AGENDA

JANUARY 17, 2023

REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

MAYOR	•	Wade Kirchner
VICE MAYOR	•	Shon Harris
COUNCILMEMBER	•	Marc Boomgaarden
COUNCILMEMBER	•	Michael Pasquale
COUNCILMEMBER	•	Dave Shaw
CITY MANAGER	•	Diana Langley
CITY ATTORNEY	•	Shannon L. Chaffin

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at (530) 822-4817 at least 72 hours in advance so such aids or services can be arranged. ***City Hall TTY: 530-822-4732***

AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
JANUARY 17, 2023
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link: https://us06web.zoom.us/webinar/register/WN_W1iKs4LfQ6eMITh6xl96SA. Emailed comments sent to cityclerk@yubacity.net at least 24 hours before the meeting will be distributed to the City Council prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. Please visit yubacity.net ADA & Accessibility Resources page. If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested. Please contact City offices at (530) 822-4817 or ***(TTY: 530-822-4732),*** *so such aids or services can be arranged. Requests may also be made by email at cityclerk@yubacity.net or citymanager@yubacity.net or mail City Clerk, 1201 Civic Center Blvd, Yuba City, CA 95993.*

Regular Meeting

Call to Order

Roll Call

__ Mayor Kirchner
__ Vice Mayor Harris
__ Councilmember Boomgaarden
__ Councilmember Pasquale
__ Councilmember Shaw

Invocation/Inspiration

Pledge of Allegiance to the Flag

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. First Baptist Church 100 Years - Proclamation

2. National Human Trafficking Awareness Month Proclamation

3. You Can! with Yuba City - Presentation

4. Didar S. Bains Park Construction Update

Public Communication

5. Appearance of Interested Citizens

You are welcome and encouraged to participate in this meeting. Public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda will be considered at this time. Public comment is limited to three minutes per speaker. Members of the public submitting written requests at least 24 hours prior to the meeting will be allotted five minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Consent Calendar

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council request specific items to be discussed or removed from the Consent Calendar for individual action.

6. Minutes from December 20, 2022 and January 6, 2023

Recommendation: Approve the mintues from the December 20, 2022 and January 6, 2023 meeting

7. Transportation Development Act (TDA) Claim for FY 2022-2023 of $3,460,760 in Local Transportation Funds (LTF)

Recommendation: Adopt a Resolution authorizing submission of the City's FY 2022-2023 TDA claim to the Sacramento Area Council of Governments (SACOG)

8. Utilities Mid-year Capital Acquisition Requests

Recommendation: A. Approve the following mid-year capital acquisition purchases:

1. Two (2) Evoqua Chlorination Analyzers
2. East Effluent Flowmeter Additional Work
3. Laboratory Autoclave

B. Adopt a Resolution awarding the purchase of one (1) Evoqua Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer (Item 1) to G3 Engineering, Inc. of Granite Bay, CA in the total amount of $31,500, with the finding that it is in the best interest of the City

C. Adopt a Resolution awarding an amendment for additional work to the purchase of an Endress Hauser Promag Flowmeter (Item 2) for the WWTF east effluent flow to Telstar Instruments of

Concord, CA in the amount of $10,689 for a purchase total of $30,371.85, with the finding that it is in the best interest of the City

D. Authorize a supplemental appropriation and related transfers in the amount of $31,500 from Account No. 981103-65501 (WWTF Recurring Plant Projects) to 8120-69201 (WWTF Equipment) for the purchase of two (2) Evoqua Chlorination Analyzers (Item 1)

E. Authorize a supplemental appropriation and related transfers in the amount of $10,689 from Account No. 981103-65501 (WWTF Recurring Plant Projects) to 8120-69201 (WWTF Equipment) for additional work for the purchase of one (1) Endress Hauser Promag Flowmeter (Item 2)

F. Authorize a supplemental appropriation and related transfers in the amount of $13,866.37 from Account No. 8140-66001 (Laboratory Other Materials & Supplies) to 8140-69201 (Laboratory Equipment) for the purchase of one (1) Laboratory Autoclave (Item 3)

9. Plans Examiner I/II

Recommendation: Adopt a Resolution authorizing:

The Finance Director to amend the salary schedule for the Plans Examiner I/II classification and to set appropriate compensation

10. CalPERS Employer Paid Member Contribution Resolutions

Recommendation: Adopt Resolutions for paying and reporting the value of Employer Paid Member Contributions for the Police Mid-Managers and Police First Level Managers

11. Proposed City Hall Holiday Closures

Recommendation: Adopt a Resolution authorizing the closure of City Hall for Monday, July 3, 2023 through Tuesday, July 4, 2023, Monday, November 20, 2023 through Friday, November 24, 2023, and Monday, December 25, 2023 through Monday, January 1, 2024

12. 2022-2023 CDBG Annual Action Plan Amendment

Recommendation: A. Conduct a Public Hearing to receive comments on the 2022 Annual Action Plan Amendment and after consideration;

B. Adopt a Resolution approving the proposed 2022 Annual Action Plan Amendment and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing, and;

C. Authorize the Finance Director to make budget allocations as necessary to implement the 2022 Annual Action Plan Amendment, and;

D. Authorize the Finance Director to allocate $47,758 in

unallocated General Fund CIP funds to the Yuba Sutter Gleaners Foodbank project

Business Items

13. Community Sponsorship Request

Recommendation: Consider the sponsorship request from Film Yuba-Sutter, and if approved:

Adopt a Resolution to approve a monetary sponsorship request from Film Yuba-Sutter of $6,250.00 to assist in funding the Film Yuba-Sutter Film Commission

14. Consideration of Planned Development (PD) 17 in association with Development Plan (DP) 22-04, Nestory Park Self Storage

Recommendation: A. Conduct a Public Hearing; then

B. Introduce an Ordinance of the City Council of the City of Yuba City approving a Planned Development (PD) 17 for Nestory Park Self Storage located along the north side of Winship Road approximately 430 feet east of the intersection of Winship Road and Garden Highway (APNs: 53-500-008 and 53-500-035) and an associated Mitigated Negative Declaration by title only and waive the first reading

15. Consideration of General Plan Amendment (GPA) 22-06, and Rezone (RZ) 22-08 in association with Tentative Parcel Map (TPM) 22-04: Spirit Drive Parcel Map

Recommendation: A. Conduct a Public Hearing; then

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-15 by adopting a Mitigated Negative Declaration prepared for Spirit Drive Parcel Map project, and adopt General Plan Amendment 22-06 for approximately 8 acres located at the southeast corner of State Route 20 and El Margarita Road (Assessor's Parcel Number: 63-010-141); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-08 for the Spirit Drive Parcel Map project located at the southeast corner of State Route 20 (Colusa Highway) and El Margarita Road (Assessor's Parcel Number: 63-010-141) by title only and waive the first reading

16. Request to establish Planned Development (PD) 15 and approval of a development agreement for the Chima Ranch Tentative Subdivision Map SM 22-07

Recommendation: A. Conduct a Public Hearing; then

B. Introduce an Ordinance of the City Council of the City of Yuba City approving Planned Development (PD) No. 15 for the Chima Ranch Subdivision (SM 22-07) located In the southwest portion of the City along the west side of Sanborn Road and immediately

west of the intersection of Pebble Beach Drive and Sanborn Road (Assessor's Parcels 65-020-009 And 65-020-010) and an associated Mitigated Negative Declaration by title only and waive the first reading

C.Introduce an Uncodified Ordinance of the City Council of the City of Yuba City approving a Development Agreement for the Chima Ranch Subdivision Map (SM 22-07) between the City of Yuba City and Interwest Homes Corporation, a California Corporation, to Develop 82 Single-Family Lots on 14.86 Acres located in the southwest portion of the City along the west side of Sanborn Road immediately west of the intersection of Pebble Beach Drive and Sanborn Road, Assessor's Parcels 65-020-009 And 65-020-010 by title only and waive the first reading

Future Agenda Items

17. Future Agenda Items

- Councilmember Boomgaarden
- Councilmember Pasquale
- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

18. City Manager's Report

19. City Council Reports

- Councilmember Boomgaarden
- Councilmember Pasquale
- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Adjournment

Proclamation

of the City Council

First Baptist Church

100 Years!

Proclamation to be presented at the Council Meeting

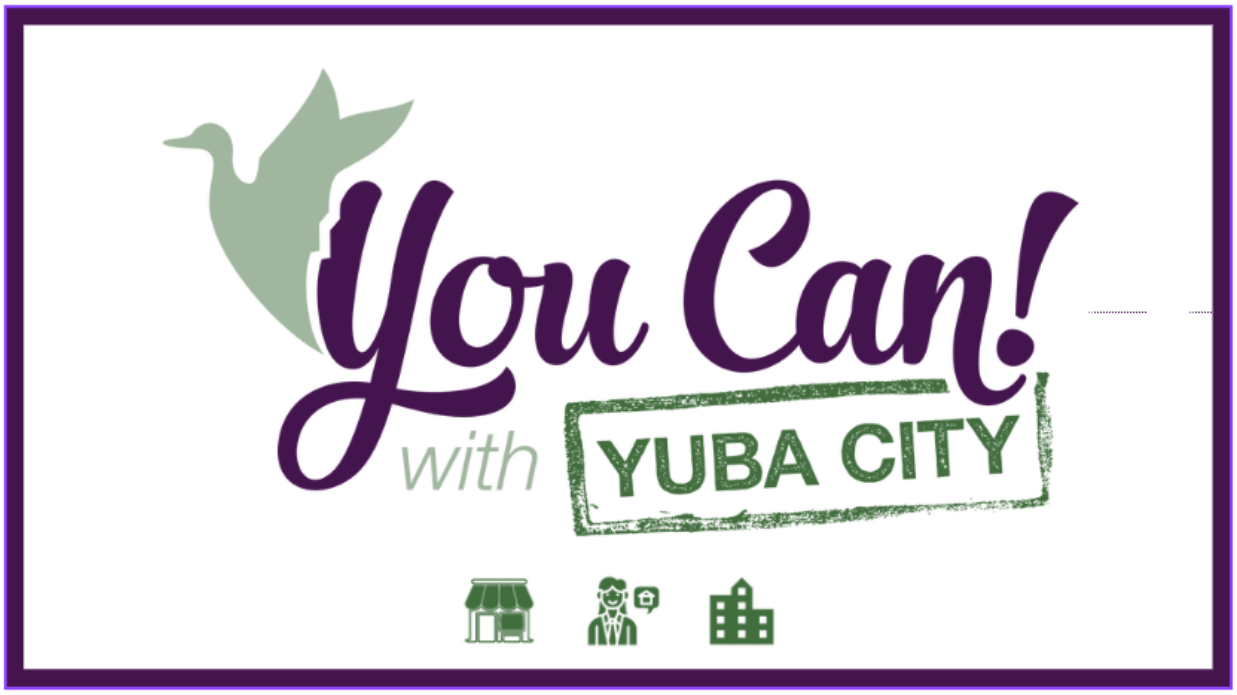
Proclamation

of the City Council

National Human Trafficking Awareness Month

January 2023

Proclamation to be presented at the Council Meeting



Ashley Potočnik, Development Liaison, will present on the You Can! With Yuba City campaign.

You Can! with Yuba City

apotočnik@yubacity.net

530-822-5195

Brad McIntire, Community Services Director, will present on the construction status of the Didar S. Bains Park.

Brad McIntire

bmcintir@yubacity.net

530-822-4650

Public Communication

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements.

Procedure

You are welcome and encouraged to participate in this meeting. Complete a Speaker Card located in the lobby and give to the Clerk, public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda, will be considered at this time.

When a matter is announced, wait to be recognized by the Mayor to provide your comments to the Council. Comments should begin by providing your name and place of residence. A three minute limit is requested when addressing Council.

Request for additional time to address Council

Members of the public submitting written requests at least *24 hours* prior to the meeting will be allotted 5 minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Procedure

When requesting to comment, please indicate your name and the topic and mail to:

City of Yuba City
Attn: City Clerk
1201 Civic Center Blvd
Yuba City CA 95993

Or email to:

Jackie Sillman, City Clerk
cityclerk@yubacity.net

Agenda Item **6**

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes from December 20, 2022 and January 6, 2023
Recommendation: Approve the mintues from the December 20, 2022 and January 6, 2023 meeting
Fiscal Impact: None

Attachments:
1. 12-20-2022 Regular Meeting Minutes (DRAFT)
2. 01-06-2023 Special Closed Session Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
DECEMBER 20, 2022
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

Regular Meeting

Call to Order

The Regular Meeting of the City Council called to order by Mayor Kirchner at 6:00 PM

Roll Call

Present: Mayor Kirchner and Councilmembers Boomgaarden, Pasquale and Shaw

Absent: Vice-Mayor Harris

Invocation/Inspiration

Pastor Greg Mansur – Adventure Church Yuba City

Pledge of Allegiance to the Flag

Councilmember Pasquale

Agenda Modifications/Approval of Agenda

No changes were made

Public Communication

1. Appearance of Interested Citizens

No public comment

Consent Calendar

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

2. Minutes from the November 15, and December 6, 2022

Approve the minutes from November 15, and December 6, 2022

3. Fire Prevention Ordinance and the adoption of the 2022 California Fire Code based on the 2021 Edition of the International Fire Code

Adopt **Ordinance 012-22** of the City Council of the City of Yuba City Repealing and Re-Enacting Chapter 5 of Title 4 Regarding Fire Prevention and the 2021 International Fire Code by title only and waive the second reading

4. Building Regulations Ordinance and the adoption of the 2022 edition of the California Building Standards Code

Adopt **Ordinance 013-22** of the City Council of the City of Yuba City Repealing Chapters 1 Through Chapter 14 of Title 7 of the Yuba City Municipal Code and Re-Enacting Chapters 1 Through Chapter 14 of Title 7 Adopting by Reference the 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California Historical Code, 2022 California Existing Building Code, 2022 California Referenced Standards Code, 2022 California Residential Building Code, 2022 California Green Building Standards (CALgreen) Code, 2021 Uniform Swimming Pool Spa & Hot Tub Code, Etc., With Certain Amendments, Additions and Deletions Thereto, by title only and waive the second reading

5. Expedited Permitting for Electric Vehicle Charging Systems, Ordinance Update pursuant to Assembly Bill 970

Adopt **Ordinance 014-22** of the City Council of the City of Yuba City Amending Section 7-17.04 (Permit Application Processing) of Chapter 17, Title 7 of the Yuba City Municipal Code to implement the provisions of Assembly Bill 970 by title only and waive the second reading

6. Repeal and Replace the Massage Establishment and Therapist Ordinance

Adopt **Ordinance 015-22** to repeal and replace Yuba City Municipal Code Title 5, Chapter 3 to include administrative penalties, revocation of permits, and clarity of ordinance for massage establishments/therapists by title only and waive the second reading

7. AB1600 Annual Report

A. Accept the AB1600 Annual Report

B. Adopt **Resolution 22-169** finding that there is a reasonable relationship between current needs for the fees and the purposes for which they were originally collected

8. Annual Investment Policy Adoption

Approve Investment Policy as presented

9. Submission of Recertification Application for Tree City USA Designation

Adopt **Resolution 22-170** authorizing the City to apply for recertification to the National Arbor Day Foundation for consideration of the City to continue its designation as a Tree City USA community

10. Shared Use Agreement between the City of Yuba City and Yuba City Unified School District

Adopt **Resolution 22-171** authorizing the Community Services Director to execute a shared use agreement between the City of Yuba City and Yuba City Unified School

District, subject to approval as to legal form by the City Attorney

11. Amendment to Lease of the Madden House for the Yuba-Sutter Chamber of Commerce Offices

A. Adopt **Resolution 22-172** approving a fourth amendment to the Yuba-Sutter Chamber of Commerce Lease Agreement dated May 15, 2018, for the use of the Madden House (1300 Franklin Road)

B. Authorize the City Manager to sign the amended lease agreement, with approval as to form by the City Attorney

12. Reasonable Accommodations Policy for City Meetings Subject to the Brown Act

Adopt **Resolution 22-173** adopting a Reasonable Accommodations Policy for City Meetings Subject to the Brown Act

13. Second Amendment to the Reimbursement Agreement for the Feather River Mill Hotel (Holiday Inn Express)

Adopt **Resolution 22-174** of the City Council approving the second amendment to the Transient Occupancy Taxes Reimbursement Agreement with Yuba City Hotel, L.P., authorizing to extend the commencement of operation date of the Hotel to January 1, 2024.

14. Wastewater Treatment Facility Lift Station 2 Rehabilitation (Plans & Specifications)

Adopt **Resolution 22-175** approving the plans and specifications for the Wastewater Treatment Facility Lift Station 2 Rehabilitation Project (21-24), authorizing advertisement for bids on the project, and adopting a CEQA Class 1 Categorical Exemption

15. On-Call Professional Traffic Engineering Services Contract Award

Adopt **Resolution 22-176** authorizing the City Manager to sign an Agreement for Professional Services and task orders with Fehr and Peers for an on-call Professional Traffic Engineering Services Contract for a three-year term (with an optional two-year term extension) for an amount not to exceed $600,000, subject to review and approval as to legal form by the City Attorney

16. Department of Water Resources State Water Project Amendment No. 11 and Waiver

Adopt **Resolution 22-177** authorizing the City Manager to execute the following agreements with the Department of Water Resources regarding the State Water Project:

A. Amendment No. 11 (The Contract Extension Amendment) to Water Supply Contract between the State of California Department of Water Resources and City of Yuba City for Continued Service and the Terms and Conditions Thereof

B. Agreement between the Department of Water Resources and City of Yuba City to

Waive the Pending Litigation Contingency for the Contract Extension Amendment

17. City of Yuba City Advisory Board Appointment List

Note and File the 2022 Local Appointment List and Direct Staff to post on the City's website

The motion was passed with a unanimous vote

Business Items

18. Levy of the 2023 Annual Assessment of the Downtown Yuba City Business Improvement District

Mayor Kirchner opened a Public Hearing

No public comment

Mayor Kirchner closed the Public Hearing

No written protests were received

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

Adopt **Resolution 22-178** confirming the Annual Report for the Yuba City Downtown Business Association and levying the assessment for the Downtown Business Improvement District for calendar year 2023

The motion was passed with a unanimous vote

19. Community Sponsorship Request - Friends of the Marysville Stampede - Cotton Rosser Memorial Bronze Statue

Councilmember Shaw moved and Councilmember Boomgaarden seconded the motion to:

Consider the sponsorship request from the Friends of the Marysville Stampede, and if approved:

A. Adopt **Resolution 22-179** to approve a monetary sponsorship request from the Friends of the Marysville Stampede of $5,000.00 for the Cotton Rosser Memorial Bronze Statue

B. Authorize the Finance Director to record a supplemental appropriation in the amount of $5,000.00 from Account No. 4220-66003 (Sister City)

The motion was passed with a unanimous vote

20. Consideration of Letter of Support for Adventist Health's Proposed Project Hope

Johnny Burke spoke

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

Consider Adventist Health's request for a Letter of Support for Project Hope and provide direction to the City Manager

The motion was passed with a unanimous vote

21. RFP23-01 Tree Maintenance Services Bid Award

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

> Adopt **Resolution 22-180** awarding a contract to Richard's Tree Service, Inc., of Yuba City, CA in the not to exceed amount of $300,000 for one (1) year of citywide tree maintenance service with the option of two (2) one (1) year extensions, and authorize the City Manager to execute any subsequent contract amendments or extensions, with the finding that it is in the best interest of the City and subject to approval as to legal form by the City Attorney

The motion was passed with a unanimous vote

22. Septic Hauler Fee Update

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

> Adopt **Resolution 22-181** amending the Schedule of Fees and Charges for City Services to update the fees for septage waste disposal for Fiscal Years 22/23 and 23/24 to below the Proposition 218 approved limits

The motion was passed with a unanimous vote

23. Appointments to City Council Regional Boards and Committees

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

> Approve the City Council Assignments to Regional Boards and Committees for Calendar Year 2023

The motion was passed with a unanimous vote

Future Agenda Items

24. Future Agenda Items

No Suggestions

Reports and Communications

25. City Manager's Report

26. City Council Reports

- Councilmember Boomgaarden
- Councilmember Pasquale
- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Adjournment

Mayor Kirchner adjourned the Regular Meeting of the City Council at 7:29 pm

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

ATTACHMENT 2

MINUTES (DRAFT)
SPECIAL MEETING - CLOSED SESSION
CITY COUNCIL - CITY OF YUBA CITY
JANUARY 6, 2023
1:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

Call to Order

Mayor Kirchner called the Special Meeting of the City Council to order at 1:01 PM

Roll Call

Present: Mayor Kirchner and Councilmembers Boomgaarden, Harris, Pasquale, and Shaw

Absent: None

Closed Session

Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.)
Agency designated representatives: Diana Langley, City Manager, Jesse Alexander, Fire Chief, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Michael Jarvis, LCW

Employee Organization: Firefighters Local 3793

No public comment

Council moved into Closed Session

Adjournment

The Special Closed Session Meeting was adjourned by Mayor Kirchner at 2:16 PM

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Diona Pope, Accounting Manager

Summary

Subject: Transportation Development Act (TDA) Claim for FY 2022-2023 of $3,460,760 in Local Transportation Funds (LTF)

Recommendation: Adopt a Resolution authorizing submission of the City's FY 2022-2023 TDA claim to the Sacramento Area Council of Governments (SACOG)

Fiscal Impact: $3,293,869 in revenue will be received by the City for TDA Fund projects on Yuba City streets as approved in the FY 2022-2023 CIP Budget.

Purpose:

To secure funding to be used for road repair and maintenance.

Council's Strategic Goal:

This staff report addresses the City Council's Strategic Goal of fiscal responsibility.

Background:

The City Council is requested to approve the following allocation of the City's fiscal year Local Transportation Fund (LTF) revenues as indicated below:

1.	Yuba City Finding of Apportionment	$5,563,030
2.	Less: Sacramento Area Council of Governments (SACOG)	166,891
3.	Less: Yuba-Sutter Transit Authority (YSTA)	2,102,271
	Total	$3,293,869

Projects completed in recent years include:

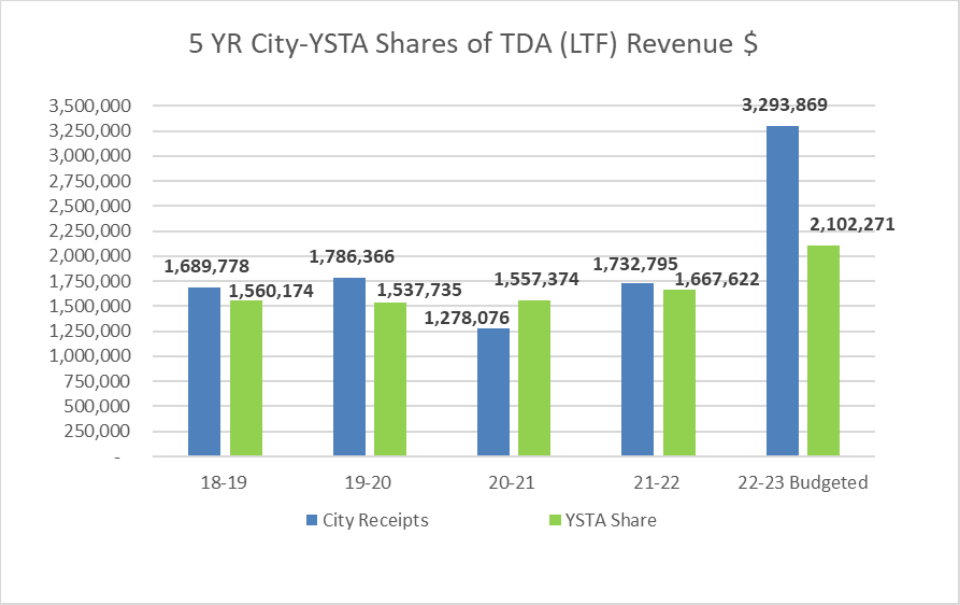
- Striping and marking; and
- Drainage and traffic signal improvements; and
- Road rehabilitation at various locations

Analysis:

The Sales Tax rate in Sutter County is currently 7.25%. Of this rate, 0.25% is collected by the State of California and allocated back to each city and county (based on population) for local transportation services and projects. The City of Yuba City's share of these funds for FY 2022-2023 totals $5,563,030, an increase of 58.69% from the apportionment of $3,505,585 for FY 2021-2022. Of this amount, YSTA is apportioned a share (in accordance with our Joint Powers Agreement), SACOG receives a portion for planning costs, and the remainder is placed in the City's TDA project fund (305).

YSTA will use their portion, $2,102,271, to provide community-wide transit services. The YSTA portion has increased 26% from last year, and has increased an average of 9% per year over a five-year period, FY 2018-2019 through FY 2022-2023.

The following chart illustrates five years of the City's and YSTA's shares of TDA (LTF) claims:



The local share of TDA revenue distribution considers county June 30th LTF balance estimates and must be trued-up for the differential between the estimation and actual in the following year.

Per Michael Rosson from SACOG, the 58.69% apportionment increase from FY 2021-2022 is due to:

- higher State LTF Fund Balance as of 6/30/21; and
- higher State sales tax revenue projection for FY 2022-2023

Fiscal Impact:

$3,293,869 in revenue will be received by the City for TDA Fund projects on Yuba City streets as approved in the FY 2022-2023 CIP Budget.

Alternatives:

- City Council may determine that LTF revenue is not needed and forego the City's claim.
- City Council may use its seat at YSTA to help identify further unmet transportation needs, which would reduce or eliminate the City's LTF revenue claim.

Recommendation:

Adopt a Resolution authorizing submission of the City's FY 2022-2023 TDA claim to the Sacramento Area Council of Governments (SACOG).

Attachments:

1. TDA Claim Resolution FY 22-23 (Final)
2. 22-23 SACOG TDA Claim

Prepared By:	Submitted By:
Diona Pope	Diana Langley
Accounting Manager	City Manager

ATTACHMENT 1

RESOLUTION NO. 22-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING SUBMISSION OF THE FY 2022-2023 TRANSPORTATION DEVELOPMENT ACT CLAIM TO THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS

WHEREAS, the State of California enacted the Transportation Development Act (TDA) in 1972 to provide funds for transportation needs each fiscal year; and

WHEREAS, the Sacramento Area Council of Governments (SACOG) is designated as the Transportation Planning Agency for the City of Yuba City to receive claims for approval pursuant to TDA rules and regulations; and

WHEREAS, SACOG has adopted funding of apportionment for the Local Transportation Funds for Fiscal Year 2022-2023; and

WHEREAS, after transportation needs have been met, any unused funds may be used for street and road improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City hereby approve and forward to SACOG the attached Fiscal Year 2022-2023 TDA claims, and that the Finance Director is hereby authorized to make the necessary budget amendments, transfers, accounting entries, etc. to carry out the Council's policies and directives related to this matter.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17TH day of January, 2023.

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

TRANSPORTATION

DEVELOPMENT ACT

CLAIM PACKET

Sacramento Area Council of Governments
1415 L Street. Suite 300
Sacramento, CA 95814

TRANSPORTATION DEVELOPMENT ACT
CLAIM CHECKLIST

Please check the following, items as being either included with the attached TDA claim package or are on file at SACOG.

Item	Claimant	Attached	On file
• TDA-1 Annual Transportation Development Claim	All claimants	x	N/A
• TDA-2 Project and Expenditure Plan (for the fiscal year of this claim and the prior fiscal year)	All claimants	x	N/A
• TDA-3 Status of Previously Approved Projects	All claimants	x	N/A
• TDA-4 Statement of Conformance	All claimants	x	N/A
• TDA-5 TDA Claim Certification	All claimants	x	N/A
• Resolution by governing body that authorized the claim	All claimants	x	N/A
If Claimant is a Transit Agency or Jurisdiction is Contracting for Transit Service			
• CHP Safety Compliance Report (Completed within the past 13 months)	Claimants for transit service		
• Adopted or proposed budget for the fiscal year of the claim	Claimants for transit service		
• Signed copy of transit service contract	Claimants for transit service		
• Area wide transfer agreement, resolution	Claimants that allow inter-system transfers		
• Information establishing eligibility under efficiency Criteria – STA Operator Qualifying Criteria calculation based on section 99314.6	Claimants for revenue-based STA funds		
• Certification that claim is consistent with Capital Improvement Program	Claimants for bike/ped facilities		
• Compliance with PUC Sec. 99155 & 99155.5	Claimants for transit service		
• Copy of Ten Year Capital & Operations Program	Claimants for transit service		

TDA-1

TRANSPORTATION DEVELOPMENT ACT CLAIM

TO: Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

FROM: Claimant City of Yuba City
Address 1201 Civic Center Boulevard
City Yuba City Zip Code 95993
Contact Person Spencer Morrison
Phone 530-822-4615 Email smorrison@yubacity.net

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the Sacramento Area Council of Governments (SACOG), that its request for funding be approved as follows:

LTF $3,460,760 (FY 22 / 23)
_____ (FY____/____)
_____ (FY____/____)
_____ (FY____/____)

STA _____ (FY____/_____)
_____ (FY____/____)
_____ (FY____/____)

STA-SGR _____ (FY____/____)
_____ (FY____/____)

(Specify STA and/or STA-SGR)

Submitted By Spencer Morrison
Title Finance Director
Date 01/17/23

TDA-2

ANNUAL PROJECT AND EXPENDITURE PLAN

	Claimant:	**Fiscal Year:**

Project Title and TDA Article Number		**SOURCES OF FUNDING**								
	TDA LTF	TDA STA	TDA STA-SGR	Transit Fares	Measure A	Road Fund	Developer Fees/Const. Tax	Federal/ State	Other	**TOTAL**
Article Section 99400(a)	$3,293,869									$3,293,869
SACOG Planning	166,981									166.981
TOTAL REQUEST	$ 3,460,760	$	$	$	$	$	$	$	$	$ 3,460,760

TDA-3
STATUS OF PREVIOUSLY APPROVED PROJECTS

Instructions: Describe the status of all prior fiscal year TDA claim projects and any projects from previous
years, which are still active.

- Include both operating and capital projects
- Approved amounts should he as specified in TDA claims approved by SACOG
- Expenditures should be to date
- Project status should be either "Complete" or "Active"

Fiscal Year	Project Title	Amount Approved	Expenditures	Project Status
2015-16		$1,540,935	$1,540,935	Complete
2016-17		1,647,686	1,647,686	Complete
2017-18		957,774	957,774	Complete
2018-19		1,592,279	1,592,279	Complete
2019-20		1,686,643	1,686,643	Complete
2020-21		1,278,076	73,689	Active
2021-22		1,732,795	0	Active
TOTAL		$10,436,188	$ 7,499,006	

TDA-4
STATEMENT OF CONFORMANCE

Form TDA-4 must be completed and signed by the Administrative Office of the submitting claimant.

The City of Yuba City hereby certifies that the Transportation Development Act claim for fiscal year(s) 2022-2023 in the amount of $ $3,460,760 (LTF), $ 0 (STA) and $ 0 (STA-SGR) for a total of $ $3,460,760 conforms to the requirements of the Transportation Development Act and applicable rules and regulations. (See Attachment A for listing of conformance requirements)

Certified by Chief Financial Officer _____
Title Finance Director
Date 01/17/23

TDA-5

TDA Claim Certification Form

I, Spencer Morrison, Chief Finance Officer for the City of Yuba City, do hereby attest, as required under the California Code of Regulations, Title 21, Division 3, Chapter 2, Section 6632, to the reasonableness and accuracy of the following:

(a) The attached budget or proposed budget for FY 2022/2023.

(b) The attached certification by the Department of the California Highway Patrol verifying that City of Yuba City is in compliance with Section 1808.1 of the Vehicle Code, as required in Public Utilities Code Section 99251.

(c) The estimated amount of Article Section 99400(a) maximum eligibility for moneys from the local transportation fund and the state assistance fund, as defined in Section 6634, is $3,460,760.

_____

(Signature) Chief Financial Officer

City of Yuba City

(Agency Name)

01/17/23

(Date)

ATTACHMENT A
CONFORMANCE - TDA CLAIMANTS
Standard Assurances

1) 180-Day Certified Fiscal Audit *(Applies to all claims; SACOG administers fiscal audits for all operators in the region, with the exception of the Sacramento Regional Transit District)* -Assurance that the claimant has submitted a satisfactory independent fiscal audit, with required certification, to SACOG and to the State Controller not more than 180 days after the end of the prior fiscal year (Sections 99245 and 6664).

2) 90-Day Annual State Controller Report (*Applies to all transit claims)* – Assurance that claimant has submitted this report to the State Controller in conformance with the uniform system of accounts and record not more than 90 days after the end of the prior fiscal year (110 days for electronically submissions) (Section 99243). Claimant should also supply a copy of the State Controller report (SCR) to SACOG no more than 120 days after the end of the prior fiscal year.

3) Use of Federal Funds (*Applies to all Article 4 claims)* –

- Claimant filing a claim for TDA funds for capital intensive projects pursuant to Section 99268.7 certifies that is has made every effort to obtain federal funding for any project which is funded pursuant to Section 99268.7.

- Claimant qualifying for funds pursuant to Section 99268.1 and tiling a claim for TDA funds in excess of the amount allowed by Section 99268 certifies that such funds are required in order to obtain maximum federal operating funds in the year such funds are claimed pursuant to Section 6633.1.

4) Elderly/Disabled (*Applies to all transit claims*) – That the transit operator is question is in compliance with Section 99155 pertaining to reduced transit fares for elderly and disabled persons and Section 99155.5 pertaining to dial-a-ride and paratransit services.

5) Farebox Recovery Ratio Requirements (*Applies to all transit claims*) – Claimant filing a claim for LTF or STA funds certifies that it will maintain for the project that ratio of fare revenues and local support to operating cost required under Sections 99268 (including all subparts), 99270.1, 99270.2, 99270.6, and under the "Farebox Requirements for Urbanized and Non-Urbanized Service' adopted by the SACOG Board of Directors on March 18, 1982, whichever is appropriate.

Exceptions:

6) 50% Expenditure Limitation (*Applies only to claims for LTF*) – Claimant certifies that it

was in compliance with Section 99268 certifying that it (the claim) will not exceed 50% of the amount required to meet operating, maintenance, capital and debt service costs of the transit system after deduction of approved federal grants and STA funds estimated to be received for the system. (A claimant can received up to 100% of capital costs for grade-separated mass transit projects under Section 99268 and 99281, for capital intensive transit-related projects under Section 99268.7. and for extension of services under Section 6619.1 and 6633.8)

7) Extension of Services (*Applies only to LTF claims*) - Claimant who received an allocation of LTF funds for extension of service pursuant to Section 99268.8 certifies that it will file a report of these services pursuant to Section 6633.8(b) within 90 days after close of the fiscal year in which that allocation was granted.

8) Retirement System (*Applies only to LTF claims*) - Claimant certifies that (1) the current cost of its retirement system is fully funded with respect to the officers and employees of its public transportation system; or (2) the operator is implementing a plan approved by SACOG which will fully find the retirement system for such officers and employees within 40 years; or (3) the operator has a private pension plan which sets aside and invests, on a current bases, funds sufficient to provide for the payment of future pension benefits and which is fully compliant with the requirements stated in Section 99272 and 99273.

9) Maximum Use of Local Transportation Funds *(Applies only to Sacramento Regional Transit District STA claim)* - That the operator is receiving the maximum allowable amount from the Local Transportation Fund.

10) Part-Time Employees *(Applies only to claims for STA)* - Claimant certifies that it is not precluded by any contract entered into on or after June 28, 1979 from employing part-time drivers or contracting with common carriers of persons operating under a franchise or license. Claimant further certifies that no person who was a full-time employee on June 28, 1979 shall have his/her employment terminated or his/her regular hours of employment, excluding overtime, reduced as a result of it employing part-time drivers or contracting with such common carriers.

11) Conformance with the Metropolitan (Regional) Transportation Plan *(Applies only to claims for STA)* - Claimant certifies that all of the purposes for claim expenditures are in conformance with the current Short Range Transit Plan, which is an appendix to the Metropolitan (Regional) Transportation Plan.

12) Full Use of Federal Funds *(Applies only to STA claims)* - Claimant certifies that it is making full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended.

13) Implementation of Productivity Improvements *(Applies only to STA claims)* - Claimant certifies that the operator has made a reasonable effort to implement the productivity improvements recommended pursuant to Section 99244.

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023

To: Honorable Mayor & Members of the City Council;

From: Public Works Department

Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: Utilities Mid-year Capital Acquisition Requests

Recommendation: A. Approve the following mid-year capital acquisition purchases:

1. Two (2) Evoqua Chlorination Analyzers
2. East Effluent Flowmeter Additional Work
3. Laboratory Autoclave

B. Adopt a Resolution awarding the purchase of one (1) Evoqua Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer (Item 1) to G3 Engineering, Inc. of Granite Bay, CA in the total amount of $31,500, with the finding that it is in the best interest of the City

C. Adopt a Resolution awarding an amendment for additional work to the purchase of an Endress Hauser Promag Flowmeter (Item 2) for the WWTF east effluent flow to Telstar Instruments of Concord, CA in the amount of $10,689 for a purchase total of $30,371.85, with the finding that it is in the best interest of the City

D. Authorize a supplemental appropriation and related transfers in the amount of $31,500 from Account No. 981103-65501 (WWTF Recurring Plant Projects) to 8120-69201 (WWTF Equipment) for the purchase of two (2) Evoqua Chlorination Analyzers (Item 1)

E. Authorize a supplemental appropriation and related transfers in the amount of $10,689 from Account No. 981103-65501 (WWTF Recurring Plant Projects) to 8120-69201 (WWTF Equipment) for additional work for the purchase of one (1) Endress Hauser Promag Flowmeter (Item 2)

F. Authorize a supplemental appropriation and related transfers in the amount of $13,866.37 from Account No. 8140-66001 (Laboratory Other Materials & Supplies) to 8140-69201 (Laboratory Equipment) for the purchase of one (1) Laboratory Autoclave (Item 3)

Fiscal Impact: $64,176.00 as follows:
1. $31,500.00 – Evoqua Chlorination Analyzers – Acct. No. 8120-69201
2. $10,689.00 – Flowmeter Additional Work – Acct. No. 8120-69201
3. $21,987.00 – Laboratory Autoclave – Acct. No. 8140-69201

Purpose:

To purchase capital acquisitions for the Utilities branch of the Public Works-Development Services Department which were unanticipated in the Fiscal Year 22/23 budget.

Council's Strategic Goals:

This item addresses Council's Strategic Goals of *Infrastructure* and *Public Safety* through investment in improved operational efficiencies and potential cost savings in wastewater treatment processes and water/wastewater laboratory services.

Background:

The Utilities branch of the Public Works-Development Services Department has identified the need for three (3) capital acquisitions which were not anticipated during the Fiscal Year 22/23 budget process. Staff is requesting authorization to purchase the following capital acquisitions mid-year:

1. Two (2) Evoqua Chlorine Analyzers (WWTF)
2. East Effluent Flowmeter Additional Work (WWTF)
3. Laboratory Autoclave

A discussion of each item and fiscal impact is provided below.

Analysis:

Item 1: Evoqua Chlorination Analyzers:

The Wastewater Treatment Facility (WWTF) utilizes carefully calculated dosages of chemicals throughout the treatment process, including chlorine and sodium bisulfite, which are monitored by analyzers. The analyzers which monitor the chlorine and sodium bisulfite during the chlorination and de-chlorination stages are aged and require significant maintenance. Wastewater staff is requesting the replacement of one (1) chlorine analyzer with an Evoqua Micro2000 and one (1) sodium bisulfite analyzer with an Evoqua Deox2000 in order to test their operations and maintenance improvements. If these updated analyzers prove to be effective, staff intends to request replacement of the remaining three (3) chlorine and one (1) sodium bisulfite analyzers.

G3 Engineering, Inc. is the sole authorized regional vendor for Evoqua products (Exhibit 1B). Sole sourcing of this equipment is allowed per the City's Purchasing Policies and Procedures Section 8-8.4.2., as it has unique design and performance specifications and the vendor is the only authorized seller of this product in the region.

Item 2: East Effluent Flowmeter Additional Work:

The WWTF utilizes two flowmeters in the final effluent stage of the treatment process as it is released into the public waterway. One of the two flowmeters began to malfunction due to water intrusion in the vault it is housed in. Subsequently, Utilities staff requested a replacement Endress Hauser Promag Flowmeter and installation for the east effluent flow from Council on October 5, 2021. Council awarded the purchase and project to Telstar Instruments of Concord, CA by Resolution 21-148 in accordance with the City's Purchasing Policies and Procedures Section 8-8.4.2.

Telstar Instruments did not receive the flowmeter until August 2022 due to material and manufacturing delays. In the interim, the condition of the existing meter and vault has continued to degrade, which will require significant additional installation and electrical labor (Exhibit 2A). While the cost of the project remains under the fiscal threshold for Council approval per the City's Purchasing Policies and Procedures, staff is requesting authorization of this change order since the additional cost increases the recorded value of the capital acquisition.

Item 3: Laboratory Autoclave:

The City's Laboratory provides both internal and commercial water and wastewater testing services for the region. The testing process requires an autoclave to both sterilize the media to prepare it for testing and disinfect biohazardous materials. The existing autoclave was manufactured in 2005 and no longer consistently operates as designed; this means that it cannot be used for the media sterilization process.

Laboratory staff conducted an informal bid procurement process with the needed specifications per the City's Purchasing Policies and Procedures and received two bids from interested vendors (Attachment 3).

Fiscal Impact:

Item 1: Evoqua Chlorination Analyzers:

The total cost of the purchase of one Evoqua (1) Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer, including associated equipment, startup by Borges & Mahoney, freight, and sales tax, is $26,297.31. Staff is requesting a 20% contingency due to dynamic materials and services costs, for a total of $31,500. There are sufficient funds available in the Capital Improvement Program (CIP) WWTF Recurring Plant Projects account (Account No. 981103-65501) for this purchase, which will need to be transferred to the operating budget Equipment account (Account No. 8120-69201) for depreciation tracking of this capital acquisition. The quote from G3 Engineering, Inc. may be seen in Exhibit 1A.

Staff projects immediate cost savings with the significantly reduced maintenance. There may also be future cost savings for chemicals due to increased accuracy and efficiency.

Item 2: East Effluent Flowmeter Additional Work:

The total cost of the additional labor and materials for the installation of the east effluent flowmeter is $10,689, for a project total of $30,371.85. There are sufficient funds available in the Capital Improvement Program (CIP) WWTF Recurring Plant Projects account (Account No. 981103-65501) for this purchase, which will need to be transferred to the operating budget Equipment account (Account No. 8120-69201) for depreciation tracking of this capital acquisition. The change order from Telstar Instruments may be seen in Exhibit 2A.

Item 3: Laboratory Autoclave:

The estimated total cost for the purchase of an autoclave is $18,322.77, based on the results of the informal bid process. Staff is requesting a 20% contingency due to dynamic materials and services costs, for a total of $21,987. There is currently $8,120.63 available in the Laboratory's Equipment account (Account No. 8140-69201), which is the savings remaining from the purchase of the Chromatography Instrument, authorized in the Fiscal Year 22/23 budget. There are sufficient funds available in the Laboratory's operating budget for the $13,866.37 remainder in Account No. 8140-66001 (Other Materials and Supplies), which will need to be transferred to the Equipment account (Account

No. 8140-69201) for depreciation tracking of this capital acquisition. The two quotes resulting from the informal bid are included as Attachment 3.

Alternatives:

1. Deny the purchase of one or more of the acquisition requests.
2. Direct staff to request one or more of the acquisitions in the Fiscal Year 23/24 budget.

Recommendation:

A. Approve the following mid-year capital acquisition purchases:

1. Two (2) Evoqua Chlorination Analyzers
2. East Effluent Flowmeter Additional Work
3. Laboratory Autoclave

B. Adopt a Resolution awarding the purchase of one (1) Evoqua Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer (Item 1) to G3 Engineering, Inc. of Granite Bay, CA in the total amount of $31,500, with the finding that it is in the best interest of the City.

C. Adopt a Resolution awarding an amendment for additional work to the purchase of an Endress Hauser Promag Flowmeter (Item 2) for the WWTF east effluent flow to Telstar Instruments of Concord, CA in the amount of $10,689 for a purchase total of $30,371.85, with the finding that it is in the best interest of the City.

D. Authorize a supplemental appropriation and related transfers in the amount of $31,500 from Account No. 981103-65501 (WWTF Recurring Plant Projects) to 8120-69201 (WWTF Equipment) for the purchase of two (2) Evoqua Chlorination Analyzers (Item 1).

E. Authorize a supplemental appropriation and related transfers in the amount of $10,689 from Account No. 981103-65501 (WWTF Recurring Plant Projects) to 8120-69201 (WWTF Equipment) for additional work for the purchase of one (1) Endress Hauser Promag Flowmeter (Item 2).

F. Authorize a supplemental appropriation and related transfers in the amount of $13,866.37 from Account No. 8140-66001 (Laboratory Other Materials & Supplies) to 8140-69201 (Laboratory Equipment) for the purchase of one (1) Laboratory Autoclave (Item 3).

Attachments:

1. Attachment 1 - Resolution G3 Engineering Evoqua Chlorination Analyzers - Utilities Mid-year Cap Acqs
2. Exhibit 1A G3 Engineering Chlorination Analyzers Quote CD1069 - Utilities Mid-year Cap Acqs
3. Exhibit 1B Evoqua Letter - Utilities Mid-year Cap Acqs
4. Attachment 2 - Resolution East Effluent Flowmeter Additional Work - Utilities Mid-year Cap Acqs
5. Exhibit 2A Telstar Instruments Change Order - Utilities Mid-year Cap Acqs
6. Attachment 3 Lab Autoclave Informal Bids - Utilities Mid-year Cap Acqs

Prepared By:	Submitted By:
Scarlett O. Harris	Diana Langley
Administrative Analyst II	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING THE PURCHASE OF ONE (1) EVOQUA MICRO2000 CHLORINE ANALYZER AND ONE (1) EVOQUA DEOX2000 SODIUM BULSIFTE ANALYZER TO G3 ENGINEERING, INC. OF GRANITE BAY, CA

WHEREAS, the City of Yuba City utilizes carefully calculated dosages of chemicals throughout the treatment process, including chlorine and sodium bisulfite, which are monitored by analyzers at the Wastewater Treatment Facility (WWTF); and

WHEREAS, the City desires to purchase one (1) Evoqua Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer to replace existing aged analyzers in the chlorination and de-chlorination treatment stage that require significant maintenance and have caused operational inefficiencies; and

WHEREAS, the Evoqua Water Technology chlorination analyzers have unique specifications and functionality, and Evoqua has appointed G3 Engineering, Inc. of Granite Bay, CA as the sole authorized representative for the region (Exhibit 1B); and

WHEREAS, City Public Works Department staff has reviewed the equipment specifications and pricing and determined them to be fair, reasonable, and appropriate for the accurate operation of the WWTF's chlorination and de-chlorination stage of treatment; and

WHEREAS, the City may sole source the purchase of this equipment in accordance with Purchasing Policy Section 8-8.4.2, as it is equipment with unique performance specifications and the vendor is the only authorized seller of this product in the region; and

WHEREAS, the City desires to award the purchase of one (1) Evoqua Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer to G3 Engineering, Inc. of Granite Bay, CA in the amount of $31,500.

NOW, THEREFORE, the City Council of the City of Yuba City resolves as follows:

1. The City Council finds and determines that this project falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301 as this contract is to allow for the repair, operation, and operation of an existing public wastewater treatment plant facility, involving the replacement of existing chlorination and de-chlorination analyzers that will involve negligible or no expansion of the existing facility. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project.

2. The City Council of Yuba City awards the purchase of one (1) Evoqua Micro2000 Chlorine Analyzer and one (1) Evoqua Deox2000 Sodium Bisulfite Analyzer to G3 Engineering, Inc. of Granite Bay, CA in the amount of $31,500., with the finding that it is in the best interest of the City.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17th day of January, 2023.

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

_____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit(s):

A. G3 Engineering, Inc. Quotation # CD1069
B. Evoqua Sole Source Letter December 19, 2022

EXHIBIT 1A

G3 Engineering, Inc.

Quotation

P.O. Box 2148
Granite Bay, CA 95746
Phone: (209) 225-5095
Email: christopher@g3engineering.com

Date: 12/12/2022
Quotation #: CD1069
Revision: 0

Attention: Colton Franklin, City of Yuba City
Reference:
Subject: Evoqua Micro2000 and Deox2000 Chlorine Analyzer

Item	Qty	Description	Unit Price	Net Price
1	1	Mirco2000 w/SFC Controller; Part #: W3T92447 SFC-1-W-1-6 Lead time: 4-6 weeks	$10,201.50	$10,201.50
2	1	Deox2000 w/SFC Controller; Part #: W3T92447 SFC-1-Y-1-6 Lead time: 4-6 weeks	$12,252.81	$12,252.81
3	1	Startup by Borges and Mahoney - 1 day	$2,000.00	$2,000.00
4	1	Estimated Freight - Ground	$70.00	$70.00
5	1	Estimated Sales Tax for Items 1-3	$1,773.00	$1,773.00
			Subtotal:	$26,297.31

Notes:

1) Pricing includes estimated sales tax and freight. Freight to be prepay and add unless directed otherwise. FOB factory.
2) Quote is valid for 30 days.
3) Payment terms are net 30 days after shipment.
4) Purchase order shall be made out to G3 Engineering, Inc.
5) Items not specifically listed on this quote are not included in the scope and are to be supplied by others. Quote is furnish only, installation is not included. Sale is subject to G3 Engineering, Inc. standard terms and conditions.

EXHIBIT 1B

Monday, December 19, 2022

Subject: Equipment Sales for Evoqua Water Technology Analyzer & Controllers

Ref: Yuba City, CA

To Whom it May Concern:

Evoqua Water Technology has appointed G3 Engineering as sole authorized representative for the Wallace & Tiernan product line of analyzers and controllers, including the Micro2000 and Deox2000 products. Evoqua representatives provide sales and application guidance for the use of these products in all municipal applications.

If you have any questions or require additional information, please feel free to contact me.

Regards,

Bryce Possiel
Technical Sales Manager - Disinfection
Evoqua Water Technologies / Wallace & Tiernan
558 Clark Rd.
Tewksbury, MA 01876
E. bryce.possiel@evoqua.com
T. 978-408-4531

ATTACHMENT 2

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING AN AMENDMENT FOR ADDITIONAL WORK TO THE PURCHASE AND INSTALLATION OF THE ENDRESS HAUSER PROMAG FLOWMETER TO TELSTAR INSTRUMENTS OF CONCORD, CA

WHEREAS, the City of Yuba City utilizes two flowmeters to monitor the final effluent stage of the wastewater treatment process; and

WHEREAS, the City desired to purchase and install a replacement Endress Hauser Promag Flowmeter for the east effluent that had begun to malfunction due to age and water intrusion and the City Council approved the purchase of that capital acquisition on October 5, 2021; and

WHEREAS, the City awarded the sole-source purchase and installation of the East Effluent Flowmeter to Telstar Instruments of Concord, CA on said date by Resolution 21-148 with the finding that it was in the best interest of the City, in accordance with Purchasing Policy Section 8-8.4.2; and

WHEREAS, Telstar Instruments received the Endress Hauser Promag Flowmeter in August 2022 and has identified additional construction and electrical work necessary due to the project delay and continued degradation of the site; and

WHEREAS, the City desires to award an amendment for additional work to the purchase of one (1) Endress Hauser Promag Flowmeter to Telstar Instruments of Concord, CA in the amount of $10,689.00; and

WHEREAS, the said amendment increases the project total and value of the capital acquisition to $30,371.85.

NOW, THEREFORE, the City Council of the City of Yuba City resolves as follows:

1. The City Council finds and determines that this project falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301 as this contract is to allow for the repair, operation, and operation of an existing public wastewater treatment plant facility, involving the replacement of an existing flowmeter that will involve negligible or no expansion of the existing facility. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project.

2. The City Council of Yuba City awards an amendment for additional work to the purchase of one (1) Endress Hauser Promag Flowmeter to Telstar Instruments of Concord, CA in the amount of $10,689.00 for a project total of $30,371.85, with the finding that it is in the best interest of the City.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17th day of January, 2023.

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

_____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit(s):

A. Telstar Instruments Change Order Reference SR# 10-38664

EXHIBIT 2A

Contractor License #422364
Contractor DIR #1000000899

CONTROL SYSTEM INTEGRATION • INSTRUMENTATION SERVICES
SCADA/AUTOMATION • PLC/HMI • ELECTRICAL • CALIBRATION • MAINTENANCE

August 10, 2022

Mike Finnagan
WWTP Supervisor
Yuba City WWTP
Sent via Email: mfinnigan@yubacity.net

Subject: East Effluent Flowmeter Replacement, Change Order - 01
Reference: SR#10-38664

Dear Mike,

Telstar Instruments is pleased to provide a Proposal for the referenced project.

By accepting this proposal from Telstar, you agree to treat this as confidential information.

SCOPE OF SUPPLY / SERVICES

1. Telstar will provide two technicians for the additional labor required to remove the existing 24" flowmeter and it replace with a new 24" meter. This additional work is required due to delays in the line being isolated and the condition of the existing meter and bolts. Each of the meter flange bolts needed to be torched and a porta-power was used for removal.
2. Telstar will furnish materials and two electricians for one day to repair and relocate the conduits in the flowmeter vault. Any repairs will be performed using schedule 80 PVC conduits. This work is in addition to the work that was quoted for the meter replacement. This relocation is being requested so that a new traffic rated lid can be placed onto the meter vault. Any concrete demolition and concrete replacement work is by others.

Lump Sum Price for this Scope.....$10,689.00
Shipping and Handling for Telstar Supplied Materials is included
Sales Tax on Telstar Supplied Materials is included

This quotation is based on Customer's representation that this IS a prevailing wage project.

CLARIFICATIONS, EXCEPTIONS, AND EXCLUSIONS

a. Material price is valid for seven (7) days from date referenced on this quote (Refer to COVID clause RE: MATERIAL PRICING AND DELIVERY under Terms and Conditions)
b. Telstar assumes that our technician will have ready access to existing flow meter for replacement.
c. This quotation is based on the inclusion of Telstar's standard Terms and Conditions as part of any purchase order, contract or other agreement.

d. Telstar's quotation includes only those items listed above. Requests for additions/deletions from our scope will require a change in the quoted price.

e. Telstar assumes no responsibility for performance, applicability, compatibility, start-up, testing, or acceptance of any equipment not furnished by Telstar under this proposal.

f. Telstar is supplying only equipment specified and noted above.

g. Please reference the above stated quote number in all correspondence and purchase orders.

TERMS AND CONDITIONS

Base Terms: Quotation is valid for 30 days from the date of Telstar's quotation. Payment is due and payable 30 days from date of invoice. If payment is not received by the 30th day, a .05% daily service charge (18-3/4% per annum) will be charged on all accounts past due. In the event of a dispute concerning payment, attorney's fees, court costs and costs of collection will be paid to the prevailing party. The cost for permits and bonding are excluded unless expressly referenced in Telstar's quotation. Our standard insurance applies unless agreed to in writing by Telstar. Telstar's standard one year parts only warranty applies to this quotation. All other warranties, express or implied, or referenced elsewhere in contract documents are excluded, including but not limited to implied warranties of merchantability or fitness for purpose. Unless expressly stated in Telstar's estimate, this quote is based on standard straight time hours and does not include any prevailing wage rates. The price quoted herein is for the labor and materials specifically listed within the body of this quote. Service calls are charged at a 4-hour minimum per person, excluding travel time. Unless expressly stated in the quotation, training, operation and maintenance manuals, and preparation of as built drawings are excluded from Telstar's scope of work.

Limitation of Liability: (a) In no event shall Telstar, its suppliers or subcontractors be liable for special, indirect, incidental or consequential damages, whether in contract, warranty, tort, negligence, strict liability or otherwise, including, but not limited to, loss of profits or revenue, loss of use of the Equipment or any associated equipment, cost of capital, cost of substitute equipment, facilities or services, downtime costs, delays, and claims of customers of Customer, its officers, directors, members employees or any third parties for any damages. Telstar's liability for any claim whether in contract, warranty, tort, negligence, strict liability, or otherwise for any loss or damage arising out of, connected with, or resulting from this Agreement or the performance or breach thereof, or from the design, manufacture, sale, delivery, resale, repair, replacement, installation, technical direction of installation, inspection, operation or use of any equipment covered by or furnished under this Agreement, or from any services rendered in connection therewith, shall in no case exceed twenty-five percent (25%) of the purchase price allocable to the Equipment, part or Services that is the subject of the claim. (b) All causes of action against Telstar Instruments arising out of or relating to this Agreement or the performance or breach hereof shall are deemed barred unless brought within one year from the date of discovery or other accrual. (c) In no event, regardless of cause, shall Telstar Instruments be liable for liquidated damages, offsets or penalties of any kind or to indemnify, defend or hold harmless Customer, its officers, directors, members, employees or any third party, arising from or related to the Equipment and/or Services provided by Telstar.

Force Majeure: Telstar shall neither be liable for loss, damage, detention or delay nor be deemed to be in default for failure to perform when prevented from doing so by causes beyond its reasonable control including but not limited to acts of war (declared or undeclared), Acts of God, fire, strike, labor difficulties, acts or omissions of any governmental authority or of Customer, compliance with government regulations, insurrection or riot, embargo, delays or shortages in transportation or inability to obtain necessary labor, materials, or manufacturing facilities from usual sources or from defects or delays in the performance of its suppliers or subcontractors due to any of the foregoing enumerated causes. In the event of delay due to any such cause, the date of delivery will be extended by period equal to the delay plus a reasonable time to resume production, and the price will be adjusted to compensate Telstar Instruments for such delay.

Cancellation: In the event of cancellation by Customer, Customer agrees to fully reimburse and compensate Telstar for all costs associated with this Quotation or subsequent order, including but not limited to engineering, labor, materials, quote and estimating time, and product return fees, plus a ten percent (10%) markup to compensate for disruption in scheduling, planned production, indirect costs and profit. Payment for cancellation shall be due within ten (10) days from the date of submission of charges by Telstar.

Entire Agreement: This Quotation constitutes the entire agreement between Telstar and Customer. There are no agreements, understandings, restrictions, warranties, or representations between Telstar and Customer other than those set forth herein or herein provided. This Quotation may only be amended, changed or revised by a written amendment signed by an authorized representative of Telstar. No oral or implied agreements shall be of any force or affect.

Precedence: In the event Telstar is issued an authorization for work, Purchase Order, Contract or similar Agreement with conflicting Terms and Conditions than those set forth herein, these Terms and Conditions will take precedence and will supersede any and all other conflicting Terms and Conditions.

Submittals: In the event Telstar receives a Notice to Proceed or a written statement to proceed with submittals, Telstar will be entitled to compensation based on percent of completion of submittal cost to Customer. Telstar will prepare only one set of submittals, and any resubmittals shall be subject to an additional charge for engineering time and other costs in preparing re-submittals.

Prevailing Wages: Telstar relies upon Customer's representations as to whether this Project requires payment of prevailing wages. Customer agrees to defend, indemnify and hold Telstar harmless from and against any and all claims, actions and demands, including but not limited to payment of legal fees, fines, back pay, and any penalties or interest, associated with Customer's inaccurate representation of whether prevailing wages are required to be paid.

TELSTAR'S COVID AND INDUSTRY CLAUSE RE: MATERIAL PRICING AND DELIVERY: Telstar is unable to hold prices on materials for more than 7 days. Prices for plastic, copper, steel, and other commodities fluctuate daily. Our vendors and manufacturers are experiencing unprecedented delays due to COVID-19 staffing, a shortage of containers, port congestion, and raw material shortages that have extended lead times significantly. Telstar reserves the right to amend the delivery date and the price of materials set forth in this quotation. Telstar considers any of the above related changes imposed by our vendors and manufacturers as outside its reasonable control and subject to Force Majeure provisions.

We look forward to working with you on this project. If you have any questions, please contact me at the phone number below.

Sincerely,

Ben Herston
Managing Director
Telstar Instruments
(916) 204-2747
bherston@telstarinc.com

ATTACHMENT 3

avantor™ delivered by VWR™

QUOTATION

Quote Number	Valid From	Valid To	Page
8032003820	12/01/2022	12/31/2022	1 of 1

Currency	Sales Representative	Customer Reference
USD	Stephen Kirk	

To Place an Order	
Phone :	1-800-932-5000
Fax :	1-866-329-2897
Web :	www.vwr.com

When placing your order, please include your quotation number and account number to ensure you receive the correct price.

THANK YOU FOR THE OPPORTUNITY TO EARN YOUR BUSINESS.

Quote Prepared For	Contact Phone / Fax / E-Mail
Ashley Whitmore	awhitmore@yubacity.net
Ship To : 80067250	Sold To : 80067250
YUBA CITY OF FINANCE DEPT CITY HALL 1201 CIVIC CENTER BLVD YUBA CITY CA 95993-3005	YUBA CITY OF FINANCE DEPT CITY HALL 1201 CIVIC CENTER BLVD YUBA CITY CA 95993-3005

Row	VWR Catalog Number	Product Description	Qty	UOM	Unit Price	Extended Price
10	10127-644	STERILIZER STEAM DIGITAL 208V 60HZ	1	EA	17,084.17	17,084.17

Digital Steam Sterilizers, Market Forge
Product Link : https://us.vwr.com/store/catalog/product.jsp?catalog_number=10127-644
Shipping Dimensions Weight / Size (L*W*H) per UOM : 150.000 LB / 32.000*17.000*37.000 IN
UOM Component Info : EA(1items)
Availability : Product Ships Directly from Manufacturer

Item Total :	**17,084.17**
Estimated Tax :	1,238.60
Quote Total :	**18,322.77**

Financing Available. Contact your VWR Representative for details about flexible financing programs.

VWR International's Terms and Conditions of Sale apply. A copy is available on our website (https://us.vwr.com/store/content/externalContentPage.jsp?path=/en_US/about_vwr_terms_conditions_product_sales.jsp), or by request. Customer represents that it has read and agrees to VWR International's Terms and Conditions of Sale.

Identified stock status is based on product availability at time of the quote and may change at time of order. Delivery dates are based on standard lead times from suppliers.

Charges displayed on the quotation including freight, tax and other charges are estimates and may vary at time of order.

Any images used are not necessarily representative of any product offering from VWR International and do not constitute the basis for purchase decisions.

Customer is responsible for unloading and providing standard receiving facilities for large and/or heavy shipments. Special unloading or delivery can be arranged, provided VWR International is notified at the time of order placement. For such arrangements, please contact VWR International for a quotation. All quotes for installation assume that services related to the equipment are in place at the Customer site (including, but not limited to, gas, plumbing, electrical and ventilation) as per the equipment manufacturer's specifications prior to the installation of the equipment. Installation or other services are not included in this quotation, unless otherwise noted on the quotation.

Customer has a limited amount of time to document and report any shipping damage. Please inspect all shipments upon receipt and refer to Section 4 of VWR International's Terms and Conditions of Sale for additional information.

Items prefixed with "MISC" are subject to regulatory approval once VWR International receives acceptance from the customer. They are special order, and as such may not be returnable. Please allow 6-8 weeks delivery from the time of your first order or acceptance of this quotation.

VWR TRADE SECRET/CONFIDENTIAL/PROPRIETARY INFORMATION

GENEVA SCIENTIFIC, LLC
PO Box 408 Fontana, WI 53125
Phone: 262-245-1500 Fax: 262-245-6678
E-mail: Sales@Geneva-Scientific.com

Quotation No: GQ109714
Page 1 of 2

This quotation is valid for 30 days from quote date.

QUOTATION PREPARED FOR:

ASHLEY WHITMORE
(530) 822-7694

CITY OF YUBA CITY
302 BURNS DRIVE
YUBA CITY, CA 95993

Quote Date	Terms	Approximate Ship Date	FOB	Ship Via	Salesperson
November 23, 2022	45% with PO, 45% prior to shipment, 10% N/30	Please Call	Destination	BEST	CET

Item	Part / Rev / Description / Details	Quantity	Unit Price	Ext. Price
1	**Digital Autoclave with LED Display Touchscreen: GSM-85-ED**	1	$19,698.00	$19,698.00

External Dimensions: 18.8"W x 27.6"H x 31"D
Internal Cylinder: 16"D x 26"L

Volume: 3 cu. ft. (85.5 L)

Capacity: (3) 12" x 20" x 2 1/2" or,
(2) 12" x 20" x 4" or,
(1) 12" x 20" x 6"

Door: The sterilizer door will be self-sealing type which cannot be opened until steam pressure is completely exhausted. Door will be 12 gauge stainless steel, removable for cleaning without tools. Door gasket will be one piece molded, replaceable without tools or cement.

