hour period. An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a substantial effect on receptors. Several BAAQMD regulations and rules apply to odorous emissions. Regulation 1, Rule 301 is the nuisance provision that states that sources cannot emit air contaminants that cause nuisance to a number of persons. Regulation 7 specifies limits for the discharge of odorous substances where BAAQMD receives complaints from 10 or more complainants within a 90-day period. Regulation 7 also precludes discharge of an odorous substance that causes the ambient air at or beyond the property line to be odorous after dilution with 4 parts of odor-free air, and specifies maximum limits on the emission of certain odorous compounds.

Regulation 9, Rule 8 (Inorganic Gaseous Pollutants–Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines)

Under Regulation 9, Rule 8, the BAAQMD regulates the emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower. As such, any proposed stationary source equipment (e.g., backup generators, fire pumps) which would be greater than 50 horsepower would require a BAAQMD permit under Regulation 9, Rule 8 to operate.

Regulation 11, Rule 2 (Hazardous Pollutants–Asbestos Demolition, Renovation, and Manufacturing)

Under Regulation 11, Rule 2, the BAAQMD regulates emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing and establishes appropriate waste disposal procedures. Any of these activities which pose the potential to generate emissions of airborne asbestos are required to comply with the appropriate provisions of this regulation.

Plan Bay Area

On October 2021, the MTC approved Plan Bay Area 2050. Plan Bay Area includes integrated land use and transportation strategies for the region and was developed through OneBayArea, a joint initiative between ABAG, BAAQMD, MTC, and the San Francisco Bay Conservation and Development Commission. Plan Bay Area is also considered the ABAG/MTC Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). In accordance with SB 743, Plan Bay Area included elements designed to encourage the type of land-use development to meet three primary objectives. First, Roadway Level of Service (LOS) could not be considered an environmental impact under the California Environmental Quality Act (CEQA). Second, it introduced changes to Vehicle Miles Traveled (VMT) per capita as a determinant of environmental impact. Third, the use of VMT as an environmental impact in CEQA is considered a mechanism for achieving State and regional GHG reduction goals. As a regional land use plan, Plan Bay Area aims to reduce per-capita GHG emissions through the promotion of more compact, mixed-use residential and commercial neighborhoods located near transit (ABAG; MTC 2021).

American Canyon General Plan

The current American Canyon General Plan contains objectives and policies that help address air quality and reduce the community's vulnerability to air pollution. The following objectives and policies from the City's General Plan are relevant to air quality and apply to the project:

Goal 8F: Reduce consumption of nonrenewable energy sources and support the development and utilization of new energy sources.

Objective 8.22: Minimize transportation-related energy consumption.

> **Policy 8.22.1**: Encourage the development of mixed use, pedestrian friendly employment/residential centers that help minimize vehicle trips in American Canyon and contribute to a reduction in energy consumption.
>
> **Policy 8.22.3**: Require that Development Plans provide for linkages between bicycle and pedestrian circulation systems and transit and employment centers, in accordance with established areawide plans.
>
> **Policy 8.22.4**: Maintain a system of traffic signals and controls that minimizes waiting time and vehicle speed changes through routes.
>
> **Policy 8.22.5**: Require that Development Plans provide for High-Occupancy Vehicles (HOV) and public transportation, where feasible, through the provision of appropriate transit areas and park-and-ride locations along public transportation routes.

Objective 8.23: Reduce Energy consumption in buildings.

Policy 8.23.1: Require that developers employ energy-efficient subdivision and site planning methods as well as building design. Measures to be considered include building orientation and shading, landscaping, building reflectance, use of active and passive solar heating and hot water system, etc. In establishing these energy related design requirements, the City shall balance energy-efficient design with good planning principles.

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

Policy 1.37.6: Reduce vehicle engine idling in American Canyon by educating the broader community (i.e., businesses, commuters, residents) on the greenhouse gas impacts caused by engine idling, and implementing feasible commercial vehicle regulations.

4.3.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on air quality if it would:

1. Conflict with or obstruct implementation of the applicable air quality plan;
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard;
3. Expose sensitive receptors to substantial pollutant concentrations; or
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

This analysis uses the BAAQMD 2017 *CEQA Air Quality Guidelines* to evaluate air quality.

Construction Criteria Pollutant and TAC Emissions

Construction-related emissions are limited in duration but may still cause adverse air quality impacts. Construction would generate emissions from three primary sources: the operation of construction vehicles (e.g., scrapers, loaders, dump trucks, etc.); ground disturbance during site preparation and grading, which creates fugitive dust; and the application of asphalt, paint, or other oil-based substances.

At this time, the pace, location, and duration associated with construction are not sufficiently detailed to quantify a specific emission impact, and thus it would be speculative to do so. Rather, construction criteria pollutant and TAC emissions impacts for the project are discussed qualitatively, pursuant to the BAAQMD 2017 *CEQA Air Quality Guidelines*.

Operation Criteria Pollutant and TAC Emissions

Based on plan-level guidance from the BAAQMD 2017 *CEQA Air Quality Guidelines,* long-term operational criteria pollutant and TAC emissions associated with implementation of the project are discussed qualitatively by comparing the project to the 2017 Clean Air Plan goals, policies, and

control measures. In addition, comparing the rate of increase of plan VMT and population is recommended by BAAQMD for determining significance of criteria pollutants. If the project does not meet either criterion, then impacts would be potentially significant.

Odors

The impact analysis qualitatively evaluates the types of land uses facilitated by the project to evaluate whether major sources of anticipated odors would be present and, if so, whether those sources would likely generate objectionable odors. According to the BAAQMD 2017 *CEQA Air Quality Guidelines*, the project-level threshold for odor sources is if they result in five confirmed complaints per year averaged over three years within the screening distance for land uses shown in Table 3-3 of the guidelines (BAAQMD 2017b). The plan-level threshold states to identify the location and include policies to reduce the impacts of existing or planned sources of odors. None of the land uses identified as odor sources in the 2017 guidelines are planned as part of the project. The significance thresholds for odor impacts are qualitative in nature. Specifically, an odor-generating source with five or more confirmed complaints in the new source area per year averaged over three years is considered to have a significant impact on receptors within the screening distances provided in the guidelines.

Methodology

Consistency with Air Quality Plan

The applicable air quality plan is the BAAQMD 2017 Bay Area Clean Air Plan, which identifies measures to:

- Reduce emissions and reduce ambient concentrations of air pollutants; and
- Safeguard public health by reducing exposure to the air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution.

The project would be consistent with the Bay Area Clean Air Plan if it would support the Clean Air Plan goals, include applicable control measures, and not disrupt or hinder implementation of Clean Air Plan. Consistency with the Clean Air Plan is the basis for determining whether the project would conflict with or obstruct implementation of an applicable air quality plan.

Construction Criteria Pollutant and TAC Emissions Thresholds

BAAQMD's 2017 *CEQA Air Quality Guidelines* have no plan-level significance thresholds for construction air pollutants emissions. However, they do include the individual project-level thresholds for construction-related and long-term operational emissions of air pollutants. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. Construction emissions associated with implementation of the project are discussed qualitatively to evaluate potential air quality impacts.

For health risks associated with TAC and $PM_{2.5}$ emissions, the BAAQMD 2017 *CEQA Air Quality Guidelines* state a project would result in a significant impact if the any of the following thresholds are exceeded:

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;

- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.3 µg/m^3 annual average

In addition, a project would have a cumulatively considerably impact associated with health risks from TAC and $PM_{2.5}$ emissions if the aggregate total emissions of all past, present, and foreseeable future sources within a 1,000-foot radius of the fenceline of the source plus the project's contribution exceed any of the following thresholds:

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 100.0 in a million;
- Increased non-cancer risk of > 10.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.8 µg/m^3 annual average

Operational Criteria Pollutant and TAC Emissions Thresholds

BAAQMD's 2017 *CEQA Air Quality Guidelines* contain specific operational plan-level significance thresholds for criteria air pollutants. Plans must show the following over the planning period:

- Consistency with current air quality plan control measures
- VMT or vehicle trips increase is less than or equal to the plan's projected population increase

If a plan can demonstrate consistency with both of these criteria, then impacts are considered less than significant. The same thresholds listed above for construction health risks from TAC and $PM_{2.5}$ would apply to operation.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project conflict with or obstruct implementation of the applicable air quality plan?

Impact AQ-1 THE PROJECT WOULD BE CONSISTENT WITH THE BAAQMD'S 2017 CLEAN AIR PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Under BAAQMD's methodology, a determination of consistency with *CEQA Guidelines* thresholds should demonstrate that a project:

- Supports the primary goals of the 2017 Clean Air Plan;
- Includes applicable control measures from the 2017 Clean Air Plan; and
- Does not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

The following includes a discussion of consistency with these criteria for the project. The 2017 Clean Air Plan contains 85 control measures aimed at reducing air pollution and protecting the climate in the Bay Area. For consistency with climate planning efforts at the State level, the control strategies in the 2017 Clean Air Plan are based on the same economic sector framework used by CARB, which encompass stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants (such as methane and hydrofluorocarbons). Table 4.3-4 identifies applicable control measures and discusses project consistency with the 2017 Clean Air Plan.

Table 4.3-4 Clean Air Plan Control Measures Consistency Analysis

Control Measures	Consistency
Stationary Sources	
SS18: Basin-Wide Combustion Strategy. Stabilize and then reduce emissions of GHGs, criteria air pollutant and toxic emissions from stationary combustion sources throughout the Air District by first establishing carbon intensity caps on major GHG sources, and then adopting new rules to (1) reduce fuel use on a source-type by source-type basis, and (2) evaluate alternatives to decarbonize abatement devices.	**Consistent.** Stationary sources are regulated directly by BAAQMD, which routinely adopts/revises rules or regulations to implement the Stationary Source control measures to reduce stationary source emissions. Therefore, any new stationary sources associated with the project would be required to comply with BAAQMD's regulations.
SS21: New Source Review for Air Toxics. Propose revisions to Air District Rule 2-5, New Source Review of Toxic Air Contaminants, based on OEHHA's 2015 Health Risk Assessment Guidelines and CARB/ CAPCOA's 2015 Risk Management Guidance. Revise the Air District's health risk assessment trigger levels for each toxic air contaminant using the 2015 Guidelines and most recent health effects values.	
Transportation	
TR2: Trip Reduction Programs. Implement the regional Commuter Benefits Program (Rule 14-1) that requires employers with 50 or more Bay Area employees to provide commuter benefits. Encourage trip reduction policies and programs in local plans, e.g., general and specific plans, while providing grants to support trip reduction efforts. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to adopt transit benefits ordinances in order to reduce transit costs to employees, and to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. Fund various employer-based trip reduction programs.	**Consistent**: Development facilitated by the project would promote compatible land uses resulting in City residents living and working in closer proximity to each other. Parcels designated as Paoli Light Industrial and Paoli Commercial Overlay District would allow for commercial and commercially-related uses that would facilitate vehicle access and proximity of jobs near housing within the City. The project would be consistent with the build-out street network envisioned by the American Canyon General Plan Circulation Element, and the bikeway network envisioned by the American Canyon Bicycle Plan, that includes the extension of Newell Drive north from its current terminus concurrent with future development, including the project site. As envisioned, Newell Drive would eventually connect American Canyon Boulevard in the south with SR 29 at Green Island Road, at the northwest corner of the project site. The future extension would be a 2-lane collector with one motor vehicle lane in each direction, bicycle lanes and sidewalks. The project would not preclude the future provision of bicycle paths along the Union Pacific Railroad tracks, consistent with the American Canyon Bicycle Plan. In addition, Mitigation Measure GHG-1 (see Section 4.8, *Greenhouse Gas Emissions*) would require that industrial and commercial operators establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation including carpooling, public transit, and biking.
TR13: Parking Policies. Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing (such as "SF Park") in high-traffic areas.	**Consistent**: Future development would be required to comply with existing City parking standards. In addition, per Mitigation Measure GHG-1, the project would achieve compliance with off-street Tier 2 EV parking requirements by land use type in the most recently adopted version of CALGreen. Additionally, Mitigation Measure GHG-1 would require that industrial and commercial operators establish

Control Measures	Consistency
	and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation including carpooling, public transit, and biking.
Energy	
EN1: Decarbonize Electricity Production. Engage with PG&E, municipal electric utilities and CCEs to maximize the amount of renewable energy contributing to the production of electricity within the Bay Area as well as electricity imported into the region. Work with local governments to implement local renewable energy programs. Engage with stakeholders including dairy farms, forest managers, water treatment facilities, food processors, public works agencies and waste management to increase use of biomass in electricity production. **EN2: Decrease Electricity Demand**. Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	**Consistent.** Measures EN1 and EN2 are intended to decrease energy use as a means of reducing adverse air quality emissions. Additionally, buildings developed as part of the project would comply with 2022 Building Energy Efficiency Standards (or most recent version of the California Building Code) requirements that commercial buildings be electric-ready and standards for expanded solar and battery storage. The Building Energy Efficiency Standards are updated every three years and the project would be subject to the 2022 California Building Standards when they go into effect on January 1, 2023.
Buildings	
BL1: Green Buildings. Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for on-site renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings. **BL2: Decarbonize Buildings.** Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	**Consistent**: Measures BL1 and BL2 focus on working with local governments to adopt the best GHG emissions control practices and policies. As discussed above for the Energy and Climate control measures, buildings developed as part of the project would comply with 2022 Building Energy Efficiency Standards' (or most recent version of the California Building Code) requirements that commercial buildings be electric-ready and standards for expanded solar and battery storage. The Building Energy Efficiency Standards are updated every three years and the project would be subject to the 2022 California Building Standards when they go into effect on January 1, 2023.
Waste Management Control Measures	
WA4: Recycling and Waste Reduction. Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects	**Consistent.** Measure WA4 include strategies to increase waste diversion rates through efforts to reduce, reuse, and recycle. Development under the project would comply with Assembly Bill (AB) 341, which requires mandatory commercial recycling for businesses that generate four cubic yards or more of commercial solid waste per week. For further discussion of waste diversion, please refer to Section 4.17, *Utilities and Service Systems.*

BAAQMD has identified examples of how a project or plan may disrupt or delay local government implementation of these control measures, such as a project that may preclude an extension of a transit line or bike path, or that propose excessive parking beyond parking requirements. Development within the project area would not disrupt or delay local government implementation of control measures. The future Newell Drive extension would be a 2-lane collector with one motor vehicle lane in each direction, bicycle lanes, and sidewalks. The project would not preclude the future provision of bicycle paths along the Union Pacific Railroad tracks, consistent with the American Canyon Bicycle Plan.

Overall, the project would be consistent with the three criteria for evaluating consistency with the 2017 Clean Air Plan. As such, the project would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Impact AQ-2 THE PROJECT WOULD NOT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF OPERATIONAL CRITERIA POLLUTANTS. IMPACTS FROM CONSTRUCTION WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION. IMPACTS FROM OPERATION WOULD BE LESS THAN SIGNIFICANT.

Construction

The project would involve activities that result in air pollutant emissions. Specifically, construction activities such as demolition, grading, construction worker travel, delivery and hauling of construction supplies and debris, and fuel combustion by on-site construction equipment would generate pollutant emissions. These construction activities would create emissions of dust, fumes, equipment exhaust, and other air contaminants, particularly during site preparation and grading. The extent of daily emissions, particularly ROGs and NO_X emissions, generated by construction equipment, would depend on the quantity of equipment used and the hours of operation for each project. The extent of $PM_{2.5}$ and PM_{10} emissions would depend upon the following factors: 1) the amount of disturbed soils; 2) the length of disturbance time; 3) whether existing structures are demolished; 4) whether excavation is involved; and 5) whether transporting excavated materials offsite is necessary. Dust emissions can lead to both nuisance and health impacts. According to the 2017 BAAQMD *CEQA Air Quality Guidelines,* $PM_{2.5}$ is the greatest pollutant of concern during construction.

The BAAQMD 2017 *CEQA Air Quality Guidelines* have no plan-level significance thresholds for construction air pollutant emissions that would apply to the project. However, the guidelines include project-level thresholds for construction emissions. If an individual project's construction emissions fall below the project-level thresholds, the project's impacts on regional air quality would be individually and cumulatively less than significant. The BAAQMD has also identified feasible fugitive dust control measures for construction activities. These Basic Construction Mitigation

Measures are recommended for all projects. In addition, the BAAQMD and CARB have regulations that address the handling of hazardous air pollutants such as lead and asbestos, which could be aerially disbursed during demolition activities. BAAQMD rules and regulations address both the handling and transport of these contaminants. Construction of development facilitated by the project would temporarily increase air pollutant emissions, possibly creating localized areas of unhealthy air pollution concentrations or air quality nuisances, resulting in a potentially significant impact.

However, implementation of the BAAQMD Basic Construction Mitigation Measures, which would be required with implementation of Mitigation Measures AQ-1, during future project-level construction would reduce fugitive dust emissions from construction activities. Actions include watering onsite and reducing vehicle speed on unpaved roads to limit the amount of soil and dust disturbed. With implementation of Mitigation Measure AQ-1, cumulative construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation in terms of criteria air pollutant emissions would be less than significant with mitigation.

Operation

The greatest source of criteria pollutants in American Canyon is and would continue to be from transportation sources, specifically mobile emissions from roadway traffic. The project emphasizes reducing VMT on area roadways through emphasizing greater mixed use in the area and proximity of residents to jobs. According to the BAAQMD 2017 *CEQA Air Quality Guidelines,* the threshold for criteria air pollutants and precursors requires a comparison of the percent increase in VMT and population. Table 4.3-5 summarizes the net increase in population versus VMT for cumulative plus project buildout conditions based on data provided by GHD (2022).

Table 4.3-5 Comparison of VMT and Population Increase due to the Project

Scenario	Existing	Cumulative Plus Project Buildout [a]	Net Increase
Population	22,959	29,001	6,042
Percentage change			26%
VMT	562,492	568,813	6,321
Percentage change			1%

Note:
[a] Cumulative Conditions with the project is based on Year 2045 citywide residential and commercial growth, as well as projected regional land use growth
Source: GHD 2022

The project emphasizes changing land uses to concentrate growth and jobs and services near residences to reduce singular vehicle trips. As shown in Table 4.3-5, the City's population increase would be proportionately greater than the VMT increase. If a plan's VMT increase, under the cumulative condition, is less than or equal to the plan's projected population increase, impacts to operational criteria pollutant emissions would be less than significant. As such, impacts from project operation would be less than significant.

Mitigation Measures

AQ-1 Implement BAAQMD Basic Construction Mitigation Measures

To reduce fugitive dust emissions from the construction of individual projects, the applicant shall implement the BAAQMD Basic Construction Mitigation Measures. The BAAQMD Basic Construction Mitigation Measures are listed below:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, 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.
- 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 California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of American Canyon regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.

Significance After Mitigation

Impacts on criteria air pollutants during construction would be less than significant after implementation of Mitigation Measure AQ-1.

Threshold 3:	Would the project expose sensitive receptors to substantial pollutant concentrations?

Impact AQ-3 CONSTRUCTION ACTIVITIES FOR FUTURE INDIVIDUAL PROJECTS LASTING LONGER THAN TWO MONTHS OR LOCATED WITHIN 1,000 FEET OF SENSITIVE RECEPTORS COULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS. IMPLEMENTATION OF THE PROJECT MAY ALSO EXPOSE SENSITIVE RECEPTORS TO OPERATIONAL SOURCES OF TOXIC AIR CONTAMINANTS. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Construction

The project would result in Diesel particulate matter (DPM) exhaust emissions from off-road, heavy-duty diesel equipment associated with site preparation (e.g., excavation, grading, clearing), building

construction, and other miscellaneous construction activities. The potential cancer risk from inhaling DPM, as discussed below, outweighs the potential non-cancer[2] health impacts (CARB 2022b).

Generation of DPM from construction typically occurs in a single area for a short period. Project construction would occur over approximately seven years (assuming a buildout year of 2030), but use of diesel-powered construction equipment in any one area would likely occur for no more than a few years for an individual project and would cease when construction is completed in that area. It is impossible to quantify risk without identified specific project details and locations.

The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period. According to the California Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the development (OEHHA 2015). BAAQMD uses an exposure period of 30 years (BAAQMD 2016).

The maximum PM_{10} and $PM_{2.5}$ emissions would occur during demolition, site preparation and grading activities, which would only occur for a portion of the overall estimated timeframe of seven years for individual project construction. These activities would typically last for approximately two weeks to two years, depending on the extent of grading and excavation required (e.g., projects with subterranean parking structures or geological constraints require additional grading as compared to those without). PM_{10} and $PM_{2.5}$ emissions would decrease for the remaining construction period because construction activities such as building construction and architectural coating would require less intensive construction equipment. While the maximum DPM emissions associated with demolition, site preparation, and grading activities would only occur for a portion of the overall construction period, these activities represent the worst-case condition for the total construction period. This would represent between 0.1 to 7 percent of the total 30-year exposure period for health risk calculation.

Future development facilitated by the project would also be required to be consistent with the applicable 2017 Clean Air Plan, BAAQMD regulatory requirements and control strategies, and the CARB In-Use Off-Road Diesel Vehicle Regulation, which are intended to reduce emissions from construction equipment and activities. Additionally, future development facilitated by the project would be required to comply with Mitigation Measure AQ-1 requiring implementation of construction emission measures which would reduce construction-related TACs. According to the OEHHA, construction of individual projects lasting longer than two months or placed within 1,000 feet of sensitive receptors could potentially expose nearby sensitive receptors to substantial pollutant concentrations and therefore could result in potentially significant risk impacts. These future projects could exceed BAAQMD's thresholds of an increased cancer risk of greater than 10.0 in a million and an increased non-cancer risk of greater than 1.0 Hazard Index (Chronic or Acute). Therefore, construction impacts from TAC emissions would be potentially significant. However, implementation of Mitigation Measure AQ-2 would require the preparation of a Construction

[2] Non-cancer risks include premature death, hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function (CARB 2021a).

Health Risk Assessment for new projects and the Newell Drive Extension and would mitigate potential construction-related TACs exposure impacts to a less than significant level.

Operation

Buildout facilitated by the project would potentially site land uses that typically generate TAC, such as industrial land uses, in proximity to residential land uses. Additionally, if the proposed commercial uses site a new stationary TAC source, like an emergency generator, then said stationary source would be required to receive a permit from BAAQMD. The permitting process would ensure that the stationary source does not present a health risk to existing nearby sensitive receptors.

New industrial or warehousing operations could generate substantial DPM emissions from off-road equipment use and truck idling. In addition, some warehousing and industrial facilities may include use of Transport Refrigeration Units for cold storage. Such potential future uses could generate an increase in DPM that would contribute to cancer and noncancer health risk at nearby sensitive receptors. Without project-specific analysis health risk impacts from nonpermitted sources associated with development of industrial and commercial land uses are considered significant. Implementation of Mitigation Measure AQ-3, which would require the preparation of an Operational Health Risk Assessment would reduce this impact to a less than significant level.

In addition, the proposed extension of Newell Drive would add a new source of TAC emissions to the project area that could adversely affect sensitive receptors residing in close proximity. For roadways, BAAQMD has developed a Roadway Screening Analysis Calculator to assess whether new roadways with traffic volumes over 10,000 vehicles per day may have a potentially significant impact. Project-specific data was input to the screening calculator such as the county, roadway direction, and future vehicle volume. Based on traffic data, under cumulative plus project conditions, the Newell Drive extension is estimated to have up to 28,072 vehicles per day (GHD 2022). The nearest off-site sensitive receptor to the proposed extension is a residence located approximately 850 feet to the south on Watson Lane. At this distance, the increased cancer risk at the nearest off-site residence would be up to 1.6 in one million, which would not exceed the BAAQMD significance threshold of 10 in one million increased cancer risk. The annual $PM_{2.5}$ concentration would be up to 0.04 ug/m^3, which would not exceed the BAAQMD significance threshold of 0.3 ug/m^3. Therefore, community health risk impacts from the proposed Newell Drive Extension would be less than significant.

Mitigation Measures

AQ-2 Conduct Construction Health Risk Assessment

Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit to the City a construction health risk assessment (HRA) in accordance with BAAQMD recommendations for any development project (including the proposed Newell Drive extension) that has at least one the following characteristics:

- The project is located within 1,000 feet of sensitive receptors.
- Project construction would last longer than two months.
- Project construction would not utilize equipment rated USEPA Tier 4 (for equipment of 50 horsepower or more); construction equipment fitted with Level 3 Diesel Particulate Filters (for all equipment of 50 horsepower or more); or alternative fuel construction equipment.

If the HRA determines that construction will exceed BAAQMD significance thresholds, the HRA shall provide mitigation measures to reduce the impact to less than significant, including but not limited to requiring the use of Tier 4 engines, Level 3 Diesel Particulate Filters, and/or alternative fuel construction equipment.

AQ-3 Conduct Operational Health Risk Assessment

Prior to submittal of a subsequent discretionary development permit application for industrial, warehousing, or commercial land uses that would generate at least 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day, the applicant shall submit an operational health risk assessment (HRA) or submit proof that an HRA is not required in accordance with BAAQMD thresholds. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements, and mitigated to an acceptable level. Typical measures to reduce risk impacts may include, but are not limited to:

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Truck Electric Vehicle (EV) Capable trailer spaces.
- Requiring use of newer equipment and/or vehicles.
- Restricting off-site truck travel through the creation of truck routes.

The operational HRA shall be provided to the City for review and concurrence prior to project approval.

Significance After Mitigation

Construction and operational related TACs exposure impacts would be less than significant with implementation of Mitigation Measures AQ-2 and AQ-3.

Threshold 4:	Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impact AQ-4 THE PROJECT WOULD NOT CREATE OBJECTIONABLE ODORS THAT COULD ADVERSELY AFFECT A SUBSTANTIAL NUMBER OF PEOPLE. IMPACTS RELATED TO ODORS WOULD BE LESS THAN SIGNIFICANT.

Construction of the project would require the operation of construction equipment and asphalt paving, which could generate oil, diesel fuel, and asphalt odors. The odors would be limited to the construction period and would be temporary. Therefore, odors emitted from the construction of individual future projects under the project would be less than significant.

As stated in the BAAQMD *CEQA Guidelines,* land uses typically producing objectionable odors include agricultural uses, wastewater treatment plants, food manufacturing plants, chemical plants, composting, refineries, landfills, and confined animal facilities. Development facilitated by the project would include commercial and light industrial uses, such as research & development. These land uses typically do not produce objectionable odors. Odors from new developments proposed under the project would also be evaluated under BAAQMD Regulation 7: Odorous Substances, the standard BAAQMD odor complaint procedures, and would be required to implement applicable best management practices that would limit exposure of new sensitive receptors to odors. Other odors from buildout of the project would be limited to odors associated with vehicle and engine exhaust

and idling; however, odors from vehicles are not stationary and are dispersed throughout the roadway network. Therefore, operational odor impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Leve of Significance

Impacts would be less than significant without mitigation.

4.3.4 Cumulative Impacts

The geographic scope of the cumulative air quality analysis is the regional air basin, specifically the SFBAAB. The cumulative analysis considers the nearby past, present, and reasonably foreseeable future plans and projects within the City in addition to proposed plans.

Criteria Air Pollutants

The SFBAAB is in non-attainment for federal standards of ozone and $PM_{2.5}$ and in non-attainment for the State standard for ozone, $PM_{2.5}$, and PM_{10}. The SFBAAB is in attainment of all other federal and State standards. Development facilitated by the project would generate particulate matter and the ozone precursors (ROG and NO_X) in the area during construction and operation. As described under Impact AQ-1, the project would be inconsistent with the overall goal of the 2017 Clean Air Plan control measures as development facilitated by the project would potentially include light industrial land uses. However, future projects would comply with the latest Title 24 regulations and would increase density in urban areas in proximity to transit, allowing for greater use of alternative modes of transportation. Development facilitated by the project does not contain elements that would disrupt or hinder implementation of any 2017 Clean Air Plan control measures. In addition, the project would support the primary goals of the 2017 Clean Air Plan. Discussion of these impacts considers the cumulative nature of criteria pollutants in the region. Therefore, project would not result in a cumulatively considerable contribution to a conflict with or obstruction of implementation of the applicable air quality plan.

As described under Impact AQ-2, future construction facilitated by the project would temporarily increase air pollutant emissions, possibly creating localized areas of unhealthy air pollution levels or air quality nuisances. BAAQMD has identified feasible fugitive dust control measures for construction activities because fugitive PM_{10} and $PM_{2.5}$ is of concern. These temporary impacts would be mitigated with Mitigation Measure AQ-1. Discussion of these impacts considers the cumulative nature of criteria pollutants in the region; therefore, with mitigation the project would not result in a cumulatively considerable net increase of a criteria pollutant from construction emissions.

In addition, as described under Impact AQ-2, the cumulative plus project scenario would result in an increase of population that would proportionally exceed the projected VMT increase. Therefore, per the BAAQMD CEQA Air Quality Guidelines for operational emissions from plans, impacts from operational criteria pollutants would be cumulatively less than significant.

Toxic Air Contaminants

As identified under Impact AQ-3, development facilitated by the project would not have a significant impact from CO hotspots or TACs. Discussion of these impacts considers the cumulative nature of

the pollutants in the region. In other words, the cancer risk and non-cancer risk thresholds have been set per existing cancer risks in the area and exceeding those thresholds would be considered a cumulative impact. As implementation of the project would not exceed those thresholds with identified mitigation, it would not expose sensitive receptors to a cumulatively considerable amount of substantial pollutant concentrations from CO hotspots or TACs. Therefore, the cumulative impact related to toxic air contaminants would be less than significant with mitigation.

Odors

As identified under Impact AQ-4, development facilitated by the project would not have a significant impact from odor emissions. Construction emissions would disperse rapidly with distance, and therefore construction projects near one another would not result in combined odors above those analyzed. In addition, development would not contain uses known to result in objectionable odors and therefore cumulative odor impacts from multiple development would not result in a cumulatively considerable increase in odors. Therefore, the cumulative impact related to odors would be less than significant.

4.4 Biological Resources

This section analyzes potential effects on biological resources related to implementation of the project. In October 2022, Rincon Consultants, Inc. prepared a Biological Resources Assessment (BRA), including a literature review and field reconnaissance survey to document existing site conditions, the potential presence of special-status biological resources (including plant and wildlife species), observed plant communities, waters and wetlands, and habitat for nesting birds. The following summarizes the findings of the assessment. The complete BRA is provided in Appendix B of this document.

4.4.1 Setting

a. Land Cover

The natural community/landcover descriptions listed below are based on the California Department of Fish and Wildlife (CDFW) California Wildlife Habitat Relationships classification scheme (CWHR) (Mayer and Laudenslayer 1988). Figure 4.4-1 shows the vegetation communities and land covers in the project site.

Non-Native Annual Grassland

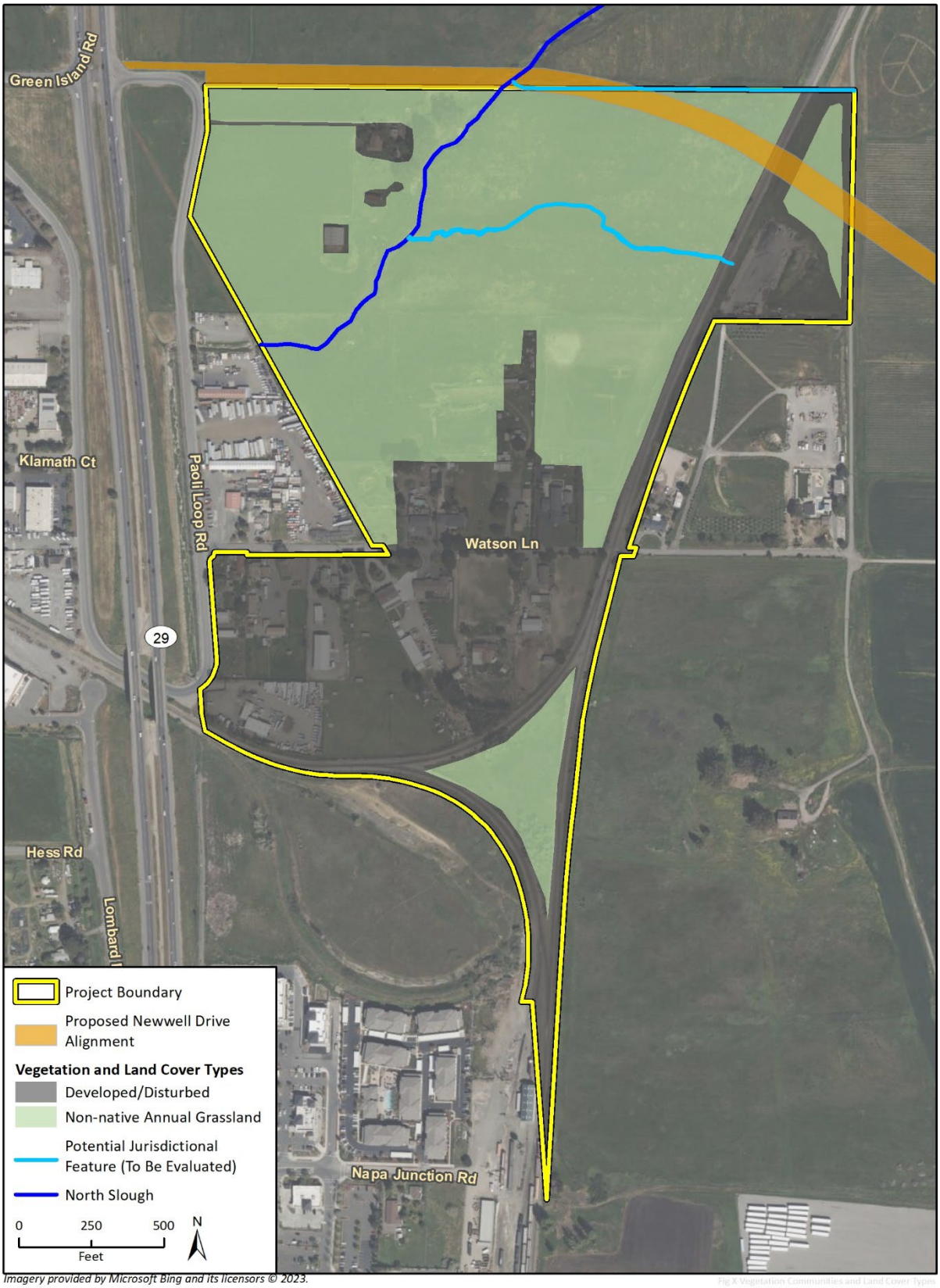
Annual grasslands are herbaceous communities composed primarily of annual grass and forb species. This vegetation community exists throughout the project site, where introduced annual grasses are the dominant plant species. The dominant species observed included slender wild oats (*Avena barbata*), ripgut brome (*Bromus diandrus*), Italian rye grass (*Festuca perennis*), false barley (*Hordeum murinum*), yellow-star thistle (*Centaurea solstitialis*), black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*).

Waters

The North Slough and its surrounding area include annual grassland, primarily dominated by non-native annual grasses with some coyote brush (*Baccharis pilularis*) in the uplands. The North Slough channel is mainly devoid of vegetation, though scattered patches of facultative hydrophytic species such as curly dock (*Rumex crispus*) were observed, and concrete lining is present in the channel near a wooden bridge over the North Slough. In addition, based on review of the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory, aerial imagery, and a site visit, there are some areas that drain to North Slough to the east of North Slough. These areas are covered with non-native annual grasses including scattered patches of Harding grass (*Phalaris aquatica*), pepperweed (*Lepidium latifolium*) and curly dock (Rumex crispus) interspersed with the grasses. It is not currently known whether these areas are jurisdictional features and as discussed further in Impact BIO-3, an evaluation as to whether these features are jurisdictional will be conducted in the future. North Slough is part of the Napa River watershed and drain runoff from the lands within and surrounding the project site.

The potential jurisdictional features have been historically diverted from their natural topographic drainages (i.e., the typical gradient being downhill and flowing north to south or east to west). The potential jurisdictional features originate on properties with vineyards to the east and are diverted through a system of culverts and ditches onto and through the project site, flowing into North Slough. The northern potential jurisdictional feature drains properties with vineyards to the east

Figure 4.4-1 Landcover Types within the Project Boundary



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and is piped approximately 0.25 mile under vineyards and Watson Lane, where it outfalls along the east side of the railroad tracks and flows through a culvert underneath the railroad tracks through the project site toward North Slough. The southern potential jurisdictional feature is more substantially and circuitously modified, originating as a natural topographic drainage on the property with vineyards to the southeast where it is diverted into a French drain and culvert system departing from its natural topographic drainage, running diagonally to the northwest under approximately 0.25 mile of vineyards. It outfalls out of a culvert into a ditch along the east side of Watson Lane where it flows south to north along Watson Lane, under Watson Lane through an east-west culvert system, continuing to the west in a linear ditch, then changing direction running south to north along the east side of the railroad tracks before it changes direction once more, flowing under the railroad tracks in an east-west facing culvert through the project site toward North Slough.

Urban

The urban land cover is completely anthropogenic and is composed of residential, commercial, and industrial development. Plant species within urban areas are typically comprised of ornamental plants and non-native invasive plant species, with large developed areas lacking vegetation.

b. Special-Status Species

For the purposes of this analysis, special-status species include the following:

- Species listed as threatened or endangered under the Federal Endangered Species Act (FESA), including proposed and candidate species.
- Species listed as candidate, threatened, or endangered under the California Endangered Species Act (CESA).
- Species designated as Fully Protected by the California Fish and Game Code (CFGC), and Species of Special Concern or Watch List by CDFW.
- Plant species protected by the Native Plant Protection Act (NPPA) (State Rare).
- Plant species with California Native Plant Society (CNPS) California Rare Plant Ranks (CRPR) 1A, 1B, 2A and 2B.
- Species designated as locally important by the Local Agency and/or otherwise protected through ordinance, local policy, or HCPs/NCCPs.

Queries of the USFWS Information, Planning, and Conservation System (IPaC) (USFWS 2022a), California Natural Diversity Database (CNDDB) (CDFW 2022a), and California Native Plant Society (CNPS) online *Inventory of Rare and Endangered Plants of California* (CNPS 2022) were conducted to obtain comprehensive information regarding special-status species and sensitive vegetation communities known or with potential to occur in the project site. Query of the CNPS inventory and CNDDB database included the *Cordelia* and *Cuttings Wharf* U. S. Geological Service (USGS) 7.5-minute topographic quadrangle and surrounding 10 quadrangles (*Napa, Mt. George, Fairfield North, Fairfield South, Vine Hill, Benicia, Mare Island, Petaluma Point, Sears Point, and Sonoma*). The results of these scientific database queries are compiled in the BRA, which is provided as Appendix B of this EIR (see Appendix D of the BRA). A query of the USFWS' Critical Habitat Portal (USFWS 2022b) was conducted to determine if any USFWS-designated critical habitat occurs in the project site.

A total of 73 special-status plants and 54 special-status animals were identified within the 12 quadrangles queried (CNPS 2022 and CDFW 2022a). For the purposes of this analysis, special-status

species with low potential to occur will not be addressed further because these species have a low likelihood of being present within the vicinity of the project site. None of the special status plant species were determined to have a moderate or greater potential to occur within the project site. Of the 54 special-status wildlife species evaluated, three species, western burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), and white-tailed kite (*Elanus leucurus*), have a moderate potential to occur and are discussed further below. One species has a low potential to occur within the project site: American badger (*Taxidea taxus*). This species was determined to have a low potential to occur because the surrounding land is active agriculture and the railroad tracks, along with roads create a barrier to individuals dispersing into the project site. The remaining 50 special-status species are not expected to occur in the project site due to a lack of species-specific habitat requirements, the overall lack of suitable habitat such as natural vegetation communities or natural wetland habitats (e.g., marshes or seeps), and/or because the range of the species does not overlap with the project site. No federal or state-listed or other special-status wildlife species were observed during the field survey.

Western burrowing owl

Western burrowing owl is a CDFW Species of Special Concern that occupies open, treeless areas within grassland, low-density scrub, and desert biomes. This species generally inhabits gently sloping areas, characterized by low, sparse vegetation, and is often associated with high densities of burrowing mammals (Poulin et al. 2011). Western burrowing owl often uses relatively disturbed areas such as agricultural fields, golf courses, cemeteries, and vacant urban lots in addition to natural breeding habitats. Nests are most often in fossorial animal burrows, such as California ground squirrel or American badger, but atypical nests such as culverts or rubble piles may also be used. Nest sites are typically selected in an area with a high density of burrows.

There are nine occurrences within five miles of the project site, with the closest occurrence approximately 2 miles to the south. Suitable habitat is present throughout the project site within the nonnative annual grassland. Suitable burrows were observed throughout the project site. This species is known to occur throughout the region and is determined to have a moderate potential to occur within the project site.

Swainson's hawk

Swainson's hawk is listed as a state threatened species. The historical breeding range of Swainson's hawk in California included the Great Basin, Sacramento and San Joaquin Basins, the coast from Marin County to San Diego County, and scattered sites in the Mojave and Colorado Deserts (Bechard et al., 2020). The species continues to breed across its entire historical range, but in significantly lower numbers than historical numbers. Throughout most of its range, much of the native habitat has been converted to agricultural and urban uses, thereby limiting nesting and foraging opportunities for Swainson's hawk. This species is often found nesting in trees associated with scattered rural residences, particularly in relation to grasslands or dry-land grain fields. Throughout its range, the species nests almost exclusively in trees, typically on the edges of woodland adjacent to grass or shrubland habitat (Bechard et al. 2020).

There are several records of Swainson's hawks nesting within five miles of the project site, with the last record from 2013. No Swainson's hawks were observed during the reconnaissance survey. There is suitable nesting and foraging habitat within the project site. The nesting habitat in the project site is limited to eucalyptus trees and ornamental trees within the low-density housing area. Swainson's hawk has a moderate potential to forage and nest within the project site.

White-tailed kite

White-tailed kite is a CDFW fully protected species. A yearlong resident in coastal and valley lowlands, the species inhabits a wide range of habitats, mostly in cismontane California. The species prefers trees with dense canopies for cover. Their diet consists mostly of voles and other small, diurnal mammals, but the species occasionally feeds on birds, insects, reptiles, and amphibians. Typical foraging habitat is undisturbed, open grasslands, meadows, farmlands, and emergent wetlands. Nesting is typically near the top of dense oak, willow, or other tree stands, located near foraging areas. This species preferentially selects herbaceous lowlands with a range of woodland structure, and high density of voles (Zeiner et al. 1990), and substantial groves of dense, broad-leafed deciduous trees for nesting and roosting (Zeiner et. al. 1990).

The CNDDB contains no occurrence records for white-tailed kite within five miles of the project site. Ebird (eBird 2022) contains multiple records for white-tailed kite within five miles of the project site. The grassland areas within the project site provide foraging habitat and suitable nesting habitat is present in the project site.

c. Nesting Birds

Suitable nesting sites for avian species protected by the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), including shrubs, trees, man-made structures, and the ground surface occur throughout the project site. Some species prefer vegetation for nesting, including ornamental vegetation and some species can be found nesting in man-made structures, such as power poles or the eaves of buildings. Nesting birds may occur during the breeding season (generally February 1 through August 31 but beginning January 1 for some raptor species).

d. Sensitive Vegetation Communities and Critical Habitat

The following five sensitive natural communities occur within the 12 quad search range (CDFW 2022a):

- Coastal Brackish Marsh
- Northern Coastal Salt Marsh
- Northern Vernal Pool
- Northern Claypan Vernal Pool
- Serpentine Bunchgrass

No natural vegetation communities considered sensitive by the CDFW occur in the project site.

Critical habitat for the following nine species occurs within the 12 quad search region (USFWS 2022b):

- Alameda Whipsnake *(Masticophis lateralis)*
- California red-legged frog *(Rana draytonii)*
- Chinook Salmon *(Oncorhynchus tshawytscha)*
- Green sturgeon *(Acipenser medirostris)*
- Western Snowy Plover
- vernal pool fairy shrimp
- Contra Costa goldfields

- Delta Smelt
- Northern Spotted Owl

No USFWS-designated critical habitat occurs in the project site.

e. Wildlife Movement Corridors

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

The habitats within the linkages do not necessarily need to be the same or of the same quality as the habitats that are being linked. Rather, the linkage merely needs to contain sufficient cover and forage to allow temporary inhabitation by ground-dwelling species. Typically, habitat linkages are contiguous strips of natural areas, though dense plantings of landscape vegetation can be used by certain disturbance-tolerant species. Depending upon the species using a corridor, specific physical resources (such as rock outcroppings, vernal pools, or oak trees) may need to be located within the habitat link at certain intervals to allow slower-moving species to traverse the link. For highly mobile or aerial species, habitat linkages may be discontinuous patches of suitable resources spaced sufficiently close together to permit travel along a route in a short period of time.

Wildlife movement corridors can be both large and small scale. One essential connectivity area (ECA) is mapped by the California Essential Habitat Connectivity Project (CEHCP) along the eastern border of the project site (Spencer et.al 2010). The corridor connects natural landscape blocks east of American Canyon along the Howell Mountain range. From the hills north of the cities of Vallejo and Benicia it extends northwest, parallel with Napa Valley to the Lake County border. This ECA may serve as a movement corridor for the state provisionally protected Southern California/Central Coast Evolutionarily Significant Unit of mountain lion. CDFW characterizes the value of ECAs based on permeability to wildlife movements. As mapped by CEHCP, the edges of the nearest connectivity area become increasingly less suitable as they extend toward American Canyon.

4.4.2 Regulatory Setting

a. Federal Regulations

Federal Endangered Species Act

The Federal Endangered Species Act of 1973 (FESA) and subsequent amendments provide for the conservation of endangered and threatened species, and the ecosystems upon which they depend. FESA is intended to prevent the unlawful “take” of listed fish, wildlife, and plant species. Section 9(a)(1)(B) specifically states take of species listed as threatened or endangered is unlawful. Take is defined as any action that would harass, harm, pursue, hunt, wound, shoot, kill, trap, capture, or collect any threatened or endangered species. Section 10 of the FESA allows the USFWS to issue incidental take permits if take of a listed species may occur during otherwise lawful activities. Section 10(a)(1)(B) requires a Habitat Conservation Plan for an incidental take permit on non-federal lands. Section 7 of the FESA requires federal agencies to aid in the conservation of listed species,

and to ensure that the activities of federal agencies will not jeopardize the continued existence of listed species or adversely modify designated critical habitat. The USFWS and the National Oceanic and Atmospheric Administration (NOAA) are responsible for administration of the FESA and have regulatory authority over federally listed species.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds, and prohibits the removal of nests occupied by migratory birds. The USFWS has regulatory authority for the MBTA.

Clean Water Act

The United States Army Corps of Engineers (USACE), under provisions of Section 404 of the Clean Water Act (CWA) and USACE implementing regulations, has jurisdiction over the placement of dredged or fill material into "waters of the United States." Congress enacted the CWA "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." In practice, the boundaries of certain waters subject to USACE jurisdiction under Section 404 have not been fully defined. Previous regulations codified in 1986 defined "waters of the United States" as traditional navigable waters, interstate waters, all other waters that could affect interstate or foreign commerce, impoundments of waters of the United States, tributaries, the territorial seas, and adjacent wetlands.

USACE jurisdictional limits are typically identified by the Ordinary High Water Mark (OHWM) or the landward edge of adjacent wetlands (where present). The OHWM is the "line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area" (33 Code of Federal Regulations 328.3).

The USACE defines wetlands as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3). The USACE's delineation procedures identify wetlands in the field based on indicators of three wetland parameters: hydrophytic vegetation, hydric soils, and wetland hydrology.

Fish and Wildlife Coordination Act

The USFWS also has responsibility for project review under the Fish and Wildlife Coordination Act. This statute requires that all federal agencies consult with USFWS, NOAA Fisheries, and the State's wildlife agency (CDFW) for activities that affect, control, or modify streams and other water bodies. Under the authority of the Fish and Wildlife Coordination Act, USFWS, NOAA Fisheries, and the CDFW review applications for permits issued under Section 404 and provide comments to the USACE about potential environmental impacts.

b. State Regulations

California Endangered Species Act

The CDFW is responsible for administration of CESA. For projects that may affect both a State and federal listed species, compliance with the FESA will satisfy the CESA, provided the CDFW determines that the federal incidental take authorization is consistent with the CESA.

Take is defined in CFGC Section 86 as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The CESA allows for take incidental to otherwise lawful activities under CFGC Section 2081. Project proponents wishing to obtain incidental take permits can do so through a permitting process outlined in California Code of Regulations (CCR) Section 783. Additionally, some sensitive mammals and birds are protected by the state as Fully Protected Mammals or Fully Protected Birds, as described in the CFGC, Sections 4700 and 3511, respectively.

Projects that may result in a take of a California listed species require a take permit under the CESA. The federal and State acts lend protection to species considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or den locations, communal roosts, and other essential habitat. Unlike the FESA, the CESA prohibits the take of not just listed endangered or threatened species, but also candidate species (species petitioned for listing).

The CESA defines an endangered species as:

> …a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

A threatened species is defined as:

> …a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.

Candidate species are defined as:

> …a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.

Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened or endangered species by stating:

> …no person shall import into this State, export out of this State, or take, possess, purchase, or sell within this State, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided.

California Fish and Game Code - Nesting Bird Protection

According to CFGC Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird [except English sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*)]. Sections 3503 and 3513 prohibit the taking of specific birds, their nests, eggs, or any portion thereof during the nesting season. Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 essentially overlaps with the federal MBTA, prohibiting the take or possession of any migratory nongame bird.

California Native Plant Protection Act

The California Native Plant Protection Act (NPPA) was enacted in 1977 and allows the California Fish and Wildlife Commission to designate plants as rare or endangered. Currently, 64 species, subspecies, and varieties of plants are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites; changes in land use; and in certain other situations. Effective in 2015, CDFW promulgated regulations (14 CCR 786.9) under the authority of the NPPA, establishing that the CESA permitting procedures (CFG Code Section 2081) would be applied to plants listed under the NPPA as "Rare." With this change, there is little practical difference between regulations and protocols for plants listed under CESA and those listed under the NPPA.

Clean Water Act Section 401, Porter-Cologne Water Quality Control Act

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) have jurisdiction over “waters of the State,” which are defined as any surface water or groundwater, including saline waters, within the boundaries of the state (California Water Code sec. 13050(e)). These agencies also have responsibilities for administering Section 401 of the CWA. In addition, where Federal jurisdiction is not asserted (for example, due to a lack of connectivity to a Relatively Permanent Waters [RPW] and Traditional Navigable Waters [TNW]), RWQCB assert jurisdiction over “waters of the State” pursuant to Section 13263 of the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. In this event, the SWRCB may issue general Waste Discharge Requirements (WDRs) regarding discharges to “isolated” waters of the State if limiting criteria are not exceeded (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the USACE to be Outside of Federal Jurisdiction) or project-specific WDRs.

The SWRCB and RWQCBs have not established regulations for field determinations of waters of the state except for wetlands. In many cases the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance, each RWQCB may interpret jurisdictional boundaries within their region and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may

include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to the USACE.

Procedures for defining wetland waters of the State pursuant to the SWRCB's *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* went into effect May 28, 2020. The SWRCB defines an area as wetland if, under normal circumstances:

> the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

The SWRCB's *Implementation Guidance for the Wetland Definition and Procedures for Discharges of Dredge and Fill Material to Waters of the State* (2020), states that waters of the U.S. and waters of the State should be delineated using the standard USACE delineation procedures, taking into consideration that the methods shall be modified only to allow for the fact that a lack of vegetation does not preclude an area from meeting the definition of a wetland.

California Fish and Game Code Section 1600 et seq.

Pursuant to CFGC Section 1600, CDFW has authority over all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state, and requires any person, state or local governmental agency, or public utility to notify the CDFW before beginning any activity that would "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake" that supports fish or wildlife resources.

A stream is defined as a "body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation" (California Code of Regulations, Title 14 Section 1.72). A Lake or Streambed Alteration Agreement may be required for any project that would result in an adverse impact to a river, stream, or lake. CDFW jurisdiction typically extends to the top of the bank and out to the outer edge of adjacent riparian vegetation if present. However, CDFW can take jurisdiction over a body of flowing water and the landform that conveys it, including water sources and adjoining landscape elements that are byproducts of and affected by interactions with flowing water without regard to size, duration, or the timing of flow.

CDFW Special Animals List

Special-status wildlife species are those species included on the CDFW "Special Animals" list (CDFW 2020). "Special Animal" is a general term that refers to all the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. The CDFW considers the taxa on this list to be those of greatest conservation need. The species on this list generally fall into one or more of the following categories:

- Officially listed or proposed for listing under the CESA and/or FESA
- State or Federal candidate for possible listing
- Taxa that meet the criteria for listing, even if not currently included on any list, as described in CEQA Guidelines Section 15380

- Taxa considered by the Department to be a Species of Special Concern
- Taxa that are biologically rare, very restricted in distribution, declining throughout their range, or have a critical vulnerable stage in their life cycle that warrants monitoring
- Populations in California that may be on the periphery of a taxon's range but are threatened with extirpation in California

c. Local Regulations

American Canyon General Plan

The Land Use Element and Natural and Historic/Cultural Resources Element of the American Canyon General Plan set the guidelines to protect and preserve significant flora and fauna along with significant habitats that exist within the City of American Canyon and its planning area. The objectives within the natural and historic/cultural resources element facilitate protection of sensitive habitats including vernal pool, natural drainages, and riparian habitats among other habitats. The following policies contained within the General Plan provide for resource conservation and the appropriate management of development.

Goal 8: Protect and preserve the significant habitats, plants and wildlife that exist in the City and its Planning Area.

Objective 8.1: Maintain data and information regarding areas of significant biological value within the Planning Area to facilitate resource conservation and the appropriate management of development.

> **Policy 8.1.1**: Acquire and maintain the most current information available regarding the status and location of sensitive biological elements (species and natural communities) within the City and, as appropriate, within the Sphere of Influence and Urban Limit Line.
>
> **Policy 8.1.4:** Regularly monitor and review developments proposed within the City's Planning Area to assess their impacts on local biological resources and to recommend appropriate mitigation measures that the developer and/or government agency can implement.

Objective 8.2: Balance the preservation of natural habitat areas, including coastal saltmarsh, mixed hardwood forest, oak savanna, and wetland and riparian habitats, with new development in the City.

> **Policy 8.2.1**: Land use applications for developments located within sensitive habitats, including coastal saltmarsh, mixed hardwood forest, oak savanna, and riparian habitats (see Figure 8-1) [General Plan], or with areas potentially occupied by vernal pools (see Figure 8-2) [General Plan] shall be accompanied by sufficient technical background data to enable an adequate assessment of the potential for impacts on these resources, and possible measures to reduce any identifiable impacts. In addition to examining Figure 8-1 [General Plan] for information on these sensitive habitats, an on-site assessment shall be conducted by a City approved qualified Biologist to determine whether sensitive habitats exist on-site, in instances where the potential for significant impacts exists, the applicant must submit a Biological Assessment Report prepared by a qualified professional.

Objective 8.3: Protect natural drainages and riparian corridors within the American Canyon Planning Area.

Policy 8.3.1: Review proposed developments in wetlands and riparian habitats to evaluate their conformance with the following policies and standards:

a. The development plan shall fully consider the nature of existing biological resources and all reasonable measures shall be taken to avoid significant impacts, including retention of sufficient natural open space and undeveloped buffer zones.
b. Development shall be designed and sited to preserve watercourses, riparian habitat, vernal pools, and wetlands in their natural condition, unless these actions result in an unfeasible project, in which case habitat shall be replaced in accord with subsection "g" (below).
c. Where riparian corridors are retained, they shall be protected by an adequate buffer with a minimum 100-foot protection zone from the edge of the tree, shrub, or herb canopy (see Policy 8.3.2).
d. Development shall incorporate habitat linkages (wildlife corridors) to adjacent open spaces, where appropriate and feasible.
e. Development shall incorporate fences, walls, vegetative cover, or other measures to adequately buffer habitat areas, linkages, or corridors from built environment.
f. Roads and utilities shall be located and designed such that conflicts with biological resources, habitat areas, linkages or corridors are avoided where feasible.
g. Future development shall utilize appropriate open space or conservation easements in order to protect sensitive species or their habitats.
h. Future development shall mitigate unavoidable adverse impacts to waters of the United States, wetlands, and riparian habitats (pursuant to the federal Clean Water Act and the California Fish and Game Code, Section 1600 et seq.) by replacement on an in-kind basis. Furthermore, replacement shall be based on a ratio determined by the California Department of Fish and Wildlife and/or United States Army Corps of Engineers in order to account for the potentially diminished habitat values of replacement habitat. Such replacement should occur on the original development site, whenever possible. Alternatively, replacement can be affected, subject to State and federal regulatory approval, by creation or restoration of replacement habitats elsewhere (off-site but preferably within the City's Planning Area), protected in perpetuity by provision for an appropriate conservation easement or dedication.

Policy 8.3.5: Establish a network of open spaces along the City's natural drainages and riparian corridors and link significant biological habitats. Any recreational use of these areas shall be designed to avoid damaging sensitive habitat areas.

Policy 8.3.6: Preserve and integrate the City's natural drainages in new development, as opposed to their channelization or undergrounding, emphasizing opportunities for the development of pedestrian paths and greenbelts along their lengths throughout the City.

Objective 8.4: Protect local vernal pools as well as the habitats of endangered species living within American Canyon's Planning Area.

Policy 8.4.1: Require that development plans incorporate all reasonable mitigation measures to avoid significantly impacting vernal pools for projects located within American Canyon's Planning Area.

Policy 8.4.2: Preserve, where possible, the habitat of several in-fact endangered species, including those shown on Figure 8-2 and listed in Table 8-1, as well as those that may be considered by the City in the future.

Policy 8.4.3: Encourage activities that improve the biological value and integrity of the City's natural resources through vegetation restoration, control of alien plants and animals, and landscape buffering.

4.4.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on biological resources if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
3. Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. Interfere substantially (i.e., direct/indirect reduction) with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
6. Conflict with the provisions of an adopted Habitat Preservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Methodology

The impact analysis is based on a review of available literature and of existing biological conditions within the proposed annexation area. Impacts to biological resources were assessed using the significance thresholds described above. Impacts to flora and fauna may be determined to be significant even if they do not directly affect rare, threatened, or endangered species because development by the project may result in indirect impacts to species. Potential impacts to special status species due to future specific development within the project site will be determined during each projects' development. Impacts to sensitive biological resources are analyzed accordingly here and are not considered as permanent or temporary impacts to the entire annexation area. Potential for the project to result in significant impacts to special status biological resources is addressed below.

Threshold 1:	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact BIO-1 THE PROJECT MAY RESULT IN DIRECT OR INDIRECT IMPACTS TO SPECIAL-STATUS SPECIES, THEIR ASSOCIATED HABITATS, AND NESTING BIRDS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

A total of 54 special-status wildlife and 73 special-status plant species are known to occur within the 12 quad search area. Of these species, three special-status wildlife species have a moderate or greater potential to occur within the project site. This includes western burrowing owl, Swainson's hawk, and white-tailed kite. In addition, nesting migratory birds may occur within the project site. Migratory birds nest within a variety of habitats such as gravel, grasses, bushes, or trees. Construction of future development and the extension of Newell Drive could result in direct impacts to migratory birds, Swainson's hawk, and white-tailed kite. Impacts to these species may include injury, mortality, or nest abandonment due to construction activities, noise, and/or dust. Impacts to active nests would be considered significant.

Suitable western burrowing owl habitat is present in annual grassland, and ruderal habitats throughout the project site. Suitable burrows were observed during the reconnaissance survey; therefore, the species is determined to have a moderate potential to occur within the proposed annexation. Impacts to western burrowing owls would be limited to project activity that would directly affect an occupied burrow (temporarily or permanently damage or destroy the burrow), or project activity that would disrupt active breeding or wintering owls within 500 feet of construction activity. Owls can be disturbed by construction noise and human activity and may abandon active burrows, including during breeding. Impacts to active western burrowing owl burrows would be considered significant. Implementation of the mitigation measures below would avoid and minimize potential impacts to western burrowing owl, Swainson's hawk, white-tailed kite, and other nesting birds during construction.

Impacts from the operation of the Newell Drive Extension, including vehicle collisions to individuals of the aforementioned species are unlikely to be substantial. These impacts would be less than significant.

Mitigation Measure

BIO-1 Site-Specific Biological Resources Assessment

The City shall implement the following measures during environmental review of future development within the project site. On a project-by-project basis, a preliminary biological resource screening shall be performed to determine whether a specific project has the potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, nesting birds, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be

sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be necessary. The City shall review and approve the BRA prior to project approval.

BIO-2 Pre-construction Surveys for Swainson's Hawk, Other Raptors and Nesting Birds

Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season (September 16 to January 31), when feasible. If construction activities occur during the nesting bird season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to Swainson's hawk, protected raptor species, and other nesting birds protected by the MBTA and CFGC.

A qualified biologist shall conduct surveys for Swainson's hawk between January 1 and March 20. A preconstruction survey for other raptors and nesting birds shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the project site and include a 150-foot buffer for passerines, 500-foot buffer for other raptors, and 0.5 mile buffer for active Swainson's hawk nests. The surveys shall be conducted by a biologist familiar with the identification of avian species known to occur in the region. It is recommended that surveys follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If a Swainson's hawk or white-tailed kite nest is found, the biologist shall set up appropriate buffers in consultation with CDFW.

If the nesting bird survey results are negative, no further action is required. If nests are found, the biologist shall determine and demarcate an appropriate avoidance buffer with high visibility material. For Swainson's hawk nests, the biologist shall establish an avoidance buffer of up to 0.5 mile based on the nest location in relation to the construction activity, the line-of-sight from the nest to the construction activity, and observed hawk behavior at the nest.

The qualified biologist shall notify all construction personnel of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the biologist.

Results of the preconstruction nesting bird survey shall be submitted to the City in a brief letter report no more than 30 days after completion of the survey.

BIO-3 Pre-construction Surveys for Western Burrowing Owl

Prior to ground disturbance activities, a qualified biologist shall conduct pre-construction clearance surveys within suitable natural habitats and ruderal areas throughout the project site, to confirm the presence/absence of active western burrowing owl burrows. The surveys shall be consistent with the recommended survey methodology provided by CDFW's Staff Report on Burrowing Owl Mitigation. Clearance surveys shall be conducted within 30 days prior to construction and ground disturbance activities. If no western burrowing owls are observed, no further actions are required. If western burrowing owls are detected during the pre-construction clearance surveys, the following measures shall apply:

- Avoidance buffers during the breeding and non-breeding season shall be implemented in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation minimization mitigation measures.
- If avoidance of western burrowing owls is not feasible, then additional measures such as passive relocation during the nonbreeding season and construction buffers of 200 feet during the breeding season shall be implemented, in consultation with CDFW. In addition, a Western Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993).

Project applicants shall submit evidence of clearance surveys, avoidance buffers or additional measures to the City as required.

BIO-4 Worker Environmental Awareness Program

Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project site. The program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form documenting attendance at the Worker Environmental Awareness Program and that they understand the information presented to them. The form shall be submitted to the City to document compliance.

Significance After Mitigation

With implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4, impacts from the project on special status species, nesting birds, and associated habitats would be mitigated to a less than significant level.

Threshold 2:	Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact BIO-2 NO RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITIES ARE PRESENT IN THE PROJECT SITE. NO IMPACT WOULD OCCUR.

The northern portion of the project site is bisected by North Slough, flowing north to south. The slough and the rest of the project site do not contain riparian habitat or other sensitive natural communities even though they are potentially jurisdictional and subject to USACE, RWQCB, and CDFW oversight (see Appendix B). Impacts on jurisdictional waters are addressed in Impact BIO-3. Because there is no riparian habitat or other sensitive natural communities on the project site, development within the project site would not have a substantial adverse impact on any riparian habitat or other sensitive natural community, including protected wetlands; therefore, there would be no impact.

Mitigation Measure

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 3:	Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Impact BIO-3 IMPLEMENTATION OF THE PROJECT MAY RESULT IN IMPACTS TO STATE OR FEDERALLY PROTECTED WATERS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The northern portion of the project site includes the North Slough, which is characterized as unvegetated waters and are potentially state and federally jurisdictional (Appendix B). In addition, the area east of the project site includes areas that drain to North Slough and may be potentially jurisdictional. The potential jurisdictional features have been historically diverted from their natural topographic drainages (i.e., the typical gradient being downhill and flowing north to south or east to west) and redirected through a system of culverts and ditches onto and through the project site, flowing into North Slough.

There are several components of the project that cross these potentially jurisdictional areas, including the following:

- A portion of the Newell Drive Extension and areas with new pre-zoning (Residential Estate, Paoli Light Industrial, Paoli Light Industrial: Commercial Overlay) would cross the North Slough.
- An area pre-zoned as Paoli Light Industrial would cross an area that drains to North Slough.
- A portion of the Newell Drive Extension along the northern portion of the annexation area would cross an area that drains to North Slough.

No development is being proposed in the areas pre-zoned as Residential Estate. As such, there would be no impact to the portion of North Slough in the Residential Estate pre-zoning. Future development could occur in the proposed Paoli Light Industrial and Paoli Light Industrial: Commercial Overlay pre-zoning. Construction of future development, including upgrades to utilities and stormwater drainage, may require work within the North Slough and the area that drains to North Slough, including dredge or fill within potential jurisdictional waters. The southern potential jurisdictional feature has been substantially diverted from its natural topographic course (i.e., the typical gradient being downhill and flowing north to south or east to west) and redirected through a system of culverts and ditches, and ultimately through the project site toward North Slough. Because the project could impact these potentially jurisdictional features, impacts would be potentially significant.

In addition, the City has identified that the Newell Drive Extension would align with the northern boundary of the project site. The Newell Drive Extension would cross the North Slough with a clear span overcrossing. There would be no impact to the North Slough due to the Newell Drive Extension. A section of the northern potential jurisdictional feature would be directly impacted due to the road alignment. The northern potential jurisdictional feature also contains concentrated runoff that is diverted through the project site. Because the northern potential jurisdictional feature is a potentially jurisdictional water, impacts would be potentially significant.

For development that would occur in these areas, permitting pursuant to Section 404/401 of the CWA Section, and Section 1600 *et seq.* of the CFGC would be required. Actual jurisdictional areas are determined by the State and federal authorities at the time that permits are requested, and the agencies are responsible for describing avoidance, minimization, and mitigation measures, if required. Mitigation Measure BIO-5 would require that future applicants prepare an aquatic resources delineation and preliminary jurisdictional determination report, either to ensure avoidance of potentially jurisdictional waters or for submittal to the agencies for verification of their jurisdictions. Mitigation Measure BIO-6 would require setbacks around the North Slough to avoid impacts to that feature. Nonetheless, even with these measures, there is still the potential that the project could result in the permanent loss of a jurisdictional feature. As such, Mitigation Measure BIO-7 would require mitigation to compensate for the loss of jurisdictional water features.

Mitigation Measures

BIO-5 Aquatic Resources Delineation

A qualified biologist shall complete an aquatic resources delineation survey that establishes the extent of the waters of the U.S. and State and identify the potential jurisdictional limits of USACE, RWQCB, and CDFW. The delineation shall be conducted in accordance with the requirement set forth by each agency and the results presented in a report that shall be submitted to the City, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If the USACE asserts its authority, then a permit pursuant to Section 404 of the CWA would be required. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Section 401 Water Quality Certification and/or Waste Discharge Requirement permit (depending upon whether the feature falls under federal jurisdiction or not). If CDFW asserts its jurisdictional authority, then a Lake or Streambed Alteration Agreement pursuant to Section 1600 et seq. of the CFGC would also be required prior to construction within the areas of CDFW jurisdiction.

BIO-6 General Avoidance and Minimization

Development shall be designed to avoid potentially jurisdictional features identified in aquatic resources delineation reports (Mitigation Measure BIO-4), to the extent feasible. No development shall occur within 50 feet of the top of bank for North Slough. Projects with potentially jurisdictional features shall provide the City with a report detailing how all identified aquatic features will be avoided, including groundwater draw down, prior to project approval.

BIO-7 Restoration for Impacts to Waters and Wetlands

If the project cannot be designed to avoid impacts to waters and wetlands (as described in Mitigation Measure BIO-6), then impacts shall be fully mitigated at an appropriate ratio, as determined by a qualified biologist and in accordance with regulatory agency requirements. Mitigation can be achieved through the setting aside or acquisition and in-perpetuity management of similar habitat on-site (this can include restoration of jurisdictional features within the project site) or as close to the impact habitat as possible. Mitigation lands must be placed into a conservation easement or other covenant restricting future development. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submittal to the regulatory agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved mitigation bank. Mitigation lands or in lieu funding sufficient to acquire lands should provide habitat at a minimum

1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. The City shall review and approve the plan before submittal to the agencies.

Significance After Mitigation

With implementation of Mitigation Measures BIO-5, BIO-6, and BIO-7, impacts to state or federally protected waters and wetlands from development facilitated by the project would be minimized. This impact would be less than significant after mitigation.

Threshold 4:	Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Impact BIO-4 IMPLEMENTATION OF THE PROJECT WOULD NOT SUBSTANTIALLY IMPEDE THE MOVEMENT OF NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS AFTER THE IMPLEMENTATION OF MITIGATION MEASURE BIO-6. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The project site is not within a designated ECA and does not function as a significant regional or local wildlife movement corridor. North Slough, which bisects the northern portion of the project site may provide a natural movement corridor for wildlife through the project site. As such impacts on the North Slough would result in potentially significant impacts on wildlife movement. Nonetheless, impacts on North Slough would be avoided by implementing Mitigation Measure BIO-6. The Newell Drive Extension over North Slough is unlikely to impact the movement of wildlife through North Slough because it would be an overcrossing. Wildlife movement is likely to be concentrated along North Slough; therefore, the project would be unlikely to impact the movement of wildlife across the landscape as the overcrossing would provide wildlife with an unobstructed natural movement corridor.

Filling of the areas that drain to North Slough would be unlikely to impact the movement of wildlife beyond the project area. This is because the existing Union Pacific Railroad tracks bisect the area that drains to North Slough. This area, therefore, does not serve as a significant movement corridor for wildlife. As such, the impacts on wildlife movement from filling the area that drains to North Slough would be less than significant.

Mitigation Measures

Mitigation Measure BIO-6 (see Impact BIO-3).

Significance After Mitigation

With implementation of Mitigation Measure BIO-6, impacts to wildlife movement would be minimized through the protection of North Slough, which can be used by wildlife for movement. This impact would be less than significant after mitigation.

Threshold 5:	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact BIO-5 IMPLEMENTATION OF THE PROJECT COULD CONFLICT WITH LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE. HOWEVER, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The project, when annexed would fall under the jurisdiction of the City of American Canyon, which provides protection for biological resources through the implementation of its General Plan and Zoning Code. The American Canyon General Plan includes policies to guide decisions on future growth, development, and conservation of resources. This includes the Natural and Historic/Cultural Resources Element, which aim to preserve the natural and scenic resources (American Canyon 1994).

The Natural and Historic/Cultural Resources Element includes an objective to protect natural drainages (Objective 8.3) and a policy to review proposed developments in wetlands, require preservation of watercourses as feasible, and require mitigation for impacts on waters (Policy 8.3.1). As described in Impact BIO-3, there would be a potentially significant impact on waters (i.e., potentially jurisdictional features); however, these impacts would be mitigated to a less than significant level through the implementation of Mitigation Measures BIO-5, BIO-6, and BIO-7. The project could potentially result in a conflict with a policy protecting biological resources; however, implementation of Mitigation Measures BIO-5, BIO-6, and BIO-7 would ensure that the project is consistent with the policy and impacts would be less than significant with mitigation.

Mitigation Measures

Mitigation Measures BIO-5, BIO-6, and BIO-7 (see Impact BIO-3).

Significance After Mitigation

Impacts would be less than significant with mitigation.

Threshold 6:	Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Impact BIO-6 IMPLEMENTATION OF THE PROJECT WOULD NOT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN. NO IMPACT WOULD OCCUR.

There are no habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans in the project site. Therefore, future development on the project site and the extension of Newell Drive would not conflict with such plans. No impact would occur.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

4.4.4 Cumulative Impacts

The geographic scope for cumulative biological resources impacts includes the City and adjacent projects in Napa County. This geographic scope is appropriate for biological resources because it encompasses a variety of land cover and habitat types (and associated biological resources) affected by the project, including primarily urban development with areas of natural habitats.

Because the project would have no impact related to riparian habitat or other sensitive natural community and because the project would have no impact from conflicts with a habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans, the project would not contribute to a cumulative impact. As such, there would be no cumulative impact to these resources, and they are not discussed further.

Cumulative development may also affect western burrowing owl, Swainson's hawk, white-tailed kite, and nesting birds during construction. However, because the project would implement mitigation measures (BIO-1 through BIO-4), which would minimize impacts to these species during construction, the project's contribution to a cumulative impact would be less than considerable. In addition, cumulative development could also result in the loss of foraging and breeding habitat for these species. Although the project could permanently remove nonnative grasslands that are used by western burrowing owl, Swainson's hawk, white-tailed kite, and nesting birds, nearby habitat would remain in the area that could be used by the species, including at the Newell Open Space Preserve. In fact, as a part of the Watson Ranch Project, the City would include conservation easement areas to provide habitat for special-status species (City of American Canyon 2018). As such, cumulative impacts on special-status species would be less than significant.

As described in Impacts BIO-3 and BIO-5, the project could result in impacts to aquatic resources, as well as a conflict with a policy protecting aquatic resources; however, project impacts would be less than significant through the application of mitigation (Mitigation Measures BIO-5, BIO-6, and BIO-7). A cumulative impact could occur if cumulative projects also result in impacts to aquatic resources. Other cumulative projects would be required to comply with existing regulations, as summarized in Section 4.4.2, *Regulatory Setting,* which include requirements to protect aquatic resources. Cumulative projects in the City of American Canyon would be required to comply with Policy 8.3.1 in the General Plan, which includes requirements to review projects in wetlands and riparian habitats, protection of aquatic resources, and if needed compensatory mitigation. Because cumulative projects would be required to adhere to existing regulations that protect aquatic resources, cumulative impacts on aquatic resources and conflicts with policies would be less than significant.

As described in Impact BIO-4, wildlife movement in the project site would be concentrated along the North Slough and implementation of Mitigation Measure BIO-6 would ensure that wildlife movement would be maintained. Other cumulative projects could result in an impact on wildlife movement if they resulted in impacts to natural areas where wildlife movement occurs. However, because the project would maintain wildlife movement in the project site, the project's contribution to a cumulative impact would be less than considerable.

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4.5 Cultural Resources

This section analyzes the potential effects on cultural resources related to implementation of the project.

4.5.1 Setting

a. Cultural Setting

The cultural setting for the project site is presented broadly in three overviews: Prehistoric, Ethnographic, and Historic. The prehistoric and historic overviews describe human occupation before and after European contact. The ethnographic overview in the Section 4.16, *Tribal Cultural Resources* provides a synchronic "snapshot" of traditional Native American culture.

Prehistory

The project site lies in the San Francisco Bay Area archaeological region (Milliken et al. 2007, Moratto 1984). Milliken et al. (2007) generally divided the prehistoric chronology of the Bay Area into five periods: The Early Holocene (8,000-3,500 before common era [BCE]), Early Period (3,500-500 BCE), Lower Middle Period (500 BCE to CE 430 common era [CE]), the Upper Middle Period (430-1050 CE), and the Late Period (1050 CE-contact).

It is presumed that early Paleoindian groups lived in the area prior to 8,000 BCE; however, no evidence for this period has been discovered in the San Francisco Bay Area (Milliken et al. 2007). Sites dating to this period may be submerged or deeply buried as a result of rising sea levels and widespread sediment deposition that has occurred since the Terminal Pleistocene (Byrd et al. 2017). For this reason, the Terminal Pleistocene Period (ca. 11,700-8,000 BCE) is not discussed here.

The earliest intensive study of the archaeology of the San Francisco Bay Area began with N.C. Nelson of the University of California, Berkeley, between 1906 and 1908. He documented over 400 shell mounds throughout the area. Nelson was the first to identify the Bay Area as a discrete archaeological region (Moratto 1984).

Early Holocene (8,000-3,500 BCE)

Archaeological evidence from the early Holocene is limited as sites dating to this period are likely buried under Holocene alluvial deposits (Moratto 1984; Ragir 1972). The available data suggests that the Early Holocene in the San Francisco Bay Area is characterized by a mobile forager pattern and the presence of millingslabs, handstones, and a variety of leaf-shaped projectile points. Two archaeological sites (CA-CCO-696 and CA-CCO-637) dating to this period have been identified in Contra Costa County at the Los Vaqueros Reservoir. The earliest date for the Early Holocene comes from the CA-CCO-696, dating to approximately 7000 BCE (Milliken et al. 2007).

Early Period (3,500-600 BCE)

The Early Period saw increased sedentism with the introduction of new ground stone technologies (i.e., mortar and pestle), an increase in regional trade, and the first cut shell beads. The earliest evidence for the use of the mortar and pestle in the San Francisco Bay Area dates to 3800 BCE and comes from archaeological site CA-CCO-637. By 1500 BCE, mortars and pestles had almost completely replaced millingslabs and handstones, indicating a greater reliance on processing nuts,

especially acorns. Faunal evidence from various sites during this person indicate a diverse faunal exploitation pattern based on the presence mussel and other shellfish, marine mammals, terrestrial mammals, and birds within sites dating to this period (D'Oro 2009).

The earliest cut bead horizon is also associated with this period. Rectangular Haliotis spp. (abalone) and Callianax biplicate (formerly *Olivella biplicata*) (Vellanoweth et al. 2014) (snail) beads have been identified at several Early Period sites, including CA-CCO-637, CA-SCL-832 in Sunnyvale, and CA-ALA-307 in Berkeley (Milliken et al. 2007). These early examples of cut beads were recovered from mortuary contexts.

Lower Middle Period (500 BCE-CE 430)

The Lower Middle Period saw numerous changes from the previous period. The presence of chipped stone points and bone tools became typical. Rectangular shell beads (common during the Early Period) disappear completely and are replaced by split-beveled and saucer Olivella beads. Haliotis spp. ornaments, bone tools and ornaments, and basketry awls also became typical, indicating the development of coiled basketry technology. Mortars and pestles continued to be the dominant grinding tool (Luby and Gruber 1999; Milliken et al. 2007).

Evidence for the Lower Middle Period in the Bay Area comes from sites such as the Emeryville shell mound (CA-ALA-309) and Ellis Landing (CA-CCO-295). The Emeryville shell mound (CA-ALA-309) is one of the largest shell mounds in the San Francisco Bay Area and contains multiple cultural sequences. The lower levels of the site, which date to the Middle Period, contain flexed burials with bone implements, chert bifaces, charmstones, and oyster shells (Moratto 1984).

Upper Middle Period (CE 430-1050)

Around CE 430, Olivella saucer bead trade networks that had been established during earlier periods collapsed and over half of known sites occupied during the Lower Middle Period were abandoned. Olivella saucer beads were replaced with Olivella saddle beads. New types of material culture appear within these sites, including elaborate, decorative blades, fishtail charmstones, new Haliotis spp. ornament forms, and mica ornaments. Sea otter bones became more abundant, while salmon and other fish became less so, suggesting changes in faunal exploitation patterns from earlier periods (Milliken et al. 2007; Simons and Carpenter 2009). Excavations at archaeological site CA-ALA-309 indicate that a shift from mussels to oysters, and oysters to clams may have occurred (Gifford 1916). Isotopic analysis confirms that San Francisco Bay Area individuals shifted from hunting higher-trophic-level foods in the Early Period to gathering foods like plants and shellfish in the Middle and Upper Periods (Burns et. al 2012). Subsistence analyses at various sites dating to this period indicate a diverse diet that included numerous species of fish, mammals, birds, shellfish, and plant resources that varied by location in the San Francisco Bay Area (Hylkema 2002).

Late Period (CE 1050-contact)

The Late Period saw an increase in social complexity, indicated by differences in burials and an increased level of sedentism relative to preceding periods, evidenced by mortars weighing up to 90.7 kilograms (Lentz 2012). An increase in imported Napa Valley obsidian occurred during this time for the production of smaller points, preforms and simple flake tools. Small, finely worked projectile points of the Stockton Serrated series associated with bow and arrow technology appear around CE 1250. Olivella shell beads disappeared and were replaced with Olivella lipped and spire -lopped beads in the South Bay and clamshell disk beads in the North Bay. Thicker and larger beads indicated higher affluence. The toggle harpoon, hopper mortar, and magnesite tube beads also

appeared during this period (Milliken et al. 2007; Lentz 2012; Von Der Porten et al. 2014), as did an increase in the intensity of resource exploitation that correlates with an increase in population (Moratto 1984). Many of the well-known sites of earlier periods, such as the Emeryville shell mound (CA-ALA-309) and the West Berkeley site (CA-ALA-307) were abandoned, as indicated by the lack of Late Period elements. Researchers have suggested that the abandonment of these sites may have resulted from fluctuating climates and drought that occurred throughout the Late Period (Lightfoot and Luby 2002).

b. Historic Context

The Post-European contact history of California is generally divided into three periods: the Spanish Period (1769–1822), the Mexican Period (1822–1848), and the American Period (1848–present). Each of these periods is briefly described below.

Spanish Period (1769 – 1822)

For more than 200 years, Cabrillo and other Spanish, Portuguese, British, and Russian explorers sailed the Alta (upper) California coast and made limited inland expeditions, but they did not establish permanent settlements (Bean 1968; Rolle 2003). Explorers such as Francis Drake and Sebastian Cermeno explored the San Francisco Bay area in the late 1500s (Bean 1968). Gaspar de Portolá and the Franciscan Father Junípero Serra established the first Spanish settlement in Alta California at Mission San Diego de Alcalá in 1769, the first of 21 missions erected by the Spanish. Portolá continued north, reaching the San Francisco Bay later that year. Pedro Fages' expedition also explored the region in 1772 (Cook 1957). Mission San Francisco de Asis and the San Francisco presidio (military fort) were founded in 1776, and Mission San Rafael Arcangel was built in 1817, all within about 30 miles of the project site (Presidio Trust 2020; California Missions Foundation, N.D.).

Mexican Period (1822 – 1848)

The Mexican Period commenced when news of the success of the Mexican Revolution (1810-1821) against the Spanish crown reached California in 1822. This period saw the federalization of mission lands in California with the passage of the Secularization Act of 1833. This Act enabled Mexican governors in California to distribute former mission lands to individuals in the form of land grants. Successive Mexican governors made more than 700 land grants between 1822 and 1846, putting most of the state's lands into private ownership for the first time (Shumway 2007). The approximately 80,000-acre Rancho Suscol or Soscol was acquired by General Vallejo in 1843; which encompasses the project site (City of Sonoma, N.D.).

The Mexican period saw an increased importance of sea trade and an influx of American settlers, which motivated the United States to expand their territory into California. The United States supported a small group of insurgents from Sonoma during the Bear Flag Revolt. The Bear Flaggers captured Sonoma in June of 1846. The next month, Commodore John Drake Sloat landed in Monterey and proceeded to take Yerba Buena, Sutter's Fort, Bodega Bay, and Sonoma. Fighting between American and Mexican forces continued until Mexico surrendered in 1847 (Rolle 2003).

American Period (1848 – Present)

The American Period began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico $15 million for the conquered territory, including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming. Settlement of California continued to increase during the early American Period. Many ranchos were sold or otherwise

acquired by Americans, and most were subdivided into agricultural parcels or towns. California's population grew exponentially with the discovery of gold in 1848. San Francisco grew from a population of 812 to 25,000 in only a few years and became California's first city (Rolle 2003).

The City of Vallejo, located approximately 5 miles south of the project site, was founded on what was once General Vallejo's rancho land, and thus was named after him. After the state of California was admitted to the Union, he donated 156 acres of land and offered funding to establish a new state capital. The town of Vallejo briefly became the site of the state capitol in 1852, and it served as the capital again in 1853 for approximately one month. Vallejo's son-in-law, John B. Frisbie, is generally credited with the founding of the city and helping to establish its government (Vallejo Convention and Visitors Bureau 2019; Vallejo Chamber of Commerce 2020).

Although the town lost the government center, a naval shipyard was established there in 1854 which furthered development of the town. Mare Island Naval Shipyard, also located approximately 5-miles south of the project site, became the first United States Navy installation on the Pacific Coast, and Vallejo developed into an important shipping center with ferry transportation serving passengers, railroads, and the Pony Express (Vallejo Convention and Visitors Bureau 2019). The Mare Island Naval Shipyard had an immense impact on the population of Vallejo and surrounding areas. It was known in the 1920s for the development of submarines, and its peak production period for shipbuilding, repair, and maintenance occurred during World War II. Correspondingly, the population in the areas greatly expanded during the war years. Mare Island continued to be a primary station for the construction and development of the Navy's pacific fleet of submarines in the years that followed. At the time, the base encompassed 5,200 acres (Vallejo Chamber of Commerce 2020). The area flourished as well, in part due to the Navy's presence which attracted countless military and civilian personnel from various parts. In the 1920s many Filipinos settled in the area following the Spanish-American War and the Filipino Insurrection, making the area one of the most diverse areas in northern California.

With the end of the Cold War, Mare Island Naval Shipyard's budget was reduced and the shipyard was closed in 1996, dramatically affecting the surrounding areas. The municipality underwent a bankruptcy in 2008, and efforts afterwards focused on drawing new investment to the area (Felix 2013). Various industrial, educational, recreational and historical areas have been developed as part of evolving the property for new uses (Gase 2019). Today, the waterfront area has become a focus for redevelopment to generate economic growth (City of Vallejo 2018).

City of American Canyon

The area now comprising Napa County was subject to European exploration as early as 1823, when Francisco Castro, Father Jose Altamira, and Jose Sanchez led an expedition though the area to find a site for a new mission. However, despite this incursion, European-American settlement of what is now American Canyon did not begin until two years after California was admitted to the United States (FirstCarbon Solutions 2016). In 1852, American Simpson Thompson purchased lands from General Mariano Guadalupe Vallejo and General J.B. Frisbie to establish a ranch. Thompson earned fame as one of the area's earliest fruit growers, but also grew grains on his land. In 1869, a railroad servicing the Napa Valley was developed, with a stop at Napa Junction (the original name for American Canyon), from which another line went east into the interior of California (ACHC n.d.). The area maintained a predominantly agricultural character until around 1900, when Augustus Watson established a limestone quarry. By 1902, Watson sold the quarry to the Standard Portland Cement Company, which supplemented the quarry with a new cement plant. Central to the local economy, the plant employed 200 and produced more than 2,000 barrels of cement a day, on average. The

plant continued producing cement until the 1920s or 1930s, when the local supply of limestone was exhausted. By 1946, the Basalt Rock Company repurposed the facility for the production of aggregate (FirstCarbon Solutions 2016).

Residential development of the area began after World War II. American Canyon's first subdivision, McKnight Acres was completed in 1948 and the Rancho Del Mar subdivision was built in 1952. Throughout the 1950s and 1960s, the community established new institutions and municipal services, such as the American Canyon Fire Protection District and the American Canyon Water District, in addition to expansions of the sewer and parks systems. A multi-decade campaign resulted in the incorporation of American Canyon in 1992, confirming the community's separate identity from neighboring Vallejo and Napa (ACHC n.d.). The city has grown steadily since its incorporation, expanding from about 7,000 in 1990 to approximately 21,658 residents in 2022 (see Section 4.13, *Population and Housing*).

c. Historical and Archaeological Resources in the Project Site

Rincon Consultants, Inc. completed background research in August of 2022 in support of the project. The research consisted of a California Historical Resources Information System (CHRIS) records search at the Northwest Information Center (NWIC) of the project site and a surrounding 0.5-mile radius, as well as a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search and historical map and aerial photograph review.

The CHRIS search identified 14 previously recorded resources within 0.5 mile of the project site, none of which are located within the project site. Of these 14 previously recorded resources, one is a prehistoric site, one is a prehistoric isolate, three are historic-period archaeological resources, and nine are historic-period built environment resources. The SLF search request was sent out on August 5, 2022. On October 11, 2022, the results of the SLF search were received and the NAHC stated that the results were positive. The results letter also stated that the City should contact the Mishewal-Wappo Tribe of Alexander Valley along with 12 additional Tribes who may also have knowledge of cultural resources in the area. On November 4, 2022, the City mailed and emailed letters to all 13 Tribes provided by the NAHC. On November 18, 2022, a representative from the Yocha Dehe Wintun Nation responded to the City and requested a copy of the cultural resources study for the project, as well as project information. The City conducted a consultation meeting with the Yocha Dehe Wintun Nation on February 8, 2023. For a summary of the consultation meeting, refer to the discussion in Impact TCR-1 in Section 4.16, *Tribal Cultural Resources*.

Review of the historical maps and aerial photographs revealed that there were several buildings and structures (i.e., farmhouses, outbuildings, residences, railroad, roads, etc.) located within and immediately adjacent to the project site as early as 1948, most, if not all of which are still present today. Most of the additional building and structures present within the project site today were present by at least 1968 (NETR Online 2021).

To identify known historical resources within the annexation site, background research included a review of the NRHP, CRHR, and the California Office of Historic Preservation Built Environment Resource Directory (BERD). No known historical resources were identified within the annexation site. A review of parcel data for properties within the annexation site, however, found eight properties which have not been subject to previous historical resources evaluation, but which currently meet the 45-year threshold recommended for recordation by the California Office of Historic Preservation. Additionally, a portion of the Union Pacific Railroad is also within the annexation site. Pending further analysis there is a potential for these previously unevaluated

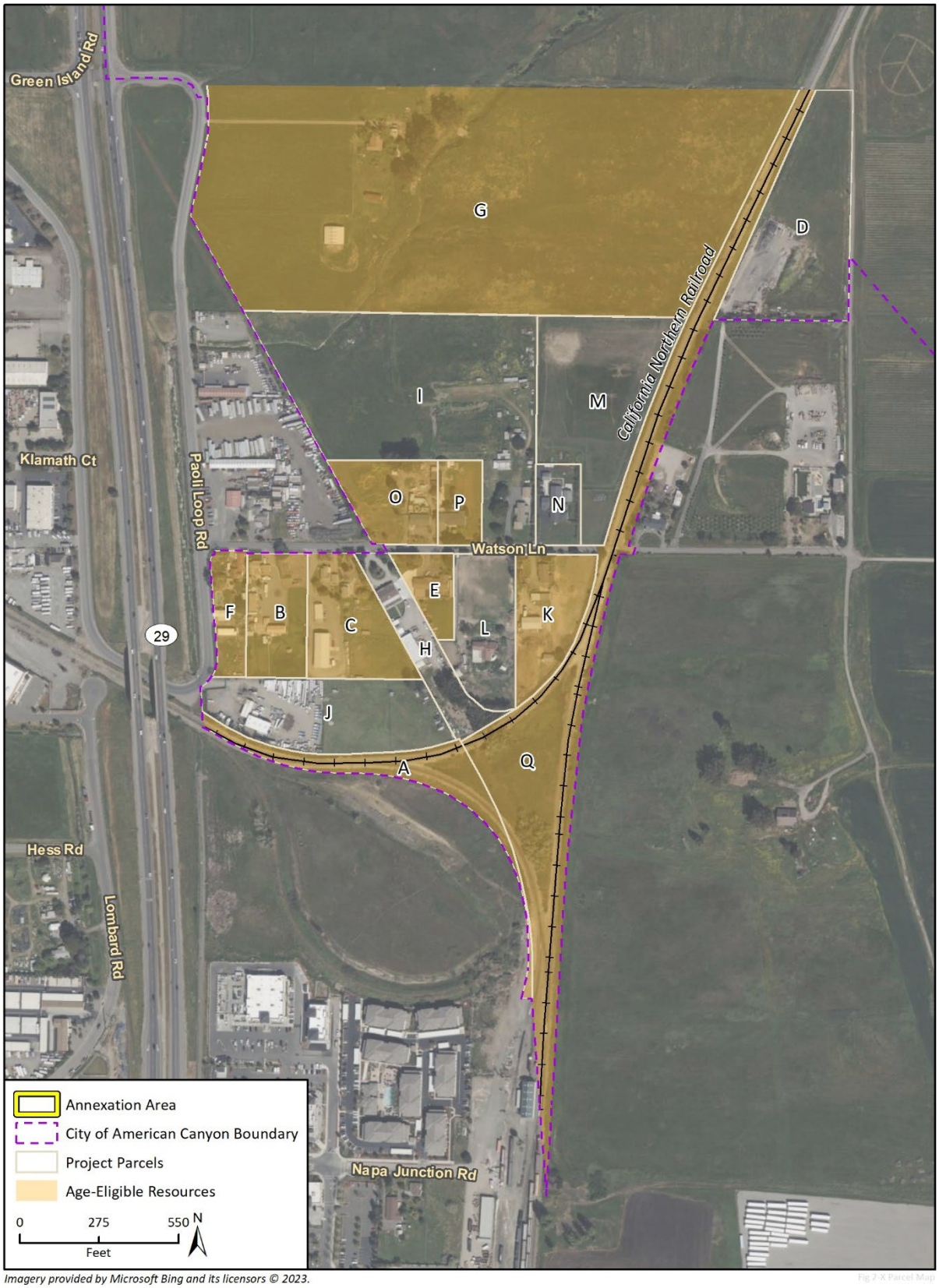
properties to qualify as historical resources pursuant to CEQA. Table 4.5-1 includes a full list of age-eligible properties, and those properties are mapped on Figure 4.5-1.

Table 4.5-1 Properties with Age-Eligible Buildings

Site ID	APN	Building Age	Age-Eligible?
A	059-020-036	NA	No
B	057-120-014	1956	Yes
C	057-120-015	1948	Yes
D	057-120-017	NA	No
E	057-120-028	1976	Yes
F	057-120-034	1946/1950	Yes
G	057-120-036	1966	Yes
H	057-120-041	2000	No
I	057-120-045	1989	No
J	057-120-047	NA	No
K	057-120-048	1960	Yes
L	057-120-049	1988	No
M	057-120-050	NA	No
N	057-120-051	2005	No
O	057-180-014	1954	Yes
P	057-180-015	1956/1990	Yes
Q	UPRR	N/A	No

In addition, the current City of American Canyon General Plan states that the Napa County Department of Conservation currently maintains data on cultural resources within the County. Affected properties which have cultural resources are listed by assessor parcel number and are available to individual property owners. In addition, the City maintains a citywide cultural resource database to ensure that cultural resources throughout the community are not significantly impacted by future development. As a result, the City maintains a map with "Archaeologically Sensitive Areas" to determine the sensitivity of an area for new development.

Figure 4.5-1 Age Eligible Properties Map



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4.5.2 Regulatory Setting

a. Federal Regulations

National Register of Historic Places

Although the project does not have a federal nexus, properties which are listed in or have been formally determined eligible for listing in the National Register of Historic Places (NRHP) are automatically listed in the California Register of Historical Resources (CRHR). The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects. Pursuant to 36 Code of Federal Regulations (CFR) Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

Criterion A: Are associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B: Are associated with the lives of persons significant in our past.

Criterion C: Embody the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Criterion D: Have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows:

- Location: The place where the historic property was constructed or the place where the historic event occurred.
- Design: The combination of elements that create the form, plan, space, structure, and style of a property.
- Setting: The physical environment of a historic property.
- Materials: Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.
- Association: The direct link between an important historic event or person and a historic property.

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The National Park Service states that 50 years is the general

estimate of the time needed to develop the necessary historical perspective to evaluated significance (National Park Service 1983). Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

b. State Regulations

California Environmental Quality Act

California Public Resources Code (PRC) Section 21804.1 requires lead agencies determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a historical resource is a resource listed in, or determined eligible for listing in, the CRHR; a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g); or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or cultural significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the NRHP are automatically listed in the CRHR and are, therefore, historical resources under CEQA. Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a "unique archaeological resource" as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. It contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources will be less than significant and need not be considered further (CEQA Guidelines Section 15064.5[c][4]). CEQA Guidelines Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (CEQA Guidelines Section 15064.5[b][2][A]).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a], [b]).

CEQA Guidelines Section 15126.4 stipulates an EIR shall describe feasible measures to minimize significant adverse impacts. In addition to being fully enforceable, mitigation measures must be completed within a defined time period and be roughly proportional to the impacts of the project. Generally, a project which is found to comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (the Standards) is considered to be mitigated below a level of significance (CEQA Guidelines Section 15126.4 [b][1]). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (CEQA Guidelines Section 15126.4[b][3]).

California Register of Historical Resources

The CRHR was established in 1992 and codified by PRC Sections 5024.1 and 4852. The CRHR is an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected from substantial adverse change to the extent prudent and feasible (Public Resources Code, 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use to include a range of historical resources that better reflect the history of California (Public Resources Code, 5024.1(b)). Unlike the NRHP, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance (California Office of Historic Preservation 2006). Further, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (California Office of Historic Preservation 2006). Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (California Office of Historic Preservation 1995:2).

Properties are eligible for listing in the CRHR if they meet one of more of the following criteria:

Criterion 1: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

Criterion 2: Is associated with the lives of persons important to our past.

Criterion 3: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

Criterion 4: Has yielded, or may be likely to yield, information important in prehistory or history.

California Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent

remains, until the coroner of the county in which the remains are discovered has determined if the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

California Public Resources Code Section 5097.98

California Public Resources Code Section 5097.98 states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons it believes to be descended from the deceased (i.e., the Most Likely Descendant or "MLD"). With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

c. Local Regulations

City of American Canyon General Plan

The current City of American Canyon General Plan contains goals and policies to avoid potential impacts to cultural resources. These goals and policies were created to ensure that the City's culturally significant resources are protected through the following:

- Conducting a comprehensive archaeological and cultural resources and historic vegetation survey in the City and Sphere of Influence;
- Adopting an Ordinance authorizing the City to designate appropriate vegetation or archaeological sites as American Canyon City Historic Points, Sites, or Districts as approved by the State Historic Office of Preservation;
- Exploring methods for the future preservation of historic vegetation and archaeological and cultural resources;
- Requiring all City-owned properties designated as historic resources are maintained in a manner that is aesthetically and/ or functionally compatible with the resources;
- Establishing a program of historic preservation incentives;
- Considering waiving building permit fees for small property owners with historic resources for the purpose of renovation/ preservation of that resource;
- Considering allowing flexibility in the building code requirements for rehabilitation of historic structures;
- Encouraging appropriate adaptive reuse of historic resources;
- Promoting the formation of neighborhood conservation organizations; and
- Encouraging the Chamber of Commerce to promote the City' s historic resources in visitor and tourist oriented materials (City of American Canyon General 2019).

The goals and policies from the General Plan relevant to cultural resources are identified below:

Goal 8E: To Promote the preservation and restoration of the sites, structures and districts that have architectural, historical, archaeological and/or cultural significance to the City of American Canyon.

Objective 8.19: Ensure that the City's historically and archaeologically significant resources are protected in a manner that preserves and/or enhances the resources' inherent historic value.

Policy 8.19.1: Conduct a comprehensive survey of archaeological and cultural resources and historic vegetation that is based on established criteria and encompasses the entire City and its Sphere of Influence.

Policy 8.19.2: Adopt a Preservation Ordinance that will authorize the City to designate appropriate vegetation or archaeological sites deemed to be of historic, archaeological, or cultural significance an American Canyon City Historic Point, Site or District. Such an ordinance shall conform to state and federal criteria for establishing a preservation ordinance.

Policy 8.19.3: Explore various methods for the future preservation of historic vegetation and archaeological and cultural resources. For example, consider establishing "receiver site" and "adopt a building" programs to preserve historic structures that must be removed from their sites. Additionally, consider utilizing the Secretary of the Interior Standards for Historic Rehabilitation and standards and guidelines prescribed by the State Office of Historic Preservation as the architectural and landscape design standards for rehabilitation, alteration, or additions to sites containing historic resources in order to preserve these structures in a manner consistent with the sites' architectural and historic integrity.

Policy 8.19.4: Though the design review process, encourage compatibility between new development and existing adjacent historic structures in terms of scale, massing, building materials and general architectural treatment.

Policy 8.19.5: Require that all City- owned properties designated as historic resources are maintained in a manner that is aesthetically and/or functionally compatible with such resources.

Objective 8.20: Provide incentives to private owners of historic resources to maintain and/ or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition.

Policy 8.20.1: Establish a program of historic preservation incentives that incorporates elements such as tax benefits provided by the 1981 Tax Revenue Act or any amended version of said act; the waiver of building permit fees for small property owners of historic resources; and flexible building code requirements.

Policy 8.20.2: Consider the waiver of building permit fees for small property owners with historic resources who are unable to benefit from other government programs for the rehabilitation, alteration, or reuse of their structure(s), provided that they rehabilitate their historic resources in accordance with established historic preservation guidelines.

Policy 8.20.3: Consider allowing flexibility in building code requirements for the rehabilitation of historic structures as specified in State Historical Building Code Part 8, Title 24 if these structures are rehabilitated in accordance with established historic preservation guidelines.

Policy 8.20.4: Prohibit demolitions if other alternatives exist that enable a property owner to sensitively add to the existing structure, or develop an accompanying building on the site that allows property development rights to be realized. Variances of setbacks, heights and parking requirements should be given to make the preservation of an existing historic building feasible when no other reasonable alternative exists.

Policy 8.20.5: Encourage appropriate adaptive reuse of historic resources such as the Basalt Plant in order to prevent misuse, disrepair and demolition, taking care to protect surrounding neighborhoods and/or agricultural land from incompatible uses.

Objective 8.21: Promote community appreciation of American Canyon's unique history and community involvement in its retention and preservation.

Policy 8.21.1: Promote the formation and maintenance of neighborhood organizations and foster the creation of neighborhood conservation programs, giving special attention to transitional areas.

Policy 8.21.2: Encourage the creation of a Chamber of Commerce to promote the City's historic resources in visitor and tourist oriented brochures as the City grows and develops.

4.5.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on cultural resources if it would:

1. Cause a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5
3. Disturb any human remains, including those interred outside of formal cemeteries

Methodology

If a project may cause a substantial adverse change in the characteristics of a resource that convey its significance or justify its eligibility for inclusion in the CRHR, either through demolition, destruction, relocation, alteration, or other means, then the project would have a significant effect on the environment (CEQA Guidelines Section 15064.5[b]).

Direct impacts can be assessed by identifying the types and locations of proposed development, determining the exact locations of cultural resources within the project site, assessing the significance of the resources that may be affected, and determining the appropriate mitigation. Removal, demolition, or alteration of historical resources can permanently impact the historic fabric of an archaeological site, building or structure, or historic district.

The State Legislature, in enacting the CRHR, amended CEQA to clarify which properties are significant, as well as which project impacts are considered significantly adverse. A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have significant effect on the environment (CEQA Guidelines Section 150645[b]). A substantial adverse change in the significance of a historical resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 150645[b][1]).

The CEQA Guidelines further state that "[t]he significance of an historical resource is materially impaired when a project… [d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in the California Register … local register of historic resources… or its identification in an historic resources survey." As such, the consideration for determining whether the project will have

a significant impact on identified historic resources is whether it will materially impair the physical integrity of the historic resource, such that it could no longer be listed in the CRHR or a local landmark program.

Threshold 1:	Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Impact CUL-1 THE PROJECT COULD ADVERSELY AFFECT PREVIOUSLY UNIDENTIFIED HISTORIC-PERIOD RESOURCES. IMPACTS TO HISTORIC-PERIOD RESOURCES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

No previously recorded cultural resources are located within the projects site. However, review of historical maps and aerial photographs and review of available parcel data revealed there are several historic-aged buildings or structures located within and immediately adjacent to the project site. Currently there are no specific development plans within the project site; however, the project envisions development on parcels containing buildings that meet the age threshold for potential historical resources pursuant to CEQA.

Development facilitated by the project could result in material impairment of historical resources, which CEQA Guidelines Section 15064.5[b][2][A] defines as the demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register. The City of American Canyon currently has provisions under Goal 8E within its General Plan (described above in Section 4.5.2, *Regulatory Setting*) that address the identification and treatment of historical resources. These policies would help reduce impacts; however, they do not currently require formal historical resource evaluations or the consideration of measures to mitigate any potential impacts. As such, additional measures would be required to identify and mitigate impacts to historical resources to a less than significant level.

The implementation of Mitigation Measure CUL-1 would reduce impacts on historical resources by requiring evaluations for age-eligible buildings within the project site and avoiding impacts on any identified potential historical resources. This impact would be less than significant at the programmatic level with implementation of this mitigation measure.

Mitigation Measures

CUL-1 Historical Built Environment

Prior to project approval, the applicant shall submit a report to the City that identifies any historic-age features (i.e., structures over 45 years of age) proposed to be altered or demolished. If historical-age features are present, the applicant shall submit a historical resources evaluation to the City prepared in areas that contains buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history (36 CFR Part 61). The evaluation shall include an intensive-level evaluation, in accordance with the guidelines and best practices meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the City for review and approval.

If historical resources are identified through the survey and evaluation, efforts shall be made by the applicant to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards).

The applicant shall submit a report to the City that identifies and specifies the treatment of character-defining features and construction activities, and demonstrates how the project complies with the Standards and avoids the substantial adverse change in the significance of the historical resource as defined by CEQA Guidelines Section 15064.5(b). The report shall be prepared by an architectural historian or historical architect meeting the PQS as defined by 36 CFR Part 61 and provided to the City for review and concurrence prior to project approval.

Significance After Mitigation

Mitigation Measure CUL-1 would ensure a historical resource evaluation is conducted for sites with age-eligible resources within the project site and require measures to reduce impacts to historical resources to less than significant.

Threshold 2:	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Impact CUL-2 THE PROJECT COULD ADVERSELY AFFECT PREVIOUSLY UNIDENTIFIED ARCHAEOLOGICAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

No previously record cultural resources are located within the project site. However, ground disturbance into native soils in any areas within the project site could contain previously unknown prehistoric or historic-period resources. According to the Final EIR for the 2002 General Plan the northern half of the project site is an area designated "Archaeologically Sensitive Area" (City of American Canyon 2019). As a result, the potential to encounter unidentified archaeological resources within the project site, is moderate to high. Undeveloped areas, especially in the northern half of the project site have a higher probability of containing previously unidentified archaeological resources, given the City's known sensitivity of that area and probable lack of previous ground-disturbing activities in those areas.

Many portions of the project site have been previously developed for various purposes and uses. Nonetheless, there is the potential for both historic and prehistoric archaeological resources to exist surficially and below the ground surface throughout the project site, which could be disturbed by grading and excavation activities. Therefore, individual development projects within the project site that involve ground disturbance activities, including the Newell Drive Extension, would have the potential to damage or destroy archaeological resources, especially if they occur below the existing road base or in less disturbed sediments. Consequently, impacts would be potentially significant, and mitigation would be required for projects involving ground disturbance activities.

Mitigation Measures

CUL-2 Archaeological Resources Assessment

Prior to submittal of any discretionary development application that involves ground disturbance activities (that may include but are not limited to, pavement removal, potholing, grubbing, tree removal, and grading), the applicant shall submit an archaeological resources assessment prepared by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology. Assessments shall include a CHRIS records search at the NWIC and a SLF Search from the NAHC. The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the development site. If the assessment begins on or

before 2027, the results of the NWIC and SLF search for this EIR can be summarized as part of the assessment. A Phase I pedestrian survey shall be undertaken in future project areas that are undeveloped to locate any surface cultural materials. By performing a records search, a SLF search, and a Phase I survey, a qualified archaeologist shall be able to classify the future project area as having high, medium, or low sensitivity for archaeological resources.

If the Phase I archaeological survey identifies resources that may be affected by the future project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant level by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit, to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. The archaeological resources assessment shall be reviewed and approved by the City prior to project approval.

CUL-3 Unanticipated Discoveries

An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be present on-site during all earth disturbing activities. If cultural resources are encountered during ground-disturbing activities, work within 100 feet of the area shall be halted and the contractor shall contact an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology in either prehistoric or historic archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as excavating the cultural deposit to fully characterize its extent and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. If archaeological resources of Native American origin are identified during construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures. Periodic reports of the find and subsequent evaluations shall be submitted to the City during construction.

Significance After Mitigation

Mitigation Measures CUL-2 and CUL-3 would reduce potential impacts to a less than significant level by requiring the identification and evaluation of any archaeological resources that may be present prior to construction and by providing steps for the evaluation and protection of unanticipated finds encountered during construction.

Threshold 3:	Would the project disturb any human remains, including those interred outside of formal cemeteries?

Impact CUL-3 THE PROJECT COULD RESULT IN DAMAGE TO OR DESTRUCTION OF HUMAN BURIALS. IMPACTS WOULD BE LESS THAN SIGNIFICANT THROUGH ADHERENCE TO EXISTING REGULATIONS AND WITH MITIGATION.

Human burials outside of formal cemeteries can occur in prehistoric archaeological contexts. While no known burial sites have been identified within the project site, excavations during construction activities could have the potential to disturb these resources, which could include Native American burial sites. Although it is unlikely that human remains are present, the project site has the possibility of containing previously unidentified human remains.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in PRC Section 5097. The California Health and Safety Code (Section 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protect them from disturbance, vandalism, or destruction. They also include established procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and establishes the NAHC to resolve any related disputes.

Construction associated with the project, including new development and the Newell Drive Extension would be subject to State of California Health and Safety Code Section 7050.5, which states that if human remains are unearthed, no further disturbance can occur until the county coroner has made the necessary findings as to the origin and disposition of the remains, pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC, which will determine and notify an MLD. The MLD shall complete the inspection of the site and make recommendations to the landowner within 48 hours of being granted access. Implementation of Mitigation Measures CUL-4 and CUL-5 would ensure that the appropriate protocols are followed if human remains are encountered and would reduce a potentially significant impact to a less than significant level.

Mitigation Measures

CUL-4 Human Remains

In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.

2. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
   - The descendant identified fails to make a recommendation.
   - The landowner or authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may each develop a plan with respect to their respective individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.

CUL-5 Tribal Monitoring

A Tribal Monitor representing the Yocha Dehe Wintun Nation shall be present during all project-related ground disturbance. Additionally, the Yocha Dehe Wintun Nation's Treatment Protocol (Protocol) shall be followed with respect to Tribal Cultural Resources (TCRs). The purpose of the protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, if any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground-disturbing activity. This Protocol also formalizes procedures for Tribal Monitoring during archaeological studies, grading, and ground-disturbing activities.

1. Cultural Affiliation: The Yocha Dehe Wintun Nation (Tribe) traditionally occupied lands in Yolo, Solano, Lake, Colusa, and Napa Counties. The Tribe has designated its Cultural Resources Committee (Committee) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with projects on lands culturally affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.
2. Inadvertent Discovery of Native American Human Remains: Whenever Native American human remains are found during the course of a project, the determination of Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (NAHC) upon notification to the NAHC of the discovery of said remains at a project site. If the location of the site and the history and prehistory of thearea is culturally affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents.

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

3. Treatment of Native American Remains: In the event that Native American human remains are found during development of a project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground-disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity. The Tribe shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.
4. Non-Disclosure of Location of Reburials: Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form acceptable to the CHRIS center. The Tribe may also suggest the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.
5. Treatment of Cultural Resources: Treatment of all cultural items, including ceremonial items and archaeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archaeological items, which may be found at a project site shall be turned over to the Tribe for appropriate treatment, unless ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of Tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the Tribe. If any intermediary, (for example, an Archaeologist retained by the project proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.
6. Inadvertent Discoveries: If additional significant sites or sites not identified as significant in a project environmental review process, but later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, the Lead Agency, and the Tribe to determine whether additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If

there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.

Significance After Mitigation

Mitigation Measures CUL-4 and CUL-5 would reduce potential impacts on human remains to a less than significant level by requiring the implementation of the appropriate protocols.

4.5.4 Cumulative Impacts

The potential for impacts to built environment historical resources from individual developments is site-specific and depends on the location and nature of each individual development proposal. All future development projects would continue to be subject to existing federal, State, and local requirements. At this time, it cannot be known whether each individual project would result in a significant impact on a historical resource. It should be noted that the closest and largest cumulative project (Watson Ranch Specific Plan) identified no impacts to a historical resource (City of American Canyon 2018). Nonetheless, there is still the potential for cumulative projects to alter or demolish a historical resource within the City, which could result in a significant cumulative impact. The project would implement Mitigation Measure CUL-1, which would result in the project resulting in a less than significant impact. As such, because the project would result in a less than significant impact on historical resources, the impacts from the project would be less than cumulatively considerable.

Cumulative development could potentially disturb areas that may contain archaeological resources. While there is the potential for significant cumulative impacts to cultural resources, it is anticipated that potential impacts associated with individual development projects would be addressed on a case-by-case basis and would be subject to City policies and local and State regulations regarding the protection of such resources. It should be noted that the closest and largest cumulative project (Watson Ranch Specific Plan) identified that impacts on archaeological resources would be less than significant after application of mitigation requiring appropriate treatment of the unanticipated discovery of archaeological resources (City of American Canyon 2018). Similarly, the project would include Mitigation Measures CUL-2 and CUL-3, which would require the identification and evaluation of any archaeological resources prior to construction and would provide steps for the evaluation and protection of unanticipated finds encountered during construction. Implementation of these mitigation measures would ensure that the project's contribution to a cumulative impact on archaeological resources would be less than considerable.

Cumulative projects could also result in impacts on human remains, if any human remains are found during construction. However, all cumulative development projects would be subject to the same regulations identified in Impact CUL-3 through CUL-5. Because cumulative projects would adhere to regulations that would protect human remains, impacts on human remains would be less than significant.

4.6 Energy

This section analyzes the potential effects related to energy due to implementation of the project.

4.6.1 Setting

a. Energy Fundamentals

Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW) or megawatts (MW); natural gas, measured in British thermal units (BTU), cubic feet, or therms; or fuel (such as gasoline or diesel), measured in gallons or liters. Electricity is used primarily for lighting, appliances, cooking purpose, heating, ventilation, and air conditioning equipment, and other uses associated with building and vehicle operations. Electricity sources range from renewable (e.g., hydroelectric, solar, wind, geothermal, biomass) to nonrenewable (e.g., natural gas, oil, nuclear, coal). Natural gas is used primarily for space and water heating, as well as cooking purposes and industrial processes. Natural gas is typically associated with building operations. Fuel is used primarily for powering on-road and off-road vehicles and equipment. Typical fuel types are diesel and gasoline.

b. Electricity Generation, Distribution, and Use

California

According to the California Energy Commission (CEC), California generated approximately 194,127 gigawatt-hours (GWh) of electricity in 2021. Approximately 50 percent of this electricity was sourced from natural gas, 35 percent from renewable sources, 6 percent from large hydroelectric sources, and the remaining 9 percent was sourced from coal, nuclear, oil, and other and unspecified sources. Specifically, 33.6 percent of California's 2021 retail electric sales were served by renewable resources, including wind, solar, geothermal, biomass, and small hydroelectric. (CEC 2022a). Electricity is distributed through the various electric load-serving entities in California. These entities include investor-owned utilities, publicly owned load-serving entities, rural electric cooperatives, community choice aggregators, and electric service providers (CEC 2022a). According to the U.S. Energy Information Administration (USEIA), total retail sale of electricity within California in 2021 was 247,250 GWh. California electricity consumption in 2021 represented approximately 6.5 percent of total U.S. electricity consumption in 2021 (USEIA 2022).

Napa County

Napa County consumed approximately 1,021 GWh of electricity in 2021 from residential and non-residential uses (CEC 2022a). The project would be served electricity by Pacific Gas and Electric (PG&E). PG&E's default power mix offers 29 percent renewable, and they offer customers options for 64 percent or 100 percent renewable power mixes (PG&E 2019). In conjunction with PG&E and other utility companies, the California Public Utilities Commission (CPUC) is involved in energy conservation programs. PG&E is the electricity provider for the City of American Canyon. Marin Clean Energy (MCE) is a community choice program, that allows users of electricity in the City of American Canyon to opt into its program, which provides renewable energy to its customers.

c. Natural Gas Distribution and Use

California

According to the CPUC, natural gas from out-of-state production basins is delivered into California via the interstate natural gas pipeline system. The major interstate pipelines that deliver out-of-state natural gas to California gas utilities are the Gas Transmission Northwest Pipeline, Kern River Pipeline, Transwestern Pipeline, El Paso Pipeline, Ruby Pipeline, Mojave Pipeline, and Tuscarora (CPUC 2022). Because natural gas is a dispatchable energy resource that provides load when the availability of hydroelectric power generation and/or other energy sources decrease, distribution varies greatly from year to year. The availability and distribution of hydroelectric-sourced energy, increasing renewable-source energy, and overall consumer demand shape the need for natural gas. In 2021, total California natural gas demand for industrial, residential, commercial, and electric power generation was 11,923 million therms per year.

Napa County

Napa County consumed approximately 38 million therms of natural gas in 2021, in both residential and non-residential uses (CEC 2022b). PG&E is the natural gas provider for the City of American Canyon.

d. Fuel Distribution and Use

California

According to the 2015 CEC market share data, distributors of gasoline include companies or individuals who make the first distribution of gasoline in California. Aircraft manufacturers and certificated or licensed carriers by air may be included within the definition of distributor. Distributors can also be "brokers," which includes every person, other than a distributor or a retailer, who deals in lots of 200 or more gallons of gasoline (CEC 2015).

Based on the California Transportation of Petroleum Second Northern California Refinery Safety Forum, output from the refineries is usually placed in intermediate tanks before blending finished products. Most gasoline is shipped from refinery by pipeline, which serves over 60 distribution terminals, which is then transported to retail and nonretail stations by tanker trucks (Schremp 2015).

The main category of fuel use in California is transportation fuel, specifically gasoline and diesel. Gasoline is the most used transportation fuel in California: 97 percent of all gasoline sold in California is consumed by light-duty cars, pickup trucks, and sport utility vehicles. In 2021, an estimated 11,618 million gallons of gasoline annually were used (i.e., 32 million gallons gasoline per day) (CEC 2022c). Diesel is the second largest transportation fuel used in California. Many heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm, construction, and heavy-duty military vehicles and equipment have diesel engines. According to the 2021 California Annual Retail Fuel Outlet Report Results (CEC-A15), in 2021, 1,611 million gallons of diesel annually (i.e., 4.4 million gallons of diesel per day), including off-road diesel were sold (CEC 2022d).

Napa County

Gasoline is distributed throughout the County by retail and non-retail gas stations. In 2021, Napa County had an estimated total of 36 retail gasoline stations (CEC 2022d). According to the California Annual Retail Fuel Outlet Report Results (CEC-A15), retail gasoline sales in Napa County totaled approximately 47 million gallons, and retail diesel sales totaled approximately 6 million gallons in 2021 (CEC 2022d). As shown in Table 4.6-1, average per capita gasoline consumption in the County is approximately 342 gallons and average per capita diesel consumption in the County is approximately 44 gallons.

Table 4.6-1 Napa County 2021 Gasoline and Diesel Consumption

Fuel Type	County Consumption (gallons per year)	County Population (2021)	County Per Capita Consumption (gallons)
Gasoline	47,000,000	137,518	342
Diesel	6,000,000	137,518	44

Sources: DOF 2022; CEC 2022d

4.6.2 Regulatory Setting

Additional regulatory information related to energy efficiency standards is included throughout the other resource sections including Section 4.17, *Utilities and Service Systems*; Section 4.3, *Air Quality*; and Section 4.8, *Greenhouse Gas Emissions*.

a. Federal Regulations

Energy Policy and Conservation Act

Enacted in 1975, the Energy Policy and Conservation Act legislation established fuel economy standards for new light-duty vehicles (autos, pickups, vans, and sport-utility vehicles). The law placed responsibility on the National Highway Traffic and Safety Administration (NHTSA), a part of the U.S. Department of Transportation (USDOT), for establishing and regularly updating vehicle standards. The U.S. Environmental Protection Agency (USEPA) administers the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards. Since the inception of the program, the average fuel economy for new light-duty vehicles steadily increased from 13.1 miles per gallon (mpg) for the 1975 model year to 30.7 mpg for the 2014 model year, and may increase to 54.5 mpg by 2025.

On August 2, 2018, the NHTSA and USEPA, operating under the direction of the Trump Administration, proposed the Safer Affordable Fuel-Efficient Vehicles Rule (SAFE Rule). This rule addresses emissions and fuel economy standards for motor vehicles and is separated in two parts as described below.

- Part One, "One National Program" (84 Feder Register 51310) revokes a waiver granted by USEPA to the State of California under Section 209 of the Clean Air Act to enforce more stringent emission standards for motor vehicles than those required by USEPA for the explicit purpose of greenhouse gas (GHG) emission reduction, and indirectly, criteria air pollutants and ozone precursor emission reduction. This revocation became effective on November 26, 2019, potentially restricting the ability of the California Air Resources Board (CARB) to enforce more stringent GHG emission standards for new vehicles and set zero emission vehicle mandates in California.

- Part Two addresses CAFE standards for passenger cars and light trucks for model years 2021 to 2026. This rulemaking proposes new CAFE standards for model years 2022 through 2026 and would amend existing CAFE standards for model year 2021. The proposal would retain the model year 2020 standards (specifically, the footprint target curves for passenger cars and light trucks) through model year 2026. The proposal addressing CAFE standards was jointly developed by NHTSA and USEPA, with USEPA simultaneously proposing tailpipe carbon dioxide standards for the same vehicles covered by the same model years.

The USEPA and NTHSA published final rules to amend and establish national carbon dioxide and fuel economy standards on April 30, 2020 (Part Two of the SAFE Vehicles Rule) (85 Federal Register 24174). On April 22, 2021, the Biden Administration formally proposed to roll back portions of the SAFE Rule, thereby restoring California's right to enforce more stringent fuel efficiency standards (NHTSA 2022). Most recently, on December 21, 2021, the NHTSA finalized rules to repeal the SAFE I Rule. The final rule concludes the SAFE I Rule overstepped the agency's legal authority and established overly broad prohibitions that did not account for a variety of important state and local interests. The final rule ensures the SAFE I Rule will no longer form an improper barrier to states exploring creative solutions to address their local communities' environmental and public health challenges (NHTSA 2022).

Construction Equipment Fuel Efficiency Standard

USEPA sets emission standards for construction equipment. The first federal standards (Tier 1) were adopted in 1994 for all off-road engines over 50 horsepower (hp) and were phased in by 2000. A new standard was adopted in 1998 that introduced Tier 1 for all equipment below 50 hp and established the Tier 2 and Tier 3 standards. The Tier 2 and Tier 3 standards were phased in by 2008 for all equipment. The current iteration of emissions standards for construction equipment are the Tier 4 efficiency requirements, which are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068 (originally adopted in 69 Federal Register 38958 [June 29, 2004] and most recently updated in 2014 [79 Federal Register 46356]). Emissions requirements for new off-road Tier 4 vehicles were completely phased in by the end of 2015.

Energy Independence and Security Act

The Energy Independence and Security Act of 2007 was designed to improve vehicle fuel economy and help reduce nationwide dependence on foreign oil. It expands the production of renewable fuels, reducing dependence on oil, and confronting global climate change. Specifically, it increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard, requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, and reduces U.S. demand for oil by setting a national fuel economy standard of 35 mpg by 2020. The Act also set energy efficiency standards for lighting (specifically light bulbs) and appliances. The project would be required to install photosensors and energy-efficient lighting fixtures with the requirements of 42 United States Code Section 17001 et seq.

U.S. Executive Order 13693 (Energy Independence and Security Act Expansion)

In March 2015, Executive Order 13693 *Planning for Federal Sustainability in the Next Decade* was signed into action. The goal of this Executive Order is to expand on the Energy Independence and

Security Act of 2007 and maintain federal leadership in sustainability and GHG emission reductions. The Executive Order includes the following goals related to energy:

- 25 percent reduction in energy use intensity (as compared to 2015 baseline)
- 30 percent of electricity supply from renewable energy by 2025
- 25 percent of total building energy (electric and alternative energy) from renewable energy by 2025

Energy Star Program

In 1992, the USEPA introduced Energy Star© as a voluntary labeling program designed to identify and promote energy-efficient products to reduce GHG emissions. The program applies to major household appliances, lighting, computers, and building components such as windows, doors, roofs, and heating and cooling systems. Under this program, appliances that meet specification for maximum energy use established under the program are certified to display the Energy Star© label. In 1996, the USEPA joined with the United State Department of Energy to expand the program, which now also includes qualifying commercial and industrial buildings as well as homes.

b. State Regulations

Additional State Regulations related to energy are provided in Section 4.8, *Greenhouse Gas Emissions*.

California Energy Action Plan

The CEC, in collaboration with CPUC, is responsible for preparing the California Energy Action Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and maintenance of a healthy economy. The 2003 Energy Action Plan calls for the State to assist in transformation of the transportation system to improve air quality, reduce congestion, and increase efficient use of fuel supplies with the least environmental and energy costs. The Energy Action Plan identifies strategies, such as assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, and encourages urban designs that reduce VMT and accommodate pedestrian and bicycle access. In the 2005 Energy Action Plan, the CEC and CPUC updated the energy policy vision by adding dimensions to the policy areas, such as information on the emerging importance of climate change, transportation-related energy issues, and research and development activities. The CEC adopted an update to the 2005 Energy Action Plan in 2008 that supplements the earlier Energy Action Plans and examines the State's ongoing actions in the context of global climate change.

AB 1279 and 2022 Scoping Plan

AB 1279, "The California Climate Crisis Act," was passed on September 16, 2022, and declares the State would achieve net zero GHG emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. In addition, the bill states that the State would reduce GHG emissions by 85 percent below 1990 levels no later than 2045. The 2022 Scoping Plan lays out a path to achieve AB 1279 targets (CARB 2022). The actions and outcomes in the 2022 Scoping Plan would achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.

Senate Bills 350, 100, and 1020

The Clean Energy and Pollution Reduction Act of 2015 (Senate Bill [SB] 350) requires the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources to be increased to 50 percent by December 31, 2030. This act also requires doubling of the energy efficiency in existing buildings by 2030.

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's Renewables Portfolio Standard Program (last updated by SB 350). SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 44 percent by 2024, 60 percent by 2030, and 100 percent by 2045.

Senate Bill 1020 (SB 1020), signed into law on September 16, 2022, requires renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035, 95 percent by 2040, and 100 percent by 2045. All State agencies facilities must be served by 100 percent renewable and zero-carbon resources by 2030. SB 1020 also requires the CPUC, CEC, and CARB to issue a joint progress report outlining the reliability of the electrical grid with a focus on summer reliability and challenges and gaps. Additionally, SB 1020 requires the CPUC to define energy affordability and use energy affordability metrics to develop protections, incentives, discounts, or new programs for residential customers facing hardships due to energy or gas bills.

Assembly Bill 1007

Assembly Bill 1007 (Chapter 371, Statutes of 2005) required the CEC to prepare a State plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other federal, state, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

c. Local Regulations

City of American Canyon Energy Efficiency Climate Action Plan

The City of American Canyon Energy Efficiency Climate Action Plan (EECAP) was adopted to develop a coordinated approach to energy efficiency and GHG reductions within the community and local government. The EECAP provides feasible strategies and measures that cost-effectively reduce energy related and GHG emissions. The following strategies and measures would be relevant to future development facilitated by the project:

- Community Strategy 3. New Development – Non-residential: Ensure new development exceeds California's Title 24 energy efficiency standard by 15 percent or more.
    - Measure C-6: Savings By Design for New Non-Residential Construction. Savings By Design is a statewide program offered by PG&E to encourage high-performance new building design and construction for commercial buildings. The program offers building owners and their design teams a wide range of services, such as Design Assistance, Design Team Incentives,

Owner Incentives, and educational resources such as Energy Design Resources (EDR) and Zero Net Energy.

- Community Strategy 6. Renewable Energy: Increase the number of distributed renewable energy installations on residential and Non-Residential properties to 3 new non-residential sites/year and 15 residential sites/year by 2020.
  - Measure C-11: Solar Ready Roofs for New Construction. For all new construction starting in 2014, building roofs must be constructed to readily accommodate the installation of installation of solar PV panels and solar water heating systems, including all necessary conduit, chases, roof penetrations, roof pitch, and roof orientation.

City of American Canyon General Plan

The current City of American Canyon General Plan contains the following objectives and policies that help address energy use at the local level and improve energy efficiency and conservation:

Objective 8.22: Minimize transportation-related energy consumption.

Policy 8.22.1: Encourage the development of mixed use, pedestrian friendly employment/ residential centers that help minimize vehicle trips in American Canyon and contribute to a reduction in energy consumption.

Policy 8.22.2: Encourage the clustering of residential structures.

Policy 8.22.3: Require that Development Plans provide for linkages between bicycle and pedestrian circulation systems and transit and employment centers, in accordance with established areawide plans.

Policy 8.22.4: Maintain a system of traffic signals and controls that minimizes waiting time and vehicle speed changes through routes.

Policy 8.22.5: Require that Development Plans provide for High-Occupancy Vehicles (HOV) and public transportation, where feasible, through the provision of appropriate transit areas and park-and-ride locations along public transportation routes.

Objective 8.23: Reduce Energy consumption in buildings.

Policy 8.23.1: Require that developers employ energy-efficient subdivision and site planning methods as well as building design. Measures to be considered include building orientation and shading, landscaping, building reflectance, use of active and passive solar heating and hot water system, etc. In establishing these energy related design requirements, the City shall balance energy-efficient design with good planning principles.

Policy 8.23.2: Require that new City buildings be energy efficient.

Objective 8.24: Increase public awareness of energy conservation needs and means in order to encourage informed choices about energy conservation by the general public.

Policy 8.24.1: Cooperate with local utilities to provide energy conservation information to the public.

Policy 8.24.2: Develop public and/or public-private energy conservation educational programs for City employees and the public.

Objective 8.25: Increase the energy efficiency of City operations to save energy, reduce municipal costs, and provide an example to the private sector.

Policy 8.25.1: Introduce concepts of energy efficiency and lifecycle costing to City planning and operating decisions and to the design of all major City facilities.

Policy 8.25.2: Work with other agencies and utility companies to develop safe, economical and renewable energy resources.

Policy 8.25.3: Consider participating in energy conservation demonstration projects and promoting the use of treatment technologies that provide for the reuse of waste and water treatment by products, such as sludge and methane gas.

4.6.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Methodology

The approach to analyzing energy impacts is based on Public Resources Code Section 21100(b)(3), which states an EIR shall include "mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." Guidance for implementing this section is provided in CEQA Guidelines Appendix F (Energy Conservation). CEQA Guidelines Section 15126.2(b) further explains, "This [energy] analysis may be included in related analyses of air quality, GHG emissions, transportation or utilities in the discretion of the lead agency." Consistent with that approach, additional discussion of the physical environmental impacts associated with production of energy is also included in the other resource chapters of this EIR included but not limited to Section 4.3, *Air Quality*, Section 4.8, *Greenhouse Gas Emissions*, Section 4.15, *Transportation*, and Section 4.17, *Utilities and Service Systems*.

Energy consumption is analyzed herein in terms of construction and operational energy. Construction energy demand accounts for anticipated energy consumption during construction of development facilitated by the project or the Newell Drive Extension, such as fuel consumed by construction equipment and construction workers' vehicles traveling to and from the construction site. Operational energy demand accounts for the anticipated energy consumption during operation of the development facilitated by the project, such as fuel consumed by cars, trucks, and public transit; natural gas consumed for on-site power generation and heating building spaces; and electricity consumed for building power needs, including, but not limited to lighting, water conveyance, and air conditioning. This analysis considers the equipment and processes employed during construction and operation of future project development to qualitatively determine whether energy consumed during construction and operation would be wasteful, inefficient, or unnecessary.

a. Project Impacts and Mitigation Measures

Threshold 1:	Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Impact E-1 THE PROJECT WOULD NOT RESULT IN THE WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Construction

Project construction would require demolition, including hauling material off-site; site preparation and grading; pavement and asphalt installation; building construction; architectural coating; and landscaping and hardscaping. During project construction, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles and equipment, construction worker travel to and from the construction site, and vehicles used to deliver materials to the site.

Energy use during construction would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Construction equipment would be subject to the USEPA Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. Furthermore, pursuant to applicable regulatory requirements such as 2022 CALGreen, the project would comply with construction waste management practices to divert a minimum of 65 percent of construction debris. These practices would result in efficient use of energy necessary to construct the project. In the interest of cost-efficiency, construction contractors also would not utilize fuel in a manner that is wasteful or unnecessary.

On-site construction equipment may include alternatively fueled vehicles where feasible. Furthermore, the selected construction contractors would use the best available engineering techniques, construction and design practices, and equipment operating procedures, thereby ensuring that the wasteful consumption of fuels and use of energy would not occur. Energy efficiency is also expected for the off-site production of construction materials, based on the economic incentive for efficiency and cost savings. Furthermore, such construction energy expenditures are necessary to implement the project and meet the project objectives. Therefore, project construction would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant.

Operations

Operations of the project would contribute to regional energy demand by consuming electricity, gasoline, diesel, and potentially natural gas. Electricity would be used for lighting, appliances, and water and wastewater conveyance, among other purposes. Gasoline and diesel consumption would be associated with vehicle trips generated by visitors and employees of future development. Natural gas could be utilized for heating and cooling systems, and other purposes; however, it is not certain at this time whether natural gas would be used.

The project would be required to comply with all standards set in the latest iteration of the California Building Standards Code (California Code of Regulations Title 24), which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources by the buildings during operation. California's CALGreen standards (California Code of Regulations Title 24, Part 11) require implementation of energy-efficient light fixtures and building materials into the design of new construction projects. In addition, the 2022 Building Energy Efficiency Standards (California Code of Regulations Title 24, Part 6) require newly constructed buildings to meet energy performance standards set by the CEC. These standards are specifically crafted for new buildings to result in energy efficient performance so that the buildings do not result in wasteful, inefficient, or unnecessary consumption of energy. Pursuant to CALGreen, all plumbing fixtures used in future developments facilitated by the project would be high-efficiency fixtures, which would minimize the potential for the inefficient or wasteful consumption of energy related to water and wastewater. Furthermore, as discussed in Section 4.15, *Transportation*, the project would result in a less than significant VMT impact. Therefore, project operation would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy, and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Impact E-2 THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY BECAUSE THE PROJECT WOULD REQUIRE MITIGATION MEASURES THAT REQUIRE ADVANCED ENERGY EFFICIENCY AND THE USE OF CARBON-FREE ELECTRICITY SOURCES. THEREFORE, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The building design standards pursuant to the CALGreen Code are required for new buildings and are specifically crafted for new buildings to result in energy-efficient performance, so the buildings do not result in inefficient consumption of energy. The standards are updated every three years, and each iteration is more energy efficient than the previous standards. For example, according to the CEC, nonresidential buildings built with the 2019 standards used about 30 percent less energy than buildings built with the 2016 standards due mainly to lighting upgrades (CEC 2021). The project would comply with Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the CALGreen Code, as required by Mitigation Measure GHG-4 (see Section 4.8, *Greenhouse Gas Emissions*).

SB 100 mandates 100 percent clean electricity for California by 2045. Mitigation Measure GHG-5 requires new buildings to be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar (see Section 4.8, *Greenhouse Gas Emissions*).

Overall, implementation of Mitigation Measures GHG-4 and GHG-5 would ensure that any potentially significant impacts related to consistency with applicable state and local plans for increased energy efficiency and renewable energy use would be less than significant with mitigation.

Mitigation Measures

Mitigation Measures GHG-4 and GHG-5 (see Section 4.8, *Greenhouse Gas Emissions*).

Significance After Mitigation

Impacts would be less than significant with mitigation.

4.6.4 Cumulative Impacts

The geographic scope for cumulative energy impacts is the entirety of California. Cumulative projects would be required to comply with the same regulations as the project to ensure that there is no wasteful, inefficient, or unnecessary consumption of energy or conflicts with state and local plans for increased energy efficiency and renewable energy use.

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4.7 Geology and Soils

This section analyzes the potential effects related to seismic hazards, underlying soil characteristics, slope stability, erosion, and paleontological resources related to implementation of the project.

4.7.1 Setting

a. Regional Geology

The City of American Canyon is in Napa County, which is located within the California Coast Range geomorphic province. This province is a geologically complex and seismically active region characterized by sub-parallel northwest-trending geological faults, mountain ranges, and valleys, with different bedrock and sedimentary units. The oldest bedrock units are the Jurassic-Crustaceous Franciscan Complex and Great Valley sequence sediments originally deposited in a marine environment. Subsequently, younger rocks such as the Tertiary-period Sonoma Volcanics group, the Plio-Pleistocene-age Clear Lake Volcanics, and sedimentary rocks such as the Guinda, Domengine, Petaluma, Wilson Grove, Cache, Huichica, and Glen Ellen formations were deposited throughout the province. Extensive folding and thrust faulting during the late Crustaceous through early Tertiary geologic time created complex geologic conditions that underlie the highly varied topography that exists today. In valleys, the bedrock is covered by thick alluvial soils (Napa County 2007).

b. Local Geologic Setting

Soils

According to the US Department of Agriculture, Natural Resources Conservation Service (NRCS), two soils comprise the project site. Most of the soils are Clear Lake clay and a portion of the soils in the center of project site along with a small portion at the north is Haire loam. These are native soil types and do not account for placement of engineered fill, which is not always mapped or known by the NRCS.

Seismic Hazards

The City of American Canyon is subject to risks associated with potentially destructive earthquakes, like much of California. Earthquakes are most common along geologic faults, which are planes of weakness or fractures along which rocks have been displaced. The project site is near active faults, such as the Cuttings Wharf fault (approximately 0.3 mile west), West Napa fault (approximately 5.2 miles northwest), and Cordelia and Green Valley faults (approximately 5.4 miles east) (DOC 2021). Regional hazards with respect to earthquakes are considered significant due to the City's proximity to major faults in the area (e.g., San Andreas and Hayward) and the project site’s proximity to minor faults listed above.

The probability of one or more earthquakes of magnitude 6.7 (Richter scale) or higher occurring in the San Francisco Bay Area has been evaluated by the U.S. Geological Survey (USGS). Based on the results of the USGS evaluation, there is a 63-percent likelihood that such an earthquake event will occur in the Bay Area between 2007 and 2036. The faults with the greater probability of movement with a magnitude of 6.7 or higher earthquake are the Hayward Fault at 27 percent, the San Andreas Fault at 21 percent, and the Calaveras Fault at 11 percent (USGS 2007).

Surface Rupture

Surface rupture represents the breakage of ground along the surface trace of a fault, which is caused by the intersection of the fault surface area ruptured in an earthquake with the earth's surface. Fault displacement occurs when material on one side of a fault moves relative to the material on the other side of the fault. This can have particularly adverse consequences when buildings are located within the rupture zone. It is not feasible from a structural or economic perspective to design and build structures that can accommodate rapid displacement involved with surface rupture. Amounts of surface displacement can range from a few inches to tens of feet during a rupture event.

Faults are geologic hazards because of surface fault displacement and seismic ground shaking, which are distinct but related properties. Surface fault displacement results when the fault plane ruptures and that rupture surface extends to or intersects the ground surface. Surface fault rupture can be very destructive to structures constructed across active faults. However, the zone of damage is limited to a relatively narrow area along either side of the fault as opposed to seismic ground shaking damage that can be widespread. Faults are categorized as active, potentially active, and inactive. A fault is classified as active if it has moved during the Holocene time, which consists of approximately the last 11,000 years. A fault is classified as potentially active if it has experienced movement within Quaternary time, which is during the last 1.8 million years. Faults that have not moved in the last 1.8 million years are generally considered inactive.

The closest faults are described above under the *Seismic Hazards* subheading. Figure 4.7-1 shows the project site in relation to nearby Quaternary faults. There are no Holocene faults or Alquist-Priolo Fault Zones in or near the project site.

Regional Faults

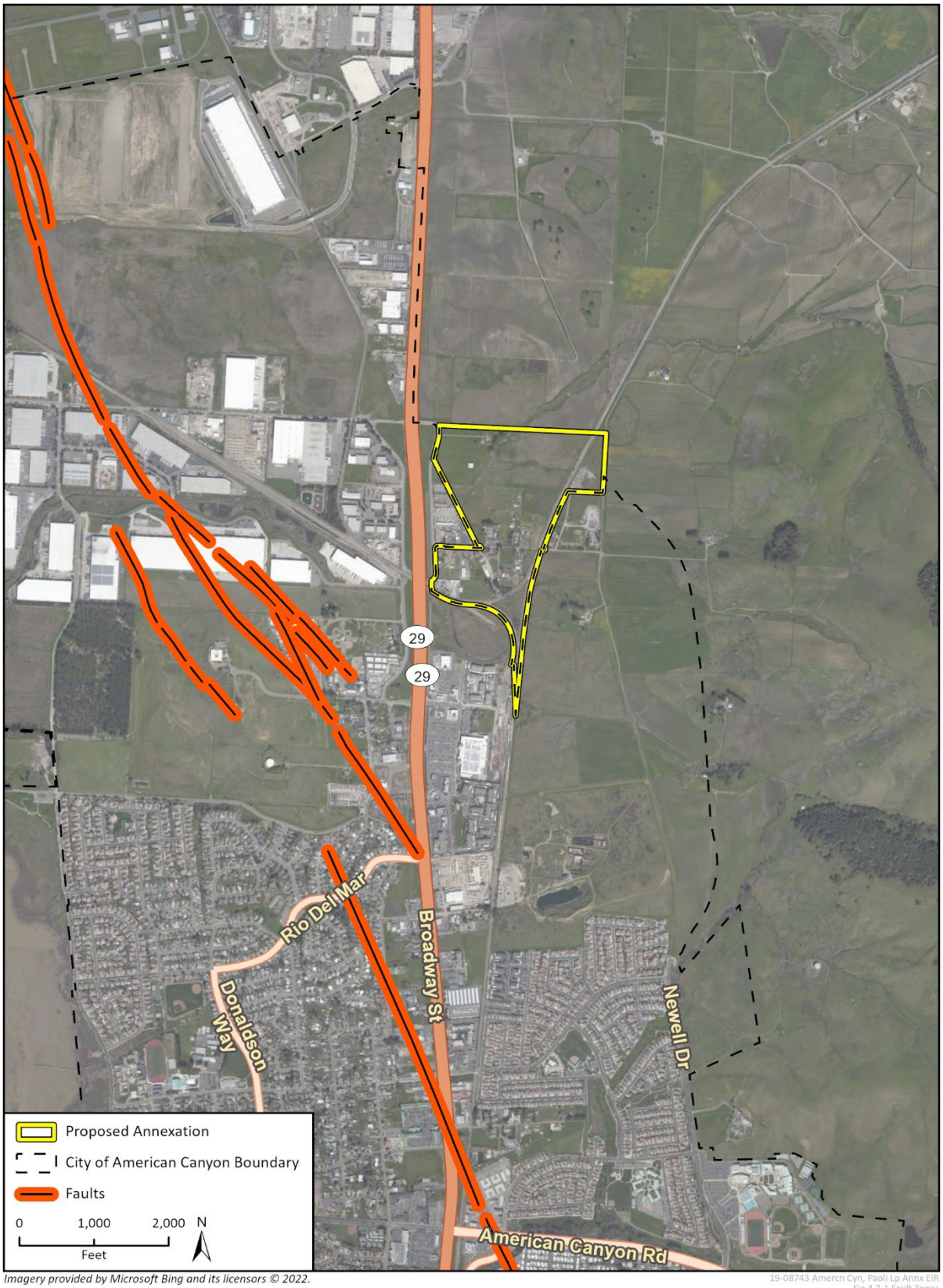
San Andreas Fault Zone

The San Andreas is the longest, most active fault in California. It is a right -lateral, strike -slip fault that extends over 700 miles (1,120 km) from the Gulf of California to Cape Mendocino in northern California. There is abundant seismic and geomorphic evidence of earthquake and fault rupture potential. Historically, the San Andreas fault has produced earthquakes more than magnitude 8. The fault can be divided into several discrete segments along its length based on differing seismic characteristics. The fault segment which influences the seismic exposure of the project site is referred to as the San Andreas (northern) segment (from Point Arena to Woodside). The creeping segment extends to the south, from Woodside to the Mojave segment of the fault. The San Andreas fault (northern) is located approximately 28 miles to the west of the project site, and the creeping segment about 89 miles to the south- southeast (City of American Canyon 1994).