Standard Features: LCD Digital Touch Screen
Temperature in °F or °C
Sterilizing Temperatures from 225-250°F (107-121°C)
Choose from FAST or SLOW Exhaust
Built-In USB port and RS232 serial port for printer
Programable Controller to store multiple Temp/Time/Vent Settings
Maintains Set Temperature with Built-In Microprocessor
Electric Steam Trap
Removable Pan Supports
Manual fill

Operation: The sterilizing cycle is fully automatic with the time, temperature and venting controlled by the microprocessor based digital controller.
The sterilizing temperature can be set anywhere in a range from 225°F (107°C) and 250°F (121°C).
The onboard data logger records and stores the time, temperature, and pressure for each sterilization cycle.
The stored data can be either retrieved using a USB drive through the inbuilt USB port or printed out using an external printer. (Printer not included.)
Two exhaust speeds are also available, slow and fast, depending on sterilizing media.

Construction: Adjustable 4" to 6" bullet feet
Removable pan supports
Sterilizer exterior is made of polished stainless steel.

Cylinder: Sterilizing cylinder will be 3/16" wall welded aluminum. Interior dimensions of 16" in diameter and 26" long with a cubic content of 3 cu ft (8.5 liters) and will have a door opening of 13 1/2" wide and 11" high.

Electrical: Unit will be rated at 12kW at 236V and will be equipped for operation at:
(Please choice when ordering;)
□ 208-240V, 3 Wire, 1 Phase, 60 Hz
□ 208-240V, 4 Wire, 3 Phase, 60 Hz

Warranty: One (1) year parts, 90 Days Labor

SUBTOTAL	$19,698.00
CA STATE TAX (7.25%)	$1,428.11
TOTAL	**$21,126.11**

Additional Options Available

Stainless Steel Stand with Adjustable Shelf & Feet	1	Please Call
Extra Shelf (For Stand)	1	Please Call
Perforated Tray 12" x 20 x 2 ½" (Unit will hold up to three of this size)	1	Please Call
Perforated Tray 12" x 20 x 4" (Unit will hold up to two of this size as well as one 2 ½")	1	Please Call

Agenda Item **9**

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023
To: Honorable Mayor & Members of the City Council;
From: Human Resources Department
Presentation By: Doug Libby, Deputy Director of Development Services

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Summary

Subject: Plans Examiner I/II

Recommendation: Adopt a Resolution authorizing:

The Finance Director to amend the salary schedule for the Plans Examiner I/II classification and to set appropriate compensation

Fiscal Impact: The Plans Examiner position was budgeted as part of the Fiscal Year 2022/2023 budget process.

Purpose:
To update the Building Plans Examiner classification from a single level to a series containing two levels which are flexibly staffed. This recommendation requires an update to the salary schedule to provide for the two levels. Adding levels to the Building Plans Examiner position allows the position to be flexibly staffed, meaning employees have advancement within the classification. This recommendation requires an update to the classification title to change from Building Plans Examiner to Plans Examiner I/II.

Council's Strategic Goal: Fiscal Responsibility

Background:

During the FY22/23 budget process, Development Services allocated funds to modify the Building Plans Examiner classification into a two-level series and to provide for one budgeted position. Moving from a one-level series to a two-level series allows employee development into the classification as well as provides for future advancement.

The Plans Examiner I/II's purpose is to perform a variety of professional and technical duties in support of building development efforts including reviewing the full range of residential and commercial building plans and working with the public, design professionals and contractors with permitting and complying with State Codes and the City's Municipal Code requirements.

While budget dollars are allocated for a Plans Examiner I/II position, the Building Plans Examiner classification title and salary needs to be updated and added to the City's publicly available salary schedule.

Analysis:

Plans Examiner I/II

The salary schedule:
(Note: Effective June 9, 2018, a new 9-step salary schedule was implemented for new City employees hired in any Local 1 position. The 9-step salary schedule shares both the first step and last step with the 5-step salary schedule.)

There is 10% salary separation between the Plans Examiner I and Plans Examiner II between step 1 of the Plans Examiner I and step 1 of the Plans Examiner II.

Proposed Five Step Salary Schedule:

Plans Examiner I:

	1	2	3	4	5
JCN	$5,730	$6,016	$6,317	$6,633	$6,965
TBD	$33.06	$34.71	$36.44	$38.27	$40.18

Plans Examiner II:

	1	2	3	4	5
JCN	$6,303	$6,618	$6,949	$7,296	$7,661
TBD	$36.36	$38.18	$40.09	$42.09	$44.20

Proposed Nine Step Salary Schedule:

Plans Examiner I:

	1	2	3	4	5	6	7	8	9
JCN	$5,730	$5,873	$6,016	$6,167	$6,317	$6,475	$6,633	$6,799	$6,965
TBD	$33.06	$33.88	$34.71	$35.58	$36.44	$37.36	$38.27	$39.23	$40.18

Plans Examiner II:

	1	2	3	4	5	6	7	8	9
JCN	$6,303	$6,461	$6,618	$6,784	$6,949	$7,123	$7,296	$7,479	$7,661
TBD	$36.36	$37.28	$38.18	$39.14	$40.09	$41.09	$42.09	$43.15	$44.20

Public Employees Union, Local 1 has approved the recommended changes that are recommended to take effect on 1/28/23.

Fiscal Impact:

The Plans Examiner I/II classification was budgeted as part of the Fiscal Year 22/23 budget process.

Alternatives:

Do not approve the proposed salary schedule and classification change for the Plans Examiner I/II and provide staff direction.

Recommendation:

Adopt a Resolution authorizing:

1. The Finance Director to amend the salary schedule for the Plans Examiner I/II classification and to set appropriate compensation

Attachments:
1. Resolution
2. Salary Schedule

Prepared By:
Aricka Espinoza
Adminstrative Analyst

Submitted By:
Diana Langely
City Manager

ATTACHMENT 1

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE DIRECTOR OF FINANCE TO AMEND THE SALARY SCHEDULE FOR PLANS EXAMINER I/II

WHEREAS, Development Services has determined the need for a flexibly staffed Plans Examiner I/II; and

WHEREAS, the City Council approved the funding for a Plans Examiner position during the fiscal year 22/23 budget process; and

WHEREAS, Public Employees' Union, Local 1 has approved the recommended changes;

WHEREAS, the City complies with CalPERS salary schedule requirements which require the City to have a publicly available describing the City's approved compensation ranges;

WHEREAS, the Plans Examiner I/II salary and classification changes needs to be set and approved by City Council; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yuba City as follows:

SECTION I: CLASSIFICATION TITLE

A. The City Council approves the change of the Building Plans Examiner classification from a single Building Plans Examiner classification to a flexibly staffed Plans Examiner I/II.

SECTION II: SALARY SCHEDULE AMENDMENT

FROM:

Plans Examiner:

	1	2	3	4	5
JCN TBD	$6,303	$6,618	$6,949	$7,296	$7,661
	$36.36	$38.18	$40.09	$42.09	$44.20

	1	2	3	4	5	6	7	8	9
JCN TBD	$6,303	$6,461	$6,618	$6,784	$6,949	$7,123	$7,296	$7,479	$7,661
	$36.36	$37.28	$38.18	$39.14	$40.09	$41.09	$42.09	$43.15	$44.20

TO:

Plans Examiner I (10% less than Plans Examiner II):

1	2	3	4	5

JCN	$5,730	$6,016	$6,317	$6,633	$6,965
TBD	$33.06	$34.71	$36.44	$38.27	$40.18

	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**
JCN	$5,730	$5,873	$6,016	$6,167	$6,317	$6,475	$6,633	$6,799	$6,965
TBD	$33.06	$33.88	$34.71	$35.58	$36.44	$37.36	$38.27	$39.23	$40.18

Plans Examiner II:

	1	**2**	**3**	**4**	**5**
JCN	$6,303	$6,618	$6,949	$7,296	$7,661
TBD	$36.36	$38.18	$40.09	$42.09	$44.20

	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**
JCN	$6,303	$6,461	$6,618	$6,784	$6,949	$7,123	$7,296	$7,479	$7,661
TBD	$36.36	$37.28	$38.18	$39.14	$40.09	$41.09	$42.09	$43.15	$44.20

SECTION III: EFFECTIVE DATE

These changes shall become effective with the payroll period beginning January 28, 2023.

The Director of Finance is hereby authorized and directed to make the necessary salary schedule and budget adjustments, and appropriations consistent with this Resolution to implement the provisions of this Resolution.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 17th day of January, 2023.

AYES:

NOES:

ABSENT:

_____

Wade Kirchner, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM

COUNSEL FOR YUBA CITY

_____

Stacey Sheston
BB&K, Special Counsel

ATTACHMENT 2

CITY OF YUBA CITY
SALARY SCHEDULE AND GENERAL COMPENSATION PLAN
EFFECTIVE JULY 2, 2022

Public Employees Union, Local #1 - EMPLOYEES HIRED PRIOR TO JUNE 9, 2018

JCN	CLASSIFICATION	Bargaining Group	SALARY STEPS 1	2	3	4	5		
4255	PLANS EXAMINER	PEU, Local 1	6,303	6,618	6,949	7,296	**7,661**	Monthly	Current Schedule
			36.36	38.18	40.09	42.09	44.20	Hourly	
	PLANS EXAMINER I	PEU, Local 1	5,730	6,016	6,317	6,633	**6,965**	Monthly	Proposed - 10% below PE II
			33.06	34.71	36.44	38.27	40.18	Hourly	
	PLANS EXAMINER II	PEU, Local 1	6,303	6,618	6,949	7,296	**7,661**	Monthly	Proposed
			36.36	38.18	40.09	42.09	44.20	Hourly	

CITY OF YUBA CITY
SALARY SCHEDULE AND GENERAL COMPENSATION PLAN
EFFECTIVE JULY 2, 2022

Public Employees Union, Local #1 - EMPLOYEES HIRED ON OR AFTER JUNE 9, 2018

JCN	CLASSIFICATION	Bargaining Group	SALARY STEPS 1	2	3	4	5	6	7	8	9	
5255	PLANS EXAMINER	PEU, Local 1	6,303	6,461	6,618	6,784	6,949	7,123	7,296	7,479	7,661	Monthly
			36.36	37.28	38.18	39.14	40.09	41.09	42.09	43.15	44.20	Hourly
	PLANS EXAMINER I	PEU, Local 1	5,730	5,873	6,016	6,167	6,317	6,475	6,633	6,799	6,965	Monthly
			33.06	33.88	34.71	35.58	36.44	37.36	38.27	39.23	40.18	Hourly
	PLANS EXAMINER II	PEU, Local 1	6,303	6,461	6,618	6,784	6,949	7,123	7,296	7,479	7,661	Monthly
			36.36	37.28	38.18	39.14	40.09	41.09	42.09	43.15	44.20	Hourly

Agenda Item **10**

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023
To: Honorable Mayor & Members of the City Council;
From: Human Resources Department
Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: CalPERS Employer Paid Member Contribution Resolutions
Recommendation: Adopt Resolutions for paying and reporting the value of Employer Paid Member Contributions for the Police Mid-Managers and Police First Level Managers
Fiscal Impact: None

Purpose:

To ensure City resolutions with CalPERS accurately reflect Memorandum of Understanding.

Council's Strategic Goal:

Fiscal Responsibility.

Background:

The City recently made bargaining unit modifications to the Police Mid-Managers and Police First Level Managers. The modifications included adding non-sworn personnel to these bargaining units and name changes of (1) the Police Sworn Mid-Managers unit to the Police Mid-Managers unit, and (2) the Police Sergeants unit to the Police First Level Managers unit.

Upon reviewing the bargaining unit modifications in myCalPERS, staff noticed that CalPERS records do not accurately identify that the City also pays and reports the value of Employer Paid Member Contributions (EPMC) on behalf of non-sworn personnel in the Police Mid-Managers and Police First Level Manager units.

Analysis:

Because of the bargaining unit modifications, legally determined non-sworn personnel need to be identified specifically in the EPMC resolutions for the Police Mid-Managers and Police First Level Managers. This is a CalPERS clean up item as a result of the bargaining unit modifications.

These resolutions do not change the current EPMC arrangement nor do they change any method of how the City is paying and reporting CalPERS contributions.

Note: Employees hired under Public Employees' Pension Reform Act of 2013 are not eligible to receive EPMC or value EPMC.

Fiscal Impact:

None.

Alternatives:

None - proposed changes would require discussions with the bargaining units.

Recommendation:

Adopt Resolutions for paying and reporting the value of Employer Paid Member Contributions for the Police Mid-Managers and Police First Level Managers.

Attachments:

1. CalPERS Resolution-Paying-Reporting PMM 1.17.23 FINAL
2. CalPERS Resolution-Paying-Reporting PFLM 1.17.23 FINAL
3. CalPERS EPMC Resolutions 1.17.23 FINAL

Prepared By:	Submitted By:
Sheleen Loza	Diana Langley
Administrative Analyst II	City Manager

ATTACHMENT 1

CalPERS ID:
6515248486

RESOLUTION FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION

WHEREAS, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691;

WHEREAS, the governing body of the City of Yuba City has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Yuba City of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of EPMC;

- **This benefit shall apply to all employees of Police Mid-Managers, except any employees deemed "new members" as that term is defined in the California Public Employees' Pension Reform Act of 2013.**
- **This benefit shall consist of paying 9% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable {excluding Government Code Section 20636(c)(4)} as additional compensation on behalf of safety members.**
- **Effective October 22, 2022 this benefit shall consist of paying 8% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable {excluding Government Code Section 20636(c)(4)} as additional compensation on behalf of first tier miscellaneous members.**
- **This benefit shall consist of paying 7% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable {excluding Government Code Section 20636(c)(4)} as additional compensation on behalf of second tier miscellaneous members.**
- **Unless a different effective date is stated above, the effective date of this Resolution shall be January 17, 2023.**

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

BE IT FURTHER RESOLVED that this Resolution shall supersede EPMC Resolution for Police Sworn Mid-Managers adopted on December 21, 2021.

PASSED AND ADOPTED by the governing body of the City of Yuba City this 17th day of January 2023.

BY _____

(Signature of Official)

_____

(Title of Official)

* Note: Payment of EPMC and reporting the value of EPMC on compensation earnable is on pay rate and special compensation except special compensation delineated in Government Code Section 20636(c)(4) which is the monetary value of EPMC on compensation earnable.

ATTACHMENT 2

CalPERS ID:
6515248486

RESOLUTION FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION

WHEREAS, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691;

WHEREAS, the governing body of the City of Yuba City has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Yuba City of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of EPMC;

- **This benefit shall apply to all employees of Police First Level Managers, except any employees deemed "new members" as that term is defined in the California Public Employees' Pension Reform Act of 2013.**
- **This benefit shall consist of paying 9% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable** {excluding Government Code Section 20636(c)(4)} as additional compensation on behalf of safety members.**
- **Effective October 22, 2022, this benefit shall consist of paying 8% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable** {excluding Government Code Section 20636(c)(4)} as additional compensation on behalf of first tier miscellaneous members.**
- **This benefit shall consist of paying 7% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable** {excluding Government Code Section 20636(c)(4)} as additional compensation on behalf of second tier miscellaneous members.**
- **Unless a different effective date is stated above, the effective date of this Resolution shall be January 17, 2023.**

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

BE IT FURTHER RESOLVED that this Resolution shall supersede Resolution No. 00-077 adopted on June 20, 2000.

PASSED AND ADOPTED by the governing body of the City of Yuba City this 17th day of January, 2023.

BY _____

(Signature of Official)

_____

(Title of Official)

* Note: Payment of EPMC and reporting the value of EPMC on compensation earnable is on pay rate and special compensation except special compensation delineated in Government Code Section 20636(c)(4) which is the monetary value of EPMC on compensation earnable.

ATTACHMENT 3

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF YUBA CITY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION FOR POLICE MID-MANAGERS AND POLICE FIRST LEVEL MANAGERS

WHEREAS, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

WHEREAS, the governing body of the City of Yuba City has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Yuba City of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of the EPMC:

1. Police Mid-Manager:

   - This benefit shall apply to all employees of Police Mid-Managers, except any employees deemed "new members" as that term is defined in the California Public Employees' Pension Reform Act of 2013.
   - Effective March 20, 2018, this benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of safety members.
   - Effective October 22, 2022 this benefit shall consist of paying 8% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of first tier miscellaneous members.
   - Effective January 17, 2023, this benefit shall consist of paying 7% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of second tier miscellaneous members.

2. Police First Level Managers:

   - This benefit shall apply to all employees of the Police First Level Managers group, except any employees deemed "new members" as that term is defined in the California Public Employees' Pension Reform Act of 2013.
   - Effective June 17, 2000, this benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of safety members.
   - Effective October 22, 2022, this benefit shall consist of paying 8% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation

earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of first tier miscellaneous members.

- Effective January 17, 2023, this benefit shall consist of paying 7% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of second tier miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

BE IT FURTHER RESOLVED that this Resolution shall ratify the City of Yuba City's historical practice of paying and reporting the value of EPMC on behalf of safety and miscellaneous members of the Police Mid-Managers group, formerly known as Police Sworn Mid-Managers, and Police First Level Managers, formerly known as Police Sergeants, as of the dates stated above.

BE IT FURTHER RESOLVED that this Resolution shall supersede the portion of Resolution No. 21-196 that applies to Police Sworn Mid-Managers.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17th day of January 2023.

AYES:

NOES: None

ABSENT: None

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

_____
Stacey Sheston, Special Counsel
Best Best & Krieger, LLP

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023
To: Honorable Mayor & Members of the City Council;
From: Human Resources Department
Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: Proposed City Hall Holiday Closures

Recommendation: Adopt a Resolution authorizing the closure of City Hall for Monday, July 3, 2023 through Tuesday, July 4, 2023, Monday, November 20, 2023 through Friday, November 24, 2023, and Monday, December 25, 2023 through Monday, January 1, 2024

Fiscal Impact: None

Purpose:

To provide advance notice for the public and City staff to plan for the holiday periods: 1. Independence Day: July 3, 2023 through July 4, 2023; 2. Thanksgiving: Monday, November 20, 2023 through Friday, November 24, 2023; and 3. Christmas/New Year's Day: Monday, December 25, 2023 through Monday, January 1, 2024.

Background:

Historically, the numbers of City Hall routine counter service requests or utility bill payments around Thanksgiving and between Christmas and New Year's Day are low. Since 2011, City Hall has been closed for a week around the Christmas/New Year's Day holidays. In 2020, the holiday closure was expanded to include the Thanksgiving week and staff is proposing a Thanksgiving closure again this year. Additionally, this year staff is proposing to expand the closure to include Monday, July 3, 2023 for Independence Day.

The proposed time periods to close City Hall:

1. Independence Day: Monday, July 3, 2023 through Tuesday, July 4, 2023;
2. Thanksgiving Week: Monday, November 20, 2023 through Friday, November 24, 2023;
3. Christmas and New Year's Week: Monday, December 25, 2023 through Monday, January 1, 2024.

Independence Day falls on Tuesday, July 4. City Hall shall be closed on Monday, July 3 and re-open on Wednesday, July 5.

Mon. July 3	Tues. July 4	Wed. July 5	Thurs. July 6	Fri. July 7
Closure	Holiday Closure	Open	Open	Open

Thanksgiving Holidays (the fourth Thursday in November and the day following Thanksgiving) fall on November 23 and 24. City Hall shall be closed on Monday, November 20 and re-open on Monday, November 27.

Mon. Nov. 20	Tues. Nov. 21	Wed. Nov. 22	Thurs. Nov. 23	Fri. Nov. 24	*Sat. Nov. 25*	*Sun. Nov. 26*	Mon. Nov. 27
Closure	Closure	Closure	Holiday Closure	Holiday Closure			Open

For the 2023 Christmas and New Year's Holiday Schedule, City Hall shall be closed on Monday, December 25 and re-open on Tuesday, January 2. This year, Staff recommends allowing employees the option to take the eight hours of holiday time either on Friday, December 22nd or Tuesday, December 26th or on Friday, December 29th or Tuesday, January 2, see table below. Since City Hall is open on December 22 and January 2, employees must coordinate their holiday time request with their supervisor to ensure adequate counter coverage is available on those days.

Fri. Dec. 22	Mon. Dec. 25	Tues. Dec. 26	Wed. Dec. 27	Thurs. Dec. 28	Fri. Dec. 29	Sat. Dec. 30	*Sun. Dec. 31*	***Mon. Jan. 1***	Tues. Jan. 2
Obs. Float Holiday Open	Obs. Holiday Closure	Obs. Float Holiday Closure	Closure	Closure	Obs. Float Holiday Closure			Obs. Holiday Closure	Obs. Float Holiday Open

Holidays occurring over a weekend are traditionally observed either the preceding Friday or the Monday after; however, with the Christmas Holiday and New Years Day Holidays falling on a Monday this year, we would like to allow employees the option to observe the holiday time either on the preceding Friday or the following Tuesday. Please note allowing the Friday option is a modification to the Rules, which allow employees to take eight hours of holiday time either on Christmas Eve or New Year's Eve (or, with Department Head approval, a combination of the two).

This Holiday Closure provides a good opportunity for employees to take extra time off before the end

of the calendar year while customer service demands are low. Employees may elect to work during the City Hall holiday closure or to utilize accrued discretionary leave time.

These Holiday Closures do not impact emergency services or other facilities such as the Corporation Yard, Water Treatment Facility or Wastewater Treatment Facility. Also, inspection services will remain available.

Fiscal Impact:

None.

Analysis:

The Holiday Closures will be well advertised to the public to ensure advance and thorough notification. If approved, news releases would be sent out to the local newspapers, radio stations, and news stations. Notices of the closure would be posted at City Hall as well as on the City's website and Facebook.

Alternatives:

Do not close City Hall for Independence Day, Thanksgiving week or Christmas and New Year's week.

Recommendation:

Adopt a Resolution authorizing the closure of City Hall for Monday, July 3, 2023 through Tuesday, July 4, 2023, Monday, November 20, 2023 through Friday, November 24, 2023 and for Monday, December 25, 2023 through Monday, January 1, 2024.

Attachments:

1. 1-17-23 City Hall Holiday Closure Resolution FINAL

Prepared By:	Submitted By:
Sheleen Loza	Diana Langley
Administrative Analyst II	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING THE CITY HALL HOLIDAY CLOSURES FOR JULY 3, 2023 – JULY 4, 2023, NOVEMBER 20, 2023 – NOVEMBER 24, 2023 AND DECEMBER 25, 2023 – JANUARY 1, 2024

WHEREAS, given reduced City Hall public service needs of the fall and winter holiday periods, the City is providing employees at City Hall the opportunity to take time off over the below described holiday periods with minimal impact to the public;

WHEREAS, the City Hall Holiday Closures have been successful and well received by the public since 2011;

WHEREAS, non-City Hall operations function during the holiday periods in accordance with normal operational schedules and time off policies;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

City Hall shall be closed to the public from Monday, July 3, 2023 through Tuesday, July 4, 2023, Monday, November 20, 2023 through Friday, November 24, 2023 and from Monday, December 25, 2023 through Monday, January 1, 2024. Holidays falling over a weekend are traditionally observed on the Friday before or the Monday after; however, with the Christmas and New Years Day Holidays falling on a Monday this year, we would like to allow employees the option, with supervisor approval to ensure adequate coverage, to use their eight hours of holiday time either on the preceding Friday or the succeeding Tuesday. This option would be a modification to the City's Rules and Regulations. If approved, employees can also use their holiday time on a combination of those days, as allowed by the City's Rules and Regulations.

On the dates in these three ranges other than the actual observed holidays and usage of holiday time, City Hall workers will be able to work their regular hours during these three holiday closures (performing duties as assigned) or utilize accrued discretionary time off.

The forgoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 17th day of January 2023.

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

_____

Stacey Sheston
Special Counsel

Agenda Item **12**

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023

To: Honorable Mayor & Members of the City Council;

From: Development Services Department

Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: 2022-2023 CDBG Annual Action Plan Amendment

Recommendation: A. Conduct a Public Hearing to receive comments on the 2022 Annual Action Plan Amendment and after consideration;

B. Adopt a Resolution approving the proposed 2022 Annual Action Plan Amendment and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing, and;

C. Authorize the Finance Director to make budget allocations as necessary to implement the 2022 Annual Action Plan Amendment, and;

D. Authorize the Finance Director to allocate $47,758 in unallocated General Fund CIP funds to the Yuba Sutter Gleaners Foodbank project

Fiscal Impact: $628,585 received from the 2022 CDBG annual allocation; re-allocating 2022 Clean Up project funds, in the amount of $45,000, to the 2022 Sidewalk Repair Assistance project, allocating an additional $47,758 of unallocated CIP - General Fund to the Yuba Sutter Gleaner's Foodbank Senior Home Delivery program

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Purpose:

To approve the Amended 2022 Annual Action Plan, which re-allocates funding from the Yuba City Clean-Up project, in the amount of $45,000, to the 2022 ADA Sidewalk Repair project.

Council's Strategic Goals:

This item addresses Council's goals for public safety and infrastructure improvements.

Background:

The City of Yuba City is an entitlement jurisdiction of the Community Development Block Grant (CDBG) program and receives an annual allocation of funds from the Department of Housing and Urban Development (HUD). The purpose of the CDBG program is to develop viable urban communities by

providing decent housing, a suitable living environment, and by expanding economic opportunities. HUD requires the City to amend its Annual Action Plan when more that 15% of the annual allocation or more than 50% of an activity is transferred or cancelled. Funds are required to be used to meet at least one of the program's following priority objectives:

1. Benefit low- and moderate- income (LMI) persons
2. Aid in the prevention or elimination of slums or blight
3. Meet a need having a particular urgency (to alleviate emergency conditions)

The 2022 Annual Action Plan was approved by the City Council on July 19, 2022. Based on the recommendations and approval from City Council, staff submitted the AAP for review and approval. After further consideration, HUD provided additional comments / determinations regarding the designation of proposed project types, with specific funding restrictions for each subcategory.

Analysis:

The amended 2022 Annual Action Plan details the revised budget for CDBG funding of projects and programs within the City for the 2022 Program Year (PY) that covers the period from July 1, 2022 – June 30, 2023. The City was allocated $628,585 in CDBG funding for the 2022 PY. In accordance with HUD regulations, 20% ($125,717) of the allocation can be utilized for Planning and Program Administration costs and an amount not to exceed 15% ($94,288) can be allocated to Public Services related to serving Low/Mod-Income persons, such as homeless-related services.

To meet the determined maximum requirements of the Public Services allocation as required by HUD, the funding for Yuba-Sutter Gleaner's Foodbank Senior Home Delivery has been reduced to $52,424. Staff is proposing to backfill the remainder of the previously allocated funds to Gleaner's by using unallocated General CIP fund money. The total additional funding from General Funds is $47,758. Additionally, $45,000 from the Clean-Up project will be re-allocated to the Yuba City Sidewalk Repair project to be in line with the 15% total allocation. Staff is working with HUD to determine the requirements of the Clean-Up project and determine if it meets the requirements of CDBG with additional clarification.

The required 30-day public comment period began on December 17, 2022 and will conclude on January 17, 2023. During this time, members of the public, local non-profit agencies, and other interested organizations are able to view the Amended 2022 Annual Action Plan and are encouraged to provide the City with comments. At this time, no public comments have been received.

Below are the amended recommended projects to be funded in the 2022 AAP:

Agency/Project	**Previously Approved Funding (July 2022)**	**Proposed Amended Funding**	**Description**
Planning and Program Administration (15%)	$ 94,288.00	$ 94,288.00	General administration, oversight and management of Community Development Block Grant program. Funding covers salary costs for staff and consultant services.

Sutter-Yuba Homeless Consortium	$ 50,000.00	$ 50,000.00	The Sutter-Yuba Homeless Consortium, in collaboration with Hands of Hope, Bridges to Housing, The Salvation Army, Central Valley Homeless Veterans Assistance Program and Sutter County Homeless Shelter provide services to the homeless population in Sutter and Yuba Counties.
Playzeum Play-For-All Initiative	$ 7,700.00	$ 7,700.00	Provide scholarships for low/mod income youth for Playzeum's camps and classes, and provide on- the-go events at low-income parks in the City.
Habitat for Humanity Exterior Home Repairs	$ 10,000.00	$ 10,000.00	Preserve existing housing stock through exterior home repairs for low/mod income homeowners.
FREED Center for Independent Living Home Repairs/Modifications	$ 20,000.00	$ 20,000.00	Provides accessibility improvements and minor home repairs for low-income disabled and senior residents
Yuba Sutter Gleaner's Foodbank Senior Home Delivery	$100,000.00	$ 52,242.00	Deliver 2 weekly pre-made meals and a 20lb box of groceries to seniors that lack resources to acquire healthy, nourishing food.
Yuba City Community Services Senior Center Building Improvements	$ 80,000.00	$ 80,000.00	Modernize and update the restrooms of the Senior Center that serves City Seniors.
Yuba City Community Services Sam Brannan Park Safety Improvements	$ 55,000.00	$ 55,000.00	Install no-climb fence and lighting to prevent vandalism and improve safety.
Yuba City Fire Department Station 1 Improvements	$ 74,725.00	$ 74,725.00	Update restrooms and improve ADA access, and install an emergency-messaging digital marquee.
Yuba City Public Works Sewer Later Repair Assistance	$ 35,000.00	$ 35,000.00	Fund 3-5 sewer lateral repairs for low-income homeowners to reduce health and safety hazards.
Yuba City Public Works Sidewalk Repair Assistance	$ 45,000.00	$ 80,000.00	Fund 8-12 sidewalk repair projects for low-income residents to reduce safety hazards and improve

			accessibility, especially for disabled residents.
Yuba City Clean-Up Project	$45,000	$ 0	Rebate program to assist business owners in low-income census tracts to help with blighted properties.
Yuba City Public Works ADA Sidewalk and Public Facility Improvements**	$244,214.46	$244,214.46	Provide sidewalk and curb ramp improvements to meet ADA accessibility requirements throughout the City

**Funding includes $145,416.23 in unexpended funds from the 2021 PY*
*** Funding includes unexpended previous years CDBG allocation to ADA Sidewalk and Public Facility Improvements.*

Fiscal Impact:

Re-allocating the 2022 CDBG Clean-Up project funding in the amount of $45,000 and transferring these funds to the 2022 Sidewalk Repair project. The amended 2022 Annual Action Plan proposes the following changes in the distribution of funds:

AGENCY	RECOMMENDED FUNDING
City of Yuba City – Development Services (Administration for CDBG)	$94,288.00
Sutter-Yuba Homeless Consortium	$50,000.00
Playzeum	$7,700.00
FREED Center for Independent Living	$20,000.00
Habitat for Humanity	$10,000.00
Yuba Sutter Gleaners Foodbank	$ 52,242.00
City of Yuba City – Fire Department	$74,725.00
City of Yuba City – Community Services	$135,000.00
City of Yuba City – Public Works	$359,214.46
Total CDBG PY 22 Funding	**$803,169.46 ***

**Includes the transfer of $145,416.23 of unexpended 2021 CDBG funds* and *unexpended CDBG funds*

from previous years

Fiscal Impact:

Yuba City is receiving an updated 2022 CDBG annual allocation in the amount of $628,585. In order to meet HUD requirements for the 15% cap on Public Services projects, and reflecting HUD project type designation, staff is recommending to re-allocate the funds from the Yuba City Clean-up project to Yuba City Public Works Sidewalk Repair project, and reduce the CDBG funding for the Yuba-Sutter Gleaners Foodbank. Then back fill the Gleaners Senior Home Delivery program with unallocated General Fund CIP in the amount of $47,758 from unallocated CIP - General Funds. This will bring the AAP into conformance with the CDBG requirements for yearly funding allocations and meet project needs.

Alternatives:

1. Direct staff to modify the funding recommendations in the Amended 2022 Annual Action Plan. Changes may require staff to re-notice the plan and present to City Council for approval at a later date.

Recommendation:

A. Conduct a Public Hearing to receive comments on the 2022 Annual Action Plan Amendment and after consideration;

B. Adopt a Resolution approving the proposed 2022 Annual Action Plan Amendment and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing, and;

C. Authorize the Finance Director to make budget allocations as necessary to implement the 2022 Annual Action Plan Amendment, and;

D. Authorize the Finance Director to allocate $47,758 in unallocated General Fund CIP funds to the Yuba Sutter Gleaners Foodbank project.

Attachments:
1. CDBG Resolution
2. 2022-2023 CDBG AAP Amendment

Prepared By:	Submitted By:
Jaspreet Kaur	Diana Langley
Associate Planner	City Manager

ATTACHMENT 1

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING THE AMENDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2022 ANNUAL ACTION PLAN CERTIFYING COMPLIANCE WITH THE REQUIREMENTS OF THE CDBG PROGRAM, AND AUTHORIZING STAFF TO SUBMIT ALL APPROVED DOCUMENTS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the Department of Housing and Urban Development (HUD) has determined that the City of Yuba City received $628,585 under the 2022 Program Year of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City of Yuba City held a public meeting on January 17, 2023, to consider public comments and proposals regarding the Amended 2022 Annual Action Plan, the community development objectives and the projected use of CDBG funds contained therein; and

WHEREAS, the City of Yuba City has provided the citizens with an opportunity to review and comment on concerns involving the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important program requirements, and provided citizens with adequate opportunity to participate in the 2022 Annual Action Plan Amendment, including any revisions, changes or amendments thereto for a 30-day period commencing on December 17, 2022 ending on January 17, 2023.

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City that the Amended 2022 Annual Action Plan is hereby approved, that the City Manager is authorized to execute all documents related thereto, and that staff is authorized to submit all documents to the United States Department of Housing and Urban Development.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on January 17, 2023, by the following vote:

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

CITY OF Yuba City

2022 *Draft Annual* Action Plan Amendment

COMMUNITY DEVELOPMENT BLOCK GRANT

Development Services Department

Adopted July 19, 2022

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The 2022 Annual Action Plan (2022 Action Plan) included funding a Clean-Up activity which was approved by the U.S. Department of Housing and Urban Development (HUD). Subsequent to the submission of the City's 2022 Action Plan and due to funding restrictions, City staff decided to cancel the funding for the Clean-Up activity. As a result of this action, funds from this activity will be added to the 2022 ADA Sidewalk activity.

The City of Yuba City is an entitlement jurisdiction for Community Development Block Grant (CDBG) funds, one of several Department of Housing and Urban Development (HUD) formula entitlement programs. As an entitlement jurisdiction, HUD requires the City to complete and submit an Annual Action Plan (Action Plan) in order to receive CDBG funds annually. The 2022 Action Plan is the third Action Plan covered by the 2020 Consolidated Plan (Con Plan).

The format of the 2022 Action Plan is required and consistent with HUD's Integrated and Disbursement Information System (IDIS).

The 2022 Action Plan consists of five (5) sections including: 1) Executive Summary; 2) Expected Resources; 3) Annual Goals and Objectives; 4) Affordable Housing; and, 5) Program Specific Requirements.

Yuba City's Development Services Department is the lead agency responsible for developing the 2022 Action Plan and is responsible for the administration of CDBG funds, including implementation of projects and programs and monitoring projects and programs to ensure compliance with HUD requirements and regulations.

2. Summarize the objectives and outcomes identified in the Plan

The City is required to implement and use HUD's Outcome Performance Measurement System (OPMS). The OPMS was developed to enable HUD to collect and standardize performance data on entitlement-funded activities from all grantees nationwide for use in reporting to Congress on the effectiveness of HUD's formula entitlement programs.

Based on the Needs Assessment and Market Analysis information, the City's 2020 Con Plan identifies the following affordable housing and community development goals by OPMS objectives and outcomes.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In addition, annually the City is required, at the conclusion of the Program Year (PY), to complete and submit to HUD a Consolidated Annual Performance and Evaluation Report (CAPER) reporting on the Action Plan Goal outcomes and expenditures. Subsequently to the submittal of the CAPER, HUD assesses the City's management of CDBG program funds.

Overall, the City has performed satisfactorily managing the CDBG Program and addressing its priority needs through the programs set out in the 2020 Con Plan.

4. Summary of Citizen Participation Process and consultation process

The Citizen Participation process included a variety of efforts to encourage public participation, especially from lower income residents and service providers, in the development of the Draft 2022 Action Plan. Two meetings were held during the Action Plan development process to solicit public input. The first public meeting was held via Zoom on February 10, 2022 to solicit input and request participation in the development of the 2022 Action Plan. The Public Hearing was held on July 5, 2022 and was published in the Appeal-Democrat 30 days prior to the meeting in accordance with the City's Citizen Participation Plan. A 30-day public review and comment period commenced on June 24, 2022 and ended on July 24, 2022.

The meetings were noticed on the City's website, in addition, information regarding the meetings was emailed directly to the City's CDBG Interest List, including public and private service providers and government agencies.

A summary of the 2022 Action Plan was published on June 23, 2022 in the Appeal Democrat, noting that a Public Hearing will be held on July 19, 2022 to solicit public comment on the 2022 Action Plan. The 2022 Action Plan was also made available on the City's website and in hard copy at both City Hall and the Public Library.

During the Draft Amendment of the 2022 Annual Action Plan, public and private agencies and organizations were consulted, including the Regional Housing Authority and Sutter-Yuba Homeless Consortium (Continuum of Care). A public meeting will be held on January 17, 2023 to solicit input and request participation in the Draft Amendment of the 2022 Action Plan. The public meeting was publicized through a listserv of local non-profit agencies and on the City's website as well as noticing all those on the City's Development Services Department interest list. A 30-day public review and comment period will begin on December 19, 2022 and end on January 17, 2023. A summary of the Draft Amendment to the 2022 Action Plan will be published on December 18, 2022 in the Appeal Democrat, which notes a public hearing will be held on January 17, 2023 to solicit public comment on the Draft Amendment to the

2022 Action Plan. Copies of the Draft Amendment to 2022 Action Plan will also be made available at City Hall, the City's website and at the Main Branch of the Sutter County Library

5. Summary of public comments

No public comments were received.

Reserved for the Draft Amendment to the 2022 Action Plan public comments.

6. Summary of comments or views not accepted and the reasons for not accepting them

The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.

7. Summary

The 2022 Action Plan identifies the activities the City will undertake during the 2022 Program Year to address the goals identified in the 2020 Con Plan. The 2022 Action Plan identifies the following activities the City and/or its Sub-Recipients will undertake with the CDBG funds.

Reserved for the Draft Amendment to the 2022 Action Plan public comments.

- **Public service activities that address homeless needs, including:**

    1. Sutter-Yuba Homeless Consortium – Homeless Services Consolidation:
        1.1. Bridges to Housing
        1.2. Central Valley Homeless Veterans Assistance
        1.3. Hands of Hope
        1.4. The Salvation Army
        1.5. Regional Emergency Shelter Team (REST)
    2. Yuba-Sutter Senior Gleaners Foodbank – Senior Home Delivery Program
    3. Playzeum – Play for All Initiative

- **Housing activities, including:**

    1. FREED – Home Repair/Modification Program for Disabled and Elderly Homeowners
    2. Habitat for Humanity – Exterior Home Repair Program

- **Public Facilities and Improvements, including Removal of Architectural Barrier activities:**

    1. Yuba City Public Works Department – ADA sidewalk and Public Right-of-Way Improvements
    2. Yuba City Public Works Department – Sewer Later Repair Assistance
    3. Yuba City Public Works Department – Sidewalk Repair Assistance
    4. Yuba City Community Services Department – Sam Brannan Park Safety Improvements
    5. Yuba City Community Services Department – Senior Center Restroom Improvements
    6. Yuba City Fire Department – Fire Station 1 Improvements

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Yuba City	Development Services Department

Table 1 – Responsible Agencies

Narrative

The City's Development Services Department (DSD) is the lead agency responsible for overseeing development of the Action Plan.

HUD requires entitlement jurisdictions that receive CDBG, HOME Investment Partnership Program (HOME) or Emergency Shelter Grant (ESG) funds directly from HUD to complete an Annual Action Plan.

The City does not receive HOME or ESG funds directly from HUD; as a result, the Action Plan focuses only on identifying and prioritizing programs allowed under CDBG funding.

The City's Development Services Department is responsible for the administration of the CDBG funds, including facilitating project/program implementation, monitoring project activities and outcomes, and ensuring compliance with all HUD requirements and regulations such as fair housing, Davis-Bacon requirements (prevailing wages), environmental reviews, affirmative action, competitive bidding procedures, and fiscal and contract administration. CDBG activities are carried out by both internal City Departments as well as external Sub-Recipients.

Consolidated Plan Public Contact Information

Comments and/or inquiries regarding the Action Plan should be directed to:

Shannon Jones, Development Services Analyst, City of Yuba City, Development Services Department, 1201 Civic Center Blvd., Yuba City, CA 95993, phone: (530) 822-5145, e-mail: sjones@yubacity.net.

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The consolidated planning process requires jurisdictions to contact and consult with other public and private agencies when developing the Plan. The Plan itself must include a summary of the consultation process, including identification of the agencies that participated in the process. Jurisdictions also are required to summarize their efforts to enhance coordination between public and private agencies.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City has developed and maintained on-going, collaborative relationships with the Regional Housing Authority, Sutter-Yuba Homeless Consortium, (SYHC), local service providers, Sutter County agencies and the Yuba-Sutter Economic Development Corporation in an effort to enhance the coordination of services to low and moderate-income persons, special needs groups, and businesses. The City's efforts have included attending meetings, exchange of information and coordination of services.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City works in cooperation with the SYHC to address the needs of homelessness in the community. The SYHC consists of over 50 members, including the City of Yuba City, that utilize the Continuum of Care planning process to address homeless needs in the City of Yuba City and throughout the region. The SYHC allows for maximizing funding resources, helps to avoid duplication of services and provides for a comprehensive approach to homelessness. During the 2022 Action Plan process, the City consulted members of the SYHC in order to meet the Action Plan requirements.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

This section is not applicable as the City is not an ESG grantee. The Sutter-Yuba Homeless Consortium is the entity that administers the HMIS.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Agencies representing the homeless, non-homeless and housing providers participated in the annual CDBG Community Needs Workshop. The agencies were encouraged to apply for CDBG funding. The agencies were asked to review and comment on the 2022 Action Plan. Public service agency consultations assist the City to prioritize funding and to identify trends in housing and human service needs.

1	**Agency/Group/Organization**	Sutter-Yuba Homeless Consortium
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	By email communication and public workshops. The City maintains a close working relationship with service providers and also open communication to ensure participation and coordination.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Sutter-Yuba Homeless Consortium	The goals contained in the 2020 Con Plan and 2022 Action Plan are consistent with the Continuum of Care. The City will work within the framework of the Sutter-Yuba Homeless Consortium to address homeless needs.
Yuba City Housing Element	City of Yuba City	The goals contained in the 2020 Con Plan and 2022 Action Plan are consistent with the Programs outlined in the 2021-2029 Housing Element.
Yuba City Economic Development Strategic Work Plan	City of Yuba City	The goals contained in the 2020 Con Plan and 2022 Action Plan are consistent with the initiatives outlined in the Economic Development Strategy.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
PHA 5-Year Plan	Regional Housing Authority	The goals contained in the 2020 Con Plan and 2022 Action Plan are consistent with the needs, goals and objectives outlined in the PHA 5-year Plan.

Table 3 – Other local / regional / federal planning efforts

Narrative

The City will, in conjunction with the development of affordable housing, submit applications for funding, implementation of activities and delivery of services targeted to low and moderate-income households, continue to work and coordinate with other public entities, including the Regional Housing Authority, Sutter County and the State of California.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The City followed requirements for citizen participation outlined in the City's Citizen Participation Plan. The City encouraged citizens, along with local and regional organizations, to participate during the preparation of the 2022 Action Plan. Regional and local service agencies, non-profit organizations, City staff, City Council and City Commissions were invited to two (2) public meetings held to discuss the 2022 Action Plan update and solicit comments. The first virtual meeting was held on February 10, 2022 at 10:00 a.m. The second meeting, a Public Hearing, is scheduled to be held on July 19, 2022.

The Draft 2022 Action Plan will be made available for public review and comment during a 30-day period, June 24, 2022 through July 24, 2022. A Public Hearing was held on July 19, 2022 at 6:00 p.m., at City Hall in Yuba City before the City Council to solicit public comment regarding the 2022 Action Plan. The 2022 Action Plan was also made available during the 30-day comment period on the City's website and copies made available at City Hall. The City's website also included notification of the development of the 2022 Action Plan and encouraged citizens to provide input.

Prior to submission to the Department of HUD, the City Council reviews and approves the Action Plan

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-targeted/broad community	The City hosted a virtual public meeting on February 10, 2022 to provide information on the consultation and planning process, review the application process and encourage public participation and comment in the development of the Draft 2022 Action Plan.	No public comments were received.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	https://www.youtube.com/watch?v=r4HdRWj78xe0
2	City Website	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Announcement that the City is developing its 2022 Action Plan, encouraged public input and participation. Identified meeting dates and the availability of the 2022 Action Plan for public review and comment.	No public comments were received.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	https://www.yubacity.net/city_hall/departments/development_services/housing__c_d_b_g/cdbg

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Newspaper Ad	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public Notice of the July 19, 2022 Public Hearing was posted in the Appeal Democrat on June 23, 2022.	No public comments were received.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	
4	Public Hearing	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	The City held a Public Hearing on July 19, 2022 to request approval and authorization for the submission of the 2022 Annual Action Plan to HUD.	No public comments were received.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	www.yubacity.net

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of Con Plan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	**Public-Federal**	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	**$628,585**	**$104,364.42**	**$655,197.97**	**$1,388,147.39**	**$1,280,000**	Expected amount available remainder of Con Plan based on $640,000 annual allocation for 2 years.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG funds may not be sufficient to fully fund activities undertaken and are leveraged with a variety of Federal, State funds, charitable organizations and private donations. The CDBG funds do not require matching funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The regional Housing Authority (RHA) manages the City's Homes2Families (H2F) and Neighborhood Stabilization properties (NSP). These properties are owned by the City and are used for affordable rental units based on California's Department of Housing and Community Development guidelines. There are currently seventeen (17) NSP properties and nine (9) H2F properties.

Discussion

The City operates the Owner-Occupied Housing Rehabilitation Program, (Housing Rehabilitation Program). The amount and availability of funds for this Program cannot be predicted due HUD funding constraints and the unknown amount of Program Income that will be received. Program Income is generated by past loans being paid off and the proceeds deposited into the Housing Rehabilitation Program activity

The City will aggressively pursue, or support applications by other entities for, Federal and State funding over the 2022 Program Year to address priority needs; however, other funding sources available to the City or its partners will be through a competitive application process. The City cannot be assured an application(s) will be successful based on the rating and ranking criteria. Due to limited funding availability, the City will struggle to meet future matching requirements should the City be successful in applying for other Federal or State funding sources and matching funds be required.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2020	2024	Affordable Housing	Citywide	Preservation of existing units	CDBG: $30,000	Homeowner Housing Rehabilitated; FREED – Minor Home Repair and Habitat for Humanity, Exterior Home Repair Programs: 53 Households
2	Non-Homeless Supportive Services	2020	2024	Non-Homeless Special Needs	Citywide	Housing and Supportive Services for Special Needs Program Administration	CDBG: $59,942	Public service activities other than Low/Moderate Income Housing Benefit: 4,850 Persons Assisted
3	Homeless Assistance	2020	2024	Homeless	Citywide	Homeless Housing and Supportive Services	CDBG: $50,000	Public service activities other than Low/Moderate Income Housing Benefit: 716 Persons Assisted
4	Infrastructure Improvements/ADA Modifications	2020	2024	Non-Housing Community Development	Citywide	Public Improvements and Infrastructure	CDBG: $359,214.66	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 12,936 Persons Assisted
5	Public Facilities Construction/Rehabilitation	2020	2024	Non-Housing Community Development	Citywide	Program Administration Public Facilities	CDBG: $209,725	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2,750 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Housing Rehabilitation
	Goal Description	Activities include Habitat for Humanity Exterior Home Repair Program, FREED-Minor Home Repair/Modification Program and the City's Owner-Occupied Housing Rehabilitation Program.
2	**Goal Name**	Non-Homeless Supportive Services
	Goal Description	Utilizing Community Development Block Grant funds provide assistance to non-profit organizations for provision of supportive services targeted to non-homeless special needs population (disabled, seniors, families, domestic violence victims)
3	**Goal Name**	Homeless Assistance
	Goal Description	Activities include Sutter-Yuba Homeless Consortium-Homeless Coordinator, A Hand Up Ministry-Food provisions for the homeless, Bridges to Housing-Homeless Assistance, Central Valley Homeless Veterans, Hands of Hope-Day Shelter, The Salvation Army provides rental assistance and supportive services to homeless individuals and households, Regional Emergency Shelter Team (REST) and the Sutter County Homeless Shelter provide services to the homeless population in Sutter and Yuba Counties. In addition, the SYHC will be acting as the lead agency and fiscal agent in providing services and programs, in conjunction with five (5) other non-profit agencies, to the City's homeless.
4	**Goal Name**	Infrastructure Improvements/ADA Modifications
	Goal Description	Activities include installation of ADA accessible sidewalks, ramps, curb cuts and gutters.
5	**Goal Name**	Public Facilities Construction/Rehabilitation

	Goal Description	Activities include rehabilitation/renovation of neighborhood parks, replacement of playground structures and ADA improvements of public facilities.

Projects

AP-35 Projects – 91.220(d)

Introduction

The activities recommended for funding for the 2022 PY are consistent with the priority needs identified in the Strategic Plan. Lack of funding is the greatest obstacle to addressing underserved needs. The City has $628,585 in CDBG funds available for the PY. In addition, a total of $145,416.43 of unexpended CDBG funds from 2019 – 2021 Program Years will be used to fund the proposed programs and projects for the 2022 Program Year.

Projects

#	Project Name
1	Program Administration; 21A – General Program Administration
2	Sutter-Yuba Homeless Consortium, Homeless Services Coordination; LMC, 05 – Public Services
3	Habitat for Humanity – Exterior Home Repair Program; LMH, 14A - Rehab; Single-Unit Residential
4	FREED Home Repair/Modification Program; LMH, 14A - Rehab; Single-Unit Residential
5	Yuba-Sutter Gleaners Foodbank Senior Home Delivery Program; LMC, 05A – Senior Services
6	Playzeum Play-for-All Initiative; LMC, 05D – Youth Services
7	City of Yuba City - ADA Sidewalk and Curb Cut Installation; LMC, 03L - Sidewalks
8	City of Yuba City - Sewer Lateral Repair Assistance; LMC, 03J – Water/Sewer Improvements
9	City of Yuba City - Sidewalk Repair Assistance; LMC, 03L - Sidewalks
10	City of Yuba City - Sam Brannan Park Safety Improvements; LMA – 03F, Parks, Recreational Facilities
11	City of Yuba City - Senior Center Restroom Improvements; LMC, 03A – Senior Centers
12	City of Yuba City Fire Department - Fire Station 1 Improvements; LMA, 3 – Public Facilities and Improvements (General)

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City received $1,521,798 in funding requests. In addition, the City is limited on the amount of funds that can be spent on Public Services and Program Administration & Planning in accordance to HUD regulations. As a result, the City is limited from spending more than 15% of its annual allocation, plus Program Income, on Public Service activities; therefore, some activities are not funded completely and some are partially funded based on the amount requested.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	Program Administration
	Target Area	Citywide
	Goals Supported	Housing Rehabilitation Non-Homeless Supportive Services Homeless Assistance Infrastructure Improvements/ADA Modifications Public Facilities Construction/Rehabilitation
	Needs Addressed	Program Administration
	Funding	CDBG: $94,288
	Description	General administration, oversight and management of Community Development Block Grant Program.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
	Location Description	1201 Civic Center Blvd., Yuba City, CA
	Planned Activities	Administration, management, implementation and monitoring of activities funded by Community Development Block Grant funds.
2	**Project Name**	Sutter-Yuba Homeless Consortium – Homeless Services
	Target Area	Citywide
	Goals Supported	Homeless Assistance

	Needs Addressed	Homeless Housing and Supportive Services
	Funding	CDBG: $50,000
	Description	The Sutter-Yuba Homeless Consortium, (SYHC), in collaboration with Hands of Hope, Bridges to Housing, The Salvation Army, Central Valley Homeless Veterans Assistance Program, Regional Emergency Shelter Team (REST) and the Sutter County Homeless Shelter provide services to the homeless population in Sutter and Yuba Counties. In addition, the SYHC will be acting as the lead agency and fiscal agent in providing services and programs, in conjunction with five (5) other non-profit agencies, to the City's homeless population.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	A combined total of 616 Low-Income Homeless Persons
	Location Description	Citywide
	Planned Activities	Continuum of Care Homeless Coordinator Salary; One-time security deposit assistance for homeless re-housing; assistance for homeless veterans to secure permanent housing; assistance for day shelter for homeless families; and rental assistance and supportive services provided by The Salvation Army. Additional services provided by Hands of Hope include showers, laundry facilities, clothes closet, computer access and assists in the operation of the Coordinated Entry System (CES), the Regional Emergency Shelter Team, (REST), provides seasonal emergency shelter services to single males and females and day-to-day operational services provided by the Sutter County Homeless Shelter.

3	**Project Name**	Habitat for Humanity - Exterior Home Repair Program
	Target Area	Citywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Preservation of existing units
	Funding	CDBG: $10,000
	Description	Provide exterior work to qualified low-income homeowners in order to prevent further damage and/or to provide livable standards.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	3 Low-Income Homeowners
	Location Description	Citywide
	Planned Activities	Volunteer teams will participate in a variety of work including: roofing, siding, painting, landscaping, replacing doors and windows and performing exteriors repairs at minimal costs to homeowners who would be unable to complete home repairs on their own.
4	**Project Name**	FREED Home Repair and Modifications Program
	Target Area	Citywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Preservation of existing units
	Funding	CDBG: $20,000
	Description	Provide minor health and safety related accessibility modifications for low-income disabled and senior homeowners.

	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	50 Low-Income Homeowners
	Location Description	Citywide
	Planned Activities	The Program will provide health and safety related home accessibility modifications to low-income disabled and elderly homeowners that will allow them to remain living safely and independently in their home.
5	**Project Name**	Yuba-Sutter Gleaners Foodbank – Senior Home Delivery Program
	Target Area	Citywide
	Goals Supported	Non-Homeless Supportive Services
	Needs Addressed	Housing and Supportive Services for Special Needs Program Administration
	Funding	CDBG: $52,242
	Description	Deliver 2 weekly pre-made meals and a 20-lb box of groceries to seniors that lack resources to acquire healthy, nourishing food.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	150 Low-Income Seniors
	Location Description	Citywide

	Planned Activities	Provide food deliveries low-income senior residents that are 65+ of age, with the goals of reducing hunger, and providing nourishing prepared meals and groceries.
6	**Project Name**	Playzeum – PLAY-for-All Initiative
	Target Area	Citywide
	Goals Supported	Non-Homeless Supportive Services
	Needs Addressed	Housing and Supportive Services for Special Needs Program Administration
	Funding	CDBG: $7,700
	Description	Provide scholarships for low/mod income youth for Playzeum's camps and classes and provide on-the-go events at low-income parks in the City.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	4,800 Low-Income Youths
	Location Description	Citywide
	Planned Activities	Provide reduced fee for admission to children and adults to museums.
7	**Project Name**	ADA Sidewalk and Public Facility Improvements
	Target Area	Qualified Low/Mod Census Tracts
	Goals Supported	Infrastructure Improvements/ADA Modifications
	Needs Addressed	Public Improvements and Infrastructure

	Funding	CDBG: $244,214.66 *
	Description	Provide sidewalks and improvements to public facilities allowing ADA accessibility.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	12,736 Low-Income Persons
	Location Description	Qualified Low/Mod Census Tracts
	Planned Activities	Provide safe passage for individuals with disabilities by installing new curb, gutter, and ADA compliant sidewalks/ramps.
8	**Project Name**	City of Yuba City - Sewer Lateral Repair Assistance
	Target Area	Qualified Low/Mod Census Tracts
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	CDBG: $35,000
	Description	Repair 4 – 5 sewer-lateral for low-income residents to reduce health and safety hazards.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	20 Low/Mod-Income Residents
	Location Description	Qualified Low/Mod Census Tracts

	Planned Activities	Repair lateral failures within the identifies Low/Mod Income areas with its own forces, thereby addressing the health and safety concerns for low-income residents.
9	**Project Name**	City of Yuba City Sidewalk Repair Assistance
	Target Area	Qualified Low/Mod Census Tracts
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	$35,000
	Description	Fund 8 – 12 sidewalk repairs for low-income homeowners.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	40 – 6- Low/Mod-Income Residents
	Location Description	Qualified Low/Mod Census Tracts
	Planned Activities	Fund sidewalk repairs for Low/Mod-income homeowners in the City that have been damaged and create safety hazards for area residents, particularly impacting the elderly and physically disabled.
10	**Project Name**	Sam Brannan Skate Park Safety Improvements
	Target Area	Qualified Low/Mod Census Tracts
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	CDBG: $55,000

	Description	Install new fence that prevents vandalism and reduces injury risk, install lighting where needed for after-hours.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	12,736 Low/Mod-Income Persons
	Location Description	Sam Brannan Park, 810 Gray Avenue, Yuba City
	Planned Activities	Increase safety by installing a no climb fence and lighting for after-dark hours.
11	**Project Name**	City of Yuba City - Senior Center Restroom Improvements
	Target Area	Qualified Low/Mod Census Tract
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	CDBG: $80,000
	Description	Improve and update the restrooms of the Yuba City Senior Center
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	750 Low-Income Seniors
	Location Description	777 Ainsley Avenue, Yuba City
	Planned Activities	Remodel and update the restrooms of the Senior Center to continue serving the City's Senior community.

12	**Project Name**	City of Yuba City – Fire Station 1 Improvements
	Target Area	Qualified Low/Mod Census Tract
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	CDBG: $74,725
	Description	Minor home maintenance, emergency repairs, accessibility modifications and code violations of health and safety; exterior of homes.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	12,736 Low/Mod-income persons
	Location Description	City of Yuba City Fire Station #1
	Planned Activities	Upgrade station restrooms and improve ADA accessibility; install digital marquee to display emergency messaging to reach residents and those who don't readily have access to the Internet and/or smart phones.

The total amount funded includes a proposed transfer of $158,930.66 from the 2019-2021 Program Years, Owner-Occupied Housing Rehabilitation activity.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

In general, the City will allocate investment of resources on a city-wide basis. The City will allocate a portion of its funding to the Qualified Low/Mod Census Tracts.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	**27**
Qualified Low/Mod Census Tracts	**54**

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City allocates the majority of funding on a city-wide basis; however, the distribution of funding is predicated somewhat on the nature of the activity to be funded. Resources targeted to new construction and preservation of existing housing will be allocated on a city-wide basis.

Discussion:

Resources targeted to special needs populations, including homeless, will also be allocated on a city-wide basis, where needs are identified and/or where resources can be coordinated with existing facilities and services.

Activities such as public facilities and improvements will be targeted to areas identified as Qualified Low/Mod Census Tracts; these are those older, low-income neighborhoods within the City most in need of assistance.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Goals contained in the City's 2020 Consolidated Plan are to increase the supply of affordable housing through Housing Rehabilitation and construction of new affordable housing units during the five-year period covered by the Consolidated Plan. The City will support both public and private agencies as well as non-profit and for-profit housing developers in their efforts to increase the supply of affordable housing to homeless, non-homeless and special needs populations.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	103
Special-Needs	0
Total	103

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	103
Acquisition of Existing Units	0
Total	103

Table 10- One Year Goals for Affordable Housing by Support Type

Discussion

The housing units and households anticipated to be assisted during the 2022 Program Year will be provide by the following Housing Programs: FREED Minor Home Modification/Repairs and Habitat for Humanity's Exterior Home Repairs.

AP-60 Public Housing – 91.220(h)

Introduction

The purpose of this section is to outline actions the City will take to address the needs of Public Housing. The City does not own or operate Public Housing or have any oversight over the operation of the Regional Housing Authority (RHA); therefore, the City will act to continue its efforts to maintain a close working relationship with the RHA supporting their actions to address the needs of Public Housing.

Actions planned during the next year to address the needs to public housing

As noted above, the City does not own or operate any Public Housing in the City; the RHA serves the City. During the 2022 Program Year, the City will continue its close working relationship with the RHA to expand housing opportunities for the City's residents. Funding from the Permanent Local Housing Allocation grant is being looked at by the City and the RHA to be used for Public Housing needs.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Since the City does not own or operate Public Housing or have oversight over RHA operations, there are no actions directed specifically to Public Housing tenants. The City aims to reach out to all residents when advertising the housing loan programs such as the First-Time Homebuyers Down Payment Assistance and Owner-Occupied Housing Rehabilitation.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The RHA is not designated as troubled.

Discussion

The RHA and the City have and continue to have a close working relationship where funding opportunities that the City has are shared with the RHA in collaboration to work to address the housing needs of the City. The City and the RHA work together on maintenance of existing Public Housing; the City is committed to remove barriers to developing additional permanent and Public Housing options.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

This section identifies the actions the City will take during the 2022 Program Year, (2022 PY), to address homelessness. The City's goals are to address chronic homelessness by assisting Transitional Housing Programs that provide on-going supportive services such as case management, education and job training to help ensure that people do not return to homelessness. The City will also provide assistance to homeless persons and low-income families at risk of becoming homeless.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City works in partnership with the Sutter-Yuba Homeless Consortium (SYHC) to address homelessness. Annually the SYHC conducts a Point-in-Time (PIT) count. The PIT provides valuable information, including demographic and living situation information that allows service providers and the community to better identify and evaluate the homeless population and their needs. During the 2022 PY the City will provide CDBG funds to the SYHC and its efforts to address homeless needs.

Addressing the emergency shelter and transitional housing needs of homeless persons

During the 2022 PY the City will allocate a portion of CDBG funds under the Public Service Category to organizations that provide emergency shelter and transitional housing services to the homeless. The City will provide CDBG funding to the SYHC who is acting as the lead agency for all six (6) non-profit agencies to address the needs and provide services to the homeless population. Funding for two of the service providers are for the Sutter County Homeless Shelter for day-to-day operational services and to Hands of Hope for that provides showers, laundry facilities, clothes closet, computer access as well as referral and advocacy services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will provide CDBG funding for several organizations that serve the homeless, including families with children and veterans. In conjunction with the SYHC, organizations that will be assisted during the 2022 PY are: 1) Bridges to Housing – provides financial assistance to homeless or at-risk individuals who are in need of deposit and rental assistance. They will also provide assistance to help pay for past due

rent and utilities as well as referrals, case management and on-going support to ensure they do not become homeless again. 2) Central Valley Homeless Veterans Assistance Program – provides financial assistance to low-income veterans in order to obtain emergency, transitional and permanent housing, as well as helping at-risk veterans maintain their permanent housing stability. This agency also provides financial assistance to extremely low-moderate income veterans for utility payments, if no other options are available, to help maintain the veteran's housing in a habitable condition. 3) Hands of Hope – assists with the operation of the Coordinated Entry System (CES) that allows fair and equal access to housing and supportive services. 4) The Salvation Army – provides rental assistance and supportive services to homeless individuals and households in the community. This program provides financial assistance in the following ways: application fees, moving expenses, monthly rental assistance, utility assistance, rental deposits, and storage fees. 5) Regional Emergency Shelter Team (REST) – provides seasonal emergency shelter to individuals and families experiencing homelessness in Yuba City; the Emergency Winter Shelter operates each year from late November to early April. This program provides shelter, meals, case management, and other supportive services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City's efforts during the 2022 PY to prevent homelessness will include Affordable Housing Programs that maintain the existing affordable housing stock or increase the number of affordable housing units available to low-income households. As noted above, the City will also support housing programs that address the underlying reasons for homelessness and provide on-going support services for formerly homeless families and programs that provide assistance to low-income families at risk of becoming homeless, such as the Bridges to Housing Program.

Discussion

In addition to resources available to and controlled by the City, organizations within the community for which their mission is to provide services to the homeless may receive funds from a variety of federal, state and local sources. These funding sources include Emergency Solutions Grant (ESG), California Emergency Solutions and Housing (CESH), Homeless Emergency Aid Program, (HEAP), Community Services Block Grant (CSBG), Homeless Housing and Prevention Program (HHAP) and Continuum of Care Program Competition, as well as charitable organizations and private donations. Throughout the 2022PY the City will work closely and support the efforts of the SYHC to address the housing and supportive needs of the homeless.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The most significant barrier to affordable housing in the City of Yuba City is the Lack of affordable housing due to the housing market influencing rising rents, due in part to the cost of development, which outpaces the ability for residents to access housing. Where affordable rental housing is available, standards to secure housing continue to make housing inaccessible for some low- and extremely low-income households. The City targets housing resources, including entitlement CDBG and State of California HOME and PLHA funds, to the creation of affordable rental units, preservation of existing affordable rental units and owned homes, and permanent supportive housing for low-income and very low-income households.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City's 2021-2029 Housing Element was recently certified and this Housing Element provides a detailed analysis of potential barriers to affordable housing development, including local, State and Federal governmental constraints, market constraints and environmental constraints. This updated Housing Element incorporated community outreach regarding fair housing issues from the 2020-2024 Consolidated Plan and Analysis of Impediments (2020) and allowed the City to reach members across all socioeconomic segments. The following provides a summary of discussion contained in the City's Housing Element:

Governmental Constraints:

Governmental constraints include the regulatory functions that are basic to the role of local government; however, there is much debate about whether or not these regulations discourage the availability of housing to people of all income levels.

Land Use Regulations:

The land use categories contained in the City's General Plan, (Low Density Residential, Medium Density Residential and High Density Residential), provide for residential grown at various density levels.

Zoning requirements for setbacks, lot coverage and parking are not perceived as a constraint to housing development in the City.

Permits and Fees:

The 2021-2029 Housing Element concludes that permits and fees in the City may be high in comparison to other jurisdictions in the region and could represent a constraint to housing development.

Infrastructure:

The provision of on-site improvements, such as streets, curbs, gutters, sidewalks, landscaping, water and sewer are standard conditions of approval. In many cases, off-site improvements and/or mitigations may also be required to accommodate development. These off-site improvements might include street widening, traffic signals, public utility easements, flood control improvements. Both on-site and off-site improvements are incorporated into the total project costs discussed under Market Constraints below.

Development Review Process:

The City's development review guidelines work to ensure a streamlined project review process and ensure fairness and consistency in the development review process. The City's development and design review processes are not perceived as a barrier to development.

Building Code and Enforcement:

The City's building codes represent basic construction standards within the State of California and thus do not place an undue burden on the construction or rehabilitation of affordable housing; however, stakeholders expressed that incomplete code enforcement may exacerbate issues that low-income individuals may face. (i.e. when code enforcement does not adequately follow up on housing condition violations result in tenants or owners being displaced due to cost of repairs.)

Reasonable Accommodation and Housing for Persons with Disabilities:

In accordance with California State SB 520, the Housing Element analyzes potential and actual government constraints specifically on development of housing for persons with disabilities. The Americans with Disabilities Act (ADA) is supported at the State and local level. The City follows State codes, which are more restrictive than Federal codes.

In conformance with the passage of SB 520, the City has evaluated its zoning code, building code, and permit processing procedures for compliance with ADA guidelines. Using the SB 520 Analysis Tool, staff found no significant barriers to the development, maintenance and improvement of housing for persons with disabilities. Answers to the questions contained in the Analysis Tool are kept on file and will be periodically updated as required.

The 2021-2029 Housing Element commits to passing a reasonable accommodation ordinance to develop a procedure for requesting reasonable accommodation in the application of zoning laws and other land use regulations, policies and procedures for persons with disabilities seeking

equal access to housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Consistent with the 2021-2029 Housing Element, Housing Program Schedule, the City is addressing the following policies that may act as barriers to the development of affordable housing.

Conservation of Existing Housing

Continue to enforce City building, fire, health, and zoning codes to remedy existing pockets of blight and deterioration to conserve and improve the condition of existing affordable housing stock in coordination with rehabilitation and other infrastructure improvement programs. The City will collaborate with the Housing Authority to target efforts in the rehabilitation assistance programs throughout the City, with a focus on ensuring equal access to the programs across all socioeconomic groups. The City will provide marketing materials in languages other than English, as needed. The City will create a program to prevent displacement and mitigate relocation impacts as a result of code enforcement activities.

- **Accessory Dwelling Units.** - Continue the City's policy that allows for accessory dwelling units (ADUs) within single-family residential neighborhoods by reducing lot coverage requirements and allowing for tandem parking when setback requirements are met. In addition, the zoning code will be amended to allow ADUs and Junior ADUS (JADUs) in all residential zones (R-1, R-2, and R-3), in accordance with Assembly Bill (AB) 2299 and Senate Bill (SB) 1069.
- **Facilitate a Variety of Housing Types.** – The City will continue to ensure that zoning standards and development requirements facilitate the construction of a diversity of housing types, including apartment complexes, group housing, and townhomes to meet the needs of all households and income levels.
-
- **Infrastructure Provision and Financing**. – Minimize infrastructure costs for residential development by identifying infrastructure needs and available sources of funding for infrastructure improvements.
-
- **Density Bonus.** – The City will codify the City's density bonus ordinance in compliance with the state's density bonus law (Government Code Section 65915, as revised) and will continue to offer specific incentives for the development of individual or group-care housing affordable to seniors and special-needs population through City-specific density bonuses, reduced parking requirements, and development fee reductions for projects in infill locations.

- **Partner with Housing Advocates**. – Continue and expand, where feasible, partnerships with for-profit or nonprofit housing organizations, including the Regional Housing Authority, to provide

affordable housing. Consider contracting with additional organizations to provide housing services and information for special-needs groups within the City.

- **Farmworker Housing.** – Continue to work with Sutter County, the farm industry, and neighborhoods where housing projects are proposed to facilitate the provision of farmworker housing. Assist in meeting the housing needs of farmworkers in and around Yuba City.

- **Facilitate Construction of Special-Needs Housing.** – The City will remove barriers for special-needs groups by amending the zoning code to address the following:
-
    - Transitional and Supportive Housing
    - Reasonable Accommodation
    - Employee Housing
    - Single-Room Occupancy Units
    - Low-Barrier Navigation Centers

- **Residential Care Facilities.** – Continue to offer specific incentives for development of individual or group-care housing affordable to the City's senior and special-needs populations through City-specific density bonuses (in addition to state requirements), reduced parking requirements, and development fee reductions for projects at infill localities.

- **Housing for Special Needs Groups.** – The City will work with housing providers to ensure that special housing needs and the needs of lower-income households are addressed for seniors, large families, female-headed households, female-headed households with children, persons with disabilities and developmental disabilities, extremely low-income households, and homeless individuals and families.

- **Assistance for Persons with Developmental Disabilities.** – The City will work with the Alta California Regional Center to implement an outreach program that informs families within Yuba City about housing and services available for persons with developmental disabilities.

- **Affirmatively Furthering Fair Housing.** – Implement the City's Analysis of Impediments to Fair Housing Choice (AI), adopted in 2020, to address disparities in housing needs and in access to opportunity for all persons regardless of race, color, religion, sex, national origin, familial status, disability, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, veteran or military status, source of income, and genetic information as protected categories by the California Fair Employment and Housing Act (Part 2.8 [commencing with Section 12900] of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

AP-85 Other Actions – 91.220(k)

Introduction:

This section addresses the City's planned actions during the 2022 Program Year, (2022 PY), to carry out strategies covered in the Consolidated Plan including, fostering and maintaining affordable housing, evaluation and reduction of lead-based paint hazards, reduce the number of families within the poverty level and develop the institutional structure and enhancing coordination between public and private agencies that serve low-income and special needs populations.

Actions planned to address obstacles to meeting underserved needs

The greatest obstacle to meeting underserved needs in the City is the lack of funding. During the 2022 PY and the duration of the 2020 Con Plan period the City will continue its efforts to identify funding sources, support funding applications by developers and service providers that expand the availability of affordable housing and support applications for homeless assistance and supportive service funds. The City will also implement zoning and land use policies that encourage the development of affordable housing. The City will continue to participate and encourage partnerships between local agencies and organizations so underserved needs may be better met by collaborative use of resources. Additionally, the applications received by the City often do not address some of the greater issues such as acquisition or development of new affordable housing units and economic development activities.

Actions planned to foster and maintain affordable housing

The City will continue to offer and/or provide funding for a range of affordable housing activities including single-family Housing Rehabilitation, multi-family housing rehabilitation and First-time Homebuyer Programs. The City will work in partnership with private developers, local non-profit agencies and the Regional Housing Authority to develop and preserve affordable housing units.

Actions planned to reduce lead-based paint hazards

The City will continue to implement HUD's lead-based paint regulations that became effective in September 2000. Efforts by the City to reduce lead-based paint hazards include the disclosure to homeowners of possible lead hazards, sponsoring certification training for contractors, implementation of lead risk assessment and clearance testing procedures and supervision of lead-related work performed. In addition, the City will continue to adhere to its Housing Rehabilitation Program guidelines that were amended to stipulate the type and amount of assistance provided and define costs covered under the City's lead reduction program.

Actions planned to reduce the number of poverty-level families

The City will continue its efforts to increase the availability of affordable housing opportunities and assist homeless individuals or those who may be at risk of homelessness. In addition, the City will implement land use policies that seek to balance the creation of jobs and housing and ensure a variety of employment

opportunities requiring varying levels of skills and training.

The City will continue its efforts to develop and maintain cooperative relationships with public and private organizations that share a common mission for improving the quality of life for individuals through housing, social services, employment and skills training and economic development.

Actions planned to develop institutional structure

The City's Development Services Department is the City Department responsible for the administration of the City's Housing Programs, including the Community Development Block Grant (CDBG) Program. The Development Services Department also oversees the City's Community Development activities. As an entitlement jurisdiction, the City receives an annual CDBG allocation through the Department of Housing and Urban Development (HUD. Both internal City Departments and external Sub-Recipient agencies implement the programs and projects identified in the 2022 Annual Action Plan. The Development Services Department will continue to collaborate with other City Departments, the City Council, City Commissions, as well as local agencies and organizations and residents to develop programs and activities that serve low and moderate-income individuals and families within the jurisdiction.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to meet with and maintain a dialogue with non-profit agencies and organizations that serve low and moderate-income persons. The City will work to enhance and improve the organizational capacity and foster a collective planning process.

The City will continue to work closely with the Regional Housing Authority to develop, preserve and improve the supply of affordable housing in the City.

Discussion:

Although there are coordinated programs and services to address the needs of lower income households and the homeless, it is recognized that many unmet needs will remain.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0.00
3. The amount of surplus funds from urban renewal settlements	0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0.00
5. The amount of income from float-funded activities	0.00
Total Program Income	0.00

Other CDBG Requirements

1. The amount of urgent need activities	0.00
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit – A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

The Program Income will be used to fund additional housing loans for the above listed programs.

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Community Sponsorship Request
Recommendation: Consider the sponsorship request from Film Yuba-Sutter, and if approved:

Adopt a Resolution to approve a monetary sponsorship request from Film Yuba-Sutter of $6,250.00 to assist in funding the Film Yuba-Sutter Film Commission
Fiscal Impact: Monetary sponsorship in the amount of $6,250.00

Purpose:

Film Yuba-Sutter! is an organization intended to attract and support the film industry in the Yuba-Sutter Community. A Film Commission such as Film Yuba-Sutter is a one-stop resource for film, TV, and commercial production.

Council's Strategic Goal:

The overarching strategic goal of "Quality of Life."

Background:

Film Yuba-Sutter provides tremendous opportunities for Yuba-Sutter. The tax revenue that can be generated through local production activities can be significant.

Location film production has a widespread economic impact that can benefit our entire community. Each location shoot means local jobs for camera operators, sound and lighting technicians, electricians, caterers, plumbers, carpenters, animal trainers, truck drivers, makeup artists, graphic artists, photographers, hairdressers, set designers, and production assistants. These location dollars are spent on hardware, props, film, photo development, plants, paint, lumber, cleaners, furniture, portable toilets, generators, clothing, entertainment, food, lodging, and gasoline.

In January 2022, Marni Sanders, CEO of the Yuba-Sutter Chamber of Commerce, appeared before Council to request a $6,250 contribution to the Film Yuba-Sutter! Film Commission. The City Council approved the contribution and also designated Vice Mayor Harris to participate on the Film Commission Committee. As can be seen in the attached July-September 2022 Quarterly Report, the Commission has completed quite a few contract deliverables.

Analysis:

Ms. Sanders has submitted a request for a contribution in the amount of $6,250 for 2023. The $6,250 is a small portion of the $50,000 in sponsorships expected to be received from the surrounding agencies as well as funds programmed through the Yuba Sutter Lodging Association.

The Amended Community Sponsorship Policy states, "The budget for the Community Sponsorship Program shall be established by City Council each year during the annual budget process," and "applications will be presented to Council Quarterly on a first-come, first-serve basis." Through the FY 22/23 Budget, Council established the following.

Account Number	Description	Funding Budgeted	Funding Available
4220-66010	Community Contributions	$15,000	$11,250
4220-66015	Community Events	$10,000	$ 8,500

Fiscal Impact:

As noted above, the budgeted funds are to be considered and allocated quarterly, which provides $3,750 quarterly for Community Contributions and $2,500 quarterly for Community Events. To date, Council has authorized the following:

- July - September 2022 Quarter
  - Community Contribution - Alliance for Hispanic Advancement - $3,750
  - Community Event - Yuba Sutter Arts & Culture - $2,500

- October - December 2022 Quarter
  - Community Event - Sutter County Memorial Museum Association Trees & Traditions Fundraiser Event - $1,000
  - Community Contribution - Cotton Rosser Memorial Bronze Statue - $5,000 (Funds were designated from a different account so this contribution does not impact the amount of funds available for Community Contributions.)

Per the policy, sponsorship requests are to come before the Council on a quarterly basis for consideration. As the $3,750 in Community Contributions available for the October - December 2022 Quarter were not allocated, there is a total of $7,500 available for Community Contributions for the January - March 2023 Quarter.

Alternatives:

1. Do not authorize the contribution.
2. Authorize a different contribution amount.

Recommendation:

Adopt a Resolution to approve a monetary sponsorship request from Film Yuba-Sutter! of $6,250 to assist in funding the Film Yuba-Sutter! Film Commission.

Attachments:

1. RESOLUTION - Community Sponsorship Request For Film Yuba-Sutter
2. Film Yuba-Sutter Quarterly Report
3. Sponsorship Application Film Yuba-Sutter

Prepared By:	Submitted By:
George Barlow	Diana Langley
Analyst	City Manager

ATTACHMENT 1

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING COMMUNITY SPONSORSHIP REQUEST FOR, FILM YUBA-SUTTER

WHEREAS, Film Yuba-Sutter a 501(c)(3) non-profit organization, is requesting community sponsorship funds for Film Yuba-Sutter film commission; and,

WHEREAS, the City Council of the City of Yuba City ("City Council") finds that the Film Yuba-Sutter, a nonprofit organizations that serves an important public purpose to the community insofar as the public will receive cultural, and educational enrichment from their efforts; and

NOW, THEREFORE, the City Council of the City of Yuba City does hereby resolve as follows:

Section 1. That the City Council finds the above recitals true and correct.

Section 2. The City Council finds that the Film Yuba-Sutter, Film Commission will benefit Yuba City residents. The requested sponsorship is for a qualified non-profit organization that primarily serves Yuba Sutter residents, and will contribute positively to the recognition and image of the city. Accordingly, the City Council approves the sponsorship request of $6,250 for the Film Yuba-Sutter, Film Commission.

Section 3. This Resolution shall take effect immediately and that the Deputy City Clerk shall certify the adoption of this Resolution.

The foregoing Resolution of the City Council of the City of Yuba City is duly introduced, PASSED AND ADOPTED at a regular meeting thereof held on this 17th day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

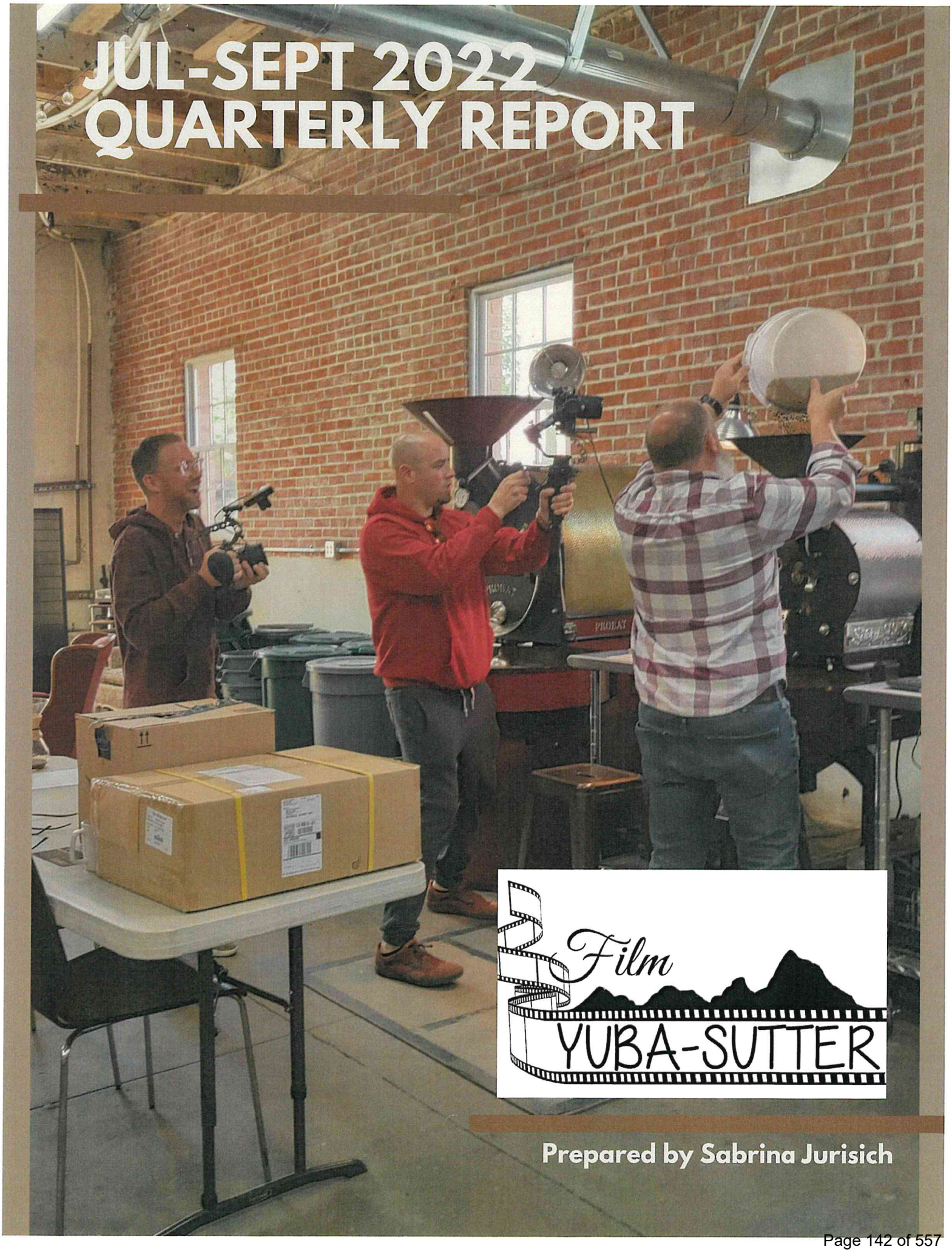
_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Shannon L. Chaffin, City Attorney

ATTACHMENT 2

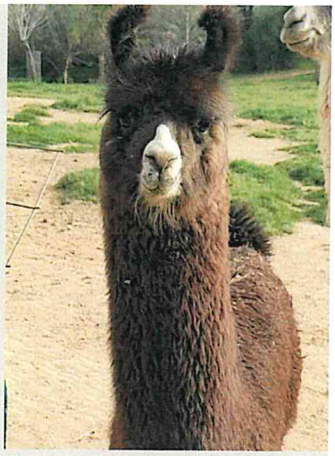
JUL-SEPT 2022 QUARTERLY REPORT



Film YUBA-SUTTER

Prepared by Sabrina Jurisich

CONTRACT DELIVERABLES



COMPLETED

- Present to regional stakeholders upon request from Chamber to assist in securing funding for program (contract item #1)
- Create and manage branding for Yuba-Sutter Film Commission (contract item #2)
- Work with counties on designation process (contract item #7)
- Create social media account for the Yuba-Sutter Film Commission (contract item #5a)
- Create promotional video for the Yuba-Sutter Film Commission (contract item #13)
- Representation at minimum of 4 industry events/meetings (contract item #9)
- Establish and maintain affiliations with professional industry organizations (contract item #6)
- Advertising - Inclusion in minimum of 2 print/digital campaigns (contract item #8)

IN PROCESS

- Design, printing, and distribution of brochures, giveaways, and other collateral used in marketing efforts (contract item #3)
- Create and manage website showcasing Yuba Sutter Counties film friendly locations, resources, local crews and permitting information (contract item #4)

ONGOING

- Manage social media account for the Yuba Sutter Film Commission (contract item #5b)
- Prepare concise quarterly reports which include the following metrics: updates on infrastructure progression, number of inquiries, shoot days, productions, room nights, locals hired, and permits issued; events and/or meetings attended; type of productions filming; links to released projects; economic impacts; social media and website analytics; and distribution of active advertisements; (contract item #10)

PROGRAM UPDATES

AFFILIATIONS

Film Yuba-Sutter is officially recognized by the California Film Commission and the Association of Film Commissioners International as a regional film office. Membership is pending with the FLICS and Film USA at this time.

ADVERTISING UPDATES

While we are waiting for the release of the official Film Yuba-Sutter website, there is a temporary site in place. Additionally, Film Yuba-Sutter has been added to the Upstate California Film Commission site with regional photos and links directly to the Film Yuba-Sutter web page. Film Yuba-Sutter was also included in the Creative Handbook and Destination Film Guide advertisements. Film Yuba-Sutter was also represented at the Catalina Film Festival event and CFC and FLICS board meetings this quarter.

QUARTERLY METRICS

Number of new inquiries: 3 (2 independent features, 1 music video)
Number of scouts: 1
Social media reach: 189 page likes, 1,266 reach
Website analytics: full website has not been launched so this information will be on future report.
Distribution of active advertisements: *Creative Handbook is distributed at events, by direct mail, and online with a monthly reach of over 18,000 industry professionals. Destination Film Guide is distributed online and directly to industry professionals by mail and at events with a reach of 10,000 print subscribers, 6,000 e-newsletter subscribers with a breakdown of 56% Studios/Producers, 24% Directors, and 20% Location Scouts.*

Yuba Sutter Film Commission Budget Forecast

	Year 1		Year 2		Year 3
	Revenues				
Yuba City	$6,250.00		$26,000.00		$45,000.00
Marysville	$6,250.00		$5,000.00		$8,000.00
Yuba County	$6,250.00		$15,000.00		$25,000.00
Sutter County	$6,250.00		$20,000.00		$30,000.00
Live Oak	$0.00		$3,000.00		$5,000.00
Wheatland	$0.00		$1,000.00		$2,000.00
Yuba Sutter Lodging Association	$25,000.00		$30,000.00		$35,000.00
Total Revenue	***$50,000.00***		***$100,000.00***		***$150,000.00***
	Expenses				
Staffing	$0.00		$45,000.00		$88,000.00
Consultation	$15,000.00		$15,000.00		$0.00
Affiliations/Meetings	$2,000.00		$3,000.00		$3,000.00
Conferences/Tradshows	$2,000.00		$5,000.00		$10,000.00
Website	$15,000.00		$5,000.00		$5,000.00
Advertsing	$5,000.00		$12,000.00		$21,000.00
Travel/Mileage	$1,000.00		$5,000.00		$8,000.00
Branding	$5,000.00		$0.00		$0.00
Admin (rent, utilites, administration of program etc)	$5,000.00		$10,000.00		$15,000.00
Total Expenses	***$50,000.00***		***$100,000.00***		***$150,000.00***

**The Chamber is providing inkind support in the first 2 years as funding is limited. Year 1 - $10,000 and Year 2 - $5,000

**revenue breakdown with cities is based on per capita

Proposal to Form a Film Commission for Yuba Sutter: Film Yuba Sutter

The Yuba Sutter area is a treasure trove of landscapes, spectacular views, unique backdrops, quaint buildings, shops and streets. Yuba and Sutter present lots of opportunities to attract film and production through what is known as a Film Commission. And why would we want a Film Commission? Because it can be a catalyst to significant economic impact.

There are many beneficial outcomes from having a film commission, including increased tourism, increased sense of pride in the community and greater visibility for our region. But the principal reason is significant economic impact and growth.

There are neighboring communities with Film Commissions who are generating significant economic impact from their work to promote their communities. Shasta County is one great example who started a film commission less than a decade ago and went from under $20,000 in economic impact annually from production to over $1 million in economic impact last year.

We are missing opportunities without a film commission. Productions are less likely to film in areas that do not have film commissions. Film commissions remove the leg work for productions by making their experience seamless and easy. Film commissions essentially work as the liaison to production helping them to navigate all the ins and outs of communities and connecting them to the resources and, support they need.

What is a film commission?

- A Film Commission is a one-stop resource for film, TV, and commercial production. They offer support so that productions can accomplish their work smoothly
- A Film Commission works to develop, recognize, and promote film activities in the community it represents
- A Film Commission are quasi-governmental, non-profit, public organizations
- A Film Commission acts as liaison between local governments and communities with production entities by educating, setting standards of professionalism, and serving as a clearinghouse for production information

History of Film Commissions

The first Commission was formed in the United States during the late 1940s. This was in response to the need for film companies to have a local government liaison who could coordinate local services such as police, state troopers and highway patrols, road and highway departments, fire departments, park rangers and all the other essential municipal and government services for shooting a production on location. As more production companies began to look beyond the limits of a regular production center for realistic and varied locations, more cities and states began to see the need for production coordination liaison.

Benefits of having a local film commission

- There is a direct economic benefit through rental of hotel rooms, locations, vehicles, etc., and indirect economic benefit via the increased exposure of appearing in films and television
- Having a local Film Commission provides leverage to attract production
- Dedicated outreach and activities to promote the area

- Film productions seek out Film Commissions as their main resource when looking for locations and often will pass over communities with no Film Commission

Prosperity for ALL!

- Location filming has a widespread economic impact that can benefit our entire community!
- Each location shoot means jobs for camera operators, sound and lighting technicians, electricians, caterers, plumbers, carpenters, animal trainers, truck drivers, makeup artists, graphic artists, photographers, hairdressers, set designers, and production assistants.
- These location dollars are spent on hardware, props, film, photo developing, plants, paint, lumber, cleaners, furniture, portable toilets, generators, clothing, entertainment, food, and gasoline.

Activities of a Film Commission

- To act as official adviser to government on the policy, legislation, and regulations necessary for the promotion of the film, television, and related multi-media industries.
- To act as official intermediary on behalf of government with the film sector, and vice versa.
- To market and promote their region as a cost-effective, quality location for local and international productions using a variety of tools.
- To compile a database of locally available crew, talent, services, facilities, and equipment in the region, and promote their use to international and local filmmakers.
- To advise film makers on any other aspects of production including, but not limited to, municipal by-laws, traffic ordinances, environmental legislation and employment legislation and practices.
- To support learning and training opportunities to build skills in the sector.
- To conduct and coordinate research into all areas of film, television, and multimedia productions locally and internationally, and to be informed on best practices within Film Sector development and management.
- To collate reports and statistics to complement the work and to draft reports where required; and

Who Operates and Funds Film Commissions?

There is no typical home for a Film Commission; they are set up by cities, counties, states / provinces, or federal governments, and are generally operated and/or funded by various agencies of government, such as the governor's office, the mayor's office, chambers of commerce, convention and visitors' bureaus, tourism offices and business and economic development departments.

What is Needed to Start a Film Commission in Yuba-Sutter?

Year 1 - $50,000

- Website Design, Build, and Management
- Social Media management
- Memberships/Affiliations in a minimum of 2 industry organizations
- Initiating process for county designation
- Consultation from experienced film commissioner to help with scouting, inquiries, and production monitoring. This will be on a limited basis

Year 2 - $100,000

- Part time position dedicated to promoting production in Yuba and Sutter County
- Website Design maintenance
- Social Media management, print, and digital marketing
- Maintaining key affiliations with professional industry organizations
- Continued consultation of an experienced film commissioner to help with scouting, inquiries, and production monitoring. This will be on a limited basis

Year 3 - $150,000

- Full time position dedicated to promoting production in Yuba and Sutter County
- Website Design maintenance
- Social Media management, print, and digital marketing
- Design, printing of brochures, giveaways, collateral used in marketing efforts
- Maintaining and building key affiliations with professional industry organizations
- Hosting local film events, attending film industry conventions and trade shows to promote production in Yuba and Sutter County

We respectfully request $6,250 to help launch the Yuba Sutter Film Commission. We have also included a forecasted budget that includes an additional two years and hope to report back annually. It is our intention to show significant economic impact after year 3 and are hopeful you will consider annual support as well.

ATTACHMENT 3

COMMUNITY SPONSORSHIP APPLICATION FORM

Name of Organization Yuba Sutter Chamber of Commerce Non-Profit ID/ 501 C# 94-1731239

Address 1300 Franklin Road City/State/Zip Yuba City CA 95993

Contact Person Marni Sanders Phone 530-645-1620 Email msanders@yubasutterchamber.com

Organization Purpose/Mission Building relationships. Building Businesses. Building Community.

Type of Organization:
- ☒ Non-Profit (located or primarily serves residents within the City of Yuba City
- ☐ Educational Institution
- ☐ Local business (located within City of Yuba City city limits)

Type of Event:

☐ Local Celebration	☐Athletic	☐Cultural	☐Educational
☐ Fundraiser	☐Entertainment	☒Other Film Commission	

Program or Event Name Film Yuba Sutter

Event Location_____

Event Date/Time_____

Expected Number of Participants_____

Open to the Public? ☒ Yes ☐ No

Please explain how your program or event meets one or more of the sponsorship criteria below:

- Boosts the local Yuba City economy:_____
- Provides an opportunity to help build community, foster a sense of pride within our community, and engage our community:_____
- Contributes positively to the recognition and image of the City of Yuba City:_____

Type of Sponsorship Requested:

☐ In-kind services – Amount requested: _____

Provide a description of the in-kind services requested:_____

_____

_____

☐ Facility Waiver – Amount requested: _____

☒ Monetary Funding – Amount requested: $6,250

☐ Fundraiser Gift Basket – Amount requested:_____

Other Considerations:

☐ I understand that if the City agrees to sponsor the event, I will acknowledge the sponsorship on all printed information or advertising related to the event using a message approved by the City and provide any written marketing material to the City before distribution of event materials.

☐ If the City agrees to sponsor the event, I understand that appropriate ADA accessibility and other permit requirements will be provided.

☒ I understand that sponsorship is optional, and the City can deny this sponsorship application.

Signature of Applicant Marni Sanders Date 1/11/2023

Print Name of Applicant Marni Sanders

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023

To: Honorable Mayor & Members of the City Council;

From: Development Services Department

Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: Consideration of Planned Development (PD) 17 in association with Development Plan (DP) 22-04, Nestory Park Self Storage

Recommendation: A. Conduct a Public Hearing; then

B. Introduce an Ordinance of the City Council of the City of Yuba City approving a Planned Development (PD) 17 for Nestory Park Self Storage located along the north side of Winship Road approximately 430 feet east of the intersection of Winship Road and Garden Highway (APNs: 53-500-008 and 53-500-035) and an associated Mitigated Negative Declaration by title only and waive the first reading

Fiscal Impact: The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Purpose:

To consider Planned Development (PD) 17 and Development Plan (DP) 22-04, Nestory Park Self Storage, for a 4.9-acre property, consisting of two parcels, located on the north side of Winship Road approximately 430 feet east of Garden Highway. The properties are identified as Assessor's Parcel Numbers 53-500-008 and 53-500-035.

The site is designated in the General Plan as Business, Technology & Light Industrial (B,T,& LI), and self-storage facilities are consistent with that designation. The site is within two zone districts. The western parcel is in a Commercial/Light Industrial (C-M) Zone District, and the eastern parcel is zoned Light Industrial (M-1). The proposal is to rezone the parcels to the PD 17 Zone District to modify the existing setback requirements in order to eliminate potential loitering areas and maximize development capacity.

Council's Strategic Goal:

This item implements the Council's goal of Business Friendly.

Background:

The applicant, David Flaherty, filed applications for PD 17 and DP 22-04, Nestory Park Self Storage, in July 2022.

This level property is vacant with no history of being built on. Discretionary review is triggered by the rezoning to a PD Zone District that will amend the development standards as outlined above. Self-storage facilities are a permitted use in the M-1 Zone District, but discretionary review is also triggered by its large size (Zoning Regulations Sec. 8-5.7001(d)) requiring Planning Commission approval for the Development Plan.

The PD Zone District is intended to provide individualized zoning for projects that do not fit within traditional zone districts. The Zoning Regulations require that a 15-foot-wide landscaped yard (setback) be provided when there is a land use transition between commercial or industrial uses and residential uses. It is intended to provide a visual barrier between what are sometimes incompatible uses. The request is to reduce it to zero, and to reduce the front yard and landscaping from the standard 20 feet wide to 10 feet.

On December 14, 2022, the Yuba City Planning Commission conducted a public hearing, where no persons spoke in opposition to the project, and the Planning Commission unanimously:

1. Adopted Resolution PC 22-15 recommending approval of PD 17 to the City Council together with Environmental Assessment 22-12; and
2. Adopted Resolution PC 22-16 contingently approving DP 22-04

Analysis:

Compatibility with neighboring uses:

The project is located on the perimeter of an area designated for light industrial uses. Three sides either have or are planned for light-industrial uses. The fourth side, to the north, has multiple-family residences that would face the rear of the proposed facility. Only the north side of the property raises a potential compatibility issue. Adjacent land uses are provided in Table 1:

***Table 1: Bordering Information* and Uses**

	General Plan Land Use Classification	Zoning	Existing Land Use
Project Site	Business, Technology & Light Industrial (BT & LI)	Heavy Commercial/Light Industrial (CM) and Light Industrial (M-1)	The property is vacant.
North	Medium/High Density Residential (MDR)	Multiple-Family Residential (R-3)	Multiple-family residences
East	BT & LI	M-1	Orchard
West	BT & LI	M-1	Commercial condominium buildings housing heavy commercial/light industrial uses.
South	BT & LI	M-1	Orchard

While the ordinance requires a 15-foot-wide landscaped setback be installed to provide a buffer between the light industrial use and the multiple-family residences, the applicant has requested that the

property be rezoned to a PD 17 Zone District that amends the development standards to reduce the setback from 15 feet to zero, with vine type plantings along the masonry type wall. For the reasons provided below in the "Rezoning to a Planned Development Zone District" section, due to the nature of the proposed business and local conditions, the proposed self-storage facility with the zero rear yard is not expected to be incompatible with the neighboring multi-family residential.

To further reduce potential compatibility issues there is a condition included that prohibits container stacking.

As such, it is not expected that there will be any compatibility issues with neighboring uses.

Rezoning to a Planned Development Zone District:

The PD 17 is requested to reduce front and rear yard setbacks in order to make a larger percentage of the property available for the proposed self-storage facility. It reflects the Light Industrial (M-1) Zone District in all respects except for the front and rear yard reductions. The proposed PD 17 Zone District is attached.

The reduction of the rear yard to zero, with vine type plantings along the masonry type wall will likely not cause any issues with the neighboring multifamily parcels for several reasons:

- The small landscape area will consist of vine type plantings to create a vertical garden that will largely diminish the view of the light industrial type of facility.
- The PD zoning, in addition to reducing the setbacks, also limits the use of the property to this approved site plan. This is important as the proposed self-storage facility is typically a low intensity, quiet use, as compared to other types of light industrial projects that could locate on this site. If changes are proposed to the project, they will have to be reviewed via a public process by the Planning Commission.
- For much of the project, there is considerable open space between the nearest multi-family residences and the proposed self-storage facility. Along much of the northern property line, the distance between uses would be well over 100 feet. For the easterly approximately 300 feet of the project, the minimum distance between the uses would be about 80 feet. One problem area, however, is that were the minimum distance between uses is about 80 feet, there is a Housing Authority street that is essentially on or very near the property line. As stated, the applicant is coordinating with the adjacent property owner regarding a landscape easement on the Regional Housing Authority parcel to the north (APN: 53-470-087). The addition of landscaping in this area will serve as a buffer between the street and the masonry wall.

Airport Land Use Plan:

The project is located within the boundary of the Sutter County Airport Land Use Plan which provides polices regulating land uses near the airport. Regarding building height, a very small two-story portion of the Project is well below the several imaginary cones that limit height around the airport. It may be possible in future years, however, that the trees planted to landscape the property could grow into one of those zones. This should not be significant as the trees can be topped if needed.

There are also three safety zones around the airport that limit the intensity of uses, the Clear Zone, the Approach and Departure Zone, and the Overflight Zone. The project is outside of the Clear Zone, which is the area within 200 feet of the end of the runway. The project is also outside of the Approach and Departure Zone which is a cone shaped area extending beyond the 200-foot Clear Zone for 2,000 feet. The project is within the Overflight Zone, which is the area overflown by aircraft during normal traffic pattern procedures but outside of the Clear Zone and Approach and Departure Zone. This Zone limits intensity of uses, but the proposed Self-Storage facility is permitted as it is a low-population

density use.

The project is in conformance with the Sutter Airport Land Use Plan and, as such, there is not a potential for significant adverse impacts on the users of the Project nor to airport operations.

Traffic:

Self-storage facilities are very low traffic generators. There is a potential concern, however, that allowing commercial trucks in the permitted vehicle storage area could impact the non-signalized Garden Highway/ Winship Road intersection. Although commercial truck parking was not proposed by the applicant, there is a standard included in the PD that prohibits commercial truck parking. Thus, traffic generated by this project does not raise noteworthy concerns.

Building Design:

The walls and back of buildings along the rear and front of the facility are decorative and also will be completely (rear) or partially (front) covered by landscaping or the views of them interrupted by neighboring light industrial uses (west and east sides). However, the two-story portion of the building near the main entrance does not, in staff opinion, meet a quality design standard. Providing a second story that emphasizes the look of storage unit doors facing the highway does not represent an attractive design. As such, staff recommends that this elevation be improved to add a stronger design element to that upper story. Staff has included a condition that requires an enhanced design that meets this standard be approved by the Development Services Director prior to the issuance of a building permit.

The applicant has also indicated interest in potentially lowering the overall walls and building heights in some areas of the development. This proposed revision is required to be approved by the Development Services Director prior to issuance of a building permit.

Availability of City services:

All City services, including water, sewer, and storm-water drainage (a combination of City and the Gilsizer County Drainage District) are available to this site.

Environmental Determination:

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this self-storage project. The findings of the mitigated negative declaration are that, with the proposed mitigations for Geology/Soils, Greenhouse Gas Emissions, and Tribal Cultural Resources, the self-storage facility will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included with the project conditions of approval.

As a result, the Planning Commission recommended the City Council adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program for this project together with the recommended findings in accordance with the provisions of CEQA. The Mitigation Monitoring Program has been refined to clarify responsibilities for performance and monitoring of the same.

Fiscal Impact:

The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Alternatives:

1. Deny the application to establish Planned Development 17.
2. Provide staff with alternate direction.

Recommendation:

1. Conduct a Public Hearing; then

2. Introduce an Ordinance of the City Council of the City of Yuba City approving a Planned Development (PD) 17 for Nestory Park Self Storage located along the north side of Winship Road approximately 430 feet east of the intersection of Winship Road and Garden Highway (APNs: 53-500-008 and 53-500-035) and an associated Mitigated Negative Declaration by title only and waive the first reading.

Attachments:

1. City Council Ordinance
2. Nestory Park Location Map
3. Development Plan 22-04, Nestory Park
4. Environmental Assessment 22-12 and Mitigation Monitoring Program

Prepared By:	Submitted By:
Ashley Potočnik	Diana Langley
Development Liaison	City Manager

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING A PLANNED DEVELOPMENT (PD) 17 FOR NESTORY PARK SELF STORAGE LOCATED ALONG THE NORTH SIDE OF WINSHIP ROAD APPROXIMATELY 430 FEET EAST OF THE INTERSECTION OF WINSHIP ROAD AND GARDEN HIGHWAY (APNS: 53-500-008 AND 53-500-035) AND AN ASSOCIATED MITIGATED NEGATIVE DECLARATION

WHEREAS, David Flaherty ("Applicant"), Yanni Limited L.L.C, filed applications for Planned Development (PD) 17 and Development Plan (DP) 22-04 to construct a self-storage facility, outdoor vehicle storage area and shipping container storage area; and

WHEREAS, as a result the following entitlements are being considered for approval by the City:

- *Planned Development (PD) 17*
- *Development Plan (DP) 22-04*
- *Environmental Assessment (EA) 22-12*

(collectively "Project"); and

WHEREAS, the Planned Development Zone has been requested in order to reduce the setbacks on the property from 15 feet to 18 inches (north side) and landscaping from 15 feet to zero feet and to reduce the front (south side) setback and landscaping from 20 feet to 10 feet; and

WHEREAS, this property is within Yuba City's city limits and the property owner wished to enhance development opportunities for the property; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed self-storage facility was consistent with the elements of the General Plan and the Zoning Regulations, provided that the PD rezoning is approved; and

WHEREAS a review of the Sutter County Airport Land Use Plan determined that the project is consistent with the airport plan; and

WHEREAS, the analysis of the adequacy of providing reduced setbacks and landscaping indicated that for several reasons the proposed facility would be compatible with neighboring uses; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study and Negative Declaration (Environmental Assessment 22-12) for the Project; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on the Project, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission contingently approved Development Plan 22-04 and contingently adopted Environmental Assessment (EA) 22-12; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council adopt Environmental Assessment 22-12 and Planned Development 17; and

WHEREAS, on January 17, 2023, the Yuba the City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed and this ordinance introduced.

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council desires to approve PD No. 17 and the associated Environmental Assessment (EA) 22-12 adopting a Mitigated Negative Declaration for the project.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the same herein as if set forth in full.

2. CEQA Findings: The City Council of the City of Yuba City finds that an environmental assessment/ initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, based on its independent judgement and analysis the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment.

3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council of the City of Yuba City adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program as updated, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. Planned Development 17 Findings. Yuba City Municipal Code Section 8-5.2706, requires that

the City make the following findings to approve a Planned Development (PD) Zone (*the required findings are in italics).*

a. *The proposal is consistent with the General Plan.*

   Evidence. Self-storage facilities are considered to be light industrial type uses. They are specially listed as permitted uses in the C-M Zone District, and the C-M Zone District is listed in the Zoning Regulations as being consistent with the Light Industrial General Plan Designation.

b. *The proposal is consistent with the planned surrounding land uses.*

   Evidence. Based on the analysis provided earlier in this report, the proposal is also a permitted use on three sides of this project that are also zoned for light industrial uses. Regarding the residentially zoned property to the north, with the buffering provided, this use will also be consistent with that multiple-family use.

c. *There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.*

   Evidence. The project will be served by all City services. Regarding streets, self-storage facilities are low traffic generators and Winship Road level of service is well within the City policy of streets being within Level of Service D. There is also a provision in the PD Zone District that does not allow parking for commercial trucks.

d. *The quality of the development is as good or better than would be accomplished through traditional zoning and design criteria.*

   Evidence. While the setbacks and landscaping area is much less than would otherwise be provided per the City landscaping standards, adequate buffering between the self-storage facility and the neighboring multiple-family residences will be adequate, and the street frontage landscaping will be as good as the neighboring light industrial facility.

5. Approval of Planned Development 17. The City Council adopts Planned Development (PD) 17 and reclassifies the zone districts for those districts as depicted in Exhibit A shown on the zoning map of the City of Yuba City from Commercial/Light Industrial (C-M) and Light Industrial (M-1) to Planned Development (PD) 17, subject to the uses and development standards set forth in Exhibit B.

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

7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

8. Effective Date of Resolution. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 17th day of January 2023, and adopted the Ordinance after the second reading at a regular meeting held on the _____day of _____2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

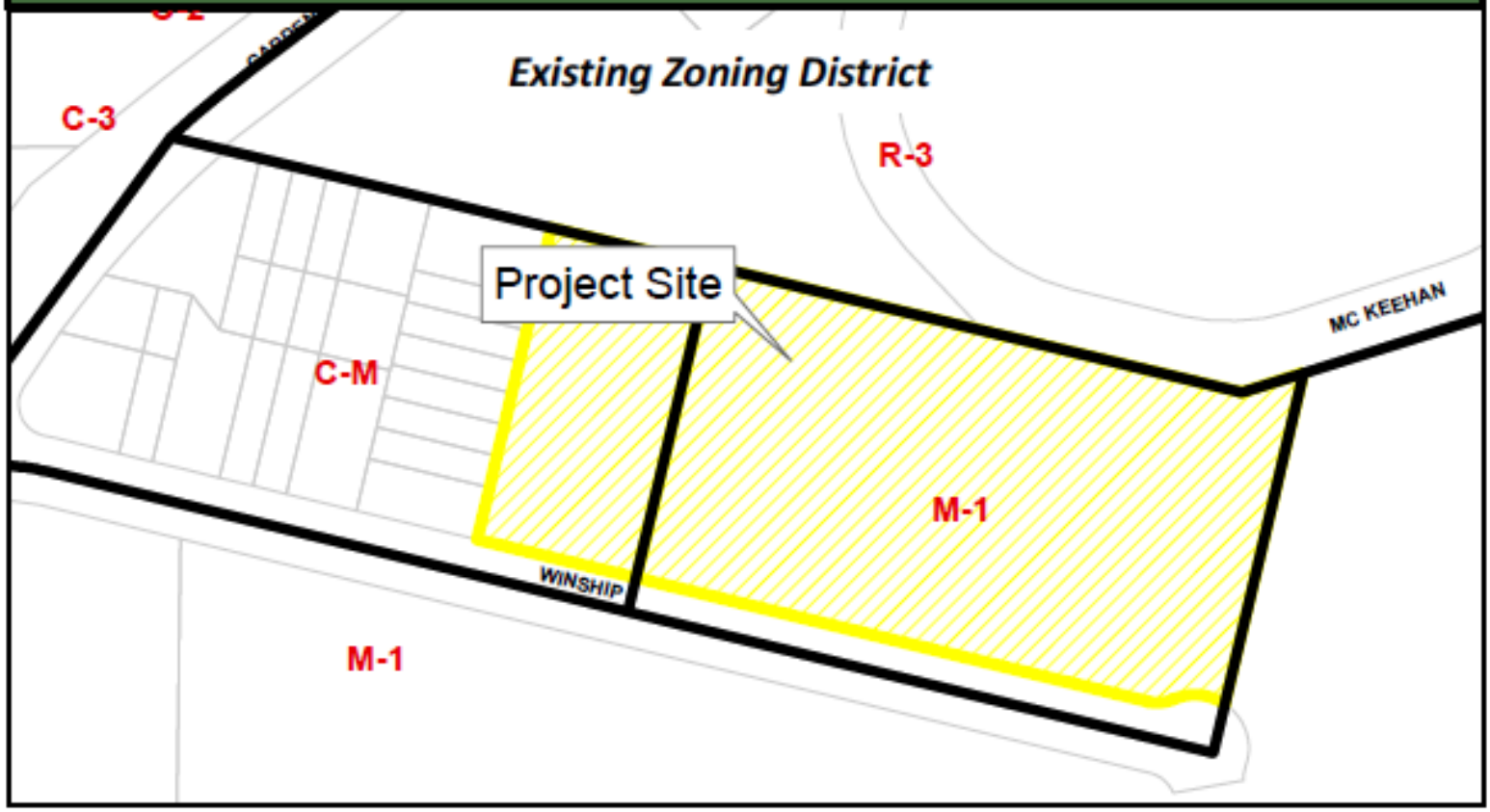
Exhibit A: Zoning Map, PD 17
Exhibit B: PD 17 Zone District

I, _____, Deputy City Clerk of the City of Yuba City, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Yuba City on the date and by the vote indicated herein.

EXHIBIT A

Nestory Park Self Storage

Development Plan 22-04 - Planned Development 17



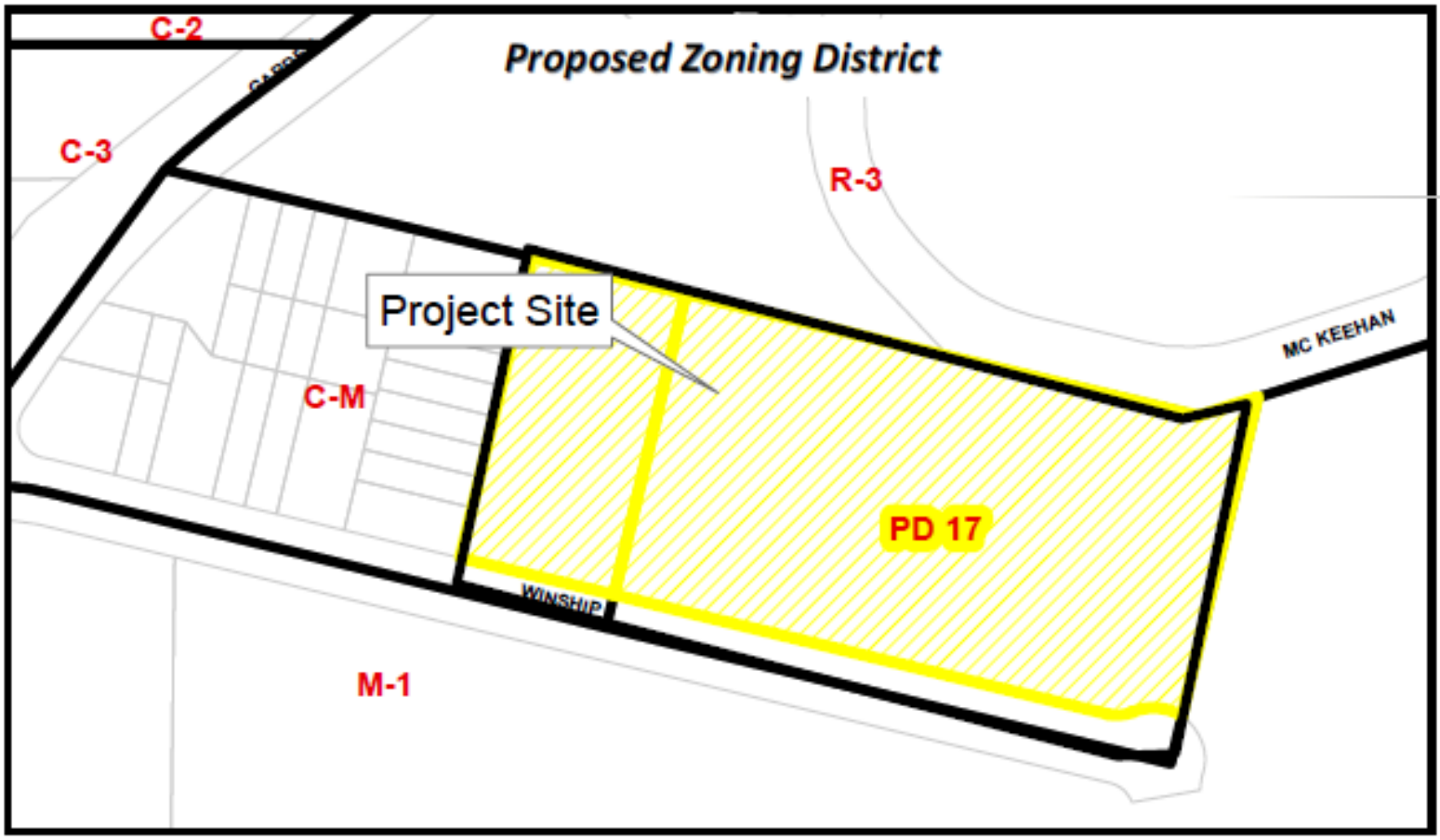


EXHIBIT B

Planned Development (PD) 17 Zone District

Purpose:

This zone district provides for permitted use and development standards on 4.90 acres located along the north side of Winship Road, approximately 430 feet east of Garden Highway (Assessor's Parcel Numbers 53-500-008 and 53-500-035).

Uses:

Permitted Uses:

The permitted use is limited to the facilities shown in the approved Development Plan (DP 22-04) consisting of approximately 89,785 square feet of indoor self-storage units within six buildings, approximately 70 outdoor RV storage spaces and approximately 127 shipping containers. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks are allowed in the outdoor vehicle storage area.

Other Uses:

Any modifications or additions to the permitted uses shall first be required to have an approved Planning Commission Development Plan, as provided in Section 8-5.7001(c) of the Zoning Regulations.

Development Standards:

The development of the property shall be in accordance with the approved Development Plan except nominal modifications that result from more detailed design may be approved by the Development Services Director.

All of the Development Standards of the Light Industrial (M-1) Zone District shall apply except the following:

- The rear (north side) minimum yard shall be zero, provided the development either provided with a landscaping easement on the neighboring property to the north (APN: 53-470-087), as approved in writing by the Regional Housing Authority, or if the landscaping is located on the Project site.
- The front yard (south side) shall be a minimum of ten feet wide, provided it is landscaped as provided in the approved landscape plan.

ATTACHMENT 2

Nestory Park Self Storage Map

Development Plan 22-04 - 465/475 Winship Road

ATTACHMENT 3

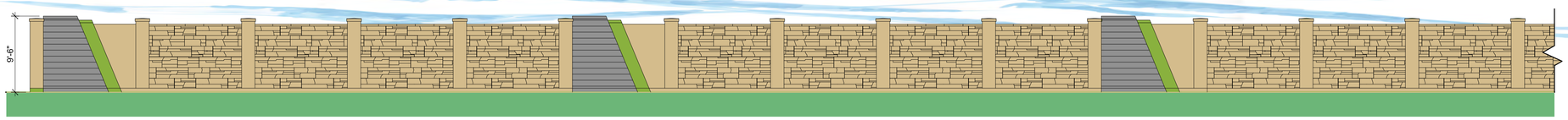
NEST
CAFE

NESTORY PARK
SELF STORAGE
NEST
CAFE

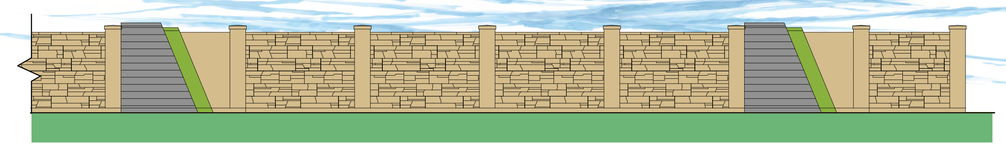
BUILDING ELEVATIONS

NESTORY PARK SELF-STORAGE
WINSHIP ROAD
YUBA CITY, CA
AUGUST 25, 2022

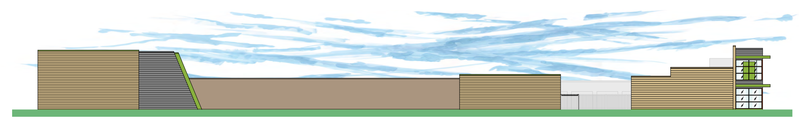
OVERALL EAST ELEVATION 0 15' 30' 60'



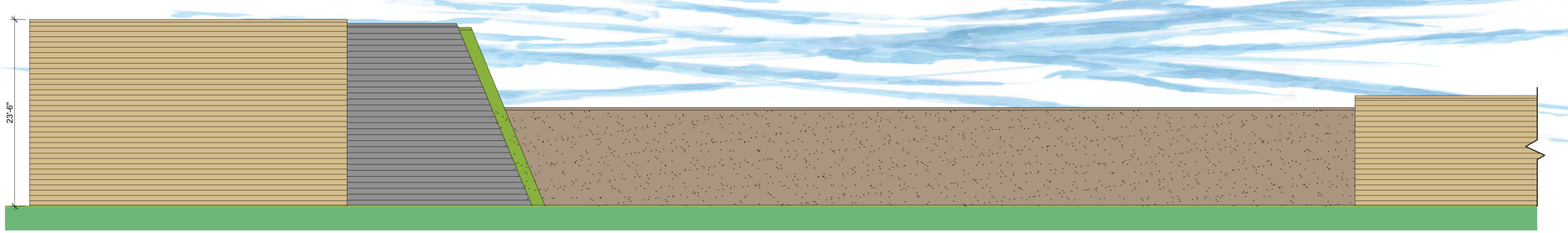
EAST ELEVATION (SOUTH PORTION) 0 4' 8' 16'



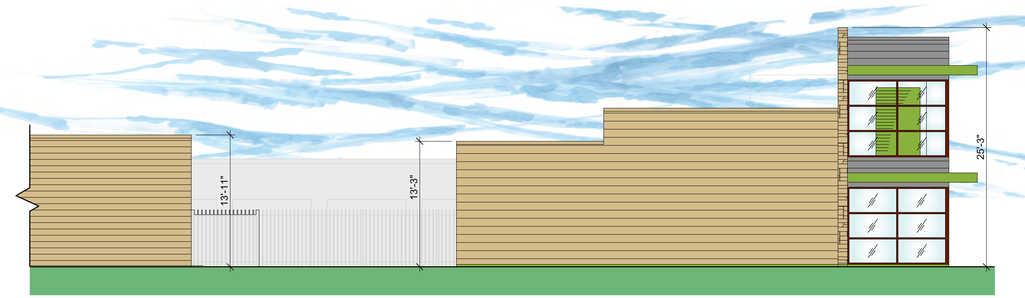
EAST ELEVATION (NORTH PORTION) 0 4' 8' 16'



OVERALL WEST ELEVATION 0 15' 30' 60'



WEST ELEVATION (NORTH PORTION) 0 4' 8' 16'



WEST ELEVATION (SOUTH PORTION) 0 4' 8' 16'

Groundwork, Ltd.
Architects / Planners / Engineers
Ph. (847) 541-4151
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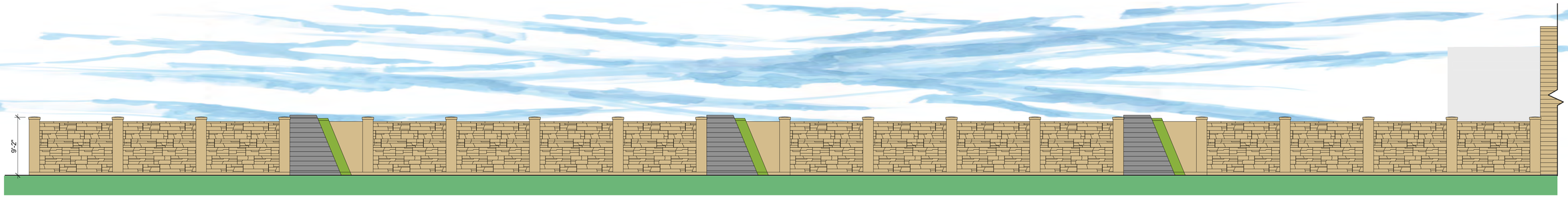
www.groundworkltd.com
FF06 0822

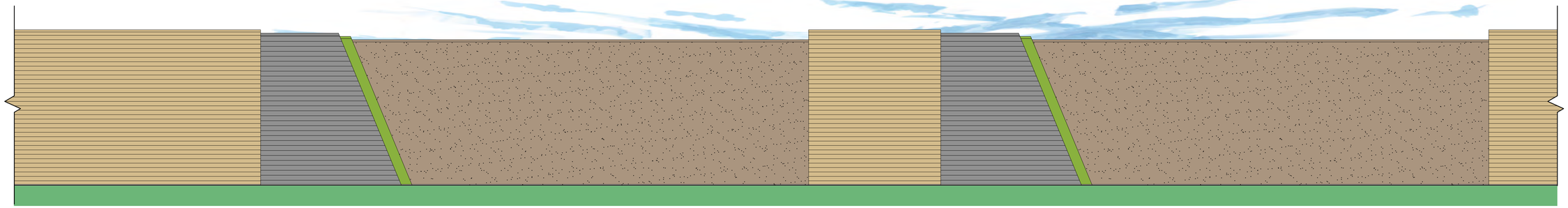
BUILDING ELEVATIONS

NESTORY PARK SELF-STORAGE
WINSHIP ROAD
YUBA CITY, CA
AUGUST 25, 2022

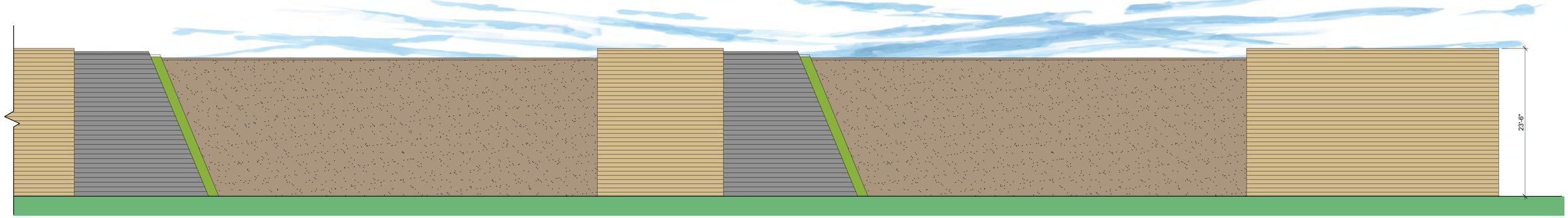
OVERALL NORTH ELEVATION 0 15' 30' 60'



NORTH ELEVATION (EAST PORTION) 0 4' 8' 16'



NORTH ELEVATION (CENTER PORTION) 0 4' 8' 16'



NORTH ELEVATION (WEST PORTION) 0 4' 8' 16'

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Architects / Planners / Engineers
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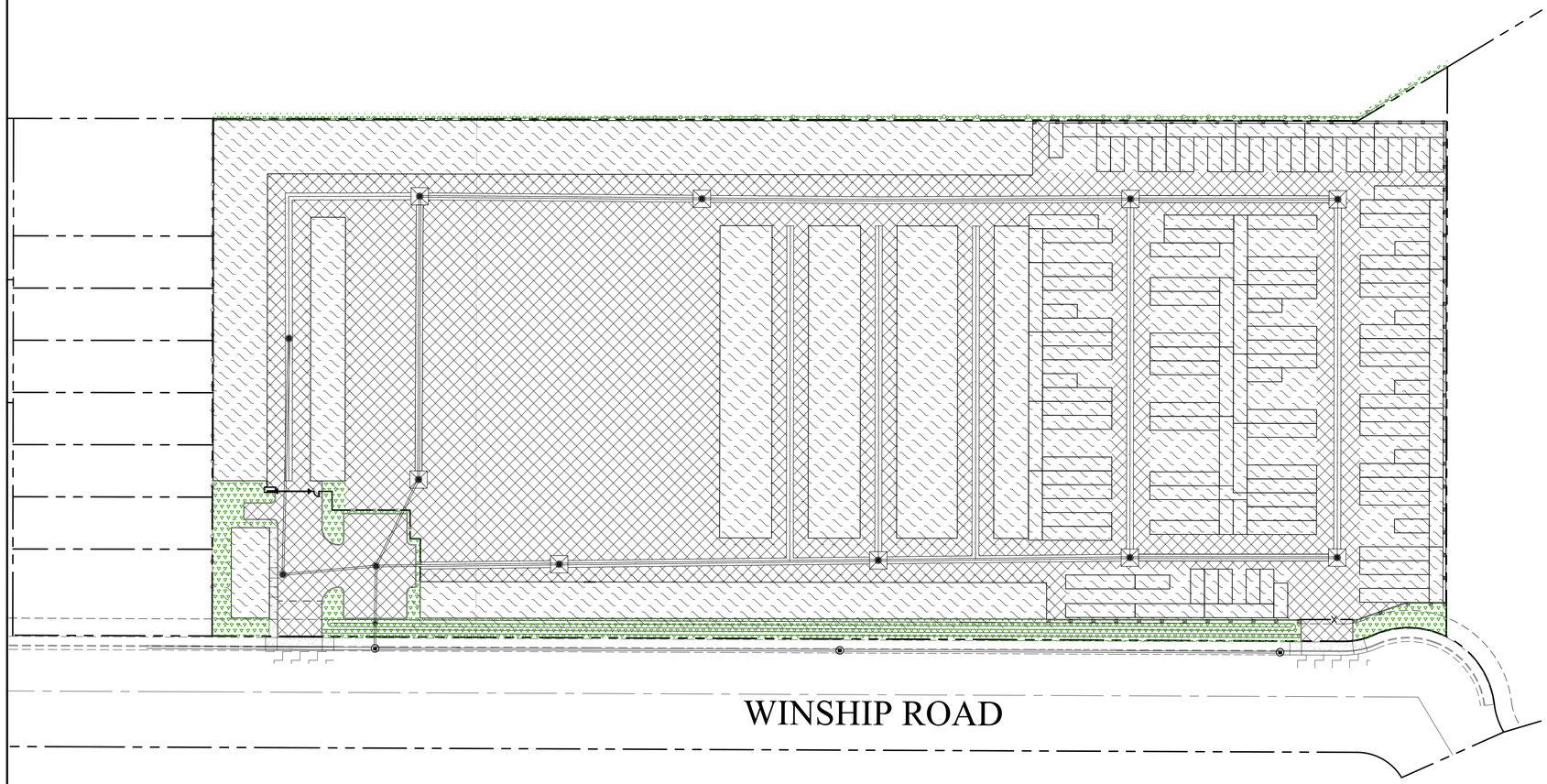


PORTLAND CEMENT CONCRETE WALKWAYS
4" SIDEWALK/FLATWORK ON 2" SAND BEDDING OVER 6" COMPACTED SUBGRADE (95% RELATIVE COMPACTION). (MINIMUM CONCRETE COMPRESSIVE STRENGTH OF 3000 PSI)

ASPHALT CONCRETE (AC)
1/2" TYPE B 3.5" AC ON 12" CL. 2 A.B. ON 12" COMPACTED SUBGRADE (SECTION AND SUBGRADE TO MIN. 95% RELATIVE COMPACTION) (T.I.=6.5, R-VALUE=20)

ASPHALT CONCRETE (AC) (CITY RIGHT-OF-WAY)
1/2" TYPE A 5" AC ON 18" CL 2 A.B. ON 12" COMPACTED SUBGRADE (95% RELATIVE COMPACTION) (T.I. 10.0, R-VALUE=20)

PLANTERS
PREPARE ORIGINAL GROUND SURFACE AS SPECIFIED. PLACE ENGINEERED FILL (NATIVE OR IMPORTED) WHERE NECESSARY TO ACHIEVE SUBGRADE ELEVATIONS. PLACE 8 INCHES OF TOPSOIL (NATIVE OR IMPORTED) TO FINISH GRADES SHOWN.