Hayward Fault Zone

The Hayward fault extends from San Jose (south) to the San Pablo Bay (north). The fault is about 45 miles in length and is capable of a magnitude 7.5 earthquake. Active tight lateral creep is occurring on the Hayward fault. The Hayward fault is approximately 10 miles south of the project site (City of American Canyon 1994).

Figure 4.7-1 Fault Zones



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Fault data courtesy of California Geologic Society 2022.

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Fig 4.7-1 Fault Zones

Healdsburg Rodgers Creek Fault Zone

The Rodgers Creek fault trends approximately parallel to and lies about 20 miles east of the San Andreas (northern) fault. Rodgers Creek possess sag ponds, offset streams, and hillside bench features, similar to the San Andreas fault. Researcher have determined that this active fault is linked to the Healdsburg and Wallace Creek faults. The epicenter of Santa Rosa's 1969 earthquake was located on the Healdsburg fault. The earthquake had recorded magnitudes of 5.6 and 5.7. The Rodgers Creek fault is located approximately 10 miles to the west of the project site (City of American Canyon 1994).

Local Faults

West Napa Fault

The West Napa fault zone extends from approximately 5 miles north of the center of the City for 15 miles, to near Yountville. The West Napa fault is identified as an active fault and as an Alquist Priolo Special Study zone, from the Napa County Airport, along the east side of Oat Hill southeast to near the City boundary. The West Napa fault possesses evidence of strike-slip and right lateral fault movement. It is well defined south and east of the Napa River, by tonal contrasts and geomorphic features in the Holocene alluvium. Trenching studies have shown some evidence of Holocene activity from the airport and other sites. The fault appears capable of providing a 6.5 magnitude earthquake event (City of American Canyon 1994).

Cordelia and Green Valley Faults

The Cordelia and Green Valley faults trend north approximately 5 miles east of the project site and displays geomorphic evidence of recent fault movement, as well as earthquake concentrations. Evidence of recent and bedrock geologic features indicate that the Green Valley fault possesses steeply dipping right lateral fault features. These faults can produce a 6.75 to 7 magnitude earthquakes (City of American Canyon 1994).

Recent Seismic Hazards

Napa County has been subject to numerous seismic events, originating both on faults within the county and in other parts of the region. Six major Bay Area earthquakes have occurred since 1800 that have affected the county, and at least two of the faults that produced them run through or into the county. These earthquakes and the originating faults include the 1836 and 1868 earthquakes on the Hayward-Rogers Creek Fault, and the 1861 earthquake on the Calaveras Fault. Three earthquakes in 1838, 1906, and 1989 originated on the San Andreas fault, west of the county near San Francisco or to the south.

The South Napa Earthquake of 2014 occurred on August 24 at 3:30 am. The earthquake had a magnitude of 6, which is generally a fairly substantial magnitude for an earthquake, with the largest earthquakes in the world reaching up to a magnitude of 9. The South Napa earthquake resulted in various aftershocks of lower magnitudes for the next couple of months. This earthquake occurred on the West Napa Fault Zone. It also had recordings of subparallel fault traces. The West Napa Fault Zone's slip rate is believed to be approximately 0.2 millimeter to 1 millimeter per year, which is considered low for a slip rate. The slip rate refers to the rate at which the two faults are moving past one another. As for the South Napa earthquake, the slip is believed to be at a maximum of 1 meter. The depth of the South Napa earthquake was approximately 9.8 kilometers. The earthquake also caused 12.5 kilometers of surface rupture. According to the United States Geological Survey, the

2014 earthquake occurred because there was a rupture of a few of the small segments at the same time (UC Berkeley 2022).

The Yountville earthquake of 2000 that also occurred on the West Napa Fault Zone had a magnitude of 5. Unlike the South Napa Earthquake, the Yountville earthquake, which happened approximately 18 miles northwest of the project site did not rupture the surface (UC Berkeley 2022).

Ground Shaking

The major cause of structural damage from earthquakes is ground shaking. The intensity of ground motion expected at a particular site depends upon the magnitude of the earthquake, the distance to the epicenter, and the geology of the area between the epicenter and the property. Greater movement can be expected at sites located on poorly consolidated material such as alluvium, within close proximity to the ruptured fault, or in response to a seismic event of great magnitude. Historically, the City of American Canyon has been impacted by ground shaking during major earthquakes in the seismically active Northern California region and is likely to experience ground shaking from major earthquakes in the future.

Liquefaction

Liquefaction is a seismic phenomenon in which loose, saturated granular and non-plastic fine-grained soils lose their structure/strength when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: 1) shallow groundwater within the top 50 feet of the ground surface; 2) low-density non-plastic soils; and 3) high-intensity ground motion. Liquefaction risk is moderate in the project site, as shown in Figure 4.7-2.

Landslides and Slope Stability

Seismic ground shaking can also result in landslides and other slope instability issues. Landslides occur when slopes become unstable, and masses of earth material move downslope. Landslides are usually rapid events, often triggered during periods of rainfall or by earthquakes. Mudslides and slumps are a shallower type of slope failure. They typically affect the upper surficial soils horizons rather than bedrock features. Usually, mudslides and slumps occur during or soon after periods of rainfall, but they can be triggered by seismic shaking. The area's most susceptible to landslides are shown on maps prepared by the California Division of Mines and Geology. Landslide susceptibility is grouped into classes ranging from zero to ten, which are calculated based upon a combination of rock strength and slope. Classes seven through ten indicate very high landslide susceptibility and include both very steep slopes in hard rocks and moderate to very steep slopes in weak rocks (CGS 2011). In addition, landslides occur where faults have fractured rock and along the base of slopes or cliffs where supporting material has been removed by stream or wave erosion, or human activities. Heavy rainfall, human actions, or earthquakes can trigger landslides. They may take the form of a slow continuous movement such as a slump or may move very rapidly as a semi-liquid mass such as a debris flow or avalanche. As shown in Figure 4.7-3 there is scattered landslide susceptibility in the eastern and southern portions of the project site.

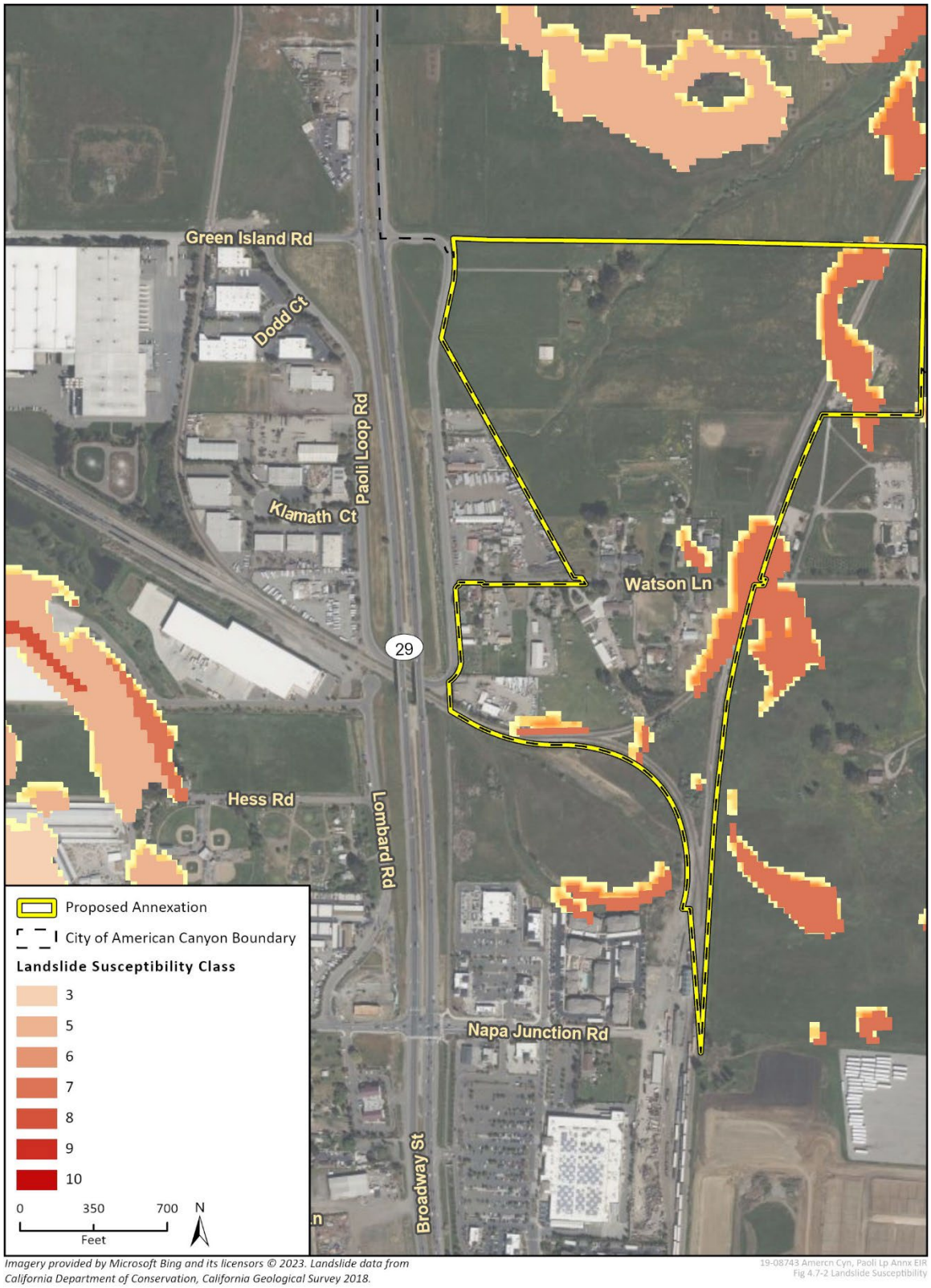
Figure 4.7-2 Liquefaction Risk



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Additional data provided by USGS, 2006

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Fig 4.7-3 Liquefaction Susceptibility

Figure 4.7-3 Landslide Zones[1]



[1] Note: Landslide susceptibility would be confirmed as part of the Geotechnical Report that will be developed for future development. As described in further detail in Impact GEO-2, a geotechnical report would be required by Mitigation Measure GEO-1.

Subsidence

Subsidence or settlement can occur from immediate settlement, consolidation, shrinkage of expansive soil, and liquefaction. Immediate settlement occurs when a load from a structure or placement of new fill material is applied, causing distortion in the underlying materials. This settlement occurs quickly and is typically complete after placement of the final load. Consolidation settlement occurs in saturated clay from the volume change caused by squeezing out water from the pore spaces. Consolidation occurs over a period and is followed by secondary compression, which is a continued change in void ratio (ratio of the volume of voids to volume of solids) under the continued application of the load. Soils tend to settle at different rates and by varying amounts depending on the load weight or changes in properties over an area, which is referred to as differential settlement. Areas underlain by soft sediments or undocumented fills are most prone to settlement.

Expansive Soils

Expansive soils swell with increases in moisture content and shrink with decreases in moisture content. These soils usually contain high clay content. Foundations for structures constructed on expansive soils require special design considerations. Because expansive soils can expand when wet and shrink when dry, they can cause foundations, basement walls, and floors to crack, causing substantial structural damage. As such, structural failure due to expansive soils near the ground surface is a potential hazard. Expansive soils can be found throughout the project site.

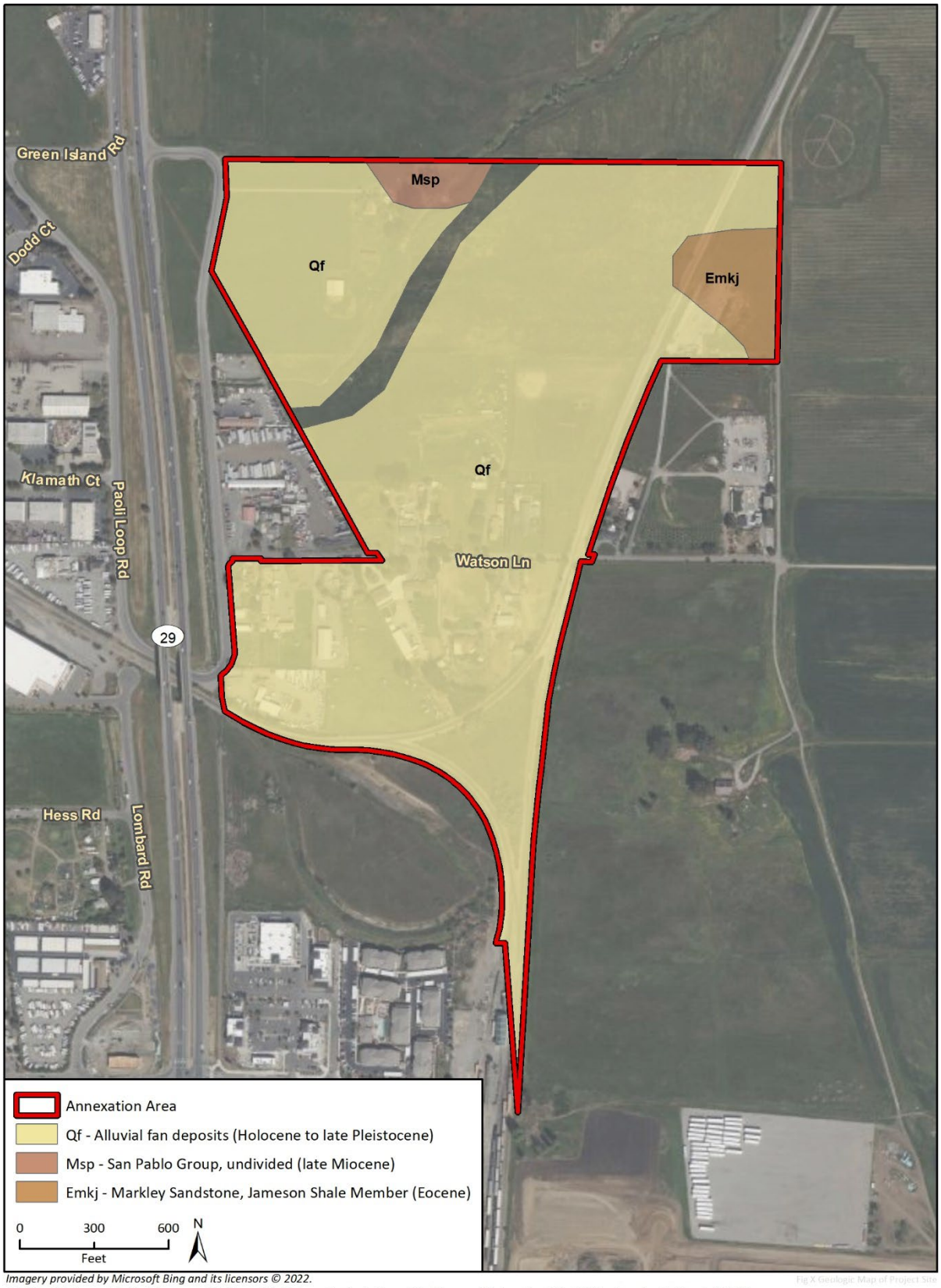
Soil Erosion

Erosion refers to the removal of soil by water or wind. Factors that influence erosion include the amount of rainfall and wind, the length and steepness of the slope, and the amount and type of vegetative cover. Depending on how well protected the soil is from these forces, the erosion process can be very slow or rapid. Properties of the soil also contribute to how likely or unlikely it is to erode. Removal of natural or man-made protection can result in substantial soil erosion and excessive sedimentation and pollution problems in streams, lakes, and estuaries through a process called siltation.

Paleontological Resources

Paleontological resources, or fossils, are the evidence of once-living organisms preserved in the rock record. They include both the fossilized remains of ancient plants and animals and the traces thereof (e.g., trackways, imprints, burrows, etc.). Paleontological resources are not found in “soil” but are contained within the geologic deposits or bedrock that underlies the soil layer. Typically, fossils are greater than 5,000 years old (i.e., older than middle Holocene in age) and are usually preserved in sedimentary rocks. Although rare, fossils can also be preserved in volcanic rocks and low-grade metamorphic rocks under certain conditions (Society of Vertebrate Paleontology [SVP] 2010). Fossils occur in a non-continuous and often unpredictable distribution within some sedimentary units, and the potential for fossils to occur within sedimentary units depends on several factors. It is possible to evaluate the potential for geologic units to contain scientifically important paleontological resources. The geology of the region was mapped at a scale of 1:100,000 by Wagner and Gutierrez (2017), who identified three geologic units underlying the project site: alluvial fan deposits, San Pablo Group (undivided), and the Jameson Shale Member of the Markley Sandstone (Figure 4.7-4).

Figure 4.7-4 Geologic Map of the Annexation Area



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Additional data provided by Wagner and Gutierrez "Preliminary Geologic Map of the Napa and Bodega Bay 30' x 60' Quadrangles, California," 2017.

According to the SVP (2010) classification system, geologic units can be assigned a high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources. Following the literature review, a paleontological sensitivity classification was assigned to each geologic unit mapped within the project site. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. Overall, as described in further detail below, all three geologic units underlying the project site have a high paleontological sensitivity.

Alluvial Fan Deposits

Alluvial fan deposits underlie most of the project site (Figure 4.7-4). Alluvial fan deposits consist of relatively undissected surfaces of gravel, sand, silt, and clay, that is Holocene to late Pleistocene in age (Wagner and Gutierrez 2017). Some portions of alluvial fan deposits might be too young (i.e., less than 5,000 years old) to preserve paleontological resources, but early Holocene and late Pleistocene alluvial sediments are old enough to preserve such resources. Pleistocene alluvial sediments have produced significant paleontological resources in the northern San Francisco Bay Area (i.e., Marin, Napa, Solano, and Sonoma Counties), including taxa such as mammoth (*Mammuthus*), mastodon (*Mammut*), horse (*Equus*), bison (*Bison*), sloth (*Paramylodon*), rodents (Rodentia), and turtles (Testudines) (Jefferson 2010; Paleobiology Database [PBDB] 2022; Savage 1951; UCMP 2022). Therefore, alluvial fan deposits have high paleontological sensitivity.

San Pablo Group

The San Pablo Group underlies the northern part of the project site (Figure 4.7-4). The San Pablo Group consists of brown, gray, and white, shale, sandstone, and conglomerate that was deposited during the late Miocene in a marine setting (Wagner and Gutierrez 2017). In some areas, the San Pablo Group is split into the Briones Sandstone, Cierbo Sandstone, and Neroly Sandstone. Many significant terrestrial and marine fossils have been discovered from the San Pablo Group and its constituent formations including canids (*Osteoborus*), horses (*Nannippus*, *Neohipparion*, *Pliohippus*), marine mammals (*Desmostylus*), rodents, turtles, sharks, and invertebrates (Grant and Stevenson 1948; PBDB 2022; Stirton 1939; UCMP 2022). Given this fossil-producing history, the San Pablo Group has high paleontological sensitivity.

Jameson Shale Member of the Markley Sandstone

The Jameson Shale Member of the Markley Sandstone underlies the northeastern part of the project site (Figure 4.7-4). The Jameson Shale Member of the Markley Sandstone consists of brown, laminated, siliceous mudstone (Wagner and Gutierrez 2017). The Markley Sandstone has produced bony fish (Osteichthyes), gastropod, bivalve, and microfossils from both shale (i.e., Jameson Shale Member) and sandstone beds (Clark 1938; PBDB 2022; UCMP 2022). Given this fossil-producing history, the Jameson Shale Member of the Markley Sandstone has high paleontological sensitivity.

4.7.2 Regulatory Setting

a. Federal Regulations

U.S. Geological Survey Landslide Hazard Program

The USGS created the Landslide Hazard Program in the mid-1970s; the primary objective of the program is to reduce long-term losses from landslide hazards by improving our understanding of the

causes of ground failure and suggesting mitigation strategies. The federal government takes the lead role in funding and conducting this research, whereas the reduction of losses due to geologic hazards is primarily a State and local responsibility. In Napa County, plans and programs designed for the protection of life and property are coordinated by the Napa County Office of Emergency Services.

Clean Water Act

Congress enacted the Clean Water Act (CWA), formerly the Federal Water Pollution Control Act of 1972, with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). NPDES permitting authority is administered by the California State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCB). The City of American Canyon is located within the San Francisco Bay RWQCB jurisdiction.

Projects within the City and Napa County that disturb more than one acre are required to obtain NPDES coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction General Permit (Order 2009-0009, as amended by Orders 2010-0014-DWQ and 2012-006-DWQ) requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) describing best management practices (BMPs) that the discharger would use to prevent and retain storm water runoff and to prevent soil erosion.

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)

The Stafford Act (1988) provides the legal basis for state, tribal, and local governments to undertake risk-based approaches to reducing natural hazard risks through mitigation planning. Specifically, the Stafford Act requires state, tribal, and local governments to develop and adopt Federal Emergency Management Agency (FEMA)-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance. The Act also authorizes grants for pre- and post-disaster projects and planning.

Disaster Mitigation Act of 2000

Congress passed the Disaster Mitigation Act of 2000 to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act by invoking new and revitalized approaches to mitigation planning. Section 322 of the Act emphasized the need for state and local government entities to closely coordinate on mitigation planning activities and makes the development of a hazard mitigation plan a specific eligibility requirement for local governments applying for federal mitigation grant funds. Communities with an adopted and federally approved hazard mitigation plan thereby become pre-positioned and more apt to receive available mitigation funds before and after the next declared disaster.

To implement the new Stafford Act provisions, FEMA published requirements and procedures for local hazard mitigation plans in the Code of Federal Regulations (CFR) at Title 44, Chapter 1, Part 201.6. These regulations specify minimum standards for developing, updating, and submitting local hazard mitigation plans for agency review and approval at least once every five years.

National Historic Preservation Act of 1966 (16 USC 470)

The National Historic Preservation Act (NHPA) applies to paleontological resources that are found in culturally related contexts; such related paleontological resources qualify as cultural resources. Consequently, recovery and treatment protocols included in a project-specific Cultural Resources Management Plan should be followed for discoveries of paleontological resources in culturally related contexts.

Paleontological Resources Preservation Act of 2009

The Paleontological Resources Preservation Act (PRPA) is part of the Omnibus Public Land Management Act of 2009 (PL 111-011 Subtitle D). This act directs the Secretary of the Interior or the Secretary of Agriculture to manage and protect paleontological resources on federal land and to develop plans for inventorying, monitoring, and deriving the scientific and educational use of such resources. It prohibits the removal of paleontological resources from federal land without a permit issued under this act, establishes penalties for violation of this act, and creates a program to increase public awareness about these resources. A paleontological resource use permit is required to collect paleontological resources of scientific interest. The act requires that paleontological resources collected under a permit remain United States property, preserved for the public in an approved repository, and available for scientific research and public education. The act also requires that the nature and location of paleontological resources on public lands remain confidential as a means of protecting the resources from theft and vandalism. Section 6301 of the PRPA and Departmental Proposed Rule at 43 CFR Part 49 define a paleontological resource as:

> Any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include— (A) any materials associated with an archaeological resource… (B) any cultural item… (3) Resources determined in writing by the authorized officer to lack paleontological interest or not provide information about the history of life on earth, based on scientific and other management considerations.

Consistent with the definition of a paleontological resource under the PRPA, those paleontological resources that lack scientific interest (e.g., resources that are ubiquitous or do not provide information about the history of life on earth) are considered scientifically non-significant fossils.

b. State Regulations

California Building Code

The California Building Code (CBC), Title 24, Part 2 provides building codes and standards for the design and construction of structures in California. The 2016 CBC is based on the 2015 International Building Code, with the addition of more extensive structural seismic provisions. Chapter 16 of the CBC contains definitions of seismic sources and the procedure used to calculate seismic forces on structures. The CBC requires addressing soil-related hazards, such as treating hazardous soil conditions involving removal, proper fill selection, and compaction. In cases where soil remediation is not feasible, the CBC requires structural reinforcement of foundations to resist the forces of expansive soils. The CBC includes requirements for geotechnical investigations (such as inclusion of a soil report), excavation, grading, and fills, load-bearing of soils, as well as foundations, shallow foundations, and deep foundations (Chapter 18). Chapter 18 also describes analysis of expansive

soils, including conducting soil tests in areas likely to contain expansive soils. Soils are considered expansive if either items one through three are met or item four is met:

1. Plasticity index (PI) of 15 or greater, determined in accordance with ASTM D 4318;
2. More than 10 percent of the soil particles pass a No. 200 sieve (75 micrometers), determined in accordance with ASTM D 422;
3. More than 10 percent of the soil particles are less than 5 micrometers in size, determined in accordance with ASTM D 422; and
4. Expansion index greater than 20, determined in accordance with ASTM D 4829.

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 was passed into law following the destructive February 9, 1971 magnitude 6.6 San Fernando earthquake. The Act provides a mechanism for reducing losses from surface fault rupture on a statewide basis. The intent of the Act is to ensure public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. This Act groups faults into categories of active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive.

The Alquist-Priolo Earthquake Fault Zoning Act regulates development near the surface traces of active faults to mitigate the hazard of surface fault rupture. Essentially, this Act contains two requirements: (1) it prohibits the location of most structures for human occupancy across the trace of active faults; and (2) it establishes Earthquake Fault Zones and requires geologic/seismic studies of most proposed development within 50 feet of the zone. The Earthquake Fault Zones are delineated and defined by the State Geologist and identify areas where potential surface rupture along a fault could occur. According to CGS, there are no Earthquake Fault Zones in the project site (CGS 2022).

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (the Act) of 1990 was passed into law following the destructive October 17, 1989, magnitude 6.9 Loma Prieta earthquake. The Act directs the CGS to delineate Seismic Hazard Zones. The purpose of the Act is to reduce the threat to public health and safety and to minimize the loss of life and property by identifying and mitigating seismic hazards, such as liquefaction, landslides, amplified ground shaking, and inundation by tsunami or seiche. Cities, counties, and State agencies are directed to use seismic hazard zone maps developed by CGS in their land-use planning and permitting processes. The Act requires that site-specific geotechnical investigations be performed prior to permitting most urban development projects within seismic hazard zones. CGS maintains these required maps. The project site is not in a CGS-mapped seismic hazard zone.

California Environmental Quality Act – Paleontological Resources

Paleontological resources are protected under CEQA, which states in part a project will “normally” have a significant effect on the environment if it, among other things, will disrupt or adversely affect a paleontological site except as part of a scientific study. Specifically, in Section VII(f) of Appendix G of the CEQA Guidelines, the Environmental Checklist Form, the question is posed thus: “Will the project directly or indirectly destroy a unique paleontological resource or site or unique geologic

feature." To determine the uniqueness of a given paleontological resource, it must first be identified or recovered (i.e., salvaged). Therefore, CEQA mandates mitigation of adverse impacts, to the extent practicable, to paleontological resources.

CEQA does not define "a unique paleontological resource or site." However, the Society of Vertebrate Paleontology (SVP) has defined a "significant paleontological resource" in the context of environmental review as follows:

> Fossils and fossiliferous deposits, here defined as consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are typically to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years) (SVP 2010).

The loss of paleontological resources meeting the criteria outlined above (i.e., a significant paleontological resource) would be a significant impact under CEQA, and the CEQA lead agency is responsible for ensuring that impacts to paleontological resources are mitigated, where practicable, in compliance with CEQA and other applicable statutes.

California Public Resources Code

Section 5097.5 of the Public Resources Code states:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Here "public lands" means those owned by, or under the jurisdiction of, the state or a city, county, district, authority, or public corporation, or an agency thereof. Consequently, public agencies are required to comply with Public Resources Code Section 5097.5 for their own activities, including construction and maintenance, and for permit actions (e.g., encroachment permits) undertaken by others.

c. Local Regulations

Napa County Operational Area Multi-Jurisdictional Hazard Mitigation Plan

In 2020, Napa County prepared an updated Multi-Jurisdictional Hazard Mitigation Plan (HMP) to guide County and city officials and special districts managers in protecting the people and property within the County from the effects of natural disasters and hazards events. The HMP provides an explanation of prevalent hazards within the County and how hazards may affect the County and participating cities and special districts differently based upon proximities to natural hazards. The HMP also identifies risks to vulnerable assets, both people and property. Most importantly, the mitigation strategy presented in the HMP responds to the identified vulnerabilities within each community and provides prescriptions or actions to achieve the greatest risk reduction based upon available resources (Napa County 2020).

American Canyon General Plan

The current City of American Canyon General Plan sets forth the following guiding and implementing policies relevant to geology, soils, and seismicity:

Goal 9: Reduce the potential level of death, injury, property damage, economic and social dislocation (i.e., business closures and homelessness due to structural damage) and disruption of vital services that could result from earthquake damage.

Goal 9C: Ensure that seismic, geologic, and soils hazards that might affect areas designated for human use or habitation are properly mitigated or avoided entirely prior to development.

Objective 9.1: Protect life, ensure public safety, substantially reduce the damage to and ensure the orderly evacuation of building occupants following a seismic event.

> **Policy 9.1.1:** Promote the collection of relevant data on fault location and the history of fault displacement as a basis for future refinement of fault zone policies and development standards. Particular attention should be paid to the West Napa Fault and should be evaluated in conjunction with proposed development. Based on predevelopment studies, limitations on new development shall be imposed if necessary in the identified fault areas.
>
> **Policy 9.1.2:** Implement mandatory development restrictions and investigation requirements (by the state, under the Alquist-Priolo Act, or by the City) on that portion of the West Napa fault zone located within American Canyon and its Planning Area.
>
> **Policy 9.1.3:** Require that any building intended to have occupancy be located at least 50 feet from either side of an active or potentially active fault.

Objective 9.2: Protect health and life safety, and reduce the level of potential property damage from the adverse effects of strong seismic ground shaking by implementing effective, state-of-the-art standards for seismic design of structures in the City.

> **Policy 9.2.1:** Require that development be designed in accordance with seismic requirements of the Uniform Building Code.

Objective 9.3: Protect life and essential lifelines (e.g., gas, electricity, water), reduce the risk of property damage due to liquefaction, and promote the collection of more complete information on liquefaction susceptibility throughout the Planning Area.

> **Policy 9.3.1:** Avoid development in areas with known liquefaction risk. If these areas cannot be avoided, require a qualified geologist, hydrologist, or civil engineer to determine the liquefaction potential at proposed development sites.
>
> **Policy 9.3.2:** Require the submittal of liquefaction mitigation plans for proposed developments located in areas determined to have a high level of liquefaction risk.
>
> **Policy 9.3.3:** Require that natural gas, electric, water, sewer and communication systems located in areas of liquefaction risk be designed to mitigate potential hazards.

Objective 9.4: Protect life, ensure safety, and substantially reduce the potential level of property damage from landslides, mudflows, slope failures and soil hazards. Promote the collection and utilization of more complete information on slope instability potential throughout the City and Planning Area.

Policy 9.4.1: Require the determination of the landslide, slope, instability, and erosion potential of all proposed development sites with a grade of 10 percent or greater and incorporate pertinent measures in the project design to mitigate this potential.

Policy 9.4.2: Require the determination of liquefaction (lateral spreading) potential for all development sites in coarse and medium-grained alluvium areas (Qhbm, Qham, and Qhac) of slopes with grades of less than 15 percent and incorporate pertinent measures in the project design to mitigate this potential.

Policy 9.4.4: Require an assessment of potential damage to essential lifelines (e.g., gas, water, electric, communication, sewer) due to landslides and implement appropriate mitigation measures.

Policy 9.4.5: Review proposals for new development and expansion of existing development in areas that are susceptible to collapsible or expansive soils and require adequate mitigation of these hazards.

Policy 9.4.6: Require that proposed developments in landslide hazard areas submit information regarding pertinent conditions prepared by a qualified geologist or civil engineer.

Policy 9.4.7: Require that proposed developments in landslide hazard areas submit plans to adequately stabilize slopes and unstable soils onsite and prevent impacts on adjacent properties.

Policy 9.4.8: Encourage the use of landscape materials in areas of landslide hazard and unstable soils that promote stability.

American Canyon Municipal Code

Various portions of the American Canyon Municipal Code also address geologic and soil conditions. Relevant sections include:

- Chapter 16.02 adopts the 2019 California Building Code. All new construction within the city limits is required to adhere to seismic safety standards. The City of American Canyon Community Development Department is responsible for the administration and enforcement of the Building Code.
- Chapters 16.12.150, 16.12.210, and 16.12.230 provide specifications for slabs, footings, and foundations in areas of highly expansive soils.
- Chapter 16.14.090 requires the preparation of a soil management report to address soil attributes includes identification of thin, eroded, or erosion prone soils.
- Chapter 16.14.120 requires preparation of a grading plan designed to minimize soil erosion.
- Chapter 18.22.025 requires subdivision maps to include a statement and report on soil tests by a registered engineer and a geological report in areas so determined by the City engineer where there are known geologic hazards.

4.7.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on geology and soils if it would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
    b. Strong seismic ground shaking;
    c. Seismic-related ground failure, including liquefaction;
    d. Landslides;
2. Result in substantial soil erosion or the loss of topsoil;
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirectly risks to life or property;
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Methodology

Impacts to geology and soils was determined by reviewing the existing setting for the project site, as summarized in Section 4.7.1, *Setting*, and analyzing the project's potential to result in substantial adverse effects related to geological hazards. The paleontological sensitivity of the geologic units that underlie the project site were evaluated to assess the project's potential for significant impacts to scientifically important paleontological resources. The analysis was based on the results of a review of existing information in the scientific literature regarding known fossils within geologic units mapped in the annexation area. According to the SVP (2010) classification system, geologic units can be assigned a high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources. Following the literature review, a paleontological sensitivity classification was assigned to each geologic unit mapped within the project site. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. The analysis of impacts focuses on unspecified future construction that could occur in the project site relative to geologic units because paleontological resources would only be impacted during construction-related ground disturbing activities.

b. Project Impacts and Mitigation Measures

Threshold 1a:	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Impact GEO-1 THE PROJECT WOULD NOT BE SUBJECT TO RUPTURE OF A KNOWN EARTHQUAKE FAULT. THERE WOULD BE NO IMPACT.

As shown in Figure 4.7-1, there are no Alquist Priolo Earthquake Fault Zones in the project site. As such, the project would not directly or indirectly cause substantial adverse effects involving rupture of a known earthquake fault. There would be no impacts related to rupture of a known earthquake fault.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 1b:	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
Threshold 1c:	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?
Threshold 1d:	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Impact GEO-2 FOLLOWING PROJECT IMPLEMENTATION, FUTURE STRUCTURES, ROADWAYS, AND OCCUPANTS COULD BE LOCATED IN AREAS THAT WOULD BE EXPOSED TO SEISMIC EVENTS, INCLUDING GROUND SHAKING, LIQUEFACTION, AND LANDSLIDES, CREATING THE RISK FOR DAMAGE OR INJURY. COMPLIANCE WITH THE CBC, THE CITY'S MUNICIPAL CODE, AND MITIGATION MEASURE GEO-1 WOULD MINIMIZE GROUND SHAKING, LIQUEFACTION, AND LANDSLIDE HAZARDS. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Future commercial, industrial, and visitor-serving/hotel uses would introduce structures, workers, and visitors to the project site. These structures and people would be potentially exposed to the effects of seismic ground shaking, liquefaction, and landslides from local and regional earthquakes. Structures built in landslide zones would be exposed to an existing risk of landslide or, if improperly constructed could exacerbate existing landslide conditions, particularly in the areas shown in Figure 4.7-3, which are vulnerable to landslide hazard. New structures throughout the project site would also be exposed to moderate susceptibility risk to liquefaction in the event of a seismic event. Additionally, the Newell Drive extension would occur in a landslide and liquefaction zone and users could be exposed to the effects of seismic ground shaking.

Future structures and roadways in the project site would follow current seismic standards to better withstand damage from strong ground shaking. Potential structural damage and the exposure of people to the risk of injury or death from structural failure would be minimized by required compliance with CBC engineering design and construction measures. Foundations and other structural support features would be required to be designed to resist or absorb damaging forces from strong ground shaking and liquefaction.

Future grading within the project site would create artificial slopes that could fail during strong seismic shaking if improperly constructed. However, compliance with CBC requirements (as codified in American Canyon Municipal Code Chapter 16.02) requires structures be designed to accommodate ground accelerations expected from known active faults. As required under Chapter 18 of the CBC and Chapter 18.22.025 of the American Canyon Municipal Code, geotechnical investigations prepared by a California registered Geotechnical Engineer or Engineering Geologist would be required for the project site and would include final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements (utilities, roadways, parking lots and sidewalks). A geotechnical investigation would likewise be required for the Newell Drive Extension. The final design level geotechnical report would be reviewed and approved by the City Building Department prior to issuance of a building permit ensuring that seismic design requirements are incorporated into construction specifications.

Further reducing impacts, American Canyon, Municipal Code Chapter 16.14 requires preparation of a soil management plan and grading plan in water-efficient landscaped areas. Compliance with provisions of American Canyon Municipal Code Chapter 16.14 would reduce potential impacts related to seismic hazards ground failure on graded or constructed slopes within landscaped areas.

Furthermore, Mitigation Measure GEO-1 would require the applicant to submit a Geotechnical Investigation to the City of American Canyon for review and approval. Standard soil engineering and building design practices would include standards for foundations and structural support of buildings to ensure that they withstand strong ground shaking during a seismic event and avoid the exacerbation of exposure to such hazards. The implementation of this mitigation measure would ensure that the project is not exposed to strong ground shaking hazards, liquefaction, and landslides, and would reduce potentially significant impacts to a less than significant level.

Mitigation Measure

GEO-1 Geotechnical Investigation

Prior to the issuance of improvement plans and building permits, the project applicant shall submit a design-level Geotechnical Investigation to the City of American Canyon for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code (CBC) geologic, soils, and seismic requirements, including abatement of expansive soil conditions. The report shall also determine the final design parameters for walls, foundations, foundation slabs, and surrounding related improvements (e.g., utilities roadways, parking lots, and sidewalks). The measures identified in the approved report shall be incorporated into the project plans and all applicable construction related permits.

Significance After Mitigation

Implementation of Mitigation Measure GEO-1 would reduce impacts related to strong seismic ground shaking, liquefaction, and landslides. With implementation of Mitigation Measure GEO-1, impacts would be less than significant.

Threshold 2: Would the project result in substantial soil erosion or the loss of topsoil?

Impact GEO-3 THE PROJECT COULD RESULT IN SOIL EROSION OR THE LOSS OF TOPSOIL. ADHERENCE TO PERMIT REQUIREMENTS AND MITIGATION MEASURE HYD-1 WOULD REDUCE THIS IMPACT TO A LESS THAN SIGNIFICANT LEVEL. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

There are no specific development plans within the project site, but there are pre-zoned areas that would or could eventually be developed with commercial, industrial, and visitor-serving/hotel uses, as well as construction of the Newell Drive extension. Construction of these uses and roadways would involve activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities. Loose and disturbed soils are more prone to erosion and loss of topsoil by wind and water. Therefore, the project could result in soil erosion or loss of topsoil.

Construction activities that disturb one or more acres of land are subject to the Construction General Permit. Compliance with the permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require preparation of a SWPPP, which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-storm water management controls. As described in Section 4.10, *Hydrology and Water Quality*, development in the project site would be subject to the applicable NPDES Municipal Regional Stormwater Permit (Order R4-2021-0105; NPDES Permit No. CAS000004), which requires measures to reduce and eliminate stormwater pollutants, installation of appropriate BMPs to control stormwater runoff from construction sites, and that grading and drainage permits be obtained prior to construction. Grading and drainage plans accompanying the permit application must include BMPs for erosion prevention and sediment control, fencing at waterways and in sensitive areas, and limitation of disturbed areas. Other examples of BMPs typical of a SWPPP include covering soil stockpiles during construction and putting temporary barriers around storm-drain inlets. The permit applications must also demonstrate compliance with NPDES permit provisions. Mandatory compliance with these permit requirements would reduce soil erosion and the potential for soil loss.

Furthermore, Mitigation Measure HYD-1 would require the implementation of stormwater quality control measures during construction activities to prevent pollutants from entering downstream waterways. Standard stormwater pollution prevention measures would include implementing structural and nonstructural control measures within and around disturbed areas to prevent soil and pollutants from leaving the project site. Impacts would be less than significant. Implementation of Mitigation Measure HYD-1, as well as regulatory requirements, would minimize potentially significant erosions impacts to a less than significant level.

Mitigation Measures

Mitigation Measure HYD-1 (see Impact HYD-1 in Section 4.10, *Hydrology and Water Quality*).

Significance After Mitigation

Implementation of Mitigation Measure HYD-1 would ensure that erosion impacts are minimized. With implementation of Mitigation Measure HYD-1, impacts would be less than significant.

Threshold 3:	Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
Threshold 4:	Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Impact GEO-4 THE PROJECT COULD RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE. COMPLIANCE WITH CBC REQUIREMENTS WOULD REDUCE HAZARDS RESULTING FROM EXPANSIVE SOILS AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

There are no specific development plans within the project site, but there are pre-zoned areas that would or could eventually be developed with commercial, industrial, and visitor-serving/hotel uses, in addition to the Newell Drive extension. Future structures associated with these uses and the Newell Drive extension could be located on expansive soils and be subject to damage (see Section 4.7.1, *Setting*). The project site has minimal landslide susceptibility in the eastern and southern sections, but the entirety of the area is in moderate susceptibility liquefaction zones. The adverse effects of expansive soils can be avoided through proper subsoil preparation, drainage, and foundation design. To design an adequate foundation or roadway, it must be determined if the site contains expansive soils through appropriate soil sampling and laboratory soils testing. Expansive soils are identified through expansion tests of samples of soil or rock, or by means of the interpretation of a standard soils testing procedure. The CBC includes requirements to address soil-related hazards, including testing to identify expansive soils and design specifications where structures are to be constructed on expansive soils. CBC Chapter 18 provides requirements for geotechnical reports to address soils that are found incapable of supporting structures or roadways. Placement of structures or roads can represent new loadings on natural soils or artificial fills that could compress over time.

The required geotechnical report for new development would determine the susceptibility of the project site to settlement from compressible soils and prescribe appropriate engineering techniques for reducing its effects. Typical measures to treat expansive soil conditions involve removal, proper fill selection, and compaction. In cases where soil remediation is not feasible, the CBC requires structural reinforcement of foundations to resist the forces of expansive soils.

The design-level Geotechnical Investigation, which would be required by Mitigation Measure GEO-1, would outline standard grading and soil engineering practices to abate potential hazards. Standard grading and soil engineering practices would include replacing native soils with engineered fill that would not possess expansive characteristics. These grading and soil engineering practices would ensure that the project does not exacerbate the existing expansive soil conditions. Implementation of Mitigation Measure GEO-1 would minimize potentially significant impacts related to landslide, lateral spreading, subsidence, liquefaction, or collapse, to a less than significant level.

Mitigation Measures

Mitigation Measure GEO-1 (see Impact GEO-2).

Significance After Mitigation

Implementation of Mitigation Measure GEO-1 would reduce impacts related to landslide, lateral spreading, subsidence, liquefaction, or collapse. With implementation of Mitigation Measure GEO-1, impacts would be less than significant.

Threshold 5:	Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Impact GEO-5 THE PROJECT WOULD BE SERVED BY SANITATION INFRASTRUCTURE. NO SEPTIC TANKS OR ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS WOULD BE USED; THEREFORE, THERE WOULD BE NO IMPACT.

There exists development and associated wastewater utilities in the southern portion of the project site; however, the northern portion of the project site where development would occur is undeveloped and does not have connections to wastewater facilities. Future development at the project site would extend existing sewer infrastructure to serve the site consistent with Municipal Code Section 14.12.160. No septic tanks or alternative wastewater disposal systems would be installed for future developments. As such, there would be no impact.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 6:	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact GEO-6 DEVELOPMENT FACILITATED BY THE PROJECT HAS THE POTENTIAL TO IMPACT PALEONTOLOGICAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

The potential for impacts to significant paleontological resources is based on the potential for ground disturbance to directly impact paleontologically sensitive geologic units. As described in the *Paleontological Resources* subsection of Section 4.7.1, *Setting,* there are three geologic units on the project site (alluvial fan deposits, the San Pablo Group, and the Jameson Shale Member of the Markley Sandstone) and all three have high paleontological sensitivity.

Potentially significant impacts to paleontological resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. Ground disturbing activities in areas of high paleontological sensitivity and particularly in areas that have not been previously developed with urban uses have the potential to damage or destroy paleontological resources that may be present on or below the ground surface. Ground disturbance associated with future development, as well as construction of the Newell Drive Extension could result in damage to or destruction of fossils, resulting in a potentially significant impact. Mitigation Measure GEO-2 would require that future projects be assessed for its potential to significantly impact paleontological resources.

Mitigation Measure

GEO-2 Retention of Qualified Professional Paleontologist

Prior to submittal of a discretionary development application, the project applicant shall retain a Qualified Professional Paleontologist, as defined by SVP (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall direct mitigation measures to reduce potential impacts to paleontological resources to a less than significant level. The City shall review and approve the Qualified Professional Paleontologist's findings and recommendation. All recommendations shall be incorporated into the project plans prior to issuance of a grading permit.

Significance After Mitigation

Mitigation Measure GEO-2 would reduce potential impacts to paleontological resources to a less than significant level.

4.7.4 Cumulative Impacts

The geographic scope of the cumulative geology and soils analysis is the City of American Canyon and the surrounding vicinity. Adverse effects associated with many geology and soils impacts tend to be localized; therefore, an area generally within a 0.25-mile radius would be the area most affected by activities in combination with the project. In addition, adverse effects associated with paleontological resource impacts tend to be localized, because the integrity of any given resource depends on what occurs only in the immediate vicinity around that resource, such as disruption of soils.

Because the project would have no impact related to rupture of a known earthquake fault or installation of alternative wastewater systems, the project would not contribute to a cumulative impact. Therefore, cumulative impacts related to rupture of a known earthquake fault or installation of alternative wastewater systems are not discussed further.

Cumulative projects have the potential to experience strong to violent ground shaking from earthquakes. Cumulative projects would be exposed to the same ground shaking hazards and likewise would be subject to the same requirements. All cumulative projects would adhere to the provisions of the CBC; American Canyon Municipal Code; and Napa County Municipal Code, which would reduce the potential hazards associated with seismic ground shaking and ground failure. Therefore, the cumulative impact related to seismic-related hazards would be less than significant.

Soil conditions associated with the project, such as expansive soils or unstable geologic units or soils that may result in impacts to erosion, landslide, lateral spreading, subsidence, liquefaction, or collapse, are specific to the project site and generally do not contribute to a cumulative effect. Some or all other cumulative projects may have similar conditions, but they also would not contribute to a general geologic or soil cumulative effect. The project would be subject to the requirements in the American Canyon Municipal Code and CBC, which would reduce soil-related hazard impacts. Other current and future development/redevelopment projects in the City and vicinity would similarly be required to adhere to standards and practices that include stringent geologic and soil-related hazard mitigations. Therefore, the cumulative impact related to soil-related hazards would be less than significant.

Construction activities associated with development of cumulative plans and projects in or within the vicinity of the project site may have the potential to encounter undiscovered paleontological

resources. Cumulative development would be required to minimize impacts through compliance with applicable federal and State laws governing geologic resources and paleontological resources. The closest and largest cumulative project would be the Watson Ranch Project, which includes mitigation for unanticipated discovery of paleontological resources (City of American Canyon 2018). Nonetheless, it is possible that geologic resources and paleontological resources are present on the cumulative project sites and could be encountered by subsurface earthwork activities. Given the potential for cumulative construction-related soil disruption, cumulative projects could result in a potentially significant cumulative impact related to unique geologic and paleontological resources. However, the project itself would not contribute considerably to this cumulative impact because implementation of Mitigation Measure GEO-2 would ensure that undiscovered geologic and paleontological resources are not adversely affected by project-related construction activities and would prevent the destruction or degradation of potentially significant paleontological resources.

4.8 Greenhouse Gas Emissions

This section summarizes the setting for greenhouse gas (GHG) emissions and climate change and analyzes the impacts related to GHG emissions and climate change due to the project.

4.8.1 Setting

Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO_2); methane (CH_4); nitrous oxides (N_2O); fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs); and sulfur hexafluoride (SF_6). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as "carbon dioxide equivalent" (CO_2e), which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a 100-year GWP of 30, meaning its global warming effect is 30 times greater than CO_2 on a molecule per molecule basis (United Nations Intergovernmental Panel on Climate Change [IPCC] 2021).[1]

GHGs are emitted by natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are usually by-products of fossil fuel combustion, and CH_4 results from off-gassing associated with agricultural practices and landfills. Human-made GHGs, many of which have greater heat-absorption potential than CO_2, include fluorinated gases and SF_6 (United States Environmental Protection Agency [USEPA] 2022a).

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. The term "climate change" is often used interchangeably with the term "global warming," but climate change is preferred because it conveys that other changes are happening in addition to rising temperatures. The baseline against which these changes are measured originates in historical records that identify temperature changes that occurred in the past, such as during previous ice ages. The global climate is changing continuously, as evidenced in the geologic record, which indicates repeated episodes of substantial warming and cooling. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming over the past 150 years. The IPCC expressed in their Sixth Assessment Report that the rise and continued growth of atmospheric CO_2 concentrations is unequivocally due to human activities (IPCC 2021). Human influence has warmed the atmosphere, ocean, and land, which has led the climate to warm at an unprecedented rate in the last 2,000 years. It is estimated that between the period of 1850 through 2019, a total of 2,390 gigatons of anthropogenic CO_2 was emitted. It is likely that anthropogenic activities have increased the global

[1] The Intergovernmental Panel on Climate Change's (2021) *Sixth Assessment Report* determined that methane has a GWP of 30. However, the 2017 Climate Change Scoping Plan published by the California Air Resources Board uses a GWP of 25 for methane, consistent with the Intergovernmental Panel on Climate Change's (2007) *Fourth Assessment Report*. Therefore, this analysis utilizes a GWP of 25.

surface temperature by approximately 1.07 degrees Celsius between the years 2010 through 2019 (IPCC 2021).

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 33 degrees Celsius (°C) cooler (World Meteorological Organization 2013). However, since 1750, estimated concentrations of CO_2, CH_4, and N_2O in the atmosphere have increased by 47 percent, 156 percent, and 23 percent, respectively, primarily due to human activity (IPCC 2021). GHG emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, are believed to have elevated the concentration of these gases in the atmosphere beyond the level of concentrations that occur naturally.

a. Greenhouse Gas Emissions Inventory

Global Emissions Inventory

Worldwide anthropogenic GHG emissions totaled 47,000 million metric tons (MT) of CO_2e in 2015, which is a 43 percent increase from 1990 GHG levels (USEPA 2022b). Specifically, 34,522 million metric tons (MMT) of CO_2e of CO_2, 8,241 MMT of CO_2e of CH_4, 2,997 MMT of CO_2e of N_2O, and 1,001 MMT of CO_2e of fluorinated gases were emitted in 2015. The largest source of GHG emissions were energy production and fuel use from vehicles and buildings, which accounted for 75 percent of the global GHG emissions. Agriculture uses and industrial processes contributed 12 percent and six percent, respectively. Waste sources contributed three percent and international transportation sources contributed two percent. These sources account for approximately 98 percent because there was a net sink of two percent from land-use change (including afforestation/reforestation and emissions removals by other land use activities) (USEPA 2022b).

United States Emissions Inventory

Total United States (U.S.) GHG emissions were 6,558 MMT of CO_2e in 2019. Emissions decreased by 1.7 percent from 2018 to 2019. Since 1990, total U.S. emissions have increased by an average annual rate of 0.06 percent for a total increase of 1.8 percent between 1990 and 2019. The decrease from 2018 to 2019 reflects the combined influences of several long-term trends, including population changes, economic growth, energy market shifts, technological changes such as improvements in energy efficiency, and decrease carbon intensity of energy fuel choices. In 2019, the industrial and transportation end-use sectors accounted for 30 percent and 29 percent, respectively, of nationwide GHG emissions; while the commercial and residential end-use sectors accounted for 16 percent and 15 percent of nationwide GHG emissions, respectively, with electricity emissions distributed among the various sectors (USEPA 2022c).

California Emissions Inventory

Based on the California Air Resources Board (CARB) California Greenhouse Gas Inventory for 2000-2019, California produced 418.2 MMT of CO_2e in 2019, which is 7.2 MMT of CO_2e lower than 2018 levels. The major source of GHG emissions in California is the transportation sector, which comprises 40 percent of the state's total GHG emissions. The industrial sector is the second largest source, comprising 21 percent of the state's GHG emissions, while electric power accounts for approximately 14 percent (CARB 2021a). The magnitude of California's total GHG emissions is due in part to its large size and large population compared to other states. However, its relatively mild climate is a factor that reduces California's per capita fuel use and GHG emissions as compared to

other states. In 2016, the State of California achieved its 2020 GHG emission reduction target of reducing emissions to 1990 levels, as emissions fell below 431 MMT of CO_2e (CARB 2021).

Local Emissions Inventory

Based on the City of American Canyon's 2012 Energy Efficiency Climate Action Plan (EECAP), the City generated approximately 120,201 MT of CO_2e in 2010 (City of American Canyon 2012). On-road transportation was the major source accounting for 39.9 percent of the total, largely due to passenger vehicles, but also commercial trips and buses. Commercial/industrial energy was the second largest source of emissions at 27 percent. Residential energy usage represented 18 percent, and solid waste and wastewater represented 7 percent each. Off-road transportation accounted for 2 percent. Agriculture accounted for less than 1 percent of emissions (City of American Canyon 2012).

b. Potential Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources through potential impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. Each of the past three decades has been warmer than all the previous decades on record, and the decade from 2000 through 2010 has been the warmest. The observed global mean surface temperature from 2015 to 2017 was approximately 1.0°C higher than the average global mean surface temperature over the period from 1880 to 1900 (National Oceanic and Atmospheric Administration 2020). Furthermore, several independently analyzed data records of global and regional Land-Surface Air Temperature obtained from station observations jointly indicate that Land-Surface Air Temperature and sea surface temperatures have increased.

According to *California's Fourth Climate Change Assessment*, statewide temperatures from 1986 to 2016 were approximately 0.6 to 1.1°C higher than those recorded from 1901 to 1960. Potential impacts of climate change in California may include reduced water supply from snowpack, sea level rise, more extreme heat days per year, larger forest fires, and more drought years (State of California 2018). In addition to statewide projections, *California's Fourth Climate Change Assessment* includes regional reports that summarize climate impacts and adaptation solutions for nine regions of the state and regionally specific climate change case studies (State of California 2018). However, while there is growing scientific consensus about the possible effects of climate change at a global and statewide level, current scientific modeling tools are unable to predict what local impacts may occur with a similar degree of accuracy. A summary follows of some of the potential effects that could be experienced in California because of climate change.

Air Quality

Scientists project that the annual average maximum daily temperatures in California could rise by 2.4 to 3.2°C in the next 50 years and by 3.1 to 4.9°C in the next century (State of California 2018). Higher temperatures are conducive to air pollution formation, and rising temperatures could therefore result in worsened air quality in California. As a result, climate change may increase the concentration of ground-level ozone. The magnitude of the effect of the increased concentration of ground-level ozone, and therefore its indirect effects, are uncertain. In addition, as temperatures have increased in recent years, the area burned by wildfires throughout the state has increased, and wildfires have occurred at higher elevations in the Sierra Nevada Mountains (State of California

2018). If higher temperatures continue to be accompanied by an increase in the incidence and extent of large wildfires, air quality could worsen. Severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the state. However, if higher temperatures are accompanied by wetter, rather than drier conditions, the rains could tend to temporarily clear the air of particulate pollution, which would effectively reduce the number of large wildfires and thereby ameliorate the pollution associated with them (California Natural Resources Agency 2009).

Water Supply

Analysis of paleoclimatic data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the west, including a pattern of recurring and extended droughts. Uncertainty remains with respect to the overall impact of climate change on future precipitation trends and water supplies in California. Year-to-year variability in statewide precipitation levels has increased since 1980, meaning that wet and dry precipitation extremes have become more common (California Department of Water Resources 2018). This uncertainty regarding future precipitation trends complicates the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood. The average early spring snowpack in the western U.S., including the Sierra Nevada Mountains, decreased by about 10 percent during the last century. During the same period, sea level rose over 0.15 meter along the central and southern California coasts (State of California 2018). The Sierra snowpack provides most of California's water supply as snow that accumulates during wet winters is released slowly during the dry months of spring and summer. A warmer climate is predicted to reduce the fraction of precipitation that falls as snow and the amount of snowfall at lower elevations, thereby reducing the total snowpack (State of California 2018). Projections indicate that average spring snowpack in the Sierra Nevada and other mountain catchments in central and northern California will decline by approximately 66 percent from its historical average by 2050 (State of California 2018).

Hydrology and Sea Level Rise

Climate change could affect the intensity and frequency of storms and flooding (State of California 2018). Furthermore, climate change could induce substantial sea level rise in the coming century. Rising sea level increases the likelihood of and risk from flooding. The rate of increase of global mean sea levels between 1993 to 2022, observed by satellites, is approximately 3.5 millimeters per year, double the twentieth century trend of 1.6 millimeters per year (World Meteorological Organization 2013; National Aeronautics and Space Administration 2022). Sea levels are rising faster now than in the previous two millennia, and the rise will probably accelerate, even with robust GHG emission control measures. While the City is no close to the Pacific coast, sea level rise may jeopardize California’s water supply due to saltwater intrusion and induce groundwater flooding and/or exposure of buried infrastructure (State of California 2018).

Agriculture

California has an over $50 billion annual agricultural industry that produces over a third of the country’s vegetables and two-thirds of the country’s fruits and nuts (California Department of Food and Agriculture 2020). Higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, certain regions of agricultural production could experience water shortages of up to 16 percent, which would increase

water demand as hotter conditions lead to the loss of soil moisture. In addition, crop yield could be threatened by water-induced stress and extreme heat waves, and plants may be susceptible to new and changing pest and disease outbreaks (State of California 2018). Temperature increases could also change the time of year certain crops, such as wine grapes, bloom or ripen, and thereby affect their quality (California Climate Change Center 2006).

Ecosystems

Climate change and the potential resultant changes in weather patterns could have ecological effects on the global and local scales. Soil moisture is likely to decline in many regions because of higher temperatures, and intense rainstorms are likely to become more frequent. Rising temperatures could have four major impacts on plants and animals: timing of ecological events; geographic distribution and range of species; species composition and the incidence of nonnative species within communities; and ecosystem processes, such as carbon cycling and storage (Parmesan 2006; State of California 2018).

4.8.2 Regulatory Setting

a. International

United Nations Climate Change Framework Convention

On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Climate Change Framework Convention. Under the Convention, governments agreed to gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

b. Federal Regulations

Federal Clean Air Act

The U.S. Supreme Court determined in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 U.S. 05-1120) that the USEPA has the authority to regulate motor vehicle GHG emissions under the federal Clean Air Act. The USEPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions. In 2012, the USEPA issued a Final Rule that established the GHG permitting thresholds that determine when Clean Air Act permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In *Utility Air Regulatory Group v. Environmental Protection Agency* (134 Supreme Court 2427 [2014]), the U.S. Supreme Court held the USEPA may not treat GHGs as an air pollutant for purposes of determining whether a source can be considered a major source required to obtain a Prevention of Significant Deterioration or Title V permit. The Court also held that Prevention of Significant Deterioration permits otherwise required based on emissions of other pollutants may continue to require limitations on GHG emissions based on the application of Best Available Control Technology.

Safer Affordable Fuel-Efficient Vehicles Rule

On September 27, 2019, the USEPA and the National Highway Traffic Safety Administration published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program. The SAFE Rule Part One revokes California's authority to set its own GHG emissions standards and to adopt its own zero-emission vehicle mandates. On April 30, 2020, the USEPA and the National Highway Traffic Safety Administration published Part Two of the SAFE Vehicles Rule, which revised corporate average fuel economy and CO_2 emissions standards for passenger cars and trucks of model years 2021-2026, such that the standards increase by approximately 1.5 percent each year through model year 2026, as compared to the approximately 5 percent annual increase required under the 2012 standards (National Highway Traffic Safety Administration 2022).

Construction Equipment Fuel-Efficiency Standard

USEPA sets emission standards for construction equipment. The first federal standards (Tier 1) were adopted in 1994 for all off-road engines over 50 horsepower (hp) and were phased in by 2000. A new standard was adopted in 1998 that introduced Tier 1 for all equipment below 50 hp and established the Tier 2 and Tier 3 standards. The Tier 2 and Tier 3 standards were phased in by 2008 for all equipment. The current iteration of emissions standards for construction equipment are the Tier 4 efficiency requirements, which are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068 (originally adopted in 69 Federal Register 38958 [June 29, 2004] and most recently updated in 2014 [79 Federal Register 46356]). Emissions requirements for new off-road Tier 4 vehicles were completely phased in by the end of 2015.

a. State Regulations

CARB is responsible for the coordination and oversight of State and local air pollution control programs in California. There are numerous regulations aimed at reducing the state's GHG emissions. These initiatives are summarized below.

California Advanced Clean Cars Program

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the USEPA granted the waiver of Clean Air Act preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allows California to implement more stringent vehicle emission standards than those promulgated by the USEPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "LEV (Low Emission Vehicle) III GHG," regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, the rules will be fully implemented, and new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels (CARB 2011).

California Advanced Clean Trucks Program

In June 2020, CARB approved the Advanced Clean Trucks regulation, which requires manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. In addition,

the regulation requires company and fleet reporting for large employers and fleet owners with 50 or more trucks. By 2045, all new trucks sold in California must be zero-emission. Implementation of this regulation would reduce consumption of nonrenewable transportation fuels as trucks transition to alternative fuel sources.

Executive Order B-48-18: Zero-Emission Vehicles

On January 26, 2018, Governor Brown signed Executive Order B-48-18 requiring all State entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as install 200 hydrogen fueling stations and 250,000 electric vehicle (EV) charging stations by 2025. It specifies that 10,000 of the EV charging stations should be direct current fast chargers. This order also requires all State entities to continue to partner with local and regional governments to streamline the installation of ZEV infrastructure. The Governor's Office of Business and Economic Development is required to publish a Plug-in Charging Station Design Guidebook and update the 2015 Hydrogen Station Permitting Guidebook to aid in these efforts. All State entities are required to participate in updating the 2016 ZEV Action Plan, along with the 2018 ZEV Action Plan Priorities Update, which includes and extends the 2016 ZEV Action Plan (Governor's Interagency Working Group on Zero-Emission Vehicles 2016, 2018) to help expand private investment in ZEV infrastructure with a focus on serving low-income and disadvantaged communities.

Executive Order N-79-20

Governor Gavin Newsom signed Executive Order N-79-20 in September 2020, which sets a Statewide goal that 100 percent of all new passenger car and truck sales in the State will be zero-emissions by 2035. It also sets a goal that 100 percent of statewide new sales of medium- and heavy-duty vehicles will be zero emissions by 2045, where feasible, and for all new sales of drayage trucks to be zero emissions by 2035. Additionally, the Executive Order targets 100 percent of new off-road vehicle sales in the State to be zero emission by 2035. CARB is responsible for implementing the new vehicle sales regulation.

California Global Warming Solutions Act of 2006 (Assembly Bill 32, Senate Bill 32, and Assembly Bill 1279)

The "California Global Warming Solutions Act of 2006," (AB 32), outlines California's major legislative initiative for reducing GHG emissions. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main state strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 target of 431 MMT of CO_2e, which was achieved in 2016. CARB approved the Scoping Plan on December 11, 2008, which included GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among others (CARB 2008).

The CARB approved the 2013 Scoping Plan update in May 2014. The update defined the CARB's climate change priorities for the next five years, set the groundwork to reach post-2020 statewide goals, and highlighted California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan.

On September 8, 2016, the governor signed Senate Bill (SB) 32 into law, extending the California Global Warming Solutions Act of 2006 by requiring the state to further reduce GHG emissions to 40

percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, the CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, and implementation of recently adopted policies and legislation, such as SB 1383 and SB 100 (discussed below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies.

AB 1279, "The California Climate Crisis Act," was passed on September 16, 2022 and declares the State would achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. In addition, the bill states that the State would reduce GHG emissions by 85 percent below 1990 levels no later than 2045. The 2022 Scoping Plan lays out a path to achieve AB 1279 targets (CARB 2022). The actions and outcomes in the 2022 Scoping Plan would achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the state's ability to reach AB 32 goals by directing the CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing allocations. Metropolitan Planning Organizations (MPOs) are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the MPO's Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy (categorized as "transit priority projects") can receive incentives to streamline CEQA processing.

The City of American Canyon is within the planning area of the Association of Bay Area Governments (ABAG). ABAG was assigned targets of a 10 percent reduction in GHGs from transportation sources by 2020 and a 19 percent reduction in GHGs from transportation sources by 2035 (CARB 2022b).

Assembly Bill 1493 (Reduce GHG Emissions from Vehicle Use)

AB 1493 (Chapter 200, Statutes of 2002), known as the Pavley Bill, amended Health and Safety Code Sections 42823, and added Section 43018.5 requiring CARB to develop and adopt regulations that achieve maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles, light-duty trucks, and other vehicles used for noncommercial personal transportation in California.

Assembly Bill 1007 (State Alternative Fuels Plan)

AB 1007 (Chapter 371, Statutes of 2005) required the California Energy Commission (CEC) to prepare a State plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other federal, State, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-State

production of biofuels without causing a significant degradation of public health and environmental quality.

CARB In-Use On-Road and Off-Road Diesel Rules

The CARB rule imposes limits on idling, restricts the addition of older vehicles, and requires the retirement or replacement of older engines depending on their fleet size category. This policy indirectly impacts energy consumption.

More specifically, CARB is also charged with developing air pollution control regulations based upon the best available control measures and implementing feasible control measures under the State and Federal Clean Air Act (Health & Safety Code, Sections 39602.5, 39667, 43013, subdivisions (a) and (h), 43018, 40600, 40601, 40612(a)(2) and (c)(1)(A)). Pursuant to these statutory authorities, more stringent emission standards were adopted in 2004 for off-road construction equipment (i.e. "Tier 4" standards) (40 Code of Federal Regulations Parts 1039, 1065, and 1068; California Code of Regulations, title 13, Section 2025; AR 2854). CARB also adopted emission standards for on-road heavy duty diesel vehicles (i.e., haul trucks). (California Code of Regulations, title 13, Section 1956.8.) These haul truck regulations mandate fleet turn-over to ensure that by January 1, 2023, nearly all on-road diesel trucks will have 2010 model year engines or equivalent [i.e., Tier 4]. In addition, interim steps are incorporated into the regulations (e.g., vehicles older than 1999 will be replaced with newer engines by 2020).

California Integrated Waste Management Act (Assembly Bill 341)/Assembly Bill 1826 (Mandatory Recycling/Composting)

The California Integrated Waste Management Act of 1989, as modified by AB 341, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows diversion away from landfills of 75 percent of all solid waste by 2020 and annually thereafter. AB 1826 requires recycling of organic waste (i.e., composting). All businesses and public entities that generate four or more cubic yards of solid waste per week and multi-family residential dwellings that have five or more units are required to recycle and compost.

Senate Bill 1383

Adopted in September 2016, SB 1383 requires CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

SB 1383 also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills.

Senate Bill 100

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's Renewables Portfolio Standard (RPS) Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement

from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045. The 2020 goal was met, with approximately 36 percent of electricity coming from renewable sources in March 2021 (CARB 2021b).

Executive Order B-55-18

On September 10, 2018, the former Governor Brown issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

California Refrigerant Management Program

California's Refrigerant Management Program (RMP) regulates refrigerants used in larger facilities, primarily industrial and supermarket land uses. Refrigerants regulated under the RMP include any refrigerant that is an ozone depleting substance as defined in Title 40 of the Code of Federal Regulation, Part 82, and any compound with a GWP value equal to or greater than 150 according to the GWPs specified in the IPCC Fourth Assessment Report of 2007. According to the RMP, all supermarket and industrial refrigeration systems with a full recharge capacity of 50 pounds (22.7 kilograms) or greater will be required to limit the refrigerants used to no greater than 150 GWP beginning in 2022. Similarly, according to the RMP, all room air conditioning unit systems with a full recharge capacity of 50 pounds or greater will be required to limit the refrigerants used to no greater than 750 GWP beginning in 2023.

Senate Bill 1020

Senate Bill 1020 (SB 1020), signed into law on September 16, 2022, requires renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035, 95 percent by 2040, and 100 percent by 2045. All State agencies facilities must be served by 100 percent renewable and zero-carbon resources by 2030. SB 1020 also requires the Public Utilities Commission, Energy Commission, and CARB to issue a joint progress report outlining the reliability of the electrical grid with a focus on summer reliability and challenges and gaps. Additionally, SB 1020 requires the Public Utilities Commission to define energy affordability and use energy affordability metrics to develop protections, incentives, discounts, or new programs for residential customers facing hardships due to energy or gas bills.

CARB Gas Appliances Sales Ban

As part of the 2022 State Implementation Plan, CARB adopted a ban on new sales of natural gas heaters, water heaters, and furnaces by 2030 in September of 2022. This new measure is intended to reduce emissions from new residential and commercial space and water heaters sold in the State. An emission standard for space and water heaters will go into effect in 2030. Beginning in 2030, 100 percent of the sales of new natural gas-powered heaters and water heaters would need to comply with the emission standard, such as putting in electric heaters or other zero-emission options.

California Building Standards Code

The California Code of Regulations (CCR) Title 24 is referred to as the California Building Standards Code. It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency, and accessibility for persons with physical and sensory disabilities. The California Building Standards Code's energy-

efficiency and green building standards are outlined below. These standards are updated every three years and the project would be subject to the 2022 California Building Standards when they go into effect on January 1, 2023.

Part 6 – Building Energy Efficiency Standards/Energy Code

CCR Title 24, Part 6 is the Building Energy Efficiency Standards or California Energy Code. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings to reduce California's energy demand. New construction and major renovations must demonstrate their compliance with the current Energy Code through submittal and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC. The current iteration is the 2019 Title 24 standards. The California Building Standards Code's energy-efficiency and green building standards are outlined below. The 2022 Standards have been adopted and will come into effect January 1, 2023.

Part 11 – California Green Building Standards

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective on January 1, 2011 (as part of the 2010 California Building Standards Code). The 2022 CALGreen includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures. It also includes voluntary tiers with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory CALGreen standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- Minimum 20 percent reduction in indoor water use relative to specified baseline levels;[2]
- Waste Reduction:
  - Minimum 65 percent non-hazardous construction/demolition waste diverted from landfills;
  - Non-residential and Multifamily dwellings with 5 or more units shall provide readily accessible areas identified for the depositing, storage and collection of nonhazardous materials for recycling including (at a minimum) paper, corrugated cardboard, glass, plastic, organic waste, and metals;
  - Nonresidential: 100 percent of trees, stumps, rocks and associated vegetation soils resulting from primary land clearing shall be reused or recycled.
- Inspections of energy systems to ensure optimal working efficiency;
- Electric Vehicle (EV) Charging for New Construction:[3]

[2] Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CALGreen water reduction requirements must be demonstrated through completion of water use reporting forms. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

[3] EV Capable = a vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways to support EV charging. EV Ready = a vehicle space which is provided with a branch circuit and any necessary raceways to accommodate EV charging stations including a receptacle for future installation of a charger. See 2022 California Green Building Standard Code, Title 24 Part 11 for full explanation of mandatory measures including exceptions.

- Multifamily dwellings, hotels/motels with less than 20 units/rooms: Designation of at least 10 percent of the total number of parking spaces shall be EV capable and at least 25 percent of the total number of parking spaces shall be EV Ready.
- Multifamily dwellings, hotels/motels with greater than 20 units/rooms: Designation of at least 10 percent of the total number of parking spaces shall be EV capable, at least 25 percent of the total number of parking spaces shall be EV Ready, and at least 5 percent of the total number of parking spaces shall be equipped with a Level 2 Charging Station.
- Non-residential land uses shall comply with the following EV charging requirements based on the number of passenger vehicle parking spaces:
  - 0-9: no EV capable spaces or charging stations required;
  - 10 – 25: 4 EV capable spaces but no charging stations required;
  - 26 – 50: 8 EV capable spaces of which 2 must be equipped with charging stations;
  - 51 – 75: 13 EV capable spaces of which 3 must be equipped with charging stations;
  - 76 – 100: 17 EV capable spaces of which 4 must be equipped with charging stations;
  - 101 – 150: 25 EV capable spaces of which 6 must be equipped with charging stations;
  - 151 – 200: 35 EV capable spaces of which 9 must be equipped with charging stations;
  - >200: 20 percent of the total available parking spaces of which 25 percent must be equipped with charging stations;
- Non-residential land uses shall comply with the following EV charging requirements for medium-duty and heavy-duty vehicles: Warehouses, grocery stores, and retail stores with planned off-street loading spaces shall install EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) at the time of construction based on the number of off-street loading spaces as indicated in Table 5.106.5.4.1 of the California Green Building Standards.

- Bicycle Parking:
  - Non-residential short term bicycle parking for projects anticipated to generate visitor traffic: permanently anchored bicycle racks within 200 feet of visitor entrance for 5 percent of new visitor motorized vehicle parking spaces with a minimum of one two-bike capacity rack.
  - Non-residential buildings with tenant spaces of 10 or more employees/tenant-occupants: Secure bicycle parking for 5 percent of the employee/tenant-occupant vehicle parking spaces with a minimum of one bicycle parking facility.

- Shade Trees (Non-Residential):
  - Surface parking: Minimum No. 10 container size or equal shall be installed to provide shade over 50 percent of the parking within 15 years (unless parking area covered by appropriate shade structures and/or solar);
  - Landscape areas: Minimum No. 10 container size or equal shall be installed to provide shade of 20 percent of the landscape area within 15 years;
  - Hardscape areas: Minimum No. 10 container size or equal shall be installed to provide shade of 20 percent of the landscape area within 15 years (unless covered by applicable shade structures and/or solar or the marked area is for organized sports activities).

The CALGreen voluntary standards are only mandatory if a local ordinance requires them. Since the City has not made any of the voluntary measures mandatory, the following voluntary standards would not be applicable to the project:

- Deconstruct existing buildings and reuse applicable salvaged materials;
- Residential Bicycle Parking:
  - Multifamily/hotel/motel short-term parking: Provide permanently anchored bicycle racks within 100 feet of visitor's entrance for 5 percent of visitor motorized vehicle parking capacity (minimum 1 two-bile capacity rack);
  - Hotel/Motel long-term parking: Provide one acceptable on-site bicycle parking space for every 25,000 square feet but not less than two spaces;

The CALGreen voluntary standards are divided into two tiers. Tier 1 adds additional requirements beyond the mandatory measures, whereas Tier 2 further increases the requirements.

- **Tier I:**
  - Stricter energy efficiency requirements;
  - Stricter water conservation requirements for specific fixtures;
  - Minimum 65 percent reduction in construction waste with third-party verification, Minimum 10 percent recycled content for building materials;
  - Minimum 20 percent permeable paving;
  - Minimum 20 percent cement reduction;
  - Multifamily developments/hotels/motels: Minimum 35 percent of total parking spaces shall be EV ready and for projects with 20 or more dwelling units/rooms a minimum of 10 percent of the total number of parking spaces shall be equipped with EV charging stations;
- **Tier II:**
  - Stricter energy efficiency requirements,
  - Stricter water conservation requirements for specific fixtures;
  - Minimum 75 percent reduction in construction waste with third-party verification,
  - Minimum 15 percent recycled content for building materials;
  - Minimum 30 percent permeable paving;
  - Minimum 25 percent cement reduction;
  - Multifamily developments/hotels/motels: Minimum 40 percent of total parking spaces shall be EV ready and for projects with 20 or more dwelling units/rooms a minimum of 15 percent of the total number of parking spaces shall be equipped with EV charging stations.

b. Regional and Local Regulations

Plan Bay Area 2050

Plan Bay Area 2050 is a State-mandated, integrated long-range transportation, land-use, and housing plan, known as an RTP/SCS, that would support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area. Plan Bay Area 2050 builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay

Area 2050 focuses on advancing equity and improving resiliency in the Bay Area by creating strategies in the following four elements: Housing, Economy, Transportation, and Environment. The Plan discusses how the future is uncertain due to anticipated employment growth, lack of housing options, and outside forces, such as climate change and economic turbulence. These uncertainties will impact growth in the Bay Area and exacerbate issues for those who are historically and systemically marginalized and underserved and excluded. Thus, Plan Bay Area 2050 has created strategies and considered investments that will serve those systemically underserved communities and provide equitable opportunities. The Plan presents a total of 35 strategies to outline how the $1.4 trillion dollar investment would be utilized. The strategies include, but are not limited to, the following: providing affordable housing, allowing higher-density in proximity to transit-corridors, optimizing the existing roadway network, creating complete streets, providing subsides for public transit, reducing climate emissions, and expanding open space area. To bring these strategies to fruition, it will require participation by agencies, policymakers, and the public. An implementation plan is also included as part of the Plan to assess the requirements needed to carry out the strategies, identify the roles of pertinent entities, create an appropriate method to implement the strategies, and create a timeline for implementation.

Napa Valley Transportation Authority

The Napa Valley Transportation Authority (NVTA) is a Congestion Management Agency (CMA) formed in 1998 as a joint power authority between the cities of American Canyon, Calistoga, Napa, St. Helena, the town of Yountville, and the County of Napa. NVTA serves as the countywide transportation planning agency. NVTA also develops the long-range county transportation plan, which (along with similar plans from the other eight Bay Area counties) forms the “primary basis” for the RTP/SCS adopted by the Metropolitan Transportation Commission. In turn, the county transportation plan must consider the most recently adopted RTP/SCS to assure that the county transportation plans and the regional plan employ a common planning framework.

City of American Canyon Energy Efficiency Climate Action Plan

The City of American Canyon Energy Efficiency Climate Action Plan (EECAP) was adopted to develop a coordinated approach to energy efficiency and GHG reductions within the community and local government. The EECAP provides feasible strategies and measures that cost-effectively reduce energy-related and GHG emissions. Additionally, the EECAP includes an inventory of GHG emissions from all sectors in the community for years 2005 and 2010, as well as forecasts of anticipated GHG emissions for years 2020 and 2035 under a business-as-usual scenario that takes into consideration current consumption patterns, as well as population and job projections.

City of American Canyon General Plan

The City of American Canyon adopted its General Plan in 1994, which contains objectives and policies that help address climate change and reduce the community’s GHG emissions at the local level and improve energy efficiency and conservation. Under Resolution 2021-60, the General Plan was updated September 7, 2021, to include additional climate change and adaptation policies. The following objectives and policies from the City’s General Plan are relevant to GHG emissions and energy conservation:

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

Policy 1.37.6: Reduce vehicle engine idling in American Canyon by educating the broader community (i.e.: businesses, commuters, residents) on the greenhouse gas impacts caused by engine idling and implementing feasible commercial vehicle regulations.

Goal 8F: Reduce consumption of nonrenewable energy sources and support the development and utilization of new energy sources.

Objective 8.22: Minimize transportation-related energy consumption.

Policy 8.22.1: Encourage the development of mixed use, pedestrian friendly employment/residential centers that help minimize vehicle trips in American Canyon and contribute to a reduction in energy consumption.

Policy 8.22.2: Encourage the clustering of residential structures.

Policy 8.22.3: Require that Development Plans provide for linkages between bicycle and pedestrian circulation systems and transit and employment centers, in accordance with established areawide plans.

Policy 8.22.4: Maintain a system of traffic signals and controls that minimizes waiting time and vehicle speed changes through routes.

Policy 8.22.5: Require that Development Plans provide for High-Occupancy Vehicles (HOV) and public transportation, where feasible, through the provision of appropriate transit areas and park-and-ride locations along public transportation routes.

Objective 8.23: Reduce Energy consumption in buildings.

Policy 8.23.1: Require that developers employ energy-efficient subdivision and site planning methods as well as building design. Measures to be considered include building orientation and shading, landscaping, building reflectance, use of active and passive solar heating and hot water system, etc. In establishing these energy related design requirements, the City shall balance energy-efficient design with good planning principles.

Policy 8.23.2: Require that new City buildings be energy efficient.

Objective 8.24: Increase public awareness of energy conservation needs and means in order to encourage informed choices about energy conservation by the general public.

Policy 8.24.1: Cooperate with local utilities to provide energy conservation information to the public.

Policy 8.24.2: Develop public and/or public-private energy conservation educational programs for City employees and the public.

Objective 8.25: Increase the energy efficiency of City operations to save energy, reduce municipal costs, and provide an example to the private sector.

Policy 8.25.1: Introduce concepts of energy efficiency and lifecycle costing to City planning and operating decisions and to the design of all major City facilities.

Policy 8.25.2: Work with other agencies and utility companies to develop safe, economical and renewable energy resources.

Policy 8.25.3: Consider participating in energy conservation demonstration projects and promoting the use of treatment technologies that provide for the reuse of waste and water treatment by products, such as sludge and methane gas.

In addition to the above General Plan policies related to GHG emissions and energy consumption, the City adopted a Climate Emergency Proclamation on November 16, 2021.

4.8.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on GHG emissions if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Most individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence on climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines*, Section 15064[h][1]). The 2022 BAAQMD *CEQA Air Quality Guidelines* provides two plan level thresholds for determining the significance of GHGs. The two approaches are as follows:

1. Consistency with a qualified GHG reduction plan
2. Meets the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045

The City of American Canyon's EECAP is not a qualified GHG reduction plan, since it contains targets only for 2020 and was adopted prior to the adoption of new targets contained in the 2017 Scoping Plan; therefore, the first approach is not feasible. As such, the City uses the second approach to determine the significance of GHGs for development facilitated by the project.

Methodology

Based on plan-level guidance from the 2022 BAAQMD *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans,* GHG emissions associated with project implementation is discussed qualitatively by comparing the project to the 2022 BAAQMD GHG thresholds, namely whether policies work towards achieving carbon neutrality by 2045. In

addition, the project is qualitatively compared to other applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs.

In developing its 2022 GHG significance thresholds, BAAQMD analyzed what new land use development projects will require to achieve California's long-term climate goal of carbon neutrality by 2045, thereby better representing what design elements new land use development projects need to incorporate to sufficiently contribute to achieving the State's goal. As GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that need to be evaluated to determine whether the project can or will be carbon neutral. With respect to building energy use, this can be achieved by replacing natural gas with electric power and by eliminating inefficient or wasteful electricity usage. These strategies will support California's transition away from fossil fuel-based energy sources and will bring the project's GHG emissions associated with building energy use down to zero because SB 100 incrementally requires greater proportions of in-state sales of electricity to be generated from renewable and carbon-free sources, ultimately requiring 100 percent of in-state electricity sales to be generated from carbon-free sources by 2045. With respect to transportation, projects need to be designed to reduce project-generated VMT and to provide sufficient EV charging infrastructure to support the adoption of EVs. BAAQMD's 2022 significance thresholds for project design elements are listed below. If a land use development project cannot demonstrate consistency, then that project would result in a potentially significant impact related to GHG emissions.

1. Buildings:
    i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    ii. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
2. Transportation:
    i. Achieve compliance with off-street EV requirements in the most recently adopted version of CALGreen Tier 2.
    ii. Achieve a 15 percent reduction in project-generated VMT per employee rate below the existing American Canyon rate.

As discussed in Chapter 4.15, *Transportation*, project-generated traffic is evaluated for whether it would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), which describes specific considerations for analyzing transportation impacts as amended on July 1, 2020, pursuant to SB 375. SB 375 aims to better promote statewide policies that (a) combat climate change by reducing greenhouse gas emissions and particulates; (b) encourage infill development and a diversity of uses instead of sprawl; and (c) promote multi-modal transportation networks, providing clean, efficient access to destinations and improving public health through active transportation. Section 15064.3(b) states that VMT is "generally" the most appropriate measure of transportation impacts. No particular methodology or metric is mandated by section 15064.3(b) and the methodology or metric is left to the lead agency, bearing in mind the criteria the legislature had in mind for determining the significance of transportation impacts in SB-743. These were expressed in Public Resource Code section 21099(b)(1), which states: "[t]hose criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." The project's VMT assessment utilized the American Canyon travel demand model to

forecast the rate of VMT per employee for the project land uses at buildout under the following two scenarios:

- Scenario A: Existing plus Project Conditions
- Scenario B: Cumulative Conditions (with the project) based on Year 2045 citywide residential and commercial growth as well as projected regional land use growth

The American Canyon travel demand model is a trip-based model. Therefore, VMT per employee was estimated based on the VMT associated with home-based work trips. VMT impacts would be considered potentially significant under either scenario if the forecasted rate of VMT per employee for the project were to exceed 85 percent of the existing rate of VMT per employee for jobs in American Canyon, based on the American Canyon travel demand model.

In terms of the potential for wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and CEQA Guidelines Section 15126.2(b), project energy impacts are addressed in Chapter 4.6, *Energy*.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
Threshold 2:	Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact GHG-1 THE PROJECT WOULD BE CONSISTENT WITH BAAQMD THRESHOLDS AFTER IMPLEMENTATION OF MITIGATION MEASURES GHG-1 THROUGH GHG-5. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Construction

Construction of the project would result in GHG emissions during construction, primarily from fuel consumption associated with heavy equipment, light-duty vehicles, machinery, and generators for lighting. Temporary grid power may also be provided to construction trailers or electric construction equipment that may result in indirect GHG emissions from energy generation. The project would utilize construction contractors that would be required to comply with applicable CARB regulations, such as accelerated retrofitting, repowering, or replacement of heavy-duty diesel on-road and off-road equipment. Construction contractors are required to comply with the provisions of CCR Title 13, sections 2449 and 2485, and CARB regulations, which prohibit diesel-fueled commercial and off-road vehicles from idling for more than five minutes, minimizing unnecessary GHG emissions. Construction equipment would be subject to the USEPA Construction Equipment Fuel Efficiency Standard, which would minimize inefficient fuel consumption and thus GHG emissions. These construction equipment standards (i.e., Tier 4 efficiency requirements) are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068. Pursuant to applicable regulatory requirements of CALGreen, the project would comply with construction waste management practices to divert construction and demolition debris from landfills. These practices would result in efficient use of energy during construction and, therefore, would minimize unnecessary GHG emissions. Furthermore, in the interest of cost efficiency, construction contractors would not utilize fuel in a manner that is wasteful or unnecessary, which would also have the effect of minimizing GHG emissions.

The use of GHG-reducing construction Best Management Practices (BMPs) is considered by the City to be a pragmatic and effective approach for the control of construction-related GHG emissions. The BAAQMD, in their 2017 CEQA Air Quality Guidelines, recommend that following construction BMPs for reducing GHG emissions:

- The use of alternative fueled construction vehicles and equipment for at least 15 percent of the fleet.
- The use of local building materials for at least 10 percent of materials.
- The recycling and reuse of at least 50 percent of construction and demolition waste materials.

Pursuant to the 2022 BAAQMD *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*, BAAQMD does not recommend a construction-related climate impact threshold. According to BAAQMD, GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. However, incorporation of feasible and applicable GHG-reducing construction BMPs serves herein as the basis for whether project construction would contribute its "fair share" of GHG emission reductions consistent with the legislative reduction targets codified by SB 32 and the State's long-term climate goal of carbon neutrality by 2045. The California Supreme Court, in Center for Biological Diversity v. Department of Fish & Wildlife (2015) (62 Cal.4th 204, 220-223), explained that an approach by which a lead agency ascertains a proposed project's "fair share" of required Statewide GHG reductions is a legitimate approach for formulating significance thresholds for GHG emissions. Under this approach, which here is focused on the project incorporating BAAQMD-recommended BMPs for construction-related emissions, the project would be considered to result in a potentially significant impact if project construction would not incorporate feasible and applicable GHG reducing construction BMPs including, at a minimum, those listed above. Mitigation Measure GHG-1 would require the implementation of BMPs during construction, including those identified by BAAQMD. As such, potentially significant construction impacts would be reduced to a less than significant level with Mitigation Measure GHG-1.

The proposed thresholds for land use projects are designed to address operational GHG emissions that represent the vast majority of project GHG emissions. Therefore, the primary evaluation of GHG emissions impacts associated with project implementation is focused on operational emissions, discussed below.

Operations

The project would result in GHG emissions during operation. The nature of GHG emissions would be typical of those associated with light industrial, commercial, and hotel uses. GHG emissions would result primarily from building energy usage and fuel consumption associated with vehicle trips. Operational buildout is expected to be 2030.

Transportation

On-road transportation sources are based on passenger vehicle and truck trip generation rates and VMT (See Section 4.15, *Transportation*), including the proposed Newell Drive Extension. According to the VMT information, which is based on American Canyon travel demand model, the project would generate 25.2 VMT per employee under Existing plus Project conditions and 13.8 VMT per employee under Cumulative plus Project conditions, which would not exceed the established VMT threshold of 29.0 VMT per employee and VMT impacts would be less than significant.

However, without requirements for electric vehicles and electric vehicle parking, the project would conflict with the BAAQMD threshold to meet CALGreen Tier 2 EV parking. Implementation of Mitigation Measure GHG-2 would ensure that CALGreen Tier 2 EV parking levels are provided, and that heavy-duty vehicles and off-road equipment associated with the industrial uses are electric.

Buildings

Future buildings developed under the project would be served by PG&E, which is required to increase its renewable energy procurement in accordance with SB 100 targets. SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's Renewables Portfolio Standard Program. It requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Pursuant to the BAAQMD thresholds, projects that include natural gas appliances or natural gas plumbing (in both residential and nonresidential development) would result in a potentially significant GHG impact. Implementation of Mitigation Measure GHG-3 would require that all new buildings include all-electric appliances and water heaters. In addition, Mitigation Measure GHG-4 would require that buildings be designed to meet the Tier 2 advanced energy efficiency requirements in the California Green Building Standards Code. Furthermore, Mitigation Measure GHG-5 would require that electricity for future buildings be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.

Consistency with State GHG Reduction Plans

The project is a program-level document that guides land use and development within the project site. The CARB 2017 Climate Change Scoping Plan outlines a pathway to achieving the 2030 reduction targets set under SB 32, which are considered interim targets toward meeting the long-term 2045 carbon neutrality goal established by California Executive Order B-55-18. The CARB 2022 Scoping Plan outlines a path to achieving carbon neutrality, in addition to outlining a pathway to reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045, set under AB 1279.

As described in the *Methodology* subsection in Section 4.8.3, *Impact Analysis,* GHG emissions associated with project implementation is discussed qualitatively by comparing the project to the 2022 BAAQMD GHG thresholds, namely whether policies work towards achieving carbon neutrality by 2045. Without mitigation, the project would not be consistent with the 2022 BAAQMD GHG thresholds and impacts would be potentially significant. However, as described below, with implementation of mitigation, the project would be consistent with the 2022 BAAQMD GHG thresholds, resulting in a less than significant impact after mitigation:

- The project would not include natural gas appliances or natural gas plumbing, after implementation of Mitigation Measure GHG-3
- The project would not result in wasteful, inefficient, or unnecessary electrical usage after implementation of Mitigation Measures GHG-4 and GHG-5.
- The project would achieve compliance with off-street EV requirements after implementation of Mitigation Measure GHG-2.
- The project would achieve a 15 percent reduction in project-generated VMT per employee rate below the existing American Canyon rate (see Section 4.15, *Transportation*).

Mitigation Measures

GHG-1 Construction BMPs

Prior to the issuance of any grading permits, the project applicant shall provide the City of American Canyon with documentation (e.g., site plans) demonstrating project construction will include the following construction Best Management Practices (BMPs):

- At least 15 percent of the construction fleet for each project phase shall be alternatively fueled or electric.
- At least 10 percent of building materials used for project construction shall be sourced from local suppliers.
- At least 65 percent of construction and demolition waste materials shall be recycled or reused.
- At least one contractor that has a business location in American Canyon shall be contracted for project construction.
- All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) using during construction be electrically powered.
- Architectural coatings used for project construction shall be "Low-VOC," containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product.
- Project construction shall prohibit the use of generators and shall establish grid power connection to electrical equipment needs.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- 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.
- The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be identified and visible to ensure compliance with applicable regulations.

GHG-2 Electric Vehicle Charging Stations

Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.

Prior to the issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that each loading dock is outfitted with at least one 240-volt outlet to accommodate truck and Transport Refrigeration Unit (TRU) charging and/or electrical power connection while trucks are loading and unloading goods.

GHG-3 All Electric Buildings

Prior to the issuance of any building permits, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating the project is designed without the use of any natural gas-fueled appliances or natural gas plumbing.

GHG-4 Tier 2 Advanced Energy Efficiency Requirements

Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed buildings are designed and will be built to, at a minimum, the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards Code, Division A5.2, Energy Efficiency, as outlined under Section A5.203.1.2.2.

GHG-5 Carbon-Free Electricity Sources

Prior to the issuance of any building permit for the project, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating to the City's satisfaction that electricity demand will be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.

Significance After Mitigation

Implementation of Mitigation Measures GHG-1 through GHG-5 would ensure that GHG impacts would be less than significant.

4.8.4 Cumulative Impacts

"Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines Section 15355). Most projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence on climate change. Therefore, climate change analysis for the project involved an analysis of whether the project's contribution toward an impact would be cumulatively considerable. In addition, the project is cumulative in nature as it represents growth through the annexed area because of future development. The project is not one individual project. A number of as yet undefined future projects may occur due to the annexation associated with the project. Therefore, cumulative impacts with respect to GHG emissions represents emissions associated with buildout of individual projects and thus cumulative emissions. Because emissions facilitated by the project would be consistent with BAAQMD GHG thresholds, it would be consistent with State GHG reduction plans. Therefore, the project's contribution to cumulative impacts with respect to GHG emissions would be less than cumulatively considerable.

4.9 Hazards and Hazardous Materials

This section analyzes potential impacts relating to hazards and hazardous materials in the soil, groundwater, and existing structures associated with development facilitated by the project. Geologic hazards are discussed in Section 4.7, *Geology and Soils*.

4.9.1 Setting

a. Hazardous Materials

A material is considered hazardous if it appears on a list of hazardous materials from a federal, State, or local agency, or if it has characteristics defined as hazardous by an agency. A hazardous waste is defined in Title 22, Section 66261.10 of the California Code of Regulations (CCR) as one that has a characteristic that may:

> Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed.

Chemical and physical properties cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosiveness, and reactivity. Sections 66261.20 through 66261.24 of Title 22 of the CCR defines the properties for hazardous waste and may be used to define characteristics of a hazardous material. The release of hazardous materials or hazardous wastes into the environment can contaminate soils, surface water, and groundwater supplies. The types of hazardous materials are defined below:

- **Toxic Substances.** Toxic substances may cause short-term or long-lasting health effects, ranging from temporary effects to permanent disability, or even death. For example, such substances can cause disorientation, acute allergic reactions, asphyxiation, skin irritation, or other adverse health effects if human exposure exceeds certain levels (the level depends on the substances involved and is chemical-specific). Carcinogens, substances that can cause cancer, are a special class of toxic substances. Examples of toxic substances include benzene (a component of gasoline and suspected carcinogen) and methylene chloride (a common laboratory solvent and a suspected carcinogen).
- **Ignitable Substances**. Ignitable substances are hazardous because of their ability to burn. Gasoline, hexane, and natural gas are examples of ignitable substances.
- **Corrosive Materials.** Corrosive materials can cause severe burns. Corrosives include strong acids and bases such as sodium hydroxide (lye) or sulfuric acid (battery acid).
- **Reactive Materials.** Reactive materials may cause explosions or generate toxic gases. Explosives, pure sodium or potassium metals (which react violently with water), and cyanides are examples of reactive materials.

Soil and groundwater can become contaminated by hazardous material releases in a variety of ways, including permitted or illicit use and accidental or intentional disposal or spillage. Before the 1980s, most land disposal of chemicals was unregulated, resulting in numerous industrial properties and public landfills becoming dumping grounds for unwanted chemicals. The largest and most contaminated of these sites became Superfund sites, named for their eligibility to receive cleanup

money from a federal fund established under the Comprehensive Environmental Response, Compensation, and Liability Act. The National Priorities List (NPL) is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the U.S. Environmental Protection Agency (USEPA) in determining which sites warrant further investigation. Sites are added to the NPL following a hazard ranking system.

Numerous smaller properties have been designated as contaminated sites. Often these are gas station sites where leaking underground storage tanks (LUSTs) were upgraded under a federal requirement in the late 1980s. Another category of sites that may have some overlap with the types already mentioned is "brownfields" – previously used, often abandoned, sites that due to actual or suspected contamination are undeveloped or underused. Both the USEPA and California Department of Toxic Substances Control (DTSC) maintain lists of known brownfields sites. These sites are often difficult to inventory due to their owners' reluctance to publicly label their property as potentially contaminated. The known hazardous materials release sites pertinent to the project are described in the *Hazardous Materials Sites* section below.

Asbestos Containing Materials

Asbestos is a naturally occurring fibrous material that was widely used in structures built between 1945 and 1978 for its fireproofing and insulating properties. Asbestos-containing materials (ACM) were banned by the USEPA between the early 1970s and 1991 under the authority of the federal Clean Air Act (CAA) and the Toxic Substances Control Act (TSCA) due to their harmful health effects. Exposure to asbestos increases risk of developing lung disease, such as lung cancer, mesothelioma, or asbestosis (USEPA 2022a). Common ACMs include vinyl flooring and associated mastic, wallboard and associate joint compound, plaster, stucco, acoustic ceiling spray, ceiling tiles, heating system components, and roofing materials. Pre-1973 commercial and industrial structures are required to implement asbestos regulations if damage occurs, or if remodeling, renovation, or demolition activities disturb ACMs.

Lead and Lead-Based Paint

Lead is a naturally occurring metallic element. Because of its toxic properties, lead is regulated as a hazardous material. Excessive exposure to lead can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs. Lead can affect almost every organ and system in the body. In children, lead can cause behavior and learning problems, lower IQ and hyperactivity, hearing problems, and anemia. In adults, lead can cause cardiovascular effects, decreased kidney function, and reproductive problems. In addition, lead can result in serious effects to the developing fetus and infant for pregnant women (USEPA 2022b). Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils surrounding buildings and structures that are painted with lead-based paint (LBP). LBP was primarily used during the same period as ACMs. Pre-1978 commercial and industrial structures are required to implement LBP regulations if the paint is in a deteriorated condition or if remodeling, renovation, or demolition activities disturb LBP surfaces.

Agricultural Chemicals

Many farms use agricultural chemicals such as pesticides and inorganic fertilizers. Sensitive receptors such as residential or school uses in proximity to agricultural uses that use pesticides may

be exposed to increased health risks. Regulated commercial applications of pesticides are documented in an annual report submitted to Napa County. Disturbance of soils with residual quantities of agricultural chemicals due to historic agricultural use can also pose health threats. The northern portion of the project site has previously been in agricultural use.

b. Existing Conditions

Hazardous Materials Sites

The locations where hazardous materials are used, stored, treated and/or disposed of comes to the attention of regulatory agencies through various means, including licensing and permitting, enforcement actions, and anonymous tips. To the extent possible, the locations of these businesses and operations are recorded in database lists maintained by various State, federal, and local regulatory agencies. In addition, federal, State, and local agencies enforce regulations applicable to hazardous waste generators and users, and the Napa County Environmental Health Division tracks and inspect hazardous materials handlers to ensure appropriate reporting and compliance.

Permitted uses of hazardous materials include those facilities that use hazardous materials or handle hazardous wastes in accordance with current hazardous materials and hazardous waste regulations. The use and handling of hazardous materials from these sites is considered low risk, although there can be instances of unintentional chemical releases. In such cases, the site would be tracked in the environmental databases as an environmental case. Permitted sites without documented releases are, nevertheless, potential sources of hazardous materials in the soil and/or groundwater due to accidental spills, incidental leakage, or spillage that may have gone undetected. Some facilities are permitted for more than one hazardous material use and, therefore, could appear in more than one database.

The potential to encounter hazardous materials in soil and groundwater in the city is based on federal, State, and local regulatory databases that identify permitted hazardous materials uses, environmental cases, and spill sites. The DTSC EnviroStor database contains information on properties in California where hazardous substances have been released or where the potential for a release exists. The California State Water Resources Control Board (SWRCB) GeoTracker database contains information on properties in California for sites that require cleanup, such as LUST sites, which may impact water quality, including groundwater.

According to databases of hazardous material sites maintained by the DTSC (EnviroStor) and the SWRCB (GeoTracker), there are no sites within the project site that are still active or need further investigation (DTSC 2022; SWRCB 2022). The nearest registered DTSC or SWRCB site is located approximately 350 feet south of the project site at Napa Junction Road and is an active voluntary cleanup called Canyons Crossing (DTSC 2022).

Use, Transport, and Abatement of Hazardous Materials

The use of hazardous materials is typically associated with industrial land uses. Activities such as manufacturing, plating, cleaning, refining, and finishing frequently involve chemicals that are considered hazardous when accidentally released into the environment.

To a lesser extent, hazardous materials may also be used by various commercial enterprises, as well as residential uses. In particular, dry cleaners use cleaning agents considered to be hazardous materials. Hardware stores typically stock paints and solvents, as well as fertilizers, herbicides, and pesticides. Swimming pool supply stores stock acids, algaecides, and caustic agents. Most

commercial businesses occasionally use commonly available cleaning supplies that, when used in accordance with manufacturers' recommendations, are considered safe by the State of California, but when not handled properly can be considered hazardous. Private residences also use and store commonly available cleaning materials, paints, solvents, swimming pool and spa chemicals, as well as fertilizers, herbicides, and pesticides.

If improperly handled, hazardous materials can result in public health hazards through human contact with contaminated soils or groundwater, or through airborne releases in vapors, fumes, or dust. There is also the potential for accidental or unauthorized releases of hazardous materials that would pose a public health concern. The use, transport, and disposal of hazardous materials and wastes are required to occur in accordance with federal, State, and local regulations. In accordance with such regulations, the transport of hazardous materials and wastes can only occur with transporters who have received training and appropriate licensing. Additionally, hazardous waste transporters are required to complete and carry a hazardous waste manifest, which includes forms, reports, and procedures designed to seamlessly track hazardous waste.

Hazardous materials used and generated in the project site and their waste would be transported via major regional routes, such as State Route (SR) 29, SR 12, SR 37, and Interstate 80. The City does not have direct authority over the transport of hazardous materials on the major roads. Instead, the US Department of Transportation (DOT) and California Highway Patrol (CHP) regulate transportation of hazardous materials by truck.

Schools

School locations require consideration because children are particularly sensitive to hazardous materials exposure. Additional protective regulations apply to projects that could use or disturb potentially hazardous products near or at schools. The California Public Resources Code requires projects that would be located within 0.25 mile of a school and might reasonably be expected to emit or handle hazardous materials to consult with the school district regarding potential hazards. There are no schools within 0.25 mile of the project site. The nearest school, Napa Junction Magnet Elementary School, is approximately 1 mile southwest of the project site.

Aviation Hazards

There are no public or private airports in American Canyon; however, the Napa County Airport is located approximately 1.2 miles northwest of the project site. The project site is mostly in Zone D of the Napa County Airport's sphere of influence. All residential uses and uses hazardous to flight are prohibited in Zone D. A small portion of the southern part of the project site is in Zone E, which prohibits noise-sensitive outdoor uses. Figure 4.9-1 shows the Napa County Airport's sphere of influence zones. The Napa County Airport and its Airport Land Use Compatibility Plan (ALUCP) is discussed further in Section 4.9.2, *Regulatory Setting.*

Landfills

No active landfills exist within the city (California Department of Resources, Recycling, and Recovery [CalRecycle] 2022). American Canyon Sanitary Landfill, located just west of the city, was closed in 1995. The closest active landfill to the city is the Potrero Hills Compost Facility (SWIS Number 48-AA-0084), located approximately 15 miles east of the project site (CalRecycle 2022).

Figure 4.9-1 Napa County Airport Compatability Zones



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Additional data provided by County of Napa Conservation, Development Planning Department, 2010.

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Fig 4.9-1 Airport Land Use Compatibility Plan

4.9.2 Regulatory Setting

a. Federal Regulations

Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA)

These acts established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous wastes. Among other items, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) introduced active federal involvement to emergency response, site remediation, and spill prevention, most notably the Superfund program. The Act was intended to be comprehensive in encompassing both the prevention of and response to uncontrolled hazardous substances releases. The Act deals with environmental response, providing mechanisms for reacting to emergencies and to chronic hazardous material releases. In addition to establishing procedures to prevent and remedy problems, it establishes a system for compensating appropriate individuals and assigning appropriate liability. It is designed to plan for and respond to failure in other regulatory programs and to remedy problems resulting from action taken before the era of comprehensive regulatory protection.

Transportation of Hazardous Materials

The Hazardous Materials Transportation Act of 1974, as amended, is the basic statute regulating hazardous materials transportation in the United States. Transportation of hazardous materials is regulated by the United States Department of Transportation (USDOT) Office of Hazardous Materials Safety. The Office of Hazardous Materials Safety formulates, issues, and revises hazardous materials regulations under the Federal Hazardous Materials Transportation Law. The hazardous materials regulations cover hazardous materials definitions and classifications, hazard communications, shipper and carrier operations, training and security requirements, and packaging and container specifications. The hazardous materials transportation regulations are codified in 49 Code of Federal Regulations Parts 100-185.

The hazardous materials transportation regulations require carriers transporting hazardous materials to receive training in the handling and transportation of hazardous materials. Training requirements include pre-trip safety inspections; use of vehicle controls and equipment, including emergency equipment; procedures for safe operation of the transport vehicle; instruction on the properties of the hazardous material being transported; and loading and unloading procedures. All drivers must possess a commercial driver's license as required by 49 Code of Federal Regulations Part 383. Vehicles transporting hazardous materials must be properly placarded. In addition, the carrier is responsible for the safe unloading of hazardous materials at the site, and operators must follow specific procedures during unloading to minimize the potential for an accidental release of hazardous materials.

Lead-Based Paint Elimination Final Rule (24 Code of Federal Regulations)

Governed by the U.S. Housing and Urban Development, regulations for LBP are contained in the Lead-Based Paint Elimination Final Rule 24 Code of Federal Regulations (CFR) 33, which requires sellers and lessors to disclose known LBP and LBP hazards to perspective purchasers and lessees. Additionally, all LBP abatement activities must follow California and federal occupational safety and health administrations. Administrators in California are the California Occupational Safety and Health Administration (CalOSHA) and California Department of Health Services. The federal administrator is the Occupational Safety and Health Administration (OSHA). Only LBP trained and certified abatement personnel can perform abatement activities. All LBP removed from structures must be hauled and disposed of by a transportation company licensed to transport this type of material at a landfill or receiving facility licensed to accept the waste.

Regulations to manage and control exposure to LBP are also described in CFR Title 29, Section 1926.62; and CCR Title 8 Section 1532.1. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based materials. CalOSHA's Lead in Construction Standard requires project proponents to develop and implement a lead compliance plan when LBP would be disturbed during construction. The plan must describe activities that could emit lead, methods for complying with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. CalOSHA requires 24-hour notification if more than 100 square feet of LBP would be disturbed.

U.S. Environmental Protection Agency

The USEPA is the agency primarily responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. Applicable federal regulations pertaining to hazardous materials are contained in the CFR Titles 29, 40, and 49. Hazardous materials, as defined in the CFR, are listed in 49 CFR 172.101. The management of hazardous materials is governed by the following laws:

1. RCRA of 1976 (42 USC [US Code] 6901 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also called the Superfund Act) (42 USC 9601 et seq.)
2. Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et. Seq.)
3. Superfund Amendments and Reauthorization Act of 1986 (Public Law 99 499)

These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, and/or dispose of hazardous materials. USEPA provides oversight and supervision for federal Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards.

Asbestos Regulations

The USEPA regulations under Title 40 CFR Part 61 regulate the removal and handling of ACMs. The statute is implemented by the Bay Area Air Quality Management District (BAAQMD). The federal Occupational Safety and Health Administration also has a survey requirement under Title 29 CFR that is implemented by CalOSHA under Title 8 California Code Regulations. These regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos.

b. State Regulations

At the State level, agencies such as CalOSHA, the Office of Emergency Services (OES), and the Department of Health Services (DHS) have rules governing the use of hazardous materials that parallel federal regulations and are sometimes more stringent. DTSC is the primary State agency governing the storage, transportation, and disposal of hazardous wastes. DTSC is authorized by the USEPA to enforce and implement federal hazardous materials laws and regulations. DTSC has oversight of Annual Work Plan sites (commonly known as State Superfund sites), sites designated as having the greatest potential to affect human health and the environment.

The primary California State laws for hazardous waste are the California Hazardous Waste Control Law, which is the State equivalent of the Resource Conservation and Recovery Act, and the Carpenter-Presley-Tanner Hazardous Substance Account Act, which is the State equivalent of Comprehensive Environmental Response, Compensation, and Liability Act. State hazardous materials and waste laws are in the CCR Titles 22 and 26. The State regulation concerning the use of hazardous materials in the workplace is included in Title 8 of the California Code Regulations.

Cortese List

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.

The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List." The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA). While Government Code Section 65962.5 makes reference to the preparation of a "list," many changes have occurred related to web-based information access since 1992 and this information is now largely available on the websites of GeoTracker and EnviroStor. Those requesting a copy of the Cortese "list" are now referred directly to the appropriate information resources contained on the internet web sites (e.g., GeoTracker and EnviroStor).

Hazardous Materials Worker Safety

Cal/OSHA and the Federal OSHA are the agencies responsible for assuring worker safety by developing and enforcing workplace safety regulations in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337-340, Chapter 3.2). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

Department of Toxic Substances Control

As a department of the California Environmental Protection Agency, the DTSC is the primary agency in California that regulates hazardous waste, oversees the cleanup of existing contamination, and

identifies ways to reduce hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both State and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria identified by the DTSC in Title 22, Division 4.5 Section 66261.10 of the CCR. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

California Fire Code

CCR Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Part 9 of that Title. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. The Fire Code requires two points of vehicular access for any nonresidential building 30 feet tall or higher.

California Department of Pesticide Regulation, Department of Food and Agriculture, and the Department of Public Health

The California Department of Pesticide Regulations, a division of the California Environmental Protection Agency, in coordination with the California Department of Food and Agriculture, and the California Department of Public Health have the primary responsibility to regulate pesticide use, vector control, food, and drinking water safety. The Department of Pesticide Regulations registers pesticides, and pesticide use is tracked by the County. Title 22 is used to regulate both small and large California Department of Public Health water systems.

Handling and Storage of Hazardous Waste

The handling and storage of hazardous materials is regulated on the federal level by the United States Environmental Protection Agency under the CERCLA as amended by the Superfund Amendments and Reauthorization Act (SARA). Under SARA Title III, a nationwide emergency planning and response program was established that imposed reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances as defined under federal laws. SARA Title III required each state to implement a comprehensive system to inform federal authorities, local agencies, and the public when a significant quantity of hazardous, acutely toxic substances are stored or handled at a facility.

In California, the handling and storage of hazardous materials is regulated by Chapter 6.95 of the California Health and Safety Code. Under Sections 25500 through 25543.3, facilities handling

hazardous materials are required to prepare a Hazardous Materials Business Plan. The business plan provides information to the local emergency response agency regarding the types and quantities of hazardous materials stored at a facility and provides detailed emergency planning and response procedures in the event of a hazardous materials release. In the event that a facility stores quantities of specific acutely hazardous materials above the thresholds set forth by the California code, facilities are required to prepare a Risk Management Plan and California Accidental Release Plan, which provide information on the potential impact zone of a worst-case release and requires plans and programs designed to minimize the probability of a release and mitigate potential impacts.

California Department of Transportation and California Highway Patrol

The California Vehicle Code Section 31303 requires that hazardous materials be transported via routes with the least overall travel time and prohibits the transportation of hazardous materials through residential neighborhoods. In California, the California Highway Patrol (CHP) is authorized to designate and enforce route restrictions for the transportation of hazardous materials. To operate in California, all hazardous waste transporters must be registered with the DTSC. Unless specifically exempt, hazardous waste transporters must comply with the CHP Regulations, the California State Fire Marshal Regulations, and the USDOT Regulations. In addition, hazardous waste transporters must comply with Division 20, Chapter 6.5, Article 6 and 13 of the California Health and Safety Code, and the Title 22, Division 4.5, Chapter 13 of the California Code of Regulations, both of which are administered by the DTSC.

San Francisco Bay Regional Water Quality Control Board

There are nine Regional Water Quality Control Boards (RWQCBs) throughout the State. The San Francisco Bay RWQCB has jurisdiction over the City of American Canyon. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up Leaking Underground Storage Tanks (LUSTs). Storage of hazardous materials in USTs is regulated by the State Water Board, which oversees the nine RWQCBs.

c. Local Regulations

Napa County Division of Environmental Health

The Napa County Division of Environmental Health (NCDEH) is the Certified Unified Program Agency (CUPA) for pollution prevention in all cities, towns and areas of Napa County including American Canyon. The NCDEH provides regulatory oversight over hazardous materials and hazardous waste programs in the city, unincorporated areas and other cities in Napa County. As the CUPA, the NCDEH operates the following programs: Hazardous Waste Generator, Underground Storage Take (UST), Aboveground Petroleum Act (APSA), Hazardous Materials Business Plan (HMBP)/Hazardous Materials Inventory Statement, California Accidental Release Prevention Program, Technical Reference for Emergency Response, Napa County Area Plan, Methamphetamine Contaminated Property Cleanup Act of 2005, Stormwater Management & Control, Abandoned Vehicle Abatement, Remediation Oversight of Contaminated Properties, and Safe Drinking Water and Toxic Enforcement Act of 1986 (Napa County 2022).

Napa County Airport Land Use Compatibility Plan

The ALUCP governs land use around Napa County Airport. The ALUCP identifies two categories of flight hazards: physical obstructions and land use characteristics. Physical obstructions are associated with tall objects or structures. The ALUCP establishes a height restriction of 35 feet above the ground for objects located within Zone D. Additional height may be permitted under Special Use Permit procedures and approval from the Napa County Airport Land Use Commission (ALUC) as provided for in the Napa County Airport Safety Ordinance 416. Land use characteristics involve uses that may produce hazards to aviation. Specific characteristics prohibited within the airport land use planning boundaries are listed below:

- Glare or distracting lights, which could be mistaken for airport lights
- Sources of dust, steam, or smoke that may impair pilot visibility
- Sources of electrical interference with aircraft communications or navigation
- Any use that may attract large flocks or birds, especially landfills or certain agricultural uses

The ALUCP follows Noise Compatibility Guidelines, as included in Table 2-1 of the ALUCP (Napa County ALUC 1991). New residential uses are not permitted within Zone D without ALUC review. However, the City entered a Settlement Agreement with the ALUC on May 3, 2022. The Settlement Agreement provides that the City will not recommend for approval any application for a residential use in Zone D until an amendment to the ALUCP has been approved or December 31, 2023, whichever occurs first. The Settlement Agreement does not prohibit the City from processing an application for a residential proposal within Zone D.

Napa County Operational Area Multi-Jurisdictional Hazard Mitigation Plan

In 2020, the Napa County prepared an updated Multi-Jurisdictional Hazard Mitigation Plan (HMP) to guide County and City Officials and Special Districts Managers in protecting the people and property within the County from the effects of natural disasters and hazards events. The HMP provides an explanation of prevalent hazards within the County and how hazards may affect the County and participating cities and special districts differently based upon proximities to natural hazards. The HMP also identifies risks to vulnerable assets, both people and property. Most importantly, the mitigation strategy presented in the HMP responds to the identified vulnerabilities within each community and provides prescriptions or actions to achieve the greatest risk reduction based upon available resources.

Napa County Emergency Operations Plan

Napa County updated its Emergency Operations Plan (EOP) in 2017 in coordination with the City of American Canyon, City of Calistoga, and Town of Yountville. The EOP addresses the County's planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies. The EOP is comprised of two main components that 1) describe the overall organizational and operational concepts relative to response and recovery and provide an overview of potential hazards and 2) describe the emergency response organization, action checklists, and reference material. The EOP addresses the following topics: active shooter, civil unrest, dam inundation and earthquakes, flooding, hazardous materials, landslides, major air crash, public health emergencies, terrorism, transportation- trucking, and wildfires and windstorms.

City of American Canyon General Plan

The City of American Canyon General Plan (1994) sets forth the following guiding and implementing policies relevant to hazards and hazardous materials:

Goal 1N: Ensure the compatibility of development within American Canyon with the Napa County Airport.

Objective 1.27: Ensure that lands in American Canyon are developed in a manner which protects them from the noise and operational impacts of, and does not adversely constrain, the Napa County Airport.

> **Policy 1.27.2:** Review all applications for new development, expansion of existing uses, and re-use within Napa County Airport Compatibility Zones "A" through "E" for compliance with the appropriate use and development conditions.

Goal 6A: Maintain a high level of fire protection and emergency services to City/District businesses and residences.

Objective 6.3: Ensure that the Fire District's facility, manpower and equipment needs keep pace with the City's growth.

> **Policy 6.3.1:** Require that City planning staff work closely with Fire District officials to ensure that fie facilities and personnel are expanded commensurably to serve the needs of the City's growing population and development base.
>
> **Policy 6.4.3:** Require, through the development review process, that all structures and facilities subject to the District's jurisdiction adhere to City, state and federal regulatory standards such as the Uniform Building and Fire Codes and other applicable safety guidelines.

American Canyon Municipal Code

The Municipal Code affirms the City's use of uniform standards, which contain provisions such as the Uniform Fire Code, California Health and Safety Code, and Uniform Building Code, and that regulations are administered by appropriate local agencies.

4.9.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

In accordance with Appendix G of the *CEQA Guidelines*, hazards and hazardous materials impacts from development facilitated by the project would be significant if the development would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area; or
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Appendix G of the *CEQA Guidelines* also includes the question regarding if the project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. This potential impact is addressed in Section 4.18, *Wildfire.*

Methodology

This section describes the potential environmental impacts of the project, relevant to hazards and hazardous materials. The impact analysis is based on an assessment of baseline conditions, including locations of hazardous materials, existing contaminated sites, and emergency response and evacuation plan requirements. This analysis identifies potential impacts based on the predicted interaction between the affected environment and construction, operation, and maintenance activities related to the development that would be facilitated by the project. However, the precise increase in hazardous materials transported within the project site and the greater region in and around the City of American Canyon, as a result of buildout of the project cannot be predicted because specific development projects are not yet identified at a level of detail allowing such analysis. This analysis focuses on the potential nature and magnitude of risks associated with the accidental release, storage, transportation, and use of hazardous materials during operations of typical industrial, commercial, and visitor-serving/hotel development projects.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
Threshold 2:	Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Impact HAZ-1 DEVELOPMENT FACILITATED BY THE PROJECT COULD INVOLVE THE USE, STORAGE, DISPOSAL, OR TRANSPORTATION OF HAZARDOUS MATERIALS. UPSET OR ACCIDENT CONDITIONS IN THE PROJECT SITE COULD INVOLVE THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT. HOWEVER, IMPLEMENTATION OF MITIGATION MEASURE HAZ-1 WOULD ENSURE THAT IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Construction

Development facilitated by the project could include new buildings, as well as improvements in the public realm, such as street, sidewalk, and the Newell Drive Extension. The following discussion addresses the use of hazardous materials during construction activities; the potential for release of

existing contaminated materials during construction; and the potential for release of LBP or ACM during demolition or construction.

Use of Hazardous Materials During Construction

Development facilitated by the project may include the temporary transport, storage, and use of potentially hazardous materials including fuels, lubricating fluids, cleaners, or solvents. If spilled, these substances could pose a risk to the environment and to human health. However, the transport, storage, use, or disposal of hazardous materials would be subject to federal, State, and local regulations pertaining to the transport, use, storage, and disposal of hazardous materials, which would assure that risks associated with hazardous materials are minimized. The transport of hazardous materials would be subject to federal, State, and local regulations such as the Toxic Substances Control Act and the Resource Conversation and Recovery Act, Hazardous Waste Control Act, and the Napa County Operational Area Multi-Jurisdictional HMP, as discussed in Section 4.9.2, *Regulatory Setting*. Compliance with these regulations would assure that risks associated with the transport of hazardous materials are minimized and impacts associated with the use of hazardous materials during construction would be less than significant.

Release of Contaminated Materials During Construction

Potential health and environmental impacts related to contaminated groundwater and soil, such as those contaminated by pesticides from historic agricultural uses, may occur during excavation and dewatering for new construction throughout the project site. Development facilitated by the project would require project review by the City prior to issuance of grading and building permits. Upon project review, the City would determine if any special requirements apply based on site conditions. In addition, development facilitated by the project would be subject to regulatory programs such as those overseen by the RWQCB and the DTSC. These agencies require applicants for development on potentially contaminated properties to perform investigation and cleanup if the properties are contaminated with hazardous substances. It is not currently known whether there is any contaminated groundwater or soil; however, due to the history of agricultural use, as well as its proximity to a railroad, there is some potential for contamination to be present. A potentially significant impact hazard could occur if any contaminated soil or groundwater is present on the project site. As such, Mitigation Measure HAZ-1 would be required to address this impact and would require the project applicants for future development, as well as the development of the Newell Drive Extension to implement a Phase I Environmental Site Assessment (ESA) and if necessary, a Phase II ESA. Implementation of a Phase I and Phase II ESA would ensure that any potential impacts from hazardous materials or contaminants are addressed prior to construction.

Grading or excavation on sites with existing contamination may also result in the transport and disposal of hazardous materials if they are unearthed and removed from the site. However, the transport, storage, use, or disposal of hazardous materials would be subject to federal, State, and local regulations pertaining to the transport, use, storage, and disposal of hazardous materials, such as the Toxic Substances Control Act and the Resource Conversation and Recovery Act, Hazardous Waste Control Act, and the Napa County Operational Area Multi-Jurisdictional HMP, as discussed in Section 4.9.2, *Regulatory Setting*. Compliance with these regulations would assure that risks associated with hazardous materials are minimized and impacts would be less than significant.

Asbestos and Lead

The project site has the potential to contain buildings that, due to their age, may contain asbestos and/or LBP. Demolition or redevelopment of these structures could result in health hazard impacts to workers if not remediated prior to construction activities. Lead-based materials and asbestos exposure are regulated by CalOSHA. CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed CalOSHA standards. Under this rule, construction workers (and by extension, neighboring properties) may not be exposed to lead at concentrations greater than 50 micrograms per cubic meter of air averaged over an eight-hour period, and exposure must be reduced to lower concentrations if the workday exceeds eight hours. Similarly, CCR Section 1529 sets requirements for asbestos exposure assessments and monitoring, methods of complying with exposure requirements, safety wear, communication of hazards, and medical examination of workers.

The control of ACM during demolition or renovation of buildings is regulated under the Federal Clean Air Act. The Federal Clean Air Act requires a thorough inspection for asbestos where demolition will occur and specifies work practices to control emissions, such as removing all asbestos-containing materials, adequately wetting all regulated asbestos-containing materials, sealing the material in leak tight containers, and disposing of the asbestos-containing waste material as expediently as practicable (USEPA 2022c).

Friable ACMs are regulated as a hazardous air pollutant under the Clean Air Act. As a worker safety hazard, they are also regulated under the authority of CalOSHA and by BAAQMD. In structures that would be demolished, any ACMs would be abated in accordance with State and Federal regulations prior to the start of demolition or renovation activities, and in compliance with all applicable existing rules and regulations, including BAAQMD rules. These programs would ensure that asbestos removal would not result in the release of hazardous materials to the environment that could impair human health.

Development facilitated by the project would also be required to adhere to BAAQMD Regulation 11, Rule 2, which governs the proper handling and disposal of ACM for demolition, renovation, and manufacturing activities in the Bay Area, and CalOSHA regulations regarding lead-based materials. CCR Section 1532.1, requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed CalOSHA standards. With adherence to standard conditions of approval, BAAQMD, and CalOSHA policies regarding ACM and LBP, impacts would be less than significant.

Operation

Development facilitated by the project could involve the use, storage, disposal, or transportation of hazardous materials. Some of the potential commercial uses and visitor-serving/hotel uses do not generally involve the use, storage, disposal, or transportation of significant quantities of hazardous materials. They may involve use and storage of some materials considered hazardous, though these materials would be primarily limited to solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. These materials would not be different from household chemicals and solvents already in wide use throughout the city and project site. Residents and workers are anticipated to use limited quantities of products that could contain hazardous materials routinely for periodic cleaning, repair, and maintenance, or for landscape maintenance/pest control. Those using such products would be required to comply with all applicable regulations regarding the disposal of household waste.

The Newell Drive Extension may be used to transport hazardous materials. Nonetheless, the transport of hazardous materials would be subject to federal, State, and local regulations, including the Toxic Substances Control Act and the Resource Conversation and Recovery Act, Hazardous Waste Control Act, and the Napa County Operational Area Multi-Jurisdictional HMP, as discussed in Section 4.9.2, *Regulatory Setting*.

The proposed pre-zoning for sites in the project site includes industrial uses. The project could, therefore, introduce new manufacturing, warehouse, or industrial uses that would sell, use, store, transport, or release substantial quantities of hazardous materials. Businesses that handle certain chemicals over threshold quantities are required to abide by NCDEH programs, such as preparation of a HMBP/Hazardous Materials Inventory Statement. The HMBP consists of general business information; basic information on the location, type, quantity, and health risks of hazardous materials; and emergency response and training plans. Hazardous materials must be reported in a HMBP if they are handled in quantities equal or greater than 55 gallons of a liquid, 200 standard cubic feet of a compressed gas, or 500 pounds of a solid. Mandatory reporting in HMBPs would reduce the potential hazard to workers and the general public near industrial development from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Similarly, the HMBP would prevent or significantly reduce risks other uses located within proximity to industrial development facilitated by the project.

For those employees that would work with hazardous materials, the amounts of hazardous materials that are handled at any one time are generally small, reducing the potential consequences of an accident during handling. Business-specific practices would be required to comply with federal and State laws to eliminate or minimize the potential consequence of hazardous materials accidents. For example, employees who would work around hazardous materials are required to wear appropriate protective equipment, and safety equipment is routinely available in all areas where hazardous materials are used. California Building and Fire Code requirements detail standards for the safe management of materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with all applicable federal, State and local requirements related to the storage of hazardous materials would maximize containment through safe handling and storage practices described above and provide for prompt and effective cleanup if an accidental release occurs.

Overall, the numerous hazardous material regulations detailed in Section 4.9.2, *Regulatory Setting*, would minimize impacts related to hazardous materials in the project site. Hazardous materials would be required to be transported under DOT regulations. Compliance with existing laws and regulations governing the transport, use, storage, disposal, or release of hazardous materials/wastes would reduce impacts related to exposure of the public or environment to hazardous materials to less than significant.

Mitigation Measures

HAZ-1 Property Assessment – Phase I and II Environmental Site Assessments

Prior to submittal of a discretionary development application or engineering plans for the Newell Drive Extension, the project applicant shall retain a qualified environmental professional, as defined by ASTM E-1527 to prepare a project area Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site that will be affected.

After the site-specific Phase I ESA has been completed, the determination of specific areas that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated by the project applicant. The Phase II ESA shall be completed prior to construction and shall be based on the results of the Phase I ESA. Specifically, if the Phase I ESA identifies recognized environmental conditions or potential concern areas, the project applicant shall retain a qualified environmental consultant, California Professional Geologist or California Professional Engineer, to prepare a Phase II ESA of the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses.

As part of the Phase II ESA, the qualified environmental consultant shall screen the analytical results against the San Francisco Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels for direct exposure of a construction worker under various depth and land use scenarios.

If the Phase II ESA for the development site indicates that contaminants are detected in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan for Impacted Soils prior to project construction.

If the Phase II ESA for the contaminant site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (CCR Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation at the project prior to onsite construction. The City shall review and approve the Phase I ESA and Phase II ESA prior to construction (i.e., demolition and grading).

Significance After Mitigation

Mitigation Measure HAZ-1 would ensure that hazardous materials are identified and remediated prior to construction. Impacts would be less than significant after implementation of Mitigation Measure HAZ-1.

Threshold 3:	Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Impact HAZ-2 DEVELOPMENT FACILITATED BY THE PROJECT WOULD NOT RESULT IN THE RELEASE OF POTENTIALLY HAZARDOUS MATERIALS WITHIN 0.25 MILE OF A SCHOOL. THERE WOULD BE NO IMPACT.

There are no schools within 0.25 mile of the project site. The nearest school (Napa Junction Magnet Elementary School) is approximately 1 mile southwest of the project site. The project would, therefore, not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. There would be no impact.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 4:	Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact HAZ-3 DEVELOPMENT FACILITATED BY THE PROJECT WOULD NOT BE LOCATED ON A SITE INCLUDED ON A LIST OF HAZARDOUS MATERIAL SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5. HOWEVER, IMPACTS COULD OCCUR FROM UNKNOWN HAZARDOUS MATERIALS. COMPLIANCE WITH MITIGATION MEASURE HAZ-1 WOULD MINIMIZE IMPACTS FROM DEVELOPMENT ON PREVIOUSLY UNKNOWN CONTAMINATED SITES AND IMPACTS WOULD BE LESS THAN SIGNIFICANT AFTER MITIGATION.

There are no known LUST sites or DTSC listed cleanup sites in the project site (SWRCB 2022, DTSC 2022). Furthermore, there are no Superfund or other State Responsibility sites in the project site. Nonetheless, it is possible that USTs (which were in use prior to permitting and records being kept) are present in the project site. Tank removal activities could pose both health and safety risks to workers, tank handling personnel, and the public from tank contents or vapors. Potential risks, if any, posed by USTs could be minimized by managing the tank according to existing standards contained in California Health and Safety Code Division 20, Chapters 6.7 and 6.75 (UST Program), as enforced and monitored by the Environmental Programs Division. The extent to which groundwater may be affected by an UST or other potential contamination source depends on the type of contaminant, the amount released, the duration of the release, distance from source, and depth to groundwater. If contamination exceeds regulatory action levels, future developers would be required to undertake remediation procedures prior to grading and development under the supervision of the RWQCB, depending on the nature of any identified contamination.

It is currently unknown whether there are any USTs or other hazardous materials on the project site. As such, if any hazardous materials were to be found on the project site, then there could be a potentially significant impact on the public or the environment. Mitigation Measure HAZ-1 would be implemented to address this potential impact and would require the project applicants for future development, as well as the development of the Newell Drive Extension to implement a Phase I ESA and if necessary, a Phase II ESA. Implementation of a Phase I and Phase II ESA would ensure that any potential hazardous materials, including a UST is identified and remediated prior to construction.

Mitigation Measures

Mitigation Measure HAZ-1 (see Impact HAZ-1).

Significance After Mitigation

Mitigation Measure HAZ-1 would ensure that hazardous materials are identified and remediated prior to construction. Impacts would be less than significant after implementation of Mitigation Measure HAZ-1.

Threshold 5:	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Impact HAZ-4 DEVELOPMENT FACILITATED BY THE PROJECT WOULD OCCUR IN THE NAPA COUNTY AIRPORT LAND USE COMPATIBILITY ZONE D. DEVELOPMENT WOULD OCCUR IN COMPLIANCE WITH THE NAPA COUNTY AIRPORT LAND USE COMPATIBILITY PLAN AND IMPACTS WOULD BE FURTHER REDUCED THROUGH ADHERENCE TO GENERAL PLAN POLICIES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Napa County Airport is located approximately 1.2 miles northwest of the project site and development within the Napa County Airport's sphere of influence is governed by the Napa County ALUCP. As shown in Figure 4.9-1, the southern portion of the project site is in Zone E; however, that area contains the Union Pacific Railroad right-of-way, and no development would occur in that area. As such, no impacts would occur in this area and is not discussed further.

There are no specific development plans within the project site but there are pre-zoned areas that could eventually be developed with commercial, industrial, and visitor-serving/hotel uses that are in Zone D of the Napa County Airport's sphere of influence (see Figure 4.9-1). Residential development is not permitted in Zone D, as discussed in Section 4.9.2, *Regulatory Setting.* There are no new residences proposed by the project; therefore, the uses proposed by the project are allowed in Zone D and the land uses would be consistent with the ALUCP allowable land uses.

In accordance with Public Utilities Code Section 21676, ALUCs must review general and specific plans, including amendments of local jurisdictions for consistency with the Napa County ALUCP. Other uses proposed under the project, such as industrial and visitor-serving, would be reviewed by the Napa County ALUC for consistency with the Napa County ALUCP. The ALUC would review the project for consistency with the Noise Compatibility Guidelines provided in Table 2-1 of the ALUCP, which indicates that light industrial noise exposure is normally or clearly acceptable at under 65 dBA CNEL and marginally acceptable at under 75 dBA CNEL. Table 2-1 does not explicitly include visitor-serving uses but establishes commercial uses to have the same acceptable noise exposure levels as light industrial. Safety hazards would be mitigated by adhering to the ALUCP's sphere of influence zones (e.g., Zone D) through review of physical obstructions and land use characteristics. The ALUCP establishes a 35-foot height restriction for development within Zone D. Additional height may be permitted under stringent Special Use Permit procedures as provided for in the Airport Safety Ordinance #416. Building heights under the project are not currently known but may be proposed at heights greater than 35 feet. As discussed in Section 4.9.2, *Regulatory Setting*, a permit to exceed the height limit as qualified by Ordinance #416 may be obtained after a compatibility determination from the ALUC. Approval from the ALUC would ensure that safety hazards from building height would be resolved.

In addition to review by the Napa County ALUC, General Plan policies would limit the exposure of the public to high noise levels and safety hazards. Specifically, Policy 1.27.2 would support Goal 1N to ensure compatibility of development with the Napa County Airport by reviewing all applications for new development or expansion of existing uses for compliance with allowed uses within Napa County Airport Compatibility Zones. Compliance with the ALUCP, review by the ALUC when required, and General Plan Policy 1.27.2 would reduce airport hazards and excessive noise and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 6:	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact HAZ-5 DEVELOPMENT FACILITATED BY THE PROJECT WOULD NOT IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project would not impair or interfere with emergency response or emergency evacuation. There are no proposed physical changes to roadways or access points that would interfere or impair emergency response or evacuation. The proposed Newell Drive extension would connect SR 29 with Newell Drive, which would improve roadway connections and emergency evacuation. The project site is on existing parcels that are not dedicated to circulation or access, and the devotion of a portion of the project site to Newell Drive would improve emergency access to SR 29 by adding another emergency route. Additionally, the project proposes an overcrossing of the railroad at the northeastern corner of the project site, which would ensure that vehicle traffic on the Newell Drive extension would not be hindered by train traffic.

Development facilitated by the project would not result in population growth; however, the project would add employees, as well as hotel visitors. This increase in employment and visitors would result in additional vehicles in and around the project site. Despite the additional access to SR 29 through the Newell Drive extension, the increase in vehicles could result in incrementally higher congestion on evacuation routes in the city and place additional demand on adopted evacuation routes and other emergency response resources.

Management of emergency response and emergency evacuations plans includes regular updates to the Napa County Operational Area Multi-Jurisdictional HMP and Emergency Operations Plan that incorporate new or proposed developments, such as the development facilitated by the project. Therefore, development facilitated by the project would be reflected in the regular and required updates of emergency and evacuation plans applicable to the City.

In addition, the City would review and approve future projects to ensure that emergency access meets City standards. Development facilitated by the project, as well as all development in the city, must comply with road standards, and are reviewed by the American Canyon Fire Protection District to ensure development would not interfere with evacuation routes or impede the effectiveness of evacuation plans. Compliance with General Plan policies identified in Section 4.9.2, *Regulatory Setting*, would further ensure that development facilitated by the project would not impair the implementation or physical interference with evacuation or emergency response plans. Policies 6.3.1 and 6.4.3 require growth in the city to remain commensurate with available emergency services, such as fire protection. Additionally, as discussed in Section 4.14, *Public Services*, development facilitated by the project would be required to pay an impact fee that is utilized for the provision of resources for the American Canyon Fire Department, which would help provide emergency services to the City.

Therefore, for the reasons identified above, the project would not impair implementation of or physically interfere with evacuation or emergency response plans. The impact related to emergency response and evacuation plans would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

4.9.4 Cumulative Impacts

The geographic scope of the cumulative hazards and hazardous materials analysis is the City of American Canyon and the surrounding vicinity. Adverse effects associated with many hazards and hazardous materials impacts tend to be localized; therefore, an area generally within a 0.25-mile radius would be the area most affected by activities in combination with the project. Because the project would have no impact related to the release of hazardous materials within 0.25 mile of a school, the project would not contribute to a cumulative impact. Therefore, cumulative impacts related to the release of hazardous materials within 0.25 mile of a school are not discussed further.

Because cumulative projects would also transport, use, and dispose of hazardous materials (similar to the project) cumulative projects have the potential to create a significant hazard to the public through the routine transport, use, disposal of hazardous materials. Hazards related to transport of hazardous materials have a wider cumulative area, but are uniformly governed by federal, State, and local regulations, including the Toxic Substances Control Act, the Resource Conversation and Recovery Act, Hazardous Waste Control Act, and the Napa County Operational Area Multi-Jurisdictional HMP. Because all cumulative projects would be required to adhere to these regulations, cumulative impacts would be less than significant.

Cumulative projects may have a cumulative impact from the release of contaminated materials during construction (on sites that may contain hazardous materials, such as pesticides or unknown USTs) or because the cumulative project is listed as a hazardous material site pursuant to Government Code Section 65962.5. The project would mitigate this impact by requiring Mitigation Measure HAZ-1, which would remediate impacts prior to ground disturbance. Because the project would ensure that any hazards from hazardous materials on the project site are remediated, the project's contribution to a cumulative impact would be less than considerable.

Cumulative projects within the Napa County Airport Influence Area are reviewed for consistency with the Napa County ALUCP at the time of discretionary entitlement. Because cumulative projects follow the Napa County ALUC procedures (summarized in Impact HAZ-4), cumulative impacts would be less than significant.

Cumulative projects have the potential to impair an emergency response/evacuation plan. All cumulative projects would adhere to the Napa County Operational Area Multi-Jurisdictional HMP and Napa County EOP. Prescriptions and actions to reduce risks from hazards in the Napa County Operational Area Multi-Jurisdictional HMP would reduce the cumulative impact of the project and cumulative projects by ensuring that Napa County is prepared to mitigate hazards, including emergency response. Similarly, the EOP includes details on countywide emergency response, including emergency access and evacuation, which would reduce the cumulative impact to

emergency access and evacuation. Therefore, adherence to the plans would ensure that the cumulative impact to emergency response would be less than significant.

4.10 Hydrology and Water Quality

This section summarizes the regional and local watershed characteristics, water quality, drainage and infiltration patterns, and flood hazards and analyzes the impacts on hydrology and water quality due to the project. Water supply and adequacy of wastewater conveyance and treatment are discussed in Section 4.17, *Utilities and Service Systems*. Impacts related to wetlands and waters of the U.S. are discussed in Section 4.4, *Biological Resources*.

4.10.1 Setting

a. Surface Hydrology

Natural Drainage Systems

The City of American Canyon is located along the alluvial marshlands of the east bank on the Napa River and the lower slopes of the Sulphur Springs Mountain Range. The watersheds within the City include tributary areas of five creeks. The creeks all drain in a westerly direction from the rolling hills in the east to the Napa River on the west. The existing drainage system in the City consists of natural creeks in the hilly areas, with improved channels in the upland areas and levied channels and sloughs in the lower marshlands near the Napa River.

Developed subdivisions in the City are served by piped drainage facilities that discharge into the creek channels. Watershed boundaries follow ridgelines in the upper elevations, and follow levees, roadways, and other manmade obstructions in the upland and lower watershed areas. The watershed drainages of the five primary creeks in the City are American Canyon Creek, Walsh Creek, North Slough, Fagan Creek, and Sheehy Creek. North Slough is located on the project site and is shown in Figure 4.4-1 in Section 4.4, *Biological Resources*. North Slough is part of the Napa River watershed and drain runoff from the lands within and surrounding the project site. Other potentially jurisdictional waters in the project site have been historically diverted from their natural topographic drainages (i.e., the typical gradient being downhill and flowing north to south or east to west). These potentially jurisdictional waters originate on the property with vineyards to the east and are diverted through a system of culverts and ditches onto and through the project site, flowing into North Slough.

Man-Made Drainage Systems

The City is served by an extensive man-made storm drainage system including pipe networks, ditches, and culverts. Major storm drainage infrastructure including drain pipes, concrete channels, culverts, and swales (which convey storm drainage to Rio Del Mar Creek, American Canyon Creek or North Slough, before conveying it to the Napa River and then to the San Francisco Bay) within the City is owned and operated by the City of American Canyon and maintained by the City's Public Works Department. For further information on stormwater management infrastructure, see *Section 4.17, Utilities and Service Systems*.

b. Regional Groundwater

The project site is located within the 40,500-acre Napa-Sonoma Lowlands Groundwater Subbasin (Department of Water Resources [DWR] 2022a). The subbasin consists primarily of alluvium and alluvial fans that were deposited at and near the mouths of the Napa River and Sonoma Creek

adjacent to San Pablo Bay. To a lesser extent, portions of the City are underlain by sandstone and mudstone/shale, of which the former comprises some of the more productive water-bearing units within the region. The City of American Canyon does not maintain any municipal groundwater wells; however, as many as 41 private wells have been identified that draw from the subbasin within and near the City. Nearly all of these wells reported relatively low flow rates, ranging from 0.5 gallon per minute (gpm) to 45 gpm.

The Sustainable Groundwater Management Act (SGMA) was enacted in 2014 as comprehensive legislation aimed at strengthening local control and management of groundwater basins throughout California. SGMA requires local groundwater sustainability agencies to be formed and groundwater management plans to be developed for all medium and high priority basins. The DWR considers the Napa-Sonoma Valley Lowlands Groundwater Subbasin a very low priority subbasin and it is not subject the rules and regulations of the SGMA including the adoption of a Groundwater Sustainability Plan (Napa County 2022).

c. Surface Water Quality

The Napa River is listed as impaired on the Clean Water Act 303(d) list for pathogens and sediment/siltation. These pollutants are a result of agriculture, urban runoff, and storm sewers; land development; and construction. The Napa River was previously listed on the Clean Water Act 303(d) list for nutrients; however, the RWQCB de-listed the Napa River for this pollutant in 2014 (Resolution Number R2-2014-0006).

d. Groundwater Quality

Groundwater quality in the Napa-Sonoma Lowlands Subbasin is generally suitable for municipal and agricultural uses. Primary constituents of concern are high total dissolved solids (TDS), nitrate, boron, and organic compounds. High TDS are typically found in wells in areas closest to the San Francisco Bay. The DWR indicates that the Napa-Sonoma Lowlands Subbasin shows a TDS range of 50 to 300 milligrams per liter (mg/L), with an average of 185 mg/L (American Canyon 2016). The City does not currently use groundwater as a source of water and the City did not pump groundwater at any time between 2011 and 2015. Previous studies of groundwater productivity in and near the City have indicated that: (1) usable groundwater resources in the City may be limited; (2) wells at depths up to 200 feet produce approximately 45 gallons per minute, with some not reliable in the dry months of the year; and (3) deeper wells (approximately 400 feet) have been found to be brackish and not sustainable (American Canyon 2015).

e. Potable Water Quality in the City of American Canyon

According to American Canyon's 2021 Annual Water Quality Report, contaminants that may be present in source water include:

- Microbial contaminants, such as viruses and bacteria which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;
- Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;
- Pesticides and herbicides that may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

- Organic chemical contaminants, including synthetic and volatile organic chemicals that are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, agricultural application, and septic systems; and
- Radioactive contaminants that can be naturally-occurring or be the result of oil and gas production and mining activities.

Continuous monitoring, physical barriers to runoff, and proper water treatment are used throughout the water treatment and water conveyance system to maintain water quality standards. The City tests multiple water quality parameters of drinking water that cover both primary public health and secondary aesthetic (taste, odor, and color) requirements, and include testing of lead, fluoride, selenium, nitrate, and turbidity. Except for intermittent Total Trihalomethanes (TTHM), all required testing indicate that the City's drinking water meets or exceeds all primary drinking water standards, which are set by the federal Safe Drinking Water Act, and the State Water Resource Control Board Division of Drinking Water (SWRCBDDW) (American Canyon 2022).