BUILDING PAD AREA:
BUILDING PADS TO BE CONSTRUCTED ON 4" THICK CONCRETE PAD ON 6" CLASS 2 A.B. OVER 6" COMPACTED SUBGRADE

0 20' 40' 80' 160'

REGISTERED PROFESSIONAL ENGINEER JOHN S MALLEY NO. 72346 STATE OF CALIFORNIA

REV.	DATE	BY	APPR.	DESCRIPTION

DESIGNED BY: KAS
DRAWN BY: KAS
CHECKED BY: JSM
JOB NO.: 20-146
FILE NAME: 20146MAST

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

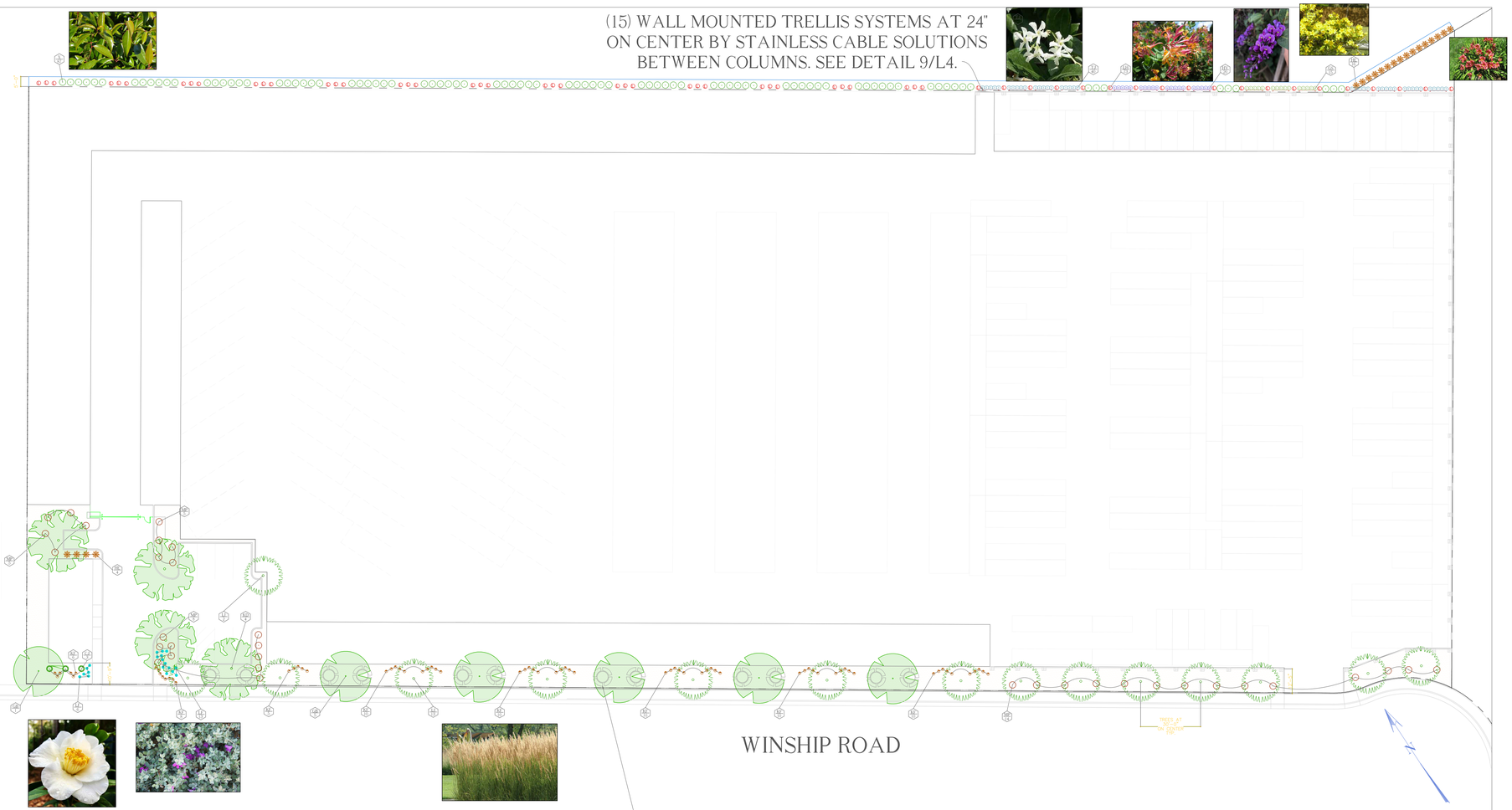
M·H·M
ENGINEERS & SURVEYORS SINCE 1892
ENGINEERING-SURVEYING
1204 "E" STREET
MARYSVILLE, CALIF. 95901-0053
Ph: (530)742-6485/Fax(530)742-5639

NESTORY PARK
IMPROVEMENT PLANS FOR
NEW SELF STORAGE
WINSHIP ROAD
APN 53-500-035

ENGINEERED FILL PLAN

E-1
DATE: 08/26/2022
SHEET 4 SHEETS 9

(15) WALL MOUNTED TRELLIS SYSTEMS AT 24" ON CENTER BY STAINLESS CABLE SOLUTIONS BETWEEN COLUMNS. SEE DETAIL 9/L4.



PLANTING LEGEND

CALLOUT	SYMBOL (TREES NTS)	QTY.	SIZE	DESCRIPTION	COMMON NAME
				TREES	
		6	15 GAL	GINKGO BILOBA 'PRINCETON SENTRY'	GINKGO
		15	15 GAL	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
		4	15 GAL	PISTACIA CHINENSIS 'KEITH DAVEY'	CHINESE PISTACE
				SHRUBS, PERENNIALS & GROUNDCOVERS	
		69	1 GAL	CALAMAGROSTIS 'KARL FOERSTER'	KARL FOERSTER GRASS
		4	1 GAL	HEMEROCALLIS 'ROSY CHIPPER'	DAYLILY
		3	5 GAL	CAMELLIA JAPONICA 'SILVER WAVES'	CAMELLIA
		15	5 GAL	GELSEMIUM SEMPERVIRENS	CAROLINA JESSAMINE
		20	5 GAL	HARDENBERGIA VIOLACEA	PURPLE VINE LILAC
		11	5 GAL	LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	TEXAS SAGE
		73	5 GAL	LONICERA HECKROTTII 'GOLDFLAME'	GOLDFLAME HONEYSUCKLE
		31	5 GAL	MYOPORUM PARVIFOLIUM	CREEPING BOOBIALLA
		40	5 GAL	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE
		87	5 GAL	XYLOSMA CONGESTUM	SHINY XYLOSMA

WASAU TILE
66" ROUND PICNIC TABLE, GRAY

NOTE: ADDITIONAL WALL MOUNTED TRELLIS SYSTEM(S) ON SOUTH WALL WHERE INDICATED ON COLORED ELEVATIONS.

0 30' 60'

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F: (530) 671-3326 P.O. BOX 569 YUBA CITY, CA. 95991
E: info@botanica.net LICENSE No. 409125 DIR No. 1000003139

PLANTING PLAN
SCALE: 1" = 30'

NESTORY PARK
STORAGE FACILITY
WINSHIP ROAD
YUBA CITY, CA 95993
APN: 053-500-024

REVISIONS

1	8-25-2022
2	9-27-2022
3	10-26-2022
4	

DRAWN BY: C. TOMEI

DATE: 6/30/2022

APPROVED:

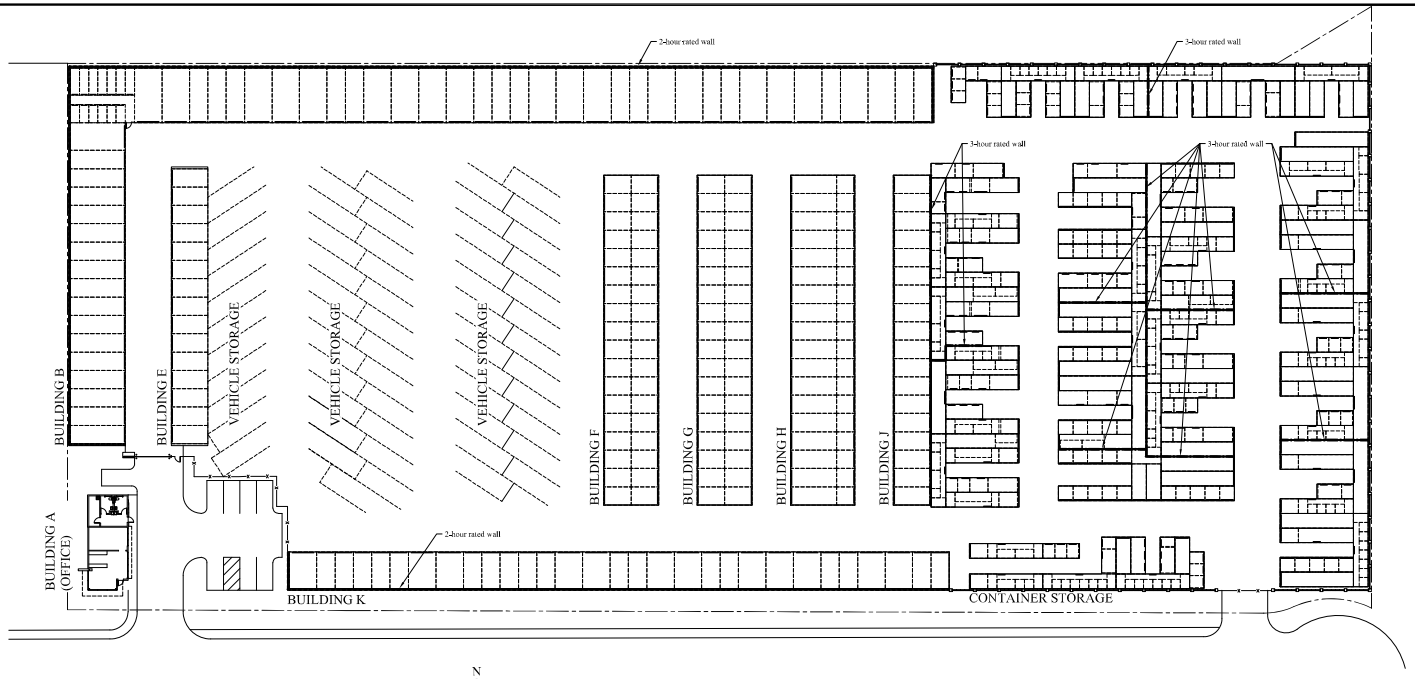
COMMERCIAL

LICENSE: 409125

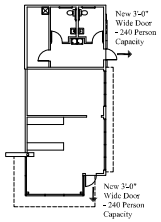
L1

1 OF SHEET 4

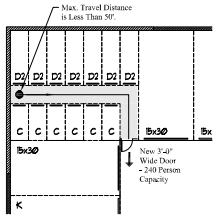
CODE MATRIX



3 SITE PLAN - CODE CONFORMANCE PLAN
Scale: 16 Feet



1 BUILDING A - CODE CONFORMANCE PLAN
Scale: 16 Feet



2 BUILDING B - CODE CONFORMANCE PLAN
Scale: 16 Feet

KEY:

- Exit Route, Continuous to the Outside at Grade, and Leading to a Public Way.
- Circulation Aisle
- 2-Hour Rated Wall
- 3-Hour Rated Wall

Note: See Partition Legend on Sheet A3-0 for rated partitions.

* Approximate Fire Extinguisher Location. Verify final location in field with local Fire Authority

STATUS SET NOT FOR CONSTRUCTION 05/26/22

Continued on Sheet A0-2

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FDP YUBA CITY, LLC
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MILL VALLEY, CA 94941

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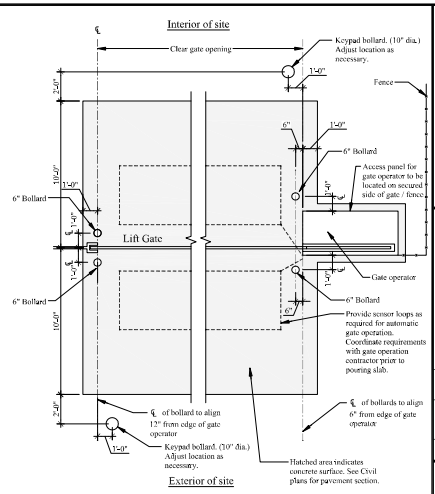
CHKD BY: DMW		FILE NAME
DATE		JOB NO. FF06

SHEET NO. A0-1

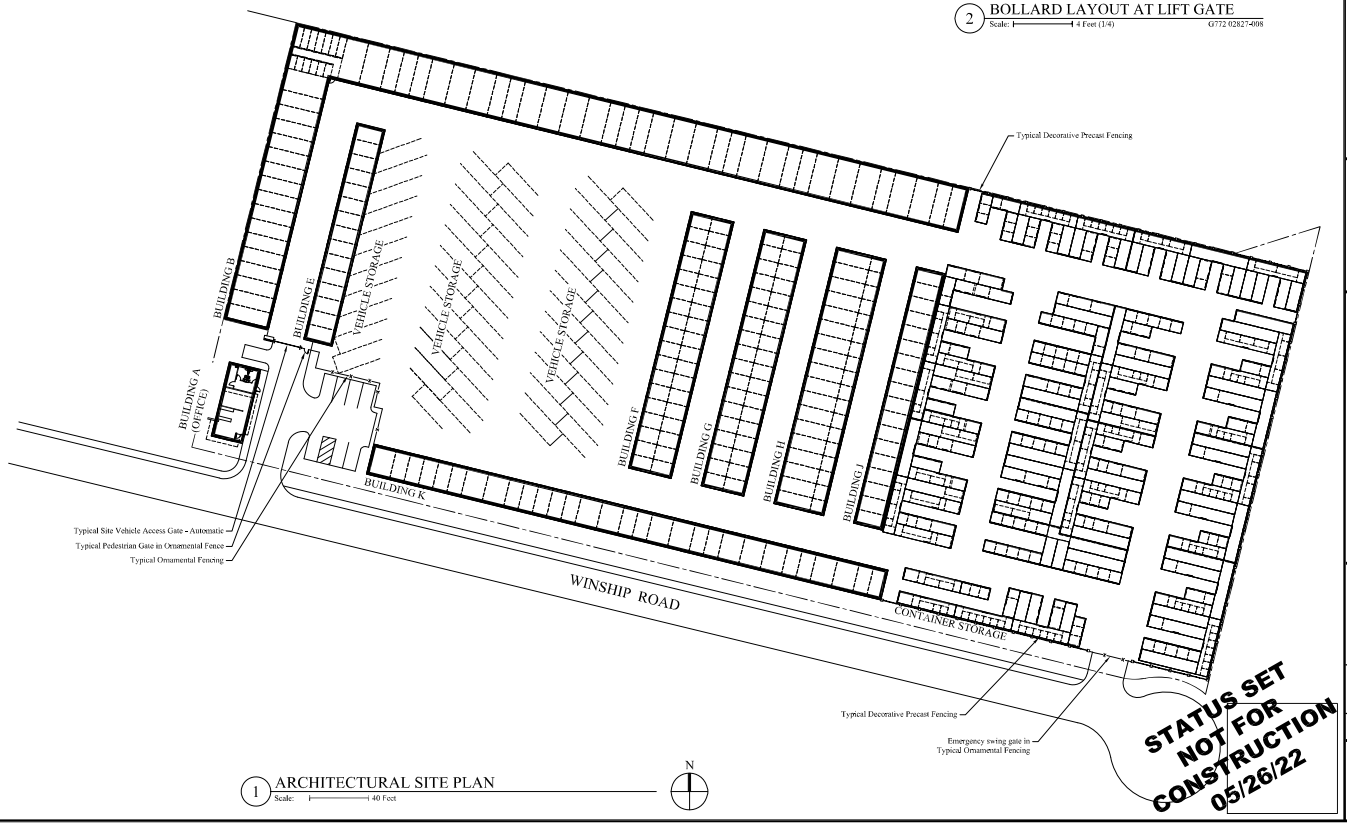
Continued from Sheet A0-1

ARCHITECTURAL SITE PLAN NOTES

1. This drawing is provided for architectural site elements and general reference only. Refer to Civil Engineering site plan as prepared by others for locations and elevations of buildings and other civil engineering elements.



2 BOLLARD LAYOUT AT LIFT GATE
Scale: 4 Feet (1/4) G772 02827-008



1 ARCHITECTURAL SITE PLAN
Scale: 40 Feet

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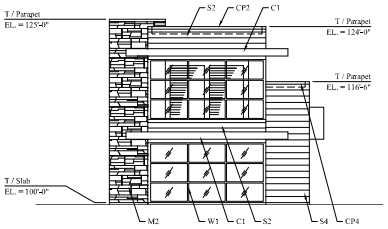
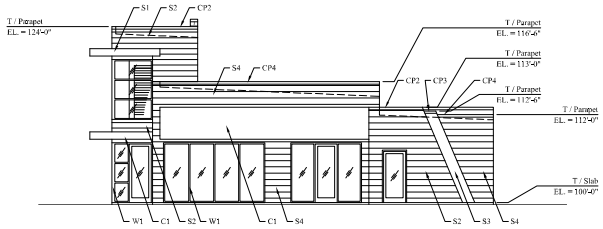
MILL VALLEY, CA 94941

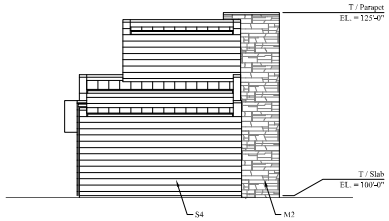
DRAWN BY: SJD	SCALE: AS NOTED
CHKD BY: DMW	TITLE NAME: ARCHITECTURAL SITE PLAN
DATE	JOB NO. FF06
SHEET NO.	A0-2



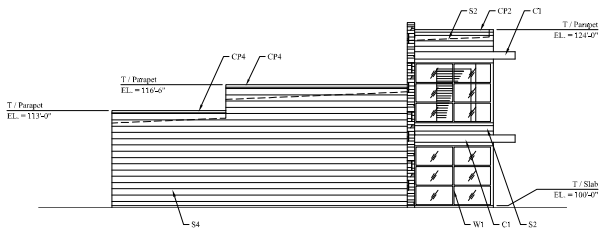
1 BUILDING A SOUTH ELEVATION
Scale: 1/8" = 1' - 0" 8 Feet



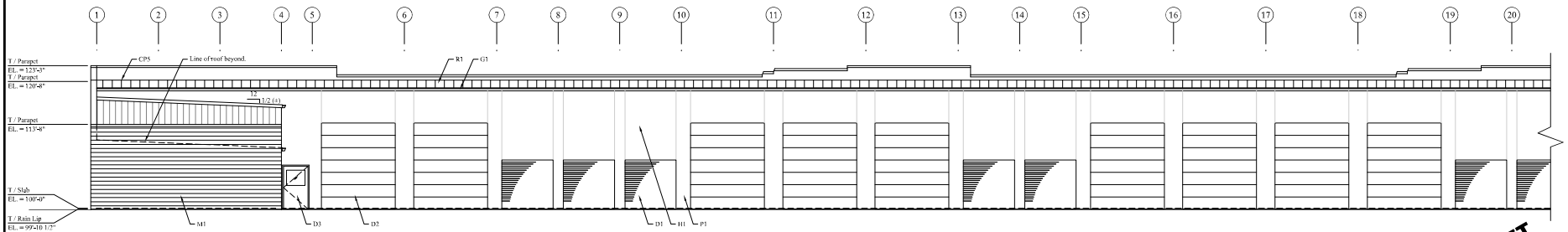
2 BUILDING A EAST ELEVATION
Scale: 1/8" = 1' - 0" 8 Feet



3 BUILDING A NORTH ELEVATION
Scale: 1/8" = 1' - 0" 8 Feet



4 BUILDING A WEST ELEVATION
Scale: 1/8" = 1' - 0" 8 Feet



5 PARTIAL BUILDING B SOUTH ELEVATION (WEST PORTION)
Scale: 1/8" = 1' - 0" 8 Feet

EXTERIOR MATERIAL / COLOR SCHEDULE

Tag	Element	Color (or Equal)	Manufacturer	Notes
C1	Canopy	Green	TBD	
CP1	Coping (Metal)	Match to S1	TBD	
CP2	Coping (Metal)	Match to S2	TBD	
CP3	Coping (Metal)	Match to S3	TBD	
CP4	Coping (Metal)	Match to S4	TBD	
CP5	Coping (Metal)	Match to M1	TBD	
D1	Door (Overhead)	TBD	Janus	
D2	Door (Overhead)	TBD	Janus	
D3	Door (Swing)	TBD	-	Frame color to match door color.
DS1	Downspout	TBD	-	
G1	Gutter	TBD	-	
H1	Header	TBD	TBD	Smooth finish.
M1	Masonry	Split Face Block	Bond	
	Masonry Mortar	TBD		Verify selection with Owner.
P1	Pier	TBD	TBD	Smooth finish.
R1	Roof	Galvalume	-	
RR1	Roof Rake	TBD	TBD	
S1	Siding Panels (Non-Insulated)	TBD	Metrin	
S2	Siding Panels (Non-Insulated)	Gray	Metrin	
S3	Siding Panels (Non-Insulated)	Green	Metrin	
S4	Siding Panels (Non-Insulated)	Tan	Metrin	
ST1	Stucco	Tan	TBD	
W1	Window Frames (Storefront)	Brushed aluminum	Kawneer	

NOTE:
Equivalent colors from other Manufacturers are acceptable. Verify final color selection with Owner.

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MILL VALLEY, CA 94941

SCALE: AS NOTED
BUILDING A & B ELEVATIONS
DRAWN BY: SJD
CHKD BY: DMW
FILE NAME
DATE
JOB NO. FF06
SHEET NO. A5-0

STATUS SET
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CONSTRUCTION
07/18/22

ATTACHMENT 4

Environmental Assessment 22-12
For Nestory Park Self Storage
Initial Study and Mitigated Negative Declaration for
Planned Development$_{17}$ rezoning and Development Plan 22-04

Prepared for:

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

Denis Cook
Land Use Planning Consultant

and

City of Yuba City
Development Services Department
Planning Division

November 24, 2022

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CITY OF YUBA CITY
Development Services Department
Planning Division
1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City) from the proposed Nestory Park Self Storage facility. Development Plan 22-04 is for a proposal to construct a self-storage facility on 4.90 acres that will consist of approximately 89,785 square feet of indoor self-storage units (within six buildings), approximately 70 outdoor RV storage spaces, and approximately 127 shipping container spaces. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks will be allowed in the outdoor vehicle storage area.

Also proposed is to rezone the property from the Heavy Commercial-Light Industrial (C-M) Zone District and Light Industrial (M-1) Zone District to a Planned Development$_{17}$ (PD$_{17}$) Zone District in order to allow the reduction of setbacks on the front and rear portions of the property. The rear setback is requested to be reduced from a 15-foot-wide landscaped area to 0, to be replaced with an 18-inch landscape strip with a combination of vines and shrubs planted on the neighboring Regional Housing Authority property. The front setback is proposed to be reduced from a 20-foot-wide landscape area to a 10-foot wide landscape area.

The property is located on the north side of Winship Road approximately 430 feet east of Garden Highway. The properties are identified as Assessor's Parcel Numbers 53-500-008 and 53-500-035.

This development plan and rezoning is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The project requires discretionary review by the City of Yuba City Planning Commission and City Council.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the proposed self-storage facility with reduced front and rear yard setbacks and associated landscape areas, and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the

environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

A. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

B. The IS identified potentially significant effects, but:

    1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    2. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

This IS/MND contains four chapters, and one technical appendix. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

The proposed self-storage facility will undergo a public review process by the Planning Commission that will result in a recommendation to the City Council followed by a public review by the City Council which will decide on the project. If approved as proposed, the Project will consist of 89,785 square feet (within six buildings) of indoor self-storage units, approximately 70 outdoor RV storage spaces, and 127 shipping containers. The Planning Commission's and City Council's review is needed to assure that the Project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires

that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this project and a mitigated negative declaration has been prepared for this project.

1.5. Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at www.yubacity.net/environmental. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20-day review period will commence on November 24, 2022 and end on December 14, 2022 at the conclusion of the Planning Commission hearing.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993
e-mail: developmentservices@yubacity.net
Phone: (530) 822-4700

2. Project Description

2.1. Project Title

Nestory Park Self-Storage: Planned Development$_{17}$ (PD$_{17}$) and Development Plan (DP) 22-04.

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, AICP
Deputy Development Services Director
(530) 822-3231
developmentservices@yubacity.net

2.4. Project Location

The property is located on the north side of Winship Road approximately 430 feet east of Garden Highway. The properties are identified as Assessor's Parcel Numbers 53-500-008 and 53-500-035.

2.5. Project Applicant

Nestory Park
1 Belvedere Place
Mill Valley, CA 94941

2.6. Property Owner

Nestory Park
1 Belvedere Place
Mill Valley, CA 94941

2.7. General Plan Designation

The General Plan designates the property as Business, Technology & Light Industrial (B, T, & LI). Self-storage units are consistent with that designation.

2.8. Zoning

Existing: The site is within two zone districts on two properties. The western parcel is in a Commercial/Light Industrial (C-M) Zone District. The eastern parcel is zoned Light Industrial (M-1). The proposed self-storage facility is a permitted use in both zone districts but due to the project size will be heard by both the Planning Commission and City Council.

Proposed: Planned Development (PD_{17}) Zone District that will reduce the landscaped front setback from 20 feet to 10 feet and the rear landscaped setback from 15 feet to O feet and associated reduction in landscaping (with an 18-inch-wide landscape strip on the neighboring property).

Figure 1: Location Map

Figure 2: PD_{17} Rezoning - Existing Zoning map and Proposed Zoning

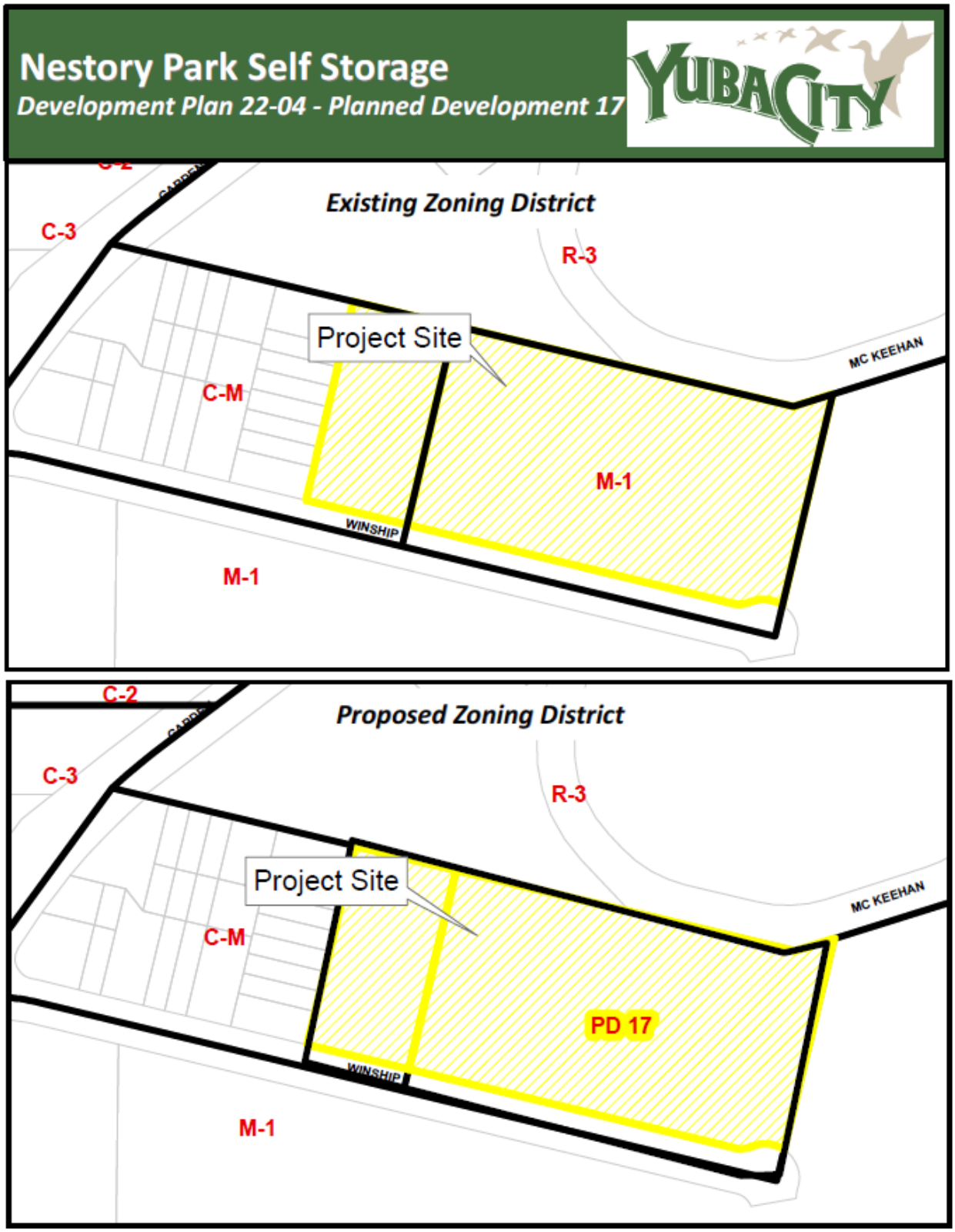

Figure 3: Site Plan

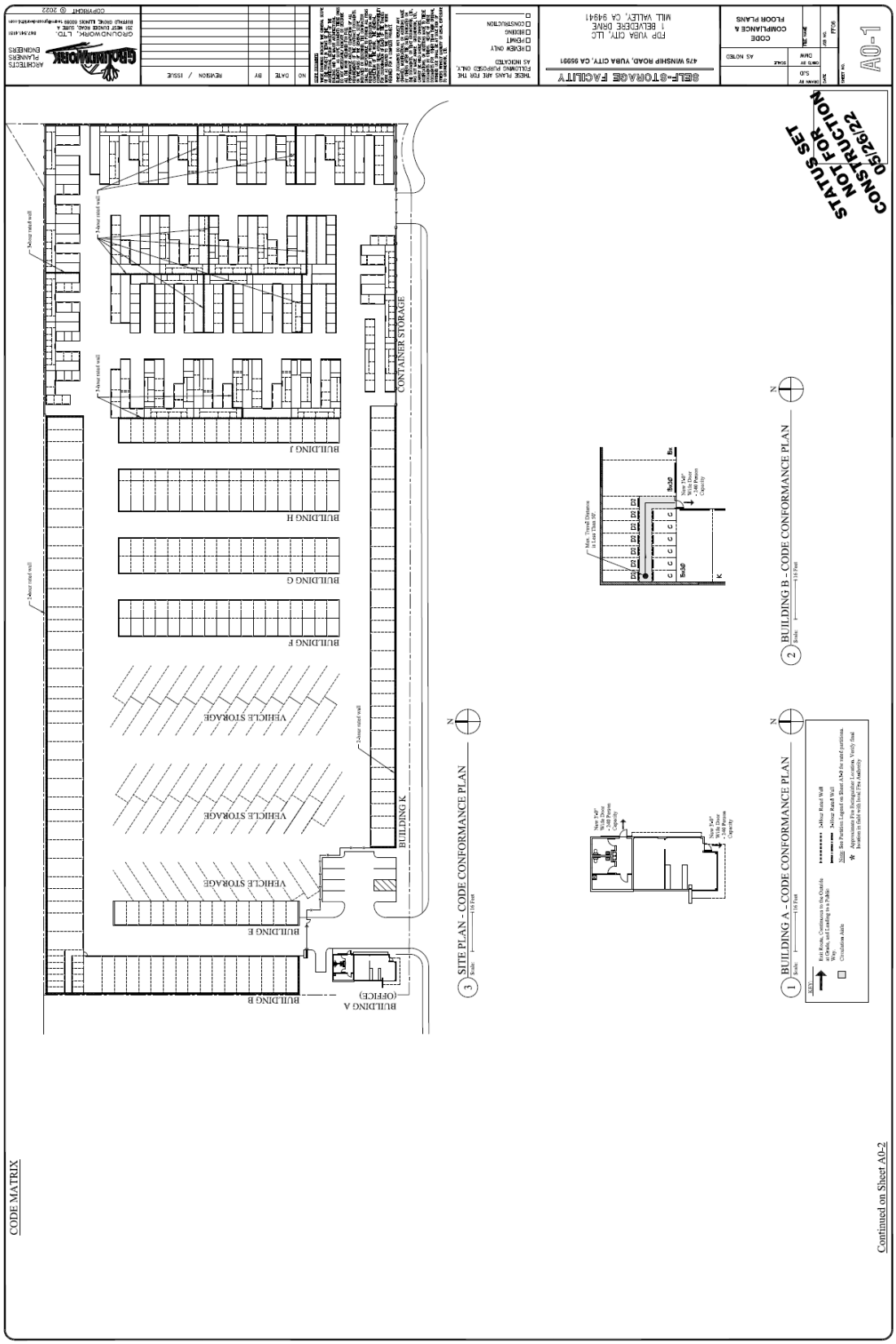

Figure 4: Landscape Plan

2.9 Project Description

Nestory Park Self Storage facility. Development Plan 22-04 is for a proposal to construct a self-storage facility on 4.90 acres that will consist of approximately 89,785 square feet of indoor self-storage units (within six buildings), approximately 70 outdoor RV storage spaces, and approximately 127 shipping container spaces. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks will be allowed in the outdoor vehicle storage area.

Also proposed is to rezone the property from the Heavy Commercial-Light Industrial (C-M) Zone District and Light Industrial (M-1) Zone District to a Planned Development$_{17}$ (PD$_{17}$) Zone District (a copy of the PD$_{17}$ Zone District is provided in appendix B at the rear of this report) in order to allow the reduction of setbacks on the front and rear portions of the property. The rear setback is requested to be reduced from a 15-foot-wide landscaped area to zero to be replaced with an 18-inch landscape strip with a combination of vines and shrubs planted on the neighboring Regional Housing Authority property. The front setback is proposed to be reduced from a 20-foot-wide landscape area to a 10-foot-widelandscape area. The draft PD Zone District is provided in appendix B of this study.

2.10. Surrounding Land Uses and Setting

Setting: The flat, vacant property is on the perimeter of a light industrial area, with an existing light industrial use along its west side. The east side and south side (across Winship Road) are utilized as an orchard but designated for future light industrial uses. The north side is bordered by multiple-family residential uses.

TABLE 1: BORDERING USES	
North:	Multiple-family residential uses.
South:	Orchard, but zoned for future light industrial uses
East:	Orchard, but zoned for future light industrial uses
West:	Three Light Industrial buildings utilized by several businesses.

2.11. Other Public Agencies Whose Approval May be Required

- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
- Central Valley Regional Water Quality Control Board.

2.12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

All geographically relevant Native American tribes were timely notified of the project, and consultation was not requested.

2.13 Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources		Air Quality
	Biological Resources	X	Cultural Resources		Energy
X	Geology/Soils	X	Greenhouse Gas Emissions		Hazard & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
	Noise		Population/Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Doug Libby
Doug Libby (Jan 11, 2023 16:26 PST)

Signature

November 24, 2022
Date

Doug Libby, Deputy Director of Development Services
Printed Name/Position

2.9. Evaluation of Environmental Impacts:

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3.1: Aesthetics

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) 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 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?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range. The Sutter Buttes located several miles northwest of the project site, are not prominent from this location.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. The goal of the City's design guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. In this case, however, the Design Guidelines do not currently apply to light industrial uses.

3.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include the Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

3.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official designation of state scenic highways. There are no designated state scenic highways in the view shed of the project site.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

3.1.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect on a scenic vista?

As there are no officially designated scenic vistas in Yuba City, the Project would therefore have no adverse effect on an official scenic vista. The Project site will generally not be visible from any major roads. Three sides of the property are or will at some point likely be developed with light industrial uses. Due to its location, and that fact that it is primarily single-story construction, the facility should not hamper any views of the Sutter Buttes. As such there is not a potential for any significant impacts on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The site is unremarkable in that it is flat with no topographic features, rock outcroppings, large heritage type trees, or buildings. As such, this development plan will have less than significant impacts on aesthetics.

c) In non-urbanized areas, substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from 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?

The Project is within an urbanized area. The north side of the Project is bordered by a multiple family use. The other sides are bordered or expected in the future to be bordered by light industrial uses. The north side will in part consist of a 9-foot-high decorative precast concrete wall and the remainder will be the rear of the storage buildings which will be approximately 23 feet high. The standard 15-foot-wide landscaped setback is requested to be reduced to a zero setback with shrubbery and vines planted in an 18-inch-wide planting strip along the property line on the neighboring property (for which the applicant has received written permission from the Regional Housing Authority). Allowing time for vegetative growth this hedge will likely block most or all of the view of the self-storage facility from the multi-family residences. As such the aesthetic impact on the neighboring residences should be less than significant.

For the south side of the property, the wall pattern reflects what is proposed along the north side. The proposed PD will reduce the landscaped setback for the front yard from 20 feet to 10 feet that will result in a 10-foot-wide landscape strip with trees planted 30-feet on-center. The south side of the Project will be in line with what would typically be expected on industrially zoned property.

With the PD zoning that reduces normal City setback and landscaping standards, the Project will meet all City standards. Therefore, the design of the project is not expected to have the potential to adversely impact views of the area.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

The Project is on the northern edge of a light industrial area. To the north of the site the land use transitions to multiple-family residences. There is not expected to be any impacts from this facility's lighting on the neighboring light industrial properties. Concerning the residences along the north property line, the facility's lighting may impact the apartments. But considering the lighting will mostly be limited to what is needed for security purposes, and with an 18-foot height limit, and the fact that the site is within an urban area with extensive street lighting, the facility lighting is not expected to have the potential to create any significant impacts on the neighboring multiple-family residences.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3.2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) 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?			X	

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was

the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has 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.
- *Farmland of Statewide Importance.* 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.

- *Unique Farmland.* 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 Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as "Super Williamson Act Contracts." Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as "Urban and Built-Up Land." The project site is not considered to have Prime Farmland, Farmland of Statewide Importance or Unique Farmland.

The site is well within the boundaries of the Yuba City urban area and has multiple-family uses on one side, a light industrial use on one side and two sides, which currently have orchards on them. Those orchard properties have been designated for many years for urban uses. Because the property is small (4.9 acres) and it has urban uses or planned urban uses on all sides, it is unlikely that the property can be economically farmed. Further, the City and Sutter County General Plans identify this area for urban development, as compared to the vast majority of Sutter County for which agricultural land is protected from urban growth (this was identified in the EIR's for both the Yuba City and Sutter County General Plans (the EIR for the City General Plan made overriding considerations for the significant impacts on agricultural lands). Therefore, this self-storage facility will not create a significant impact regarding the loss of agricultural land.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The property and neighboring properties are currently zoned for non-agricultural uses nor are any of those properties under a Williamson Act contract. This is also an urban infill project. Therefore, this project will not result in the conversion of other agriculturally zoned properties to non-agricultural uses. See discussion above under item 3.2.4.a.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley in a relatively flat area that likely was previously utilized for agriculture but designated years ago for urban use. There are no forests or timberland located on the Project site or within the vicinity of the project. There will be no impact on existing zoning of forestland and the proposed Project will not cause the rezoning of any forestlands.

d) Result in the loss of forestland or conversion of forest land to non-forest use?

There is no forested land on the Project site or within the vicinity of the Project; therefore, there will be no impact on forest land.

e) 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?

The proposed self-storage facility is on the perimeter of a light industrially designated area that is served by City services and partially developed with light industrial uses (two sides remain as orchards). A multiple-family use is on the fourth side. While two neighboring properties are currently used for agricultural purposes, they were previously zoned for non-agricultural uses, and are designated by the 2018 Department of Conservation Important Farmland Map for Sutter County for urban uses. Since those properties are already designated for non-agricultural uses, and all City services are available to them, the nearby agricultural uses that would not be further incentivized by this project to develop. There are also no forestlands on the project site or in the vicinity. No properties within the area are within the Williamson Act. Therefore, the impacts on agricultural lands from this proposal will be less than significant.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3.3: Air Quality

Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the

Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north- south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the

standard, the area is classified as “attainment” for that pollutant. If an area exceeds the standard, the area is classified as “non-attainment” for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated “unclassified.”

Ambient Air Quality Standards: Both the federal and State government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and State ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O3): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NOX), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NOX): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO2) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NOX are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM10) and Fine Particulate Matter (PM2.5): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO2): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic)

adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off- road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per

day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the

District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Site grading will briefly create equipment exhaust and fugitive dust. The new interior driveway system that will serve the individual self-storage units and vehicle storage area will be paved, which will generate some air pollutants. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from customers driving to and from the facility. Standards set by FRQAMD, CARB, and Federal agencies relating to the proposed Project will apply to this Project. Prior to the initiation of construction, a Fugitive Dust Control Plan will be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction.

Since the developer must prepare an air quality analysis and incorporate all of the resulting conditions into the Project and that a fugitive dust control plan be submitted prior to beginning work, any potential significant environmental impacts should be reduced to less than significant.

b) 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?

The Project would result in limited generation of criteria pollutants during its construction and on an ongoing basis from vehicle traffic generated by customers driving to and from the facility. However, the proposed self-storage facility is a low traffic generator and FRAQMD did not comment that the standards would be exceeded by this project to the extent of being cumulatively significant. Therefore, the cumulative impacts are considered to be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment.

There are no sensitive receptors within 1,000 feet of the project. Even so, the Best Management Practices (BMPs) that will be used to reduce the impact from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;

- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

Therefore, the air pollution impacts on sensitive receptors is expected to be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Construction of the storage units and the ongoing storage of household items and vehicle storage typically do not generate objectionable odors. As such, the impact of the Project creating local offensive odors would be less than significant.

3.4. Biological Resources

Table 3.4: Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect 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 Game or U.S. Fish and Wildlife Service?			X	
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?				X
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	

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?				X

3.4.1. Environmental Setting/Affected Environment

The 4.9-acre level property is within the Yuba City urbanized area. The site has been previously graded with no native habitat remaining. The site is near light industrial type uses and multiple-family residential use. There are no known on-site or nearby riparian or critical habitat areas.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal "endangered species" legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- 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.

- All interstate waters including interstate wetlands.
- 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.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high-water marks" on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define "endangered" and "rare" as specified in CEQA Guidelines section 15380(b).

3.4.3. Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources within the project area:

8.4-G-1 Protect special status species, in accordance with State regulatory requirements.

8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.

8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.

8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities

8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.

8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

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 Game or U.S. Fish and Wildlife Service?

Response provided in section b) below.

b) Have a substantial adverse effect 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 Game or U.S. Fish and Wildlife Service?

There have been no special status species identified on the Project site or within the vicinity of the site. According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in the non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. This property does not fall within this area, and no significant adverse impacts to special status species will occur because of this project.

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?

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. There would be no impact on any wetland areas or waterways.

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?

The proposed Project would not disturb any waterways, as the nearest waterway is the Feather River to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. As such there would be no significant impacts on fish or wildlife habitat.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No native trees or other known biological resources that would be protected by local policies or ordinances remain on the Project site. Therefore, there would be no significant impacts on biological resources caused by the Project.

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?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.5. Cultural Resources

Table 3.5: Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.			X	
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

3.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, 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; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- 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.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code 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 whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC §

21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

Comments on the Project were requested on August 31, 2022, from the United Auburn Indian Community of the Auburn Rancheria and Miwok Tribe. The United Auburn Indian Tribe responded that they had no comments and that the standard mitigation measures should be applied to the Project.

Additional details on tribal comments are provided in Section 3.18, Tribal Cultural Resources.

3.5.4. Impact Assessment/Environmental Consequences:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

There are no existing structures on the property. Therefore, the potential significant impacts on any historical resources, directly or indirectly, is less than significant.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

Response provided in section c) below.

c) Disturb any human remains, including those interred outside of formal cemeteries?

The 4.9-acre property that will be developed is vacant. No formal cemeteries or other places of human internment are known to exist on the proposed Project site. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, mitigation measures provided in Section 3.18 are provided to ensure impacts are less than significant.

3.6 Energy

Table 3.66: Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Project construction would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant and GHG emissions. This electrical consumption would be consistent with other construction activities of a similar character; therefore, the use of electricity in construction activities would not be considered wasteful, inefficient, or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The Project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of Project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified. Overall, Project construction would typically not consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Following construction of the self-storage units, the main sources of energy consumption would be ongoing operations and vehicle usage. However, self storge facilities are a low user of energy and the vehicle usage is also low compared to most uses. As such, the Project's impacts related to energy consumption are considered less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The Project would be consistent with applicable state and local plans to increase energy efficiency. Thus, the Project's impacts would be less than significant.

3.7 Geology and Soils

Table 3.7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological 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?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) 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?				X
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1 Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain

approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the County. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters into the County. Both Faults are listed as non-active faults but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of

absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2 Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings, and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.3 State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

3.7.4 Impact Assessment/Environmental Consequences:

a. Directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. 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? Refer to Division of Mines and Geology Special Publication 42.

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Considering that the Building Code incorporates construction standards for minimizing earthquake damage to buildings, and the low potential for a significant earthquake activity in the vicinity, the potential for adverse impacts from an earthquake is less than significant.

ii. Strong seismic ground shaking?

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the building codes reduce the potential impacts to less than significant.

iii. Seismic-related ground failure, including liquefaction?

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, landslides, and mudflows are not considered to be a risk in the City limits or within the City's Sphere of Influence.

b) Result in substantial soil erosion or the loss of topsoil?

The 4.9 acres would be disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Gilsizer drainage system. However, as part of the grading and construction of the self-storage buildings, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion are less than significant.

c) Be located on a geological 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?

See d) below.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils.

e) 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?

The Project will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new impacts from septic systems.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Due to prior ground disturbances for agricultural uses it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered:

3.7.5 Paleontological Mitigation Measures

Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700.

Mitigation shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;
2. Assess effects on identified sites;
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;
4. Obtain comments from the researchers;
5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.

In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

3.8 Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when 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 addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- Local Control: The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- Energy and Resource Efficiency: The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- Improved Public Health: Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

See response to b) below.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of

human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The proposed construction of these self-storage facilities will create GHG emissions due to the use of motorized construction equipment. The emissions will be from construction equipment during the construction of the facility. Once completed, vehicle traffic generated by auto use to and from the facility will contribute GHG gases. The small amount of traffic generated by the self-storage facilities is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the project incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

3.8.4 Greenhouse Mitigation Measure

Greenhouse Gas Mitigation Measure 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9 Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) 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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) 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?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting, and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) 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 (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid

Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable

quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Response provided in section b) below.

b) 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?

The only hazardous materials associated with the construction of this self-storage complex will be those materials associated with grading and construction equipment. This typically includes solvents, oil, and fuel. Provided that these materials are legally and properly used and stored, the proposed Project will not create a significant hazard to the public or the environment. On an ongoing basis the only anticipated hazardous waste generated by the occasional users of the facility that throw away unwanted items. It is

possible an unwanted item could contain a hazardous material. However, assuming proper and legal disposal of those wastes there should not be a significant impact from hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There is not a school within one-quarter mile of the Project. Further, assuming proper use of the fuels, solvents, and oil for the grading and paving equipment, there should not be any potential significant impacts. Therefore, assuming proper and legal use and disposal there will be no significant impacts from the waste generated by the self-storage units.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?

The property is not on any listings of sites that are contaminated by hazardous wastes. Therefore, there is not a potential for any impacts from a known hazardous materials site.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The Project is located within the boundary of the Sutter County Airport Land Use Plan. The Plan provides polices regulating land uses near the airport. Regarding building height, the very minor portion of the Project that will be two-stories is below the several imaginary cones that limit height around the airport. It may be possible in future years, however, that the trees planted to landscape the property could grow into one of those zones. This should not be significant as the trees can be topped if needed.

There are also three safety zones around the airport that limit uses, the Clear Zone, the Approach and Departure Zone, and the Overflight Zone. The Project is outside of the Clear Zone, which is the area within 200 feet of the end of the runway. The Project is also outside of the Approach and Departure Zone which is the area extending beyond the 200-foot Clear Zone for 2,000 feet. The project is within the Overflight Zone, which is the area overflown by aircraft during normal traffic pattern procedures but outside of the Clear Zone and Approach and Departure Zone. This Zone limits uses, but the proposed self-storage facility is not limited in this zone as it is a low population density use.

Therefore, the proposed project is in conformance with the Sutter Airport Land Use Plan and therefore is not a potential for significant impacts on the users of the Project nor to airport operations.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. Accordingly, there will not be a potential for any significant impacts on emergency response or evacuation plans in the vicinity.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project site is located within the Yuba City urban area and the urban area is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate vicinity. Accordingly, there will be no significant impacts from potential wildland fires.

3.10 Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) 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:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) 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?			X	
iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood

Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter- Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.

- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.
- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled, or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5 if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity, and quality of the rock, sand, and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014, Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. Due to occasional drought conditions the plant also sometimes utilizes a groundwater well in addition to its surface water supplies. Since the self-storage facility will only receive water through the City system, and wastewater disposal will be via the

City wastewater collection system, it is unlikely that the Project could adversely impact surface or groundwater quality.

All storm water runoff associated with the Project will ultimately drain into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

With the level of oversight on the City's water supply, and enforcement of Best Management Practices at construction sites, there will not be significant impacts on the City's water and waste-water systems or storm water drainage system.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Even though the Project will be connected to the City's water system, self-storage facilities are typically not significant water users. While consumption of City water will increase with the Project, very little, if any, groundwater will be utilized, as the City primarily utilizes surface water supplies. Therefore the impacts on groundwater resources will be minimal and will not have the potential to create any significant impacts.

c) 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:

i) result in substantial erosion or siltation on- or off-site?

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

iii) create or contribute runoff water which would exceed the capacity of existing or planned m stormwater drainage systems or provide substantial additional sources of polluted runoff?

There will be an increased amount of stormwater drainage caused by new impermeable surfaces created by this development, which will ultimately drain into the Feather River. The Project will be required to connect to the City/Gilsizer County Drainage District collection facilities and pay the appropriate fees to the City and Drainage District for its fair share of improvements and expansion to the existing drainage system. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the site.

iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not

increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, there is no impact on the high-water flows that occur within the Feather River levee system.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

This portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any large lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely that the project site would be subject to inundation by a seiche, tsunami, mudflow, or landslide. Therefore, there is no potential for significant impacts from any of these types of events.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As noted above, all new construction is required to utilize Best Management Practices. Assuming all required standards are met, water quality of runoff water from the Project will not create any significant impacts. The City primarily utilizes surface water for its water source so there will be no significant impacts on groundwater.

3.11 Land Use and Planning

Table 3.11: Land Use and Planning

Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X
b)	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?			X	

3.11.1 Environmental Setting/Affected Environment

The Project will be on an undeveloped 4.9-acre property that is abutted on three sides by existing light industrial uses or properties designated for light industrial type development, and on the fourth side by a multiple-family residential complex.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences

a) Physically divide an established community?

This self-storage project will not physically divide an established community as it is an infill project on the perimeter of a light industrial area. Therefore, there is not a potential to divide an existing community.

b) 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?

In this case the PD Zone District will revise the standards to fit the proposed Project. As such the standards are written for the specific use. In this case it is to reduce the front and rear setbacks, which otherwise would not meet City standards. Since the Project will meet the new PD standards, it does not conflict with any land use policies, and will therefore not create any significant environmental impacts due to conflicts with any regulation.

As the Project is also within the Sutter County Airport Land Use Plan, it must be consistent with the Airport Plan policies and standards. A review of those polices provides that the Project is consistent with the Airport Plan (See analysis in Section 3.9: Hazards and Hazardous Materials, on page 50 of this report).

3.12 Mineral Resources

Table 3.12:: Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Response provided in section b) below.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The Yuba City General Plan does not recognize any mineral resource zones within the City limits, and no mineral extraction facilities currently exist within the City. Because of this, the property contains no

known mineral resources and there is little opportunity for mineral resource extraction. As such the Project will have no impact on mineral resources.

3.13 Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of 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?			X	
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
c) 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?			X	

3.13.1 Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure,

with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

3.13.2 Environmental Setting/Affected Environment for Groundbourne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV), or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

3.13.3 Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage.97 The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.13.4 State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.13.5 Local Regulatory Setting

The **City of Yuba City General Plan** presents the vision for the future of Yuba City and outlines several guiding policies and policies relevant to noise.

The following goals and policies from the City of Yuba City General Plan[1] are relevant to noise.

Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment,
- Increase setbacks for noise sources from adjacent dwellings,
- Retain fences, walls, and landscaping that serve as noise buffers,
- Use soundproofing materials and double-glazed windows, and
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.

[1] City of Yuba, 2004. *City of Yuba General Plan.* April 8, 2004.

- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

Table 1: Noise Exposure

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)													
	50		55		60		65		70		75		80	
Residential – Low Density Single Family, Duplex, Mobile Home														
Residential – Multi-Family														
Transient Lodging – Motel/Hotel														
Schools, Libraries, Churches, Hospitals, Nursing Homes														
Auditorium, Concert Hall, Amphitheaters														
Sports Arena, Outdoor Spectator Sports														
Playgrounds, Neighborhood Parks														
Golf Courses, Riding Stables, Water Recreation, Cemeteries														
Office Buildings, Business, Commercial and Professional														
Industrial, Manufacturing, Utilities, Agriculture														

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development generally should not be undertaken.

Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

3.13.6 Impact Assessment/Environmental Consequences:

a) Generation of 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 established in the local general plan or noise ordinance, or applicable standards of other agencies?

A temporary increase in noise will occur during construction of the self-storge facility. Construction will primarily occur during daylight hours, Monday through Saturday. Noise from construction activities would contribute to the noise environment in the immediate project vicinity. Activities involved in construction could generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the limited duration of the construction activities, that the construction will occur during the less sensitive daylight hours, and distance to the nearest residences, the noise impacts on the nearby residences will not have the potential to generate significant noise impacts.

Table 2: Noise Levels of Typical Construction

Type of Equipment [1]	dBA at 50 ft.	
	Without Feasible Noise Control [2]	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

[1] US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.
[2] Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications

Short-term noise impacts (and possibly some ground borne vibrations if site compaction is required prior to construction) can be expected resulting from site grading and construction activities. Construction-related noise impacts will be less than significant because adherence to City construction standards is required. These standards limit the hours of operation for construction and use of heavy machinery to daytime hours. Further the construction noise is of limited duration, further limiting any adverse impacts.

Once constructed the proposed self-storage facility is not expected to be a significant noise generator.

b) Generation of excessive ground borne vibration or ground borne noise levels?

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 3 describes the typical construction equipment vibration levels.

Table 3: Typical Construction Levels	
Equipment [(1)]	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
[(1)] *US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.*	

Vibration levels of construction equipment in Table 3 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the project, the approximate reduction of 6 VdB for every doubling of distance from the source, the temporary impact to any uses in the vicinity of the project would be less than significant.

c) 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?

The Project is located within two miles of the Sutter County Airport and is subject to the polices of the Sutter County Airport Land Use Plan. The Sutter ALUC identifies the airport related 65 db (CNEL) contour for which the Project is located outside of its boundary. Further, the Project is not considered to be a noise sensitive use (such as a school), so is not subject to any restrictions due to airport noise. Therefore, there is not a potential for any significant noise impacts from the airport.

3.14 Population and Housing

Table 3.14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The Project will be on an undeveloped 4.9-acre property that is abutted on three sides by existing light industrial uses or properties designated for light industrial type development, and on the fourth side by a multiple-family residential complex.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every eight years, following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The City recently adopted its current Housing Element.

3.14.4 Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation

of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.[2]

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.[3]

3.14.5 Impact Assessment/Environmental Consequences:

a) 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)?

The completion of the proposed Project will result in approximately 90,000 square feet of self-storage units, RV parking and shipping container storage. This is on a property that is surrounded on three sides by other light industrial uses, or property designated for that type of use, and multiple-family uses along its north side. This is essentially an infill project. As such, City services and streets already serve this area. Further, the Project is consistent with the General Plan, which describes the larger overall land use pattern for the City and all of the basic infrastructure needs to support that growth. Therefore, unplanned growth resulting from this Project will not occur and as a result does not have the potential to generate any significant impacts due to unplanned growth.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed Project will not result in the demolition of any residences.

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2 Sacramento Area Council of Governments. 2012. Regional Needs Housing Plan 2013-2021. Adopted September 20, 2012. Page 4. Table 1.

3 Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: http://www.sacog.org/about/. Accessed July 25, 2017.

3.15 Public Services

Table 3.15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services including streets, water, sewer, and stormwater drainage will also be provided by Yuba City.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. All new development potentially adds to the Fire Department's duties and responsibilities, but the development also pays proportional impact fees intended to offset the cost of additional Fire Department facilities and equipment. As such, the impacts on fire services will be less than significant.

Police Protection: The Police Department reviewed the proposal and did not express concerns. All new development potentially adds to the Police Department's duties and responsibilities, but the development also pays proportional impact fees intended to offset the cost of additional Police Department facilities and equipment. As such, the impacts on police services will be less than significant.

Schools: Although there are no new residences proposed, the Project will have to pay the Yuba City Unified School District adopted school impact fees that are intended for non-residential development. Therefore, the impact on schools will be less than significant.

Parks: There are no new residences proposed by this Project nor will it be a significant employer that could cause the need for more housing. As such, the impact on parks from this project will be less than significant.

Other Public Facilities: The project will be connected to the City water system and wastewater collection system. As such, the Project must pay connection fees that are utilized for expansion of the treatment plants. The City also collects impact fees for County services that are provided, such as the library system and justice system.

Accordingly, the project will have a less than significant impact regarding the provision of public services.

3.16 Recreation

Table 3.16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Since there is no residential development associated with the Project, and also that self-storage facilities generate minimal new employment, the Project will not materially increase the use of the City's park system. Therefore, the impact on the City park system from this Project is less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The Project does not propose to provide any on-site recreational facilities.

3.17 Transportation/Traffic

Table 3.17: Transportation Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

3.17.1 Federal Regulatory Setting

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 Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU 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.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

3.17.2. State Regulatory Setting

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled …". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

3.17.3. Local Regulatory Setting

The Yuba City General Plan Transportation Element has policies regulating all mode of transportation and related activities. Specifically, there are Implementing Policies regarding Traffic Levels of Service that are relevant to project review process:

5.2-I-12 Develop and manage the roadway system to obtain LOS D or better for all major roadways and intersections in the City. This policy does not extend to residential streets (i.e., streets with direct driveway access to homes) or bridges across the Feather River nor does the policy apply to state highways and their intersections, where Caltrans policies apply. Exceptions to LOS policy may be allowed by the City Council in areas, such as downtown, where allowing a lower LOS would result in clear public benefits. Specific exceptions granted by the Council shall be added to the list of exceptions below:

- SR 20 (SR 99 to Feather River Bridge) – LOS F is acceptable;
- SR 20 (Feather River Bridge) – LOS F is acceptable;
- Bridge Street (Twin Bridges across the Feather River) – LOS F is acceptable;
- Lincoln Road (New bridge across the Feather River) - LOS F is acceptable.

No new development will be approved unless it can be shown that required level of service can be maintained on the affected roadways.

5.2-I-13 Develop and manage residential streets (i.e., streets with direct driveway access to homes) to limit average daily traffic volumes to 2,500 or less and 85th percentile speeds to 25 miles per hour or less.

5.2-I-14 Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic.

Specific thresholds will be based on location and project type, and exceptions may be granted where traffic studies have been completed for adjacent development.

5.2-I-15 Improve intersections as needed to maintain LOS standards and safety on major arterials.

3.17.4. Impact Assessment/Environmental Consequences:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Self-storage facilities are very low generators of vehicle traffic due to having very few employees and also that the users infrequently utilize the facility. Therefore, development of this self-storage facility will generate little traffic and will not conflict with any programs, plans, or ordinances regarding transportation. There is a condition applied to the project prohibiting commercial truck parking so a potential from impacts on the nearby intersection from truck traffic is less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact.

Following its initial opening when new tenants will be moving materials to the site, the Project will not generate traffic levels in excess of 110 trips per day. Since the Project will not exceed this criterion, the impacts from VMT are anticipated to be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project will be accessed by Winship Road. Since self-storage facilities are very low traffic generators, it is not expected to cause any traffic concerns on this street. However, the nearby unsignalized intersection at Winship Road and Garden Highway could be impacted by this Project if the vehicle storage area is utilized for commercial truck parking. Therefore, there is a recommended condition included with the Project prohibiting commercial trucking within the Project area. The Yuba City Public Works Department has evaluated the proposal and concluded that with this condition, the Project did not significantly impact the intersection.

d) Result in inadequate emergency access?

The Fire Department and Police Department have reviewed the project plans and they did not express concerns about emergency access in the area.

3.18 Tribal Cultural Resources

Table 3.18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause of 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:				
i) 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			X	
ii) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis of the potential environmental impacts related to TCRs is derived primarily from the Environmental Impact Report for the City of Yuba City General Plan (2004) and consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes 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 the Statutes of 2004.” This includes both federally and non-federally

recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

    a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or

    b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or

    c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from

the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.4 Summary of Native American Consultation

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52. In response to AB 52, on August 31, 2022, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Miwok Tribe

The United Auburn Indian Community responded that it had no concerns provided the standard mitigations are applied to the Project, which has been done.

3.18.5 Tribal Cultural Resources within Project Area

In the absence of specific information from California Native American Tribes, information about potential impacts to TCRs or Native American Cultural Places was drawn from the ethnographic context (summarized above) and the results of a search of the Sacred Lands File of the NAHC. The ethnographic information reviewed for the project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current project area. Further, the areas of highest sensitivity are closer to the Feather River. In addition, the Sacred Lands File failed to identify any sacred lands or tribal resources in or near the project area.