Section 303(d) of the 1972 Federal Clean Water Act requires that states develop a list of water bodies that do not meet water quality standards, establish priority rankings for waters on the list and develop action plans, called Total Maximum Daily Loads (TMDL), to improve water quality. The list of impaired water bodies is typically revised every two years. The Napa River is the only listed waterbody in the City. There are no listed waterbodies in the project site (United States Environmental Protection Agency [USEPA] 2022).

f. Flood Hazards

The Federal Emergency Management Agency (FEMA) delineates regional flooding hazards as part of the National Flood Insurance Program. FEMA identifies flood hazard risks through its Flood Insurance Rate Map (FIRM) program. Higher flood risk zones are called Special Flood Hazard Areas (SFHA); these areas have a 1 percent chance or greater of flooding in any given year (also called the 100-year flood). According to FEMA's FIRM of the project site, the project site is not in a flood zone (FEMA 2016). According to the California Department of Conservation Tsunami Inundation Maps, the project site is not located within a Tsunami Inundation Zone. The nearest body of water that is subject to seiche is Lake Frey, located approximately 7 miles northeast of the project site.

4.10.2 Regulatory Setting

a. Federal Regulations

Federal Clean Water Act

In 1972, the 1948 Federal Water Pollution Control Act was amended to require that the discharge of pollutants into waters of the U.S. from any point source be effectively prohibited unless the discharge follows a National Pollutant Discharge Elimination System (NPDES) permit. This amendment became the basis for what was by 1977 referred to as the Clean Water Act (CWA). In 1987, the CWA was again amended to require that the USEPA establish regulations for the permitting of stormwater discharges (as a point source) by municipal and industrial facilities and construction activities under the NPDES permit program. The regulations require that discharges to

surface waters from municipal separate storm sewer system (MS4)[1] be regulated by an NPDES permit.

Regulations on storm water discharges from MS4s were implemented with a two-phased program. Phase I, promulgated by USEPA in November 1990, requires NPDES permits for storm water discharges from MS4s serving populations of 100,000 or greater, construction sites disturbing greater than 5 acres of land, and ten categories of industrial activities. The USEPA recognized that smaller construction projects (disturbing less than 5 acres) and small MS4s (serving populations smaller than 100,000) were also contributing substantially to pollutant discharges nationwide. Therefore, to further improve storm water quality, the USEPA promulgated the NPDES Phase II program (*Federal Register* Vol. 64, No. 235, December 8, 1999). The Phase II regulations became effective on February 7, 2000, and require NPDES permits for storm water discharges from regulated small MS4s and for construction sites disturbing between 1 acre and 5 acres of land.

CWA Section 208, Areawide Waste Treatment Management

Section 208 of the CWA required all states to address water quality degradation from nonpoint source pollution and to develop either regulatory or non-regulatory programs to control nonpoint source pollution. A state's Section 208 program must meet USEPA approval.

CWA Section 303, List of Water Quality Limited Segments

Section 303 of CWA requires States to adopt water quality standards for water bodies and have those standards approved by USEPA. Water quality standards consist of designated beneficial uses for a particular water body (e.g., wildlife habitat, agricultural supply, and fishing), along with water quality criteria necessary to support those uses. Water quality criteria include quantitative set concentrations, levels, or loading rates of constituents—such as pesticides, nutrients, salts, suspended sediment, and fecal coliform bacteria—or narrative statements that represent the quality of water that support a particular use.

When designated beneficial uses of a particular water body are being compromised by water quality, Section 303(d) of the CWA requires identifying and listing that water body as impaired. Once a water body has been deemed impaired, a TMDL must be developed for each impairing water quality constituent. A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (often with a “factor of safety” included, which limits the total load of pollutants to a level well below that which could cause the standard to be exceeded). Once established, the TMDL is allocated among current and future dischargers into the water body.

CWA Section 304(a), Water Quality Criteria

Section 304(a)(1) of the CWA requires the USEPA to develop, publish and periodically revise criteria for protection of water quality and human health that reflect the latest scientific knowledge. Water quality criteria developed under section 304(a) are based on data and scientific judgments on the relationship between pollutant concentrations and environmental and human health effects. Section 304(a) also provides guidance to states in adopting water quality standards.

[1] An MS4 is a conveyance or system of conveyances designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches) that are that owned by a state, city, town, or other public entity and discharge to waters of the United States.

CWA Section 402, National Pollutant Discharge Elimination System

Direct discharges of pollutants into waters of the U.S. are not allowed, except in accordance with the NPDES program established in Section 402 of the CWA. Non-point source discharges to stormwater are regulated under stormwater NPDES permits for municipal stormwater discharges, industrial activities, and construction activities. These permits require development of and adherence to a Stormwater Control Plan (SCP) or Storm Water Pollution Prevention Plan (SWPPP).

National Flood Insurance Program

Congress acted to reduce the costs of disaster relief by passing the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The intent of these acts was to reduce the need for large, publicly funded flood control structures and disaster relief efforts by restricting development in floodplains. FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in a floodplain. FEMA issues FIRMs of communities participating in the NFIP. These maps delineate flood hazard zones in the community.

b. State Regulations

Porter-Cologne Water Quality Control Act

The federal CWA places the primary responsibility for the control of water pollution and planning the development and use of water resources with the states, although it does establish certain guidelines for the states to follow in developing their programs. California's primary statute governing water quality and water pollution is the Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act). The Porter-Cologne Act grants the State Water Resource Control Board (SWRCB) and the nine Regional Water Quality Control Board (RWQCBs) broad powers to protect water quality and is the primary vehicle for the implementation of California's responsibility under the federal CWA. The Porter-Cologne Act grants the SWRCB and RWQCBs the authority and responsibility to adopt plans and policies, to regulate discharges to surface water and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, oil, or petroleum product. Each RWQCB must formulate and adopt a water quality control plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State water policy. The Porter-Cologne Act also provides that an RWQCB may include in its region a regional plan with water discharge prohibitions applicable to particular conditions, areas, or types of waste. The project site is within the jurisdictional boundaries of the San Francisco RWQCB (Region 2).

Phase II Municipal Storm Water Permit

The Municipal Storm Water Permitting Program regulates storm water discharges from MS4s. The NPDES MS4 permits in California are issued in two phases by the SWRCB and RWQCBs. Phase I MS4 permits are issued by the RWQCBs to medium (i.e., serving between 100,000 and 250,000 people) and large (i.e., serving more than 250,000 people) municipalities. Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The Phase II MS4 Permit is issued by the SWRCB and is applicable to smaller municipalities (i.e., populations of less than 100,000 people) and nontraditional small MS4s (e.g., military bases, public campuses, and prison and hospital complexes). The Phase II MS4 Permit (*Waste Discharge Requirements [WDRs] for Storm*

Water Discharges from Small Municipal Separate Storm Sewer Systems [MS4s] General Permit], Order No. 2013-0001-DWQ, NPDES No. CAS000004) became effective on July 1, 2013 and covers Phase II permittees statewide. The Phase II MS4 Permit designated the City of American Canyon as a regulated small MS4 (Attachment A of the MS4 Permit).

The Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) is a joint effort of the County of Napa, cities of American Canyon, Napa, St. Helena and Calistoga, and the Town of Yountville to comply with state and federal regulations including the Phase II MS4 Permit. Although the individual entities of NCSPPP carry out their own individual stormwater pollution prevention programs, the NCSPPP provides for the coordination and consistency of approaches between the individual participants and documents their efforts in annual reports. In addition, the Bay Area Stormwater Management Agencies Association (BASMAA) *Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa and Solano Counties* (Post-Construction Manual) provides a manual for future projects to use, in order to comply with the Phase II MS4 Permit requirements. As described in further detail below, in the *Local Regulation* subsection, the City of American Canyon requires that a SCP be required that meets the criteria of the BASMAA Post-Construction Manual for development projects subject to post construction requirements.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014 is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for State intervention, if required to protect the resource. The plan is intended to ensure a reliable groundwater supply for California for years to come. The SGMA requires governments and water agencies of high- and medium-priority basins to halt overdrafts of groundwater basins. The SGMA requires the formation of local groundwater sustainability agencies (GSAs) that are required to adopt Groundwater Sustainability Plans (GSPs) to manage the sustainability of the groundwater basins.

The project site is in the Napa Sonoma Lowlands Subbasin of the Napa-Sonoma Valley Groundwater Basin (DWR 2022a). The Napa-Sonoma Lowlands Subbasin is classified as very low priority by the DWR (County of Napa 2022). Since the Napa Sonoma Lowlands Subbasin is designated as very low priority basin, the basin is not subject to SGMA.

General Construction Activity Storm Water Permit

The *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ (Construction General Permit), adopted by the SWRCB, regulates construction activity that includes clearing, grading, and excavation resulting in soil disturbance of at least one acre of total land area. The Construction General Permit authorizes the discharge of stormwater to surface waters from construction activities. The Construction General Permit requires that all developers of land where construction activities will occur over more than 1 acre do the following:

- Complete a Risk Assessment to determine pollution prevention requirements pursuant to the three risk levels established in the General Permit;
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the United States;

- Develop and implement a construction SWPPP that specifies Best Management Practices (BMPs) that will reduce pollution in stormwater discharges to the Best Available Technology/ Economically Achievable/Best Conventional Pollutant Control Technology standards;
- Perform inspections and maintenance of all BMPs; and
- Conduct stormwater sampling, if required based on risk level.

To obtain coverage under the Construction General Permit, a project applicant must electronically file all permit registration documents with the SWRCB prior to the start of construction. Permit registration documents must include a:

- Notice of Intent (NOI);
- Risk Assessment;
- Site map;
- Construction SWPPP;
- Annual fee; and
- Signed certification statement.

Typical BMPs contained in construction SWPPPs are designed to minimize erosion during construction, stabilize construction areas, control sediment, and control pollutants from construction materials. The construction SWPPP must also include a discussion of the program to inspect and maintain all BMPs.

General Permit for Stormwater Discharges Associated with Industrial Activities (Industrial General Permit)

Section 402 of the Federal Clean Water Act requires industries that fall under certain Standard Industrial Classification (SIC) codes and that discharge stormwater into a storm drain system or to surface waters, obtain an NPDES permit (SWRCB 2022). SIC Codes include manufacturing facilities; transportation facilities; hazardous waste treatment, storage, or disposal facilities; and recycling facilities. In California, these industrial facilities may comply with the Clean Water Act Section 402 by applying for coverage under the State's General Permit for Stormwater Discharges Associated with Industrial Activities (Industrial General Permit) or by applying for an individual NPDES Permit.

The Industrial General Permit is an NPDES permit that regulates stormwater discharges from any facility associated with 10 broad categories of industrial activities. These categories of industrial activities are based on the SIC codes. The SWRCB and RWQCB enforce the Industrial General Permit. The Industrial General Permit requires the implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to achieve performance standards, which include effluent limitations, as well as the development of an operational SWPPP and a monitoring plan. The Industrial General Permit set effluent limitations through numeric action levels and requires Exceedance Response Actions if there is exceedance of the numeric action levels. The operational SWPPP identifies the site-specific sources of pollutants and describes the best management practices implemented at the facility to prevent dry weather runoff and to reduce pollutants in storm water discharges.

Stormwater Guidance Publications

California Stormwater Quality Association (CASQA), a professional organization, has published guidance for stormwater management. The organization's Stormwater Best Management Handbook

provides guidance for compliance with State stormwater regulations for construction. The Handbook provides detailed monitoring guidance and inspection forms, including a SWPPP Template. The Handbook addresses selection and implementation of BMPs to eliminate or to reduce the discharge of pollutants and control or reduce impacts to the hydrologic cycle associated with development and redevelopment activities. The California Department of Transportation (Caltrans) also has published a Stormwater Quality Handbook Construction Site Best Management Practices Manual that provides similar guidance for transportation projects.

c. Local Regulations

San Francisco Regional Water Quality Control Board

The San Francisco RWQCB issues Municipal Regional NPDES permits (Order No. R4-2021-0105) that allow the discharge of stormwater into local creeks and the Pacific Ocean. All municipalities within the San Francisco Bay Region which discharge wastewater to surface waters are currently regulated by NPDES permits issued by the Regional Water Board. Industrial, commercial, cleanup or other operations which discharge wastes directly into municipal, or other publicly owned wastewater collection systems, are not required to obtain an NPDES permit from the Regional Water Board but must comply with waste discharge requirements issued by the appropriate public entity.

City of American Canyon General Plan

The current City of American Canyon General Plan sets forth the following guiding and implementing policies relevant to hydrology and water quality:

Goal 10 : Protect the lives and property of American Canyon's residents and visitors from flood hazards.

Objective 10.1: Design both new development and redevelopment projects in a manner that minimizes hazards associated with flooding.

> **Policy 10.1.1:** Retain and enhance natural watercourses, including perennial and intermittent streams, as the City's primary flood control channels whenever feasible.
>
> **Policy 10.1.4:** Ensure that stormwater drainage is designed for peak flow conditions.
>
> **Policy 10.1.5:** Prohibit the development of structures designed for human occupancy within the 100-year floodplain, unless flood hazards are adequately mitigated. Mitigation can be accomplished by building foundations a minimum of one (1) foot above the 100- year flood elevation, or by other means approved by the City Engineer.
>
> **Policy 10.1.12:** Require that proposed developments within the 100-year floodplain submit information regarding the flood hazard prepared by a qualified Civil Engineer or Hydrologist.
>
> **Policy 10.1.13:** Require that proposed developments within the 100-year floodplain submit plans to adequately mitigate flood hazards and demonstrate that such improvements will not create or increase downstream or upstream flood hazards.

American Canyon Municipal Code

Chapter 14.28 of the American Canyon Municipal Code (Stormwater and Pollution Discharge Control Program) establishes local regulations to secure benefits from the use of stormwater as a resource and to protect and enhance watercourses, fish, and wildlife habitat. Specifically, the Municipal Code include the following requirements that would apply to the project.

- Section 14.28.080 identifies requirements for construction, including requiring appropriate erosion and sedimentation controls in accordance with guidance provided in the "Standards for Erosion and Sedimentation Control" and the "Erosion and Sedimentation Control Handbook" published by the Association of Bay Area Governments (ABAG). This section also identifies that City Public Works may establish controls on the volume and rate of stormwater runoff from new developments and redevelopment, as appropriate, to minimize peak flows or total runoff volume.
- Section 14.28.081 identifies the BMPs that shall be implemented to prevent the discharge of sediment, construction wastes or contaminants from construction materials, tools and equipment from entering a city storm drain or watercourse. This section also identifies that an Erosion and Sediment Control Plan shall be required for certain projects.
- Section 14.28.082 identifies that the City may establish volume and rate of stormwater controls from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume, and to mimic the pre-development site hydrology. This section also includes the requirement that qualifying projects prepare a SCP that meets the criteria in the BASMAA Post Construction Manual. The SCP must include postconstruction stormwater treatment measures such as bioretention facilities and source control BMPs, and must also address ongoing maintenances of those facilities.

Stormwater Management

The City requires that a Preliminary Hydrology and Hydraulics Study be prepared to determine whether there are significant impacts. Storm drain design is required to conform to Section 4 of the City's Engineering Standard Plans and Specifications for Public Improvements. Those standards require, among other things, that post-development runoff be no greater than 90 percent of pre-development runoff.

4.10.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    a. Result in substantial erosion or siltation on- or off-site;
    b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site;

c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

d. Impede or redirect flood flows.

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Methodology

The impact analysis is based on an assessment of baseline conditions for the project site, including topography, watersheds, surface waters, groundwater, and floodplains. This analysis identifies potential impacts based on the interaction between the existing environment and construction, operation, and maintenance activities related to project development.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

IMPACT HWQ-1 THE PROJECT WOULD NOT VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUNDWATER QUALITY. INDIVIDUAL PROJECTS WOULD BE REQUIRED TO COMPLY WITH BMPS IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS AND PERMIT REQUIREMENTS, AS WELL AS MITIGATION MEASURES HYD-1 AND HYD-2. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Construction

Construction activities associated with the project would include construction of new development and the Newell Drive Extension. Construction activities could result in soil erosion due to earth-moving activities such as excavation, grading, soil compaction and moving, and soil stockpiling. The project sites vary in elevation and slope. Types of pollutants contained in runoff may include sediment and other existing contaminants, such as nutrients, pesticides, herbicides, trace metals, trash, and hydrocarbons that can attach to sediment and be transported downstream through erosion via overland flow, ultimately entering nearby waterways and contributing to degradation of water quality.

Construction activities associated with the project could result in soil erosion during earth-moving activities, including excavation, grading, soil compaction and moving, and soil stockpiling.

Specific development facilitated by the project and the Newell Drive Extension would be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction. This includes compliance with the requirements of the Construction General Permit, which requires preparation and implementation of a construction SWPPP for projects that disturb one acre or more of land. The construction SWPPP would control the discharge of pollutants, including sediment, into local surface water drainages. The construction SWPPP would specify the storm water monitoring and construction BMPs required to minimize water quality degradation. Construction BMPs would include, but would not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site, and Good

Housekeeping BMPs to prevent spills, leaks, and off-site discharge of construction debris and waste. BMPs may include measures such as the installation of silt fences to trap sediments, slope stabilization, and regular sweeping of construction sites to control dust. In addition, future projects would be required to comply with Section 14.28.080 of the American Canyon Municipal Code, which requires erosion and sediment control BMPs to reduce the discharge of sediment and other particulate matter into the City's groundwater and surface water system. Implementation of the required BMPs associated with the Construction General Permit and the American Canyon Municipal Code would reduce the potential for eroded soil and any contaminants attached to that soil to contaminate a waterbody following a storm event.

In addition, construction activities could utilize hazardous materials such as diesel fuel, gasoline, lubricant oils, hydraulic fluid, antifreeze, transmission fluid, cement slurry, and other fluids required for the operation of construction vehicles or equipment. These types of hazardous materials are not acutely hazardous; and storage, handling, use, and disposal of these materials are regulated by county, State, and federal regulations and compliance with applicable standards identified in Section 4.10.2, *Regulatory Setting*, including the Construction General Permit. The Construction General Permit includes the implementation of the construction SWPPP, which would include Good Housekeeping BMPs to prevent spills, leaks, and off-site discharge of construction debris and waste. Transport of these materials to and from construction sites would also be regulated under multiple authorities as discussed in Section 4.8, *Hazards and Hazardous Materials*. Direct contamination of surface water from construction runoff is unlikely given required adherence to relevant standards and regulations.

Compliance with existing regulations and implementation of the required construction SWPPP and construction BMPs discussed above would reduce the risk of water degradation from soil erosion and other pollutants related to construction activities. Furthermore, Mitigation Measure HYD-1 would require development and implementation of a SWPPP to outline site-specific stormwater quality control measures (such as BMPs) during construction activities to prevent pollutants from entering downstream waterways. Implementation of Mitigation Measure HYD-1, as well as regulatory requirements, would minimize potentially significant water quality impacts during construction to a less than significant level.

Operation

Runoff from operation of future development and the Newell Drive Extension would be regulated by Section 14.28 of the American Canyon Municipal Code, which ensure compliance with the Phase II MS4 Permit. Section 14.28.082 of the American Canyon Municipal Code would require an SCP that meets the criteria in the BASMAA Post Construction Manual for all future development and the Newell Drive Extension. The SCP must include site design measures and treatment facilities that would minimize impervious surfaces, retain or detain stormwater, slow runoff rates, and reduce pollutant in post-development runoff (BASMAA 2019). Implementation of the SCP would reduce impacts to water quality.

Development that includes industries that fall under certain SIC codes and that discharge stormwater into a storm drain system or to surface would need to comply with the Industrial General Permit, which requires the development of a site-specific operational SWPPP and monitoring plan. Implementation of the operational SWPPP would reduce the risk of water degradation on site and off site from soil erosion and other pollutants related to project operation because an operational SWPPP requires the design, installation, and maintenance of post-construction stormwater controls. The operational SWPPP identifies the site-specific sources of

pollutants and describes the best management practices implemented at the facility to prevent dry weather runoff and to reduce pollutants in storm water discharges. In addition, the Industrial General Permit requires the implementation of BAT and BCT to achieve performance standards. Water quality performance standards would be established by the numeric action levels in the Industrial General Permit. The Industrial General Permit would require dischargers to develop and implement Exceedance Response Actions when a numeric action levels exceedance occurs during a reporting year.

Furthermore, Mitigation Measure HYD-2 would require the following: (1) that the Stormwater Control Plan be reviewed and verified by the City of American Canyon to ensure the proposed stormwater controls are adequate pursuant to the requirements Order No. R2-2015-0049 (or more recent permit) and (2) that an operation and maintenance program is in place to ensure the long-term functionality of the stormwater controls. The various RWQCBs have evaluated the effectiveness of the types of BMPs required by Mitigation Measure HYD-2 and have determined that BMPs are effective in protecting receiving waters. Thus, there is a high degree of certainty that the project would not exacerbate the existing water quality status of the Napa River or any other water bodies. Impacts would be less than significant with implementation of Mitigation Measure HYD-2 and regulatory requirements.

Mitigation Measures

HYD-1 Water Pollution Prevention Plan

Prior to issuance of grading permits for the project, the applicant shall submit to the City of American Canyon for review and approval a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources (e.g., runoff), 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 (RWQCB) permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) (e.g., silt fencing, street sweeping, routine inspection, etc.) 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 are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association (CASQA) Stormwater Best Management Handbook–Construction or the California Department of Transportation (Caltrans) Stormwater Quality Handbook Construction Site BMPs Manual. The SWPPP shall be implemented during construction to the satisfaction of the City.

HYD-2 Stormwater Control Plan

Prior to the issuance of building permits, the project applicant shall submit a Stormwater Control Plan to the City of American Canyon for review and approval. The plan shall be developed using the California Stormwater Quality Association (CASQA) “New Development and Redevelopment Handbook” and include the applicable provisions of Section C.3 of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008 (or more recent permit). The Stormwater Control Plan shall identify pollution

prevention measures and Best Management Practices (BMPs) to control stormwater pollution from operational activities and facilities and provide maintenance in perpetuity. The Stormwater Control Plan shall include Low Impact Development (LID) design concepts, as well as concepts that accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City, identifying procedures to ensure stormwater quality control measures work properly during operations.

Significance After Mitigation

Implementation of Mitigation Measure HYD-1 and HYD-2 would ensure that water quality impacts are minimized during construction and operation of the project. With implementation of Mitigation Measure HYD-1 and HYD-2, impacts would be less than significant

Threshold 2:	Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

IMPACT HWQ-2 THE PROJECT WOULD NOT INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN WOULD BE IMPEDED. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Development within the project site would be served with potable water service from the City. No groundwater wells would be drilled on-site; therefore, the project would not contribute to groundwater overdraft. In addition, the City of American Canyon's primary water supply source is imported water; local groundwater is not used for municipal purposes. Therefore, no impacts associated with groundwater overdraft would occur.

Implementation of the project may interfere with groundwater recharge by introducing new impervious surfaces through the construction of structures, parking lots, and other paved areas. However, Section 14.28.082 of the American Canyon Municipal Code would require an SCP that meets the criteria in the BASMAA Post Construction Manual for future development and the Newell Drive Extension. The SCP would reduce stormwater pollutant discharges through the construction, operation and maintenance of source control measures, LID, site design measures, stormwater treatment measures and hydromodification management measures. Implementation of the SCP would ensure that groundwater recharge would occur. As such, the project would not substantially decrease groundwater supply, interfere with groundwater recharge, or impede sustainable groundwater management of the basin. Impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 3a:	Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

IMPACT HWQ-3 THE PROJECT COULD ALTER DRAINAGE PATTERNS BUT WOULD NOT RESULT IN SUBSTANTIAL EROSION OR SILTATION AFTER COMPLIANCE WITH EXISTING REGULATIONS AND IMPLEMENTATION OF MITIGATION MEASURES HYD-1 AND HYD-2. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The project could alter the existing drainage patterns on individual project sites with grading, changes in topography, and filling or diversion of potential jurisdictional features, all of which could result in erosion or siltation.

Construction

Chapter 14.28 of the American Canyon Municipal Code (Stormwater and Pollution Discharge Control Program) requires any construction activities in the City to implement appropriate BMPs to prevent the discharge of sediment. An Erosion and Sediment Control Plan would be required for any of the following:

- Project subject to a grading permit;
- Project subject to building permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste; or
- Any other project as required by the authorized enforcement official considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a watercourse, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain.

In addition, future construction disturbing more than one acre would be required to comply with the NPDES program by obtaining project-specific coverage under the State's Construction General Permit. This would require development and implementation of a project-specific construction SWPPP, which would include BMPs to reduce siltation and erosion. Furthermore, Mitigation Measure HYD-1 would require development and implementation of a SWPPP to outline site-specific stormwater quality control measures (such as BMPs) during construction activities to minimize erosion and siltation. Implementation of Mitigation Measure HYD-1, as well as regulatory requirements, would minimize potentially significant erosion and siltation impacts during construction to a less than significant level.

Operation

Runoff from operation of future development and the Newell Drive Extension would be regulated by Section 14.28 of the American Canyon Municipal Code, which ensure compliance with the Phase II MS4 Permit. Section 14.28.082 of the American Canyon Municipal Code would require an SCP that meets the criteria in the BASMAA Post Construction Manual for all future development and the Newell Drive Extension. The SCP must include site design measures and treatment facilities that would minimize impervious surfaces, retain or detain stormwater, slow runoff rates, and reduce pollutant in post-development runoff (BASMAA 2019). Implementation of the SCP would reduce siltation and erosion.

In addition, development subject to the Industrial General Permit would be required to implement erosion and sediment control measures for each erodible surface facility location identified in the operational SWPPP.

Future applicant would implement effective wind erosion controls; provide effective stabilization for inactive areas, finished slopes, and other erodible areas prior to a forecasted storm event; maintain effective perimeter controls and stabilize all site entrances and exits to sufficiently control discharges of erodible materials from discharging or being tracked off the site; divert run-on and storm water generated from within the facility away from all erodible materials. The Industrial General Permit also requires the implementation of BAT and BCT to achieve performance standards. Water quality performance standards would be established by the numeric action levels in the Industrial General Permit. The Industrial General Permit would require dischargers to develop and implement Exceedance Response Actions when a numeric action levels exceedance occurs during a reporting year. The Industrial General Permit would also implement an operational SWPPP and a monitoring plan. The operational SWPPP identifies the site-specific sources of pollutants and describes the best management practices implemented at the facility to prevent dry weather runoff and to reduce pollutants in storm water discharges.

Furthermore, in accordance with applicable provisions of Section C.3 of the San Francisco Bay RWQCB Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008 [or more recent permit]), as required under Mitigation Measure HYD-2, the project would implement LID stormwater management methods into the on-site storm drainage system consisting of rainwater harvesting and use, infiltration, evapotranspiration, or biotreatment. Collectively, these measures would serve to slow, reduce, and meter the volume of runoff leaving the project site and ensure that erosion and siltation is minimized. Impacts would be less than significant with Mitigation Measure HYD-2.

Mitigation Measures

Mitigation Measures HYD-1 and HYD-2 (see Impact HYD-1)

Significance After Mitigation

Implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that erosion and siltation impacts are minimized during construction and operation of the project. With implementation of Mitigation Measures HYD-1 and HYD-2, impacts would be less than significant.

Threshold 3b:	Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
Threshold 3c:	Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

IMPACT HWQ-4 THE PROJECT COULD ALTER DRAINAGE PATTERNS AND INCREMENTALLY INCREASE OVERALL RUNOFF VOLUMES BUT WOULD NOT EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF DUE TO IMPLEMENTATION OF EXISTING REGULATIONS AND MITIGATION MEASURES HYD-1 AND HYD-2. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The project could alter the existing drainage patterns on individual project sites with grading, changes in topography, and filling or diversion of potential jurisdictional features, all of which could create or contribute runoff water.

Construction

Construction activities could involve stockpiling, grading, excavation, dredging, paving, and other earth-disturbing activities that could temporarily alter existing drainage patterns. As described in Impact HWQ-1, compliance with the Construction General Permit would reduce the risk of short-term erosion and runoff due to drainage alterations during construction. Construction activities would also be required to comply with Chapter 14.28 of the American Canyon Municipal Code (Stormwater and Pollution Discharge Control Program), which requires any construction activities in the City to implement appropriate BMPs to prevent the discharge of sediment, construction wastes or contaminants from construction materials, tools, and equipment from entering a city storm drain or watercourse. Finally, Mitigation Measure HYD-1 would require the implementation of BMPs as part of the SWPPP. As such, through compliance with these regulations and mitigation, potentially significant short-term impacts from runoff during construction, including flooding and polluted runoff would be less than significant.

Operation

Runoff from operation of future development and the Newell Drive Extension would be regulated by Section 14.28 of the American Canyon Municipal Code, which ensure compliance with the Phase II MS4 Permit. Section 14.28.082 of the American Canyon Municipal Code would require an SCP that meets the criteria in the BASMAA Post Construction Manual for all future development and the Newell Drive Extension. The SCP would outline LID and other measures to minimize peak flows or total runoff volume from future development and the Newell Drive Extension. The SCP would be required to meet the criteria in the BASMAA Post Construction Manual, which outlines measures for projects to control pollutants in runoff from newly created or replaced impervious surfaces (BASMAA 2019). Implementation of these measures would ensure that future development and the Newell Drive Extension mimic the pre-development site hydrology. In addition, development subject to the Industrial General Permit would be required to implement BAT and BCT to reduce or prevent

pollutants in storm water discharges. With implementation the SCP and the Industrial General Permit requirement, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Furthermore, in accordance with applicable provisions of Section C.3 of the San Francisco Bay RWQCB Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008 [or more recent permit]), as required under Mitigation Measure HYD-2, the project would implement LID stormwater management methods into the on-site storm drainage system consisting of rainwater harvesting and use, infiltration, evapotranspiration, or biotreatment. Collectively, these measures would serve to slow, reduce, and meter the volume of runoff leaving the project site and ensure that downstream storm drainage facilities are not inundated with project-related stormwater. Impacts would be less than significant with Mitigation Measure HYD-2.

Mitigation Measures

Mitigation Measures HYD-1 and HYD-2 (see Impact HYD-2)

Significance After Mitigation

Implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that impacts related to runoff, including flooding and polluted runoff are minimized during construction and operation of the project. With implementation of Mitigation Measures HYD-1 and HYD-2, impacts would be less than significant.

Threshold 3d:	Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?
Threshold 4:	In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

IMPACT HWQ-5 THE PROJECT SITE IS NOT WITHIN AN AREA AT RISK FROM INUNDATION BY FLOOD HAZARD, SEICHE, OR TSUNAMI AND WOULD NOT RISK THE RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION. THE PROJECT IS NOT IN A FLOOD HAZARD ZONE AND WOULD NOT IMPEDE OR REDIRECT FLOOD FLOWS. THERE WOULD BE NO IMPACT.

As described in Section 4.10.1, *Setting*, the project site is not located in a flood zone or a tsunami inundation zone. The nearest body of water that is subject to seiche is Lake Frey, located approximately 7 miles northeast of the project site. Given the distance, the project would not be inundated from a seiche at Lake Frey. Since the project is not located in a flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation and no impact would occur. In addition, because the project site is not in a flood hazard zone, the project would not impede or redirect flood flows and there would be no impact.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 5:	Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

IMPACT HWQ-6 THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project site is in the Napa Sonoma Lowlands Subbasin of the Napa-Sonoma Valley Groundwater Basin (DWR 2022a). The Napa-Sonoma Lowlands Subbasin is classified as very low priority by the DWR (County of Napa 2022). SGMA requires local agencies to form groundwater sustainability agencies for the high and medium priority basins. Since the Napa Sonoma Lowlands Subbasin is designated as very low priority basin, the basin is not subject to a sustainable groundwater management plan. Therefore, the project would not conflict with or obstruct implementation of a sustainable groundwater management plan.

The project is subject to the requirements of the San Francisco RWQCB (RWQCB 2017). As described in Impact HWQ-1, the project would result in a less than significant impact on water quality through the implementation of State and local regulations, including the Construction General Permit, the Industrial General Permit, and Chapter 14.28 of the American Canyon Municipal Code. With implementation of these regulations, impacts associated with conflict within a water quality control plan would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

4.10.1 Cumulative Impacts

The geographic scope of the cumulative geology and soils analysis is the City of American Canyon and the surrounding vicinity (unincorporated Napa County).

Because the project would have no impact related to impeding or redirecting flood flows, as well as releasing pollutants due to project inundation, the project would not contribute to a cumulative impact. Therefore, cumulative impacts related to impeding or redirecting flood flows, as well as releasing pollutants due to project inundation are not discussed further.

Like the project, cumulative projects in the City are also expected to result in impacts on water quality; groundwater recharge; erosion, siltation, flooding, and polluted runoff from alteration of drainage patterns; and compliance with a water quality control plan. However, all these cumulative projects would be required to comply with similar regulations, including the Construction Genera Permit, the Industrial General Permit (for industrial projects), Section 14.28 of the American Canyon Municipal Code (for projects in the City of American Canyon), and Section 16.28 of the Napa County Municipal Code (for projects in unincorporated Napa County). Section 16.28 of the Napa County Municipal Code includes similar requirements as Section 14.28 of the American Canyon Municipal Code, including requiring an ECSP and an SCP that meets the standards in the BASMAA Manual. As such, cumulative impacts on water quality, groundwater recharge, and runoff-related impacts would be minimized through the implementation of regulations. As such, cumulative impacts on hydrology and water quality would be less than significant.

4.11 Land Use and Planning

This section summarizes existing and planned land uses in the project site and analyzes the impacts on land use and planning due to the project. The physical environmental effects associated with the project, many of which pertain to issues of land use compatibility (e.g., noise, aesthetics, air quality) are evaluated in other sections of this EIR.

4.11.1 Setting

a. Existing Land Use Patterns

The project site contains a mix of undeveloped land, residential uses, outdoor storage, and Union Pacific Railroad (UPRR) right-of-way. The northern portion is largely undeveloped, except for a farmhouse and accessory outbuildings. The central and southern portion includes 13 residential lots, varying in size from 1 to 10 acres. The residential parcel in the southwest corner has a conditional use permit issued by the County for outdoor storage. The northeast portion to the east of the UPRR has outdoor truck and material storage. The UPRR right-of-way in the southeast portion is undeveloped. There is an auto-repair business adjacent to the western edge of the project site.

b. General Plan Land Use Designations and Zoning

The project site currently has Agriculture, Residential Estate, and Town Center land use designations (see Figure 2-3 in Chapter 2, *Project Description).* The northeastern portion of the project-site is the only portion of the project site that is pre-zoned, and it is pre-zoned Town Center.

c. Surrounding Land Uses

The annexation area is surrounded by either industrial, commercial, residential, or agricultural uses. To the north and east are residential and agricultural lands. To the west are industrial uses beyond SR 29. Immediately to the south is vacant land, beyond which are residential/commercial uses.

d. Pre-Annexation Agreement

In June 2019, the American Canyon City Council adopted Resolution 2019-44 to execute a First Amended Pre-Annexation Agreement for the annexation area. The resolution notes that the annexation area includes continuous parcels to avoid creating an “island” of unincorporated territory surrounded by the City. The islands being referred to include the UPRR right-of-way in the southeastern section of the annexation area and the area to the east of the UPRR. The resolution includes a clause that mentions the dedication of a public right-of-way for the extension of Newell Drive. Finally, the resolution grants City Council the right to consider amending the General Plan to change the designation of the northern portion of the annexation area from Industrial to Community Commercial.

4.11.2 Regulatory Setting

a. Federal

There are no federal regulations that pertain to land use and planning.

b. State

State Aeronautics Act

The State Aeronautics Act requires each county with an airport to establish an Airport Land Use Commission (ALUC) to regulate land use around airports to protect public safety and ensure that land uses near airports do not interfere with aviation operations. The Napa County Airport Land Use Compatibility Plan regulates land use around the Napa County Airport, as well as two other aviation facilities in the County, by requiring compliance with the policies of the plan. In certain circumstances, local governments may override the decisions of the ALUC.

Sustainable Communities and Climate Protection Act (SB 375)

The Sustainable Communities and Climate Protection Act (SB 375) supports the State's climate goals by helping reduce greenhouse gas emissions through coordinated transportation, housing, and land use planning. Under SB 375, the California Air Resources Board (CARB) set targets for 2020 and 2035 for each of the 18 metropolitan planning organization regions in 2010 and updated them in 2018. Each of the regions must prepare a Sustainable Communities Strategy (SCS), as an integral part of its regional transportation plan, that contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet CARB's targets. SB 375 establishes some incentives to encourage implementation of the development patterns and strategies included in an SCS. Developers can get relief from certain environmental review requirements under the California Environmental Quality Act (CEQA) if their new residential and mixed-use projects are consistent with a regions SCS that meets the targets (see Public Resources Code Sections 21155, 21155.1, 21155.2, and 21159.28).

Government Code Section 65860(a)

State law requires that general law city or town zoning ordinances be consistent with the general plan. A zoning ordinance is consistent with an adopted general plan only if the various land uses authorized by the zoning ordinance "are compatible with the objectives, policies, general land uses, and programs specified in such a plan" (Government Code Section 65860(a)). State law also provides that in the event a zoning ordinance becomes inconsistent with a general plan by reason of amendment to such a plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan as amended [Government Code Section 65860(a)]. The City of American Canyon is a general law city and is, therefore, required to have zoning consistency.

Cortese Knox Hertzberg Local Government Reorganization Act of 2000

The 2000 Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) established procedures for local agency changes of organization, including city incorporation, annexation to a city or special district, and consolidation of cities or special districts (Section 56000, et seq.). Local Agency Formation Commissions (LAFCOs) have numerous powers under the CKH Act, but the most important are the power to act on local agency boundary changes and to adopt sphere of influences (SOIs) for local agencies. The law states that to update an SOI, LAFCOs are required to first conduct a review of the municipal services provided by the local agency. The CKH Act requires LAFCOs to update SOIs for every city and special district every five years. The original deadline was January 2006, five years following the CHK Act becoming State law. That deadline was extended two years to January 2008. Every SOI update must be accompanied by an update of the municipal services review. American Canyon's SOI is not being updated as a part of the project.

c. Local

Association of Bay Area Governments 2021 Regional Transportation Plan/Sustainable Communities Strategy

The Association of Bay Area Governments (ABAG) is required by State and federal law to prepare, update, and adopt a Regional Transportation Plan (RTP) every four years. The most recent update to the RTP/SCS was completed by ABAG and the Metropolitan Transportation Commission in October 2021. The 2021 RTP/SCS, also known as Plan Bay Area 2050, builds on ABAG's 2017 RTP/SCS and serves as the blueprint for the region's transportation system over the next 30 years (ABAG 2021).

The 2021 RTP/SCS includes the following goals:

- Protect and preserve affordable housing.
- Spur housing production for residents of all income levels.
- Create inclusive communities.
- Improve economic mobility.
- Shift the location of jobs.
- Maintain and optimize the existing transportation system.
- Create healthy and safe streets.
- Build a next-generation transit network.
- Reduce risks from hazards.
- Expand access to parks and open space.
- Reduce climate emissions.

American Canyon General Plan

The City's General Plan guides how land in the city may be developed and used by designating each parcel of land for a particular use or combination of uses and by establishing broad development policies. Land use designations identify both the types of development, such as residential, commercial, and industrial, that are permitted and the density or intensity of allowed development, such as the minimum or maximum number of housing units permitted on an acre of land or the amount of building square footage allowed. Some of the key goals related to land use are summarized in Table 4.11-2 in Impact LU-2 (American Canyon 1994). The Circulation Element was comprehensively updated in 2013, the Housing Element was comprehensively updated in 2015, and incremental amendments have been made to the Land Use Element over time and as recently as 2021.

City of American Canyon Municipal Code

The Zoning Code (Title 19) of the City of American Canyon Municipal Code is the primary tool used by the City to carry out the goals, objectives, and policies of the American Canyon General Plan by classifying and regulating the uses of land and structures within the city, consistent with the General Plan. Zoning is the instrument that implements the land use designations of a general plan. In addition to establishing permitted uses, zoning may also establish development standards relating to issues such as intensity, setbacks, height, and parking. Projects submitted to the City for review and approval are generally evaluated for consistency with the zoning designations. There are 21 existing zoning districts established by the American Canyon Zoning Ordinance, and those relevant to the project are as follows (American Canyon 2015):

- RE – Residential Estate
- TC – Town Center

Napa County Airport Land Use Compatibility Plan

The Napa County Airport Land Use Compatibility Plan (ALUCP) governs land use around Napa County Airport. The ALUCP identifies two categories of flight hazards: physical obstructions and land use characteristics. Physical obstructions are associated with tall objects or structures. The ALUCP establishes a height restriction of 35 feet above the ground for objects located within Zone D. Additional height may be permitted under stringent Special Use Permit procedures as provided for in the Airport Safety Ordinance No. 416 and be referred to the Napa County ALUC prior to final approval. Land use characteristics involve uses that may produce hazards to aviation. Specific characteristics prohibited within the airport land use planning boundaries are listed below:

- Glare or distracting lights, which could be mistaken for airport lights
- Sources of dust, steam, or smoke that may impair pilot visibility
- Sources of electrical interference with aircraft communications or navigation
- Any use that may attract large flocks or birds, especially landfills or certain agricultural uses

The ALUCP follows Noise Compatibility Guidelines, as included in Table 2-1 of the ALUCP (ALUC 1991). New residential uses are not permitted within Zone D without ALUC review. However, the City entered a Settlement Agreement with the ALUC on May 3, 2022. The Settlement Agreement provides that the City will not approve any application for a residential use in Zone D until an amendment to the ALUCP has been approved or December 31, 2023, whichever occurs first. The Settlement Agreement does not prohibit the City from processing an application for a residential proposal within Zone D.

4.11.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on land use and planning if it would:

1. Physically divide an established community;
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Methodology

This section describes the potential environmental impacts of the project relevant to land use and planning. The potential impacts from the project were evaluated through a review of existing policies and plans in the region and City. A consistency analysis of the project with applicable regional and city policies adopted for the purposes of reducing or mitigating an environmental effect was completed to identify potential impacts.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project physically divide an established community?

Impact LU-1 THE PROJECT WOULD NOT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY AND THERE WOULD BE NO IMPACT.

There is an established community of single-family residences located on the southern portion of the project site. This area is designated as Residential Estate and the project would not result in any changes to this community. On the northern portion of the project site, industrial, commercial, visitor serving uses, and the Newell Drive Extension are proposed. There are no established communities in the northern portion where development would be located. The project would not physically divide an established community and there would be no impact.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

Threshold 2:	Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Impact LU-2 THE PROJECT WOULD NOT RESULT IN A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH A PLAN ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Several regionally and locally adopted land use plans, policies, and regulations apply to the project. These include the Plan Bay Area 2050, the Bay Area 2017 Clean Air Plan, the General Plan, and the ALUCP. Project consistency with the 2017 Clean Air Plan is discussed in Section 4.3, *Air Quality*. Project consistency with applicable goals and policies of Plan Bay Area 2050 and the General Plan are identified below in Table 4.11-1 and Table 4.11-2. Consistency of the project with the ALUCP are described below, after Table 4.11-2.

The environmental analysis evaluates the project's consistency with existing applicable land use plans to avoid or mitigate any potential significant environmental effects. The project is considered consistent with identified regional and local plans when it meets the applicable plan's intent and there are no direct conflicts with applicable policies. The following principles are used in this analysis:

- A project need not be in perfect conformity with every policy, nor does state law require a proposed project to precisely conform with every policy or land use designation.
- Courts have also acknowledged that general and specific plans attempt to balance a range of competing interests, and that it is nearly, if not absolutely, impossible for a project to perfectly conform with every policy set forth in the applicable plan.
- In reaching a consistency conclusion, the City may also consider the consequences of project denial, which may cause an inconsistency with other policies.

For an impact to be considered significant, an inconsistency would have to result in a significant adverse change in the environment not already addressed in the other resource chapters of this EIR. The analysis below provides a discussion of the most relevant policies from applicable planning documents. However, the City's consistency conclusions are based upon the planning documents as a whole.

Table 4.11-1 Project Consistency with the Plan Bay Area 2050

Plan Bay Area Goals	Project Consistency
Environmental Strategies	
EN4. Maintain urban growth boundaries. Using urban growth boundaries and other existing environmental protections, focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions.	**Consistent.** The project site boundaries are consistent with the City's Sphere of Influence and Urban Limit Line.
Economic Strategies	
EC6. Retain and invest in key industrial lands. Implement local land use policies to protect key industrial lands, identified as Priority Production Areas, while funding key infrastructure improvements in these areas.	**Consistent.** The project is located in a proposed PPA. The proposed Industrial land use would provide funding for utility infrastructure, including the Newell Drive extension.

Table 4.11-2 Project Consistency with the City of American Canyon General Plan

Goal, Policy, Objective	Project Consistency
Land Use and Community Design Element	
Objective 1.1. Accommodate the development of a balance of land uses that (a) provide for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of residents, (b) capture visitor and tourist activity, (c) provide employment opportunities for residents of the greater subregion; and (d) provide open space and aesthetic relief from developed urban/suburban areas	**Consistent.** The project would allow multiple land uses in the project site including commercial, industrial, and residential. The project's industrial and commercial areas will provide employment opportunities for the City and surrounding region.
Objective 1.2: Promote a rate of growth that is consistent with the ability of the City to provide adequate infrastructure and services and does not adversely impact the distinctive quality of life in American Canyon.	**Consistent.** As described in Section 4.14, *Public Services and Recreation* and Section 4.17, *Utilities and Service Systems*, there would be sufficient infrastructure for the project.
Objective 1.3: Ensure that land use development is coordinated with the ability to provide adequate public infrastructure (transportation facilities, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, and storm drainage) and public services (governmental, administrative, capital improvements, police, fire, recreational, cultural, etc.).	**Consistent.** As described in Section 4.14, *Public Services and Recreation* and Section 4.17, *Utilities and Service Systems*, there would be sufficient infrastructure for the project.

Goal, Policy, Objective	Project Consistency
Utilities Element	
Goal 5A. It shall be the goal of American Canyon to establish and maintain a secure water supply and treatment, distribution, and storage system to serve the land uses proposed under the general plan.	**Consistent.** As described in Section 4.17, *Utilities and Service Systems*, the project would be required to implement the Zero Water Footprint policy, which would result in a no net increase in potable water use in the City's water distribution system. For this reason, there would be sufficient water supplies for the project.
Objective 5.10. Ensure that adequate storm drain and flood control facilities are provided and properly maintained to protect life and property from flood hazards.	**Consistent.** Section 4.10, *Hydrology and Water* Quality identifies regulations, as well as Mitigation Measures HYD-2, that the project would implement to minimize storm drainage impacts. Section 4.17, *Utilities and Service Systems* identifies that adequate storm drains would be provided.
Objective 5.14. Provide a system of wastewater collection and treatment facilities which will adequately convey and treat wastewater generated by existing and future development in the City's service area.	**Consistent.** As described in Section 4.17, *Utilities and Service Systems*, the City's wastewater treatment facilities have adequate capacity for the incremental increase in demand resulting from this project.
Goal 5F. To provide for the collection and disposal of solid waste while maximizing source reduction, recycling and composting, within economic constrains.	**Consistent.** As described in Section 4.17, *Utilities and Service Systems*, future development at the project site would be required to comply with existing regulations related to reducing and recycling solid waste.
Public Services and Facilities Element	
Objective 6.1. Provide adequate educational facilities and programs that meet the needs of American Canyon's residents by coordination development activities with the Napa Valley Unified School District.	**Consistent.** As described in Section 4.19, *Effects Found Not to be Significant*, the project would pay State-mandated school impact fees, which would ensure there are adequate educational facilities to meet the additional demand from the project.
Goal 6A. Maintain a high level of fire protection and emergency services to City/district businesses and residences.	**Consistent.** As described in Section 4.14, *Public Services and Recreation*, implementation of Mitigation Measure PSR-1 would ensure that adequate measures are implemented to ensure adequate emergency services. In accordance with standard practices, American Canyon Fire Protection District would review project plans, for any future projects at the project site before permits are issued to ensure compliance with all applicable fire and building code standards and ensure adequate emergency access is provided to the site.
Goal 6B. Ensure a high level of police protection for the City's residents, businesses, and visitors.	**Consistent.** As described in Section 4.14, *Public Services and Recreation*, the Police Department will have the opportunity to review and comment on security measures during the plan check review process for future development on the project site and the project would be expected to generate minimal calls for service.
Goal 6C. Ensure the enhanced provision of library services for the City's residents and businesses.	**Consistent.** As described in Section 4.14, *Public Services and Recreation*, the project would pay Civic Facilities Fees, a portion of which would provide funding to ensure there are adequate library resources to meet the project's demand.
Natural and Historic & Cultural Resources Element	
Goal 8. Protect and preserve the significant habitats, plants and wildlife that exist in the City and its Planning Area.	**Consistent.** As described in Section 4.4, *Biological Resources*, implementation of Mitigation Measures BIO-1 through BIO-7 would ensure that the project preserves habitat, plants, and wildlife.

Goal, Policy, Objective	Project Consistency
Goal 8A. Maintain the quality of surface and subsurface water resources within the City of American Canyon and its Planning Area.	**Consistent.** As described in Section 4.10, *Hydrology and Water* Quality, future development on the project site would adhere to existing regulations that would protect the quality of surface and subsurface water resources.
Goal 8B. Promote the preservation of American Canyon's soil resources by protecting areas that are suitable for agricultural uses or buffer zones.	**Consistent.** As described in Section 4.2, *Agriculture and Forestry Resources,* the project would result in no impacts to agricultural resources.
Goal 8C. Maintain proper management of designated mineral extraction areas to meet the needs of the City while ensuring adequate reclamation of those sites.	**Consistent.** As described in Section 4.19, *Effects Found Not to be Significant*, project implementation would not affect mineral resources.
Goal 8D. Maintain the natural visual character of the City.	**Consistent.** As described in Section 4.1, *Aesthetics*, the project would not significantly affect scenic resources within the City and would be consistent with the policies identified under Goal 8D.
Objective 8.19. Ensure that the City's historically and archaeologically significant resources are protected in a manner that preserves and/or enhances the resources' inherent historic value.	**Consistent (Historical Resources).** There are several historic-aged buildings or structures located within and immediately adjacent to the project site; however, it is not currently known whether any of these buildings or structures are historical resources. Mitigation Measure CUL-1 requires a historical resources evaluation if historical-age features are present where development would occur and include measures to be followed if a historical resource is found. As such, with implementation of this mitigation, historical resources would be protected in a manner that preserves and/or enhances the resources' inherent historic value. **Consistent (Archaeological Resources).** As described in Section 4.5, *Cultural Resources*, implementation of Mitigation Measures CUL-2 and CUL-3 would ensure that archaeological resources are protected.
Goal 8F. Reduce consumption of nonrenewable energy sources and support the development and utilization of new energy sources.	**Consistent.** Future development on the project site would be required to comply with the latest Title 24 Green Building Code and Building Efficiency Energy Standards, including installing energy-efficient LED lighting, water-efficient faucets and toilets, water efficient landscaping and irrigation, and EV charging stations. Furthermore, as described in Section 4.6, *Energy*, the project would be served by Pacific Gas and Electric, which is required to increase its renewable energy procurement in accordance with SB 100 targets. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.
Geology Element	
Goal 9. Reduce the potential level of death, injury, property damage, economic and social dislocation (i.e., business closure and homelessness due to structural damage) and disruption of vital services that could result from earthquake damage.	**Consistent.** Mandatory compliance with the California Building Code and American Canyon Municipal Code along with Mitigation Measure GEO-1 would reduce impacts related to strong seismic ground shaking from an earthquake (see Section 4.7, *Geology and Soils*).
Goal 9C. Ensure that seismic, geologic, and soils hazards that might affect areas designated for human use or habitation are properly mitigated or avoided entirely prior to development.	**Consistent.** Development on the project site would incorporate all necessary seismic requirements of the most recent California Building Code along with Mitigation Measure GEO-1 (see Section 4.7, *Geology and Soils*).

Goal, Policy, Objective	Project Consistency
Goal 9C. Ensure that the City's public infrastructure is designed in a manner that reduces the risk of system failure in the event of an earthquake.	**Consistent.** The Newell Drive Extension would incorporate all necessary seismic requirements of the most recent California Building Code (see Section 4.7, *Geology and Soils*).
Noise Element	
Goal 11. Ensure that American Canyon's existing and future residents, employees and employers, as well as visitors to the City, are protected from the adverse human health and environmental impacts of excessive noise levels created by stationary and ambient (intrusive) noise sources and conditions. Take all necessary and appropriate action to avoid or mitigate the detrimental effects of such excessive noise on the community.	**Consistent**. As described in Section 4.12, *Noise,* impacts from stationary sources would be less than significant and no mitigation would be required. Furthermore, the project would comply with the provisions in the American Canyon Municipal Code, the California Building Code, and the Occupational Safety and Health Act of 1970, which would reduce impacts related to noise.
Objective 11.2. Protect residents, employees, and visitors to the community from excessive noise exposure. If possible, mitigate the adverse impacts of existing or unavoidable excessive noise on these same groups.	**Consistent.** As described in Section 4.12, *Noise,* noise impacts during construction and operation of the project would be reduced to a less than significant level through the implementation of Mitigation Measures NOI-1, NOI-2, and NOI-3. The project would still be consistent with this policy because the project would minimize noise impacts to the extent feasible.
Objective 11.5. Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.	**Consistent**. As described in Section 4.12, *Noise,* operational noise impacts would be less than significant after implementation of Mitigation Measure NOI-3. In addition, the project would comply with the American Canyon Municipal Code and would not exceed the maximum interior and exterior noise levels.
Objective 11.7. Minimize the impacts of construction noise on adjacent land uses.	**Consistent.** As described in Section 4.12, *Noise*, future construction would be required to comply with Mitigation Measure NOI-1, which would minimize the impacts of construction noise on adjacent users. The impact would be less than significant after mitigation and the project would be consistent with this policy because it would minimize noise impacts to the extent feasible.
Objective 11.8. Ensure that buildings are constructed soundly to prevent adverse noise transmission between differing uses or tenants located in the same commercial structure, and individual dwelling units in multi-family residential structures.	**Consistent**. As described in Section 4.12, *Noise,* the project would comply with the provisions in the American Canyon Municipal Code and the California Building Code, which would reduce impacts related to noise. In addition, the project would comply with the American Canyon Municipal Code and would not exceed the maximum interior and exterior noise levels.
Objective 11.11. Ensure that noise impacts of stationary sources are adequately mitigated.	**Consistent.** As described in Section 4.12, *Noise*, impacts from stationary sources would be less than significant and no mitigation would be required.

The Napa County Airport is located approximately 1.2 miles northwest of the project site and development within the Napa County Airport's sphere of influence is governed by the ALUCP. Nearly the entire project site would be located within Compatibility Zone D, except for the southern portion of the project site is in Zone E; however, that area contains the Union Pacific Railroad right-of-way, and no development would occur in that area. The Napa County ALUC contains "Supporting Compatibility Policies" related to noise, safety, airspace protection, and overflight (ALUC 1991). Consistency with the ALUCP regarding noise and maintenance of acceptable noise levels is discussed in Section 4.9, *Noise*, which finds impacts to be less than significant. Consistency with the ALUCP

regarding hazards, including those related to safety, airspace protection, and overflight, is discussed in Section 4.9, *Hazards and Hazardous Materials*, which finds impacts to be less than significant. As such, the project would be consistent with the ALUCP and impacts would be less than significant.

As demonstrated above, the project would be consistent with Plan Bay Area 2050, the General Plan, and the ALUCP. Therefore, impacts would be less than significant.

Mitigation Measures

No additional mitigation measures for land use and planning would be required beyond those identified throughout this EIR, including Mitigation Measures AES-1 and AES-2; AQ-1 through AQ-3; BIO-1 through BIO-7; CUL-1 through CUL-5; GEO-1 and GEO-2; GHG-1 through GHG-5; HAZ-1; HYD-1 and HYD-2; PSR-1; and NOI-1 through NOI-3.

Significance After Mitigation

Impacts would be less than significant without mitigation, beyond those identified throughout this EIR.

4.11.4 Cumulative Impacts

Because the project would have no impact related to the division of an established community, the project would not contribute to a cumulative impact. Therefore, cumulative impacts related to the division of an established community are not discussed further.

The geographic scope of the cumulative impacts on a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, is the City of American Canyon. If there were several cumulative projects that had inconsistencies with a land use plan, the impacts could accumulate and result in a cumulative impact. The project, however, would be consistent with land use plans through adherence to existing regulations and through compliance with mitigation. Because the project would be consistent with land us plans, policies, and regulation adopted for the purpose of avoiding or mitigating an environmental effect, the project's contribution to a cumulative impact would be less than significant.

4.12 Noise

This section analyzes noise and groundborne vibration impacts associated with the project, including short-term construction and long-term operational noise and vibration. Noise modeling results associated with the analysis herein are included in Appendix C to this EIR.

4.12.1 Environmental Setting

a. Fundamentals of Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dBA; dividing the energy in half would result in a 3 dBA decrease (Caltrans 2013).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible; and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (Caltrans 2013).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in sound level as the distance from the source increases. The manner by which noise declines with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions. Noise levels from a point source (e.g., construction, industrial machinery, ventilation units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result simply from the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013).

Noise levels may also be reduced by intervening structures. The amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5 dBA reduction in source noise levels at the receiver.

Noise Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs, its frequency, and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed.

One of the most frequently used noise metrics that considers both duration and intensity is the equivalent noise level (L_{eq}). The L_{eq} is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time. Typically, L_{eq} is equivalent to a one-hour period, even when measured for shorter durations, as the noise level of a 10- to 30-minute period would be the same as the hour if the noise source is relatively steady. L_{max} is the highest Root Mean Squared (RMS) sound pressure level within the sampling period, and L_{min} is the lowest RMS sound pressure level within the measuring period. Normal conversational levels at three feet are in the 60- to 65-dBA L_{eq} range and ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level (L_{dn} or DNL), which is a 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by DNL and CNEL usually differ by about 0.5 dBA and are, therefore, generally considered to be interchangeable.

b. Overview of Groundborne Vibration

In environmental analysis, groundborne vibration of concern consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hertz. The frequency of a vibrating object describes how rapidly it oscillates. Typically, groundborne vibration generated by human activities attenuates rapidly with distance from the source of the vibration.

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hertz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (FTA 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by

vibration, a ground-to-foundation coupling loss will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV). The PPV is normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration and other construction activity because it is related to the stresses that are experienced by buildings (Caltrans 2020). Table 4.12-1 summarizes the vibration damage criteria recommended by the FTA for evaluating the potential for architectural damage to buildings.

Table 4.12-1 Criteria for Vibration Damage Potential

Building Category	PPV (in/sec)
I. Reinforced concrete, steel, or timber (no plaster)	0.5
II. Engineered concrete and masonry (no plaster)	0.3
III. Nonengineered timber and masonry buildings	0.2
IV. Buildings extremely susceptible to vibration damage	0.12

in/sec = inches per second; PPV = peak particle velocity
Source: FTA 2018

c. Sensitive Receivers

According to the City's General Plan (1994), the City defines noise-sensitive land uses as the following:

- Residential uses
- Visitor lodging – hotels, motels, inns
- Schools
- Libraries
- Places of religious worship
- Hospitals
- Assisted living facilities
- Public parks

Vibration-sensitive receivers, which are similar to noise-sensitive receivers include residences; hotels; and institutional uses, such as hospitals, schools, and churches. However, vibration-sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment (e.g., recording studies or medical facilities with sensitive equipment). Other uses that may have particular sensitivity to groundborne vibration include historic sites and structures.

The project area is surrounded by industrial, commercial, residential, and agricultural uses. The nearest sensitive receiver to the annexation area is a single-family residence located adjacent to the project site to the east on Watson Lane. This residence is located adjacent to an area that would be pre-zoned as Residential Estate and approximately 700 feet from areas that would be pre-zoned as Paoli Light Industrial and Town Center. Multi-family residences (Canyon Ridge at Napa Junction) are located approximately 150 feet west of the southern end of the project site in the area that would be pre-zoned as Railroad Right of Way. These multi-family residences (Canyon Ridge at Napa

Junction) are located approximately 3,400 feet from the areas that would be pre-zoned as Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. Additional residences are located at further distances. The American Canyon Little League Field is located approximately 1,100 feet southwest of the area of the project site that would be pre-zoned as Residential Estate. There is one residence located approximately 850 feet from where the Newell Drive extension would be located. Within the annexation area, there are existing residences in the central part of the annexation area along Watson Lane adjacent to the areas that would be pre-zoned as Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. The property lines of these residences are adjacent to the area that would be pre-zoned as Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. In addition, the residential structures are approximately 500 feet from the area that would be pre-zoned as Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay. A residence within the proposed Paoli Light Industrial with Paoli Commercial Overlay pre-zoning would be demolished and removed as part of the project and would thus not be considered a sensitive receiver.

d. Existing Conditions

Noise Sources

Existing noise at the project site includes noise from mobile and stationary sources. The most prevalent noise source in the City is traffic on freeways and arterial roads. State Route (SR) 29 and Paoli Loop Road are located west of the project site, and Watson Lane is within the annexation area. Periodic noise sources include trains passing on the Union Pacific Railroad (UPRR) tracks located on the project site, aircraft operations in and out of the Napa County Airport, loading docks and machinery within industrial areas, and trucks and mechanical equipment at commercial uses.

Motor vehicle noise is characterized by a high number of individual events that create a sustained noise level in proximity to noise-sensitive uses. Roadways with the highest traffic volumes and speeds produce the highest noise levels. Table 4.12-2 provides existing roadway vehicle noise levels along roadway segments near the project site. Traffic noise modeling data are contained in Appendix C.

Table 4.12-2 Existing Traffic Noise Levels Along Roadway Segments

Roadway	Segment	Existing ADT	Existing Traffic Noise Level at 50 feet (dBA Ldn)
SR 29	South of SR 37	24,051	72.4
SR 29	North of SR 37	43,483	76.4
SR 29	South of Mini Drive	37,492	75.7
SR 29	North of Mini Drive	43,469	75.8
SR 29	North of American Canyon Road	49,579	76.3
SR 29	South of Napa Junction Road	40,762	76.3
SR 29	North of Napa Junction Road	59,044	77.9
SR 29	North of Green Island Road	60,263	78.5
SR 29	South of SR12	59,200	78.2
SR 29	North of SR 12	88,600	79.6
Airport Boulevard	West of SR 29	10,500	69.3
SR 12	East of North Kelly Road	35,033	78.5

Roadway	Segment	Existing ADT	Existing Traffic Noise Level at 50 feet (dBA Ldn)
SR 37	West of SR 29	39,980	76.3
SR 37	East of SR 29	62,495	78.2
American Canyon Road	West of SR 29	15,330	68.9
American Canyon Road	East of Flosden Road	10,771	66.5
Flosden Road	South of American Canyon Road	21,510	70.5
Newell Drive	North of American Canyon Road	9,685	63.4
South Kelly Road	South of SR 12	1,602	58.7

ADT = average daily traffic

Source: GHD 2023

Vibration Sources

Existing sources of operational vibration in the project site include the adjacent UPRR railroad and vehicle traffic on roadways. Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that "heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic." Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that "vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 in/sec, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings)" (Caltrans 2013). Construction vibration levels have the potential to be significant when equipment such as impact and vibratory pile drivers, rock blasting, and vibratory rollers are used during construction.

4.12.2 Regulatory Setting

a. Federal

Occupational Health and Safety Administration

The federal government regulates occupational noise exposure common in the workplace through the Occupational Health and Safety Administration (OSHA) under the United State Environmental Protection Agency. Noise limitations would apply to the operation of construction equipment and could also apply to any proposed industrial land uses. Noise exposure of this type is dependent on work conditions and is addressed through a facility's Health and Safety Plan, as required under OSHA, and is not addressed further in this analysis. Since the federal government has preempted setting noise level standards for transportation sources, local jurisdictions are limited to regulating noise generated by the transportation system through nuisance abatement ordinances and land use planning.

b. State

California General Plan Guidelines

State law requires general plans to include a Noise Element under Government Code Section 65302(f). The California General Plan Guidelines, published by the Governor's Office of Planning and

Research, indicate acceptable, specific land use types in areas with specific noise exposure. The guidelines also offer adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. These guidelines are advisory, and local jurisdictions have the authority to set specific noise standards based on local conditions.

California Building Code

California Code of Regulations Title 24, Building Standards Administrative Code, Part 2, Chapter 12, and the California Building Code codify the State noise insulation standards. These noise standards apply to new construction in California to control interior noise levels as they are affected by exterior noise sources and interior noise sources from separate areas. The regulations specify that interior noise levels shall not exceed 45 dB CNEL/L_{dn} in any habitable room, as well as specifying sound transmission class requirements for walls, floors, and ceilings around sleeping units.

In addition, the standards require an acoustical analysis that demonstrates the manner dwelling units will meet the interior standard, when units are proposed with exterior noise levels greater than 60 dBA CNEL. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

California Green Building Code

California Green Building Standards Code 2019 (CALGreen) Section 5.507.4, Acoustical Control, regulates construction of non-residential uses within the 65 dBA CNEL/L_{dn} contour of an airport, freeway, expressway, railroad, industrial noise source, or other fixed source. According to Section 5.507.4.1.1: buildings exposed to a noise level of 65 dB L_{eq}(1-hr) during any hour of operation shall employ sound-resistant assemblies as determined by a prescriptive method (CALGreen Section 5.507.4.1) or performance method (CALGreen Section 5.507.4.2).

Projects may demonstrate compliance through the prescriptive method if wall and roof-ceiling assemblies exposed to the noise source meet a composite sound transmission class (STC) rating of at least 50 or a composite outdoor/indoor transmission class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30. Projects may demonstrate compliance through the performance method if wall and roof-ceiling assemblies exposed to the noise source are constructed to provide an interior noise environment that does not exceed 50 dB $L_{eq\text{-}1Hr}$ in occupied areas during hours of operations.

c. Regional

Napa County Airport Land Use Compatibility Plan

The Napa County Airport Land Use Compatibility Plan (ALUCP) governs land use around the Napa County Airport. The ALUCP was adopted by the Napa County Airport Land Use Commission in April 1991 and revised in December 1999. It identifies acceptable aviation noise levels by land use.

d. Local

City of American Canyon General Plan

Chapter 11, Noise Element, of the City of American Canyon General Plan, sets forth a goal of ensuring that American Canyon's existing and future residents, employees and employers, as well as visitors to the City, are protected from the adverse human health and environmental impacts of excessive noise levels created by stationary and ambient (intrusive) noise sources and conditions. The City takes all necessary and appropriate action to avoid or mitigate the detrimental effects of such excessive noise on the community. The objectives and policies that would apply to the project are as follows (City of American Canyon 1994):

Objective 11.1: Control both ambient and stationary (intrusive) noise conditions and impacts that may occur in American Canyon. Maintain base line information regarding ambient and stationary noise sources within the community.

> **Policy 11.1.1:** Promote noise-compatible land use relationships by implementing the noise standards identified in Figure 11-2 [of the General Plan], to be utilized for design purposes in new development and for establishing a program to attenuate existing noise problems.
>
> **Policy 11.1.2**: Monitor and update available data regarding the community's ambient and stationary noise levels.

Objective 11.2: Protect residents, employees, and visitors to the community from excessive noise exposure. If possible, mitigate the adverse impacts of existing or unavoidable excessive noise on these same groups.

> **Policy 11.2.1:** Require that new development for locations in which the exterior or interior noise levels indicated in Figure 11-2 [of the General Plan] are likely to be exceeded, submit a noise attenuation study prepared by a qualified acoustical engineer in order to determine appropriate mitigation measures.
>
> **Policy 11.2.2:** Enforce the California Noise Insulation Standards (Title 25, California Administrative Code) that apply to new multiple family, hotel, motel, dormitory, and long-term care developments with a Ldn of 60 dBA noise contour adjacent to roads, transit lines, and manufacturing areas to ensure that the units have been designed to limit interior noise levels in habitable rooms to a Ldn of 45 dBA with doors and windows closed.
>
> **Policy 11.2.4:** Require that new industrial, commercial and related land uses, or the expansion of these existing land uses, demonstrate that they would not directly cause ambient noise levels to exceed an exterior Ldn of 65 dBA in areas containing housing, schools, health care facilities, or other "noise sensitive" land uses. Additionally, require that potentially significant noise generators, including uses such as night clubs that cause sporadic noise intensities, submit noise analyses prepared by an acoustical expert that include specific recommendations for mitigation when: a) the project is located in close proximity to noise-sensitive land uses or land that is planned for noise-sensitive land uses, or b) the proposed noise source could violate the noise provisions of the General Plan or City Noise ordinance.
>
> **Policy 11.2.5:** Require that new commercial structures located adjacent to existing residential areas shield their HVAC [heating, ventilation, and air conditioning] units so as to limit the units' adverse noise impacts to the greatest extent possible.

Policy 11.2.6: Require that parking lots associated with new commercial structures be designed so as to buffer adjacent residential uses from vehicular noise.

Policy 11.2.8: Consider alternate land uses or mitigation measures if large walls or other physical barriers are required to mitigate noise impacts that will affect or be caused by a proposed development project.

Policy 11.2.9: Require the utilization of site and architectural design features in conjunction with noise barriers to mitigate impacts on sensitive land uses. Design techniques capable of mitigating potential noise impacts include:

a. Site Design
   - Using building setbacks and dedicating noise easements to increase the distance between the noise source and receiver;
   - Locating uses and orienting buildings that are compatible with higher noise levels adjacent to noise generators or in clusters to shield more noise-sensitive areas and uses;
   - Placing noise tolerant land uses, such as parking areas, between noise sources and receivers;
   - Using noise tolerant structures, such as garages or carports, to shield noise-sensitive areas; and
   - Clustering office, commercial, or multiple family residential structures to reduce interior open space noise levels.

b. Architectural Design
   - Using building setbacks and dedicating noise easements to increase the distance between the noise source and receiver;
   - Using dense building materials and tight fitting doors;
   - Employing double glazed and double pane windows;
   - Placing unopenable windows on the side of the structure facing a major roadway and entry doors on the side of the building facing away from the major roadway; and
   - Avoiding balconies and patio areas facing major transportation routes.

Objective 11.3: Minimize the adverse impacts of traffic-generated noise on residential and other "noise-sensitive" uses as depicted on Figure 11-5 [of the General Plan].

Policy 11.3.1: Minimize motor vehicle noise impacts from streets and highways through proper route location and sensitive roadway design by employing the following strategies:

a. Consider the impacts of truck routes, the effects of a variety of truck traffic, and future motor vehicle volumes on noise levels adjacent to master planned roadways when improvements to the circulation system are planned.

b. Mitigate traffic volumes and vehicle speed through residential neighborhoods.

c. Work closely with the State of California Department of Transportation (Caltrans) in the early stages of highway improvements and design modifications to ensure that proper consideration is given to potential noise impacts on the City.

Policy 11.3.2: Require that all new nonresidential development design and configure on-site ingress and egress points to divert traffic (and its resultant noise) away from "noise- sensitive" land uses to the greatest degree practicable.

Policy 11.4.1: Require that development in the vicinity of Napa Airport comply with the noise standards contained in the Airport Land Use Compatibility Plan (ALUP).

Objective 11.5: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Objective 11.7: Minimize the impacts of construction noise on adjacent uses.

Policy 11.7.1: Limit non-emergency construction activities adjacent to existing noise-sensitive uses to daylight hours between 6:30 a.m. and 8:00 p.m.

Policy 11.7.2: Require construction activities to employ practical techniques and practices that minimize the generation of adverse and/or excessive noise impacts on adjacent land uses.

City of American Canyon Municipal Code

Section 8.12.070 of the American Canyon Municipal Code identifies that no person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards shown in Table 4.12-3 due to stationary sources.

Table 4.12-3 Exterior Noise Limits for Stationary Sources

Zone	Time	Allowable Noise Limit (L_{50})
Residential Single and Double	Nighttime (10:00 p.m. to 7:00 a.m.)	50
	Daytime (7:00 a.m. to 10:00 p.m.)	60
Residential Multiple	Nighttime (10:00 p.m. to 7:00 a.m.)	55
	Daytime (7:00 a.m. to 10:00 p.m.)	60

Source: Section 8.12.070 of American Canyon Municipal Code

Section 8.12.080 of the American Canyon Municipal Code identifies the following requirements.

- Section 8.12.080 (B)(2)(a). Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 p.m. and 7:00 a.m., such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance issued by the appropriate authority.
- Section 8.12.080 (B)(2)(b). Noise Restrictions at Affected Properties. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in Table 4.12-4.

Table 4.12-4 Noise Limits for Construction Activities

	Noise Limit by Receiving Land Use (L_{max})		
Time	Residential	Commercial	Industrial
7:00 a.m. to 7:00 p.m.	75	80	85
7:00 p.m. to 7:00 a.m.	60	65	70

Source: Section 8.12.080 of American Canyon Municipal Code

4.12.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on noise if it would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
2. Generate excessive groundborne vibration or groundborne noise levels
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels

Construction Noise Thresholds

The City has adopted construction noise standards, as shown in Table 4.12-4. Project impacts would be significant is construction noise exceeds these standards.

Operational Noise Thresholds

The City has adopted noise standards in the American Canyon Municipal Code that regulate stationary operational noise sources in the City. The project would result in a significant impact if it generates noise from stationary sources in excess of the standards shown in Table 4.12-3 or if new industrial, commercial, or related land uses cause exterior ambient noise levels to exceed 65 dBA L_{dn} at noise sensitive land uses such as housing, schools, and health care facilities pursuant to General Plan Policy 11.2.4.

For traffic noise, the following thresholds of significance similar to those recommended by the Federal Aviation Administration (FAA) are used to assess traffic noise impacts at sensitive receiver locations:

- Greater than 1.5 dBA increase for ambient noise environments of 65 dBA L_{dn} and higher;
- Greater than 3 dBA increase for ambient noise environments of 60 - 64 L_{dn}; and
- Greater than 5 dBA increase for ambient noise environments of less than 60 dBA L_{dn}.

Groundborne Vibration Thresholds

The City has not adopted a significance threshold to assess vibration impacts. Therefore, the *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018) is used to evaluate potential

construction vibration impacts. Construction vibration impacts would be significant if vibration levels exceed the FTA criteria shown in Table 4.12-1. For example, impacts would be significant if vibration levels exceed 0.2 in/sec PPV for residential structures and 0.3 in/sec PPV for commercial structures, which is the limit where minor cosmetic (i.e., architectural) damage may occur to these buildings.

Methodology

Construction Noise

Construction equipment operate in two modes: stationary and mobile. Stationary equipment operate in a single location for one or more days at a time, with either fixed-power operation (e.g., pumps, generators, and compressors) or variable-power operation (e.g., pile drivers, rock drills, and pavement breakers). Mobile equipment moves around a construction site with power applied in cyclic fashion, such as bulldozers, graders, and loaders (FTA 2018). Each phase of construction has its own noise characteristics due to specific equipment mixes. Some will have higher continuous noise levels than others and some may have high-impact intermittent noise levels (FTA 2018). Therefore, construction noise levels may fluctuate depending on the type of equipment being used, construction phase, or equipment location. In typical construction projects on vacant sites, grading activities typically generate the highest noise levels because grading involves the largest equipment and covers the greatest area.

Heavy construction equipment during grading and site preparation would typically include bulldozers, excavators, front-end loaders, dump trucks, and graders. It is assumed that diesel engines would power all construction equipment. Construction equipment would not all operate at the same time or location due to the different tasks performed by each piece of equipment. In addition, construction equipment would not be in constant use during the 8-hour operating day. Impact devices such as pile drivers may be used for construction of the UPRR overcrossing and the span across the North Slough. Typical noise levels associated with the types of heavy equipment most likely to be utilized during development associated with the project are given in Table 4.12-5.

Table 4.12-5 Construction Equipment Noise Levels

Equipment	Typical Noise Level (dBA) at 50 Feet from Source
Air Compressor	80
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	82
Grader	85
Jackhammer	88
Loader	80

Equipment	Typical Noise Level (dBA) at 50 Feet from Source
Paver	85
Pile-driver (Impact)	101
Pile-driver (Sonic)	95
Pneumatic Tool	85
Pump	77
Roller	85
Saw	76
Scarifier	83
Scraper	85
Shovel	82
Truck	84

Source: FTA 2018

Operational Stationary Noise

The primary on-site noise sources associated with operation of the project would include noise from stationary heating, ventilation, and air conditioning (HVAC) equipment and other mechanical equipment and truck loading/unloading at the future light industrial and commercial uses. Since there is no specific development application associated with the project, potential operational stationary source impacts are addressed qualitatively and programmatically.

Operational Traffic Noise

Development accommodated by the project would generate motor vehicle trips, thereby increasing off-site traffic on area roadways. The project's traffic noise impacts are analyzed based on data provided by GHD, which is included as Appendix C to this EIR. Traffic noise levels for existing and project conditions were estimated using the FHWA traffic noise prediction model methodology. Traffic noise impacts are analyzed based on average daily traffic (ADT) roadway volume for existing, existing plus project, cumulative, and cumulative plus project conditions,[1] as well as speeds, and number of lanes data. The FHWA model predicts noise levels through a series of adjustments to a reference sound level. These adjustments account for distances from the roadway, traffic volumes, vehicle speeds, car/truck mix, number of lanes, and road width.

Groundborne Vibration

Construction activities have the greatest potential to generate ground-borne vibration affecting nearby receivers, especially during grading and excavation. The greatest vibratory source during construction activities is anticipated to be a pile driver during the construction of the proposed Newell Drive extension, particularly the overcrossing segment. Table 4.12-6 shows typical vibration levels for various pieces of construction equipment used in the assessment of construction vibration (FTA 2018).

Because groundborne vibration could cause physical damage to structures and is measured in an instantaneous period, vibration impacts are typically modeled based on the distance from the

[1] Cumulative conditions with the project are based on Year 2045 citywide residential and commercial growth, as well as projected regional land use growth.

location of vibration-intensive construction activities, which is conservatively assumed to be edge of a project site, to the edge of the nearest off-site structures.

Table 4.12-6 Typical Vibration Levels for Construction Equipment

Equipment	PPV (in./sec.) at 25 Feet
Pile Driver (Impact)	1.518
Pile Driver (Sonic)	0.734
Vibratory Roller	0.210
Hoe Ram	0.089
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Truck	0.076
Jackhammer	0.035
Small Bulldozer	0.003

Source: FTA 2018

Impact of the Environment on the Project

As a result of the Supreme Court decision regarding the assessment of the environment's impacts on projects (California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015), it is generally no longer the purview of the CEQA process to evaluate the impact of existing environmental conditions on a proposed project. Therefore, this environmental analysis does not consider the potential impacts of the environment (i.e., existing noise) on the project.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact NOI-1 PROJECT CONSTRUCTION WOULD RESULT IN A TEMPORARY INCREASE IN AMBIENT NOISE. IMPLEMENTATION OF MITIGATION MEASURES NOI-1 AND NOI-2 WOULD REDUCE CONSTRUCTION NOISE LEVELS. THEREFORE, IMPACTS GENERATED BY TEMPORARY CONSTRUCTION NOISE WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Noise from project construction would temporarily increase ambient noise levels at nearby properties. Due to the programmatic nature of the project and since there are no specific plans or detailed construction information for individual development projects, it is not possible to determine exact noise levels, time periods of construction, or construction noise at adjacent properties. Therefore, a reasonable approach is taken based on the likely pieces of construction equipment used, and the estimated distance between the edge of the project site and nearby sensitive receivers.

Construction and demolition work would be limited to the hours of 7:00 a.m. and 7:00 p.m., consistent with the allowable construction hours from the American Canyon Municipal Code. No nighttime construction work is assumed as part of the project. Table 4.12-5 illustrates typical noise

levels associated with construction equipment at 50 feet. Noise would typically drop at a rate of approximately 6 dBA per doubling of distance. Noise levels would be approximately 6 dBA lower than shown in Table 4.12-5 at 100 feet from the noise source, and 12 dBA lower at 200 feet from the noise source.

Heavy construction equipment during grading and site preparation for future land use development would typically include bulldozers, excavators, front-end loaders, dump trucks, and graders. Based on the reference noise levels from Table 4.12-5, use of these types of equipment would generate a noise level of up to 85 dBA L_{max} at 50 feet. The nearest sensitive receivers are single-family residences, whose property lines are adjacent to the proposed Paoli Light Industrial and Paoli Light Industrial with Paoli Commercial Overlay pre-zoning. When non-pile driving construction activities are within approximately 150 feet of off-site receivers, the City's construction noise limit of 75 dBA L_{max} for residential receivers during the daytime could be exceeded. As such, a potentially significant noise impact could occur if construction of future development occurs within 150 feet of a residential receiver. Mitigation Measure NOI-1 would require measures to reduce construction noise levels. The nearest commercial uses are approximately 500 feet west of the project site on Paoli Loop Road. At this distance, non-pile driving construction noise would attenuate to approximately 65 dBA L_{max}, which would not exceed the City's noise standard of 80 dBA L_{max} for commercial receivers during the daytime. For non-pile driving activity, the City's construction noise limit of 85 dBA L_{max} for industrial receivers during the daytime would not be exceeded.

Construction of the Newell Drive extension could involve the use of pile drivers. For the purposes of this assessment, it is assumed that impact pile driving could be used, which is louder than vibratory or other alternative methods. As shown in Table 4.12-5, noise levels at 50 feet from pile driving would be up to 101 dBA L_{max} at 50 feet. The nearest off-site sensitive receiver to where the Newell Drive extension overcrossing over the UPRR railroad is a residence located approximately 850 feet to the south. At this distance, pile driving noise would attenuate to 76 dBA L_{max} or less, which could exceed the City's construction noise limit of 75 dBA L_{max} for residential receivers during the daytime. Therefore, this impact would be significant. Mitigation Measure NOI-2 would require measures to reduce noise levels from pile driving. Off-site commercial and industrial properties are located over 1,000 feet from the proposed UPRR overcrossing and the City's noise standards of 80 dBA L_{max} and 85 dBA L_{max} for commercial and industrial uses, respectively, would not be exceeded during pile driving.

Mitigation Measures

NOI-1 Construction Noise Reduction Measures

The following measures shall be implemented where future development construction sites are located within 150 feet of a sensitive receiver:

1. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.
2. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
3. Shielding and Silencing. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to

keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

4. Construction Staging Areas. Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.
5. Smart Back-Up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction and in accordance with all applicable safety laws.
6. Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
7. Workers' Radios. All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.
8. Noise Complaint Response. Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City of each complaint occurrence.
9. Temporary Noise Barriers. For non-pile driving construction activity within 150 feet of residences, erect temporary noise barriers at the edge of the construction site closest to residences. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier and a height of at least 12 feet. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher.

Plans indicating compliance with these noise reduction measures shall be provided to the City for review and concurrence prior to project approval.

NOI-2 Construction Noise Reduction Measures During Pile Driving

The following measures shall be implemented during pile driving:

1. Alternative Pile Methods. For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used instead of impact pile driving, where feasible.

2. Scheduling. Pile driving will be scheduled to have the least impact on nearby sensitive receivers.
3. Shrouding. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler.

Plans indicating compliance with these pile driving measures shall be provided to the City for review and concurrence prior to project approval.

Significance After Mitigation

With implementation of Mitigation Measures NOI-1 and NOI-2, construction noise levels from the project would be reduced below the City's construction noise thresholds. For non-pile driving construction within 150 feet, the use of temporary noise barriers would attenuate construction noise by approximately 15 dBA. This would reduce construction noise levels to 70 dBA L_{max} or less at the nearest off-site residences, which would not exceed the City's construction noise limit of 75 dBA L_{max} for residential receivers during the daytime. For pile driving at the Newell Drive extension overcrossing, alternate methods to impact pile driving would be considered, as feasible depending on soil conditions and other engineering constraints. The shrouding of pile driving equipment would attenuate pile driving noise levels by 10 dBA or more. This would result in mitigated construction noise levels of 66 dBA L_{max} or less at the nearest off-site residences, which would not exceed the City's construction noise limit of 75 dBA L_{max} for residential receivers during the daytime. Construction noise impacts would be less than significant with mitigation.

Threshold 1:	Would the project result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact NOI-2 DEVELOPMENT FACILITATED BY THE PROJECT COULD INCLUDE MECHANICAL EQUIPMENT (I.E., HVAC) AND ON-SITE ACTIVITIES WOULD BE REQUIRED TO COMPLY WITH APPLICABLE NOISE STANDARDS IN THE AMERICAN CANYON MUNICIPAL CODE BUT MAY STILL EXCEED NOISE THRESHOLDS FOR OFF-SITE SENSITIVE RECEIVERS. THEREFORE, OPERATIONAL STATIONARY SOURCE IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION. FURTHERMORE, WHILE DEVELOPMENT WOULD GENERATE AN INCREASE IN TRAFFIC NOISE, THE INCREASE WOULD NOT BE SIGNIFICANT. THEREFORE, PERMANENT TRAFFIC NOISE INCREASES DUE TO PROJECT OPERATION WOULD BE LESS THAN SIGNIFICANT.

Development facilitated by the project would include industrial, commercial, and town center development throughout the project site that would generate on-site operational noise from stationary sources and off-site operational noise from vehicle trips.

Stationary and Loading Dock/Truck Noise

Noise generated by on-site stationary sources would be subject to the City's noise limits, established in Section 8.12.070 of the American Canyon Municipal Code (see Table 4.12-3 for the noise limits). For large buildings, HVAC units are typically located on the roof, where operational noise is greatly reduced by distance and the intervening building itself. For smaller buildings, HVAC units are often placed at ground level on a concrete pad adjacent to the building. Existing noise sensitive receivers, such as residences, could be affected by the operational noise from HVAC equipment placed on the project site.

Future light industrial uses may include loading docks or truck deliveries. Data show that truck unloading generates noise levels of approximately 40 L_{eq} and up to 75 dBA L_{max} at 50 feet (PlaceWorks 2012).

Since there is no specific development application associated with the project, specific details about the hours of operation, location and number of loading docks, and specific types of mechanical equipment are not known. It is possible that future industrial, commercial, or town center uses of the project could generate noise at the existing nearby residences that exceed the City's noise standards in Table 4.12-3 or the General Plan Policy 11.2.4 noise standard of 65 dBA $L_{dn.}$ This impact would be potentially significant. Implementation of Mitigation Measure NOI-3 would require that a noise analysis be prepared for future development and that measures be implemented to reduce operational noise.

Traffic Noise

The overall increase in traffic noise from the project was estimated using traffic data from GHD (GHD 2023). Table 4.12-7 summarizes the estimated project and cumulative traffic noise increases. As shown in Table 4.12-7, traffic noise due to the project would increase by up to 2.1 dBA L_{dn} on South Kelly Road, south of SR 12. Since the existing ambient noise on this roadway segment is 58.7 dBA L_{dn}, as shown in Table 4.12-2, the applicable threshold would be a 5 dBA CNEL increase. Since the estimated traffic noise increase on this segment would not exceed the 5 dBA CNEL threshold, this impact would be less than significant. Traffic noise increases would be less than 1.5 dBA CNEL on all other roadway study segments.

In addition, the proposed extension of Newell Drive would add a new source of roadway traffic noise to the project vicinity. Traffic noise levels for cumulative plus project conditions were estimated using the FHWA traffic noise prediction model methodology and data provided by GHD (GHD 2023). Under cumulative plus project conditions, the Newell Drive extension is estimated to have up to 28,072 vehicles per day. The nearest sensitive receiver to the proposed extension is a residence located approximately 850 feet to the south on Watson Lane. At this distance, traffic noise from the proposed Newell Drive extension would result in noise levels of up to 56 dBA L_{dn}, which would not exceed the City's exterior standard of 65 dBA L_{dn} and impacts from the proposed Newell Drive extension would be less than significant.

Table 4.12-7 Summary of Project and Cumulative Traffic Noise Increases

Roadway Segment	Existing ADT	Existing + Project ADT	Cumulative ADT	Cumulative + Project ADT	Project Noise Increase (dBA Ldn)	Cumulative Increase (dBA Ldn)	Project Cumulative Contribution (dBA Ldn)
State Route 29 - South of State Route 37	24,051	23,903	26,193	26,059	0.0	0.3	0.0
State Route 29- North of State Route 37	43,483	43,492	40,578	40,444	0.0	-0.3	0.0
State Route 29 - South of Mini Drive	37,492	37,915	37,689	37,666	0.0	0.0	0.0
State Route 29 - North of Mini Drive	43,469	44,009	43,570	43,575	0.1	0.0	0.0
State Route 29 - North of American Canyon Road	49,579	49,523	50,923	51,132	0.0	0.1	0.0
State Route 29 - South of Napa Junction Road	40,762	42,107	35,274	36,053	0.1	-0.5	0.1
State Route 29 - North of Napa Junction Road	59,044	62,507	59,796	60,310	0.2	0.1	0.0
State Route 29 - North of Green Island Road	60,263	59,161	62,745	62,189	-0.1	0.1	0.0
State Route 29 - South of State Route 12	59,200	58,100	63,560	62,560	-0.1	0.2	0.0
State Route 29 - North of State Route 12	88,600	87,000	107,200	106,300	-0.1	0.8	0.0
Airport Boulevard - West of State Route 29	10,500	10,298	10,551	10,341	-0.1	-0.1	-0.1
State Route 12 - East of North Kelly Road	35,033	35,922	35,717	36,038	0.1	0.1	0.0
State Route 37 - West of State Route 29	39,980	39,788	39,156	39,074	0.0	-0.1	0.0
State Route 37 - East of State Route 29	62,495	62,352	63,634	63,592	0.0	0.1	0.0
American Canyon Road - West of State Route 29	15,330	14,396	10,744	10,935	-0.3	-1.5	0.1
American Canyon Road - East of Flosden Road	10,771	9,857	14,419	14,194	-0.4	1.2	-0.1
Flosden Road - South of American Canyon Road	21,510	21,450	29,534	29,362	0.0	1.4	0.0
Newell Drive - North of American Canyon Road	9,685	9,129	28,695	28,072	-0.3	4.6	-0.1
Newell Drive - South of Napa Junction Road	-	-	19,537	21,790	-	-	0.5
South Kelly Road - South of State Route 12	1,602	2,570	11,310	11,310	2.1	8.5	0.0

Notes:

[1] Newell Drive south of Napa Junction Road does not exist in 2022.

ADT = average daily trips

Source: GHD 2023

Mitigation Measures

NOI-3 Operational Stationary Source Noise Control Analysis and Measures

Prior to the issuance of a building permit for projects adjacent to the property lines of noise-sensitive uses that could exceed noise standards from the American Canyon Municipal Code or General Plan, a noise analysis shall be conducted to assess and mitigate potential noise and impacts related to the operations of the project. The noise analysis shall be conducted by a qualified and experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents. Measures to reduce operational stationary sources to acceptable levels include, but are not limited to, operational hour restrictions, equipment optimization, shielding, mufflers, acoustical louvers, sound blankets, and sound walls. The noise analysis and recommended measures to implement shall be provided to the City for review and concurrence prior to project approval.

Significance After Mitigation

With implementation of Mitigation Measure NOI-3 operational stationary noise from future projects adjacent to noise-sensitive uses would be reduced to acceptable noise levels, consistent with noise standards from the City's Municipal Code and General Plan. Operational stationary source noise impacts would be less than significant with mitigation.

Threshold 2:	Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Impact NOI-3 PROJECT CONSTRUCTION WOULD GENERATE TEMPORARY VIBRATION IN THE PROJECT AREA. HOWEVER, CONSTRUCTION-RELATED VIBRATION IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Construction

Construction activities would result in varying degrees of groundborne vibration depending on the equipment and methods employed. As depicted in Table 4.12-6, the greatest source of vibration during non-pile driving construction activities would be caused by the use of vibratory rollers, which would generate vibration levels of up to 0.21 in/sec PPV at a distance of 25 feet (FTA 2018). Beyond distances of approximately 25 feet, vibration levels from a vibratory roller would attenuate below the threshold of 0.2 in/sec PPV. There are no existing residential structures within 25 feet of where construction would occur. As such, vibration impacts during non-pile driving activities would be less than significant.

Additionally, as discussed in Impact NOI-1, it is assumed that pile driving would be used for construction of the overcrossing. Vibration levels from pile driving would be up to 1.518 in/sec PPV at 25 feet (FTA 2018). The nearest residence to the proposed overcrossing where pile activity could occur is approximately 850 feet to the south. At this distance, vibration from pile driving would attenuate to 0.01 in/sec PPV or less, which would not exceed the threshold of 0.2 in/sec PPV. As such, overall project construction vibration impacts would be less than significant.

Operations

The project would include truck movement activity at the project site. These movements would generally be low-speed (i.e., less than 15 miles per hour) and would occur over new, smooth surfaces. Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses

and notes that "heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic." Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that "vibrations measured on freeway shoulders (5 meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings)" (Caltrans 2020). Since the project's truck movements would be a low speed (not at freeway speeds), would be over smooth surfaces (not under poor roadway conditions), project-related vibration associated with truck activity would not result in excessive groundborne vibrations. No vehicle-generated vibration impacts would occur. In addition, there are no sources of substantial groundborne vibration associated with the project, such as rail or subways. The project would not create or cause any vibration impacts due to operations.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 3:	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Impact NOI-4 THE PROJECT IS OUTSIDE THE NAPA COUNTY AIRPORT NOISE CONTOURS AND THE PROJECT WOULD NOT EXPOSE PEOPLE WORKING IN THE PROJECT SITE TO EXCESSIVE NOISE LEVELS. NO IMPACT WOULD OCCUR.

The nearest airport to the project is the Napa County Airport, approximately 1.2 miles to the northwest. According to the ALUCP, the project site is outside of the Napa County Airport's 55 dBA CNEL/L_{dn} noise contour (Napa County ALUC 1999). Therefore, people working in the project area would not be exposed to excessive aircraft noise level and there would be no impact.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

There would be no impact and no mitigation would be required.

4.12.4 Cumulative Impacts

Construction Noise

Construction of future development projects in the City and adjacent County area would produce temporary noise impacts that would be localized to a project site and sensitive receivers within the immediate vicinity. Therefore, only sensitive receivers located in close proximity to each

construction site would be potentially affected by each activity. Nonetheless, construction activities associated with individual development projects accommodated under the project may overlap for some time with construction activities for other development projects. If unmitigated, the combination of construction noise levels could exceed City noise standards.

With implementation of Mitigation Measure NOI-1, construction noise levels associated with the project would be reduced to below the City's construction noise thresholds. For non-pile driving construction within 150 feet, the use of temporary noise barriers would attenuate construction noise by approximately 15 dBA. This would reduce construction noise levels to 70 dBA Lmax or less at the nearest off-site residences, which would not exceed the City's construction noise limit of 75 dBA Lmax for residential receivers during the daytime. Assuming that two simultaneous construction projects were both within 150 feet of a nearby residences, the combined mitigated construction noise levels would be up to 73 dBA Lmax. It should be noted that since the criterion is a maximum noise level it is unlikely, though possible, that the two loudest activities would be occurring simultaneously at both construction sites. Nevertheless, because the project would include the implementation of Mitigation Measure NOI-1, the project's contribution to a cumulative impact would be less than considerable.

Operational Noise

Traffic Noise

A significant cumulative traffic noise increase would be identified if a cumulative traffic noise increase of greater than the 1.5 dBA, 3 dBA, and 5 dBA is calculated. A cumulatively considerable contribution could occur if project traffic is calculated to contribute 1 dBA or more to this cumulative impact.

As shown in Table 4.12-7, traffic noise due to cumulative conditions would increase by up to 8.5 dBA L_{dn} on South Kelly Road south of SR 12. Since the existing ambient noise level on this roadway segment is 58.7 dBA L_{dn}, as shown in Table 4.12-2, the applicable threshold would be a 5 dBA increase. Since the estimated traffic noise increase on this segment would exceed the 5 dBA threshold, the cumulative traffic noise impact would be significant. However, as shown in Table 4.12-7, the project would not contribute to this cumulative impact (i.e., the project's contribution to this cumulative impact is 0.0 dBA).

As shown in Table 4.12-7, traffic noise due to cumulative plus project conditions would increase by up to 0.5 dBA L_{dn} on Newell Drive south of Napa Junction Road. Since the estimated traffic noise increase would not exceed 1 dBA, the project's contribution to cumulative traffic noise would be less than cumulatively considerable.

As shown in Table 4.12-7, cumulative traffic noise conditions would increase to 4.6 dBA L_{dn} on Newell Drive north of American Canyon Road. Since the existing ambient noise level on this roadway segment is 63.4 dBA $L_{dn,}$ as shown in Table 4.12-2, the applicable threshold would be a 3 dBA increase. Since the estimated traffic noise increase on this segment would exceed the 3 dBA threshold, the cumulative traffic noise impact would be significant. However, as shown in Table 4.12-7, the project would not contribute to this cumulative impact (i.e., the project's contribution to this cumulative impact is less than 0.0 dBA).

Cumulative plus project traffic noise increases would be less than 0.5 dBA L_{dn} on all other roadway study segments and cumulative impacts on those segments would be less than significant.

Stationary Noise

Noise from stationary sources such as HVAC and truck loading docks is highly localized. The closest cumulative project is the Watson Ranch Specific Plan, approximately 0.1 mile to the southeast of the project site. At this distance and since there are no industrial or commercial uses proposed as part of the project in the southern portion of the project site, stationary noise from the project would not combine with other cumulative projects to result in a cumulative impact. As such, cumulative impacts would be less than significant.

Vibration

Although there could be other cumulative projects simultaneously under construction near the project, the potential for construction vibration impacts is within relatively close distances (e.g., within approximately 25 feet for a vibratory roller). Since no two construction projects would both be within 25 feet of a given sensitive structure, cumulative vibration impacts would be less than significant.

Airport Noise

Because the project would have no noise impact related to being located near an airport, the project would not contribute to a cumulative impact. As such, there would be no cumulative impact related to being located near an airport and is not discussed further.

4.13 Population and Housing

This section summarizes existing and projected population and housing in the City and analyzes the impacts on population and housing due to the project.

4.13.1 Setting

a. Population

The City of American Canyon was incorporated in 1992. American Canyon was developed following World War II, with the McKnight Acres subdivision in the 1940s and Rancho Del Mar in the 1950s (City of American Canyon 2022). In 1992, when American Canyon was incorporated, the population was 8,341 (California Department of Finance [DOF] 2000). By the year 2000, the population grew approximately 17 percent to 9,774 (DOF 2000). From 2000 to 2010, the City experienced a rapid population growth and population increased approximately 99 percent to 19,454 (DOF 2010b). Growth after 2010 slowed and experienced an approximately seven percent population increase from 2010 to 2020 (DOF 2020a). From 2020 to 2022, the City's population continued to slowly increase from 21,544 residents in 2020 to 21,658 residents in 2022, representing a 0.5 percent increase (DOF 2022a).

b. Housing

A household is defined as a group of people who occupy a housing unit (U.S. Census Bureau 2021). A household differs from a dwelling unit because the number of dwelling units includes both occupied and vacant dwelling units. Typically, not all the population in a given area lives in households. A portion of the population lives in group quarters, such as board and care facilities, while others are homeless.

Housing Units

Table 4.13-1 shows the growth in number of housing units in the City, County, and State between 2010 and 2021. As shown in Table 4.13-1, between 2010 and 2022, 515 units were added to the City's housing inventory resulting in an overall growth of 8.6 percent during this period. Between 2010 and 2022, the County grew at a slower rate of 1.7 percent. The State also grew at a slower rate of 6.7 percent.

Table 4.13-1 Housing Inventory in the City, County, and State

	American Canyon		Napa County		California	
	2010	2022	2010	2022	2010	2022
Total Housing Units	5,982	6,497	54,759	55,685	13,670,304	14,583,998
Occupied	5,657	6,299	48,876	49,719	12,568,167	13,612,650
Vacancy Rate	5.4%	3.0%	10.7%	10.7%	8.1%	6.7%
Percent Change in Total Housing Units from 2010 to 2022	8.6%		1.7%		6.7%	

Note: The number of housing units added to American Canyon exceeds that of the total number of housing units added to Napa County. This can be attributed to the removal of housing units in Napa County between 2010-2021.
Source: DOF 2010a (for 2010 data) and DOF 2022b (for 2022 data)

In 2022, approximately 5,012 of the housing units in the City were single-family detached homes, approximately 48 units were single-family attached homes, approximately 571 units were multi-family units (buildings of at least two units), and approximately 865 units were mobile homes (DOF 2022b).

Household Size

Small households (one to two persons per household [pph]) traditionally occupy units with zero to two bedrooms; family households (three to four pph) normally occupy units with three to four bedrooms. Large households (five or more pph) typically occupy units with four or more bedrooms. The number of units in relation to the household size may reflect preference and economics. Many small households obtain larger units, and some large households live in small units, for economic reasons. Table 4.13-2 compares the size of households in the City, County, and State in 2010 and 2022.

Table 4.13-2 Household Size in the City, County, and State

	American Canyon		Napa County		California	
	2010	2022	2010	2022	2010	2022
Household Size (pph)	3.43	3.43	2.69	2.61	2.90	2.81
Percent Change from 2010 to 2022	0%		3.0%		3.1%	

Source: DOF 2020b (for 2010 data) and DOF 2022b (for 2022 data)

As shown in Table 4.13-2 the average household size in American Canyon was approximately 3.43 pph for both the year 2010 and 2022. Over the same period, household size in the County decreased from 2.69 to 2.61, a decrease of approximately 3 percent. Household size in the State decreased from 2.90 to 2.81, a decrease of approximately 3.1 percent. Between 2010 and 2019, the City maintained a higher average household size in comparison to the County and State average household sizes.

a. Jobs Housing Ratio

Information on the jobs-housing ratio is provided for informational purposes only. The jobs-household ratio in a jurisdiction is an overall indicator of jobs availability within the area. A balance of jobs and housing can give residents an opportunity to work locally and avoid employment commutes to other places in the region. DOF estimates that American Canyon has a ratio of 0.95 jobs per dwelling unit. Association of Bay Area Governments' (ABAG) regional map depicting projected household and job growth also illustrates a 1 percent job growth in south Napa County, including American Canyon, as a share of the regional job growth (ABAG 2021a). That amounts to more than one job per household, which means that workers do not have to travel to other communities to find employment. Most households have more than one worker; therefore, a ratio of jobs to housing should be above 1:1 to have a balance of jobs to households.

b. Projections

Table 4.13-3 presents population, dwelling units, and employment projections by DOF and ABAG through 2040 for American Canyon. It is estimated the population of American Canyon will grow approximately 17 percent between 2022 and 2040 (DOF 2022b, ABAG 2019). This translates to an estimated 3,622 new residents by 2040. The available data shows dwelling units decreasing in American Canyon; however, this is unlikely the case because American Canyon will be building

residences to fulfill its Regional Housing Needs Allocation (RHNA) of 622 residential units. The City's Housing Element is currently being updated based on the 6th Cycle State requirements for the 2023-2031 planning horizon. The City's Housing Element will help facilitate the development of housing. Jobs are expected to increase 31 percent between 2021 and 2040. American Canyon's jobs-housing ratio would increase by approximately 0.32.

Table 4.13-3 American Canyon Population, Dwelling Units, and Employment

American Canyon	2022	2040	Change 2022 to 2040	Percent Change 2021 to 2040
Population	21,658	25,280	3,622	17%
Dwelling Units	6,497	6,420	77	-1%
Jobs	6,210[1]	8,165	1,955	31%
Jobs-Housing Ratio	0.95	1.27	0.32	14%

Source: ABAG 2019, DOF 2022b
[1] Data is from most recent projections for the year 2020 (ABAG 2019)

4.13.2 Regulatory Setting

a. Federal Regulations

There are no federal regulations that would be applicable to the project.

b. State Regulations

Senate Bill 375

Senate Bill 375 (SB 375) is summarized in Section 4.11, *Land Use and Planning.*

c. Local Regulations

There are no local regulations that would be applicable to the project.

4.13.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on population and housing if it would:

1. Induce substantial unplanned population growth in an area either directly or indirectly; or
2. Displace substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere.

For purposes of this analysis, substantial population growth is defined as growth exceeding ABAG population forecasts for American Canyon. Substantial displacement would occur if implementation of the project would displace more residences than would be accommodated through growth accommodated by the project.

Methodology

Population and housing trends in the City were evaluated by reviewing the most current data available from, the DOF, ABAG, and the RHNA Plan. Impacts related to population are generally social or economic in nature. Under CEQA, a social or economic change generally is not considered a significant effect on the environment unless the changes are directly linked to a physical change.

LAFCo has identified the availability of affordable housing as an issue of local interest that should be addressed in the CEQA documentation. Because this project would be limited to commercial, industrial, and town center uses, the project would not affect the availability of affordable housing. The City of American Canyon has an affordable housing nexus fee, which would require payment by the applicants of any future development on the project site and would fund affordable housing. As such, because the project would not affect the availability of affordable housing and because the project would require the payment of an impact fee to fund affordable housing, the impacts on affordable housing are not discussed any further.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Impact POP-1 THE PROJECT WOULD NOT DIRECTLY OR INDIRECTLY INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project would not result in any direct population growth because no residences would be developed as a part of this project. The project could, however, result in indirect population growth, as commercial, industrial, and visitor-serving/hotel uses would result in both temporary and permanent employment during construction and operation. Construction would be temporary and not require construction workers to permanently relocate to American Canyon. Construction workers would most likely already be from American Canyon or the surrounding San Francisco Bay area and would commute to the project site. Construction would not contribute to substantial unplanned growth in the area.

As described in Chapter 2, *Project Description*, the project is expected to generate 1,650 new employees. Most of the jobs could be filled with the existing population of American Canyon. The current unemployment rate in American Canyon is 2.7 percent or approximately 585 people (EDD 2022). Employment for the project could be pulled from the current pool of unemployed persons in American Canyon. In addition, American Canyon's population is expected to grow 17 percent by the year 2040 (ABAG 2019).

The Final ABAG RHNA Plan assigned American Canyon 622 housing units for the years 2023 through 2031 to accommodate the state's housing needs (ABAG 2021b). While the project may induce population growth, there is sufficient planned housing and a need for local jobs that would accommodate potential population growth from the project's employment. As such, the project would not induce substantial unplanned population growth and impacts would be less than significant.

In addition, the project would include an extension of Newell Drive. Newell Drive currently has a dead end at Donaldson Way and with the extension of Newell Drive, this roadway would be extended north and would border the eastern boundary of the Watson Ranch Specific Plan and then

cross through the project site until it connects to Paoli Loop Road. This roadway would serve the planned development for both the Watson Ranch Specific Plan and the project. As such, this roadway extension would serve already planned growth. As such, impacts on indirect population growth due the Newell Drive extension would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Impact POP-2 THE PROJECT WOULD NOT DISPLACE SUBSTANTIAL NUMBERS OF EXISTING PEOPLE OR HOUSING AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The areas where the proposed Railroad Right of Way, Town Center, and Paoli Light Industrial pre-zone would be located have no existing housing or people who reside in those areas; therefore, the project would not result in any displacement. In addition, there are no existing housing or people that reside in the area where the Newell Drive extension would be located; therefore, the project would not result in any displacement. The area with the proposed Residential Estate pre-zone does have existing residences; however, the application of the Residential Estate pre-zoning is to acknowledge these existing uses and no displacement of any residences would occur.

There is one residence located within the Paoli Light Industrial with Paoli Commercial Overlay pre-zoning that would be displaced. Displacement of one residential unit would not be considered substantial. Therefore, this displacement would not necessitate the construction of replacement housing elsewhere and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

4.13.4 Cumulative Impacts

The geographic scope of the cumulative population/housing analysis is the City of American Canyon. Population growth in the City would be a result of any future development that would be allowed within its General Plan, or any Specific Plans developed for the City. For example, two large projects within the City that are expected to induce population growth are the Broadway District Specific Plan (1,200 new residential units) and the Watson Ranch Specific Plan (1,253 residential units). This population growth, however, would be considered planned because the City developed Specific Plans to plan for the population growth. In addition, the project is not adding any residential development and instead would provide commercial, industrial, and town center uses, which would provide new employment opportunities for the existing population. As such, the projects

contribution to a cumulative impact related to unplanned population growth would be less than significant.

Future development in the City could result in the demolition of housing. However, as described in Impact POP-1, the City could facilitate development of up to 622 housing units by 2031 and additional housing would be constructed to meet the City's housing demand. As such, the cumulative impact from displacement of people or housing would be less than significant.

4.14 Public Services and Recreation

This section analyzes the potential effects on public services and recreation related to implementation of the project. Impacts on schools are addressed in Section 4.19, *Effects Found Not to be Significant.*

4.14.1 Setting

a. Fire Protection

Fire protection, emergency medical services, and technical rescue services in the City of American Canyon are provided by the American Canyon Fire Protection District (ACFPD). The ACFPD provides a wide range of programs, including fire suppression, training, emergency medical services, hazardous materials cleanup, public education, and urban search and rescue. The ACFPD provides a response to an approximately 15 square mile area that includes the American Canyon city limits and nearby unincorporated areas of southern Napa County (ACFPD 2015). ACFPD is a subsidiary special District of the City of American Canyon, with the elected City Council members serving as the ex-officio Board of Directors. ACFPD is funded primarily through property taxes and voter approved special taxes, ACFPD's budget is separate and distinct from the City of American Canyon.

Personnel, Facilities, and Equipment

The ACFPD currently employs 23 career fire personnel (City of American Canyon 2022a) and is staffed daily with a minimum of six personnel, of which a minimum of two firefighters are Paramedics. Staffing is accomplished by having twenty-one career firefighters assigned to three platoons referred to as "A," "B," and "C" shift. All sworn ACFPD employees are trained to the level of Emergency Medical Technician or as an Emergency Medical Technician-Paramedic and can provide advanced live support (ACFPD 2022a). In 2021, the ACFPD responded to 1,689 incidents in their jurisdiction, as well as 98 incidents in Napa County and 61 incidents in Vallejo (ACFPD 2022a). The typical response time by the ACFPD is approximately 5 minutes or less.

The ACFPD operates out of two stations located at 225 James Road and 911 Donaldson Way East, both located centrally within the City. The closest fire station is approximately 3 miles south of the project site. In total, ACFPD has eight firefighting apparatus and five support vehicles. The district also maintains two inflatable rescue boats, and three towable technical rescue equipment trailers (ACFPD 2020). A fire engine is staffed by at least one firefighter who is also a licensed paramedic on a 24/7 basis. The District and American Medical Response have established a public-private partnership that enhances the emergency medical system in Napa County and are working together to provide shorter response times. Table 4.14-1 summarizes ACFPD equipment (ACFPD 2022a).

Services Provided

The Fire District provides emergency operations, fire suppression, advanced life support emergency medical care, and rescue in a public-private partnership with American Medical Response. Other services and functions include fire prevention, public education, business fire safety inspections, plan review, construction site inspection, code enforcement, fire investigation, public education outreach programs, disaster preparedness, emergency operations plan development, emergency operations center operations, and coordination of disaster preparedness training. The Fire District is also recognized by California Emergency Management Agency as a Type 1 (heavy) rescue single resource.

Aid Agreements

The ACFPD participates in the Napa Interagency Hazard Team, which responds to hazardous materials incidents that occur within the County (ACFPD 2022a). The ACFPD also participates in the Napa Interagency Rescue Team, which is a joint search and rescue team comprised of fire department personnel from other agencies within Napa County (ACFPD 2022a). In addition, the ACFPD participates in both mutual aid and automatic aid agreements to multiple agencies in Napa and Solano Counties (City of American Canyon 2022a).

Incidents

ACFPD responded to 1,868 incidents in 2021 (ACFPD 2022a). Rescues and emergency services accounted for 63 percent of the incidents (ACFPD 2022a). The Fire District responded to 62 incidents in the industrial area near the Napa County Airport in 2020, with rescue and emergency services accounting for 48 percent of the calls (ACFPD 2022a).

Table 4.14-1 ACFPD Equipment

Equipment	Equipment Features
Engine 211	▪ Spartan Cab and Chassis ▪ 1,500 Gallons Per Minute Single Stage Pump ▪ 500 Gallon Water Tank ▪ 20 Gallon of Class A Foam Tank ▪ Advanced Life Support
Engine 411	▪ 500 Gallon Water Tank ▪ 750 Gallon Per Minute Darley Pump
Truck 11	▪ 1,500 Gallon Per Minute Single Stage Pump ▪ 500 Gallon Water Tank ▪ 20 Gallons of Class A & B Foam
Rescue 11	▪ 25 Kilowatt Power Take Off Generator ▪ LED Telescopic Lighting System ▪ Cascade Self Contained Breathing Apparatus Breathing Air Fill System
Brush 11	▪ 350 Gallon Water Tank ▪ 10 Gallon Class A Foam ▪ 180 Gallon Per Minute Darley Pump ▪ Advanced Life Support
Engine 11	▪ 2018 Pierce Enforcer Cab and Chassis ▪ 1,500 Gallon per minute single stage pump ▪ 500 gallon water tank ▪ 20 gallon class A foam tank ▪ Advanced Life Support

Source: City of American Canyon 2022d

Response Times

ACFPD has an established response time standard of first unit arrival within 5 minutes (total travel time) for 90 percent of all incidents (ACFPD 2022a). ACFPD responded to 13 percent of calls within 5 minutes in the industrial area near the Napa County Airport in 2021 (ACFPD 2022a).

Insurance Services Office Rating

ACFPD has an Insurance Services Office (ISO) rating of Class 2 on a scale of 1 to 10, with 1 being the best (City of American Canyon 2022a). An ISO rating accounts for factors such as emergency communication systems, personnel, training, equipment, and water supply.

Police Protection

The American Canyon Police Department (ACPD) provides police protection services within the City through a contract with the Napa County Sheriff's Office. The ACPD is staffed by Napa County Sheriff's Office personnel who wear ACPD uniforms. ACPD officers serve a variety of roles including patrol, K-9, Drug Abuse Resistance Education, investigations, communications, and school resources.

The ACPD operates out of one station located at 911 Donaldson Way East, approximately 1.3 miles south of the project site. For the Fiscal Year 2021/2022 the ACPD was staffed with 24 sworn officers, two police technicians, and one administrative clerk (ACPD 2022). At a minimum, there are three officers on duty 24 hours a day, 7 days a week and the ACDP ratio is 1.1 offers per 1,000 residents (City of American Canyon 2020). The 24 sworn officers are comprised of the following:

- 1 Chief
- 4 Sergeants
- 2 Traffic Officers
- 2 K-9 Handlers
- 2 School Resource Officers
- 1 Community Resource Officer
- 12 Patrol Officers

Between 2014 and 2021, ACPD responded to between 15,903 and 18,698 calls for service annually (ACPD 2022).

b. Parks and Recreation

American Canyon has multiple recreational opportunities. There are 22 parks within city limits that total 79 acres and vary in size from 0.25 to 10 acres (American Canyon 2012). Amenities include: picnic areas, diamond baseball fields, rectangle fields, outdoor basketball multi-use courts, tennis courts, playgrounds, dog parks/off leash areas, skate parks, swimming pool, and trails.

The City's Parks and Recreation Department is responsible for the maintenance of park land and City recreation facilities, as well as planning all City-sponsored recreation classes, programs, and special events. The City also jointly manages 10 miles of the Napa River Bay Trail with the California Department of Fish and Wildlife and the Napa County Parks and Open Space District (City of American Canyon 2022b). Additionally, the Newell Open Space Preserve includes 620 acres of open space east of the City and is connected via Newell Creek (City of American Canyon 2022c).

There are also several additional nearby open space areas, including the La Vigne Open Space, Lynch Canyon Open Space, Napa-Sonoma Marshes Wildlife Area, Fagan Marsh Ecological Reserve, and Bull Island. Beyond the nearby open space areas and trails provided in Napa and Solano Counties, there are also other nearby regional parks in Sonoma and Marin counties, as well as park and open space amenities provided through the East Bay Regional Parks District, California State Parks system, and

the National Parks Service lands. According to the Bay Area Open Space Council, there are almost 1.4 million acres of regional trails and open space areas that are currently provided in the Bay Area (Bay Area Open Space Council 2014). By 2027, the Bay Open Space Council predicts that 2 million acres of regional trails and open space areas would be available for users.

There are several parks located near the project site that may be utilized by employees or visitors. Main Street Park is located approximately 0.6 mile south of the project site, Gadwall Park is located approximately 1.1 miles southwest of the project site, and Newell Open Space is located 1.2 miles southeast of the project site.

c. Library Services

Library services in the City are provided by the Napa County Library system at the American Canyon Library. This library, located at 300 Crawford Way approximately 1.5 miles south of the project site, is part of the four libraries within the Napa County Library system. The library consists of a 55,550-piece collection (books, DVDs, music CDs, audiobooks, magazines, and subscriptions to area newspapers), a group study area that can accommodate 18 people, 28 computers, and a meeting room, which can seat up to 100 people for a total of 16,000 sf of usable space. During fiscal year 2017/2018, the library had approximately 8,669 registered users (County of Napa 2022).

4.14.2 Regulatory Setting

a. Federal Regulations

There are no federal regulations that would be applicable to the project.

b. State Regulations

California Fire and Building Codes

The State of California provides minimum standards for building design through the California Building Code (CBC), which is located in Part 2 of Title 24, California Building Standards Code, of the California Code of Regulations. The CBC is based on the International Building Code but has been amended for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

c. Local Regulations

City of American Canyon General Plan

The City's Public Services and Facilities Element of the General Plan address the following goals:

Goal 6A: Maintain a high level of fire protection and emergency services to City/District businesses and residences.

Goal 6B: Ensure a high level of police protection for the City's residents, businesses and visitors.

Goal 6C: Ensure the enhanced provision of library services for the City's residents and businesses.

The City's Parks and Recreation Element of the General Plan addresses the following goals:

Goal 7: Enrich the quality of life in American Canyon by providing parks, trails, and recreational services for all of the City's residents.

Goal 7A: Provide a variety of parks and trials that serve the diverse recreational needs of American Canyon's residents and take into account the unique features of the City's natural environment.

Goal 7B: Provide adequate parkland acreage in both location and quantity to meet the range of recreational needs of existing and future residents and preserve natural resources within the City of American Canyon.

Goal 7C: Ensure that American Canyon's parks are developed so that buildings, open air facilities, and landscaping are unified and functionally related.

Goal 7D: Ensure that City parks are properly operated and maintained in the most effective and efficient manner possible.

Goal 7E: Develop park programming that provides a variety of active and passive activities for American Canyon's residents.

The City's Circulation Element of the General Plan addresses the following goals:

Guiding Policy 1.1: Community Priorities. Safe and convenient access to activities in the community is provided by a well-designed local roadway system. That system serves the community's primary need for mobility and includes a planned hierarchy of roadways to meet that need. The following Community Priorities relate most directly to this Element:

- Encourage and foster a strong sense of community and safety, as well as the "hometown" feeling by creation of a town center through land use and circulation planning.
- Improve a hierarchy of roadway networks to achieve and maintain acceptable traffic LOS and provide a citywide system of bicycle lanes and recreational trails that improve accessibility without the use of an automobile.
- Improve SR-29 so that it serves as a visually attractive gateway into the City while providing access to commercial businesses and serving intra and interregional traffic and goods movement.

  Policy 1.19 Complete Streets. When constructing or modifying transportation facilities, consistent with Resolution 2012 72, "Complete Streets Policy of the City of American Canyon", strive to provide for the movement of vehicles, commercial trucks, alternative and low energy vehicles, transit, bicyclists and pedestrians appropriate for the road classification and adjacent land use.

  Policy 2.5 Provision of bicycle facilities. Facilities for bicycle travel (Class I bike/multiuse paths; Class II bike lanes, and Class III bike routes) shall be provided to complete a continuous system of cyclists as shown on Figure 5 (The bicycle network map).

  Policy 2.20 Bicycle Master Plan. The NVTA Countywide Bicycle Master Plan for the City of American Canyon, as it may be amended from time to time, links all community centers, civic areas, schools, and parks in the City and connects to other neighboring bikeway networks. This plan is hereby incorporated by reference into the City of American Canyon General Plan.

American Canyon Fire Protection District Long-Range Master Plan

The ACFPD Long-Range Master Plan, (LRMP) guides the efficient future growth and development of the Fire District to provide the community of American Canyon with the highest possible level of service balanced with long term financial sustainability. Adopted in October 2022, (Resolution 2022-26) the LRMP identifies recommendations to improve long-range planning and delivery of fire and emergency services to the community (ACFPD 2022b).

The Plan recommendations relate to operations, procedures, and community involvement to deliver desired levels of service at the most efficient cost. To maintain long-range service levels, the LRMP recommends construction of a new relocated Fire Station 211.

Impact Fees

Measure B, 1980 and Resolution 83-4 as amended by Resolution 2022-11

In 1980, voters approved Measure B, a special tax assessment to maintain levels of fire protection services in American Canyon. All property and mobile homeowners in American Canyon are required to pay this fee. The fee is calculated based on the physical building characteristics of a project, its use, and its immediate surroundings, to determine the gallons per minute that would be utilized to put out the most serious fire likely to occur near the development. Currently, single-family residential pays $0.2585 per square foot, multi-family residential pays $0.3154 per square foot, commercial uses pay $0.4731 per square foot, and industrial uses pay $0.5738 per square foot.

American Canyon Municipal Code Chapter 15.08

Chapter 15.08 of the American Canyon Municipal Code establishes the Civic Facility and Park Impact Fee for all residential, accessory dwelling unit, commercial, office, and industrial developments. The fee is calculated by unit or by square foot depending on the type of development. The Civic Facility and Park Impact Fees collected are utilized for the expansion of City Hall, provision of additional support for the police station, support for the Aquatic Center offices, construction of the City library, corporate yard expansion, public parks, park facilities, and other offsite improvements.

4.14.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on public services and recreation if it would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
    a. Fire Protection
    b. Police Protection
    c. Schools

d. Parks
e. Other public facilities

2. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
3. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

Threshold 1c. regarding schools is addressed in Section 4.19, *Effects Found Not to be Significant.*

Methodology

Impacts on fire and police protection services are considered significant if an increase in population or development levels would result in inadequate staffing levels, response times, and/or increased demand for services that would require the construction or expansion of new or altered facilities that have an adverse physical effect on the environment. Impacts on schools are determined by analyzing the project's effect on the capacity at existing NVUSD schools. The analysis considers whether an increase in use of the City's parks and recreation facilities resulting from the project would cause the substantial physical deterioration of those facilities (e.g., disturbance of vegetation, accelerated wear on sports facilities and fields, erosion along trails, and an increased potential for increased graffiti and litter) or in the need for new or expanded facilities. The analysis further considers whether the project would diminish or otherwise adversely affect recreational opportunities and existing facilities in the vicinity of the project site, based on existing issues with facility capacity. Impacts on library services are considered significant if an increase in population or development levels would result in an increased demand for library services that would require the need for new or physically altered library facilities to maintain acceptable service ratios, the construction of which could result in substantial adverse environmental effects.

b. Project Impacts and Mitigation Measures

Threshold 1a:	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact PSR-1 THE PROJECT COULD RESULT IN THE NEED FOR ADDITIONAL FIRE FACILITIES; HOWEVER, MITIGATION MEASURE PSR-1 WOULD REQUIRE MEASURES TO MAINTAIN ADEQUATE FIRE SERVICE. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The project would be served with fire protection and emergency medical services provided by ACFPD. The project includes the extension of Newell Drive. This roadway extension would provide an additional roadway that ACFPD staff can use to access the project site, as well as other areas within the City. However, the introduction of new commercial, industrial, and town-center uses, as well as the Newell Drive extension could result in additional calls. Although the project would not include substantial residential population growth, it would add employees to the area. Thus, there is potential for an increase in calls to the fire department made by employees in the case of an emergency. Development facilitated by the project would increase calls for service throughout the city for issues including (but not limited to) emergency medical service, structure or vegetation fires,

and traffic collisions. Since the project site is within ACFPD's existing service area and within 3 miles of the nearest fire station, emergencies on these sites would generally be responded to within current response times.

The project would be required to meet the standard fire code safety and access requirements administered by the City of American Canyon Building Division and specified by the CBC. In accordance with standard practices, ACFPD would review project plans before permits are issued to ensure compliance with all applicable fire and building code standards and ensure adequate emergency access is provided to the site.

The project would be required to pay two separate special assessments to fund fire protection and emergency medical services. The first is the "Fire Mitigation Fee," a one-time assessment to all new development. The second is the "Fire Service Fee" and an annual assessment for each parcel based on a formula that includes structure construction type, the fire flow area (square feet), proximity of other structures, the type of occupancy, and the presence of fire protection devices.

Nonetheless, due to the size of the annexation area, there is the potential that future development could result in the need of additional infrastructure, such as a fire station, which could result in a physical impact on the environment (ACFPD personal communication 2023). Therefore, mitigation would be required to reduce potential impacts. To that end, Mitigation Measure PSR-1 would require the City to provide the ACFPD with future development applications so that the ACFPD can identify if any new infrastructure would be needed. Future fire infrastructure or facilities could be located within the City but would require adherence to all applicable building and zoning codes and additional CEQA review from the ACFPD to analyze project and location specific impacts. It is not possible to identify the specific nature, extent, and significance of physical impacts on the environment that could result from the construction and operation of future fire facilities without knowing the size and nature of the facility, or its location. For example, future fire facilities could feasibly be housed in an existing building, which would have less of a physical impact on the environment than the construction of a new facility.

Mitigation Measures

PSR-1 Fire Facilities Coordination

The City shall forward development applications within the project area to the American Canyon Fire Protection District (ACFPD). If the ACFPD determines that Fire Service Mitigation fee program(s) must be updated to fund Fire Service Facilities to serve the site, the City shall cooperate with the ACFPD to update Fire Service Mitigation fee(s) in accordance with its relationship to the ACFPD as a subsidiary special district of the City.

Significance After Mitigation

Because Mitigation Measure PSR-1 would require the City to provide the ACFPD with future development applications so that the ACFPD can identify if any new infrastructure would be needed and because any future fire facilities that could result in a physical impact on the environment would be subject to CEQA, which would be conducted by the ACFPD, impacts from the project related to fire facilities would be less than significant.

Threshold 1b:	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact PSR-2 THE PROJECT WOULD BE ADEQUATELY SERVED BY EXISTING POLICE PROTECTION SERVICES. PAYMENT OF PUBLIC SAFETY TAXES AND DEVELOPMENT IMPACT FEES WOULD MINIMIZE POTENTIAL IMPACTS TO POLICE SERVICE FACILITIES AND PERFORMANCE AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project would be served with police protection provided by the American Canyon Police Department. The Police Department is staffed by the Napa County Sheriff's Office, which provides law enforcement services on a contract basis to the City of American Canyon. The project includes extension of Newell Drive. This roadway extension would provide an additional roadway that police staff can use to access the project site, as well as other areas within the City. However, extension of Newell Drive could result in additional calls due to vehicle accidents. In addition, the project would introduce new commercial, industrial, and town-center uses. Although the project would not include substantial residential population growth, it would add employees to the area. Thus, there is potential for an increase in calls to the Police Department made by employees during emergencies. Development facilitated by the project would increase the number of annual incidents. Since the project site is within Napa County Sheriff's existing service area and 1.3 miles from the ACPD police stations, emergencies on these sites would generally be responded within current response times.

The Police Department will have the opportunity to review and comment on security measures during the plan check review process for future development on the project site. For these reasons, the project would be expected to generate minimal calls for service and, therefore, would not create a need for new or expanded police facilities. Impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 1d:	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?
Threshold 2:	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Threshold 3:	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact PSR-3 THE PROJECT WOULD BE ADEQUATELY SERVED BY EXISTING PARK FACILITIES. THE PROJECT WOULD NOT INCLUDE RESIDENCE OR INDUCE GROWTH IN POPULATION THAT WOULD UTILIZE PARK FACILITIES. THUS, IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project would facilitate development of commercial, industrial, and visitor-serving/hotel use; however, no new residences would be developed due to the project. The project is located within a proposed segment of the Vine Trail, which is a Countywide Trail planned to ultimately connect the City of Calistoga to the Vallejo Ferry. Development contemplated by the project would not substantially increase demand for recreational facilities, as no additional housing or permanent residencies are a part of the project. Since the project would not include additional residences but would complete segments of the Vine Trail located on the frontage of future development, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 1e: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities, or the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact PSR-4 THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED PUBLIC FACILITIES. NO NEW FACILITIES WOULD BE REQUIRED TO ACCOMMODATE THE PROJECT AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Development facilitated by the project would not be expected to substantially increase demand for library services, as no additional residencies are a part of the project. However, people visiting the area may choose to visit the library. The American Canyon Library is located at 300 Crawford Way, approximately 3 miles from the project site. Project generated employees may also choose to utilize the library, however at a lower rate than existing residents in American Canyon. Pursuant to the City's 2022 Civic Facilities Fees, the project would be required to pay $0.16 per square foot of commercial development and $0.09 per square foot of industrial development. These fees are collected and used to fund expanded library services in the City. While library services demand may increase slightly because of the project, the project would not require the expansion of library facilities. Thus, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant.

4.14.4 Cumulative Impacts

The geographic scope of the cumulative public services analysis is the service area for the public service. Cumulative development projects would all place a demand on police, fire, and library services. The City and Fire District has adopted impact fees that help fund fire and library services. Cumulative increases in police services would be funded by increases in the City's General Fund, which is related to increased economic activity within the project area. As such, cumulative impacts on these public services would be less than significant. In addition, a cumulative impact on police, fire, and library services would only be significant if an expanded or new facility would be needed, such that it resulted in a physical impact on the environment. At this time, no plans have been identified for expanded police or library facilities. The ACFPD has identified that cumulative development may require the relocation of Fire Station 211; however, no specific plans have identified the relocation site. When plans for an expanded or new facility are identified for any public service, CEQA review would be conducted and the potential physical impacts on the environment would be assessed.

Furthermore, regarding fire services, it should be noted that ACFPD's service includes areas beyond the City limits. As such, there could be additional demand for fire services, beyond the cumulative projects identified in this EIR. This project would represent a portion of the cumulative demand on fire services. Because there are already impact fees that both the project and other cumulative projects would be subject to and because the project includes Mitigation Measure PSR-1, requiring the City to coordinate with the ACFPD, the projects contribution to a cumulative impact would not be considered cumulatively considerable.

The geographic scope of the cumulative recreation analysis is the City. Cumulative development projects, especially residential projects would increase residences in the City, which could place an additional demand on recreational facilities. The City has developed a Parks and Recreation fee, which requires the applicants for new residential projects to pay this fee, which will fund park acquisition, park development, community gym, and the aquatic center. Payment of the Parks and Recreation fee would help ensure sufficient recreational resources for any new growth associated with the project. It should be noted that the project is not anticipated to pay the Park Impact fee because the project would not include additional residential development. Furthermore, it is expected that cumulative residential projects would add open space as parts of their projects, to comply with zoning requirements. In addition, the closest and largest cumulative project (Watson Ranch Specific Plan) has identified that it would add approximately 23 acres of parklands to the City. Overall, cumulative recreational impacts would be less than significant.

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4.15 Transportation

This section describes relevant transportation conditions and analyzes the transportation impacts due to the project.

4.15.1 Setting

a. Streets and Highways

The City of American Canyon is located in southern Napa County, approximately 35 miles northeast of San Francisco. Adjacent and south of the City limits is the City of Vallejo in Solano County. North of the City limits, a succession of cities in Napa County are located along State Route (SR) 29, which serves the main commercial corridor through the center of American Canyon. SR 29 is a main route to wine country destinations. These cities include Napa, Yountville, St. Helena, and Calistoga. As with American Canyon, these cities are bisected by SR 29.

The transportation network serving the area includes a network of city and county-maintained streets and state highways. SR 29 runs through the City at grade and serves as a main thoroughfare for local and pass-through traffic. SR 29 provides access to local properties as well as regional connections. In addition, the City of American Canyon streets serve a variety of users, including pedestrians, bicyclists, transit riders, passenger cars, and heavy trucks for freight with a mix of local, recreational, and regional trips. American Canyon Boulevard is a major east-west arterial street that connects with the Interstate (I-) 80 freeway to the east. The City lies generally northwest of the I-80/ SR 37 interchange.

b. Existing Pedestrian and Bicycle Facilities

The Highway Design Manual, published by the California Department of Transportation (Caltrans), classifies bikeways into four categories:

- Class I Multiuse Path: a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- Class II Bike Lane: a striped and signed lane for one-way bike travel on a street or highway.
- Class III Bike Route: signing only for shared use with motor vehicles within the same travel lane on a street or highway.
- Class IV Bikeway: also known as a separated bikeway, a Class IV Bikeway is for the exclusive use of bicycles and includes a separation between the bikeway and the motor vehicle traffic lane. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

There are currently over 13 miles of bicycle network within the City of American Canyon, including over 8 miles of Class I multiuse paths, 2.8 miles of Class II bike lanes, and over 2 miles of Class III designated bicycle routes on public roadways. While most of the City has sidewalks, given the rural character of many older neighborhoods and the lack of a centralized downtown area, several areas of the City have limited or lacking pedestrian infrastructure. There is minimal sidewalk coverage along SR 29.

c. Transit Services

Public transportation within the City is provided by American Canyon Transit, which is a part of the Napa Valley Transportation Authority (NVTA) Vine Transit system. American Canyon Transit is a fixed route and on-demand, door-to-door, transit service within specific areas of the city. Vine's Route 29 (Napa-BART) Express connects the BART Station in El Cerrito to the Redwood Park n Ride in the City of Napa and stops in American Canyon at the Post Office on Crawford Way.

On-demand private taxi services are available in the project site 24 hours a day. Taxis can be used for trips within the project site and farther destinations, including nearby airports. Other ride-hailing applications are also available in the project site and provide transportation throughout the Bay Area.

d. Rail Transportation

Rail transportation in the City is currently limited to freight service only. No commuter rail service exists in the City or County. The main rail line in the City is owned by Union Pacific Railroad Company and enters the City parallel to and on the east side of SR 29 at the Solano County line. The project site is bisected by the Union Pacific Railroad Line.

e. Aviation

The Napa County Airport is northwest of the City limits in unincorporated lands. It is a General Aviation airport with charter flights available, but no scheduled commercial flights. The airport can accommodate most private aircraft including jets, up to 120,000 pounds. The airport was built by the United States Army Air Force in 1942 and was deeded to Napa County after World War II for civilian use. In 1971 International Air Services Company opened a flight training school at the airport.

4.15.2 Regulatory Setting

a. Federal Regulations

Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive rights and protections to individuals with disabilities. The goal of the ADA is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. To implement this goal, the United States Access Board, an independent Federal agency created in 1973 to ensure accessibility for people with disabilities, has created accessibility guidelines for public rights-of-way. While these guidelines have not been formally adopted, they have been widely followed by jurisdictions and agencies nationwide in the last decade. The guidelines, last revised in July 2011, address various issues, including roadway design practices, slope and terrain issues, pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The guidelines apply to all proposed roadways in the City.

Federal Highway Administration

The Federal Highway Administration (FHWA) is the agency of the U.S. Department of Transportation (DOT) responsible for the federally funded roadway system, including the interstate highway

network and portions of the primary state highway network. FHWA funding is provided through the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 can be used to fund local transportation improvement projects, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, and transit system upgrades.

b. State Regulations

California Department of Transportation

Caltrans is responsible for planning, designing, constructing, and maintaining all state highways. The jurisdictional interest of Caltrans includes state highways and facilities and extends to improvements to roadways at the interchange ramps serving area freeways. Any federally funded transportation improvements would be subject to review by Caltrans staff and the California Transportation Commission.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) is the State agency responsible for rail safety. The CPUC's jurisdiction includes railroad interlocking plants and public highway grade crossings. CPUC approval is required to modify a railroad interlocking plant (including construction of a new spur track) or modification to an existing public railroad grade crossing. Completion and submittal of a General Order 33-B is required for any proposed work to a railroad interlocking plant (e.g., spur track), and a General Order 88-B is required for any proposed work to a public highway grade crossing.

Complete Streets Act

The California Complete Streets Act (AB 1358) adopted in 2008, requires that cities and other public agencies incorporate "Complete Street" policies when updating their General Plan Circulation Element. The term "Complete Streets" refers to a balanced, multimodal transportation network that meets the needs of all users of streets, including bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transportation, and seniors. A "Complete Street" is one that provides safe and convenient travel in a manner that is suitable to the local context. Complete Streets make travel safe for all users, including bicyclists, pedestrians, motorists, transit vehicles, and people of all ages and abilities. Each street does not need to provide dedicated space to all users, but the network must accommodate the needs of all users.

Senate Bill 743

California Senate Bill (SB) 743, passed in 2013, addresses a range of topics and aims to better promote statewide policies that (a) combat climate change by reducing greenhouse gas emissions and particulates; (b) encourage infill development and a diversity of uses instead of sprawl; and (c) promote multi-modal transportation networks, providing clean, efficient access to destinations and improving public health through active transportation.

SB 743 changed the way transportation impact analyses are conducted as part of compliance with the California Environmental Quality Act (CEQA). These changes eliminated automobile delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA. Prior rules treated automobile delay and congestion as an environmental impact. SB 743 required the *CEQA Guidelines* to prescribe an analysis that better accounts for transit and reducing greenhouse gas emissions. In December 2018, Office of Planning

and Research (OPR) released the final update to *CEQA Guidelines* consistent with SB 743 that went into effect statewide on July 1, 2020, which state that vehicle miles traveled (VMT) is "generally" the most appropriate metric of transportation impacts to align local environmental review under CEQA with California's long-term greenhouse gas emissions reduction goals. At the same time as the release of the updated *CEQA Guidelines,* OPR also released a non-binding *Technical Advisory on Evaluating Transportation Impacts in CEQA*, which outlines potential VMT analysis methodologies and thresholds of significance for use by agencies in California based on substantial evidence developed by OPR related to achievement of the State's greenhouse gas emissions reductions targets.

Although OPR provides recommendations for adopting new impact analysis guidelines, lead agencies have the final say in designing their methodology, provided that the selected analysis methodology aligns with the SB 743 goals to promote infill development, reduce greenhouse gases, and reduce VMT. The City's approved methodology and thresholds for transportation impacts consistent with SB 743 are described in Section 4.15.3, *Impact Analysis*.

c. Regional Transportation Plans

Plan Bay Area 2050

The Regional Transportation Plan and Sustainable Community Strategy (RTP/SCS) for the San Francisco Bay Area, named Plan Bay Area 2050 was jointly produced and adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) on October 21, 2021. Plan Bay Area 2050 is the strategic update to Plan Bay Area 2040, and it connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. It is a roadmap to help Bay Area cities and counties preserve the character of our diverse communities while adapting to the challenges of future population growth. The SR 29 corridor has been designated by MTC and ABAG as a Priority Development Area (PDA), meaning that it is recognized as an area with substantial opportunity for infill development near transit. PDAs play a critical role in accommodating future growth in the regional agencies' SCS plans.

Countywide Transportation Plan

The NVTA oversees the countywide transportation plan for Napa County. The countywide transportation plan outlines priorities for the NVTA and Napa County's transportation system to relieve congestion, improve traffic safety, create more active transportation infrastructure, provide more reliable and frequent bus service, and maintain and repair the existing transportation system. Local planning efforts led by NVTA have resulted in the development of preliminary concepts for SR 29 that have been presented to the public through workshops for input and comment. Some of these initial concepts were evaluated in more detail through the regional NVTA study and subsequent public workshops. Options already discussed with the community include creative intersection capacity enhancements, including roundabout options.

d. Local Regulations

American Canyon General Plan

The Circulation Element of the City of American Canyon General Plan sets forth a guiding vision and principles for the transportation system, and detailed goals and policies which aims to implement a

Complete Streets approach to mobility in the future. The build-out street network envisioned by the Circulation Element includes the extension of Newell Drive north from its current terminus concurrent with future development that would include the project site. As envisioned, Newell Drive would eventually connect American Canyon Boulevard in the south with SR 29 at Green Island Road, at the northwest corner of the project site. As identified in the City of American Canyon's existing Circulation Element, the future extension would be a 2-lane collector with one motor vehicle lane in each direction, bicycle lanes, and sidewalks (City of American Canyon 2018). In addition, the Circulation Element of the City of American Canyon General Plan includes the following relevant policies:

Guiding Policy 1.1: Community Priorities. Safe and convenient access to activities in the community is provided by a well-designed local roadway system. That system serves the community's primary need for mobility and includes a planned hierarchy of roadways to meet that need. The following Community Priorities relate most directly to this Element:

- Encourage and foster a strong sense of community and safety, as well as the "hometown" feeling by creation of a town center through land use and circulation planning.
- Improve a hierarchy of roadway networks to achieve and maintain acceptable traffic LOS and provide a citywide system of bicycle lanes and recreational trails that improve accessibility without the use of an automobile.
- Improve SR-29 so that it serves as a visually attractive gateway into the City while providing access to commercial businesses and serving intra and interregional traffic and goods movement.

Guiding Policy 1.2: Implement planned roadway improvements. Use Figure 3: General Plan Circulation System, and Table 3: Major Circulation Improvements [of the Circulation Element], to identify, schedule, and implement roadway and complementary intersection improvements to support General Plan buildout conditions. Planned improvements may be phased as development occurs and need for increased capacity is identified.

Guiding Policy 1.3: Design circulation system to focus regional travel on SR-29. SR-29 is important for both Citywide and north–south regional travel. As both City and regional travel grow, design the City circulation system to discourage regional traffic from bypassing SR-29 and impacting City streets. Also, cooperatively work with regional partners, including Caltrans, NCTPA and others explore a complete streets approach that will expand the travel capacity of SR-29.

Guiding Policy 1.6: Achieve and maintain a Multimodal LOS D or better for roadways and intersections during peak-hours where possible and as long as possible. However, recognizing that LOS D may not be achievable or cannot be maintained upon full buildout of the General Plan, due to traffic generated from sources beyond the control of the City, the City Council shall have the discretion to only require feasible mitigation measures that may not achieve LOS D, but will reduce the impact of any development use or density planned for in the Land Use Element of the General Plan.

The following locations that may not achieve or maintain LOS D are as follows and therefore will be exempt from the LOS D policy:

- State Route 29 through the City
- American Canyon Road from SR-29 to Flosden Road–Newell Drive
- Flosden Road south of American Canyon Road

Guiding Policy 1.9: Use of existing facilities. Make efficient use of existing transportation facilities, and improve these facilities as necessary in accordance with the Circulation Map [in the Circulation Element].

Guiding Policy 1.11: Reduce Vehicle Miles Traveled. Through layout of land uses, improved alternate modes, and provision of more direct routes, strive to reduce the total vehicle miles traveled by City residents.

Guiding Policy 1.12: Circulation System Enhancements. Achieve, maintain and/or improve mobility in the City by considering circulation system enhancements beyond improvements identified on the Circulation Map, where feasible and appropriate. Improve the circulation system, in accordance with the Circulation Map, at minimum, to support multimodal travel of all users and goods and where feasible, apply creative circulation system enhancements that increase system capacity and that are acceptable to the City and its residents and where applicable, Caltrans.

> **Implementing Policy 1.14:** Work with Caltrans on highway improvements. Continue to work with the Caltrans to achieve timely context sensitive design solutions, funding, and construction of programmed highway improvements.
>
> **Implementing Policy 1.17:** Regional fair-share fee program. Work with Caltrans, NCTPA, Napa County, and other jurisdictions to establish a fair-share fee program for improvements to routes of regional significance and State highways. This fee should reflect traffic generated by individual municipalities/unincorporated communities as well as pass-through traffic.
>
> **Implementing Policy 1.24:** Impacts of new development. Based upon the findings of a transportation impact analysis, consistent with Guiding Policy 1.26, new development will be responsible for mitigation of transportation-related impacts.
>
> **Implementing Policy 1.35:** General transit and pedestrian access. In reviewing designs of proposed developments, ensure that provision is made for access to current and future public transit services. In particular, pedestrian access to arterial and collector streets from subdivisions should not be impeded by continuous segments of sound walls.

Guiding Policy 2.1: Promote walking and bicycling. Promote walking and bike riding for transportation, recreation, and improvement of public and environmental health.

Guiding Policy 2.3: Develop a safe and efficient non-motorized circulation system. Provide safe and direct pedestrian routes and bikeways between places.

> **Implementing Policy 2.7:** Universal design. Provide pedestrian facilities that are accessible to persons with disabilities and ensure that roadway improvement projects address accessibility by using universal design concepts.
>
> **Implementing Policy 2.18:** Pedestrian connections to employment destinations. Encourage the development of a network of continuous walkways within new commercial, town center, public, and industrial uses to improve workers' ability to walk safely around, to, and from their workplaces. Where possible, route pedestrians to grade separated crossings over State Route 29.

Guiding Policy 3.1: Promote safe, efficient, and convenient public transportation. Promote the use of public transportation for daily trips, including to schools and workplaces, as well as other purposes.

Guiding Policy 4.1: Promote safe and efficient goods movement. Promote the safe and efficient movement of goods via truck and rail with minimum disruptions to residential areas.

Guiding Policy 4.2: Promote railroad safety. Minimize the safety problems associated with the railroad, including the construction and maintenance of at-grade crossings and the physical barrier effect of the track alignment on the City.

Guiding Policy 4.4: New truck route designation. All highways, arterials, and industrial streets shall be designated truck routes.

Guiding Policy 4.6: Location of industrial development. Continue industrial expansion in the north industrial area to minimize the neighborhood impacts of truck movements.

Guiding Policy 4.7: Secure truck parking. Encourage high-security off-street parking for tractor trailer rigs in industrial designated areas.

American Canyon Bicycle Plan

The City of American Canyon updated the Bicycle Plan in February 2020. The Bicycle Plan was prepared in accordance with the California Bicycle Transportation Act as part of the Napa Countywide Bicycle Plan and was coordinated with existing City and Regional Plans at the time of its adoption. The Bicycle Plan adoption was one of several City actions implementing SB 375, the Sustainable Communities Strategy Act. Relevant to the project site: the American Canyon Bicycle Plan envisions the provison of biycle lanes on the Newell Drive extension, as well as multi-use paths along the Union Pass Railroad (UPRR) tracks that pass through the annexation area (City of American Canyon 2020).

American Canyon Pedestrian Plan

The City of American Canyon adopted the Pedestrian Plan in June 2017. The Plan was developed to complement the American Canyon portion of the Countywide Bicycle Master Plan that the City adopted as an appendix into the General Plan Circulation Element in 2012. Together with the Bicycle Plan, the Pedestrian Plan creates an Active Transportation Plan that will position American Canyon to effectively compete for project funding. This plan follows the Caltrans Active Transportation Program (ATP) Guidelines, which outline statewide requirements for what should be included in active transportation plans (City of American Canyon 2017).

4.15.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on transportation if it would:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
2. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment); or
4. Result in inadequate emergency access

Methodology

The methodology for assessing impacts under thresholds 1, 3 and 4 is qualitative in nature and considers the existing regulations in place that would minimize potential impacts related to transit, roadway, bicycle and pedestrian facilities; geometric design features; and emergency access.

Impact TRA-2 evaluates whether the project would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), which describes specific considerations for analyzing transportation impacts as amended on July 1, 2020 pursuant to SB 375. CEQA Guidelines Section 15064.3(b) states that VMT is "generally" the most appropriate measure of transportation impacts. No particular methodology or metric is mandated by Section 15064.3(b) and the methodology or metric is left to the lead agency, bearing in mind the criteria the legislature had in mind for determining the significance of transportation impacts in SB-743. These were expressed in Public Resource Code section 21099(b)(1), which states: "[t]hose criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."

The assessment of VMT impacts for this study under Impact TRA-2 was determined by utilizing the American Canyon travel demand model to forecast the rate of VMT per employee for the project land uses at buildout under the following two scenarios:

- Scenario A: Existing plus project Conditions. Under this scenario: the Newell Drive extension would extend from SR 29 to provide access to the project site, but would not yet connect with the existing segments of Newell Drive to the south that intersects with American Canyon Boulevard.
- Scenario B: Cumulative Conditions (with the project) based on Year 2045 citywide residential and commercial growth as well as projected regional land use growth. Under this scenario: the Newell Drive extension would extend from SR 29 to American Canyon Boulevard, including existing segments of Newell Drive to the south of the project site.

The American Canyon travel demand model is a trip-based model. Therefore, VMT per employee was estimated based on the VMT associated with home-based work (HBW) trips. VMT impacts would be considered potentially significant under either scenario if the forecasted rate of VMT per employee for the project were to exceed 85 percent of the existing rate of VMT per employee for jobs in American Canyon, based on the American Canyon travel demand model. Table 4.15-1 summarizes the existing rate of VMT per employee and corresponding significance threshold. There are an estimated 4,442 jobs in American Canyon under existing conditions (based on U.S. Census Bureau estimates for the years 2017 and 2018, which were adjusted to reflect land use changes since 2018). The existing rate of VMT per employee is estimated to be 34.1 miles per employee. VMT impacts would therefore be considered significant if the rate of VMT per employee for the project were to exceed 29.0 miles.

Table 4.15-1 VMT Impact Threshold

Scenario	Number of Jobs	VMT per Employee
Existing Conditions (Jobs In American Canyon)	4,442	34.1
Significant Impact Threshold (85 percent of Existing rate)		**29.0**

Source: American Canyon Travel Demand Model, GHD, December 2022

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Impact TRA-1 THE PROJECT WOULD NOT CONFLICT WITH A PROGRAM, PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As described in Chapter 2, *Project Description*, along the northern boundary of the annexation area, the City would extend Newell Drive. The proposed roadway would connect SR 29 with the existing Newell Drive, approximately 1 mile southeast of the annexation area. The purpose of the Newell Drive extension would add a parallel roadway to SR 29 to relieve traffic congestion. The Newell Drive extension would extend east from SR 29 and Paoli Loop Road along the northern boundary of the annexation area and gently curve southeast towards Watson Lane as it approaches the UPRR. The Newell Drive extension would cross the UPRR tracks via an overcrossing.

The project would therefore be consistent with the build-out street network envisioned by the American Canyon General Plan Circulation Element, and the bikeway network envisioned by the American Canyon Bicycle Plan, that includes the extension of Newell Drive north from its current terminus concurrent with future development, including the project site. As envisioned, Newell Drive would eventually connect American Canyon Boulevard in the south with SR 29 at Green Island Road, at the northwest corner of the project site. The future extension would be a 2-lane collector with one motor vehicle lane in each direction, bicycle lanes and sidewalks. The project would not preclude the future provision of bicycle paths along the UPRR tracks, consistent with the American Canyon Bicycle Plan.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Impact TRA-2 THE RATE OF VMT PER JOB THAT WOULD BE GENERATED BY THE PROJECT IS ANTICIPATED TO BE LOWER THAN THE SIGNIFICANCE THRESHOLD. THE PROJECT WOULD NOT CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES 15064.3(B) AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

As described in the Methodology subsection of Section 4.15.3, *Impact Analysis,* transportation impacts due to VMT attributable to the project were analyzed using the City of American Canyon travel demand model. VMT impacts would be considered potentially significant if the forecasted rate of VMT per employee for the project exceed 29.0 miles. The project would allow land uses that would provide an estimated 1,650 jobs at buildout. Table 4.15-2 summarizes the forecasted rate of VMT per employee that would be generated by the project under both Existing plus Project and Cumulative plus Project conditions. The following results were identified from the modeling.

- Under Existing plus Project conditions: the project would generate 25.2 VMT per employee, below the threshold of 29.0. Therefore, transportation impacts associated with VMT generated by the project would be less than significant under Existing plus Project conditions.
- Under Cumulative plus Project conditions: the project is forecasted to generate 13.8 VMT per employee, below the threshold of 29.0. Therefore, transportation impacts associated with VMT generated by the project would be less than significant under Cumulative plus Project conditions.

Overall, the project would add new employment opportunities to an area that has fewer jobs than housing. As such, when jobs are added by the project, future employees would be able to reduce their trip distance and overall VMT by being employed closer to their residence.

Table 4.15-2 Project VMT

Scenario	Project VMT per Employee	Impact Threshold	Impact Finding
Existing plus Project conditions	25.2	29.0	Less than Significant
Cumulative plus Project conditions	13.8	29.0	Less than Significant

Source: American Canyon Travel Demand Model, GHD, December 2022

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Impact TRA-3 THE PROJECT WOULD NOT SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project is a proposed annexation that does not directly address geometric design features. Future development would be required to comply with street design standards, Manual of Uniform Traffic Control Devices (MUTCD) requirements, fire code requirements and zoning regulations, ensuring that the project would not result in design hazards. In addition, the project would include an overcrossing over the Union Pacific Railroad. By separating Newell Drive from the railroad, the project would avoid any potential conflicts between people using the Newell Drive Extension (i.e., people driving vehicles, pedestrians, and bicyclists) and trains. The project would not increase hazards due to a geometric design feature and impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 4: Would the project result in inadequate emergency access?

Impact TRA-4 THE PROJECT WOULD NOT RESULT IN INADEQUATE EMERGENCY ACCESS AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The project is a proposed annexation that does not directly propose uses that would result in inadequate emergency access. Primary emergency access would be provided by the extension of Newell Drive along the northern boundary of the annexation area, including a grade-separated crossing of the UPRR tracks, that would connect with SR 29 to the northwest and American Canyon Boulevard to the south. The provision of the Newell Drive extension and grade-separated railroad are anticipated to provide adequate emergency access. As such, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

4.15.4 Cumulative Impacts

Cumulative impacts were considered as part of the analysis of Impacts TRA-1, TRA-2, TRA-3 and TRA-4 as described above. As such, the impacts identified above would also represent cumulative impacts.

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4.16 Tribal Cultural Resources

This section analyzes the potential effects on tribal cultural resources related to implementation of the project.

4.16.1 Setting

a. Ethnographic Overview

The project site is in the traditional tribal territory of the Patwin, members of the larger Wintun Tribe. Patwin territory extends from Clear Lake to the San Pablo and Suisun bays. The Patwin may be further separated into River Patwin along Sacramento River, as well as in the Sacramento and Suisun valleys towards the San Pablo and Suisun bays; and the Hill Patwin along the northern Coast Ranges, closer to Clear Lake Basin (Elliott 2011). Patwin language is a subgroup of the Penutian language family along with Wintun (Johnson 1978). Historically, the southern Patwin were distinguished from the northern Wintun, based on the linguistically distinct words for people: Win-tun or Win-tu in the north and Pat-win in the south (Kroeber 1925). For this discussion, Patwin refers to both Patwin and Wintun peoples.

Political organization consists of small tribelets and several satellite settlements. A male chief would head each tribelet and direct activities. Their main purpose was to govern ceremonial and economic activities of the village. His administration included tree grove and fishing ownership, how food would be distributed among the villagers, and what ceremonies would be held and who would be invited to join (McKern 1922, Johnson 1978). This position typically passed down patrilineally. Yet, the village could determine a chief to be incompetent and village elders would then elect a new Chief based on qualifications (McKern 1922).

The Patwin family unit had three levels. The first is the paternal family, which includes the extended family following male blood relations. The second is the family social group that dictated marital matrilocality, with the husband moving to the area of his wife. On the third level, the household of the nuclear family would situate in proximity of the family social group. Other types of family-like units would take part in specific activities. Paternal families participated in one of four practices that passed down secret medicines and charms. Trade families engaged in producing or consolidating resources, such as hunted animals or musical instruments for distribution. Shamanistic families utilized supernatural powers to influence the spirits. Official families held one individual that served in an official capacity, such as ceremonial song leader or hesi dance fire tender (McKern 1922). Additionally, a series of ceremonial dances took place from October to May related to the Kuksu Cult. These dances would take place in a small and secret ceremonial dance hall with an earth-covered roof (Kroeber 1925).

Patwin residential structures were typically elliptical or circular shaped and earth-covered or semi-subterranean. The earth covering was imported from outside the villages. Villages consisted of family homes, a ceremonial dance house, menstrual hut, and a sweat lodge.

Patwin subsistence practices centered on the use of acorns and other seeds as a primary food source. River Patwin would process these foods with wooden log mortars, while Hill Patwin preferred flat stone slab-and-basket hopper mortars (Elliott 2011). Both groups engaged in hunting of deer, tule elk, antelope, bear, turtles, and various species of waterfowl. Hunting was done typically with a sinew-backed bow and arrow. Fishing was a particularly important activity for the Patwin, using gates and pens to catch salmon and sturgeon, while pike, steelhead, trout, and smaller

salmon were caught with nets. Additionally, tobacco was collected from along the river and dried for smoking but not cultivated (Johnson 1978).

The Patwin made both twined and coiled basketry, usually from willow and redbud. Baskets were an important tool in their daily lives for transporting, preparing, and storing foods and burial remains. They utilized animal hides for bedding, floor mats, skirts, burial robes, and tobacco sacks. Tule balsa rafts were crafted and used to navigate rivers. Bone, mussel shell, and stone tools were used as knives (Johnson 1978).

4.16.2 Regulatory Setting

a. Federal Regulations

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected. ARPA requires special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of the ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally-funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

b. State Regulations

Assembly Bill 52

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands the California Environmental Quality Act (CEQA) by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect

on the environment" (Public Resources Code [PRC] Section 21084.2). AB 52 further states when feasible, the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe," and meets either of the following criteria:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k).
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments and with respect to the interests and roles of project proponents, it is the intent AB 52 to accomplish all the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called "Tribal Cultural Resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated (because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources).
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, early in the CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.

8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified or adopted. AB 52 requires that lead agencies "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed in the jurisdiction of the lead agency.

Senate Bill 18

California Government Code Section 65352.3 (adopted pursuant to the requirements of Senate Bill [SB] 18) requires local governments to contact, refer plans to and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places."

CEQA Guidelines Section 15064.5(c)—Effects on Archaeological Resources

The CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. The CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the California Register of Historical Resources (CRHR). If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines Section 15064.5(d); PRC Section 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the

treatment and disposal of the human remains and any associated burial items (CEQA Guidelines Section 15064.5(d); PRC Section 5097.98).

- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC Section 5097.98).

4.16.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Appendix G of the *CEQA Guidelines* identifies the following criteria for determining whether a project's impacts would have a significant impact to tribal cultural resources:

1. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
   a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
   b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Methodology

The presence and significance of a potential tribal cultural resource is determined through consultation between lead agencies and local California Native Americans. Impacts to tribal cultural resources are highly dependent on the nature of the resource but, in general, could occur if there is destruction or alteration of the resource and its surroundings, access restrictions to the resource, or other disturbances.

b. Project Impacts and Mitigation Measures

Threshold 1a:	Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
Threshold 1b:	Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

Impact TCR-1 THE PROJECT COULD ADVERSELY IMPACT TRIBAL CULTURAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT THROUGH CONSULTATION CONDUCTED PURSUANT TO AB 52 AND IMPLEMENTATION OF MITIGATION.

As part of the AB 52 and SB18 process, the City of American Canyon sent letters via certified mail on June 10, 2022 to three Native American tribes that had previously requested to be informed through formal notification of projects in the geographic area that is traditionally and culturally affiliated with their Tribes. These Tribes consisted of the Cortina Band of Indians, the Federated Indians of Graton Rancheria, and the Yocha Dehe Wintun Nation. To date, no letters have been received by the City, nor have they received any responses requesting additional consultation under AB 52 or SB 18.

A Sacred Land File (SLF) by the NAHC was also requested on August 5, 2022. On October 11, 2022, the results of the SLF search were received and the NAHC stated that the results were positive. The results letter also stated that the City should contact the Mishewal-Wappo Tribe of Alexander Valley along with 12 additional Tribes who may also have knowledge of cultural resources in the area. On November 4, 2022, the City emailed and mailed out letters to all 13 Tribes provided by the NAHC. On November 18, 2022, a representative from the Yocha Dehe Wintun Nation provided a response to the City stating the project is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, the Tribe has a cultural interest and authority in the project area. The Tribe requested project information and any cultural resources studies. The Yocha Dehe Wintun Nation Tribe previously gave the City recommended mitigation measures through the consultation process for the City's Housing Element, as well as the General Plan Update. The City has incorporated the recommendations that were previously made for the Housing Element into this EIR. A consultation meeting was held on February 8, 2023 between City staff and representatives of the Yocha Dehe Wintun Nation. During the consultation meeting, City staff provided the representatives of the Yocha Dehe Wintun Nation an overview of the project, as well as the approach to include recommendations that were previously made for the Housing Element as mitigation in this EIR. The representative of the Yocha Dehe Wintun Nation requested that they be provided proper notification when development plans are identified and that they be provided a copy of the Draft EIR when it is available. City staff identified that the Yocha Dehe Wintun Nation would be notified of future development plans when those are identified and would be provided the Draft EIR when it is made available for public review.

It remains a possibility that tribal cultural resources may be present within geographic areas affiliated with tribal organizations. In compliance with AB 52, a determination of whether project-

specific substantial adverse effects on tribal cultural resources would occur, along with identification of appropriate project-specific avoidance, minimization, or mitigation measures.

The project would include industrial, commercial, roadway infrastructure over undeveloped portions of the project site. Due to the programmatic nature of the environmental analysis, it is not possible to fully determine impacts on tribal cultural resources. Implementation of proposed land uses would require grading across most of the project site. The Tribe provided recommended mitigation measures and protocols during consultation for the Housing Element and the General Plan, and these recommendations included construction monitoring of all ground disturbance. Implementation of Mitigation Measures CUL-2 though CUL-5, as described in Section 4.5, *Cultural Resources* would reduce potentially significant impacts on tribal cultural resources by requiring identification and evaluation of any archaeological resources that may be present prior to construction; by providing steps for the evaluation and protection of unanticipated finds encountered during construction; by ensuring appropriate protocols are followed if human remains are encountered; and by implementing tribal monitoring, as well as the Yocha Dehe Wintun Nation's Treatment Protocol.

Mitigation Measures

Mitigation Measures CUL-2 through CUL-5 (see Impacts CUL-2 and CUL-3 in Section 4.5, *Cultural Resources*).

Significance After Mitigation

Impacts would be less than significant with mitigation.

4.16.4 Cumulative Impacts

Cumulative development within the project site could potentially disturb areas that may contain cultural and tribal cultural resources. While there is the potential for significant cumulative impacts to cultural and tribal cultural resources, it is anticipated that potential impacts associated with individual development projects would be addressed on a case-by-case basis and would be subject to City policies and local and State regulations regarding the protection of such resources. With compliance with existing policies and regulations, future development in the city and region would be required to avoid or mitigate the loss of these resources. Furthermore, with implementation of Mitigation Measures CUL-2 through CUL-5, the project's contribution to any impacts on tribal cultural resources would be reduced to a less than significant level. Therefore, cumulative impacts would be less than significant.

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4.17 Utilities and Service Systems

This section analyzes the potential effects on utilities and service system related to implementation of the project.

4.17.1 Setting

a. Water Supply and Delivery

The City of American Canyon supplies water service to residential, commercial, and industrial users within the City and its sphere of influence (SOI). The City's potable water service area is approximately 30 square miles. The City water supply is provided from purchased or imported water sources, mainly State Water Project (SWP) water and the City of Vallejo, in addition to supplemental imported water sources. Table 4.17-1 identifies the City's current sources of water, which are discussed in detail after the table.

Table 4.17-1 Current Sources of Water Supply

Source		Contracted Volume/Capacity (Acre feet/Year)
State Water Project (Table A Allotment) [a]		5,200
Vallejo Permit Water [b]		500
Vallejo Treated Water	2011-2015	2,074
	2016-2021	2,640
	2021-Onward	3,206
Vallejo Emergency Water [c]		500
Groundwater [d]		0
American Canyon Recycled Water [e]		1,241
Napa Sanitation District-Produced Recycled		591

Notes:

[a] Includes allotment for American Canyon and additional supply from Kern County Water Agency

[b] Non-Table A Water

[c] Available only in dry years

[d] No groundwater is used for citywide supply

[e] As reported 2020 Urban Water Management Plan (UWMP). Maximum capacity of the City's recycled water treatment system by 2035.

Source: City of American Canyon 2022.

State Water Project

A significant portion of the City's water supply is obtained through various indirect contracts for water from the SWP. The Napa Flood Control and Water Conservation District is the State Water Contractor with the California Department of Water Resources (DWR), and the City receives its water through subcontracts with the Napa Flood Control and Water Conservation District.

Table A Allocation

In January 1967, the American Canyon County Water Agency[1] entered into an agreement with the Napa Flood Control and Water Conservation District for water supply from the North Bay Aqueduct. In 2010, the agreement allowed for the delivery of up to 5,200 acre-feet of water per year.[2] This contract runs through 2035 with provisions for extension. The actual amount of SWP water available to the City under the "Table A" allocation process (the method used by the DWR to allocate water in the SWP system) varies from year-to-year due to hydrologic conditions, water demands of other contractors, SWP facility capacity, and environmental/regulatory requirements. Deliveries have varied between 5 percent (in 2014) and 100 percent (last occurring in 2006) of the contracted amount.

City of Vallejo

In 1996, the City of American Canyon entered into an agreement with the City of Vallejo to allow the purchase of additional water supply. Vallejo receives its water from a variety of sources, including SWP water and an appropriative water right. Under the Vallejo Agreement, a specific source is identified for Permit Water supply but not for Treated or Emergency Water.

Vallejo Permit Water (Raw)

The City of Vallejo holds an appropriative right for Sacramento Bay-Delta water from the California State Water Resources Control Board (State Water Board) that pre-dates the construction of the SWP. The City of American Canyon has an agreement with the City of Vallejo for delivery of up to 500 acre-feet of water under this permit. This source of water is more reliable than the City's Table A supply, but the Vallejo Agreement still allows for reductions. Addendum 2 to the 1996 Vallejo Agreement states that "[i]n the event the State Water Resources Control Board, or any other agency, restricts Vallejo's diversion of water [under the appropriative pre-SWP contract] for any reason whatsoever, American Canyon's diversions will be reduced in the same proportion." As such, curtailment is typically less than that of the City's Table A supply under environmental or other constraints, but the City may not receive its full allotment during dry years.[3]

Vallejo Treated Water (Potable)

In 1996, the City of American Canyon entered into an agreement with the City of Vallejo to purchase up to 629 acre-feet of potable treated water supply. This agreement included the option for additional (cumulative) purchases in 5-year increments through 2021. Ultimately, this results in a total of 3,206 acre-feet of treated water available for purchase each year by the City from Vallejo for 2021-2040.

A specific source for Treated Water is not identified in the Vallejo Agreement; thus, the ultimate source of this water is a blend of all of Vallejo's water sources. Under certain conditions, the maximum delivery of this supply may be "reduced in the same proportions as any reduction to Vallejo customers inside the Vallejo city limits."[4]

[1] A predecessor agency to the City of American Canyon, which was not incorporated until 1992.
[2] A total of 500 acre-feet of this water was obtained through a purchase of water, by the Napa Sanitation District, from Kern County Water Agency in 2000.
[3] For example, Vallejo Permit Water delivery was curtailed in both 2014 and 2015.
[4] Vallejo Water Service Agreement. May 1, 1996 (Page 7-7 in the 2015 American Canyon UWMP).

Vallejo Emergency Water (Raw)

When the City's Table A water allotment is curtailed, the City of American Canyon has the option to purchase up to 500 acre-feet of emergency raw water supply from Vallejo under an agreement amended in 1996. The 2020 Urban Water Management Program (UWMP) assumes that this water would be available under dry year and multiple dry year scenarios but not during a normal year. During consecutive dry years 3 to 5, the 2020 UWMP assumes a reduction to 400 AF.

Groundwater

The City of American Canyon does not currently rely on groundwater as a source of water, though the 2020 UWMP states that the City remains open to the possibility and will consider potential supply opportunities as they present themselves.

Other Sources of Potable Supply

Dry Year Water Bank

In 2009, the City of American Canyon (along with other SWP contractors) entered into an agreement with DWR to obtain emergency supplies if rice farmers in the Sacramento Valley are willing to make their supplies available. The year-to-year availability of this supply is not known.

Turn-Back Water Pool Program

DWR has a program for interested SWP contractors called the Turn-back Water Pool Program. SWP contractors may choose to sell Table A water or purchase turn-back pool water that is available through the program. The amount of pool water available to the City of American Canyon is not a significant amount. For example, during 2010 the City purchased 17 acre-feet, and in 2012 it purchased 64 acre-feet. The City of American Canyon has not purchased water through this program since 2016.

Napa Treated Water

The City has an agreement with the City of Napa for the purchase of treated (potable) water under emergency conditions, or when the North Bay Aqueduct system is off-line for maintenance or other reasons. Napa treated water provides operational flexibility (such as providing water to customers even when the City's water treatment plant is off-line for an extended period of time). During 2010, the City purchased 306 acre feet of treated water when the plant was off-line for maintenance-related issues. Under this informal arrangement, the Napa treated water purchase counts against the City's SWP Table A allotment. The City of American Canyon has not purchased water through this program since 2014.

Dry Year Transfer Program

During dry years, varying amounts of additional water may be made available to SWP contractors through DWR's Dry Year Transfer Program, which allows for transfers through a combination of crop idling, groundwater substitution, and changes in reservoir operation. For example, in 2015 the City of American Canyon purchased 92 acre-feet of additional supply (for that year) through this program. While this option is available to the City on a per year authorization, the long-term reliability of this supply is not known. The City of American Canyon has not purchased water through this program since 2015.

Yuba Accord

In 2008, the DWR adopted the Lower Yuba River Accord, an agreement to settle issues related to instream flows in the Yuba River and fisheries habitat. As part of that agreement, the DWR is able to purchase water from the Yuba River Water Agency to, in part, offer to participating SWP contractors as a transfer during dry years. The Napa County Flood Control and Water Conservation District has authorized the execution of Yuba Accord Dry-year Water Purchase Agreement, and the City of American Canyon has the option to purchase water through this agreement in dry years, though at a cost that is considerably higher than under normal conditions. In 2015, the City authorized the purchase of 124 acre-feet through this program to cover projected water supply shortfalls during the drought. The City of American Canyon has not purchased water through this program since 2015.

Recycled Water

American Canyon Recycled Water

The City of American Canyon completed the first phase of its Recycled Water Distribution System Project in 2010, which included a one-million-gallon reservoir, distribution piping, and associated improvements at the City's water treatment plant. Initially, 13 users were connected to the system and 73 acre-feet of water was delivered in 2010. The Recycled Water Master Plan projected over 1,200 acre-feet of water demand at buildout in 2035 for landscaping and agricultural irrigation (City of American Canyon 2016a). However, utilization of this supply is dependent on connection of additional users and completion of additional distribution pipe segments. Currently, the City produces recycled water to meet demand on an as needed basis. The City is currently taking steps to increase capacity of their system to meet this demand in the future. The 2020 UWMP identifies 1,241 acre-feet per year (AFY) as the full system capacity by 2035.

Napa Sanitation District Recycled Water

In addition to the City's recycled water supply, Napa Sanitation District (NapaSan) has an existing recycled water supply pipe that extends to northern portions of the Airport Industrial Area (north of Fagan Creek). In 2015, NapaSan provided 210 acre-feet of recycled water to the City's users. The 2015 UWMP projected that NapaSan will provide up to 391 acre-feet of recycled water in 2020, up to 491 acre-feet in 2025, and 591 acre-feet in 2030 and onwards (City of American Canyon 2015).

Water Treatment Plant

The City owns, maintains, and operates the Water Treatment Plant (WTP), which has a maximum capacity of 5.5 million gallons per day (mgd) with an average daily demand of approximately 3 mgd. Treated water is delivered by gravity to the 2.5-million-gallon (MG) water storage tank located at the WTP and flows from the tank to the distribution system. The potable water distribution system consists of approximately 102 miles of water mains, 3 storage tanks, and 2 booster pump stations.

The total demand (potable and non-potable) in 2020 was approximately 2,613 acre-feet (AF) (City of American Canyon 2022). Residential demands account for 1,454 AF (56 percent) of the total demand; while commercial, industrial, and institutional demands account for 763 AF (29 percent); and landscape irrigation demands account for 139 AF (5 percent) (City of American Canyon 2022). Raw water for agricultural irrigation was 63 AF (2 percent). The remaining balance is attributed to other uses (fire hydrants, construction) at 73 AF (3 percent) and water loss of 121 AF (5 percent) (American Canyon 2022). The per capita water demand was 116 gallons per capita per day in 2020.

Although the City was able to meet the 2020 target of 162 gallons per capita per day, the year 2020 did not represent a typical year due to the impacts of the COVID-19 pandemic.

b. Wastewater

Introduction

The City and NapaSan provide municipal wastewater and recycled water services within the City's water service area. The City's wastewater collection system consists of gravity pipelines, two force mains (the Main and Industrial Basins from the southern and northern ends of the City, respectively) and a series of pump stations. The wastewater is conveyed to the City's Water Reclamation Facility (WRF) for treatment. Wastewater collected in the NapaSan systems is conveyed to NapaSan's Soscol Water Recycling Facility, which produce treated wastewater and recycled water. The City's recycled water distribution system includes approximately 13 miles of pipeline, a pump station, and two storage tanks with capacities of 1 million gallons and 1.5 million gallons.

Water Reclamation Facility

The City owns, maintains, and operates the WRF. The WRF treats both domestic and industrial wastewater flows and is a secondary/tertiary treatment plant. It began operations in 2002 and employs a Membrane Bio Reactor and ultraviolet light disinfection. Treated wastewater discharges are regulated under National Pollutant Discharge Elimination System (NPDES) Waste Discharge Requirements Order No. R2-2022-2019. The WRF has a total wastewater treatment capacity of 2.5 mgd at average dry weather flow conditions and 5.0 mgd at peak wet weather flow conditions. In 2020, the City treated 1,625 AF of wastewater, which is equivalent to 1.45 mgd (City of American Canyon 2022).[5] In 2020, there was 1.05 mgd of remaining capacity for wastewater treatment.

Approximately 17 percent of total influent inflow received at the WRF becomes recycled water. In 2019, 282 acre-feet of recycled water were delivered to various users for non-potable use. The remaining effluent is treated and discharged to the Napa River.

Collection System

The City's wastewater collection system consists of gravity pipelines (53 miles), force mains (5 miles), and five pump stations that convey wastewater to the City's Water Reclamation Facility located near the Napa River. The City's system operates its collection system to segregate domestic water from high strength industrial wastewater flows. The Kimberly Pump Station and the Sunset Meadows Pump Station collect wastewater from residential areas and deliver 75 percent of the flow to the wastewater treatment plant. The Tower Road and Green Island Sewer Pump Stations transport wastewater from industrial areas in the northern part of the City. These two stations discharge a combination of domestic and industrial wastewater to a common force main and deliver the remaining 25 percent of the flow to the Water Reclamation Facility.

The project site is located within the Green Island Pump Station sewershed. The pump station's sewershed is 2.3 square miles. The City decommissioned the old pump station that had a capacity of 600 gallons per minute (gpm) and replaced it with a new pump station sized for 1,335 gpm (City of American Canyon 2016b).

[5] 1.45 mgd = [1,625 AF * (325,851 gallons pe 1 acre foot) / 1,000,000 gallons] / 365 days per year

Sewer Facilities

The closest sewer facilities to the project site are gravity mains located off Paoli Loop Road. To the west of the project, an existing 18-inch diameter force main that connects the Tower Road Pump Station with the Green Island Pump Station has been replaced with a new 12-inch diameter force main (with the exception of the existing 18-inch diameter forced main from Tower Road to within the Airport).

c. Storm Drainage

An overview of the natural drainage systems and man-made drainage systems are provided in Section 4.10, *Hydrology and Water Quality* (see subsection 4.10.1). Major storm drainage infrastructure within the City is owned and operated by the City of American Canyon and maintained by the City's Department of Public Works. Storm drainage infrastructure includes drainpipes, concrete channels, culverts, and swales, which convey storm drainage to Rio Del Mar Creek, American Canyon Creek or North Slough before joining Napa River in the west, and then to San Francisco Bay.

The City maintains a Storm Drainage Master Plan and engineering standards that guide the development of the municipal storm drainage system (City of American Canyon 1996). The City requires stormwater discharges to comply with San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) permit requirements and establishes non-point source pollution control measures as required by federal and State law. Stormwater pollution prevention measures for new development projects, such as bioswales, detention ponds, erosion, and sedimentation control, are incorporated in the planning, design, construction, and operation of projects with the potential to create pollutants in stormwater runoff.

d. Solid Waste and Recycling

Residential and commercial trash and recycling services in the City of American Canyon are provided by American Canyon Recology through a franchise waste hauling agreement with the City of American Canyon. Recology transports solid waste from American Canyon to the Devlin Road Recycling & Transfer Facility (DRRTF) where it is loaded into trucks and sent to Potrero Hills Landfill (PHLF) in Suisun (Solano County).

The DRRTF is a 35-acre regional transfer station operated by the Napa-Vallejo Waste Management Authority (NVWMA), a joint powers agency. NVWMA members include the cities of Napa, American Canyon, and Vallejo (in Solano County), and County of Napa. The DRRTF is permitted by the Napa County Local Enforcement Agency as Large Volume Transfer Processing Facility. DRRTF receives solid waste primarily from NVWMA member jurisdictions and a much smaller portion of the waste stream is received from twenty to thirty non-member jurisdictions in the surrounding area. The DRRTF is permitted to receive 1,440 tons of solid waste per day (County of Napa 2008).

According to the Solid Waste Facility Permit for the PHLF, the peak tonnage of incoming waste is not to exceed 4,330 tons per day. The maximum permitted capacity of the landfill is 83.1 million cubic yards or 87.1 million tons. According to the California Department of Resources Recycling and Recovery (CalRecycle), the remaining capacity of the landfill is 13.9 million tons (CalRecycle 2022a).

PHLF is designated as a Class III landfill. This means that the landfill can accept only nonhazardous waste for disposal. The San Francisco Bay Regional Water Quality Control Board (RWQCB) may also, at its discretion, allow Class III landfills to accept certain types of "designated wastes." Designated waste is defined (in the California Water Code, Section 13173) as either: (1) non-hazardous waste

that consists of or contains pollutants that, under ambient environmental conditions at a waste management unit could be released in concentrations exceeding applicable water quality objectives, or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan; or (2) hazardous waste that has been granted a variance from hazardous waste management requirements pursuant to Section 25143 of the Health and Safety Code.

e. Natural Gas/Electricity

The electrical and natural gas service in the City of American Canyon is provided by Pacific Gas and Electric (PG&E). The company provides natural gas and electric service to approximately 16 million people throughout a 70,000-square-mile service area in northern and central California. PG&E maintains and services all transmission and distribution lines within the region. These transmission lines traverse the City, both underground and above ground. Of note are the high-power electrical transmission lines which run northeast by southwest through the City. (California Energy Commission 2022). These lines are located approximately 1.75 miles from the project site. In addition, there are existing distribution lines on Watson Lane and Paoli Loop Road. A natural gas transmission pipeline runs north to south through the eastern part of the City (PG&E 2022). A portion of this natural gas transmission line is located adjacent to the project site, adjacent to the area that would be pre-zoned as Town Center.

f. Telecommunications

Telecommunication utilities, including phone, internet, and television, are mainly a privately owned enterprise and are offered by a variety of companies in American Canyon and the surrounding area. The number of providers offering the service, the type of service available, and the transmission speed of the service all affect the quality of telecommunications. This approach differs from that of most other utilities, which are generally publicly owned or offered by limited or individual service providers in a given area. Telecommunications providers will usually complete infrastructure and other service improvements for an area as the need arises to meet customer demand. Telecommunication services at the project site are offered by a variety of servicers, including AT&T, Comcast, and T-Mobile in the northern portion of the project site (Federal Communications Commission 2022).

4.17.2 Regulatory Setting

a. Protection of Underground Infrastructure

California Government Code Section 4216

California Government Code Section 4216 et seq. requires that persons planning to conduct any excavation first contact the regional notification center. Section 4216 includes several related requirements, including requirements for excavations near "high priority utilities,"[6] which include high-pressure natural gas pipelines and other pipelines that are potentially hazardous to workers or the public if damaged or ruptured. Underground Service Alert North (USA North) is the regional notification center for the areas where the project would be located. USA North receives planned

[6] Consistent with California Government Code Section 4216(e), high priority utilities include natural gas pipelines carrying petroleum with normal operating pressures greater than 415kPA (60 pounds per square inch gauge); petroleum pipelines; pressurized sewage pipelines; high voltage electric supply lines, conductors, or cables that have a potential to ground of greater than 60 kilovolt; and hazardous materials pipelines that are potentially hazardous to workers or the public if damaged.

excavation reports and transmits the information to all participating members that may have underground facilities at the location of excavation. The USA North members then mark or stake their facility, provide information about the location, or advise the excavator of clearance.

b. Water Supply and Quality

Federal

National Pollutant Discharge Elimination System

Pursuant to Section 402 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges in American Canyon are regulated under the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, MS4 Order No. 2013-001 (General Permit). In 1987, Congress amended the Clean Water Act to mandate controls on discharges from Municipal Separate Storm Sewer Systems (MS4s). Acting under the federal mandate and the California Water Code, RWQCBs require cities, towns, and counties to regulate activities that can result in pollutants entering their storm drains. All municipalities prohibit non-stormwater discharges to storm drains and require residents and businesses to use Best Management Practices (BMPs) to minimize the amount of pollutants in runoff. The Municipal Regional Permit is overseen by the San Francisco Bay RWQCB. On February 5, 2013, the State Water Board reissued the Phase II Stormwater NPDES Permit for small MS4s. Provision E.12, "Post-Construction Stormwater Management Program," mandates municipalities to require specified features and facilities–to control pollutant sources, to control runoff volumes, rates, and durations, and to treat runoff before discharge from the site–be included in development plans of projects that create or replace 5,000 square feet or more impervious surface as conditions of issuing approvals and permits. The new requirements continue a progression of increasingly stringent requirements since 1989.

Provision E.12 requires all municipal permittees to implement these requirements by June 30, 2015, to the extent allowed by applicable law. This includes projects requiring discretionary approvals that have not been deemed complete for processing and discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals. In July of 2014, the Bay Area Stormwater Management Agencies Association (BASMAA), through the BASMAA Phase II Committee, created the BASMAA Manual to assist applicants for development approvals to prepare submittals that demonstrate their project complies with the NPDES permit requirements. Applicants who seek development approvals for applicable projects should follow the manual when preparing their submittals. The manual is designed to ensure compliance with the requirements and promote integrated Low Impact Development (LID) design.

Section E.12.c of the NPDES Permit pertains to LID and how it relates to hydromodification management. This permit provision requires that stormwater discharges not cause an increase in the erosion potential of the receiving stream over the existing condition. Increases in runoff flow and volume must be managed so that the post-project runoff does not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

State

Sustainable Groundwater Management Act

In September 2014, the governor signed legislation requiring that California's critical groundwater resources be sustainably managed by local agencies. The Sustainable Groundwater Management Act gives local agencies the power to sustainably manage groundwater and requires groundwater sustainability plans to be developed for medium- and high-priority groundwater basins, as defined by the California Department of Water Resources. Please refer to Section 4.10, *Hydrology and Water Quality*, for more detailed descriptions of the groundwater basins at the project site.

California Water Code

The California Water Code contains regulations including, but not limited to water supply, safe drinking water, clean water, and water quality. More specifically, Division 24, Chapter 6, contains provisions for water supply reliability through water conservation and groundwater recharge, local projects, feasibility projects, management of Sacramento Valley water and habitat protection measures, and implementation of the river parkway program.

California Plumbing Code

The California Plumbing Code is codified in Title 24, California Code of Regulations, Part 5. The Plumbing Code contains regulations including, but not limited to, plumbing materials, fixtures, water heaters, water supply and distribution, ventilation, and drainage. More specifically, Part 5, Chapter 4, contains provisions requiring the installation of low flow fixtures and toilets. Existing development will also be required to reduce its wastewater generation by retrofitting existing structures with water efficient fixtures (Senate Bill [SB] 407 [2009] Civil Code Sections 1101.1 et seq.).

Urban Water Management Planning Act

In 1983, the California Legislature enacted the Urban Water Management Planning Act (Water Code, Section 10610 et seq.), which requires urban water suppliers to develop water management plans to actively pursue the efficient use of available supplies. Every five years, water suppliers are required to develop Urban Water Management Plans to identify short-term and long-term water demand management measures to meet growing water demands.

In preparing a UWMP, an urban water supplier must describe or identify the following, among other things (as set forth in Water Code Section 10631):

- "The service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning."
- "Projected population estimates" based on "data from the State, regional, or local service agency population projections within the service area," in "five-year increments to 20 years or as far as data is available."
- "Past and current water use" and "projected water use."
- "Existing and planned sources of water" for each five-year increment of the 20-year planning period.
- Specific detailed information about groundwater where it is identified as "an existing or planned source of water available to the supplier."

- "All water supply projects and water supply programs" that may be undertaken to meet "total projected water use," including "specific projects" and the "increase in water supply" expected from each project.
- An estimate of "the implementation timeline for each project or program."
- "Plans to supplement or replace" any "water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors" with "alternative sources or water demand management measures, to the extent practicable."
- "The reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable," for (i) an "average water year," (ii) a "single dry water year," and (iii) "[m]ultiple dry water years."
- "Opportunities for exchanges or transfers of water on a short-term or long-term basis."
- "Opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply."
- "Water demand management measures."

Senate Bill 610: Water Supply Assessments

As revised by Senate Bill (SB) 610 (Stats. 2002, ch. 643), Section 10910, *et seq*. of the California Water Code set forth the circumstances in which California Environmental Quality Act (CEQA) lead agencies must seek preparation of, or prepare themselves, "water supply assessments" for defined proposed "projects." At the time a lead agency determines that a proposed project requires an Environmental Impact Report (EIR), the lead agency shall identify any "public water system" that would serve the project site and shall request that any such entity prepare a WSA for the project. In the absence of such a public water system, the city or county lead agency must prepare its own WSA. SB 610 functions together with CEQA, in that a WSA must be included in "any environmental document" for any "project" subject to SB 610 (Water Code Section 10911(b); see also State CEQA Guidelines Section 15155(e); see also *Id*. Section 15361 [defines "environmental documents" to include "Negative Declarations…[and] draft and final EIRs"]).

One of the fundamental tasks of a WSA is to determine whether "total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses" (Water Code Section 10910 (c)(3), (c)(4)). In making such a determination, the authors of the WSA must address several factors. Specifically, the WSA must contain information regarding existing water supplies, projected water demand, and dry year supply and demand. In *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 433 ("*Vineyard*"), the California Supreme Court briefly summarized the key content requirements as follows:

> With regard to *existing* supply entitlements and rights, a water supply assessment must include assurances such as written contracts, capital outlay programs and regulatory approvals for facilities construction . . . but as to additional *future* supplies needed to serve the project, the assessment need include only the public water system's plans for acquiring the additional supplies, including cost and time estimates and regulatory approvals the system anticipates needing (Water Code §§ 10910, subd. (d)(2), and 10911, subd. (a)). (Original italics.)

"Existing" water supplies can be based on different kinds of legal rights or arrangements, including entitlements, water rights, and water service contracts. In many cases, these supplies are likely

already described in detail in the supplier's UWMP (Water Code Section 10631(b)). Suppliers are expressly permitted to rely on information contained in the most recently adopted UWMPs, provided that the water needed for proposed development project was accounted for therein (Water Code Section 10910(c)(2)).

In preparing a WSA, the public water system must disclose and document the quantity of water received from these various sources. Such supplies must be demonstrated by providing the following:

- Written contracts or other proof of entitlement to an identified water supply.
- Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.
- Federal, State, and local permits for construction of necessary infrastructure associated with delivering the water supply.
- Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

A finding of insufficiency in a WSA does not require a city or county to deny or downsize a proposed development project. Rather, after identifying a shortfall, the public water system must provide its plans for acquiring "additional supplies" (or what the California Supreme Court called "future" supplies) (Water Code § 10911(a)). These plans should include information concerning the following:

1. The estimated total costs, and the proposed method of financing the costs, associated with acquiring the additional water supplies.
2. All federal, State, and local permits, approvals, or entitlements that are anticipated to be required in order to acquire and develop the additional water supplies.
3. Based on the considerations set forth in bullet points (1) and (2), the estimated timeframes within which the public water system, or the city and county . . . expects to be able to acquire additional water supplies.

These particular Water Code requirements for assessments are action-forcing, in that they require the public water system to lay out a roadmap for obtaining new water supplies once it becomes aware that existing supplies are insufficient for the proposed project together with other foreseeable planned growth.

Regardless of the information provided to a city or county in a WSA, SB 610 stops short of preventing cities and counties from approving the "projects" at issue absent "sufficient" water supplies. But where "existing water supply entitlements, water rights, or water service contracts" are "insufficient" to serve proposed projects, SB 610 does require that, in approving projects in the face of insufficient supplies, cities and counties must "include" in their "findings for the project[s]" their "determination[s]" regarding water supply insufficiency. SB 610 functions together with CEQA, in that a water supply assessment must be included in "any environmental document" for any "project" subject to SB 610. (*Id*. subd. (b); Guidelines, § 15155, subd. (e); see also id. Section 15361 [defines "environmental documents" to include "Negative Declarations. . . [and] draft and final EIRs"]).

When a project is proposed in the annexation area, the applicant may need to submit a WSA per SB 610 depending on the size of the project.

Recycled Water Policy

On February 3, 2009, by Resolution No. 2009-0011, the State Water Board adopted a Recycled Water Policy in an effort to move toward a sustainable water future. The Recycled Water Policy states "we declare our independence from relying on the vagaries of annual precipitation and move toward sustainable management of surface waters and groundwater, together with enhanced water conservation, water reuse and the use of stormwater." The following goals were included in the Recycled Water Policy:

- Increase use of recycled water over 2002 levels by at least 1 million AFY by 2020 and at least 2 million AFY by 2030.
- Increase the use of stormwater over use in 2007 by at least 500,000 AFY by 2020 and at least 1 million AFY by 2030.
- Increase the amount of water conserved in urban and industrial areas by comparison to 2007 by at least 20 percent by 2020.
- Included in these goals is the substitution of as much recycled water for potable water as possible by 2030.

The Recycled Water Policy provides direction to the RWQCBs regarding issuing permits for recycled water projects, addresses the benefits of recycled water, addresses a mandate for use of recycled water and indicates the State Water Board will exercise its authority to the fullest extent possible to encourage the use of recycled water.

The Recycled Water Policy also indicates that some groundwater basins contain salts and nutrients that exceed or threaten to exceed water quality objectives established in basin plans and states that it is the intent of this Recycled Water Policy that all salts and nutrients be managed on a basin-wide or watershed-wide basis through development of regional or subregional management plans. Finally, the Recycled Water Policy addresses the control of incidental runoff from landscape irrigation projects, recycled water groundwater recharge projects, anti-degradation, control of emerging constituents and chemicals of emerging concern and incentives for use of recycled water.

In accordance with the provisions of the Recycled Water Policy, a Constituents of Emerging Concerns Advisory Panel was established to address questions about regulating constituents of concern (COCs) with respect to the use of recycled water. The Advisory Panel's primary charge was to provide guidance for developing monitoring programs that assess potential COC threats from various water recycling practices, including groundwater recharge/reuse and urban landscape irrigation. On June 25, 2010, the Advisory Panel provided recommendations to the State Water Board and California Department of Public Health in their Final Report "Monitoring Strategies for Chemicals of Emerging Concern in Recycled Water – Recommendations of a Scientific Advisory Panel". The State Water Board used those recommendations to amend the Recycled Water Policy in 2013 (State Water Board Resolution No. 2013-003).

The April 2013 amendment provides direction to the RWQCBs on monitoring requirements for COCs in recycled water. The monitoring requirements pertain to the production and use of recycled water for groundwater recharge reuse by surface and subsurface application methods, and for landscape irrigation. The amendment identifies three classes of constituents to monitor:

- Human health-based COCs: COCs of toxicological relevance to human health.
- Performance indicator COCs: An individual COC used for evaluating removal through treatment of a family of COCs with similar physicochemical or biodegradable characteristics.

- Surrogates: A measurable physical or chemical property, such as chlorine residual or electrical conductivity, that provides a direct correlation with the concentration of an indicator compound. Surrogates are used to monitor the efficiency of COC treatment.

Only groundwater recharge reuse facilities would be required to monitor for COCs and surrogates. Surface application and subsurface application facilities would have different mandatory COCs and a different monitoring schedule. Monitoring is not required for recycled water used for landscape irrigation projects that qualify for streamlined permitting unless monitoring is required under the adopted salt and nutrient management plan. Streamlined permitting projects must meet the criteria specified in the Policy including compliance with Title 22, application at agronomic rates, compliance with any applicable salt and nutrient management plan, and appropriate use of fertilizers.

Water Conservation Act of 2009

Requirements regarding per capita water use targets are defined in the Water Conservation Act of 2009, which was signed into law in November 2009 as part of a comprehensive water legislation package. Known as SB X7-7, the legislation sets a goal of achieving a 20 percent reduction in urban per capita water use Statewide by 2020. SB X7-7 requires that retail water suppliers define in their 2010 UWMPs the gallons per capita per day targets for 2020, with an interim 2015 target.

Assembly Bill 1881

Assembly Bill (AB) 1881 expanded previous legislation related to landscape water use efficiency. AB 1881, the Water Conservation in Landscaping Act of 2006, enacted landscape efficiency recommendations of the California Urban Water Conservation Council for improving the efficiency of water use in new and existing urban irrigated landscapes in California. AB 1881 required the DWR to update the existing Model Local Water Efficient Landscape Ordinance and local agencies to adopt the updated model ordinance or an equivalent. The law also requires the California Energy Commission (CEC) to adopt performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

Assembly Bill 2882

AB 2882 was passed in 2008 and encourages public water agencies throughout California to adopt conservation rate structures that reward consumers who conserve water. AB 2882 clarifies the allocation-based rate structures and establishes standards that protect consumers by ensuring a lower base rate for those who conserve water.

Local

American Canyon Municipal Code

Section 13.06.090 of American Canyon Municipal Code establishes that at the time of submission of an application for a building permit for connection to the city water system, an applicant shall be required to pay a water capacity fee, in proportion to the new connection's impact on the water system.

Section 13.10 of the American Canyon Municipal Code limits new industrial water users within the City's water service area to a net use of 650 gallons per acre per day (GPAD) and requires dual-

plumbing with purple pipe.[7] For use greater than 650 GPAD, offset options include, but are not limited to, retrofit of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint (ZWF) methodology (see below).

American Canyon 2020 Urban Water Management Plan

The City's 2020 Urban Water Management Plan identifies the following policies that would apply to the project:

- ZWF Policy: This policy has a goal of no loss in reliability or increase in water rates for existing water service customers due to new demand for water within the City's water service area. Developers must ensure that all new developments offset the amount of increased potable water that will be consumed by their project on a one-to-one basis. Developers are required to minimize their demand for new potable water by using water efficient fixtures, consuming recycled water for non-potable uses when available, dual plumbing buildings, installing water wise landscaping and irrigation, and other appropriate measures. Methods for offsetting the increase in potable water consumption might include contributing to the City's existing conservation programs, converting an existing public use of potable water to recycled water, contributing to projects that reduce potable water demand, increase capacity to produce recycled water, or expand the reclaimed water system, or acquiring water supply from another source.

b. Wastewater

Federal

Federal Clean Water Act

The federal Clean Water Act is described in Section 4.10, *Hydrology and Water Quality* (see Section 4.10.2)

State and Regional

Standards for wastewater treatment plant effluent are established using State and federal water quality regulations. After treatment, wastewater effluent is either disposed of or reused as recycled water. The Regional Water Quality Control Board (RWQCBs) set the specific requirements for community and individual wastewater treatment and disposal and reuse facilities through the issuance of Waste Discharge Requirements, required for wastewater treatment facilities under the California Water Code Section 13260.

The California Code of Regulations Title 22, Division 4, Chapter 3, Sections 60301 through 60355 are used to regulate recycled wastewater and are administered by the RWQCBs. Title 22 contains effluent requirements for four levels of wastewater treatment, from un-disinfected secondary recycled water to disinfected tertiary recycled water. Higher levels of treatment have higher effluent standards, allowing for a greater number of uses under Title 22, including irrigation of freeway landscaping, pasture for milk animals, parks and playgrounds, and vineyards and orchards for disinfected tertiary recycled water.

[7] Purple pipe allows for use of recycled water for landscaping.

Local

American Canyon Municipal Code

Section 14.06.020 establishes that at the time of submission of application for building permit for connection to the city wastewater collection system, an applicant shall pay a wastewater capacity fee in proportion to use of the capacity of the wastewater system.

c. Stormwater

Federal

Federal Clean Water Act

The federal Clean Water Act is described in Section 4.10, *Hydrology and Water Quality*. Pertinent discussions about stormwater are included in the following subsections: *CWA Section 402, National Pollutant Discharge Elimination System* and *Phase II Municipal Storm Water Permit*.

State

General Construction Activity Storm Water Permit

The California Construction Stormwater Permit (Construction General Permit) is discussed in Section 4.10, *Hydrology and Water Quality* (see subsection 4.10.2).

Local

American Canyon Municipal Code

Section 14.28.082 of the American Canyon Municipal Code identifies that the City may establish volume and rate of stormwater controls from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume, and to mimic the pre-development site hydrology. This section also includes the requirement that qualifying projects prepare a SCP that meets the criteria in the BASMAA Post Construction Manual.

d. Solid Waste

Federal

Title 40 of the Code of Federal Regulations

Title 40 of the Code of Federal Regulations, Part 258 (Resource Conservation and Recovery Act, Subtitle D), contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the Federal landfill criteria.

State

California Code of Regulations Tile 14

The California Code of Regulations Title 14, Division 7, outlines current CalRecycle regulations pertaining to non-hazardous waste management in California, which includes minimum standards for solid waste handling and disposal; compostable materials handling operations and facilities

regulatory requirements; standards for handling and disposal of asbestos containing waste; resource conservation programs; enforcement of solid waste standards and administration of solid waste facility permits; special waste standards; used oil recycling program; electronic waste recovery and recycling; mandatory commercial recycling; and short-lived climate pollutants.

Assembly Bill 341

The purpose of Assembly Bill (AB) 341 of 2011 (Public Resource Code [PRC] Chapter 476, Statutes of 2011) is to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California. In addition to Mandatory Commercial Recycling, AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 of 2016 (PRC Chapter 395, Statutes of 2016) established the following goals: a 50-percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2020, and a 75-percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2025. This bill also authorized CalRecycle to adopt regulations, to take effect on or after January 1, 2022, to achieve these targets.

Assembly Bill 939

AB 939 (PRC 41780) requires cities and counties to prepare integrated waste management plans and to divert 50 percent of solid waste from landfills beginning in calendar year 2000 and each year thereafter. AB 939 also requires cities and counties to prepare source reduction and recycling elements as part of the integrated waste management plans. These elements are designed to develop recycling services to achieve diversion goals, stimulate local recycling in manufacturing, and stimulate the purchase of recycled products.

Assembly Bill 1826

AB 1826 of 2014 (PRC Chapter 727, Statutes of 2014) requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste, and that jurisdictions implement a recycling program to divert organic waste from businesses subject to the law. The jurisdictions must report to CalRecycle on their progress in implementing an organic waste recycling program. As of January 1, 2017, businesses that generate four cubic yards or more of organic waste per week shall arrange for organic waste recycling services.

Senate Bill 1016

SB 1016 requires that the 50 percent solid waste diversion requirement established by AB 939 be expressed in pounds per person per day. SB 1016 changed the CalRecycle review process for each municipality's integrated waste management plan. After an initial determination of diversion requirements in 2006 and establishing diversion rates for subsequent calendar years, the Board reviews a jurisdiction's diversion rate compliance in accordance with a specified schedule. Since January 1, 2018, the Board is required to review a jurisdiction's source reduction and recycling element and hazardous waste element once every two years.

Local

American Canyon Municipal Code

Section 8.20 of the American Canyon Municipal Code includes requirements for mandatory municipal solid waste, recycling, and composting material disposal reductions. Section 8.20.030 includes the requirements for commercial businesses, which would apply to the project. Section 8.20.100 requires new buildings to comply with California Green Building Standards (CALGreen), including the requirements for new commercial buildings to provide readily accessible areas identified for blue container and green container material storage and collection, consistent with the three-container collection program offered by the city, as well as compliance with CALGreen requirements for diverting construction and demolition debris.

e. Electric Power and Natural Gas

State

California Energy Commission

As the State's primary energy policy and planning agency, the CEC collaborates with State and federal agencies, utilities, and other stakeholders to develop and implement State energy policies. Since 1975, the CEC has been responsible for reducing the State's electricity and natural gas demand, primarily by adopting new Building and Appliance Energy Efficiency Standards that have contributed to keeping California's per capita electricity consumption relatively low. The CEC is also responsible for the certification and compliance of thermal power plants 50 megawatts and larger, including all project-related facilities in California (CEC 2022).

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates investor-owned electric and natural gas utilities operating in California. The energy work responsibilities of the CPUC are derived from the California State Constitution, specifically Article XII, Section 3 and other sections more generally, numerous State legislative enactments and various Federal statutory and administrative requirements. The CPUC regulates natural gas utility service for approximately 10.8 million customers that receive natural gas from PG&E and other natural gas utilities across California (CPUC 2022a).

Local

American Canyon Municipal Code

Section 18.40.120 of the American Canyon Municipal Code requires that all utilities be installed underground in accordance with the provisions of the American Canyon Municipal Code. It also requires that all underground utilities be installed before preparation of subgrade for paving or any other site improvements that may affect the orderly installation of the underground utilities.

American Canyon General Plan

The City of American Canyon General Plan sets forth the following goals and policies relevant to public services and utilities:

Goal 5: It shall be the goal of American Canyon to establish and maintain a secure water supply and treatment, distribution and storage system to serve the land uses proposed under the general plan.

Policy 5.2.5: In the event that sufficient capacity is not available to serve a proposed project, the City shall not approve the project until additional capacity or adequate mitigation is provided.

Goal 5C: Establish and maintain adequate planning, construction, maintenance, and funding for storm drain and flood control facilities to support permitted land uses and preserve the public safety; upgrading existing deficient systems and expanding, where necessary, to accommodate new permitted development and to protect existing development in the City. Pursue public funding sources (i.e., grants) to reduce fiscal impacts of implementation to the City.

Policy 5.10.3: Require that adequate storm drain and flood control facilities be constructed coincident with new development.

Policy 5.10.12: Require that new development be designed to prevent the diversion of floodwaters onto neighboring parcels.

Policy 5.10.18: Require that development projects maximize the use of pervious surface materials (grass, ground cover, and other) that minimize stormwater runoff.

Goal 5D: Maintain the quality of surface and subsurface water resources within the City of American Canyon.

Policy 5.12.2: Incorporate features in new drainage detention facilities which enhance the water quality of discharges from the facility.

Policy 5.13.1: Require that development activities comply with the State General Storm Water Permit for Construction Activities with measures that protect surface water quality to the maximum extent practicable.

Goal 6A: Maintain a high level of fire protection and emergency services to City/District businesses and residents.

Goal 6B: Ensure a high level of police protection for the City's residents, businesses, and visitors.

Policy 6.7.1: Work with the Sheriff's Department to ensure that enough personnel are added to the department to serve the needs of a growing population and a developing City.

4.17.3 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on utilities and service systems if it would:

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;

3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
4. Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Methodology

This analysis considers the existing capacity of utilities serving the City, estimates qualitatively and quantitively the potential additional demand on utilities, and identifies whether the existing system can serve the demand of the existing demand plus the project's estimated demand.

b. Project Impacts and Mitigation Measures

Threshold 1:	Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

IMPACT UTL-1 THE PROJECT WOULD INCREASE DEMAND FOR WATER, WASTEWATER, ELECTRIC POWER, TELECOMMUNICATIONS, AND STORMWATER DRAINAGE; HOWEVER, NO ADDITIONAL RELOCATION OR CONSTRUCTION OF UTILITY SERVICES WILL BE REQUIRED TO SERVICE THE PROJECT BEYOND CONNECTIONS TO EXISTING UTILITIES. THE PROJECT WOULD NOT INCREASE DEMAND ON NATURAL GAS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Water and Wastewater

The Newell Drive Extension would not induce water demand or wastewater. Development facilitated by the project would require installation of potable and recycle water connections, fire hydrants, and connections to sewer.

Such facilities would be installed during individual project construction and generally within the disturbance area of such projects or the rights-of-way of previously disturbed roadways; therefore, the construction of these infrastructure improvements is within the anticipated project disturbance area and would not otherwise cause significant environmental effects beyond those already identified throughout this EIR.

The City of American Canyon has several policies to address and minimize additional potable water demand and wastewater. Sections 13.06.090 and 14.06.020 of the American Canyon Municipal Code would require any applicants of future development on the project site to pay a water capacity fee and wastewater capacity fee, respectively in proportion to the new connection's impact on the water and wastewater system. The payment of this fee would help ensure that the City would have sufficient capacity within its water and wastewater system to accommodate the project.

In addition, and as described in further detail in Impact UTIL-2, the project would implement the Zero Water Footprint (ZWF) policy to cause a net zero potable water demand increase. Furthermore, as described in Impacts UTIL-2 and UTIL-3, there would be sufficient water capacity and wastewater treatment capacity to accommodate the project's demand.

The project would include connections to the existing water and wastewater system but would not create a substantial water demand (due to implementation of the American Canyon Municipal Code and policies), such that new or expanded water or wastewater facilities would be needed. The water connections associated with the project would not cause significant environmental effects beyond those already identified throughout this EIR. As such, impacts related to potential new water and wastewater facilities would be less than significant.

Stormwater

The project would extend Newell Drive and accommodate construction of 494,942 square feet of commercial development; 696,888 square feet of industrial development; and 189,698 square feet of visitor-servicing/Hotel uses. The project would increase the amount of impervious surface coverage on the project site and would create the potential for increased runoff leaving the project site that may create potential flooding conditions in downstream waterways.

As discussed in Section 4.10, *Hydrology and Water Quality*, runoff associated with the project would be regulated by Section 14.28 of the American Canyon Municipal Code, which ensure compliance with the Phase II MS4 Permit. Compliance with these regulations would ensure that future development and the Newell Drive Extension mimic the pre-development site hydrology, which would ensure that there is proper stormwater drainage on the project site and would minimize any operational impacts related to water quality or flooding.

The project would require new or expanded stormwater facilities pursuant to the regulatory requirements in Section 14.28 of the American Canyon Municipal Code. There would be no additional impacts related to installation of these facilities beyond those already disclosed in this EIR. Therefore, impacts related to potential new stormwater facilities would be less than significant.

Electricity

The project would require connections to existing electrical transmission and distribution systems in the City to serve development facilitated by the project. This service would be provided in accordance with the rules and regulations of PG&E and under the authority of the CPUC. Dry utilities for the project site are served with overhead utility lines on Paoli Loop and Watson Lane. In accordance with existing Engineering standards, new utilities on Newell Drive would be placed underground. Existing overhead utilities within Paoli Loop would be placed underground at the time Paoli Loop is improved to its ultimate width. Based on availability of existing electrical infrastructure, the project would connect to existing infrastructure. Therefore, there would be adequate electrical facilities to serve development facilitated by the project and impacts related to potential new electrical facilities would be less than significant.

Natural Gas

As described in Section 4.8, *Greenhouse Gas Emissions*, the project would not use natural gas, as required by Mitigation Measure GHG-3. As such, the project would not place demand on natural gas facilities and there would be no impact related to natural gas facilities.

Telecommunications

Implementation of the project would require connections to existing utility infrastructure to meet the needs of future development. Based on the availability of existing telecommunications infrastructure along Watson Lane, Paoli Loop Road, the northern boundary of the project site, and

bisecting the middle of the project site from east to west, construction of new telephone and cable lines would not be required, and all sites would be able to connect to existing infrastructure. Development facilitated by the project would be required to adhere to applicable laws and regulations related to the connection to existing telecommunication infrastructure. Therefore, there would be adequate telecommunications facilities to serve the development facilitated by the project and impacts related to potential new telecommunications facilities would be less than significant.

Conflicts with Existing Utilities

An existing underground natural gas transmission line is located along the private segment of Watson Lane. Project excavation and construction, including the Newell Drive extension may conflict with existing underground utilities, including the natural gas transmission line located along Watson Lane. As required by Government Code Section 4216, applicants for future development and the Newell Drive Extension, would be required to contact USA North to avoid underground utilities during construction. As such, impacts on underground utilities would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

IMPACT UTL-2 THE PROJECT WOULD INCREASE DEMAND FOR WATER; HOWEVER, WITH ADHERENCE TO THE ZWF POLICY, WATER SUPPLIES WOULD BE SUFFICIENT TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT IN NORMAL, DRY, AND MULTIPLE DRY YEARS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Future development facilitated by the project would create additional demand for water in the City of American Canyon. Water demand for the project was estimated using water demand rates for land use types identified in the Broadway District Specific Plan EIR (City of American Canyon 2016c). Each development type has its own associated water use factor by unit, which were used to calculate projected water demand volumes for each type of development. Table 4.17-2 summarizes the estimated water demand from the project. Overall, the project is estimated to increase water demand by 0.82 mgd or 914 AFY. The City's UWMP identifies the existing and projected supply and water demand for normal, dry, and multiple dry years. These projections are summarized in Table 4.17-3.

The City's Urban Water Management Plan considers the reliability of meeting customer demand by analyzing plausible hydrological variability, regulatory variability, climate conditions, and other factors that could affect the City's water supply and its customers' water uses (City of American Canyon 2022). Water demand projections are based on future population projections and the implementation of required policies (City of American Canyon 2022).

Table 4.17-2 Projected Water Demand

Development Type	Estimated Project Buildout [a]	Water-use factor [b]	Projected Water Demand		
			gpd	mgd	AFY
Commercial	494,942 sf	0.21 gpd/sf	103,938	0.10	116
Industrial	696,888 sf	1 gpd/sf	696,888	0.70	781
Hotel	200 rooms[c]	75 gpd/hotel room	15,000	0.02	17
Total			**815,826**	**0.82**	**914**

Source: City of American Canyon 2016c

Notes:

a. gpd = gallons per day; sf = square foot; mgd = million gallons per day; AFY = acre feet per year

b. The water use factors are from the Draft EIR for the Broadway District Specific Plan EIR (City of American Canyon 2016c).

c. No proposed hotel has been identified at this time. For the purposes of this analysis, a conservative assumption is made to estimate potential water use. The 200 hotel rooms is estimated based on the Watson Ranch Specific Plan, south of the project, which includes a 200-room hotel. This is a conservative assumption.

Table 4.17-3 Projected Water Supply and Demand

	2025	2030	2035	2040
Normal Years				
Supply Totals (af/yr)	4,959	4,959	5,575	5,575
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**1,416**	**1,174**	**994**	**753**
Single-Dry Year				
Supply Totals (af/yr)	1,897	1,897	2.132	2,132
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**-1,646**	**-1,888**	**-2,448**	**-2,689**
Multiple Dry Years (First Year)				
Supply Totals (af/yr)	3,359	3,359	3,776	3,776
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**-184**	**-426**	**-804**	**-1,046**
Multiple Dry Years (Second Year)				
Supply Totals (af/yr)	3,359	3,359	3,776	3,776
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**-184**	**-426**	**-804**	**-1,046**
Multiple Dry Years (Third Year)				
Supply Totals (af/yr)	3,251	3,251	3,655	3,655
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**-291**	**-534**	**-925**	**-1,167**
Multiple Dry Years (Fourth Year)				
Supply Totals (af/yr)	3,251	3,251	3,655	3,655
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**-291**	**-534**	**-925**	**-1,167**
Multiple Dry Years (Fifth Year)				
Supply Totals (af/yr)	3,251	3,251	3,655	3,655
Demand Totals (af/yr)	3,543	3,785	4,580	4,822
Difference	**-291**	**-534**	**-925**	**-1,167**

Source: City of American Canyon 2022

According to the UWMP, the City's combined projected water supplies are sufficient to meet projected demands during normal water year conditions. Under single-dry water year and multi-dry water year conditions, the supply is insufficient to meet demands. The City has a Water Shortage Contingency Plan (WSCP), which details the stages of actions to be taken during a reduction in available water supply. These actions are broken up based on six possible stages of water shortage. Such actions include limiting landscape irrigation, providing rebates on plumbing fixtures and other water-saving devices, prohibiting use of potable water for washing hard surfaces, and restricting water usage for decorative features such as fountains (City of American Canyon 2022).

The project would be required to comply with the ZWF Policy. Under this policy, developers must ensure that new development will offset the increased potable water demand that would be consumed by their project on a one-to-one basis. Developers are required to minimize demand for new potable water by using water efficient fixtures; using recycled water for non-potable uses when available; using recycled water for toilet flushing via dual plumbing at commercial and industrial buildings; installing water wise landscaping and irrigation; and other appropriate measures (City of American Canyon 2022). Methods for offsetting any increase in potable water consumption may include contributing to the City's existing conservation programs; converting an existing public use of potable water to recycled water; contributing to projects that reduce potable water demand; increasing capacity to produce recycled water; expanding the reclaimed water system; or acquiring water supply from another source.

In addition, the American Canyon Municipal Code Chapter 13.10 (New Water and Sewer Connections and Services) limits new industrial water users within the City's water service area to a net use of 650 gallons per acre per day and requires dual plumbing with purple pipe.[8] For use greater than 650 gallons per acre per day, offset options include but are not limited to, retrofit of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the ZWF methodology (City of American Canyon 2022).

Compliance with the ZWF Policy and American Canyon Municipal Code Chapter 13.10 would ensure that the project would have no net increase in water demands. Thus, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

[8] Purple pipe allows for use of recycled water for landscaping.

Threshold 3:	Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

IMPACT UTL-3 THE PROJECT WOULD INCREASE DEMAND FOR WASTEWATER TREATMENT BUT THERE IS ADEQUATE WASTEWATER TREATMENT CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO EXISTING COMMITMENTS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

The amount of wastewater generated by the project was estimated based on the estimated water demand calculated in Impact UTIL-2 and the principle that water demand is 120 percent of wastewater generation (due to evaporation and system losses, meaning that not all water that is used ends up going to the wastewater treatment plan). The total wastewater demand due to the project is estimated to be approximately 0.68 mgd. However, this is a conservative calculation that does not account for the reductions in wastewater demand from implementing the ZWF Policy. It is expected that the project's demand on wastewater would be substantially less than 0.68 mgd. Nonetheless, this number is used to provide a conservative analysis.

The WFR had an existing wastewater treatment capacity of 2.5 mgd in 2020 at average dry weather flow conditions. In 2020, the City treated 1,625 AF of wastewater, which is equivalent to 1.45 mgd (City of American Canyon 2022). In 2020 there was 1.05 mgd of remaining capacity for wastewater treatment. Therefore, the WFR would have enough capacity to treat wastewater induced by the project. Impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 4:	Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
Threshold 5:	Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

IMPACT UTL-4 THE PROJECT WOULD NOT GENERATE SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, WOULD NOT EXCEED THE CAPACITY OF LOCAL INFRASTRUCTURE, AND WOULD NOT IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Implementation of the project would generate additional solid waste. Project construction would create construction debris, such as scrap lumber and flooring materials. Project operation would create typical wastes associated with industrial, commercial, and hotel development.

As described in Section 4.13.1, *Setting*, the DRRTF is permitted to receive 1,440 tons of solid waste per day (County of Napa 2008). Between 2020 and 2021, the City of American Canyon disposed a total of approximately 17,128 tons (CalRecycle 2022b). Per capita waste disposal averaged averages 20.50 pounds per employee per day (CalRecycle 2022c). As described in Chapter 2, *Project Description,* the project is expected to generate 1,650 new employees. Total waste generation based on the number of employees would be approximately 17 tons per day, which would

represent approximately 1.2 percent of the permitted daily solid waste allowed at the DRRTF.[9] While it is anticipated that the project would increase solid waste generation, it is expected that solid waste facilities would have enough capacity.

AB 939 requires the City to divert 50 percent of solid waste from landfills, and SB 1383 would require the City to reduce organic waste disposal by 75 percent by 2025. New development would be required to comply with Section 8.20 of the American Canyon Municipal Code, which includes requirements for mandatory municipal solid waste, recycling, and composting material disposal reductions, as well as compliance with CALGreen requirements for diverting construction and demolition debris. As discussed above, local infrastructure would have the capacity to accommodate solid waste generated by development facilitated by the project. Therefore, impacts on solid waste infrastructure would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

4.17.4 Cumulative Impacts

The geographic scope of the cumulative utilities and service systems analysis is the service area for the utilities. Cumulative development projects would all place a demand on water; wastewater utilities and treatment; stormwater utilities; electricity and natural gas utilities; telecommunication utilities; and solid waste facilities.

Cumulative projects would be required to comply with similar policies as identified for the project. For example, other cumulative projects would also be required to pay a water capacity fee and wastewater capacity fee in proportion to the new connection's impact on the water and wastewater system. Cumulative projects in the City would also be required to implement the ZWF policy. As such, cumulative water and wastewater impacts would be less than significant.

Cumulative projects would be required to comply with Section 14.28 of the American Canyon Municipal Code (for projects in the City of American Canyon) and Section 16.28 of the Napa County Municipal Code (for projects in unincorporated Napa County). Section 16.28 of the Napa County Municipal Code includes similar requirements as Section 14.28 of the American Canyon Municipal Code. Implementation of both municipal codes would ensure that there is proper stormwater drainage on cumulative project sites. Through compliance with Section 14.28 of the American Canyon Municipal Code and Section 16.28 of the Napa County Municipal Code, cumulative projects would not require additional stormwater utilities beyond those identified for each cumulative project. As such, cumulative stormwater utility impacts would be less than significant.

Cumulative projects within the City are located in a built out area where they could connect to existing electricity, natural gas, and telecommunication utilities. Because cumulative projects would connect to existing electricity, natural gas, and telecommunication utilities in an already built out area, cumulative projects would not result in significant environmental effects and cumulative impacts would be less than significant.

[9] 0.07 percent = (17 tons per day / 1,440 tons per day) * 100

In addition, cumulative projects in the City would be required to comply with Section 8.20 of the American Canyon Municipal Code to minimize solid waste generation. Cumulative projects in unincorporated Napa County would be required to comply with CALGreen requirements for diverting construction and demolition debris, pursuant to Chapter 15.14 of the Napa County Municipal Code (which adopts CALGreen). In addition, cumulative projects in unincorporated Napa County would be required to comply with the County's Integrated Waste Management Plan. Because each cumulative project would minimize solid waste generation, in compliance with federal, state, and local regulations, cumulative impacts on solid waste facilities would be less than significant.

4.18 Wildfire

This section summarizes the wildfire risks in and near the project site and analyzes the impacts related to wildfire risks due to the project.

4.18.1 Setting

a. Overview of Wildfire

Wildfires are a regular feature of the ecosystem in large parts of California and many of the State's native species have evolved to cope with the natural fire cycle, although increasing development into wildfire-prone areas makes wildfires a hazard of concern. A wildfire is an uncontrolled fire in an area of combustible vegetation that is generally extensive in size. Wildfires differ from other fires in that they take place outdoors in areas of grassland, woodlands, brush land, scrubland, peatland, and other wooded areas that act as a source of fuel, or combustible material. Buildings may become involved if a wildfire spreads to adjacent communities.

Wildland-urban interface fires are hazards because they threaten areas located near the border between urban and wildlands. The primary factors that increase an area's susceptibility to wildfire include slope and topography, vegetation type and condition, and weather and atmospheric conditions. Factors such as narrow, winding roads and vegetation also can slow response to fire, increasing risk of spread. Wildfires that burn exclusively in natural areas generally pose little risk to lives or property, although the smoke from such fires may cause respiratory problems for people nearby. The fire season in the State of California is starting earlier and ending later each year, with climate change considered to be a key factor for this phenomenon (California Department of Forestry and Fire Protection [CalFire] 2022a).

b. Wildfire Factors

Slope and Aspect

According to CalFire, sloping land increases susceptibility to wildfire because fire typically burns faster up steep slopes (CalFire 2018). Additionally, steep slopes may hinder firefighting efforts. Following severe wildfires, sloping land is also more susceptible to landslide or flooding from increased runoff during substantial precipitation events. Aspect is the direction that a slope faces, and it determines how much radiated heat the slope will receive from the sun. Slopes facing south to southwest will receive the most solar radiation. As a result, such slopes are warmer and the vegetation drier than on slopes facing a northerly to northeasterly direction, increasing the potential for wildfire ignition and spread (CalFire 2018).

Generally, the urbanized area of the City is located west of Newell Drive/Flosden Road. Topography in this area of the City is nearly flat with a slight westward slope towards the Napa-Sonoma Marshes Wildlife Area (U.S. Geological Survey [USGS] 2022). The La Vigne neighborhood, American Canyon High School, and Canyon Estates neighborhood are located east of Newell Drive/Flosden Road, closer to the hillside areas just outside of the City. In this area the topography is slightly sloping upwards to the rolling hills east of the City.

Average slope on the project site is minimal and ranges from approximately 2 percent to 4 percent; however, western facing slopes are present east of the project site in the Newell Open Space Preserve.

Vegetation

Vegetation is "fuel" to a wildfire and it changes over time. The relationship between vegetation and wildfire is complex, but generally some vegetation is naturally fire resistant, while other types are very flammable. For example, cured grass is much more flammable than standing trees (CalFire 2018). Grass is considered an open fuel, in which oxygen has free access to promote the spread of fire. Additionally, weather and climate conditions, such as drought, can lead to increasing dry vegetation with low moisture content, increasing its flammability. In addition, wildfire behavior depends on the type of fuel present, such as ladder, surface, and aerial fuels. Ladder fuels provide a path for a surface fire to climb upward, into the crowns of trees. Surface fuels include grasses, logs, and stumps low to the ground. Aerial fuels include limbs, foliage, and branches not in contact with the ground (CalFire 2022b).

Naturally occurring (native and exotic non-native) vegetation cover within the City, consists of wetlands, and annual grasslands at the western edge of the City along the Napa-Sonoma Marshes Wildlife Area. This vegetation cover does not present a high risk of wildland fire fuel because grasses do not represent a large volume of fuel. Along the eastern hills east of the city, the two dominant vegetation communities are Oak Woodlands and Annual/Native Grasslands. Both of these vegetation communities, as well as the other minor vegetation communities mapped within the hillside area are susceptible to wildfire.

The project site is surrounded by agricultural and industrial lands directly to the north and east, which include large dirt patches, dry grasses, field crops, and scattered trees and shrubs. Further east of the project site a mix of grasses, oak, and chapparal vegetation can be found in the Newell Open Space Preserve and Lynch Canyon Open Space. The project site itself includes grasslands.

Weather and Atmospheric Conditions

Wind, temperature, and relative humidity are the most influential weather elements in fire behavior and susceptibility (CalFire 2018). Fire moves faster under hot, dry, and windy conditions. Wind may also blow embers ahead of a fire, causing its spread. Drought conditions also lead to extended periods of excessively dry vegetation, increasing the fuel load and ignition potential.

According to the Western Regional Climate Center, average annual precipitation in American Canyon is 20.26 inches. Generally, in an average or typical year, most precipitation is received from October through April (Western Regional Climate Center 2016). May through September are the driest parts of the year and coincide with what has traditionally been considered the fire season in California. However, increasingly persistent drought and climatic changes in California have resulted in drier winters and fires during the autumn, winter, and spring months are become more common.

Power Lines

Above-ground power lines have the potential to contribute to wildfire risk, especially when they are near or traverse wilderness areas. In some instances, high winds can blow nearby trees and branches into powerlines, sparking fires. Wind can also snap wooden poles, causing live wires to fall onto nearby grass or other fuel, igniting it. While the California Public Utilities Commission estimates only about 10 percent of California's wildfires are triggered by power lines, the frequency and severity of wildfires has spurred the agency to make new requirements for power line safety practices.

PG&E transmission lines traverse the City, both underground and above ground. Of note are the high-power electrical transmission lines which run northeast by southwest through the City (California

Energy Commission 2022). These lines are located approximately 1.75 miles from the project site. In addition, there are existing distribution lines on Watson Lane and Paoli Loop Road.

c. Wildfire Hazards

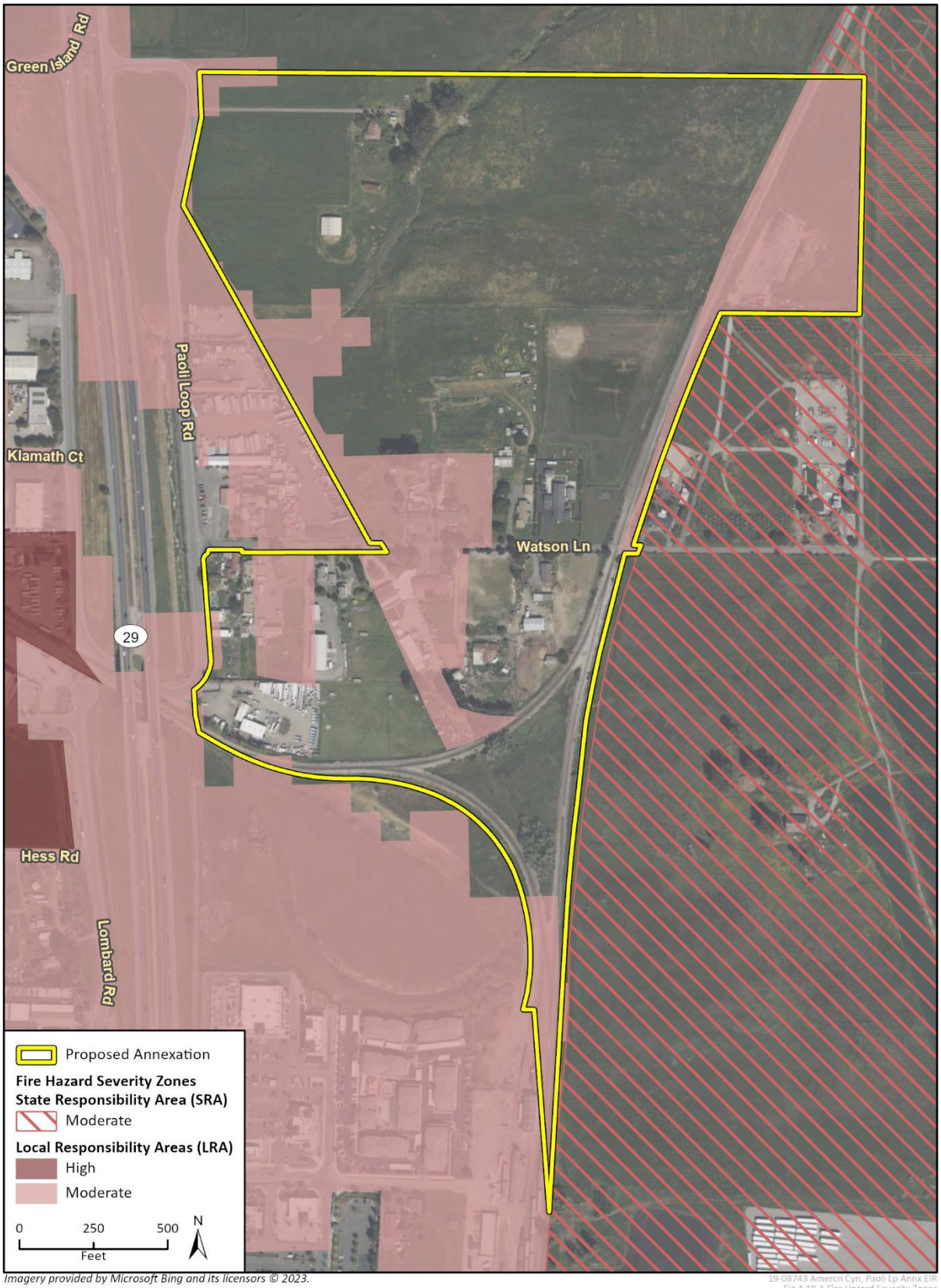
Once a fire is started, the spread and behavior of a fire become a function of fuel characteristics, terrain, and weather conditions. Fires are typically classified by type and intensity. Fire types may include understory fires, crown fires, surface fires, and broadcast fires, among others. Fire intensity, or severity, is the heat energy released by a fire either during a smoldering or raging fire event (CalFire 2022b).

Wildfire activity is closely related to temperature and drought conditions, and in recent decades, increasing drought frequency and warming temperatures have resulted in increased fire activity and the largest, most destructive, and deadliest wildfires in the State's history. Climate change will continue to produce conditions that facilitate a longer fire season, which, when coupled with human-caused changes in the seasonality of ignition sources, will produce more, longer, and bigger fires during more times of the year. According to California's Fourth Climate Change Assessment, Statewide Summary Report (OPR 2018), if greenhouse gas emissions continue to rise, the frequency of extreme wildfires burning over 25,000 acres could increase by 50 percent by 2100, and the average area burned Statewide could increase by 77 percent by the end of the century.

CalFire has mapped areas of significant fire hazards in the state through its Fire and Resources Assessment Program. These maps place areas of the state into different Fire Hazard Severity Zones (FHSZ) based on a hazard scoring system using subjective criteria for fuels, fire history, terrain influences, housing density, and occurrence of severe fire weather. Typically, these classifications include Non-Wildland, Non-Urban, Moderate, High and Very High. As part of this mapping system, land where CalFire is responsible for wildland fire protection and generally located in unincorporated areas is classified as a State Responsibility Area (SRA), which are managed by CalFire. Where local fire protection agencies are responsible for wildfire protection, the land is classified as a Local Responsibility Area (LRA) (CalFire 2020). CalFire responds to wildland fires from several fire stations, depending on their proximity and availability.

CalFire maps three zones on SRA: 1) Moderate FHSZ; 2) High FHSZ; and 3) Very High FHSZ. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under state regulations, areas within very high fire hazard risk zones must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas. As shown in Figure 4.18-1, the project site is located within an LRA, with portions of the project site designated as a Moderate FHSZ. Please note that Figure 4.18-1 includes a correction to CalFire mapping. CalFire mapping indicates that the northeastern corner (the area that is pre-zoned as Town Center) is within an SRA; however, mapping from the American Canyon Fire Protection District (ACFPD) indicates that the entirety of the project site is within the ACFPD jurisdictional boundary (ACFPD 2022a). For that reason, the northeastern corner of the project site is shown to be within an LRA. Furthermore, the project site is not located in a High or Very High FHSZ. The project site is bordered to the east by areas within an SRA designated as a Moderate FHSZ.

Figure 4.18-1 SRA Fire Hazard Severity Zones



Imagery provided by Microsoft Bing and its licensors © 2023.
Additional data provided by CAL FIRE, 2007.

19-08743 Amercn Cyn, Paoli Lp Annx EIR
Fig 4.18-1 Fire Hazard Severity Zones

4.18.2 Regulatory Setting

a. Federal Regulations

The Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 requires a state-level mitigation plan as a condition of disaster assistance. There are two different levels of state disaster plans: "Standard" and "Enhanced." States that develop an approved Enhanced State Plan can increase the amount of funding available through the Hazard Mitigation Grant Program. The Act also established new requirements for local mitigation plans.

National Fire Plan

The National Fire Plan was developed in August 2000, following a historic wildfire season. Its intent is to establish plans for active response to severe wildfires and their impacts to communities while ensuring sufficient firefighting capacity. The plan addresses firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability.

b. State Regulations

California Board of Forestry

The Board of Forestry maintains fire safe road regulations, as part of Title 14 of the California Code of Regulations (CCR). This includes requirements for road width, surface treatments, grade, radius, turnarounds, turnouts, structures, driveways, and gate entrances. These regulations are intended to ensure safe access for emergency wildland fire equipment and civilian evacuation.

California Fire Code

The California Fire Code (Fire Code) is Chapter 9 of CCR Title 24. It establishes the minimum requirements consistent with nationally-recognized best practices to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structure, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. The Fire Code is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The Fire Code regulates the use, handling and storage requirements for hazardous materials at fixed facilities. The Fire Code and the California Building Code (CBC) use a hazard classification system to determine what protective measures are required to protect property and life from fire hazards. These measures may include construction standards, separations from property lines and specialized equipment. To ensure that these safety measures are met, the Fire Code employs a permit system based on hazard classification. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such building structures throughout California.

More specifically, the Fire Code is included in Title 24 of the CCR. Title 24, part 9, Chapter 7 addresses fire-resistance-rated construction; CBC (Part 2), Chapter 7A addresses materials and construction methods for exterior wildfire exposure; Fire Code Chapter 8 addresses fire related

Interior finishes; Fire Code Chapter 9 addresses fire protection systems; and Fire Code Chapter 10 addresses fire related means of egress, including fire apparatus access road width requirements. Fire Code Section 4906 also contains existing regulations for vegetation and fuel management to maintain clearances around structures. These requirements establish minimum standards to protect buildings located in all FHSZs within SRAs and Wildland-Urban Interface Fire Areas. This Fire Code includes provisions for ignition-resistant construction standards for new buildings.

The City adopted the most recent 2019 California Fire Code under Ordinance No. 2019-03.

California Fire Plan

The Strategic Fire Plan for California is the State's road map for reducing the risk of wildfire. The most recent version of the Plan was finalized in August 2018 and directs each CalFire Unit to prepare a locally specific Fire Management Plan (CalFire 2018). In compliance with the California Fire Plan, individual CalFire units are required to develop Fire Management Plans for their areas of responsibility. These documents assess the fire situation within each of the 21 CalFire units and six contract counties. The plans include stakeholder contributions and priorities, and identify strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire problem. The plans are required to be updated annually.

California Office of Emergency Services

The California Office of Emergency Services (OES) prepares the State of California Multi-Hazard Mitigation Plan (SHMP). The SHMP identifies hazard risks, and includes a vulnerability analysis and a hazard mitigation strategy (OES 2018). The SHMP is federally required under the Disaster Mitigation Act of 2000 in order for the State to receive Federal funding. The Disaster Mitigation Act of 2000 requires a State mitigation plan as a condition of disaster assistance (Federal Emergency Management Agency 2022).

State Emergency Plan

The foundation of California's emergency planning and response is a statewide mutual aid system, which is designed to ensure that adequate resources, facilities, and other support is provided to jurisdictions whenever their own resources prove to be inadequate to cope with an emergency situation.

The California Disaster and Civil Defense Master Mutual Aid Agreement (California Government Code Sections 8555–8561) requires signatories to the agreement to prepare operational plans to use within their jurisdiction, and outside their area. These operational plans include fire and non-fire emergencies related to natural, technological, and war contingencies. The State of California, all State agencies, all political subdivisions, and all fire districts signed this agreement in 1950.

Section 8568 of the California Government Code, the "California Emergency Services Act," (Act) states that "the State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof." The Act provides the basic authorities for conducting emergency operations following the proclamations of emergencies by the Governor or appropriate local authority, such as a City Manager. The provisions of the act are further reflected and expanded on by appropriate local emergency ordinances. The Act further describes the function and operations of government at all levels during extraordinary emergencies, including war.

All local emergency plans are extensions of the State of California Emergency Plan. The State Emergency Plan conforms to the requirements of California's Standardized Emergency Management System (SEMS), which is the system required by Government Code 8607(a) for managing emergencies involving multiple jurisdictions and agencies. The SEMS incorporates the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement, existing mutual aid systems, the operational area concept, and multi-agency or inter-agency coordination. Local governments must use SEMS to be eligible for funding of their response-related personnel costs under state disaster assistance programs. The SEMS consists of five organizational levels that are activated as necessary, including: field response, local government, operational area, regional, and state. OES divides the state into several mutual aid regions. The City is located in Mutual Aid Region II, which includes Del Norte, Humboldt, Mendocino, Sonoma, Lake, Napa, Marin, Solano, Contra Costa, San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey counties (OES 2019).

Government Code Sections 65302 and 65302.5, Senate Bill 1241 (Kehoe) of 2012

Senate Bill (SB) 1241 requires cities and counties to address fire risk in SRAs and Very High FHSZs in the safety element of their general plans. The bill also amended CEQA to direct amendments to the *CEQA Guidelines* Appendix G environmental checklist to include questions related to fire hazard impacts for projects located in or near lands classified as SRAs and Very High FHSZs. In adopting these Guidelines amendments, the Governor's Office of Planning and Research recognized that generally, low-density, leapfrog development may create higher wildfire risks than high-density, infill development. [1] Zoning around the project site is low density housing, allowing up to six dwelling units per acre.

California Public Utilities Commission General Order 166

General Order 166 Standard 1.E requires that investor-owned utilities (IOU) develop a Fire Prevention Plan which describes measures that the electric utility will implement to mitigate the threat of power-line fires generally. Additionally, this standard requires that IOUs outline a plan to mitigate power line fires when wind conditions exceed the structural design standards of the line during a Red Flag Warning in a high fire threat area. Fire Prevention Plans created by IOUs are required to identify specific parts of the utility's service territory where the conditions described above may occur simultaneously. Standard 11 requires that utilities report annually to the California Public Utilities Commission regarding compliance with General Order 166. In compliance with Standard 1.E of this General Order, Pacific Gas and Electric Company adopted a Fire Prevention Plan dated October 31, 2018.

c. Local Regulations

Napa County Operational Area Multi-Jurisdictional Hazard Mitigation Plan

In 2020, the Napa County prepared an updated Multi-Jurisdictional Hazard Mitigation Plan (HMP) to guide County and City Officials and Special Districts Managers in protecting the people and property within the County from the effects of natural disasters and hazards events. The HMP provides an explanation of prevalent hazards within the County and how hazards may affect the County and

[1] "Leapfrog development" describes the construction of new development at a distance from existing developed areas, with undeveloped land between the existing and new development.

participating cities and special districts differently based upon proximities to natural hazards. The HMP also identifies risks to vulnerable assets, both people and property. Most importantly, the mitigation strategy presented in the HMP responds to the identified vulnerabilities within each community and provides prescriptions or actions to achieve the greatest risk reduction based upon available resources.

The City of American Canyon (Resolution No. 2020-44) and the American Canyon Fire Protection District adopted the HMP on June 2, 2020 (Resolution No. 2020-08). The HMP includes an Annex that details the hazard mitigation planning elements specific to the City of American Canyon. The Annex identifies that American Canyon is required to update building codes to meet the minimum standards to those required in the California Building Code last updated in 2019, which reduce risk from wildfire. Chapter 16.02 of the American Canyon Municipal Code adopts the 2019 California Building Code.

Sonoma-Lake-Napa Unit Strategic Fire Plan

The CalFire Strategic Fire Plan for the Sonoma-Lake-Napa Unit, last updated in 2020, applies to Napa County as well as neighboring Sonoma and Lake counties. This plan documents an assessment of wildfire hazards in the Sonoma-Lake-Napa Unit and identifies strategic targets to minimize fire risks, such as fire prevention and vegetation management.

American Canyon Fire Protection District Long-Range Master Plan

The ACFPD Long-Range Master Plan, (LRMP) guides the efficient future growth and development of the Fire District to provide the community of American Canyon with the highest possible level of service balanced with long term financial sustainability. Adopted in October 2022, (Resolution 2022-26) the LRMP identifies recommendations to improve long-range planning and delivery of fire and emergency services to the community (ACFPD 2022b).

The Plan recommendations relate to operations, procedures, and community involvement, to deliver desired levels of service at the most efficient cost. To maintain long-range service levels, the LRMP recommends construction of a new relocated Fire Station 211.

American Canyon Municipal Code

Chapter 8.08 of the American Canyon Municipal Code contains ordinances relating to fire regulations including fire protection district regulations and the authority of the designated fire chief to enforce the Uniform Fire Code within city limits.

Section 18.40.120 of the American Canyon Municipal Code requires that all utilities be installed underground in accordance with the provisions of the American Canyon Municipal Code. It also requires that all underground utilities be installed before preparation of subgrade for paving or any other site improvements that may affect the orderly installation of the underground utilities.

Ordinance 2022-02

The ACFPD Board adopted the most recent 2022 California Fire Code under Ordinance No. 2022-02. Section 4904 of the California Fire Code calls for a fire protection plan that addresses water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space, and vegetation management for any new residential building within a wildland-urban interface fire area.

City of American Canyon General Plan

The City of American Canyon General Plan sets forth the following goals relevant to wildfire:

Goal 6A: Maintain a high level of fire protection and emergency services to City/District businesses and residents.

Objective 6.3: Ensure that the Fire District's facility, manpower and equipment needs keep pace with the City's growth.

> **Policy 6.3.1**: Require that City planning staff work closely with Fire District officials to ensure that fire facilities and personnel are expanded commensurably to serve the needs of the City's growing population and development base.
>
> **Policy 6.3.2**: Identify possible locations on the Land Use Map for a future fire station. These locations should be optimally sited to maintain adequate response times to all City and District residents in addition to being based on growth patterns.
>
> **Policy 6.3.3**: Continue to respond to 90% of all calls within five minutes or less.

Objective 6.4: Utilize proactive measures to ensure protection of life and property of City and District residents and to maximize use of available resources.

4.18.3 Impact Analysis

a. Methodology and Thresholds of Significance

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines* a project may be deemed to have a significant impact on wildfire if it would:

1. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan
2. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire
3. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment
4. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes
5. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires

Methodology

The assessment of impacts related to wildfire hazards and risks were evaluated using FHSZ mapping for Napa County, aerial imagery, and topographic mapping. Additionally, weather patterns related

to prevailing winds and precipitation trends were evaluated as they relate to the spread and magnitude of wildfire.

In addition, on October 10, 2022, the State's Office of the Attorney General issued guidance for analyzing wildfire impacts in a document titled *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects under the California Environmental Quality Act* (State's Office of the Attorney General 2022). The analysis in this section used this guidance from the State's Office of the Attorney General. This analysis used the following guidance from State's Office of the Attorney General in considering the potential impacts of the project.

- Project Density. Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts.
- Project Location: Project placement in the landscape relative to fire history, topography, and wind patterns also influences wildfire risk.
- Water Supply and Infrastructure: The analysis should consider the adequacy of water supplies and infrastructure to address firefighting within the project site.
- Evacuation and Emergency Access: Local governments should consider placing developments close to existing road and evacuation infrastructure, and where appropriate, constructing additional roads to facilitate evacuations.
- Fire Hardening Structures: Home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. Local governments should require developers to upgrade building materials and use installation techniques to increase the development's resistance to heat, flames, and embers beyond what is required in applicable building codes.

b. Project Impacts and Mitigation Measures

Threshold 1:	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Impact WF-1 THE PROJECT WOULD NOT IMPAIR AN EMERGENCY RESPONSE PLAN AND IMPACTS WOULD BE LESS THAN SIGNIFICANT.

One parcel of the project east of the railroad line, pre-zoned as Town Center is within an LRA with a moderate fire risk. The project site is not located in a designated High FHSZ or Very High FHSZ (CalFire 2022d).

The Napa County's Emergency Operations Plan (EOP) provides a framework for Napa County to use in performing emergency functions before, during, and after an emergency event (County of Napa 2020). The EOP aims to protect and preserve life, property, and the environment in Napa County, as well as the City. The project would not conflict with this plan and would not impair evacuation, as described in detail below.

The City of American Canyon has identified evacuation procedures in the event of a natural disaster, including a wildfire. During an emergency, individuals would receive notifications from emergency sirens, alarms, or local radio stations. In addition, the City has partnered with the Napa County Office of Emergency Services to provide residents with official evacuation order notifications supported by Zonehaven, a California-based company under contract with Napa County thanks to funding from the Napa Valley Community Foundation. Future development on the project site is

located in evacuation zone NPA-E257 (City of American Canyon 2022). The City of American Canyon identifies the following three different evacuation alerts that would be provided to residents and employees in the City of American Canyon:

- Evacuation Advisory: This is a precautionary notice designed to give residents time to prepare for a possible evacuation.
- Voluntary Evacuation: This is a notice where people are strongly urged to leave the area and if a person chooses to remain, they should be prepared to take action immediately if danger approaches.
- Mandatory Evacuation: This is a notice where danger is imminent and a person should find their emergency supply kit and leave the area immediately.

The roadway that would primarily be used for evacuation in the event of a wildfire would be SR 29. Future development on the project site would include streets to access the site, as well as to connect to Paoli Loop Road and the future Newell Drive Extension, which would provide access to SR 29. The City would review and approve future projects to ensure that emergency access meets City standards. Development facilitated by the project, as well as all development in the city, must comply with road standards, and are reviewed by the American Canyon Fire Protection District to ensure development would not interfere with evacuation routes or impede the effectiveness of evacuation plans. In addition, the project would include a new roadway, the Newell Drive Extension, which would provide an additional roadway for evacuation.

Because the risk for a wildfire is moderate, because the City would review the project to ensure that emergency access meets City standard, because the project site is located near a roadway that can be used for evacuation, and because the project would add a new roadway that would provide another route for evacuation, impacts related to impairing an adopted emergency response plan or emergency evacuation plan would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 2:	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
Threshold 5:	Would the proposed project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Impact WF-2 THE PROJECT COULD EXPOSE EMPLOYEES AND STRUCTURES TO WILDFIRE RISK; HOWEVER, WILDFIRE RISKS WOULD BE REDUCED WITH MITIGATION AND IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Once annexed, the project site would be located on LRA lands. One parcel east of the railroad lines is classified as a moderate fire risk. In addition, the project site is adjacent to areas within an SRA with a moderate fire risk. The project would have multiple connections to Newell Drive, Paoli Loop,

and SR-29. As such, adequate emergency response and evacuation routes would be available in the event of an emergency.

Wildfire risk in American Canyon is generally concentrated on the hillside area east of the City. This area is largely undeveloped and contains large tracts of vegetation cover that can act as fire fuel. This area is also adjacent to large areas of vegetation cover and open space outside the City limits, which further increases the potential for wildfires. To the west of the project site, there are existing developed areas. To the north, south, and east of the project site, there are undeveloped areas, including agricultural areas. Beyond the agricultural areas to the east of the project site are hills with vegetation that could act as fuel for wildfires. A total of 526 acres of land burned in 2019 during a wildfire known as the American Fire incident (CalFire 2019; ACFPD 2019). This fire was located east of the City, approximately 1.2 miles from where future development on the project site is proposed.

Prevailing winds in American Canyon generally blow from the west during the summer months, which is typically fire season, moving west to east across the City (Western Regional Climate Center 2022). Therefore, the prevailing winds would move wildfire in the hillside area and the related smoke and air pollutants, eastward, away from the urbanized areas of the City. Additionally, fire tends to burn and spread uphill, and the hillside area generally slopes uphill toward the east, away from the developed areas of the City. The topography of the annexation area is relatively flat with hills to the east (USGS 2022). Given prevailing wind patterns, it is likely that a fire would move away from the project site.

Construction of the project would use equipment with combustion engines, which are known to create fires. As such, there is a potential wildfire risk, especially during dry months, that could result in a potential significant impact. Therefore, Mitigation Measure WF-1 would be required to reduce wildfire risk from construction activities.

The project site is in proximity to agricultural and undeveloped areas with flammable vegetation. As such, operation of future development from the project could result in potentially significant wildfire impacts, including exposure of people to pollutant concentrations from a wildfire or a significant risk from a wildfire.

New structures would be constructed following the current fire and building codes and safety standards. Construction of future development would be subject to the California Fire Code, which includes safety measures to minimize the threat of fire, including ignition-resistant construction with exterior walls of noncombustible or ignition resistant material from the surface of the ground to the roof system and sealing any gaps around doors, windows, eaves and vents to prevent intrusion by flame or embers. In addition, American Canyon Municipal Code Section 16.02.130 requires installation of fully automatic fire sprinkler systems for new buildings. The Board of Forestry, via California Code of Regulations Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures and life by reducing wildfire hazards. These codes and regulations would reduce the risk of loss, injury, or death from wildfire for new developments facilitated by the project. In addition, any electrical lines associated with future development would be undergrounded, pursuant to Section 18.40.120 of the American Canyon Municipal Code.

Due to the moderate wildfire risk and the history of wildfires in the area, further mitigation would be required to address risks from wildfire. Implementation of Mitigation Measure WF-2 would ensure that there is proper water; implementation of Mitigation Measure WF-3 would require future development to use construction methods and materials that would harden the proposed

residences from future wildfires; and implementation of Mitigation Measure WF-4 would require use of fire-resistant vegetation for landscaping.

Mitigation Measures

WF-1 Wildfire Risk Reduction During Construction

Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit documentation that they will implement the following measures to reduce risk of loss, injury, or death from wildfire during construction:

1. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance.
2. Certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location shall be prohibited. Example activities that shall be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.
3. Fire extinguishers shall be required to be onsite during construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.

WF-2 Fire Suppression Requirements

Prior to issuance of improvement plans, the applicant shall submit plans that demonstrate all fire hydrants on the project site satisfy the Fire District's minimum fire flow requirements.

WF-3 California Building Code Chapter 7A Compliance

Prior to issuance of a building permit, the applicant shall submit plans that demonstrate compliance with Chapter 7A of the California Building Code.

WF-4 Fire Resistant Vegetation and Landscaping

Prior to issuance of a building permit, the applicant shall submit landscape plans prepared by a registered Landscape Architect that are consistent with applicable Building and Fire Codes at the time the building permit is issued.

Significance After Mitigation

With implementation of Mitigation Measures WF-1 through WF-4 the risk of loss of structures and the risk of injury or death due to wildfires would be reduced. These measures would make structures more fire resistant and less vulnerable to loss in the event of a wildfire. These mitigation measures would also reduce the potential for construction to inadvertently ignite a wildfire and require the use of fire-resistant native vegetation. Given the moderate risk for wildfires at the project site and that mitigation would be implemented to reduce the risk, impacts would be less than significant with mitigation.

Threshold 3:	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Impact WF-3 THE PROJECT WOULD INCLUDE THE INSTALLATION OF UTILITIES AND A ROADWAY EXTENSION (NEWELL DRIVE EXTENSION). HOWEVER, IMPACTS WOULD BE LESS THAN SIGNIFICANT BECAUSE THE NEWELL DRIVE EXTENSION WOULD ALLOW FOR SIMULTANEOUS EGRESS AND INGRESS DURING AN EVACUATION, WHICH WOULD NOT EXACERBATE A FIRE RISK.

As discussed in Section 4.17, *Utilities and Service Systems*, the project would require utility connections to existing utilities. The only utility that poses a potential wildfire risk are electrical lines; however, any electrical lines associated with future development would be undergrounded, pursuant to Section 18.40.120 of the American Canyon Municipal Code. As such, the project would not exacerbate fire risk from the installation of electrical lines. Furthermore, the project would extend Newell Drive along the northern portion of the project site. The Newell Drive extension would provide egress in the case of a wildfire or other emergency. Newell Drive would be designed in such a way to allow for simultaneous egress and ingress during an evacuation which would not exacerbate a fire risk.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

Threshold 4:	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Impact WF-4 THE PROJECT SITE IS RELATIVELY FLAT AND NOT DOWNSLOPE FROM A HILLSIDE THAT COULD RESULT IN A LANDSLIDE FOLLOWING A WILDFIRE. THERE WOULD BE ADEQUATE DRAINAGE ON THE PROJECT SITE TO PREVENT FLOODING. WILDFIRE RISKS FROM FLOODING OR LANDSLIDES WOULD BE LESS THAN SIGNIFICANT.

The project site is located on LRA lands with one parcel east of the railroad classified as having a moderate fire risk. In addition, the project site is adjacent to areas within an SRA with a moderate fire risk. The project site is not on lands classified as having a high or very high fire hazard risk. Topography in the project site is relatively flat with hills to the east.

Severe wildfires damage the forest or shrub canopy, the plants below, as well as the soil. In general, this can result in increased runoff after intense rainfall, which can put residences and other structures below a burned area at risk of localized floods and landslides. The project site is mostly flat. Vegetative wildfire fuels are currently present in the agricultural areas to the north and east of the project site. The nearest slope that may result in a landslide is approximately 0.5 mile to the east. Therefore, the project site is far enough from the slope and would not be impacted from a landslide. Additionally, as discussed in Section 4.10, *Hydrology and Water Quality* of the Draft EIR, the project site would not be in a designated flood zone. Furthermore, future projects would be

required to develop a Stormwater Control Plan, which would further minimize adverse impacts of flooding following a wildfire. The project site's flat grade, distance from any hillside, and adequate drainage would prevent exposure of people or residences to downslope landslides and flooding. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be required.

Significance After Mitigation

Impacts would be less than significant without mitigation.

4.18.4 Cumulative Impacts

The geographic scope for cumulative wildfire impacts is the areas surrounding the project site, including the City and unincorporated Napa County. This geographic scope is appropriate for wildfire because wildfires can cause impacts to large areas.

Development that is considered part of the cumulative analysis include projects involving primarily residential, mixed-use, commercial, and industrial uses near the project site. Cumulative development in the project vicinity could contribute to increased wildfire and evacuation impacts. Together, cumulative projects cover a substantial area, primarily within or along the edges of previously developed areas. Cumulative impacts to wildfire could be potentially significant by providing additional fuel for wildfire.

However, development of the project site would convert existing non-native vegetation to industrial and commercial uses that are less susceptible to wildfire. In addition, it should be noted that only one parcel the project site is in an area that is identified as having a moderate fire risk. Project development and infrastructure would be subject to statewide standards for fire safety in the California Fire Code. Additionally, Mitigation Measures WF-1 through WF-4 would reduce wildfire impacts of the project. The project would also include the Newell Drive Extension, which would improve emergency evacuation for the City and the County, if a wildfire to occur. Overall, due to the following, the project would have a less than cumulatively considerable contribution to a cumulative wildfire impact:

- The project site is in a low wildfire risk, except for one parcel in a moderate wildfire risk.
- The project would replace existing wildfire fuels with urban, less flammable development.
- The project would extend Newell Drive, which would provide an additional emergency evacuation route.
- The project would implement the California Fire Code, Napa County HMP, and Mitigation Measures in this EIR.

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4.19 Effects Found Not to be Significant

During evaluation of the project, certain impact areas included in the California Environmental Quality Act (CEQA) Appendix G checklist were found to have a less than significant impact or no impact. As allowed under CEQA Guidelines Section 15128, this section discusses why impacts to these environmental topics were determined to have no impact and therefore are not discussed in detail in the Environmental Impact Report (EIR) as individual sections.

4.19.1 Mineral Resources

Would the project:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

There are no mineral resources, existing mines, major mineral deposits, or critical minerals within the project site (United States Geological Survey 2022). According to the City's current General Plan, there are no known mineral resources in economically viable quantities within the City's Planning Area (City of American Canyon 1994). According to the State Department of Conservation, Division of Mine Reclamation, there are three quarries designated as active within Napa County (Department of Conservation 2022). However, none of the quarries are within the project vicinity. The quarry nearest to the project site is the Napa Quarry and it is located approximately 4.5 miles north. There are no active mineral extraction operations on the project site. Therefore, no impacts to mineral resources would occur.

4.19.2 Public Services (Schools)

Setting

Napa Valley Unified School District (NVUSD) provides elementary school (Kindergarten through 12th grade), Transitional Kindergarten, independent study, and one adult education program that serve the residents of the City. There are 27 schools in NVUSD, five of which are in the City: American Canyon High, American Canyon Middle, Canyon Oaks Elementary, Donaldson Way Elementary, and Napa Junction Elementary (National Center for Education Statistics [NCES] 2022a). Table 4.19-1 identifies the enrollments and staffing for the 2020-2021 school year for the schools in American Canyon. Table 4.19-2 shows enrollment trends for these five schools. As shown in Table 4.14-3, enrollment at all middle and elementary schools has decreased and enrollment at American Canyon High school has increased between the 2017-2018 and 2020-2021 school years.

Table 4.19-1 2020-2021 Enrollment for NVUSD Schools in American Canyon

School Name	Grades	Enrollment
American Canyon High	9-12	1,707
American Canyon Middle	6-8	1,011
Canyon Oaks Elementary	K-5	674
Donaldson Way Elementary	K-5	524
Napa Junction Elementary	K-5	420

"K" = Kindergarten

Source: NCES 2022b, 2022c, 2022d, 2022e, 2022f

Table 4.19-2 Enrollment Trends for NVUSD Schools in American Canyon

School Name	2017-2018	2018-2019	2019-2020	2020-2021	Percent Change 2017-2018 to 2020-2021
American Canyon High	1,572	1,617	1,670	1,707	8.6%
American Canyon Middle	1,041	1,013	1,025	1,011	-2.9%
Canyon Oaks Elementary	682	682	681	674	-1.2%
Donaldson Way Elementary	602	591	574	524	-13.0%
Napa Junction Elementary	446	409	417	420	-5.8%

Source: California Department of Education 2022; NCES 2022b, 2022c, 2022d, 2022e, 2022f

Regulatory Setting

California Code of Regulations

The California Code of Regulations, Title 5 Education Code, governs all aspects of education within the State. California State Assembly Bill 2926 (AB 2926) – School Facilities Act of 1986 – was enacted by the State of California in 1986 and added to the California Government Code (Section 65995). It authorizes school districts to collect development fees, based on demonstrated need, and generate revenue for school districts for capital acquisitions and improvements. It also established that the maximum fees which may be collected under this and any other school fee authorization are $1.50 per square foot for residential development and $0.25 per square foot for commercial and industrial development. AB 2926 was expanded and revised in 1987 through the passage of AB 1600, which added Section 66000 et seq. of the Government code. Under this statute, payment of statutory fees by developers serves as total mitigation under CEQA to satisfy the impact of development on school facilities. However, subsequent legislative actions have alternatively expanded and contracted the limits placed on school fees by AB 2926.

California Senate Bill 50

As part of the further refinement of the legislation enacted under AB 2926, the passage of SB 50 in 1998 defined the Needs Analysis process in government Code Sections 65995.5-65998. Under the provisions of SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. SB 50 generally provides for a 50/50 State and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available; whether the school district is eligible for State

funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code sections 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with section 65995(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization…on the provision of adequate school facilities." The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code section 65995(i), "A State or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to section 65995.5 or 65995.7, as applicable."

California Education Code section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. NVUSD has developed an impact fee schedule with requires a payment of $0.66 per square foot of commercial and industrial development.

City of American Canyon General Plan

The City's Public Services and Facilities Element of the General Plan address the following goal related to schools:

Goal 6: Promote a high level of education quality for the City's residents.

Impact Analysis

Would the project:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The project would introduce new commercial, industrial, and town-center uses into the area. The project is not expected to induce substantial residential population growth since residences are not proposed as part of the project. Thus, the project would not substantially increase the number of school-aged children in American Canyon. To offset a future project's potential impact to schools, Government Code 65995 (b) establishes the base amount of allowable developer fees a school district can collect from development projects located within its boundaries. The fees obtained by NVUSD are used to maintain the desired school capacity and the maintenance and/or development of new school facilities. Prior to issuance of a building permit, the applicant would be required to pay the NVUSD school impact fee.

Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "is deemed to be full and complete mitigation of

the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, existing laws and regulations would require funding for the provision or expansion of new school facilities to offset impacts from the project and impacts would be less than significant. In addition, because cumulative projects would also be required to pay impact fees to fund school facilities, cumulative impacts would be less than significant.

5 Other CEQA Required Discussions

This section discusses other issues for which the California Environmental Quality Act (CEQA) requires analysis in addition to the specific issue areas discussed in Section 4, *Environmental Impact Analysis*. These additional issues include the project's potential to induce growth and create significant and irreversible impacts on the environment. *CEQA Guidelines* Section 15126(b) requires a discussion of the significant environmental effects which cannot be avoided if the project is implemented. The project would not result in any significant unavoidable impacts and for that reason, is not discussed further.

5.1 Growth Inducement

CEQA Guidelines Section 15126(d) requires a discussion of a project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. A project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

5.1.1 Population Growth and Economic Growth

As discussed in Section 4.13, *Population and Housing*, the project would not result in any direct population growth because no residences would be developed as a part of this project. The project could, however, result in indirect population growth and economic activity due to temporary and permanent employment from commercial, industrial, and visitor-serving/hotel uses. As described in Section 4.13, *Population and Housing*, construction would be temporary and not require construction workers to permanently relocate to American Canyon, especially given the available labor force in the city and region. Likewise, the estimated 1,650 employees (see Section 2, *Project Description)* generated from new commercial, industrial, and visitor-serving/hotel uses would be drawn from the local and regional workforce. In addition, the City has planned for the addition of new residences to the City. For example, the Watson Ranch Specific Plan would add 1,253 new residences to the City (City of American Canyon 2018b) and the Broadway District Specific Plan would add 1,200 new residences to the City (City of American Canyon 2020). The project would provide future employment opportunities to future residents in American Canyon. Therefore, the project would not induce uncontrolled population or economic growth and associated environmental impacts.

5.1.2 Removal of Obstacles to Growth

Development of vacant lands within the project site would require new utility connections, including connections to water, hydrants, sewers, electricity, telecommunications, or other utilities like stormwater facilities. However, these connections would generally occur within individual project site footprints or rights-of-way that were previously disturbed, minimizing the impact of development on existing infrastructure and services. As described in Section 4.17 *Utilities and Service Systems*, development in those areas would use existing facilities and major infrastructure extensions would not occur in or be designed to serve areas beyond the sites analyzed in this

environmental impact report (EIR). Additionally, the extension of Newell Drive would not induce unplanned growth since its construction would serve approved or pending development, such as the project and Watson Ranch.

5.2 Significant Irreversible Environmental Effects

CEQA Guidelines Section 15126(c) requires a discussion of significant irreversible environmental changes that would be involved in the project, should the project be implemented. This section addresses non-renewable resources, the commitment of future generations to the proposed uses (roadway improvements), environmental accidents, and irreversible impacts associated with the project.

The project would irreversibly increase local demand for non-renewable energy resources such as petroleum products. However, increasingly efficient building design would offset this demand to some degree by reducing energy demands of the project. As described in Section 4.6, *Energy*, development facilitated by the project would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6, of the California Code of Regulations, *California's Energy Efficiency Standards for Residential and Nonresidential Buildings*) and the California Green Building Standards Code (Title 24, Part 11 of the California Code of Regulations). The California Energy Code provides energy conservation standards for all new and renovated buildings, and the Green Building Standards Code requires solar access, natural ventilation, and stormwater capture. Consequently, development facilitated by the project would not use unusual amounts of energy or construction materials and impacts related to consumption of non-renewable and renewable resources would be less than significant. Consumption of these resources would occur with any development in the region and is not unique to the project.

Furthermore, as discussed in Section 4.9, *Hazards and Hazardous Materials*, regulatory requirements, including those from the Napa County Division of Environmental Health would minimize potential accidents related to the spills of hazardous materials. Therefore, the project would not lead to significant irreversible environmental changes due to environmental accidents.

The Newell Drive Extension would serve planned development (City of American Canyon 2018a) consistent with planning in the Circulation Element of the General Plan. In addition, the project's vehicle miles traveled (VMT) impacts would be less than significant because the project would add new employment opportunities to an area that has fewer jobs than housing, and future employees would be able to reduce their trip distance and overall VMT by working closer to their residence. Overall, impacts related to the trips associated with the project were found to be less than significant, including traffic noise impacts, operational air quality impacts, and greenhouse gas emissions.

6 Alternatives

As required by California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this environmental impact report (EIR) examines a range of reasonable alternatives to the project that would attain most of the basic project objectives but would avoid or substantially lessen the significant adverse impacts.

As discussed in Section 2, *Project Description*, the project objectives are to:

1. Promote economic growth in American Canyon by attracting new industries.
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development.
3. Create new employment opportunities for residents of Napa County and the surrounding region.
4. Extend Newell Drive which would augment north-south travel parallel to SR 29.
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities.
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use.
7. Preserve the most biologically sensitive portions of the project site as open space.
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the project while also ensuring these facilities operate at acceptable levels.
9. Promote public safety by incorporating security measures into the project design.
10. Mitigate impacts on the environment through implementation of feasible mitigation measures.

This analysis presents four alternatives, including the CEQA-required "no project" alternative, that involve changes to the project that may reduce the project-related environmental impacts identified in this EIR. These alternatives have been developed to provide a reasonable range of options that would help decision-makers and the public understand the general implications of revising or eliminating certain components of the proposed project. The following alternatives are evaluated in this EIR:

- Alternative 1: No Project
- Alternative 2: At-Grade Newell Drive Crossing
- Alternative 3: Reduced Buildout
- Alternative 4: Watson Lane Reconfiguration

Table 6-1 provides a comparison of the project characteristics and of each of the alternatives considered. More detailed descriptions of the alternatives are included in the impact analysis for each alternative. The potential environmental impacts of each alternative are compared with those of the project in Sections 6.1 through 6.4. Each alternative incorporates components of the project and relies on the existing analysis to the extent those components are covered. Each alternative was chosen to reduce at least one significant impact that was associated with the project. Alternatives 2

through 4 reduce impacts related to construction, such as air quality, energy, greenhouse gas emissions, and noise. Alternative 3 has reduced impacts related to ground disturbance as well, such as impacts on biological resources, cultural resources, geology and soils, and tribal cultural resources.

Table 6-1 Comparison of the Alternatives

	Project	Alternative 1: No Project	Alternative 2: At-Grade Newell Drive Crossing	Alternative 3: Reduced Buildout	Alternative 4: Watson Lane Reconfiguration
Total allowable non-residential area (square feet)	1,321,528	0	1,321,528	660,764	1,321,528
Change in total area compared to project (square feet)	n/a	-1,321,528	0	660,764	0
Total employees	1,650	0	1,650	825	1,650
Change in employee compared to project	n/a	-1,650	0	825	0

6.1 Alternative 1: No Project Alternative

6.1.1 Description

The No Project Alternative assumes that the project site is not annexed into the City of American Canyon and existing land uses and Napa County zoning and land use designations remain. Current uses on the sites would continue under this alternative. No additional development would be assumed on the project site nor within the city. In addition, the Newell Drive extension would not be constructed. This alternative would not accomplish any of the project objectives.

6.1.2 Impact Analysis

Under the No Project Alternative, the project site would not be annexed into the City and no buildout would occur. The No Project Alternative would avoid all the project's significant impacts as well as the need to implement any mitigation measures. While this Alternative would reduce all impacts, it would not advance any of the project objectives, including those related to promoting economic growth in American Canyon, promoting development that generates net positive tax revenues, creating employment opportunities, extended Newell Drive, and other project objectives.

6.2 Alternative 2: At-Grade Newell Drive Crossing

6.2.1 Description

Alternative 2 assumes that the Newell Drive extension would utilize an at-grade crossing instead of an overcrossing at the Union Pacific Railroad (UPRR) in the northeastern corner of the project site. An at-grade crossing would require approval from the California Public Utilities Commission pursuant to California Public Utilities Code Section 1201.

Development would occur with the same intensity and land uses as described in Section 2, *Project Description* and buildout totals would remain unchanged. Alternative 2 would increase the total

developable industrial and Town Center square footage, since an at-grade crossing requires less area, but this increase in development area would not be substantial and would not alter the programmatic analysis of this alternative. Therefore, the estimated change in square footage is not quantified.

Alternative 2 would achieve all project objectives while reducing the intensity of construction required for an overcrossing as compared to an at-grade crossing. In addition, an at-grade railroad crossing would cost less than a grade-separated crossing which makes extending Newell Drive more feasible. However, an at-grade crossing would reduce the utility of Newell Drive by halting traffic during times of railroad use. Buildout of Alternative 2 would result in the same buildout as the project (refer to Table 6-1) but would decrease construction intensity of the Newell Drive extension. Alternative 2 would accomplish all the project objectives.

6.2.2 Impact Analysis

a. Aesthetics

Alternative 2 would have slightly less aesthetics impacts because it results in less overhead roadway structure. Alternative 2 offers no change from the project with respect to the American Canyon Municipal Code and the General Plan goals and policies, which would be required for future development projects. Development would occur at a similar intensity and in the same location as the project and impacts to scenic vistas, scenic highways, and scenic quality, would remain the same under Alternative 2. Like the project, impacts to light and glare would be reduced with compliance with Mitigation Measure AES-1 and AES-2, which requires a lighting plan during construction and operation. Overall, the impacts on aesthetics would be reduced by Alternative 2. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

b. Agriculture and Forestry Resources

Neither the overcrossing for the project or the at-grade crossing for Alternative 2 would be located on agricultural or forestry lands. Alternative 2 would have the same no impact CEQA conclusion as the project.

c. Air Quality

Under Alternative 2, temporary construction-related air quality impacts from grading and construction would be reduced due to the reduced intensity of construction for an at-grade crossing compared to an overcrossing. Construction of an overcrossing requires more intensive construction activities and associated criteria air pollutants than an at-grade crossing. Nonetheless, long-term air quality impacts from building operation (energy usage, maintenance) would be the same as the project. Similarly, odor impacts from Alternative 2 would be similar to the impacts of the project. Mitigation Measures AQ-1, AQ-2, and AQ-3 would also be required under Alternative 2 to reduce construction-related criteria air pollutants impacts, as well as toxic air contaminant and particulate matter impacts. Overall, the impacts on air quality from construction would be reduced by Alternative 2. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

d. Biological Resources

Under Alternative 2, the intensity of development would remain the same as under the project but the intensity of construction for the Newell Drive overcrossing would be reduced. Ground disturbance would be reduced for Alternative 2 because an at-grade crossing would disturb less area than an overcrossing. Nonetheless, Alternative 2 would be expected to impact the same biological resources as the project (special status wildlife species, migratory birds, waters, and wildlife movement). Like the project, Mitigation Measures BIO-1 through BIO-7 would be required to reduce impacts from Alternative 2. Overall, the impacts on biological resources would be reduced by Alternative 2. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

e. Cultural Resources

Under Alternative 2, the intensity of development would remain the same as under the project but the intensity of construction for the Newell Drive overcrossing would be reduced. Ground disturbance would be reduced for Alternative 2 because an at-grade crossing would disturb less area than an overcrossing. Nonetheless, Alternative 2 would be expected to impact the same cultural resources as the project. Potential impacts to cultural resources or human remains would be addressed by the same regulations identified for the project, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the American Canyon Municipal Code. To further strengthen protection of cultural resources, implementation of Mitigation Measures CUL-1 through CUL-5 would be required for Alternative 2. Overall, the impacts on cultural resources would be reduced by Alternative 2. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

f. Energy

Alternative 2 would use less energy than the project because construction of an at-grade crossing would require less equipment and less fuel than an overcrossing. Operational energy use would remain the same as the project and would require the implementation of Mitigation Measures GHG-4 and GHG-5, which would improve energy efficiency and require use of carbon-free electric sources. Overall, Alternative 2 would have fewer energy impacts than the project and impacts would be reduced compared to the project. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

g. Geology & Soils

Under Alternative 2, the intensity of development would remain the same as under the project but the intensity of construction for the Newell Drive overcrossing would be reduced. Ground disturbance would be reduced for Alternative 2 because an at-grade crossing would disturb less area than an overcrossing. Under Alternative 2, construction or ground disturbance for development could expose and loosen soils and result in erosion. However, this would be slightly less of an impact compared to the project because Alternative 2 would disturb less soils and would require less ground disturbance.

There would be no difference in impacts between an at-grade crossing (Alternative 2) and an overcrossing (project) for impacts related to the buildout of future development. For the same reasons as the project, impacts on geology and soils (i.e., seismic impacts, expansive soils, liquefaction, paleontological resources) from the buildout of future development under Alternative

2 would be reduced to a less than significant level after application of existing regulations (including the California Building Code and the American Canyon Municipal Code) and Mitigation Measure GEO-1, GEO-2, and HYD-1. Overall, the impacts on geology soils would be reduced by Alternative 2 due to the reduced potential for erosion. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

h. Greenhouse Gas Emissions

Under Alternative 2, temporary construction-related greenhouse gas (GHG) emissions from grading and other construction would be lower than the project since an at-grade crossing would require a shorter construction duration. However, Alternative 2 would marginally increase GHG emissions from halted vehicles idling during railroad use at the crossing.

Long-term impacts from building operation (energy use, maintenance, and traffic) would be the same as the project. Like the project, Alternative 2 would require compliance with Mitigation Measures GHG-1 through GHG-5, which would require the implementation of GHG reduction measures. Overall, the impacts on GHG emissions would be reduced by Alternative 2 due to less intense construction. Nonetheless, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

i. Hazards and Hazardous Materials

There would be no difference in impacts between an at-grade crossing (Alternative 2) and an overcrossing (project) for impacts related to the transport, storage, and use of hazardous materials; hazards from existing contamination; and conflicts with an airport land use compatibility plan. Under Alternative 2, the transport, storage, and use of hazardous materials during construction and operation, such as paints and solvents, would be required to comply with existing hazardous material regulations, similar to the project. Sites containing existing or potential contamination would continue to require remediation and compliance with State and local regulations, as well as Mitigation Measure HAZ-1. Development facilitated by Alternative 2 would not result in a safety hazard for people residing or working in the area because development would occur in compliance with the Napa County Airport Land Use Compatibility Plan.

Alternative 2 evacuation and emergency response times would increase when emergency or vehicles evacuating during an emergency wait at an at-grade crossing for a train to cross Newell Drive. The American Canyon police and fire station are located south of the project site off Donaldson Way. If a train is crossing Newell Drive, responders from the police and fire station would be able to access the portion of the project site west of the railroad tracks, without having to cross the railroad tracks, using SR 29, Paoli Loop Road, Watson Lane, and the portion of the proposed Newell Drive located west of the railroad crossing. In the future, when Newell Drive is extended as part of the Watson Ranch Specific Plan, responders from the police and fire station would be able to access the portion of the project site east of the railroad tracks using Donaldson Way and the extended Newell Drive. In addition, the wait times from a railroad crossing would be relatively short. As such, while Alternative 2 would have greater impacts on hazards due to its impacts on emergency access, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

j. Hydrology and Water Quality

There would be no difference in impacts on hydrology and water quality between an at-grade crossing (Alternative 2) and an overcrossing (project). Like the project, Alternative 2 would be

required to comply to the same regulations related to hydrology and water quality and would also require the implementation of Mitigation Measures HYD-1 and HYD-2, which would require the implementation of a Storm Water Pollution Prevention Plan and Stormwater Control Plan. Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

k. Land Use and Planning

There would be no difference in impacts on land use and planning between an at-grade crossing (Alternative 2) and an overcrossing (project). Neither the at-grade crossing nor the overcrossing would divide an established community. In addition, there would be no substantial differences in inconsistencies with established plans between an at-grade crossing and overcrossing. Alternative 2 would have the same less than significant CEQA conclusion as the project.

l. Noise

Alternative 2 would result in temporary construction related noise and long-term operational noise. Short-term noise would be reduced for Alternative 2 compared to the project because the at-grade crossing would require less intense construction. For example, the at-grade crossing would not require pile driving. Alternative 2 would, therefore, reduce construction noise compared to the project. Due to the distance from the nearest sensitive receiver to the at-grade crossing (850 feet) and given that pile driving would not occur for Alternative 2, construction noise impacts would be less than significant and would not require the implementation of Mitigation Measure NOI-2. The impacts from construction of the future buildings would, however, be the same as the project and would require the implementation of Mitigation Measure NOI-1. Long-term noise for Alternative 2 would be the same as the project because both would include the same buildout and the same total increase in vehicle trips and because there would be no substantial difference in noise between an at-grade crossing and overcrossing. Like the project, Alternative 2 would require the implementation of Mitigation Measure NOI-3 to reduce potential operational noise impacts from stationary sources. Alternative 2 would result in less construction noise than the project and would result in less than significant impacts after mitigation.

m. Population and Housing

There would be no difference in impacts on population and housing between an at-grade crossing (Alternative 2) and an overcrossing (project). Like the project, Alternative 2 would not induce substantial population growth or displace substantial people or housing. Alternative 2 would have the same less than significant CEQA conclusion as the project.

n. Public Services and Recreation

Alternative 2 would result in the same emergency calls rate within the city and the same demand for schools, parks, libraries, recreational facilities, or other public services compared to the project. Alternative 2 would have the same impacts on public services and recreation as the project because it would result in the same magnitude of development.

Alternative 2 would have a greater impact on response times for police and fire services than the project overcrossing because police and fire vehicles would need to wait at an at-grade crossing when a train crosses Newell Drive. While police and fire vehicles would have to wait at the at-grade crossing, this would only occur for a short time and they could use alternative routes. Alternative 2

would have slightly greater impacts on public services but would have the same less than significant with mitigation CEQA conclusion as the project.

o. Transportation

There would be no difference in impacts on conflicts with policies or ordinances addressing the circulation system of VMT between an at-grade crossing (Alternative 2) and an overcrossing (project). VMT would not be affected by an at-grade crossing or an overcrossing because the crossing design would not increase trip lengths or frequency which are central variables in VMT measurements.

Alternative 2 could result in greater impacts related to increased hazards due to the at-grade crossing design, as well as emergency access. Alternative 2 increases hazards and reduce emergency access due to interaction between vehicles and moving trains. Alternative 2 would be comply with existing federal and state laws governing safety for at-grade crossings, including providing railway signals to avoid vehicle, bicycle, or pedestrian collisions. In addition, while emergency vehicles would have to wait at the at-grade crossing, this would only occur for a short time, and they could use alternative routes, depending on the emergency. As such, impacts from hazards due to a design feature and emergency access would be less than significant for Alternative 2. Overall, the impacts on transportation would be greater for Alternative 2. Nonetheless, Alternative 2 would have the same less than significant CEQA conclusion as the project.

p. Tribal Cultural Resources

Under Alternative 2, the intensity of development would remain the same as under the project but the intensity of construction for the Newell Drive overcrossing would be reduced. Ground disturbance would be reduced for Alternative 2 because an at-grade crossing would disturb less area than an overcrossing. Potential impacts on tribal cultural resources would be addressed by the same existing regulations identified for the project, as well as Mitigation Measures CUL-2, through CUL-5. Overall, the impacts on tribal cultural resources would be reduced by Alternative 2. Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

q. Utilities and Service Systems

There would be no difference in impacts on utilities and service systems between an at-grade crossing (Alternative 2) and an overcrossing (project). Alternative 2 would have the same demand on utilities as the project. Alternative 2 would have the same less than significant CEQA conclusion as the project.

r. Wildfire

Alternative 2 would increase emergency response times in the event of a wildfire because emergency vehicles and evacuating vehicles must wait at an at-grade crossing during a train crossing Newell Drive, whereas these vehicles would not have to wait when using the overcrossing for the project. While emergency vehicles would have to wait at the at-grade crossing, this would only occur for a short time and they could use alternative routes, depending on the emergency. Alternative 2 would have slightly greater impacts on wildfire, due to its impacts on emergency access. After application of existing regulations and Mitigation Measures WF-1 through WF-4, Alternative 2 would have the same less than significant with mitigation CEQA conclusion as the project.

6.3 Alternative 3: Reduced Buildout

6.3.1 Description

Alternative 3 assumes that buildout would decrease from 80 percent of the project site area to 40 percent. Alternative 3 estimated maximum buildout is shown in Table 6-2. Alternative 3 would reduce environmental impacts due to reduced construction. Alternative 3 would generate fewer employees than the project (refer to Table 6-1). Alternative 3 would configure Newell Drive the same as the project (i.e., an overcrossing over the UPRR). Alternative 3 would accomplish all the project objectives but to a lesser extent than the project.

Table 6-2 Estimated Maximum Buildout for Alternative 3

Land Use	Area (Square Feet)
Commercial	247,471
Industrial	348,444
Visitor-Serving/Hotel	94,849

6.3.2 Impact Analysis

a. Aesthetics

Alternative 3 would have slightly less aesthetics impacts because half the land area would be urbanized compared to the Project. Alternative 2 offers no change from the project with respect to the American Canyon Municipal Code and the General Plan goals and policies, which would be required for future development projects. Like the project, impacts to light and glare would be reduced with compliance with Mitigation Measure AES-1 and AES-2, which requires a lighting plan during construction and operation. Overall, the impacts on aesthetics would be reduced by Alternative 3. Nonetheless, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

b. Agriculture and Forestry Resources

Neither Alternative 3 or the project site would be located on agricultural or forestry lands. Alternative 3 would have the same no impact CEQA conclusion as the project.

c. Air Quality

Alternative 3 would result in temporary construction related air quality emissions and long-term air quality emissions from operation. Short-term emissions would be reduced for Alternative 3 compared to the project because the reduced buildout would require less intense construction. In addition, long-term emissions would be reduced for Alternative 3 compared to the project because the reduced buildout would result in fewer total vehicle trips. In addition, Alternative 3 would have fewer potential sources of toxic air contaminants. Mitigation Measures AQ-1, AQ-2, and AQ-3 would also be required under Alternative 3 to reduce air quality impacts, like the project. While Alternative 3 would result in lower air quality emissions than the project, Alternative 3 would have the less than significant with mitigation CEQA conclusion as the project.

d. Biological Resources

Under Alternative 3, the intensity of development would be lower, compared to the project and the intensity of construction, including ground disturbance would be reduced for Alternative 3. Nonetheless, Alternative 3 would be expected to impact the same biological resources as the project (special status wildlife species, migratory birds, waters, and wildlife movement). Like the project, Mitigation Measures BIO-1 through BIO-7 would be required to reduce impacts from Alternative 3. Overall, the impacts on biological resources would be reduced by Alternative 3. Nonetheless, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

e. Cultural Resources

Under Alternative 3, the intensity of development would be lower, compared to the project and the intensity of construction, including ground disturbance would be reduced for Alternative 3. Nonetheless, Alternative 3 would be expected to impact the same cultural resources as the project. Potential impacts to cultural resources or human remains would be addressed by the same regulations identified for the project, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the American Canyon Municipal Code. To further strengthen protection of cultural resources, implementation of Mitigation Measures CUL-1 through CUL-5 would be required for Alternative 3. Overall, the impacts on cultural resources would be reduced by Alternative 3. Nonetheless, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

f. Energy

Because Alternative 3 would be developed at the half of the intensity as the project, energy use for construction and operation of this alternative would be lower. Alternative 3 would comply with the same regulations identified for the project and would also require the implementation of Mitigation Measures GHG-4 and GHG-5, which would improve energy efficiency and require use of carbon-free electric sources. Overall, Alternative 3 would have a reduced energy impact, compared to the project. Nonetheless, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

g. Geology & Soils

Under Alternative 3, the intensity of development would be lower, compared to the project and the intensity of construction, including ground disturbance would be reduced for Alternative 3. Under Alternative 3, construction or ground disturbance for development could expose and loosen soils and result in erosion. However, this would be a reduced impact compared to the project because Alternative 3 would disturb less soils and would require less ground disturbance.

There would be no difference in impacts between this reduced buildout alternative (Alternative 3) and the project for impacts related to the buildout of future development. For the same reasons as the project, impacts on geology and soils (i.e., seismic impacts, expansive soils, liquefaction, paleontological resources) from the buildout of future development under Alternative 3 would be reduced to a less than significant level after application of existing regulations (including the California Building Code and the American Canyon Municipal Code) and Mitigation Measure GEO-1, GEO-2, and HYD-1. Overall, the impacts on geology soils would be reduced by Alternative 3 due to

the reduced potential for erosion. Nonetheless, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

h. Greenhouse Gas Emissions

Alternative 3 would result in temporary construction related GHG emissions and long-term GHG impacts from building operation (energy use, maintenance, and traffic). Short-term emissions would be reduced for Alternative 3 compared to the project because the reduced buildout would require less intense construction. In addition, long-term emissions would be reduced for Alternative 3 compared to the project because the reduced buildout would require less energy for the smaller buildings and would also result in fewer total vehicle trips that use fuel. Alternative 3 would comply with the same regulations and policies of the project and would also implement Mitigation Measures GHG-1 through GHG-5, which would require the implementation of GHG reduction measures. Overall, the impacts on GHG emissions would be reduced by Alternative 3 due to less intense construction and a reduced buildout. For the same reasons as the project, impacts on GHG emissions for Alternative 3 would be less than significant.

i. Hazards and Hazardous Materials

There would be no difference in impacts between Alternative 3 and the project for impacts related to the transport, storage, and use of hazardous materials; hazards from existing contamination; emergency response; and conflicts with an airport land use compatibility plan. Under Alternative 3, the transport, storage, and use of hazardous materials during construction and operation, such as paints and solvents, would be required to comply with existing hazardous material regulations, similar to the project. Sites containing existing or potential contamination would continue to require remediation and compliance with State and local regulations, as well as Mitigation Measure HAZ-1. Compliance with policies within the General Plan, the Napa County Hazard Mitigation Plan, the American Canyon Municipal Code, and applicable emergency response plans would ensure that development facilitated by Alternative 3 would not increase risk of exposure to hazardous materials and would not impair or interfere with implementation of evacuation or emergency response plans. Development facilitated by Alternative 3 would not result in a safety hazard for people residing or working in the area because development would occur in compliance with the Napa County Airport Land Use Compatibility Plan. Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

j. Hydrology and Water Quality

Under Alternative 3, hydrology and water quality impacts would be reduced compared to the project because Alternative 3 would reduce buildout area, which generates fewer impervious surfaces than the project. Nonetheless, Alternative 3 would be required to comply with the same regulations as the project. Potential impacts to hydrology and water quality would be addressed by complying with existing regulations, including the American Canyon Municipal Code. In addition, Alternative 3 would implement Mitigation Measures HYD-1 and HYD-2, which would require the implementation of a Storm Water Pollution Prevention Plan and Stormwater Control Plan. Overall, the impacts on hydrology and water quality from Alternative 3 would be reduced compared to the project. Nonetheless, Alternative 3 would have the same less than significant CEQA conclusion as the project.

k. Land Use and Planning

There would be no difference in impacts on land use and planning between Alternative 3 and the project. In addition, there would be no substantial differences in inconsistencies with established plans between Alternative 3 and the project. Alternative 3 would have the same less than significant CEQA conclusion as the project.

l. Noise

Alternative 3 would result in temporary construction related noise and long-term operational noise. Short-term noise would be reduced for Alternative 3 compared to the project because the reduced buildout would require less intense construction. In addition, long-term noise would be reduced for Alternative 3 compared to the project because the reduced buildout would result in fewer total vehicle trips and less operation of sources that could generate noise. Nonetheless, while Alternative 3 would result in less construction and operation noise, Alternative 3 would still require the implementation of Mitigation Measures NOI-1, NOI-2, and NOI-3. Like the project, Alternative 3 would result in less than significant noise impacts after mitigation. While Alternative 3 would result in lower noise than the project, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

m. Population and Housing

There would be no difference in impacts on population and housing between Alternative 3 or the project. Like the project, Alternative 3 would not induce substantial population growth or displace substantial people or housing. Alternative 3 would have the same less than significant CEQA conclusion as the project.

n. Public Services and Recreation

Due to the reduced buildout associated with Alternative 3, this alternative would result in fewer emergency calls and a reduced demand for police services, fire services, schools, parks, libraries, or other public services compared to the project. Overall, the impacts on public services and recreations from Alternative 3 would be reduced compared to the project. Nonetheless, Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

o. Transportation

Alternative 3 is expected to result in similar impacts related to consistency with circulation plans, hazards due to a design feature, and emergency access. In addition, Alternative 3 would generate fewer jobs than the project due to the reduced buildout. Because there would be fewer total jobs, then there would be fewer total vehicle trips and total VMT would be less than the VMT of the project. The VMT per employee for Alternative 3 is expected to be the same as the project because employees under both the project and Alternative 3 scenario are likely to have similar travel patterns (i.e., employees would travel to work from similar origin destinations). As such, VMT impacts for Alternative 3 would be the same as the project. Overall, the impacts on transportation from Alternative 3 would be the same as the project and Alternative 3 would have the same less than significant CEQA conclusion as the project.

p. Tribal Cultural Resources

Under Alternative 3, the development area would be reduced, compared to the project and the intensity of construction, including ground disturbance would be reduced for Alternative 3. Nonetheless, Alternative 3 would be expected to impact the same tribal cultural resources as the project. Potential impacts on tribal cultural resources would be addressed by Mitigation Measures CUL-2 through CUL-5. Overall, the impacts on tribal cultural resources would be reduced by Alternative 3. Nonetheless, Alternative 3 would have the same less than significant CEQA conclusion as the project.

q. Utilities and Service Systems

Due to the reduced buildout associated with Alternative 3, this alternative would result in a reduced demand on utilities, including water, wastewater, electricity, natural gas, telecommunications, and solid waste services. Overall, the impacts on utilities and service systems from Alternative 3 would be reduced compared to the project. Nonetheless, Alternative 3 would have the same less than significant CEQA conclusion as the project.

r. Wildfire

There would be no substantial difference in impacts between Alternative 3 and the project related to wildfire because both would result in buildout at the same location. The reduced buildout associated with Alternative 3 would not substantially change the potential wildfire impacts identified for the project. For the same reasons as the project, wildfire impacts from the buildout of future development under Alternative 3 would be reduced to a less than significant level after application of existing regulations and Mitigation Measures WF-1 through WF-4. Overall, the wildfire impact from Alternative 3 would be similar to the project. Alternative 3 would have the same less than significant with mitigation CEQA conclusion as the project.