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that

are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
    - A cultural landscape with a geographically defined boundary;
    - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
    - A unique archaeological resource as defined in Section 21083.2; and/or
    - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

a) Would the project cause of 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:

i) 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).

There are no buildings on the property that will be removed as part of this Project. Therefore, there will be no potential significant impacts on any historical resources, directly or indirectly.

ii) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The UAIC provided that no known TCRs were identified (as defined in Section 21074) within the proposed project area. Given the level of previous disturbance within the Project area, it is not expected that any TCRs would remain. However, during grading and excavation activities, there is a potential to encounter native soils, which may contain undiscovered TCRs. In the unlikely event resources are discovered during

ground disturbing activities that are associated with Native American culture, compliance with the TCR Mitigation Measures provided below would reduce the potential impacts to a less than significant level.

3.18.8 Tribal Cultural Mitigation Measures

Tribal Cultural Resources Mitigation 1: **Post Ground Disturbance** A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the **Unanticipated Discoveries Mitigation Measure 2** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities.

Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.

3.19 Utilities and Service Systems

Table 3.19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) 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?			X	
d) 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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to over 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The

City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. This landfill has a remaining capacity of 39,223,000 cubic yards (90 percent remaining capacity reported in 2007).[4]

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non-15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans),

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4 CalRecycle, 2017. Available: http://www.calrecycle.ca.gov/SWFacilities/Directory/58-AA-0011/Detail/. Accessed August 15, 2017.

which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Response provided in section b) below.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Although this self-storge facility will be a low water user, it will connect to the City's water system. The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate this project. The WTP uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment facilities provides a total WTP capacity of 36 mgd. The City is permitted to draw 30 mgd from the Feather River. The current maximum day use is 26 mgd. The City also has an on-site water well at the water plant that supplements the surface water when needed. The City has adopted a water master plan to expand the water treatment plant to the extent that it will accommodate the overall growth of the City.

The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City. The ongoing expansions of those plants to accommodate growth beyond this Project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

Stormwater drainage in this area is provided by a combination of Yuba City drainage lines and the Gilsizer County Drainage District. This Project has been determined by the respective agencies to be able to accommodate the additional drainage generated by this project. Further, the Project will be responsible

to pay the fees to the Drainage District which mitigates the Project's impacts on the system. Thus, the impacts on the stormwater drainage system will be less than significant.

The connections to nearby electric power facilities, natural gas facilities and telecommunication facilities to this property are provided by private companies, none of which have voiced concerns over the extensions of their services to this Project site. With these considerations the impacts on these types of facilities are expected to be less than significant.

c) 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?

The Project, which will generate a low quantity of wastewater, will connect to the City's wastewater treatment system. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

d) 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.

Response provided in section e) below.

e) Comply with federal, state, and local statutes and regulations related to solid waste?

Recology Yuba-Sutter provides solid waste disposal for the area as well as for all of Sutter and Yuba Counties. There is adequate collection and landfill capacity to accommodate the proposed development.

3.20 Wildfire

Table 3.20: Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) 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?			X	
c) 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?			X	
d) 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?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

As discussed in Section 3.17 of this Initial Study, Project construction is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Project operations likewise would not obstruct any roadways. Therefore, the impacts of the Project related to emergency response or evacuations would be less than significant.

b) 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?

The Project site is in a level urban area that with little, if any, native vegetation remaining, and the greater urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires near the urban area. In light of this, the exposure of new residents to wildfire is less than significant.

c) 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?

As discussed above, the site is not near any wildland areas and the Project itself will not create any improvements that potentially could generate wildfire conditions. As such the Project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the Project will not create any potential significant impacts that could result from these types of improvements.

d) 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?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the project related to these issues would be less than significant.

3.21 Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?

The land was stripped many years ago of native vegetation for agricultural uses and was likely farmed for many years. Therefore, the construction of this self-storage facility will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

This Project is consistent with the and policies of the General Plan. As such the traffic generated by the Project is within what was anticipated in the General Plan which considered anticipated future growth of the area. The City has adequate water and wastewater capacity, and the Project will be extending those services to the site. Stormwater drainage will also meet all City standards. The City has good development and design standards that will be applied to the Project. The loss of agricultural land is cumulative but based on City and County agricultural protection program, the loss is limited to within the urban areas of the cities which is a minor portion of the entire County. The FRAQMD also did not comment that the Project would create any significant cumulative impacts on air quality. Therefore, there are no impacts that will be individually limited but cumulatively considerable.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed Project in and of itself would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed Project would not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Sutter County Airport Land Use Plan, Adopted by the Sacramento Area Council of Governments (SACOG) Airport Land Use Commission, April 1994.

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

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Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

"Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination," prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. "Fault Zone Activity Map." Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at http://www.envirostor.dtsc.ca.gov/public/
California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

Appendix A

MITIGATION MEASURES AND MONITORING PLAN
Nestory Park Self Storage

Initial Study and Mitigated Negative Declaration EA 22-12
For Rezoning PD_{17} and Development Plan 22-04, Nestory Park Self Storage

Impact	Mitigation Measure	Responsible Party / Agency	~~Responsible~~ Monitoring Agency ~~Party~~	Timing
3.7 Geology and Soils	**Paleontological Mitigation Measure 1:** This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows: 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and	Applicant or Developer	Public Works Dept., Development Services Dept.	During construction phase

	other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	**Greenhouse Gas Mitigation 1:** The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Applicant or Developer	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	**Tribal Cultural Resources Mitigation 1**: **Post Ground Disturbance** A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure. If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the **Unanticipated Discoveries Mitigation Measure 2** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be	Applicant or Developer	Developer, Public Works Dept., Development Services Dept.	During construction phase

	made to preserve the resources in place, including through project redesign. The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities. **Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries:** If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.			

	The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.			

Appendix B

DRAFT PD 17 ZONE DISTRICT
Nestory Park Self Storage

Planned Development (PD) 17 Zone District

Purpose:

This zone district provides for permitted use and development standards on 4.90 acres located along the north side of Winship Road, approximately 430 feet east of Garden Highway (Assessor's Parcel Numbers 53-500-008 and 53-500-035).

Uses:

Permitted Uses:

The permitted use is limited to the facilities shown in the approved Development Plan (DP 22-04) as provided in **Exhibit A,** consisting of approximately 89,785 square feet of indoor self-storage units within six buildings, approximately 70 outdoor RV storage spaces and approximately 127 shipping containers. Also included is an office/reception area near the entrance. No on-site caretaker residence is proposed. Seven public parking spaces will be provided just outside the entrance gate. No commercial semi-trucks are allowed in the outdoor vehicle storage area.

Other Uses:

Any modifications or additions to the permitted uses shall first be required to have an approved Planning Commission Development Plan, as provided in Section 8-5.7001(c) of the Zoning Regulations.

Development Standards:

The development of the property shall be in accordance with the approved Development Plan except nominal modifications that result from more detailed design may be approved by the Development Services Director.

All of the Development Standards of the Light Industrial (M-1) Zone District shall apply except the following:

- The rear (north side) minimum yard shall be zero, provided the development is accompanied by an 18-inch-wide landscape strip located on the neighboring property, as provided in the approved Landscape Plan **(Exhibit B)** and which is used as a landscaped area as also approved in writing by the Regional Housing Authority, or if the landscaping is located on the Project site.
- The front yard (south side) shall be a minimum of ten feet wide, provided it is landscaped as provided in the approved landscape plan.

4 Nestory Park DP 22-04 MND Final

Final Audit Report 2023-01-12

Created:	2023-01-12
By:	Ashley Potocnik (apotocnik@yubacity.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOhMRJL5uf4pCc4apBRVf5ggeW3IA2pTL

"4 Nestory Park DP 22-04 MND Final" History

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Agenda Item **15**

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023

To: Honorable Mayor & Members of the City Council;

From: Development Services Department

Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: Consideration of General Plan Amendment (GPA) 22-06, and Rezone (RZ) 22-08 in association with Tentative Parcel Map (TPM) 22-04: Spirit Drive Parcel Map

Recommendation: A. Conduct a Public Hearing; then

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-15 by adopting a Mitigated Negative Declaration prepared for Spirit Drive Parcel Map project, and adopt General Plan Amendment 22-06 for approximately 8 acres located at the southeast corner of State Route 20 and El Margarita Road (Assessor's Parcel Number: 63-010-141); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-08 for the Spirit Drive Parcel Map project located at the southeast corner of State Route 20 (Colusa Highway) and El Margarita Road (Assessor's Parcel Number: 63-010-141) by title only and waive the first reading

Fiscal Impact: The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Purpose:

To consider General Plan Amendment 22-06 and Rezone 22-08 for 8 acres of the 19.99-acre parcel in association with Spirit Drive Parcel Map (TPM 22-04) located at the southeast corner of State Route 20 and El Margarita Road (APN: 63-010-141).

The GPA will re-designate eight acres of the 19.99-acre parcel from Office and Office Park (O) land use designation to a Regional Commercial (RC) designation. The remaining 11.99 acres will remain in the same O designation. The RZ will rezone the same eight acres from an Office Commercial Zone District combined with the X19 Zone District (C-O X19) to a General Commercial (C-3) Zone District.

Council's Strategic Goal:

This item implements the Council's goal of Business Friendly.

Background:

The applicant, Yanni Limited L.L.C., filed applications for GPA 22-06, RZ 22-08, and TPM 22-04, in August 2022.

The subject site is part of the previously approved Calvary Christian Center Use Permit (UP) 07-13 which permitted the development of a larger 23-acre site with an 80,000 square foot sanctuary building, a 16,380 square foot elementary school capable of accommodating over 300 students, a baseball diamond, soccer fields, and 612 parking spaces. Use Permit 07-13 was approved by Planning Commission on November 18, 2009, and has received six extensions of time with an expiration date of August 2, 2023.

In 2018, two acres of the 23-acre site were sold to the neighboring property to expand the John L. Sullivan auto dealership (GPA 18-01, RZ 18-01, DP 18-01, and EA 18-06).

On December 14, 2022, the Yuba City Planning Commission conducted a public hearing, where no persons spoke in opposition to the project, and the Planning Commission unanimously:

1. Adopted Resolution PC 22-17 recommending approval of GPA 22-06 and RZ 22-08 to the City Council together with Environmental Assessment 22-15; and
2. Adopted Resolution PC 22-18 contingently approving TPM 22-04

Analysis:

The result of this project, if approved, would be two – four-acre parcels designated for general commercial uses, and an 11.99-acre parcel designated for office and related uses (there is an approved use permit for a church). The applicant has indicated they would like to locate an auto dealership(s) on one or both four-acre parcels, but no application has yet been filed. While no actual development project is proposed as part of this application, the newly applied Regional Commercial land use designation and accompanying C-3 zoning allows almost all commercial uses.

Compatibility with Neighboring Uses

TABLE 1: BORDERING LAND USES	
North:	State Route 20 (Colusa Highway).
South:	Spirit Way and River Valley High School across the street.
East:	El Margarita Road with several single-family residences across the street.
West:	Auto dealership

The vacant site is surrounded by four different land uses, two of which that could be sensitive to neighboring commercial uses – River Valley High School on the south and single-family residences along the west side. The other two sides – an auto dealership to the east and SR 20 to the north, are very compatible with the proposal.

Regarding the nearby single-family residences, the portion of the project across El Margarita Road from the homes (the 11.99-acre Parcel 3 on the tentative parcel map) is designated for office type uses and is not proposed to be changed. A use permit for a church was previously approved for this property. As such there will be no change in regard to compatibility with the future development of that 11.99

acres and the existing residences.

River Valley High School is across the street from the 8-acre area included in the GPA/RZ proposal. While not ideal to place general commercial uses across from the high school, the situation already exists for the auto dealership next door. Staff is not aware of any incompatibility issues associated with that situation. The applicant has indicated that an auto dealership(s) is being considered for the two four-acre parcels, but almost all general commercial uses could be constructed on them. A significant landscape buffer would reduce any potential compatibility issues. Per the existing commercial development standards, a landscape buffer is required (10 or 20 feet, depending on project size), and if adequately landscaped this should be an appropriate buffer.

Traffic

Elimination of the X_{19} Zone District: The X_{19} Zone District was originally applied to this property to ensure that when the property is developed it will be responsible for paying its fair share of local transportation needs. Specifically, the X_{19} zoning identified several intersections, including Walton Avenue/Lassen Boulevard and Tharp Road/Lassen Boulevard, that were identified. At that time the improvements needed for these intersections to support local growth were not in place. The X_{19} zoning was added to provide an interim solution to that concern.

Since that time, according to the Public Works Department (November 1, 2022, memo from Ben Moody, Public Works Director), other programs have been established, making the X_{19} zoning unneeded. This includes the 2007 Yuba City Update of the AB 1600 Fee Justification Study, 2020 Traffic Model Update, 2021 Road Development Impact Fee Program, 2021 City of Yuba City Cumulative Traffic Forecasts and Operations Analysis, El Margarita Master Plan studies and various site-specific traffic studies performed in the area. Since there are now programs in place requiring those intersection improvements be timely made as part of developing these properties, and also that there is a mitigation measure applied to this project that refers to improvements to other nearby intersections (discussed below), the X_{19} Zone District is no longer necessary.

Other Intersections of Concern: There remains various intersections that are not included in the City's Development Impact Fee Program that would be impacted from development of this 19.99 acres. As provided in the Traffic study prepared several years ago for the El Margarita Master Plan (Transportation Impact Study For the El Margarita Master Plan by Fehr & Peers, January 2015), there remain four nearby intersections that are currently impacted to the extent that they do not or will not in the future meet City level of service criteria. While much of this is due to traffic generated by the nearby high school just prior to and after school hours, new development in the vicinity will exacerbate this problem. Those intersections are:

- State Route 20/El Margarita Road
- Franklin Road/El Margarita Road
- El Margarita Road/Spirit Way
- Harter Parkway/Spirit Way

As this TPM/GPA/RZ is not an actual development project, it will not directly generate additional traffic. But because the proposal will potentially allow for more intensive uses than presently allowed it could lead to development that will further exacerbate traffic impacts on these impacted intersections.

At this time the City does not have an adopted program to improve those intersections. As such a mitigation measure is included in the environmental document prepared for this project that provides for new development in this vicinity to pay its fair share for improving those intersections. The mitigation

requires that the City determine needed improvements at each of the intersections and the estimated cost be disaggregated per a fair share ratio to be paid by each new project.

Noise

Noise during construction of a commercial facility may be noticeable at the high school, based on a recent noise study for a nearby similar a situation. To lessen the noise on the high school campus a list of noise reduction actions that would lower the noise during construction are part of the mitigation measures recommended for the any future development projects that could result from this action.

Operational noise from a commercial development, likely an auto dealership(s), near the high school is not expected to be an issue as the situation has existed for some time from the existing auto dealership next door.

Availability of City Services

City water and wastewater are available to the property. A stormwater drainage system is nearby that will be operated and maintained by the City, and which connects with the greater system operated by the Sutter County Water Agency that drains into the Live Oak Canal.

Environmental Determination:

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. The findings of the mitigated negative declaration are that, with the proposed mitigations for Geology/Soils, Greenhouse Gas Emissions, Noise, Transportation/Traffic, and Tribal Cultural Resources, the proposed TPM/GPA/RZ will not create any significant environmental impacts to the neighborhood or vicinity. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included with the project conditions of approval.

As a result, the Planning Commission recommended the City Council adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program for this project together with the recommended findings in accordance with the provisions of CEQA. The Mitigation Monitoring Program has been refined to clarify responsibilities for performance and monitoring of the same, and a noise mitigation measure clarified that it is the project that is responsible for noise mitigation.

Fiscal Impact:

The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Alternatives:

1. Deny the application to establish General Plan Amendment 22-06 or Rezone 22-08.
2. Provide staff with alternate direction.

Recommendation:

1. Conduct a Public Hearing; then

2. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-15 by adopting a Mitigated Negative Declaration prepared for Spirit Drive Parcel Map project, and adopt General Plan Amendment 22-06 for approximately 8 acres located at the southeast corner of State Route 20 and El Margarita Road (Assessor's Parcel Number: 63-010-141); and

3. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-08 for the Spirit Drive Parcel Map project located at the southeast corner of State Route 20 (Colusa Highway) and El Margarita Road (Assessor's Parcel Number: 63-010-141) by title only and waive the first reading.

Attachments:

1. City Council Resolution approving GPA 22-06 and EA 22-15
2. City Council Ordinance to Adopt RZ 22-08
3. Spirit Drive Location Map
4. Public Works Memo, dated November 1, 2022
5. Spirit Drive TPM 22-04
6. Environmental Assessment 22-15 and the Mitigation Monitoring Program

Prepared By:	Submitted By:
Ashley Potočnik	Diana Langley
Development Liaison	City Manager

ATTACHMENT 1

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT (EA) 22-15 BY ADOPTING A MITIGATED NEGATIVE DECLARATION PREPARED FOR SPIRIT DRIVE PARCEL MAP PROJECT, AND ADOPT GENERAL PLAN AMENDMENT 22-06 FOR APPROXIMATELY 8 ACRES LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 20 AND EL MARGARITA ROAD (ASSESSOR'S PARCEL NUMBER: 63-010-141)

WHEREAS, Yanni Limited L.L.C filed applications filed applications for General Plan Amendment (GPA) 22-06, Rezone (RZ) 22-08, and Tentative Parcel Map (TPM) 22-04 for the Spirit Drive Parcel Map project, in August 2022; and

WHEREAS, as a result the following entitlements are being considered by the City for approval:

- *General Plan Amendment (GPA) 22-06*: which proposes to amend the land use designation of 8 acres from Office and Office Park to Regional Commercial.
- *Rezone (RZ) 22-08:* which proposes to amend the zone district of the same 8 acres from an Office-Commercial Zone District combined with the X_{19} Zone District (C-O X_{19}) to a Regional Commercial (C-3) Zone District.
- *Tentative Parcel Map (TPM) 22-04:* which proposes to create three parcels from a 19.99-acre parcel, which consists of two four-acre parcels and an 11.99-acre parcel for which the general plan and zoning will remain the same.
- *Environmental Assessment (EA) 22-15*

(collectively "Project"); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study and Mitigated Negative Declaration (Environmental Assessment 22-15) for the Project; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on the Project, at which time it received input from City Staff and the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission contingently approved the Spirit Drive Parcel Map (TPM 22-04) and contingently adopted Environmental Assessment (EA) 22-15; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council adopt Environmental Assessment 22-15 and General Plan 22-06, and adopt an Ordinance to approve Rezone 22-08; and

WHEREAS, on January 17, 2023, the Yuba City Council conducted a Public Hearing to consider the Project and received both oral testimony and written information presented at the hearing regarding the General Plan Amendment and Rezone; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council now desires to find that Environmental Assessment (EA) 22-15 prepared for the project is in conformance with State and local environmental guidelines; and

WHEREAS, the City Council now desires to adopt EA 22-15 and GPA 22-06.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Yuba City as follows:

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the same herein as if set forth in full.

2. CEQA Findings: The City Council of the City of Yuba City finds that an environmental assessment/ initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, based on its independent judgement and analysis the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. Additionally, recirculation of the Mitigated Negative Declaration is not required. Although refinements were made to the Noise Mitigation Measure No. after circulation, the refinement merely clarifies that the project applicant/developer, not the City, is responsible for ensuring that construction noise complies with noise mitigation requirements. This update is an equal or more effective measure, and/or is information added that merely clarifies and amplifies the Mitigated Negative Declaration as contemplated by CEQA Guidelines section 15073.5(c).

3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council of the City of Yuba City adopts the Mitigated Negative Declaration as refined, that was prepared for the project, including the associated Mitigation Monitoring and Reporting Program as updated, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The City Council authorizes the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. General Plan Findings. The City Council finds that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 22-06, including the following:

a. Of the proposed three parcels on the 19.99-acre property, the 11.99-acre parcel will remain designated as Office and Office Park. The two-four acre lots would be re-designated to Regional Commercial. These designations are consistent with other policies and programs in the General Plan.

The project supports and forwards the following highlighted goals contained within the General Plan:

3.8-G-1: *Maintain Yuba City's prominence as the center of retail activity in Sutter County.*

3.8-I-4: *Ensure that neighborhood retail centers and commercial service buildings are compatible with the surrounding neighborhood and with adjacent travel corridors*

3.9-I-7: *Establish setback, landscaping, and screening requirement for employment center development to provide adequate buffering adjacent to residential neighborhoods.*

El Margarita Road, which borders the west side of the property, is designated in the General Plan as a minor arterial. The on-site portion of the street will be improved through conditions tied to development of the property as well as intersection improvements required by implementation of Transportation/Traffic Mitigation Measure 1 that will lead to establishing their fair share of the improvements needed due to the increase in traffic generated by future development, making the TPM/GPA/RZ consistent with the General Plan Circulation Element.

As determined in the mitigated negative declaration prepared for this proposal, there are no significant impacts on any agricultural land, biological resources, water quality, and air quality. Thus, the land division is consistent with the Environmental Conservation Element of the General Plan.

The site is flat and has all City services available to it or, in the case of stormwater drainage, the system will be designed and constructed to be part of a larger drainage system operated by the City and the Sutter County Water Agency. The environmental document prepared for the project did not find any environmental concerns that could not be mitigated to below a level of significance or where the inadequacies of the property that would provide concerns for its proposed development.

The 19.99-acre commercial land division is designated by the General Plan for two types of uses. The proposed 11.99-acre lot will remain designated for office development and related uses. The two proposed four-acre lots are designated for regional commercial uses. As all City services will be brought to the property and one end of the property is bordered by a City designated collector street, the access to the properties is designed to accommodate commercial levels of traffic. The three parcels are each large enough to accommodate office and commercial type uses.

Based on the mitigated negative declaration prepared for this project, with the proposed mitigation measures, the land division will not create any significant environmental impacts, including adverse impacts on fish and wildlife.

Every new lot will be connected to City water, wastewater, and stormwater drainage systems, all of which will avoid public health problems.

5. Approval of GPA 22-06. The City Council adopts General Plan Amendment No. 22-06 to re-designate eight acres of the 19.99-acre parcel from Office and Office Park (O) land use designation to a Regional Commercial (RC) designation as depicted in Exhibit A.

6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17th day of January, 2023.

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

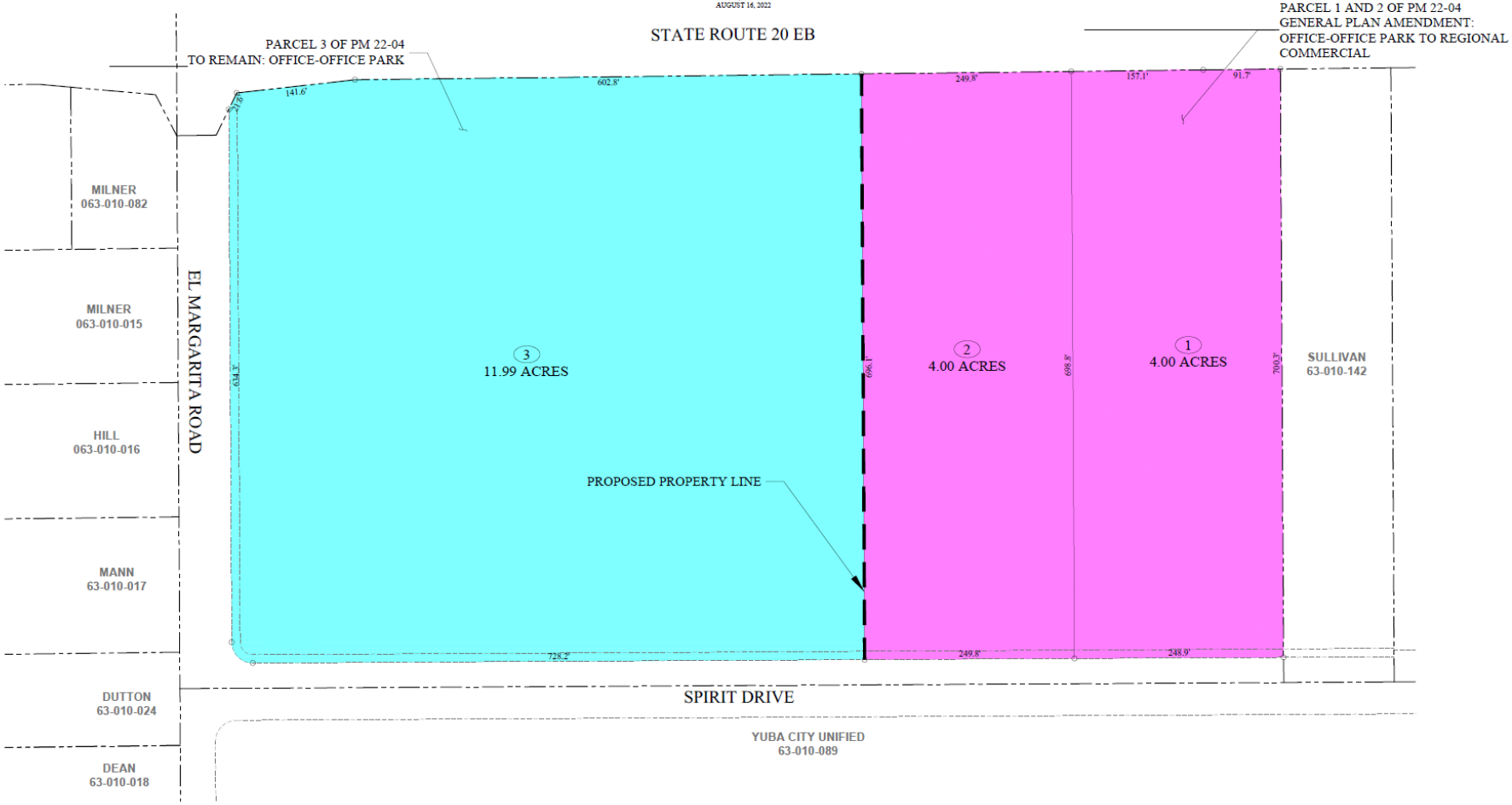
Exhibit A: General Plan Map, GPA 22-06

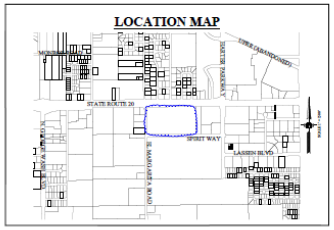
EXHIBIT A

GENERAL PLAN AMENDMENT FOR

PM 22-04(SPIRIT DRIVE PARCEL MAP)

YUBA CITY, CALIFORNIA
AUGUST 16, 2022





LEGEND:

- PROPOSED GENERAL PLAN AMENDMENT FROM OFFICE-OFFICE PARK TO REGIONAL COMMERCIAL
- CURRENT GENERAL PLAN DESIGNATION OFFICE-OFFICE PARK TO REMAIN AS IS.
- PROPOSED LOT LINE
- EXISTING PROPERTY LINE

0 30' 60' 120' 240'

SCALE 1" = 60'

M·H·M
ENGINEERS & SURVEYORS SINCE 1892
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

ATTACHMENT 2

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO ADOPT REZONE 22-08 FOR THE SPIRIT DRIVE PARCEL MAP PROJECT LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 20 (COLUSA HIGHWAY) AND EL MARGARITA ROAD (ASSESSOR'S PARCEL NUMBER: 63-010-141) .

WHEREAS, Yanni Limited L.L.C filed applications filed applications for General Plan Amendment (GPA) 22-06, Rezone (RZ) 22-08, and Tentative Parcel Map (TPM) 22-04 for the Spirit Drive Parcel Map project, in August 2022; and

WHEREAS, as a result the following entitlements are being considered for approval by the City:

- *General Plan Amendment (GPA) 22-06*: which proposes to amend the land use designation of 8 acres from Office and Office Park to Regional Commercial.
- *Rezone (RZ) 22-08:* which proposes to amend the zone district of the same 8 acres from an Office-Commercial Zone District combined with the X_{19} Zone District (C-O X_{19}) to a Regional Commercial (C-3) Zone District.
- *Tentative Parcel Map (TPM) 22-04:* which proposes to create three parcels from a 19.99-acre parcel, which consists of two four-acre parcels and an 11.99-acre parcel for which the general plan and zoning will remain the same.
- *Environmental Assessment (EA) 22-15.*

(collectively "Project"); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study and Mitigated Negative Declaration (Environmental Assessment 22-15) for the Project; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on the Project, at which time it received input from City Staff and the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission contingently approved the Spirit Drive Parcel Map (TPM 22-04) and contingently adopted Environmental Assessment (EA) 22-15; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council adopt Environmental Assessment 22-15 and General Plan 22-06, and adopt an Ordinance to approve Rezone 22-08; and

WHEREAS, on January 17, 2023, the Yuba the City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff, public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed and this ordinance introduced.

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council desires to find that Environmental Assessment (EA) 22-15 prepared for the project is in conformance with State and local environmental guidelines; and

WHEREAS, the City Council desires to approve RZ 22-08.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the same herein as if set forth in full.

2. CEQA Findings: The City Council of the City of Yuba City has concurrently approved EA 22-15 by adopting an Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program for the project. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. No further CEQA is required, as CEQA has been completed for this project.

3. Rezone Findings. The City Council finds that Rezone 22-08 is consistent with the General Plan as amended by General Plan Amendment 22-06. The City Council finds that Rezone 22-08 i) is consistent with the General Plan goals and policies as amended and as further described in the City Council's Resolution approving General Plan Amendment 22-06; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience, access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality economic growth and development for the City.

4. Approval of RZ 22-08. Based on the information provided above, the City Council of Yuba City adopts an Ordinance approving RZ 22-08 and reclassify the zone districts for those districts on the zoning map of the City of Yuba City from Office Commercial (C-O X19) to General Commercial (C-3), and associated refinements of existing zoned district map boundaries as depicted for approximately eight acres as shown in Exhibit A.

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

6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

7. Effective Date of Resolution. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 17th day of January

2023, and adopted the Ordinance after the second reading at a regular meeting held on the _____day of _____2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: Zoning Map, Rezone 22-08
Exhibit B: X19 Zone District Description

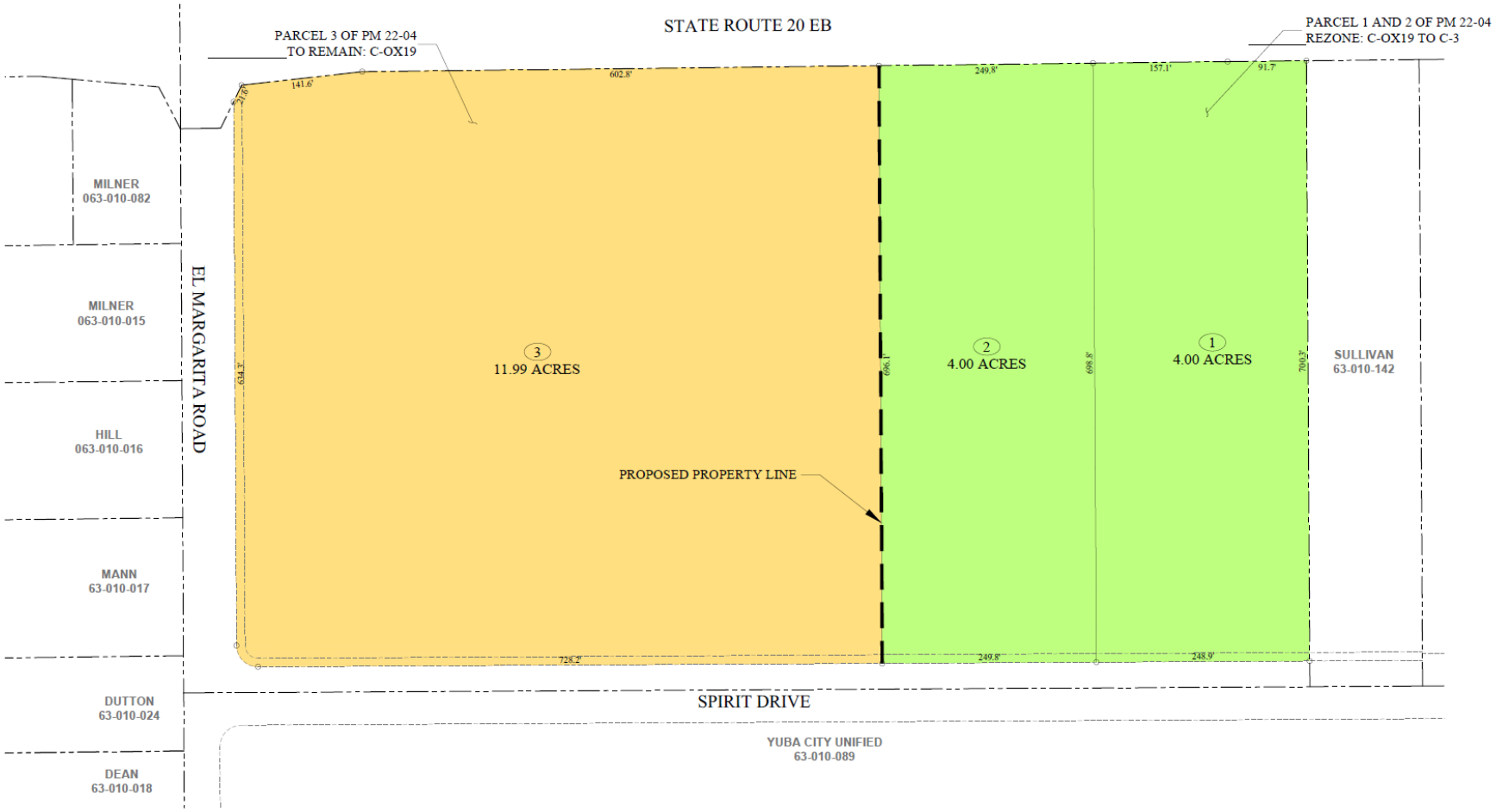
I, _____, Deputy City Clerk of the City of Yuba City, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Yuba City on the date and by the vote indicated herein.

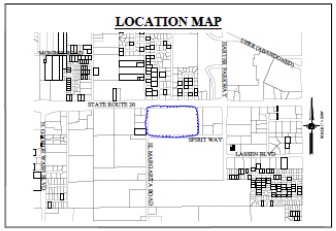
EXHIBIT A

PROPOSED REZONE FOR

PM 22-04 (SPIRIT DRIVE PARCEL MAP)

YUBA CITY, CALIFORNIA
AUGUST 15, 2022





LEGEND:

- PROPOSED REZONE FROM C-OX19 TO C-3(X24/25
- CURRENTLY ZONED C-OX19 TO REMAIN AS IS.
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE

0 30' 60' 120' 240'

SCALE 1" = 60'

M·H·M
ENGINEERS & SURVEYORS SINCE 1892
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

EXHIBIT B

X19 Zone District Description

X_{19} Area: Southeast corner of Colusa Ave. & El Margarita Rd.

Reason: To ensure the future provision for transportation needs: 1) a fair share of fees will be paid for traffic signal improvements at Walton Avenue/Lassen Blvd./Tharp Road intersection are made, 2) a fair share will be paid for the improvements cost of highway road improvements based on an AB 1600 study in effect at the time of issuance of building permits and 3) that Harter Road and Lassen Blvd. are improved to city standards and extended across this property along with El Margarita Road.

Criteria of Development

1) To mitigate the impacts from the project on the intersection of Walton Avenue and Lassen Blvd., the developer shall contribute 45 percent of the total cost for the installation a traffic signal prior to the issuance of building permits.

2) To mitigate the impacts from the project on the intersection of Tharp Road and Lassen Blvd., the developer shall contribute 70 percent of the total cost for the installation a traffic signal prior to issuance of building permits.

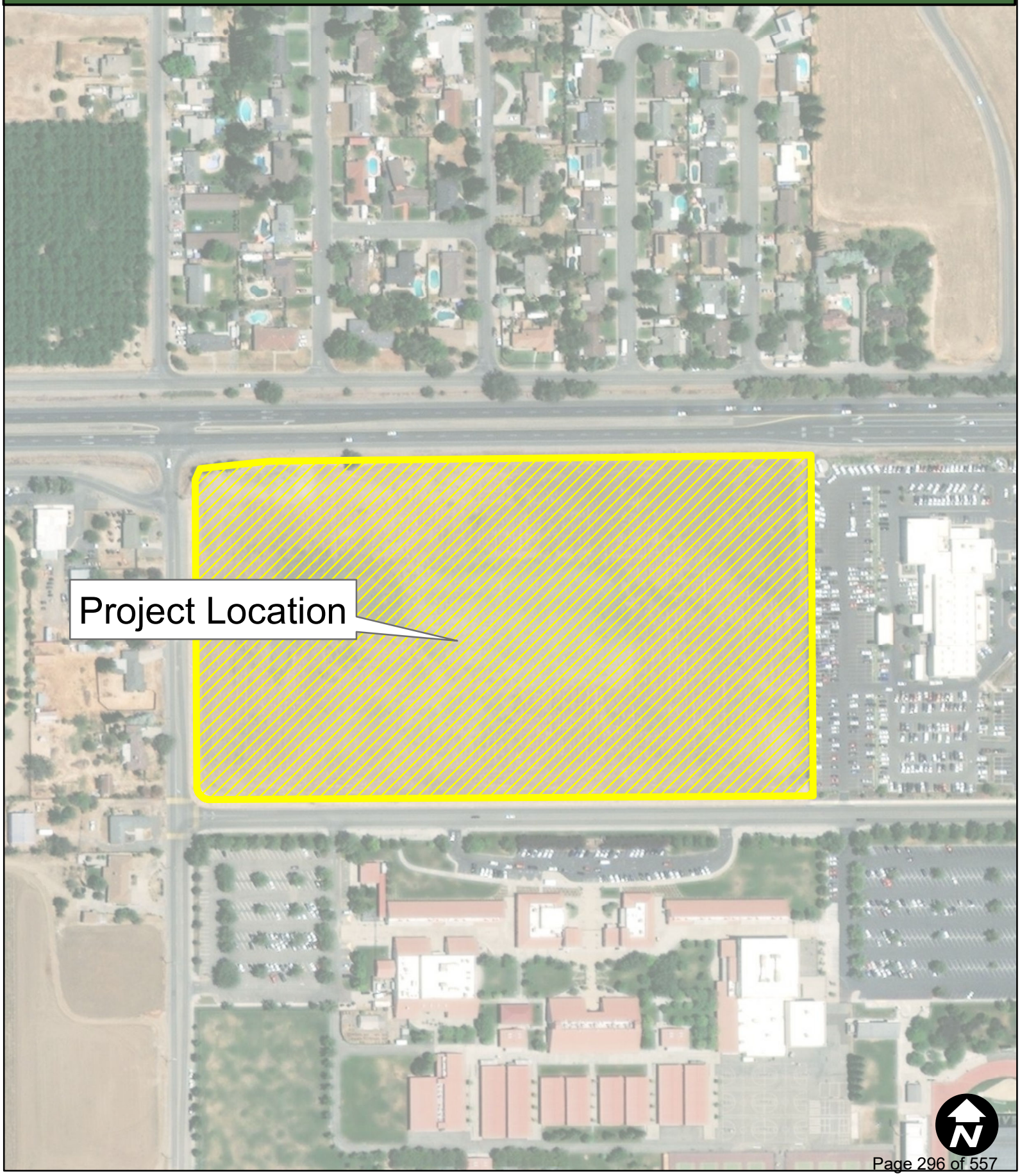
3) Sufficient right-of-way shall be set aside through this property from the current terminus of Lassen Blvd to El Margarita Road for a road connection between these points and for the southerly extension of Harter Road from the highway to the south end of this property. Improvements along these right-of-ways shall be completed as development occurs along these streets to city standards by the property developers.

4) Should artifacts or unusual amounts of some bone or shell be uncovered during the demolition or construction activity, work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. If the bone appears to be human, California law mandates that the Sutter county Coroner and the Native American Heritage Commission be contacted.

ATTACHMENT 3

Spirit Drive Parcel Map | Location Map

GPA 22-06, RZ 22-08, PM 22-04, EA 22-15



ATTACHMENT 4

PUBLIC WORKS DEPARTMENT
1201 Civic Center Boulevard
Yuba City, California 95993

November 1st, 2022

Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993

Re: Yuba City – X19 Combing District

To Whom it May Concern:

Public Works staff has reviewed the X19 Combining District boundary, subject parcels, and conditions of development related to transportation needs that were established with the 2004 zoning district. Through the review, it was determined that the conditions of the district are no longer relevant and not applicable due to superseding documents, policies, and land use changes that are now in place and/or have occurred since establishment.

Related documents include the October 10, 2007 Yuba City Update of the AB 1600 Fee Justification Study, 2020 Traffic Model Update, October 20, 2021 Roadway Development Impact Fee Program, January 19, 2021 City of Yuba City Cumulative Traffic Forecasts and Operations Analysis, El Margarita Master Plan studies, and various site-specific traffic studies performed in the area.

The original intent of X19 overlay was to facilitate productive growth in the Sphere of Influence, and provide specific design guidelines and financing mechanisms for development that were not established at that time.

Staff recommends removing the X19 combing district with the conditions no longer being relevant and being a potential barrier to future development in the subject areas.

Should there be any questions or concerns related to the matter please contact Public Works staff to address.

Sincerely,

Benjamin Moody
Public Works Director
City of Yuba City

X19 Overlay

ATTACHMENT 5

TENTATIVE PARCEL MAP

PM XXXX (SPIRIT DRIVE PARCEL MAP)

YUBA CITY, CALIFORNIA

AUGUST 16, 2022

LAND USE SUMMARY

PARCEL SUMMARY*

PARCEL 1 =		04.00 ACRES
PARCEL 2 =		04.00 ACRES
PARCEL 3 =		11.99 ACRES
SUBTOTAL =	3 PARCELS	19.99 ACRES
EL MARGARITA ROAD		PREVIOUSLY DEDICATED
SPIRIT DRIVE		PREVIOUSLY DEDICATED
SUBTOTAL = (ROADWAYS)		0.00 ACRES
TOTAL =		11.99 ACRES

*EL MARGARITA ROAD AND SPIRIT DRIVE WERE PREVIOUSLY DEDICATED IN FEE TITLE TO CITY OF YUBA CITY AS PART OF PARCEL MAP 1228 RECORDED ON DECEMBER 20, 2018.

LEGAL DESCRIPTION:

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SUTTER, CITY OF YUBA CITY, DESCRIBED AS FOLLOWS:

PARCEL 1: (APN 63-010-141)

PARCEL 1, AS SHOWN ON PARCEL MAP 1228, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SUTTER COUNTY, CALIFORNIA, ON DECEMBER 20, 2018, IN BOOK 8 OF PARCEL MAPS, AT PAGE 98.

SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER CLTA PRELIMINARY REPORT BY PLACER TITLE COMPANY ORDER NUMBER P-558445 DATED APRIL 25, 2022. THE UNDERWRITER IS WESTCOR LAND TITLE INSURANCE COMPANY.

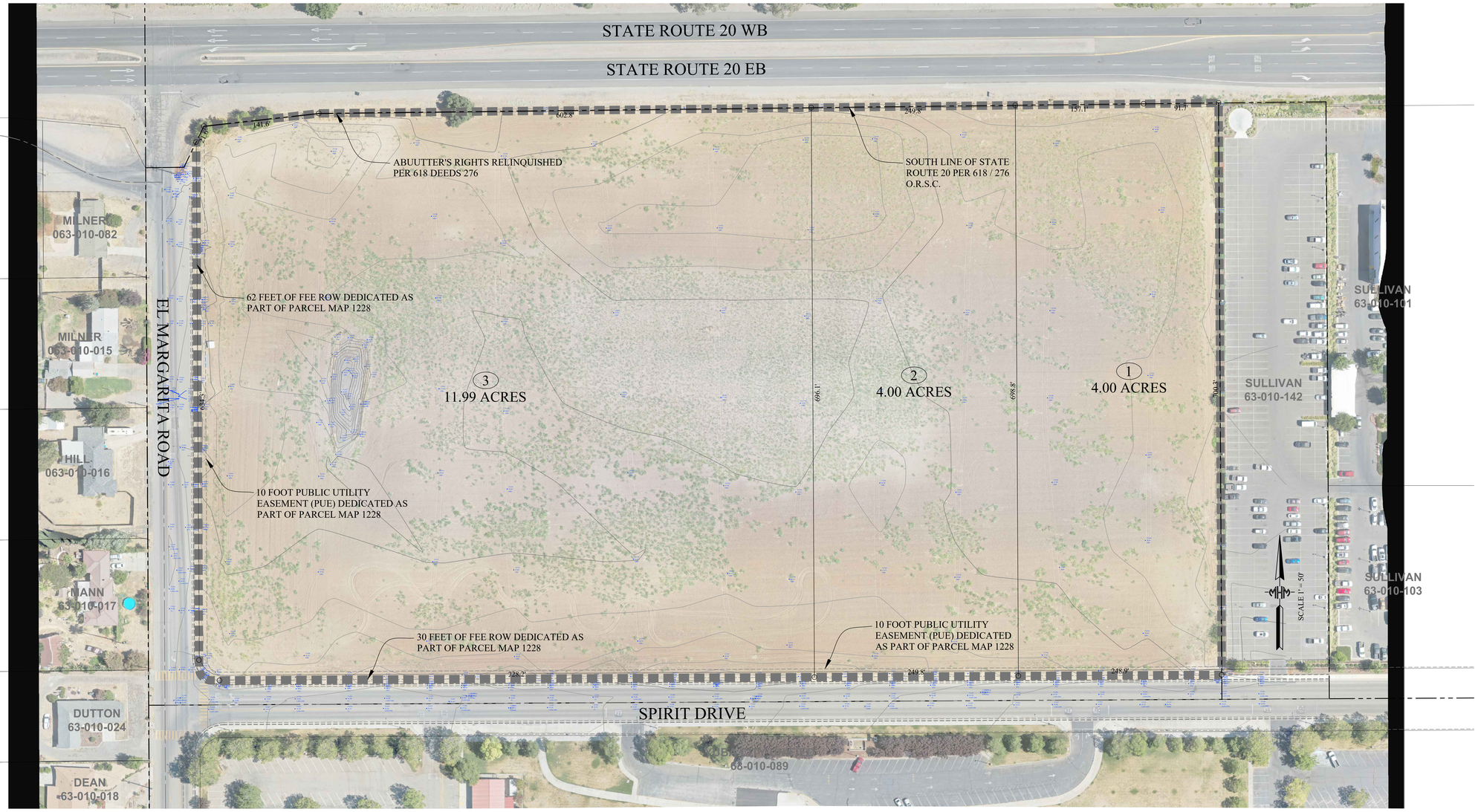
SEAN MINARD, P.E. 52593, P.L.S. 8397

CITY OF YUBA CITY PLANNING COMMISION APPROVAL:
THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 22-0XX APPROVING TENTATIVE PARCEL MAP NO. XXXX DURING THE PLANNING COMMISSION MEETING ON _____, 2022.

CITY OF YUBA CITY DATE:

CITY OF YUBA CITY COUNCIL APPROVAL:
THE CITY OF YUBA CITY COUNCIL HAS CONSIDERED AND APPROVED RESOLUTION 22-0XX APPROVING REZONE AND GENERAL PLAN AMENDMENT DURING THE CITY COUNCIL MEETING ON _____, 2022.

CITY OF YUBA CITY DATE:



PROJECT NOTES

OWNER
CALVARY CHRISTIAN CENTER ASSEMBLY OF GOD OF YUBA CITY
2620 COLUSA HIGHWAY
YUBA CITY, CA 95993
CONTACT: PASTOR CIOCIOLA
PHONE: (530) 673-6035

APPLICANT
YANNI LIMITED LLC
350 ORANGE DRIVE
VACAVILLE, CA 95687
CONTACT: RAMI YANNI
PHONE: (707) 474-4842

ENGINEER/SURVEYOR
MHM INCORPORATED
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
CONTACT: SEAN MINARD, P.E., P.L.S.
PHONE: (530) 742-6485

ASSESSOR'S PARCEL NO.
APN 63-010-141 (19.99 AC)

AREA OF TENTATIVE MAP
19.99 GROSS ACRE

EXISTING USE
VACANT

EXISTING GENERAL PLAN DESIGNATION
OFFICE & OFFICE PARK

PROPOSED GENERAL PLAN DESIGNATION
PARCEL 1 AND 2 - REGIONAL COMMERICAL
PARCEL 3 - OFFICE & OFFICE PARK

EXISTING ZONING
C-0X19

PROPOSED ZONING
PARCEL 1 AND 2 - C-3X24/25
PARCEL 3 - C-0X19

LEVEE PROTECTION
LEVEE DISTRICT NO. 9 OF SUTTER COUNTY

ELEMENTARTY SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

HIGH SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

IRRIGATION DISTRICT
NONE - INDIVIDUAL WATER WELLS

FIRE PROTECTION
CITY OF YUBA CITY FIRE DEPARTMENT

LAW ENFORCEMENT
CITY OF YUBA CITY POLICE

SANITARY SEWER
CITY OF YUBA CITY PUBLIC WORKS

DOMESTIC WATER
CITY OF YUBA CITY PUBLIC WORKS

STORM DRAINAGE
CITY OF YUBA CITY PUBLIC WORKS AND SUTTER WATER AGENCY

ELECTRICITY
PACIFIC GAS AND ELECTRIC

NATURAL GAS (OPTIONAL)
PACIFIC GAS AND ELECTRIC

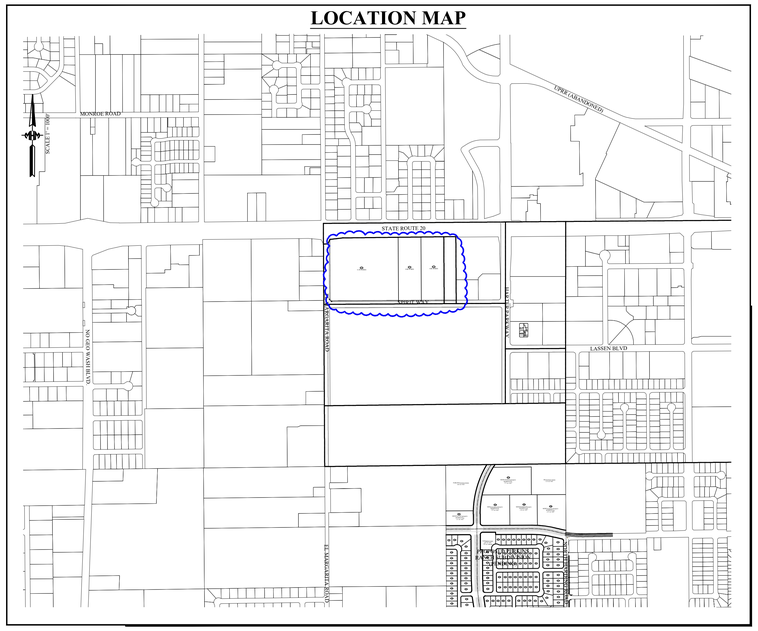
COMMUNICATION
AT&T AND COMCAST

CABLE (OPTIONAL)
COMCAST

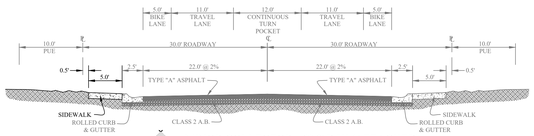
GENERAL NOTES:

1. SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT.
2. A 10.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED PROVIDED ON ALL STREETS. THE PUBLIC UTILITY EASEMENT (PUE) WAS PREVIOUSLY DEDICATED AS PART OF PARCEL MAP 1228. NO ADDITIONAL DEDICATION REQUIRED.
3. THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY, ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
4. THIS IS AN APPLICATION FOR A TENTATIVE PARCEL MAP, REZONE, AND GENERAL PLAN AMENDMENT. A DEVELOPMENT PLAN WILL BE SUBMITTED SEPARATELY IF REQUIRED.
5. PARCEL NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
6. ALL EXISTING STRUCTURES, SEPTIC TANKS, AND WELLS TO BE REMOVED OR DESTROYED PRIOR TO CONSTRUCTION.
7. OWNERS, APPLICANT, ATTORNEY, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.

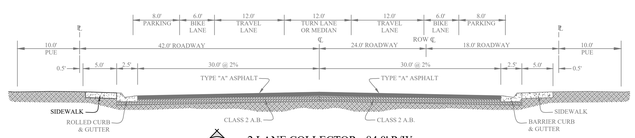
LOCATION MAP



0 25' 50' 100' 200'



A MINOR COLLECTOR - 60.0' R/W (ATTACHED)
NOT TO SCALE
NO IMPROVEMENTS PROPOSED AT FINAL MAP
ALL IMPROVEMENT ARE PROPOSED AT BUILDING PERMIT FOR EACH PARCEL



B 2 LANE COLLECTOR - 84.0' R/W
NOT TO SCALE
EL MARGARITA ROAD (LOOKING SOUTH)
NO IMPROVEMENTS PROPOSED AT FINAL MAP
ALL IMPROVEMENT ARE PROPOSED AT BUILDING PERMIT FOR EACH PARCEL

2 INDICATES PROPOSED PHASE

M·H·M
ENGINEERS & SURVEYORS SINCE 1892
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

ATTACHMENT 6

Environmental Assessment 22-15

Initial Study and Mitigated Negative Declaration for General Plan Amendment 22-06, Rezone 22-08, and Tentative Parcel Map 22-04, Spirit Drive Parcel Map. The proposal will redesignate in the General Plan and rezone 8 acres from Office to Regional Commercial. A parcel map proposes to divide 19.99 acres (the 8 acres discussed above plus 11.99 acres) from a single parcel into three parcels of 4, 4, and 11.99 acres.

Prepared for:

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

Denis Cook
Land Use Planning Consultant

and

City of Yuba City
Development Services Department
Planning Division

November 14, 2022

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CITY OF YUBA CITY
Development Services Department
Planning Division
1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City) from proposed General Plan Amendment (GPA) 22-06, Rezone (RZ) 22-08, and Tentative Parcel Map (TPM) 22-04 on a 19.99-acre parcel, titled Spirit Drive Parcel Map. The property is located at the southeast corner of State Route 20 and El Margarita Road.

The GPA will redesignate 8.0 acres from Office and Office Park (O) land use designation to a Regional Commercial (RC) designation. The remaining 11.99 acres will remain in the O land use designation.

The RZ will rezone the same properties from an Office Commercial Zone District combined with the X_{19} Zone District (C-O X_{19}) to a General Commercial (C-3) Zone District. The deletion of the X_{19} Zone District would eliminate requirements for development of this property from paying its fair share of improvements to the Walton Avenue/Lassen Boulevard intersection, the Tharp Road/Lassen Boulevard intersection, as new standards have superseded that need. The remaining 11.99 acres will remain in the C-O X-19 Zone District.

TPM 22-04 will divide the 19.99-acre parcel into two – 4-acre parcels (the same 8 acres as the GPA & RZ) and a 11.99-acre parcel for which the general plan and rezoning is not proposed to be amended. While no actual development project is proposed as part of this application, the Regional Commercial land use designation and accompanying C-3 zoning allows for an entire range of commercial uses.

The 19.99-acre vacant property has full City services available to it. The applicant has indicated that they will propose to construct a car dealership(s) on either or both of the two 4-acre parcels. There is a previously approved use permit to construct a church on the 11.99-acre parcel.

The GPA/RZ/PM is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the Project. The Project requires discretionary review by the City of Yuba City Planning Commission and City Council.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the proposed GPA/RZ/TPM and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section

15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The IS identified potentially significant effects, but:

    a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

This IS/MND contains four chapters. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

The proposed GPA/RZ/TPM will undergo a public review process by the Planning Commission that will result in a recommendation by the Planning Commission to the City Council followed by a public review by the City Council which will decide on the project. If approved as proposed, the 19.99-acre Project will consist of two – 4- acre parcels designated as Regional Commercial, and an 11.99-acre parcel designated for Office uses. This public review process is needed to assure that the project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this project and a mitigated negative declaration has been prepared for this project.

1.5. Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed Project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at http://www.yubacity.net. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 30-day review period will commence on November 14, 2022 and end on December 14, 2022 at the conclusion of the Planning Commission hearing.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993
e-mail: developmentservices@yubacity.net
Phone: 530.822.4700

2. Project Description

2.1. Project Title

General Plan Amendment (GPA) 22-06, Rezone (RZ) 22-08 and Tentative Parcel Map (TPM) 22-04 titled Spirit Drive Parcel Map.

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, AICP
Deputy Director of Development Services
(530) 822-3231
developmentservices@yubacity.net

2.4. Project Location

The 19.99 acres are located on the southeast corner of State Route 20 (Colusa Highway) and El Margarita Road. The Assessor's Parcel Number is 63-010-141.

2.5. Project Applicant

Yanni Limited L.L.C.
641 Orange Drive
Vacaville, CA 95688

2.6. Property owner

Calvary Christian Center
2620 Colusa Highway
Yuba City, CA 95993

2.7. General Plan Designation

Existing: The Project is within the Office and Office Park (O) land use designation.

Proposed: Regional Commercial (RC) designation for only the two proposed four-acre parcels. No change is requested for the proposed 11.99-acre parcel.

2.8. Zoning

Existing: The 19.99-acre Project is within the Office Commercial Zone District combined with the X_{19} Zone District (C-O X_{19}).

Proposed: General Commercial (C-3) Zone District for the two proposed four-acre parcels. No change is requested for the proposed 11.99-acre parcel, as it will remain zoned C-O X_{19}.

Figure 1: Location Map – aerial photo.

Figure 2: General Plan Amendment (GPA) 22-06

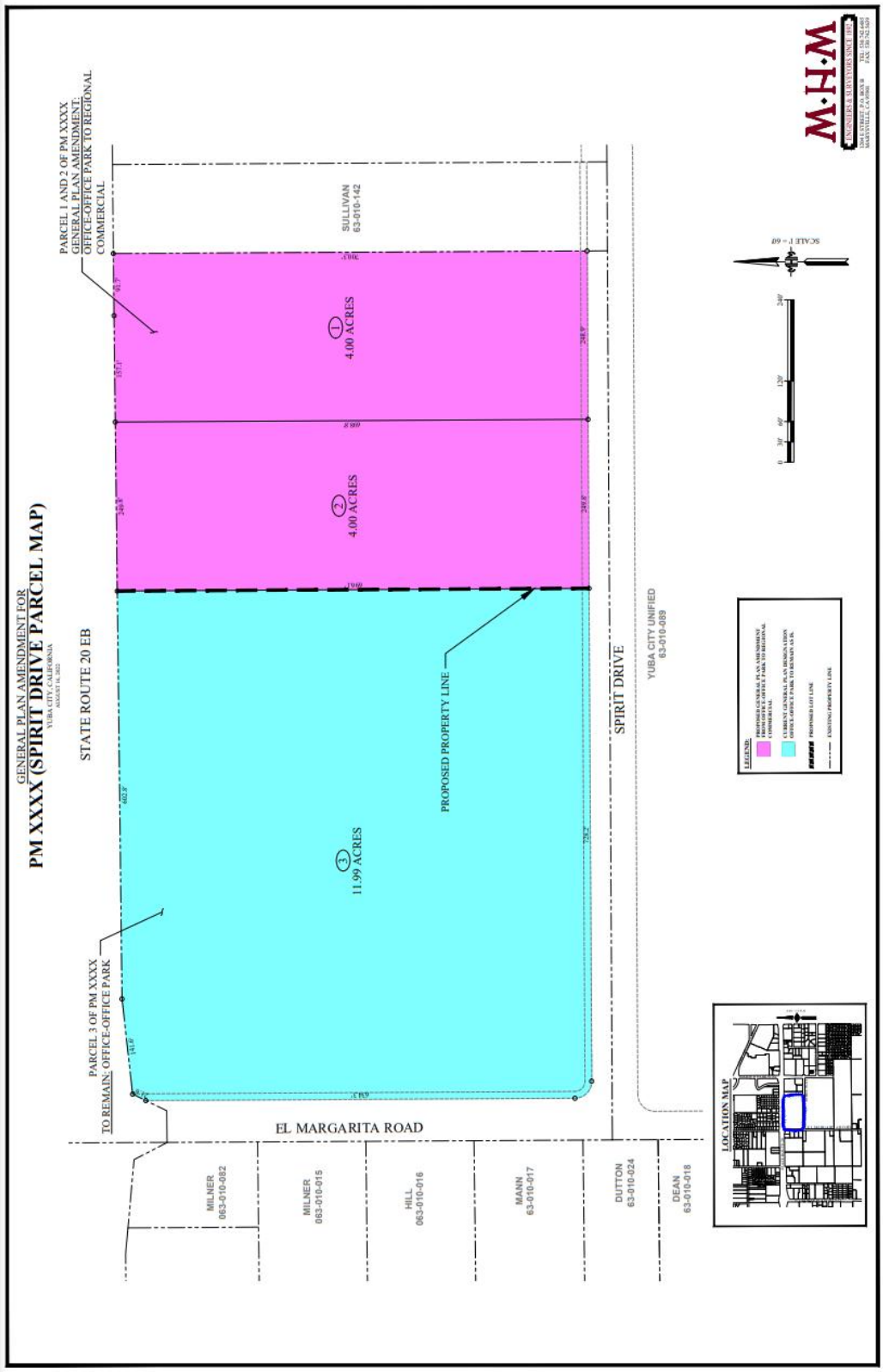


Figure 3: Rezone (RZ) 22-08

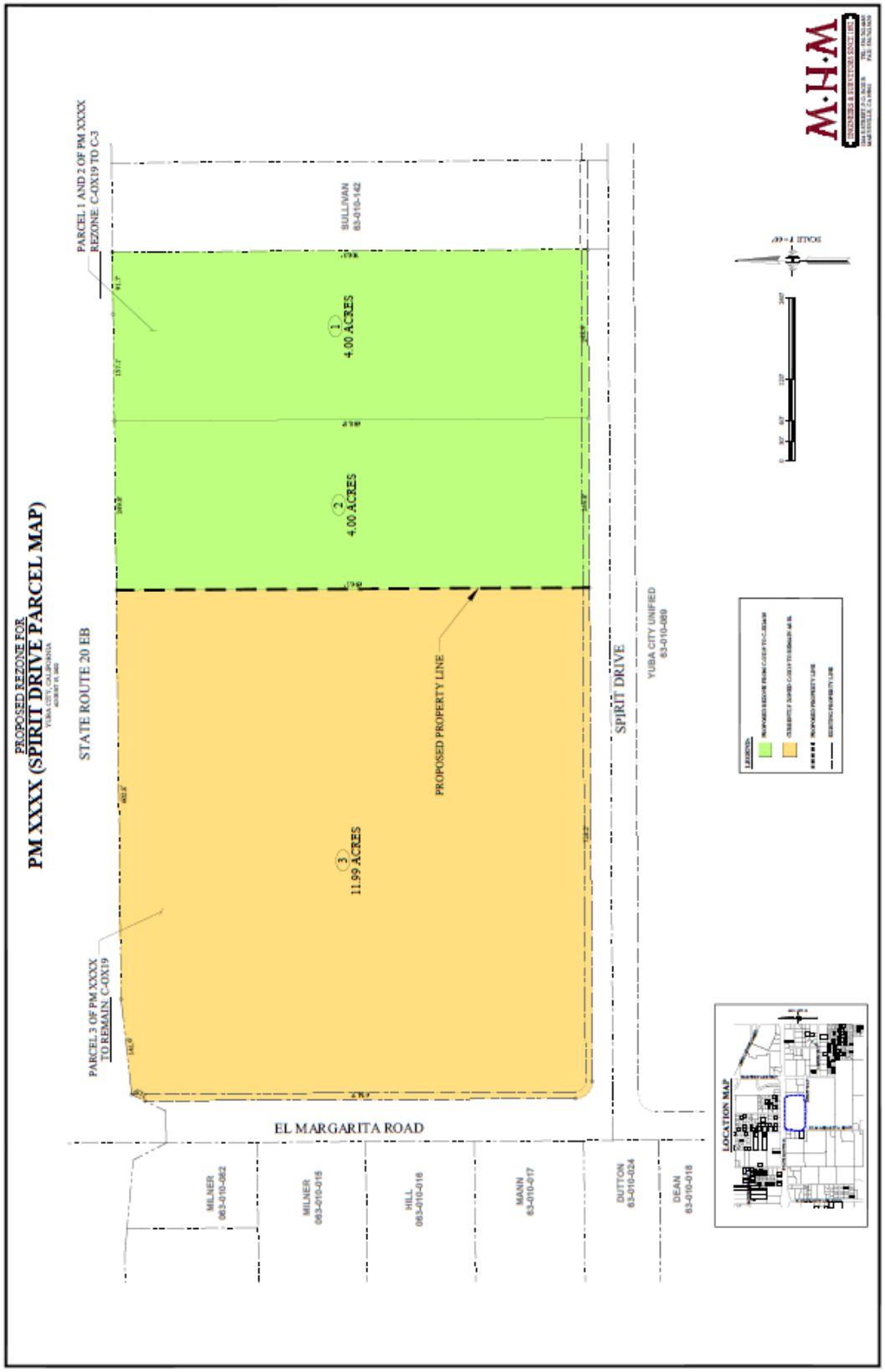
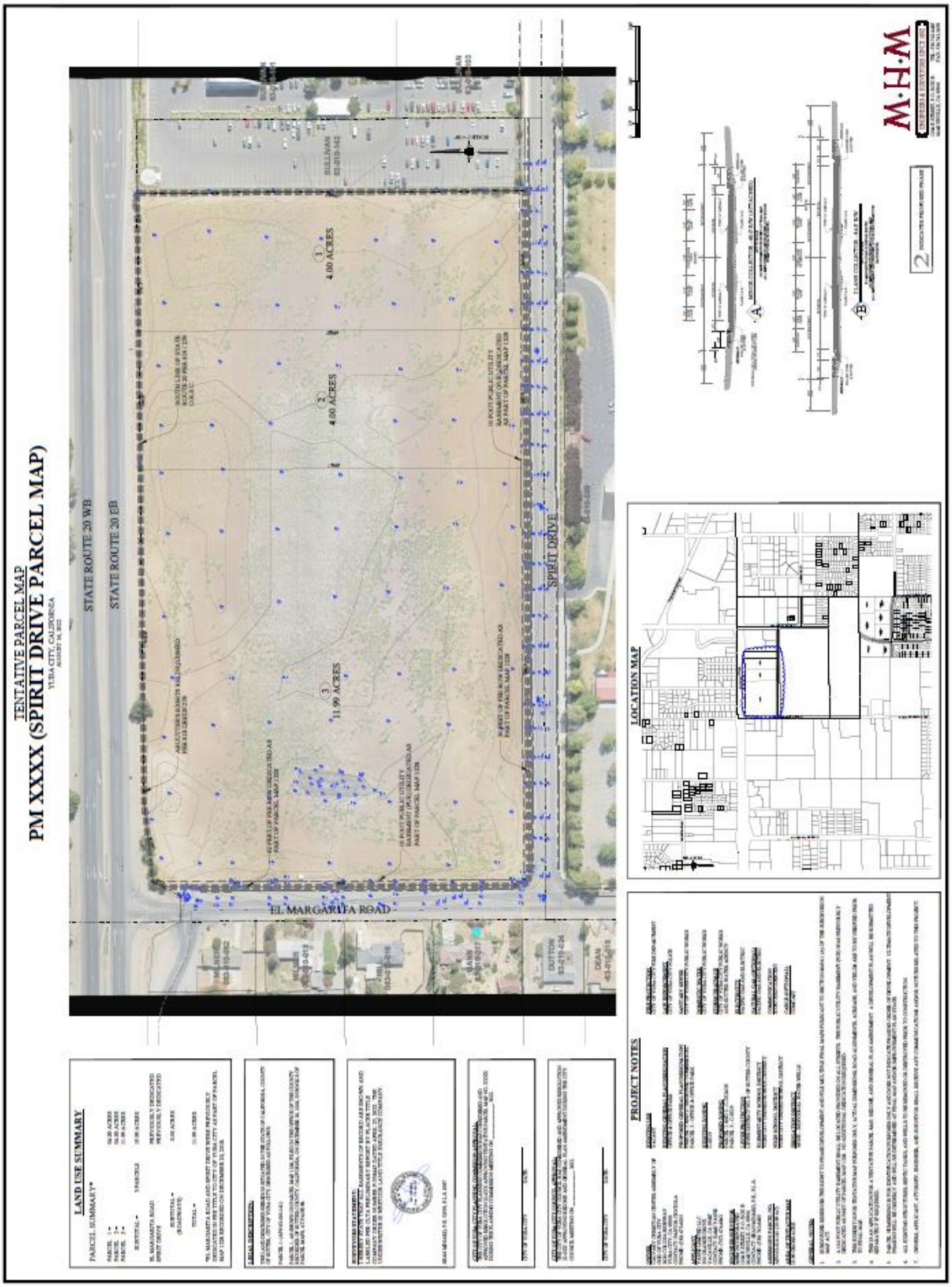


Figure 4: Tentative Parcel Map (TPM) 22-04



2.9. Project description

GPA 22-06, RZ 22-08 and TPM 22-04, is requested for a 19.99 parcel, titled Spirit Drive Parcel Map. The GPA will redesignate 8.0 acres from Office and Office Park (O) land use designation to a Regional Commercial (RC) designation. The remaining 11.99 acres will remain in the O land use designation.