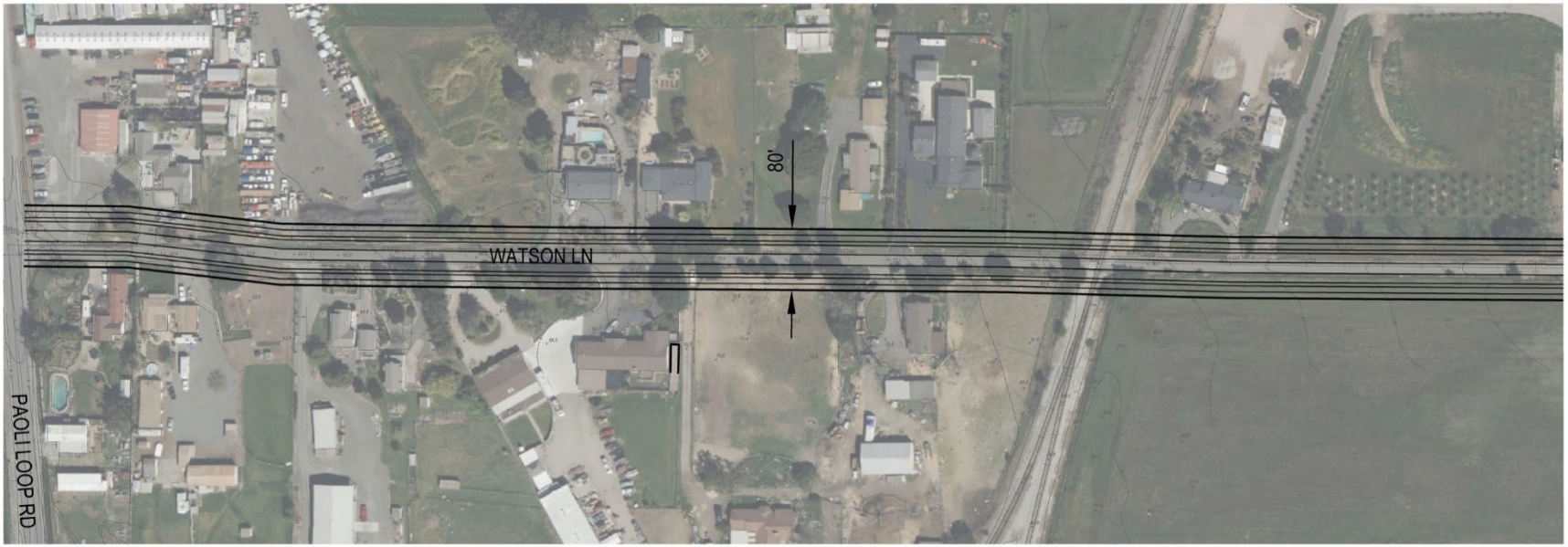
6.4 Alternative 4: Watson Lane Reconfiguration

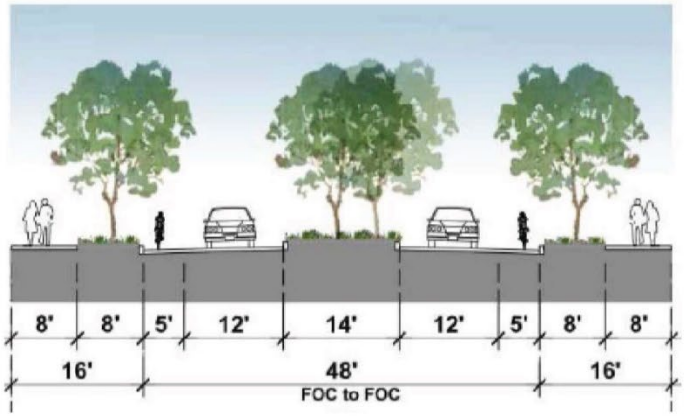
6.4.1 Description

Alternative 4 assumes that the Newell Drive extension would not extend north of Watson Lane, and that travelers would instead utilize Watson Lane and Paoli Loop Road for travel between Newell Drive and SR 29, and between Newell Drive and the planned extension of South Kelly Road. Alternative 4 would utilize an existing at-grade crossing of the UPRR tracks on Watson Lane, instead of an overcrossing.

Under Alternative 4, the existing at-grade crossing on Watson Lane would be modernized to accommodate increased travel. Improvements would include expanding Watson Lane to meet City standards for a major collector street, consistent with the planned configuration for the proposed Newell Drive extension, which requires an 80-foot right-of-way width to accommodate two motor vehicle lanes (one per direction), bicycle lanes, sidewalks and landscape strips on both sides, with a raised center median. Figure 6-1 shows the approximate width of the right-of-way that would be anticipated along Watson Lane under Alternative 4, including a focused view of the at-grade crossing.

Figure 6-1 Configuration of Watson Lane under Alternative 4







0 100 200
Feet
N

Source: GHD, 2/1/2023.

Additional improvements near the at-grade crossing for Alternative 4 would include providing railroad crossing gates and flashers, as well as raising the elevation of Watson Lane to reduce changes in elevation near the railroad tracks. Under existing conditions, the railroad tracks are approximately 8 feet higher than the adjacent portion of Watson Lane to the west of the tracks and approximately 2 feet higher than the adjacent portion of Watson Lane to the east of the tracks, with an abrupt change in elevation on Watson Lane near the tracks. To the west, Watson Lane continues to slope downward, with an estimated 2 percent downward slope towards Paoli Loop Road. The elevation of Watson Lane would thus be raised to provide a roughly level segment within 30 feet of edge of rail in both directions, consistent with applicable guidelines, and to provide gently sloping approaches for up to approximately 500 feet to the west of the tracks, and approximately 100 feet to the east of the tracks. The total extent of potential fill to raise the elevation of Watson Lane would extend approximately 670 feet (west to east).

Development would occur with the same intensity and land uses as described in Chapter 2, *Project Description,* and buildout totals would remain unchanged. Like Alternative 2, Alternative 4 would increase the total developable industrial and Town Center square footage, since elimination of the proposed grade-separated crossing requires less area, but this increase in development area would not be substantial and would not alter the programmatic analysis of this alternative. Therefore, the estimated change in square footage is not quantified.

Alternative 4 would achieve most of the project objectives while reducing the intensity of construction required for an overcrossing as compared to an at-grade crossing. Alternative 4 would not meet the objective of extending Newell Drive. Buildout of Alternative 2 would result in the same buildout as the project (refer to Table 6-1) but would decrease construction intensity related to the Watson Lane roadway reconfiguration.

6.4.2 Impact Analysis

a. Aesthetics

Alternative 4 would have slightly less aesthetics impacts because it results in less overhead roadway structure. Alternative 4 would not require the installation of the overcrossing over the UPRR railroad tracks. Alternative 4 offers no change from the project with respect to the American Canyon Municipal Code and the General Plan goals and policies, which would be required for future development projects. Development would occur at a similar intensity and in the same location as the project and impacts to scenic vistas, scenic highways, and scenic quality, would remain the same under Alternative 4. Like the project, impacts to light and glare would be reduced with compliance with Mitigation Measure AES-1 and AES-2, which requires a lighting plan during construction and operation. Overall, the impacts on aesthetics would be reduced by Alternative 4. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

b. Agriculture and Forestry Resources

Neither the Newell Drive extension for the project or the Watson Lane reconfiguration for Alternative 4 would be located on agricultural or forestry lands. Alternative 4 would have the same no impact CEQA conclusion as the project.

c. Air Quality

Under Alternative 4, temporary construction-related air quality impacts from grading and construction would be reduced due to the reduced intensity of construction for an at-grade crossing compared to an overcrossing. Construction of an overcrossing requires more intensive construction activities and associated criteria air pollutants than an at-grade crossing. However, Alternative 4 would still require intensive construction related to the roadway expansion of Watson Lane and the importing of fill to raise the elevation along 670 feet of Watson Lane. Long-term air quality impacts from building operation (energy usage, maintenance) would be the same as the project. Similarly, odor impacts from Alternative 4 would be similar to the impacts of the project. Mitigation Measures AQ-1, AQ-2, and AQ-3 would also be required under Alternative 4 to reduce construction-related criteria air pollutants impacts, as well as toxic air contaminant and particulate matter impacts. Overall, the impacts on air quality from construction would be reduced by Alternative 4. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

d. Biological Resources

Under Alternative 4, the intensity of development would remain the same as under the project but the intensity of construction for the roadway (Watson Lane reconfiguration instead of Newell Drive extension and overcrossing) would be reduced. The widening of Watson Lane to 80 feet and the at-grade UPRR crossing, would require less ground disturbance than the proposed Newell Drive extension. Ground disturbance for the Alternative 4 roadway would occur primarily within already developed areas, would avoid the crossing of North Slough, and would not inhibit wildlife movement. Nonetheless, Alternative 4 would be expected to impact similar biological resources as the project (special status wildlife species, migratory birds, waters, and wildlife movement). Like the project, Mitigation Measures BIO-1 through BIO-7 would be required to reduce impacts from Alternative 4. Overall, the impacts on biological resources would be reduced by Alternative 4. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

e. Cultural Resources

Under Alternative 4, the intensity of development would remain the same as under the project but the intensity of construction for the roadway would be reduced. The roadway improvements for Alternative 4 would require less ground disturbance than extension of Newell Drive and construction of an overcrossing. Additionally, ground disturbance for the Alternative 4 roadway would occur primarily within already developed areas and would avoid the crossing of North Slough. Nonetheless, Alternative 4 would be expected to impact similar cultural resources as the project. Potential impacts to cultural resources or human remains would be addressed by the same regulations identified for the project, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the American Canyon Municipal Code. To further strengthen protection of cultural resources, implementation of Mitigation Measures CUL-1 through CUL-5 would be required for Alternative 4. Overall, the impacts on cultural resources would be reduced by Alternative 4. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

f. Energy

Alternative 4 would use less energy than the project because construction of the Alternative 4 roadway would be reduced and would require less equipment and less fuel. Operational energy use would remain the same as the project and would require the implementation of Mitigation Measures GHG-4 and GHG-5, which would improve energy efficiency and require use of carbon-free electric sources. Overall, Alternative 4 would have fewer energy impacts than the project and impacts would be reduced compared to the project. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

g. Geology & Soils

Under Alternative 4, the intensity of development would remain the same as under the project but the intensity of construction for the Alternative 4 roadway would be reduced. Ground disturbance would be reduced for Alternative 4 because an at-grade crossing would disturb less area than an overcrossing. Under Alternative 4, construction or ground disturbance for development could expose and loosen soils and result in erosion. However, this would be less of an impact compared to the project because Alternative 4 would disturb less soils and would require less ground disturbance.

There would be no difference in impacts between an at-grade crossing at Watson Lane (Alternative 4) and an overcrossing at the Newell Drive extension (project) for impacts related to the buildout of future development. For the same reasons as the project, impacts on geology and soils (i.e., seismic impacts, expansive soils, liquefaction, paleontological resources) from the buildout of future development under Alternative 4 would be reduced to a less than significant level after application of existing regulations (including the California Building Code and the American Canyon Municipal Code) and Mitigation Measure GEO-1, GEO-2, and HYD-1. Overall, the impacts on geology soils would be reduced by Alternative 4 due to the reduced potential for erosion. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

h. Greenhouse Gas Emissions

Under Alternative 4, temporary construction-related GHG emissions from grading and other construction would be lower than the project since roadway construction duration would be shorter. However, Alternative 4 would marginally increase operational GHG emissions from halted vehicles idling during railroad use at the at-grade crossing.

Long-term impacts from building operation (energy use, maintenance, and traffic) would be the same as the project. Like the project, Alternative 4 would require compliance with Mitigation Measures GHG-1 through GHG-5, which would require the implementation of GHG reduction measures. Overall, the impacts on GHG emissions would be reduced by Alternative 4 due to less intense construction. Nonetheless, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

i. Hazards and Hazardous Materials

There would be no difference in impacts between an at-grade crossing at the Watson Lane reconfiguration (Alternative 4) and an overcrossing at the Newell Drive extension (project) for impacts related to the transport, storage, and use of hazardous materials; hazards from existing contamination; and conflicts with an airport land use compatibility plan. Under Alternative 4, the

transport, storage, and use of hazardous materials during construction and operation, such as paints and solvents, would be required to comply with existing hazardous material regulations, similar to the project. Sites containing existing or potential contamination would continue to require remediation and compliance with State and local regulations, as well as Mitigation Measure HAZ-1. Development facilitated by Alternative 4 would not result in a safety hazard for people residing or working in the area because development would occur in compliance with the Napa County Airport Land Use Compatibility Plan.

Under Alternative 4, emergency vehicles would periodically have to cross the at-grade railroad crossing at Watson Lane. There is already an existing at-grade crossing at Watson Lane; therefore, the conditions associated with Alternative 4 related to emergency vehicles crossing railroad tracks would not be substantially different compared to existing conditions. Nonetheless, compared to the project, Alternative 4 evacuation and emergency response times would be greater than the proposed overcrossing due to emergency vehicles having to potentially wait at an at-grade crossing for a train to cross Watson Lane. The American Canyon police and fire station are located south of the project site off Donaldson Way. If a train is crossing Watson Lane, responders from the police and fire station would be able to access the portion of the project site west of the railroad tracks, without having to cross the railroad tracks, using SR 29, Paoli Loop Road, and Watson Lane. In the future, when Newell Drive is extended as part of the Watson Ranch Specific Plan, responders from the police and fire station would be able to access the portion of the project site east of the railroad tracks using Donaldson Way and the extended Newell Drive. In addition, the wait times from a railroad crossing would be relatively short. As such, while Alternative 4 would have greater impacts on hazards due to its impacts on emergency access, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

j. Hydrology and Water Quality

Alternative 4 would have slightly reduced impacts on hydrology and water quality compared to the project because Alternative 4 would avoid the roadway crossing over North Slough. Nonetheless, like the project, Alternative 4 would be required to comply to the same regulations related to hydrology and water quality and would also require the implementation of Mitigation Measures HYD-1 and HYD-2, which would require the implementation of a Storm Water Pollution Prevention Plan and Stormwater Control Plan. Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

k. Land Use and Planning

Alternative 4 would require the widening of Watson Lane to 80 feet. This roadway widening would encroach on existing private properties and would require the take of portions of impacted properties. It is expected that this roadway widening would not require the displacement of residences located along Watson Lane; however, portions of those properties (i.e., driveways, yards, or landscaped areas) would need to be taken in order to accommodate the roadway widening envisioned by Alternative. In addition, the Alternative 4 roadway configuration would be inconsistent with the City's General Plan Circulation Element, which identifies the Newell Drive Extension.

Alternative 4 is not expected to result in the displacement of any residences and Watson Lane is an existing roadway. The take of properties associated with the Alternative 4 roadway is not expected to result in the division of an established community and Alternative 4 would have the same no CEQA impact as the project. The project would result in greater conflicts with the General Plan, due

to the Alternative 4's inconsistency with the Circulation Element. Nonetheless, this conflict would not result in any additional physical impacts on the environment beyond those already identified in this analysis. As such, Alternative 4 would have the same less than significant CEQA conclusion as the project.

While the CEQA impacts would remain the same, Alternative 4 is expected to result in more land use impacts than the project due to the fact that Alternative 4 would require the take of properties.

l. Noise

Alternative 4 would result in temporary construction related noise and long-term operational noise. Long-term noise for Alternative 4 would be the same as the project because both would include the same buildout and the same total increase in vehicle trips. There would be no substantial difference in noise between an at-grade crossing at Watson Lane and an overcrossing at the Newell Drive extension. Like the project, Alternative 4 would require the implementation of Mitigation Measure NOI-3 to reduce potential operational noise impacts from stationary sources and would result in a less than significant with mitigation impact (for long-term impacts). Short-term construction noise impacts would be greater for Alternative 4 compared to the project. While Alternative 4 would result in less intense construction (i.e., Alternative 4 would not require pile driving), construction for Alternative 4 would occur closer to sensitive receivers than for the project. Residences along Watson Lane would be located adjacent to where construction for the Alternative 4 roadway would occur. Alternative 4 would implement Mitigation Measure NOI-1 to reduce construction noise. Like the project, Alternative 4 is expected to reduce construction impacts to a less than significant level after mitigation; however, due to the proximity of construction to sensitive receivers, Alternative 4 would have a greater noise impact during construction than the project.

m. Population and Housing

There would be no difference in impacts on population and housing between Alternative 4 and the project. Like the project, Alternative 4 would not induce substantial population growth or displace substantial people or housing. Alternative 4 would have the same less than significant CEQA conclusion as the project.

n. Public Services and Recreation

Alternative 4 would result in the same emergency calls rate within the city and the same demand for schools, parks, libraries, recreational facilities, or other public services compared to the project. Alternative 4 would have the same impacts on public services and recreation as the project because it would result in the same magnitude of development.

Alternative 4 would have a greater impact on response times for police and fire services than the project overcrossing because police and fire vehicles would need to wait at an at-grade crossing when a train crosses Watson Lane. While police and fire vehicles would have to wait at the at-grade crossing, this would only occur for a short time, and they could use alternative routes. Alternative 4 would have slightly greater impacts on public services but would have the same less than significant with mitigation CEQA conclusion as the project.

o. Transportation

Alternative 4 would include a reconfiguration of Watson Lane instead of the proposed Newell Drive extension. This would conflict with the City's existing General Plan Circulation Element, which

identifies the Newell Drive Extension. The project would result in greater conflicts with the General Plan, due to the Alternative 4's inconsistency with the Circulation Element. Nonetheless, this conflict would not result in any additional physical impacts on the environment beyond those already identified in this analysis. As such, Alternative 4 would have the same less than significant CEQA conclusion as the project related to consistency with plans. VMT would not be affected by an at-grade crossing or an overcrossing because the crossing design would not increase trip lengths or frequency which are central variables in VMT measurements.

Alternative 4 could result in greater impacts related to increased hazards due to the at-grade crossing design, as well as emergency access. Alternative 4 increases hazards and reduced emergency access due to interaction between vehicles and moving trains. Alternative 4 would comply with existing federal and state laws governing safety for at-grade crossings, including providing railway signals to avoid vehicle, bicycle, or pedestrian collisions. In addition, while emergency vehicles would have to wait at the at-grade crossing, this would only occur for a short time, and they could use alternative routes, depending on the emergency. As such, impacts from hazards due to a design feature and emergency access would be less than significant for Alternative 4. Overall, the impacts on transportation would be greater for Alternative 4. Nonetheless, Alternative 4 would have the same less than significant CEQA conclusion as the project.

p. Tribal Cultural Resources

Under Alternative 4, the intensity of development would remain the same as under the project but the intensity of construction for the roadway would be reduced. The roadway improvements for Alternative 4 would require less ground disturbance than extension of Newell Drive and construction of an overcrossing. Additionally, ground disturbance for the Alternative 4 roadway would occur primarily within already developed areas and would avoid the crossing of North Slough. Potential impacts on tribal cultural resources would be addressed by the same existing regulations identified for the project, as well as Mitigation Measures CUL-2, through CUL-5. Overall, the impacts on tribal cultural resources would be reduced by Alternative 4. Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

q. Utilities and Service Systems

There would be no difference in impacts on utilities and service systems between Alternative 4 and the project. Alternative 4 would have the same demand on utilities as the project. Alternative 4 would have the same less than significant CEQA conclusion as the project.

r. Wildfire

Alternative 4 would increase emergency response times in the event of a wildfire because emergency vehicles and evacuating vehicles must wait at an at-grade crossing during a train crossing Watson Lane, whereas these vehicles would not have to wait when using the overcrossing for the project. While emergency vehicles would have to wait at the at-grade crossing, this would only occur for a short time and they could use alternative routes, depending on the emergency. Alternative 4 would have slightly greater impacts on wildfire, due to its impacts on emergency access. After application of existing regulations and Mitigation Measures WF-1 through WF-4, Alternative 4 would have the same less than significant with mitigation CEQA conclusion as the project.

6.5 Alternatives Considered but Rejected

This section summarizes those alternatives considered, but ultimately rejected for inclusion in the analysis as they would not meet most of the project objectives, would not substantially reduce impacts compared to the proposed project, or were determined to be infeasible.

The City considered an alternative that would include residential development on the project site. However, this alternative would conflict with allowable uses within Zone D of the Napa County Airport Land Use Compatibility Plan, as discussed in Section 4.9, *Hazards and Hazardous Materials*. Therefore, this scenario was rejected from further consideration.

The City considered annexing the project site, but not changing land use designations, such that the northern portion designated for agriculture, as shown on Figure 2-3 in Section 2, *Project Description*, would remain in agricultural use instead of being converted to industrial uses. This alternative was rejected considering that the land had no historically been used for agriculture and surrounding land uses were already in industrial use. Additionally, this alternative would not serve the project objectives.

6.6 Environmentally Superior Alternative

CEQA requires identification of the environmentally superior alternative among the alternatives to the proposed project. The environmentally superior alternative must be an alternative that reduces some of the project's environmental impacts, regardless of the financial costs associated. Identification of the environmentally superior alternative is an informational procedure and the alternative identified as the environmentally superior alternative may not be that which best meets the goals or needs of the proposed project. Table 6-3 indicates whether each alternative's environmental impact is greater than (in red), less than (in green), or similar to that of the project for each of the issue areas studied.

Based on the analysis of alternatives in this section, the No Project Alternative is the environmentally superior alternative as it would lessen the severity of every impact of the project. However, this alternative would not meet the project objectives, including those related to facilitating the development of land planned for business park/industrial uses to its highest and best use; positively contributing to the local economy; providing the City of American Canyon with a high-quality, employment-generating industrial development; serving local and regional demand for manufacturing, logistics warehouse, and other industrial uses; and extending Newell Drive to augment north-south travel parallel to SR 29. Finally, it should be noted that the northern portions of the project site are planned for industrial use by the Napa County General Plan. Taken together with the need to extend Newell Drive, should the proposed project not advance, it would be expected that another industrial development proposal would be submitted.

If the No Project Alternative is determined to avoid or reduce more impacts than any other alternative, CEQA requires that the EIR identify an environmentally superior alternative among the other alternatives (*CEQA Guidelines* Section 15126.6[e]). Of the other alternatives evaluated in this EIR, Alternative 3 would be the environmentally superior alternative.

Second to the No Project Alternative, Alternative 3 is the environmentally superior alternative as it would reduce the severity of 12 impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, noise, public services and recreation, tribal cultural resources, and utilities and service systems) compared to the

project. Alternative 3 would meet the project objectives identified in Section 2, *Project Description*, as it would provide additional acreage for industrial uses and facilitate development of the Newell Drive extension. However, it should be noted that Alternative 3 would meet the project objectives to a reduced extent because it would provide lower buildout opportunities.

Like Alternative 3, Alternative 2 would generally result in similar or incrementally decreased environmental impacts compared to the project and meet all project objectives. Alternative 2 would reduce the severity of nine impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, noise, tribal cultural resources) due to reduced construction intensity. However Alternative 2 would increase the severity of four impacts (hazards, public services, transportation, and wildfire) due to potential conflicts between evacuating and emergency vehicles and train traffic. In addition, Alternative 2 may not be feasible depending on coordination with UPRR and the CPUC. Coordination with UPRR and the CPUC would be required for either an at-grade crossing or an overcrossing; however, both the UPRR and the CPUC prefer implementing overcrossings instead of at-grade crossings due to safety and other reasons.

In comparing the proposed project and Alternatives 2 through 4, Alternative 4 would result in the greatest environmental impacts. Alternative 4 would reduce the severity of eight impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, and tribal cultural resources) due to reduced construction intensity. While the Watson Lane roadway widening for Alternative 4 would have reduced construction intensity compared to the project, the roadway widening for Alternative 4 would have a greater construction intensity compared to the at-grade crossing for Alternative 2. This is due to the fill that would be required for the Watson Lane at-grade crossing, in order to raise the elevation along 670 feet of Watson Lane. Alternative 4 would increase the severity of impacts for six environmental resources. Like the at-grade crossing for Alternative 2, the at-grade crossing along Watson Lane associated with Alternative 4 would increase the severity of hazards, public services, transportation, and wildfire due to potential conflicts between evacuating and emergency vehicles and train traffic. Alternative 4 would also increase the impacts for land use and planning due to Alternative 4's inconsistency with the existing General Plan Circulation Element, which identifies the Newell Drive extension as the proposed roadway alignment. Alternative 4 would also result in greater construction noise impacts due to the increased proximity of construction to residences. Furthermore, unlike the proposed project or Alternative 2 and 3, Alterative 4 would require the take of portions of private residences located along Watson Lane. For all these reasons, Alternative 4 would result in the greatest environmental impacts.

Table 6-3 Comparison of Alternative's Impacts

Issue	Project	Alternative 1: No Project	Alternative 2: At-Grade Newell Drive Crossing	Alternative 3: Reduced Buildout	Alternative 4: Watson Lane Reconfiguration
Aesthetics	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Agricultural and Forestry Resources	NI	NI (+)	NI (=)	NI (=)	NI (=)
Air Quality	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Biological Resources	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Cultural Resources	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Energy	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Geology and Soils	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Greenhouse Gas Emissions	SU	NI (+)	SU (+)	SU (+)	SU (+)
Hazards and Hazardous Materials	LTSM	NI (+)	LTSM (-)	LTSM (=)	LTSM (-)
Hydrology and Water Quality	LTS	NI (+)	LTS (=)	LTS (+)	LTS (+)
Land Use and Planning	LTS	NI (+)	LTS (=)	LTS (=)	LTS (-)
Noise	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (-)
Population and Housing	LTS	NI (+)	LTS (=)	LTS (=)	LTS (=)
Public Services and Recreation	LTSM	NI (+)	LTSM (-)	LTSM	LTSM (-)
Transportation	LTS	NI (+)	LTS (-)	LTS (=)	LTS (-)
Tribal Cultural Resources	LTSM	NI (+)	LTSM (+)	LTSM (+)	LTSM (+)
Utilities and Service Systems	LTS	NI (+)	LTS (=)	LTS (+)	LTS (=)
Wildfire	LTSM	NI (+)	LTSM (-)	LTSM (=)	LTSM (-)

NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with Mitigation; SU = Significant and Unavoidable

Green: + Superior to the proposed project (reduced level of impact)

Red: - Inferior to the proposed project (increased level of impact)

No color: = Similar level of impact to the project

7 References and List of Preparers

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7.2 List of Preparers

This EIR was prepared by the City of American Canyon, with the assistance of Rincon Consultants, Inc. and GHD. Consultant staff involved in the preparation of the EIR are listed below.

RINCON CONSULTANTS, INC.

Darcy Kremin, Director-in-Charge
Leo Mena, Senior Environmental Planner, Project Manager
Jesse Voremberg, Environmental Planner, Assistant Project Manager
David Brodeur, Planner
Ethan Knox, Environmental Planner
Josh Carman, Director
Lucas Carneiro, Environmental Planner
Destiny Breneisen, Environmental Planner
Christian Knowlton, Biologist
Kristin Asmus, Senior Biologist and Senior Project Manager
Matt Gonzalez, Archaeologist
JulieAnn Murphy, Senior Architectural Historian
Andrew McGrath, Paleontologist
Virginia Dussel, Environmental Planner
Antonia Davetas, Planner
Gina Gerlich, GIS Analyst
Chris Jackson-Jordan, GIS Analyst
Luis Apolinar, Publishing Specialist

GHD

Colin Burgett, Senior Project Manager
Jill Hough, Travel Demand Modeling Lead
Todd Tregenza, Project Director
Paige Thornton, GIS/Modeling

Appendix A

Notice of Preparation and Scoping Comments Received

NOTICE OF PREPARATION

City of American Canyon Paoli/Watson Lane Annexation

Date: September 7, 2022

To: Reviewing Agencies, Interested Parties, and Organizations

Subject: Notice of Preparation of a Draft Environmental Impact Report for the City of American Canyon Paoli/Watson Lane Annexation Project

The City of American Canyon (City) intends to annex into the City, property within its Sphere of Influence (SOI) off Paoli Loop and Watson Lane. The City has determined that a Program Environmental Impact Report (EIR) will be necessary to evaluate environmental impacts of the annexation pursuant to the California Environmental Quality Act (CEQA). In compliance with CEQA, the City will be the Lead Agency and will prepare the Program EIR. The City is requesting comments and guidance on the scope and content of the Program EIR from responsible and trustee agencies, interested public agencies, organizations, and the general public (CEQA Guidelines Section 15082).

This Notice of Preparation (NOP) provides a summary of the proposed annexation; includes the City's preliminary identification of the potential environmental issues to be analyzed in the Program EIR; and provides information on how to comment on the scope of the Program EIR.

Notice of Preparation Public Review Period: September 7, 2022 to October 7, 2022

The City requests your careful review and consideration of this notice, and it invites any and all input and comments from interested agencies, persons, and organizations regarding the preparation of the Program EIR. Comments and responses to this notice must be in writing and submitted to the Lead Agency Contact through October 7, 2022 at 4:00 p.m. If applicable, please indicate a contact person for your agency or organization. If your agency is a responsible agency as defined by CEQA Guidelines Section 15381, your agency may use the environmental documents prepared by the City when considering permits or approvals for action regarding the project.

Lead Agency Contact
Sean Kennings, LAK Associates
PO Box 7043
Corte Madera, CA 94976
sean@lakassociates.com

Written Comments: Please submit written comments within 30 days of the date of this notice to Sean Kennings by 4:00 p.m. on October 7, 2022:

- Email: sean@lakassociates.com
- Regular Mail: Sean Kennings, LAK Associates, PO Box 7043, Corte Madera, CA 94976

Public Scoping Meeting: The City will hold a virtual scoping meeting to provide an opportunity for agency staff and interested members of the public to submit written and oral comments on the scope of the environmental issues to be addressed in the Program EIR. The scoping meeting will be held on **September 21, 2022 at 2:00 p.m.** To attend the scoping meeting, go to https://zoom.us/join.

Webinar ID: 878 5777 9430

Passcode: 437335

Dial: (408) 638 0968

The scoping presentation will be available to view on: https://www.cityofamericancanyon.org/government/city-hall/city-clerk/meetings-agendas.

Project Background: The City must complete a comprehensive environmental review consistent with the California Environmental Quality Act (CEQA) as part of the Napa County Local Agency Formation Commission (LAFCO) application to annex approximately 83 acres of the Sphere of Influence (SOI) into City limits. A map of the project's regional location is included as Figure 1.

Project Location: The proposed annexation site is surrounded by City limits to the east, west, and south.

East: Future Watson Ranch and existing agricultural uses east of the Union Pacific Railroad (UPRR).

West: Paoli Loop Road and State Route (SR) 29. Industrial uses are located west of SR 29.

South: Union Pacific Railroad (UPRR) right-of-way and vacant mixed residential/commercial uses.

North: Former vineyard property in unincorporated Napa County.

The project location and surrounding jurisdictional boundaries are shown in Figure 2.

Proposed Project: The project contemplates amending the City's General Plan and zoning ordinance prior to submitting the Napa County LAFCO annexation application.

General Plan Land Use Designations and Pre-Zoning

Several parcels are anticipated to be redesignated by the General Plan to an urban land use as part of this project. The list below identifies each proposed specific land use designation.

- Approximately 47 acres currently designated Agriculture would be changed to Industrial and Residential Estate (RE).
- The City previously designated and pre-zoned 5.5 acres east of the UPRR in the northeast section as Town Center (TC). The TC designation and pre-zoning accommodates a variety of residential and commercial uses. This project does not propose to change the current TC General Plan designation and pre-zoning. This property is also anticipated to accommodate an extension of Newell Drive as described further in the NOP.
- Approximately 28 acres designated RE would be pre-zoned as such, which would accommodate residences with a minimum lot size of one acre. These parcels are located off Watson Lane with existing residential uses. The RE pre-zoning is consistent with Napa County's current policy to not induce additional residential development beyond existing conditions because the area is located within Zone "D" of the Napa County Airport Land Use Compatibility Plan.
- The approximately 34 acres designated as Industrial would be pre-zoned as Paoli Light Industrial (PLI), which would be a new zoning designation that accommodates existing and new light manufacturing uses, research and development, offices, or similar uses. The Industrial land west of the North Slough would be further pre-

zoned with a PLI Commercial Overlay District. The Overlay District would accommodate industrial uses plus commercial and commercially-related uses that capitalize on vehicle access and visibility from SR 29.

- Immediately west of the annexation area, four acres between SR 29 and Paoli Loop Road currently zoned as Light Industrial (LI) would be rezoned as PLI with a Paoli Commercial Overlay District.

Figure 3 shows the existing land use designations. Figure 4 shows the proposed land use designations. The proposed pre-zoning is shown in Figure 5. The parcels designated as Industrial would be subdivided.

Project Buildout

The annexation area would ultimately be developed for commercial, industrial, and visitor-serving/hotel use. For the purposes of analysis in this EIR, it is conservatively assumed that 80 percent of parcels pre-zoned for PLI, PLI with Paoli Commercial Overlay, and TC would be developed for commercial, industrial, and visitor-serving/hotel uses. The remaining 20 percent accounts for front setbacks, right-of-way for construction of the proposed Newell Drive extension, including an overcrossing at the railroad, and a biological resources buffer around North Slough. Parcels pre-zoned for RE were assumed to be developed at a density of one dwelling unit per acre, pursuant to City of American Canyon Municipal Code Chapter 19.10. Estimated buildout is summarized below:

Estimated Maximum Buildout

Land Use	Additional Development (Square Feet)
Residential	N/A
Commercial	494,942
Industrial	696,888
Visitor-Serving/Hotel	189,698

Newell Drive Alignment

The City would extend Newell Drive approximately one mile from SR 29 southeast along the northern boundary of the annexation area to its planned terminus at the northern limits of Watson Ranch. The Newell Drive extension would cross the UPRR tracks via an overcrossing. The Newell Drive extension would provide a parallel roadway east of SR 29 to relieve chronic peak-period traffic congestion and additional roadway capacity in the event of an emergency that blocks SR-29. The Newell Drive extension is shown in relation to the annexation area in Figure 6.

Pre-Annexation Agreement

In June 2019, the American Canyon City Council adopted Resolution 2019-44 to execute a First Amended Pre-Annexation Agreement for the annexation area. The resolution notes that the annexation area includes continuous parcels to avoid creating an “island” of unincorporated territory surrounded by the City. The islands being referred to include the UPRR right-of-way in the southeastern section of the annexation area and the area to the east of the UPRR. The resolution includes a clause that mentions dedication of a public right-of-way to extend Newell Drive, as discussed above.

Napa County LAFCO Approval

In accordance with State Law, Napa County LAFCO has approval authority over the City’s annexation application. Napa County LAFCO requires preparation of CEQA documentation prior to annexation and identifies five additional issue areas of local interest to address in the CEQA documentation. These include cumulative and regional impacts, impacts to public services, conversion of prime agricultural lands, consistency with general and specific plans, and availability of affordable housing.

Project Alternatives: The Program EIR will evaluate a reasonable range of project alternatives that, consistent with CEQA, meet most of the project objectives and reduce or avoid potential environmental effects, including a required No Project Alternative.

Potential Environmental Effect Areas: The Program EIR will describe the reasonably foreseeable and potentially significant adverse effects of the project (both direct and indirect). The Program EIR also will evaluate the cumulative impacts of the project when considered in conjunction with other related past, present, and reasonably foreseeable future projects. The City preliminarily anticipates that the project could result in potentially significant environmental impacts in the following topic areas, which will be further evaluated in the Program EIR.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Cumulative Effects
- Growth Inducing Effects

When the Draft Program EIR is completed, it will be available for review at the City's offices located at 4381 Broadway Street, Suite 201, American Canyon, California 94503 and online at: https://www.cityofamericancanyon.org/government/community-development/development-projects.

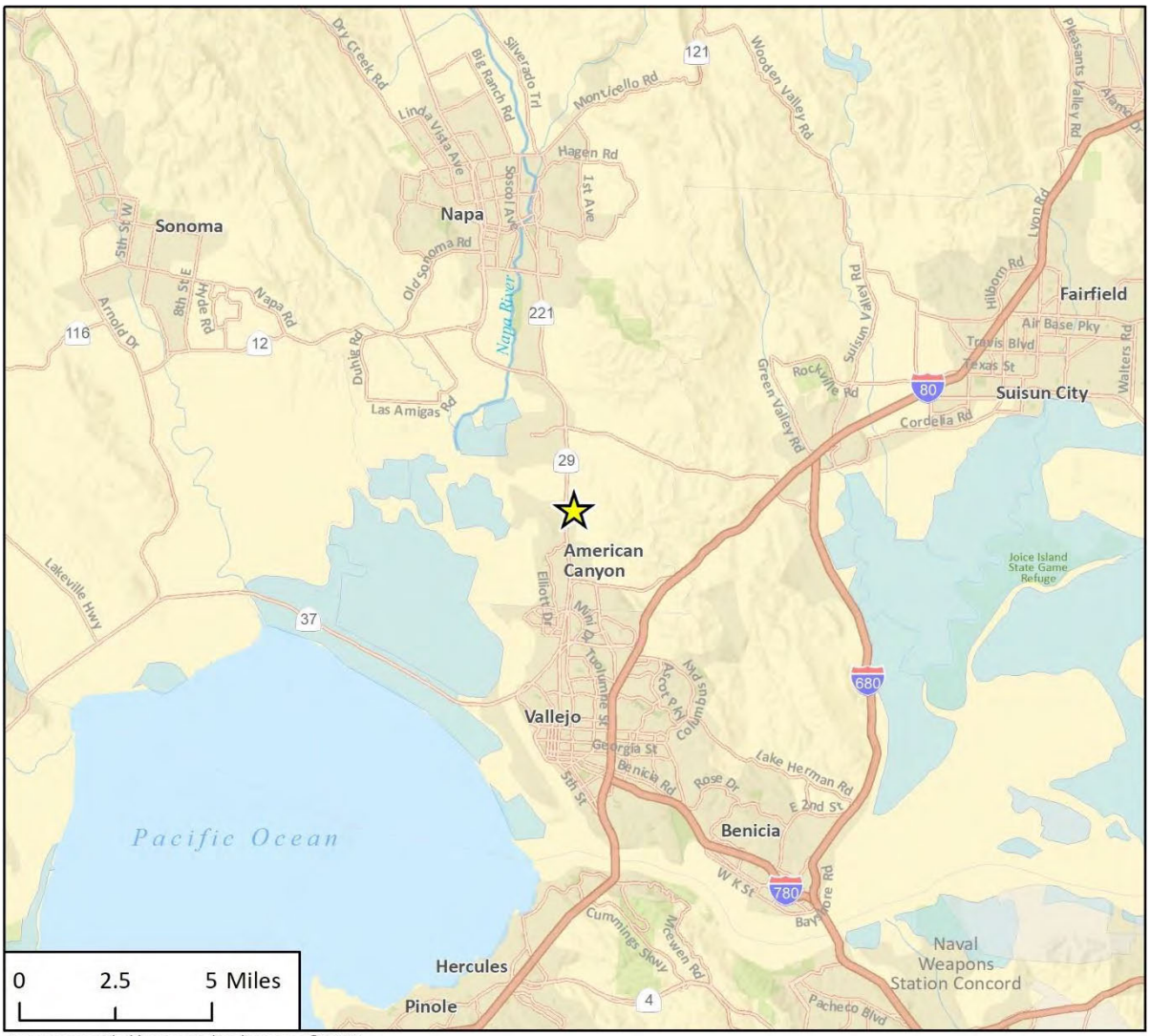
The City will issue a Notice of Availability of a Draft Program EIR at that time to inform the public and interested agencies, groups, and individuals of how to access the Draft Program EIR and provide comments. If you have questions regarding this NOP or the scoping meeting, please contact Sean Kennings, LAK Associates, at (415) 533-2111 or via email at sean@lakassociates.com.



Brent Cooper, AICP, Community Development Director

September 7, 2022
Date

Figure 1 Regional Location



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Project Location

N

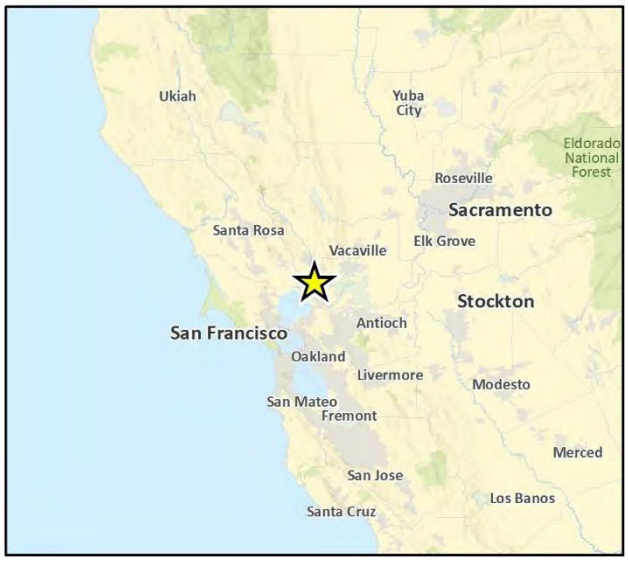


Figure 2 Project Location

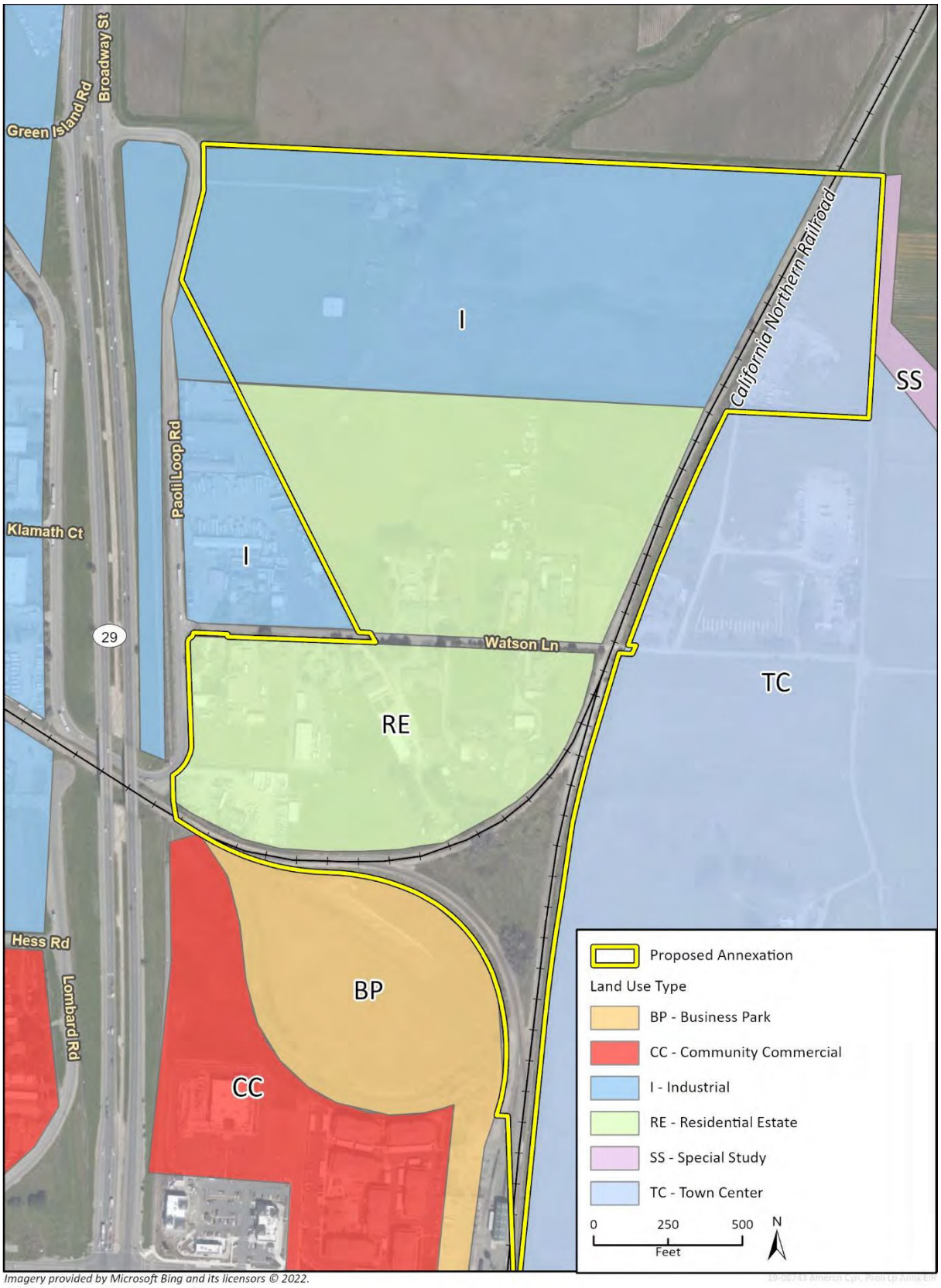


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Additional data provided by County of Napa, 2022.

Figure 3 Existing City of American Canyon Land Use Designations

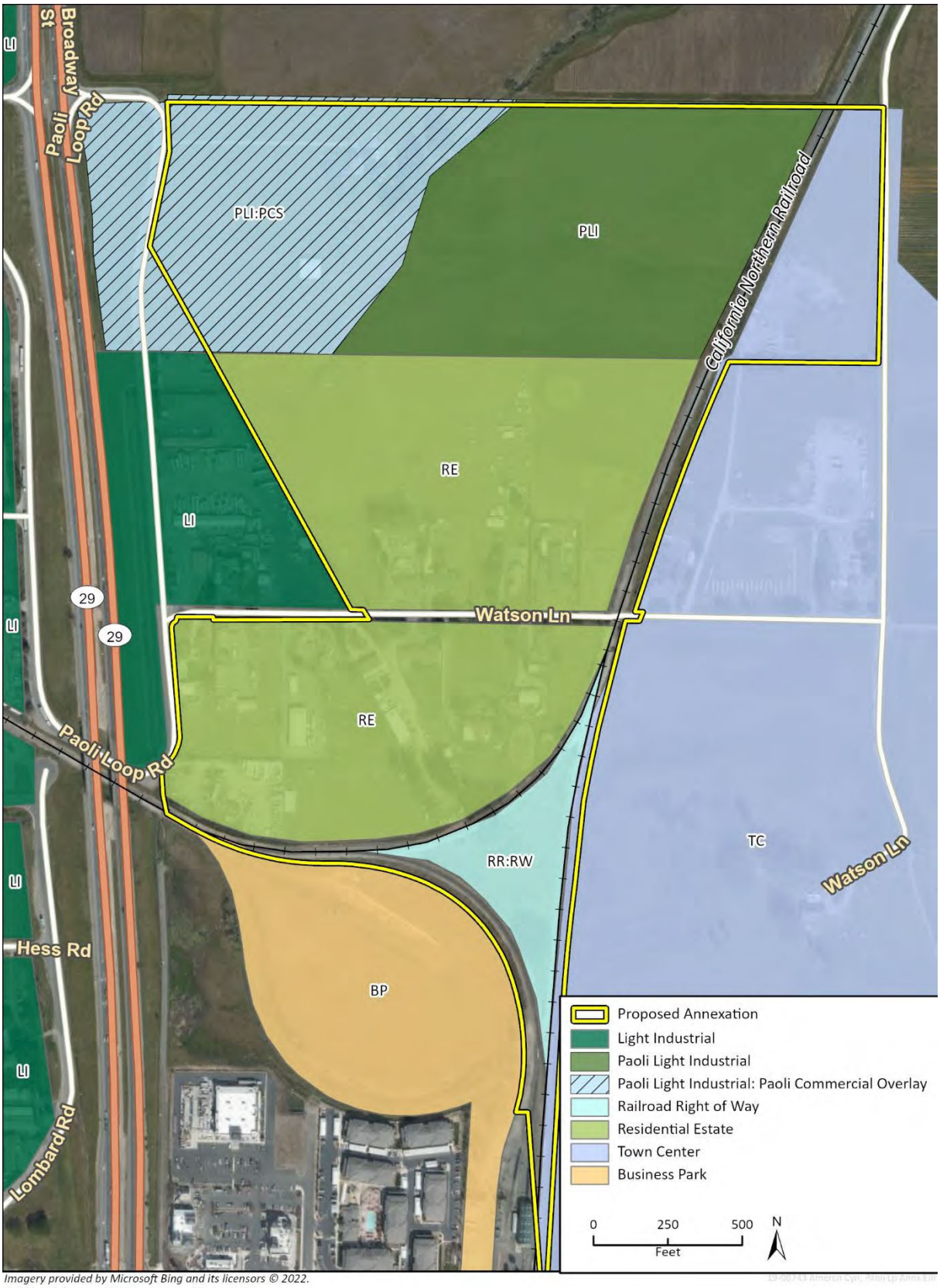


Figure 4 Proposed General Plan Land Use Designations



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Figure 5 Proposed Pre-Zoning



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Figure 6 Proposed Newell Drive Alignment



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Additional data provided by County of Napa, 2022.

Letter 1

From: [redacted]
To: [redacted]
Subject: FW: [EXT] FW: Paoli/Watson Lane Annexation Project
Date: Wednesday, September 14, 2022 11:28:45 AM

[redacted]
Sent: Monday, September 12, 2022 11:21 AM
[redacted]
Subject: [EXT] FW: Paoli/Watson Lane Annexation Project

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

From: Luo, Yunsheng@DOT <Yunsheng.Luo@dot.ca.gov>
Sent: Monday, September 12, 2022 11:12 AM
To: sean@lakassociates.com
Subject: Paoli/Watson Lane Annexation Project

Good morning Sean,

Hope this email finds you well. Caltrans is reviewing the NOP for the Paoli/Watson Lane Annexation project. I am wondering if a TIA/TIS has been prepared for this project?

Thank you!

Best,

Yunsheng Luo
Associate Transportation Planner
Local Development Review (LDR), Caltrans D4
Work Cell: 510-496-9285
For early coordination and project circulation, please reach out to ***LDR-D4@dot.ca.gov***

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter 2

October 4, 2022

Sean Kennings
City of American Canyon
Post Office Box 7043
Corte Madera, CA 94976
sean@lakassociates.com

Subject: Paoli/Watson Lane Annexation Project, Notice of Preparation of a Program Environmental Impact Report, SCH No. 2022090097, City of American Canyon, Napa County

Dear Mr. Kennings:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Program Environmental Impact Report (EIR) for the Canyon Paoli/Watson Lane Annexation Project (Project).

CDFW is providing the City of American Canyon (City), as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project will annex 83 acres within the City's Sphere of Influence off of Paoli Loop and Watson Land into American Canyon city limits. This would result in rezoning of several parcels to an urban land use, including 47 acres currently designated as Agricultural land to be changed to Industrial and Residential Estate land. The Project would also extend Newell Drive approximately one mile from State Route 29, southeast along the northern boundary of the annexation area, to its planned terminus at the northern limits of Watson Ranch.

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The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description:

- Land use changes resulting from, for example, rezoning certain areas.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

The NOP identifies that the EIR will be a Program EIR. While Program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the EIR. Future analysis should include all special-status species and sensitive habitat including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

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When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, such as those identified in **Attachment 1**, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Nesting Birds

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected species, including any listed in **Attachment 1,** may not be taken or possessed at any time except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

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Lake and Streambed Alteration Agreement

CDFW will require an LSA Notification, pursuant to Fish and Game Code sections 1600 et. seq. for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

ENVIRONMENTAL SETTING

The EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include but are not limited to those listed in **Attachment 1**.

Habitat descriptions and the potential for species occurrence should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols

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if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrological conditions, and require the identification of reference populations. More than one year of surveys may be necessary based on environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to special status plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

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Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the EIR, and/or mitigate significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNNDB online field survey form and other methods for submitting data can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plantsand-Animals.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

If you have any questions, please contact Alicia Bird, Environmental Scientist, at (707) 980-5154 or Alicia.Bird@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species

ec: State Clearinghouse # 2022090097
Darcy Kremin, Rincon Consultants, Inc., dkremin@rinconconsultants.com

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Attachment 1: Special-Status Species

Species Name	Common Name	Status
Fish		
Hypomesus transpacificus	Delta smelt	SE, FT
Spirinchus thaleichthys	Longfin smelt	ST
Oncorhynchus mykiss irideus pop. 8	Central California Coast steelhead	FT
Acipenser mediostris	Southern Distinct Population Segment (DPS) green sturgeon	FT
Lampetra ayersi	Western river lamprey	SSC
Pogonichthys macrolepidotus	Sacramento Splittail	SSC
Birds		
Buteo swainsoni	Swainson's hawk	ST
Agelaius tricolor	Tricolored blackbird	ST
Elanus leucurus	White-tailed kite	FP
Falco peregrinus anatum	American peregrine falcon	FP
Aquila chrysaetos	Golden eagle	FP, BGEPA
Athene cunicularia	Burrowing owl	SSC
Geothlypis trichas sinuosa	Saltmarsh common yellowthroat	SSC
Melospiza melodia samuelis	San Pablo song sparrow	SSC
Circus hudsoniusl	Northern harrier	SSC
Amphibians and Reptiles		
Rana draytonii	California red-legged frog	FT, SSC
Rana boylii (northwest/north coast clade)	Foothill yellow-legged frog	SSC
Emys marmorata	Western pond turtle	SSC
Mammals		
Reithrodontomys raviventris	Salt-marsh harvest mouse	FP, SE, FE
Antrozous pallidus	Pallid bat	SSC
Taxidea taxus	American badger	SSC
Corynorhinus townsendii	Townsend's big-eared bat	SSC
Sorex ornatus sinuosus	Suisun shrew	SSC
Invertebrates		

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Bombus occidentalis	Western bumble bee	ICP
Speyeria callippe callippe	Callippe silverspot butterfly	FE
Branchinecta lynchi	Vernal pool fairy shrimp	FT
Plants		
Castilleja affinis var. *neglecta*	Tiburon paintbrush	ST, FE, CRPR 1B.2
Trifolium amoenum	two-fork clover	FE, CRPR 1B.1
Lilaeopsis masonii	Mason's lilaeopsis	SR, CRPR 1B.1
Lasthenia conjugens	Contra Costa goldfields	FE, CRPR 1B.1
Legenere limosa	Legenere	CRPR 1B.1
Extriplex joaquinana	San Joaquin spearscale	CRPR 1B.2
Balsamorhiza macrolepis	big-scale balsamroot	CRPR 1B.2
Astragalus tener var. *tener*	Alkali milk-vetch	CRPR 1B.2
Eryngium jepsonii	Jepson's coyote-thistle	CRPR 1B.2
Trifolium hydrophilum	Saline clover	CRPR 1B.2
Balsamorhiza macrolepis	big-scale balsamroot	CRPR 1B.2
Downingia pusilla	Dwarf downingia	CRPR 2B.2
Carex lyngbyei	Lyngbye's sedge	CRPR 2B.2

FP = state fully protected under Fish and Game Code; FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; SR = state listed as rare under the NPPA; BGEPA = federal Bald and Golden Eagle Protection Act; ICP = California Terrestrial and Vernal Pool Invertebrate of Conservation Priority[1]; SSC = state Species of Special Concern; CRPR = California Rare Plant Rank[2]

[1] The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline

[2] CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline) and on the California Native Plant Society website (https://www.cnps.org/rare-plants/cnps-rare-plant-ranks).

Letter 3

From: [redacted]
To: [redacted]
Subject: FW: [EXT] FW: Paoli Watson annexation
Date: Tuesday, September 20, 2022 12:51:30 PM

[redacted]
Sent: Tuesday, September 20, 2022 10:52 AM
[redacted]
<bcooper@cityofamericancanyon.org>
Subject: [EXT] FW: Paoli Watson annexation

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

From: Charles Lemmon <cblemmon@gmail.com>
Sent: Friday, September 16, 2022 8:18 AM
To: sean@lakassociates.com
Subject: Paoli Watson annexation

Sean

I am a property owner and resident at 193 Watson Ln, American Canyon, CA 94503, one of the properties that will be annexed. Can you provide me a scope document with a plot plan ? I have seen older versions from the city but would like to see the package that will be part of the EIR.

Charles Lemmon
Property Owner
193 Watson Ln, American Canyon, CA 94503

Letter 4

STATE OF CALIFORNIA — Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED
SEP 14 2022
City of American Canyon
Community Development Department

September 9, 2022

Sean Kennings
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Re: 2022090097, Paoli/Watson Lane Annexation Project, Napa County

Dear Mr. Kennings:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
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COMMISSIONER
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AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
   a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
   b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
   a. If part or all of the APE has been previously surveyed for cultural resources.
   b. If any known cultural resources have already been recorded on or adjacent to the APE.
   c. If the probability is low, moderate, or high that cultural resources are located in the APE.
   d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
   b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cameron.Vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse

Paoli/Watson Lane Annexation Project Public Scoping Meeting

Meeting Time: 09-21-22 14:00

Letter 5

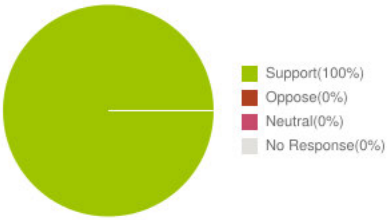
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Paoli/Watson Lane Annexation Project Public Scoping Meeting	09-21-22 14:00	10	2	2	0	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Paoli/Watson Lane Annexation Project Public Scoping Meeting

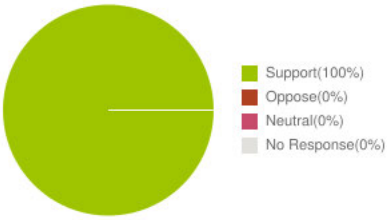
09-21-22 14:00

Agenda Name	Comments	Support	Oppose	Neutral
SCHEDULE AND NEXT STEPS	2	2	0	0

Sentiments for All Agenda Items

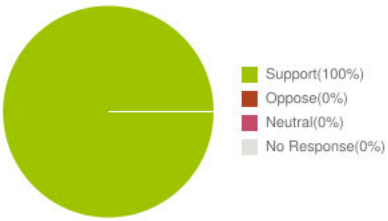
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for SCHEDULE AND NEXT STEPS

Overall Sentiment



Charles Lemmon

Location:

Submitted At: 8:34pm 09-20-22

Thank you for inviting the public to observe the scoping meeting. I look forward to reviewing the documents that describe the project scope and the Draft EIR when they are published. I look forward to working with the EIR preparation contractor and the City staff to fully understand the envisioned Land Use and Zoning. For example, the meeting agenda speaks of a potential Hotel site, I assume that would not be located on Watson Lane. I can't confirm that from the provided agenda package as it does not provide that level of detail. I look forward to learning what is the envisioned zoning for the various parcels.

With the completion of the Devlin Road extension, Connecting Newel to Paoli Loop will encourage motorists to bypass downtown highway 29 congestion by shortcutting to Newel and then points south. I expect significantly more traffic on Paoli Loop from 3-6 PM every night as well as 6-9 in the morning if there is an accident on 29. I do understand the need to annex the neighborhood for the greater good of the community, but here will be an impact on the existing residents of the neighborhood.

Charles Lemmon, Property Owner, 193 Watson Lane

John Dutra
Location:
Submitted At: 1:48pm 09-19-22

While I support the annexation, I live on Watson Lane and do not want my site zoned for public use, preferring housing which is needed so badly. Please respond as to how certain areas will be zoned prior to annexation and how we can impact the decision.

Letter 6

From: Ladeena Ford
To: sean@lakassociates.com
Cc: leslawson3460@gmail.com
Subject: Watson Lane
Date: Tuesday, October 4, 2022 2:01:05 PM
Attachments: image0.jpeg
image1.jpeg
image2.jpeg
Untitled attachment 00349.txt

>>>
>>> Hi Sean,
>>>
>>> I am providing comments on behalf of my parents Les and Earlene Lawson, Watson Lane residents.
>>>
>>> They watched the meeting via zoom and reviewed the proposed zoning.
>
>>> They are concerned because the recent proposal is not the same as the 2019 proposal.
>>>
>>> The 2019 proposal has their one acre parcel with their home zoned as residential, and their property behind their home zoned as light industrial. The recent proposal has it all zoned as residential.
>
>>> Please note that the 2019 proposal reflects residential use restrictions due to the property's location in zone D of the airport which restricts residential use. That is why it made sense that the property behind their home was proposed to be zoned as light industrial.
>>>
>>> The changes in the most recent proposal when compared to the 2019 proposal impacts 2 property owners, my parents and the property owned by the Dunlops.
>>>
>>> Can you please let us know the purpose of changing the zoning from the 2019 proposal? Please note that this new proposal limits the use of my parents property and the Dunlap's property. They can't develop residential due to airport restrictions and they can't develop light industrial.
>>>
>>> To be clear, my parents want the property behind their home zoned as light industrial same as the adjacent Paoli property, as reflected in the 2019 proposal.
>
> Also, can you please let us know if sewer will be brought down Watson Lane when it is annexed into the City.

See below for a picture of the most recent proposal, the 2019 proposal, and the letter regarding submittal of comments.

Although the letter states we can provide comments within 30 days, October 7 is not 30 days from the zoom meeting. My parents are concerned impacted Watson Lane residents may not have a sufficient amount of time to provide comments to this revised proposal.

Appendix B

Biological Resources Assessment



Paoli/Watson Lane Annexation

Biological Resources Assessment

prepared for

City of American Canyon
Jason B. Holley, City Manager
4381 Broadway Street, Suite 201
American Canyon, California 94503

prepared by

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

October 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

Paoli/Watson Lane Annexation

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Table of Contents

Executive Summary 1
1 Introduction 2
1.1 Project Location 2
1.2 Project Description 2
1.3 Regulatory Summary 2
1.3.1 Definition of Special Status Species 2
1.3.2 Environmental Statutes 5
1.3.3 Guidelines for Determining CEQA Significance 5
2 Methodology 7
2.1 Biological Study Area 7
2.2 Literature Review 7
2.3 Field Reconnaissance Survey 8
2.4 Impact Evaluation 8
3 Existing Conditions 9
3.1 Physical Characteristics 9
3.1.1 Topography and Geography 9
3.1.2 Watershed and Drainages 9
3.1.3 Soils 9
3.2 Vegetation and Other Land Cover 11
3.3 General Wildlife 12
4 Sensitive Biological Resources 14
4.1 Special Status Species 14
4.1.1 Special Status Plant Species 14
4.1.2 Special Status Wildlife Species 15
4.1.3 Other Protected Species 16
4.2 Sensitive Natural Communities and Critical Habitat 16
4.3 Jurisdictional Waters and Wetlands 17
4.4 Wildlife Movement 17
4.5 Resources Protected by Local Policies and Ordinances 18
4.6 Habitat Conservation Plans 18
5 Impact Analysis and Mitigation Measures 19
5.1 Special-Status Species 19
5.2 Sensitive Natural Communities and Critical Habitat 21
5.3 Jurisdictional Waters and Wetlands 21
5.4 Wildlife Movement 23
5.5 Resources Protected by Local Policies and Ordinances 24

5.6 Habitat Conservation Plans....24
6 Limitations, Assumptions, and Use Reliance....26
7 References....27
8 List of Preparers....29

Figures

Figure 1 Regional Location Map....3
Figure 2 Project Location Map....4
Figure 3 Soils Map Units within the Proposed Annexation....10
Figure 4 Vegetation and Land Cover....13

Attachments

Attachment A Regulatory Settings
Attachment B Site Photographs
Attachment C Floral and Faunal Compendium
Attachment D Special Status Species Evaluation Tables

Executive Summary

Rincon Consultants, Inc. has prepared this Biological Resources Assessment to document existing conditions and provide a basis for evaluation of potential impacts to special status biological resources during development and implementation of the Watson Lane Annexation (proposed annexation). The proposed annexation is located north of American Canyon in southern Napa County and seeks to annex approximately 83 acres in unincorporated Napa County within the City of American Canyon (City). The proposed annexation is bordered by highway 29 on the west and agriculture to the north, and railroad and agriculture to the east, along with railroad and undeveloped grassland to the south. The annexation includes low density residential, light industrial, railroad right of way, town center, and light industrial zoned properties. This study has been completed in accordance with the California Environmental Quality Act (CEQA).

Based on the habitats found on site, three special status species have the potential to be encountered within the proposed annexation area. The western burrowing owl (*Athene cunicularia*), the fully protected white tailed kite (*Elanus leucurus*) and the state threatened Swainson's hawk (*Buteo swainsoni*) have the potential to occur within the proposed annexation. No sensitive land cover types were observed within the proposed annexation area; however, North Slough and other potential jurisdictional features cross the northern portion of the proposed annexation. Direct and indirect impacts to special status species and drainages would be minimized and/or avoided to the greatest extent feasible with the implementation of measures described in Section 5, *Impact Analysis and Mitigation Measures*. Vegetation within and adjacent to the project site offers potential nesting habitat for bird species that are protected under the federal Migratory Bird Treaty Act and California Fish and Game Code. Direct and indirect impacts to these species and water features, would be minimized with implementation of the proposed avoidance and minimization measures, as a result, the project would not be likely to adversely affect special status species or wetlands.

1 Introduction

Rincon Consultants, Inc. (Rincon) has prepared this Biological Resources Assessment (BRA) to document existing conditions, summarize previous biological resource reports and studies, and provide a basis for evaluation of potential impacts to special status and sensitive biological resources from the implementation of the Watson Lane Annexation Project (project) located in Napa County, California (Figure 1). This BRA has been prepared in support of California Environmental Quality Act (CEQA) review of the project. The lead agency for the project is the City of American Canton.

1.1 Project Location

The project site is located north of American Canyon in southern Napa County (Figure 1 and Figure 2), within the Northern California Coast Ecoregion. The proposed annexation is bordered by highway 29 on the west and agriculture to the north, and railroad and agriculture to the east, along with railroad and undeveloped grassland to the south. The annexation will annex low density residential, light industrial, railroad right of way, town center, and light industrial zoned properties.

1.2 Project Description

The project would involve the annexation of approximately 83 acres in unincorporated Napa County within the City of American Canyon (City). The annexation would provide additional area for industrial, commercial, and town center/hotel uses while also providing City services, including water, sewer, and fire protection, to existing and future uses. Furthermore, the project aims to create a public right-of-way for the extension of Newell Drive which would serve as an alternative for north-south travel parallel to SR 29.

1.3 Regulatory Summary

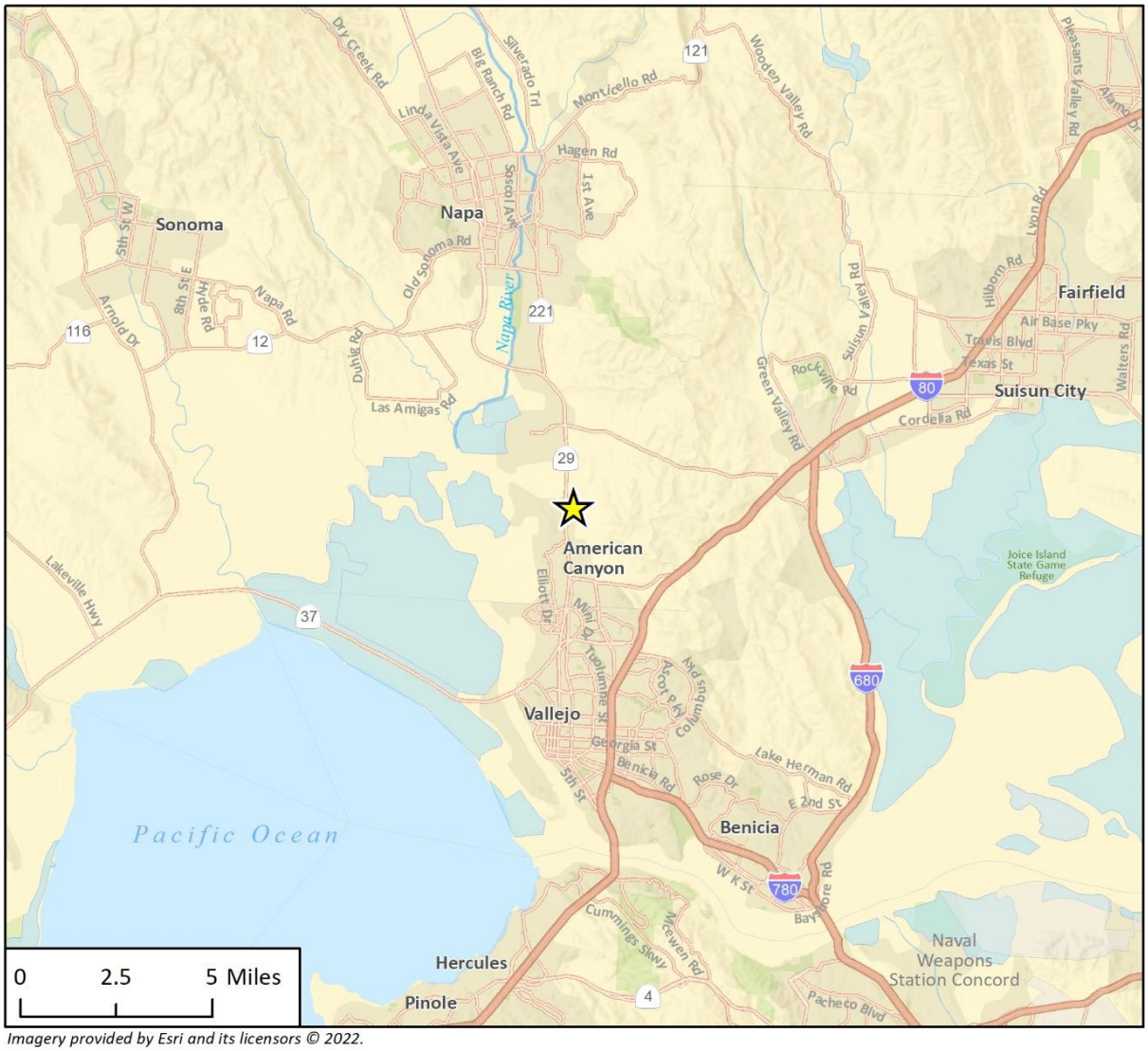
Regulated or sensitive resources studied and analyzed herein include special status plant and wildlife species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement, regionally protected resources (e.g., from county-wide Habitat Conservation Plans [HCPs] and Natural Community Conservation Plans [NCCPs]), and locally protected resources, such as protected trees. Regulatory authority over biological resources is shared by Federal, State, and local authorities. Primary authority for regulation of general biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the City of American Canyon).

1.3.1 Definition of Special Status Species

For the purposes of this report, special status species include:

- Species listed as threatened or endangered under the Federal Endangered Species Act (FESA); including proposed and candidate species

Figure 1 Regional Location Map



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Project Location

N

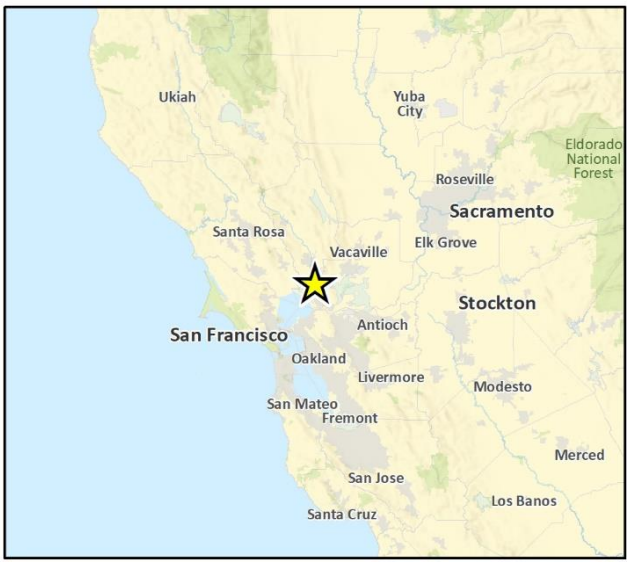


Figure 2 Project Location Map



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Additional data provided by County of Napa, 2022.

- Species listed as candidate, threatened, or endangered under the California Endangered Species Act (CESA)
- Species designated as Fully Protected by the California Fish and Game Code (CFGC), and Species of Special Concern or Watch List by the California Department of Fish and Wildlife (CDFW)
- Native Plant Protection Act (NPPA) – State Rare (SR)
- California Native Plant Society (CNPS) California Rare Plant Ranks (CRPR) 1A, 1B, 2A and 2B
- Species designated as sensitive by the U.S. Forest Service or Bureau of Land Management, if the project would affect lands administered by these agencies
- Species designated as locally important by the Local Agency and/or otherwise protected through ordinance, local policy, or HCPs/NCCPs

1.3.2 Environmental Statutes

For the purpose of this report, potential impacts to biological resources were analyzed based on the following statutes (Attachment A):

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (ESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act (CWA)
- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act
- American Canyon General Plan

1.3.3 Guidelines for Determining CEQA Significance

The following threshold criteria, as defined by the CEQA Guidelines Appendix G Checklist, were used to evaluate potential environmental effects. Based on these criteria, the project would have a significant effect on biological resources if it would:

a) *Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.*

c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

2 Methodology

2.1 Biological Study Area

The Biological Study Area (BSA) evaluated for this analysis includes the proposed annexation area plus a 500-foot buffer to encompass potential impacts to biological resources (Figure 2).

2.2 Literature Review

Rincon conducted a literature review to characterize the nature and extent of biological resources on and adjacent to the BSA. The literature review included an evaluation of current and historical aerial photographs of the site (Google Earth), regional and site-specific topographic maps, and climatic data.

Queries of the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation system (IPaC; UFWS 2022a); CDFW California Natural Diversity Database (CNDDB; 2022a); and California Native Plant Society (CNPS) online Inventory of Rare and Endangered Plants of California (2022) were conducted to obtain comprehensive information regarding State and federally listed species and other special status species considered to have potential to occur within the *Cordelia and Cuttings Wharf, California* USGS 7.5-minute topographic quadrangle and the surrounding ten quadrangles (Napa, Mt. George, Fairfield North, Fairfield South, Vine Hill, Benicia, Mare Island, Petaluma Point, Sears Point, and Sonoma). The results of database-queries and lists of special status species were reviewed by Rincon's regional biological experts for accuracy and completeness. The final list of special status biological resources (species and sensitive natural communities) was evaluated based on documented occurrences within the twelve-quadrangle search area and biologists' expert opinions on species known to occur in the region. The evaluation results and justification were compiled into a table (Attachment D).

The following resources were reviewed for additional information on existing conditions relating to biological resources within the BSA:

- United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Web Soil Survey (2022)
- USFWS Critical Habitat Portal (2022b)
- CDFW Biogeographic Information and Observation System (CDFW 2022b)
- CDFW Special Vascular Plants, Bryophytes, and Lichens List (2022c)
- CDFW Special Animals List (2022)

The vegetation community characterizations for this analysis were based on the classification systems presented in the CDFW California Wildlife Habitat Relationships (CWHR) classification scheme (Mayer and Laudenslayer 1988). The potential for wildlife movement corridors was evaluated based on the California Essential Habitat Connectivity Project commissioned by the California Department of Transportation and CDFW (Spencer et al. 2010).

2.3 Field Reconnaissance Survey

The reconnaissance-level field surveys were conducted by Rincon Biologists Beth Wilson and Cristy Rice on August 16, 2022. The surveys consisted of pedestrian surveys of the northern parcels and visual surveys of all other parcels where access was not available, to document and field-verify vegetation communities and site conditions. During surveys, the biologists field-verified, refined and mapped the boundaries of vegetation communities and other land-cover types, documented the approximate limits of aquatic features including North Slough and other potentially jurisdictional features, mapped occurrences of incidental observation of special status species (including state and federal listed species), and developed a list of observed plants and wildlife. Definitive surveys to confirm the presence or absence of special status species were not performed and are not included with this analysis. Definitive surveys for special status plant and wildlife species generally require specific survey protocols, extensive field survey time, and are conducted only at specific time periods of the year.

2.4 Impact Evaluation

Existing conditions of the project site were assessed based on a review of background literature, aerial imagery, and the results of the reconnaissance survey. This information was compiled into maps and written descriptions of vegetation communities that form the foundation of the analysis for special status species potential to occur. Based on the types and condition of vegetation communities present within the BSA, Rincon conducted a habitat assessment for special status species and determined the potential for special status species to occur within the proposed annexation area. The impact analysis to address the CEQA Appendix G checklist items outlined under Section 1.3.3 is based on the presence of or potential for occurrence of special status biological resources in the context of the project site.

3 Existing Conditions

3.1 Physical Characteristics

3.1.1 Topography and Geography

Elevations in the BSA range from approximately 64 to 133 feet (16.2 to 40.5 meters) above mean sea level. The climate in this region is warm and temperate with an average temperature of 59 degrees Fahrenheit, and an annual total precipitation average of 23.4 inches (National Oceanic and Atmospheric Administration 2022). Urban development and agricultural land uses surround the proposed annexation.

3.1.2 Watershed and Drainages

A query of the USFWS's National Wetland Inventory (NWI) (US Fish and Wildlife Service [USFWS] 2022c) was conducted. Aerial imagery and the U.S. Geological Service's National Hydrology Dataset (2022) was also reviewed to determine if aquatic resources potentially falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), or CDFW (i.e., jurisdictional waters), such as federally and State protected wetlands, occur in the proposed annexation. The North Slough drainage crosses the proposed annexation (U.S. Geologic Survey 2022; USFWS 2022c). North Slough is part of the Napa River watershed and drains runoff from the lands surrounding the proposed annexation. In addition, there are some areas that drain to North Slough to the east of North Slough. It is not currently known whether these areas are jurisdictional features and an evaluation as to whether these features are jurisdictional will be conducted in the future (see Section 5.3 below).

3.1.3 Soils

The U.S. Department of Agriculture - Natural Resource Conservation Service (USDA NRCS) Web Soil Survey delineates two soil map units within the proposed annexation: Haire loam, 2 to 9 percent slopes and Clear Lake clay, drained, 0 to 2 percent slopes (USDA NRCS 2022a). Site-specific soil observations are consistent with those mapped by the USDA NRCS. Soil distribution within proposed annexation is depicted in Figure 3. Each soil map unit is described below. None of the mapped soils are included on the *National Hydric Soil*s List, which lists soils that are permanently or seasonally saturated (USDA NRCS 2022b).

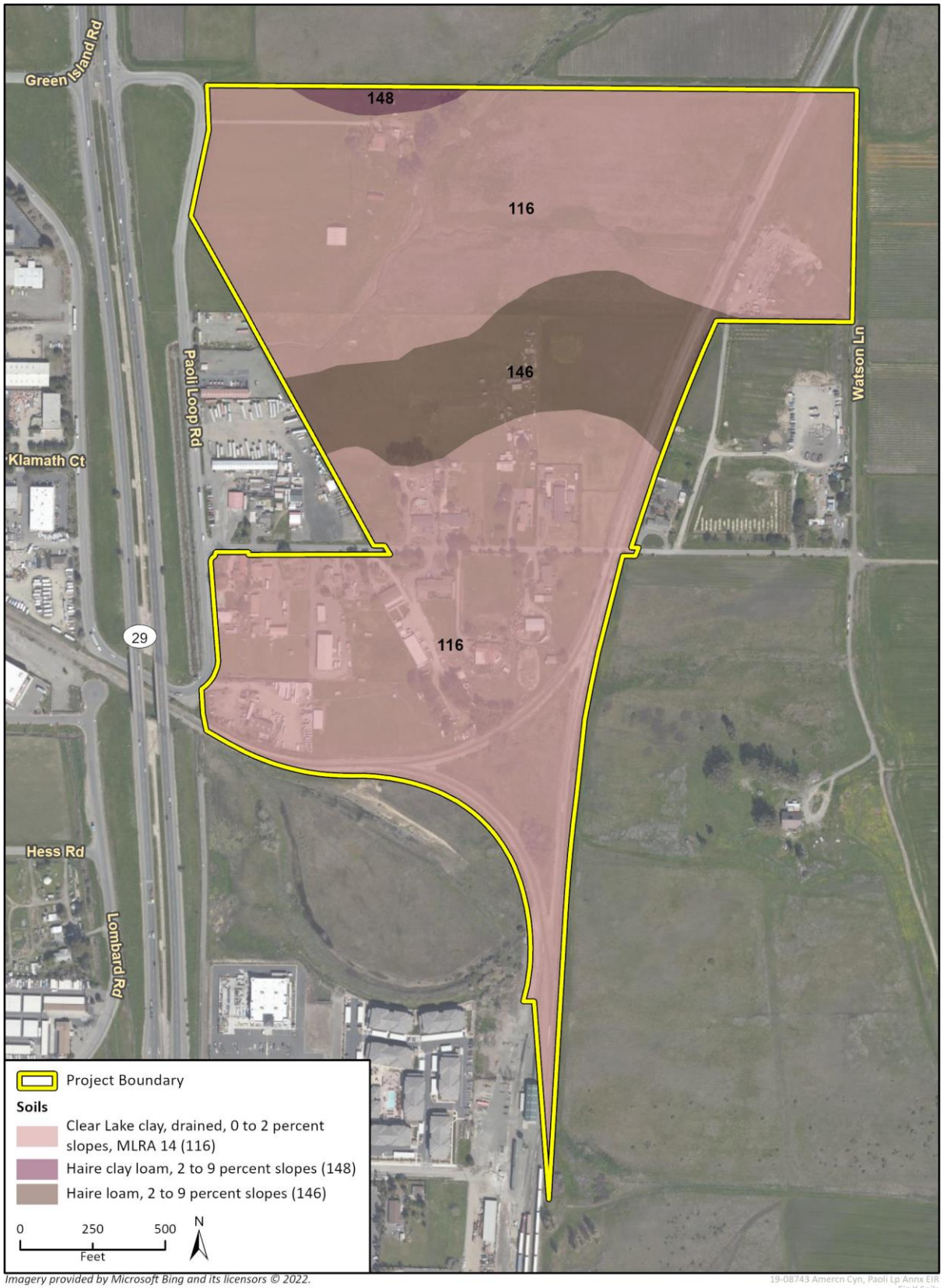
Clear Lake Clay, Drained, 0 to 2 Percent Slopes

The Clear Lake series of soils consists of poorly drained soils in old alluvial fans and in basins. These soils formed in alluvium derived from sedimentary rock. The plant cover is primarily grasses, forbs, and scattered oaks. This soil is mainly used for pasture.

Haire Loam, 2 to 9 Percent Slopes

The Haire series consists of moderately well drained soils on old terraces and alluvial fans. Haire soils formed from alluvium derived from sedimentary rock. The vegetative cover is primarily grasses and forbs. These soils are primarily used for pasture however, some areas are being used for orchards.

Figure 3 Soils Map Units within the Proposed Annexation



Haire Clay Loam, 2 to 9 Percent Slopes

The Haire series consists of moderately well drained soils on old terraces and alluvial fans. Haire soils formed from alluvium derived from sedimentary rock. The vegetative cover is primarily grasses and forbs. These soils are primarily used for pasture however, some areas are being used for orchards.

3.2 Vegetation and Other Land Cover

The natural community/ landcover descriptions listed below are based on the California Department of Fish and Wildlife (CDFW) California Wildlife Habitat Relationships classification scheme (CWHR) (Mayer and Laudenslayer 1988). Figure 4 shows the natural communities and land covers in the project site. The list below includes descriptions of vegetation communities and landcovers in and adjacent to the project site.

Non-Native Annual Grassland

Annual grasslands are herbaceous communities composed primarily of annual grass and forb species. This vegetation community exists throughout the proposed annexation, where introduced annual grasses are the dominant plant species. The dominant species observed included slender wild oats (*Avena barbata*), ripgut brome (*Bromus diandrus*), Italian rye grass (*Festuca perennis*), false barley (*Hordeum murinum*), yellow-star thistle (*Centaurea solstitialis*), black mustard (Brassica nigra), fennel (*Foeniculum vulgare*).

The slough and its surrounding area are also encompassed by annual grassland primarily dominated by non-native annual grasses with some coyote brush (*Baccharis pilularis*) in the uplands. The channel is mainly devoid of vegetation, though scattered patches of facultative hydrophytic species such as curly dock (*Rumex crispus*) were observed and concrete lining is present near the bridge. The slopes of the channel banks of other potentially jurisdictional features are primarily covered with non-native annual grasses including scattered patches of Harding grass (*Phalaris aquatica*), pepperweed (*Lepidium latifolium*) and curly dock interspersed with the grasses.

The potential jurisdictional features have been historically diverted from their natural topographic drainages (i.e., the typical gradient being downhill and flowing north to south or east to west). The potential jurisdictional features originate on properties with vineyards to the east and are diverted through a system of culverts and ditches onto and through the project site, flowing into North Slough. The northern potential jurisdictional feature drains properties with vineyards to the east and is piped approximately 0.25 mile under vineyards and Watson Lane, where it outfalls along the east side of the railroad tracks and flows through a culvert underneath the railroad tracks through the project site toward North Slough. The southern potential jurisdictional feature is more substantially and circuitously modified, originating as a natural topographic drainage on the property with vineyards to the southeast where it is diverted into a French drain and culvert system departing from its natural topographic drainage, running diagonally to the northwest under approximately 0.25 mile of vineyards. It outfalls out of a culvert into a ditch along the east side of Watson Lane where it flows south to north along Watson Lane, under Watson Lane through an east-west culvert system, continuing to the west in a linear ditch, then changing direction running south to north along the east side of the railroad tracks before it changes direction once more, flowing under the railroad tracks in an east-west facing culvert through the project site toward North Slough.

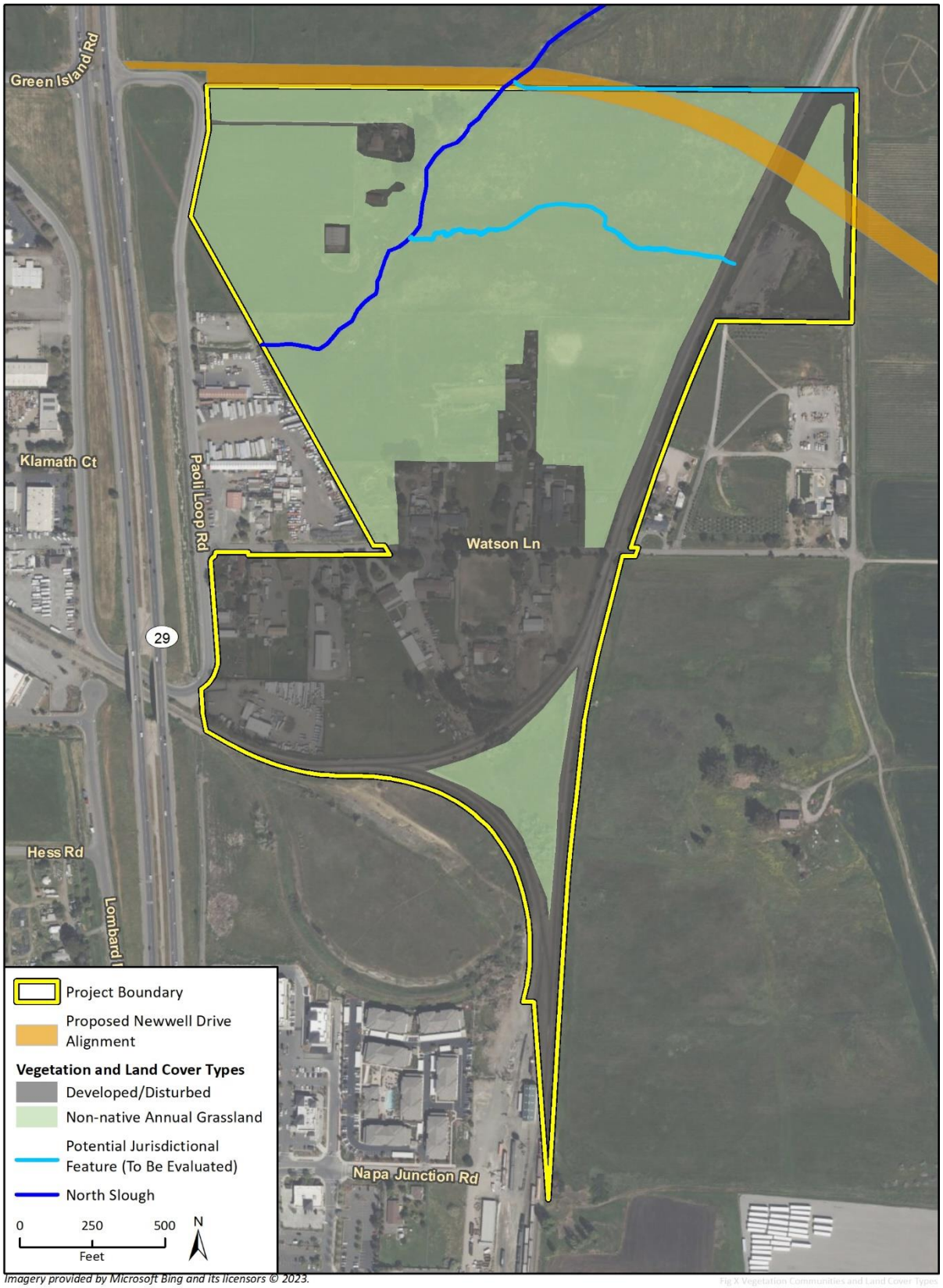
Urban

This land cover type is completely anthropogenic and is composed of residential, commercial, and industrial developed areas. Plant species within urban areas are typically comprised of ornamental plants and non-native invasive plant species, with large, developed areas lacking vegetation.

3.3 General Wildlife

The grassland habitat within and adjacent to the proposed annexation provides habitat for a variety of nesting birds, small mammals, and reptiles. Species which were detected during the reconnaissance survey included red-tailed hawk (*Buteo jamaicensis*), black-tailed jackrabbit (*Lepus californicus*), coyote (*Canis latrans*), and western fence lizard (*Sceloporus occidentalis*). For a complete list of wildlife observed see Attachment D.

Figure 4 Vegetation and Land Cover



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Fig X Vegetation Communities and Land Cover Types

4 Sensitive Biological Resources

This section discusses special status species and sensitive biological resources observed on the project site and evaluates the potential for the project site to support additional sensitive biological resources. Assessments for the potential occurrence of special status species are based upon known ranges, habitat preferences for the species, species occurrence records from the CNDDB and other sources, species occurrence records from other sites in the vicinity of the survey area, previous reports for the project site, and the results of surveys of the project site. The potential for each special status species to occur in the BSA was evaluated according to the following criteria:

- **No Potential.** Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime), and species would have been identifiable on the site if present (e.g., oak trees). Protocol surveys (if conducted) did not detect species.
- **Low Potential.** Few of the habitat components (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime) meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site. Protocol surveys (if conducted) did not detect species.
- **Moderate Potential**. Some of the habitat components (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime) meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- **High Potential.** All the habitat components (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime) meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- **Present.** Species is observed on the site or has been recorded (e.g., CNDDB, other reports) on the site recently (within the last 10 years).

4.1 Special Status Species

For this report, special status species are defined as those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS or the National Marine Fisheries Service (NMFS) under the federal Endangered Species Act; those listed or candidates for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act; and animals designated as “Species of Special Concern” by CDFW or “Fully Protected” under the California Fish and Game Code. Additionally, rookery sites for species that nest colonially, such as bat maternity roosts, are also treated as special status.

4.1.1 Special Status Plant Species

Based on the database and literature review of records from the *Cordelia and Cuttings Wharf, California* USGS 7.5-minute topographic quadrangle and the surrounding ten quadrangles (Napa, Mt. George, Fairfield North, Fairfield South, Vine Hill, Benicia, Mare Island, Petaluma Point, Sears Point, and Sonoma), as well as the USFWS IPaC list of federally listed species, 73 special status plant

species are known to occur or have the potential to occur within the vicinity of the proposed annexation (Attachment B). However, due to grazing, mowing, and tilling, no special status plant species are expected to occur within the proposed annexation.

4.1.2 Special Status Wildlife Species

Of the 54 special-status wildlife species evaluated (Attachment B), three species, western burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), and white-tailed kite (*Elanus leucurus*), have a moderate potential to occur and are discussed further below. One species has a low potential to occur within the proposed annexation (American badger (*Taxidea taxus*)). This species was determined to have a low potential to occur because the surrounding land is active agriculture and the railroad tracks along with roads surrounding the annexation create a barrier to individuals dispersing into the annexation area. For the purposes of CEQA analysis, special-status species with low potential to occur will not be addressed further because these species have a low likelihood of being present within the vicinity of the project site. The remaining 50 special-status species evaluated are not expected to occur in the proposed annexation due to a lack of species-specific habitat requirements, the overall lack of suitable habitat such as natural vegetation communities or natural wetland habitats (e.g., marshes or seeps), and/or because the range of the species does not overlap with the proposed annexation. No federal or state-listed or other special-status wildlife species were observed during the field survey. CFGC Section 3503 and the federal Migratory Bird Treaty Act (MBTA) protect native bird species and their nests.

Western burrowing owl

Western burrowing owl is a CDFW Species of Special Concern that occupies open, treeless areas within grassland, low-density scrub, and desert biomes. This species generally inhabits gently sloping areas, characterized by low, sparse vegetation, and is often associated with high densities of burrowing mammals (Poulin et al. 2011). Western burrowing owl often uses relatively disturbed areas such as agricultural fields, golf courses, cemeteries, and vacant urban lots in addition to natural breeding habitats. Nests are most often in fossorial animal burrows, such as California ground squirrel or American badger, but atypical nests such as culverts or rubble piles may also be used. Nest sites are typically selected in an area with a high density of burrows.

There are nine occurrences within five miles of the study area, with the closest occurrence approximately 1.95 miles to the south. Suitable habitat is present throughout the proposed annexation within the nonnative annual grassland. Suitable burrows were observed throughout the annexation area. This species is known to occur throughout the region and is determined to have a moderate potential to occur within the study area.

Swainson's hawk

The Swainson's hawk is listed as a state threatened species. The historical breeding range of Swainson's hawk in California included the Great Basin, Sacramento and San Joaquin Basins, the coast from Marin County to San Diego County, and scattered sites in the Mojave and Colorado Deserts (England et al., 1997). The species continues to breed across its entire historical range, but in significantly lower numbers than historically. This species is often found nesting in trees associated with scattered rural residences, particularly in relation to grasslands or dry-land grain fields. Throughout its range the species nest almost exclusively in trees, typically on the edges of woodland adjacent to grass or shrubland habitat (England et al. 1997).

There are several records of Swainson's hawks nesting within five miles of the study area, last recorded in 2013. No Swainson's hawks were observed during the reconnaissance survey. There is suitable nesting and foraging habitat within the proposed annexation. The nesting habitat is limited to eucalyptus trees and ornamental trees within the low-density housing. Therefore, Swainson's hawk has a moderate potential to forage and nest within the proposed annexation.

White-tailed kite

White-tailed kite is a CDFW fully protected species. A yearlong resident in coastal and valley lowlands, the species inhabits a wide range of habitats, mostly in cismontane California. The species prefers trees with dense canopies for cover. Their diet consists mostly of voles and other small, diurnal mammals, but the species occasionally feeds on birds, insects, reptiles, and amphibians. Typical foraging habitat is undisturbed, open grasslands, meadows, farmlands, and emergent wetlands. Nesting is typically near top of dense oak, willow, or other tree stands, located near foraging areas. Preferentially selects herbaceous lowlands with a range of woodland structure, and high density of voles (Zeiner et al. 1990), and substantial groves of dense, broad-leafed deciduous trees for nesting and roosting (Zeiner et. al. 1990).

The CNDDB contains no occurrence records for white-tailed kite within five miles of the proposed annexation. The grassland areas within the proposed annexation provide foraging habitat, and suitable nesting habitat is present in the proposed annexation area. Furthermore, birding records on eBird (eBird 2022) contain multiple records for white-tailed kite within 5 miles of the project site.

4.1.3 Other Protected Species

Nesting Birds

Non-game migratory birds protected under CFGC Section 3503 have the potential to breed throughout the proposed annexation. Native avian species common in grasslands, landscaping, developed and ruderal areas have the potential to breed and forage throughout the proposed annexation. Species of birds common to the area that typically occur in the region, such as California scrub jay (*Aphelocoma californica*), black phoebe (*Sayornis nigricans*), Anna's hummingbird (*Calypte anna*), house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), Brewer's blackbird (*Euphagus cyanocephalus*), and other common California native bird species are likely to utilize the proposed annexation for nesting. Nesting by a variety of common birds protected by CFGC Section 3503 could occur in virtually any location throughout the project site.

4.2 Sensitive Natural Communities and Critical Habitat

Sensitive Natural Communities

Plant communities are considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. CDFW ranks sensitive communities as "threatened" or "very threatened" and keeps records of their occurrences in CNDDB. Sensitive natural communities included in the CNDDB follow the original methodology according to "Preliminary Descriptions of the Terrestrial Natural Communities of California" (Holland 1986). The methodology for determining sensitivity continues to be revised and is now based on MCV2 (Sawyer et al. 2009). Communities considered sensitive by CDFW are published in the California Sensitive Natural Communities List (CDFW 2021).

Five sensitive natural communities are known to occur within the twelve-quadrangle search area; coastal brackish marsh, northern claypan vernal pool, northern coastal salt marsh, northern vernal pool, and serpentine bunchgrass, none of which were observed in the project site during the field reconnaissance survey.

Critical Habitat

Critical habitat for green sturgeon (*Acipenser medirostris*), chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss irideus*), western snowy plover (*Charadrius alexandrinus nivosus*), Contra Costa goldfields (*Lasthenia conjugens*), northern spotted owl (*Strix occidentalis caurina*), vernal pool fairy shrimp (*Branchinecta lynchi*), California red-legged frog (*Rana draytonii*), delta smelt (*Hypomesus transpacificus*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), and soft birds-beak (*Chloropyron molle ssp. molle*) occurs within the twelve-quadrangle search area. However, the proposed annexation does not occur within federally designated critical habitat for any of these species (USFWS 2022b).

4.3 Jurisdictional Waters and Wetlands

As noted in Section 3.1.2, *Watershed and Drainages*, and Section 3.2, *Vegetation and Other Land Cover*, North Slough and potentially jurisdictional features occur within the proposed annexation. The above-described features are potentially subject to USACE, RWQCB, and CDFW oversight. Even though North Slough and other potentially jurisdictional features were not wetted at the time of the site survey, they have a direct hydrologic connection to the Pacific Ocean (a traditional navigable water as defined by USACE). The USACE is expected to assert jurisdiction under Section 404 of the Clean Water Act (CWA) over stream, lake, and wetland features to the ordinary high-water mark, and to the edge of those wetlands with all three criteria that define federal wetlands: hydric soils, hydrophytic vegetation, and wetland hydrology. The RWQCB also has jurisdiction over waters of the U.S. under Section 401 of the CWA. The RWQCB may also assert jurisdiction over waters of the State under the Porter-Cologne Water Quality Control Act.

The CDFW has jurisdiction over lakes, streams, and associated riparian areas under the CGFC Section 1600 et seq. The CDFW has traditionally regulated activities within the bed and bank of lakes and streams, extending to the top of bank or edge of the riparian dripline, under its Lake and Streambed Alteration Program. The CDFW may also regulate activities conducted adjacent to but outside these areas, if the activity results in a substantial alteration of the stream or lakebed downslope of the activity, such as through placement of materials that wash into a water body.

4.4 Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

The habitats within the link do not necessarily need to be the same as the habitats that are being linked. Rather, the link merely needs to contain sufficient cover and forage to allow temporary

inhabitation by ground-dwelling species. Typically, habitat linkages are contiguous strips of natural areas, though dense plantings of landscape vegetation can be used by certain disturbance-tolerant species. Depending upon the species using a corridor, specific physical resources (such as rock outcroppings, vernal pools, or oak trees) may need to be located within the habitat link at certain intervals to allow slower-moving species to traverse the link. For highly mobile or aerial species, habitat linkages may be discontinuous patches of suitable resources spaced sufficiently close together to permit travel along a route in a short period of time.

Wildlife movement corridors can be both large and small scale. One essential connectivity area (ECA) is mapped by the California Essential Habitat Connectivity Project along the eastern border of the proposed annexation area (Spencer et.al 2010). The corridor connects natural landscape blocks east of American Canyon along the Howell Mountain range. From the hills north of the cities of Vallejo and Benicia it extends northwest, parallel with Napa Valley to the Lake County border. This ECA may serve as a movement corridor for the state provisionally protected Southern California/Central Coast ESU of mountain lion. CDFW characterizes the value of ECAs based on permeability to wildlife movements. As mapped in BIOS, the edges of the nearest connectivity area become increasingly less permeable as they extend toward American Canyon.

4.5 Resources Protected by Local Policies and Ordinances

The American Canyon General Plan (1994) includes a Natural and Historic & Cultural Resources Element for the long-term preservation of open space and natural resources. Goal 8, objectives 8.1 through 8.9 and the associated policies address the conservation of listed species, critical habitats, and the avoidance of significant impacts to biological resources. These goals and objectives protect and preserve the significant habitats, plants and wildlife that exist within the City of American Canyon and its planning area.

4.6 Habitat Conservation Plans

The proposed annexation is not located within an area with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

5 Impact Analysis and Mitigation Measures

This impact analysis is based on a review of existing biological conditions within the proposed annexation area. Identification of sensitive resources at this early stage can support avoidance and/or minimization of potential impacts to sensitive biological resources by providing baseline information. Potential impacts to special status species due to development within the proposed annexation area and any adjacent staging/mobilization areas will be determined during project development. Impacts to sensitive biological resources are analyzed accordingly and are not considered as permanent or temporary impacts to the entire annexation area. Potential for the project to result in significant impacts to special status biological resources is addressed below.

5.1 Special-Status Species

The proposed project would have a significant effect on biological resources if it would:

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

A total of 54 animal and 73 special status plant species are known to occur within the 12 quad search area. Of these species three have a moderate or greater potential to occur within the proposed annexation. The three species that may occur include western burrowing owl, Swainson's hawk, and white-tailed kite. Nesting migratory birds may occur within the proposed annexation as well. Migratory birds will nest within a variety of habitats such as gravel, grasses and bushes or trees. Direct impacts to all these species from projects facilitated by the proposed annexation could include injury or mortality from construction activity, or nest abandonment from noise, dust, and other project activities. The increased density may also increase the amount of disturbance and remove potential breeding habitat. With implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4, impacts from the project on special status species, nesting birds, and associated habitats would be mitigated to a less than significant level.

Mitigation Measures

BIO-1 Site-Specific Biological Resources Assessment

The City shall implement the following measures during environmental review of future development within the project site. On a project-by-project basis, a preliminary biological resource screening shall be performed to determine whether a specific project has the potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, nesting birds, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations,

further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be necessary. The City shall review and approve the BRA prior to project approval.

BIO-2 Pre-construction Surveys for Swainson's Hawk, Other Raptors and Nesting Birds

Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season (September 16 to January 31), when feasible. If construction activities occur during the nesting bird season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to Swainson's hawk, protected raptor species, and other nesting birds protected by the MBTA and CFGC.

A qualified biologist shall conduct surveys for Swainson's hawk between January 1 and March 20. A preconstruction survey for other raptors and nesting birds shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the project site and include a 150-foot buffer for passerines, 500-foot buffer for other raptors, and 0.5 mile buffer for active Swainson's hawk nests. The surveys shall be conducted by a biologist familiar with the identification of avian species known to occur in the region. It is recommended that surveys follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If a Swainson's hawk or white-tailed kite nest is found, the biologist shall set up appropriate buffers in consultation with CDFW.

If the nesting bird survey results are negative, no further action is required. If nests are found, the biologist shall determine and demarcate an appropriate avoidance buffer with high visibility material. For Swainson's hawk nests, the biologist shall establish an avoidance buffer of up to 0.5 mile based on the nest location in relation to the construction activity, the line-of-sight from the nest to the construction activity, and observed hawk behavior at the nest.

The qualified biologist shall notify all construction personnel of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the biologist.

Results of the preconstruction nesting bird survey shall be submitted to the City in a brief letter report no more than 30 days after completion of the survey.

BIO-3 Pre-construction Surveys for Western Burrowing Owl

Prior to ground disturbance activities, a qualified biologist shall conduct pre-construction clearance surveys within suitable natural habitats and ruderal areas throughout the project site, to confirm the presence/absence of active western burrowing owl burrows. The surveys shall be consistent with the recommended survey methodology provided by CDFW's Staff Report on Burrowing Owl Mitigation. Clearance surveys shall be conducted within 30 days prior to construction and ground disturbance activities. If no western burrowing owls are observed, no further actions are required. If western burrowing owls are detected during the pre-construction clearance surveys, the following measures shall apply:

- Avoidance buffers during the breeding and non-breeding season shall be implemented in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation minimization mitigation measures.

- If avoidance of western burrowing owls is not feasible, then additional measures such as passive relocation during the nonbreeding season and construction buffers of 200 feet during the breeding season shall be implemented, in consultation with CDFW. In addition, a Western Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993).

Project applicants shall submit evidence of clearance surveys, avoidance buffers or additional measures to the City as required.

BIO-4 Worker Environmental Awareness Program

Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project site. The program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form documenting attendance at the Worker Environmental Awareness Program and that they understand the information presented to them. The form shall be submitted to the City to document compliance.

5.2 Sensitive Natural Communities and Critical Habitat

The proposed project would have a significant effect on biological resources if it would:

b) Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

The northern portion of the proposed annexation is bisected by North Slough, flowing north to south. The slough and the rest of the project site do not contain riparian or other sensitive natural communities even though they are potentially jurisdictional and subject to USACE, RWQCB, and CDFW oversight. Development within the proposed annexation would not have a substantial adverse impact on any riparian habitat or other sensitive natural community; therefore, impacts would be less than significant.

5.3 Jurisdictional Waters and Wetlands

The proposed project would have a significant effect on biological resources if it would:

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The northern portion of the project site includes the North Slough, which is characterized as unvegetated waters and are potentially state and federally jurisdictional. In addition, the area east of the project site includes areas that drain to North Slough and may be potentially jurisdictional. The potential jurisdictional features have been historically diverted from their natural topographic

drainages (i.e., the typical gradient being downhill and flowing north to south or east to west) and redirected through a system of culverts and ditches onto and through the project site, flowing into North Slough. There are several components of the project that cross these potentially jurisdictional waters, including the following:

- A portion of the Newell Drive Extension and areas with new pre-zoning (Residential Estate, Paoli Light Industrial, Paoli Light Industrial: Commercial Overlay) would cross the North Slough.
- A portion of the Newell Drive Extension along the northern portion of the annexation area would cross an area that drains to North Slough.
- A portion of the Newell Drive Extension along the northern portion of the annexation area would cross an area that drains to North Slough.

No development is being proposed in the areas pre-zoned as Residential Estate. As such, there would be no impact to the portion of North Slough in the Residential Estate pre-zoning. Future development could occur in the proposed Paoli Light Industrial and Paoli Light Industrial: Commercial Overlay pre-zoning. Construction of future development, including upgrades to utilities and stormwater drainage, may require work within the North Slough and the area that drains to North Slough, including dredge or fill within potential jurisdictional waters. The southern potential jurisdictional feature has been substantially diverted from its natural topographic course (i.e., the typical gradient being downhill and flowing north to south or east to west) and redirected through a system of culverts and ditches, and ultimately through the project site toward North Slough. Because the project could impact these potentially jurisdictional features, impacts would be potentially significanty.

In addition, the City has identified that the Newell Drive Extension would align with the northern boundary of the project site. The Newell Drive Extension would cross the North Slough with a clear span overcrossing. There would be no impact to the North Slough due to the Newell Drive Extension. A section of the northern potential jurisdictional feature would be directly impacted due to the road alignment. The northern potential jurisdictional feature also contains concentrated runoff that is diverted through the project site. Because the northern potential jurisdictional feature is a potentially jurisdictional water, impacts would be potentially significant.

For development that would occur in these areas, permitting pursuant to Section 404/401 of the CWA Section, and Section 1600 *et seq.* of the CFGC would be required. Actual jurisdictional areas are determined by the State and federal authorities at the time that permits are requested, and the agencies are responsible for describing avoidance, minimization, and mitigation measures, if required. Mitigation Measure BIO-5 would require that future applicants prepare an aquatic resources delineation and preliminary jurisdictional determination report, either to ensure avoidance of potentially jurisdictional waters or for submittal to the agencies for verification of their jurisdictions. Mitigation Measure BIO-6 would require setbacks around the North Slough to avoid impacts to that feature. Nonetheless, even with these measures, there is still the potential that the project could result in the permanent loss of a jurisdictional feature. As such, Mitigation Measure BIO-7 would require mitigation to compensate for the loss of jurisdictional water features.

This impact would be less than significant with mitigation.

Mitigation Measures

BIO-5 Aquatic Resources Delineation

A qualified biologist shall complete an aquatic resources delineation survey that establishes the extent of the waters of the U.S. and State and identify the potential jurisdictional limits of USACE, RWQCB, and CDFW. The delineation shall be conducted in accordance with the requirement set forth by each agency and the results presented in a report that shall be submitted to the City, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If the USACE asserts its authority, then a permit pursuant to Section 404 of the CWA would be required. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Section 401 Water Quality Certification and/or Waste Discharge Requirement permit (depending upon whether the feature falls under federal jurisdiction or not). If CDFW asserts its jurisdictional authority, then a Lake or Streambed Alteration Agreement pursuant to Section 1600 et seq. of the CFGC would also be required prior to construction within the areas of CDFW jurisdiction.

BIO-6 General Avoidance and Minimization

Development shall be designed to avoid potentially jurisdictional features identified in aquatic resources delineation reports (Mitigation Measure BIO-4), to the extent feasible. No development shall occur within 50 feet of the top of bank for North Slough. Projects with potentially jurisdictional features shall provide the City with a report detailing how all identified aquatic features will be avoided, including groundwater draw down, prior to project approval.

BIO-7 Restoration for Impacts to Waters and Wetlands

If the project cannot be designed to avoid impacts to waters and wetlands (as described in Mitigation Measure BIO-6), then impacts shall be fully mitigated at an appropriate ratio, as determined by a qualified biologist and in accordance with regulatory agency requirements. Mitigation can be achieved through the setting aside or acquisition and in-perpetuity management of similar habitat on-site (this can include restoration of jurisdictional features within the project site) or as close to the impact habitat as possible. Mitigation lands must be placed into a conservation easement or other covenant restricting future development. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submittal to the regulatory agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved mitigation bank. Mitigation lands or in lieu funding sufficient to acquire lands should provide habitat at a minimum 1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. The City shall review and approve the plan before submittal to the agencies.

5.4 Wildlife Movement

The proposed project would have a significant effect on biological resources if it would:

d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

The project site is not within a designated ECA and does not function as a significant regional or local wildlife movement corridor. North Slough, which bisects the northern portion of the project

site may provide a natural movement corridor for wildlife through the project site. As such impacts on the North Slough would result in potentially significant impacts on wildlife movement. Nonetheless, impacts on North Slough would be avoided by implementing Mitigation Measure BIO-6. The Newell Drive Extension over North Slough is unlikely to impact the movement of wildlife through North Slough because it would be an overcrossing. Wildlife movement is likely to be concentrated along North Slough; therefore, the project would be unlikely to impact the movement of wildlife across the landscape as the overcrossing would provide wildlife with an unobstructed natural movement corridor.

Filling of areas that drain to North Slough would be unlikely to impact the movement of wildlife beyond the project area. This is because the existing Union Pacific Railroad tracks bisect the area that drains to North Slough. This area, therefore, does not serve as a significant movement corridor for wildlife. As such, the impacts on wildlife movement from filling the area that drains to North Slough would be less than significant.

With implementation of Mitigation Measure BIO-6, impacts to wildlife movement would be minimized through the protection of North Slough, which can be used by wildlife for movement. This impact would be less than significant after mitigation.

5.5 Resources Protected by Local Policies and Ordinances

The proposed project would have a significant effect on biological resources if it would:

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

The project, when annexed would fall under the jurisdiction of the City of American Canyon, which provides protection for biological resources through the implementation of its General Plan and Zoning Code. The American Canyon General Plan includes policies to guide decisions on future growth, development, and conservation of resources. This includes the Natural and Historic/Cultural Resources Element, which aim to preserve the natural and scenic resources (American Canyon 1994).

The Natural and Historic/Cultural Resources Element includes an objective to protect natural drainages (Objective 8.3) and a policy to review proposed developments in wetlands, require preservation of watercourses as feasible, and require mitigation for impacts on waters (Policy 8.3.1). As described in Impact BIO-3, there would be a potentially significant impact on waters (i.e., potentially jurisdictional features); however, these impacts would be mitigated to a less than significant level through the implementation of Mitigation Measures BIO-5, BIO-6, and BIO-7. The project could potentially result in a conflict with a policy protecting biological resources; however, implementation of Mitigation Measures BIO-5, BIO-6, and BIO-7 would ensure that the project is consistent with the policy and impacts would be less than significant with mitigation.

Impacts would be less than significant with mitigation.

5.6 Habitat Conservation Plans

The proposed project would have a significant effect on biological resources if it would:

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

There are no habitat conservation plans or natural community conservation plans adopted in the proposed annexation area. Therefore, the proposed annexation and future specific development projects would not conflict with any such plans. No impact would occur.

6 Limitations, Assumptions, and Use Reliance

This Biological Resources Assessment has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. Reconnaissance biological surveys for certain taxa may have been conducted as part of this assessment but were not performed during a particular blooming period, nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive. The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis, or re-establish populations in the future. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided. The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDB RareFind5, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDB, may vary with regard to accuracy and completeness. In particular, the CNDDB is compiled from research and observations reported to CDFW that may or may not have been the result of comprehensive or site-specific field surveys. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

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Attachment A

Regulatory Setting

Regulatory Setting

The following is a brief summary of the regulatory context under which biological resources are managed at the federal, state, and local levels. A number of federal and state statutes provide a regulatory structure that guides the protection of biological resources. Agencies with the responsibility for protection of biological resources within the project site include the following:

- U.S. Army Corps of Engineers (wetlands and other waters of the United States)
- U.S. Fish and Wildlife Service (federally listed species and migratory birds)
- National Marine Fisheries Service (marine wildlife and anadromous fishes)
- San Francisco Bay Regional Water Quality Control Board (waters of the State)
- California Department Fish and Wildlife (riparian areas, streambeds, and lakes; state-listed species; nesting birds, marine resources)
- California Coastal Commission
- City of American Canyon General Plan (1994)

United States Army Corps of Engineers

The United States Army Corps of Engineers (USACE) is responsible for administering several federal programs related to ensuring the quality and navigability of the nation's waters.

Clean Water Act Section 404

Congress enacted the Clean Water Act (CWA) "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404 of the CWA authorizes the Secretary of the Army, acting through the USACE, to issue permits regulating the discharge of dredged or fill materials into the "navigable waters at specified disposal sites."

Section 502 of the CWA further defines "navigable waters" as "waters of the United States, including the territorial seas." "Waters of the United States" are broadly defined at 33 CFR Part 328.3 to include navigable waters, perennial and intermittent streams, lakes, rivers, ponds, as well as wetlands, marshes, and wet meadows. In recent years, the USACE and US Environmental Protection Agency (USEPA) have undertaken several efforts to modernize their regulations defining "waters of the United States" (e.g., the 2015 Clean Water Rule and 2020 Navigable Waters Protection Rule), but these efforts have been frustrated by legal challenges which have invalidated the updated regulations. Thus, the agencies' longstanding definition of "waters of the United States," which dates from 1986, remains in effect albeit with supplemental guidance interpreting applicable court decisions as described below.

Waters of the U.S.

In summary, USACE and USEPA regulations define "waters of the United States" as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
    i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States;
5. Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in items 1-6 above.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States.

The lateral limits of USACE jurisdiction in non-tidal waters is defined by the "ordinary high-water mark" (OHWM) unless adjacent wetlands are present. The OHWM is a line on the shore or edge of a channel established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed upon the bank, shelving, changes in the character of soil, destruction of vegetation, or the presence of debris (33 CFR 328.3(e)). As such, waters are recognized in the field by the presence of a defined watercourse with appropriate physical and topographic features. If wetlands occur within, or adjacent to, waters of the United States, the lateral limits of USACE jurisdiction extend beyond the OHWM to the outer edge of the wetlands (33 CFR 328.4 (c)). The upstream limit of jurisdiction in the absence of adjacent wetlands is the point beyond which the OHWM is no longer perceptible (33 CFR 328.4; see also 51 FR 41217).

Wetlands

The USACE defines wetlands as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3). The USACE’s delineation procedures identify wetlands in the field based on indicators of three wetland parameters: hydrophytic vegetation, hydric soils, and wetland hydrology. The following is a discussion of each of these parameters.

Hydrophytic Vegetation

Hydrophytic vegetation dominates areas where frequency and duration of inundation or soil saturation exerts a controlling influence on the plant species present. Plant species are assigned

wetland indicator status according to the probability of their occurring in wetlands. More than fifty percent of the dominant plant species must have a wetland indicator status to meet the hydrophytic vegetation criterion. The USACE published the National Wetland Plant List (USACE 2018), which separates vascular plants into the following four basic categories based on plant species frequency of occurrence in wetlands:

- **Obligate Wetland (OBL).** Almost always occur in wetlands
- **Facultative Wetland (FACW).** Usually occur in wetlands, but occasionally found in non-wetlands
- **Facultative (FAC).** Occur in wetlands or non-wetlands
- **Facultative Upland (FACU).** Usually occur in non-wetlands, but may occur in wetlands
- **Obligate Upland (UPL).** Almost never occur in wetlands

The USACE considers OBL, FACW and FAC species to be indicators of wetlands. An area is considered to have hydrophytic vegetation when greater than 50 percent of the dominant species in each vegetative stratum (tree, shrub, and herb) fall within these categories. Any species not appearing on the United States Fish and Wildlife Service's list is assumed to be an upland species, almost never occurring in wetlands. In addition, an area needs to contain at least 5% vegetative cover to be considered as a vegetated wetland.

Hydric Soils

Hydric soils are saturated or inundated for a sufficient duration during the growing season to develop anaerobic or reducing conditions that favor the growth and regeneration of hydrophytic vegetation. Field indicators of wetland soils include observations of ponding, inundation, saturation, dark (low chroma) soil colors, bright mottles (concentrations of oxidized minerals such as iron), gleying (indicates reducing conditions by a blue-grey color), or accumulation of organic material. Additional supporting information includes documentation of soil as hydric or reference to wet conditions in the local soils survey, both of which must be verified in the field.

Wetland Hydrology

Wetland hydrology is inundation or soil saturation with a frequency and duration long enough to cause the development of hydric soils and plant communities dominated by hydrophytic vegetation. If direct observation of wetland hydrology is not possible (as in seasonal wetlands), or records of wetland hydrology are not available (such as stream gauges), assessment of wetland hydrology is frequently supported by field indicators, such as water marks, drift lines, sediment deposits, or drainage patterns in wetlands.

Applicable Case Law and Agency Guidance

The USACE's regulations defining "waters of the United States" have been subject to legal interpretation, and two influential Supreme Court decisions have narrowed the definition to exclude certain classes of waters that bear an insufficient connection to navigable waters. In *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* (2001), the United States Supreme Court stated that the USACE's CWA jurisdiction does not extend to ponds that "are not adjacent to open water." In reaching its decision, the Court concluded that the "Migratory Bird Rule," which served as the basis for the USACE's asserted jurisdiction, was not supported by the CWA. The Migratory Bird Rule extended CWA jurisdiction to intrastate waters "which are or would be used as habitat by birds protected by Migratory Bird Treaties or which are or would be used as habitat by

other migratory birds which cross state lines…" The Court was concerned that application of the Migratory Bird Rule resulted in "reading the term 'navigable waters' out of the statute. Highlighting the language of the CWA to determine the statute's jurisdictional reach, the Court stated, "the term 'navigable' has at least the import of showing us what Congress had in mind as its authority for enacting the CWA: its traditional jurisdiction over waters that were or had been navigable in fact or which could reasonably be so made." This decision stands for the proposition that non-navigable isolated, intrastate waters are not waters of the United States and thus are not jurisdictional under the CWA.

In 2006 the United States Supreme Court decided *Rapanos v. United States* and *Carabell v. United States* (collectively "Rapanos"), which were consolidated cases determining the extent of CWA jurisdiction over waters that carry only an infrequent surface flow. The court issued no majority opinion in Rapanos. Instead, the justices authored five separate opinions including the "plurality" opinion, authored by Justice Scalia (joined by three other justices), and a concurring opinion by Justice Kennedy. To guide implementation of the decision, the USACE and USEPA issued a joint guidance memorandum ("Rapanos Guidance Memorandum") in 2008 stating that "regulatory jurisdiction under the CWA exists over a water body if either the plurality's or Justice Kennedy's standard is satisfied."

According to the plurality opinion in Rapanos, "the waters of the United States include only relatively permanent, standing or flowing bodies of water" and do not include "ordinarily dry channels through which water occasionally or intermittently flows." In addition, while all wetlands that meet the USACE definition are considered adjacent wetlands, only those adjacent wetlands that have a continuous surface connection because they directly abut the tributary (e.g., they are not separated by uplands, a berm, dike, or similar feature) are considered jurisdictional under the plurality standard.

Under Justice Kennedy's opinion, "the USACE's jurisdiction over wetlands depends upon the existence of a significant nexus between the wetlands in question and navigable waters in the traditional sense. Wetlands possess the requisite nexus, and thus come within the statutory phrase 'navigable waters,' if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.' When, in contrast, wetlands' effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term 'navigable waters.'" Justice Kennedy identified "pollutant trapping, flood control, and runoff storage" as some of the critical functions wetlands can perform relative to other waters. He concluded that, given wetlands' ecological role, "mere adjacency" to a non-navigable tributary was insufficient to establish CWA jurisdiction, and that "a more specific inquiry, based on the significant nexus standard, is therefore necessary."

Interpreting these decisions, and according to the Rapanos Guidance Memorandum, the USACE and USEPA will assert jurisdiction over the following waters:

- Traditional navigable waters;
- Wetlands adjacent to traditional navigable waters;
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); and,
- Wetlands that directly abut such tributaries.

The USACE and USEPA will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- Non-navigable tributaries that are not relatively permanent;
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent; and,
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary.

Where a significant nexus analysis is required, the USACE and USEPA will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters; and,
- Significant nexus includes consideration of hydrologic and ecologic factors.

The USACE and USEPA generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow); and,
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

Rivers and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the USACE for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, re-channelization, or any other modification of a navigable water of the United States, and applies to all structures and work. It further includes, without limitation, any wharf, dolphin, weir, boom breakwater, jetty, groin, bank protection (e.g., riprap, revetment, bulkhead), mooring structures such as pilings, aerial or subaqueous power transmission lines, intake or outfall pipes, permanently moored floating vessel, tunnel, artificial canal, boat ramp, aids to navigation, and any other permanent, or semi-permanent obstacle or obstruction. It is important to note that Section 10 applies only to navigable waters, and thus does not apply to work in non-navigable wetlands or tributaries. In some cases, Section 10 authorization is issued by the USACE concurrently with CWA Section 404 authorization, such as when certain Nationwide Permits are used.

Regional Water Quality Control Board

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) have jurisdiction over “waters of the State,” which are defined as any surface water or groundwater, including saline waters, within the boundaries of the state (California Water Code sec. 13050(e)). These agencies also have responsibilities for administering portions of the CWA.

Clean Water Act Section 401

Section 401 of the CWA requires an applicant requesting a federal license or permit for an activity that may result in any discharge into navigable waters (such as a Section 404 Permit) to provide state certification that the proposed activity will not violate state and federal water quality standards. In California, CWA Section 401 Water Quality Certification (Section 401 Certification) is issued by the RWQCBs and by the SWRCB for multi-region projects. The process begins when an applicant submits an application to the RWQCB and informs the USACE (or the applicable agency from which a license or permit was requested) that an application has been submitted. The USACE will then determine a "reasonable period of time" for the RWQCB to act on the application; this is typically 60 days for routine projects and longer for complex projects but may not exceed one year. When the period has elapsed, if the RWQCB has not either issued or denied the application for Section 401 Certification, the USACE may determine that Certification has been waived and issue the requested permit. If a Section 401 Certification is issued it may include binding conditions, imposed either through the Certification itself or through the requested federal license or permit.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code section 13000 et seq.), the policy of the State is as follows:

- The quality of all the waters of the State shall be protected
- All activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason
- The State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation

The Porter-Cologne Act established nine RWQCBs (based on watershed boundaries) and the SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCBs have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The SWRCB and RWQCBs have numerous nonpoint source related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

Section 13260 of the Porter-Cologne Act requires any person discharging or proposing to discharge waste that could affect the quality of waters of the State to file a Report of Waste Discharge with the appropriate RWQCB. The RWQCB may then authorize the discharge, subject to conditions, by issuing Waste Discharge Requirements (WDRs). While this requirement was historically applied primarily to outfalls and similar point source discharges, the SWRCB's *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*, effective May 2020, make it clear that the agency will apply the Porter-Cologne Act's requirements to discharges of dredge and fill material as well. The *Procedures* state that they are to be used in issuing CWA Section 401 Certifications and WDRs, and largely mirror the existing review requirements for CWA

Section 404 Permits and Section 401 Certifications, incorporating most elements of the USEPA's *Section 404(b)(1) Guidelines*. Following issuance of the *Procedures*, the SWRCB produced a consolidated application form for dredge/fill discharges that can be used to obtain a CWA Section 401 Water Quality Certification, WDRs, or both.

Non-Wetland Waters of the State

The SWRCB and RWQCBs have not established regulations for field determinations of waters of the state except for wetlands currently. In many cases the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance each RWQCB may interpret jurisdictional boundaries within their region and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to the USACE.

Wetland Waters of the State

Procedures for defining wetland waters of the State pursuant to the SWRCB's *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* went into effect May 28, 2020. The SWRCB defines an area as wetland if, under normal circumstances:

(i) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both;

(ii) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and

(iii) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

The SWRCB's *Implementation Guidance for the Wetland Definition and Procedures for Discharges of Dredge and Fill Material to Waters of the State* (2020), states that waters of the U.S. and waters of the State should be delineated using the standard USACE delineation procedures, taking into consideration that the methods shall be modified only to allow for the fact that a lack of vegetation does not preclude an area from meeting the definition of a wetland.

United States Fish and Wildlife Service

The United States Fish and Wildlife Service (USFWS) implements several laws protecting the Nation's fish and wildlife resources, including the Endangered Species Act (ESA; 16 United States Code [USC] Sections 153 et seq.), the Migratory Bird Treaty Act (MBTA; 16 USC Sections 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668).

Endangered Species Act

The USFWS and NMFS share responsibility for implementing the ESA. Generally, the USFWS implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadromous species. Projects that would result in "take" of any threatened or endangered wildlife species, or a threatened or endangered plant species if occurring on federal land, are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of the ESA, depending

on the involvement by the federal government in funding, authorizing, or carrying out the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. “Take” under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of the ESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at any time.

Migratory Bird Treaty Act

The MBTA of 1918 implements four international conservation treaties that the U.S. entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The law has been amended with the signing of each treaty, as well as when any of the treaties were amended, such as with Mexico in 1976 and Canada in 1995. The MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the USFWS.

The list of migratory bird species protected by the law, in regulations at 50 CFR Part 10.13, is primarily based on bird families and species included in the four international treaties. A migratory bird species is included on the list if it meets one or more of the following criteria:

1. It occurs in the United States or U.S. territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a species or part of a family protected by one of the four international treaties or their amendments.
2. Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or U.S. territories as the result of natural biological or ecological processes.
3. New evidence exists for its natural occurrence in the United States or U.S. territories resulting from natural distributional changes and the species occurs in a protected family.

In 2004, the Migratory Bird Treaty Reform Act limited the scope of the MBTA by stating the MBTA applies only to migratory bird species that are native to the United States or U.S. territories, and that a native migratory bird species is one that is present as a result of natural biological or ecological processes. The MBTRA requires the USFWS to publish a list of all nonnative, human-introduced bird species to which the MBTA does not apply, and an updated list was published in 2020. The 2020 update identifies species belonging to biological families referred to in treaties the MBTA implements but are not protected because their presence in the United States or U.S. territories is solely the result of intentional or unintentional human-assisted introductions.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act prohibits anyone, without a permit issued by the USFWS, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

"Disturb" means “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) derives its authority from the Fish and Game Code of California and administers several State laws protecting fish and wildlife resources and the habitats upon which they depend.

California Endangered Species Act

The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 et. seq.) prohibits take of state listed threatened or endangered. Take under CESA is defined as “Hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” (Fish and Game Code sec. 86). This definition does not prohibit indirect harm by way of habitat modification, except where such harm is the proximate cause of death of a listed species. Where incidental take would occur during construction or other lawful activities, CESA allows the CDFW to issue an Incidental Take Permit upon finding, among other requirements, that impacts to the species have been minimized and fully mitigated. Unlike the federal ESA, CESA’s protections extend to candidate species during the period (typically one year) while the California Fish and Game Commission decides whether the species warrants CESA listing.

Native Plant Protection Act

The CDFW also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare, and prohibits the take of listed plant species. Effective in 2015, CDFW promulgated regulations (14 CCR 786.9) under the authority of the NPPA, establishing that the CESA’s permitting procedures would be applied to plants listed under the NPPA as "Rare." With this change, there is little practical difference for the regulated public between plants listed under CESA and those listed under the NPPA.

Fully Protected Species Laws

The CDFW enforces Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, which prohibit take of species designated as Fully Protected. The CDFW is not allowed to issue an Incidental Take Permit for Fully Protected species; therefore, impacts to these species must be avoided. The exception is situations where a Natural Community Conservation Plan (NCCP) is in place that authorizes take of the fully protected species.

Avian Protection Laws

California Fish and Game Code sections 3503, 3503.5, and 3513 describe unlawful take, possession, or destruction of native birds, nests, and eggs. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs. Section 3513 makes it a state-level offense to take any bird in violation of the federal Migratory Bird Treaty Act.

Protection of Lakes and Streambeds

California Fish and Game Code section 1602 states that it is unlawful for any person to "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake" without first notifying the California Department of Fish and Wildlife (CDFW) of that activity. Thereafter, if CDFW determines and informs the entity that the activity will not substantially adversely affect any existing fish or wildlife resources, the entity may commence the activity. If, however, CDFG determines that the activity may substantially adversely affect an existing fish or wildlife resource, the entity may be required to obtain from CDFW a Streambed Alteration Agreement (SAA), which will include reasonable measures necessary to protect the affected resource(s), before the entity may conduct the activity described in the notification. Upon receiving a complete Notification of Lake/Streambed Alteration, CDFW has 60 days to present the entity with a Draft SAA. Upon review of the Draft SAA by the applicant, any problematic terms are negotiated with CDFW and a final SAA is executed.

The CDFW has not defined the term “stream” for the purposes of implementing its regulatory program under Section 1602, and the agency has not promulgated regulations directing how jurisdictional streambeds may be identified, or how their limits should be delineated. However, four relevant sources of information offer insight as to the appropriate limits of CDFW jurisdiction as discussed below.

- **The plain language of Section 1602 of CFGC** establishes the following general concepts:
  - References “river,” “stream,” and “lake”
  - References “natural flow”
  - References “bed,” “bank,” and “channel”
- **Applicable court decisions**, in particular *Rutherford v. State of California* (188 Cal App. 3d 1276 (1987), which interpreted Section 1602’s use of “stream” to be as defined in common law. The Court indicated that a “stream” is commonly understood to:
  - Have a source and a terminus
  - Have banks and a channel
  - Convey flow at least periodically, but need not flow continuously and may at times appear outwardly dry
  - Represent the depression between the banks worn by the regular and usual flow of the water
  - Include the area between the opposing banks measured from the foot of the banks from the top of the water at its ordinary stage, including intervening sand bars
  - Include the land that is covered by the water in its ordinary low stage
  - Include lands below the OHWM

- **CDFW regulations** defining "stream" for other purposes, including sport fishing (14 CCR 1.72) and streambed alterations associated with cannabis production (14 CCR 722(c)(21)), which indicate that a stream:
  - Flows at least periodically or intermittently
  - Flows through a bed or channel having banks
  - Supports fish or aquatic life
  - Can be dry for a period of time
  - Includes watercourses where surface or subsurface flow supports or has supported riparian vegetation
- **Guidance documents**, *including A Field Guide to Lake and Streambed Alteration Agreements* (CDFG 1994) and *Methods to Describe and Delineate Episodic Stream Processes on Arid Landscapes for Permitting Utility-Scale Solar Power Plants* (Brady and Vyverberg 2013), which suggest the following:
  - A stream may flow perennially or episodically
  - A stream is defined by the course in which water currently flows, or has flowed during the historic hydrologic course regime (approximately the last 200 years)
  - Width of a stream course can reasonably be identified by physical or biological indicators
  - A stream may have one or more channels (single thread vs. compound form)
  - Features such as braided channels, low-flow channels, active channels, banks associated with secondary channels, floodplains, islands, and stream-associated vegetation, are interconnected parts of the watercourse
  - Canals, aqueducts, irrigation ditches, and other means of water conveyance can be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife
  - Biologic components of a stream may include aquatic and riparian vegetation, all aquatic wildlife including fish, amphibians, reptiles, invertebrates, and terrestrial species which derive benefits from the stream system
  - The lateral extent of a stream can be measured in different ways depending on the particular situation and the type of fish or wildlife resource at risk

The tenets listed above, among others, are applied to establish the boundaries of streambeds in various environments. Importance of each factor may be weighted based on site-specific considerations and the applicability of the indicators to the streambed at hand.

Local Jurisdiction

American Canyon General Plan

Natural and Historic/Cultural Resources Element

The Natural and Historic/Cultural Resources Element of the American Canyon General Plan sets the guidelines to protect and preserve significant flora and fauna along with significant habitats that exist within the city of American Canyon and its planning area. The objectives of within the natural and historic/cultural resources element facilitates protection of sensitive habitats including vernal

pool, natural drainages and riparian habitats among other habitats. The policies contained within the general plan provide for resource conservation and the appropriate management of development.

Attachment B

Site Photographs



Photograph 1. Annual grassland and nonnative eucalyptus trees within the proposed annexation area.



Photograph 2. Annual grassland and urban structure within the proposed annexation.



Photograph 3. Barn structure in northwest area of proposed annexation area .



Photograph 4. Bridge crossing North Slough.



Photograph 5. Area that drains to North Slough (potential jurisdictional feature to be evaluated).



Photograph 6. Annual grassland within annexation area facing west.



Photograph 7. Ground squirrel burrows within the proposed annexation area .



Photograph 8. Disced annual grassland within the proposed annexation area.

Attachment C

Floral and Faunal Compendium

Plant Species Observed Within the Biological Study Area on August 16, 2022

Scientific Name	Common Name	Native or Introduced
Shrubs		
Eucalyptus globulus	blue-gum eucalyptus	introduced
Ailanthus altissima	tree of heaven	introduced
Quercus agrifolia	coast live oak	native
Pinus pinea	Italian stone pine	introduced
Rubus armeniacus	Himalayan blackberry	introduced
Ulmus sp.	elm	introduced
Washingtonia robusta	Mexican palm	introduced
Olea europaea	olive	introduced
Populus fremontii	cottonwood	native
Baccharis pilularis	coyote brush	native
Herbs		
Centaurea solstitialis	yellow star-thistle	introduced
Malva parviflora	cheeseweed	introduced
Cirsium vulgare	bull thistle	introduced
Croton setigerus	turkey mullein	introduced
Rumex crispus	curly dock	introduced
Foeniculum vulgare	fennel	introduced
Plantago lanceolata	ribwort plantain	introduced
Raphanus sativus	wild radish	introduced
Convolvulus arvensis	field bindweed	introduced
Carduus pycnocephalus	Italian thistle	introduced
Brassica nigra	black mustard	introduced
Trifolium hirtum	rose clover	introduced
Elymus caput-medusae	medusahead	introduced
Lepidium latifolium	pepperweed	introduced
Erigeron canadensis	horseweed	native
Grasses		
Hordeum murinum	false barley	introduced
Avena barbata	slender wild oat	introduced
Phalaris aquatica	Harding grass	introduced
Bromus diandrus	ripgut brome	introduced
Bromus hordeaceus	soft brome	introduced

Wildlife Species Observed Within the Biological Study Area on August 16, 2022

Scientific Name	Common Name	Native or Introduced
Birds		
Buteo jamaicensis	red-tailed hawk	native
Picoides nuttallii	Nuttall's woodpecker	native
Zenaida macroura	mourning dove	native
Columba livia	rock pidgeon	introduced
Falco sparverius	American kestrel	native
Hirundo rustica	barn swallow	native
Mammals		
Otospermophilus beecheyi	California ground squirrel	native
Lepus californicus	black-tailed jackrabbit	native
Canis latrans	coyote	native
Reptiles		
Sceloporus occidentalis	western fence lizard	native

Attachment D

Special Status Species Evaluation Tables

Special Status Plant Species in the Regional Vicinity of the Proposed Annexation

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Allium peninsulare var. *franciscanum* Franciscan onion	None/None G5T2/S2 1B.2	Perennial bulbiferous herb. Cismontane woodland, valley and foothill grassland. Clay, Serpentinite (often), volcanic. Elevations: 170-1000ft. (52-305m.) Blooms (Apr)May-Jun.	Not Expected	Project site is outside the elevation range of the species
Amorpha californica var. *napensis* Napa false indigo	None/None G4T2/S2 1B.2	Perennial deciduous shrub. Broadleafed upland forest, chaparral, cismontane woodland. Openings in forest or woodland or in chaparral. 30-735 m. Elevations: 165-6560ft. (50-2000m.) Blooms Apr-Jul.	Not Expected	Project site is outside the elevation range of the species
Astragalus tener var. *tener* alkali milk-vetch	None/None G2T1/S1 1B.2	Annual herb. Playas, valley and foothill grassland, vernal pools. Alkaline. Elevations: 5-195ft. (1-60m.) Blooms Mar-Jun.	Not Expected	Alkaline soil is not present.
Atriplex persistens vernal pool smallscale	None/None G2/S2 1B.2	Annual herb. Vernal pools. Alkaline vernal pools. Elevations: 35-375ft. (10-115m.) Blooms Jun-Oct.	Not Expected	Vernal pool habitat is not present.
Balsamorhiza macrolepis big-scale balsamroot	None/None G2/S2 1B.2	Perennial herb. Chaparral, cismontane woodland, valley and foothill grassland. Serpentinite (sometimes). Elevations: 150-5100ft. (45-1555m.) Blooms Mar-Jun.	Not Expected	Project site is outside the elevation range of the species
Blennosperma bakeri Sonoma sunshine	FE/SCE G1/S1 1B.1	Annual herb. Valley and foothill grassland, vernal pools. Vernal pools and swales. Elevations: 35-360ft. (10-110m.) Blooms Mar-May.	Not Expected	Suitable habitat is present within the project area; however, because of the grazed and disturbed nature of the project area the species is not expected.
Blepharizonia plumosa big tarplant	None/None G1G2/S1S2 1B.1	Annual herb. Valley and foothill grassland. Clay (usually). Elevations: 100-1655ft. (30-505m.) Blooms Jul-Oct.	Not Expected	Suitable habitat is present within the project area ; however, because of the grazed and disturbed nature of the project area the species is not expected.
Brodiaea leptandra narrow-anthered brodiaea	None/None G3?/S3? 1B.2	Perennial bulbiferous herb. Broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, valley and foothill grassland. Volcanic. Elevations: 360-3000ft. (110-915m.) Blooms May-Jul.	Not Expected	Project site is outside the elevation range of the species

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Calochortus pulchellus Mt. Diablo fairy-lantern	None/None G2/S2 1B.2	Perennial bulbiferous herb. Chaparral, cismontane woodland, riparian woodland, valley and foothill grassland. On wooded and brushy slopes. Elevations: 100-2755ft. (30-840m.) Blooms Apr-Jun.	Not Expected	Woodland habiat is not present within the project area.
Carex lyngbyei Lyngbye's sedge	None/None G5/S3 2B.2	Perennial rhizomatous herb. Marshes and swamps. Elevations: 0-35ft. (0-10m.) Blooms Apr-Aug.	Not Expected	Project site is outside the elevation range of the species. Suitable wetland habitat is not present within the project area.
Castilleja affinis var. *neglecta* Tiburon paintbrush	FE/SCT G4G5T1T2/S1S2 1B.2	Perennial herb (hemiparasitic). Valley and foothill grassland. Rocky serpentine sites. Elevations: 195-1310ft. (60-400m.) Blooms Apr-Jun.	Not Expected	Project site is outside the elevation range of the species
Ceanothus confusus Rincon Ridge ceanothus	None/None G1/S1 1B.1	Perennial evergreen shrub. Chaparral, cismontane woodland, closed-cone coniferous forest. Serpentinite (sometimes), volcanic (sometimes). Elevations: 245-3495ft. (75-1065m.) Blooms Feb-Jun.	Not Expected	Project site is outside the elevation range of the species
Ceanothus purpureus holly-leaved ceanothus	None/None G2/S2 1B.2	Perennial evergreen shrub. Chaparral, cismontane woodland. Rocky, volcanic. Elevations: 395-2100ft. (120-640m.) Blooms Feb-Jun.	Not Expected	Woodland and chaparral habitat is not present within the project area.
Ceanothus sonomensis Sonoma ceanothus	None/None G2/S2 1B.2	Perennial evergreen shrub. Chaparral. Sandy, serpentine or volcanic soils. Elevations: 705-2625ft. (215-800m.) Blooms Feb-Apr.	Not Expected	Project site is outside the elevation range of the species
Centromadia parryi ssp. *congdonii* Congdon's tarplant	None/None G3T1T2/S1S2 1B.1	Annual herb. Valley and foothill grassland. Alkaline soils, sometimes described as heavy white clay. Elevations: 0-755ft. (0-230m.) Blooms May-Oct(Nov).	Low Potential	Due to the grazed and disturbed nature of the project area the species is not likely to be present.
Centromadia parryi ssp. *parryi* pappose tarplant	None/None G3T2/S2 1B.2	Annual herb. Chaparral, coastal prairie, marshes and swamps, meadows and seeps, valley and foothill grassland. Alkaline (often). Elevations: 0-1380ft. (0-420m.) Blooms May-Nov.	Low Potential	Due to the grazed and disturbed nature of the project area the species is not likely to be present.
Chloropyron molle ssp. *molle* soft salty bird's-beak	FE/SCR G2T1/S1 1B.2	Annual herb (hemiparasitic). Marshes and swamps. In coastal salt marsh with Distichlis, Salicornia, Frankenia, etc. Elevations: 0-10ft. (0-3m.) Blooms Jun-Nov.	Not Expected	Saltmarsh habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Cicuta maculata var. *bolanderi* Bolander's water-hemlock	None/None G5T4T5/S2? 2B.1	Perennial herb. Marshes and swamps. In fresh or brackish water. Elevations: 0-655ft. (0-200m.) Blooms Jul-Sep.	Not Expected	Marsh or swamp habitat is not present within the project area.
Cirsium hydrophilum var. *hydrophilum* Suisun thistle	FE/None G2T1/S1 1B.1	Perennial herb. Marshes and swamps. Grows with Scirpus, Distichlis near small watercourses within saltmarsh. Elevations: 0-5ft. (0-1m.) Blooms Jun-Sep.	Not Expected	Project site is outside the elevation range of the species, and marsh and swamp habitat is not present.
Dirca occidentalis western leatherwood	None/None G2/S2 1B.2	Perennial deciduous shrub. Broadleafed upland forest, chaparral, cismontane woodland, closed-cone coniferous forest, north coast coniferous forest, riparian forest, riparian woodland. On brushy slopes, mesic sites; mostly in mixed evergreen and foothill woodland communities. Elevations: 80-1395ft. (25-425m.) Blooms Jan-Mar(Apr).	Not Expected	No woodland and forest habitat is present within the project site. Would have been observed if present.
Downingia pusilla dwarf downingia	None/None GU/S2 2B.2	Annual herb. Valley and foothill grassland, vernal pools. Vernal lake and pool margins with a variety of associates. In several types of vernal pools. Elevations: 5-1460ft. (1-445m.) Blooms Mar-May.	Not Expected	Vernal pool habitat is not present.
Erigeron greenei Greene's narrow-leaved daisy	None/None G3/S3 1B.2	Perennial herb. Chaparral. Serpentine and volcanic substrates, generally in shrubby vegetation. Elevations: 260-3295ft. (80-1005m.) Blooms May-Sep.	Not Expected	Project site is outside the elevation range of the species, and serpentine substrate is not present within the project area.
Eriogonum truncatum Mt. Diablo buckwheat	None/None G1/S1 1B.1	Annual herb. Chaparral, coastal scrub, valley and foothill grassland. Dry, exposed clay or sandy substrates. Elevations: 10-1150ft. (3-350m.) Blooms Apr-Sep(Nov-Dec).	Not Expected	The project area is outside the known range of the species.
Eryngium jepsonii Jepson's coyote-thistle	None/None G2/S2 1B.2	Perennial herb. Valley and foothill grassland, vernal pools. Clay. Elevations: 10-985ft. (3-300m.) Blooms Apr-Aug.	Low Potential	Grassland habitat is present however, the history of grazing and disturbance precludes this species from the project area.
Extriplex joaquinana San Joaquin spearscale	None/None G2/S2 1B.2	Annual herb. Chenopod scrub, meadows and seeps, playas, valley and foothill grassland. In seasonal alkali wetlands or alkali sink scrub with Distichlis spicata, Frankenia, etc. Elevations: 5-2740ft. (1-835m.) Blooms Apr-Oct.	Not Expected	Suitable wetland and alkali habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Fritillaria liliacea fragrant fritillary	None/None G2/S2 1B.2	Perennial bulbiferous herb. Cismontane woodland, coastal prairie, coastal scrub, valley and foothill grassland. Often on serpentine; various soils reported though usually on clay, in grassland. Elevations: 10-1345ft. (3-410m.) Blooms Feb-Apr.	Low Potential	Grassland habitat is present however, the history of grazing and disturbance precludes this species from the project area.
Helianthella castanea Diablo helianthella	None/None G2/S2 1B.2	Perennial herb. Broadleafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland. Azonal soils, Partial shade (often), rocky (usually). Elevations: 195-4265ft. (60-1300m.) Blooms Mar-Jun.	Low Potential	Grassland habitat is present however, the history of grazing and disturbance reduces the likelihood of this species being in the project area.
Hemizonia congesta ssp. *congesta* congested-headed hayfield tarplant	None/None G5T2/S2 1B.2	Annual herb. Valley and foothill grassland. Grassy valleys and hills, often in fallow fields; sometimes along roadsides. Elevations: 65-1835ft. (20-560m.) Blooms Apr-Nov.	Low Potential	Suitable habitat is present. However, the most recent record within the project search area is from 1931. Additionally, the history of grazing and disturbance reduces the likelihood of this species being in the project area.
Hesperolinon bicarpellatum two-carpellate western flax	None/None G2/S2 1B.2	Annual herb. Chaparral. Serpentine barrens at edge of chaparral. Elevations: 195-3295ft. (60-1005m.) Blooms (Apr)May-Jul.	Not Expected	Project site is outside the elevation range of the species, no chapparal or serpentine barrens present within the project area.
Hesperolinon breweri Brewer's western flax	None/None G2/S2 1B.2	Annual herb. Chaparral, cismontane woodland, valley and foothill grassland. Often in rocky serpentine soil in serpentine chaparral and serpentine grassland. Elevations: 100-3100ft. (30-945m.) Blooms May-Jul.	Not Expected	Serpentine soil is not present within the project area.
Horkelia tenuiloba thin-lobed horkelia	None/None G2/S2 1B.2	Perennial herb. Broadleafed upland forest, chaparral, valley and foothill grassland. Sandy soils; mesic openings. Elevations: 165-1640ft. (50-500m.) Blooms May-Jul(Aug).	Not Expected	Project site is outside the elevation range of the species. Suitable forest, and chaparral habitat is not present within the project area.
Isocoma arguta Carquinez goldenbush	None/None G1/S1 1B.1	Perennial shrub. Valley and foothill grassland. Alkaline soils, flats, lower hills. On low benches near drainages and on tops and sides of mounds in swale habitat. Elevations: 5-65ft. (1-20m.) Blooms Aug-Dec.	Not Expected	Alkaline soils are not present within the project area. Would have been observed if present
Lasthenia conjugens Contra Costa goldfields	FE/None G1/S1 1B.1	Annual herb. Cismontane woodland, playas, valley and foothill grassland, vernal pools. Vernal pools, swales,	Low Potential	Grassland habitat is present; however, there are no vernal pools, swales or appropriate depressional areas present.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
		low depressions, in open grassy areas. Elevations: 0-1540ft. (0-470m.) Blooms Mar-Jun.		
Lathyrus jepsonii var. *jepsonii* Delta tule pea	None/None G5T2/S2 1B.2	Perennial herb. Marshes and swamps. In freshwater and brackish marshes. Often found with Typha, Aster lentus, Rosa californica, Juncus spp., Scirpus, etc. Usually on marsh and slough edges. Elevations: 0-15ft. (0-5m.) Blooms May-Jul(Aug-Sep).	Not Expected	Suitable wetland habitat is not present within the project area, outside the .
Legenere limosa legenere	None/None G2/S2 1B.1	Annual herb. Vernal pools. In beds of vernal pools. 1-. Elevations: 5-2885ft. (1-880m.) Blooms Apr-Jun.	Not Expected	Suitable vernal pool habitat is not present within the project area.
Leptosiphon jepsonii Jepson's leptosiphon	None/None G2G3/S2S3 1B.2	Annual herb. Chaparral, cismontane woodland, valley and foothill grassland. Open to partially shaded grassy slopes. On volcanics or the periphery of serpentine substrates. Elevations: 330-1640ft. (100-500m.) Blooms Mar-May.	Not Expected	Project site is outside the elevation range of the species. Suitable volcanic or serpentine substrate is not present within the project area.
Lilaeopsis masonii Mason's lilaeopsis	None/SCR G2/S2 1B.1	Perennial rhizomatous herb. Marshes and swamps, riparian scrub. Tidal zones, in muddy or silty soil formed through river deposition or river bank erosion. In brackish or freshwater. Elevations: 0-35ft. (0-10m.) Blooms Apr-Nov.	Not Expected	Suitable wetland habitat is not present within the project area.
Limosella australis Delta mudwort	None/None G4G5/S2 2B.1	Perennial stoloniferous herb. Marshes and swamps, riparian scrub. Usually on mud banks of the Delta in marshy or scrubby riparian associations; often with Lilaeopsis masonii. Elevations: 0-10ft. (0-3m.) Blooms May-Aug.	Not Expected	Suitable wetland or riparian habitat is not present within the project area.
Lomatium repostum Napa lomatium	None/None G2G3/S2S3 1B.2	Perennial herb. Chaparral, cismontane woodland. Rocky areas in volcanic and serpentine soils with mixed chaparral and black oak woodland communities. Elevations: 295-3380ft. (90-1030m.) Blooms Mar-Jun.	Not Expected	Project site is outside the elevation range of the species. No chaparral or black oak woodland present within the project area.
Lupinus sericatus Cobb Mountain lupine	None/None G2?/S2? 1B.2	Perennial herb. Broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest. In stands of knobcone pine-oak woodland, on open wooded slopes in gravelly soils; sometimes on	Not Expected	Suitable woodland habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
		serpentine. Elevations: 900-5005ft. (275-1525m.) Blooms Mar-Jun.		
Navarretia leucocephala ssp. *bakeri* Baker's navarretia	None/None G4T2/S2 1B.1	Annual herb. Cismontane woodland, lower montane coniferous forest, meadows and seeps, valley and foothill grassland, vernal pools. Vernal pools and swales; adobe or alkaline soils. Elevations: 15-5710ft. (5-1740m.) Blooms Apr-Jul.	Not Expected	Suitable woodland or vernal pool habitat is not present within the project area.
Puccinellia simplex California alkali grass	None/None G3/S2 1B.2	Annual herb. Chenopod scrub, meadows and seeps, valley and foothill grassland, vernal pools. Alkaline, vernally mesic. Sinks, flats, and lake margins. Elevations: 5-3050ft. (2-930m.) Blooms Mar-May.	Not Expected	Suitable wetland habitat is not present within the project area.
Rhynchospora californica California beaked-rush	None/None G1/S1 1B.1	Perennial rhizomatous herb. Bogs and fens, lower montane coniferous forest, marshes and swamps, meadows and seeps. Freshwater seeps and open marshy areas. Elevations: 150-3315ft. (45-1010m.) Blooms May-Jul.	Not Expected	Project site is outside the elevation range of the species, suitable wetland and forest habitat is not present within the project area.
Senecio aphanactis chaparral ragwort	None/None G3/S2 2B.2	Annual herb. Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. Elevations: 50-2625ft. (15-800m.) Blooms Jan-Apr(May).	Not Expected	Suitable chaparral or woodland habitat is not present within the project area.
Sidalcea hickmanii ssp. *napensis* Napa checkerbloom	None/None G3T1/S1 1B.1	Perennial herb. Chaparral. Rhyolitic substrates. Elevations: 1360-2000ft. (415-610m.) Blooms Apr-Jun.	Not Expected	Project site is outside the elevation range of the species, Chaparral habitat is not present within the project area.
Spergularia macrotheca var. *longistyla* long-styled sand-spurrey	None/None G5T2/S2 1B.2	Perennial herb. Marshes and swamps, meadows and seeps. Alkaline. Elevations: 0-835ft. (0-255m.) Blooms Feb-May.	Not Expected	Suitable wetland habitat is not present within the project area.
Stuckenia filiformis ssp. *alpina* northern slender pondweed	None/None G5T5/S2S3 2B.2	Perennial rhizomatous herb (aquatic). Marshes and swamps. Shallow, clear water of lakes and drainage channels. Elevations: 985-7055ft. (300-2150m.) Blooms May-Jul.	Not Expected	Project site is outside the elevation range of the species. Suitable wetland habitat is not present within the project area.
Symphyotrichum lentum Suisun Marsh aster	None/None G2/S2 1B.2	Perennial rhizomatous herb. Marshes and swamps. Most often seen along sloughs with Phragmites, Scirpus, blackberry, Typha, etc. Elevations: 0-10ft. (0-3m.) Blooms (Apr)May-Nov.	Not Expected	Project site is outside the elevation range of the species. Suitable wetland habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Trichostema ruygtii Napa bluecurls	None/None G1G2/S1S2 1B.2	Annual herb. Chaparral, cismontane woodland, lower montane coniferous forest, valley and foothill grassland, vernal pools. Often in open, sunny areas. Also has been found in vernal pools. Elevations: 100-2230ft. (30-680m.) Blooms Jun-Oct.	Low Potential	Grassland habitat is present however, the history of grazing and disturbance diminishes the likelihood of this species being present in the project area.
Trifolium amoenum two-fork clover	FE/None G1/S1 1B.1	Annual herb. Coastal bluff scrub, valley and foothill grassland. Sometimes on serpentine soil, open sunny sites, swales. Most recently cited on roadside and eroding cliff face. Elevations: 15-1360ft. (5-415m.) Blooms Apr-Jun.	Low Potential	Grassland habitat is present however, the history of grazing and disturbance diminishes the likelihood of this species being present in the project area.
Trifolium hydrophilum saline clover	None/None G2/S2 1B.2	Annual herb. Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites. Elevations: 0-985ft. (0-300m.) Blooms Apr-Jun.	Low Potential	Suitable wetland and alkaline habitat is not present within the project area.
Viburnum ellipticum oval-leaved viburnum	None/None G4G5/S3? 2B.3	Perennial deciduous shrub. Chaparral, cismontane woodland, lower montane coniferous forest. Elevations: 705-4595ft. (215-1400m.) Blooms May-Jun.	Not Expected	Project site is outside the elevation range of the species. Suitable woodland habitat is not present within the project area.

Regional Vicinity refers to within a 12-quad search radius of site.

Status (Federal/State)

FE = Federal Endangered
FT = Federal Threatened
SE = State Endangered
ST = State Threatened
SCE = State Candidate Endangered

CRPR (CNPS California Rare Plant Rank)

1B = Rare, Threatened, or Endangered in California and elsewhere
2B= Rare, Threatened, or Endangered in California, but more common elsewhere

CRPR Threat Code Extension

.1 = Seriously endangered in California (>80% of occurrences threatened/high degree and immediacy of threat)
.2 = Moderately threatened in California (20-80% of occurrences threatened/moderate degree and immediacy of threat)
.3 = Not very endangered in California (<20% of occurrences threatened/low degree and immediacy of threat)

Other Statuses

G1 or S1 Critically Imperiled Globally or Subnationally (state)
G2 or S2 Imperiled Globally or Subnationally (state)
G3 or S3 Vulnerable to extirpation or extinction Globally or Subnationally (state)
G4/5 or S4/5 Apparently secure, common and abundant

Additional notations may be provided as follows

T – Intraspecific Taxon (subspecies, varieties, and other designations below the level of species)
? – Inexact numeric rank

Special Status Animal Species in the Regional Vicinity of the Proposed Annexation

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Invertebrates				
Branchinecta lynchi vernal pool fairy shrimp	FT/None G3/S3	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Not Expected	Vernal pool habitat is not present within the project area.
Desmocerus californicus dimorphus valley elderberry longhorn beetle	FT/None G3T2T3/S3	Occurs only in the Central Valley of California, in association with blue elderberry (Sambucus mexicana). Prefers to lay eggs in elderberries 2-8 inches in diameter; some preference shown for "stressed" elderberries.	Not Expected	The host plant is not present within the project area.
Speyeria callippe callippe callippe silverspot butterfly	FE/None G5T1/S1	Restricted to the northern coastal scrub of the San Francisco peninsula. Hostplant is Viola pedunculata. Most adults found on E-facing slopes; males congregate on hilltops in search of females.	Not Expected	The project area is outside the known range of the species.
Syncaris pacifica California freshwater shrimp	FE/SE G2/S2	Endemic to Marin, Napa, and Sonoma counties. Found in low elevation, low gradient streams where riparian cover is moderate to heavy. Shallow pools away from main streamflow. Winter: undercut banks with exposed roots. Summer: leafy branches touching water.	Not Expected	Suitable aquatic habitat is not present within the project area.
Fish				
Acipenser medirostris pop. 1 green sturgeon - southern DPS	FT/None G3T1/S1	Spawning site fidelity. Spawns in the Sacramento, Feather and Yuba Rivers. Presence in upper Stanislaus and San Joaquin Rivers may indicate spawning. Non-spawning adults occupy marine/estuarine waters. Delta Estuary is important for rearing juveniles. Spawning occurs primarily in cool (11-15 C) sections of mainstem rivers in deep pools (8-9 meters) with substrate containing small to medium sized sand, gravel, cobble, or boulder.	Not Expected	Suitable aquatic habitat is not present
Hypomesus transpacificus Delta smelt	FT/SE G1/S1	Sacramento-San Joaquin Delta. Seasonally in Suisun Bay, Carquinez Strait and San Pablo Bay. Seldom found at salinities > 10 ppt. Most often at salinities < 2ppt.	Not Expected	Suitable aquatic habitat is not present

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Oncorhynchus mykiss irideus pop. 8 steelhead - central California coast DPS	FT/None G5T2T3Q/S2S3	DPS includes all naturally spawned populations of steelhead (and their progeny) in streams from the Russian River to Aptos Creek, Santa Cruz County, California (inclusive). Also includes the drainages of San Francisco and San Pablo Bays. .	Not Expected	Suitable aquatic habitat is not present
Pogonichthys macrolepidotus Sacramento splittail	None/None GNR/S3 SSC	Endemic to the lakes and rivers of the Central Valley, but now confined to the Delta, Suisun Bay and associated marshes. Slow moving river sections, dead end sloughs. Requires flooded vegetation for spawning and foraging for young.	Not Expected	Suitable aquatic habitat is not present
Spirinchus thaleichthys longfin smelt	FC/ST G5/S1	Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Not Expected	Suitable aquatic habitat is not present
Amphibians				
Dicamptodon ensatus California giant salamander	None/None G3/S2S3 SSC	Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County, and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not Expected	Suitable aquatic habitat is not present
Rana boylii foothill yellow-legged frog	None/SE G3/S3 SSC	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Not Expected	Suitable aquatic habitat is not present
Rana draytonii California red-legged frog	FT/None G2G3/S2S3 SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Not Expected	Suitable permanent aquatic habitat is not present

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Taricha rivularis red-bellied newt	None/None G2/S2 SSC	Coastal drainages from Humboldt County south to Sonoma County, inland to Lake County. Isolated population of uncertain origin in Santa Clara County. Lives in terrestrial habitats, juveniles generally underground, adults active at surface in moist environments. Will migrate over 1 km to breed, typically in streams with moderate flow and clean, rocky substrate.	Not Expected	Suitable aquatic habitat is not present
Reptiles				
Emys marmorata western pond turtle	None/None G3G4/S3 SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Not Expected	Suitable aquatic habitat is not present
Masticophis lateralis euryxanthus Alameda whipsnake	FT/ST G4T2/S2	Typically found in chaparral and scrub habitats but will also use adjacent grassland, oak savanna and woodland habitats. Mostly south-facing slopes and ravines, with rock outcrops, deep crevices or abundant rodent burrows, where shrubs form a vegetative mosaic with oak trees and grasses.	Not Expected	Suitable chaparral habitat is not found within the project site.
Birds				
Accipiter cooperii Cooper's hawk	None/None G5/S4 WL	Woodland, chiefly of open, interrupted or marginal type. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	Not Expected	Suitable woodland habitat is not present within the project area.
Agelaius tricolor tricolored blackbird	None/ST G1G2/S1S2 SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Not Expected	No open water habitat present within the project area.
Aquila chrysaetos golden eagle	None/None G5/S3 FP WL	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	Not Expected	Suitable nesting habitat is not present with in the project area. The high disturbance of the project area precludes this species from the project area

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Asio flammeus short-eared owl	None/None G5/S3 SSC	Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Not Expected	No swamp land habitat is present within the project area.
Athene cunicularia western burrowing owl	None/None G4/S3 SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Moderate Potential	Suitable grassland habitat is present. Ground squirrel burrows were observed within the project area.
Buteo regalis ferruginous hawk	None/None G4/S3S4 WL	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.	Not Expected	Project site is outside the known nesting range of the species.
Buteo swainsoni Swainson's hawk	None/ST G5/S3	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Moderate Potential	Suitable nesting habitat is present within the project area.
Charadrius nivosus nivosus western snowy plover	FT/None G3T3/S2 SSC	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Not Expected	Suitable nesting or foraging habitat is not present within the project area.
Circus hudsonius northern harrier	None/None G5/S3 SSC	Coastal salt and freshwater marsh. Nest and forage in grasslands, from salt grass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	Not Expected	No suitable nesting habitat is present within the project area.
Coturnicops noveboracensis yellow rail	None/None G4/S1S2 SSC	Summer resident in eastern Sierra Nevada in Mono County. Freshwater marshlands.	Not Expected	No suitable habitat is present within the project area.
Cypseloides niger black swift	None/None G4/S2 SSC	Coastal belt of Santa Cruz and Monterey counties; central and southern Sierra Nevada; San Bernardino and San Jacinto mountains. Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above the surf; forages widely.	Not Expected	Suitable cliff habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Elanus leucurus white-tailed kite	None/None G5/S3S4 FP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Moderate Potential	Suitable nesting habitat is present within the project area.
Falco peregrinus anatum American peregrine falcon	FD/SD G4T4/S3S4 FP	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.	Not Expected	Suitable nesting habitat is not present with in the project area.
Geothlypis trichas sinuosa saltmarsh common yellowthroat	None/None G5T3/S3 SSC	Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Not Expected	Suitable habitat is not present within the project area.
Laterallus jamaicensis coturniculus California black rail	None/ST G3T1/S1 FP	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Not Expected	Suitable habitat is not present within the project area.
Melospiza melodia maxillaris Suisun song sparrow	None/None G5T3/S3 SSC	Resident of brackish-water marshes surrounding Suisun Bay. Inhabits cattails, tules and other sedges, and Salicornia; also known to frequent tangles bordering sloughs.	Not Expected	Suitable habitat is not present within the project area.
Melospiza melodia samuelis San Pablo song sparrow	None/None G5T2/S2 SSC	Resident of salt marshes along the north side of San Francisco and San Pablo bays. Inhabits tidal sloughs in the Salicornia marshes; nests in Grindelia bordering slough channels.	Not Expected	Suitable habitat is not present within the project area.
Pandion haliaetus osprey	None/None G5/S4 WL	Ocean shore, bays, freshwater lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water.	Not Expected	Suitable habitat is not present within the project area.
Rallus obsoletus obsoletus California Ridgway's rail	FE/SE G3T1/S1 FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not Expected	Suitable habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Riparia riparia bank swallow	None/ST G5/S2	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Not Expected	Suitable habitat is not present within the project area.
Xanthocephalus xanthocephalus yellow-headed blackbird	None/None G5/S3 SSC	Nests in freshwater emergent wetlands with dense vegetation and deep water. Often along borders of lakes or ponds. Nests only where large insects such as Odonata are abundant, nesting timed with maximum emergence of aquatic insects.	Not Expected	Suitable habitat is not present within the project area.
Mammals				
Antrozous pallidus pallid bat	None/None G4/S3 SSC	Found in a variety of habitats including deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts in crevices of rock outcrops, caves, mine tunnels, buildings, bridges, and hollows of live and dead trees which must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Not Expected	Suitable foraging habitat is present however, no roosting habitat is present within the project area.
Corynorhinus townsendii Townsend's big-eared bat	None/None G4/S2 SSC	Occurs throughout California in a wide variety of habitats. Most common in mesic sites, typically coniferous or deciduous forests. Roosts in the open, hanging from walls & ceilings in caves, lava tubes, bridges, and buildings. This species is extremely sensitive to human disturbance.	Not Expected	Suitable roosting habitat is not present within the project area.
Nyctinomops macrotis big free-tailed bat	None/None G5/S3 SSC	Low-lying arid areas in Southern California. Need high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.	Not Expected	Suitable roosting habitat is not present within the project area.
Reithrodontomys raviventris salt-marsh harvest mouse	FE/SE G1G2/S1S2 FP	Only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is primary habitat, but may occur in other marsh vegetation types and in adjacent upland areas. Does not burrow; builds loosely organized nests. Requires higher areas for flood escape.	Not Expected	Suitable habitat is not present within the project area.

Scientific Name Common Name	Status	Habitat Requirements	Potential to Occur in Project Area	Habitat Suitability/ Observations
Sorex ornatus sinuosus Suisun shrew	None/None G5T1T2Q/S1S2 SSC	Tidal marshes of the northern shores of San Pablo and Suisun bays. Require dense low-lying cover and driftweed and other litter above the mean hightide line for nesting and foraging.	Not Expected	Suitable habitat is not present within the project area.
Taxidea taxus American badger	None/None G5/S3 SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Low Potential	Suitable habitat is present within the project area however, there are no recent records within the search perimiter.

Regional Vicinity refers to within a 12-quad search radius of site.

Status (Federal/State)

FE = Federal Endangered

FT = Federal Threatened

SE = State Endangered

ST = State Threatened

SCE = State Candidate Endangered

Other Statuses

G1 or S1 Critically Imperiled Globally or Subnationally (state)

G2 or S2 Imperiled Globally or Subnationally (state)

G3 or S3 Vulnerable to extirpation or extinction Globally or Subnationally (state)

G4/5 or S4/5 Apparently secure, common and abundant

Additional notations may be provided as follows

T – Intraspecific Taxon (subspecies, varieties, and other designations below the level of species)

Appendix C

Supporting Noise Information

Existing and Forecast Volumes For Watson Lane EIR Scenarios (Updated January 2023)

		Existing Network					Build-Out Network				
Roadway	Location	Facility Type	Number of Lanes	Speed Limit	Existing 2022 Count	E+P Adjusted Forecast	Facility Type	Number of Lanes	Speed Limit	Cumulative Adjusted Forecast	C+P Adjusted Forecast
Interstate 80	s/o SR 37	Nine-Lane Freeway	9	65	110,006	109,836	Nine-Lane Freeway	9	65	117,524	117,514
	s/o American Canyon Road	Nine-Lane Freeway	9	65	109,042	107,096	Nine-Lane Freeway	9	65	123,066	121,991
	s/o Red Top Road	Eight-Lane Freeway	8	65	112,650	109,791	Nine-Lane Freeway	8	65	130,058	128,806
	s/o SR 12	Eight-Lane Freeway	8	65	97,782	95,830	Eight-Lane Freeway	8	65	114,818	113,977
	n/o SR 12	Eight-Lane Freeway	8	65	136,706	136,566	Eight-Lane Freeway	8	65	155,782	155,682
State Route 29	s/o SR 37	Four-Lane Arterial	4	50 to 55	24,051	23,903	Four-Lane Arterial	4	50 to 55	26,193	26,059
	n/o SR 37	Four-Lane Arterial	4	50 to 55	43,483	43,492	Six-Lane Arterial	4	50 to 55	40,578	40,444
	s/o Mini Drive	Four-Lane Arterial	4	50 to 55	37,492	37,915	Six-Lane Arterial	4	50 to 55	37,689	37,666
	n/o Mini Drive	Four-Lane Arterial	4	50 to 55	43,469	44,009	Six-Lane Arterial	4	50 to 55	43,570	43,575
	n/o American Canyon Road	Four-Lane Arterial	4	50 to 55	49,579	49,523	Six-Lane Arterial	4	50 to 55	50,923	51,132
	s/o Napa Junction Road	Six-Lane Arterial	6	50 to 55	40,762	42,107	Six-Lane Arterial	6	50 to 55	35,274	36,053
	n/o Napa Junction Road	Four-Lane Highway	4	50 to 55	59,044	62,507	Six-Lane Highway	4	50 to 55	59,796	60,310
	n/o Green Island Road	Four-Lane Highway	4	50 to 55	60,263	59,161	Four-Lane Highway	4	50 to 55	62,745	62,189
	s/o SR 12	Six-Lane Highway	6	50 to 55	*59,200*	58,100	Six-Lane Highway	6	50 to 55	63,160	62,560
	n/o SR 12	Six-Lane Highway	6	50 to 55	*88,600*	87,000	Six-Lane Highway	6	50 to 55	107,200	106,300
Airport Blvd.	w/o SR 29	Four-Lane Collector	4	45	10,500	10,298	Four-Lane Collector	4	45	10,551	10,341
State Route 12	e/o N. Kelly Road	Four-Lane Highway	3	55	35,033	35,922	Four-Lane Highway	3	55	35,717	36,038
	w/o Red Top Road	Two-Lane Highway	2	55	37,179	38,075	Four-Lane Highway	2	55	37,776	38,106
State Route 37	w/o SR 29	Four-Lane Freeway	4	50 to 55	39,980	39,788	Four-Lane Freeway	4	50 to 55	39,156	39,074
	e/o SR 29	Four-Lane Freeway	4	50 to 55	62,495	62,352	Four-Lane Freeway	4	50 to 55	63,634	63,592
	e/o Fairgrounds Road	Four-Lane Freeway	4	50 to 55	*69,800*	69,800	Four-Lane Freeway	0	50 to 55	69,800	69,800
	e/o I-80	Six-Lane Freeway	6	50 to 55	42,000	41,948	Six-Lane Freeway	6	50 to 55	47,826	47,776
American Cyn Rd.	w/o SR 29	Four-Lane Arterial	4	45	15,330	14,396	Four-Lane Arterial	4	45	10,744	10,935
	e/o Flosden Road	Two-Lane Arterial	2	45	10,771	9,857	Two-Lane Arterial	2	45	14,419	14,194
	w/o I-80	Two-Lane Arterial	2	45	4,076	3,151	Two-Lane Arterial	2	45	7,774	7,610
Hiddenbrook Pkwy	e/o I-80	Two-Lane Collector	2	40	6,023	6,019	Two-Lane Collector	2	40	6,945	6,943
Flosden Road	s/o American Canyon Road	Four-Lane Arterial	4	45	21,510	21,450	Four-Lane Arterial	4	45	29,534	29,362
Newell Drive	n/o American Canyon Road	Four-Lane Arterial	4	35	9,685	9,129	Four-Lane Arterial	4	35	28,695	28,072
	s/o Napa Junction Road	-	-	-	-	-	Four-Lane Arterial	4	*35*	19,537	21,790
South Kelly Road	s/o SR 12	Two-Lane Collector	2	50	1,602	2,570	Two-Lane Collector	2	50	11,310	11,310
Devlin Road	n/o Green Island Road	Two-Lane Collector	-	-	-	0	Two-Lane Collector	2	40	5,318	5,224

Scenario Abbreviations: E+P is Existing Plus Project, C+P is Cumulative Plus Project

Notes:

1. Numbers shown in italic font are estimates
2. Neither Newell Dr. south of Napa Junction Rd. nor Devlin Rd. north of Green Island Rd. exist in 2022.

Vehicle Mix: Existing and Forecast Volumes For Watson Lane EIR Scenarios (Updated January 2023)

		Existing 2022				Existing + Project 2022				Cumulative				Cumulative Plus Project			
Roadway	Location	Auto	Medium Duty	Heavy Duty	Existing 2022 Count	Auto	Medium Duty	Heavy Duty	E+P Adjusted Forecast	Auto	Medium Duty	Heavy Duty	Cumulat Adjusted Forecast	Auto	Medium Duty	Heavy Duty	C+P Adjusted Forecast
Interstate 80	s/o SR 37	103,087	3,460	3,460	110,006	102,927	3,454	3,454	109,836	110,132	3,696	3,696	117,524	110,122	3,696	3,696	117,514
	s/o American Canyon Road	102,881	3,080	3,080	109,042	101,045	3,025	3,025	107,096	116,113	3,477	3,477	123,066	115,099	3,446	3,446	121,991
	s/o Red Top Road	106,037	3,306	3,306	112,650	103,346	3,222	3,222	109,791	122,424	3,817	3,817	130,058	121,245	3,780	3,780	128,806
	s/o SR 12	92,042	2,870	2,870	97,782	90,205	2,813	2,813	95,830	108,078	3,370	3,370	114,818	107,287	3,345	3,345	113,977
	n/o SR 12	125,441	5,632	5,632	136,706	125,313	5,627	5,627	136,566	142,946	6,418	6,418	155,782	142,854	6,414	6,414	155,682
State Route 29	s/o SR 37	23,544	254	254	24,051	23,399	252	252	23,903	25,640	276	276	26,193	25,509	275	275	26,059
	n/o SR 37	41,357	1,063	1,063	43,483	41,365	1,063	1,063	43,492	38,594	992	992	40,578	38,466	989	989	40,444
	s/o Mini Drive	35,689	902	902	37,492	36,091	912	912	37,915	35,876	906	906	37,689	35,854	906	906	37,666
	n/o Mini Drive	41,448	1,011	1,011	43,469	41,963	1,023	1,023	44,009	41,544	1,013	1,013	43,570	41,549	1,013	1,013	43,575
	n/o American Canyon Road	47,402	1,088	1,088	49,579	47,349	1,087	1,087	49,523	48,687	1,118	1,118	50,923	48,887	1,122	1,122	51,132
	s/o Napa Junction Road	37,966	1,398	1,398	40,762	39,218	1,444	1,444	42,107	32,854	1,210	1,210	35,274	33,580	1,237	1,237	36,053
	n/o Napa Junction Road	54,415	2,315	2,315	59,044	57,606	2,450	2,450	62,507	55,108	2,344	2,344	59,796	55,582	2,364	2,364	60,310
	n/o Green Island Road	54,176	3,043	3,043	60,263	53,186	2,988	2,988	59,161	56,408	3,169	3,169	62,745	55,908	3,141	3,141	62,189
	s/o SR 12	54,553	2,324	2,324	*59,200*	53,539	2,280	2,280	58,100	58,202	2,479	2,479	63,160	57,649	2,455	2,455	62,560
	n/o SR 12	82,761	2,919	2,919	*88,600*	81,267	2,867	2,867	87,000	100,136	3,532	3,532	107,200	99,295	3,503	3,503	106,300
Airport Blvd.	w/o SR 29	9,899	300	300	10,500	9,709	295	295	10,298	9,947	302	302	10,551	9,749	296	296	10,341
State Route 12	e/o N. Kelly Road	31,284	1,874	1,874	35,033	32,078	1,922	1,922	35,922	31,895	1,911	1,911	35,717	32,182	1,928	1,928	36,038
	w/o Red Top Road	33,312	1,933	1,933	37,179	34,115	1,980	1,980	38,075	33,847	1,964	1,964	37,776	34,143	1,982	1,982	38,106
State Route 37	w/o SR 29	37,861	1,059	1,059	39,980	37,679	1,054	1,054	39,788	37,081	1,038	1,038	39,156	37,003	1,035	1,035	39,074
	e/o SR 29	59,370	1,562	1,562	62,495	59,234	1,559	1,559	62,352	60,452	1,591	1,591	63,634	60,412	1,590	1,590	63,592
	e/o Fairgrounds Road	66,108	1,846	1,846	*69,800*	66,108	1,846	1,846	69,800	66,108	1,846	1,846	69,800	66,108	1,846	1,846	69,800
	e/o I-80	41,013	494	494	42,000	40,962	493	493	41,948	46,702	562	562	47,826	46,653	561	561	47,776
American Cyn Rd.	w/o SR 29	14,930	200	200	15,330	14,020	188	188	14,396	10,464	140	140	10,744	10,650	143	143	10,935
	e/o Flosden Road	10,684	44	44	10,771	9,777	40	40	9,857	14,302	58	58	14,419	14,079	57	57	14,194
	w/o I-80	3,648	214	214	4,076	2,820	165	165	3,151	6,958	408	408	7,774	6,811	400	400	7,610
Hiddenbrook Pkwy	e/o I-80	5,858	83	83	6,023	5,854	82	82	6,019	6,755	95	95	6,945	6,753	95	95	6,943
Flosden Road	s/o American Canyon Road	20,884	313	313	21,510	20,826	312	312	21,450	28,675	430	430	29,534	28,508	427	427	29,362
Newell Drive	n/o American Canyon Road	9,485	100	100	9,685	8,940	94	94	9,129	28,101	297	297	28,695	27,491	291	291	28,072
	s/o Napa Junction Road	-	-	-	-	-	-	-	-	*19,133*	*202*	*202*	19,537	*21,339*	*226*	*226*	21,790
South Kelly Road	s/o SR 12	1,586	8	8	1,602	2,544	13	13	2,570	11,197	57	57	11,310	11,197	57	57	11,310
Devlin Road	n/o Green Island Road	-	-	-	-	-	-	-	0	*266*	*2,526*	*2,526*	5,318	*261*	*2,481*	*2,481*	5,224

Scenario Abbreviations: E+P is Existing Plus Project, C+P is Cumulative Plus Project

Notes:

1. Numbers shown in italic font are estimates
2. Neither Newell Dr. south of Napa Junction Rd. nor Devlin Rd. north of Green Island Rd. exist in 2022.

Time of Day Distribution: Existing and Forecast Volumes For Watson Lane EIR Scenarios (Updated January 2023)

		Existing 2022				Existing + Project 2022				Cumulative				Cumulative Plus Project			
Roadway	Location	7 a.m.-7 p.m.	7 p.m. - 10 p.m.	10p - 7a	Existing 2022 Count	7 a.m.-7 p.m.	7 p.m. - 10 p.m.	10p - 7a	E+P Adjusted Forecast	7 a.m.-7 p.m.	7 p.m. - 10 p.m.	10p - 7a	Cumulat Adjusted Forecast	7 a.m.-7 p.m.	7 p.m. - 10 p.m.	10p - 7a	C+P Adjusted Forecast
Interstate 80	s/o SR 37	85,166	14,686	10,154	110,006	85,034	14,663	10,139	109,836	90,986	15,689	10,848	117,524	90,979	15,688	10,847	117,514
	s/o American Canyon Road	84,420	14,557	10,065	109,042	82,913	14,297	9,886	107,096	95,277	16,429	11,360	123,066	94,445	16,286	11,261	121,991
	s/o Red Top Road	87,213	15,039	10,398	112,650	84,999	14,657	10,134	109,791	100,690	17,363	12,005	130,058	99,721	17,196	11,890	128,806
	s/o SR 12	75,702	13,054	9,026	97,782	74,191	12,793	8,846	95,830	88,891	15,328	10,599	114,818	88,240	15,216	10,521	113,977
	n/o SR 12	105,837	18,250	12,619	136,706	105,728	18,232	12,606	136,566	120,605	20,797	14,380	155,782	120,528	20,784	14,371	155,682
State Route 29	s/o SR 37	19,692	3,110	1,249	24,051	19,571	3,091	1,241	23,903	21,446	3,387	1,360	26,193	21,336	3,369	1,353	26,059
	n/o SR 37	34,302	5,783	3,398	43,483	34,309	5,784	3,399	43,492	32,010	5,397	3,171	40,578	31,904	5,379	3,161	40,444
	s/o Mini Drive	29,794	4,881	2,816	37,492	30,130	4,937	2,848	37,915	29,951	4,907	2,831	37,689	29,932	4,904	2,829	37,666
	n/o Mini Drive	35,449	5,512	2,508	43,469	35,889	5,580	2,539	44,009	35,531	5,525	2,514	43,570	35,535	5,525	2,514	43,575
	n/o American Canyon Road	40,432	6,287	2,861	49,579	40,386	6,280	2,857	49,523	41,528	6,457	2,938	50,923	41,698	6,484	2,950	51,132
	s/o Napa Junction Road	33,241	5,169	2,352	40,762	34,338	5,339	2,430	42,107	28,766	4,473	2,035	35,274	29,401	4,572	2,080	36,053
	n/o Napa Junction Road	48,150	7,487	3,407	59,044	50,974	7,926	3,607	62,507	48,764	7,582	3,450	59,796	49,183	7,647	3,480	60,310
	n/o Green Island Road	49,144	7,641	3,477	60,263	48,246	7,502	3,414	59,161	51,169	7,956	3,620	62,745	50,715	7,886	3,588	62,189
	s/o SR 12	48,278	7,507	3,416	*59,200*	47,381	7,367	3,352	58,100	51,507	8,009	3,644	63,160	51,018	7,933	3,610	62,560
	n/o SR 12	72,253	11,234	5,112	*88,600*	70,949	11,032	5,020	87,000	87,422	13,593	6,185	107,200	86,688	13,479	6,134	106,300
Airport Blvd.	w/o SR 29	8,831	462	1,207	10,500	8,661	453	1,184	10,298	8,874	464	1,213	10,551	8,697	455	1,189	10,341
State Route 12	e/o N. Kelly Road	25,912	2,831	6,291	35,033	26,569	2,902	6,450	35,922	26,418	2,886	6,413	35,717	26,655	2,912	6,471	36,038
	w/o Red Top Road	27,499	3,004	6,676	37,179	28,162	3,076	6,837	38,075	27,941	3,052	6,783	37,776	28,185	3,079	6,842	38,106
State Route 37	w/o SR 29	31,180	5,397	3,402	39,980	31,031	5,371	3,386	39,788	30,538	5,286	3,332	39,156	30,474	5,275	3,325	39,074
	e/o SR 29	48,740	8,437	5,318	62,495	48,628	8,418	5,306	62,352	49,628	8,591	5,415	63,634	49,595	8,585	5,412	63,592
	e/o Fairgrounds Road	54,437	9,423	5,940	*69,800*	54,437	9,423	5,940	69,800	54,437	9,423	5,940	69,800	54,437	9,423	5,940	69,800
	e/o I-80	32,756	5,670	3,574	42,000	32,715	5,663	3,570	41,948	37,299	6,457	4,070	47,826	37,261	6,450	4,066	47,776
American Cyn Rd.	w/o SR 29	12,528	1,722	1,080	15,330	11,765	1,617	1,014	14,396	8,781	1,207	757	10,744	8,937	1,228	770	10,935
	e/o Flosden Road	8,803	1,210	759	10,771	8,056	1,107	694	9,857	11,784	1,619	1,016	14,419	11,600	1,594	1,000	14,194
	w/o I-80	3,331	458	287	4,076	2,575	354	222	3,151	6,353	873	548	7,774	6,219	855	536	7,610
Hiddenbrook Pkwy	e/o I-80	4,757	771	495	6,023	4,754	770	495	6,019	5,486	889	571	6,945	5,484	888	571	6,943
Flosden Road	s/o American Canyon Road	17,605	2,381	1,524	21,510	17,556	2,375	1,519	21,450	24,173	3,269	2,092	29,534	24,032	3,250	2,080	29,362
Newell Drive	n/o American Canyon Road	8,220	1,045	420	9,685	7,748	985	396	9,129	24,354	3,096	1,245	28,695	23,825	3,029	1,218	28,072
	s/o Napa Junction Road	-	-	-	-	-	-	-	-	16,581	2,108	848	19,537	18,494	2,351	945	21,790
South Kelly Road	s/o SR 12	1,417	123	62	1,602	2,273	198	99	2,570	10,004	871	435	11,310	10,004	871	435	11,310
Devlin Road	n/o Green Island Road	-	-	-	-	-	-	-	0	5,225	0	93	5,318	5,133	0	91	5,224

Scenario Abbreviations: E+P is Existing Plus Project, C+P is Cumulative Plus Project

Notes:

1. Numbers shown in italic font are estimates
2. Neither Newell Dr. south of Napa Junction Rd. nor Devlin Rd. north of Green Island Rd. exist in 2022.

Traffic Noise Calculator: FHWA 77-108 **Project Title: 19-08743 Watson Lane Annexation - Existing 2022**

	Output						Inputs												Auto Inputs	
	dBA at 50 feet			Distance to CNEL Contour																
ID	$L_{eq\text{-}24hr}$	L_{dn}	CNEL	70 dBA	65 dBA	60 dBA	Roadway	Segment	ADT	Posted Speed Limit	Grade	% Autos	% Med Trucks	% Heavy Trucks	% Daytime	% Evening	% Night	Number of Lanes	Site Condition	Distance to Reciever	Ground Absorption	Lane Distance
6	70.8	72.4	73.2	82	176	378	State Route 29	s/o SR 37	24,051	55	0.0%	97.9%	1.1%	1.1%	81.9%	12.9%	5.2%	4	Soft	50	0.5	44
7	74.1	76.4	77.1	148	319	688	State Route 29	n/o SR 37	43,483	55	0.0%	95.1%	2.4%	2.4%	78.9%	13.3%	7.8%	4	Soft	50	0.5	44
8	73.4	75.7	76.3	132	285	614	State Route 29	s/o Mini Drive	37,492	55	0.0%	95.2%	2.4%	2.4%	79.5%	13.0%	7.5%	4	Soft	50	0.5	44
9	74.0	75.8	76.6	137	295	636	State Route 29	n/o Mini Drive	43,469	55	0.0%	95.4%	2.3%	2.3%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
10	74.5	76.3	77.1	148	319	687	State Route 29	n/o American Canyon Road	49,579	55	0.0%	95.6%	2.2%	2.2%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
11	74.5	76.3	77.1	148	318	685	State Route 29	s/o Napa Junction Road	40,762	55	0.0%	93.1%	3.4%	3.4%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
12	76.1	77.9	78.6	188	405	874	State Route 29	n/o Napa Junction Road	59,044	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
13	76.6	78.5	79.2	205	441	950	State Route 29	n/o Green Island Road	60,263	55	0.0%	89.9%	5.1%	5.1%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
14	76.4	78.2	78.9	196	421	908	State Route 29	s/o SR 12	59,200	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
15	77.8	79.6	80.4	245	528	1139	State Route 29	n/o SR 12	88,600	55	0.0%	93.4%	3.3%	3.3%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
16	66.2	69.3	69.5	46	100	215	Airport Blvd	w/o SR 29	10,500	45	0.0%	94.3%	2.9%	2.9%	84.1%	4.4%	11.5%	4	Soft	50	0.5	44
17	74.3	78.5	78.8	193	415	894	State Route 12	e/o N. Kelly Road	35,033	55	0.0%	89.3%	5.4%	5.4%	74.0%	8.1%	18.0%	3	Soft	50	0.5	32
19	73.8	76.3	77.0	146	314	675	State Route 37	w/o SR 29	39,980	55	0.0%	94.7%	2.7%	2.7%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
20	75.7	78.2	78.8	194	418	900	State Route 37	e/o SR 29	62,495	55	0.0%	95.0%	2.5%	2.5%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
23	66.8	68.9	69.5	46	100	216	American Canyon Rd	w/o SR 29	15,330	45	0.0%	97.4%	1.3%	1.3%	81.7%	11.2%	7.0%	4	Soft	50	0.5	44
24	64.4	66.5	67.1	32	69	148	American Canyon Rd	e/o Flosden Road	10,771	45	0.0%	99.2%	0.4%	0.4%	81.7%	11.2%	7.0%	2	Soft	50	0.5	20
27	68.4	70.5	71.1	59	128	275	Flosden Road	s/o American Canyon Road	21,510	45	0.0%	97.1%	1.5%	1.5%	81.8%	11.1%	7.1%	4	Soft	50	0.5	44
28	61.9	63.4	64.0	20	43	93	Newell Drive	n/o American Canyon Road	9,685	35	0.0%	97.9%	1.0%	1.0%	84.9%	10.8%	4.3%	4	Soft	50	0.5	44
30	57.4	58.7	59.2	10	21	44	South Kelly Road	s/o SR 12	1,602	50	0.0%	99.0%	0.5%	0.5%	88.5%	7.7%	3.9%	2	Soft	50	0.5	20

Traffic Noise Calculator: FHWA 77-108 **Project Title: 19-08743 Watson Lane Annexation - Existing + Project**

	Output						Inputs												Auto Inputs	
	dBA at 50 feet			Distance to CNEL Contour																
ID	$L_{eq\text{-}24hr}$	L_{dn}	CNEL	70 dBA	65 dBA	60 dBA	Roadway	Segment	ADT	Posted Speed Limit	Grade	% Autos	% Med Trucks	% Heavy Trucks	% Daytime	% Evening	% Night	Number of Lanes	Site Condition	Distance to Reciever	Ground Absorption	Lane Distance
6	70.7	72.4	73.2	81	175	377	State Route 29	s/o SR 37	23,903	55	0.0%	97.9%	1.1%	1.1%	81.9%	12.9%	5.2%	4	Soft	50	0.5	44
7	74.1	76.4	77.1	148	319	688	State Route 29	n/o SR 37	43,492	55	0.0%	95.1%	2.4%	2.4%	78.9%	13.3%	7.8%	4	Soft	50	0.5	44
8	73.5	75.7	76.4	133	287	619	State Route 29	s/o Mini Drive	37,915	55	0.0%	95.2%	2.4%	2.4%	79.5%	13.0%	7.5%	4	Soft	50	0.5	44
9	74.1	75.9	76.6	138	297	641	State Route 29	n/o Mini Drive	44,009	55	0.0%	95.4%	2.3%	2.3%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
10	74.5	76.3	77.1	148	319	686	State Route 29	n/o American Canyon Road	49,523	55	0.0%	95.6%	2.2%	2.2%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
11	74.7	76.5	77.2	151	325	700	State Route 29	s/o Napa Junction Road	42,107	55	0.0%	93.1%	3.4%	3.4%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
12	76.3	78.2	78.9	196	421	907	State Route 29	n/o Napa Junction Road	62,507	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
13	76.6	78.4	79.1	202	436	938	State Route 29	n/o Green Island Road	59,161	55	0.0%	89.9%	5.1%	5.1%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
14	76.3	78.1	78.8	193	416	897	State Route 29	s/o SR 12	58,100	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
15	77.7	79.6	80.3	242	522	1125	State Route 29	n/o SR 12	87,000	55	0.0%	93.4%	3.3%	3.3%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
16	66.1	69.2	69.4	46	99	212	Airport Blvd	w/o SR 29	10,298	45	0.0%	94.3%	2.9%	2.9%	84.1%	4.4%	11.5%	4	Soft	50	0.5	44
17	74.4	78.6	78.9	196	422	909	State Route 12	e/o N. Kelly Road	35,922	55	0.0%	89.3%	5.4%	5.4%	74.0%	8.1%	18.0%	3	Soft	50	0.5	32
19	73.8	76.3	76.9	145	313	673	State Route 37	w/o SR 29	39,788	55	0.0%	94.7%	2.7%	2.7%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
20	75.7	78.2	78.8	193	417	898	State Route 37	e/o SR 29	62,352	55	0.0%	95.0%	2.5%	2.5%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
23	66.5	68.6	69.3	45	96	207	American Canyon Rd	w/o SR 29	14,396	45	0.0%	97.4%	1.3%	1.3%	81.7%	11.2%	7.0%	4	Soft	50	0.5	44
24	64.0	66.1	66.7	30	65	140	American Canyon Rd	e/o Flosden Road	9,857	45	0.0%	99.2%	0.4%	0.4%	81.7%	11.2%	7.0%	2	Soft	50	0.5	20
27	68.4	70.5	71.1	59	128	275	Flosden Road	s/o American Canyon Road	21,450	45	0.0%	97.1%	1.5%	1.5%	81.8%	11.1%	7.1%	4	Soft	50	0.5	44
28	61.7	63.1	63.8	19	41	89	Newell Drive	n/o American Canyon Road	9,129	35	0.0%	97.9%	1.0%	1.0%	84.9%	10.8%	4.3%	4	Soft	50	0.5	44
30	59.5	60.7	61.2	13	28	61	South Kelly Road	s/o SR 12	2,570	50	0.0%	99.0%	0.5%	0.5%	88.5%	7.7%	3.9%	2	Soft	50	0.5	20

Traffic Noise Calculator: FHWA 77-108 **Project Title: 19-08743 Watson Lane Annexation - Cumulative**

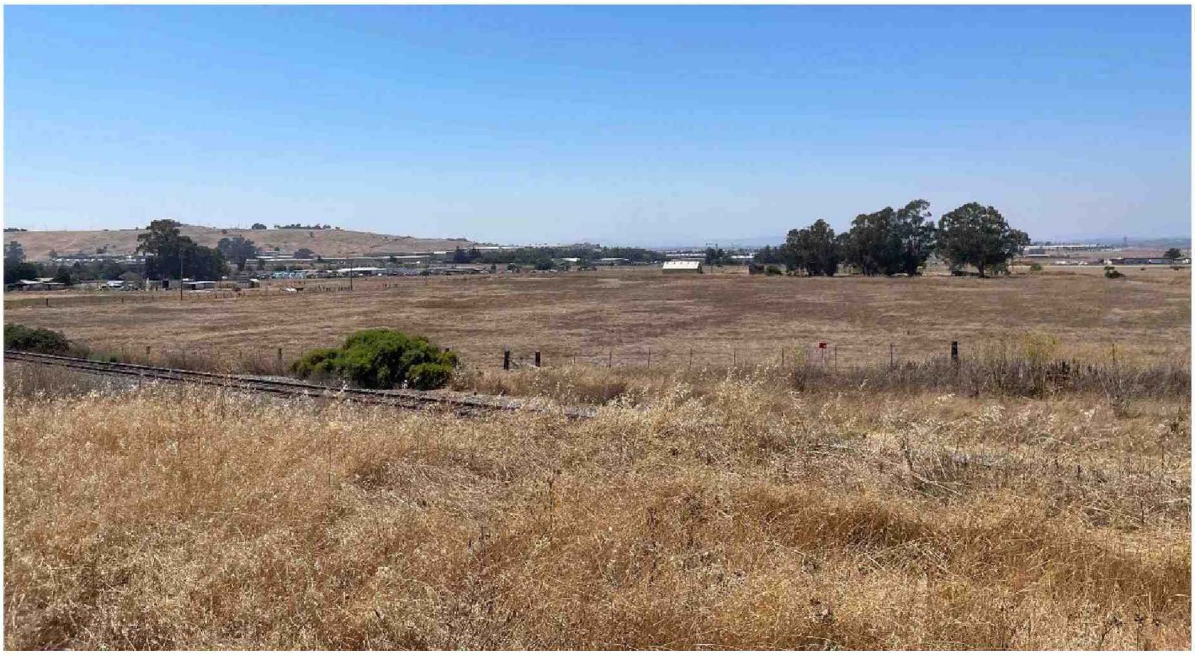
	Output						Inputs												Auto Inputs	
	dBA at 50 feet			Distance to CNEL Contour																
ID	$L_{eq\text{-}24hr}$	L_{dn}	CNEL	70 dBA	65 dBA	60 dBA	Roadway	Segment	ADT	Posted Speed Limit	Grade	% Autos	% Med Trucks	% Heavy Trucks	% Daytime	% Evening	% Night	Number of Lanes	Site Condition	Distance to Reciever	Ground Absorption	Lane Distance
6	71.1	72.8	73.6	86	186	400	State Route 29	s/o SR 37	26,193	55	0.0%	97.9%	1.1%	1.1%	81.9%	12.9%	5.2%	4	Soft	50	0.5	44
7	73.8	76.1	76.8	142	305	657	State Route 29	n/o SR 37	40,578	55	0.0%	95.1%	2.4%	2.4%	78.9%	13.3%	7.8%	4	Soft	50	0.5	44
8	73.4	75.7	76.4	133	286	617	State Route 29	s/o Mini Drive	37,689	55	0.0%	95.2%	2.4%	2.4%	79.5%	13.0%	7.5%	4	Soft	50	0.5	44
9	74.0	75.9	76.6	137	296	637	State Route 29	n/o Mini Drive	43,570	55	0.0%	95.4%	2.3%	2.3%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
10	74.6	76.5	77.2	151	325	699	State Route 29	n/o American Canyon Road	50,923	55	0.0%	95.6%	2.2%	2.2%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
11	73.9	75.7	76.4	134	289	622	State Route 29	s/o Napa Junction Road	35,274	55	0.0%	93.1%	3.4%	3.4%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
12	76.2	78.0	78.7	190	409	881	State Route 29	n/o Napa Junction Road	59,796	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
13	77.5	79.3	80.0	232	501	1078	State Route 29	n/o Green Island Road	62,745	55	0.0%	89.9%	5.1%	5.1%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
14	77.2	79.0	79.7	222	478	1031	State Route 29	s/o SR 12	63,160	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
15	78.7	80.5	81.2	279	600	1293	State Route 29	n/o SR 12	107,200	55	0.0%	93.4%	3.3%	3.3%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
16	66.2	69.3	69.5	47	100	216	Airport Blvd	w/o SR 29	10,551	45	0.0%	94.3%	2.9%	2.9%	84.1%	4.4%	11.5%	4	Soft	50	0.5	44
17	74.4	78.6	78.9	195	420	905	State Route 12	e/o N. Kelly Road	35,717	55	0.0%	89.3%	5.4%	5.4%	74.0%	8.1%	18.0%	3	Soft	50	0.5	32
19	73.7	76.2	76.9	144	309	666	State Route 37	w/o SR 29	39,156	55	0.0%	94.7%	2.7%	2.7%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
20	75.8	78.2	78.9	196	423	910	State Route 37	e/o SR 29	63,634	55	0.0%	95.0%	2.5%	2.5%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
23	65.2	67.4	68.0	37	79	170	American Canyon Rd	w/o SR 29	10,744	45	0.0%	97.4%	1.3%	1.3%	81.7%	11.2%	7.0%	4	Soft	50	0.5	44
24	65.6	67.8	68.4	39	84	180	American Canyon Rd	e/o Flosden Road	14,419	45	0.0%	99.2%	0.4%	0.4%	81.7%	11.2%	7.0%	2	Soft	50	0.5	20
27	69.8	71.9	72.5	73	158	340	Flosden Road	s/o American Canyon Road	29,534	45	0.0%	97.1%	1.5%	1.5%	81.8%	11.1%	7.1%	4	Soft	50	0.5	44
28	66.7	68.1	68.8	41	89	192	Newell Drive	n/o American Canyon Road	28,695	35	0.0%	97.9%	1.0%	1.0%	84.9%	10.8%	4.3%	4	Soft	50	0.5	44
29	65.0	66.4	67.1	32	69	148	Newell Drive	s/o Napa Junction Road	19,537	35	0.0%	97.9%	1.0%	1.0%	84.9%	10.8%	4.3%	4	Soft	50	0.5	44
30	59.9	61.2	61.7	14	30	65	South Kelly Road	s/o SR 12	11,310	50	0.0%	99.0%	0.5%	0.5%	88.5%	7.7%	3.9%	2	Soft	50	0.5	20

Traffic Noise Calculator: FHWA 77-108 **Project Title: 19-08743 Watson Lane Annexation - Cumulative + Project**

	Output						Inputs												Auto Inputs	
	dBA at 50 feet			Distance to CNEL Contour																
ID	$L_{eq\text{-}24hr}$	L_{dn}	CNEL	70 dBA	65 dBA	60 dBA	Roadway	Segment	ADT	Posted Speed Limit	Grade	% Autos	% Med Trucks	% Heavy Trucks	% Daytime	% Evening	% Night	Number of Lanes	Site Condition	Distance to Reciever	Ground Absorption	Lane Distance
6	71.1	72.8	73.5	86	185	399	State Route 29	s/o SR 37	26,059	55	0.0%	97.9%	1.1%	1.1%	81.9%	12.9%	5.2%	4	Soft	50	0.5	44
7	73.8	76.1	76.8	141	304	656	State Route 29	n/o SR 37	40,444	55	0.0%	95.1%	2.4%	2.4%	78.9%	13.3%	7.8%	4	Soft	50	0.5	44
8	73.4	75.7	76.4	133	286	616	State Route 29	s/o Mini Drive	37,666	55	0.0%	95.2%	2.4%	2.4%	79.5%	13.0%	7.5%	4	Soft	50	0.5	44
9	74.0	75.9	76.6	137	296	637	State Route 29	n/o Mini Drive	43,575	55	0.0%	95.4%	2.3%	2.3%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
10	74.7	76.5	77.2	151	325	701	State Route 29	n/o American Canyon Road	51,132	55	0.0%	95.6%	2.2%	2.2%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
11	74.0	75.8	76.5	136	293	631	State Route 29	s/o Napa Junction Road	36,053	55	0.0%	93.1%	3.4%	3.4%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
12	76.2	78.0	78.7	191	411	886	State Route 29	n/o Napa Junction Road	60,310	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
13	77.4	79.3	80.0	231	498	1073	State Route 29	n/o Green Island Road	62,189	55	0.0%	89.9%	5.1%	5.1%	81.6%	12.7%	5.8%	4	Soft	50	0.5	44
14	77.1	79.0	79.7	221	476	1025	State Route 29	s/o SR 12	62,560	55	0.0%	92.2%	3.9%	3.9%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
15	78.6	80.4	81.2	277	597	1286	State Route 29	n/o SR 12	106,300	55	0.0%	93.4%	3.3%	3.3%	81.6%	12.7%	5.8%	6	Soft	50	0.5	68
16	66.2	69.2	69.4	46	99	213	Airport Blvd	w/o SR 29	10,341	45	0.0%	94.3%	2.9%	2.9%	84.1%	4.4%	11.5%	4	Soft	50	0.5	44
17	74.4	78.6	78.9	196	423	911	State Route 12	e/o N. Kelly Road	36,038	55	0.0%	89.3%	5.4%	5.4%	74.0%	8.1%	18.0%	3	Soft	50	0.5	32
19	73.7	76.2	76.9	143	309	665	State Route 37	w/o SR 29	39,074	55	0.0%	94.7%	2.7%	2.7%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
20	75.8	78.2	78.9	196	422	910	State Route 37	e/o SR 29	63,592	55	0.0%	95.0%	2.5%	2.5%	78.0%	13.5%	8.5%	4	Soft	50	0.5	44
23	65.3	67.5	68.1	37	80	172	American Canyon Rd	w/o SR 29	10,935	45	0.0%	97.4%	1.3%	1.3%	81.7%	11.2%	7.0%	4	Soft	50	0.5	44
24	65.6	67.7	68.3	38	83	178	American Canyon Rd	e/o Flosden Road	14,194	45	0.0%	99.2%	0.4%	0.4%	81.7%	11.2%	7.0%	2	Soft	50	0.5	20
27	69.7	71.9	72.5	73	157	339	Flosden Road	s/o American Canyon Road	29,362	45	0.0%	97.1%	1.5%	1.5%	81.8%	11.1%	7.1%	4	Soft	50	0.5	44
28	66.6	68.0	68.7	41	88	189	Newell Drive	n/o American Canyon Road	28,072	35	0.0%	97.9%	1.0%	1.0%	84.9%	10.8%	4.3%	4	Soft	50	0.5	44
29	65.5	66.9	67.6	34	74	160	Newell Drive	s/o Napa Junction Road	21,790	35	0.0%	97.9%	1.0%	1.0%	84.9%	10.8%	4.3%	4	Soft	50	0.5	44
30	59.9	61.2	61.7	14	30	65	South Kelly Road	s/o SR 12	11,310	50	0.0%	99.0%	0.5%	0.5%	88.5%	7.7%	3.9%	2	Soft	50	0.5	20

Traffic Noise Increase Summary

Roadway Segment	Existing ADT	Existing + Project ADT	Cumulative ADT	Cumulative + Project ADT	Project Noise Increase ($dBA L_{dn}$)	Cumulative Increase ($dBA L_{dn}$)	Project Cumulative Contribution ($dBA L_{dn}$)
State Route 29 - South of State Route 37	24,051	23,903	26,193	26,059	0.0	0.3	0.0
State Route 29- North of State Route 37	43,483	43,492	40,578	40,444	0.0	-0.3	0.0
State Route 29 - South of Mini Drive	37,492	37,915	37,689	37,666	0.0	0.0	0.0
State Route 29 - North of Mini Drive	43,469	44,009	43,570	43,575	0.1	0.0	0.0
State Route 29 - North of American Canyon Road	49,579	49,523	50,923	51,132	0.0	0.1	0.0
State Route 29 - South of Napa Junction Road	40,762	42,107	35,274	36,053	0.1	-0.5	0.1
State Route 29 - North of Napa Junction Road	59,044	62,507	59,796	60,310	0.2	0.1	0.0
State Route 29 - North of Green Island Road	60,263	59,161	62,745	62,189	-0.1	0.1	0.0
State Route 29 - South of State Route 12	59,200	58,100	63,160	62,560	-0.1	0.2	0.0
State Route 29 - North of State Route 12	88,600	87,000	107,200	106,300	-0.1	0.8	0.0
Airport Boulevard - West of State Route 29	10,500	10,298	10,551	10,341	-0.1	-0.1	-0.1
State Route 12 - East of North Kelly Road	35,033	35,922	35,717	36,038	0.1	0.1	0.0
State Route 37 - West of State Route 29	39,980	39,788	39,156	39,074	0.0	-0.1	0.0
State Route 37 - East of State Route 29	62,495	62,352	63,634	63,592	0.0	0.1	0.0
American Canyon Road - West of State Route 29	15,330	14,396	10,744	10,935	-0.3	-1.5	0.1
American Canyon Road - East of Flosden Road	10,771	9,857	14,419	14,194	-0.4	1.2	-0.1
Flosden Road - South of American Canyon Road	21,510	21,450	29,534	29,362	0.0	1.4	0.0
Newell Drive - North of American Canyon Road	9,685	9,129	28,695	28,072	-0.3	4.6	-0.1
Newell Drive - South of Napa Junction Road	-	-	19,537	21,790	-	-	0.5
South Kelly Road - South of State Route 12	1,602	2,570	11,310	11,310	2.1	8.5	0.0



Paoli/Watson Lane Annexation

Final Environmental Impact Report
State Clearinghouse No. 2022090097

prepared by
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, California 94503
Contact: Brent Cooper, AICP, Community Development Director

prepared with the assistance of
Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

October 2023

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

Paoli/Watson Lane Annexation

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Table of Contents

Acronyms and Abbreviations iii

1 Introduction 1-1

1.1 Final EIR Contents 1-1

1.2 Draft EIR Public Review Process 1-1

1.3 EIR Certification Process and Project Approval 1-2

2 Responses to Comments on the Draft EIR 2-1

2.1 Comment Letters and Responses 2-1

3 Minor Revisions to the Draft EIR 3-1

3.1 Revisions to the Draft EIR 3-1

4 Recirculation Not Warranted 4-1

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Acronyms and Abbreviations

ACT	Advanced Clean Trucks
ALUCP	Airport Land Use Compatibility Plan
AF	Acre Feet
BAAQMD	Bay Area Air Quality Management District
BRA	Biological Resources Assessment
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
EV	Electric Vehicle
FEIR	Final Environmental Impact Report
GHG	Greenhouse Gas Emissions
ITP	Incidental Take Permit
LAFCo	Napa County Local Agency Formation Commission
LSA	Lake and Streambed Alteration
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Program
NOA	Notice of Availability
NOC	Notice of Completion
NOP	Notice of Preparation
PRC	Public Resources Code
TRU	Transport Refrigeration Unit
USFWS	U.S. Fish and Wildlife Services
TRU	Transport Refrigeration Unit
VMT	Vehicle Miles Traveled

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1 Introduction

1.1 Final EIR Contents

This Final Environmental Impact Report (EIR) has been prepared by the City of American Canyon (City) to evaluate the potential environmental impacts of the proposed Paoli/Watson Lane Annexation Project (hereafter also referred to as "project").

Pursuant to *California Environmental Quality Act* (CEQA) *Guidelines* Sections 15088 and 15132, the City of American Canyon, as the lead agency, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document together with the Draft EIR (incorporated by reference) comprise the Final EIR for the project. This Final EIR includes individual responses to each letter received during the public review period for the Draft EIR. In accordance with *CEQA Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The City has provided a good faith effort to respond to all significant environmental issues raised by the comments. The Final EIR also includes minor clarifications, corrections, or revisions to the Draft EIR suggested by certain comments. The Final EIR includes the following contents:

- Section 1: Introduction
- Section 2: Responses to Comments on the Draft EIR
- Section 3: Minor Revisions to the Draft EIR
- Section 4: Recirculation Not Warranted

1.2 Draft EIR Public Review Process

Pursuant to CEQA, lead agencies are required to consult with public agencies with jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of American Canyon filed a notice of completion (NOC) with the Governor's Office of Planning and Research to begin the 45-day public review period (Public Resources Code [PRC] Section 21161), which began on March 14, 2023, and ended on April 28, 2023. The Draft EIR was made available on the City's website.[1] In addition, the Draft EIR was made available for review at the City's offices at 4381 Broadway Street, Suite 201 and the City Library at 300 Crawford Way. A Notice of Availability (NOA) of the Draft EIR was published on March 14, 2023. As a result of these notification efforts, the City received eight written comments on the content of the Draft EIR. Section 2, "Responses to Comments on the Draft EIR," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (*CEQA Guidelines* Section 15088.5).

[1] Draft EIR for the project is available here: https://cityofamcan.org/ProjectReview

1.3 EIR Certification Process and Project Approval

Before adopting the project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

Upon certification of an EIR, the lead agency makes a decision on the project analyzed in the EIR. A lead agency may: (a) disapprove a project because of its significant environmental effects; (b) require changes to a project to reduce or avoid significant environmental effects; or (c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).

In approving a project, for each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). Pursuant to PRC Section 21061.1, feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors.

While the information in the EIR does not constrain the City's ultimate decision under its land use authority, the City must respond to each significant effect and mitigation measure identified in the EIR as required by CEQA by making findings supporting its decision. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explains why the project's benefits outweigh the significant environmental effects (*CEQA Guidelines* Section 15093).

When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (*CEQA Guidelines* Section 15091[d]).

2 Responses to Comments on the Draft EIR

This section includes comments received during public circulation of the Draft Environmental Impact Report (EIR) prepared for the City of American Canyon Paoli/Watson Lane Annexation project. The comment letters included herein were submitted to the City of American Canyon by public agencies, an organization, and individuals. The City prepared these responses to written comments received to address the environmental concerns raised by the commenters and to indicate where and how the Draft EIR addresses pertinent environmental issues. The Draft EIR was circulated for a 45-day public review period that began on March 14, 2023, and ended on April 28, 2023. The City of American Canyon received eight comment letters on the Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter		Page No.
A.1	Napa County Airport Department of Public Works	2-2
A.2	California Department of Fish and Wildlife	2-6
A.3	City of Vallejo	2-28
P.1	Leslie Lawson and Margaret Lawson	2-37
P.2	Leslie Lawson, Margaret Lawson, Sam Clerici, and Leann Clerici	2-45
P.3	Charles Lemmon	2-51
P.4	Yvonne Baginski	2-55
P.5	Frances Tinny, Legal Fellow, Center for Biological Diversity	2-63

2.1 Comment Letters and Responses

Written responses to each comment letter received on the Draft EIR are provided in this section. All letters received on the Draft EIR are provided in their entirety. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A.1-1, for example, indicates that the response is for the first issue raised in comment Letter A.1). Comments that start with "A" indicate that the commenter represents a public agency; comments that start with "P" indicate that the commenter is an individual or represents a non-governmental organization.

Revisions made to the text of the Draft EIR are provided in Section 3, *Minor Revisions to the Draft EIR*, including corrected information, data, or intent. Where a comment results in a revision to the Draft EIR text, a notation is made in the response indicating that the text is revised. Within the *Minor Revisions to the Draft EIR*, revisions in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (<u>underlined font</u>) where text is added.

Following public review of an EIR, lead agencies are directed to "evaluate comments on environmental issues received from persons who reviewed the draft EIR and prepare a written response" (*CEQA Guidelines* Section 15088(a)). Some of the comments that were received on the Draft EIR did not address specific environmental issues or effects associated with the project or the adequacy of the analysis contained in the Draft EIR. No additional analysis or response is required for these types of comments. All comments, however, will be noted and made available to applicable decision-makers as they consider the project.

Letter A.1

Department of Public Works
Napa County Airport

2000 Airport Road
Napa, CA 94558
www.napacountyairport.org

Main: (707) 253-4300
Fax: (707) 299-4482

Steven Lederer
Director

A Tradition of Stewardship
A Commitment to Service

April 25, 2023

Sent Electronically

M. Nicolle Hall
Administrative Technician
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Subject: Paoli Lane / Watson Lane Annexation

Dear Ms. Hall,

The City of American Canyon is considering an annexation of privately held property in Napa County and will be reviewing the environmental impact report (EIR) at a public meeting of the Planning Commission on April 27, 2023. As a joint letter from both the Napa County Airport and the Napa County Department of Planning, Building & Environmental Services (PBES), we are writing to formally oppose the inclusion of Residential Estates (RE) zoning within the general plan amendment for parcels in Zone D of the Airport Land Use Compatibility Plan (ALUCP). A.1-1

More specifically:

1. In reviewing the Notice of Availability (NOA), it depicts existing and proposed General Plan designations including properties designated as Residential Estate (RE). The proposed RE boundary would extend the northerly property lines of Lots I & M. This same area would also be pre-zoned RE. This area is within Zone D of the ALUCP which does not allow new residential development. The majority of this area is designated Industrial in the Napa County General Plan. A.1-2
2. Section 2.5.7 of the Draft Environmental Report (DEIR) indicates that the parcels pre-zoned RE have existing residential uses and the pre-zoning acknowledges the existing uses. This section also states that the RE pre-zoning would not induce residential development beyond existing conditions. This is reiterated on page 4.9-19 of the DEIR. The RE designated area includes approximately 37 acres with lots ranging in size from one to 10 acres. According to the city's municipal code, the RE district would allow a main dwelling and an ADU as permitted uses, not to mention lots splits per SB 9. Annexation will create a RE zone that allows for residential uses beyond what is currently zoned as Ag, thereby inducing further growth currently not permitted under the ALUCP. A.1-3
3. Pages 4.9-11 and 4.11-4 of the Draft Environmental Report (DEIR) acknowledge that new residential uses are not allowed in Zone D of the ALUCP without review by the Airport Land Use Commission (ALUC). Additionally, the DEIR references a Settlement Agreement between the City and the ALUC dated May 3, 2002, that states the City will not recommend for approval any application for a residential use in Zone D until an amendment to the ALUCP has been approved or December 31, 2023, whichever occurs first. The DEIR should include that the County has initiated an update to the ALUCP, which is expected to be complete before Summer 2024. A.1-4

Thus, the annexation should be consistent with the current ALUCP which does not permit new residential housing development in Zone D. Additionally, the DEIR should consider and adequately analyze that Zone D may take on more complex characteristics in the future (i.e., D1, D2, D3), which could result in the restrictions in D Zone changing depending on the subzone restrictions. A.1-5

Thank you for your consideration.

Mark Witsoe, A.A.E./CAE
Napa County Airport Manager
Public Works Department

Michael Parker
Planning Manager
Department of Planning, Building & Environmental Services

C: TBD

Letter A.1

COMMENTER: Mark Witsoe, A.A.E./CAE, Napa County Airport Manager, Public Works Department

DATE: April 25, 2023

Response A.1-1

The commenter introduces their understanding of the project and states their opposition to the inclusion of Residential Estates (RE) zoning within Zone D of the Airport Land Use Compatibility Plan (ALUCP).

The City thanks Napa County Airport for their input on the project and acknowledges their opposition to the proposed zoning. The proposed zoning is a component of the proposed project, which is evaluated for potentially significant effects in the DEIR. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response A.1-2

The commenter cites the project's Notice of Availability, proposed pre-zoning, and existing Napa County land use designation for a portion of the project site.

This comment does not pertain to the DEIR or CEQA, other than describing the circulation of the Notice of Availability of the DEIR. Therefore, no additional revisions to the Draft EIR are required in response to this comment.

Response A.1-3

The commenter discusses the DEIR's treatment of growth on land that would be pre-zoned for RE uses because the RE zoning allows for an ADU on parcels, plus Senate Bill 9 could allow lot splits. The commenter speculates that pre-zoning as RE would induce further growth that is not permitted under the ALUCP.

As described on page 2-15 of the DEIR, the parcels that would be pre-zoned as Residential Estate (RE) under the proposed project already have existing residential uses. Therefore, the proposed RE pre-zoning component of the project would not induce additional residential development beyond existing conditions. Senate Bill 9 is a State law that deems lot splits as ministerial. Therefore, CEQA does not apply. For these reasons, no additional revisions to the Draft EIR are required in response to this comment.

Response A.1-4

The commenter cites the DEIR's discussion of development in Zone D of the ALUCP and the Settlement Agreement regarding residential development in Zone D. The commenter notes and suggests for inclusion in the DEIR that Napa County has initiated an update to the ALUCP, which is anticipated to be completed by Summer 2024.

The City concurs that the General Plan Amendment and Pre-zoning require review by the Airport Land Use Commission (ALUC).

As described in the DEIR, the Settlement Agreement does not prohibit the City from processing an application for a residential proposal within Zone D. Given that the annexation area remains outside

City limits and, by considering a General Plan Amendment and Pre-zoning only at this time, the City has no capacity to consider or approve any residential use prior to the Airport Land Use Compatibility Plan amendment approval or December 31, 2023, whichever occurs first.

To reflect the most recent status of the ALUCP, the City has made revisions under Section 2.8, *Required Approvals,* which are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR*.

Response A.1-5

The commenter concludes their letter by requesting that the annexation should be consistent with the ALUCP and not permit new residential development in Zone D. The commenter further requests that the DEIR analyzes potential future subzone restrictions under Zone D.

Please refer to responses A.1-3 and A.1-4 for a discussion of residential development in Zone D. Regarding future subzones, the City cannot use the DEIR to speculate on zoning districts, subzones, or zoning overlays that are not proposed in the project. Environmental analysis considers existing conditions at the time of publication of the Notice of Preparation, which was September 7th 2022 for the project, pursuant to CEQA Guidelines Section 15125(a)(1). No revisions to the DEIR are required.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter A.2

April 26, 2023

Sean Kennings
City of American Canyon
Post Office Box 7043
Corte Madera, CA 94976
Sean@lakassociates.com

Subject: Paoli/Watson Lane Annexation Project, Draft Environmental Impact Report, SCH No. 2022090097, City of American Canyon, Napa County

Dear Mr. Kennings:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) from the City of American Canyon (City) for the Paoli/Watson Lane Annexation Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW provided comments in response to the EIR's Notice of Preparation (NOP) in a letter dated October 4, 2022. A.2-1

CDFW is submitting comments on the EIR to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. A.2-2

PROJECT DESCRIPTION SUMMARY

Proponent: City of American Canyon

Objective: Annex 83 acres of an unincorporated area in Napa County into American Canyon city limits. Several parcels would be rezoned to urban land use, including 47 acres currently designated as Agricultural land to be changed to Industrial and Residential Estate land. The Project would promote development and extend Newell A.2-3

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Drive approximately one mile from State Route 29, southeast along the northern boundary of the annexation area, to its planned terminus at the northern limits of Watson Ranch.

Location: The annexation site is within unincorporated Napa County within the Sphere of Influence of the City of American Canyon and is surrounded by City limits to the east, west, and south centered at approximate Latitude 38.191004°N, Longitude 122.252360°W. Immediately west of the annexation area is Paoli Loop Road and State Route 29. The northern boundary of the annexation area parallels the terminus of Paoli Loop Road. The Union Pacific Railroad (UPRR) runs through the east side of the annexation area and the annexation area is bounded to the south by the UPRR and vacant land and mixed residential/commercial uses further south.

A.2-3 cont.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project may impact Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), which are CESA listed as threatened species.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

A.2-4

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

A.2-5

Lake and Streambed Alteration

Notification, pursuant to Fish and Game Code sections 1600 et. seq. is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **Thank you for including Mitigation Measure BIO-5 which requires the Project to obtain an LSA Agreement prior to impacting**

A.2-6

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any streams or lakes. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency. A.2-6 cont.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in **Attachment A**, CDFW concludes that an EIR is appropriate for the Project. A.2-7

I. Subsequent Project CEQA Evaluation

COMMENT 1: For future development within the Project site, Mitigation Measure (MM) BIO-1 requires a "preliminary biological resource screening" to determine if a biological resources assessment is necessary; however, it is unclear how adequate mitigation measures would be identified to reduce impacts to biological resources to less-than-significant. CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR" and CEQA Guidelines section 15126.4, subdivision (a)(2) requires that "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design" (also see Pub. Resources Code, § 21081.6, subd. (b)). MM BIO-1 does not require a written checklist to outline fully enforceable mitigation measures of future development projects. A.2-8

Recommended Mitigation Measure: Pursuant to our response letter to the EIR's NOP, based on CEQA Guidelines section 15183.3 and associated Appendix N Checklist, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent Project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the EIR. Future analysis shall include all special-status species and sensitive habitats including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. A.2-9

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR

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conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis shall be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR. A.2-9 cont.

II. MANDATORY FINDINGS OF SIGNIFICANCE: Does the Project have the potential to threaten to eliminate a plant or animal community, or substantially reduce the number or restrict range of a rare or endangered plant or animal?

COMMENT 2: Swainson's Hawk – Environmental Setting and Mitigation Measure Shortcoming

Issue: The Project may impact nesting Swainson's hawk, which occurs in Napa County. MM BIO-2 is insufficient to reduce potential impacts to Swainson's hawk to less-than-significant. BIO-2 only requires surveys for Swainson's hawk be conducted between January 1 and March 20 and recommends, but does not require, that the Project follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. A.2-10

Specific impacts and why they may occur and be significant: There are potentially suitable Swainson's hawk nest trees on and adjacent to the Project site, and open areas potentially suitable for foraging. If active Swainson's hawk nests are not detected by surveys or appropriate buffer zones are not established, Swainson's hawk could be directly impacted by the removal of nest trees or experience indirect impacts from noise and visual disturbance from Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby, substantially reducing the number of the species.

Swainson's hawk is CESA listed as a threatened species and therefore, is considered to be a threatened species pursuant to CEQA Guidelines section 15380. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016). A.2-11

Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is

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considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1). A.2-11 cont.

Recommended Mitigation Measure: For an accurate environmental setting, to reduce impacts to Swainson's hawk to less-than-significant, and to comply with CESA, CDFW recommends adding the following mitigation measure:

Swainson's Hawk Surveys and Avoidance: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the *Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk* (2000)[2] survey protocol, within 0.5-mile of the Project site each year that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a project's initiation. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.5-mile no-disturbance buffer zone around the nest. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP. A.2-12

COMMENT 3: Tricolored Blackbird – Environmental Setting and Mitigation Measure Shortcoming

Issue: There are several documented occurrences of tricolored blackbird occurring in the vicinity of the Project, including approximately 1 mile north of the annexation area. The Project site is within the range of and appears to contain suitable habitat for tricolored blackbird. MM BIO-2 requires a 150-foot buffer for passerines may not be sufficient to avoid impacts to tricolored blackbird.

Specific impacts and why they may occur and be significant: If active tricolored blackbird nests are not detected by the proposed surveys or appropriate buffer zones are not established, tricolored blackbird could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. Tricolored blackbird is CESA listed as a threatened species and therefore, is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active tricolored blackbird nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1). A.2-13

[2] Swainson's Hawk Technical Advisory Committee, 2000. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline

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Recommended Mitigation Measure: For an accurate environmental setting, to comply with CESA, and to reduce impacts to tricolored blackbird to less-than-significant, CDFW recommends including the following mitigation measure.

Tricolored Blackbird Avoidance. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately, and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. Presence of nesting tricolored blackbird may require a CESA ITP before Project activities may commence. A.2-14

COMMENT 4: Special-Status Plants – Environmental Setting and Mitigation Measure Shortcoming

Issue: The Project site has potentially suitable habitat for several special-status plants, including, but not limited to, two-fork clover (*Trifolium amoenum*), which is federally listed as endangered, has a California Rare Plant Rank (CRPR)[3] 1B.1, and has historically been observed at the Project site. Protocol level surveys for plants were not conducted to determine whether or not special-status plants occur within the annexation area. A.2-15

Specific impacts, why they may occur and be potentially significant: If special-status plants are present and not detected by the appropriate surveys, the Project may result in potential significant impacts through crushing and killing plants and impacting viable seeds in the soil.

Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to plants to less-than-significant, CDFW recommends including the following mitigation measure.

Pre-Project Special-Status Plant Surveys. A Qualified Biologist shall conduct a habitat assessment for special-status plants, and if habitat is present, shall conduct a botanical survey during the appropriate blooming period and conditions for all special-status plants that have the potential to occur, prior to the start of construction. More than one year of surveys may be necessary. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants). Survey reports shall be submitted to CDFW for written approval prior to the start of construction. A.2-16

[3] CRPR rank definitions are available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline) and on the California Native Plant Society website (https://www.cnps.org/rare-plants/cnps-rare-plant-ranks).

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If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts cannot be avoided, the Project shall provide compensatory habitat at a minimum 3:1 ratio including preparing, implementing, and funding in perpetuity a long-term management plan, unless otherwise approved in writing by CDFW. A.2-16 cont.

III. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service?

COMMENT 5: Burrowing Owl – Mitigation Measure Shortcoming

Issue: If the Project cannot avoid wintering western burrowing owl (*Athene cunicularia*), MM BIO-3 states that the Project will utilize "additional measures such as passive relocation during the nonbreeding season and construction buffers of 200 feet during the breeding season." CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure, and a 200-foot buffer may be insufficient to reduce impacts to this species to less-than-significant.

Additionally, MM BIO-3 indicates that surveys for burrowing owl would be conducted 30 days prior to Project activities; however, this is inconsistent with the survey requirements in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) referenced in MM BIO-3.

A.2-17

Specific impacts and why they may occur and be significant: The Project could result in injury or mortality of adult burrowing owl, and a permanent reduction of burrowing owl habitat in Napa County.

Burrowing owl is a Species of Special Concern (SSC) because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrels (*Spermophilus beecheyi*) resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (Shuford and Gardali 2008; CDFW 2012 Staff Report; personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owls have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (CDFW 2012 Staff Report; personal communication, Esther Burkett, May 13, 2022).

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Historically, burrowing owl populations were locally abundant within portions of Solano County. Burrowing owls are no longer abundant and habitat loss caused by development is the most immediate threat to burrowing owls in high growth areas of the San Francisco Bay Area, and loss of burrowing owl habitat will likely continue well into the future (Townsend and Lenihan 2007). As urbanization increases and local burrowing owl populations decline, they become vulnerable to stochastic events (demographic, genetic, and environmental) associated with small population size, creating the potential for an extinction "vortex" (Gilpin and Soulé 1986 as cited in Townsend and Lenihan 2007). A.2-17 cont.

The *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) states, "current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal…"

Based on the above, if the Project would result in impacts to burrowing owl, Project impacts to burrowing owls would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to burrowing owl to less-than-significant, CDFW recommends including the below mitigation measure.

Burrowing Owl Surveys. To protect wintering burrowing owl, a Qualified Biologist shall conduct a habitat assessment, and surveys if warranted based on the habitat assessment, pursuant to the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) survey methodology prior to Project activities beginning during the non-breeding wintering season (September 1 to January 31), unless otherwise approved in writing by CDFW. Any deviations from the survey methodology must be approved in writing by CDFW. If burrowing owl is detected, CDFW shall be immediately notified and a Qualified Biologist shall establish suitable buffers pursuant to the above survey methodology which shall be a minimum of 500 meters (1,640 feet) to ensure the owl is not disturbed by Project activities, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and A.2-18

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preparation, implementation, and funding of a long-term management plan prior to Project construction. A.2-18 cont.

COMMENT 6: American Badger – Environmental Setting and Mitigation Measure Shortcoming

Issue: The Project is within the range[4] of the American badger (*Taxidea taxus*). The Project is located within grassland habitat that may be suitable for American badger. Badgers range throughout most of California and can dig burrows in a single day; therefore, the species may occupy the Project site and adjacent habitat prior to Project construction (Ministry of Environment Ecosystems 2007 as cited in Brehme et al. 2015). Additionally, the California Wildlife Habitat Relationships Predicted Habitat Suitability for most of the site is mapped as Medium Suitability. A.2-19

Specific impacts and why they may occur and be significant: American badger is an SSC. The Project may result in injury or mortality to adult or young badgers, or burrow abandonment. Therefore, if American badgers are present on or adjacent to the Project area, Project impacts to American badger would be potentially significant.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to American badger to less-than-significant, CDFW recommends that the EIR include the following mitigation measure.

American Badger Avoidance. A Qualified Biologist shall survey the Project site and adjacent habitat for signs of American badger and suitable burrows. If occupied burrows are detected, the Project shall avoid occupied burrows and establish a sufficient buffer as determined by a qualified biologist and approved by CDFW. If badgers are found on or adjacent to the Project site and cannot be avoided the Project shall prepare and implement a CDFW-approved relocation plan. A.2-20

COMMENT 7: Pallid Bat – Environmental Setting and Mitigation Measure Shortcoming

Issue: The annexation area includes buildings and trees which may provide suitable habitat for roosting bats, including pallid bat (*Antrozous pallidus*), an SSC which is known to roost in tree bark, hollows, or foliage, as well as, man-made structures (Johnston 2004). The EIR does not include any measures to avoid or minimize impacts to special-status bats. A.2-21

Specific impacts and why they may occur and be significant: Mature trees and buildings scheduled for removal could provide suitable roosting habitat for pallid bat.

[4] The American badger range map is available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2598&inline=1

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These bats are experiencing population declines in California (Brylski et al. 1998). Bats are long-lived and have a low reproductive rate (Johnston 2004); therefore, each mortality can have a protracted effect on the reproductive rate of the population. Removal of habitat could result in injury or mortality of these special-status bats, which would be a potentially significant impact. A.2-21 cont.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to pallid bat to less-than-significant, CDFW recommends that the EIR include the following mitigation measure.

Bat Habitat Assessment and Surveys. Prior to Project activities that would remove trees or modify buildings or bridges, a Qualified Biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

If roosting bats are detected in anthropogenic structures that will be impacted by Project activities, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.

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ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. €.) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

A.2-22

CONCLUSION

CDFW appreciates the opportunity to comment on the EIR to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment A: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2022090097)

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ATTACHMENT A

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
MM BIO-1	Subsequent Project CEQA Evaluation. A procedure or checklist for evaluating subsequent Project impacts on biological resources shall be prepared to determine if the impacts are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the EIR. Future analysis shall include all special-status species and sensitive habitats including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist shall cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.	Prior to Ground Disturbance	Project Applicant
MM BIO-2	Swainson's Hawk Surveys and Avoidance: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the *Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk* (2000)[5] survey protocol, within 0.5-mile of the Project site each year that Project activities occur.		

[5] Swainson's Hawk Technical Advisory Committee, 2000. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline

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	Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.5-mile no-disturbance buffer zone around the nest. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.		
MM BIO-3	Tricolored Blackbird Avoidance. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately, and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. Presence of nesting tricolored blackbird may require a CESA ITP before Project activities may commence.	Prior to Ground Disturbance or Impacts to Vegetation and continuing over the course of the Project	Project Applicant
MM BIO-4	Pre-Project Special-Status Plant Surveys. A Qualified Biologist shall conduct a habitat assessment for special-0status plants, and if habitat is present, shall conduct a botanical survey during the appropriate blooming period and conditions for all special-status plants that have the potential to occur, prior to the start of construction. More than one year of surveys may be necessary. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants). Survey reports shall be submitted to CDFW for written approval prior to the start of construction. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts cannot be avoided, the Project shall provide compensatory habitat at a minimum 3:1 ratio including preparing, implementing, and funding in perpetuity a long-term management plan, unless otherwise approved in writing by CDFW.	Prior to Ground Disturbance or Impacts to Vegetation	Project Applicant
MM BIO-5	Burrowing Owl Surveys. To protect wintering burrowing owl, a Qualified Biologist shall conduct a habitat assessment, and surveys if warranted based on the habitat assessment, pursuant to the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) survey methodology	Prior to Ground Disturbance or Impacts to	Project Applicant

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	prior to Project activities beginning during the non-breeding wintering season (September 1 to January 31), unless otherwise approved in writing by CDFW. Any deviations from the survey methodology must be approved in writing by CDFW. If burrowing owl is detected, CDFW shall be immediately notified and a Qualified Biologist shall establish suitable buffers pursuant to the above survey methodology which shall be a minimum of 500 meters (1,640 feet) to ensure the owl is not disturbed by Project activities, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation, implementation, and funding of a long-term management plan prior to Project construction.	Vegetation	
MM BIO-6	American Badger Avoidance. A Qualified Biologist shall survey the Project site and adjacent habitat for signs of American badger and suitable burrows. If occupied burrows are detected, the Project shall avoid occupied burrows and establish a sufficient buffer as determined by a qualified biologist and approved by CDFW. If badgers are found on or adjacent to the Project site and cannot be avoided the Project shall prepare and implement a CDFW-approved relocation plan.	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant
MM BIO-7	Bat Habitat Assessment and Surveys. Prior to Project activities that would remove trees or modify buildings or bridges, a Qualified Biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities. For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and	Prior to Ground Disturbance or Impacts to Vegetation or Anthropogenic Structures	Project Applicant

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	culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. If roosting bats are detected in anthropogenic structures that will be impacted by Project activities, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.		

Letter A.2

COMMENTER: Erin Chappell, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife

DATE: April 26, 2023

Response A.2-1

The commenter introduces the project as a project governed by CEQA and their input on potentially significant impacts to biological resources.

The commenter described CEQA as applicable to the proposed project. The City has and continues to undertake the CEQA process for the proposed project, such as preparing the Notice of Preparation, DEIR, and this FEIR.

Response A.2-2

The commenter reiterates its roles as a Trustee and Responsible Agency under CEQA.

Under Section 1.6, *Lead Responsible, and Trustee Agencies*, the DEIR notes that CDFW is a Trustee Agency due to the potential for impacts to rare or endangered species on the project site. No revisions to the DEIR are required.

Response A.2-3

The commenter summarizes the project objective and location.

This comment does not pertain to the DEIR or CEQA. Therefore, no additional revisions to the Draft EIR are required in response to this comment.

Response A.2-4

The commenter advises that a California Endangered Species Act (CESA) Incidental Take Permit (ITP) must be obtained if the project may result in taking of Swainson's hawk or tricolored blackbird. The commenter notes that issuance of an ITP must be covered by a CEQA document.

As discussed on page 4.4-4 of the DEIR, there are several records of Swainson's hawks nesting within five miles of the project site. No tricolored blackbirds were noted on the project site during queries of various databases to obtain comprehensive information on special-status species, as discussed in page 4.4-3 of the DEIR. The CEQA document presents a programmatic analysis since no site-specific development plans are yet to be submitted or considered by the City. As noted under Impact BIO-1, mitigation measures BIO-1 and BIO-2 would be required to avoid and minimize potential impacts to nesting birds, such as Swainson's hawk and tricolored blackbird. Mitigation Measure BIO-1 would require a site-specific biological resources assessment to determine if, in fact, Swainson's hawk or tricolored blackbird are subject to be impacted by the project. Mitigation Measure BIO-2 would require a pre-construction survey to determine if there are nesting birds, such as Swainson's hawk or tricolored blackbird on the project site at the time site-specific development plans are submitting for review and approval by the City. Implementation of Mitigation Measure BIO-2 would include consultation with CDFW, if necessary. Overall, no ITPs are required at this programmatic stage and adequate mitigation measures are in place to identify and, if warranted, to mitigate impacts to any species protected under CESA prior to any project approval. No revisions to the DEIR are necessary.

Response A.2-5

The commenter summarizes CEQA requirements regarding Mandatory Finding of Significance for threatened or endangered species and Findings of Overriding Consideration.

The DEIR identifies the potentially significant impacts of the project, including potentially significant impacts to biological resources. All impacts of the project would be reduced to a less than significant level with implementation of mitigation measures found throughout the DEIR. Specifically, mitigation measures BIO-1 through BIO-4 would mitigate impacts to threatened or endangered species to less than significant levels. Therefore, a Statement of Overriding Considerations is not required, as this is a requirement only when a significant impact is unavoidable (CEQA Guidelines Section 15093). Therefore, as the DEIR already provides determinations of potentially significant impacts of the project, no additional revisions to the DEIR are necessary in response to this comment.

Response A.2-6

The commenter summarizes Fish and Game Code sections 1600 et. seq. regarding lake and streambed alteration (LSA). The commenter thanks the City for including Mitigation Measure BIO-5, which requires obtaining an LSA agreement, and reiterates their role as a Responsible Agency under CEQA.

Page 4.4-10 of the DEIR contains a summary of LSA regulatory requirements pursuant to Fish and Game Code Section 1600 et. seq. As the commenter acknowledges, Mitigation Measure BIO-5 on page 4.4-18 of the Draft EIR requires project applicants to obtain an LSA as applicable. Therefore, no additional revisions to the DEIR are necessary in response to this comment.

Response A.2-7

The commenter introduces their comments and recommendations to assist the City in identifying and/or mitigating impacts to biological resources and concurs that an EIR was the appropriate level of environmental review for the project.

The commenter provides no specific comments on the adequacy of the DEIR, but rather introduces comments that follow later in the letter. Therefore, no revisions to the DEIR are necessary in response to this comment. Please see the remaining responses below for responses to the later comments provided in this comment letter.

In addition, CDFW references Attachment A to their letter, which includes a summary of the language that they believe should be incorporated into the MMRP for the Project. In the subsequent responses, the City provides a response to each specific suggested revision made in Attachment A. In addition, please refer to Section 3 of the FEIR, *Minor Revisions to the Draft EIR*, which shows the revisions that the City has made to the mitigation measures, in response to CDFW's comment. These revisions will be included in the MMRP for the project.

Response A.2-8

The commenter quotes CEQA Guidelines regarding activities within the scope of a program EIR and enforceability of mitigation. The commenter opines that Mitigation Measure BIO-1 as written does not include a mechanism to ensure that mitigation set forth in the DEIR will be fully enforceable for future development projects facilitated by the annexation.

Mitigation Measure BIO-1 does not explicitly require preparation of a checklist that outlines fully enforceable mitigation measures of future development projects to accompany the Biological Resources Assessment required under Mitigation Measure BIO-1 because Mitigation Measure BIO-1 requires a preliminary biological screening. As discussed below in Response A.2-9, the City is revising Mitigation Measure BIO-1 to ensure that a reconnaissance survey is conducted prior to evaluation of whether a complete biological resources assessment is required. This revision would improve enforceability of Mitigation Measure BIO-1. Additionally, the City's community development department would review all future development proposals on the project site to determine whether they are within the scope of the EIR or require additional CEQA review. No additional revisions to the DEIR are required in response to this comment.

Response A.2-9

The commenter suggests creating a procedure or checklist to evaluate subsequent project impacts on biological resources that may result from this programmatic DEIR. The checklist should include site-specific analysis prepared by a qualified biologist and support that the project is within the scope of the DEIR conclusion and cite specific portions of the DEIR.

Mitigation Measure BIO-1 ensures site-specific analysis for projects facilitated by this DEIR. However, in response to this comment, the City is revising Section 4.4, *Biological Resources,* as shown in Section 3 of the FEIR, *Minor Revisions to the Draft EIR* (see page 3-1 and 3-2, which identifies the revisions to Mitigation Measure BIO-1). Additionally, as discussed under Response A.2-8, development proposals on the project site would potentially require additional CEQA review if such proposals are outside of the scope of the EIR. No additional revisions to the DEIR are required in response to this comment beyond those identified in Section 3.

Response A.2-10

The commenter is concerned that Mitigation Measure BIO-2 would not sufficiently reduce impacts to Swainson's hawk to be less than significant since the timing for surveys is only from January 1 to March 20 and since the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley is recommended but not required.

Page 4.4-4 of Section 4.4, *Biological* Resources, discusses Swainson's hawk generally and on the project site. Mitigation Measure BIO-2 requires a pre-construction surveys and subsequent avoidance for Swainson's hawk for future development facilitated by the project, which reduces impacts to less than significant levels. However, in response to this comment, Mitigation Measure BIO-2 has been revised to require the use of Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. The City has revised Mitigation Measure BIO-2 to ensure clarity on the timing and requirements around Swainson's hawk surveys. These revisions are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR* (see pages 3-2 and 3-3, which identifies the revisions to Mitigation Measure BIO-2). Please refer to Response A.2-12 for further revisions regarding Swainson's hawk. No additional revisions to the DEIR are necessary in response to this comment beyond those identified in Section 3.

Response A.2-11

The commenter notes the potentially suitable Swainson's hawk habitat near the project site and notes the potential to impact Swainson's hawk through indirect noise and visual impacts if surveys

and buffers are not adequate. The commenter summarizes Swainson's hawk status as a CESA threatened species and notes that the project could result in a substantial reduction in Swainson's hawk if nests are disturbed.

Mitigation Measures BIO-1, BIO-2, and BIO-4 would reduce impacts to Swainson's hawk to less than significant. As discussed in Response A.2-10 and Response A.2-12, Mitigation Measure BIO-2 is revised consistent with the commenter's recommendations. No additional revisions to the DEIR are required in response to this comment.

Response A.2-12

In order to reduce impacts to Swainson's hawk, the commenter recommends mitigation to perform comprehensive surveys and avoidance tactics.

The City notes that most recommendations regarding Swainson's hawk are already integrated into Mitigation Measure BIO-2. The City has made revisions in Section 4.4, *Biological Resources,* which are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR,* including those referenced in Response A.2-10 to address the commenter's concern. No additional revisions to the DEIR are required in response to this comment.

Response A.2-13

The commenter notes documented occurrences of tricolored blackbird in the vicinity of the project site and is concerned that Mitigation Measure BIO-2 does not adequately avoid impacts to tricolored blackbird. The commenter suggests that tricolored blackbird nests may be disturbed by the project if they are not detected during pre-construction surveys or appropriate buffer zones are not established.

Mitigation Measure BIO-2 would reduce impacts to migratory nesting birds, including tricolored blackbirds, to levels that are less than significant. The City, as discussed in Response A.2-14 and Response A.2-12, has revised Mitigation Measure BIO-2 to increase the protective buffer for tricolored blackbirds. No additional revisions to the DEIR are necessary in response to this comment.

Response A.2-14

The commenter recommends including mitigation specifically for tricolored blackbirds, including an increased buffer, notification of CDFW, and potentially acquiring an ITP.

Mitigation Measure BIO-2 provides protection for tricolored blackbirds and reduces impacts to less than significant. However, the commenters recommendations may further reduce impacts. Accordingly, the City revised Section 4.4, *Biological Resources,* as shown in Response A.2-12 and Section 3 of the FEIR, *Minor Revisions to the Draft EIR*. No additional revisions to the DEIR are required in response to this comment.

Response A.2-15

The commenter notes that there is suitable habitat on the project site for special-status plants, including those that may be federally listed as endangered. The commenter is concerned that special-status plants may be impacted from implementing the project.

As discussed on pages 4.4-3 and 4.4-4 of Section 4.4, *Biological Resources*, of the DEIR, queries of various databases were made for analysis in the DEIR to determine special-status species that are likely to occur on the project site. Special-status species include federally listed species. The queries

found 73 special-status plant species, but none of the plant species were found to have moderate or greater potential to occur within the project site. Further, as discussed in Response A.2-16, Mitigation Measure BIO-1 has been revised to further protect botanical resources and would identify special-status plant species on the project site prior to commencement of development projects facilitated by the project. No additional revisions to the DEIR are required in response to this comment.

Response A.2-16

The commenter recommends inclusion of mitigation to perform pre-project surveys for special-status plant species and recommends a specific protocol to follow.

Mitigation Measure BIO-1 addresses all biological resources, and thus would effectively protect special-status plant species, including with the minor revisions show in Section 3, *Minor Revisions to the Draft EIR*. Implementation of Mitigation Measure BIO-1 would initiate a survey of each proposed project site and subsequent assessment, when necessary. To provide additional clarification or guidance, the City has revised Mitigation Measure BIO-1 as shown in Section 3, *Minor Revisions to the Draft EIR*, to include timing for botanical surveys, protocol for such surveys, and actions to be taken in the event of discovery of special-status plant species. No additional revisions to the DEIR are required in response to this comment.

Response A.2-17

The commenter takes issue with the provision in Mitigation Measure BIO-3 regarding passive relocation of burrowing owls, if necessary, as well as how early the survey can be conducted. The commenter summarizes the importance of protecting burrowing owls and their habitat.

The City revised Mitigation Measure BIO-3 as shown in Section 3, *Minor Revisions to the Draft EIR*. Passive relocation is offered as an example of measures that could be taken when habitat avoidance is not feasible. The City further acknowledges the importance of mitigating potentially significant impacts to burrowing owls and their habitat and the possibility of occurrence on the project site, as discussed on page 4.4-4 of Section 4, *Biological Resources*, in the DEIR. No additional revisions to the DEIR are required in response to this comment beyond those identified in Section 3. Revisions are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR* (see page 3-3, which identifies the revisions to Mitigation Measure BIO-3).

Response A.2-18

The commenter provides suggested revisions to burrowing owl mitigation to better protect them and their habitat.

As discussed above under Response A.2-17, the DEIR includes Mitigation Measure BIO-3 to reduce impacts to burrowing owls to less-than-significant levels. However, in response to this comment and comment A.2-17, above, Mitigation Measure BIO-3 has been revised to include additional clarification on mitigating impacts to burrowing owls, such as specifying survey timing, specifying an avoidance buffer, and removing passive relocation in favor of off-site compensation. Specific revisions to Mitigation Measure BIO-3 are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR.* No additional revisions to the DEIR are required in response to this comment.

Response A.2-19

The commenter notes that the project site is in the range and potentially suitable for American badger habitat. American badgers are special-status species.

As noted on page 4.4-4 of Section 4, *Biological Resources*, of the DEIR, American badgers have a low potential to occur within the project site according to databases queried during preparation of the DEIR. Mitigation Measure BIO-1 on pages 4.4-14 and 4.4-15, as revised in Section 3, *Minor Revisions to the Draft EIR*, would reduce potentially significant impacts to special-status species to less than significant. American badgers are a special-status species. Therefore, Mitigation Measures BIO-1 would reduce potential impacts to American badgers to less than significant. No additional revisions to the DEIR are required in response to this comment.

Response A.2-20

The commenter suggests a new mitigation measure to survey for and avoid American badgers and their burrows.

As discussed above under Response A.2-19, impacts to special-status species, such as American badgers and their habitat, would be reduced to less than significant with implementation of Mitigation Measure BIO-1, as revised in this FEIR. Revisions to Mitigation Measure BIO-1 are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR.* No additional revisions to the DEIR are required in response to this comment.

Response A.2-21

The commenter notes that the project site may provide habitat for roosting bats that may be special-status species. The commenter provides context for bat population decline and the importance of protecting their habitat. The commenter provides a recommended mitigation measure to protect bat habitat and bats themselves.

As described in the Biological Resources Assessment for the project site, which is provided as Appendix B to the DEIR, special-status bats such as pallid bat, Townsend's big-eared bat, and big free-tailed bat were not expected to occur within the project site nor was suitable roosting habitat present. However, Mitigation Measure BIO-1 is revised to specifically require contacting CDFW for guidance on roosting bats if they are discovered during a site-specific survey and assessment, as habitat conditions could change over time. The revisions to Mitigation Measure BIO-1 are included in Section 3 of the FEIR, *Minor Revisions to the Draft EIR.* No additional revisions to the Draft EIR are required in response to this comment.

Response A.2-22

The commenter reminds the City to record instances of special-status species or natural communities recorded on the project site to CDFW and reminds the City of CEQA filing fees. The commenter concludes their letter thanking the City for opportunity to comment and provides contact information to follow up.

The City thanks the commenter for their reminder of recording obligations and filing fees. This comment does not pertain to the DEIR or CEQA, other than describing the circulation of the Notice of Availability of the DEIR. Therefore, no additional revisions to the Draft EIR are required in response to this comment.

City of VALLEJO California
Water Department · 202 Fleming Hill Road · Vallejo · CA · 94589 · 707.648.4307

Letter A.3

April 28, 2023

VIA PROJECT PORTAL AND ELECTRONIC MAIL to the following website and email addresses: https://portal.laserfiche.com/f0791/forms/hkadg; jholley@cityofamericancanyon.org; cityclerk@cityofamericancanyon.org; wross@lawross.com; bcooper@cityofamericancanyon.org

Attn: Jason Holley, City Manager and Brent Cooper, AICP, Community Development Director
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, California 94503

Re.: City of Vallejo Comments on the Draft Environmental Impact Report for Paoli/Watson Lane Annexation

Dear Mr. Cooper,

Thank you for providing the City of Vallejo (Vallejo) the opportunity to comment on the Paoli/Watson Lane Annexation Draft Environmental Impact Report (DEIR), which proposes to annex 83 acres of privately owned property into the City of American Canyon as a part of a larger development project, including the Promontory Subdivision and Residences at Napa Junction. The purpose of this letter is to provide the City of American Canyon (American Canyon) comments Vallejo deems vital to Vallejo citizens and regional water customers, including American Canyon. A.3-1

1. **The DEIR failed to identify areas of known controversy by failing to consider the ongoing litigation between American Canyon and Vallejo relative to the 1996 Water Service Agreement ("1996 Agreement")**

On July 11, 2022, American Canyon filed its complaint against Vallejo for declaratory relief and breach of contract under the 1996 Agreement in *City of American Canyon v. City of Vallejo* (Case No. 22CV000772) (the "Litigation"). The Notice of Preparation of this DEIR occurred on September 7, 2022. Despite ample time between American Canyon's initiation of the Litigation and its preparation of the DEIR, the Litigation was not considered as part of the DEIR. A.3-2

The DEIR's failure to consider the impacts of the Litigation makes its findings of less than significant without mitigation under Impact UTL-2 unreliable and incomplete. The Litigation is centered around Vallejo and American Canyon's competing interpretations of the 1996 Agreement – the key water supply document between the cities. At a minimum, the Litigation underscores uncertainties regarding American Canyon's water supply and its water supply planning. Therefore, Vallejo recommends American Canyon refrain from relying on Vallejo water to serve the Project and other developments while the Litigation is ongoing. A.3-3

2. The DEIR mischaracterizes the nature of the water Vallejo supplies to American Canyon.

The DEIR mischaracterizes Vallejo's water rights that supply American Canyon. Section 4.17.1 of the DEIR fails to recognize the place of use restrictions associated with Vallejo's water rights in stating, at page 4-17-2:

> Under the Vallejo Agreement, a specific source is identified for Permit Water supply but not for Treated or Emergency Water," and further states, "A specific source for Treated Water is not identified in the Vallejo Agreement; thus, the ultimate source of this water is a blend of Vallejo's water sources."

A.3-4

Unequivocally, a "blend of all of Vallejo's water sources" is *not* used to provide American Canyon with potable water. Vallejo's only water right with an authorized place of use that includes any portion of American Canyon is License 7848, sometimes referred to as "Vallejo Permit Water." The authorized place of use for License 7848 does not extend to the whole of American Canyon.

Although a Water Supply Assessment is not required as part of this DEIR, there are several planned projects associated with this annexation that will have a cumulative impact on the water supply. Vallejo recommends that American Canyon perform a Cumulative Water Supply Assessment for all planned projects near the Paoli/Watson Lane annexation area, and not simply piecemeal smaller projects without performing water supply assessments. As part of that cumulative assessment, American Canyon should consult with Vallejo to determine whether the Project site falls within the authorized place of use of License 7848. Vallejo also recommends that even if the Project is located within the authorized place of use for License 7848, American Canyon should consider developing an alternative water supply for the Project.

A.3-5

Engaging in a cumulative water supply assessment supports the purpose of the DEIR as a Programmatic EIR by considering broad programmatic issues early in the planning process. For example, the pre-zoning for the project expands the Residential Estate zoning area, allowing additional residences with a lot size of at least 1-acre. (ES 2-7, 2-9, 2-10.) However, the land use impact analysis finds that the pre-zoning for the project is consistent with American Canyon's General Plan objective of ensuring that land use development is coordinated with the ability to provide adequate public infrastructure, despite the uncertainty of American Canyon's water supply. (4.11-6.) The DEIR should evaluate the impact of increasing the acreage of the Residential Estate zoning area to ensure that the programmatic issues are properly addressed and mitigated before American Canyon relies on this DEIR's conclusion to allow projects to move forward. The additional impacts on water supply resources from expanding the Residential Estate zoning designation area are just one example of the DEIR failing to evaluate reasonably foreseeable impacts from the project.

A.3-6

An additional item on page 4.17-2 is footnote Number 3 which states, "*For example, Vallejo Permit Water delivery was curtailed in 2014 and 2015.*" It should be clarified in the text, and not the footnotes, that the State imposed curtailments on Vallejo's License 7848 and not an action by Vallejo. The DEIR should also disclose and consider that License 7848 was curtailed again in 2021, and 2022 and that the Barker Slough Pumping Plant (a State Water Project facility), which is the starting point of the North Bay Aqueduct (NBA), was curtailed in 2021 and 2022 due to the presence of Delta Smelt larvae in accordance with the Incidental Take Permit (ITP) in place for SWP facilities. This ITP has the potential to curtail the NBA for up to six months out of the year during dry years, significantly impacting the availability of water supplies to the region, including American Canyon. A.3-7

3. The DEIR utilized incorrect water volumes available from the City of Vallejo and may affect thresholds relying on sufficient water supplies including, but not limited to, the findings of PSR-1, UTL-1, UTL-2, WF-1, WF-2, WF-3, and WF-4.

The 1996 Water Service Agreement Vallejo has with American Canyon outlines a Basic Agreement capacity of 1 million gallons per day (MGD), with an annual volume of 629 acre-feet (AF) and provides options for American Canyon to purchase more capacity in Vallejo's system during specific timeframes. American Canyon exercised two of the available options and the volume of Vallejo Treated Water available for American Canyon's use under the 1996 Water Service Agreement is 2,074 AF, instead of the 3,206 AF referenced in Table 4.17-1.

The City of American Canyon's 2020 Urban Water Management Plan only identifies 628.6 acre-feet per year of Vallejo Treated Water available for purchase in Section 6.1.2.2. on page 6-2 stating the following: A.3-8

> The agreement with Vallejo allows the City to purchase up to 628.6 AFY of Vallejo Treated Water potable water). Vallejo Treated Water is delivered via an intertie connection following treatment of water at Vallejo's Fleming Hill WTP.

This volume is further characterized as "reasonably available" in Table 6-9 on page 6-13 of the UWMP from 2025 to 2045. Given that the published value considered available in the UWMP is less than 20% of what is identified as available in the DEIR, the water supply should be re-evaluated to ensure it is adequate to serve the preferred alternative and any future project associated with the Annexation.

Beyond the incorrect assumptions of the water available through the 1996 Water Service Agreement, the DEIR relies on American Canyon's Zero Water Footprint ("ZFW") policy to assert that there would be "no net increase in water demands." (DEIR at 4.1-23.) While the ZFW policy requires that "developers must ensure that new development will offset the increased potable water demand that would be consumed by their project on a one-to-one basis," there is no analysis of how the project will comply with that policy. (*Id.*) Therefore the finding that no A.3-9

mitigation measures are required for the increased water demand that is a result of the project is not supported.

A.3-9 cont.

4. The street improvements set forth in the DEIR are growth inducing impacts.

A portion of the project involves the extension of Newell Drive to augment north-south travel parallel to SR 29 and to install circulation improvements along Paoli Loop and Watson Lane. All of these improvements are growth-inducing improvements which should be discussed in the DEIR with appropriate mitigation. As growth increases environmental impacts increase. These improvements will have effects on VMT, noise, population, greenhouse gas emissions, energy, air quality, aesthetics and other potential areas. The City has failed to recognize these growth-inducing attributes and to adequately address the issues caused thereby.

A.3-10

5. The DEIR fails to adequately address affordable housing.

The DEIR says that the project "would not affect the availability of affordable housing" and that "because the project would require the payment of an impact fee to fund affordable housing, the impacts on affordable housing are not discussed any further." However, the City is adding 83 acres and pre-zoning a significant portion of that land as "Residential Estates." In such a large annexation, the City should be discussing how it intends to supply additional affordable housing in line with LAFCO's stated policy which the DEIR identifies as follows: "LAFCo has identified the availability of affordable housing as an issue of local interest that should be addressed in the CEQA documentation." Despite this requirement by LAFCo, the City has failed to address affordable housing at all and instead says it isn't necessary Given LAFCo's policy as well as the state's policy of increasing the availability of housing, the DEIR should address this important issue rather than simply saying it's not necessary. Also, the DEIR should address how any fee charged for affordable housing will ensure that an adequate amount of affordable housing will be constructed to meet requirements.

A.3-11

Thank you for taking the time to review our concerns,

Sincerely,

Melissa Cansdale

Digitally signed by Melissa Cansdale
DN: cn=Melissa Cansdale, o=City of Vallejo, ou=Water Department, email=melissa.cansdale@cityofvallejo.net, c=US
Date: 2023.04.28 08:52:25 -07'00'

Melissa Cansdale,
Water Resources Manager

cc: Veronica Nebb, City Attorney
Randy Risner, Chief Assistant City Attorney
Beth Schoenberger, Water Director
Christina Ratcliffe, Planning and Economic Development Director
Barbara Brenner, Partner, White Brenner LLP

Letter A.3

COMMENTER: City of Vallejo

DATE: April 28, 2023

Response A.3-1

The commenter introduces the project and states their intention to provide comments that the City of Vallejo deems vital to Vallejo residents and regional water customers.

The City thanks the City of Vallejo for their interest in the project. This comment does not pertain to the DEIR or CEQA, other than describing the intent of the commenter to provide comments on the DEIR. Therefore, no additional revisions to the Draft EIR are required in response to this comment.

Response A.3-2

The commenter states that the DEIR failed to identify areas of known controversy because it failed to consider ongoing litigation between American Canyon and Vallejo relative to the 1996 Water Service Agreement. The commenter states that litigation began in July 2022, which is prior to issuance of the NOP for this DEIR in September 2022; therefore, there was ample time to consider the litigation in the EIR.

As of publication of this FEIR, litigation over the 1996 Water Service Agreement (WSA) is in its discovery stages in the trial court and it would be speculative to assume that it will result in any particular outcome especially since any outcome may result in an appeal by the party who was adversely affected. It is a dispute that is assigned to another branch of government for resolution. In contrast, an understanding of project water availability, particularly in light of Vallejo's adopted 2020 UWMP, which states the contract water cannot be reduced, responds to the commenter's statement.

The Vallejo 2020 UWMP[1] stated the following regarding its sale of water to American Canyon: "The [City's] contract does not allow for restrictions or reductions (page 4-3 of the Vallejo 2020 UWMP). For demand projection purposes, the full 3,074 acre feet per year (AFY) is assumed." In this case, the cited 3,074 AFY refers to the sum of raw (500 AFY), treated (2,074 AFY), and emergency water (500 AFY).

As shown in Table 4.17-3 of the Draft EIR, the projected water supply was based on the City of American Canyon 2020 UWMP. Importantly, the American Canyon 2020 UWMP assumed a total supply from Vallejo of only up to 1,129 AFY (500 AFY of raw water plus 629 AFY of treated water) in normal years through the full planning period, and still concludes that sufficient water is available through purchase of supplemental water to meet demand (see page 6-2 of the American Canyon 2020 UWMP). In addition, page 7-4 of American Canyon's 2020 UWMP identifies that water supplies from Vallejo would be reduced during single-dry and consecutive-dry years, including the following:

- **Vallejo Treated Water:** Assumed to be full contracted volume (628.6 AFY) for average year water type and to be reduced by 20 percent for single-dry and consecutive-dry year water types based on City of Vallejo's Water shortage Contingency Plan Stage 2.

[1] City of Vallejo. 2021. 2020 Urban Water Management Plan Final Adopted: October 12, 2021. Prepared by: Zanjero Tully & Young, Comprehensive Water Planning

- **Vallejo Emergency Water:** Assumed to be full contracted volume (500 AFY) for single-dry and consecutive-dry years 1 to 2, 400 AFY consecutive-dry years 3 to 5, and to be 0 AFY for average year water type (based on historical past practice).

Overall, American Canyon's 2020 UWMP identifies less water supply from Vallejo than what is identified in the Vallejo 2020 UWMP. Because the Draft EIR relies on the water supply identified in American Canyon's 2020 UWMP, the Draft EIR analysis considers a conservative analysis where water supply from Vallejo is less than what is identified in the Vallejo 2020 UWMP.

American Canyon has available supply to meet the project's estimated 914 AFY demand, without Vallejo water. Only 23 percent of the City's water supply is from the City of Vallejo in a "normal" year. As noted by Vallejo, the project site is outside the place of use for Vallejo Permit Water, and thus the litigation could have no direct impact on that source of water for project water supply.

The City has alternative water supplies, including the option to purchase water if needed. Because the Draft EIR analysis relied on the water supply identified in the American Canyon 2020 UWMP, the analysis in the Draft EIR assumed a reduction in supply from Vallejo during single-dry and multi-dry-year scenarios. Furthermore, the American Canyon 2020 UWMP assumed only 629 AFY of treated water supplied from Vallejo (as opposed to the 2,074 assumed in the Vallejo 2020 UWMP). Should the litigation over the 1996 Agreement result in a further reduction in the City's portfolio of supply, it is reasonable to assume the City would acquire a substitute supply. The City of American Canyon's 2015 and 2020 UWMPs both concluded that predicted water supply constraints can be resolved through the purchase of "supplemental imported water through existing agreements through the planning horizon (2045) for all water year scenarios" (2020 UWMP[2], pp. 1-2.) The fact is that water purchases, both temporary and permanent, are commonly used in California to redirect water resources to areas of greatest need, consistent with the legislative policy of the state to facilitate water transfers. (See Wat. Code, Sections 475, 480 *et seq*.)

In addition, the DEIR identified several other features that would ensure that the impacts would remain less than significant (see Impact UTL-2). The Draft EIR identified that the City of American Canyon has a Water Shortage Contingency Plan that identifies the stages of actions to be taken during a reduction in available water supply. Furthermore, the Draft EIR identifies the application of the City's Zero Water Footprint (ZWF) Policy, which would require developers to minimize demand for new potable water by using water efficient fixtures; using recycled water for non-potable uses when available; using recycled water for toilet flushing via dual plumbing at commercial and industrial buildings; installing water wise landscaping and irrigation; and other appropriate measures. Furthermore, new industrial uses would require dual plumbing and would set limits for daily water use, pursuant to American Canyon Municipal Code Chapter 13.10 (New Water and Sewer Connections and Services).

Therefore, no revisions to the DEIR are necessary.

[2] City of American Canyon. 2023. 2020 Urban Water Management Plan Final: January 2023. Prepared by: Carollo Engineers, Inc.

Response A.3-3

The commenter expresses concern over the finding of less than significant impacts under Impact UTL-2 because the DEIR failed to consider the impacts of the ongoing litigation. The commenter recommends that American Canyon refrain from relying on Vallejo Water to serve the project and other developments while litigation is ongoing.

Please refer to Response A.3-2, which explains why impacts would remain less than significant. No revisions to the DEIR are necessary.

Response A.3-4

The commenter states that the DEIR mischaracterizes the nature of water Vallejo supplies to American Canyon. Specifically, the commenter states that Section 4.17.1 of the DEIR fails to recognize the place of use restrictions associated with Vallejo's water rights. The commenter explains that Vallejo's only water right with an authorized place of use that includes American Canyon is License 7848, which does not extend to the whole of American Canyon.

Please refer to Response A.3-2, which provides further explanation of the assumptions about water supply used in the Draft EIR analysis. No revisions to the DEIR are necessary.

Response A.3-5

The commenter recommends that American Canyon perform a Cumulative Water Supply Assessment for all planned projects near the Paoli/Watson Lane annexation area. The commenter recommends American Canyon consult with Vallejo ta part of this process and should consider developing an alternative water supply for the project.

The DEIR provides a programmatic and conservative overview of potential environmental impacts that may result from annexation of the project site. Specific development plans for the project site are not yet available and thus a Cumulative Water Supply Assessment is not feasible at this stage. A Cumulative Water Supply Assessment may be reasonable when specific development proposals are available, at the discretion of the City, so that the assessment includes the most recent planned and existing projects. In the interim, Section 4.17.4, *Cumulative Impacts*, addresses cumulative water supply impacts and finds such impacts to be less than significant. Therefore, no revisions to the DEIR are necessary.

Response A.3-6

The commenter states that completing a cumulative water supply assessment supports the purpose of the DEIR as a programmatic EIR. The commenter states that the DEIR should evaluate the impact of increasing the average of the residential estate zoning area to ensure that the programmatic issues are properly addressed and mitigated in the DEIR.

While some of the project site would be pre-zoned, as discussed in Section 2.5.7, *Project Buildout*, the Residential Estate pre-zoning is intended to acknowledge the existing residential uses on the project site and residential growth is not considered in the DEIR (also refer to Responses A.1-3 and A.3-11). As such, there would be no additional water demand from this change in pre-zoning. Please also refer to Response A.3-5. No revisions to the DEIR are necessary.

Response A.3-7

The commenter recommends that footnote number 3 be amended on page 4.17-2 of the DEIR to clarify that the State imposed curtailments on Vallejo's License 7848 and these curtailments were not an action of Vallejo. The commenter also recommends that the DEIR be amended to disclose and consider that License 7848 was curtailed again in 2021 and 2022 and the Barker Slough Pumping Plant was curtailed in 2021 and 2022 for the presence of Delta Smelt larvae in accordance with the ITP in place for SWP facilities. The commenter states the ITP has the potential to significantly impact the availability of water supplies to the region including American Canyon.

Please refer to Response A.3-2, which explains how the numbers used in the water supply analysis are reasonable and why impacts would be less than significant. The commenter has not presented any new information that would change the impact analysis and for that reason no revisions to the DEIR are necessary.

Response A.3-8

The commenter states that the DEIR used incorrect water volumes. Specifically, the commenter states under the 1996 Water Services Agreement the volume of Vallejo treated water available to American Canyon is 2,074 acre feet (AF) instead of 3,206 AF which is referenced in Table 4.17-1 of the DEIR. The commenter cites American Canyon's 2020 Urban Water Management Plan which identifies 628.6 AF of Vallejo Treated Water available for purchase and recommends that the water supply for the project be reevaluated.

Please refer to Response A.3-2, which explains that the analysis of water supply relies on the water supply presented in American Canyon's 2020 UWMP. The Draft EIR analysis assumes the approximately 629 AFY of Vallejo Treated Water. Please refer to the numbers in Table 6-9 of the American Canyon 2020 UWMP, which presents the water supply numbers during normal-dry years, including the approximately 629 AFY from Vallejo Treated Water. These numbers are consistent with the numbers presented in Table 4.17-3 of the Draft EIR. No revisions to the DEIR are necessary.

Response A.3-9

The commenter states that the DEIR relies on American Canyon's Zero Water Footprint policy to find that there would be no net increase in water demands. The commenter expresses concern that there is no analysis of how the project will comply with that policy.

Please refer to Response A.3-2. The ZWF policy is enforceable during the project approval stage for development facilitated by the project. The City of American Canyon disagrees that there is no analysis of how the project would comply with this policy. In fact, the Draft EIR includes a list of measures to achieve this policy. Below is an excerpt from Section 4.17 the Draft EIR that outlines these actions:

> Developers are required to minimize demand for new potable water by using water efficient fixtures; using recycled water for non-potable uses when available; using recycled water for toilet flushing via dual plumbing at commercial and industrial buildings; installing water wise landscaping and irrigation; and other appropriate measures (City of American Canyon 2022).

As such, no revisions to the DEIR are necessary.

Response A.3-10

The commenter states that the street improvements such as extending Newell Drive and the circulation improvements along Paoli Loop and Watson Lane as discussed in the DEIR are growth inducing impacts. The commenter states that these improvements will have effects on VMT, noise, population, greenhouse gas emissions, energy, air quality, and aesthetics.

The City of American Canyon disagrees with the assertion that the extension of Newell Drive and associated circulation improvements are growth inducing impacts. These roadway improvements are aimed at increasing local and regional circulation and would not induce population or economic growth as they will serve existing users. Even if roadway improvements are determined to be growth inducing impacts, Section 5.1, *Growth Inducement*, in Section 5, *Other CEQA Required Discussions*, discusses the project's overall potential to foster economic or population growth. The DEIR concludes that, while the project, including roadway improvements, could induce economic growth, the City anticipates that the local and regional labor force would adequately support this growth especially given the new housing anticipated from approved projects, such as the Watson Ranch Specific Plan and Broadway District Specific Plan. Therefore, no revisions to the DEIR are necessary.

Response A.3-11

The commenter states that the DEIR does not adequately address affordable housing. The commenter states that the City has disregarded LAFCO's policies and failed to address affordable housing. The commenter recommends that the DEIR address how any fee charged for affordable housing will ensure that an adequate amount of affordable housing would be constructed to meet requirements.

The City of American Canyon is aware of the need to add affordable housing in the region and is pursuing its Regional Housing Needs Allocation through other projects that aim to add residential units. None of the project objectives, as listed in Section 2.7, *Project Objectives*, are related to housing, and therefore, affordable housing is outside of the scope of the project. Furthermore, and as discussed in Section 4.13, *Population and Housing* on page 4.13-4:

> Because this project would be limited to commercial, industrial, and town center uses, the project would not affect the availability of affordable housing. The City of American Canyon has an affordable housing nexus fee, which would require payment by the applicants of any future development on the project site and would fund affordable housing. As such, because the project would not affect the availability of affordable housing and because the project would require the payment of an impact fee to fund affordable housing, the impacts on affordable housing are not discussed any further.

While some of the project site would be pre-zoned, as discussed in Section 2.5.7, *Project Buildout*, the Residential Estate pre-zoning is intended to acknowledge the existing residential uses on the project site and residential growth is not considered in the DEIR. Lastly, Napa County LAFCo is responsible for reviewing and approval of the City's annexation application, which includes this DEIR. No revisions to the DEIR are necessary.

April 21, 2023

Letter P.1

City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

City of American Canyon Planning Commission
City of American Canyon City Counsel

Subject: City of American Canyon Paoli/Watson Lane Annexation Project, Environmental Impact Report

Request:
We request that the City of American Canyon Planning Commission revise its current proposed zoning for our properties as currently presented in the Environmental Impact Report to reflect the zoning as presented in the 2019 Annexation Project [*see Attachment A (2019) and Attachment B (2023)*]. P.1-1

Background:
On September 21, 2022, the Paoli/Watson Lane Annexation Project Public Scoping Meeting was held via Zoom. Proposed zoning in the materials presented at that meeting identified differences on the proposed zoning when compared to 2019 proposed zoning; these differences impact allowed uses on our property (parcel numbers: 057-120-050 and 057-120-051), and also appears to impact our neighbor's property (parcel number 057-120-045). The proposed zoning in the current proposal for these parcels is Residential Estate (RE). In the 2019 proposal, the proposed zoning for the front of our properties was RE, with the back of our properties zoned as Paoli Light Industrial (PLI). P.1-2

On October 4, 2022, we submitted an inquiry to Sean Kennings, Lake Associates, regarding the change. We asked about the purpose of the change, and we requested that the proposed zoning be changed to reflect the 2019 proposal. Because we did not receive a response to our questions/comments, we submitted a subsequent inquiry to City staff on November 29, 2022. We were informed by City staff that the previous project was a Property Owner-initiated annexation project, and that project failed. The current project is a City-initiated project and maintains a status-quo zoning for Watson Lane properties to minimize environmental impacts and mitigation, and that land use changes may be considered any time following annexation. P.1-3

Comments:
We believe it is more appropriate to discuss proposed zoning before our property is annexed into the City rather than request a change after annexation. Therefore, for the reasons noted below, we respectfully ask that the City Planning Commission/City Council consider our request: P.1-4

- The uses allowed on our properties under the 2019 project are more consistent with the uses allowed under the Airport Zoning.

  Based on our review of the Napa Airport Land Use Compatibility Plan, our properties are located in Zone D, which, in part, prohibits "Residential uses, except for residential uses allowable under agricultural land use and zoning designations." (*Attachment C: 17.34.040 ALUCP Zone D regulations*). Light industrial appears to be allowed in Zone D. P.1-5

- Our request is consistent with the proposed zoning as illustrated in an attachment to American Canyon City Council Resolution No. 2019-22 (passed, approved, and adopted by City Council on March 19, 2019) and Resolution No. 2019-44 (passed, approved and adopted by the City Council on June 18, 2019). Although an owner-initiated project (Paoli), the proposed zoning was adopted by the City Council.

  [Please note that we reviewed the meeting agendas and notes for the Planning Commission meetings and City Council Meetings that are available on the City's website (2021 to date), and we are unable to locate a proposed revision to the 2019 proposal other than what was presented at the September 22, 2022 NOP Workshop. We would appreciate assistance in locating documents from the Planning Commission/City Council meetings that discussed and subsequently revised/replaced Resolutions No. 2019-22 and No. 2019-44, if such documents exist.] P.1-6

- The uses allowed on our properties under the 2019 project are more consistent with how we believe our property should be zoned. Light industrial will be directly behind our parcels; therefore, the option of light industrial on the back of our parcels provides more options on our properties. Also, it should not impact the Environmental Impact Report due to the proximity of our parcels to the Paoli property that will also be zoned light industrial. P.1-7

In summary, we believe the proposed zoning should reflect the 2019 proposal. We believe the current proposal prohibits/restricts future development of our properties. Also, based on our review of the materials on the City's website, our proposed zoning request is consistent with previously adopted resolutions of the City Council. P.1-8

Thank you considering our request.

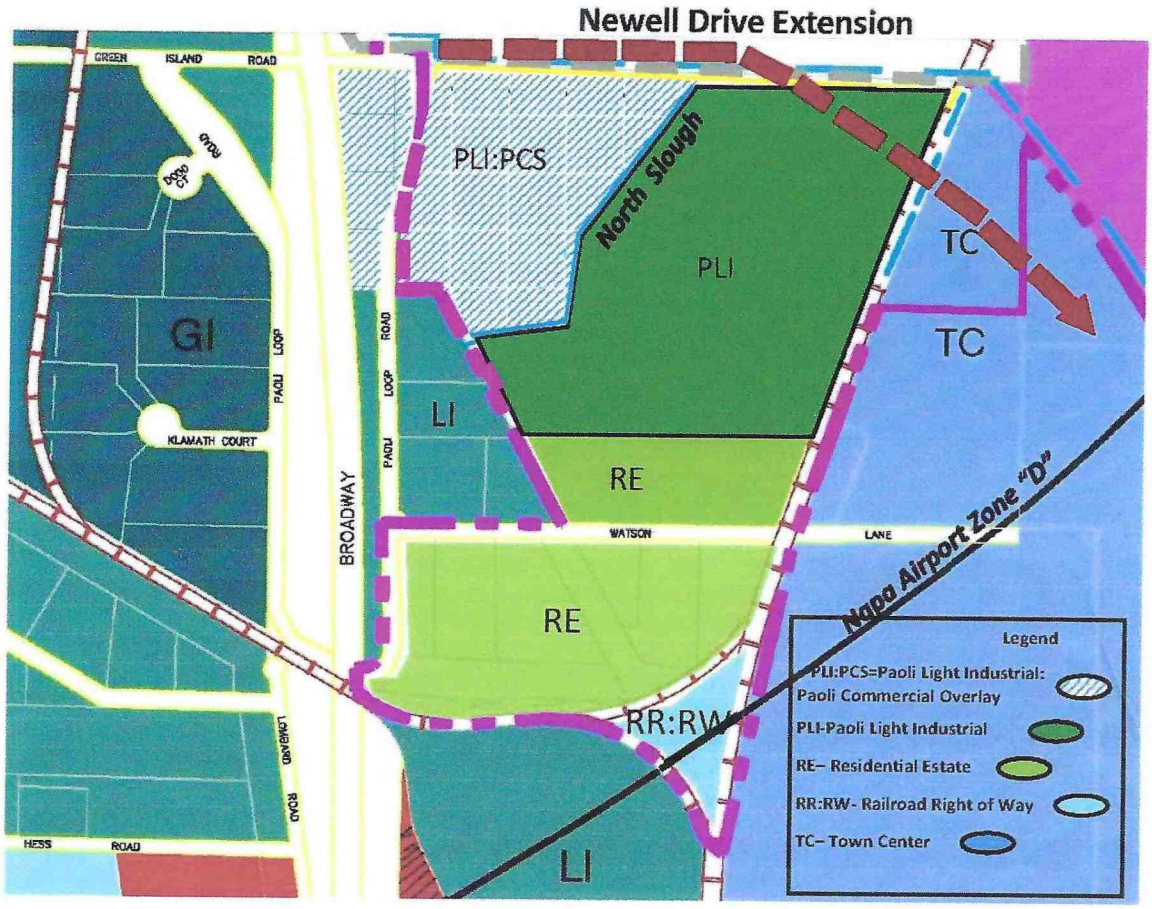
Sincerely,

Leslie E. Lawson

Margaret E. Lawson

2019 Attachment A

Figure 2 - Proposed Prezoning



- Environmental Review - The land use changes and annexation application are subject to the California Environmental Quality Act (CEQA). The Agreement designates the City as the Lead Agency who would prepare the environmental review.

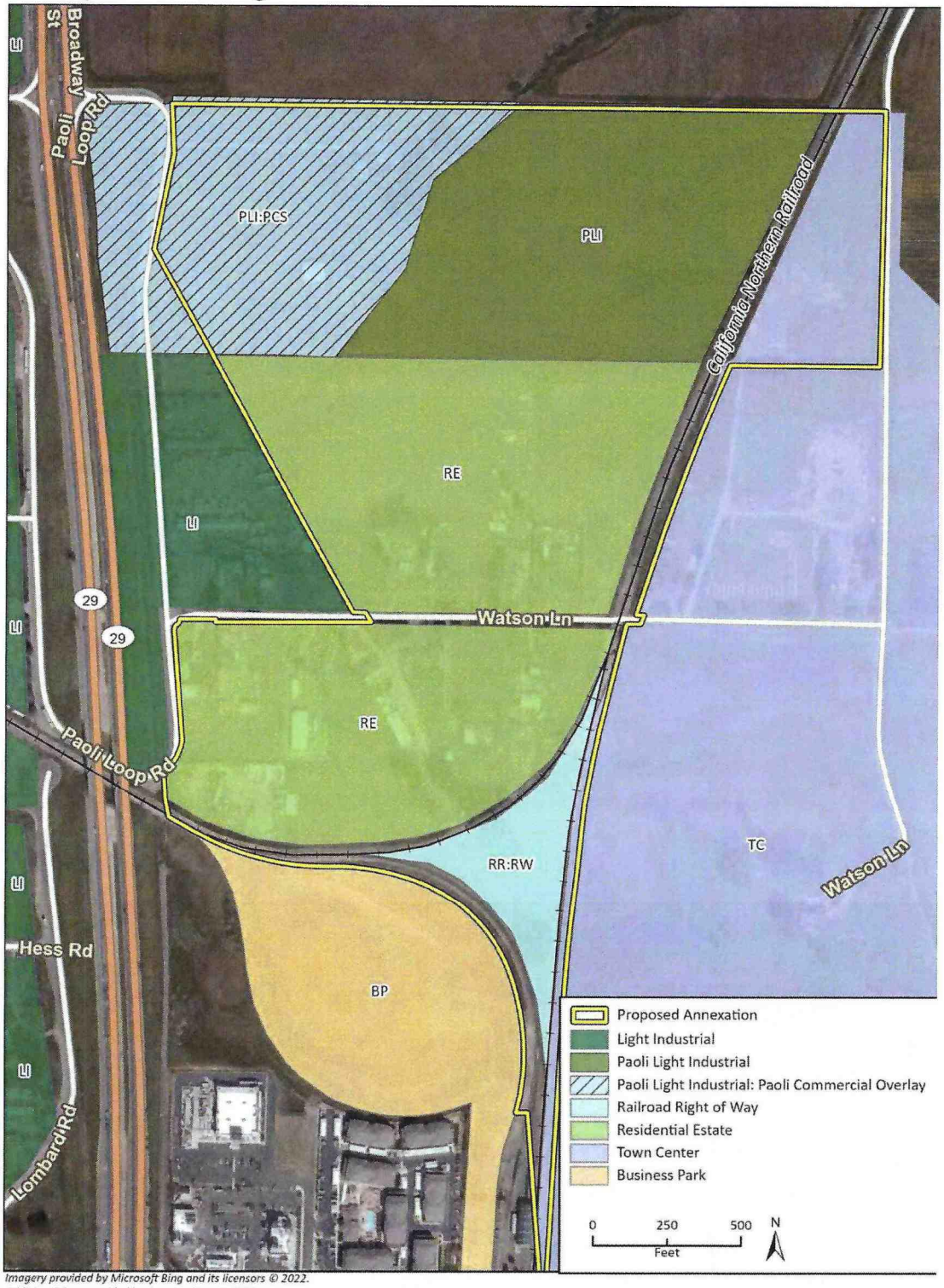
- Dedication of Public Right-of-Way - A portion of the future Newell Drive Right-of-Way traverses the Paoli Property. The Paoli Owner will dedicate the future Newell Drive Right-of-Way within their Property and dedicate Right-of-Way to realign Paoli Loop prior to LAFCO certification of the certified annexation. The general alignment for Newell Drive and Paoli Loop is shown in Figure 1.

  Land Use Processing and Environmental Review Cost Reimbursement - The Annexation process will incur costs for a variety of purposes ("Annexation Costs"). The Owner shall reimburse the City their "Fair Share" of Annexation Costs after the effective date of the Annexation which includes the following:
  - Preparing Land Use Documents (e.g., General Plan Amendment, Prezoning).
  - Environmental review.
  - Community outreach.
  - City Staff, Legal, and Consultants costs with associated Overhead charges.
  - County and LAFCO fees.

Watson Lane Properties

All of the Watson Lane property is located in Zone D of the Napa Airport Land Use Plan. In accordance with this plan, residential uses are not permitted in Zone D. Napa County, the current land use authority for this property, recognizes that the Watson Lane neighborhood predates Zone D. In recognition of this

Figure 5 Proposed Pre-Zoning



Imagery provided by Microsoft Bing and its licensors © 2022.
Additional data provided by County of Napa, 2022.

Attachment C

project proposing heights over the applicable height limit shall require a use permit and be referred to the ALUC prior to final approval.

3. Lot Coverage. Lot coverage is governed by density and/or FAR limits assigned by the General Plan. If such limits are not identified for a particular site due to "Study Area" designations, the building lot coverage limit shall be 20%. Any project proposing a change in the General Plan FAR, density, or, for an unassigned site, building lot coverage over 20%, shall be referred to the ALUC prior to final approval.

(O2003-12)

17.34.040 ALUCP Zone D regulations.

Within ALUCP Zone D, most nonresidential uses are normally acceptable. However, the following standards shall apply in addition to the standards of the principal zoning district:

A. Overflight easements acceptable to the city in consultation with the airport proprietor shall be required as a condition of subdivision approval and/or discretionary permits for new construction, including expansions greater than 5,000 square feet in size. Such easements shall be prepared prior to issuance of a building permit and granted to the airport proprietor.

B. Prohibited Uses. The following uses are prohibited:

1. Landfills;

2. Residential uses, except for residential uses allowable under agricultural land use and zoning designations.

C. Uses Not Normally Acceptable. The following uses raise concerns related to size, density of use, mobility, noise sensitivity or propensity to attract birds to be addressed for a project to be approved. Such uses shall require use permits and shall be referred to the ALUC for a compatibility determination prior to final approval.

1. Public or private schools for children under 18;

2. Libraries;

3. Hospitals, major medical facilities (skilled nursing and similar);

4. Day care centers;

5. Retail buildings and shopping centers greater than 40,000 square feet; or smaller retail buildings and centers that, when combined with an adjacent retail building and center, would in combination total more than 40,000 square feet;

6. Amphitheaters;

7. New ponds;

8. Residential uses allowable under agricultural land use and zoning designations.

D. Use Review Criteria. In determining whether proposed uses in subsection C have been appropriately designed, decision-making body shall consider the following criteria:

1. Density. Density of use averaged over the entire site (excluding streets) should not exceed 100 persons per acre in structures, or 150 persons in and out of structures.

2. Clustering. Clustering of development within the density parameters is encouraged to protect and provide open land/safety areas for emergency landing (such as requiring building envelopes, contiguous parking and landscape areas, and larger setbacks from certain geographic features such as creeks, roads, etc.).

3. Noise. Appropriate noise reduction measures have been incorporated for noise sensitive uses (such as schools or libraries) consistent with ALUCP and city General Plan standards, whichever is more restrictive.

E. General Design Requirements.

1. Lights, glare, electronic interference. All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke, glare, distracting lights, or electronic interference. All exterior lighting shall be directed downward or shielded to prevent glare to aircraft and meet any approved ALUC lighting guidelines. The Community Development Director may require the applicant to consult with Airport Land Use Commission (ALUC) staff, the airport manager or a qualified airport land use planning consultant

Letter P.1

COMMENTER: Leslie E. Lawson and Margaret E. Lawson

DATE: April 21, 2023

Response P.1-1

The commenters request that the American Canyon Planning Commission revise the proposed zoning for their properties as included in the DEIR to reflect the zoning as presented in the 2019 annexation project proposal.

The City revised the proposed pre-zoning between 2019 and commencement of preparation of the DEIR in 2022 by extending the Residential Estates pre-zoning border north to ensure that entire parcels were pre-zoned for one use. Under the 2019 proposal, pre-zoning of certain parcels in the middle of the project site (parcels I and M as indicated on Table 2-1 on page 2-4 and Figure 2-3 on page 2-5 of the DEIR) would have been split into two uses. Regardless, the proposed pre-zoning is a component of the proposed project which is outside of the scope of analysis within the DEIR. The DEIR analyzes and discloses the potential environmental impacts and mitigation measures to reduce potentially significant impacts of the proposed project. The DEIR does not propose zoning, but instead evaluates impacts of proposed zoning. Therefore, no additional revisions to the DEIR are necessary in response to this comment.

Response P.1-2

The commenters state that there are differences in the 2019 proposed zoning and the current proposed zoning for their property (APN 057-120-050 and 057-120-051) and their neighbor's property (APN 057-120-045). The commenters state that the current proposed zoning for these parcels is RE and that in the 2019 proposal the zoning for these parcels was RE with the back of the properties zoned as Paoli light industrial (PLI).

Please refer to Response P.1-1. This comment does not pertain the DEIR or CEQA. Therefore, no additional revisions to the DEIR are necessary in response to this comment.

Response P.1-3

The commenters state that they submitted inquiries to both Sean Kennings, Lake Associates, and City staff asking about the purpose of this change and to request that the proposed zoning be changed to reflect the 2019 proposal. The commenters state that City staff informed them that the previous project was a property owner-initiated project while the current proposal is a City-initiated project. The City staff further indicated that the current proposal maintains a status-quo zoning for Watson Lane properties to minimize environmental impacts and mitigation and that land use changes may be considered any time following annexation.