The RZ will rezone the same properties from an Office Commercial Zone District combined with the X_{19} Zone District (C-O X_{19}) to a General Commercial (C-3) Zone District. The deletion of the X_{19} Zone District would eliminate requirements for development of this property from paying its fair share of improvements to the Walton Avenue/Lassen Boulevard intersection, the Tharp Road/Lassen Boulevard intersection, as new standards have superseded that need. The remaining 11.99 acres will remain in the C-O X-19 zone District.

TPM 22-04 will divide a 19.99-acre parcel into two – 4-acre parcels (the same 8 acres as the GPA & RZ) and a 11.99-acre parcel for which the general plan and rezoning is not proposed to be amended. While no actual development project is proposed as part of this application, the RC land use designation and accompanying C-3 zoning allows for the entire range of commercial uses.

The 19.99-acre vacant property has full City services available to it. The applicant has indicated that they will propose to construct a car dealership(s) on either or both of the two 4-acre parcels. There is a previously approved use permit to construct a church on the 11.99-acre parcel.

2.10. Surrounding Land Uses and Setting

Setting: The 19.99-acre flat property is vacant. There is an approved use permit for a church on the 11.99-acre parcel.

TABLE 1: BORDERING USES	
North:	State Route 20 (Colusa Highway).
South:	Across Spirit Way is River Valley High School.
East:	Auto Dealership.
West:	Single-family residences across El Margarita Road.

2.11. Other Public Agencies Whose Approval May be Required

- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
- Central Valley Regional Water Quality Control Board.
- Sutter County Water Agency (Live Oak Canal).

2.12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

All geographically relevant Native American tribes were timely notified of the project, and consultation was not requested.

2.13 Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources		Air Quality
	Biological Resources	X	Cultural Resources		Energy
X	Geology/Soils	X	Greenhouse Gas Emissions		Hazard & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
X	Noise		Population/Housing		Public Services
	Recreation	X	Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

Ben Moody
Director of Public Works and Development Services

2.14 Evaluation of Environmental Impacts:

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3.1: Aesthetics

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In nonurbanized 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 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.			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located approximately 7 miles northwest of the project site, are visibly prominent throughout Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. The goal of the City's design guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. The design guidelines apply to all commercial development. However, this proposal does not include an actual development project, so no design review is involved with this process. Design Review will be utilized when a development is proposed.

3.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include the Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

3.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official

designation of state scenic highways. There are no designated state scenic highways in the vicinity of the project site.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

3.1.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect on a scenic vista?

There are no designated scenic areas within the vicinity, so there would not be impacts on a designated scenic area.

The primary background view of the property from the SR 20 passersby looking south is across the vacant Project area towards River Valley High School. Views to the Sutter Buttes from SR 20 will not be impacted as the Buttes are northwest of the project. With the development of this project, the view of the high school from the highway will be reduced, but this has not been considered a scenic vista. Development of this property that could result from this action will have to be reviewed for its aesthetic values at that time. As such, the aesthetic impact on the background views from this project is considered to be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The site is unremarkable in that it is flat with no topographic features, rock outcroppings, large heritage type trees, or buildings. As there is no actual development proposed as part of this application, design review and potential conflicts with zoning standards will be considered when a development proposal is submitted. As such, this GPA/RZ/TPM will have less than significant impacts on aesthetics.

c) In nonurbanized areas, substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from 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.

The project is within the Yuba City urbanized area. While there is not a development project proposed, the approval of this GPA/RZ/TPM could lead to development of the property. The effect a future project will have on the local aesthetics will occur when a development project is proposed. A review of impacts on the visual character of the site and its surroundings will be made when a development project is being considered; however, the City will implement its adopted design guidelines and development standards and this will reduce significant impacts to a less than significant level.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

The project is within the urban area where outdoor lighting is already prevalent. To the east is an auto dealership with extensive outdoor lighting, and to the south is River Valley High School which has night lighting, including night lit athletic fields, and the north in which SR 20 has significant nighttime headlight traffic. While there is not a development project proposed, the approval of this GPA/RZ/TPM could lead to development of the property. The impact a future project will have on the local outdoor lighting will be addressed by the City implementing its adopted design and development standards for lighting at the time a specific project is proposed. As a result, a less than significant impact is anticipated.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3.2: Agricultural and Forestry Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in			X	

conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has 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.
- *Farmland of Statewide Importance.* 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.
- *Unique Farmland.* 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 Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose

of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as "Super Williamson Act Contracts." Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The proposed Project site consists of approximately 19.99-acres that is vacant of any development and also has not been in agricultural use for years. The 2018 Department of Conservation Important Farmland Map for Sutter County identifies the project site as "Grazing Land." The project site is not considered to have Prime Farmland, Farmland of Statewide Importance or Unique Farmland.

As development of this property could result from approval of the GPA/RZ, the loss of agricultural land is considered. Currently all four sides of the site are developed with urban type uses. Further, the property has for many years been designated in the City's General Plan for urban uses, and for which overriding considerations for agricultural land loses within the City's sphere of influence were made in the General Plan EIR. This is part of the larger scope agreed to by the City and Sutter County to allow urban development within the City's sphere of influence, but that the great majority of the County's agricultural lands outside of a city's sphere of influence would be protected as open space. Considering this project

is within the General Plan's area of anticipated loss of agricultural land, the impact on agriculture land loss will be less than significant.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project is currently zoned for urban type uses and the subject property is not under a Williamson Act contract. There will therefore be no impact related to a Williamson Act contract. See discussion above under item 3.2.4.a.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley in a relatively flat area that was utilized for agriculture but designated years ago for urban use. There is no timberland located on the Project site or within the vicinity of the Project. There will be no impact on existing zoning of forestland and the proposal will not cause the rezoning of any forestlands.

d) Result in the loss of forestland or conversion of forest land to non-forest use?

There is no forested land on the Project site or within the vicinity of the Project; therefore, there will be no impact on forest land.

e) 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?

The proposed Project is within an area already served by City services and the surrounding properties are developed with non-agricultural uses. There are no forestlands on the Project site or in the vicinity. No properties within the area are under a Williamson Act contract. Therefore, the impacts on agricultural lands from this proposal will be less than significant.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3.3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the

SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north- south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as “attainment” for that pollutant. If an area exceeds the standard, the area is classified as “non-attainment” for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated “unclassified.”

Ambient Air Quality Standards: Both the federal and State government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and State ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O3): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NOX), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-

based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NOX): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO2) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NOX are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM10) and Fine Particulate Matter (PM2.5): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO2): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the

lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six "criteria" pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off- road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for

attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

There is no development plan proposed as part of this GPA/RZ/TPM. However, approval of this request could result in development of eight acres with uses permitted by the C-3 Zone District. As such, grading the site would briefly create equipment exhaust and fugitive dust from this activity. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from the new development. Standards set by FRQAMD, CARB, and Federal agencies relating to a proposed Project will apply to this Project. Prior to the initiation of construction, a Fugitive Dust Control Plan would be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction.

Since the developer(s) for any uses that could result from this GPA must prepare an air quality analysis and incorporate the resulting conditions into the project, and that a fugitive dust control plan be submitted prior to beginning work on a project, any potential significant environmental impacts should be reduced to less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Any development that would result from this GPA/RZ/TPM would generate some criteria pollutants during its construction and from vehicle traffic generated by the new development. However, this GPA/RZ/TPM will not in itself generate any air pollutants. Until an actual development project is proposed air quality impacts cannot be known; however, the City will implement its adopted standards and best management practices to minimize impacts. Future developers will be required to pay the appropriate adopted air quality fee to FRAQMD at the time a specific development project is proposed. Therefore, the cumulative impacts from this proposal are considered to be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment.

River Valley High School, which is located across the street from the proposal is a nearby sensitive receptor. The proposed Project could lead to development that would result in the generation of criteria pollutants during the limited period of site grading and construction. As such FRAQMD adopted criteria must be satisfied, and a condition is included to assure that occurs before the tentative map is recorded.

The Best Management Practices (BMPs) that can be used to reduce the impact to sensitive receptors from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

Therefore, due to the temporary nature of construction and assuming all FRAQMD criteria is met as required, the nearby school students would not be subjected to long-term exposure to diesel particulate

matter. Therefore, any exposure of these students to pollutant concentrations would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No specific development is proposed, however, most uses allowed for by the C-3 Zone District typically do not generate objectionable odors. However, any future development would have to be evaluated on its own merits as part of the review process at that time.

3.4. Biological Resources

Table 3.4: Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect 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 Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?				X

3.4.1. Environmental Setting/Affected Environment

The 19.99 acres is level and is within the Yuba City urbanized area and surrounded on all sides by other development. The four lane SR 20 is on the property's north side. There are no riparian areas or known critical habitat areas on-site or in the vicinity.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal "endangered species" legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- 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.
- All interstate waters including interstate wetlands.

- 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.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high-water marks" on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define "endangered" and "rare" as specified in CEQA Guidelines section 15380(b).

3.4.3. Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources within the project area:

8.4-G-1 Protect special status species, in accordance with State regulatory requirements.

8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.

8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.

8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities

8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.

8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

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 Game or U.S. Fish and Wildlife Service?

Response provided in section b) below.

b) Have a substantial adverse effect 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 Game or U.S. Fish and Wildlife Service?

A review of the site identified no native trees on the site. There are no wetland areas or creek corridors or areas that appear to be sensitive habitat areas. The site is several miles from the Feather River. There were no known special status species identified within by the General Plan in the vicinity. Therefore, the impacts on biological resources would likely be considered less than significant. Any future project that could result from this GPA/RZ/TPM would have to be evaluated on its own merits. For this project, a less than significant impact is anticipated.

c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. There would be no impact on any wetland areas or waterways.

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?

The proposed Project would not disturb any waterways, as the nearest waterway is the Feather River, being several miles to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. As such there would be no significant impacts on fish or wildlife habitat.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No trees or other known biological resources that would be protected by local policies or ordinances remain on the proposed Project site. Therefore, there would be no significant impacts on biological resources caused by this project.

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?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.5. Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outsides of formal cemeteries?		X		

3.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, 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; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of

Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- 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.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code 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 whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, on August 19, 2022, the City supplied the following Native American tribes with a project description and map of the proposed project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation

- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians

Additional details on tribal comments are provided in Section 3.18, Tribal Cultural Resources.

3.5.4. Impact Assessment/Environmental Consequences:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

The property is vacant of any structures. There are no above ground buildings or other improvements. As such it is unlikely that there are any historical resources on the property and none have been inventoried in the City General Plan. Therefore, there will be no potential significant impacts on any historical resources, directly or indirectly.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

Response provided in section c) below.

c) Disturb any human remains, including those interred outsides of formal cemeteries?

The 19.99-acre property is vacant with no evidence that it was previously utilized for anything other than farming. No formal cemeteries or other places of human internment are known to exist on the proposed Project site. Further, the property is tilled annually for weed/fire hazard control, making it even less likely there are any historical resources on the property.

On August 29, 2022 the Mooretown Rancheria responded that they are not aware of any known cultural resources on this site.

In October 2022 the United Auburn Indian Community did respond to these proposed mitigation measures (See section 3-18: Tribal Cultural Resources) stating that they are satisfied with the mitigation measures.

Additional detail on tribal comments is provided in Section 3.18, Tribal Cultural Resources.

3.6 Energy

Table 3.6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

There is no development project proposed so there will be no direct impacts on energy consumption. However, commercial uses or other type of development permitted by the C-3 Zone District could result from this GPA/RZ/TPM. If so, project construction would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant

and GHG emissions. This electrical consumption would be consistent with construction activities of a similar character; therefore, the use of electricity in construction activities would not be considered wasteful, inefficient, or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified. Overall, project construction would typically not consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Following construction of a project, the main sources of energy consumption would be for building operations and other operations, and vehicle usage. However, the operations of the new business(es) and their associated vehicles will have to be evaluated when a development application is submitted.

Project impacts related to energy consumption from this non-development proposal are considered less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Development that could result from this Project would be required to be consistent with applicable state and local plans to increase energy efficiency. Consideration of energy efficiency would have to be determined when a development is proposed.

3.7 Geology and Soils

Table 3.7: Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	

c) Be located on a geological 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?				X
d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?				X
e) 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?				X
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1 Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the County. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters into the County. Both Faults are listed as non-active faults but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known

active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does

subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2 Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings, and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance

and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.3 State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

3.7.4 Impact Assessment/Environmental Consequences:

a) Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. 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?

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes,

but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Considering that the Building Code incorporates construction standards for minimizing earthquake damage to buildings, and the low potential for a significant earthquake activity in the vicinity, the potential for adverse impacts from an earthquake is less than significant.

ii. Strong seismic ground shaking?

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the building codes reduce the potential impacts to less than significant.

iii. Seismic-related ground failure, including liquefaction?

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a risk in the City limits or within the City's Sphere of Influence.

b) Result in substantial soil erosion or the loss of topsoil?

Development of the property that could result from this GPA/RZ/TPM would result in approximately 19.99 acres of ground being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Sutter County drainage system. However, as part of the grading and construction of the property, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion are less than significant.

c) Be located on a geological 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?

See d) below.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils.

e) 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?

All new development that could result from this Project will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new impacts from septic systems.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Due to prior ground disturbances for agricultural uses it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered:

3.7.5 Paleontological Mitigation Measures

Paleontological Mitigation Measure 1: Mitigation Measure # 1 shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department @ 530-822-5145.

Mitigation shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey in the vicinity that potential paleontological resource was found, as determined by the paleontologist;

2. Assess effects on identified sites;

3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;

4. Obtain comments from the researchers;

5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.

In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

With the application of this mitigation measure to any future development project the impacts on paleontological resources will be less than significant.

3.8 Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when 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 addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- Local Control: The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- Energy and Resource Efficiency: The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.

- Improved Public Health: Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Response provided in section b) below.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The construction of commercial facilities that could result from approval of this GPA/RZ/TPM would generate GHG emissions due to the use of motorized construction equipment. The emissions will be from construction equipment during the construction process. Once completed, vehicle traffic generated by auto use will contribute GHG gases. Due to the small size of the of a project that could result from this action, it is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires any future project that could result from approval of this GPA/RZ/TPM to incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

3.8.4 Greenhouse Mitigation Measure

Greenhouse Gas Mitigation Measure 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9 Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) 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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) 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?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.				X

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting, and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce

regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) 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 (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid

Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these

six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Response provided in section b) below.

b) 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?

As no development is proposed from this GPA/RZ/TPM any future hazardous materials will be from a future development. This includes those materials associated with grading and construction equipment, which typically includes solvents, oil, and fuel. Provided that these materials are legally and properly used and stored, a proposed project will not create a significant hazard to the public or the environment. On an ongoing basis the only anticipated hazardous waste would be from small business generated hazardous waste. Assuming proper and legal disposal of those wastes there should also not be a significant impact from hazardous materials. However, any future development project will have to be evaluated on its own merits.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

River Valley High School is located immediately south of this site. Any development that could result from approval of this GPA/RZ/TPM would likely generate some construction equipment emissions. However, the time for operating equipment on the site is short. Assuming proper use of the fuels, solvents, and oil for the grading and paving equipment, there should not be any significant impacts to the school students. Similarly, for household hazardous waste generated by new residences, assuming proper and legal use and disposal there will be no significant impacts to the school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?

The property is not on any listings of sites that are contaminated by hazardous wastes. Therefore, there is not a potential for significant impacts from a known hazardous materials site.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The site is not located within the Sutter County Airport Comprehensive Land Use Plan, nor is it within two miles of a public use airport.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. Accordingly, there will be no significant impacts on emergency response or evacuations plans.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The site is located in an urban area and the urban area is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate vicinity. Accordingly, there will be no significant impacts from potential wildland fires.

3.10 Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	
c) 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:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) 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?			X	
Iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood

Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter- Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.

- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.
- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled, or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5 if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity, and quality of the rock, sand, and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014, Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a groundwater well in addition to surface water supplies due to recent drought conditions. Since any development that could result from this GPA/RZ/TPM will only receive water through the City system, it is unlikely that the project could impact the water quality in the City system.

All of the wastewater generated by any new development that could result from this GPA/RZ/TPM will flow into the City wastewater treatment facility which is in compliance with all state water discharge standards. The wastewater from the potential development is not expected to generate any unique type of waste that would cause the system to become out of compliance with state standards. However, when an actual development project is proposed, a more detailed review of waste or pollutant generation will have to be conducted.

All storm water runoff associated with the project will drain into the Live Oak Canal and ultimately into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

With the level of oversight on the City's water supply, and enforcement of Best Management Practices at construction sites, there will not be significant impacts on the City's water and waste-water systems or storm water drainage system from any development projects that could result from this GPA/RZ/TPM.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?

All development that could result from this GPA/RZ/TPM would be connected to the City's water system. While consumer consumption of City water will increase with the project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water supplies in its system.

c) 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:

i) result in substantial erosion or siltation on- or off-site?

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

iii) 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?

There will be an increased amount of stormwater drainage caused by new impermeable surfaces created by any new development that could result from this GPA/RZ/TPM, which will ultimately drain into the Feather River. The project will be required to construct the local collection facilities and pay the appropriate fees to the Sutter County Water Agency for its fair share of improvements and expansion to the existing drainage system that will be connected too. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the site.

Iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, there is no impact on the high-water flows within the Feather River levee system.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any big lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely that the project site would be subject to inundation by a seiche, tsunami, or mudflow or landslide. Therefore, there is no potential for significant impacts from any of these types of events.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Regarding impacts on a groundwater management plan, the City primarily utilizes surface water from the Feather River for its water supply, so any impact on groundwater would be less than significant. Regarding water quality, as noted in Part a) above, all new construction is required to utilize of Best Management Practices. Assuming all required standards are met water quality of runoff water from any development that could result from this GPA/RZ/TPM will not create any significant impacts. The City primarily utilizes surface water for its water source so there will be no significant impacts on groundwater.

3.11 Land Use and Planning

Table 3.11: Land Use and Planning

Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	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?			X	

3.11.1 Environmental Setting/Affected Environment

The proposed GPA/RZ is on 8 acres of a 19.99-acre property for which the three-lot parcel map is proposed. The property is abutted by a mix of uses. East is an auto dealership, west are single-family residences, south is a public high school, and State Route 20 is on the north side. This 19.99 acres has been planned for office type uses. The GPA/RZ would expand the allowable uses of eight of the 19.99 acres by allowing for a full range of commercial uses.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

This GPA/RZ will not physically divide an established community. The proposal is within an existing non-residential area, being surrounded on three sides by non-residential uses. Although the GPA/RZ is not accompanied by a development project, potential future development will be non-residential in nature, located within a non-residential area. As the existing surrounding uses are already eclectic in nature, this proposal is not expected to divide the community. Therefore, the impacts of this proposal on dividing the community will be less than significant.

b) 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?

The revision of the General Plan and Zoning regulations from only allowing office and related uses to providing for a full range of commercial uses for eight of the 19.99 acres is in itself a change in regulations. This initial study has not identified any City land use plans or policies that will be violated by this proposal. However, specific projects will have to be reviewed on their own merits at the time of application. As the proposed change in land use designation in itself is not in conflict with any land use policies, it will not create any significant environmental impacts due to conflicts with any plans or programs.

3.12 Mineral Resources

Table 3.12: Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Response provided in section b) below.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City limits, and no mineral extraction facilities currently exist within the City. Additionally, the site has nearby residential uses, which generally is considered incompatible with mineral extraction facilities. As such the project will not have an impact on mineral resources.

3.13 Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of 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?		X		
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
c) 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?				X

3.13.1 Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the

contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

3.13.2 Environmental Setting/Affected Environment for Groundbourne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV), or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

3.13.3 Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage.97 The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.13.4 State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include

a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.13.5 Local Regulatory Setting

The **City of Yuba City General Plan** presents the vision for the future of Yuba City and outlines several guiding policies and policies relevant to noise.

The following goals and policies from the City of Yuba City General Plan[1] are relevant to noise.

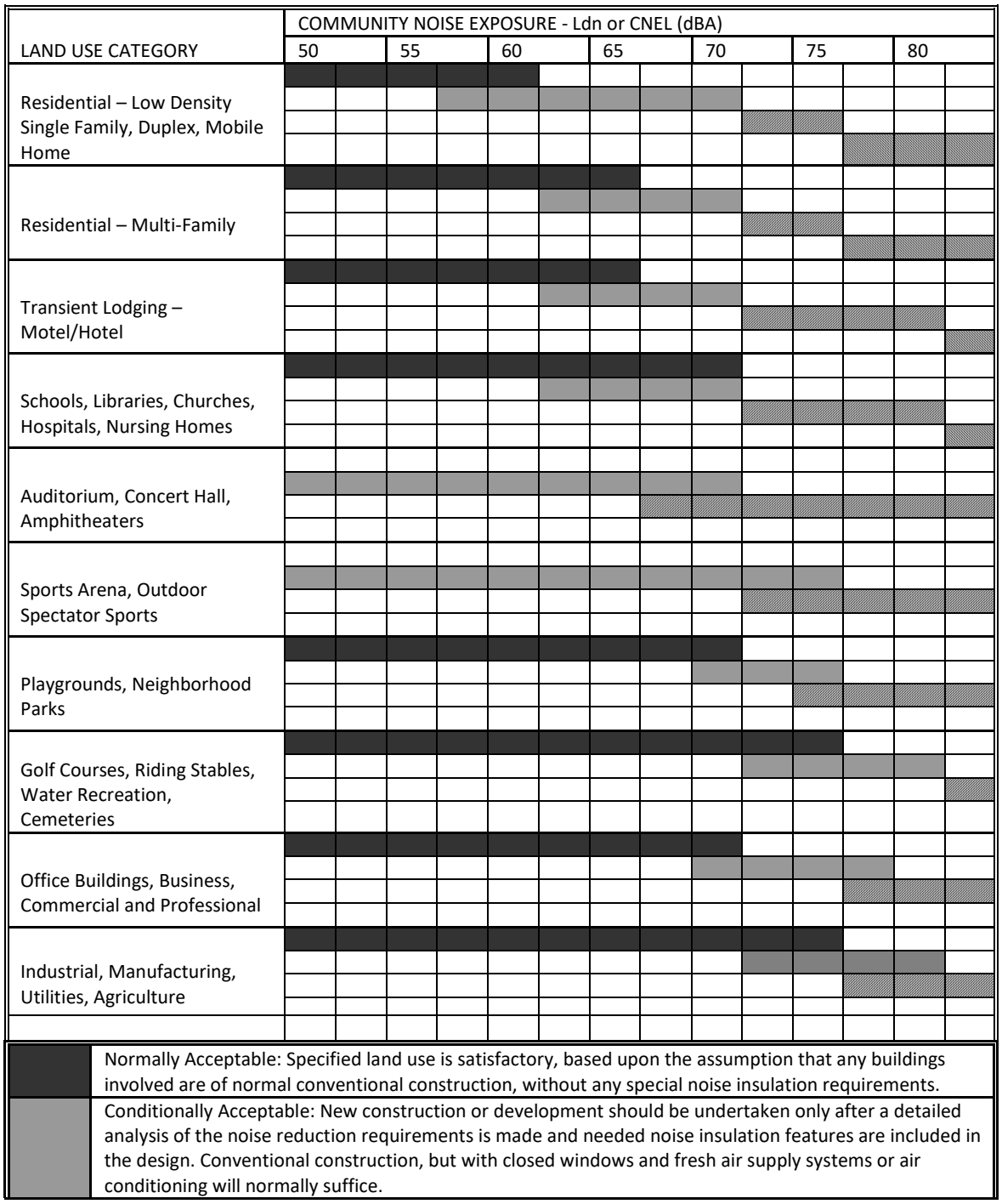
Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment,
- Increase setbacks for noise sources from adjacent dwellings,
- Retain fences, walls, and landscaping that serve as noise buffers,
- Use soundproofing materials and double-glazed windows, and
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.

[1] City of Yuba, 2004. *City of Yuba General Plan.* April 8, 2004.

- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

Figure 1: Noise Exposure



	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development generally should not be undertaken.
Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.	

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

3.13.6 Impact Assessment/Environmental Consequences:

a) Generation of 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 established in the local general plan or noise ordinance, or applicable standards of other agencies?

Noise sensitive uses exist on both the south side of the project site (River Valley High School) and to the west (single-family residences). Although a specific development project is not proposed, the requested commercial zoning will allow for a full range of commercial uses. As such, increased operational noise and increased traffic noise will have to be considered when a specific project is proposed. Temporary construction noise, however, will occur regardless of the ultimate use of the property.

During construction of a commercial project, which will primarily occur during daylight hours, Monday through Saturday, noise from construction activities would contribute to the noise environment in the immediate project vicinity. This could have an impact on the nearby high school and single-family residences.

Activities involved in construction could generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the limited duration of the construction activities, that the construction will occur during the less sensitive daylight hours and considering the distance between the construction area and the existing residences, the noise effects from this activity are expected to be less than significant with mitigation.

Table 1: Noise Levels of Typical Construction		
Type of Equipment [(1)]	dBA at 50 ft.	
	Without Feasible Noise Control [(2)]	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75
[(1)] US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.		

(2) Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications

The construction noise is expected to impact nearby noise sensitive uses during the construction of the project. Due to distance the high school and residences have from the construction activity, and that the City limits the hours of construction to between 6:00a.m. to 9:00 p.m. Monday through Saturday and between the hours of 8:00 a.m. and 9:00 p.m. on Sundays, the temporary noise impacts from construction is considered less than significant. However, that construction could expose the neighboring noise sensitive uses to high levels during the day, Mitigation Measure "Noise Mitigation 1" provided below is recommended to further reduce noise associated with construction. When a specific development project is proposed, any unique noise characteristics that it may generate will have to be considered and the City will implement its existing adopted development standards and design guidelines at that time which are anticipated to reduce potential impacts to a less than significant level.

b) Generation of excessive ground borne vibration or ground borne noise levels?

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 3 describes the typical construction equipment vibration levels.

Table 2: Typical Construction Levels	
Equipment (1)	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
(1) US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.	

Vibration levels of construction equipment in Table 3 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the project, the approximate reduction of 6 VdB for every doubling of distance from the source, and consideration of the distance to the high school and nearest existing residences, the temporary impact to any uses in the vicinity of the project would be less than significant.

c) 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?

The project is not within an airport land use plan. There are no public or private airports or airfields located in this vicinity. Therefore, this impact is not applicable to the Project.

3.13.4 Noise Mitigation Measure

Noise Mitigation Measure 1: The ~~City shall establish~~project shall use the following criteria for the use of construction equipment:

- Construction shall be limited to the hours of 6:00 a.m. to 9:00 p.m. Monday through Saturday, and the hours of 8:00 a.m. to 9:00 p.m. on Sundays and state and federal holidays.
- Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
- Unnecessary idling of internal combustion engines is prohibited.
- All stationary noise-generating construction equipment such as generators and compressors are to be located as far as practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- Whenever stationary noise sources – such as generators and compressors – are used within the line of sight to occupied residences (on-site or off-site), temporary barriers shall be constructed around the source to shield the ground floor on the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material equivalent utility and appearance to achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test method E90 or as approved by the Building Official.
- Construction equipment staging areas shall be located as far as feasible from residential area while still serving the needs of construction contractors.
- Equipment and trucks used for construction will use the industry standard noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, whenever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically- or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from exhaust by up to about 10 dB. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dB. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.

3.14 Population and Housing

Table 3.14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The vacant 19.99 acres is abutted on the west side by single-family residential uses and on the south side by River Valley High School, both of which can be sensitive to neighboring commercial development. The north side is the four-lane State Route 20, and an auto dealership is on the east side.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementations of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The City adopted its current Housing Element in 2013.

3.14.4 Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years

(Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.[2]

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.[3]

3.14.5 Impact Assessment/Environmental Consequences:

a) 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)?

The proposed GPA/RZ/TPM could lead to eight acres of commercial development, as well as the remaining 11.99 acres that is currently designated for office development (there is an approved use permit on this 11.99 acres for a church) . As the property is currently surrounded by other development it is essentially an infill project. Urban growth in this area has been planned for many years and City services are currently available to the property. And, while this involves a general plan amendment, the proposal is consistent with the policies in the General Plan, which describes the larger overall land use pattern for the City and all of the basic infrastructure needs to support that growth. Therefore, unplanned growth resulting from this Project will not occur and as a result will not generate any potential for significant impacts.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There will be no residences removed as part of this proposal nor has housing previously been considered for this property. Therefore, there will not be impacts on housing.

3.15 Public Services

Table 3.15: Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant				

2 Sacramento Area Council of Governments. 2012. Regional Needs Housing Plan 2013-2021. Adopted September 20, 2012. Page 4. Table 1.

3 Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: http://www.sacog.org/about/. Accessed July 25, 2017.

environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services including streets, water, sewer, and stormwater drainage will also be provided by Yuba City. The nearby Tierra Buena School and River Valley High School are part of the Yuba City Unified School District.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. Since new development pays development impact fees intended to offset the cost of additional fire facilities and equipment costs resulting from this growth, the impacts on fire services will be less than significant.

Police Protection: The Yuba City Police Department will provide police services to the site. The Police Department reviewed the proposal and did not express concerns. Since new development will pay development impact fees that intended to offset the cost of additional police facilities and equipment resulting from this growth the impacts on police services will be less than significant.

Schools: Expanding or new businesses can create a demand for housing via its employees. However, new residences that may result from expanded employment opportunities will pay the Yuba City Unified School District adopted school impact fees that are intended to provide the new resident's fair share for expanded or new educational facilities needed to accommodate this new growth. Therefore, the impact on schools will be less than significant.

Parks: The City charges a park impact fee for each new residence that is utilized to purchase parkland and construct new parks. Commercial development typically does not generate significant demand for parks. Therefore, the impact on parks from this project will be less than significant.

Other Public Facilities: The project will be connected to City water and wastewater systems. Each new connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects development impact fees for County services that are provided to the new residences, such as the library system and justice system.

Accordingly, the project will have a less than significant impact with regard to the provision of public services.

3.16 Recreation

Table 3.16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Since there is no residential development associated with the Project, development of the property that could result from this GPA/RZ/TPM will not materially increase the use of the City's park system. Therefore, the impact on the City park system from this Project is less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

There is no proposal to provide any on-site recreational facilities, nor does commercial development typically increase demand for park usage. Therefore, the impact on parks from this Project will be less than significant.

3.17 Transportation/Traffic

Table 3.17: Transportation Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?		X		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
d) Result in inadequate emergency access?			X	

3.17.1 Federal Regulatory Setting

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 Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU 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.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

3.17.2. State Regulatory Setting

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled …". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

3.17.3. Impact Assessment/Environmental Consequences:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

<u>Elimination of the X_{19} Zone District:</u> The X_{19} Zone District was originally applied to this property to ensure that when the property is developed it will be responsible for paying its fair share of local transportation needs. Specifically, there were several intersections, including Walton Avenue/Lassen Boulevard and Tharp Road/Lassen Boulevard, that were identified. At that time the improvements needed for these intersections to support local growth were not in place. The X_{19} zoning was added to provide an interim solution to that concern.

Since that time, according to the Public Works Department (November 1, 2022, memo from Ben Moody, Public Works Director - copy provided in Appendix A of this document), other programs have been established. This includes the 2007 Yuba City Update of the AB 1600 Fee Justification Study, 2020 Traffic Model Update, 2021 Road Development Impact Fee Program, 2021 City of Yuba City Cumulative Traffic Forecasts and Operations Analysis, El Margarita Master Plan studies and various site-specific traffic studies performed in the area. Since there are now programs in place that ensure those intersection improvements are improved as nearby property develops, the Project meets General Plan polices. There is also a mitigation measure applied to this Project regarding the impacts from additional traffic on these intersections (discussed further below). As a result, the traffic related impacts are less than significant.

Other Intersections of Concern: There remains other nearby intersections that are not included in the City's Development Impact Fee Program that would be impacted from development of this 19.99 acres. As provided in the Traffic study prepared several years ago for the El Margarita Master Plan (Transportation Impact Study For the El Margarita Master Plan by Fehr & Peers, January 2015), there are four nearby intersections that are currently impacted to the extent that they do not or will not in the future meet City level of service criteria. While much of this is due to traffic generated by the nearby high school just prior to and after school hours, new development in the vicinity will exacerbate this problem. Those intersections are:

- State Route 20/El Margarita Road
- Franklin Road/El Margarita Road
- El Margarita Road/Spirit Way
- Harter Parkway/Spirit Way

As this GPA/RZ/TPM is not an actual development project, it will not directly generate additional traffic. But because the proposal will potentially allow for more intensive uses than presently allowed it could lead to development that will further exacerbate traffic concerns on these impacted intersections.

At this time the City does not have a program to collect fees towards improving those intersections. As such a mitigation measure is included that provides for new development in this vicinity to pay its fair share for improving those intersections. The mitigation requires that the City determine needed improvements at each of the intersections and the estimated cost be disaggregated per a fair share ratio to be paid by each new project. The mitigation stipulates that no new development occur on these properties prior to implementation of the study results.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. Any project that may result from this GPA/RZ/TPM will likely exceed this criterion, so it is not considered any further in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

Less than 50% of regional average.
50-85% of regional average.
85-100% of the regional average.
115-150% of the regional average.
More than 150% of the regional average.

Per the SACOG maps for the Project area, the estimated average vehicle distance traveled per residence is in the 50-85% range of the norm. In other words, per the SACOG regional screening maps this subdivision is located in an area that meets the 15 percent vehicle trip reduction criteria. Thus, the

transportation impacts from this development is consistent with CEQA Guidelines Section 15063.4(b) and it follows that the traffic impacts generated by this project are considered to be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project will be accessed by several intersections, as discussed in Part a) above. As several of those intersections remain unsignalized, adding additional traffic from projects that could occur from this GPA/RZ/TPM could further increase traffic hazards at these intersections. As provided in Part a), above a mitigation measure is provided below that will reduce these potential impacts to a less than significant level.

d) Result in inadequate emergency access?

The Fire and Police Departments have reviewed the project plans and did not express concerns about emergency access to the property. As such there will not be a potential for any significant impacts on emergency access that could result from future development of this property.

3.17.4 Transportation/Traffic Mitigation Measure

Transportation/Traffic Mitigation 1: Prior to issuing a building permit for any building on this 19.99 acres, developers shall pay to the City a fair share contribution for needed improvements to the intersections listed below, to bring them into conformance with all City policies, programs and standards, as well as other street sections and intersections improvements that are included in the fee program. The intersections are:

- State Route 20/El Margarita Road
- Franklin Road/El Margarita Road
- El Margarita Road/Spirit Way
- Harter Parkway/Spirit Way

Should these identified intersections be subsequently included into an adopted development impact fee program, this mitigation measure shall become null and void.

3.18 Tribal Cultural Resources

Table 3.18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of 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			X	

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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis of the potential environmental impacts related to TCRs is derived primarily from the Environmental Impact Report for the City of Yuba City General Plan (2004) and consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes 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 the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

    a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or

    b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or

    c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological,

cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

Senate Bill 18: Effective since March 2005, it requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance

houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.4 Summary of Native American Consultation

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52. In response to AB 52, on August 19,2022, the City supplied the following Native American tribes with a project description and map of the proposed project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians

3.18.5 Tribal Cultural Resources within Project Area

In the absence of specific information from California Native American Tribes, information about potential impacts to TCRs or Native American Cultural Places can be drawn from the ethnographic context (summarized above) and the results of a search of the Sacred Lands File of the NAHC. The ethnographic information reviewed for the project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current project area. Further, the areas of highest sensitivity are closer to the Feather River. In addition, the Sacred Lands File failed to identify any sacred lands or tribal resources in or near the project area.

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or

- Determined by the City to be significant, as supported by substantial evidence, including:
    - A cultural landscape with a geographically defined boundary;
    - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
    - A unique archaeological resource as defined in Section 21083.2; and/or
    - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

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).

There are no buildings or structures on the property. Additionally, the property has been annually tilled for years. Therefore, the impact on historical resources would not be significant.

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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

On August 29, 2022 the Mooretown Rancheria responded that they are not aware of any known cultural resources on this site.

The United Auburn Indian Community responding to the City's request in an October 8, 2022 email, approved the mitigation measures.

No known TCRs have been identified (as defined in Section 21074) within the proposed project area. Given the level of previous disturbance within the Project area, it is not expected that any TCRs would remain. However, during grading and excavation activities, there is a potential to encounter native soils, which may contain undiscovered TCRs. In the unlikely event resources are discovered during ground disturbing activities that are associated with Native American culture, compliance with the TCR Mitigation Measures provided below would reduce the potential impacts to a less than significant level.

3.18.8 Tribal Cultural Mitigation Measures

Tribal Cultural Resources Mitigation 1: **Post Ground Disturbance:** A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United

Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in Cultural Resources Mitigation Measure 2, below: **Inadvertent/Unanticipated Discoveries Mitigation Measure** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities.

Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.

3.19 Utilities and Service Systems

Table 3.19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
d) 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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to over 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with more than 18,000 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility

that provides a full range of transfer and diversion services. This landfill has a remaining capacity of 39,223,000 cubic yards (90 percent remaining capacity reported in 2007).[4]

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

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4 CalRecycle, 2017. Available: http://www.calrecycle.ca.gov/SWFacilities/Directory/58-AA-0011/Detail/. Accessed August 15, 2017.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Response provided in section b) below.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Any development that could result from this Project will connect to both the City's water and wastewater treatment systems. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate growth. The WTP uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment facilities provides a total WTP capacity of 36 mgd. The City is permitted to draw 30 mgd from the Feather River. The current maximum day use is 26 mgd. The City also has an on-site water well at the water plant that supplements the surface water when needed.

For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City.

The ongoing expansions of those plants to accommodate growth beyond this Project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

Stormwater drainage in this area is provided by a combination of Yuba City drainage lines and the Sutter County Water agency which maintains the Live Oak Canal System. As the Sutter County Water Agency did not comment on the project, the impacts on the stormwater drainage system will be less than significant.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their services to this project site. With these considerations the impact on these types of facilities are expected to be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?

See Parts a) and b), above.

d). 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.

Response provided in section e) below.

e) Comply with federal, state, and local statutes and regulations related to solid waste?

Recology Yuba-Sutter provides solid waste disposal for the area as well as for all of Sutter and Yuba Counties. There is adequate collection and landfill capacity to accommodate the proposed development.

3.20 Wildfire

Table 3.20: Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) 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?			X	
c) 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?			X	
d) 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?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

As discussed in Section 3.17 of this Initial Study, any development that could result from this GPA/RZ/TPM is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Nor has the Police or Fire Department provided comments with concerns. Therefore, the impacts of the Project related to emergency response or evacuations would be less than significant.

b) 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?

The level Project site is within the Yuba City urban area with little, if any, native vegetation remaining, and the Yuba City urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires. In light of this, the exposure of new residents to wildfire is less than significant.

c) 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?

As discussed above, the site is not near any wildland areas and the GPA/RZ/TPM itself will not create any improvements that potentially could generate wildfire conditions. As such the project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the project will not create any potential significant impacts that could result from these types of improvements.

d) 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?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the project related to these issues would be less than significant.

3.21 Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?

This is an infill project within the urban area. The land was cleared many years ago of native vegetation. Therefore any development that could occur as a result of this Project will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when

viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

This amendment to the Land Use Element of the General Plan was compared to policies in other elements of the General Plan. There is a mitigation measure applied to the project that addresses traffic concerns generated by the development that could result from this project. The City has adequate water and wastewater capacity, and the project will be extending those services to the site. Stormwater drainage will also meet all City standards. The loss of agricultural land is cumulative but based on City and County agricultural protection program, the loss is limited to within the urban areas of the cities which is a minor portion of the entire County. The school district has not indicated that they lack capacity to provide proper educational facilities to new students. The FRAQMD also did not comment that the project would create any significant cumulative impacts on air quality. Therefore, there are no impacts that will be individually limited but that will create significant cumulative impacts.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed Project in and of itself would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts that could result from this GPA/RZ/TPM would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed Project would not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Ben Moody, Public Works Director, November 1, 2022, memo regarding the status of the X_{19} Zone District.

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

Yuba City, City of. 2016. City of Yuba City Municipal Code.
https://www.municode.com/library/ca/yuba_city/codes/code_of_ordinances

Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

"Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination," prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. "Fault Zone Activity Map." Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at http://www.envirostor.dtsc.ca.gov/public/
California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

Appendix A

MITIGATION MEASURES AND MONITORING PLAN

Spirit Drive Parcel Map:

Initial Study and Mitigated Negative Declaration EA 22-15
For General Plan Amendment 22-06, Rezoning 22-08, and Tentative Parcel Map 22-04: Spirit Drive Parcel Map

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
Spirit Drive Parcel Map:
Initial Study and Mitigated Negative Declaration EA 22-15
For General Plan Amendment 22-06, Rezone 22-08, and Tentative Parcel Map 22-04

Impact	Mitigation Measure	Responsible Party/Agency	~~Responsible Party~~ Monitoring Agency	Timing
3.7 Geology and Soils	**Paleontological Mitigation Measure 1:** This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows: 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	Applicant or Developer	Public Works Dept., Development Services Dept.	During construction phase

3.8. Greenhouse Gases	**Greenhouse Gas Mitigation 1:** The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Applicant or Developer	Development Services Dept.	Prior to issuance of building permits.
3.13 Noise	**Noise Mitigation Measure 1:** The project shall use ~~City shall establish~~ the following criteria for the use of construction equipment: Construction shall be limited to the hours of 6:00 a.m. to 9:00 p.m. Monday through Saturday, and the hours of 8:00 a.m. to 9:00 p.m. on Sundays and state and federal holidays. Quiet construction equipment, particularly air compressors, are to be selected whenever possible. Unnecessary idling of internal combustion engines is prohibited. All stationary noise-generating construction equipment such as generators and compressors are to be located as far as practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. Whenever stationary noise sources – such as generators and compressors – are used within the line of sight to occupied residences (on-site or off-site), temporary barriers shall be constructed around the source to shield the ground floor on the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material equivalent utility and appearance to achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test method E90 or as approved by the Building Official. Construction equipment staging areas shall be located as far as feasible from residential area while still serving the needs of construction contractors. Equipment and trucks used for construction will use the industry standard noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, whenever feasible).	Applicant or Developer	Public Works Dept., Development Services Dept.	During Construction phase

	Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically- or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from exhaust by up to about 10 dB. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dB. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.			
3.17 Transportation/Traffic	**Transportation/Traffic Mitigation 1**: Prior to issuing a building permit for any building on this 19.99 acres, developers shall pay to the City a fair share contribution for needed improvements to the intersections listed below, to bring them into conformance with all City policies, programs and standards, as well as other street sections and intersections improvements that are included in the fee program. The intersections are: • State Route 20/El Margarita Road • Franklin Road/El Margarita Road • El Margarita Road/Spirit Way • Harter Parkway/Spirit Way Should these identified intersections be subsequently included into an adopted development impact fee program, this mitigation measure shall become null and void.	Applicant or Developer	Public Works Department	Prior to issuance of building permits
3.18. Tribal Cultural Resources	**Tribal Cultural Resources Mitigation 1**: **Post Ground Disturbance** A minimum of seven days prior to beginning earthwork, clearing, and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) with the proposed earthwork start-date and a UAIC Tribal Representative or Tribal Monitor shall be invited to inspect the project site, including any	Applicant or Developer	Public Works Dept., Development Services Dept.	During construction phase

	soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of the project. During this inspection, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure. If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included in the **Unanticipated Discoveries Mitigation Measure 2** shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of paid Native American Monitor during ground disturbing activities. **Tribal Cultural Resources Mitigation 2: Unanticipated Discoveries:** If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and			

	request that materials not be permanently curated, unless approved by the Tribe. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.			

Agenda Item **16**

CITY OF YUBA CITY
STAFF REPORT

Date: January 17, 2023

To: Honorable Mayor & Members of the City Council;

From: Development Services Department

Presentation By: Doug Libby, Deputy Director of Development Services

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Summary

Subject: Request to establish Planned Development (PD) 15 and approval of a development agreement for the Chima Ranch Tentative Subdivision Map SM 22-07

Recommendation: A. Conduct a Public Hearing; then

B. Introduce an Ordinance of the City Council of the City of Yuba City approving Planned Development (PD) No. 15 for the Chima Ranch Subdivision (SM 22-07) located In the southwest portion of the City along the west side of Sanborn Road and immediately west of the intersection of Pebble Beach Drive and Sanborn Road (Assessor's Parcels 65-020-009 And 65-020-010) and an associated Mitigated Negative Declaration by title only and waive the first reading

C.Introduce an Uncodified Ordinance of the City Council of the City of Yuba City approving a Development Agreement for the Chima Ranch Subdivision Map (SM 22-07) between the City of Yuba City and Interwest Homes Corporation, a California Corporation, to Develop 82 Single-Family Lots on 14.86 Acres located in the southwest portion of the City along the west side of Sanborn Road immediately west of the intersection of Pebble Beach Drive and Sanborn Road, Assessor's Parcels 65-020-009 And 65-020-010 by title only and waive the first reading

Fiscal Impact: The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Purpose:

To establish Planned Development (PD) 15 associated with the Chima Ranch Subdivision Map (SM 22-07) and consideration to approve a development agreement.

Council's Strategic Goal:

This item meets the City Council's strategic goal of business friendly. Establishing PD 15 provides modified development standards to facilitate the build-out of a portion of the Chima Ranch Subdivision, SM 22-07.

Background:

The applicant, Interwest Homes Corporation, filed applications Planned Development (PD) 15 and Tentative Subdivision Map SM 22-07, Chima Ranch, and has requested a Development Agreement.
On December 14, 2022, the Yuba City Planning Commission conducted a public hearing, where no persons spoke in opposition to the project, and the Planning Commission unanimously:

1. Adopted Resolution PC 22-11 recommending approval of Planned Development (PD) 15 to the City Council together with Environmental Assessment 22-14; and
2. Adopted Resolution PC 22-12 contingently approving SM 22-07; and
3. Adopted Resolution PC 22-13 recommending approval of a Development Agreement associated with the Chima Ranch Subdivision Map (SM 22-07).

Analysis:

The project site is General Planned Low Density Residential and Low-Medium Density Residential. The property is zoned One-Family Residence (R-1) District and Two-Family Residence (R-2) District.

Subdivision Map SM 22-07, which was contingently approved by the Planning Commission, will divide 14.86 acres into 82 single-family residential lots having an overall residential density of 6.04 residences per gross acre. On that portion of the project located north of the extension of Pebble Beach Drive, the density will be 6.3 residences per gross acre and it will be 5.75 residences per gross acre on that portion of the project located south of the extension of Pebble Beach Drive. Two proposed lots have been designed large enough to accommodate an accessory dwelling unit on each lot and these will be constructed at the time the primary dwelling is established.

A rezoning to add a Planned Development (PD) designation is included to modify certain development standards in the R-1 and R-2 District in an effort to increase project densities and provide for a more compact design. These include allowing for reduced minimum lot sizes of 4,400 square feet for corner lots. Additionally, minimum required lot widths, yard setbacks, garage setbacks and minimum required distances between buildings on the same lot are proposed to be reduced in order to accommodate a more compact project design. Additional detail is explained below in the analysis section of this staff report.

The 14.86-acre property is level. Existing onsite uses include a walnut orchard, a caretaker manufactured home and a single-family dwelling unit together with existing well(s) and onsite septic and leach field systems.

Table 1: Bordering Uses	
North:	Single-family residences and orchards
South:	Orchards and approved West Sanborn Subdivision, SM 19-02 (95 lots)
East:	Low Density Single-Family Residential
West:	A Single-family residence and orchards within the incorporated limit of Yuba City

This subdivision will be provided full range of City services with stormwater runoff being collected into the City's drainage system and conveyed to the Gilsizer Slough. This property was previously annexed

to the Gilsizer District.

Compatibility with Neighboring Uses:
This project is within a long planned residential area of the City, with existing homes being developed east of the project site. Proposed residential densities are consistent with what was analyzed in both the City's 2004 Comprehensive General Plan Update and its accompanying Environmental Impact Report (EIR) together with the now rescinded Lincoln East Specific Plan and its accompanying EIR. Accordingly, this project is compatible and consistent with existing and future planned uses. This project is an implementation of those two previous planning processes that were recommended for approval by previous Planning Commissions and adopted by previous City Councils.

Zoning Compliance:
This project is subject to the City's R-1 (Single Family Residential) and R-2 (Two-Family Residence) District development standards or as may be amended by the proposed Planned Development (PD) District. The proposed PD will modify certain R-1 and R-2 District development standards in an effort to increase project densities in that portion of the project north of Pebble Beach Drive.

These include:

- Allow reduced minimum lot sizes to 4,400 sq. ft. for corner lots where 4,500 sq. ft. is ordinarily required.

- Allow reduced minimum lot widths of 40 feet for interior lots and 44 feet for corner lots where 50-60-foot widths are ordinarily required.

- Allow increased maximum percent lot coverage of 60 percent for lots having 1-story homes and 40 percent maximum lot coverage for lots having 2-story homes where 40-45 percent thresholds are ordinarily required.

- Allow reduced garage front and street side yard setbacks to 18.5 feet where 20 feet is ordinarily required.

- Provide for reduced rear yard setbacks of 10 feet for lots less than 5,500 sq. ft. in size and 15 feet for lots that are equal to or greater than 5,500 sq. ft. in size, where 25 feet is ordinarily required.

Traffic:
Local streets impacted by this project include Sanborn, Pebble Beach, Lincoln and Bogue Roads, which currently operate within all safety and City level of service standards. The addition of 82 proposed residential lots, previously planned under the now rescinded Lincoln East Specific Plan, is not expected to adversely change traffic and circulation conditions. The developer will be required to complete a number of roadway improvements consistent with City standards and pay City traffic impact fees. Additionally, the developer will be required to pay a fair-share of costs for the future signalization of the intersections of Sanborn and Lincoln Road as well as the intersection of Sanborn Road and

Bogue Road. Estimated daily vehicle trips from the project is approximately 820 at build-out, which can be accommodated by planned roadway improvements of the project and the existing local street system.

Finally, through Transportation/Traffic Mitigation 1, the developer is required to contribute a fair-share to the development of a sheltered bus stop on the west side of Sanborn Road as it nears Bogue Road and on the north side of Bogue Road just west of the intersection with Sanborn Road. This improvement was also required of the West Sanborn Estates Subdivision (SM 19-02) that was approved on November 10, 2021.

Through the Conditions of Approval requiring improvements to Sanborn Road and paying fair-share contributions toward future road improvements at the intersections of Lincoln and Sanborn Road as well as Bogue and Sanborn Road, together helping fund a new public transit bus stop, traffic impacts associated with the project are anticipated to be less than significant.

Development Agreement:

A development agreement (DA) is proposed to accompany this subdivision. A development agreement is a binding agreement between the City and developer spelling out items that go beyond standard planning, zoning, development and design standards. While development agreements are allowed by State law (Government Code Sections 65864 – 65869.5), there are no established rules or policies regarding required deal points other than the agreement specify a duration, the density and intensity of use, the maximum height and size of proposed buildings, and the provision for reservation or dedication of lands for public purposes. As a result, each agreement is unique and must be considered on its own terms.

In this case, the DA was requested by the applicant. The primary deal point for this DA (Section 2.2) is to extend the life of the subdivision to 10-years and may be extended further by mutual consent of both parties.

The second primary deal point (Section 4.2.5) is to require the developer to pay the City an interim neighborhood park fee in the amount of $3,206 per single-family residential unit prior to issuance of a certificate of occupancy for each lot developed. This fee is in addition to the City's existing Park and Recreation development impact fee because neighborhood parks are not currently included in the existing fee; however, the land uses in this area (former Lincoln East Specific Plan) include land use allocations for neighborhood parks. Including this provision provides an interim mechanism to collect an appropriate fee for neighborhood parks until such time as the adopts a comprehensive development impact fee update that incorporates a neighborhood park component. A provision is included to increase the fee due to inflation (Engineering News and Record Construction Index).

<u>Environmental Considerations:</u>

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. In accordance with CEQA requirements, the Environmental Assessment was advertised in the Appeal Democrat for a 20-day public review period beginning on November 24, 2022 and ending on December 14, 2022. Additionally, individual notices were mailed to all property owners within 350-feet of the project site.

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the proposed project will have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project.

The findings of the mitigated negative declaration are that, with the proposed mitigations for Cultural Resources, Geology /Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Noise, Transportation, and Tribal Cultural Resources, the proposed large and small lot maps will not create any significant impacts on the environment.

As a result, the Planning Commission recommended the City Council adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program for this project together with the recommended findings in accordance with the provisions of CEQA. The Mitigation Monitoring Program has been refined to clarify responsibilities for performance and monitoring of the same.

Fiscal Impact:

The cost for processing land use entitlements is funded by the project applicant fees as adopted by the City Council.

Alternatives:

1. Deny the application to establish PD 15 and/or the proposed development agreement.
2. Provide staff with alternate direction.

Recommendations:

1. Conduct a public hearing; then

2. Introduce an Ordinance of the City Council of the City of Yuba City approving Planned Development (PD) No. 15 for the Chima Ranch Subdivision (SM 22-07) located In the southwest portion of the City along the west side of Sanborn Road and immediately west of the intersection of Pebble Beach Drive and Sanborn Road (Assessor's Parcels 65-020-009 And 65-020-010) and an associated Mitigated Negative Declaration by title only and waive the first reading.

3. Introduce an Uncodified Ordinance of the City Council of the City of Yuba City approving a Development Agreement for the Chima Ranch Subdivision Map (SM 22-07) between the City of Yuba City and Interwest Homes Corporation, a California Corporation, to Develop 82 Single-Family Lots on 14.86 Acres located in the southwest portion of the City along the west side of Sanborn Road immediately west of the intersection of Pebble Beach Drive and Sanborn Road, Assessor's Parcels 65-020-009 And 65-020-010 by title only and waive the first reading.

Attachments:
1. City Council Ordinance approving Environmental Assessment and Planned Development No. 15
2. City Council Ordinance approving Development Agreement
3. Subdivision Map SM 22-07, Chima Ranch
4. Environmental Assessment No. 22-14

Prepared By:	Submitted By:
Doug Libby, AICP	Diana Langley
Deputy Director of Development Services	City Manager

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING PLANNED DEVELOPMENT (PD) NO. 15 FOR THE CHIMA RANCH SUBDIVISION (SM 22-07) LOCATED IN THE SOUTHWEST PORTION OF THE CITY ALONG THE WEST SIDE OF SANBORN ROAD AND IMMEDIATELY WEST OF THE INTERSECTION OF PEBBLE BEACH DRIVE AND SANBORN ROAD (ASSESSOR'S PARCELS 65-020-009 AND 65-020-010) AND AN ASSOCIATED MITIGATED NEGATIVE DECLARATION

WHEREAS, Interwest Homes Corporation and Chima Family Trust have filed application SM 22-07 and Planned Development (PD) No. 15 to divide 14.86 acres into 82 single-family residential lots and to develop the property at an overall project density of 6.04 dwelling units per acre; and

WHEREAS, Planned Development (PD) No. 15 will modify certain development standards in the R-1 and R-2 District in an effort to increase project densities. Proposed development standard modifications include allowing for reduced minimum lot sizes of 4,400 square feet for corner lots, reducing minimum required lot widths, yard setbacks, garage setbacks and minimum required distances between buildings on the same lot. The purpose of these modifications is to accommodate a more compact project design as further shown in Exhibit A; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 22-14) for the Project; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on application SM 22-07 and PD No. 15, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission reviewed all associated documents prepared for the Project, including that related to application SM 22-07 and PD No. 15, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission contingently approved the Chima Ranch Subdivision Map (SM 22-07) by adopting Resolution No. PC 22-12 and recommended the City Council of the City of Yuba City adopt an Ordinance approving Environmental Assessment (EA) 22-14, Planned Development No. 15, with a map included herein as Exhibit A and development standards reflected herein as Exhibit B, by adopting Resolution No. PC 22-11.

WHEREAS, on January 17, 2023, the Yuba City Council conducted a public hearing to consider Planned Development (PD) No. 15 and the proposed development agreement and received both oral testimony and written information presented at the hearing regarding the Rezone; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council desires to find that Environmental Assessment (EA) 22-14 prepared for the project is in conformance with State and local environmental guidelines, and desires to approve PD No. 15.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA Findings: The City Council of the City of Yuba City finds that an environmental assessment/ initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, based on its independent judgement and analysis the Planning Commission recommended the City Council find, and the City Council so finds, that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment.

3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council of the City of Yuba City adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program as updated and clarified, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The Planning Commission further recommends the City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. Planned Development Finding: Yuba City Municipal Code Section 8-5.2706 requires that the City make the following findings in order to approve a Planned Development (the required findings are in italics). The City Council of the City of Yuba City makes the following findings:

   i. The proposal is consistent with the General Plan.

   Evidence: The proposed subdivision of 82 single-family residential lots is consistent with the land use originally adopted as part of the Lincoln East Specific Plan (LESP) but that plan was later vacated; however, the land use remains in effect. Consistent with General Plan Policy 3.5-I-1, the lot sizes proposed are consistent with the General Plan that provides for a density range of 2-8 dwellings per acre for the Low-Density (LD)

Residential designation portion of the project site located south of the extension of Pebble Beach Drive. Additionally, the proposed project is consistent with the General Plan that provides for 6-14 units per acre for the Low-Medium (MD) Density designation of that portion of the project site located north of the proposed extension of Pebble Beach Drive.

The proposed project's overall density of 6.04 dwelling units per acre is within the established density range. The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed map will orient lots toward the existing neighborhood to the east and will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community. LESP consistency is not applicable for the proposed subdivision because this plan was vacated by action of the City Council.

Consistent with General Plan Policy 6.1-I-3, this development will pay in-lieu fees toward neighborhood parks in addition to the Park and Recreation development impact fee to contribute to the City's Park system.

Consistent with General Plan Policy 4.4-I-1, the proposed project has designed residential streets with sidewalks, planting strips and traffic calming elements to create a pedestrian-friendly environment.

Consistent with General Plan Policies 9.1-I-1, 9.1-I-2 and 9.1-I-3, a noise study was completed for the former Lincoln East Specific Plan which this proposed project site is located within that former plan boundary. Applicable noise mitigation measures were incorporated as required by that plan's environmental impact report into this proposed project to mitigate noise to a less than significant level.

ii. The proposal is consistent with the planned surrounding land uses.

Evidence: The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed map will orient lots toward the existing neighborhood to the east and will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community.

iii. There are or will be adequate public facilities available to properly serve the development, including streets to adequately handle the anticipated traffic.

Evidence. The site is level and will be served by the full range of City services, or in the case of stormwater drainage, stormwater runoff will be collected by the City's stormwater system and conveyed to the Gilsizer County Drainage District where stormwater will be transported to the Sutter By-Pass. The site will accommodate the proposed density with a circulation pattern that is suitable for the existing street network and surrounding uses and will construct public street improvements to City standards. The environmental document prepared for the project did not find any inadequacies of the property that would provide concerns for the development of the property.

iv. The quality of the development is as good or better than would be accomplished through traditional zoning and design standards.

Evidence: As discussed in item one above, this project is consistent with the City's General Plan goals and policies including the established density ranges for LD and MD

designated land. The project is conditioned to meet all City development and improvement standards including water, wastewater, stormwater drainage systems, street cross-sections, streetscape landscaping, and park facilities or applicable in-lieu fees. The proposed project will be subject to compliance with R-1 and R-2 development standards or as may be amended by the proposed PD.