The City concurs its previous response as referenced by the commenter from November 29, 2022. In addition, please refer to Response P.1-1 regarding consistency of pre-zoning across individual parcels. Additionally, as discussed in Response P.1-1, pre-zoning is a component of the proposed project and is not proposed by the DEIR. The DEIR evaluates potential environmental impacts of the proposed project. Therefore, no additional revisions to the DEIR are necessary in response to this comment.

Response P.1-4

The commenters express an opinion that it is more appropriate to discuss proposed zoning before annexation rather than request a change after annexation.

Please refer to Response P.1-1. As described therein, no additional revisions to the DEIR are necessary, as zoning is a component of the proposed project and is only evaluated for potential environmental impacts in the DEIR.

Response P.1-5

The commenters state that the uses allowed on their properties under the 2019 proposal are more consistent with the uses allowed under the airport zoning. The commenters state that their properties are located in Zone D in the Napa Airport Land Use Compatibility Plan which, in part, prohibits residential uses except for those allowable under agricultural land use zoning designations. The commenters state that light industrial land use appears to be allowed in Zone D.

The DEIR states on page 2-16 under Section 2.8, *Required Approvals*, that the City will not approve a residential use application in Zone D until an amendment to the Airport Land Use Compatibility Plan has been approved or December 31, 2023, whichever occurs first. The City notes that revisions to the Airport Land Use Compatibility Plan are underway and future residential development with additional environmental review under CEQA may be possible. Further, as noted under Response P.1-1, proposed pre-zoning is a component of the proposed project. The DEIR evaluates the environmental impacts of the proposed project. No additional revisions to the DEIR are required in response to this comment.

Response P.1-6

The commenters state that the zoning proposed in 2019 was adopted by the City Council through Resolution No. 2019-11 and Resolution No. 2019-44. The commenters also request assistance in locating documents from the Planning Commission/ City Council meetings that revised or replaced these resolutions.

Resolution 2019-11 relates to the City participating in Phase 2 of the Sites Reservoir project. Resolution 2019-44 is a First Amended Pre-Annexation Agreement for the Cecil Augusto Paoli Revocable Family Trust property as a portion of the Paoli Loop/Watson Lane Area Annexation affected area. Thus, neither resolution relate to rezoning. Furthermore, rezoning must occur by Ordinance and not Resolution. This comment does not pertain to the DEIR or CEQA. Therefore, no additional revisions to the DEIR are necessary in response to this comment.

The commenter requests assistance in obtaining documents from meetings where Resolution No. 2019-11 was addressed. Copies of these documents can be obtained by submitting a public records act request at City Hall located at 4381 Broadway, American Canyon, California 94503 or on the following website address: https://rb.gy/laozg.

Response P.1-7

The commenters express an opinion that their property should be zoned according to the 2019 proposal because light industrial will be directly behind their properties, so allowing light industrial on the back of their properties would give them more options on their properties. The commenters express an opinion that this change should not affect the environmental impact report because their parcels are in close proximity to the Paoli property that will also be zoned light industrial.

This comment pertains to a zoning request for a specific property. This comment does not pertain to the DEIR or CEQA. The commenter acknowledges this comment does not pertain to the DEIR. Therefore, no additional revisions to the DEIR are necessary in response to this comment.

Response P.1-8

The commenters express an opinion that the proposed zoning should reflect the 2019 proposal because the current proposal prohibits and restricts future development on their properties and because their request is consistent with previously adopted City Council resolutions.

This comment pertains to a zoning request for a specific property or properties. This comment does not pertain to the DEIR or CEQA. No additional revisions to the DEIR are necessary in response to this comment.

April 26, 2023

Letter P.2

City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

City of American Canyon Planning Commission
City of American Canyon City Counsel

Subject: Alternative 4: City of American Canyon Paoli/Watson Lane Annexation Project, Environmental Impact Report

We reviewed the Staff Report, Business Item Number 5, and would like to provide some comments in reference to Alternative 4 for your consideration.

The following are excerpts from the Staff Report regarding Alternative 4:

P.2-1

- Assumes that the Newell Drive extension would not extend north of Watson Lane, and that travelers would instead utilize Watson Lane and Paoli Loop Road for travel between Newell Drive and SR 29, and between Newell Drive and the planned extension of South Kelly Road.
- Utilizes an existing-at-grade crossing of the Union Pacific Railroad (UPPR) tracks on Watson Lane.
- Requires an 80-foot right-of-way width.

Request:
For the reasons noted in our below comments, we request that the City of American Canyon Planning Commission/American Canyon City Council do not choose/adopt Alternative 4 in the Paoli Watson Lane Annexation Draft Environmental Impact Report (DEIR) (April 27, 2023 Staff Report Business Item Number 5).

P.2-2

Comments:
In general, Alternative 4 is the only alternative that negatively impacts current private residences. Therefore, we ask that you please consider the following comments when determining the best long-term plan for the City of American Canyon.

Comment 1: Alternative 4 would require an 80-foot right-of-way width.

Currently, Watson Lane is approximately 20 feet wide. Alternative 4 would make Watson Lane a "major collector street" that would require 4 times the current width. Based on the difference, it appears this alternative would require 30-foot-wide encroachments on each private residence along Watson Lane.

P.2-3

- *Issue: Cost incurred by the City to acquire the 30-foot encroachments on each private residence along Watson Lane.*

- *Issue: Proximity of homes to widened road.*
  Some of our neighbor's homes are already close to the road. How will the proposed encroachment impact these residents and other Watson Lane residents? For example:
  - Will the widened road meet city setback requirements?
  - How will this "major collector street" impact Watson Lane residents with the traffic and noise level increase with the road so close to their homes.
  - How will the increased pollution resulting from additional vehicles impact the residents?
  - How will the Watson Lane property values be impacted, and what is the risk to the City for implementing a proposal that results in reduced property values?
  - With increased traffic, there is potential for an increase in crime. Does the City plan to increase its emergency services?
  - How will the city control the speed and traffic associated with the number of potential cars utilizing this road to avoid Highway 29 during peak commuting times?

P.2-4

- *Issue: Encroachment on Leach Lines/Septic Systems.*
  We do not know the exact location of all the septic systems on Watson Lane, but we do know of one septic system that is within the 30-foot encroachment.
  - How would the city address the issue of the inability to use septic systems located within the encroachment. The home(s) would be inhabitable until a different option(s) is available and in use.
  - Will the City incur the cost for the new septic system(s)? If not, what is the risk to the City for implementing a proposal that results with unnecessary costs to the Watson Lane homeowner(s)?

P.2-5

- *Issue: Potential Impacts to Watson Lane residents during construction.*
  We anticipate potential impacts to Watson Lane residents during construction. For example:
  - Travel delays to and from Watson Lane residences.
  - Potential intermittent loss of utilities (electricity, gas, water) during construction.
  - Potential delays in emergency services (ambulance, fire, police) during construction.
  - Storage of large equipment during construction.
  - Where does the City plan to stage potential large equipment during the process and how will this impact Watson Lane residents?

P.2-6

Comment 2: Alternative 4 would result in potential major traffic delays during times of railway use.

- *Issue: Delays in traffic during times on Watson Lane during railroad use.*
  This issue is addressed in the EIR, but we are including it in our comments to note the delays in traffic during railroad use time will block entrances to Watson Lane residences.

P.2-7

- *Issue: Extended Delays in traffic due to Watson Lane's proximity to the Railroad yard, and the lead switch, which is currently located approximately 40 feet from Watson Lane. (If Watson Lane is widened, the lead switch will be approximately 10 feet from Watson Lane.)*

  Currently, trains block Watson Lane traffic while operating manual switches and moving railroad cars back and forth. At this time, trains cross Watson Lane approximately 4 to 6 times a day. It is not uncommon for the trains to block the road from 5 minutes to as long as 15 minutes. Depending on the number of cars using Watson Lane as the "major collector street," cars could be sitting idle on Watson Lane, Paoli Loop, and potentially the freeway waiting to continue travel down Watson Lane.

  To illustrate the potential number of cars that may use Watson Lane under Alternative 4, the following are excerpts from an article in The American Canyon Eagle (*Proposed American Canyon annexation has Highway 29 connection*, September 22, 2022, updated September 30, 2022) that provided information on the proposed annexation of 83 acres that will include the Newell Drive connection to Highway 29.

  > "[A] Newell Drive extension across an annexed Paoli/Watson Lane area would provide another entrance to adjacent 300-acre Watson Ranch, which is to have more than 1,000 homes."
  >
  > The article also includes a comment from city councilmember David Oro "[T]aking even ***100 cars*** an hour off Highway 29 putting them on an extended Newell Drive would help with the highway traffic." ***Emphasis added.***

  To summarize this issue, halting traffic on Watson Lane during times of railroad use is bigger issue when compared to halting traffic in Alternative 2 due to the proximity of the lead switch to Watson Lane.

P.2-7 cont.

Thank you in advance for reviewing and considering our comments. As discussed above, we do not believe Alternative 4 is the best option for the current residences of Watson Lane, future residences of Watson Ranch, or for the City of American Canyon. If you have any questions, feel free to contact us.

P.2-8

Thank you,

Leslie E. Lawson
260 Watson Lane
(707) 373-7910
Leslawson3460@gmail.com

Margaret E. Lawson

Sam Clerici
220 Watson Lane

Leann Clerici

Letter P.2

COMMENTER: Leslie E. Lawson, Margaret E. Lawson, Sam Clerici, and Leann Clerici

DATE: April 26, 2023

Response P.2-1

The commenters state that they reviewed the staff report and are providing comments in reference to Alternative 4. The commenters state that according to the staff report, Alternative 4 assumes the Newell Drive extension would not extend north of Watson Lane and that travelers would instead utilize Watson Lane and Paoli Loop Road to travel between Newell Drive and SR 29, and between Newell Drive and the planned extension of South Kelly Road. The commenters also state that the staff report indicates that Alternative 4 would utilize an existing-at-grade crossing of the Union Pacific Railroad tracks on Watson Lane and require an 80-foot right-of-way width.

The commenter stated their understanding of Alternative 4. No additional revisions are required in response to this comment.

Response P.2-2

The commenters request that the City not choose Alternative 4 in the DEIR because it is the only alternative that negatively impacts current private residences.

As required by CEQA, an EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives, and would avoid or substantially lessen any of the proposed project's significant effects. The Draft EIR does not recommend approval of the proposed project or alternatives to the proposed project, such as Alternative 4. The City Council will make a decision on whether to approve the Proposed Project and is required to make Findings regarding Alternatives considered, pursuant to CEQA Guidelines Section 15091. Letter P.2 will become part of the FEIR and thus, will be provided to the advisory bodies and City Council. No additional revisions to the DEIR are required in response to this comment.

Response P.2-3

The commenters state an opinion that the 80-foot right-of-way required as part of Alternative 4 would make Watson Lane a "major collector street" that would require four times its current width of 20 feet. The commenters state this would require 30-foot-wide encroachments on each private residence along Watson Lane. The commenters express concern over the cost incurred by the city to acquire these encroachments.

Please refer to Response P.2-2. As described therein and on page 6-17 of the DEIR, implementation of Alternative 4 would encroach on private property. Please also see Figure 6-1 in the DEIR, which shows the potential areas that may need to be encroached on for this alternative, including driveways for residences. The cost associated with acquiring land is not a CEQA environmental topic or issue, which are identified in Appendix G of the CEQA Guidelines. Accordingly, no additional revisions to the DEIR are required in response to this comment.

Response P.2-4

The commenters express concerns over the proximity of homes to the widened road required as part of Alternative 4. The commenters raise questions regarding city setback requirements, traffic and noise levels, increased pollution, property values, increase in emergency services due to an increase in crime, and the control of traffic along Watson Lane if Alternative 4 is chosen.

New roadway development would comply with City setback requirements as a regulatory requirement of the Municipal Code. As noted on page 6-19 in Section 6, *Alternatives*, there is no substantial evidence that Alternative 4 would increase VMT, and the commenter does not provide supporting evidence or documentation. Congestion, traffic, and speed are not impacts discussed under CEQA (see both Section 15064.3 and Appendix G of the CEQA Guidelines). Since there would be no increase in VMT, associated air quality and noise impacts from vehicles is not assumed to increase either. Impacts to property values are not analyzed under CEQA, as property value impacts are not environmental impacts subject to environmental review under CEQA. As discussed on page 6-18 in Section 6, *Alternatives*, Alternative 4 is not anticipated to result in an increase in emergency calls rates, such as calls to respond to crimes. Please refer to Response P.2-2 regarding the environmental impacts of Alternative 4. No additional revisions to the DEIR are required in response to this comment.

Response P.2-5

The commenters express concerns over encroachment on leach lines or septic systems required as part of Alternative 4. The commenters raise questions regarding the use of septic systems within the encroachment area and if the City would incur the cost for new septic systems.

As discussed on page 6-17 in Section 6, *Alternatives*, the DEIR notes that roadway widening under Alternative 4 would encroach on existing private properties and would require the take of portions of encroached properties. Potential replacement or movement of septic systems is outside of the scope of this DEIR because septic relocation is not proposed. Additionally, please refer to Response P.2-2 regarding the environmental viability of Alternative 4. No additional revisions to the DEIR are required in response to this comment.

Response P.2-6

The commenters express concerns about the impact to residents during the construction on Watson Lane included as part of Alternative 4, such as impacts to utilities and delays in emergency service responses. The commenters raise questions regarding where large equipment would be staged during construction.

Impacts related to travel delays are not relevant to CEQA analysis for land use projects, such as the proposed project (see Section 15064.3 of the CEQA Guidelines). Construction staging is not determined because no specific construction projects have been designed or proposed as part of the proposed project or alternatives, including Alternative 4. As discussed on page 6-19 in Section 6, *Alternatives*, impacts to utilities resulting from Alternative 4 were determined to be less than significant, similar to the proposed project. As discussed on page 6-18 in Section 6*, Alternatives*, the DEIR acknowledges that impacts to response times for police and fire services would be impacted more severely than analyzed under the project. Additionally, please refer to Response P.2-2 regarding the environmental viability of Alternative 4. No additional revisions to the DEIR are required in response to this comment.

Response P.2-7

The commenters express an opinion that Alternative 4 would result in major traffic delays during railroad use time which would block entrances to Watson Lane residences. The commenters note this is addressed in the DEIR.

Traffic and vehicle delay are not issues required for analysis under CEQA for land use projects, such as the proposed project and alternatives to the project (CEQA Guidelines Section 15064.3). Additionally, please refer to Response P.2-2 regarding the environmental impacts of Alternative 4. No additional revisions to the DEIR are required in response to this comment.

Response P.2-8

The commenters state that they believe Alternative 4 is not the best option for the current residents of Watson Lane, future residents of Watson Ranch, or the City as a whole.

As discussed under Response P.2-2, the DEIR notes that Alternative 4 is the least environmentally superior alternative of the alternatives analyzed in the DEIR. Also described in Response P.2-2, the Draft EIR does not recommend approval of Alternative 4, other alternatives, or the proposed project, but instead discloses the potential environmental effects of the project and alternatives, compared to the project. City Council will make a decision on whether to approve the Proposed Project and is required to make Findings regarding Alternatives considered, pursuant to CEQA Guidelines Section 15091. Therefore, no additional revisions to the DEIR are required in response to this comment.

Letter P.3

To: Sean Kennings 4/28/2023

From: Charles Lemmon, 193 Watson Lane, American Canyon

Subject: Watson Lane annexation Draft EIR comments

The EIR is a well written comprehensive discussion of potential impacts. I do have 3 comments / concerns. If the comments are incorporated into the report, they have the potential to increase the reports acceptance and credibility. P.3-1

1) Alternatives section

The Alternatives section should include the LAFCO recommended alternative. The LAFCO recommended / preferred alternative is to extend Newell Drive to connect with South Kelly road with No green island cross connection. Most residents of Watson Lane and the City of American canyon strongly favor the LAFCO routing. I understand the City Manager's concerns about potential project schedule impacts due to Napa County being in control of the process. The uncertainty of Newell extension to South Kelly could be listed as the negative impact that lowers the score of this alternative below the City recommended project. Leaving out the Citizens and the LAFCO agency's most favored Newell Drive Extension alternative significantly lowers the credibility of the EIR alternatives analysis section. P.3-2

2) Utilities impacts, wastewater.

Refer to the snip below.

than significant.	
Impact UTL-3: The project would increase demand for wastewater treatment but there is adequate wastewater treatment capacity to serve the project's projected demand in addition to existing commitments. Impacts would be less than significant.	No mitigation measures would be required.
Impact UTL-4: The project would not generate	No mitigation measures would be required.

P.3-3

Please add the words "and the existing residential properties on Watson Lane" after the words "capacity to serve the project's". Referencing the residential properties capacity needs, will make the EIR more inclusive to the residents needs. The discussion of available capacity does not commit the City to mitigate the lack of sewer service to the residences.

3) Environmental impacts TAC PM 2.5

Refer to snip below P.3-4

In addition, the proposed extension of Newell Drive would add a new source of TAC emissions to the project area that could adversely affect sensitive receptors residing in close proximity. For roadways, BAAQMD has developed a Roadway Screening Analysis Calculator to assess whether new roadways with traffic volumes over 10,000 vehicles per day may have a potentially significant impact. Project-specific data was input to the screening calculator such as the county, roadway direction, and future vehicle volume. Based on traffic data, under cumulative plus project conditions, the Newell Drive extension is estimated to have up to 28,072 vehicles per day (GHD 2022). The nearest off-site sensitive receptor to the proposed extension is a residence located approximately 850 feet to the south on Watson Lane. At this distance, the increased cancer risk at the nearest off-site residence would be up to 1.6 in one million, which would not exceed the BAAQMD significance threshold of 10 in one million increased cancer risk. The annual $PM_{2.5}$ concentration would be up to 0.04 ug/m^3, which would not exceed the BAAQMD significance threshold of 0.3 ug/m^3. Therefore, community health risk impacts from the proposed Newell Drive Extension would be less than significant.

P.3-4 cont.

Mitigation Measures

AQ-2 Conduct Construction Health Risk Assessment

The EIR should provide the details of the traffic load calculation as an appendix just like the noise calculations shown in appendix C. TAC / PM2.5 is an important health impact topic of concern for the residents living on Watson Lane as well as existing Newell drive residents. As written the estimated number of vehicles is listed, but the basis of the number is only discussed in general terms. This lowers the report's credibility in this important area.

General comment on Report Focus areas.

The report primarily focuses on impacts from "potential future developments". The report does not highlight the more certain impacts of the City recommended Newell Drive extension. The Newell Drive extension is not required to construct future developments on the former Paoli Property. The Newel Drive extension is a separate project that has benefits to the City of American canyon. The Newell Drive extension is what created the need to annex the Watson Lane neighborhood, not the potential development of the former Paoli property. As such the Newel Drive extension impacts should have been more highlighted as it is much more certain in the near term versus "future possible developments".

P.3-5

I don't have any recommendations on how to fix that now, Its just an observation.

Letter P.3

COMMENTER: Charles Lemmon

DATE: April 28, 2023

Response P.3-1

The commenter states that the DEIR is well written and they have three comments which, if incorporated into the report, would have the potential to increase the DEIR's acceptance and credibility.

The City thanks the commenter for their interest in the project. Responses to the referenced comments are provided in Response P.3-2 through P.3-5, below. No additional revisions to the DEIR are required in response to this comment.

Response P.3-2

The commenter states an opinion that the alternative section should include the LAFCO recommended alternative to extend Newell Drive to connect with South Kelly Road. The commenter states an opinion that this alternative is strongly favored by most residents of Watson Lane and American Canyon and that to leave it out of the DEIR lowers the credibility of the alternatives analysis section.

Section 6, Alternatives, of the DEIR evaluates feasible alternatives to the project to reduce one or more potentially significant impacts of the proposed project, pursuant to CEQA Guidelines Section 15126.6. Extending Newell Drive northward to South Kelly Road and forgoing the connection to Paoli Loop Road/Green Island Road is not feasible for analysis under the DEIR since the lead agency for such a project would include Napa County. Extension of Newell Drive into South Kelly Road would require approval from Napa County under CEQA. The DEIR analyzes discretionary actions proposed by and potentially undertaken by the City of American Canyon. According to CEQA Guidelines Section 15126.6(f), jurisdictional boundaries, such as the boundary serving as the city/county limits, are factors to consider when determining the feasibility of an alternative in CEQA. Additionally, CEQA Guidelines Section 15126.6(b) states that the purpose of including alternatives in an EIR is to attempt to reduce one or more of the significant impacts identified for the proposed project. The commenter does not provide explanation or details on how their suggested alternative would reduce potentially significant impacts of the project. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.3-3

The commenter requests that "and the existing residential properties on Watson Lane" should be added to the discussion of impact UTIL-3 to make the DEIR more inclusive to resident's needs.

As discussed on page 4.17-24 of Section 4.17, *Utilities and Service Systems*, as of 2020 there was remaining capacity of 1.05 million gallons per day at the City's water reclamation facility. The City would have substantial capacity to service the residents on the project site in addition to new development that may be facilitated by the project. The project site would be added to the City's water service area and therefore, the existing residences would have the opportunity to be provided service. It is unnecessary to describe this in the DEIR. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.3-4

The commenter requests that details of traffic load as it relates to air quality impacts be added as an appendix to the EIR.

Traffic load volume is included in Appendix C, whereby volumes on the Newell Drive extension is estimated at 28,072 vehicles per day. The methodology to estimate traffic load is not in the purview of air quality analysis. Traffic volume, as discussed in Section 4.15, *Transportation*, was estimated using the American Canyon travel demand model. Accordingly, no additional revisions to the DEIR are required in response to this comment.

Response P.3-5

The commenter states an opinion that there should be more focus on the Newell drive Extension project throughout the DEIR as it is a separate project that created the need to annex the Watson Lane neighborhood.

The Newell Drive extension is discussed continuously throughout the DEIR where applicable. As a project feature as described under Section 2.5.2, *Newell Drive Extension*, it is thoroughly analyzed in Sections 4.1 through 5 for potentially significant environmental impacts. Accordingly, no additional revisions to the DEIR are required in response to this comment.

Letter P.4

Comments on the Pauli/Waton Lane Annexation Project

From: Yvonne Baginski, 707-694-5486

yvonnebaginski@gmail.com

I am very concerned about the environmental impact of this project, which promises paving over another substantial portion of grasslands that will further work to annihilate local wildlife, increase GHG emissions, and destroy open space views. The current Environmental Impact Report is inadequate. P.4-1

Specifically, AES-1 claims that the project would not have an adverse impact on scenic vistas. That statement bears no evidence. This project has no protections in place to ensure that scenic vistas will remain in view of the public eye. There are no restrictions for residences or industrial areas to remain single-story, no determination of space requirements between buildings, no buffer zones, or building specifications in effect. Right now, as it is written, as long as people stay within the city's building codes, they can build how they'd like. If you look at the warehouses, office buildings and apartments being built, you'll note that they are 2-3 stories high and readily obstruct all views. What is currently stated in this EIR will not protect the scenic views. P.4-2

This project refers to "biologically sensitive areas," yet provides no information on location or protection. A 50-foot setback from the banks of the North Slough is required under current regulations. There is no extra protection for this property spelled out in this EIR. And, there is no land set aside specifically for wildlife or plant life to be allowed to thrive in a natural state. What this project does is takes away more foraging/nesting land from the local wildlife and further restrict their habitats. Some will perish, and others will no longer be found in Napa County. Almost all the land in American Canyon and south Napa County is being built up, so there is really no place left for wildlife to live. In fact, the Giovannoni Site Project eats up 7 percent of birds foraging habitat just on its own. Start adding up all the other acres eaten up by projects and the cumulative effect is devastating to the natural world. What this project fails to recognize is that it is part of a larger growth effort that will basically kill all the animals currently living or using this land. P.4-3

One request I have is for the project to require that any residence or build on this land use only native plants and landscaping. That wildlife is allowed to flourish and must be left alone. No animal traps or poisoning are permitted. Because the animals will be surrounded by two major roads, wildlife crossing bridges or tunnels be built so they can traverse to the wetlands or up into the hills. Right now, if they cross any street they are headed to be run over by a car or truck. Because there is a slough cutting through the property, all poison traps must be strictly prohibited. Bait stations are not allowed. P.4-4

AES-4. Lighting, especially at night, will be unavoidable. Of course, it will impact the environment. Especially the birds. To make a statement otherwise doesn't make sense. American Canyon is not a P.4-5

"dark" city Unlike places like Tucson, Az, it currently doesn't have ordinances in place to limit light pollution. P.4-5 cont.

AG-1 I don't understand the statement that no farmland will be affected. I see right in the introduction that agricultural land will be converted. "The land currently designated for Agricultural will be changed to industrial." P.4-6

I am also very dubious on the "promises" made to mitigate the construction process. Having watched numerous construction sites in Napa Valley, I am curious on who is going to monitor and enforce these mitigations. I know from my own experience, that until a formal complaint is made to the right person, nothing is done. I stress the right person because it could be a state official, a county official or a city official who has jurisdiction. It is often days between phone calls, and follow-up is impossible because no reports are made back to the complainer.

So, knowing this, how realistic is it to "require the use of newer equipment," when the "newer" isn't defined? The lack of concreteness in many of the mitigations makes enforcement impossible. Who will be standing at the gate to monitor and enforce that 10% of building materials are purchased locally, or 65% of construction and demolition will be recycled or reused? Who will be measuring the mitigation? P.4-7

Idling a nonworking vehicle is limited to 5 minutes in this EIR. I am requesting it be further reduced to three minutes, and that nonworking vehicles be clearly defined. Sometimes the vehicle is running while someone is just sitting in it, or has left it for a few minutes. P.4-8

What is especially appalling will be the loss of foraging land and habitat to the Swainson hawk and golden eagle. I would be very interested in knowing how purchasing mitigation credits is going to save these birds in American Canyon. Especially so since the Napa Valley Vine roundabout purchased the last mitigatable Swainson hawk nesting tree available in California at a cost of $170,000.

Here's one more fact to consider, the California Dept. of Fish and Wildlife has written numerous letters over the years, on various projects in American Canyon, asking specifically for grasslands to be preserved for foraging birds, especially the Swainson Hawk. Their pleas have been ignored by the local planners and city council members. P.4-9

American Canyon is blessed with the best bird habitat in Napa County. Wildlife diversity is a bellwether of ecological health and the loss of wildlife is the harbinger for the future of humans, as well.

One more thing to consider, as American Canyon continues to grow industrial areas, it is solidly aiming for a future public health crisis for the families of the region. Already, there are numerous complaints about diesel truck emissions, idling, congestion and air pollution. American Canyon residents suffer more exposure to pollutants than 73% of the state, with exposures from traffic in the 83rd percentile, according to data from the California Office of Environmental Health. The city's residents also face the highest pollution burden in Napa County. P.4-10

This development, along with the many others already on the books for American Canyon, will contribute greatly to the decline of the natural beauty of the region. It will also translate to a staggering decline in the quality of life for people who enjoy open space, vista views, clean air, and the abundance nature provides. P.4-11

We need a new dialogue on how we are shaping the future of American Canyon. Backroom agreements made thirty years ago are no longer relevant. The truth is, no one looking for a quick and easy profit is going to be interested in preservation. The cost of the cumulative damage caused by a selfish lack of concern is much greater than the economic benefits to be obtained.

P.4-11 cont.

I am imploring you to do the least harm to the environment. If a buildout is inevitable, then make it the best for all. Not just the investors and the developers. Demonstrate sustainable possibilities.

P.4-12

This environmental review is simply inadequate and more work needs to be done.

Thank you for this consideration,

Yvonne Baginski

Letter P.4

COMMENTER: Yvonne Baginski

DATE: No date, received April 28, 2023

Response P.4-1

The commenter expresses an opinion that the environmental impact of this project has the potential to impact wildlife, increase GHG emissions, and destroy open space views. The commenter expresses an opinion that the DEIR is inadequate.

Impacts to wildlife, GHG emissions, and open space views are discussed in Sections 4.4, *Biological Resources,* 4.8, *Greenhouse Gas Emissions*, and 4.1, *Aesthetics*, respectively. As described in those sections of the DEIR, the proposed project would result in impacts to these environmental resources or topics. Impacts would be either less than significant without mitigation or reduced to less than significant with implementation of provided mitigation measures. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.4-2

The commenter states an opinion that there is no evidence to support the claim that the project would not have an adverse impact on scenic vistas. The commenter states they believe there are no protections in the DEIR to ensure that scenic vistas will remain in public view and scenic views will not be protected.

As discussed under Impact AES-1 in Section 4.1, *Aesthetics*, there are no designated scenic vistas or viewpoints within American Canyon. Hills in the background of the project site may be visible on an intermittent and fleeting basis to motorists passing the project site on SR 29, but undeveloped hillside areas would remain visible in the background. Viewers in open space areas like Newell Open Space Preserve would be too distant from the project site for scenic views to be impacted. Additionally, no specific development proposals on the project site were analyzed as part of the project because none are proposed at this time. Furthermore, Impact AES-1 determines that the project would have adverse impacts on scenic vistas but impacts would be less than significant (DEIR page 4.1-12). Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.4-3

The commenter states that there is no information about the location or protection of biologically sensitive areas in the DEIR. The commenter states a 50-foot setback from the banks of the North Slough is required, but there is no extra protection for this property included in the DEIR. The commenter expresses concerns about the cumulative impacts to wildlife given the other development projects being proposed in the area.

Section 4.4, *Biological Resources*, of the DEIR describes various biologically sensitive areas that occur or may occur in the project area. For example, page 4.4-1 of the DEIR describes the presence of the North Slough in the project site. Pages 4.4-3 and 4.4-4 of the DEIR describe the potential for special-status species to occur in the project site based on suitable habitat in the area. Another example is found on page 4.4-6 of the DEIR, which describes the presence of a known wildlife movement corridor along the eastern border of the project site. The DEIR also provides mitigation measures,

such as Mitigation Measure BIO-1 to reduce impacts to these biological resources. With implementation of mitigation measures identified in Section 4.4, *Biological Resources*, impacts to biological resources would be reduced to less than significant.

As discussed under Impact BIO-3 in Section 4.4, *Biological Resources*, the DEIR acknowledges that North Slough may potentially be jurisdictional. Mitigation Measure BIO-5 would require preparation of an aquatic resources delineation survey to determine the jurisdictional area around the North Slough. Follow up permitting would potentially be required from United States Army Corps of Engineers, California Regional Water Quality Control Board, and CDFW. Oversight from these State and federal agencies would ensure protection of the North Slough. Furthermore, Mitigation Measure BIO-6 would require a setback of at least 50 feet from the top of the bank of the North Slough. The setback may be greater pending the results of the aquatic resources delineation completed under Mitigation Measure BIO-5. Finally, Mitigation Measure BIO-7 would be required in the case that impacts to North Slough could not be avoided. Implementation of these three mitigation measures would reduce impacts to North Slough to less than significant. Additionally, as discussed under Impact BIO-1, Mitigation Measure BIO-1 would require site-specific biological resources assessments; if potential critical habitat is uncovered, then further technical studies and consultation with State and federal agencies may be required.

Cumulative impacts to biological resources, such as wildlife and habitat, is discussed on page 4.4-21 in Section 4.4, *Biological Resources*, of the DEIR. As discussed therein, the project's contribution to a cumulative impact would be less than considerable with implementation of mitigation measures. Furthermore, nearby habitat would remain in the area unaffected by the project, including habitat at Newell Open Space Preserve, and other ongoing City projects include conservation easements to preserve habitat.

No additional revisions to the DEIR are required in response to this comment.

Response P.4-4

The commenter requests that a residence built as part of the proposed project be required to use only native plants and landscaping. The commenter also requests that no animal traps or poisoning be permitted and that bridges or tunnels be built so that animals can safely cross the two major roads surrounding development proposed by the project.

The DEIR is a programmatic document and does not analyze details and designs specific to individual development projects, such as landscaping, animal traps/poisons, or the use of wildlife bridges/tunnels. As noted in Impact BIO-4 in Section 4.4, *Biological Resources*, the project site is not a significant regional or local wildlife movement corridor. Impacts to wildlife movement in North Slough would be reduced to less than significant with implementation of Mitigation Measure BIO-6. No additional revisions to the DEIR are required in response to this comment.

Response P.4-5

The commenter states an opinion that there will be unavoidable light at night as a result of the project and that this will negatively impact birds. The commenter states that American Canyon does not currently have ordinances in place to limit light pollution.

As discussed on pages 4.1-14 and 4.1-15, impacts to light pollution would be less than significant with mitigation. While the project would increase nighttime light, implementation of Mitigation Measure AES-2 would reduce operational light spillage to the extent feasible. The City has adopted California Green Building Code into its municipal code, which includes requirements to reduce light

pollution. Overall, implementation of Mitigation Measure AES-2 would ensure that lighting and glare is minimized during operation of future development facilitated by the project, and impacts would be less than significant. No additional revisions to the DEIR are required in response to this comment.

Response P.4-6

The commenter states that they don't understand the statement that no farmland would be affected when the introduction states that agricultural land will be converted.

As discussed in Section 4.2, *Agricultural and Forestry Resources*, the project site does not contain farmland pursuant to the Farmland Mapping and Monitoring Program, as there are no Important Farmlands located on the project site. CEQA is concerned with Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Prime Farmland is defined by the California Department of Conservation as "Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date". Unique Farmland is defined as "Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date." Farmland of Statewide Importance is defined as "Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date". While some of the land proposed to be converted by the project is zoned as agricultural land, none of this land is classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, there would be no impact to farmland as it pertains to CEQA. No additional revisions to the DEIR are required in response to this comment.

Response P.4-7

The commenter expresses concern over construction mitigation measures included in the DEIR. Specifically, the commenter asks who will be monitoring and enforcing these measures. The commenter expresses concern over how "newer" equipment is defined.

The DEIR is a programmatic document and does not analyze project-specific details including construction details because no specific construction project has been proposed or designed. The programmatic Mitigation and Monitoring and Reporting Program (MMRP) of this project that would be required to be adopted pursuant to State Assembly Bill AB 3180 (1988) would provide mitigation for individual development projects. The use of the word "newer" in Mitigation Measure AQ-3 is used comparatively between equipment and/or vehicles analyzed in an operational health risk assessment and potentially newer equipment and vehicles that may be available on the ground for actual use. No additional revisions to the DEIR are required in response to this comment.

Response P.4-8

The commenter requests that nonworking vehicles be defined in the DEIR and that idling time requirements are further reduced to three minutes.

As stated in Section 4.8, *Greenhouse Gas Emissions*, the 5-minute idling time of nonworking vehicles would be consistent with the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations requirements. Adherence to these requirements for nonworking vehicles would reduce GHG emissions associated with idling. No additional revisions to the DEIR are required in response to this comment.

Response P.4-9

The commenter states that the project would result in loss of foraging land and habitat for the Swainson's Hawk and Golden Eagle. The commenter expresses concern over the purchase of mitigation credits to save the Swainson Hawk and Golden Eagle in American Canyon because the Napa Valley Roundabout purchased the last mitigable Swainson Hawk nesting tree available in California. The commenter states that CDFW has written numerous letters on various American Canyon projects asking for grasslands to be preserved for foraging birds and that these please have been ignored by local planners and city council members.

As discussed in Section 4.4, *Biological Resources,* there are several records of Swainson's hawks nesting within five miles of the project site, with the last record from 2013. No Swainson's hawks were observed during the reconnaissance survey. There is suitable nesting and foraging habitat within the project site. The nesting habitat in the project site is limited to eucalyptus trees and ornamental trees within the low-density housing area. Swainson's hawk has a moderate potential to forage and nest within the project site. As stated in Response A.2-10, the City is revising Mitigation Measure BIO-2 to clarify the timing and requirements around Swainson's hawk surveys. Please refer to Section 3, *Minor Revisions to the Draft EIR*, to see the revisions to the DEIR, including revisions to Mitigation Measure BIO-2.

The commenter's submittals on other projects in American Canyon do not pertain to the DEIR for the proposed project. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.4-10

The commenter expresses concern over air pollution and public health effects of the growth of industrial areas in American Canyon.

Air quality impacts were discussed in Section 4.3, *Air Quality,* of the DEIR, and operational impacts related to air quality were found to be less than significant with implementation of Mitigation Measure AQ-3, which would require an operational health risk assessment prior to project approval. Development facilitated by the project would be subject to mitigation measures in the DEIR. No additional revisions to the Draft EIR are required in response to this comment.

Response P.4-11

The commenter states an opinion that the project will contribute to a decline of natural beauty and quality of life in the area.

Environmental resources related to natural beauty, like scenic vistas and visual quality are discussed in Section 4.1, *Aesthetics*, of the DEIR. As described therein, the proposed project would have adverse impacts on aesthetics. However, impacts were determined to be less than significant either with or without mitigation, depending on the specific impact. Impacts to air quality, which can affect the visibility of scenic resources, were also determined to be less than significant, as concluded in Section 4.3, *Air Quality.* Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.4-12

The commenter requests that the project be conducted with the least harm to the environment. The commenter expresses the opinion that the environmental review is inadequate and more work needs to be done.

Pursuant to CEQA, the City has prepared the EIR to determine the potentially significant environmental impacts of the proposed project and to provide mitigations measures to reduce or avoid those impacts to the extent feasible. The DEIR contains mitigation measures, that when combined with the minor revisions contained in Section 3, Minor *Revisions to the Draft EIR*, would reduce potentially significant impacts to less than significant when implemented in accordance with the MMRP for the project.

The commenter's opinion that the environmental review conducted for the project is inadequate lacks substantial evidence. Responses to the other comments in the letter are provided above in Response P.4-1 through P.4-11. No additional revisions to the DEIR are required in response to this comment.

Letter P.5

April 28, 2023

Sent via email
Brent Cooper
Community Development Director
City of American Canyon
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American Canyon, California 94503
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Re: Paoli/Watson Lane Annexation (State Clearinghouse No 2022090097)

Dear Mr. Cooper:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Paoli/Watson Lane Annexation (State Clearinghouse No 2022090097). The Center has reviewed the Draft Environmental Impact Report closely and is concerned about the fundamental and egregious failure to disclose the extent or significance of greenhouse gas emissions, serious impacts to special status species that have not been mitigated, and the incorrect water supply analysis, among other issues. The Center urges the City to correct these deficiencies and recirculate a revised EIR that conforms to the California Environmental Quality Act.

P.5-1

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the City of American Canyon and Napa County.

I. The DEIR's Analysis of and Mitigation for Greenhouse Gas Impacts Is Inadequate.

P.5-2

Lead agencies performing environmental review under CEQA must thoroughly evaluate a project's impacts on climate change. (*See Communities for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 89-91.) The CEQA Guidelines require lead agencies to determine the significance of a proposed project's greenhouse gas ("GHG") emissions. (CEQA Guidelines § 15064.4.) If an agency's analysis indicates that a proposed project will have a significant project-specific or cumulative impact on climate change, the agency must identify and adopt feasible mitigation measures to address this impact. (CEQA Guidelines § 15126.4(c).) Unfortunately, the DEIR's analysis of the Project's GHG emissions is flawed. P.5-2 cont.

A. Climate Change is a Catastrophic and Pressing Threat to California.

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that climate change threats are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2014 Fifth Assessment Report that: "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen," and further that "[r]ecent climate changes have had widespread impacts on human and natural systems." (IPCC 2014.) These findings were echoed in the United States' own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that "[m]ultiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years" and "[i]impacts related to climate change are already evident in many regions and are expected to become increasingly disruptive across the nation throughout this century and beyond." (Melillo 2014.) The 2017 Climate Science Special Report similarly concluded: P.5-3

> [B]ased on extensive evidence, it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

The U.S. National Research Council concluded that "[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems." (NRC 2010.) Based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations.

(74 Fed. Reg. 66496 (Dec. 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].)

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. As stated by the Third National Climate Assessment: "observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases." (Mellilo 2014.) The Assessment makes clear that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. (Melillo 2014 at 13, 14, and 649.)

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes—in addition to increasing species extinction risk. (Warren 2008.) Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. (Wiens 2016.) Catastrophic levels of species extinctions are projected during this century if climate change continues unabated. (Thomas 2004; Maclean 2011; Urban 2015.) In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability.

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Fifth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, total cumulative anthropogenic emissions of CO2 must remain below about 1,000 GtCO2 from 2011 onward for a 66 percent probability of limiting warming to 2°C above pre-industrial levels, and to 400 GtCO2 from 2011 onward for a 66 percent probability of limiting warming to 1.5°C. (IPCC 2013 at 25; IPCC 2014 at 63-64 & Table 2.) These carbon budgets have been reduced to 850 GtCO2 and 240 GtCO2, respectively, from 2015 onward. (Rogelj 2016 at Table 2.) As of 2022, climate policies by the world's countries would lead to an estimated 2.7°C of warming, and possibly up to 3.6°C of warming, well above the level needed to avoid the worst dangers of climate change. (Climate Action Tracker 2021.)

P.5-3 cont.

The United States has contributed more to climate change than any other country. The U.S. is the world's biggest cumulative emitter of greenhouse gas pollution, responsible for 27 percent of cumulative global CO2 emissions since 1850, and the U.S. is currently the world's second highest emitter on an annual and per capita basis. (World Resources Institute 2020.) Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to

hold global average temperature rise to well below 2°C above pre-industrial levels to avoid the worst dangers of climate change. Current U.S. climate policy has been ranked as "insufficient" by an international team of climate policy experts and climate scientists which concluded that "the US' climate policies and action in 2030 need substantial improvements." (Climate Action Tracker 2022.)

In its 2018 Special Report on Global Warming of 1.5°C, the IPCC—the leading international scientific body for the assessment of climate change—described the devastating harms that would occur at 2°C warming. The report highlights the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth. (IPCC 2018.) The report also provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoid the most devastating climate change harms.

In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement and compliance with these steps are essential to help stabilize the climate and avoid catastrophic impacts to our environment. California has a mandate under AB 32 to reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code, § 38550.) Based on the warning of the Intergovernmental panel on Climate Change and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emission reduction 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) In enacting SB 375, the state has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California. Most recently, the California Air Resources Board issued its 2022 Scoping Plan, which lays out a path to achieve carbon neutrality by 2045. (CARB 2022.)[1]

P.5-3 cont.

The state Legislature has found that failure to achieve greenhouse gas reduction would be "detrimental" to the state's economy. (Health & Saf. Code § 38501(b).) In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

- Increase electricity derived from renewable sources to 50 percent;
- Reduce today's petroleum use in cars and trucks by 50 percent;
- Double the efficiency of existing buildings and make heating fuels cleaner.

[1] https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf

(Brown 2015 Address.)

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.* (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

The impacts of climate change are already being felt by humans and wildlife. Human-induced climate change, including more frequent and intense extreme events, has caused widespread adverse impacts and related losses and damages to nature and people. (IPCC 2022.) This rise in weather and climate extremes has led to some irreversible impacts, as natural and human systems are pushed beyond their ability to adapt. (IPCC 2022.)

Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor. (USGCRP 2017.) In California, climate change will result in impacts including, but not limited to, increased temperatures and wildfires and a reduction in snowpack, precipitation levels, and water availability.

In the IPCC's most recent report, entitled Climate Change 2022: Impacts, Adaptation and Vulnerability, it found that warming is proceeding even faster than anticipated, and the best-case scenario for climate change is slipping out of reach. (IPCC 2022.) The report now estimates that, over the next 20 years, the world will cross the global warming threshold of 1.5°C. And unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5°C—or even 2°C—will be beyond reach. The United Nations Secretary General described the forecasts in this report as an "atlas of human suffering." (Borenstein 2022.)

P.5-3 cont.

Given the increasingly urgent need for drastic action to reduce GHG emissions, the FEIR's failure to fully disclose, analyze, mitigate, or consider alternatives to reduce the Project's significant climate change effects is all the more alarming.

P.5-4

B. The DEIR's GHG Analysis Fails Because It Does Not Include an Inventory of GHG Emissions

As a preliminary matter, the DEIR fails to provide readers with information essential to understanding the Project's GHG emissions and therefore fails as an informational document. A DEIR must be an informational document from which the public can properly weigh any adverse effects presented by a project. Pub. Res. Code §§ 21061; 21005(a) ("noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented…may constitute a prejudicial abuse of discretion…"). "CEQA requires full environmental disclosure…" (*Communities for a Better Environment v. City of Richmond* (2010)184 Cal.App.4th 70, 88.) Guideline § 15144 states, "an agency must use its best efforts to find out and disclose all that it reasonably can." Failure to do so deprives the public of the ability to fulfill its proper role in the CEQA process. (*Id.*)

The City has not made a good faith effort at fully disclosing the GHG impacts of this Project because it claims to analyze GHG impacts without disclosing or quantifying the GHG emissions associated with the Project. This is a fundamental failure that renders the EIR inadequate as an informational document. A GHG inventory is a central part of the GHG analysis in an EIR, and that inventory makes the rest of the analysis possible. Readers of this EIR are given no sense of the scale of GHGs this Project will emit, so they are left unable to evaluate the impact of the emissions or what would be required to mitigate them. Far from being too difficult, a complete GHG inventory can be done with CalEEMod, and is standard in EIRs for mixed use developments. For just one example, the Otay Ranch Resort Village Project used CalEEMod to estimate GHG emissions from a project that included over 1,500 residences, a school, a park, and 40,000 square feet of retail uses.[2] (Otay Ranch Resort Village Project DEIR, Appendix C-2.) A good faith effort at disclosure would necessarily include using the standard, easily available tools to estimate GHG emissions. The City's failure to disclose the inventory of emission associated with the Project is inexcusable.

P.5-4 cont.

C. The DEIR's Threshold of Significance is Inappropriate and Not Supported by Substantial Evidence.

A lead agency's selection of a threshold of significance must be supported with substantial evidence. Moreover, a determination that an environmental impact complies with a particular threshold of significance does not relieve a lead agency of its obligation to consider evidence that indicates the impact may be significant despite compliance with the threshold. (CEQA Guidelines § 15064(b)(2).) If evidence shows that an environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.)

P.5-5

[2] The Center does not here comment on the adequacy of the environmental review process for Otay Ranch Resort Village Project, beyond noting that it does include a GHG inventory.

BAAQMD's thresholds for climate land use impacts require that projects meet a VMT target, depending on whether the project consists of office, retail, or residential uses. (BAAQMD 2022.) The thresholds were developed based on typical residential and office projects, and the BAAQMD warns that lead agencies "should not use these thresholds" when faced with a project that is not a typical retail, residential or office project, because the analyses supporting the thresholds will not apply. (BAAQMD 2022.)

This Project consists of almost 500,000 square feet of commercial uses, almost 700,000 square feet of industrial uses, and almost 200,000 square feet of visitor-serving/hotel uses. (DEIR 2-15.) The EIR chooses a significance threshold that treats these three categories—and all the specific land uses contained within each—as if they were all, exclusively, office space. The EIR claims that GHG impacts will not be significant if the Project achieves a 15% reduction in project-generated VMT *per employee*. (4.8-17.) That threshold is only appropriate for office spaces, and BAAQMD guidance specifically cautions against applying it indiscriminately to projects that are anything other than typical office projects. Far from being a typical office project, this project is instead 83 acres of diverse land uses, zoned for six different purposes. (DEIR 2-6; 2-9) No substantial evidence supports using the threshold that BAAQMD developed exclusively for office projects to capture the significance of the GHG impacts for this Project, and the threshold is thus unlawful under CEQA. P.5-5 cont.

One specific impact that the EIR completely fails to disclose is GHG emissions from heavy trucks. Industrial uses account for the highest square footage of any land use type in the Project, and the EIR mentions "serving local and regional demand for manufacturing, logistics warehouse, and other industrial uses" as one of the project objectives. (DEIR 2-15, 6-20.) Industrial land uses involve heavy, diesel-powered trucks, which are serious emitters of GHGs. For warehouse projects in particular, heavy-duty trucks are typically the largest source of GHG emissions. As just one example, at the recently approved Giovannoni warehouse, heavy trucks would emit 13,175 MT Co2/year—more than six times higher than the next highest source of GHGs. (Giovannoni DEIR 3.6-53.) By omitting consideration of heavy trucks from the significance threshold and, further, failing to even estimate their emissions in an inventory, the EIR has completely neglected what might be the largest source of emissions from the largest land-use designation in the Project. Because substantial evidence shows that heavy truck emissions are likely to be a significant source of GHG impacts, the EIR is required to disclose and analyze them. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.) P.5-6

II. The DEIR's Analysis of Impacts to Biological Resources is Inadequate Because It Does Not Adequately Analyze Harms to Special-Status Species.

The DEIR acknowledges that the site is foraging habitat for the western burrowing owl (a state species of special concern), Swainson's hawk (a state-threatened species), and white-tailed hawk (a fully-protected species.) (DEIR 4.4-5.) However, it concludes that the loss of foraging habitat for these species is less than significant without any mitigation measures. That claim is not supported by substantial evidence.

The CEQA Guidelines indicate that a Project can be expected to have significant impacts to biological resources if the Project has a substantial adverse effect, **either directly or through habitat modifications**, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. (CEQA Guidelines, Appendix G, subd. IV(a).) Accordingly, the DEIR itself indicates that the Project's impacts will be significant if it will "have a substantial adverse effect, **either directly or through habitat modifications**, on any species identified as a candidate . . . species . . . by the California Department of Fish and Game." (DEIR at 4.4-13; see also CEQA Guidelines § 15065(a)(1) [when performing an initial study, agencies shall make a mandatory finding of significance where a proposed project has the potential to substantially reduce the number or restrict the range of a listed species].) Consequently, the Project's impacts to western burrowing owl, Swainson's hawk, and white-tailed hawk must be considered significant and fully evaluated. The City has failed to do, disregarding the evidence, studies, and recommendations of the California Department of Fish and Wildlife (CDFW). P.5-7

III. The DEIR's Water Supply Analysis Is Inadequate Because It Continues Mistaken Assumptions about American Canyon's Rights to Water from the City of Vallejo.

This EIR contains the same errors that the City of American Canyon has made repeatedly in other EIRs regarding its rights to water from the City of Vallejo. The EIR says that the Project will be supplied primarily from State Water Project Water and water from the City of Vallejo. (DEIR 4.17-1) The EIR assumes that 500-acre feet of water per year will be available for the Project from Vallejo Permit Water, without admitting that American Canyon does not have rights to that water, or even disclosing any uncertainty. This inadequate analysis ignores the Place of Use Restrictions associated with the water that Vallejo provides to American Canyon; relies on a contested interpretation of a water rights agreement between Vallejo and American Canyon that is the subject of current litigation; and does not consider Vallejo's concerns about American Canyon's 2020 Urban Water Management Plan. P.5-8

This Project cannot be approved based on an EIR that relies on Vallejo water that American Canyon does not have the right to use. The EIR must be revised with a full and accurate analysis of what water will actually be available for the Project, and recirculated so the public, and particularly residents of American Canyon and Vallejo, can understand where the water will come from and evaluate the impacts of supplying that increasingly-scarce water to this development. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434 ["The ultimate question under CEQA, moreover, is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project."].)

P.5-8 cont.

IV. CONCLUSION

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Paoli/Watson Lane Annexation. We urge the City to correct the deficiencies in the DEIR to protect the residents of American Canyon from serious environmental impacts.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733. The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

P.5-9

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Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below. P.5-9

Sincerely,



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Letter P.5

COMMENTER: The Center for Biological Diversity

DATE: April 28, 2023

Response P.5-1

The commenter states that the Center for Biological Diversity is a non-profit public interest environmental organization with over 1.7 million members throughout the country. The commenter states their concerns over the lack of disclosure of greenhouse gas emissions, impacts to special status species, and incorrect water supply analysis.

The City thanks the commenter for their interest in the project. Please refer to responses below for specific information regarding various concerns to issues addressed in the DEIR. No additional revisions to the DEIR are required in response to this comment.

Response P.5-2

The commenter states that lead agencies must thoroughly evaluate a project's impact on climate change and if an agency's analysis indicates that a proposed project will have a significant project-specific or cumulative impact on climate change, the agency must identify and adopt feasible mitigation measures to address this impact. The commenter states an opinion that the DEIR's analysis of the project's GHG emissions is flawed.

The City acknowledges the commenter's explanation of a lead agency role for identifying potentially significant impacts and reducing those impacts with mitigation measures to the extent feasible. This comment is not related to the adequacy of the DEIR.

Greenhouse gas emissions were analyzed in Section 4.8, *Greenhouse Gas Emissions*. Impacts were found to be less than significant with implementation of identified mitigation measures.

This commenter provides no substantial evidence in this comment why they believe the DEIR GHG emissions and impacts analysis is flawed. No additional revisions to the DEIR are required in response to this comment.

Response P.5-3

The commenter cites numerous reports and publications emphasizing the threat of climate change to humans and wildlife and the need to reduce greenhouse gas emissions.

The City acknowledges receipt of climate change reports and publications . This comment does not pertain to the DEIR. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.5-4

The commenter states the opinion that the DEIR fails as an informational document because it does not provide readers with information that is essential to understanding the project's GHG emissions. The commenter states that the City claims to analyze GHG impacts of the project without disclosing or quantifying the GHG emissions associated with the project. The commenter states that a GHG inventory could be done using CalEEMod and cites other projects for which CalEEMod was used to create a full GHG inventory.

As discussed on Page 4.8-16 of the DEIR, the latest guidance from the Bay Area Air Quality Management District (BAAQMD), the local air district, is to assess project impacts qualitatively (BAAQMD 2022). The BAAQMD no longer recommends a brightline or service population approach to assessing GHG impacts under CEQA. The thresholds are based on the evaluation of whether a project would contribute its "fair share" towards achieving long-term climate goals. Applying the fair share approach to the determination of an individual project's contribution to climate change, BAAQMD developed qualitative thresholds for new land use development projects and how they would need to be designed and built to ensure they are consistent with the long-term goal of carbon neutrality by 2045 in California. Section 15064.4(a) of the CEQA Guidelines states that a lead agency shall have discretion to determine whether to quantify GHG emissions or rely on a qualitative analysis or performance-based standards. Among other factors, a lead agency should consider the extent to which a project complies with regulations or requirements adopted to implement a statewide plan for GHG reduction. In the *Center for Biological Diversity v. Department of Fish & Wildlife*, (62 Cal.4th 204, 2015), the California Supreme Court had "expressed approval for a methodology that uses consistency with greenhouse gas reduction plans as a significance criterion for project emissions under CEQA." The City determined that a qualitative and performance-based approach is appropriate and, therefore, quantification of project GHG emissions is not necessary to make a significance determination. The commenter states that "readers of this EIR are given no sense of the scale of GHGs this Project will emit, so they are left unable to evaluate the impact of the emissions." However, since the City has taken a qualitative approach supported by the BAAQMD and the outcome of the *Mission Bay Alliance v. Office of Community Investment and Infrastructure* case (6 Cal.App.5th 160, 2016), it is not necessary to quantify project GHG emissions. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.5-5

The commenter states that a lead agency's selection of a threshold of significance must be supported with substantial evidence. The commenter states that it is not appropriate to use BAAQMD's thresholds for climate land use impacts because the project contains commercial, industrial and hotel uses which do not fit into the office space category for which these thresholds were created.

As the CEQA lead agency, the City exercises its discretion to use the BAAQMD approach and GHG thresholds. The 2022 BAAQMD guidance states that "a lead agency should not use these thresholds if it is faced with a unique or unusual project." The BAAQMD guidance is applicable to the proposed project, as it is not atypical. The BAAQMD thresholds are consistent with the three GHG reduction areas outlined by the California Air Resources Board (CARB) 2022 Scoping Plan Appendix D, *Local Actions*, for land use development projects: 1) transportation electrification, 2) VMT reduction, and 3) building decarbonization. All three of these priority GHG reduction areas are applicable to the

proposed project and are covered by the BAAQMD thresholds, which were applied to the proposed project. Therefore, no additional revisions to the DEIR are required in response to this comment.

Response P.5-6

The commenter expresses concern over the lack of disclosure of GHG emissions associated with heavy trucks. The commenter states that industrial land use which is included in the proposed project involves the use of heavy diesel-powered trucks. The commenter expresses the opinion that the lack of inclusion of heavy truck emissions means the DEIR has neglected what might be the largest source of emissions associated with the project. The commenter states that the DEIR is required to disclose and analyze emissions from heavy trucks.

Emissions associated with heavy-duty trucks involved in goods movements are controlled and through fleet turnover of older trucks and engines to newer and cleaner trucks and engines. As discussed in the DEIR, in June 2020, CARB approved the Advanced Clean Trucks (ACT) regulation, which requires manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. In addition, the regulation requires company and fleet reporting for large employers and fleet owners with 50 or more trucks. By 2045, all new trucks sold in California must be zero-emission. Implementation of this Statewide regulation would reduce consumption of nonrenewable transportation fuels as trucks transition to alternative fuel sources. Therefore, the GHG emissions of trips associated with heavy vehicles serving industrial uses are addressed through the implementation of Statewide programs such as the ACT regulation.

To further address GHG emissions associated with future heavy truck trips associated with the project, provisions have been added to Mitigation Measure GHG-2 to reduce GHG emissions from trucks to ensure that the project is contributing its "fair share" towards achieving long-term climate goals, as included in Section 3, *Minor Revisions to the Draft EIR* (see pages 3-3 to 3-5, which shows the revisions to Mitigation Measure GHG-2). Therefore, no additional revisions to the DEIR are required in response to this comment beyond those identified in Section 3.

Response P.5-7

The commenter states that the claim in the DEIR that the project would have less than significant impacts without mitigation to Swainson's hawk and white-tailed hawk is not substantiated with evidence. The commenter cites CEQA Guidelines that indicate that a project can have significant impacts to a species either directly or through habitat modifications. The commenter states that the project's impacts to Western burrowing owl, Swainson's hawk, and white-tailed hawk must be considered significant and be fully evaluated.

As discussed on page 4.4-4 in Section 4.4, *Biological Resources,* of the DEIR, Western burrowing owls are known to occur throughout the region and are determined to have a moderate potential to occur within the project site. Suitable Western Burrowing Owl habitat is present throughout the project site within the nonnative annual grassland.

As discussed on page 4.4-4 in Section 4.4, *Biological Resources,* of the DEIR, there are several records of Swainson's hawks nesting within five miles of the project site, with the last record from 2013. No Swainson's hawks were observed during the reconnaissance survey. There is suitable nesting and foraging habitat within the project site. The nesting habitat in the project site is limited to eucalyptus trees and ornamental trees within the low-density housing area. Swainson's hawk has a moderate potential to forage and nest within the project site. As stated in Response A2-10,

Mitigation Measure BIO-2 has been revised to include the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Mitigation Measure BIO-2 has also been revised to ensure clarity on the timing and requirements around Swainson's hawk surveys. Please refer to Section 3, *Minor Revisions to the Draft EIR*, for the revisions to the DEIR, including to Mitigation Measure BIO-2.

As discussed on page 4.4-5 in Section 4.4, *Biological Resources,* of the DEIR, there are several records for white-tailed kite within five miles of the project site and the project site provides foraging habitat and suitable nesting habitat. White-tailed kite would be protected with Mitigation Measure BIO-2.

As discussed in Section 4.4, *Biological Resources,* the grassland areas within the project site provide foraging habitat and suitable nesting habitat for Swainson's hawk, Western burrowing owls, and white-tailed kite on the project site. Development facilitated by the project would be subject to mitigation measures in the DEIR, with applicable revisions contained in Section 3, *Minor Revisions to the Draft EIR*. No additional revisions to the Draft EIR are required in response to this comment.

Response P.5-8

The commenter expresses concern over the assumption included in the DEIR that the project would be served by water from the City of Vallejo. The commenter states this assumption ignores the Place of Use Restrictions associated with this water, relies on a contested interpretation of the water rights agreement between Vallejo and American Canyon that is subject to current litigation, and does not consider Vallejo's concerns about American Canyons 2020 Urban Water Management Plan. The commenter states the opinion that the EIR must be revised with a full analysis of what water would be available for the project and recirculated to the public.

Please refer to Response A.3-2. No revisions to the DEIR are necessary.

Response P.5-9

The commenter thanks the City for the opportunity to comment on the DEIR and urges the City to correct the DEIR. The commenter reminds the City to retain the administrative record associated with the project. The commenter also requests to be added to the notice list for all future updates to the project.

The City will add the commenter to the project mailing/notification list. Please refer to Section 3, *Minor Revisions to the Draft EIR*, of this FEIR for all revisions made to the DEIR. The City has maintained a complete administrative record of all documents and communications that relate to this project. No additional revisions to the DEIR are required in response to this comment.

3 Minor Revisions to the Draft EIR

This chapter presents specific text changes made to the DEIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation, as described in Section 4, *Recirculation Not Warranted*.

3.1 Revisions to the Draft EIR

Executive Summary

On page ES-11 (Section 0, *Executive Summary*) in Table ES-1 in the "Residual Impact" column, the text was changed to read No Impact in relation to Impact BIO-2. This change corrects an typographical error and does not reflect changes to the analysis found in Section 4.4, *Biological Resources*.

Project Description

The following text has been added to page 2-16 (Section 2.8, *Required Approvals*).

> In addition, a Settlement Agreement between Napa County, the Napa County Airport Land Use Commission, and the City of American Canyon was executed on May 3, 2022. The Settlement Agreement provides that the City will not approve any residential use application in Zone D until an amendment to the Airport Land Use Compatibility Plan has been approved or December 31, 2023, whichever occurs first. Napa County has initiated an update to the ALUCP, which is anticipated to be completed by Summer 2024. The Settlement Agreement does not prohibit the City from processing an application for a residential proposal within Zone D. Nonetheless, as described in Section 2.5.7, *Project Buildout,* the proposed project would not induce additional residential development beyond existing conditions.

Biological Resources

The following text has been revised on pages 4.4-14 and 4.4-15 (Section 4.4, *Biological Resources*).

> *BIO-1 Site-Specific Biological Resources Assessment*
>
> The City shall implement the following measures during environmental review of future development within the project site. For all projects facilitated by the annexation, a preliminary review and reconnaissance survey shall be conducted by a qualified biologist prior to project approval. A review of project plans, aerial imagery and agency databases as well as other relevant background information will be conducted prior to a reconnaissance survey for context and understanding of the biological concerns of the project. The reconnaissance survey shall include documentation of existing biological conditions, the habitat condition and characteristics, mapping of vegetation communities including aquatic features, and assessment of the site's potential to support special-status species. ~~On a project-by-project basis, a preliminary biological resource screening shall be performed to determine whether a specific~~

~~project has the potential to impact biological resources.~~ If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall complete a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, American badgers, nesting birds, bats, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be necessary. Consultation with CDFW would be required in the instance of discovery of roosting bats during the BRA reconnaissance survey or further technical studies. The City shall review and approve the BRA prior to project approval.

Habitat assessments for special-status plants shall specifically be included for the BRA. If habitat is present, a botanical survey shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities and results submitted to CDFW. If the botanical survey indicates special-status plant species on the project site, the project applicant shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to construction activities. If impacts cannot be avoided, the project shall provide compensatory habitat at a minimum 3:1 ratio including preparing, implementing, and funding in perpetuity a long-term management plan, unless otherwise approved in writing by CDFW.

BIO-2 Pre-construction Surveys for Swainson's Hawk, Other Raptors and Nesting Birds

Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season (September 16 to January 31), when feasible. If construction activities occur during the nesting bird season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to Swainson's hawk, protected raptor species, and other nesting birds protected by the MBTA and CFGC.

A qualified biologist shall conduct surveys for Swainson's hawk during Swainson's hawk nesting season (March 1 to August 31) prior to construction activities ~~between January 1 and March 20~~. A preconstruction survey for other raptors and nesting birds shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the project site and include a 150-foot buffer for passerines, with the exception of tricolored blackbirds which require a 500-foot buffer, 500-foot buffer for other raptors, and 0.5 mile buffer for active Swainson's hawk nests. The surveys shall be conducted by a biologist familiar with the identification of avian species known to occur in the region. It is ~~recommended~~ required that surveys follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If a Swainson's hawk or white-tailed kite nest is found, the biologist shall set up appropriate buffers in consultation with CDFW.

If the nesting bird survey results are negative, no further action is required. If nests are found, the biologist shall determine and demarcate an appropriate avoidance buffer with high visibility material. For Swainson's hawk nests, the biologist shall establish an avoidance buffer of up to

0.5 mile based on the nest location in relation to the construction activity, the line-of-sight from the nest to the construction activity, and observed hawk behavior at the nest.

The qualified biologist shall notify all construction personnel of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the biologist. If take of Swainson's hawk or tricolored blackbird cannot be avoided, the project applicant or City shall consult with CDFW pursuant to CESA and obtain an ITP.

Results of the preconstruction nesting bird survey shall be submitted to the City in a brief letter report no more than 30 days after completion of the survey.

BIO-3 Pre-construction Surveys for Western Burrowing Owl

Prior to ground disturbance activities, a qualified biologist shall conduct pre-construction ~~clearance~~ breeding season (February 1 to August 31) surveys within suitable natural habitats and ruderal areas throughout the project site, to confirm the presence/absence of active western burrowing owl burrows unless otherwise approved by CDFW. It is recommended that ~~The~~ surveys ~~shall be~~ are also conducted during the non-breeding wintering season (September 1 to January 31). All surveys shall be consistent with the recommended survey methodology provided by CDFW's Staff Report on Burrowing Owl Mitigation. ~~Clearance~~ Additionally, take avoidance surveys shall be conducted within 14 days prior to construction and ground disturbance activities, whether or not owls were discovered during the detection surveys. If no western burrowing owls are observed, no further actions are required. If western burrowing owls are detected during the pre-construction detection or ~~clearance~~ take avoidance surveys, CDFW shall be notified and the following measures shall apply:

- Avoidance buffers of a minimum of 500 meters (1,640 feet) during the breeding and non-breeding season shall be implemented by a qualified biologist in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation minimization mitigation measures, unless otherwise approved by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review.
- If avoidance of western burrowing owls is not feasible, then additional measures such as off-site habitat compensation (habitat compensation acreages shall be approved by CDFW), placement of a conservation easement and preparation, implementation, and funding of a long-term management plan, ~~passive relocation during the nonbreeding season~~ and construction buffers of ~~200~~500 feet during the breeding season shall be implemented, in consultation with CDFW. In addition, a Western Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993).

Greenhouse Gas Emissions

The following text has been revised on pages 4.8-20 through 4.8-23 (Section 4.8, *Greenhouse Gas Emissions*).

However, without requirements for electric vehicles and electric vehicle parking, the project would conflict with the BAAQMD threshold to meet CALGreen Tier 2 EV parking and this impact would be significant. Implementation of Mitigation Measure GHG-2 would ensure that CALGreen Tier 2 EV parking levels are provided, and that heavy-duty vehicles and off-road equipment associated with the industrial uses are electric.

Pursuant to the BAAQMD thresholds, projects that include natural gas appliances or natural gas plumbing (in both residential and nonresidential development) would result in a potentially significant GHG impact. Without a provision prohibiting the use of natural gas in future project buildings, this impact would be significant. Implementation of Mitigation Measure GHG-3 would require that all new buildings include all-electric appliances and water heaters. In addition, Mitigation Measure GHG-4 would require that buildings be designed to meet the Tier 2 advanced energy efficiency requirements in the California Green Building Standards Code. Furthermore, Mitigation Measure GHG-5 would require that electricity for future buildings be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.

GHG-2 Electric Vehicle Charging Stations and Electric Vehicle and Electric Off-Road Equipment Usage Requirements

Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.

Prior to the issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that each loading dock is outfitted with at least one 240-volt outlet to accommodate truck and Transport Refrigeration Unit (TRU) charging and/or electrical power connection while trucks are loading and unloading goods.

In addition, the City shall require the following:

- At least 25 percent of heavy-duty vehicles entering or operated on the industrial sites shall be zero emission by 2030.
- All on-site equipment such as forklifts and yard trucks shall be electric with the necessary electrical charging stations provided.
- Industrial and commercial tenants shall use zero emission light- and medium-duty vehicles as part of business operations.

"Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines Section 15355). Most projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence on climate change. Therefore, climate change analysis for the project involved an analysis of

whether the project's contribution toward an impact would be cumulatively considerable. In addition, the project is cumulative in nature as it represents growth through the annexed area because of future development. The project is not one individual project. A number of as yet undefined future projects may occur due to the annexation associated with the project. Therefore, cumulative impacts with respect to GHG emissions represents emissions associated with buildout of individual projects and thus cumulative emissions. Because emissions facilitated by the project would not be consistent with BAAQMD GHG thresholds, the project would not be consistent with State GHG reduction plans without mitigation and this impact would be significant. Mitigation measures GHG-1 through GHG-5 would be implemented for development facilitated by the project to reduce impacts. Therefore, the project's contribution to cumulative impacts with respect to GHG emissions would be less than cumulatively considerable with mitigation.

Transportation

The following text has been revised on pages 4.11-4, 4.11-5, 4.11-7, and 4.11-9 (Section 4.11, *Transportation*).

Senate Bill 375 and California Air Resources Board

Senate Bill 375 (SB 375), passed in 2009, focuses on reducing vehicle miles traveled (VMT) and urban sprawl. SB 375 was enacted specifically address the transportation and land use components of greenhouse gas emissions. The California Air Resources Board (CARB) published the *2016 Mobile Source Strategy* and *2017 Climate Change Scoping Plan*, which aim to reduce light-duty vehicle VMT statewide by 15 percent by 2050 compared to business as usual. In September 2021, CARB published the *2020 Mobile Source Strategy* that uses the same targets for reducing VMT as the 2016 Mobile Source Strategy and 2017 Climate Change Scoping Plan.

SB 375 requires CARB to develop and set regional targets for greenhouse gas (GHG) emission reductions from passenger vehicles. CARB has set regional targets to help achieve significant additional GHG emission reductions from changed land use patterns and improved transportation in support of the State's climate goals, as well as in support of statewide public health and air quality objectives. Metropolitan planning organizations (MPOs) must prepare a sustainable community strategy (SCS) that will reduce GHG emissions to achieve these regional targets, if feasible to do so. CARB is tasked to update the regional targets every eight years, with the option of revising them every four years. Targets are expressed as a percent change in per capita passenger vehicle greenhouse gas emissions relative to 2005. Effective October 1, 2018, the CARB target for the nine-county San Francisco Bay Area region is a 19 percent reduction in per capita greenhouse gas emissions from passenger vehicles by 2035, when compared to 2005.

VMT impacts would be considered potentially significant if the forecasted rate of residential VMT per capita or VMT per employee for the project were to exceed ~~85~~81 percent of the existing rate of VMT in each category for American Canyon, based on the American Canyon travel demand model. This significance threshold is based on the CARB target for the nine-county San Francisco Bay Area region that aims to achieve a 19 percent reduction in per capita greenhouse gas emissions from passenger vehicles by 2035, relative to 2005.

Table 3.1-1 summarizes the existing weekday daily rates of VMT and corresponding significance thresholds. There are an estimated 22,959 residents[1] and 4,442 jobs in American Canyon under existing conditions according to the City's Traffic Model (based on U.S. Census Bureau estimates for the years 2017 and 2018, which were adjusted to reflect land use changes since 2018). The existing rate of residential VMT per capita is estimated to be 16.6 miles and the existing daily rate of VMT per employee is estimated to be 34.1 miles per employee. VMT impacts resulting from the proposed 2040 General Plan would therefore be considered significant if the forecasted year 2040 rate of residential VMT per capita under the proposed General Plan were to exceed ~~14.1~~13.4 miles, or if the forecasted year 2040 rate of VMT per employee were to exceed ~~29.0~~27.6 miles.

Table 3.1-1 VMT Impact Thresholds

Scenario	Residential VMT per Capita	VMT per Employee
Existing Conditions	16.6	34.1
Significant Impact Threshold (~~85~~81 percent of Existing rate)	**~~14.1~~13.4**	**~~29.0~~27.6**

Source: American Canyon Travel Demand Model, GHD, December 2022

As described in the Methodology subsection of Section 4.15.3, *Impact Analysis,* VMT impacts from the project were analyzed using the City of American Canyon travel demand model. VMT impacts would be considered potentially significant if the forecasted rate of VMT per employee for the project exceed ~~29.0~~27.6 miles or the rate of residential VMT per capita of the project exceeded ~~14.1~~13.4 miles.

Table 3.1-2 Project VMT

Scenario	VMT per Resident	VMT per Employee
Existing/Baseline Conditions	16.6	34.1
Future (2040) Conditions	12.0	17.9
Significance Threshold	~~14.1~~13.4	~~29.0~~27.6
Impact Finding	Less than Significant	Less than Significant

Source: American Canyon Travel Demand Model, GHD, December 2022

[1] These estimates are based on the City's Traffic Model, which included some properties outside the City limits. For this reason, this population number does not match the population number identified in other sections of this environmental impact report. Nonetheless, both estimates are similar.

4 Recirculation Not Warranted

As presented in Chapter 3, *Minor Revisions to the Draft EIR*, minor revisions to the Draft EIR would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Minor Revisions (Chapter 3) identifies textual modifications to the Final EIR. The revised text serves to amplify, correct, supplement or clarify, information in the public review Draft EIR. It does not substantively affect the level of impact nor the conclusions presented. Therefore, recirculation of the Draft EIR is not warranted.

CEQA requires recirculation of a Draft EIR only when "significant new information" is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred but before the EIR is certified (Public Resources Code Section 21092.1; *CEQA Guidelines* Section 15088.5). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (*CEQA Guidelines* Section 15088.5(b)).

The relevant portions of *CEQA Guidelines* Section 15088.5 (items a, b and e) read as follows:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

The revision to the Draft EIR in Section 0, *Executive Summary*, in Table ES-1 reconciles a typographical error. This does change the analysis within the Draft EIR.

The revisions to the Draft EIR in Section 2, *Project Description,* provides additional information regarding the Napa County Airport Land Use Compatibility Plan. This informational revision provides context to support the text included in the Draft EIR. Recirculation is not required where new

information added to the EIR merely clarifies or amplifies or makes minor modifications in an EIR (*CEQA Guidelines* Section 15088.5(b)). Revisions to Section 2, *Project Description*, makes minor modifications to project context and they would not result in any secondary or otherwise undisclosed effect.

The revisions to Section 4.4, *Biological Resources*, refine and clarify mitigation measures BIO-1 through BIO-3. These revisions would strengthen the mitigation measures themselves and the ability of the City to implement and enforce measures BIO-1 through BIO-3. Recirculation is not required where new information added to the EIR merely clarifies or amplifies or makes minor modifications in an EIR (*CEQA Guidelines* Section 15088.5(b)). Revisions to Section 4.4, *Biological Resources*, clarify and amplify the standards established by these measures and they would not result in any secondary or otherwise undisclosed effect.

The revisions to Section 4.8, *Greenhouse Gas Emissions*, refine and clarify which impacts are potentially significant, strengthen Mitigation Measure GHG-2, and clarify cumulative impacts. The revisions to Mitigation Measure GHG-2 would reduce GHG emissions from trucks to ensure that the project is contributing its "fair share" towards achieving long-term climate goals. Recirculation is not required where new information added to the EIR merely clarifies or amplifies or makes minor modifications in an EIR (*CEQA Guidelines* Section 15088.5(b)). Revisions to Section 4.8, *Greenhouse Gas Emissions*, amplify the standards established by mitigation and they would not result in any secondary or otherwise undisclosed effect.

The information and revised wording of mitigation measures BIO-1 through BIO-3 and GHG-2 added to this Final EIR would not result in a substantial increase in the severity of an environmental impact, nor a new significant environmental impact that would result from the revised mitigation. Finally, additional information provided in this Final EIR does not present a feasible project alternative or mitigation measure considerably different from others previously analyzed in the EIR that the City has declined to adopt and that would lessen an environmental impact.

The information added to this Final EIR supplements, clarifies, amplifies, and corrects information in the Draft EIR. The City has reviewed the information in the Minor Revisions and has determined that it does not change any of the basic findings or conclusions of the EIR, does not constitute "significant new information" pursuant to *CEQA Guidelines* Section 15088.5, and does not require recirculation of the Draft EIR. This decision is supported by substantial evidence provided in this EIR.

Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final Environmental Impact Report (Final EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Aesthetics							
AES-1: Construction Lighting Plan							
Prior to nighttime construction, if needed for a particular project, project applicants shall submit a construction lighting plan to the City for review and approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and ensure no spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses.	The City shall review and approve the construction lighting plan submitted by the project applicant.	Prior to construction	Once during plan review and then periodically during construction to ensure lighting is properly operated	City of American Canyon Community Development Department			
AES-2: Operational Lighting Plan							
Prior to discretionary project approval, the project applicant shall prepare and submit a photometric plan to the City for review and approval which demonstrates that all exterior light fixtures will be directed downward or employ full cut-off fixtures to prevent light spillage. The approved plan shall be incorporated into the project design plans.	The City shall review and approve the photometric plan submitted by the project applicant before issuance of an occupancy permit.	Prior to construction	Once	City of American Canyon Community Development Department			
Air Quality							
AQ-1: Implement BAAQMD Basic Construction Mitigation Measures							
To reduce fugitive dust emissions from the construction of individual projects, the applicant shall implement the BAAQMD Basic Construction Mitigation Measures. The BAAQMD Basic Construction Mitigation Measures are listed below: ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▪ 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. ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be	The City shall verify that the applicant has implemented the BAAQMD Basic Construction Mitigation Measures for the duration of project construction.	During construction	Ongoing throughout construction	City of American Canyon Community Development and Public Works Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
laid as soon as possible after grading unless seeding or soil binders are used. ▪ 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 California Code of Regulations). Clear signage shall be provided for construction workers at all access points. ▪ All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. ▪ Post a publicly visible sign with the telephone number and person to contact at the City of American Canyon regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.							
AQ-2: Conduct Construction Health Risk Assessment							
Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit to the City a construction health risk assessment (HRA) in accordance with BAAQMD recommendations for any development project (including the proposed Newell Drive extension) that has at least one the following characteristics: ▪ The project is located within 1,000 feet of sensitive receptors. ▪ Project construction would last longer than two months. ▪ Project construction would not utilize equipment rated USEPA Tier 4 (for equipment of 50 horsepower or more); construction equipment fitted with Level 3 Diesel Particulate Filters (for all equipment of 50 horsepower or more); or alternative fuel construction equipment. ▪ If the HRA determines that construction will exceed BAAQMD significance thresholds, the HRA shall provide mitigation measures to reduce the impact to less than significant, including but not limited to requiring the use of Tier 4 engines, Level 3 Diesel Particulate Filters, and/or alternative fuel construction equipment.	The City shall review the construction health risk assessment submitted by the project applicant for any project that includes one of the listed characteristics. The City shall verify that mitigation measures described in the project HRA are implemented at the project site.	Prior to issuance of a grading or building permit, whichever occurs first; then periodically throughout construction.	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
AQ-3: Conduct Operational Health Risk Assessment							
Prior to submittal of a subsequent discretionary development permit application for industrial, warehousing, or commercial land uses that would generate at least 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day, the applicant shall submit an operational health risk assessment (HRA) or submit proof that an HRA is not required in accordance with BAAQMD thresholds. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements and mitigated to an acceptable level. Typical measures to reduce risk impacts may include, but are not limited to: ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. ▪ Truck Electric Vehicle (EV) Capable trailer spaces. ▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. The operational HRA shall be provided to the City for review and concurrence prior to project approval.	The City shall review the operational health risk assessment submitted by the project applicant, when required, or verify that that an HRA is not required in accordance with BAAQMD thresholds.	Prior to submittal of a subsequent discretionary development permit application; once before issuance of an occupancy permit	Once	City of American Canyon Community Development Department			
Biological Resources							
BIO-1 : Site-Specific Biological Resources Assessment							
The City shall implement the following measures during environmental review of future development within the project site. For all projects facilitated by the annexation, a preliminary review and reconnaissance survey shall be conducted by a qualified biologist prior to project approval. A review of project plans, aerial imagery and agency databases as well as other relevant background information will be conducted prior to a reconnaissance survey for context and understanding of the biological concerns of the project. The reconnaissance survey shall include documentation of existing biological conditions, the habitat condition and characteristics, mapping of vegetation communities including aquatic features, and assessment of the site's potential to support special-status species. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall complete a biological	The City shall verify that a preliminary review and reconnaissance survey has been conducted, if it is determined that the project has no potential to impact biological resources, no further action is required. If the project has the potential to impact biological resources, the City shall verify that a qualified biologist has completed a biological resources assessment (BRA) or similar type of study to document the existing biological resources as specified in mitigation measure BIO-1. The City shall review and approve the biological resources assessment.	Prior to project approval	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, American badgers, nesting birds, bats, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be necessary. Consultation with CDFW would be required in the instance of discovery of roosting bats during the BRA reconnaissance survey or further technical studies. The City shall review and approve the BRA prior to project approval.							
Habitat assessments for special-status plants shall specifically be included for the BRA. If habitat is present, a botanical survey shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities and results submitted to CDFW. If the botanical survey indicates special-status plant species on the project site, the project applicant shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to construction activities. If impacts cannot be avoided, the project shall provide compensatory habitat at a minimum 3:1 ratio including preparing, implementing, and funding in perpetuity a long-term management plan, unless otherwise approved in writing by CDFW.							

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-2 Pre-construction Surveys for Swainson's Hawk, Other Raptors and Nesting Birds							
Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season (September 16 to January 31), when feasible. If construction activities occur during the nesting bird season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to Swainson's hawk, protected raptor species, and other nesting birds protected by the MBTA and CFGC. A qualified biologist shall conduct surveys for Swainson's hawk during Swainson's hawk nesting season (March 1 to August 31) prior to construction activities between January 1 and March 20. A preconstruction survey for other raptors and nesting birds shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the project site and include a 150-foot buffer for passerines, with the exception of tricolored blackbirds which require a 500-foot buffer, 500-foot buffer for other raptors, and 0.5 mile buffer for active Swainson's hawk nests. The surveys shall be conducted by a biologist familiar with the identification of avian species known to occur in the region. It is required that surveys follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If a Swainson's hawk or white-tailed kite nest is found, the biologist shall set up appropriate buffers in consultation with CDFW. If the nesting bird survey results are negative, no further action is required. If nests are found, the biologist shall determine and demarcate an appropriate avoidance buffer with high visibility material. For Swainson's hawk nests, the biologist shall establish an avoidance buffer of up to 0.5 mile based on the nest location in relation to the construction activity, the line-of-sight from the nest to the construction activity, and observed hawk behavior at the nest. The qualified biologist shall notify all construction personnel of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the biologist. If take of Swainson's hawk or tricolored blackbird cannot be avoided, the project applicant	The City shall verify that a qualified biologist has conducted preconstruction surveys for Swainson's hawk, other raptors, and nesting birds prior to the start of construction during the nesting season between February 1 and August 31. The city shall review the results of the Swainson's hawk, other raptors, and nesting bird surveys. If active nests are discovered, the City shall verify that buffers have been established and work is avoided in in the buffer as appropriate. The City shall also verify that USFWS and CDFW are consulted if California least tern, western snowy plover, or black skimmer are found and that recommendations of the agencies are implemented.	Prior to construction;	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
or City shall consult with CDFW pursuant to CESA and obtain an ITP. Results of the preconstruction nesting bird survey shall be submitted to the City in a brief letter report no more than 30 days after completion of the survey.							
BIO-3 : Pre-construction Surveys for Western Burrowing Owl							
Prior to ground disturbance activities, a qualified biologist shall conduct pre-construction breeding season (February 1 to August 31) surveys within suitable natural habitats and ruderal areas throughout the project site, to confirm the presence/absence of active western burrowing owl burrows unless otherwise approved by CDFW. It is recommended that surveys are also conducted during the non-breeding wintering season (September 1 to January 31). All surveys shall be consistent with the recommended survey methodology provided by CDFW's Staff Report on Burrowing Owl Mitigation. Additionally, take avoidance surveys shall be conducted within 14 days prior to construction and ground disturbance activities, whether or not owls were discovered during the detection surveys. If no western burrowing owls are observed, no further actions are required. If western burrowing owls are detected during the pre-construction detection or take avoidance surveys, CDFW shall be notified and the following measures shall apply: ▪ Avoidance buffers of a minimum of 500 meters (1,640 feet) during the breeding and non-breeding season shall be implemented by a qualified biologist in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation minimization mitigation measures, unless otherwise approved by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012), unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. ▪ If avoidance of western burrowing owls is not feasible, then additional measures such as off-site habitat compensation (habitat compensation acreages shall be approved by CDFW), placement of a conservation easement and preparation, implementation, and funding of a long-term	The City shall verify that a qualified biologist has conducted pre-construction clearance surveys for western burrowing owls. The City shall review the results of the clearance surveys and ensure avoidance buffers and/or additional measures prescribed by mitigation measure BIO-3 are implemented.	Fourteen days prior to ground disturbance activities and then as needed during construction to verify avoidance buffers are maintained.	Periodically during construction	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
management plan, and construction buffers of 500 feet during the breeding season shall be implemented, in consultation with CDFW. In addition, a Western Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993).							
BIO-4: Worker Environmental Awareness Program							
Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project site. The program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form documenting attendance at the Worker Environmental Awareness Program and that they understand the information presented to them. The form shall be submitted to the City to document compliance.	The City shall review documentation of WEAP employee attendance to verify that all personnel involved in project construction undergo WEAP training.	Prior to initiation of construction activities then as needed as personnel are hired.	Once	City of American Canyon Community Development Department			
BIO-5: Aquatic Resources Delineation							
A qualified biologist shall complete an aquatic resources delineation survey that establishes the extent of the waters of the U.S. and State and identify the potential jurisdictional limits of USACE, RWQCB, and CDFW. The delineation shall be conducted in accordance with the requirement set forth by each agency and the results presented in a report that shall be submitted to the City, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If the USACE asserts its authority, then a permit pursuant to Section 404 of the CWA would be required. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Section 401 Water Quality Certification and/or Waste Discharge Requirement permit (depending upon whether the feature falls under federal jurisdiction or not). If CDFW asserts its jurisdictional authority, then a Lake or Streambed Alteration Agreement pursuant to Section 1600 et seq. of the CFGC	The City shall verify that a qualified biologist has completed an aquatic resources delineation survey. The City shall review the results of the aquatic resources delineation survey and ensure that this report is submitted to USACE, RWQCB, an the CDFW. IF RQQCB asserts their authority the City shall verify that a Section 401 Water Quality Certification and/or Waste Discharge Requirement permit has been prepared. IF CDFW asserts their authority, the City shall verify that a Lake or Streambed Alteration Agreement pursuant to Section 1600	Prior to construction	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
would also be required prior to construction within the areas of CDFW jurisdiction.	et seq. of the CFGC has been prepared.						
BIO-6: General Avoidance and Minimization							
Development shall be designed to avoid potentially jurisdictional features identified in aquatic resources delineation reports (Mitigation Measure BIO-4), to the extent feasible. No development shall occur within 50 feet of the top of bank for North Slough. Projects with potentially jurisdictional features shall provide the City with a report detailing how all identified aquatic features will be avoided, including groundwater draw down, prior to project approval.	The City shall review documentation detailing how all identified aquatic features will be avoided.	Prior to project approval	Once	City of American Canyon Community Development Department			
BIO-7: Restoration for Impacts to Waters and Wetlands							
If the project cannot be designed to avoid impacts to waters and wetlands (as described in Mitigation Measure BIO-6), then impacts shall be fully mitigated at an appropriate ratio, as determined by a qualified biologist and in accordance with regulatory agency requirements. Mitigation can be achieved through the setting aside or acquisition and in-perpetuity management of similar habitat on-site (this can include restoration of jurisdictional features within the project site) or as close to the impact habitat as possible. Mitigation lands must be placed into a conservation easement or other covenant restricting future development. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submittal to the regulatory agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved mitigation bank. Mitigation lands or in lieu funding sufficient to acquire lands should provide habitat at a minimum 1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. The City shall review and approve the plan before submittal to the agencies.	The project applicant shall mitigate impacts to waters and wetlands at an appropriate ratio as prescribed by mitigation measure BIO-7 The City shall review and approve the mitigation and monitoring plan for projects that cannot be designed to avoid impacts to waters and wetlands.	Prior to submittal to regulatory agencies	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Cultural Resources							
CUL-1: Historical Built Environment							
Prior to project approval, the applicant shall submit a report to the City that identifies any historic-age features (i.e., structures over 45 years of age) proposed to be altered or demolished. If historical-age features are present, the applicant shall submit a historical resources evaluation to the City prepared in areas that contains buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history (36 CFR Part 61). The evaluation shall include an intensive-level evaluation, in accordance with the guidelines and best practices meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the City for review and approval. If historical resources are identified through the survey and evaluation, efforts shall be made by the applicant to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). The applicant shall submit a report to the City that identifies and specifies the treatment of character-defining features and construction activities, and demonstrates how the project complies with the Standards and avoids the substantial adverse change in the significance of the historical resource as defined by CEQA Guidelines Section 15064.5(b). The report shall be prepared by an architectural historian or historical architect meeting the PQS as defined by 36 CFR Part 61 and provided to the City for review and concurrence prior to project approval.	The City shall review a report identifying historic age features proposed to be altered or demolished on a proposed project site. The City shall review the historical resources evaluation report prepared by a qualified historian and submitted by the project applicant, when applicable. If historical resources are identified, the City shall ensure that the applicant appropriately relocates, rehabilitates, or alters the resources.	Prior to project approval	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
CUL-2: Archaeological Resources Assessment							
Prior to submittal of any discretionary development application that involves ground disturbance activities (that may include but are not limited to, pavement removal, potholing, grubbing, tree removal, and grading), the applicant shall submit an archaeological resources assessment prepared by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology. Assessments shall include a CHRIS records search at the NWIC and a SLF Search from the NAHC. The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the development site. If the assessment begins on or before 2027, the results of the NWIC and SLF search for this EIR can be summarized as part of the assessment. A Phase I pedestrian survey shall be undertaken in future project areas that are undeveloped to locate any surface cultural materials. By performing a records search, a SLF search, and a Phase I survey, a qualified archaeologist shall be able to classify the future project area as having high, medium, or low sensitivity for archaeological resources. If the Phase I archaeological survey identifies resources that may be affected by the future project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant level by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit, to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. The archaeological resources assessment shall be reviewed and approved by the City prior to project approval.	The City shall review and approve the archeological resources assessment submitted by the applicant and prepared by a qualified archaeologist. If site-specific archaeological mitigation is identified, the City shall ensure that such measures are implemented or archaeological resources are avoided to the extend feasible.	Prior to submittal of any discretionary development application that involves ground disturbance activities	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
CUL-3: Unanticipated Discoveries							
An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be present on-site during all earth disturbing activities. If cultural resources are encountered during ground-disturbing activities, work within 100 feet of the area shall be halted and the contractor shall contact an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology in either prehistoric or historic archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as excavating the cultural deposit to fully characterize its extent and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. If archaeological resources of Native American origin are identified during construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures. Periodic reports of the find and subsequent evaluations shall be submitted to the City during construction.	The City shall review reports of any unanticipated findings and subsequent evaluations, and ensure that work is stopped and consultation commences if resources are discovered.	During construction	As needed during construction	City of American Canyon Community Development Department			
CUL-4:							
In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for	The City shall verify that CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 are followed in the event of an accidental discovery or recognition of any human remains.	During construction	As needed during construction	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98. 2. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: ▪ The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. ▪ The descendant identified fails to make a recommendation. ▪ The landowner or authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains: ▪ When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may each develop a plan with respect to their respective individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.							
CUL-5: Tribal Monitoring							
A Tribal Monitor representing the Yocha Dehe Wintun Nation shall be present during all project-related ground disturbance. Additionally, the Yocha Dehe Wintun Nation's Treatment Protocol (Protocol) shall be followed with respect to Tribal Cultural Resources (TCRs). The purpose of the protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, if any are found in conjunction with development, including archaeological	The City shall verify that a Tribal Monitor representing the Yocha Dehe Wintun Nation shall be present during all project-related ground disturbance and that all tribal monitoring protocols are followed.	Prior to any project-related ground disturbance	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
studies, excavation, geotechnical investigations, grading, and any ground-disturbing activity. This Protocol also formalizes procedures for Tribal Monitoring during archaeological studies, grading, and ground-disturbing activities. 1. Cultural Affiliation: The Yocha Dehe Wintun Nation (Tribe) traditionally occupied lands in Yolo, Solano, Lake, Colusa, and Napa Counties. The Tribe has designated its Cultural Resources Committee (Committee) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with projects on lands culturally affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol. 2. Inadvertent Discovery of Native American Human Remains: Whenever Native American human remains are found during the course of a project, the determination of Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (NAHC) upon notification to the NAHC of the discovery of said remains at a project site. If the location of the site and the history and prehistory of the area is culturally affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe agrees with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely. 3. Treatment of Native American Remains: In the event that Native American human remains are found during development of a project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground-disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity. The							

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Tribe shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact. 4. Non-Disclosure of Location of Reburials: Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form acceptable to the CHRIS center. The Tribe may also suggest the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property. 5. Treatment of Cultural Resources: Treatment of all cultural items, including ceremonial items and archaeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items,							

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
including ceremonial items and archaeological items, which may be found at a project site shall be turned over to the Tribe for appropriate treatment, unless ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of Tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the Tribe. If any intermediary, (for example, an Archaeologist retained by the project proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe. 6. Inadvertent Discoveries: If additional significant sites or sites not identified as significant in a project environmental review process, but later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, the Lead Agency, and the Tribe to determine whether additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.							
Geology and Soils							
GEO-1: Geotechnical Investigation							
Prior to the issuance of improvement plans and building permits, the project applicant shall submit a design-level Geotechnical Investigation to the City of American Canyon for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code (CBC) geologic, soils, and seismic requirements, including abatement of expansive soil conditions. The report shall also determine the final design parameters for walls, foundations, foundation slabs, and surrounding related improvements (e.g., utilities roadways, parking lots, and sidewalks). The measures identified in the approved report shall be incorporated into the project plans and all applicable construction related permits.	The City shall review and approve the design-level Geotechnical Investigation submitted by the project applicant. The City shall confirm that measures and design parameters specified in the Geotechnical Investigation are incorporated into the applicable development plans, such as grading plans, building plans, and architectural plans.	Prior to the issuance of improvement plans and building permits	Once	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
GEO-2: Retention of Qualified Professional Paleontologist							
Prior to submittal of a discretionary development application, the project applicant shall retain a Qualified Professional Paleontologist, as defined by SVP (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall direct mitigation measures to reduce potential impacts to paleontological resources to a less than significant level. The City shall review and approve the Qualified Professional Paleontologist's findings and recommendation. All recommendations shall be incorporated into the project plans prior to issuance of a grading permit.	The applicant shall have a Qualified Professional Paleontologist assess potential paleontological impacts and report that assessment to the City. The City shall verify that all recommendations of the Paleontologist are incorporated into the project plans prior to issuance of a grading permit.	Prior to issuance of a grading permit	Once	City of American Canyon Community Development Department			
Greenhouse Gas Emissions							
GHG-1: Construction BMPs							
Prior to the issuance of any grading permits, the project applicant shall provide the City of American Canyon with documentation (e.g., site plans) demonstrating project construction will include the following construction Best Management Practices (BMPs): ▪ At least 15 percent of the construction fleet for each project phase shall be alternatively fueled or electric. ▪ At least 10 percent of building materials used for project construction shall be sourced from local suppliers. ▪ At least 65 percent of construction and demolition waste materials shall be recycled or reused. ▪ At least one contractor that has a business location in American Canyon shall be contracted for project construction. ▪ All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) using during construction be electrically powered. ▪ Architectural coatings used for project construction shall be "Low-VOC," containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product. ▪ Project construction shall prohibit the use of generators and shall establish grid power connection to electrical equipment needs.	The City shall review documentation demonstrating that project construction includes construction BMPs. City shall incorporate applicable BMPs as conditions or approval, permit conditions, or other enforceable actions.	Prior to the issuance of any grading permits	Periodically during construction	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points. ▪ All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▪ The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be identified and visible to ensure compliance with applicable regulations.							
GHG-2 Electric Vehicle Charging Stations:							
Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2. Prior to the issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that each loading dock is outfitted with at least one 240-volt outlet to accommodate truck and Transport Refrigeration Unit (TRU) charging and/or electrical power connection while trucks are loading and unloading goods. In addition, the City shall require the following: ▪ At least 25 percent of heavy-duty vehicles entering or operated on the industrial sites shall be zero emission by 2030. ▪ All on-site equipment such as forklifts and yard trucks shall be electric with the necessary electrical charging stations provided.	The City shall review project plans to ensure that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle charging stations. The City shall review project plans to ensure that each loading dock is outfitted with at least one 240-volt outlet to accommodate truck and Transport Refrigeration Unit (TRU) charging and/or electrical power connection while trucks are loading and unloading goods.	Prior to issuance of any building permits	Once to review plans and once again to confirm project was constructed consistent with plans.	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
▪ Industrial and commercial tenants shall use zero emission light- and medium-duty vehicles as part of business operations.							
GHG-3: All Electric Buildings							
Prior to the issuance of any building permits, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating the project is designed without the use of any natural gas-fueled appliances or natural gas plumbing.	The City shall review project plans to ensure that the project is designed without the use of any natural gas	Prior to the issuance of any building permits	Once	City of American Canyon Community Development Department			
GHG-4: Tier 2 Advanced Energy Efficiency Requirements							
Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed buildings are designed and will be built to, at a minimum, the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards Code, Division A5.2, Energy Efficiency, as outlined under Section A5.203.1.2.2.	The City shall review project plans to ensure that the proposed buildings are designed to, at a minimum, the Tier 2 advanced energy efficiency requirements described in the mitigation measure.	Prior to issuance of any building permits	Once	City of American Canyon Community Development Department			
GHG-5: Carbon-Free Electricity Sources							
Prior to the issuance of any building permit for the project, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating to the City's satisfaction that electricity demand will be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.	The City shall review project plans to ensure that electricity demand will be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.	Prior to issuance of any building permits	Once	City of American Canyon Community Development Department			
Hazards and Hazardous Materials							
HAZ-1: Property Assessment – Phase I and II Environmental Site Assessments							
Prior to submittal of a discretionary development application or engineering plans for the Newell Drive Extension, the project applicant shall retain a qualified environmental professional, as defined by ASTM E-1527 to prepare a project area Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site that will be affected. After the site-specific Phase I ESA has been completed, the determination of specific areas that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated by the project applicant. The Phase II ESA shall be completed prior to construction and shall be based on the results of the Phase I ESA. Specifically, if the Phase I	The City shall verify that the project applicant has retained a qualified environmental professional, as defined by ASTM E-1527, and that profession prepares a project area Phase I Environmental Site Assessment (ESA)and, as applicable, a Phase II ESA. The City shall review and approve the Phase I ESA and Phase II ESA, as well a soil management plan or remediation, if necessary.	Prior to submittal of a discretionary development application or engineering plans for the Newell Drive Extension; then again prior to construction if the ESA identifies remediation or management.	Once	City of American Canyon Public Works Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
ESA identifies recognized environmental conditions or potential concern areas, the project applicant shall retain a qualified environmental consultant, California Professional Geologist or California Professional Engineer, to prepare a Phase II ESA of the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses. As part of the Phase II ESA, the qualified environmental consultant shall screen the analytical results against the San Francisco Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels for direct exposure of a construction worker under various depth and land use scenarios. If the Phase II ESA for the development site indicates that contaminants are detected in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan for Impacted Soils prior to project construction. If the Phase II ESA for the contaminant site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (CCR Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation at the project prior to onsite construction. The City shall review and approve the Phase I ESA and Phase II ESA prior to construction (i.e., demolition and grading).							
Hydrology and Water Quality							
HYD-1: Water Pollution Prevention Plan							
Prior to issuance of grading permits for the project, the applicant shall submit to the City of American Canyon for review and approval a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources (e.g., runoff), 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 (RWQCB)	The City shall review and approve the project-specific in accordance with the requirements of the statewide Construction General Permit. The City shall ensure that the provisions of the SWPPP are implemented during construction	Prior to issuance of grading permits and during construction	Once and periodically during construction	City of American Canyon Public Works Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) (e.g., silt fencing, street sweeping, routine inspection, etc.) 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 are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association (CASQA) Stormwater Best Management Handbook–Construction or the California Department of Transportation (Caltrans) Stormwater Quality Handbook Construction Site BMPs Manual. The SWPPP shall be implemented during construction to the satisfaction of the City.							
HYD-2: Stormwater Control Plan							
Prior to the issuance of building permits, the project applicant shall submit a Stormwater Control Plan to the City of American Canyon for review and approval. The plan shall be developed using the California Stormwater Quality Association (CASQA) "New Development and Redevelopment Handbook" and include the applicable provisions of Section C.3 of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008 (or more recent permit). The Stormwater Control Plan shall identify pollution prevention measures and Best Management Practices (BMPs) to control stormwater pollution from operational activities and facilities and provide maintenance in perpetuity. The Stormwater Control Plan shall include Low Impact Development (LID) design concepts, as well as concepts that accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City, identifying procedures to ensure stormwater quality control measures work properly during operations.	The City shall review and approve the project-specific Stormwater Control Plan and Operations and Maintenance Agreement.	Prior to the issuance of building permits	Once prior to construction, and then periodically during operation to ensure stormwater control measures are maintained and function properly.	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Noise							
NOI-1: Construction Noise Reduction Measures							
The following measures shall be implemented where future development construction sites are located within 150 feet of a sensitive receiver: 1. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. 2. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. 3. Shielding and Silencing. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications. 4. Construction Staging Areas. Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. 5. Smart Back-Up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction and in accordance with all applicable safety laws. 6. Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.	Applicant shall provide the City with project plans indicating compliance with applicable noise reduction measures. City shall confirm applicable measures are implemented during project construction.	Prior to project approval	Once before construction and then periodically during construction	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
7. Workers' Radios. All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses. 8. Noise Complaint Response. Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City of each complaint occurrence. 9. Temporary Noise Barriers. For non-pile driving construction activity within 150 feet of residences, erect temporary noise barriers at the edge of the construction site closest to residences. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier and a height of at least 12 feet. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher. Plans indicating compliance with these noise reduction measures shall be provided to the City for review and concurrence prior to project approval.							

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
NOI-2: Construction Noise Reduction Measures During Pile Driving							
The following measures shall be implemented during pile driving: 1. Alternative Pile Methods. For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used instead of impact pile driving, where feasible. 2. Scheduling. Pile driving will be scheduled to have the least impact on nearby sensitive receivers. 3. Shrouding. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler. Plans indicating compliance with these pile driving measures shall be provided to the City for review and concurrence prior to project approval.	Applicant shall provide the City with project plans indicating compliance with applicable pile-driving measures. City shall confirm applicable measures are implemented during project construction.	Prior to project approval	Once before construction and then periodically during construction	City of American Canyon Community Development Department			
NOI-3: Operational Stationary Source Noise Control Analysis and Measures							
Prior to the issuance of a building permit for projects adjacent to the property lines of noise-sensitive uses that could exceed noise standards from the American Canyon Municipal Code or General Plan, a noise analysis shall be conducted to assess and mitigate potential noise and impacts related to the operations of the project. The noise analysis shall be conducted by a qualified and experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents. Measures to reduce operational stationary sources to acceptable levels include, but are not limited to, operational hour restrictions, equipment optimization, shielding, mufflers, acoustical louvers, sound blankets, and sound walls. The noise analysis and recommended measures to implement shall be provided to the City for review and concurrence prior to project approval.	Project applicant shall provide the city with a noise analysis, in accordance with the mitigation measure. The city recommended measures from the analysis are incorporated into the project design.	Prior to project approval	Once during plan review and again following completion of construction	City of American Canyon Community Development Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Public Services and Recreation							
PSR-1: Fire Facilities Coordination							
The City shall forward development applications within the project area to the American Canyon Fire Protection District (ACFPD). If the ACFPD determines that Fire Service Mitigation fee program(s) must be updated to fund Fire Service Facilities to serve the site, the City shall cooperate with the ACFPD to update Fire Service Mitigation fee(s) in accordance with its relationship to the ACFPD as a subsidiary special district of the City.	The City shall forward development applications within the project area to the ACFPD. The City shall cooperate with the ACFPD to update Fire Service Mitigation fee(s).	Prior to project approval	Once	City of American Canyon Community Development Department & City Manager's Office			
Wildfire							
WF-1: Wildfire Risk Reduction During Construction							
Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit documentation that they will implement the following measures to reduce risk of loss, injury, or death from wildfire during construction: 1. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance. 2. Certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location shall be prohibited. Example activities that shall be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings. 3. Fire extinguishers shall be required to be onsite during construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.	The applicant shall provide the City with their applicable wildfire reduction measures, in accordance with the mitigation measure. The City shall confirm that the measures are properly implemented at the construction site.	Prior to issuance of a grading or building permit, whichever occurs first	Periodically during construction	City of American Canyon Community Development Department			
WF-2: Fire Suppression Requirements							
Prior to issuance of improvement plans, the applicant shall submit plans that demonstrate all fire hydrants on the project site satisfy the Fire District's minimum fire flow requirements.	The City shall review project plans to ensure that all fire hydrants on the project site satisfy the Fire District's minimum fire flow requirements.	Prior to issuance of improvement plans	Once	City of American Canyon Public Works Department			

Mitigation Measure/ Implementation Program	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
WF-3: California Building Code Chapter 7A Compliance							
Prior to issuance of a building permit, the applicant shall submit plans that demonstrate compliance with Chapter 7A of the California Building Code.	The City shall review project plans to ensure compliance with Chapter 7A of the California Building Code.	Prior to issuance of a building permit	Once	City of American Canyon Community Development Department			
WF-4: Fire Resistant Vegetation and Landscaping							
Prior to issuance of a building permit, the applicant shall submit landscape plans prepared by a registered Landscape Architect that are consistent with applicable Building and Fire Codes at the time the building permit is issued.	The City shall review landscape plans prepared by a registered Landscape Architect to ensure consistency with applicable Building and Fire Codes.	Prior to issuance of a building permit	Once prior to building permit, then again to confirm landscaping was properly installed	City of American Canyon Community Development Department & AC Fire District			

CEQA Findings of Fact

for the

Paoli/Watson Lane Annexation Project

Pursuant to CEQA Guidelines Sections 15091 and 15093 and Public Resources Code Section 21081

The Final Environmental Impact Report (EIR) prepared by the City of American Canyon for the Paoli/Watson Lane Annexation Project ("the project") consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The City finds that the inclusion of certain mitigation measures as part of project approval will reduce all significant impacts to levels that are less than significant. Feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level.

As required by the California Environmental Quality Act (CEQA), the City, in adopting these CEQA Findings of Fact, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the City adopts these Findings of Fact as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project.

Table of Contents

1 Introduction 1
1.1 Statutory Requirements for Findings 1
1.2 Procedural Findings 1
1.3 Findings Required Under CEQA 3
1.4 Record of Proceedings 4
1.5 Findings 4
2 Paoli/Watson Lane Annexation Project 5
2.1 Project Objectives 5
2.2 Project Description 5
2.3 Alternatives 6
2.3.1 Environmentally Superior Alternative 9
3 Topical Areas Determined to have Less than Significant or No Impacts 10
4 Topical Areas Determined to Have Potentially Significant Impacts Mitigated to a Less Than Significant Level 14
4.1 Cumulative Impacts 37

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1 Introduction

1.1 Statutory Requirements for Findings

California Environmental Quality Act (CEQA) Guidelines Section 15091 states that:

(a) No public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.[1]

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.[2] The CEQA Guidelines state in Section 15093 that:

> "If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable."

1.2 Procedural Findings

The City Council of the City of American Canyon finds as follows:

Based on the nature and scope of the Paoli/Watson Lane Annexation project, State Clearinghouse No. 2022090097, the City Council of American Canyon determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an Environmental Impact Report (EIR). The EIR was prepared, noticed, published, circulated, reviewed and completed

[1] CEQA Guidelines Section 15091 (a), (b).
[2] Public Ressources Code Section 21081(b).

in full compliance with the CEQA Public Resources Code Sections 21000 et seq. CEQA and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows:

- **Notice of Preparation and Initial Study**. After deciding that an EIR is required, the lead agency (the City) must file a Notice of Preparation soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code [PRC] Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts. The City prepared an NOP of the Draft EIR for a 30-day agency and public review period that began on September 7, 2022 and ended on October 7, 2022.
- **Draft EIR Prepared.** The Draft EIR must contain a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing, and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; h) discussion of irreversible changes, and i) any identified areas of controversy. The City prepared a Draft EIR and circulated the Draft EIR for a 45-day public review period that began on March 14, 2023 and ended on April 28,2023. A corresponding Notice of Availability (NOA) was published to provide notification when the Draft EIR became available for public review.
- **Notice of Completion (NOC).** The lead agency must file a notice of completion with the State Clearinghouse when it completes a Draft EIR and prepare an NOA. The lead agency must place the notice of completion in the County Clerk's office for 30 days (PRC Section 21092) and send a copy of the notice of completion to anyone requesting it (CEQA Guidelines Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following methods: a) publication in a newspaper of general circulation; b) physical signage posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (PRC Sections 21104 and 21253). An NOC was prepared and submitted to the State Clearinghouse with the Draft EIR on March 14, 2023.
- **Final EIR.** A Final EIR must include a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments. The City prepared a Final EIR, which was published and submitted to the State Clearinghouse on October 13, 2023.
- **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).
- **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines sections 15042 and 15043).

- **Findings/Statement of Overriding Considerations**. For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision. Since the project does not include unavoidable significant environmental effects, no Statement of Overriding Considerations was prepared.
- **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures adopted or made conditions of project approval to mitigate significant effects.
- **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the county clerk. The NOD must be posted for 30 days and sent to anyone requesting notice previously. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

1.3 Findings Required Under CEQA

The City Council (the final decision-making body) of the City of American Canyon (the CEQA Lead Agency) will determine whether to certify the EIR for the project. Because the Draft EIR identified a potentially significant environmental impact, the City Council must also make certain "findings" as part of its action to certify that the EIR has been completed in compliance with CEQA and to approve the project. Pursuant to CEQA Guidelines Section 15091 and CEQA Section 21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

1.4 Record of Proceedings

For purposes of CEQA and these findings, the record before the City Council includes the following:

- The Draft EIR and all appendices to the Draft EIR.
- The Final EIR including an errata, comments on the Draft EIR and responses to comments, and all appendices to the Final EIR.
- Public notices required by CEQA.
- Studies conducted for project and contained in, or referenced by, the Draft EIR or the Final EIR.
- Documentary and oral evidence received and reviewed at public hearings, study sessions, and workshops and transcripts and minutes of those hearings related to the project, the Draft EIR, and the Final EIR.
- For documentary and informational purposes, the Findings, MMRP, and other documentation relevant to planned growth in the area.
- Additional items not listed above if otherwise required by law.

1.5 Findings

The Final EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving project despite the potential for associated potentially significant adverse impacts.

For the purposes of these findings, the impact discussions include the relevant regulations and actions, as well as the separate mitigation measures imposed to reduce the impacts where the regulations and actions did not result in a less than significant impact. In the findings that follow, impact numbers are provided. The impact numbers correspond to sections of the Draft EIR that contain an expanded discussion of impacts. Please refer to the referenced impact sections of the EIR for more detail.

2 Paoli/Watson Lane Annexation Project

2.1 Project Objectives

Pursuant to CEQA Guidelines Section 15124(b), the EIR project description must include "[a] statement of objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project." As stated in the EIR, the objectives of the project are to:

1. Promote economic growth in American Canyon by attracting new industries.
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development.
3. Create new employment opportunities for residents of Napa County and the surrounding region.
4. Extend Newell Drive, which would augment north-south travel parallel to SR 29.
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities.
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use.
7. Preserve the most biologically sensitive portions of the project site as open space.
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the project while also ensuring these facilities operate at acceptable levels.
9. Promote public safety by incorporating security measures into the project design.
10. Mitigate impacts on the environment through implementation of feasible mitigation measures.

2.2 Project Description

The project would annex the entire 83-acre sphere of influence area into the City of American Canyon, pending amendments to the City's General Plan and zoning ordinance, and approval from the Napa County Local Agency Formation Commission (LAFCo).

The project would involve the extension of Newell Drive, which is a planned roadway in the City of American Canyon General Plan Circulation Element. The City intends to extend Newell Drive as a parallel roadway to State Route (SR) 29 to relieve traffic congestion. The approximately one mile Newell Drive extension would extend east from SR 29 and Paoli Loop Road along the northern boundary of the annexation area and gently curve southeast towards Watson Lane as it approaches the Union Pacific Railroad (UPRR) right-of-way. The Newell Drive extension would cross the UPRR tracks via an overcrossing. In addition, Newell Drive would cross the North Slough with a span designed to avoid the slough.

The annexation area would ultimately be developed for commercial, industrial, and visitor-serving/hotel use. For purposes of analysis in this EIR, it is conservatively assumed that 80 percent of parcels pre-zoned for Paoli Light Industrial, Paoli Light Industrial with Paoli Commercial Overlay, and Town Center would be developed for commercial, industrial, and visitor-serving/hotel uses. The remaining 20 percent accounts for building setbacks, proposed Newell Drive extension right-of-way, including an overcrossing at the railroad, and a biological resources buffer around North Slough.

Parcels pre-zoned Residential Estate have existing residential uses and the Residential Estate pre-zoning acknowledges these existing uses. The Residential Estate pre-zoning would not induce additional residential development beyond existing conditions.

2.3 Alternatives

CEQA requires an EIR to consider and analyze a range of reasonable project alternatives that would feasibly attain most of the basic objectives but would avoid or substantially lessen significant impacts of the project. (*Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1013.) In assessing alternatives, the EIR must meaningfully discuss alternatives to meet the goal of fostering informed decision-making. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402–403.) An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making. (*San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 751, 202 Cal.Rptr. 423; Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 404).

CEQA then requires the decision-makers to consider environmentally superior alternatives and consider the benefits and potential environmental harm of those alternatives against those of the Project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1005–1006.) The findings of whether to reject or approve any of the alternatives is then a decision only for the decision makers. "They may reject alternatives that are undesirable from a policy standpoint as well as alternatives that fail to meet project objectives." (*Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1016 (citations omitted).) "While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision-making body "may or may not reject those alternatives as being infeasible" when it comes to project approval. Rejection by the decision-makers does not undermine the validity of the EIR's alternatives analysis." (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999 [99 Cal.Rptr.3d 572, 602 (citations omitted).)

Based on the project objectives and anticipated environmental consequences, and pursuant to CEQA Guidelines Section 15126.6, the following project alternatives were analyzed in the EIR and the following findings made herein:

Alternative 1: No Project. The No Project Alternative assumes that the project site is not annexed into the City of American Canyon and existing land uses and Napa County zoning and land use designations remain. Current uses on the project site would continue under this alternative. No additional development would be assumed on the project site nor within the city. In addition, the Newell Drive extension would not be constructed. This alternative would not accomplish any of the project objectives.

Finding: The No Project Alternative would avoid all the project's significant impacts as well as the need to implement any mitigation measures. While this Alternative would reduce all impacts, it would not advance any of the project objectives, including those related to promoting economic growth in American Canyon, promoting development that generates net positive tax revenues, creating employment opportunities, extending Newell Drive, and other project objectives. For these reasons, this alternative is rejected as infeasible.

Alternative 2: At-Grade Newell Drive Crossing. Alternative 2 assumes that the Newell Drive extension would utilize an at-grade crossing instead of an overcrossing at the UPRR in the northeastern corner of the project site. An at-grade crossing would require approval from the

California Public Utilities Commission pursuant to California Public Utilities Code Section 1201. Development would occur with the same intensity and land uses as described in Section 2, *Project Description*, and buildout totals would remain unchanged. Alternative 2 would increase the total developable industrial and Town Center square footage, since an at-grade crossing requires less area, but this increase in development area would not be substantial and would not alter the programmatic analysis of this alternative. Therefore, the estimated change in square footage is not quantified. Alternative 2 would achieve all project objectives while reducing the intensity of construction required for an overcrossing as compared to an at-grade crossing.

Finding: Alternative 2 would generally result in similar or decreased environmental impacts compared to the proposed project. By reducing construction intensity, this alternative would reduce impacts related to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, noise, and tribal cultural resources. Alternative 2 would meet all the project objectives, however it would result in more severe impacts to hazards and hazardous materials and transportation. In addition, because this alternative would require additional review and approval by the California Public Utilities Commission, an agency outside of the control of the City, it is less certain of ultimately obtaining the Project objectives. While this alternative is technically feasible, for these reasons it is less preferred than the proposed project.

Alternative 3: Reduced Buildout. Alternative 3 assumes that buildout would decrease from 80 percent of the project site area to 40 percent. Alternative 3 estimated maximum buildout is 247,471 square feet of commercial space, 348,444 square feet of industrial space, and 94,849 square feet of hotel space. Alternative 3 would reduce environmental impacts due to reduced construction. Alternative 3 would configure Newell Drive the same as the project (i.e., an overcrossing over the UPRR). This alternative would generate fewer employment opportunities and have less of an economic growth impact than the proposed project, two of the key objectives to the project. Alternative 3 would accomplish all the project objectives but to a lesser extent than the project.

Finding: Alternative 3 would generally result in similar or decreased environmental impacts compared to the proposed project. By reducing construction and the number of employees generated by the project, this alternative would reduce impacts related to aesthetics, air quality, biological resources, energy, greenhouse gas emissions, hydrology and water quality, noise, public services and recreation, tribal cultural resources, and utilities and service systems. Alternative 3 would meet the project objectives, but to a lesser extent than the proposed project. This alternative is rejected because when its potential environmental benefits are weighed against the limited economic growth and employment opportunities of the reduced alternative it is not economically feasible, and it fails to meet objectives to the extent necessary for the benefits of the alternative to outweigh its costs when compared with the proposed project.

Alternative 4: Watson Lane Reconfiguration Alternative 4 assumes that the Newell Drive extension would not extend north of Watson Lane, and that travelers would instead utilize Watson Lane and Paoli Loop Road for travel between Newell Drive and SR 29, and between Newell Drive and the planned extension of South Kelly Road. Alternative 4 would utilize an existing at-grade crossing of the UPRR tracks on Watson Lane, instead of an overcrossing. Under Alternative 4, the existing at-grade crossing on Watson Lane would be modernized to accommodate increased travel. Improvements would include expanding Watson Lane to meet City standards for a major collector street, consistent with the planned configuration for the proposed Newell Drive extension, which requires an 80-foot right-of-way width to accommodate two motor vehicle lanes (one per direction), bicycle lanes, sidewalks and landscape strips on both sides, with a raised center median. Development would occur with the same intensity and land uses as described in Section 2, *Project Description*, and buildout totals would remain unchanged. Like Alternative 2, Alternative 4 would increase the total developable industrial and Town Center square footage, since elimination of the proposed grade-separated crossing requires less area, but this increase in development area would not be substantial and would not alter the programmatic analysis of this alternative. Alternative 4 would achieve most of the project objectives while reducing the intensity of construction required for an overcrossing as compared to an at-grade crossing. Alternative 4 would not meet the objective of extending Newell Drive. Buildout of Alternative 2 would result in the same buildout as the project (refer to Table 6-1 in the Draft EIR) but would decrease construction intensity related to the Watson Lane roadway reconfiguration.

Finding: Alternative 4 would generally decrease some environmental impacts compared to the proposed project. By reducing the intensity of construction, this alternative would reduce impacts related to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, and tribal cultural resources. However, this alternative would have more severe impacts compared to the proposed project related to hazards and hazardous materials, land use and planning, public services and recreation, transportation, and wildfire. While this alternative would meet most project objectives, it would not meet all project objectives. In July 2023, the engineering firm GHD developed a Technical Memorandum, which summarized some of the key constraints associated with Alternative 4. This Technical Memorandum is included as Attachment A to these Findings. As described in detail in Attachment A, this alternative would provide a less-direct route between SR 29 and land uses east of the railroad tracks compared to the Project; would require an expanded footprint and substantial fill to reduce the slope due to the existing grade changes near the railroad tracks, affecting existing residences located on Watson Lane; and would conflict with the City of American Canyon General Plan and Watson Ranch Specific Plan. In addition, this alternative is also rejected for the following reason: the potential social and logistical consequences associated with this alternative far outweigh the potential environmental benefits of this alternative. The environmental benefits of this alternative are temporary in nature, meaning

that this alternative would reduce certain impacts associated with construction, which would cease after construction is completed. However, the potential social and logistical costs associated with this alternative would be permanent in nature, meaning that this alternative would result in the permanent loss of portions of properties, as well as a less efficient roadway system. For these reasons, this alternative is rejected as infeasible.

2.3.1 Environmentally Superior Alternative

Based on the analysis of alternatives in this EIR, the No Project Alternative is the environmentally superior alternative as it would lessen the severity of every impact of the project. However, this alternative would not meet the project objectives, including those related to facilitating the development of land planned for business park/industrial uses to its highest and best use; positively contributing to the local economy; providing the City of American Canyon with a high-quality, employment-generating industrial development; serving local and regional demand for manufacturing, logistics warehouse, and other industrial uses; and extending Newell Drive to augment north-south travel parallel to SR 29. Finally, it should be noted that the northern portions of the project site are planned for industrial use by the Napa County General Plan. Taken together with the need to extend Newell Drive, should the proposed project not advance, it would be expected that another industrial development proposal would be submitted.

If the No Project Alternative is determined to avoid or reduce more impacts than any other alternative, CEQA requires that the EIR identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6[e]). Of the other alternatives evaluated in this EIR, Alternative 3 would be the environmentally superior alternative.

Second to the No Project Alternative, Alternative 3 is the environmentally superior alternative as it would reduce the severity of 12 impacts (aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, noise, public services and recreation, tribal cultural resources, and utilities and service systems) compared to the project. Alternative 3 would meet the project objectives identified in Section 2, *Project Description*, of the Draft EIR as it would provide additional acreage for industrial uses and facilitate development of the Newell Drive extension. However, it should be noted that the ability of Alternative 3 to meet the project objectives would be substantially reduced because it would provide lower buildout and employment opportunities.

3 Topical Areas Determined to have Less than Significant or No Impacts

The City finds that, based upon substantial evidence in the record, as discussed below, the project's impacts associated with the following topical areas would have no impact or be less than significant without mitigation.

Aesthetics

Impacts AES-1 – AES-3

The project would not have a substantial adverse effect on a scenic vista, including views of hills, and impacts would be less than significant.

The City of American Canyon does not have a designated state scenic highway and the project would not damage scenic resources within a state scenic highway. No impact would occur.

The project is in an urbanized area and would not conflict with applicable zoning or General Plan policies governing scenic quality. Impacts would be less than significant.

Agriculture and Forestry Resources

Impacts AG-1 – AG-4

The project would not convert Farmland, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program, to non-agricultural use. No impact would occur.

The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

The project would not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production, or result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

The project would not involve other changes in the existing environment and would not result in the conversion of farmland or forestland to non-agricultural use or non-forest use. No impact would occur.

Air Quality

Impacts AQ-1 and AQ-4

The project would be consistent with the Bay Air Area Quality Management District's 2017 Clean Air Plan. Impacts would be less than significant.

The project would not create objectionable odors that could adversely affect a substantial number of people. Impacts related to odors would be less than significant.

Biological Resources

Impacts BIO-2 and BIO-6

No riparian habitat or sensitive natural communities are present in the project site. No impact would occur.

Implementation of the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. No impact would occur.

Energy

Impact E-1

The project would not result in the wasteful, inefficient, or unnecessary consumption of energy and impacts would be less than significant.

Geology and Soils

Impacts GEO-1 and GEO-5

The project would not be subject to rupture of a known earthquake fault. There would be no impact.

The project would be served by sanitation infrastructure. No septic tanks or alternative wastewater disposal systems would be used; therefore, there would be no impact.

Hazards and Hazardous Materials

Impacts HAZ-2, HAZ-4, and HAZ-5

Development facilitated by the project would not result in the release of potentially hazardous materials within 0.25 mile of a school. There would be no impact.

Development facilitated by the project would occur in the Napa County Airport Land Use Compatibility Zone D. Development would occur in compliance with the Napa County Airport Land Use Compatibility Plan and impacts would be further reduced through adherence to General Plan policies. Impacts would be less than significant.

Development facilitated by the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Hydrology and Water Quality

Impacts HWQ-2, HWQ-5, and HWQ-6

The project would not interfere substantially with groundwater recharge such that sustainable groundwater management of the basin would be impeded. Impacts would be less than significant.

The project site is not within an area at risk from inundation by flood hazard, seiche, or tsunami and would not risk the release of pollutants due to project inundation. The project is not in a flood hazard zone and would not impede or redirect flood flows. There would be no impact.

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

Land Use and Planning

Impact LU-1

The project would not physically divide an established community and there would be no impact.

Noise

Impacts NOI-3 and NOI-4

Project construction would generate temporary vibration in the project area. However, construction-related vibration impacts would be less than significant.

The project is outside the Napa County Airport noise contours and the project would not expose people working in the project site to excessive noise levels. No impact would occur.

Population and Housing

Impacts POP-1 and POP-2

The project would not directly or indirectly induce substantial unplanned population growth. Impacts would be less than significant.

The project would not displace substantial numbers of existing people or housing and impacts would be less than significant.

Public Services and Recreation

Impacts PSR-2 – PSR-4

The project would be adequately served by existing police protection services. Payment of public safety taxes and development impact fees would minimize potential impacts to police service facilities and performance and impacts would be less than significant.

The project would be adequately served by existing park facilities. The project would not include residence or induce growth in population that would utilize park facilities. Thus, impacts would be less than significant.

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities. No new facilities would be required to accommodate the project and impacts would be less than significant.

Transportation

Impacts TRA-1 – TRA-4

The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system and impacts would be less than significant.

The rate of VMT per job that would be generated by the project is anticipated to be lower than the significance threshold. The project would not conflict with or be inconsistent with CEQA Guidelines 15064.3(b) and impacts would be less than significant.

The project would not substantially increase hazards due to a geometric design feature and impacts would be less than significant.

The project would not substantially increase hazards due to a geometric design feature and impacts would be less than significant.

Utilities and Service Systems

Impacts UTL-1 – UTL-4

The project would increase demand for water, wastewater, electric power, telecommunications, and stormwater drainage; however, no additional relocation or construction of utility services will be required to service the project beyond connections to existing utilities. The project would not increase demand on natural gas. Impacts would be less than significant.

The project would increase demand for water; however, with adherence to the ZWF Policy, water supplies would be sufficient to serve the project and reasonably foreseeable future development in normal, dry, and multiple dry years. Impacts would be less than significant.

The project would increase demand for wastewater treatment but there is adequate wastewater treatment capacity to serve the project's projected demand in addition to existing commitments. Impacts would be less than significant.

The project would not generate solid waste in excess of state or local standards, would not exceed the capacity of local infrastructure, and would not impair the attainment of solid waste reduction goals. Impacts would be less than significant.

Wildfire

Impact WF-1

The project would not impair an emergency response plan and impacts would be less than significant.

4 Topical Areas Determined to Have Potentially Significant Impacts Mitigated to a Less Than Significant Level

These topical areas contain impacts of the project that are reduced to a less-than-significant level through the implementation of mitigation measures. Pursuant to California Public Resources Code Section 21081(a)(1) and CEQA Section 15091(a)(1), as to each impact, the City, based on the evidence in the record before it, finds that changes or alterations incorporated into the project mitigate, avoid, or substantially lessen to a level of insignificance these environmental impacts of the project. The basis for the finding for each impact is set forth below.

Aesthetics

Impact AES-4

Construction and operation of future development facilitated by the project could create new sources of light or glare that could adversely affect the visual environment. Impacts would be less than significant with mitigation measures incorporated.

MITIGATION MEASURE AES-1 CONSTRUCTION LIGHTING PLAN

Prior to nighttime construction, if needed for a particular project, project applicants shall submit a construction lighting plan to the City for review and approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and ensure no spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses.

MITIGATION MEASURE AES-2 OPERATIONAL LIGHTING PLAN

Prior to discretionary project approval, the project applicant shall prepare and submit a photometric plan to the City for review and approval which demonstrates that all exterior light fixtures will be directed downward or employ full cut-off fixtures to prevent light spillage. The approved plan shall be incorporated into the project design plans.

Finding

The City finds that with incorporation of mitigation measures AES-1 and AES-2, which would require approval of construction and/or operational lighting plans, would reduce new sources of light or glare to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Air Quality

Impact AQ-2

The project would not result in a cumulatively considerable net increase of operational criteria pollutants. Impacts from construction would be less than significant with mitigation. Impacts from operation would be less than significant.

MITIGATION MEASURE AQ-1 IMPLEMENT BAAQMD BASIC CONSTRUCTION MITIGATION MEASURES

To reduce fugitive dust emissions from the construction of individual projects, the applicant shall implement the BAAQMD Basic Construction Mitigation Measures. The BAAQMD Basic Construction Mitigation Measures are listed below:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, 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.
- 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 California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of American Canyon regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.

Finding

The City finds that with incorporation of mitigation measure AQ-1, which would require the incorporation of BAAQMD's Basic Construction mitigation measures such as reducing vehicle speeds on unpaved roads and reducing idling times, criteria air pollutant impacts related to construction would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact AQ-3

Construction activities for future individual projects lasting longer than two months or located within 1,000 feet of sensitive receptors could expose sensitive receptors to substantial pollutant concentrations. Implementation of the project may also expose sensitive receptors to operational sources of toxic air contaminants. Impacts would be less than significant with mitigation.

MITIGATION MEASURE AQ-2 CONDUCT CONSTRUCTION HEALTH RISK ASSESSMENT

Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit to the City a construction health risk assessment (HRA) in accordance with BAAQMD recommendations for any development project (including the proposed Newell Drive extension) that has at least one the following characteristics:

- The project is located within 1,000 feet of sensitive receptors.
- Project construction would last longer than two months.
- Project construction would not utilize equipment rated USEPA Tier 4 (for equipment of 50 horsepower or more); construction equipment fitted with Level 3 Diesel Particulate Filters (for all equipment of 50 horsepower or more); or alternative fuel construction equipment.

If the HRA determines that construction will exceed BAAQMD significance thresholds, the HRA shall provide mitigation measures to reduce the impact to less than significant, including but not limited to requiring the use of Tier 4 engines, Level 3 Diesel Particulate Filters, and/or alternative fuel construction equipment.

MITIGATION MEASURE AQ-3 CONDUCT OPERATIONAL HEALTH RISK ASSESSMENT

Prior to submittal of a subsequent discretionary development permit application for industrial, warehousing, or commercial land uses that would generate at least 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day, the applicant shall submit an operational health risk assessment (HRA) or submit proof that an HRA is not required in accordance with BAAQMD thresholds. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements, and mitigated to an acceptable level. Typical measures to reduce risk impacts may include, but are not limited to:

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Truck Electric Vehicle (EV) Capable trailer spaces.
- Requiring use of newer equipment and/or vehicles.
- Restricting off-site truck travel through the creation of truck routes.

The operational HRA shall be provided to the City for review and concurrence prior to project approval.

Finding

The City finds that with incorporation of mitigation measure AQ-2 and AQ-3, which would require a construction and operational health risk assessment to be conducted, impacts to sensitive receptors would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091

(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Biological Resources

Impact BIO-1

The project may result in direct or indirect impacts to special-status species, their associated habitats, and nesting birds. This impact would be less than significant with mitigation.

MITIGATION MEASURE BIO-1 SITE SPECIFIC BIOLOGICAL RESOURCES ASSESSMENT

The City shall implement the following measures during environmental review of future development within the project site. For all projects facilitated by the annexation, a preliminary review and reconnaissance survey shall be conducted by a qualified biologist prior to project approval. A review of project plans, aerial imagery and agency databases as well as other relevant background information will be conducted prior to a reconnaissance survey for context and understanding of the biological concerns of the project. The reconnaissance survey shall include documentation of existing biological conditions, the habitat condition and characteristics, mapping of vegetation communities including aquatic features, and assessment of the site's potential to support special-status species. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall complete a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, American badgers, nesting birds, bats, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be necessary. Consultation with CDFW would be required in the instance of discovery of roosting bats during the BRA reconnaissance survey or further technical studies. The City shall review and approve the BRA prior to project approval.

Habitat assessments for special-status plants shall specifically be included for the BRA. If habitat is present, a botanical survey shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities and results submitted to CDFW. If the botanical survey indicates special-status plant species on the project site, the project applicant shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to construction activities. If impacts cannot be avoided, the project shall provide compensatory habitat at a minimum 3:1 ratio including preparing, implementing, and funding in perpetuity a long-term management plan, unless otherwise approved in writing by CDFW.

MITIGATION MEASURE BIO-2 PRE-CONSTRUCTION SURVEYS FOR SWAINSON'S HAWK, OTHER RAPTORS AND NESTING BIRDS

Ground disturbance and vegetation removal activities shall be restricted to the non-breeding season (September 16 to January 31), when feasible. If construction activities occur during the nesting bird

season (February 1 to September 15), the following mitigation measures are recommended to reduce impacts to Swainson's hawk, protected raptor species, and other nesting birds protected by the MBTA and CFGC.

A qualified biologist shall conduct surveys for Swainson's hawk during Swainson's hawk nesting season (March 1 to August 31) prior to construction activities between January 1 and March 20. A preconstruction survey for other raptors and nesting birds shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the project site and include a 150-foot buffer for passerines, with the exception of tricolored blackbirds which require a 500-foot buffer, 500-foot buffer for other raptors, and 0.5-mile buffer for active Swainson's hawk nests. The surveys shall be conducted by a biologist familiar with the identification of avian species known to occur in the region. It is required that surveys follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If a Swainson's hawk or white-tailed kite nest is found, the biologist shall set up appropriate buffers in consultation with CDFW.

If the nesting bird survey results are negative, no further action is required. If nests are found, the biologist shall determine and demarcate an appropriate avoidance buffer with high visibility material. For Swainson's hawk nests, the biologist shall establish an avoidance buffer of up to 0.5 mile based on the nest location in relation to the construction activity, the line-of-sight from the nest to the construction activity, and observed hawk behavior at the nest.

The qualified biologist shall notify all construction personnel of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the biologist. If take of Swainson's hawk or tricolored blackbird cannot be avoided, the project applicant or City shall consult with CDFW pursuant to CESA and obtain an ITP.

Results of the preconstruction nesting bird survey shall be submitted to the City in a brief letter report no more than 30 days after completion of the survey.

MITIGATION MEASURE BIO-3 PRE-CONSTRUCTION SURVEYS FOR WESTERN BURROWING OWL

Prior to ground disturbance activities, a qualified biologist shall conduct pre-construction clearance breeding season (February 1 to August 31) surveys within suitable natural habitats and ruderal areas throughout the project site, to confirm the presence/absence of active western burrowing owl burrows unless otherwise approved by CDFW. It is recommended that surveys are also conducted during the non-breeding wintering season (September 1 to January 31). All surveys shall be consistent with the recommended survey methodology provided by CDFW's Staff Report on Burrowing Owl Mitigation. Additionally, take avoidance surveys shall be conducted within 14 days prior to construction and ground disturbance activities, whether or not owls were discovered during the detection surveys. If no western burrowing owls are observed, no further actions are required. If western burrowing owls are detected during the pre-construction detection or clearance take avoidance surveys, CDFW shall be notified and the following measures shall apply:

- Avoidance buffers of a minimum of 500 meters (1,640 feet) during the breeding and non-breeding season shall be implemented by a qualified biologist in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation minimization mitigation measures, unless otherwise approved by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. Detected burrowing owls shall be avoided pursuant to the buffer zone

prescribed in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review.

- If avoidance of western burrowing owls is not feasible, then additional measures such as off-site habitat compensation (habitat compensation acreages shall be approved by CDFW), placement of a conservation easement and preparation, implementation, and funding of a long-term management plan, and construction buffers of 500-feet during the breeding season shall be implemented, in consultation with CDFW. In addition, a Western Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993).

Project applicants shall submit evidence of clearance surveys, avoidance buffers or additional measures to the City as required.

MITIGATION MEASURE BIO-4 WORKER ENVIRONMENTAL AWARENESS PROGRAM

Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend Worker Environmental Awareness Program training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project site. The program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees shall sign a form documenting attendance at the Worker Environmental Awareness Program and that they understand the information presented to them. The form shall be submitted to the City to document compliance.

Finding

The City finds that with incorporation of mitigation measure BIO-1 – BIO-4, which would require biological resource assessments, Swainson's hawk and burrowing owl surveys, and a worker environmental awareness program, impacts to special-status species would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-3

Implementation of the project may result in impacts to state or federally protected waters. This impact would be less than significant with mitigation.

MITIGATION MEASURE BIO-5 AQUATIC RESOURCES DELINEATION

A qualified biologist shall complete an aquatic resources delineation survey that establishes the extent of the waters of the U.S. and State and identify the potential jurisdictional limits of USACE, RWQCB, and CDFW. The delineation shall be conducted in accordance with the requirement set forth by each agency and the results presented in a report that shall be submitted to the City, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If the USACE asserts its authority, then a permit pursuant to Section 404 of the CWA would be required. If jurisdictional

areas are expected to be impacted, then the RWQCB would require a Section 401 Water Quality Certification and/or Waste Discharge Requirement permit (depending upon whether the feature falls under federal jurisdiction or not). If CDFW asserts its jurisdictional authority, then a Lake or Streambed Alteration Agreement pursuant to Section 1600 et seq. of the CFGC would also be required prior to construction within the areas of CDFW jurisdiction.

MITIGATION MEASURE BIO-6 GENERAL AVOIDANCE AND MINIMIZATION

Development shall be designed to avoid potentially jurisdictional features identified in aquatic resources delineation reports (mitigation measure BIO-4), to the extent feasible. No development shall occur within 50 feet of the top of bank for North Slough. Projects with potentially jurisdictional features shall provide the City with a report detailing how all identified aquatic features will be avoided, including groundwater draw down, prior to project approval.

MITIGATION MEASURE BIO-7 RESTORATION FOR IMPACTS TO WATERS AND WETLANDS

If the project cannot be designed to avoid impacts to waters and wetlands (as described in mitigation measure BIO-6), then impacts shall be fully mitigated at an appropriate ratio, as determined by a qualified biologist and in accordance with regulatory agency requirements. Mitigation can be achieved through the setting aside or acquisition and in-perpetuity management of similar habitat on-site (this can include restoration of jurisdictional features within the project site) or as close to the impact habitat as possible. Mitigation lands must be placed into a conservation easement or other covenant restricting future development. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submittal to the regulatory agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved mitigation bank. Mitigation lands or in lieu funding sufficient to acquire lands should provide habitat at a minimum 1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. The City shall review and approve the plan before submittal to the agencies.

Finding

The City finds that with incorporation of mitigation measure BIO-5 – BIO-7, which would require aquatic resource delineation, avoidance of potentially jurisdictional features, and restoration for waters and wetlands impacted by development, impacts to state or federally protected waters would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-4

Implementation of the project would not substantially impede the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors after the implementation of mitigation measure BIO-6. This impact would be less than significant with mitigation.

Mitigation measure BIO-6 would apply.

Finding

The City finds that with incorporation of mitigation measure BIO-6, which would require development to be designed to avoid potentially jurisdictional features, impacts to native or

migratory fish or migratory wildlife corridors would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-5

Implementation of the project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. However, this impact would be less than significant with mitigation.

Mitigation measure BIO-5, BIO-6, and BIO-7 would apply.

Finding

The City finds that with incorporation of mitigation measure BIO-5 – BIO-7, which would require aquatic resource delineation, avoidance of potentially jurisdictional features, and restoration for waters and wetlands impacted by development, impacts related to conflicts with local policies or ordinances protecting biological resources would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Cultural Resources

Impact CUL-1

The project could adversely affect previously unidentified historic-period resources. Impacts to historic-period resources would be less than significant with mitigation.

MITIGATION MEASURE CUL-1 HISTORICAL BUILT ENVIRONMENT

Prior to project approval, the applicant shall submit a report to the City that identifies any historic-age features (i.e., structures over 45 years of age) proposed to be altered or demolished. If historical-age features are present, the applicant shall submit a historical resources evaluation to the City prepared in areas that contains buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history (36 CFR Part 61). The evaluation shall include an intensive-level evaluation, in accordance with the guidelines and best practices meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the City for review and approval.

If historical resources are identified through the survey and evaluation, efforts shall be made by the applicant to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). The applicant shall submit a report to the City that identifies and specifies the treatment of character-defining features and construction activities, and demonstrates how the project complies with the Standards and avoids the substantial adverse change in the significance of the historical resource as defined by CEQA Guidelines Section 15064.5(b). The report shall be prepared by an architectural historian or historical architect meeting the PQS as defined by 36 CFR Part 61 and provided to the City for review and concurrence prior to project approval.

Finding

The City finds that with incorporation of mitigation measure CUL-1, which would require the submittal of a report that identifies any historic age features on a proposed development site that would be altered or demolished and appropriate measures to be taken in these instances, impacts to historic period resources would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact CUL-2

The project could adversely affect previously unidentified archaeological resources. Impacts would be less than significant with mitigation.

MITIGATION MEASURE CUL-2 ARCHAEOLOGICAL RESOURCES ASSESSMENT

Prior to submittal of any discretionary development application that involves ground disturbance activities (that may include but are not limited to, pavement removal, potholing, grubbing, tree removal, and grading), the applicant shall submit an archaeological resources assessment prepared by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology. Assessments shall include a CHRIS records search at the NWIC and a SLF Search from the NAHC. The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the development site. If the assessment begins on or before 2027, the results of the NWIC and SLF search for this EIR can be summarized as part of the assessment. A Phase I pedestrian survey shall be undertaken in future project areas that are undeveloped to locate any surface cultural materials. By performing a records search, a SLF search, and a Phase I survey, a qualified archaeologist shall be able to classify the future project area as having high, medium, or low sensitivity for archaeological resources.

If the Phase I archaeological survey identifies resources that may be affected by the future project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant level by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit, to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. The archaeological resources assessment shall be reviewed and approved by the City prior to project approval.

MITIGATION MEASURE CUL-3 UNANTICIPATED DISCOVERIES

An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be present on-site during all earth disturbing activities. If cultural resources are encountered during ground-disturbing activities, work within 100 feet of the area shall be halted and the contractor shall contact an archaeologist meeting the Secretary of the Interior's

Professional Qualification Standards for archaeology in either prehistoric or historic archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as excavating the cultural deposit to fully characterize its extent and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. If archaeological resources of Native American origin are identified during construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures. Periodic reports of the find and subsequent evaluations shall be submitted to the City during construction.

Finding

The City finds that with incorporation of mitigation measure CUL-2 and CUL-3, which would require and archeological resources assessment and the evaluation and characterization of any unanticipated discoveries, impacts to archeological resources would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact CUL-3

The project could result in damage to or destruction of human burials. Impacts would be less than significant through adherence to existing regulations and with mitigation.

MITIGATION MEASURE CUL-4 HUMAN REMAINS

In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resource Code Section 5097.98.
2. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation.

- The landowner or authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may each develop a plan with respect to their respective individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.

MITIGATION MEASURE CUL-5 TRIBAL MONITORING

A Tribal Monitor representing the Yocha Dehe Wintun Nation shall be present during all project-related ground disturbance. Additionally, the Yocha Dehe Wintun Nation's Treatment Protocol (Protocol) shall be followed with respect to Tribal Cultural Resources (TCRs). The purpose of the protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, if any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground-disturbing activity. This Protocol also formalizes procedures for Tribal Monitoring during archaeological studies, grading, and ground-disturbing activities.

1. Cultural Affiliation: The Yocha Dehe Wintun Nation (Tribe) traditionally occupied lands in Yolo, Solano, Lake, Colusa, and Napa Counties. The Tribe has designated its Cultural Resources Committee (Committee) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with projects on lands culturally affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.
2. Inadvertent Discovery of Native American Human Remains: Whenever Native American human remains are found during the course of a project, the determination of Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (NAHC) upon notification to the NAHC of the discovery of said remains at a project site. If the location of the site and the history and prehistory of the area is culturally affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe agrees with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.
3. Treatment of Native American Remains: In the event that Native American human remains are found during development of a project and the Tribe or a member of the Tribe is determined to be MLD immediately be notified, ground-disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity. The Tribe shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site.

The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

4. Non-Disclosure of Location of Reburials: Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form acceptable to the CHRIS center. The Tribe may also suggest the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.
5. Treatment of Cultural Resources: Treatment of all cultural items, including ceremonial items and archaeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archaeological items, which may be found at a project site shall be turned over to the Tribe for appropriate treatment, unless ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of Tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the Tribe. If any intermediary, (for example, an Archaeologist retained by the project proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.
6. Inadvertent Discoveries: If additional significant sites or sites not identified as significant in a project environmental review process, but later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, the Lead Agency, and the Tribe to determine whether additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.

Finding

The City finds that with incorporation of mitigation measure CUL-4 and CUL-5, which describe the procedure to be followed in the event that there is an unanticipated discovery of human remains and which require tribal cultural monitoring during project-related ground disturbance, impacts to human burials would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the

proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Energy

Impact E-2

The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency because the project would require mitigation measures that require advanced energy efficiency and the use of carbon-free electricity sources. Therefore, impacts would be less than significant with mitigation.

Mitigation measures GHG-4 and GHG-5 would apply.

Finding

The City finds that with incorporation of mitigation measure GHG-4 and GHG-5, which would require the satisfaction of tier 2 advanced energy efficiency requirements and documentation of carbon-free electricity sources for new development, impacts related to renewable energy and energy efficiency would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Geology and Soils

Impact GEO-2

Following project implementation, future structures, roadways, and occupants could be located in areas that would be exposed to seismic events, including ground shaking, liquefaction, and landslides, creating the risk for damage or injury. Compliance with the CBC, the City's Municipal Code, and mitigation measure GEO-1 would minimize ground shaking, liquefaction, and landslide hazards. Impacts would be less than significant with mitigation.

MITIGATION MEASURE GEO-1 GEOTECHNICAL INVESTIGATION

Prior to the issuance of improvement plans and building permits, the project applicant shall submit a design-level Geotechnical Investigation to the City of American Canyon for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code (CBC) geologic, soils, and seismic requirements, including abatement of expansive soil conditions. The report shall also determine the final design parameters for walls, foundations, foundation slabs, and surrounding related improvements (e.g., utilities roadways, parking lots, and sidewalks). The measures identified in the approved report shall be incorporated into the project plans and all applicable construction related permits.

Finding

The City finds that with incorporation of mitigation measure GEO-1, which would require a geotechnical investigation and incorporation of its recommendations into the project design, impacts related to seismic events would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated

into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact GEO-3

The project could result in soil erosion or the loss of topsoil. Adherence to permit requirements and mitigation measure HYD-1 would reduce this impact to a less than significant level. Impacts would be less than significant with mitigation.

Mitigation measure HYD-1 would apply.

Finding

The City finds that with incorporation of mitigation measure HYD-1, which would require implementation of a water pollution prevention plan, impacts related to soil erosion would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact GEO-4

The project could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Compliance with CBC requirements would reduce hazards resulting from expansive soils and impacts would be less than significant.

Mitigation measure GEO-1 would apply.

Finding

The City finds that with incorporation of mitigation measure GEO-1, which would require a geotechnical investigation and incorporation of its recommendations into the project design, impacts related to landslide, lateral spreading, subsidence, liquefaction, or collapse would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact GEO-6

Development facilitated by the project has the potential to impact paleontological resources. Impacts would be less than significant with mitigation incorporated.

MITIGATION MEASURE GEO-2 RETENTION OF QUALIFIED PROFESSIONAL PALEONTOLOGIST

Prior to submittal of a discretionary development application, the project applicant shall retain a Qualified Professional Paleontologist, as defined by SVP (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall direct mitigation measures to reduce potential impacts to paleontological resources to a less than significant level. The City shall review and approve the Qualified Professional Paleontologist's findings and recommendation. All recommendations shall be incorporated into the project plans prior to issuance of a grading permit.

Finding

The City finds that with incorporation of mitigation measure GEO-2, which would require the retention of a qualified professional paleontologist and implementation of recommendations of the paleontologist, impacts to paleontological resources would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Greenhouse Gas Emissions

Impact GHG-1

The project would be consistent with BAAQMD thresholds after implementation of mitigation measures GHG-1 through GHG-5. This impact would be less than significant with mitigation.

MITIGATION MEASURE GHG-1 CONSTRUCTION BMPS

Prior to the issuance of any grading permits, the project applicant shall provide the City of American Canyon with documentation (e.g., site plans) demonstrating project construction will include the following construction Best Management Practices (BMPs):

- At least 15 percent of the construction fleet for each project phase shall be alternatively fueled or electric.
- At least 10 percent of building materials used for project construction shall be sourced from local suppliers.
- At least 65 percent of construction and demolition waste materials shall be recycled or reused.
- At least one contractor that has a business location in American Canyon shall be contracted for project construction.
- All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) using during construction be electrically powered.
- Architectural coatings used for project construction shall be “Low-VOC,” containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product.
- Project construction shall prohibit the use of generators and shall establish grid power connection to electrical equipment needs.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- 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.
- The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The BAAQMD’s phone number shall also be identified and visible to ensure compliance with applicable regulations.

MITIGATION MEASURE GHG-2 ELECTRIC VEHICLE CHARGING STATIONS

Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2.

Prior to the issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that each loading dock is outfitted with at least one 240-volt outlet to accommodate truck and Transport Refrigeration Unit (TRU) charging and/or electrical power connection while trucks are loading and unloading goods.

In addition, the City shall require the following:

- At least 25 percent of heavy-duty vehicles entering or operated on the industrial sites shall be zero emission by 2030.
- All on-site equipment such as forklifts and yard trucks shall be electric with the necessary electrical charging stations provided.
- Industrial and commercial tenants shall use zero emission light- and medium-duty vehicles as part of business operations.

MITIGATION MEASURE GHG-3 ALL ELECTRIC BUILDINGS

Prior to the issuance of any building permits, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating the project is designed without the use of any natural gas-fueled appliances or natural gas plumbing.

MITIGATION MEASURE GHG-4 TIER 2 ADVANCED ENERGY EFFICIENCY REQUIREMENTS

Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed buildings are designed and will be built to, at a minimum, the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards Code, Division A5.2, Energy Efficiency, as outlined under Section A5.203.1.2.2.

MITIGATION MEASURE GHG-5 CARBON-FREE ELECTRICITY SOURCES

Prior to the issuance of any building permit for the project, the project applicant shall provide the City with documentation (e.g., site plans) demonstrating to the City's satisfaction that electricity demand will be supplied with 100 percent carbon-free electricity sources through the year 2045 with on-site photovoltaic solar.

Finding

The City finds that with incorporation of mitigation measure GHG-1 – GHG-5, which would require implementation of construction BMPs, incorporation of electric vehicle charging stations on development sites, all electric buildings, the satisfaction of Tier 2 advanced energy efficiency requirements, and documentation of carbon free electricity sources to be used for new development, impacts related to greenhouse gas emissions would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have

been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Hazards and Hazardous Materials

Impact HAZ-1

Development facilitated by the project could involve the use, storage, disposal, or transportation of hazardous materials. Upset or accident conditions in the project site could involve the release of hazardous materials into the environment. However, implementation of mitigation measure HAZ-1 would ensure that impacts would be less than significant.

MITIGATION MEASURE HAZ-1 PROPERTY ASSESSMENT – PHASE I AND II ENVIRONMENTAL SITE ASSESSMENTS

Prior to submittal of a discretionary development application or engineering plans for the Newell Drive Extension, the project applicant shall retain a qualified environmental professional, as defined by ASTM E-1527 to prepare a project area Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site that will be affected.

After the site-specific Phase I ESA has been completed, the determination of specific areas that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated by the project applicant. The Phase II ESA shall be completed prior to construction and shall be based on the results of the Phase I ESA. Specifically, if the Phase I ESA identifies recognized environmental conditions or potential concern areas, the project applicant shall retain a qualified environmental consultant, California Professional Geologist or California Professional Engineer, to prepare a Phase II ESA of the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels for commercial/industrial land uses.

As part of the Phase II ESA, the qualified environmental consultant shall screen the analytical results against the San Francisco Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels for direct exposure of a construction worker under various depth and land use scenarios.

If the Phase II ESA for the development site indicates that contaminants are detected in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan for Impacted Soils prior to project construction.

If the Phase II ESA for the contaminant site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (CCR Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation at the project prior to onsite construction. The City shall review and approve the Phase I ESA and Phase II ESA prior to construction (i.e., demolition and grading).

Finding

The City finds that with incorporation of mitigation measure HAZ-1, which would require Phase I and Phase II Environmental Site Assessments, impacts related to the use, storage, disposal, or

transportation of hazardous materials would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact HAZ-3

Development facilitated by the project would not be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. However, impacts could occur from unknown hazardous materials. Compliance with mitigation measure HAZ-1 would minimize impacts from development on previously unknown contaminated sites and impacts would be less than significant after mitigation.

Mitigation measure HAZ-1 would apply.

Finding

The City finds that with incorporation of mitigation measure HAZ-1, which would require Phase I and Phase II Environmental Site Assessments, impacts related to unknown hazardous materials would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Hydrology and Water Quality

Impact HWQ-1

The project would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Individual projects would be required to comply with BMPs in accordance with State and local regulations and permit requirements, as well as mitigation measures HYD-1 and HYD-2. Impacts would be less than significant with mitigation.

MITIGATION MEASURE HYD-1 WATER POLLUTION PREVENTION PLAN

Prior to issuance of grading permits for the project, the applicant shall submit to the City of American Canyon for review and approval a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources (e.g., runoff), 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 (RWQCB) permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site Best Management Practices (BMPs) (e.g., silt fencing, street sweeping, routine inspection, etc.) 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 are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association (CASQA) Stormwater Best Management Handbook–Construction or the California Department of Transportation (Caltrans) Stormwater Quality

Handbook Construction Site BMPs Manual. The SWPPP shall be implemented during construction to the satisfaction of the City.

MITIGATION MEASURE HYD-2 STORMWATER CONTROL PLAN

Prior to the issuance of building permits, the project applicant shall submit a Stormwater Control Plan to the City of American Canyon for review and approval. The plan shall be developed using the California Stormwater Quality Association (CASQA) "New Development and Redevelopment Handbook" and include the applicable provisions of Section C.3 of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008 (or more recent permit). The Stormwater Control Plan shall identify pollution prevention measures and Best Management Practices (BMPs) to control stormwater pollution from operational activities and facilities and provide maintenance in perpetuity. The Stormwater Control Plan shall include Low Impact Development (LID) design concepts, as well as concepts that accomplish a "first flush" objective that would remove contaminants from the first 2 inches of stormwater before it enters area waterways. The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City, identifying procedures to ensure stormwater quality control measures work properly during operations.

Finding

The City finds that with incorporation of mitigation measure HYD-1 and HYD-2, which would require implementation of water pollution and stormwater control plans, impacts related to water quality standards or waste discharge requirements would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact HWQ-3

The project could alter drainage patterns but would not result in substantial erosion or siltation after compliance with existing regulations and implementation of mitigation measures HYD-1 and HYD-2. Impacts would be less than significant with mitigation.

Mitigation measures HYD-1 and HYD-2 would apply.

Finding

The City finds that with incorporation of mitigation measure HYD-1 and HYD-2, which would require implementation of water pollution and stormwater control plans, impacts to drainage patterns, erosion or siltation would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Land Use and Planning

Impact LU-2

The project would not result in a significant environmental impact due to a conflict with a plan adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

Mitigation measures AES1, AES-2, AQ-1 – AQ-3, BIO-1 – BIO-7, CUL-1 – CUL-5, GEO-1 and GEO-2, GHG-1 – GH-5, HAZ-1, HYD-1 and HYD-2, PSR-1, and NOI-1 – NOI-3 would apply.

Finding

The City finds that with incorporation of the aforementioned mitigation measures impacts related to conflicts with adopted plans would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Noise

Impact NOI-1

Project construction would result in a temporary increase in ambient noise. Implementation of mitigation measures NOI-1 and NOI-2 would reduce construction noise levels. Therefore, impacts generated by temporary construction noise would be less than significant with mitigation.

MITIGATION MEASURE NOI-1 CONSTRUCTION NOISE REDUCTION MEASUREMENTS

The following measures shall be implemented where future development construction sites are located within 150 feet of a sensitive receiver:

1. Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.
2. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
3. Shielding and Silencing. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.
4. Construction Staging Areas. Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.
5. Smart Back-Up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction and in accordance with all applicable safety laws.
6. Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
7. Workers' Radios. All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.
8. Noise Complaint Response. Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise.

This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager to respond to callers and email messages. The on-site construction project manager shall be required to track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the City of each complaint occurrence.

9. Temporary Noise Barriers. For non-pile driving construction activity within 150 feet of residences, erect temporary noise barriers at the edge of the construction site closest to residences. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier and a height of at least 12 feet. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher.

Plans indicating compliance with these noise reduction measures shall be provided to the City for review and concurrence prior to project approval.

MITIGATION MEASURE NOI-2 CONSTRUCTION NOISE REDUCTION MEASURES DURING PILE DRIVING

The following measures shall be implemented during pile driving:

1. Alternative Pile Methods. For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used instead of impact pile driving, where feasible.
2. Scheduling. Pile driving will be scheduled to have the least impact on nearby sensitive receivers.
3. Shrouding. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler.

Plans indicating compliance with these pile driving measures shall be provided to the City for review and concurrence prior to project approval.

Finding

The City finds that with incorporation of mitigation measures NOI-1 and NOI-2, which require construction noise reduction measures, aforementioned mitigation measures impacts related to construction noise would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact NOI-2

Development facilitated by the project could include mechanical equipment (i.e., HVAC) and on-site activities would be required to comply with applicable noise standards in the American Canyon Municipal Code but may still exceed noise thresholds for off-site sensitive receivers. Therefore, operational stationary source impacts would be less than significant with mitigation. Furthermore, while development would generate an increase in traffic noise, the increase would not be significant. Therefore, permanent traffic noise increases due to project operation would be less than significant.

MITIGATION MEASURE NOI-3 OPERATIONAL STATIONARY SOURCE NOISE CONTROL ANALYSIS AND MEASURES

Prior to the issuance of a building permit for projects adjacent to the property lines of noise-sensitive uses that could exceed noise standards from the American Canyon Municipal Code or General Plan, a noise analysis shall be conducted to assess and mitigate potential noise and impacts related to the operations of the project. The noise analysis shall be conducted by a qualified and experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents. Measures to reduce operational stationary sources to acceptable levels include, but are not limited to, operational hour restrictions, equipment optimization, shielding, mufflers, acoustical louvers, sound blankets, and sound walls. The noise analysis and recommended measures to implement shall be provided to the City for review and concurrence prior to project approval.

Finding

The City finds that with incorporation of mitigation measures NOI-3, which requires a noise analysis and measures to be implemented that control operational stationary noise, impacts related to operational noise would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Public Services and Recreation

Impact PSR-1

The project could result in the need for additional fire facilities; however, mitigation measure PSR-1 would require measures to maintain adequate fire service. Impacts would be less than significant with mitigation.

MITIGATION MEASURE PSR-1 FIRE FACILITIES COORDINATION

The City shall forward development applications within the project area to the American Canyon Fire Protection District (ACFPD). If the ACFPD determines that Fire Service Mitigation fee program(s) must be updated to fund Fire Service Facilities to serve the site, the City shall cooperate with the ACFPD to update Fire Service Mitigation fee(s) in accordance with its relationship to the ACFPD as a subsidiary special district of the City.

Finding

The City finds that with incorporation of mitigation measures PSR-1, which requires measures to maintain adequate fire services, impacts related to fire facilities would be mitigated to a less than

significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Tribal Cultural Resources

Impact TCR-1

The project could adversely impact Tribal Cultural Resources. Impacts would be less than significant through consultation conducted pursuant to AB 52 and implementation of mitigation.

Mitigation measures CUL-2 – CUL-5 would apply.

Finding

The City finds that with incorporation of mitigation measures CUL-2 – CUL-5 which describe the procedure to be followed in the event that there is an unanticipated discovery of human remains, require tribal cultural monitoring during project-related ground disturbance, require an archeological resources assessment and the evaluation and characterization of any unanticipated discoveries, impacts related to tribal cultural resources would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

Wildfire

Impact WF-2

The project could expose employees and structures to wildfire risk; however, wildfire risks would be reduced with mitigation and impacts would be less than significant with mitigation.

MITIGATION MEASURE WF-1 WILDFIRE RISK REDUCTION DURING CONSTRUCTION

Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit documentation that they will implement the following measures to reduce risk of loss, injury, or death from wildfire during construction:

1. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance.
2. Certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location shall be prohibited. Example activities that shall be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.
3. Fire extinguishers shall be required to be onsite during construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.

MITIGATION MEASURE WF-2 FIRE SUPPRESSION REQUIREMENTS

Prior to issuance of improvement plans, the applicant shall submit plans that demonstrate all fire hydrants on the project site satisfy the Fire District's minimum fire flow requirements.

MITIGATION MEASURE WF-3 CALIFORNIA BUILDING CODE CHAPTER 7A COMPLIANCE

Prior to issuance of a building permit, the applicant shall submit plans that demonstrate compliance with Chapter 7A of the California Building Code.

MITIGATION MEASURE WF-4 FIRE RESISTANT VEGETATION AND LANDSCAPING

Prior to issuance of a building permit, the applicant shall submit landscape plans prepared by a registered Landscape Architect that are consistent with applicable Building and Fire Codes at the time the building permit is issued.

Finding

The City finds that with incorporation of mitigation measures WF-1 – WF-4, which require implementation of measures to reduce wildfire risk during construction, compliance with the Fire District's minimum flow requirements for fire hydrants, compliance with the CBC Chapter 7A, and landscaping with fire resistant vegetation, impacts related to wildfire risks would be mitigated to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

4.1 Cumulative Impacts

This EIR uses a hybrid approach, consisting of a combination of the list-based and projection-based plan-based) approaches, to best identify cumulative impacts. Each approach is summarized below.

The projection approach discloses regional cumulative impacts related to air quality, energy, GHG emissions, population and housing, public services and recreation, transportation, and utilities and service systems. To consider the potential cumulative impacts that are a result of overall growth, the cumulative analysis uses projections for the City of American Canyon. These projections are based on the City's Transportation Impact Fee, which identifies that in 2040, approximately 3,379 residences and 10.2 million square feet of non-residential space would be added to the City of American Canyon.

For the list approach, the project and specific cumulative projects in or adjacent to the project were examined for the potential to result in cumulatively significant localized impacts. The cumulative analysis uses this approach to identify localized impacts related to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, tribal cultural resources, and wildfire.

The proposed project would have a less than significant cumulative impact, or a less than significant cumulative impact after mitigation with respect to all environmental issues.

Technical Memorandum

July 8, 2023

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

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

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

1. Proposed Circulation with Newell Drive Extension

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

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

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

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

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

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

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

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

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

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

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

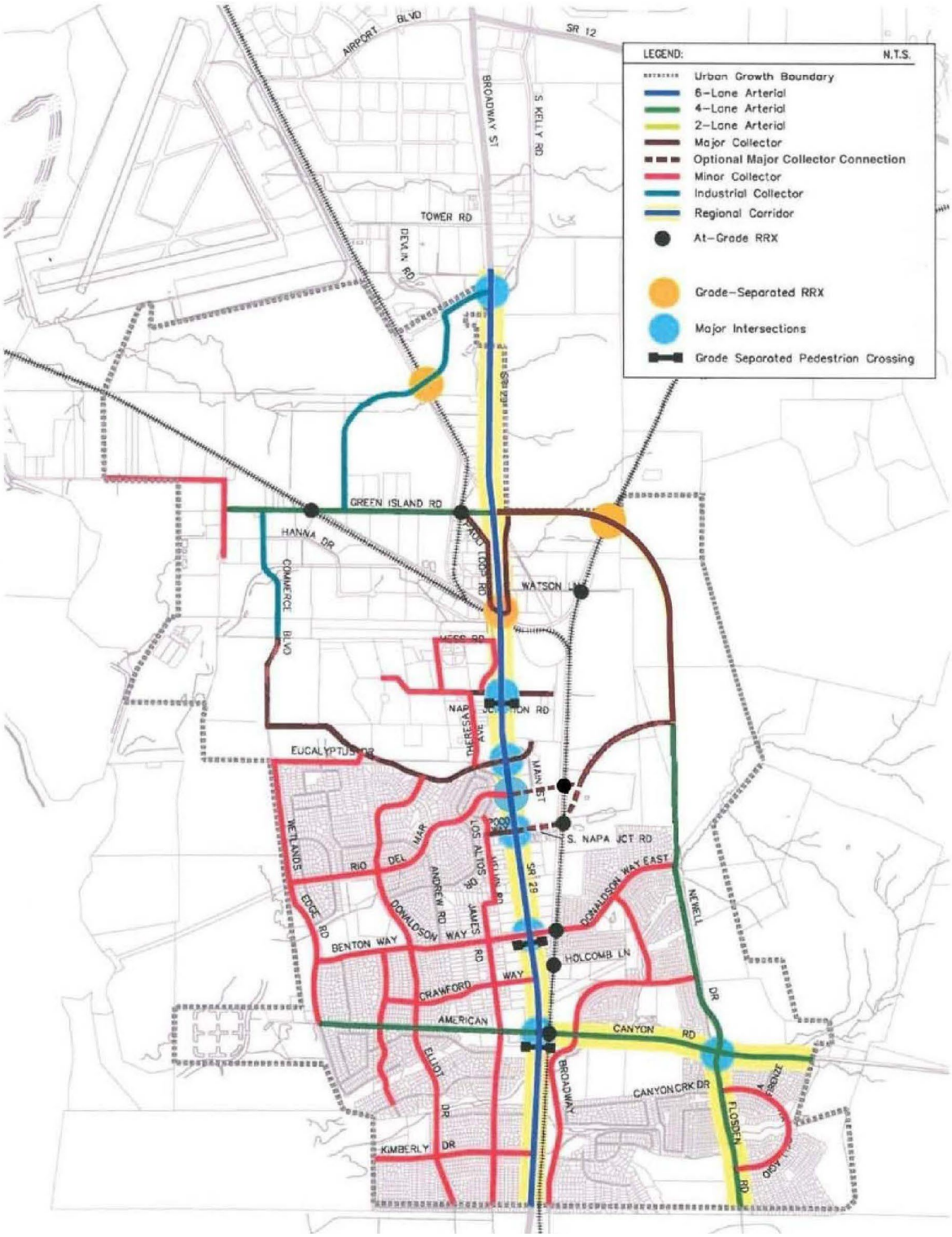


Figure 2. Citywide Circulation Plan: Draft 2040 General Plan Mobility Element

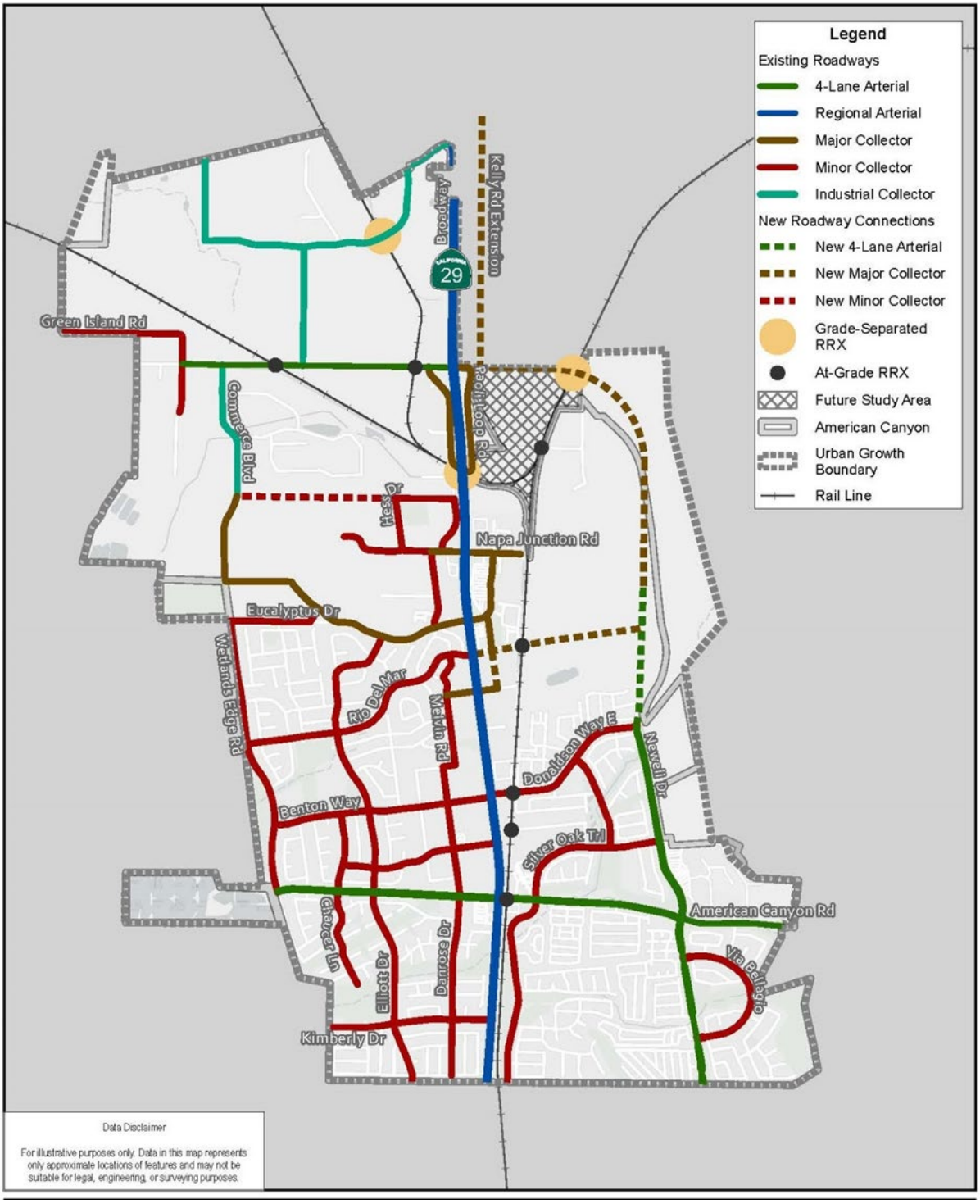


Figure 3. Newell Drive Extension & Proposed Kelly Road Connection

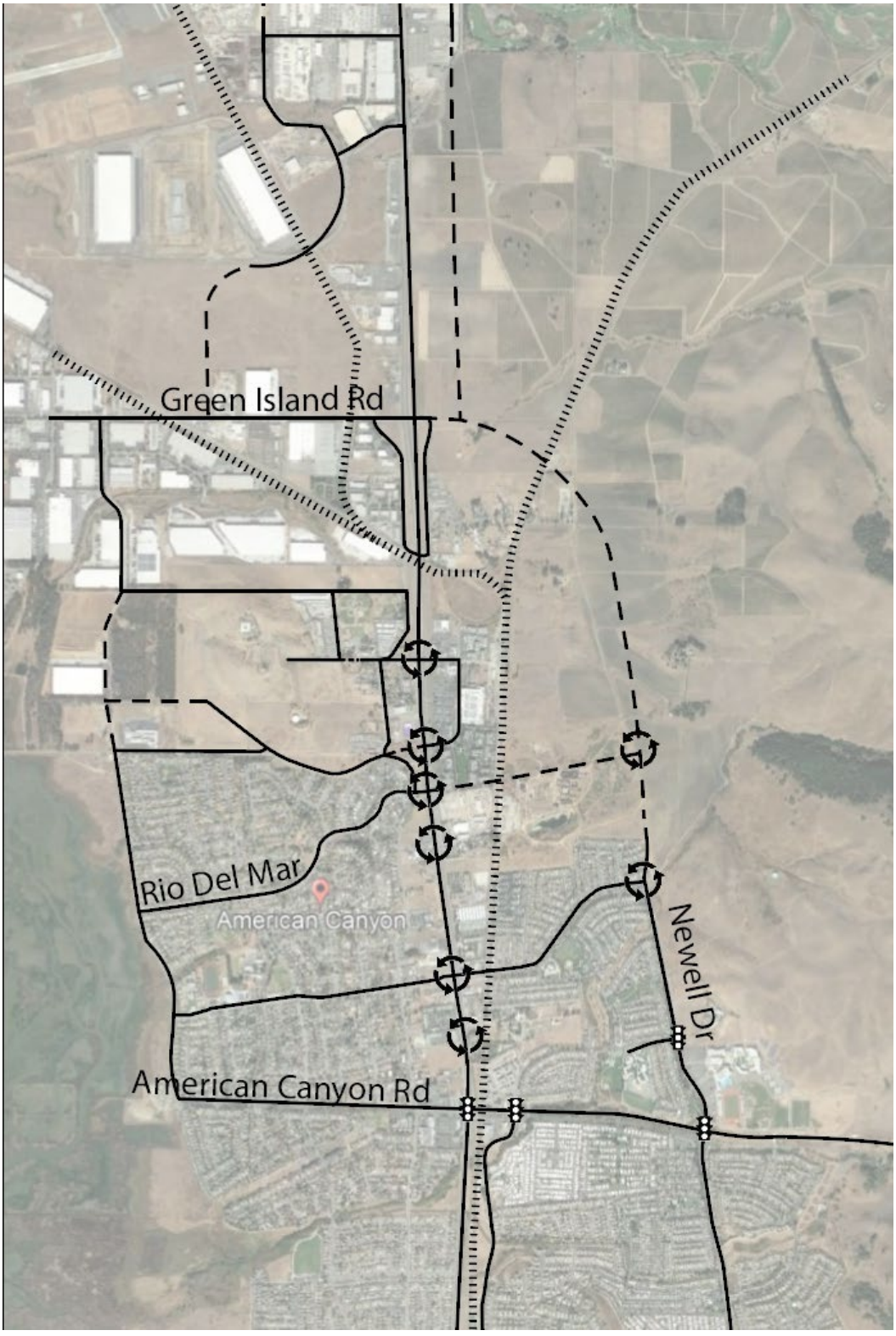


Figure 4. Planned Street Cross-section for 2-lane Major Collector: Newell Drive Extension (north of Rio Del Mar)

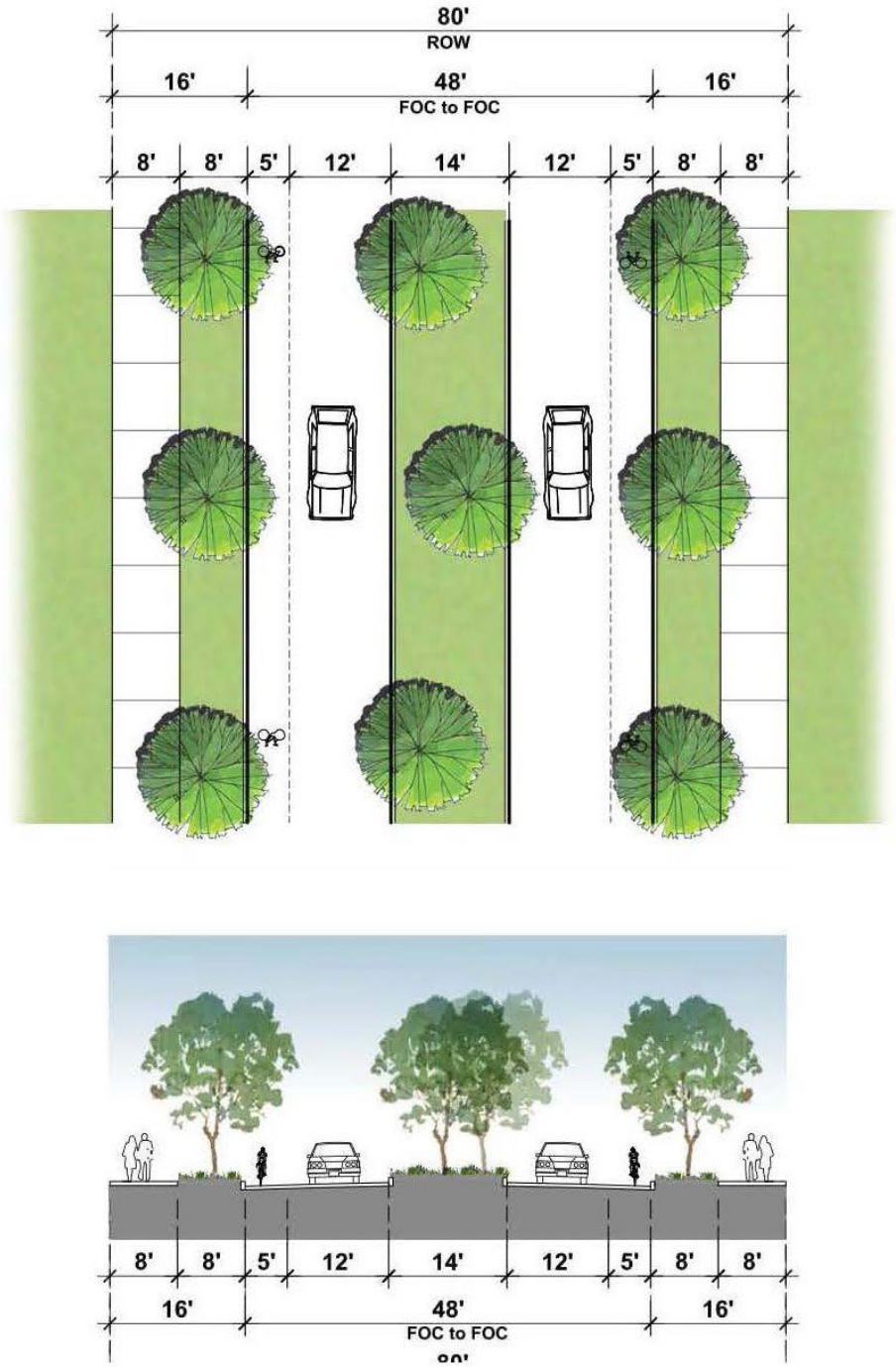
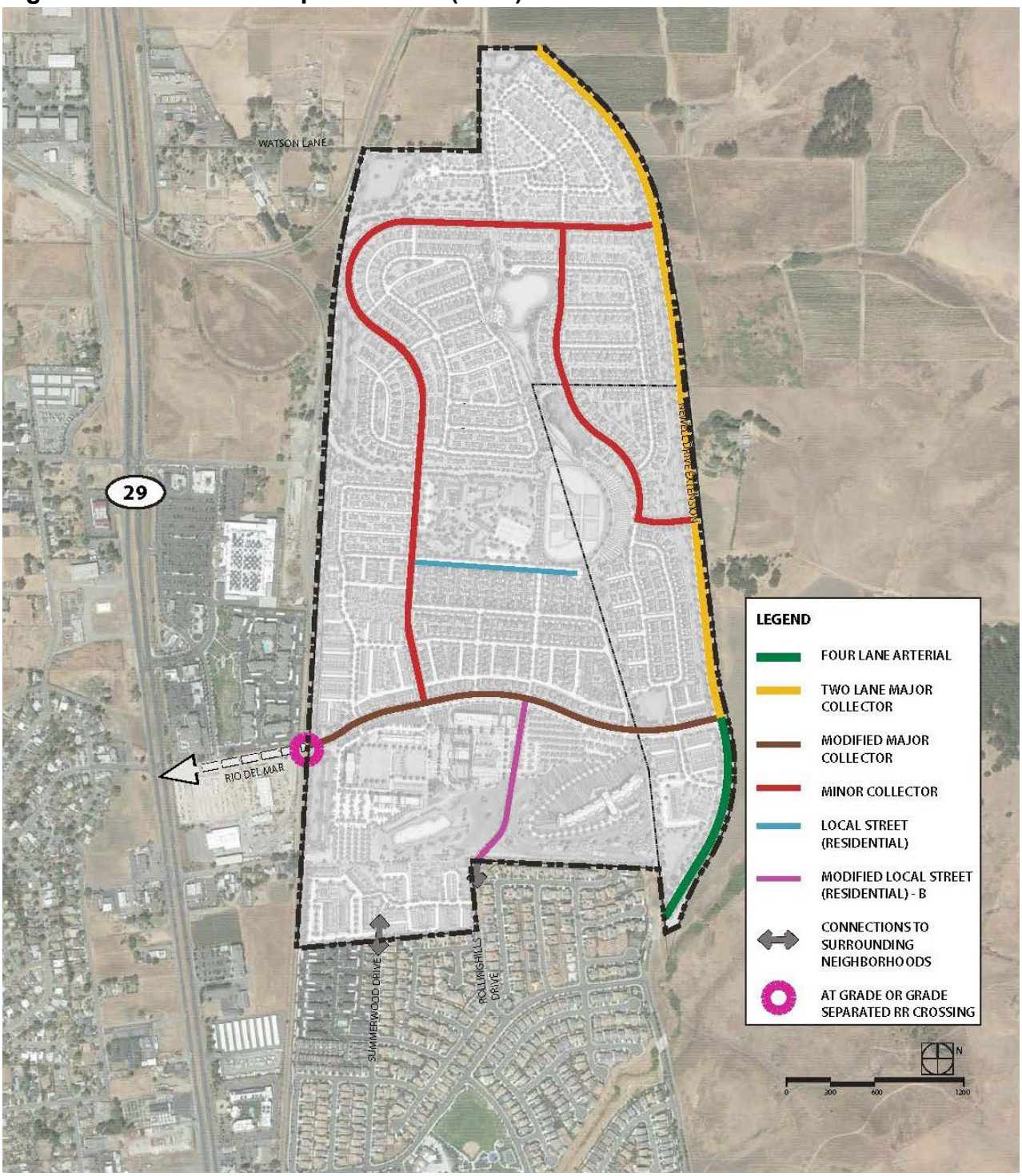


Figure 5. Watson Lane Specific Plan (2018): Circulation Plan



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

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



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

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



Imagery provided by Microsoft Bing and its licensors © 2022.
Additional data provided by County of Napa, 2022.

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

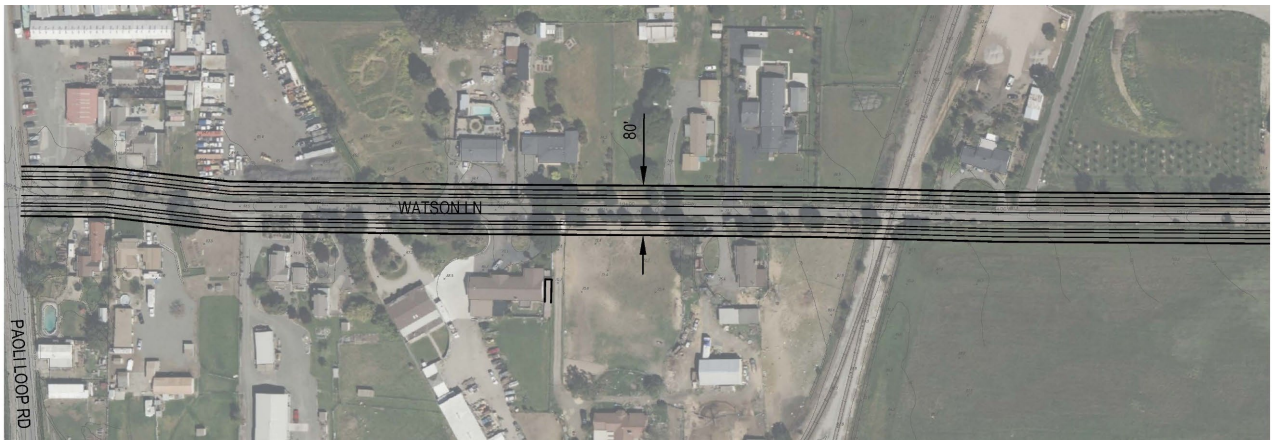
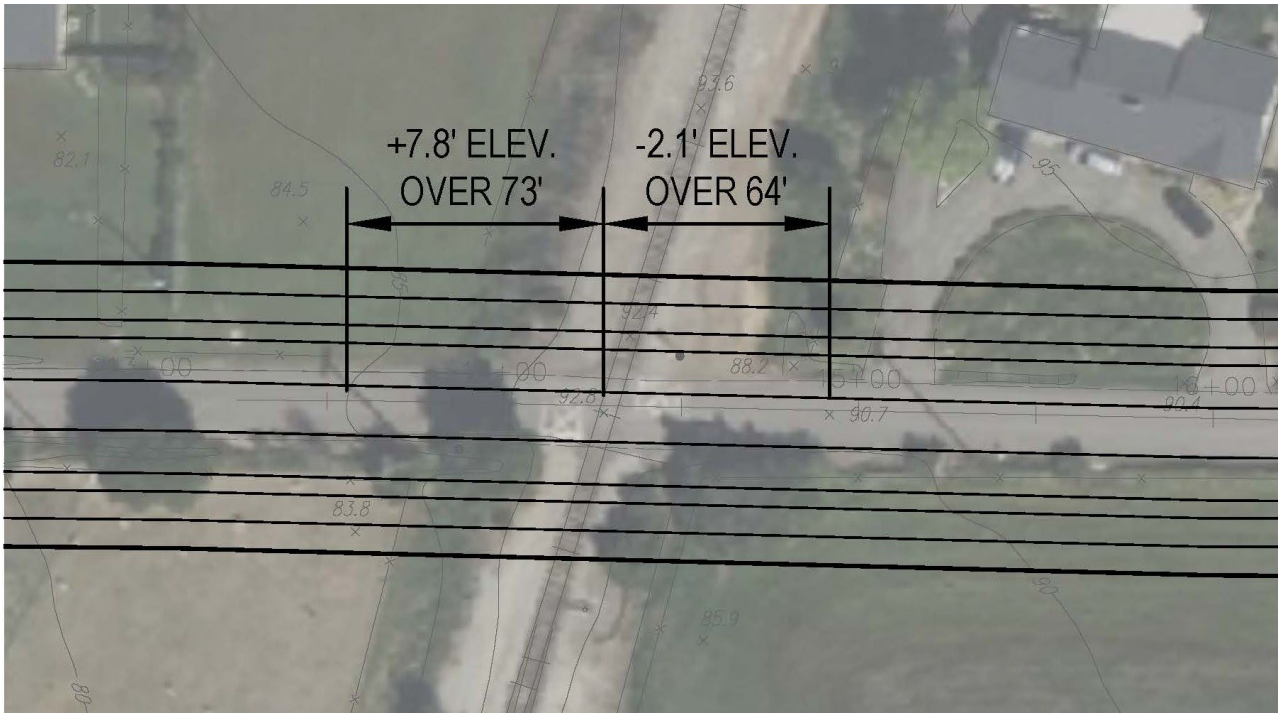


Figure 9. Watson Lane Reconfiguration (Alternative 4); Existing Elevation Change at Railroad Tracks



3. Constraints & Benefits

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

Key Benefits

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

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

Key Constraints

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

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

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

Summary & Recommendation(s)

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

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

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

PC RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AMERICAN CANYON, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVE A GENERAL PLAN AMENDMENT FOR THE PAOLI/WATSON LANE ANNEXATION PROJECT FOR LAND CURRENTLY DESIGNATED AGRICULTURE TO INDUSTRIAL AND RESIDENTIAL ESTATE, APPROXIMATELY 83 ACRES, LOCATED WITHIN THE CITY OF AMERICAN CANYON SPHERE OF INFLUENCE (SOI) IN UNINCORPORATED NAPA COUNTY ("COUNTY"), EAST OF SR-29 AND PAOLI LOOP ROAD

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, on September 5, 2017, the City Council directed staff to prepare a Napa County Local Agency Formation Commission (LAFCO) annexation application for the Paoli Loop/Watson Lane Sphere of Influence (SOI) ("Paoli/Watson Lane Annexation Project"); and

WHEREAS, the Paoli/Watson Lane area (hereafter the "Affected Territory") is comprised of approximately 86.9 acres currently in the unincorporated County of Napa ("County"), located East of SR- 29 and Paoli Loop Road and is comprised of the following APNs and parcels:

a. 059-020-036
b. 057-120-014
c. 057-120-015
d. 057-120-017
e. 057-120-028
f. 057-120-034
g. 057-120-036
h. 057-120-041
i. 057-120-045
j. 057-120-047
k. 057-120-048
l. 057-120-049
m. 057-120-050
n. 057-120-051
o. 057-180-014
p. 057-180-015
q. A portion of the Union Pacific Railroad right-of-way running approximately northeast by southwest at the eastern boundary of the Affected Territory; and

WHEREAS, the City currently provides several municipal services to the Affected Territory, including water, recycled water, and sewer services; and

WHEREAS, the Affected Territory is within the American Canyon Fire Protection District, which provides the Affected Territory with fire and emergency response services; and

WHEREAS, all the properties in the Affected Area must be included in the Affected Area property annexation to avoid creating an "Island" of unincorporated territory; and

WHEREAS the objectives of the Paoli/Watson Annexation Project are to:

1. Promote economic growth in American Canyon by attracting new industries;
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development;
3. Create new employment opportunities for residents of Napa County and the surrounding region;
4. Extend Newell Drive, which would augment north-south travel parallel to SR 29;
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities;
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use;
7. Preserve the most biologically sensitive portions of the project site as open space;
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the proposed project while also ensuring these facilities operate at acceptable levels;
9. Promote public safety by incorporating security measures into the project design; and
10. Mitigate impacts on the environment through implementation of feasible mitigation measures; and

WHEREAS, on December 3, 2018 the Napa County Local Agency Formation Commission ("LAFCO") confirmed the SOI which includes the Affected Area; and

WHEREAS, a Pre-Annexation Agreement by and between the City of American Canyon ("City") and Cecil A. Paoli, an individual ("Paoli Pre-Annexation Agreement") was executed by Mr. Paoli on February 19, 2019 and approved by the City Council on March 19, 2019 (by City Resolution 2019-22); and

WHEREAS, the Paoli Pre-Annexation Agreement was intended to serve as the basis for formulating land use planning designations and necessary entitlement, transaction, and environmental documents for real property thought to be owned by Mr. Paoli in unincorporated County of Napa ("County") that was intended to be annexed to the City; and

WHEREAS, on June 18, 2019, the City Council approved a First Amended Pre-Annexation Agreement for the Cecil Augusto Paoli Revocable Family Trust property as a portion of the Paoli Loop/Watson Lane Area Annexation affected area (by City Resolution 2019-44); and

WHEREAS, the Paoli Watson Annexation Project includes an amendment to the General Plan to designate land currently designated Agriculture to Industrial and Residential Estate; and

WHEREAS, the proposed General Plan Land Use Element amendment is the third of four permissible Calendar Year 2023 amendments in accordance with California Government Code Section 65358; and

WHEREAS, accordingly, an Environmental Impact Report (EIR) for the Project evaluates the Paoli/Watson Annexation Project at a program level of analysis (SCH #2022090097) and includes required mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on October 26, 2023 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 Paoli/Watson Annexation Project General Plan Amendment to redesignated Agriculture land use to Industrial and Residential Estate based on the findings and depicted on Exhibit A and attached hereto.

SECTION 1. Find, based on the following evidence and as required by State Law on General Plan Amendments:

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

   Redesignating properties from land currently designated Agriculture to Industrial and Residential Estate will achieve the project objectives listed in the Resolution recitals which address issues of public interest. Specifically, the General Plan Amendment will facilitate greater economic development and jobs/housing balance as well as facilitating circulation improvements, which are intended objectives in the American Canyon General Plan.

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

   Consistency with the General Plan is based upon reviewing the General Plan as a whole. Listed below is a consistency analysis from the most relevant General Plan policies and the Napa County Airport Land Use Compatibility Plan (ALUCP).

   Land Use and Community Design Element

   Objective 1.1. Accommodate the development of a balance of land uses that (a) provide for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of residents, (b) capture visitor and tourist activity, (c) provide employment opportunities for residents of the greater subregion; and (d) provide open space and aesthetic relief from developed urban/suburban areas.

   Consistent. The project would allow multiple land uses in the project site including commercial, industrial, and residential. The project's industrial and commercial areas will provide employment opportunities for the City and surrounding region.

   Objective 1.2: Promote a rate of growth that is consistent with the ability of the City to provide adequate infrastructure and services and does not adversely impact the distinctive quality of life in American Canyon.

   Consistent. As described in the Draft EIR Section 4.14, Public Services and Recreation and Section 4.17, Utilities and Service Systems, there would be sufficient infrastructure for the project.

Objective 1.3: Ensure that land use development is coordinated with the ability to provide adequate public infrastructure (transportation facilities, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, and storm drainage) and public services (governmental, administrative, capital improvements, police, fire, recreational, cultural, etc.).

Consistent. As described in the Draft EIR Section 4.14, *Public Services and Recreation* and Section 4.17, *Utilities and Service Systems*, there would be sufficient infrastructure for the project.

Utilities Element

Goal 5A. It shall be the goal of American Canyon to establish and maintain a secure water supply and treatment, distribution, and storage system to serve the land uses proposed under the general plan.

Consistent. The project is required to implement the Zero Water Footprint policy, which would result in a no net increase in potable water use in the City's water distribution system.

Objective 5.10. Ensure that adequate storm drain and flood control facilities are provided and properly maintained to protect life and property from flood hazards.

Consistent. Mitigation Measure HYD-2 requires the project to implement measures to minimize storm drainage impacts.

Objective 5.14. Provide a system of wastewater collection and treatment facilities which will adequately convey and treat wastewater generated by existing and future development in the City's service area.

Consistent. The City's wastewater treatment facilities have adequate capacity for the incremental increase in demand resulting from this project.

Goal 5F. To provide for the collection and disposal of solid waste while maximizing source reduction, recycling and composting, within economic constraints.

Consistent. Future development at the project site would be required to comply with existing regulations related to reducing and recycling solid waste.

Public Services and Facilities Element

Objective 6.1. Provide adequate educational facilities and programs that meet the needs of American Canyon's residents by coordination development activities with the Napa Valley Unified School District.

Consistent. The project would pay State-mandated school impact fees, which would ensure there are adequate educational facilities to meet the additional demand from the project.

Goal 6A. Maintain a high level of fire protection and emergency services to City/district businesses and residences.

Consistent. Implementation of Mitigation Measure PSR-1 would ensure that adequate measures are implemented to ensure adequate emergency services. In accordance with standard practices,

American Canyon Fire Protection District would review project plans, for any future projects at the project site before permits are issued to ensure compliance with all applicable fire and building code standards and ensure adequate emergency access is provided to the site.

Goal 6B. Ensure a high level of police protection for the City's residents, businesses, and visitors.

Consistent. The Police Department will have the opportunity to review and comment on security measures during the plan check review process for future development on the project site and the project would be expected to generate minimal calls for service.

Goal 6C. Ensure the enhanced provision of library services for the City's residents and businesses.

Consistent. The project would pay Civic Facilities Fees, a portion of which would provide funding to ensure there are adequate library resources to meet the project's demand.

Natural and Historic & Cultural Resources Element

Goal 8. Protect and preserve the significant habitats, plants and wildlife that exist in the City and its Planning Area.

Consistent. Implementation of Mitigation Measures BIO-1 through BIO-7 would ensure the project preserves habitat, plants, and wildlife.

Goal 8A. Maintain the quality of surface and subsurface water resources within the City of American Canyon and its Planning Area.

Consistent. Future development on the project site would adhere to existing regulations that would protect the quality of surface and subsurface water resources.

Goal 8B. Promote the preservation of American Canyon's soil resources by protecting areas that are suitable for agricultural uses or buffer zones.

Consistent. As described in the Draft EIR Section 4.2, Agriculture and Forestry Resources, the project would result in no impacts to agricultural resources.

Goal 8C. Maintain proper management of designated mineral extraction areas to meet the needs of the City while ensuring adequate reclamation of those sites.

Consistent. As described in the Draft EIR Section 4.19, Effects Found Not to be Significant, project implementation would not affect mineral resources.

Goal 8D. Maintain the natural visual character of the City.

Consistent. As described in the Draft EIR Section 4.1, Aesthetics, the project would not significantly affect scenic resources within the City and would be consistent with the policies identified under Goal 8D.

Objective 8.19. Ensure that the City's historically and archaeologically significant resources are protected in a manner that preserves and/or enhances the resources' inherent historic value.

Consistent (Historical Resources). There are several historic- aged buildings or structures located within and immediately adjacent to the project site; however, it is not currently known whether any of these buildings or structures are historical resources. Mitigation Measure CUL-1 requires a historical resources evaluation if historical-age features are present where development would occur and include measures to be followed if a historical resource is found. As such, with

implementation of this mitigation, historical resources would be protected in a manner that preserves and/or enhances the resources' inherent historic value.

Consistent (Archaeological Resources). As described in the Draft EIR Section 4.5, Cultural Resources, implementation of Mitigation Measures CUL-2 and CUL-3 would ensure that archaeological resources are protected.

Goal 8F. Reduce consumption of nonrenewable energy sources and support the development and utilization of new energy sources.

Consistent. Future development on the project site would be required to comply with the latest Title 24 Green Building Code and Building Efficiency Energy Standards, including installing energy-efficient LED lighting, water-efficient faucets and toilets, water efficient landscaping and irrigation, and EV charging stations. Furthermore, the project would be served by Pacific Gas and Electric, which is required to increase its renewable energy procurement in accordance with SB 100 targets. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Geology Element

Goal 9. Reduce the potential level of death, injury, property damage, economic and social dislocation (i.e., business closure and homelessness due to structural damage) and disruption of vital services that could result from earthquake damage.

Consistent. Mandatory compliance with the California Building Code and American Canyon Municipal Code along with Mitigation Measure GEO-1 would reduce impacts related to strong seismic ground shaking from an earthquake.

Goal 9C. Ensure that seismic, geologic, and soils hazards that might affect areas designated for human use or habitation are properly mitigated or avoided entirely prior to development.

Consistent. Development on the project site would incorporate all necessary seismic requirements of the most recent California Building Code along with Mitigation Measure GEO-1 (see Section 4.7, Geology and Soils).

Goal 9C. Ensure that the City's public infrastructure is designed in a manner that reduces the risk of system failure in the event of an earthquake.

Consistent. The Newell Drive Extension would incorporate all necessary seismic requirements of the most recent California Building Code (see Section 4.7, Geology and Soils).

Noise Element

Goal 11. Ensure that American Canyon's existing and future residents, employees and employers, as well as visitors to the City, are protected from the adverse human health and environmental impacts of excessive noise levels created by stationary and ambient (intrusive) noise sources and conditions. Take all necessary and appropriate action to avoid or mitigate the detrimental effects of such excessive noise on the community.

Consistent. Noise impacts from stationary sources would be less than significant and no mitigation would be required. Furthermore, the project would comply with the provisions in the American Canyon Municipal Code, the California Building Code, and the Occupational Safety and Health Act of 1970, which would reduce impacts related to noise.

Objective 11.2. Protect residents, employees, and visitors to the community from excessive noise exposure. If possible, mitigate the adverse impacts of existing or unavoidable excessive noise on these same groups.

Consistent. Noise impacts during construction and operation of the project would be reduced to a less than significant level through the implementation of Mitigation Measures NOI-1, NOI-2, and NOI-3. The project would be consistent with this policy because the project would minimize noise impacts to the extent feasible.

Objective 11.5. Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Consistent. Operational noise impacts would be less than significant after implementation of Mitigation Measure NOI-3. In addition, the project would comply with the American Canyon Municipal Code and would not exceed the maximum interior and exterior noise levels.

Objective 11.7. Minimize the impacts of construction noise on adjacent land uses.

Consistent. Future construction would be required to comply with Mitigation Measure NOI-1, which would minimize the impacts of construction noise on adjacent users. The impact would be less than significant after mitigation and the project would be consistent with this policy because it would minimize noise impacts to the extent feasible.

Objective 11.8. Ensure that buildings are constructed soundly to prevent adverse noise transmission between differing uses or tenants located in the same commercial structure, and individual dwelling units in multi-family residential structures.

Consistent. The project would comply with the provisions in the American Canyon Municipal Code and the California Building Code, which would reduce impacts related to noise. In addition, the project would comply with the American Canyon Municipal Code and would not exceed the maximum interior and exterior noise levels.

Objective 11.11. Ensure that noise impacts of stationary sources are adequately mitigated.

Consistent. As described in the Draft EIR Section 4.12, Noise, impacts from stationary sources would be less than significant and no mitigation would be required.

Napa County Airport Land Use Compatibility Plan (ALUCP). The Napa County Airport is located approximately 1.2 miles northwest of the project site and development within the Napa County Airport's sphere of influence is governed by the ALUCP. Nearly the entire project site would be located within Compatibility Zone D, except for the southern portion of the project site is in Zone E; however, that area contains the Union Pacific Railroad right- of-way, and no development would occur in that area. The Napa County ALUC contains "Supporting Compatibility Policies" related to noise, safety, airspace protection, and overflight (ALUC 1991).

Consistency with the ALUCP regarding noise and maintenance of acceptable noise levels is discussed in Section 4.9, Noise, which finds impacts to be less than significant. Consistency with the ALUCP regarding hazards, including those related to safety, airspace protection, and overflight, is discussed

in Section 4.9, Hazards and Hazardous Materials, which finds impacts to be less than significant. As such, the project would be consistent with the ALUCP and impacts would be less than significant.

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

The proposed Project has been evaluated in an Environmental Impact Report (EIR) (SCH# 2022090097). The EIR evaluated the project consistent with the California Environmental Quality Act and concluded the project will result in no significant impacts to the environment.

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 October, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Crystal Mallare, Chair

ATTEST:

Nicolle Jones, Administrative Technician

APPROVED AS TO FORM:

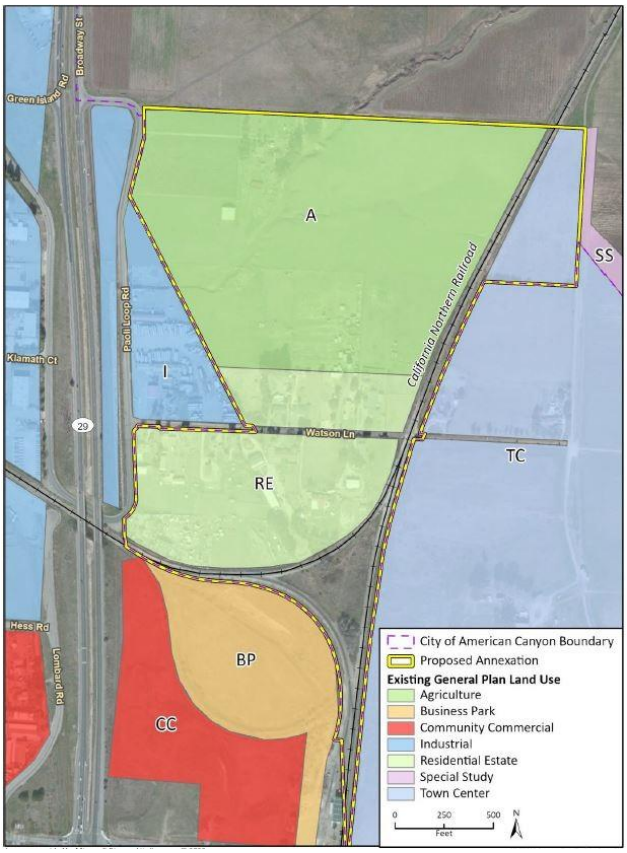
William D. Ross, City Attorney

EXHIBIT A

Amendment to the General Plan Land Use Element Map

EXHIBIT A
Amendment to the General Plan Land Use Element Map

Existing General Plan



Proposed General Plan



RESOLUTION NO. 2023-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 PRE-ZONING FROM AGRICULTURE TO PAOLI LIGHT INDUSTRIAL, PAOLI COMMERCIAL OVERLAY DISTRICT, AND RESIDENTIAL ESTATE FOR THE PAOLI/WATSON LANE ANNEXATION PROJECT, APPROXIMATELY 83 ACRES, LOCATED WITHIN THE CITY OF AMERICAN CANYON SPHERE OF INFLUENCE (SOI) IN UNINCORPORATED NAPA COUNTY ("COUNTY"), EAST OF STATE ROUTE 29 (SR-29) AND PAOLI LOOP ROAD; AND AN APPROXIMATELY 3-ACRE REZONING WITHIN THE CITY OF AMERICAN CANYON EAST OF SR-29 FROM LIGHT INDUSTRIAL TO PAOLI LIGHT INDUSTRIAL WITH A PAOLI COMMERCIAL OVERLAY DISTRICT

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, on September 5, 2017, the City Council directed staff to prepare a Napa County Local Agency Formation Commission (LAFCO) annexation application for the Paoli Loop/Watson Lane Sphere of Influence (SOI) ("Paoli/Watson Lane Annexation Project"); and

WHEREAS, the Paoli/Watson Lane area (hereafter the "Affected Territory") is comprised of approximately 83 acres currently in the unincorporated County of Napa ("County"), located East of State Route (SR)-29 and is comprised of the following APNs and parcels:

a. 059-020-036
b. 057-120-014
c. 057-120-015
d. 057-120-017
e. 057-120-028
f. 057-120-034
g. 057-120-036
h. 057-120-041
i. 057-120-045
j. 057-120-047
k. 057-120-048
l. 057-120-049
m. 057-120-050
n. 057-120-051
o. 057-180-014
p. 057-180-015
q. A portion of the Union Pacific Railroad right-of-way running approximately northeast by southwest at the eastern boundary of the Affected Territory; and

WHEREAS, the City currently provides several municipal services to the Affected Area, including water, recycled water, and sewer services; and

WHEREAS, the Affected Area is within the American Canyon Fire Protection District, which provides the Affected Area with fire and emergency response services; and

WHEREAS, all the properties in the Affected Area must be included in the Affected Area property annexation to avoid creating an "Island" of unincorporated territory; and

WHEREAS the objectives of the Paoli/Watson Annexation Project are to:

1. Promote economic growth in American Canyon by attracting new industries;
2. Promote development that generates net positive tax revenues for the City by generating more in new tax revenues than are consumed by City expenditures on services provided to the development;
3. Create new employment opportunities for residents of Napa County and the surrounding region;
4. Extend Newell Drive, which would augment north-south travel parallel to SR 29;
5. Improve American Canyon's jobs-housing ratio by adding new employment opportunities;
6. Further the goals and policies of the City of American Canyon General Plan by developing land contemplated to support urban development to its highest and best use;
7. Preserve the most biologically sensitive portions of the project site as open space;
8. Install circulation improvements along Paoli Loop and Watson Lane that provide efficient ingress and egress to the proposed project while also ensuring these facilities operate at acceptable levels;
9. Promote public safety by incorporating security measures into the project design; and
10. Mitigate impacts on the environment through implementation of feasible mitigation measures; and

WHEREAS, on December 3, 2018 the Napa County Local Agency Formation Commission ("LAFCO") confirmed the SOI, which includes the Affected Area; and

WHEREAS, a Pre-Annexation Agreement by and between the City of American Canyon ("City") and Cecil A. Paoli, an individual ("Paoli Pre-Annexation Agreement") was executed by Mr. Paoli on February 19, 2019 and approved by the City Council on March 19, 2019 (by City Resolution 2019-22); and

WHEREAS, the Paoli Pre-Annexation Agreement was intended to serve as the basis for formulating land use planning designations and necessary entitlement, transaction, and environmental documents for real property thought to be owned by Mr. Paoli in unincorporated County of Napa ("County") that was intended to be annexed to the City; and

WHEREAS, on June 18, 2019, the City Council approved a First Amended Pre-Annexation Agreement for the Cecil Augusto Paoli Revocable Family Trust property as a portion of the Paoli Loop/Watson Lane Area Annexation affected area (by City Resolution 2019-44); and

WHEREAS, the General Plan was amended within the Paoli Watson Annexation Project to designate land currently designated Agriculture to Industrial and Residential Estate; and

WHEREAS, the Paoli Watson Annexation Project includes Pre-zoning consistent with the General Plan to designate Residential Estate land pre-zoned as such, which would allow residences with a minimum lot size of 1 acre; and

WHEREAS, land designated as Industrial would be pre-zoned as Paoli Light Industrial, which would be a new zoning designation that accommodates existing and new light manufacturing uses, research and development, offices, or similar uses; and

WHEREAS, Industrial land west of the North Slough would be pre-zoned Paoli Commercial Overlay District, which would allow commercial and commercially-related uses that capitalize on vehicle access and visibility; and

WHEREAS, within the City limits adjacent to the annexation area, approximately 3 acres generally located between SR-29 and Paoli Loop Road would be rezoned from Light Industrial to Paoli Light Industrial with a Paoli Commercial Overlay District (APN 057-180-001, 002, 003, 004, and 005); and

WHEREAS, no change is proposed to the existing Town Center pre-zoning for the annexation parcel east of the Union Pacific Railroad (UPRR) (APN 057-120-017); and

WHEREAS, accordingly, an Environmental Impact Report (EIR) evaluates the Paoli/Watson Annexation Project at a program level of analysis (SCH #2022090097) and includes required mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on October 26, 2023 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 Paoli/Watson Annexation Project Pre-Zoning to Residential Estate, Paoli Light Industrial, Paoli Commercial Overlay District, and Railroad Right-of-Way; and Rezoning from Light Industrial to Paoli Light Industrial and Paoli Commercial Overlay District based on the findings and depicted on Exhibit A and Exhibit B and attached hereto.

SECTION 1. Find, based on the following evidence and as required by State Law on General Plan Amendments:

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

   Pre-zoning Residential Estate, Paoli Light Industrial, Paoli Commercial Overlay District, and Railroad Right-of-Way; and Rezoning from Light Industrial to Paoli Light Industrial and Paoli Commercial Overlay District will achieve the project objectives listed in the Resolution recitals which address issues of public interest. Specifically, the Pre-zoning and Rezoning will facilitate greater economic development and jobs/hosing balance as well as facilitating circulation improvements, which are intended objectives in the American Canyon General Plan.

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

   The Pre-zoning and Rezoning is consistent with the purpose of the Zoning Ordinance to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare because the proposed zoning regulations will maintain high quality architecture (ACMC 19.14.100), and environmental performance standards (ACMC 19.14.040).

SECTION 2. CEQA The Paoli/Watson Lane Annexation Project Pre-zoning and Rezoning was evaluated in an Environmental Impact Report (EIR) (SCH# 2022090097). The EIR evaluated the project consistent with the California Environmental Quality Act and concluded the project will result in no significant impacts to the environment.

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 October, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Crystal Mallare, Chair

ATTEST:

Nicolle Jones, Administrative Technician

APPROVED AS TO FORM:

William D. Ross, City Attorney

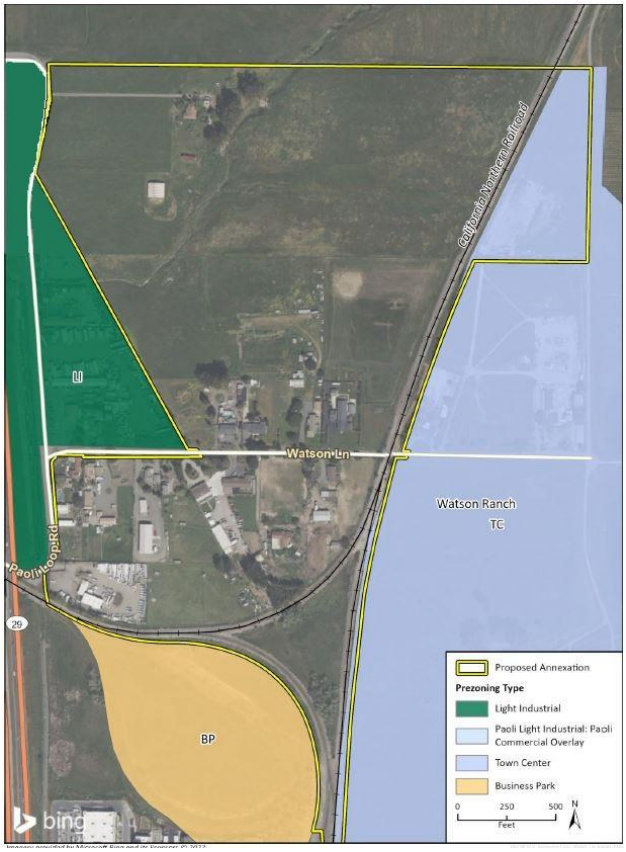
EXHIBITS

A. Pre-zoning and Rezoning Map
B. Pre-zoning and Rezoning District Regulations

EXHIBIT A

Paoli/Watson Annexation Project Pre-Zoning and Rezoning Map

Existing Pre-Zoning and Zoning



Proposed Pre-Zoning and Rezoning



EXHIBIT B

Paoli/Watson Annexation Project Pre-Zoning and Rezoning Regulations

Chapter 19.14 INDUSTRIAL DISTRICTS

19.14.010 Purpose and intent.

The purpose and intent of this chapter is to:

A. Establish reasonable development standards and a broad range of permitted and conditionally permitted uses to guide the orderly development and use of property within the LI (light industrial) district, Paoli Light Industrial (PLI), and the GI (general industrial) district; and

B. To ensure that industrial uses are developed and operated in a manner that does not produce dangerous or objectionable elements or conditions. Unless otherwise specified, the location where the determination shall be made of the existence of any dangerous or objectionable element or condition shall be at the lot, parcel or ownership line of the use. (Ord. 2001-02 § 1, 2001)

19.14.020 Establishment of districts.

This chapter establishes ~~two~~ three zoning districts to allow a broad range of industrial uses within those districts. The following industrial districts are established:

A. LI (light industrial) district and PLI (Paoli Light Industrial) district: to accommodate the continuation of existing and the development of new light manufacturing uses, research and development, offices, and similar uses, including businesses that are ancillary to and support such uses, in locations that generally have high public visibility. Outdoor activities are limited and must be fully screened from off-site view;

B. GI (general industrial) district: to provide areas appropriate for functional industrial activities, including warehousing, manufacturing, food processing, product and equipment assembly, and similar types of uses that may involve both indoor and outdoor activities, and related ancillary uses. (Ord. 2001-02 § 1, 2001)

19.14.030 Applicability.

The provisions of this chapter shall apply to all uses within the industrial districts as shown on the official zoning district map of the city. Development within the industrial districts shall conform ~~with~~ to all applicable development standards, regulations, and performance standards of this title. (Ord. 2001-02 § 1, 2001)

19.14.040 Performance standards.

A. Hazardous Materials. All operations that involve the storage, use or transport of flammable or explosive materials or gases shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire-suppressing equipment and devices, subject to the approval of the American Canyon fire protection district.

B. Noise. Noise generated by any use shall comply with any noise standards adopted by the city.

C. Vibrations. Vibrations associated with on-site operations shall not be discernible off-site, except for those due to operations involved in the construction or demolition of structures or caused by motor vehicles or trains.

D. Airborne Emissions. No airborne emissions shall be produced that are readily detectable off-site without instruments by the average person, or that cause any damage to human health, animals, vegetation or property.

1. Visible emissions shall not exceed the rules and regulations of the Bay Area Air Quality Management District.

2. No emission of odorous gases or other odorous matter shall be produced in such quantities as to be readily detectable off-site by the average person.

E. Electrical Disturbance. No activities shall produce electrical disturbance that affects the operation at any point of any equipment other than that of the creator of such disturbance.

F. Climate. No humidity, heat or cold shall be produced that is perceptible without instruments by the average person off-site.

G. Lights. No bright or flashing lights shall be visible off-site. (Ord. 2001-02 § 1, 2001)

19.14.050 Permitted uses.

Table 19.14.050 of this section sets forth the permitted and conditionally-permitted uses for each industrial district. A "P" designates a permitted use. A "C" indicates a conditionally permitted use subject to approval of a use permit by the planning commission. An "M" indicates a minor use permit is required pursuant to Chapter 19.42. If no letter is found opposite a particular use, it is not permitted in that district.

Table 19.14.050
PERMITTED AND CONDITIONALLY PERMITTED USES[1]
INDUSTRIAL DISTRICTS

Use Classifications	Zoning District			Related Provisions
	PLI	LI	GI	
Residential				
Congregate living facility	-	-	-	
Farm employees housing	-	-	-	
Garden apartments	-	-	-	
Mobilehome	-	-	-	
Mobilehome parks	-	-	-	
Multifamily residential	-	-	-	
Residential care home	-	-	-	
Second residential unit	-	-	-	
Single-family residential				
- Detached	-	-	-	
- Semidetached	-	-	-	
Townhouses	-	-	-	
Commercial				
Adult-entertainment business	-	-	P	
Ambulance services	-	P	P	
Animal retail sales	C	-	-	
- Boarding kennel	C	-	-	
- Grooming	C	-	-	
- Medical care	C	-	-	

- Retail sales	C	-	-	
Bank, savings and loan	-	C	-	GP Policy 1.22.2
- Drive-up service	-	C	-	GP Policy 1.22.2
- Walk-up service	-	C	-	GP Policy 1.22.2
Bookstore	-	P	P	
Building materials and services	-	C	P	GP Policy 1.22.6
Catering	-	P	P	
Commercial printing	P	P	P	
- Limited printing	C	C	C	
Communication services	P	P	P	
Drugstores	-	P	P	
Eating and drinking establishments	-	C	C	
Entertainment, indoor	-	-	-	
- Amusement center	-	-	-	
- Gaming	-	-	-	
Food sales	-	C	C	
Funeral and interment services	-	-	-	
Health services	P	-	-	
Hookah bar	-	-	-	
Laboratory	P	P	P	
Lodging services	-	-	-	
- Bed and breakfast inns	-	-	-	
Long-term care facility	-	-	-	
Maintenance and repair services	-	P	P	GP Policy 1.22.6
Nursery	-	-	-	
Offices, business and professional	P	P	C	GP Policy 1.22.1
On-premises liquor consumption	-	-	-	GP Policy 1.22.2
- Tasting room	C	C	C	
Outdoor sales and displays	-	C	-	
Overnight accommodations, lodging services	-	-	-	
Pawnshops	-	-	-	
- Adjacent to residential district	-	-	-	
Personal improvement services	-	C	C	GP Policy 1.22.2
- Adjacent to residential district	-	C	-	
Personal services	-	-	-	
Professional and medical offices	P	P	P	
Recycling collection center	-	C	C	GP Policy 1.22.2
Restaurant	-	C	C	
- Night use	-	C	-	
Restaurant, take-out	-	C	-	
- Night use	-	C	-	
Retail commercial	-	C	-	
Retail food sales	-	-	-	
- Convenience store	-	-	-	
- Liquor store	-	-	-	
Retail sales	-	C	C	GP Policy 1.22.2
- Limited	-	-	-	
- Visitor-oriented	-	-	-	
Tobacco retailer, large-scale	-	-	-	

Tobacco retailer, small-format	-	-	-	
Vapor bar	-	-	-	
Vehicle/equipment sales and service	-	-	-	
- Automobile rental	-	C	-	GP Policy 1.22.6
- Automobile washing	-	-	C	GP Policy 1.22.6
- Service station	-	-	-	
- Vehicle/equipment repair	-	-	P	GP Policy 1.22.6
- Vehicle/equipment sales, lease and rentals	-	C	C	GP Policy 1.22.6
~~Video rental~~	-	-	-	
Wholesale, commercial	C	C	P	
Industrial				
Hazardous use	-	-	C	
Industry, general	C	-	P	
Industry, limited	P	P	P	
Mineral extraction	-	-	C	GP Policy 8.15.3—8.17.3
Recycling center	-	-	C	
Research and development	P	P	P	
Storage tank(s)	C	C	C	
Vehicle/equipment services				
- Vehicle/equipment repair	-	-	P	
- Vehicle storage	-	-	C	
Wholesaling, distribution and storage				
- Small scale	C	C	P	
- Trucking terminal	C	-	P	
Recreational				
Campground	-	-	-	
Marina	-	-	-	
Recreational facilities, private	-	-	-	
Recreational facilities, public	-	-	-	
Recreation and sports, indoor	P	P	P	
Recreation and sports, outdoor	-	-	-	
Recreation, passive	-	-	-	
Recreational vehicle park	-	-	-	
Staging area	-	-	-	
Public and Quasi-Public				
Ambulance service	P	P	P	
Animal shelter	C	C	C	
Antenna	P	P	P	
- Commercial	-	-	-	
Cemetery	-	-	-	
Charitable uses	-	-	-	
Club, lodge	-	-	-	
Community center	-	-	-	
Conference center	-	-	-	
Cultural facility	-	-	-	
Day care center	M	M	M	
Emergency shelter	P	P	-	
Government facility	P	P	P	
Hospital	-	-	-	

Maintenance and service facility	P	P	P	
Public information center	-	-	-	
Public parking	-	-	-	
- Structure	-	-	-	
Public safety facility	P	P	P	
Religious facility	C	C	C	
School	-	-	-	
Transportation terminal	-	P	P	
Utilities, major	C	C	C	
Utilities, minor	P	P	P	
Agricultural				
Animal husbandry	P	P	P	
Crop production	-	-	-	
Winery	C	C	P	
Accessory				
Accessory dwelling unit	-	-	-	
Livestock keeping	-	-	-	
Cafeteria	P	P	P	
Caretaker's quarters	C	C	C	
Day care home, large	-	-	-	
Day care home, small	-	-	-	
Guest house	-	-	-	
Home occupation	-	-	-	
Horticulture, limited	-	-	-	
Room rentals	-	-	-	
Temporary				
Animal show	-	-	-	
Circus, carnival	-	-	-	
Commercial filming	C	C	C	
Live entertainment	-	-	-	
Mobile structures	C	C	C	
Personal property sales	-	-	-	
Retail sales, outdoor	-	-	-	
Seasonal sales	P	P	P	
Street fair	-	-	-	
Tent	-	-	-	

19.14.060 Development standards.

Table 19.14.060 of this chapter sets forth the minimum lot area, minimum yard setbacks, and lot coverage standards for each industrial district.

Table 19.14.060

Zoning District	PLI	LI	GI
Minimum area per lot	20,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.
Minimum width per lot	100 feet	100 feet	150 feet
Minimum depth per lot	100 feet	100 feet	150 feet

Minimum front yard	20 feet	20 feet	20 feet
Minimum side yard			
One-story	5 feet	5 feet	10 feet
Two-story	10 feet	10 feet	10 feet
Street side of corner lot	15 feet	15 feet	15 feet
Minimum rear yard	10 feet	10 feet	10 feet
Minimum setback from Hwy 29	40 feet	40 feet	40 feet
	50 feet avg.	50 feet avg.	50 feet avg.
Minimum setback from arterial	30 feet	30 feet	30 feet
Maximum floor area ratio			
Labor-intensive uses	50%	50%	50%
Low-labor uses	70%	70%	70%
Maximum number of stories	3.0	3.0	3.0
Maximum building height	45 feet	40 feet	40 feet

* Where an existing legal, nonconforming, structure encroaches into a setback, which was established after the building was constructed, the existing building line may be continued subject to community development director approval.

(Ord. 2009-07 § 4, 2009; Ord. 2004-10 Exh. 5, 2004; Ord. 2001-02 § 1, 2001)

19.14.070 Automobile parking requirements.

A. General Provisions.

1. The requirements of this chapter shall apply to the establishment, alteration, or change in any use or structure, except as may be provided for herein. Parking required by this chapter shall be provided at the time any building or structure is erected or enlarged, or a use is established, changed, or expanded. The word “use” shall mean both the type and intensity of the use.

2. When a change in use or expansion in floor area within an existing development increases by twenty percent or more the amount of off-street parking or loading required by the previous use, parking or loading spaces shall be provided for the increased demand. The number of new spaces provided shall be in addition to the number existing prior to the change in use or enlargement, unless the pre-existing number is greater than the number required by this chapter for the previous use, in which case the number in excess of the prescribed minimum may be deducted from the number required to be provided to serve the change in use or enlargement.

3. Required parking spaces shall not be located within any front or side yard setback areas.

4. Except as may be provided for in this chapter, required parking spaces shall be located on the same lot or parcel of land and within three hundred feet of the use they serve. Such distance shall be computed from the nearest point of a structure’s public access to the nearest point of the parking area.

5. The planning commission may approve deviations from these standards by use permit.

B. Number of Spaces Required.

1. Except as may be provided for in this chapter, automobile parking spaces shall be provided in the number set forth in Table 19.14.070(B) of this chapter. These requirements shall be considered minimum standards. The decision-making authority for a project may require more parking than is required by Table 19.14.070(B) when it finds that due to the characteristics of a project, the application of the above standards may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots.

2. Fractional space requirements of .5 or more shall be counted as the next largest whole space.

3. When two or more uses are located in the same building or structure, or are within the same common development, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this chapter.

4. Requirements for uses not specifically listed herein shall be determined by the decision-making authority for a project, based upon the requirements for comparable uses and upon the particular characteristics of the use.

5. Handicapped parking shall be provided according to the latest standards established by the state of California.

6. No area may be utilized and counted both as a required parking space and a required loading space other than for company owned vehicles periodically stored for on-site loading.

Table 19.14.070(B)	
Pre-schools; day care centers	One per staff member, plus 1 for each 10 children.
Religious assembly	1 per 4 fixed seats in the principal sanctuary; one per 9 linear feet of fixed benches; one per 50 square feet of nonfixed seating area.
Offices, business and professional	One per 300 square feet of gross floor area
Retail sales, general	One per 300 square feet of gross floor area
Retail sales, food	One per 250 square feet of gross floor area
Bulk merchandise sales, including furniture, household appliances, and building materials	One per 500 square feet of gross floor area
Vehicle/equipment sales; nursery	One per 500 square feet of gross floor area within any showroom, plus 1 per 1,000 square feet of outdoor display or sales area for the first 10,000 square feet; then 1 per 5,000 square feet of outdoor display or sales area thereafter.
Wholesaling, commercial	One per 500 square feet of gross floor area
Restaurant, including those providing liquor consumption	One per 100 square feet of gross floor area. A minimum of 5 spaces shall be provided for such use.

Bank; savings and loan	One per 200 square feet of gross floor area in public area (excluding vault), plus 1 per 300 square feet of gross floor area for general office uses.
Spectator entertainment; auditorium	One per 4 fixed seats, or one per 9 linear feet of fixed benches, or one per 50 square feet of nonfixed seating area, whichever is greater.
Health club; spa; dance studio	One per 100 square feet of gross floor area accessible to members or clients, including any pool area.
Game court	Three per court
Vehicle repair	Four per repair stall
Service station	One per pump island, plus one per service bay
Car wash, full service	One per 2 employees on the maximum shift, plus vehicle stacking area equal to 3 times the capacity of the enclosed washing operation
Car wash, self-serve	Two spaces for drying and cleaning purposes per stall, plus 2 reservoir spaces in front of each stall.
Self-storage facilities	One per employee; a minimum of 5 spaces shall be provided for such use.
Warehousing and storage	One per 1,000 square feet of gross floor area for the first 20,000 square feet of space, plus 1 per each 2,000 square feet of gross floor area thereafter.
Manufacturing, processing, packing, research, research service	One per 500 square feet of gross floor area
Research and development	One per 300 square feet of gross floor area
Company-owned vehicle parked on premises	One per truck, car or other vehicle

C. Shared Parking.

1. The number of required parking spaces may be reduced for projects comprised of uses that generate parking needs primarily at different times, and that cooperatively establish and operate shared parking facilities.

2. Shared parking may be approved through a conditional use permit for existing development. Where shared parking is proposed for new development as part of a design permit or conditional use permit application, the request shall be processed concurrently with the applications. Nothing in this section shall preclude the reviewing authority from placing additional conditions to protect the health, safety and welfare of the residents of the city or to establish the number or percentage of parking spaces to be shared.

3. The applicant shall provide substantial evidence and documentation (including a description of all uses and operating characteristics) that a sufficient number of spaces are being provided to meet the parking demand of all participating uses at any given time of the day, week or year.

4. All shared parking spaces shall be located so as to be reasonably accessible to the uses they serve, and shall not be separated from such uses by any street, unless otherwise approved by the decision-making authority.

5. Reasonable pedestrian connections shall be provided from any shared parking spaces to all the uses that they serve.

6. Covenants, conditions and restrictions (CC&Rs), deed restrictions or other agreements as may be required by the decision-making authority shall be executed and recorded, ensuring that required parking is provided and that the uses and operating characteristics of all participating uses are maintained.

D. Dimensional Requirements.

1. Standard Spaces. Required minimum parking dimensions are indicated in Table 19.04.070(D). Minimum dimensions shall not include any landscaped areas.

Table 19.04.070(D)

MINIMUM PARKING DIMENSIONS FOR STANDARD STALLS

Parking Angle (PA)	Minimum Stall Dimensions			Minimum Aisle Widths (A)	
	Width (W)	Depth (D)	Length (L)	One-Way	Two-Way
Parallel	8′	n/a	22′	18′6″	20′
30 degrees	9′	16′	18′	12′	20′
45 degrees	9′	19′	18′	14′	20′
60 degrees	9′	20′	18′	20′	20′
90 degrees	9′	18′	18′	25′	25′

2. Compact Spaces. Reduced dimensions of eight feet in width and sixteen feet in length (ninety degree stalls) may be allowed for uncovered parking spaces for uses that have at least twelve parking spaces. Compact spaces shall not exceed twenty percent of the total required parking spaces. Compact spaces shall be clearly indicated by appropriate markings and signage.

E. Striping and Surfacing. All parking lots shall be permanently surfaced and striped in accordance with the city's engineering standards and specifications.

F. Parking Lot Entries. All parking lot entries shall have the minimum widths specified in the city's engineering standards and specifications.

G. Curbing and Walkways.

1. Continuous concrete curbing at least six inches high and six inches wide shall be provided at least three feet from any wall, fence, property line, walkway, or structures where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points.

2. The clear width of a walkway that is adjacent to overhanging parked cars shall be at least four feet.

3. Individual wheel stops shall not be used.

H. Drainage. All required off-street parking areas shall be so designed that surface water will not drain over any sidewalk or adjacent property.

I. Landscaping.

1. Surface parking areas of ten or more spaces shall have a landscaped area equal to a minimum of ten percent of the parking and circulation area.

2. Landscaped areas shall be distributed throughout the parking area as evenly as possible. In larger parking areas (two or more maneuvering aisles), interior landscaping shall be used to visually separate the parking area into small spaces. Parking row ends shall be protected by landscaped planters.

3. Landscaped areas shall have a minimum width of five feet.

4. A minimum of one tree shall be provided for every six parking spaces in a double-loaded layout, and one for every three spaces in a single-loaded layout. The trees shall be located so as to visually disrupt long rows of parked vehicles; trees may be clustered. Canopy-type trees should be used to provide a relatively consistent tree cover which will shade the pavement and vehicles.

5. A landscaped strip shall be provided adjacent to any public or private street wherever parking or circulation is generally or immediately located adjacent to such rights-of-way.

6. Defined pedestrian routes shall be incorporated into parking and landscaped areas.

7. Landscape areas shall be bordered by a concrete curb that has a minimum height and width of six inches. Landscaped planters within parking areas may be diamond-shaped in design.

8. The setbacks from streets required by the schedule of zoning district regulations shall be fully landscaped (see ACMC Section 19.22.040)

JUSTIFICATION: *Cross-referencing related development standards from another area of the municipal code helps ensure the requirement is not overlooked.*

J. Screening.

1. Where vehicles are to be parked immediately adjacent to a public or private street, a solid wall, opaque fence, berm, or compact evergreen hedge with a maximum height of thirty inches, measured from the finished surface of the parking area shall be provided.

2. Where a parking or loading area in an industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, berm, or compact evergreen hedge not less than six feet in height shall be located on the property line.

K. Lighting.

1 Public parking areas designed to accommodate three or more vehicles shall have lighting facilities capable of providing sufficient illumination at every point of the parking area. A lighting study demonstrating that a minimum of one foot candle will be maintained across the surface of the parking area may be required by the community development director.

2. Any parking area illumination, including security lighting shall be so arranged as to reflect away from adjoining properties and rights-of-way.

L. Location of Parking Spaces.

1. Parking shall be designed so that all maneuvering may occur on-site and that all vehicles may enter an abutting street in a forward direction.

2. No space in a parking lot shall be located so that a vehicle must maneuver within twenty feet of a vehicular entrance, measured from the property line.

M. Maintenance. All required parking facilities and areas, including landscaping, surfacing, and striping shall be permanently maintained in good condition, free of weeds, litter and debris. (Ord. 2001-02 § 1, 2001)

19.14.080 Loading requirements.

A. Number Required. Loading spaces shall be provided for all industrial uses according to Table 19.14.080(A) below for the specified uses. The decision-making authority may require more loading spaces than are required by Table 19.14.080(A) to insure that a sufficient off-street loading area will be provided to accommodate routine operations in a safe and convenient manner. Required loading spaces shall be designated as such and restricted to such use.

Table 19.14.080(A)

Use	Gross Floor Area	Minimum Loading Spaces
Commercial (non-office)	<5,000 sq. ft. 5,000—20,000 sq. ft.	None One
Office	<20,000 sq. ft. 20,000—40,000 sq. ft.	None One
Manufacturing, wholesale, warehousing, industrial	<20,000 sq. ft.	One
All of the above uses	Each additional 20,000 sq. ft.	One additional space

B. Minimum Dimensions. Each loading space shall have an unobstructed minimum dimension of twelve feet in width, forty-five feet in length, and fourteen feet in height. Larger spaces may be required by the decision-making authority to ensure that a sufficient off-street loading and unloading area will be provided to accommodate routine delivery or shipment operations in a safe and convenient manner.

C. Location of Loading Spaces.

1. Loading spaces required by this chapter shall be located immediately adjacent to the exterior wall of the building they serve or within the building and should minimize potential impacts on adjacent uses.

2. Loading spaces shall not be located in any required front or side yard.

3. Loading spaces should be so located and designed that trucks shall not be required to back into a public street for ingress or egress. Truck maneuvering areas should be provided on-site where necessary to comply with this requirement.

4. Loading spaces should be concealed from off-site view to the maximum extent feasible.

5. Where a loading area in a commercial or industrial district is located directly across a street or alley from a residential district, a solid wall, opaque fence, or compact evergreen hedge not less than six feet in height shall be located on the property line. (Ord. 2001-02 § 1, 2001)

19.14.090 Bicycle parking requirements.

A. Bicycle parking shall be provided in commercial and employment areas according to Table 19.14.090(A) below.

Table 19.14.090(A)

Total Automobile Parking Spaces	Minimum Number of Bicycle Spaces
1—4	0
5—14	1
14—29	2
30—44	3
45—59	4
60—74	5
75—99	6
100—199	7
200—299	8
300—399	9
400 and greater	10

B. Bicycle parking should be located in highly visible locations and should be lockable. (Ord. 2001-02 § 1, 2001)

19.14.100 Building Design (All Industrial Districts.

A. Achieve high quality development design and existing use compatibility following design features:

a. Architectural treatment of all building elevations.

b. Extensive use of landscape along the primary street frontages and parking lots.

c. Enclose storage areas visible from principal highways (including Highway 29) and peripheral residential and commercial districts with decorative screening or other elements.

d. Screen rooftop mechanical equipment with a parapet or roof screen equal in height to the mechanical equipment.

B. Require that industrial areas developed as research and development and office-oriented business parks be designed to convey a unified character by consideration of the following:

a. Interconnect individual buildings with pedestrian walkways, arcades, and/or other visual elements.

b. Differentiate building facades with materials, color, architectural details and building elevation articulation;

c. Incorporate extensive landscape in parking areas, along building frontages, and other public areas.

d. Use consistent and well-designed public and informational signage.

e. Install of elements that define key entry points into the industrial district.

JUSTIFICATION: *These design elements are provided in the General Plan. Including them in the zoning code helps ensure the requirement is not overlooked.*

Chapter 19.20 PAOLI LIGHT INDUSTRIAL COMMERCIAL OVERLAY DISTRICT

19.20.010 Purpose.

The purpose of the Paoli Light Industrial Commercial Overlay District is to accommodate commercial and commercially related uses that capitalize on vehicle access and visibility from Highway 29 and Newell Drive and serve industrial uses in the City's Industrial Parks.

19.20.020 Allowable uses.

A. Property in the Paoli Light Industrial Commercial Overlay District may be used either for industrial purposes, consistent with the permitted and conditionally permitted uses allowed by this title for the underlying Paoli Light Industrial (PLI) base zone district, or for commercial purposes[1].

B. The following uses as defined in use classifications, are permitted[1]:

1. **Public and quasi-public uses:**
    a. Charitable uses
    b. Public information center
    c. Utilities, minor

2. **Commercial uses:**
    a. Ambulance Services
    b. Bank, savings and loan, including walk-up service
    c. Bookstore
    d. Catering
    e. Drugstore
    f. Food Sales
    g. Lodging services
    h. Maintenance and Repair Services
    i. Personal services
    j. Restaurant
    k. Restaurant, Night Use
    l. Restaurant, take-out
    m. Retail sales
    n. Zero Emission Vehicle Service Station

C. The following uses as defined in use classifications, are permitted subject to a conditional use permit[1]:

1. **Commercial uses:**
    a. Automobile rental
    b. Entertainment, indoor
    c. On-premises liquor consumption, tasting room
    d. Personal Improvement Services
    e. Vehicle/equipment sales and service

City of American Canyon
Active Community Development Projects
October 2023

Project Applications Under Review						
No.	**Project Name**	**Applicant**	**Description**	**Location/Area**	**Application Status**	**Planner**
1.	Canyon Café Food Truck Design Permit (PL23-0020)	Michael Lara	Park a Stationary Food Truck at the front of Canyon Café restaurant with operating hours: Mon - Sun, 7am - 11pm	3845 Broadway 0.63 acres	10/2/23 Application submitted	William He
2.	Napa River Ecology Center Design Permit (PL23-0019)	American Canyon Community & Parks Foundation	Repurpose the City Corporation Yard for indoor and outdoor conservation, environmental science, nature art, and wellness programs.	205 Wetlands Edge Road 3 acres	9/11/23 Application submitted 10/4/23 Comments to applicant	William He
3.	Paintball Jungle Conditional Use Permit (PL23-0018)	Robert Delia	Paintball gear rentals and game courts for a range of experiences (target practice, speedball, team competition, etc.) for individuals and groups.	2 Eucalyptus Drive 13.3 acres	8/22/23 Application submitted 11/16/23 PC Review scheduled	William He
4.	SDG 220 Conditional Use Permit (PL23-0017)	SDG Commerce 220, LLC	Conditional Use Permit for a 220,000 square foot wine warehouse.	1055 Commerce Court 10.17 acres	8/3/23 Application submitted 8/30/23 Comments to applicant 10/6/23 Application resubmitted	William He
5.	Napa Junction Solar Farm and RV Parking Lot Line Adjustment (PL23-0016)	RH Hess Development	A lot line adjustment to merge parcels for a minor utility solar farm with RV parking.	5381 Broadway 2.4 acres	7/28/23 Application submitted 9/5/23 Application resubmitted 9/7/23 Comments to applicant 9/8/23 Application resubmitted 9/11/23 Application approved	William He
6.	Crown Hill Minor Modification (PL23-0012)	Crown Hill Stone Supply, LLC	Construct a 4,800 square foot storage building.	650 Green Island Road 5.88 acres	5/22/23 Application submitted 6/13/23 Comments to applicant	William He

Project Applications Under Review						
No.	**Project Name**	**Applicant**	**Description**	**Location/Area**	**Application Status**	**Planner**
7.	PG&E Regional Center Monopole Design Permit (PL23-0011)	Pacific Gas and Electric	Construct a Private Non-Commercial 60' tall monopole for PG&E's telecommunications.	500 Boone Drive N/A	4/12/23 Application submitted 4/21/23 Comments to applicant 7/12/23 Application resubmitted 8/11/23 Third submittal 10/26/23 PC Review Scheduled	William He
8.	Lemos Pointe Apartments Emergency Generator (PL23-0010)	Pacific West Communities, Inc.	Minor Modification for a 200 KW emergency generator.	Northwest corner Rio Del Mar/Loop Road 6.77 acres	4/7/23 Application submitted 4/25/23 Comments to applicant 5/1/23 Revised application submitted 6/2/23 Comments to applicant 8/8/23 Application approved 9/1/23 Applicant reconsidering project scope	William He
9.	5555 Broadway Sign Program (PL23-0005)	Intersection	Design Permit for exterior building and parking lot maintenance and color scheme.	5555 Broadway 7.04 acres	3/8/23 Application submitted 4/6/23 Comments to applicant 6/28/23 Application resubmitted 10/20/23 Application approved	William He
10.	5555 Broadway Design Permit (PL23-0006)	Intersection	Sign Program for Monument and tenant sign update.	5555 Broadway 7.04 acres	3/8/23 Application submitted 4/6/23 Comments to applicant 6/27/23 Application resubmitted 8/1/23 Applicant withdrew Conditional Use Permit outdoor storage scope 10/20/23 Application approved	William He
11.	Crawford Way Multifamily Residential (PL23-0003)	Yeh Area Group	A 100-unit Townhome style apartment homes with sixteen 3-story buildings including a mix of 68 two-bedroom and 32 three-bedroom units.	Northwest corner Crawford Way/SR-29 4.276 acres	1/25/23 Application submitted 2/27/23 Comments to applicant 7/19/23 Application resubmitted 8/16/23 Comments to applicant	William He

Project Applications Under Review						
No.	**Project Name**	**Applicant**	**Description**	**Location/Area**	**Application Status**	**Planner**
12.	Ibarra Terminal Conditional Use Permit (PL22-0032)	Ibarra Trucking	Convert an existing residential site into a trucking office with equipment and vehicle storage.	1190 Green Island Road 1.56 acres	12/6/22 Application submitted 12/16/22 Comments to applicant	William He
13.	Napa Junction Mini-Storage Design Permit (PL22-0031)	RH Hess Development	Redevelop and industrial site into a mini-warehouse project.	4484 Hess Drive 8.41 acres	11/10/22 Application submitted 11/16/22 Applicant placed project on Hold 9/5/23 Application resubmitted 9/29/23 Comments to applicant	William He
14.	Watson Ranch Lot 8 Subdivision (PL22-0024)	American Canyon I, LLC	Development of 25 single-family residential lots in a 2.17-acre site in Watson Ranch	North of Watson Ranch Lot 10 (Harvest) Subdivision 2.17 acres	9/16/22 Application submitted 9/23/22 Comments to applicant 6/5/23 Applicant placed project on hold	William He
15.	Watson Ranch Specific Plan Amendment (PL22-0023)	American Canyon I, LLC	Refinement to the Watson Ranch Specific Plan	North of Vintage Ranch 309 acres	8/26/22 Application submitted 11/16/22 Comments to applicant 12/2/22 Applicant response 12/6/22 Comments to applicant 4/17/23 Application resubmitted 5/25/23 PC Review Completed 8/15/23 CC Approved First Reading 9/5/23 CC Approved Second Reading 10/5/23 Specific Plan Effective Date	Brent Cooper
16.	Giovannoni Logistics Center Development Agreement (PL22-0018)	Buzz Oates Construction	Proposed Development Agreement to extend the term of proposed entitlements	East and West of Devlin Road, north of Green Island Road 200 acres	8/1/22 Application submitted 9/1/22 Application on hold pending entitlement approvals	Brent Cooper

Project Applications Under Review						
No.	**Project Name**	**Applicant**	**Description**	**Location/Area**	**Application Status**	**Planner**
17.	PG&E Regional Center Traffic Impact Fee Revision (PL22-0025)	Corporate Real Estate Strategy & Services	A proposed reduction in traffic impact fees based on a change to the project operations.	500 Boone Drive 24.51 acres	7/15/22 Application submitted 9/15/22 Comments to applicant 10/18/22 Application resubmittal 2/6/23 Comments to applicant 10/26/23 Project to closeout for inactivity	William He
18.	Residences at Napa Junction (PL22-0011)	American Canyon Ventures LLC	453 multi-family rental dwellings with associated parking and amenities.	1000 Reliant Way 15 acres	5/2/22 Application submitted 6/1/22 Comments to applicant 7/22/22 Application resubmitted 8/19/22 Comments to applicant 1/11/23 Application resubmitted 2/9/23 Comments to applicant 7/11/23 30-Day NOP Completed 8/11/23 Admin Draft EIR Preparation	William He
19.	Element 7 Cannabis Business Permit (PL19-0008)	Element 7	Construct a 7,000 square foot building for Cannabis manufacturing, distribution, and non-storefront retail (Delivery) business.	1300 Green Island Road	4/10/19 Application submitted 9/29/20 Application on Hold 9/20/21 Applicant confirmed Hold status 10/26/23 Project to closeout for inactivity	Brent Cooper
20.	Reesan Live, Inc. Cannabis Business Permit (PL19-0024)	Reesan Live, Inc.	Construct an 82,328 sqft 2-story warehouse for cannabis cultivation, manufacturing, distribution and nonstorefront retail delivery.	834 Green Island Road	8/16/19 Application submitted. 4/1/20 Project on Hold 9/20/21 Applicant confirmed Hold status 10/26/23 Project to closeout for inactivity	Brent Cooper

Major Building/Grading Permits					
Project Name	**Description**	**Location**	**Area**	**Status**	**Staff Liaison**
1. Hampton Inn Improvement Plans (DV23-0002)	Site improvements for a 3-story, 106 room Hampton Inn Hotel.	3443 Broadway	2.52 acres	1/24/23 Application submitted 3/17/23 Comments to applicant	Edison Bisnar
2. Napa Valley Ruins and Gardens Building Retrofit (BP23-0010)	Level 1 and level 2 retrofit of Buildings 2, 3, 4, 5, 7 at the American Canyon Ruins.	Southwest corner Rio Del Mar East/Rolling Hills Drive	29 acres	1/4/23 Application submitted 1/20/23 Comments to applicant	Joshua Anderson
3. Oat Hill Domaine Mass Grading (DV22-0004)	Mass grading for Parcel A and B	Western terminus Napa Junction Road	20.8 acres	10/20/22 Grading Permit Approved	Edison Bisnar
4. Oat Hill Domaine Residential Building Plan Check (BP22-0733)	Plan check for the 15-Unit Apartment Building	Western terminus Napa Junction Road	N/A	1/11/23 Application submitted 2/8/23 Comments to applicant 4/14/23 Permit resubmitted	Joshua Anderson
5. Oat Hill Domaine Residential Building Plan Check (BP22-0736)	Plan check for the 18-Unit Apartment Building	Western terminus Napa Junction Road	N/A	1/11/23 Application submitted 2/8/23 Comments to applicant 4/14/23 Permit resubmitted	Joshua Anderson
6. Oat Hill Domaine Residential Building Plan Check (BP22-0733)	Plan check for the 15-Unit Apartment Building	Western terminus Napa Junction Road	N/A	12/15/22 Application submitted 2/8/23 Comments to applicant 4/28/23 Permit resubmitted	Joshua Anderson
7. Oat Hill Domaine Parcel A Improvement Plan (DV22-0006)	Precise grading, utilities for the Oat Hill Residential Project	Western terminus Napa Junction Road	10 acres	12/8/22 Application submitted 1/5/23 Comments to applicant	Edison Bisnar
8. Oat Hill Domaine Parcel B Improvement Plan (DV22-0007)	Precise grading, utilities for the Oat Hill Residential Project	Western terminus Napa Junction Road	10.8 acres	12/8/22 Application submitted 1/5/23 Comments to applicant	Edison Bisnar
9. Oat Hill Domaine Parcel B Clubhouse Building Permit (BP22-0734)	Clubhouse building on Parcel B (Lower Parcel)	100 Chennault Way	N/A	12/15/22 Application submitted 9/29/23 Requires Improvement Plan DV22-0007 approval and conditions of approval satisfied	Joshua Anderson

Major Building/Grading Permits					
Project Name	**Description**	**Location**	**Area**	**Status**	**Staff Liaison**
10. Oat Hill Domaine Parcel A Maintenance Building Permit (BP22-0737)	Maintenance building on Parcel A (Upper Parcel)	801 Opus Way	N/A	12/15/22 Application submitted 9/29/23 Requires Improvement Plan DV22-0006 approval and conditions of approval satisfied	Joshua Anderson
11. Oat Hill Domaine Parcel A Pool Building Permit (BP22-0739)	Pool building on Parcel A (Upper Parcel)	301 Opus Way	N/A	12/15/22 Application submitted 9/29/23 Requires Improvement Plan DV22-0006 approval and conditions of approval satisfied	Joshua Anderson
12. Oat Hill Domaine Parcel A Clubhouse Building Permit (BP22-0740)	Clubhouse building on Parcel A (Upper Parcel)	300 Opus Way	N/A	12/15/22 Application submitted 9/29/23 Requires Improvement Plan DV22-0006 approval and conditions of approval satisfied	Joshua Anderson
13. SDG 217 Warehouse Building Permit (BP22-0436)	Building Permit for a 217,294 sqft warehouse	1075 Commerce Ct	10.38 acres	8/18/22 Application submitted 4/10/23 Permit issued	Joshua Anderson
14. Napa Cove Improvement Plans and Grading (DV22-0001)	Grading and Improvement plans for the Napa Cove Apartment project.	3787 Broadway	3.48 acres	1/18/22 Application submitted 2/4/22 First Plan check 3/21/22 Grading permit approved	Edison Bisnar
15. Napa Cove Building Permits (BP22-0017, 0018, 0019)	Building Permits for the Napa Cove Apartment Project	3787 Broadway	3.48 acres	1/19/22 Application submitted 2/1/22 First Plan check 3/21/22 Permits issued	Joshua Anderson
16. PG&E Regional Center Improvement Plans (DV21-0018)	Improvement plans for the PG&E Regional Center	500 Boone Drive	24.5 acres	10/19/21 Application submitted 12/01/21 First Plan Check 01/13/22 Second Plan Check 02/14/22 Third Plan Check 02/22/22 Improvement Plans Approved	Edison Bisnar

Major Building/Grading Permits					
Project Name	**Description**	**Location**	**Area**	**Status**	**Staff Liaison**
17. Watson Ranch Lot 10 Harvest Rough grading and Subdivision Improvement Plans (DV21-0014, 0015)	Rough grading and site improvements for WRSP Lot 10 Harvest	Northeast corner Marcus Road/Rio Del Mar East	27.17 acres	11/08/21 Application submitted 12/08/21 First Plan Check 01/03/22 Second Submittal 01/13/22 Second Plan Check 01/21/22 Third Submittal 1/24/22 Rough Grading Permit approved	Edison Bisnar
18. Watson Ranch Lot 10 Harvest Model Home Building Permits (BP21-0522, 0523)	Harvest Model Homes for Watson Ranch Lot 10	Northeast corner Marcus Road/Rio Del Mar East	27.17 acres	12/02/21 Application submitted 12/20/21 First Plan Check 02/10/22 Second Submittal 2/18/22 Second Plan Check 4/5/22 Applicant Submittal 4/7/22 Permit approved 9/2/22 Deferred Submittal 9/7/22 Permit approved	Joshua Anderson
19. Lemos Pointe Building Permit (BP21-0291 – BP21-0298	186 modular affordable apartment units	Northwest corner Marcus Road/Rio Del Mar East	6.7 acres	6/28/21 Application submitted 11/23/21 Building Permits issued	Joshua Anderson
20. Lemos Pointe Grading Permit (DV21-0007)	Rough grading for the Lemos Point Apartment Project	Northwest corner Loop Road/Rio Del Mar	6.7 acres	6/9/21 Application submitted 8/9/21 Application approved.	Edison Bisnar
21. Watson Ranch Lot 14/15 (Artisan) Model Home Building Permits (BP21-0513, 0514, 0515)	Model Homes for Watson Ranch Lot 14/15.	Northern terminus of Summerwood	11.97 acres	11/30/21 Application submitted 5/4/22 Permits approved 9/1/22 Permits issued 5/30/23 15 homes finaled	Joshua Anderson
22. Home2Suites Building Permit (BP19-0499)	Building permit for 102 room hotel.	3701 Main Street	2.0 acres	12/3/19 Application submitted 8/9/22 BP Issued	Interwest

Major Building/Grading Permits					
Project Name	**Description**	**Location**	**Area**	**Status**	**Staff Liaison**
23. Fume Commercial Cannabis Will Serve (DV20-0014)	Extend reclaimed water line to supply irrigation demand of the project.	180 Klamath Court	1.37 acres	12/16/20 Will serve and wastewater study received 1/28/21 PC approved the CUP 3/26/21 Will Serve comments to the applicant.	Edison Bisnar
24. Canyon Estates (DV18-0023)	Improvement plans, grading plans, potable water pump station plans and Final Map.	Northeast corner Silver Oak/ Newell Drive	35 acres	10/31/18 Applicant submitted 4/17/19 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 11/10/22 Civil Improvements 95% complete 9/1/23 On-site civil improvements and off-site water and recycled water complete. Newell Drive improvements 95% complete.	Edison Bisnar
25. Copart (DV20-0008)	Grading permit for an auto storage lot and office building Conditional Use Permit PL18-0019.	1587 and 1660 Green Island Road	20 acres	4/23/20 On-site private wastewater treatment system application submitted to the County 5/12/22 Grading Permit approved 11/10/22 Civil Improvements are 75% complete	Edison Bisnar

Major Building/Grading Permits					
Project Name	**Description**	**Location**	**Area**	**Status**	**Staff Liaison**
26. Home2Suites Will Serve and Improvement Plan (DV19-0015)	Will serve application and improvement plans for a 102-room hotel.	3701 Main Street	2.0 acres	9/5/19 Will Serve Application submitted 5/25/20 Improvement Plan Application submitted 6/10/21 Improvement Plan approved 4/5/22 Council approved fee reimbursement request 8/10/22 2nd Change Plan Approved	Edison Bisnar
27. PG&E Regional Center Improvement Plans (DV21-0018)	Turner Construction	Improvement plans for the PG&E Regional Center	500 Boone 24.5 acres	10/19/21 Application submitted 2/23/22 Improvement Plans approved	Edison Bisnar
28. Single Family Home Improvement Plans (DV21-0019)	Hoi Wong	Improvement plan for a new single-family home.	219 Rio Del Mar 0.66 acres	11/17/21 Application submitted 5/12/22 Second Plan Check comments 9/23/22 Applicant explained project is on Hold for the winter	Edison Bisnar
29. Chicken Guy Improvement Plan (DV23-0015)	Chandi Hospitality	New 2,818 sqft restaurant	200 American Canyon Road 1.03 acres	8/16/23 Application submitted 9/5/23 Plans submitted	Edison Bisnar
30. Chicken Guy Building Permit (BP23-0616)	Chandi Hospitality	New 2,818 sqft restaurant	200 American Canyon Road 1.03 acres	8/15/23 Application submitted 9/5/23 Comments to applicant	Joshua Anderson

Major City-Initiated Projects					
Project Name	**Description**	**Location**	**Area**	**Status**	**Staff**
1. Accessory Dwelling Unit Ordinance update	Amendments to the ADU Ordinance that respond to comments from HCD	Citywide	N/A	10/4/23 Comment letter from HCD	Brent Cooper
2. Public Hearing and Property Sign Notification Ordinance	Require on-site project notification signage when discretionary application is submitted and expand public hearing notification.	Citywide	N/A	6/1/23 Drafting Ordinance and Implementation resolution 8/24/23 PC Review Complete 9/5/23 City Council approved Resolution and First Ordinance Reading 9/19/23 City Council approved Second Reading 10/19/23 Ordinance effective date	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) 1/13/22 Modified “fast-track” technical update scope approved 6/7/22 City Council NOP approved 9/1/22 Administrative draft elements reviewed by staff 3/15/23 Administrative draft EIR received. 9/19/23 CC Land Use Map Review	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. 5/16/22 Annexation efforts returned to City initiated. Consultant preparing CEQA scope documents. 9/7/22 NOP Comment period begins 9/21/22 NOP Workshop 3/14/23 45-Day EIR Review period begins. Ends on 4/28/23. 4/27/23 PC EIR Workshop 5/1/23 Preparing Response to Comments 10/26/23 PC Hearing	City Manager

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. 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: 6/30/23	Leon Garcia Mark Joseph
3. Napa Valley Transportation Authority Highway 29 PID Study	Project Initiation Document (PID) for Highway 29 through American Canyon	American Canyon	N/A	10/4/21 NVTA and American Canyon workshop 2/16/22 NVTA Board of Directors voted to remove the six-lane option from future study. 1/12/23 NVTA conducting environmental review over the next 1-2 years	Danielle Schmitz (NVTA)
4. Napa County Airport Land Use Compatibility Plan Update	Napa County Airport Land Use Compatibility Plan Update and associated CEQA documentation	Napa County Airport Compatibility Zones	N/A	January 2021 Board of Supervisors initiated Airport Land Use Compatibility Plan update 12/13/22 County selects aviation consultant Mead and Hunt 2/1/23 First working group meeting 4/12/23 Second meeting 6/22/23 Third meeting 11/16/23 Fourth meeting	Brent Cooper

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Pacific Gas and Electric Company
Site Name – PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING
Site Compliance Report

500 Boone Drive
American Canyon, CA 94558

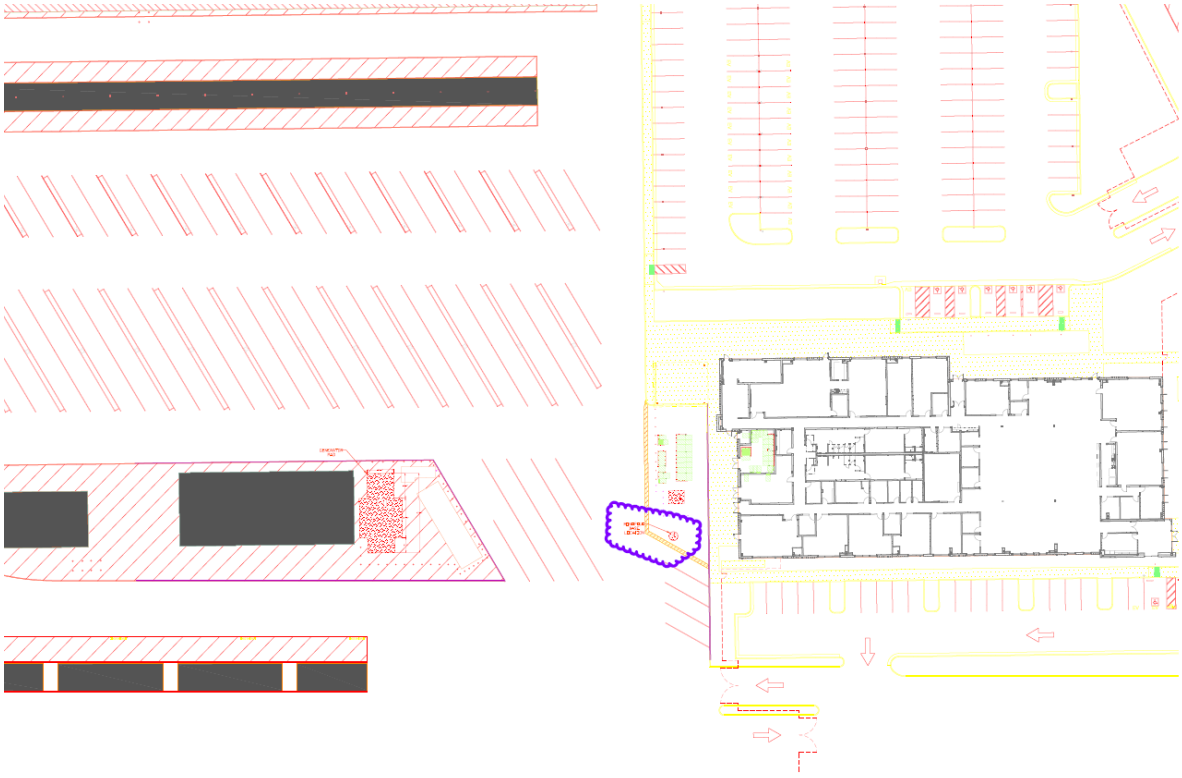
Latitude: N38-12-07.32
Longitude: W122-16-02.64
Structure Type: Monopole

Report generated date: July 11, 2023
Report by: Benjamin Schnable
Customer Contact: Tanner Minor

Pacific Gas and Electric Company's proposed modification will be compliant upon completion of the remediation identified in Section 2.2.

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Pacific Gas and Electric Company
PG&E NAPA REGIONAL CENTER
- OPERATIONS BUILDING
Radio Frequency (RF) Site Compliance Report



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Table of Contents

1 EXECUTIVE SUMMARY 3

2 SITE COMPLIANCE 4

2.1 SITE COMPLIANCE STATEMENT 4
2.2 ACTIONS FOR SITE COMPLIANCE 4

3 ANALYSIS 5

3.1 RF EXPOSURE DIAGRAM 5

4 ANTENNA INVENTORY 8

5 REVIEWER CERTIFICATION 10

APPENDIX A – STATEMENT OF LIMITING CONDITIONS 11

APPENDIX B – ASSUMPTIONS AND DEFINITIONS 12

GENERAL MODEL ASSUMPTIONS 12
USE OF GENERIC ANTENNAS 12
DEFINITIONS 13

APPENDIX C – RULES & REGULATIONS 15

EXPLANATION OF APPLICABLE RULES AND REGULATIONS 15
OCCUPATIONAL ENVIRONMENT EXPLAINED 15

APPENDIX D – GENERAL SAFETY RECOMMENDATIONS 16

ADDITIONAL INFORMATION 17

APPENDIX E – REGULATORY BASIS 18

FCC RULES AND REGULATIONS 18

APPENDIX F – SAFETY PLAN AND PROCEDURES 20

1 Executive Summary

Pacific Gas and Electric Company has contracted with Site Safe, LLC (Sitesafe), an independent Radio Frequency (RF) regulatory and engineering consulting firm, to determine whether the proposed communications site, PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING, located at 500 Boone Drive, American Canyon, CA, is in compliance with the Federal Communications Commission (FCC) Rules and Regulations for RF exposure.

This report contains a detailed summary of the RF environment at the site including:

- Diagram of the site
- Inventory of the make / model of all antennas
- Theoretical MPE based on modeling

This report addresses exposure to radio frequency electromagnetic fields in accordance with the FCC Rules and Regulations for all individuals, classified in two groups, "Occupational or Controlled" and "General Public or Uncontrolled."

Pacific Gas and Electric Company's proposed modification will be compliant with the FCC Rules and Regulations, as described in OET Bulletin 65, **upon completion of the remediation identified in section 2.2**.

Pacific Gas and Electric Company proposes to build a new wireless site. The proposed antennas are noted as "Proposed" in the antenna table under Section 4.

This document and the conclusions herein are based on the information provided by Pacific Gas and Electric Company.

If you have any questions regarding RF safety and regulatory compliance, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

2 Site Compliance

2.1 Site Compliance Statement

Upon evaluation of the cumulative RF exposure levels from all operators at this site, Sitesafe has determined that:

Pacific Gas and Electric Company's proposed modification will be compliant, upon completion of the remediation identified in section 2.2.

The compliance determination is based on theoretical modeling, RF signage placement recommendations, proposed antenna inventory and/or the level of restricted access to the antennas at the site. Any deviation from the Pacific Gas and Electric Company proposed deployment plan could result in the site being rendered non-compliant upon further evaluation.

2.2 Actions for Site Compliance

Based on common industry practice and our understanding of FCC and OSHA requirements, this section provides a statement of recommendations for site compliance. If required, RF alert signage recommendations have been proposed based on theoretical analysis of MPE levels.

Pacific Gas and Electric Company's proposed modification will be compliant upon completion of the following remediation:

Base of Monopole Location

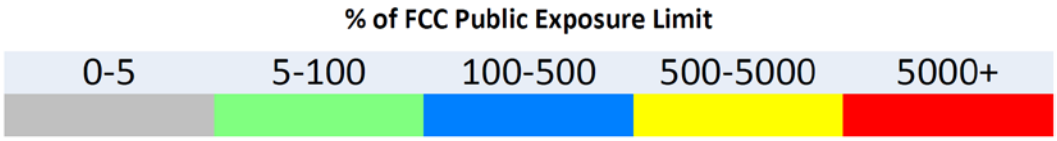
(1) NOC Information sign required at the base of the monopole.
Ensure that access to the monopole is locked/restricted.

3 Analysis

3.1 RF Exposure Diagram

The RF diagram(s) below display theoretical percentage of the Maximum Permissible Exposure for all systems at the site. These diagrams use modeling as prescribed in OET Bulletin 65 and assumptions detailed in Appendix B.

The key at the bottom of each diagram indicates if percentages displayed are referenced to FCC **General Public** Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:



This table displays the maximum theoretical percentage of the FCC's General Public MPE limits:

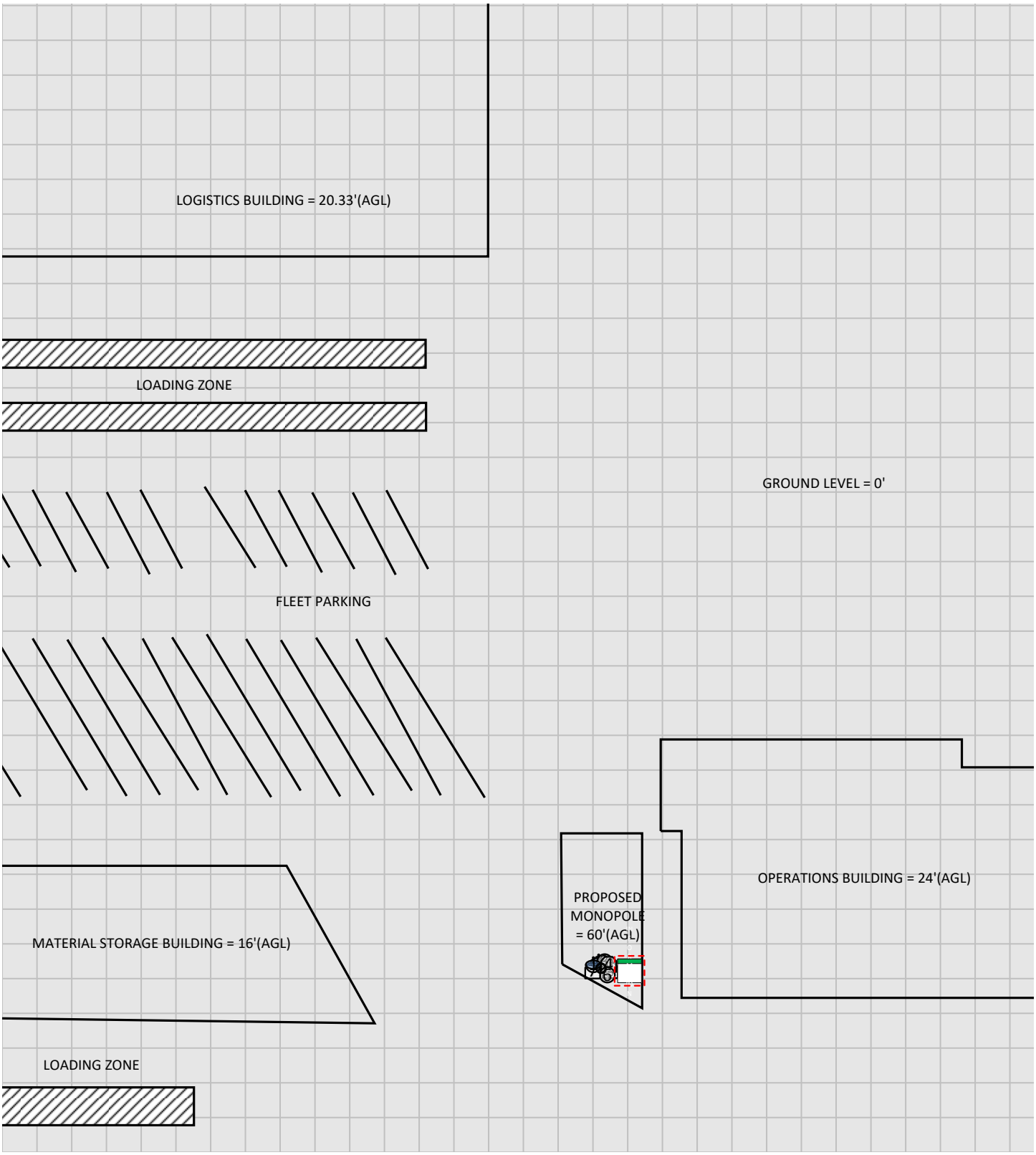
	General Public Levels:		
Exposure Type:	**Spatial Average**	**Maximum**	**Spatial Average**
Reference Level:	**Nearby Rooftops**	**Antenna**	**Ground**
Pacific Gas and Electric Company:	<1.0%	55.7%	<1.0%
Composite:	<1.0%	55.7%	<1.0%

Note: On the diagrams shown below, each level is marked with a height. For all diagrams that are marked as *Spatially Averaged*, the modeling program will spatially average the exposure within the area six feet above each set level. This provides an accurate spatial average of the percentage of the FCC's MPE limits within an accessible area.

In the RF exposure simulations below, all heights are reflected with respect to the ground level. Each different area, rooftop, or platform level is labeled with its height relative to the main site level. Exposure is calculated appropriately based on the relative height and location of that area to all antennas. The analyzed elevations in the RF exposure simulations are as follows:

- GROUND LEVEL = 0'
- NEARBY ROOF LEVELS = 16', 20.33', & 24'

RF Exposure Simulation For: PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING
Composite View



% of FCC Public Exposure Limit

0-5	5-100	100-500	500-5000	5000+

AT&T MOBILITY LLC | VERIZON WIRELESS | T-MOBILE | SPRINT | DISH | UNKNOWN CARRIER

Barrier Signage Legend

No-sign | Notice | Caution | Warning | Notice 2 | Caution 2 | Warning 2

Existing Barrier ——— Proposed Barrier/Sign — — — Remove Barrier/Sign - - - /X

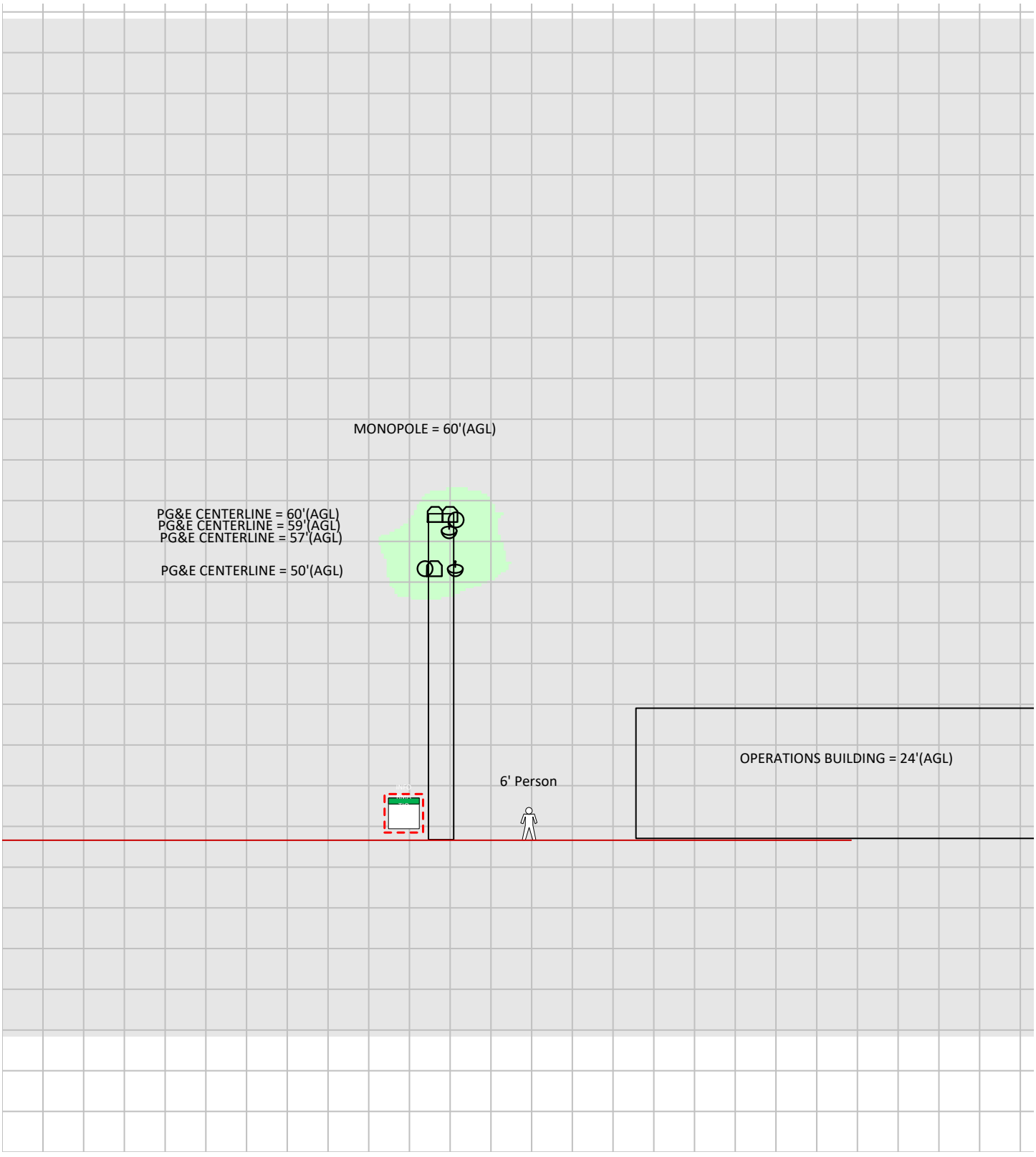
(Feet)

0 29.7 59.4

www.sitesafe.com
7/11/2023 2:31:21 PM

Sitesafe OET-65 Model
Near Field Boundary:
1.5 * Aperture
Reflection Factor: 1
Spatially Averaged

RF Exposure Simulation For: PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING
Elevation View



% of FCC Public Exposure Limit

0-5	5-100	100-500	500-5000	5000+

AT&T MOBILITY LLC | VERIZON WIRELESS | T-MOBILE | SPRINT | DISH | UNKNOWN CARRIER

Barrier Signage Legend

No-sign | Notice | Caution | Warning | Notice 2 | Caution 2 | Warning 2

Existing Barrier ——— Proposed Barrier/Sign — — — Remove Barrier/Sign - - - - /X

(Feet)

0 12.7 25.4

www.sitesafe.com
7/11/2023 2:26:42 PM

Sitesafe OET-65 Model
Near Field Boundary:
1.5 * Aperture
Reflection Factor: 1
Single Level (0)

4 Antenna Inventory

The Antenna Inventory shows all transmitting antennas at the site. This inventory was provided by the customer and was utilized by Sitesafe to perform theoretical modeling of RF exposure. The inventory coincides with the site diagrams in this report, identifying each antenna's location at PG&E NAPA REGIONAL CENTER - OPERATIONS BUILDING. The antenna information collected includes the following information:

- Licensee or wireless operator name
- Frequency or frequency band
- Transmitter power – Transmitter Power Output ("TPO"), Effective Radiated Power ("ERP"), or Equivalent Isotropic Radiated Power ("EIRP")
- Antenna manufacturer make, model, and gain

For other carriers at this site, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.

The following antenna inventory was provided by the customer and was utilized to create the site model diagrams:

Ant ID	Operator	Antenna Make and Model	Type	TX Freq (MHz)	Technology	Az (Deg)	Hor BW (Deg)	Ant Len (ft)	Ant Gain (dBd)	Power	Power Type	Power Units	TX Count	Misc Loss	Total ERP (Watts)	Z (ft)	MDT (Deg)	EDT (Deg)
1	PG&E	RFS UXA4-107	Aperture	11000		0	0.0	0	37.66	0.01	TPO	Watt	1	0.00	58.34	57	0	0
2	PG&E	RFS SCX3-W100	Aperture	11000		0	0.0	0	31.16	0.01	TPO	Watt	1	0.00	13.06	50	0	0
3	PG&E	Kathrein-Scala SL11-940/DT2	Omni	900		0	360.0	10	9.01	100.00	ERP	Watt	1	0.00	100	59	0	0
4	PG&E	Tropos 6420 Outdoor Mesh Router	Panel	5000		0	90.0	1	15.36	4.00	ERP	Watt	1	0.00	4	60	0	0
5	PG&E	Tropos 6420 Outdoor Mesh Router	Panel	5000		0	90.0	1	15.36	4.00	ERP	Watt	1	0.00	4	60	0	0
6	PG&E	Kathrein-Scala SL11-940/DT2	Omni	900		0	360.0	10	9.01	100.00	ERP	Watt	1	0.00	100	50	0	0
7	PG&E	Generic	Yagi	900		0	60.0	0.5	9.97	20.00	ERP	Watt	1	0.00	20	50	0	0

Note: The Z reference indicates antenna height above the ground level (AGL). ERP values provided by the client and used in the modeling may be greater than are currently deployed. For additional modeling information, refer to Appendix B. Proposed equipment is tagged as *(Proposed)* under *Operator* or *Antenna Make and Model*.

5 Reviewer Certification

The reviewer whose signature appears below hereby certifies and affirms:

That I am an employee of Site Safe, LLC, in Vienna, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Benjamin Schnable.

July 11, 2023

Mahmoud Eid Mahmoud Eid

Appendix A – Statement of Limiting Conditions

Sitesafe will not be responsible for matters of a legal nature that affect the site or property.

Due to the complexity of some wireless sites, Sitesafe performed this analysis and created this report utilizing best industry practices and due diligence. Sitesafe cannot be held accountable or responsible for anomalies or discrepancies due to actual site conditions (i.e., mislabeling of antennas or equipment, inaccessible cable runs, inaccessible antennas or equipment, etc.) or information or data supplied by Pacific Gas and Electric Company, the site manager, or their affiliates, subcontractors or assigns.

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe's recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, observed during the survey of the subject property or that Sitesafe became aware of during the normal research involved in performing this survey. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data provided by a second party and physical data collected by Sitesafe, the physical data will be used.

Appendix B – Assumptions and Definitions

General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at **full power at all times**. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Sitesafe believes this to be a *worst-case* analysis, based on best available data. Areas modeled to predict exposure exposure greater than 100% of the applicable MPE level may not actually occur but are shown as a *worst-case* prediction that could be realized real time. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Thus, at any time, if power density measurements were made, we believe the real-time measurements would indicate levels below those depicted in the RF exposure diagram(s) in this report. By modeling in this way, Sitesafe has conservatively shown exclusion areas – areas that should not be entered without the use of a personal monitor, carriers reducing power, or performing real-time measurements to indicate real-time exposure levels.

Use of Generic Antennas

For the purposes of this report, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer's published data regarding the antenna's physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna's range that corresponds to the highest MPE, resulting in a conservative analysis.

Definitions

5% Rule – The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of 5% of the exposure limits. In other words, any wireless operator that contributes 5% or greater of the MPE limit in an area that is identified to be greater than 100% of the MPE limit is responsible for taking corrective actions to bring the site into compliance.

Compliance – The determination of whether a site complies with FCC standards with regards to Human Exposure to Radio Frequency Electromagnetic Fields from transmitting antennas.

Decibel (dB) – A unit for measuring power or strength of a signal.

Duty Cycle – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of 100% corresponds to continuous operation.

Effective (or Equivalent) Isotropic Radiated Power (EIRP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Effective Radiated Power (ERP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Gain (of an antenna) – The ratio, usually expressed in decibels, of the power required at the input of a loss-free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. Gain may be considered for a specified polarization. Gain may be referenced to an isotropic antenna (dBi) or a half-wave dipole (dBd) antenna.

General Population/Uncontrolled Environment – Defined by the FCC as an area where RF exposure may occur to persons who are *unaware* of the potential for exposure and who have no control over their exposure. General Population is also referenced as General Public.

Generic Antenna – For the purposes of this report, the use of "Generic" as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use its industry specific knowledge of antenna models to select a worst-case scenario antenna to model the site.

Isotropic Antenna – An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.

Maximum Measurement – This measurement represents the single largest measurement recorded when performing a spatial average measurement.

Maximum Permissible Exposure (MPE) – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

Occupational/Controlled Environment – Defined by the FCC as an area where RF exposure may occur to persons who are **aware** of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

OET Bulletin 65 – Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of RF exposure on humans. The guideline was published in August 1997.

OSHA (Occupational Safety and Health Administration) – Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Radio Frequency Exposure or Electromagnetic Fields – Electromagnetic waves that are propagated from antennas through space.

Spatial Average Measurement – A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy a 6-foot tall human body will absorb while present in an electromagnetic field of energy.

Transmitter Power Output (TPO) – The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load.

Appendix C – Rules & Regulations

Explanation of Applicable Rules and Regulations

The FCC has set forth guidelines in OET Bulletin 65 for human exposure to radio frequency electromagnetic fields. Specific regulations regarding this topic are listed in Part 1, Subpart I, of Title 47 in the Code of Federal Regulations. Currently, there are two different levels of MPE - General Public MPE and Occupational MPE. An individual classified as Occupational can be defined as an individual who has received appropriate RF training and meets the conditions outlined below. General Public is defined as anyone who does not meet the conditions of being Occupational. FCC and OSHA Rules and Regulations define compliance in terms of total exposure to total RF energy, regardless of location of or proximity to the sources of energy.

It is the responsibility of all licensees to ensure these guidelines are maintained at all times. It is the ongoing responsibility of all licensees composing the site to maintain ongoing compliance with FCC rules and regulations. Individual licensees that contribute less than 5% MPE to any total area out of compliance are not responsible for corrective actions.

OSHA has adopted and enforces the FCC's exposure guidelines. A building owner or site manager can use this report as part of an overall RF Health and Safety Policy. It is important for building owners/site managers to identify areas in excess of the General Population MPE and ensure that only persons qualified as Occupational are granted access to those areas.

Occupational Environment Explained

The FCC definition of Occupational exposure limits apply to persons who:

- are exposed to RF energy as a consequence of their employment;
- have been made aware of the possibility of exposure; and
- can exercise control over their exposure.

OSHA guidelines go further to state that persons must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

In order to consider this site an Occupational Environment, the site must be controlled to prevent access by any individuals classified as the General Public. Compliance is also maintained when any non-occupational individuals (the General Public) are prevented from accessing areas indicated as Red or Yellow in the attached RF exposure diagram. In addition, a person must be aware of the RF environment into which they are entering. This can be accomplished by an RF Safety Awareness class, and by appropriate written documentation such as this Site Compliance Report.

All Pacific Gas and Electric Company employees who require access to this site must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

Appendix D – General Safety Recommendations

The following are *general recommendations* appropriate for any site with accessible areas in excess of 100% General Public MPE. These recommendations are not specific to this site. These are safety recommendations appropriate for typical site management, building management, and other tenant operations.

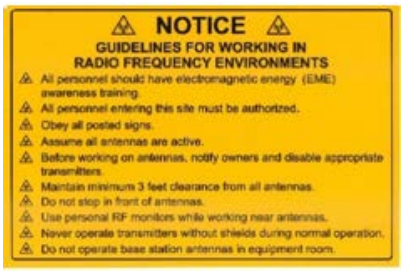
1. All individuals needing access to the main site (or the area indicated to be in excess of General Public MPE) should wear a personal protective monitor (PPM), successfully complete proper RF Safety Awareness training, and have and be trained in the use of appropriate personal protective equipment.

2. All individuals needing access to the main site should be instructed to read and obey all posted placards and signs.

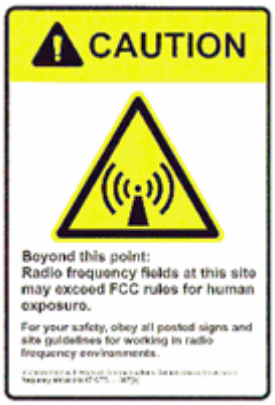
3. The site should be routinely inspected and this or similar report updated with the addition of any antennas or upon any changes to the RF environment including:

- adding new antennas that may have been located on the site
- removing of any existing antennas
- changes in the radiating power or number of RF emitters

4. Post the appropriate **NOTICE**, **CAUTION,** or **WARNING** sign at the main site access point(s) and other locations as required. Note: Please refer to RF Exposure Diagrams in Section 3.1 to inform <u>everyone</u> who has access to this site that beyond posted signs there may be levels in excess of the limits prescribed by the FCC. In addition to RF Advisory Signage, a RF Guideline Signage is recommended to be posted at the main site access point(s). The signs below are examples of signs meeting FCC guidelines.









5. Ensure that the site door remains locked (or appropriately controlled) to deny access to the general public if deemed as policy by the building/site owner.

6. For a General Public environment the five color levels identified in this analysis can be interpreted in the following manner:

- Gray represents areas predicted to be at 5% or less of the General Public MPE limits. *The General Public can access these areas with no restrictions.*

- Green represents areas predicted to be between 5% and 100% of the General Public MPE limits. *The General Public can access these areas with no restrictions.*
- Blue represents areas predicted to be between 100% and 500% of the General Public MPE limits. *The General Public should be restricted from accessing these areas.*
- Yellow represents areas predicted to be between 500% and 5000% of the General Public MPE limits. *The General Public should be restricted from accessing these areas.*
- Red represents areas predicted to be greater than 5000% of the General Public MPE limits. *The General Public should be restricted from accessing these areas.*

7. For an Occupational environment the five color levels identified in this analysis can be interpreted in the following manner:

- Gray represents areas predicted to be at 1% or less of the Occupational MPE limits. *Workers can access these areas with no restrictions.*
- Green represents areas predicted to be between 1% and 20% of the Occupational MPE limits. *Workers can access these areas with no restrictions.*
- Blue represents areas predicted to be between 20% and 100% of the Occupational MPE limits. Workers can access these areas assuming they have basic understanding of EME awareness and RF safety procedures and understand how to limit their exposure.
- Yellow represents areas predicted to be between 100% and 1000% of the Occupational MPE limits. Workers can access these areas assuming they have basic understanding of EME awareness and RF safety procedures and understand how to limit their exposure. Transmitter power reduction and/or time-averaging may be required.
- Red represents areas predicted to be greater than 1000% of the Occupational MPE limits. These areas are not safe for workers to be in for prolonged periods of time. Special procedures must be adhered to, such as lockout/tagout or transmitter power reduction, to minimize worker exposure to EME.

8. Use of a Personal Protective Monitor (PPM): When working around antennas, Sitesafe strongly recommends the use of a PPM. Wearing a PPM will properly forewarn the individual prior to entering an RF exposure area.

Keep a copy of this report available for all persons who must access the site. They should read this report and be aware of the potential hazards with regards to RF and MPE limits.

Additional Information

Additional RF information is available at the following sites:
https://www.fcc.gov/general/radio-frequency-safety-0
https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety

OSHA has additional information available at:
https://www.osha.gov/SLTC/radiofrequencyradiation/index.html

Appendix E – Regulatory Basis

FCC Rules and Regulations

In 1996, the Federal Communications Commission (FCC) adopted regulations for evaluating the effects of RF exposure in 47 CFR § 1.1307 and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 ("OET Bulletin 65"), *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, Edition 97-01, published August 1997. Since 1996 the FCC periodically reviews these rules and regulations as per their congressional mandate.

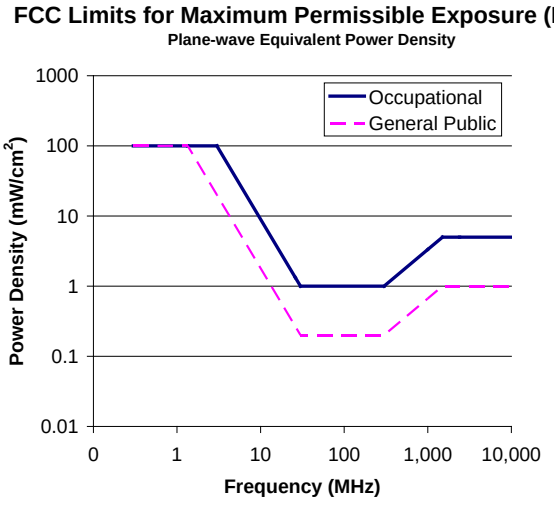
FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limits. The General Public limits apply to *accessible* areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF hazard signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF hazard signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:



Limits for Occupational/Controlled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $\|E\|^2$, $\|H\|^2$ or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	($900/f^2$)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

Limits for General Population/Uncontrolled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $\|E\|^2$, $\|H\|^2$ or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	($180/f^2$)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz *Plane-wave equivalent power density

Appendix F – Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

General Maintenance Work: Any maintenance personnel required to work immediately in front of antennas and / or in areas indicated as above 100% of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

Training and Qualification Verification: All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a worker's understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet-based courses).

Physical Access Control: Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:

- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

RF Signage: Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

Assume all antennas are active: Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

Site RF Exposure Diagram(s): Section 3 of this report contains RF Diagram(s) that outline various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst-case scenario assuming a duty cycle of 100% for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.