5. Approval of Planned Development Zoning. The City Council hereby approves Planned Development No. 15 for the Chima Ranch Subdivision, rezoning approximately 14.86 acres located in the southwest portion of the City along the west side of Sanborn Road and immediately west of the intersection of Pebble Beach Drive and Sanborn road, to add the "PD15" designation as set forth in Exhibit "A," and subject to the Development Standards as set forth in Exhibit "B."

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

7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

8. Effective Date of Ordinance. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 17th day of January 2023, and adopted the Ordinance after the second reading at a regular meeting held on the _____day of _____2023, by the following vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

_____
Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

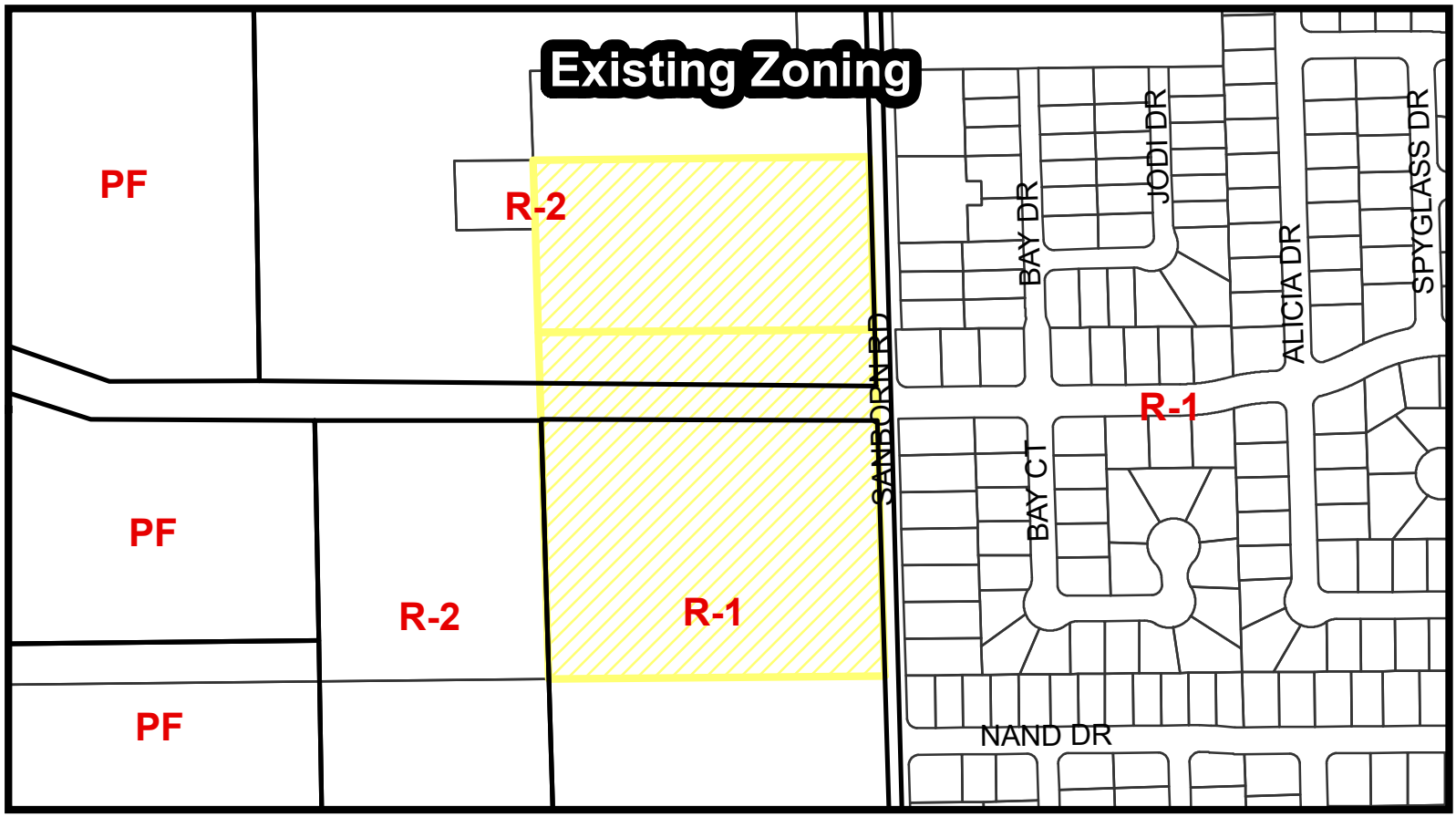
Exhibit A: Map of Planned Development No. 15
Exhibit B: Development Standards

I, _____, Deputy City Clerk of the City of Yuba City, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Yuba City on the date and by the vote indicated herein.

EXHIBIT A

Chima Ranch Tentative Subdivision

Zoning Map | SM 22-07, PD15, EA 22-14



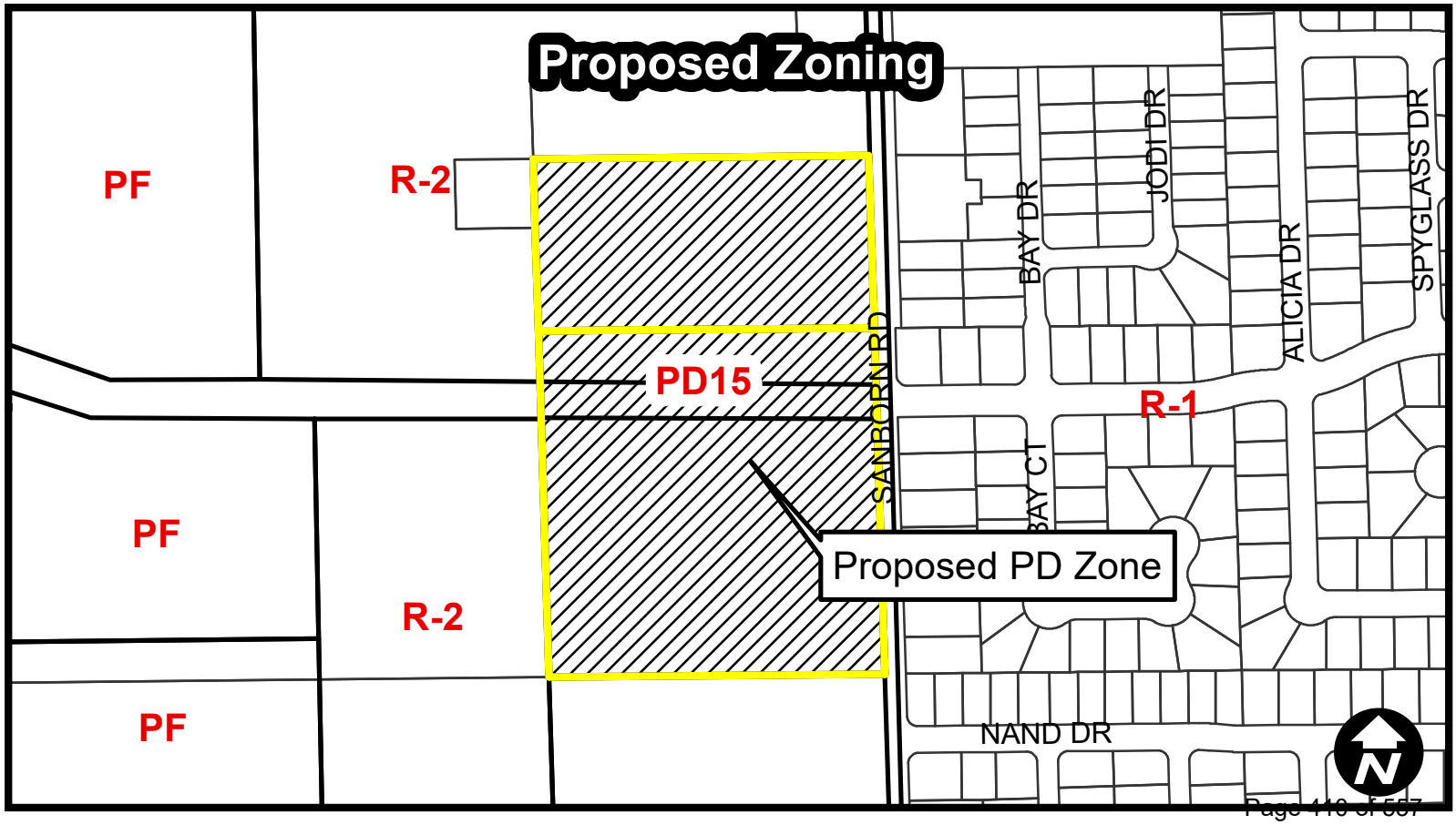


EXHIBIT B

The following criterion of development is proposed for Chima Ranch located on Sanborn Road north of Pebble Beach Road. We used the development criteria in the BSMP Low Density Residential Standard as shown on Table A-1 except for a few minor items. The Development Standards for Chima Ranch are as follows.:

Development Standards.

Maximum Density (R-1):	General Plan Designation (8 units per acre)
Minimum Density (R-1):	General Plan Designation (2 dwelling per acre)
Maximum Density (R-2):	General Plan Designation (14 units per acre)
Minimum Density (R-2):	General Plan Designation (6 dwelling per acre)
Minimum Lot Size:	For lots less than 5,500 square feet lots shall be 4,400 square feet for corner; 3,500 square feet for interior lots, cul-de-sac, and knuckle lots. For lots equal to or greater than 5,500 square feet lots shall be 5,500 square feet for corner; 5,000 square feet for interior lots, cul-de-sac, and knuckle lots.
Minimum Lot Width:	For lots less than 5,500 square feet lots shall be 40 feet for interior lots and 44 feet for corner lots. For lots equal to or greater than 5,500 square feet lots shall be 50 feet for interior lots and 55 feet for corner lots. (*Lot width measured at the front property line except for lots on cul-de-sacs and knuckles where lot width is measured at the front setback)
Minimum Lot Depth:	For lots less than 5,500 square feet lots shall be 80 feet. For lots equal to or greater than 5,500 square feet lots shall be 90 feet. (*Lot width measured at the front property line except for lots on cul-de-sacs and knuckles where lot width is measured at the front setback). These refer to average minimum depth.
Maximum Percentage of Lot Coverage:	For lots less than 5,500 square feet lots shall be 40% for 2-story and 60% for 1-story. For lots equal to or greater than 5,500 square feet lots shall be 40% for 2-story and 45% for 1-story. (*Lot width measured at the front property line except for lots on cul-de-sacs and knuckles where lot width is measured at the front setback).
Maximum Building Height:	2 stories not to exceed 35 feet, except as provided in Article 56 of the Yuba City Zoning Regulations.
Minimum Yards:	**Front** - 15 feet to back of sidewalk, except garages shall be 18.5 feet. Side loading garages can be 10 feet as long as the length of the driveway exceeds 18.5 from the back of sidewalk. **Street Side** – 10 feet to back of sidewalk, except garage entrances shall be 18.5 feet. **Interior Side** – 5 feet, except fire place and media protrusions shall not less than 3 feet. **Rear** – For lots less than 5,500 square feet lots shall be 10 feet. For lots equal to or greater than 5,500 square feet lots shall be 15 feet.
Distance Between Buildings on Same Lot:	For lots less than 5,500 square feet lots shall be 3.5 feet for single story and 5.0 feet for two-story. For lots equal to or greater than 5,500 square feet lots shall be 10.0 feet for single story and 10.0 feet for two-story.
Exterior Lighting	As provided in Article 58.

Fences, Walls, Hedges, and Intersection Visibility	As provided in Article 59.
Off-street Parking and Loading	As provided in Article 61.
Public Improvements	As provided in Article 62.
Signs:	As provided in Article 63.
Trash Enclosures	As provided in Article 64.

If item is not listed or modified, the criteria shall meet or exceed the Bogue Stewart Master Plan Development Standards and Guidelines for Low Density Residential Development Standards.

ATTACHMENT 2

ORDINANCE NO._____

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING A DEVELOPMENT AGREEMENT FOR THE CHIMA RANCH SUBDIVISION MAP (SM 22-07) BETWEEN THE CITY OF YUBA CITY AND INTERWEST HOMES CORPORATION, A CALIFORNIA CORPORATION, TO DEVELOP 82 SINGLE-FAMILY LOTS ON 14.86-ACRES LOCATED IN THE SOUTHWEST PORTION OF THE CITY ALONG THE WEST SIDE OF SANBORN ROAD IMMEDIATELY WEST OF THE INTERSECTION OF PEBBLE BEACH DRIVE AND SANBORN ROAD, ASSESSOR'S PARCELS 65-020-009 AND 65-020-010

WHEREAS, Government Code Section 65864 et seq. authorizes the City to enter into development agreements with any person having a legal or equitable interest in real property, which interest Developer has in the affected property; and

WHEREAS, Sections 65864-65869.5 of the California Government Code authorize the City to enter into development agreements and requires the planning agency of the City to find the proposed development agreement to be consistent with the policies and programs of the General Plan and any applicable specific plan, which the Planning Commission has done; and

WHEREAS, the City received Tentative Subdivision Map application SM 22-07 for this property in 2022 to subdivide the 14.86 acres into 82 single-family residential lots.

WHEREAS, all lots established will be provided a full range City services with stormwater being collected into the City's drainage system and transported to the Gilsizer Slough which is overseen by the Gilsizer County Drainage District; and

WHEREAS, On December 14, 2022, the Planning Commission conducted a public hearing and considered Environmental Assessment (EA) 22-14 considering a Mitigated Negative Declaration (MND) prepared for the project, which provides mitigations that reduce potentially significant impacts to a less than significant level. All interested parties were given an opportunity to be heard and present evidence regarding the proposed Project, including the proposed development agreement; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed subdivision is consistent with the General Plan and Zoning Regulations with the approval of Planned Development No. 15; and

WHEREAS, on December 14, 2022, after conducting a public hearing, the Planning Commission unanimously recommended approval of Planned Development No. 15 to the City Council by Resolution No. PC 22-11, contingently approved the Chima Ranch Subdivision Map (SM 22-07) by Resolution No. PC 22-12 and recommended approval of a development agreement between Interwest Homes Corporation, a California Corporation, and the City of Yuba City by Resolution No. PC 22-13. Additionally, the Planning Commission recommended the City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the City Council has conducted a public hearing and concurrently considered EA 22-14 proposing an MND for the project, as well as an ordinance approving Planned Development (PD) No. 15 for the Chima Ranch subdivision (SM 22-07); and

WHEREAS, the City Council now desires to approve a development agreement with Interwest Homes Corporation (aka Interwest Homes Corp.).

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

1. Recitals: The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA Findings: The City Council of the City of Yuba City has concurrently approved EA 22-14 for this project adopting an Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program for the project. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. No further CEQA is required, as CEQA has been completed for this project.

3. Development Agreement Findings:

   Pursuant to the Government Section Code 65864 through 65869.5 and in light of the record before it including the staff report (and all attachments), and all evidence and testimony heard at the public hearing for this item, and in light of all evidence and testimony provided in connection with the entitlements for the Chima Ranch Subdivision, the Planning Commission has recommended the City Council make, and the City Council so makes, the following findings pertaining to the Development Agreement.

   a. *The proposed Development Agreement is consistent with the goals and policies of the General Plan, its purposes and applicable Specific Plan(s).*

      Evidence: The proposed subdivision of 82 single-family residential lots is consistent with the land use originally adopted as part of the Lincoln East Specific Plan (LESP) but that plan was later vacated; however, the land use remains in effect. Consistent with General Plan Policy 3.5-I-1, the lot sizes proposed are consistent with the General Plan that provides for a density range of 2-8 dwellings per acre for the Low-Density (LD) Residential designation portion of the project site located south of the extension of Pebble Beach Drive. Additionally, the proposed project is consistent with the General Plan that provides for 6-14 units per acre for the Low-Medium (MD) Density designation of that portion of the project site located north of the proposed extension of Pebble Beach Drive.

      The proposed project's overall density of 6.04 dwelling units per acre is within the established density range. The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed map will orient lots toward the existing neighborhood to the east and will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community. LESP consistency is not applicable for the proposed subdivision because this plan was vacated by action of the City Council.

      Consistent with General Plan Policy 6.1-I-3, this development will pay in-lieu fees toward neighborhood parks in addition to the Park and Recreation development impact fee to

contribute to the City's Park system.

Consistent with General Plan Policy 4.4-I-1, the proposed project has designed residential streets with sidewalks, planting strips and traffic calming elements to create a pedestrian-friendly environment.

Consistent with General Plan Policies 9.1-I-1, 9.1-I-2 and 9.1-I-3, a noise study was completed for the former Lincoln East Specific Plan which this proposed project site is located within that former plan boundary. Applicable noise mitigation measures were incorporated as required by that plan's environmental impact report into this proposed project to mitigate noise to a less than significant level.

b. *The Development Agreement is consistent with and furthers a number of goals and objectives identified in the City's General Plan.*

Evidence: This project is consistent with the City's General Plan goals and policies including the established density ranges for LD and MD designated land. The project is conditioned to meet all City development and improvement standards including water, wastewater, stormwater drainage systems, street cross-sections, streetscape landscaping, and park facilities or applicable in-lieu fees. The proposed project will be subject to compliance with R-1 and R-2 development standards or as may be amended by the proposed PD.

Overall, the proposed project by the Development Agreement represents a productive use of site that is compatible with surrounding uses, and offers Yuba City residents new opportunities for residential that will support retail, entertainment, and employment uses in the City. Tentative Subdivision Map 22-07 proposes to divide will divide 14.86 acres into 82 single-family residential lots. The City's General Plan envisions development promoting a variety of housing types, the ability to live and work in the City, and accessibility to parks, opens space, and shopping areas.

c. *Water Supply Assessment.*

A water supply assessment is not required for this project because the proposed 82 lot subdivision is less than the 500 dwelling unit threshold required by California Government Code Section 66473.7 (a) (1) and does not meet the definition of a subdivision to require a water supply assessment.

d. *The project has adequate flood protection.*

Evidence: On August 16, 2022, the City Council of the City of Yuba City adopted Resolution No. 22-121, acting as the land use agency, accepting evidence in support of a finding of 200-year urban level of flood protection due to the facilities of the State Plan of Flood Control have been rehabilitated by the Sutter Buttes Flood Control Agency through the Feather River West Levee Project.

4. Approval of Development Agreement. For the foregoing reasons, and based on the information contained in the Planning Commission and City Council staff reports, supporting documentation, minutes and other records of proceedings, all of which are incorporated herein by this reference, the City Council hereby adopts this ordinance and approves the proposed

Development Agreement with Interwest Homes Corporation (aka Interwest Homes Corp.) which is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code Section 36933, or as otherwise required by law.

7. Effective Date. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 17th day of January 2023, and adopted the Ordinance after the second reading at a regular meeting held on the 7th day of February, 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

_____

Wade Kirchner, Mayor

ATTEST:

_____

Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM:

_____
Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: Development Agreement

I, _____, City Clerk of the City of Yuba City, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Yuba City on the date and by the vote indicated herein.

EXHIBIT A

A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF YUBA CITY AND INTERWEST HOMES CORPORATION, A CALIFORNIA CORPORATION, RELATIVE TO THE DEVELOPMENT KNOWN AS THE CHIMA RANCH SUBDIVISION, SM 22-07

Recording Requested by:

Development Services Department
City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA

When Recorded Mail To:

City Clerk
City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

DOCUMENT WILL BE RETURNED TO NAME &. ADDRESS IDENTIFIED ABOVE

[Space Above for Recorder's Use]

DEVELOPMENT AGREEMENT

by and between

INTERWEST HOMES CORPORATION
A California Corporation

and

CITY OF YUBA CITY
A General Law City

(Chima Ranch Development Agreement)

DEVELOPMENT AGREEMENT
by and between

INTERWEST HOMES CORPORATION
A California Limited Liability Company

and

CITY OF YUBA CITY,
A General Law City

(Chima Ranch Development Agreement)

THIS DEVELOPMENT AGREEMENT dated _____, 2023 (Effective Date), at Yuba City, California (hereinafter referred to as "Agreement"), is entered into by and between Interwest Homes Corporation, a California Corporation (hereinafter referred to as "Chima Ranch Landowner," "Landowner" or "Developer") and the City of Yuba City, a general law city, created and existing under the laws of the State of California (hereinafter referred to as "the City"), pursuant to the authority of Sections 65864-65869.5 of the Government Code of the State' of California.

RECITALS

A. State Authorization. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 *et seq*. of the Government Code (the "Development Agreement Statute"), which authorizes the City to enter into a binding property development agreement with any person having a legal or equitable interest in real property for the development associated with such property in order to establish certain development rights in the property which is the subject of the development project application.

B. City Procedure and Requirements. The City has implemented the provisions of Government Code Section 65864 *et seq*. and is authorized to enter into development agreements with persons having legal or equitable interests in real property located in the City.

C. Landowner. The Landowner is Interwest Homes Corporation, a California Corporation Company organized under the laws of the State of California.

D. Property. The subject of this Agreement is the development of that certain property commonly known as Chima Ranch, consisting of approximately 14.86 acres located in the County of Sutter, as described in Exhibit A-I and depicted in Exhibit A-2, attached hereto and incorporated herein by reference (referred to as "the Property"). Landowner owns the Property in fee and represents that all other persons holding legal or equitable interests in the Property shall be bound by this Agreement.

E. Lincoln East Specific Plan ("Specific Plan" or "LESP"). The Property is located within the area that use to be part of the Lincoln East Specific Plan. The LESP has been receded and no longer applies to this area.

F. Project. The development of the Property is in accordance with the City's General Plan, as amended, and the Development Approvals shall be referred to herein as the "Project."

G. The Mitigated Negative Declaration. The City examined the environmental effects of this Agreement and the Development Approvals in the Mitigated Negative Declaration (the "MND") (SCH No. 2022110563) prepared pursuant to the California Environmental Quality Act (CEQA). The City Council reviewed and certified the MND as adequate and complete as part of the approval of the Development Approvals.

H. Purposes. The Landowner and City desire to enter into an agreement for the purpose of implementing the plan for subdividing and development of Chima Ranch as set forth herein and Development Approvals and for mitigating the environmental impacts of such development as identified in the environmental document. The City has an expressed interest in ensuring the proper growth of the community by entering into Development Agreements as a method whereby a level of assurance can be achieved to meet that interest. The City has determined that the development of Chima Ranch pursuant to the proposed Tentative Subdivision Map 22-07 is a development for which a Development Agreement is appropriate. A Development Agreement will provide certain benefits to the City; will eliminate uncertainty in the City's land use planning and secure orderly development of the Property in accordance with the policies and goals set forth in the City's General Plan. The Landowner has incurred and will incur substantial costs in order to comply with the conditions of approval and to assure development of the Property in accordance with this Agreement. In exchange for these benefits to the City and the public, the Landowner desires to receive assurance that the City shall grant permits and approvals required for the development of the Property in accordance with the Existing City Laws, subject to the terms and conditions contained in this Agreement. In order to effectuate these purposes, the Parties desire to enter into this Agreement.

I. Entitlements Needed Prior to the Development Agreement. The application for approval of this Agreement and the appropriate CEQA documentation required for approval of this Agreement, including:

- Planned Development PD-15.
- Tentative Subdivision Map 22-07 (approvals may occur after adoption of the Development Agreement).
- Environmental Assessment 22-14 (Certification of the Mitigated Negative Declaration).

The entitlements are collectively referred to as "Development Approvals."

J. [Reserved].

K. Development Agreement Adoption. After conducting a duly noticed public hearing and making the requisite findings, the City Council, by the adoption of an Ordinance, approved this Agreement and authorized its execution. The City has determined that this Agreement furthers the public health, safety and general welfare, that the provisions of this Agreement are consistent with the goals and policies of the General Plan and is a community benefit. The City and Developer have determined that

the project is a development for which this Agreement is appropriate. This Agreement will eliminate uncertainty regarding Development Approvals and certain subsequent development approvals, thereby encouraging planning for, investment in and commitment to use and develop the Property. Continued use and development of the Property is anticipated to, in turn, provide the following substantial benefits and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement laws were enacted, including (1) providing for the development of unused land; (2) providing increased tax revenues for the City; (3) providing for jobs and economic development in the City; and (4) providing for infrastructure improvements that can be utilized by regional users and future users.

L. Consistency with Yuba City General Plan. Development of the Property in accordance with this Agreement will provide for orderly growth and development in accordance with the policies set forth in the City's General Plan, as amended and the Development Approvals. Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, the City Council finds and declares that this Agreement is consistent with the General Plan of the City and with the Development Approvals.

M. Landowner Payments for the Costs of Public Infrastructure, Facilities, and Services. Landowner agrees to pay the costs of such City of Yuba City public facilities and services as herein provided to mitigate impacts of the development of the Property, and City agrees to assure that Landowner may proceed and complete development of the Property, in accordance with the terms and conditions of this Agreement. City's approval of development of the Property as provided herein is in reliance upon and in consideration of Landowner's agreement to make such payments toward the costs of public improvements and services as herein provided to mitigate the impacts of development of the Property.

N. Development Agreement Ordinance. City and Landowner have taken all actions mandated by and fulfilled all requirements set forth in the California Government Code Sections 65864 through 65869.5 regulating the use of development agreements.

O. Flood Hazard. The City has imposed conditions on the project that will protect the property to the urban level of flood protection in urban and urbanizing areas. Such conditions may also be implemented as conditions of tentative maps or other entitlements.

NOW THEREFORE, pursuant to the authority contained in Government Code Sections 65864-65869.5, and in consideration of the mutual covenants and promises contained herein, the adequacy and sufficiency of which is hereby acknowledged, the Landowner and the City, each individually referred to as a Party and collectively referred to as the Parties ("Parties"), agree as follows:

AGREEMENT

1. General Provisions.

1.1 Incorporation of Recitals. The Preamble, the Recitals and all defined terms set forth in both, are hereby incorporated in this Agreement as if set forth herein in full.

1.2 Definitions. In addition to the defined terms in the Preamble and the Recitals, each reference in this Agreement to any of the following terms shall have the meaning set forth below for each such term. Certain other terms shall have the meaning set forth for such term in this Agreement.

1.2.1 Approvals. Any and all permits or approvals of any kind or character required under the City Laws in order to develop the Project, including, but not limited to, architectural review approvals, building permits, site clearance and demolition permits, grading permits and utility connection permits.

1.2.2 City Laws. The ordinances, resolutions, codes, rules, regulations and official policies of the City govern the permitted uses of land, density, design, improvements and construction standards and specifications applicable to the development of the Property. Specifically, but without limiting the generality of the foregoing, City Laws shall include the City's General Plan, the Planned Development, the Zoning Regulations of the City of Yuba City, and the Subdivision Regulations of the City of Yuba City.

1.2.3 Conditions. All conditions, exactions, fees or payments, dedication or reservation requirements, obligations for on or off-site improvements, services or other conditions of approval called for in connection with the development of or construction on the Property under the existing City Laws, whether such conditions of approval constitute public improvements, or mitigation measures in connection with environmental review of any aspect of the Project.

1.2.4 Director. The Director of the Development Services Department.

1.2.5 Existing City Laws. The City Laws in effect as of the Effective Date of this Agreement.

1.2.6 Laws. The laws and Constitution of the State of California, the laws and Constitution of the United States and any codes, statutes or executive mandates in any court decision, state or federal, thereunder.

1.2.7 Mortgagee. “Mortgagee” means: (a) the holder of the beneficial interest under a Mortgage; (b) the lessor under a sale and leaseback Mortgage; and (c) any successors, assigns and designees of the foregoing.

1.2.8 Party. A signatory to this Agreement: or a successor or assign of a signatory to this Agreement.

1.2.9 Property. The Property is that property described and shown on Exhibits A-I and A-2. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with the Property and the benefits

and burdens hereof shall bind and inure to all successors-in-interest to the parties hereto.

2. Effective Date: Term.

2.1 Recordation. Not later than ten (10) days after the Effective Date, the Parties shall cause this Agreement to be recorded in the Official Records of the County of Sutter, State of California, as provided for in Government Code Section 65868.5. However, failure to record this Agreement within ten (10) days shall not affect its validity or enforceability by and between the Parties.

2.2 Term. Except as provided herein, the term of this Agreement shall commence on the Effective Date and terminate ten (10) years thereafter; provided, however, that the initial term may be extended, upon Developer's application therefore and upon the mutual agreement of both parties, by an amendment to this Agreement and after approval by the City Council after first receiving a recommendation by the Planning Commission.

Following the expiration of the Term, this Agreement shall be deemed terminated and be of no further force and effect; provided, however, said termination of the Agreement shall not affect any right or duty emanating from City Entitlements on the Property approved concurrently with or subsequent to the approval of this Agreement.

3. General Development of the Project.

3.1 Project: Vested Entitlements.

3.1.1 The City has adopted certain approvals in connection with the Property, including the adoption of the Master Plan, the tentative maps and the EIR Certification. To the extent the provisions of this Agreement conflicts with the General Plan and Bogue-Stewart Master Plan, those plans shall take precedence.

3.1.2 Development of the Property shall be governed by this Agreement, and the Development Approvals. This Agreement does not impose affirmative obligations on the Landowner to commence development of the Project, or any phase thereof, in advance of its decision to do so.

3.1.3 The permitted uses of the Property, the density and intensity of use, including, but not limited to, minimum landscape areas, maximum lot coverage, minimum and maximum number of parking spaces, and the allowable floor area ratios), and provisions for public improvements and all mitigation measures and conditions required or imposed in order to minimize or eliminate environmental impacts or any impacts of the Property applicable to development of the Property, are as set forth in ordinances, policies, and standards in effect as of the Effective Date and are hereby vested subject to the provisions of this Agreement ("Vested Entitlements").

3.2 Project Phasing. Landowner and City acknowledge and agree that the Project is designed to be developed in phases. The Parties also acknowledge and agree that presently the Landowner cannot predict the timing of the Project phasing. Because the California Supreme Court held in *Pardee Construction Co. v. City of*

Camarillo (1984) 37 Cal.3d 465, that failure of the Parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the Parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that the Landowner shall have the right to develop the building components of the Project in phases in accordance with the Development Approvals and at such times as the Landowner deems appropriate within the exercise of its subjective business judgment and the provisions of this Agreement.

3.3 Other Government Permits. The Landowner or City (whichever is appropriate) shall apply for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Project (such as public utility districts, Gilsizer County Drainage District, the U.S. Army Corps of Engineers, or CalTrans) as may be required for the development of, or provision of services to, the Project. The City shall promptly and diligently cooperate, at no cost or damage to the City, with the Landowner in its endeavors to obtain such permits and approvals and, from time-to-time at the request of the Landowner, and shall attempt with due diligence and in good faith to enter into binding agreements with any such entity in order to assume the availability of such permits and approvals of services. To the extent allowed by law, the Landowner shall be a party or third-party beneficiary to any such agreement and shall be entitled to enforce the rights of the Landowner or City thereunder or the duties and obligations of the parties thereto.

3.4 Additional Fees. Except as set forth in this Agreement, the City shall not impose any further or additional fees, taxes or assessments, whether through exercise of the police power, the taxing power, or any other means, other than those required by Existing City Laws and this Agreement, provided that:

3.4.1 Community Facilities District. Prior to the approval of any final map within the area covered by this Agreement, the Developer shall be required to enter into a Community Facilities District ("CFD") or similar funding mechanism acceptable to the City for the purpose of funding on-going operational costs for police, fire, and other government services and for the on-going maintenance costs for road and park facilities.

Developer shall cooperate in the formation or annexation to the CFD or funding mechanism, and irrevocably consents herewith to the levy of such special taxes, establishment of funding mechanisms, or collection of other fees or charges, as are necessary to fund the operational and/or maintenance costs.

3.4.2 The City may charge the Landowner the standard processing fees for land use approvals, building permits and other similar permits, which are in force and effect on a City-wide basis at the time application is submitted for those permits.

3.4.3 City shall have the authority to enact or increase development impact fees provided the fees are consistent with the fees applied to other properties in the City or area wide that is similarly situated.

3.4.4 If the City exercises its taxing power in a manner which will not change any of the conditions applicable to the Project and so long as any taxes are uniformly applied on a City-wide or area-wide basis, as defined below, the Property may be so taxed, which tax shall be consistent with the taxation of other properties in the City or area wide that is similarly situated.

3.4.5 If state or federal laws are adopted which enable cities to impose fees on existing projects and if, consequently, the City adopts enabling legislation and imposes fees on existing projects on a City-wide basis, these fees may be imposed on the Project, which fees shall be consistent with the fees imposed on other properties in the City similarly situated.

3.4.6 Landowner shall pay the following fees:

i. City-wide development impact fees, which may include but not be limited to:

- Parks and Recreation
- Community Civic Center
- Fire Protection
- Library Services
- Police Protection
- Roadways/Traffic
- Flood Protection/Levee Improvements
- City Corporation Yard
- Drainage
- Administration Component
- Connection and Trunk Line Fees (Water and Sewer)

ii. A neighborhood park fee per Paragraph 4.2.5 of this Agreement.

iii. Any fees that Developer is obligated to directly pay to any Federal, State, County or local agency (other than any City Agency) under applicable Federal, State, County or local law.

iv. Any fees the City is legally required to collect for other State or Federal agencies pursuant to State or Federal law or any City agreement or City ordinance that the City is legally mandated or required to adopt or enter into to comply with State or Federal law or a judgment of a court of law, but only to the extent necessary to satisfy such compliance.

Fees shall be paid at the then-applicable rate in effect at the time building permits are obtained. Certain City fees may be deferred to prior to issuance of a certificate of occupancy if otherwise allowed by City ordinance, regulation, or policy.

The parties also acknowledge that the City is currently assessing a publicly administered fee program for the Bogue-Stewart Master Plan area. If adopted, this program may impose fee(s) applicable to the entire area including the Property. Landowner agrees to pay such fee(s) once adopted by the City. Nothing in this Agreement shall preclude Landowner from objecting to or contesting the adoption of the fees in the same manner as any other member of the public.

3.4.7 For purposes of this Agreement, "area wide" shall cover not only the Property, but also at least all parcels zoned and/or developed in a manner similar to the Property and located in the combined area of the Master Plan. The Parties acknowledge that the provisions contained in this Section 3.4 are intended to implement the intent of the Parties that the Landowner has the right to develop the Project pursuant to specified and known criteria and rules, and that the City receives the benefits which will be conferred as a result of such development without abridging the right of the City to act in accordance with its powers, duties and obligations.

3.5 Applicable Laws and Standards. Notwithstanding any change in any Existing City Law, including but not limited to, any change by means of ordinance, resolution, initiative, referendum, policy or moratorium, and except as otherwise provided in this Agreement, the laws and policies applicable to the Property are set forth in Existing City Laws (regardless of future changes in these by the City), and this Agreement. The Project has vested rights to be built and occupied on the Property, provided that the City may apply and enforce the Uniform Building Code (including the Uniform Mechanical Code, Uniform Electrical Code and Uniform Plumbing Code) and Uniform Fire Code and all applicable hazardous materials regulations in effect at the time the Landowner applies for any particular building permits for any particular building or other development aspect of the Project.

3.6 Application of New Laws. Nothing herein shall prevent the City from applying to the Property new federal, state or City Laws that are not inconsistent or in conflict with the Existing City Laws or the intent, purposes or any of the terms, standards or conditions of this Agreement; and which do not alter the terms, impose any further or additional fees or impose any other conditions requiring additional traffic improvements requirements or additional off-site improvements that are inconsistent with this Agreement or the intent of this Agreement. Any action or proceeding of the City that has any of the following effects on the Project shall be considered to be in conflict with this Agreement and the existing City Laws, and shall not be applied by the City to the Project or this Agreement:

3.6.1 Limiting the uses permitted on the Property;

3.6.2 Limiting or reducing the density or intensity of uses, the maximum height, the allowable floor area ratios, the required number of parking spaces, increasing the amount of required landscaping or reservations and dedications of land for public purposes;

3.6.3 Limiting the timing or phasing of the Project in any manner that is inconsistent with or more restrictive than the provisions of this Agreement;

3.6.4 Limiting the location of building sites, grading or other improvement on the Property in a manner that is inconsistent with or more restrictive than the limitations included in this Agreement; or

3.6.5 Applying to the Project or the Property any law, regulation, or rule restricting or affecting a use or activity otherwise allowed by this Agreement.

3.7 Moratorium, Quotas, Restrictions, or Other Limitations. Without limiting the City's standard application processing procedures, no moratorium or other limitation affecting building permits or other land use entitlements, or the rate, timing or sequencing thereof shall apply to the Project.

3.8 Easements: Improvements. The City shall cooperate with the Landowner in connection with any arrangements for abandoning existing utility or other easements and facilities and the relocation thereof or creation of any new easements within the Property necessary or appropriate in connection with the development of the Project.

3.9 Farming Rights. The City shall acknowledge that the Landowner shall have the right to continue to farm the lands non-developed portion of the property.

4. Developer Obligations

4.1 Public Improvements: Developer shall be responsible for constructing and financing the public infrastructure improvements necessary to serve the Project and as provided in this Agreement and the Development Approvals including the BSMP Public Facilities Financing Plan. Developer agrees to dedicate, construct or acquire the improvements or facilities and to perform the obligations set forth in this Section at its expense, subject only to those reimbursements and credits as specified in this Agreement. Public infrastructure improvements shall be designed and constructed in accordance with the improvement plans approved by City for such improvements, and in accordance with the requirements and regulations pursuant to California State law.

4.2 Developer Obligations. Developer shall be obligated to construct and finance the public infrastructure improvements as called out in the BSMP Public Facilities Finance Plan and as provided below, in accordance with the BSMP and consistent with the City's infrastructure Master Plans. Developer shall be required to post appropriate financial security with City prior to recordation of Final Maps, consistent with Project conditions of approval and as called out in the Public Facilities Financing Plan. The developer may be entitled to fee credits as provided in Section 5.1.

4.2.1 Roads. Roads shall be constructed per the approved phased infrastructure improvement matrix per the tentative map conditions of approval, Planned Development, and as provided in the approved tentative maps or other discretionary City permits. On-site improvements shall be as per project approvals and approved improvement plans.

4.2.2 Storm Drainage. Developer shall provide necessary on-site and off-site improvements for storm drainage consistent with Project conditions of approval and as required by the City and the Gilsizer County Drainage District. Improvements shall be constructed for the approved phased infrastructure improvement per the tentative map conditions of approval, Planned Development, and as provided in the approved tentative maps or other discretionary City permits.

4.2.3 Sewer. Developer shall construct sewer lines consistent with the Master Plan and conditions of approval of the tentative maps and other discretionary City permits. Improvements shall be constructed for the approved phased infrastructure improvement per the tentative map conditions of approval, Planned Development, and as provided in the approved tentative maps or other discretionary City permits.

4.2.4 Water. Developer shall construct water line improvements consistent with the Master Plan and conditions of approval of the tentative maps and other discretionary City permits. Developer shall also be responsible for all on-site water line improvements. Improvements shall be constructed for the approved phased infrastructure improvement per the tentative map conditions of approval, Planned Development, and as provided in the approved tentative maps or other discretionary City permits.

4.2.5 Neighborhood Parkland. Developer shall pay to City an interim neighborhood park fee in the amount of $3,206 per single-family residential unit and $2,298 per multifamily unit, prior to issuance of a certificate of occupancy for each lot developed. Said fee

shall be in addition to the City's existing Park and Recreation development impact fee specified in Section 3.4.6 of this Agreement. This fee is subject to inflation utilizing the Engineering News and Record Construction Index beginning January 2020. This section shall become inoperative should the City adopt a comprehensive Park and Recreation Development Impact fee update where neighborhood parks are incorporated into the City's fee program.

4.3 Reimbursement by Developer to Third Parties. In the event that facilities, including, but not limited to, roadway, sewer, water, drainage, and parks are constructed by third parties which benefit Developer, Developer agrees that it will pay to City for reimbursement to the third parties, Developer's pro-rata share, as reasonably determined by the City, of the cost of construction prior to the issuance of the first building permit in the Project. Third party reimbursement will include, in addition to construction costs, those costs associated with planning, design and permitting as set forth in Section 4.1 of this Agreement.

4.4 Covenants, Conditions and Restrictions; Enforcement by City. Upon the recordation of each final subdivision map or other development project, Developer shall record against such portion of the Property a master set of covenants, conditions and restrictions ("CC&R's") to require the development and use of the property to be consistent with the Project Entitlement development plan or other appropriate City designation and applicable design guidelines for the Project. The CC&R's shall include the covenants that all structures and landscaping within the Project are to be built, installed and maintained in accordance with the Master Plan and subject to an obligation to obtain design approval from the City prior to any construction or modification of such improvements. The CC&R's shall provide that the City shall be a third-party beneficiary thereof and may not be amended without the City's consent. As a third-party beneficiary, the City shall have the right, but no obligation, to review and/or enforce any covenant under the CC&R's and the City shall not be obligated hereby to respond to any demands or complaints thereunder or otherwise take any action with respect thereto. The CC&R's shall give the City the same rights as any other owner of record and enforce liens to recover the costs of such enforcement, which may include costs to perform maintenance obligations, remove trash or debris, tow any unlawfully parked vehicles, or other such violations, all at the cost of any defaulting party. The form of such CC&R's shall be subject to the review and approval by the City Attorney, which shall not be unreasonably withheld, prior to recordation thereof and prior to any amendment thereof that may affect the City's enforcement rights thereunder. City acknowledges that Developer shall not be obligated by the foregoing to form a homeowner's association.

4.5 Reimbursement for City Costs. Developer shall reimburse City for all of City's costs incurred in the drafting, negotiating, development, and implementation of this Agreement, including, but not limited to, the annual review pursuant to Section 6.1. Said costs shall include, but not be limited to, the full cost recovery of all City's staff time and City's attorney fees. This Agreement shall not take effect until the City costs, as provided for in this section, owed by Developer to City are paid to the City.

4.6 Building and Site Design. Developer shall comply with the design intent in the City-wide adopted Design Guidelines.

5. Reimbursement and Fee Credits, Financing, and Right-of Way

5.1 Reimbursement to Developer for Oversizing

5.1.1 Developer agrees the City may require Developer to construct certain on-site and off-site improvements in a manner that provides for oversize or excess capacity beyond that size or capacity needed to serve the project (collectively "Oversizing") so that the constructed improvement will be available to serve other development or residences or facilities outside of the Property. The City shall not require any Oversizing from the Developer except in connection with project approvals or in Development Approvals, and in accordance with the provisions of the Subdivision Map Act. Developer may be entitled to a fee credit or reimbursement for Oversizing improvements per Section 5 of this Agreement.

5.1.2 In the event that City requires Developer to install a specific improvement (for example, a traffic signal), Developer's obligation to pay the relevant development impact fees otherwise owed under this Agreement regarding the category of improvement the Developer is installing shall be satisfied by the installation of such improvement in the manner mutually agreed upon by the City and the Developer so long as the amount of the development impact fees for this category of improvement does not exceed the cost of such improvement. City shall accept Developer's dedication of such improvements, consistent with the terms and conditions of this Agreement.

By entering into this Agreement, City and Developer agree that certain facilities, including, but not limited to, roadway, sewer, water, and drainage will be constructed by Developer pursuant to this Agreement which will benefit third-party landowners. Developer shall be entitled to a fee credit for any such facilities to the extent they benefit third party landowners in an amount as reasonably determined by the City. If Developer's fee credit for a particular facility exceeds the amount of the fee owed, then Developer shall be reimbursed for the amount the fee credit exceeds the fee owed by the benefited third-party landowners. Developer shall request the City enter into a Reimbursement Agreement, which shall specify the reimbursement calculations and amounts as determined by the City. The Reimbursement Agreement will require future development by third-party landowners benefiting from the Oversizing to reimburse Developer's pro-rata share for a period of up to twenty (20) years from the installation of the oversizing or other qualifying improvements benefiting third-party landowners, provided, that Developer shall have the right to extend the initial twenty (20) year period with five (5) year extension requests until such time that Developer has been reimbursed in full from the benefited third party Landowners. The extension request must be received, by the City, in writing six months prior to the expiration of the Reimbursement Agreement. The City Council is authorized to enter into a Reimbursement Agreement on behalf of the City subject to approval as to legal form by the City Attorney.

5.1.3 Reimbursement Calculations. City will provide Developer with the available documentation showing the basis for the reimbursement amounts pursuant to Section 4.1. The reimbursement obligations provided in this Agreement will be in amounts as reasonably determined by the City.

5.1.4 Reimbursement Personal to Constructing Owner. All rights to reimbursement created pursuant to Section 4.1 shall be personal to the owner installing the improvements and shall not run with the land unless such rights are expressly assigned in writing.

5.2 City's Support of Public Financing for Project Improvements. Development of the Project requires the investment of significant capital to fund the Project's necessary major infrastructure. Developer may, at its discretion, seek public financing mechanism for financing the construction, improvement or acquisition of major infrastructure. At

the request of Developer, the City may consider the use of finance districts, special assessment districts, and other similar project-related public financing mechanisms to fund the Project's necessary infrastructure.

5.3 Right-of-Way Acquisition. With respect to the acquisition of any off-site interest in real property required by Developer in order to fulfill any condition required by the Project or the Entitlements, Developer shall make a good faith effort to acquire the necessary interest by private negotiations at the fair market value of such interest. If, after such reasonable efforts, Developer has been unable to acquire such interest and provided that Developer (i) provides evidence of a good faith effort to acquire the necessary property interest to the reasonable satisfaction of City and (ii) agrees to pay the cost of such acquisition, including reasonable attorney's fees, City shall make an offer to acquire the necessary property interest at its fair market value. If such offer has not been accepted within 60 days, City agrees, to the extent permitted by law, to cooperate and assist Developer in efforts to obtain such necessary property interest. Any such acquisition by City shall be subject to City's good faith discretion, which is expressly reserved by City, to make the necessary findings, including a finding thereby of public necessity, to acquire such interest. Subject to the reservation of such good faith discretion, the City shall schedule the necessary hearings, and if approved by City, thereafter prosecute to completion the proceedings and action to acquire the necessary property interests by power of eminent domain.

Developer shall fund all costs of the acquisition of such necessary property interests, including reasonable attorney's fees and court costs in the event that such acquisition and/or condemnation is necessary.

6. Annual Review.

6.1 Good Faith Compliance. Developer shall annually provide documentation of good faith compliance with this agreement per Govt. Code Section 65865.1 to the City. The City may, at least every twelve (12) months, during the Term of this Agreement, conduct a public meeting to review the extent of good faith substantial compliance by Landowner with the terms of this Agreement at Landowner's expense. Such periodic review shall be limited in scope to compliance with the terms of this Agreement pursuant to Government Code Section 65865.1. Notice of such annual review will be provided by the Development Services Director to Landowner thirty (30) days prior to the date of the public meeting by the Planning Commission and shall include the statement that any review may result in amendment or termination of this Agreement as provided herein. A finding by the City of good faith compliance by the Landowner with the terms of Agreement shall conclusively determine the issue up to and including the date of such review. Nothing in this Section shall be deemed to create a duty of responsibility of City or Landowner or define an event of default that but for such concurrent review would not have been so created or defined.

6.2 Failure to Comply in Good Faith. If the City Council makes a finding that the Landowner has not complied in good faith with the terms and conditions of this Agreement, the City shall provide written notice to the Landowner describing: (i) such failure to comply with the terms and conditions of this Agreement (referenced to herein as a "Default"); (ii) the actions, if any, required by the Landowner to cure such Default; and (iii) the time period within which such Default must be cured. The Landowner shall have, at a minimum, thirty (30) business days after the date of such notice to cure such Default, or in the event that such Default cannot be cured within such

thirty (30) day period but can be cured within one (1) year, the Landowner shall have commenced the actions necessary to cure such Default and shall be diligently proceeding to complete such actions necessary to cure such Default within thirty (30) days from the date of notice. If the Default cannot be cured within one (1) year, as determined by the City during periodic or special review, the City Council may modify or terminate this, Agreement as provided in Section 6.4 and Section 6.5.

6.3 Failure to Cure Default. If the Landowner fails to cure a Default within the time periods set forth above, the City Council may modify or terminate this Agreement as provided below.

6.4 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.2 and the expiration of the cure period, the City determines to proceed with modification or termination of this Agreement, the City shall give written notice to the Landowner of its intention to do so. The notice shall be given at least fifteen (15) calendar days before the scheduled hearing and shall contain:

6.4.1 The time and place of the hearing;

6.4.2 A statement as to whether or not the City proposes to terminate or to modify the Agreement; and

6.4.3 Such other information as is reasonably necessary to inform the Landowner of the nature of the proceeding.

6.5 Hearings on Modification or Termination. At the time and place set for the hearing on modification or termination, the Landowner shall be given an opportunity to be heard, and the Landowner shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on the issue shall be on the Landowner. If the City Council finds, based upon substantial evidence, that the Landowner has not complied in good faith with the terms or conditions of the Agreement, the City Council may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the City.

7. Permitted Delays.

7.1 Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either Party under this Agreement shall not be deemed to be in default where delays or, defaults are due to war, insurrection, strikes, lockouts, walkouts, drought, riots, floods, earthquakes, fire, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, restrictions imposed by governmental or quasigovernmental entities other than the City, unusually severe weather, acts of the other Party, acts or the failure to act of any public or government agency or entity other than the City, or any other causes beyond the control or without the fault of the Party claiming an extension of time to perform. An extension of time for any such cause shall only be for the period of the enforced delay, which period shall commence to run from the time of the commencement of cause. If, however, notice by the Party claiming such extension of time is sent to the other Party more than thirty (30) days after the commencement of the cause, the period shall commence to run only thirty (30) days prior to the giving of such notice. Times of

performance under this Agreement may also be extended in writing by the joint agreement of the City and Landowner. Litigation attacking the validity of this Agreement, or any permit, ordinance, or entitlement or other action of a governmental agency necessary for the development of the Property pursuant to this Agreement shall also be deemed to create an excusable delay under this Section.

7.2 Supersedure by Subsequent Laws. If any Law made or enacted after the date of this Agreement prevents or precludes compliance with one or more provisions of this Agreement, then the provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with such new Law. Immediately after enactment of any such new Law, the Parties shall meet and confer in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. If such modification or suspension is infeasible in the Landowner's reasonable business Judgment, then the Landowner shall have the right to terminate this Agreement by written notice to the City. The Landowner shall also have the right to challenge the new Law preventing compliance with the terms of this Agreement, and, in the event such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

8. Termination.

8.1 City's Right to Terminate. The City shall have the right to terminate this Agreement if the Landowner is not in substantial compliance with the terms of this Agreement and this default remains uncured, all as set forth in Section 6.

8.2 Landowner's Right to Terminate. The Landowner shall have the right to terminate this Agreement only under the following circumstances:

8.2.1 The Landowner has found the City in breach of this Agreement, has given the City notice of such breach and the City has not cured such breach within thirty (30) days of receipt of such notice or, if the breach cannot reasonably be cured within such thirty (30) day period, if the City has not commenced to cure such breach within thirty (30) days of receipt of such notice and is not diligently proceeding to cure such breach.

8.2.2 The Landowner is unable to complete the Project because of supersedure by a subsequent law per Section 7.2 or court action.

8.2.3 The Landowner determines, in its business judgment, that it is not practical or reasonable to pursue development of the Property, however if termination occurs for this reason the City reserves the right to revoke any remaining entitlement to develop the property.

8.3 Mutual Agreement. This Agreement may be terminated upon the mutual Agreement of the Parties.

8.4 Effect of Termination.

8.4.1 General Effect. If this Agreement is terminated for any reason, such termination shall not affect any condition or obligation due to the City from the Landowner prior to the date of termination and such termination shall not otherwise

affect any other City entitlement or approval with respect to the Property that has been granted prior to the date of termination.

8.5 Recordation of Termination. In the event of a termination, the City and Landowner agree to cooperate with one another in executing a Memorandum of Termination to record in the Official Records of Sutter County within thirty (30) days of the date of termination.

9. Remedies. Either Party may, in addition to any other rights or remedies, institute legal or equitable action to cure, correct or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation or enforce by specific performance the obligations and rights of the Parties hereto.

10. Waiver: Cumulative Remedies. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such Party's right to demand strict compliance by such other Party in the future. No waiver by a Party of an event of default shall be effective or binding upon such Party unless made in writing by such Party, and no such waiver shall be implied from any omission by a Party to take any action with respect to such event of default. No express written waiver of any event of default shall affect any other event of default, or cover any other period of time, other than any event of default and/or period of time specified in such express waiver. Except as provided in this Section, all of the remedies permitted or available to a Party under this Agreement, or at law or in equity, shall be cumulative and not alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.

11. Project as a Private Undertaking. It is specifically understood and agreed by and between the Parties that the Project is a private development. This Agreement is made and entered into for the sole protection and benefit of the Landowner and the City and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement. The City and Landowner hereby renounce the existence of any third-party beneficiary to this Agreement and agree that nothing contained herein shall be construed as giving any other person or entity third-party beneficiary status. No partnership, joint venture or other association of any kind is formed by this Agreement.

12. Cooperation in the Event of Legal Claim. In the event any legal action or proceeding is instituted by any third-party challenging the validity of any provision of this Agreement or any action or decision taken or made hereunder, the Parties shall cooperate in defending such action or proceeding.

13. Estoppel Certificate. Either Party may, at any time, and from time-to-time, deliver written notice to the other Party requesting such Party to certify in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; ii) this Agreement has not been amended or modified either orally or in writing, and if so amended, identifying the amendments; (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, describing therein the nature and amount of any such defaults; and (iv) the requesting Party has been found to be in compliance with this

Agreement, and the date of the last determination of such compliance. A Party receiving a request hereunder shall execute and return such certificate within thirty (30) days following receipt thereof. The Director shall have the right to execute any certificate requested by the Landowner hereunder. The City acknowledges that a certificate hereunder may be relied upon by transferees and Mortgagees.

14. Right to Assign or Transfer. The Landowner's rights and responsibilities hereunder may be sold or assigned in conjunction with the transfer, sale or assignment of the Property at any time during the term of this Agreement subject to the following conditions precedent:

14.1 No default by Developer shall be outstanding and uncured as of the effective date of the proposed transfer, unless the City Council has received adequate assurances satisfactory to the City Council that such default shall be cured in a timely manner either by Developer or the transferee under the transfer.

14.2 Prior to the effective date of the proposed transfer, Developer or the proposed transferee has delivered to the City an executed and acknowledged assignment and assumption agreement (the "Assumption Agreement") in recordable form. Such Assumption Agreement shall include provisions regarding: (a) the rights and interest proposed to be transferred to the proposed transferee; (b) the obligations of Developer under this Agreement that the proposed transferee will assume; and (c) the proposed transferee's acknowledgment that such transferee has reviewed and agrees to be bound by this Agreement. The Assumption Agreement shall also include the name, form of entity, and address of the proposed transferee, and shall provide that the transferee assumes the obligations of Developer to be assumed by the transferee in connection with the proposed transfer. The Assumption Agreement shall be recorded in the official records of the County of Sutter concurrently with the consummation of the transfer.

14.3 Prior to the effective date of the proposed transfer, the Developer must obtain the City's consent in writing to the transfer, which may be evidenced by the City Council's approval of an Assumption Agreement. City's consent shall not be unreasonably withheld. Factors the City may consider in determining whether to consent to the transfer include the financial capacity of the proposed transferee to comply with all of the terms of the Agreement and the history, if any, of compliance of transferee, its principals, officers or owners with the provisions of federal or state law, the Yuba City Municipal Code or agreements with the City relating to development projects within the City.

14.4 Mortgagee as Transferee. No Mortgage (including the execution and delivery thereof to the Mortgagee) shall constitute a transfer. A Mortgagee shall be a transferee only upon: (a) the acquisition by such Mortgagee of the affected interest of Developer encumbered by such Mortgagee's Mortgage; and (b) delivery to the City of an Assumption Agreement executed by the Mortgagee pursuant to which the Mortgagee assumes assuming, from and after the date such Mortgagee so acquires its interest, the applicable rights, duties and obligations of Developer under this Agreement. No further consent of the City shall be required for any such transfer to a Mortgagee.

14.5 Effect of Transfer. A transferee shall become a Party to this Agreement only with respect to the interest transferred to it under the transfer and then only to the extent set forth in the Assumption Agreement. If Developer transfers all of its rights, duties and obligations under this Agreement, Developer shall be released from any and all obligations

accruing after the date of the transfer under this Agreement. If Developer effectuates a transfer as to only some but not all of its rights, duties and obligations under this Agreement, Developer shall be released only from its obligations accruing after the date of the transfer which the transferee assumes in the Assumption Agreement.

15 Financing. Mortgages, deeds of trust, sales and leasebacks, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property ("Mortgages") are permitted without the consent of the City, provided the Landowner complies with the following:

15.1 Mortgagee Protection. This Agreement and any covenants entered into between the Developer and City shall be superior and senior to the conveyance of any Mortgage encumbering any interest in the Property. No default shall defeat, render invalid, diminish or impair the conveyance of any Mortgage made for value, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against any person (including any Mortgagee) who acquires title to the Property or any portion thereof or interest therein or improvement thereon, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

15.2 Mortgagee Not Obligated; Mortgagee as Transferee. No Mortgagee shall have any obligation or duty under this Agreement whatsoever, except that nothing contained in this Agreement shall be deemed to permit or authorize any Mortgagee to undertake any new construction or improvement in the Chima Ranch Project Area, or to otherwise have the benefit of any rights of Developer, or to enforce any obligation of the City, under this Agreement, unless and until such Mortgagee elects to become a Transferee in the manner specified in this Agreement. Any Mortgagee that affirmatively elects to become a Transferee shall be later released from all obligations and liabilities under this Agreement upon the subsequent Transfer by the Mortgagee of its interest as a transferee to another person.

15.3 Entitlement to Written Notice of Default. The Mortgagee of a Mortgage or beneficiary of a deed of trust encumbering the Property, or any part thereof, and their successors and assigns shall, upon written request to the City, be entitled to receive from the City written notification of any default by Landowner of the performance of Landowner's obligations under this Agreement which has not been cured within sixty (60) days following the date of default. Landowner shall reimburse the City for its actual costs, reasonably and necessarily incurred, to prepare this notice of default.

15.4 Priority of Mortgages and Subordination. Landowner shall ensure that all Mortgages subordinate to this Agreement. For purposes of exercising any remedy of a Mortgagee or for becoming a Transferee, the applicable laws of the State of California shall govern the rights, remedies and priorities of each Mortgagee, absent a written agreement between Mortgagees otherwise providing.

15.5 Collateral Assignment. As additional security to a Mortgagee under a Mortgage on the Property or any portion thereof, Developer shall have the right, without the consent of the City, to execute a collateral assignment of Developer's rights, benefits and remedies under this Agreement in favor of the Mortgagee (a "Collateral Assignment") on the standard form provided by the Mortgagee.

16. Covenants to Run with the Land. All of the provisions, agreements, rights, powers, standards, terms, covenants, and obligations contained in this

Agreement shall be binding upon the Parties and their respective heirs, successors, assignees, devises, administrators, representatives, lessees, and all other persons acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors and assignees. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable laws, including, but not limited to, Section 1468 of the Civil Code of the State of California. Each covenant to do, or refrain from doing, some act on the Property hereunder: (i) is for the benefit of such properties and is a burden upon such properties; (ii) runs with such properties; and (iii) is binding upon each Party and each successive owner during its ownership of such properties or any portion thereof, and each person having any interest therein derived in any manner through any owner of such properties, or any portion thereof, and shall benefit each Party and its property hereunder, and each other person succeeding to an interest in such properties; provided that no liability or obligation shall accrue to any person, if this Agreement terminates pursuant to Section 8 of this Agreement.

17. Amendment.

17.1 Amendment or Cancellation. Except as otherwise provided in this Agreement, this Agreement may be canceled, modified or amended only by mutual consent of the Parties in writing, and then only in the manner provided for in Government Code Section 65868. Minor amendments to this Agreement may be made without a public hearing upon approval of the Development Services Director. "Minor Amendments" shall mean amendments which are similar in significance to the type of minor amendments to land use entitlements that may be made without a full public hearing or approval of the Planning Commission or City Council pursuant to the Yuba City Municipal Code.

17.2 Recordation. Any amendment, termination or cancellation of this Agreement shall be recorded by the City Clerk not later than ten (10) days after the effective date of the action effecting such amendment, termination or cancellation; however, a failure to record shall not affect the validity of the amendment, termination or cancellation.

18. Notices.

18.1 Procedure. Any notice to either Party shall be in writing and given by delivering the notice in person or by sending the notice by registered or certified mail, or Express Mail, return receipt requested, with postage prepaid, to the Party's mailing address.

18.2 Mailing Addresses. The respective mailing addresses of the Parties are, until changed as hereinafter provided, the following:

City:	Development Services Director City of Yuba City 1201 Civic Center Blvd. Yuba City, CA 95993
With a copy to:	City Manager

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Landowners: Interwest Homes Corporation
Attn: Ron Scott
950 Tharp Road
Yuba City, CA 95993

With a copy to: MHM Incorporated
Attn: Sean Minard
P.O. Box B
Marysville, CA 95901

Either Party may change its mailing address at any time by giving ten (10) days' notice of such change in the manner provided for in this section. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal delivery is affected or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. Nothing in this provision shall be construed to prohibit communication by facsimile transmission, so long as an original is sent by first class mail, commercial carrier or is hand-delivered.

19. Indemnification.

19.1 Third Party Actions. To the furthest extent allowed by law, Developer shall indemnify, hold harmless and immediately defend with counsel of City's choosing, City and each of its officers, officials, employees, agents, attorneys, and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties or (ii) a governmental body, agency or official other than the City or a City Agency, that: (a) challenges or contests any or all of this Agreement, the Chima Ranch Subdivision Map Applications and Approvals, or the Development Approvals; or (b) claims or alleges a violation of CEQA or another law in connection with the certification of the EIR by the City Council or the grant, issuance or approval by the City of any or all of this Agreement, the Chima Ranch Subdivision Map Applications and Approvals, and the Development Approvals. Developer's obligations under this Section shall apply regardless of whether City or any of its officers, officials, employees, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this Section shall survive the termination of this Agreement.

19.2 Damage Claims. The nature and extent of Developer's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in Section 19.1 shall be governed by this Section 19.2. To the furthest extent allowed by law, Developer shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents, attorneys, and volunteers from any and all loss, liability,

fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Developer or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance of this Agreement or the performance of any or all work to be done by Developer or its contractors, agents, successors and assigns pursuant to this Agreement (including, but not limited to design, construction and/or ongoing operation and maintenance of off-site improvements unless and until such off-site improvements are dedicated to and officially accepted by the City). Developer's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, attorneys, or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, agents, attorneys, or volunteers.

If Developer should subcontract all or any portion of the services to be performed under this Agreement, Developer shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents, attorneys, and volunteers in accordance with the terms of the preceding paragraph. The Developer further agrees that the use for any purpose and by any person of any and all of the streets and improvements required under this Agreement, shall be at the sole and exclusive risk of the Developer, at all times prior to final acceptance by the City of the completed street and other improvements, unless any loss, liability, fines, penalties, forfeitures, costs or damages arising from said use were caused by the active or sole negligence, or the willful misconduct, of the City or any of its officers, officials, employees, agents or volunteers.

Notwithstanding the preceding paragraph, to the extent that Subcontractor is a “design professional” as defined in Section 2782.8 of the California Civil Code and performing work hereunder as a “design professional” shall, in lieu of the preceding paragraph, be required to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers to the furthest extent allowed by law, from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in Agreement, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

This Section shall survive termination or expiration of this Agreement.

20. Insurance. Prior to starting construction of any phase of the project through the date of City’s final formal acceptance of off-site improvements constructed pursuant to the terms of this Agreement (the “Insurance Period”), Developer shall pay for and maintain in full force and effect all policies of insurance described in this Section with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) authorized by City’s Public Work’s Director. The following policies of insurance are required:

20.1 Commercial General Liability. Insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and shall include insurance for bodily injury, property damage and personal injury with coverage for premises and operations (including the use of

owned and non-owned equipment), products and completed operations, contractual liability (including indemnity obligations under this Agreement),with limits of liability of not less than $5,000,000 per occurrence for bodily injury and property damage, $1,000,000 per occurrence for personal injury, $5,000,000 general aggregate and $5,000,000 aggregate for products and completed operations and $5,000,000 general aggregate.

20.2 Commercial Automobile Liability. insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Business Auto Coverage Form CA 00 01 and shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 B Any Auto), with combined single limits of liability of not less than $5,000,000 per accident for bodily injury and property damage.

20.3 Workers Compensation. insurance as required under the California Labor Code.

20.4 Employers Liability. with minimum limits of liability of not less than $1,000,000 each accident, $1,000,000 policy limit and $1,000,000 for each employee.

In the event Developer purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

Developer shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Developer shall also be responsible for payment of any self-insured retentions.

The above described policies of insurance shall be endorsed to provide an unrestricted 30 calendar day written notice in favor of City of policy cancellation of coverage, except for the Workers' Compensation policy which shall provide a ten (10) calendar day written notice of such cancellation of coverage. In the event any policies are due to expire during the term of this Agreement, Developer shall provide a new certificate evidencing renewal of such policy not less than ten (10) calendar days prior to the expiration date of the expiring policy(ies). Upon issuance by the insurer, broker, or agent of a notice of cancellation in coverage, Developer shall file with City a new certificate and all applicable endorsements for such policy(ies).

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form and shall name City, its officers, officials, agents, attorneys, employees and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Developer's insurance shall be primary, and no contribution shall be required of City. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, agents, employees and volunteers. Developer shall have furnished City with the certificate(s) and applicable endorsements for all required insurance prior to start of construction of any phase of development. Developer shall furnish City with copies of the actual policies upon the request of City's Director of Public Works at any time during the life of the Agreement or any extension, and this requirement shall survive termination or expiration of this Agreement.

If at any time during the Insurance Period, Developer fails to maintain the required insurance in full force and effect, the Director of Public Works, or designee, may order that the Developer, or its contractors or subcontractors, immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to ensure that public health

and safety is protected. All payments due or that become due to Developer shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. The insurance requirements set forth in this Section are material terms of this Agreement.

If Developer should hire a general contractor to provide all or any portion of the services or work to be performed under this Agreement, Developer shall require the general contractor to provide insurance protection in favor of City, its officers, officials, employees, attorneys, volunteers and agents in accordance with the terms of each of the preceding paragraphs, except that the general contractor's certificates and endorsements shall be on file with Developer and City prior to the commencement of any work by the general contractor.

If the general contractor should subcontract all or a portion of the services or work to be performed under this Agreement to one or more subcontractors, Developer shall require the general contractor to require each subcontractor to provide insurance protection in favor of City, its officers, officials, employees, attorneys, volunteers and agents in accordance with the terms of each of the preceding paragraphs, except that each subcontractor shall be required to pay for and maintain Commercial General Liability insurance with limits of liability of not less than $1,000,000 per occurrence for bodily injury and property damage, $1,000,000 per occurrence for personal injury, $2,000,000 aggregate for products and completed operations and $2,000,000 general aggregate and Commercial Automobile Liability insurance with limits of liability of not less than less than $1,000,000 per accident for bodily injury and property damage. Subcontractors' certificates and endorsements shall be on file with the general contractor, Developer and City prior to the commencement of any work by the subcontractor. Developer's failure to comply with these requirements shall constitute a default of this Agreement.

21. Miscellaneous.

21.1 Approvals. Unless otherwise provided herein, whenever approval, consent or satisfaction (herein collectively referred to as an "approval") is required of a Party pursuant to this Agreement, such approval shall not be unreasonably withheld. If a Party shall disapprove, the reasons therefor shall be stated in reasonable detail in writing. Approval by a Party to or of any act or request by the other Party shall not be deemed to waive or render unnecessary approval to or of any similar or subsequent acts or requests. The Parties acknowledge and agree that the intent of the Parties is that this Agreement be construed in a manner that protects the rights granted to Landowner herein to the as allowed by law. Except for the limitations on the exercise by the City of its police power which are provided in this Agreement or which are construed in accordance with the immediately preceding sentence, the Parties further acknowledge and agree that: (a) the City reserves all of its police power and/or statutory or other legal powers or responsibilities; and (b) this Agreement shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit the discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws, and entitlement of use which require the exercise of discretion by the City or any of its officers or officials. This Agreement shall not be construed to limit the obligations of the City to comply with CEQA or any other federal or state law.

21.2 Project Approvals Independent. All approvals that may be granted pursuant to this Agreement, and all approvals or other land use approvals which have been or may be issued or granted by the City with respect to the Property,

constitute independent actions and approvals by the City. If any provisions of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, or if the City terminates this Agreement for any reason, such invalidity, unenforceability or termination of this Agreement or any part hereof shall not affect the validity or effectiveness of any approvals or other land use approvals. In such cases, such approvals will remain in effect pursuant to their own terms, provisions and conditions.

21.3 Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of the Property, or of the Project, or any portion thereof, to the general public, for the general public, or for any-public use or purpose whatsoever. This proscription does not extend to any portion of the Property that may be dedicated in compliance with any conditions of approval. The Landowner shall have the right to prevent or prohibit the use of the Property, or any portion thereof, including common areas and buildings and improvements located thereon; by any person for any purposes inimical to the operation of a private, integrated Project as contemplated by this Agreement.

21.4 Severability. Invalidation of any of the provisions contained in this Agreement, or of the application thereof to any person, by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other person or circumstance and the same shall remain in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

21.5 Construction of Agreement. The provisions of this Agreement and the Exhibits shall be construed as a whole according to their common meaning and not strictly for or against any Party in order to achieve the objectives and purpose of the Parties. The captions preceding the text of each Article, Section, Subsection and the Table of Contents are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Agreement. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neuter genders, or vice versa. All references to "person" shall include, without limitation, any and all corporations, partnerships or other legal entities.

21.6 Other Necessary Acts. Each Party covenants, on behalf of itself and its successors, heirs and assigns, to take all actions and do all things, and to execute, with acknowledgment or affidavit if required, any and all further instruments, documents and writings as may be reasonably necessary or proper to achieve the purposes and objectives of this Agreement and to secure the other party the full and complete enjoyment of its rights and privileges hereunder.

21.7 Applicable Law. This Agreement, and the rights and obligations of the Parties, shall be construed by and enforced in accordance with the laws of the State of California.

21.8 Equal Authorship. This Agreement has been reviewed by legal counsel for both the Landowner and City, and no presumption or rule that ambiguities

shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

21.9 Time. Time is of the essence of this Agreement and of each and every term and condition hereof. In particular, the City agrees to act in a timely fashion in accepting, processing, checking and approving all maps, documents, plans, permit applications and any other matters requiring the City's review or approval relating to the Project or Property. Subject to extensions of time by mutual consent in writing, unreasonable delay by either party to perform any term or provision of this Agreement shall constitute a default.

21.10 Subsequent Projects. After the effective date of this Agreement, the City may approve other projects that place a burden on the City's infrastructure; however, it is the intent and agreement of the Parties that Landowner's right to build and occupy the Project, as described in this Agreement, shall not be diminished despite the increased burden of future approved development on public facilities.

21.11 Entire Agreement. This written Agreement and the Exhibits contain all the representations and the entire agreement between the Parties with respect to the subject matter hereof. Except as otherwise specified in this Agreement, any prior correspondence, memoranda, agreements, warranties or representations are superseded in total by this Agreement and Exhibits.

21.12 Form of Agreement: Exhibits. This Agreement is executed in three duplicate originals, each of which is deemed to be an original. This Agreement constitutes the entire understanding and agreement of the parties. Said exhibits are identified as follows:

Exhibit A-1: Property legal description
Exhibit A-2: Chima Ranch Subdivision

All attachments to this Agreement, including all exhibits referenced herein, and all subparts thereto, are incorporated herein by this reference.

21.13 Attorneys' Fees. If either Party commences any action for the interpretation, enforcement, termination, cancellation or rescission hereof, or for specific performance of the breach hereof, the prevailing party shall be entitled to its reasonable attorneys' fees and litigation expenses and costs, and any judgment, order or decree rendered in such action, suit or proceeding shall include an award thereof. Attorneys' fees under this Section shall include attorneys' fees on any appeal and any post-judgment proceedings to collect or enforce the judgment. This provision is separate and several and shall survive the merger of this Agreement into any judgment on this Agreement.

21.14 Limitation of Legal Acts. In no event shall the City, or its officers, agents, attorneys, or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed that the Developer's sole legal remedy for a breach or violation of this Agreement by the City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

21.15 Interpretation and Governing State Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objective and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, both Parties having been represented by counsel in the negotiation and preparation hereof. All legal actions brought to enforce the terms of this Agreement shall be brought and heard in the Superior Court of the State of California, County of Sutter.

21.16 Successor Statutes Incorporated. All references to a statute or ordinance, shall incorporate any, or all, successor statute or ordinance enacted to govern the activity now governed by the statute or ordinance, noted herein to the extent, however, that incorporation of such successor statute or ordinance does not adversely affect the benefits and protections granted to the Developer under this Agreement.

21.17 Counterparts. This Agreement may be executed in two or more identical counterparts, each of which shall be deemed to be an original and each of which shall be deemed to be one and the same instrument when each Party signs each such counterpart.

21.18 Signature Pages. For convenience, the signatures of the Parties to this Agreement may be executed and acknowledged on separate pages which, when attached to this Agreement, shall constitute this as one complete Agreement.

21.19 Days. Unless otherwise specified in this Agreement, the term "days" means calendar days.

21.20 Authority. The Parties hereby represent that the person hereby signing this Agreement on behalf of each respective Party has the authority to bind the Party to the Agreement.

[SIGNATURES ARE ON THE FOLLOWING PAGE]

DRAFT

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"City"

CITY OF YUBA CITY,
A General Law City

By:_____

Wade Kirchner, Mayor

Date:_____

"Landowner"

Interwest Homes Corporation,
a California Corporation

By: Interwest Homes Corporation
a California Corporation

By:_____
James R. Scott, President

Attest:

_____
City Clerk

Approved as to Form:

_____
Shannon Chaffin, City Attorney

Attachments:

ATTACHMENT 3

TENTATIVE SUBDIVISION MAP
CHIMA RANCH (SM 22-07 SMALL)

YUBA CITY, CALIFORNIA
JULY 22, 2022 REVISED JANUARY 3, 2023

PROJECT NOTES

OWNER
CHIMA FAMILY TRUST
KARNAIL SINGH CHIMA LP
1749 SANBORN ROAD
YUBA CITY, CA 95991
CONTACT: PAUL CHIMA
PHONE: (530) 682-1507

APPLICANT
INTERWEST HOMES CORPORATION
950 THARP ROAD, SUITE 1402
YUBA CITY, CA 95993
CONTACT: RON SCOTT
PHONE: (530) 671-4600

ENGINEER/SURVEYOR
MHM INCORPORATED
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
CONTACT: SEAN MINARD, P.E., P.L.S.
PHONE: (530) 742-6485

ASSESSOR'S PARCEL NO.
APN 065-020-009 (5.0 AC)
APN 065-020-010 (10.0 AC)

AREA OF TENTATIVE MAP
14.86 GROSS ACRE

EXISTING USE
ORCHARD AND SINGLE FAMILY HOUSE

EXISTING GENERAL PLAN DESIGNATION
LOW-MEDIUM DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL

PROPOSED GENERAL PLAN DESIGNATION
LOW-MEDIUM DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL

EXISTING ZONING
R-1 AND R-2

PROPOSED ZONING
R-1 (PD) AND R-2 (PD)

LEVEE PROTECTION
LEVEE DISTRICT NO. 1 OF SUTTER COUNTY

ELEMENTARTY SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

HIGH SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

IRRIGATION DISTRICT
NONE - INDIVIDUAL WATER WELLS

FIRE PROTECTION
SERVICE AREA G - CITY OF YUBA CITY
FIRE DEPARTMENT

LAW ENFORCEMENT
SHORT TERM - SUTTER CO. SHERIFF
LONG TERM - YUBA CITY POLICE

SANITARY SEWER
CITY OF YUBA CITY PUBLIC WORKS

DOMESTIC WATER
CITY OF YUBA CITY PUBLIC WORKS

STORM DRAINAGE
CITY OF YUBA CITY PUBLIC WORKS
AND GILSIZER DRAINAGE DISTRICT

ELECTRICITY
PACIFIC GAS AND ELECTRIC

NATURAL GAS (OPTIONAL)
PACIFIC GAS AND ELECTRIC

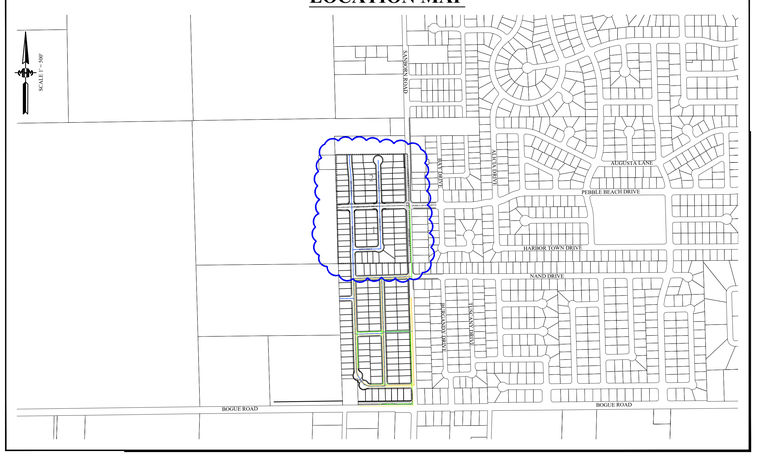
COMMUNICATION
AT&T AND COMCAST

CABLE (OPTIONAL)
COMCAST

GENERAL NOTES:

1. SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT. THIS PROJECT COULD BE 1 TO 3 PHASES.
2. A 12.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED PROVIDED ON ALL STREETS WITH 10 FEET BEHIND SIDEWALK AND 2.0 FEET LOCATED UNDER SIDEWALK. ADJACENT TO CUL-DE-SAC BULBS THE PUBLIC UTILITY EASEMENT SHALL BE 10 FEET BEHIND SIDEWALK UNLESS OTHERWISE DIRECTED BY THE CITY ENGINEER.
3. THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY, ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
4. THIS IS AN APPLICATION FOR A TENTATIVE SUBDIVISION MAP AND PLANNED UNIT DEVELOPMENT (PUD).
5. VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE. TWO POTENTIAL PHASES ARE SHOWN BUT DEVELOPER RESERVES RIGHT TO RECORD WITH MORE OR LESS.
6. ALL EXISTING STRUCTURES, SEPTIC TANKS, AND WELLS TO BE REMOVED OR DESTROYED PRIOR TO CONSTRUCTION.
7. STREET TREES SHALL BE PLANTED PURSUANT TO CITY OF YUBA CITY STANDARDS. ADDITIONAL DETAIL SHALL BE PROVIDED ON THE IMPROVEMENT PLANS.
8. OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT. MHM INC, SEAN MINARD, IS THE ENGINEER AND SURVEYOR OF RECORD FOR THE TENTATIVE MAP.

LOCATION MAP



LAND USE SUMMARY

LOT SUMMARY*

VILLAGE NO. 1 =	42 LOTS	7.30 AC	5.75 DU/AC
VILLAGE NO. 2 =	40 LOTS, 2 ADU**	6.67 AC	6.30 DU/AC
SUBTOTAL = (RESIDENTIAL)	82 LOTS, 2 ADU	13.91 AC	6.04 DU/AC
PEBBLE BEACH DRIVE		0.95 AC	
SUBTOTAL = (ROADWAY)		0.95 AC	
TOTAL =		14.86 AC	

* VILLAGE NO. 1 IS LOCATED IN THE LOW DENSITY RESIDENTIAL AND VILLAGE NO. 2 IS LOCATED IN LOW-MEDIUM DENSITY RESIDENTIAL. THIS PROJECT IS A PLANNED UNIT DEVELOPMENT.
** VILLAGE NO. 2 LOT 25 AND 40 SHALL INCLUDE AN ADDITIONAL DWELLING UNIT (ADU). WE RESERVE RIGHT TO DO MORE ADU.
*** DENSITIES EXCLUDE PEBBLE BEACH DRIVE.

CITY OF YUBA CITY APPROVAL:
THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 22-0XX APPROVING TENTATIVE SUBDIVISION MAP NO. 2022-007 (SMALL LOT) DURING THE PLANNING COMMISSION MEETING ON OCTOBER 26, 2022.

CITY OF YUBA CITY DATE:

LEGAL DESCRIPTION (EXISTING PARCELS):

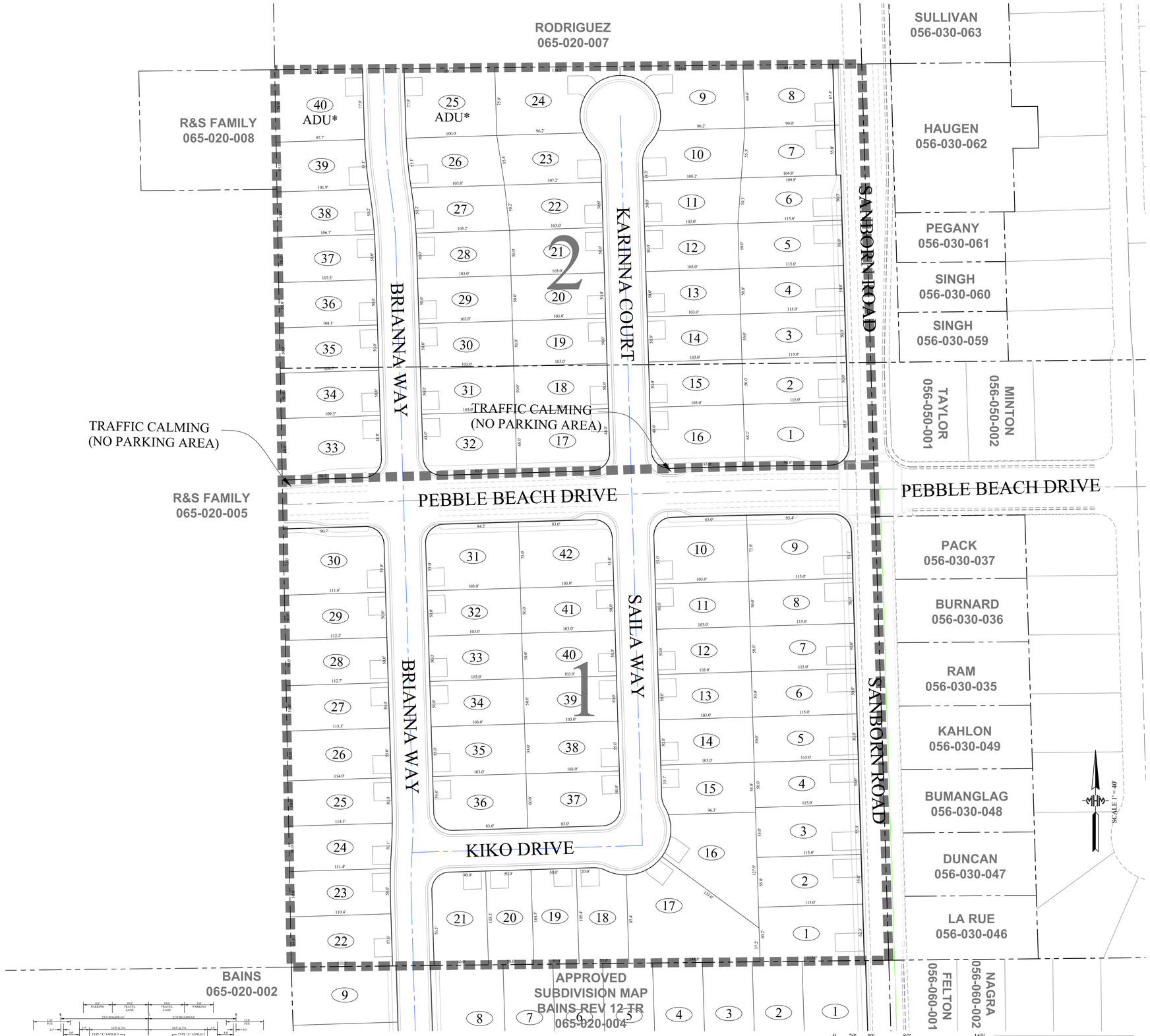
HE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SUTTER, CITY OF YUBA CITY, DESCRIBED AS FOLLOWS:

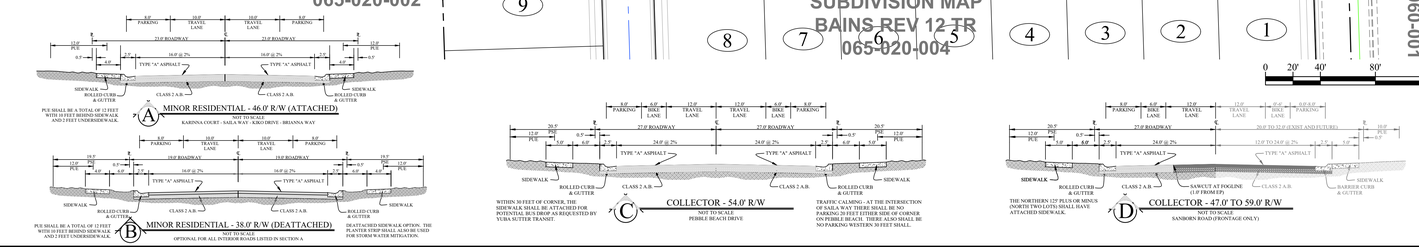
PARCEL ONE: (APN: 065-020-010)
LOT 3 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE SE-1/4 OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 E., M.D.M. IN SUTTER CO., CAL., AS SUBDIVIDED INTO LOTS FOR JAMES LITTLEJOHN" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SUTTER COUNTY, CALIFORNIA, ON SEPTEMBER 4, 1906 IN BOOK 1 OF SURVEYS, PAGE 40 .

PARCEL TWO: (APN: 065-020-009)
THE SOUTH S ACRES OF LOT 2 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE SE-1 /4 OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 E., M. D. M., IN SUTTER CO., CAL., AS SUBDIVIDED INTO LOTS FOR JAMES LITTLEJOHN" FILED IN THE OFFICE OF THE COUNTY LTCCORDER OF SUTTER COUNTY, CALIFORNIA, ON SEPTEMBER 4, 1906, IN BOOK I OF SURVEYS, PAGE 40.

SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY OLD REPUBLIC TITLE COMPANY ORDER NUMBER 4211019682-JS DATED JUNE 24, 2022.

SEAN MINARD, P.E. 52593, P.L.S. 8397





M·H·M
ENGINEERS & SURVEYORS SINCE 1892
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

ATTACHMENT 4

Environmental Assessment 22-14

Initial Study and Mitigated Negative Declaration for Chima Ranch, a Tentative Subdivision Map (TSM) SM 22-07 to subdivide 14.86 acres into 82 single family residential lots with two lots including accessory dwelling units (ADUs). A rezoning to add a Planned Development Combining District (PD 15) is proposed to allow reductions in proposed lot sizes, building setbacks and maximum percent lot coverage that are consistent with the General Plan density standards. All of the lots will be provided with full City services. This project also includes consideration of a development agreement to extend the approval of the Tentative Subdivision Map to 10 years.

Prepared By:
City of Yuba City
Development Services Department
Planning Division

November 24, 2022

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1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City) from proposed Tentative Subdivision Map (TSM) SM 22-07, Chima Ranch. The proposed project will divide 14.86-acres into 82 single-family residential lots with two lots being of sufficient size to provide for the construction of an accessory dwelling unit on each parcel. The single-family residential lots are all 5,000 square feet in size or larger, with a residential density in Village No. 1 of 5.75 dwelling units per acre and 6.3 dwelling units per acre in Village No. 2. The subdivision will be provided full City services including sewer, water and storm drainage collection. The project will involve the removal of two dwellings and a walnut orchard. Finally, a development agreement is proposed to extend approval of the map beyond the City Municipal Code and State Subdivision Map Act thresholds.

This subdivision is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The project requires discretionary review by the City of Yuba City Planning Commission and City Council for approval of the Planned Development.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the tentative subdivision map and provide an environmental assessment for consideration by the Planning Commission. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The IS identified potentially significant effects, but:

    a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

This IS/MND contains four chapters, and one technical appendix. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

The proposed subdivision will undergo a public review process by the Planning Commission that, if approved, will ultimately consist of a small residential neighborhood consisting of 82 single-family residences. The Planning Commission's review is needed to assure that the project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the project may have a significant impact on the environment, but

that with specific recommended mitigation measures incorporated into the project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this project and a mitigated negative declaration has been prepared for this project.

1.5. Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at http://www.yubacity.net/environmental. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20-day review period will commence on November 24, 2022 and end on December 14, 2022 at the conclusion of the Planning Commission hearing.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993

e-mail: developmentservices@yubacity.net
Phone: 530.822.4700

2. Project Description

2.1. Project Title

Chima Ranch Tentative Subdivision Map (TSM) SM-22-07, Planned Development PD15

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, AICP
Deputy Development Services Director
(530) 822-3231
developmentservices@yubacity.net

2.4. Project Location

The 14.86-acre parcel is located in the southwest portion of the City along the west side of Sanborn Road and immediately west of the intersection of Pebble Beach Drive and Sanborn Road.

2.5. Assessor's Parcel Number (APN)

Assessor's Parcel Numbers (APN) 65-020-009 and 65-020-010

2.6. Project Applicant

Interwest Homes Corporation
950 Tharp Road, Suite 1402
Yuba City CA 95993

2.7. Property owner

Chima Family Trust, et, al.
1749 Sanborn Road
Yuba City CA 95993

2.8. General Plan Designation

The project site has two General Plan designations. That portion of the project site south of the proposed extension of Pebble Beach Drive is designated Low Density Residential (Single Family) which provides for residential densities of 2-8 units per gross acre.

That portion of the project site located north of the proposed extension of Pebble Beach Drive is designated Low-Medium Density (Traditional Neighborhoods with a Mix of Housing Types) having residential densities of 6-14 units per gross acre.

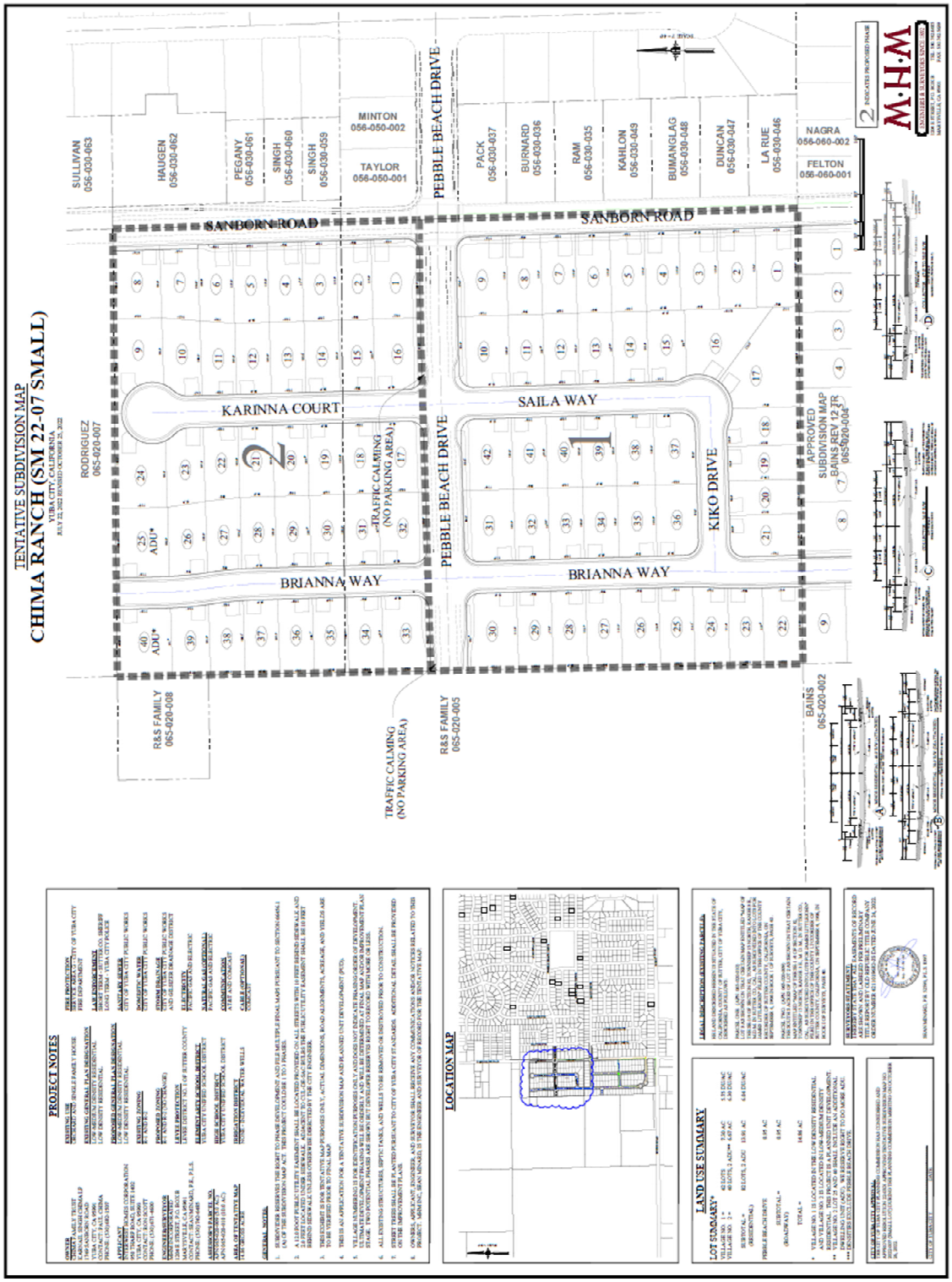
2.9. Existing Zoning

That portion of the project site south of the proposed extension of Pebble Beach Drive is zoned One-Family Residence (R-1) Zone District.

That portion of the project site north of the proposed extension of Pebble Beach Drive is zoned Two-Family Residence District (R-2).

Figure 1: Location Map - Tentative Subdivision Map, SM 22-07, PD15
Chima Ranch Subdivision

Figure 2: Tentative Subdivision Map TSM 22-07, PD15
Chima Ranch Subdivision



Project description

The proposed project will subdivide 14.86 acres into 82 single-family residential lots. The single-family residential lots are all 5,000 square feet in size or larger, with an overall residential density of 6.3 residences per gross acre on that portion of the project located north of the extension of Pebble Beach Drive and 5.75 residences per gross acre on that portion of the project located south of the extension of Pebble Beach Drive. The subdivision will be provided full City services. A Planned Development is proposed to modify certain One-Family Residential and Two-Family Residential District development standards in an effort to increase project densities. These include allowing for reduced minimum lot sizes of 4,400 square feet for corner lots and 4,000 square feet for interior, cul-de-sac and knuckle lots where 5,000 square feet are normally required. Additionally, minimum required lot widths, yard setbacks, garage setbacks and minimum required distances between buildings on the same lot are proposed to be reduced to accommodate a more compact project design. Finally, a development agreement is proposed to extend the approval of the map beyond the timelines specified by the City Municipal Code and State Subdivision Map Act.

Project construction will involve removing the existing walnut orchard and two existing dwellings that are currently located on proposed Lot 4 of Phase 1 and on proposed Lots 1-3 of Phase 2. Proposed residential density will be as follows:

Proposed Use	Gross* Acreage	Gross Density (residences/acre)
82 single-family residential lots	14.86	6.04
Village No. 1	7.30	5.75
Village No. 2	6.67	6.30

*Gross includes the entire residential portion of the project including streets.

2.10. Surrounding Land Uses and Setting

Setting: The 14.86-acre property is level. Existing uses of the property includes a walnut orchard and a manufactured home and detached cover over the home, existing well and onsite septic and leach field system.

Table 1: Bordering Uses	
North:	Single-family residences and orchards
South:	Orchards and approved West Sanborn Subdivision, SM 19-02 (95 lots)
East:	Low Density Single-Family Residential
West:	A Single-family residence and orchards within the incorporated limit of Yuba City

2.11. Other Public Agencies Whose Approval May be Required

- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
- Central Valley Regional Water Quality Control Board.

2.12. Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources		Air Quality
	Biological Resources	X	Cultural Resources		Energy
X	Geology/Soils	X	Greenhouse Gas Emissions		Hazards & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
X	Noise		Population/Housing		Public Services
	Recreation	X	Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

November 24, 2022

Signature | Date

Doug Libby, Deputy Director of Development Services

Printed Name/Position

2.13. Evaluation of Environmental Impacts:

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3-1: Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized 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 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.			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located approximately 7 miles northwest of the project site, are visibly prominent throughout and can be seen from all over Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. In this case, however, the Design Guidelines do not currently apply to single-family residences. The City has no design guidelines for single-family residential development.

3.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include: Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

3.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official designation of state scenic highways. There are no designated state scenic highways in the vicinity of the project site.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires,

for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

3.1.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. This area was a part of the former Lincoln East Specific Plan (LESP) where an Environmental Impact Report (EIR) (SCH#2006082094) was adopted by the City Council. Although the plan was vacated, the environmental analysis that was completed remains. Potential aesthetic impacts were analyzed in the LESP EIR and this proposed project site was a part of that former plan's boundary. The proposed project has the same land use as that adopted by that former LESP. It was determined regarding build-out of the LESP, that there were no feasible mitigation measures available to ensure the project would not substantially change the existing visual character of the area and the impact was significant and unavoidable and the City adopted Findings of Overriding Consideration for potential aesthetic impacts.

There are no designated scenic vistas within the vicinity of the proposed project. Approval of the subdivision will lead to single-family residential buildings being constructed on the property. The aesthetics associated with new development that may result from this subdivision are expected to be complementary to surrounding uses as new development must be consistent with the general design goals, policies and objectives of the City regarding aesthetics.

The Sutter Buttes are more distant and, to some extent, can be seen over existing development. When these new lots are built upon, the height of the new buildings will be limited by the site's R-1 zoning (to a maximum of 35 feet in height and 2 stories), similar to the existing residential development in the area, so the impact on views of the Sutter Buttes is considered to be less than significant.

City design objectives are intended to achieve a cohesive design that would complement existing development both adjacent to the project boundaries, as well as within the project area itself. These design objectives will be applied as building plans for new residences are submitted; this may include master building plans for each Village area that include multiple architectural styles and building materials. Potential impacts associated with this are anticipated to be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no state scenic highways within the incorporated limits of Yuba City and Sutter County. The project site is developed with a walnut orchard, manufactured home caretaker unit and single-family home, all of which will be removed to accommodate the proposed project. There are no rock outcroppings, large or historic trees, or historic buildings on the site. Properties in this general vicinity (including the single-family residential neighborhoods to the east) have been previously developed. As a result, no impacts are anticipated.

c) In nonurbanized areas, substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from 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.

Less than Significant Impact. This area was a part of the former LESP where an EIR (SCH#2006082094) was adopted by the City Council. Although the plan was vacated, the environmental analysis that was completed remains. Potential aesthetic impacts were analyzed in the LESP EIR and that included this proposed project site. It was determined that development of the former LESP would alter the visual character of the site by developing a variety of residential, commercial, public, quasi-public, and park uses on formerly agricultural land. This would substantially change the existing visual character or quality of the site and its surroundings. The proposed project has the same land use as that adopted by the former LESP. It was determined regarding build-out of the LESP, that there were no mitigation measures available that could ensure the project would not substantially change the existing visual character of the area and the impact was significant and unavoidable and the City adopted Findings of Overriding Consideration for potential aesthetic impacts.

The project is not anticipated to result in degradation of the visual quality or character of the area. New single-family residential development will be required to comply with general City design objectives, including with respect to use building architecture and materials. Distant views to the Sutter Buttes will not be adversely impacted. A less than significant impact is anticipated.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Less than Significant Impact. This area was a part of the former LESP where an EIR (SCH#2006082094) was adopted by the City Council. Although the plan was vacated, the completed environmental analysis remains. Potential aesthetic impacts were analyzed in the LESP EIR and this project site was included in that former plan area. The adopted EIR determined the change from primarily undeveloped to urban development would introduce traffic into the area and increase vehicle lights. The addition of lighting in the form of vehicle headlights and stationary lighting for new buildings, to an area where the site is primarily undeveloped would increase the amount of artificial light in the area and present a stark contrast to existing conditions. The increase in night lighting could negatively affect views of the nighttime sky on the project site and in the surrounding area. The EIR concluded that adherence with City policies would result in a less than significant impact.

The City requires new streets to have streetlights and this will result in new lighting within this project. However, street lighting does not extend much beyond the immediate vicinity and also street lighting is not typically considered a significant impact unless there are nearby special circumstances, which there is not. Therefore, since there are no unique circumstances, the impacts from new street and home lighting are anticipated to be less than significant as concluded in the previously adopted EIR.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3-2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) 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?			X	

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal

programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has 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.
- *Farmland of Statewide Importance.* 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.

- *Unique Farmland.* 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 Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as "Super Williamson Act Contracts." Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Less than Significant Impact. This area was a part of the former LESP where an EIR (SCH#2006082094) was adopted and certified by the Yuba City Council. Although the plan was vacated, the completed environmental analysis remains. The LESP area was identified as containing Farmland of Statewide Importance, an Important Farmland type as well as other lesser quality designated soils. The loss of agricultural land associated with the LESP was determined in the EIR to be a significant and unavoidable impact and Findings of Overriding Consideration were adopted as part of that project's approval.

Additionally, the City evaluated the loss of farmland within the City's sphere of influence (SOI) or Urban Growth Boundary (UGB) as part of the 2004 General Plan process and have included policies designed to reduce the impact of converting agricultural lands to non-agricultural uses. As part of adopting the 2004 General Plan update, the City also adopted an Environmental Impact Report that also made Findings of Overriding Consideration for the loss of agricultural land within the SOI. The proposed project site was recently annexed to the City and had previously been a part of the City's long established SOI.

The proposed project site is located within the general Yuba City urbanized area, adjoining residential development to the east and the approved West Sanborn Subdivision to the south. The property has been planned for and designated by the City for urban uses, as provided in the 2004 General Plan and former LESP area where Findings of Overriding Consideration regarding the loss of agricultural land were previously made in the City's certification of the EIR for both of those projects. This proposed project is consistent with the General Plan land uses as adopted in 2004. Therefore, an additional impact to the loss of agriculture land is not anticipated and the impact is viewed as less than significant for this analysis.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The proposed Project is currently zoned for urban uses and the subject property is not encumbered by a Williamson Act contract. There will therefore be no impacts related to a Williamson Act contract. See discussion above under item 3.2.4.a.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The proposed Project is located in the Sacramento Valley in a relatively level area that has historically been used agriculturally as orchards and developed with two dwelling units. This area has been designated years ago for urban use by the City where the loss of agricultural and was analyzed in two environmental impact reports. There is no timberland located on the project site or within the vicinity of the project. There will be no impact on existing zoning of forestland and the proposed Project will not cause the rezoning of any forestlands. No impacts are anticipated.

d) Result in the loss of forestland or conversion of forest land to non-forest use?

No Impact. There is no forested land on the project site or vicinity. As a result, there will be no impact on forest land.

e) 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?

Less than Significant Impact. While the underlying soils have agriculture qualities, the area has been planned for and designated by the City for urban development as part of the 2004 City General Plan and the former LESP. Both of those plans analyzed impacts related to the conversion of farmland to non-agricultural uses and each plan was approved by the City Council where EIRs were certified and Findings of Overriding Consideration were made for the loss and conversion of agricultural land. There are no nearby agricultural uses that are anticipated to be adversely impacted by this project. There are no forestlands on the project site or in the vicinity. No properties within the area are within the Williamson Act. For these reasons, the proposed project is anticipated to result in a less than significant impact.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3-3: Air Quality

Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing

winds are from the south. This is primarily because of the north- south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated "unclassified."

Ambient Air Quality Standards: Both the federal and State government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and State ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O3): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NOX), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NOX): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO2) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NOX are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM10) and Fine Particulate Matter (PM2.5): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO2): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn,

Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off- road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development

projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking

areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.

- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. Standards set by FRQAMD, CARB, and Federal agencies apply to this project. Prior to the initiation of ground disturbance, such as grading, a Fugitive Dust Control Plan will need to be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District by the developer to address emissions from construction. FRAQMD's 2010 Screening Criteria for Air Quality Operational Impacts indicates the threshold for significant daily emissions for single-family residential projects is 130 dwelling units. The proposed project will allow for the development of 82 new residential lots with two proposed lots being of sufficient size to include an accessory dwelling unit on each lot. The proposed project will not exceed FRAQMD's established threshold for potential significant impacts. As a result, a less than significant impact is anticipated.

b) 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?

Less than Significant Impact. The proposed project will result in limited generation of criteria pollutants during construction and as part of residential daily operations (primarily from vehicle use). However, project contributions to area cumulative air quality impacts are expected to be less than significant because the project will not exceed FRAQMD emissions thresholds, and as the project is subject to use of Best Management Practices (see item c, below). Accordingly, net increases of non-attainment criteria pollutants are anticipated to result in a less than significant impact.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment.

The proposed project will result in the generation of criteria pollutants during the limited period of site grading and construction. As such FRAQMD adopted criteria must be satisfied, and a project condition will be included to ensure that occurs before the tentative map is recorded.

The Best Management Practices (BMPs) that can be used to reduce the impact to sensitive receptors from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

The FRAQMD has not established a threshold of significance to evaluate the health risk resulting from projects that would locate sensitive receptors near existing non-permitted sources of TACs. In this case, the proposed project will result in the limited generation of criteria pollutants during construction and maintenance. Due to the relatively temporary nature of construction, sensitive receptors in the vicinity of the proposed project (potentially single-family residences adjacent to the east side of the project) will not be subjected to long-term exposure to diesel particulate matter. Any exposure of sensitive receptors to pollutant concentrations are expected to be less than significant.

d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

Less than Significant Impact. Construction of the of the proposed subdivision and the ongoing residential uses typically do not generate objectionable odors or other emissions. As such, the impact of the project creating odors affecting a substantial number of people is anticipated to be less than significant impact.

3.4. Biological Resources

Table 3.4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect 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 Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?				X

3.4.1. Environmental Setting/Affected Environment

The 14.86 acres is level and within the city limits after being annexed to Yuba City in 2022. This area is a part of the former LESP area. The project site is developed with two dwelling units and a walnut orchard. All surrounding property has also annexed and is within the city limits. There is an approved subdivision map to the south (Project #SM 19-02, West Sanborn Estates) that was approved November 10, 2021. Existing residential subdivisions are located on the east side of Sanborn Road. There are no riparian areas or known critical habitat areas on-site or in the vicinity.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal "endangered species" legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or

declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- 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.
- All interstate waters including interstate wetlands.
- 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.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high-water marks" on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define "endangered" and "rare" as specified in CEQA Guidelines section 15380(b).

3.4.3. Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources within the project area:

8.4-G-1 Protect special status species, in accordance with State regulatory requirements.
8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.
8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.
8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities
8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.
8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

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 Game or U.S. Fish and Wildlife Service?

Less than Significant Impact. Raptor species, including the red-tailed hawk and barn owl, forage within the ruderal non-native grasslands which were identified to be on the adjacent property to the south (West Sanborn Subdivision, Project TSM 19-02, EA19-03). As part of that adjacent subdivision project, the applicant's biologist, Bole and Associates, conducted a biological review of the project site in January 2021. The report found no potential biological constraints for this site, also finding that development of the site would result in the removal of the existing orchard, noting that "grading effectively removes foraging opportunities for owl and hawk prey, particularly microtine rodents."

A biological assessment was prepared for this project site by Marcus H. Bole and Associates and a report was prepared dated August 29, 2022. The assessment determined there are no wetlands or riparian habitats on or near the subject property. The site is developed with walnut trees with ruderal non-native grasses between the rows of walnut trees with non-native grasses consisting of wild oats, bromegrass, thistles and non-native forbs. The developed portions of the property include a primary residence, manufactured home, paved and graveled areas and domestic landscaping (cultivars and lawns). During the migratory bird and raptor survey conducted during August 2022, there were no observed nests within the subject property. Other avian species that have nesting habitat within or near the subject property are the American crow, western scrub jay, house finch and sparrow. Due to unsuitable habitat elements and historical records within a five miles radius of the subject property there is limited potential nesting habitat for migratory bird species on or near the subject property and no mitigation measures were recommended for these species.

According to California Environmental Quality Act (CEQA) guidelines, a project is normally considered to have a significant impact on wildlife if it will interfere substantially with the movement of any resident or migratory fish or wildlife species; or substantially diminishes habitat quantity or quality for dependent wildlife and plant species. Impacts to special status species and their associated habitats are also considered significant if the impact would reduce or adversely modify a habitat of recognized value to a sensitive wildlife species or to an individual of such species. This guideline applies even to those species not formally listed as threatened, rare or endangered by the California Department of Fish & Wildlife and the United States Fish and Wildlife Service. The biological assessment concluded that project implementation will not result in impacts to resident or migratory wildlife, special status plant or wildlife species, or any associated protected habitat and it was their recommendation that no further biological or botanical studies are required at this time. The full biological assessment is included as an attachment to this initial study and a less than significant impact is anticipated.

b) Have a substantial adverse effect 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 Game or U.S. Fish and Wildlife Service?

Less than Significant Impact. A review of the site identified no native trees, although the site is currently developed with a walnut orchard and two dwelling units. All existing improvements will be removed to accommodate the proposed project. There are no wetland areas or creek corridors or areas that appear to be sensitive habitat areas within or proximate to the project's boundaries. The project site is several miles from the Feather River. There were no known special status species identified by the General Plan or former LESP EIRs to be onsite or in the vicinity. Typically, orchards are not considered to be an appropriate habitat for threatened bird and other species. Therefore, the impacts on biological resources is considered to be less than significant.

c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. No wetlands or federal jurisdictional waters of the U.S. are present within the proposed project area or general vicinity. As a result, there are no impacts on any wetland areas or waterways anticipated.

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?

Less than Significant Impact. The proposed project will not disturb any waterways, as the nearest waterway is the Feather River, being several miles to the east. Therefore, migratory fish will not be affected by this project. Additionally, there are not any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project which is bordered by existing suburban development. As a result, the proposed project will not have significant impacts on migratory fish, wildlife species or migratory wildlife corridors and a less than significant impact is anticipated.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. No trees or other biological resources that are protected by local policies or ordinances occur on or near the project site. The existing orchard occupying a majority of the project site will be removed to facilitate planned urban (residential) development of the site that has been planned for in both the City's 2004 General Plan and the former LESP. Therefore, a less than significant impact is anticipated.

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?

No Impact. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this project.

3.5. Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

3.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, 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; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- 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.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code 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 whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, in July 2022, the City supplied the following two Native American tribes with a project description and map of the proposed project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Ione Band of Miwok Indians

3.5.4. Impact Assessment/Environmental Consequences:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

No Impact. The project site is developed with a walnut orchard and two existing an existing manufactured home, onsite well and septic system. These will be removed as part of the development of the property into a residential subdivision. These facilities are not old enough to have significant historical significance. Additionally, neither the General Plan nor the LESP EIRs identify any historical significance to the project site. As a result, there will be no impacts to any historical resources directly or indirectly.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

Less than Significant Impact with Mitigation Incorporated. The LESP EIR documented a field investigation which did not discover any prehistoric archaeological sites or features and, presently, there are no cemeteries within the project area. In the course of project development, there is the possibility of encountering previously unidentified stone or bone tools or fragments; cultural features such as house floors or hearths; concentrations of dietary debris; and/or human remains interred outside of formal cemeteries both within the plan area as well as off-site. A standard accidental discovery mitigation measure, GEO 1, has been incorporated (see Section 3.7, Geology, below), which will reduce this potential impact to a less than significant level.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation Incorporated. The project site is primarily been developed historically as orchard together with a small onsite manufactured home, well and septic system. No formal cemeteries or other places of human internment are known to exist on the proposed project site.

The tribes did not respond to the City's original request for comments, so it assumed that there are no known cultural resources in this area. However, there still remains the potential for previously unknown sub-surface resources to be present. To avoid potential impacts to unknown remains, mitigation measures provided in Section 3.18 are provided to ensure impacts are less than significant.

3.6 Energy

Table 3-6: Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Less than Significant Impact. Build-out of the proposed project will involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption is a finite, short-term activity and is consistent with construction activities of a similar character. This energy use is not considered wasteful, inefficient or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment will be used in the future, as it will generates fewer air pollutants and GHG emissions. This electrical consumption is consistent with construction activities of a similar character; therefore, the use of electricity in construction activities is not considered wasteful, inefficient or unnecessary, especially since fossil fuel consumption will be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity will be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity will occur.

This project is required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time the project is built-out. Compliance with these standards will reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified. Overall, project construction will not typically consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Following construction of the subdivision and its residences, the main sources of energy consumption will be household operations and vehicle usage. However, the operations of the 82 new dwellings and two accessory dwelling units and their associated vehicles is not a large enough impact on air quality to be considered significant. As a result, a less than significant impact is anticipated.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. In addition to reducing energy consumption, the proposed sustainability components are consistent with state and local energy efficiency plans. All components will be consistent with the energy efficiency goals of CALGreen and Title 24, and similar measures (see Section 3.8, Greenhouse Gas Emissions). This project is consistent with applicable state and local plans to increase energy efficiency. As a result, a less than significant impact is anticipated.

3.7 Geology and Soils

Table 3.7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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?			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological 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?			X	
d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1 Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the County. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters into the County. Both Faults are listed as non-active faults but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone

due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are

located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2 Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.3 State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant

nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

3.7.4 Impact Assessment/Environmental Consequences:

a. Directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. 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?

Less than Significant Impact. According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Additionally, the State Building Code incorporates construction standards for minimizing earthquake damage to buildings and all homes to be constructed will need to comply with State Building and Fire Code requirements at the time construction occurs. Considering the low potential for significant earthquake activity on site and in the vicinity, the potential for adverse impacts from an earthquake is considered a less than significant impact.

ii. Strong seismic ground shaking?

Less than Significant Impact. In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the State Building Code reduces potential impacts to a less than significant level.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. The proposed project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is considered a less than significant impact.

iv. Landslides?

Less than Significant Impact. According to the Environmental Impact Reports prepared for the 2004 General Plan and former LESP, due to the level topography, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the City's Sphere of Influence so a less than significant impact is anticipated.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The entirety of this 14.86-acre site will be disturbed during site grading. Even though the area is largely level with no topographical relief, during site grading a large storm could result in the loss of topsoil into the City drainage system that conveys urban runoff to the Gilsizer Slough. However, as part of the construction of the subdivision, the applicant will be subject to the National Pollutant Discharge Elimination System. This triggers the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process. With these standards being met, as applied through standard City conditions of approval, the impacts are considered less than significant.

c) Be located on a geological 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?

Less than Significant Impact. Neither the City's 2004 General Plan EIR nor the LESP EIR identified geological soil units onsite or in the project vicinity that are considered unstable, or would become unstable as a result of the project proposed. Staff's review of the proposed project has not identified any impacts and as a result, potential impacts are considered to be less than significant.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

No Impact. Expansive soils are identified as being located at the very southwest corner of the Yuba City Sphere of Influence (proximate to the intersection of Bogue and Township Roads). The proposed project site is not located within that area and therefore will not be impacted by the presence of expansive soils.

e) 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?

Less than Significant Impact. The proposed project will not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems because all newly constructed homes will be connected to the City's wastewater collection system per the City's existing established permitting system in place. Septic systems are not proposed to be utilized with this project. As a result, a less than significant impact is anticipated.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated. There are no known paleontological resources located on the project site, which has been previously disturbed and fully developed with an agricultural use (orchards). As a precaution, as the proposed project could result in inadvertent discovery of paleontological resources, the following mitigation is recommended in order to reduce this potential impact to a less then significant level.

Proposed Mitigation Measure: Paleontological Discoveries

GEO 1: Should paleontological resources be identified at a particular site during project excavation activities both on- and off-site, the construction manager shall cease operation until a qualified professional can provide an evaluation. Mitigation shall be conducted as follows:

a. Identify and evaluate paleontological resources by intense field survey where impacts are considered high;
b. Assess effects on identified sites;
c. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;
d. Obtain comments from the researchers;
e. Comply with researchers' recommendations to address any significant adverse effects where determined by the County to be feasible.

In considering any suggested mitigation proposed by the consulting paleontologist, the City's Development Services Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

3.8 Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13,

2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when 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 addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not propose regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- Local Control: The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- Energy and Resource Efficiency: The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- Improved Public Health: Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. The proposed project will emit greenhouse gases during project construction due to the operation of construction equipment, and from worker and building supply vehicles. Additionally, the development of homes will increase the potential for additional greenhouse emissions. However, the size of the project is below the FRAQMDs threshold criteria in determining potential significance of emissions that could impact greenhouse gas generation. The City also encourages the use

of the following in addressing energy efficiency and greenhouse gas emissions, to be addressed as a condition of the project:

- Use of green-building materials on buildings and other outdoor structures, such as low-emission concrete, recycled aggregate, recycled reinforcing, or waffle pods to be used in foundations; recycled plastics to be used in community structures such as fencing or playground equipment; wood flooring materials to be treated with low emissions varnishes and floor board substrates to be made from low emission particleboard; and other recycled building materials like recycled aluminum for window frames or post-consumer plastic for piping;

- Installation of photovoltaic rooftop energy systems where feasible;

- Establishment of tree-planting guidelines that encourage residents to plant trees to shade buildings primarily on the west and south sides of the buildings. Use of deciduous trees (to allow solar gain during the winter) and direct shading of air conditioning systems shall be included in the guidelines;

- Include energy-conserving features as options for home buyers, such as:
    1. Increased wall and ceiling insulation (beyond building code requirements);
    2. Energy efficient windows (double-paned or low-E);
    3. Radiant heat barriers;
    4. Solar water-heating systems; and
    5. Low NOx-emitting or high-efficiency, energy efficient water heaters.

- Awnings or other shading mechanisms for windows;

- Porch, patio, and walkway overhangs;

- Ceiling fans or whole-house fans;

- Daylighting (natural lighting) systems such as skylights, light shelves, and interior transom windows;

- Electrical outlets around the exterior of units shall be installed to encourage the use of electric landscape maintenance equipment;

- Use of low and no-VOC coatings and paint;

- Natural gas lines (if available to the project area) shall be provided in backyard or patio areas to encourage the use of gas barbecues; and

- Pre-wire units with fiber and other high-speed internet connections.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact with Mitigation Incorporated. Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected

back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The proposed construction of this subdivision will create GHG emissions due to the use of motorized construction equipment. The emissions will be from construction equipment during the construction of the subdivision. Once completed, vehicle traffic generated by auto use from the new residences will contribute GHG gases. Due to the small size of the project it is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the project incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

Proposed Mitigation Measure: Greenhouse Gas Emissions

GHG 1: Greenhouse Gas Emissions

> Pertaining to potential cumulative impacts associated with GHG emissions, site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

Given compliance with the City's established rules, and proposed mitigation as recommended, impacts associated with this item are considered to be less than significant.

3.9 Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) 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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) 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?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.			X	

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery

Act of 1976 (RCRA) 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 (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid

Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The proposed project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials because build-out of the proposed project will involve the use of standard hazardous materials such as gasoline and diesel fuels; however, regulations are in place on several levels (Federal, State, and local) which directly address potential threats associated with this item. The homes to be built will include typical household cleaners, solvents and fuels typically associated with a suburban development. Therefore, this potential impact is considered to be less than significant.

b) 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?

Less than Significant Impact. The proposed project will not 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 because the only hazardous materials associated with the construction of this subdivision will be those materials associated with grading and construction equipment, which typically includes solvents, oil and fuel. Provided that these materials are legally and properly used and stored, the proposed project will not create a significant hazard to the public or the environment. On an ongoing basis, the only anticipated hazardous waste generated by the Project would be small home-based business generated hazardous waste and household hazardous waste. Assuming proper and legal disposal of those wastes occurs, there should not be a significant impact from hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. There are no existing schools located within one-quarter mile of this project site. Further to the north is a private school, Adventist Christian School, and private day care center, Yuba Sutter Montessori School, both located on Harding Road. The proposed project is residential. It is anticipated that residences will use household items that may contain hazardous chemicals including, but not limited to, motor oil and/ or diesel fuel, solvents, paint and paint waste, cleaning supplies, car batteries, and pesticides. The amount of materials used or stored associated with the project would be small, based on the anticipated site uses. It is anticipated that the use of such materials is limited and will not be expected to present a health risk when used according to manufacturers' instructions. As a result, a less than significant impact is anticipated.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?

No Impact. The project site is not on any listing of sites that are contaminated by hazardous wastes, including any wastes that may relate to historic agricultural use. No impacts are anticipated.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The project is not located within the boundaries of the Sutter County Airport Land Use Plan area. No impacts are anticipated.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Yuba City Fire Department and Sutter County Sheriff Department serve this area. Neither agency has expressed concern over impacts the project may have on any emergency response plans. The project will be constructed to current City standards regarding road widths, installation of required fire hydrants and all homes to be established will be established under the State Building and Fire Codes in effect at that time. As a result, no impacts to the implementation of an emergency response or emergency evacuation plans are anticipated.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Less than Significant Impact. The project site is located in a planned urban area that is surrounded by a variety of land uses, including residential and agricultural lands. The project site and surrounding area are not identified as potential wildfire hazard areas. The only potential wildfire hazard areas in Sutter County are the Sutter Buttes and land located on the water side of river levees. There is no wildland area onsite or in the immediate vicinity that would result in a potential risk of wildfire. A less than significant impact is anticipated.

3.10 Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	
c) 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:		X		
i) result in substantial erosion or siltation on- or off-site?		X		
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?		X		
iii) 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?		X		
iv) impede or redirect flood flows?				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood

Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter- Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.
- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity and quality of the rock, sand and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014 Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than Significant Impact. Most of Yuba City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a groundwater well in addition to surface water supplies due to recent drought conditions. Since this subdivision will only receive water through the City system, it is unlikely that the project could impact the water quality in the City system.

All of the wastewater generated by the new subdivision will flow into the City wastewater treatment facility which complies with State water discharge standards. The wastewater from the subdivision is not expected to generate any unique type of waste that would cause the system to become out of compliance with state standards.

All storm water runoff associated with the project will drain into the City's stormwater collection system and convey stormwater to the Gilsizer Slough. The water quality of stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of

developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

Additionally, even though the project site is relatively level, during site grading a large storm could result in the loss of topsoil into the City stormwater drainage system. As part of the construction of the subdivision, the development of the site is subject to the National Pollutant Discharge Elimination System. This triggers the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes City adopted Best Management Practices designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process. Assuming all necessary permits are acquired, impacts on water quality are anticipated to be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?

Less than Significant Impact. All of the new residences to be established by this subdivision will be connected to the City's water system that utilizes water meters to monitor water consumption as well as all homes will be constructed to comply with State water efficiency standards for both plumbing fixtures and landscaping. While consumer consumption of City water will increase as a result of this project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water supplies in its system. A less than significant impact is anticipated.

c) 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:

i) result in substantial erosion or siltation on- or off-site?

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

iii) 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?

iv) impede or redirect flood flows?

Less than Significant Impact with Mitigation Incorporated. The project site is within the planning area for the West Yuba City Area Master Drainage Study (Master Drainage Study), which was completed in 2006. The Master Drainage Study was developed to identify the required drainage infrastructure that will be necessary to serve existing and future development within the City's boundary and Sphere of Influence (SOI). The SOI is consistent with the City's Urban Growth Boundary, and assumes the potential for annexation of lands within the SOI/UGB over time, including the proposed project.

The Master Drainage Study established drainage design criteria for planned development. These criteria, along with growth and land use assumptions, were used in computer models to identify approaches to managing drainage in the planning area, and to ensure future projects include design features consistent with the recommendations for storm drainage infrastructure improvements identified in the Master Drainage Study. It identifies numerical standards for evaluating runoff rates, sizing and design of stormwater conveyance pipelines, how streets should be designed to convey runoff, freeboard requirements for open channels, and considerations for detention basins.

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. It is classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. Drainage system improvements required of this project will provide storm water relief to this area. Therefore, development of the project would not result in placement of structures in a floodway.

The project site was annexed to the City of Yuba City and the Gilsizer County Drainage District in 2022. Stormwater runoff will be collected into the City stormwater system and conveyed to the Gilsizer Slough. A mitigation measure is proposed to reduce potential impacts, associated with the Gilsizer District, to a less than significant level:

Proposed Mitigation Measure: Hydrology

HYD 1 Prior to recordation of the final map or issuance of a building, grading or encroachment permit, the applicant shall obtain approval from the Gilsizer County Drainage District Engineer of a drainage study that reflects final design conditions for the project per County Standards. The drainage study shall show how the existing pipe system that conveys drainage flows to the Gilsizer County Drainage Facilities and how they will handle increased flows. The Drainage Study shall be completed and stamped by a professional engineer and determined by the Gilsizer District Engineer to be comprehensive, accurate, and adequate.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. This area of the City is provided 200-year flood protection by the levee improvements completed by the Sutter Buttes Flood Control Agency (SBFCA). The City is not close to the ocean or any big lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely the project site will be subject to inundation by a seiche, tsunami, or mudflow or landslide. As a result, a less than significant impact is anticipated.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. As previously stated, most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a well in addition to surface water supplies due to recent drought conditions. The City does not have an adopted groundwater management plan. Since this project only receives water through the City system, it is unlikely the project will conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. A less than significant impact is anticipated.

3.11 Land Use and Planning

Table 3:11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X
b)	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?			X	

3.11.1 Environmental Setting/Affected Environment

The 14.86 acres is within the city limits after being annexed to Yuba City in 2022. This area is a part of the former LESP area, a long-planned development and this property has been within the sphere of influence since the mid-1980s. The project site is currently developed with two dwelling units and a walnut orchard and these will be removed to accommodate the proposed project. Additionally, all surrounding property has also annexed and is now within the city limits. There is an approved subdivision map to the south (Project #SM 19-02, West Sanborn Estates) that was approved November 10, 2021. Existing developed residential neighborhoods are located on the east side of Sanborn Road. The proposed project is consistent with the General Plan and zoning for this area.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

No Impact. This residential project will not physically divide an established community and is proposed consistent with General Plan density. Through the proposed PD designation, proposed lot sizes will be allowed to be less than 5,000 sq. ft. minimum specified by the One-Family Residence District (R-1) and the Two-Family Residence District (R-2) in order to accommodate moderately increased densities over what is typically seen in Yuba City (4-4.5 dwelling units per acre). The site is surrounded by a variety of uses,

including single-family residential and agricultural uses. The project is designed to be compatible with existing neighboring uses within an area planned for this growth. As a result, no impacts are anticipated.

b) 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?

Less than Significant Impact. The proposed project has General Plan designations of Low Density Residential (LDR) and Medium-Low Density Residential (MDR), providing for development of residential units at a density range of 2-8 dwelling units/acre for land identified as LDR and up to 14 units per acre for land identified as MDR. The proposed project complies with the General Plan land use designation because the project proposes an overall density of 5.84 dwelling units/acre. Village No. 1 is proposed to have a density of 5.75 dwelling units/acre and Village No. 2 will have 6.30 dwelling units/acre. Development of the lots will be subject to compliance with the proposed PD and other pertinent R-1 and R-2 Zone District development standards.

As a result, the proposed project will not conflict with the City's adopted land use plan or zoning requirements and any related mitigation related to land use, making this impact less than significant.

3.12 Mineral Resources

Table 3-12: Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;

- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan and former LESP does not identify/catalog any mineral resource zones within the city limits, sphere of influence or this project site. There are no mineral extraction facilities currently operating within the City. Additionally, the project site is surrounded by uses that are generally considered incompatible with mineral extraction facilities such as agriculture and residential neighborhoods. There are no impacts anticipated.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan and no specific or area plans identify/catalog any locally important mineral resource recovery sites within the city limits or sphere of influence or vicinity. As a result, there are no impacts anticipated.

3.13 Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of 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?		X		
b) Generation of excessive ground borne vibration or ground borne noise levels?		X		
c) 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?			X	

3.13.1 Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a

day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

3.13.2 Environmental Setting/Affected Environment for Groundbourne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

3.13.3 Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage.97 The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.13.4 State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings Title 24, Part 2 requires an

acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.13.5 Local Regulatory Setting

The **City of Yuba City General Plan** presents the vision for the future of Yuba City, and outlines several guiding policies and policies relevant to noise.

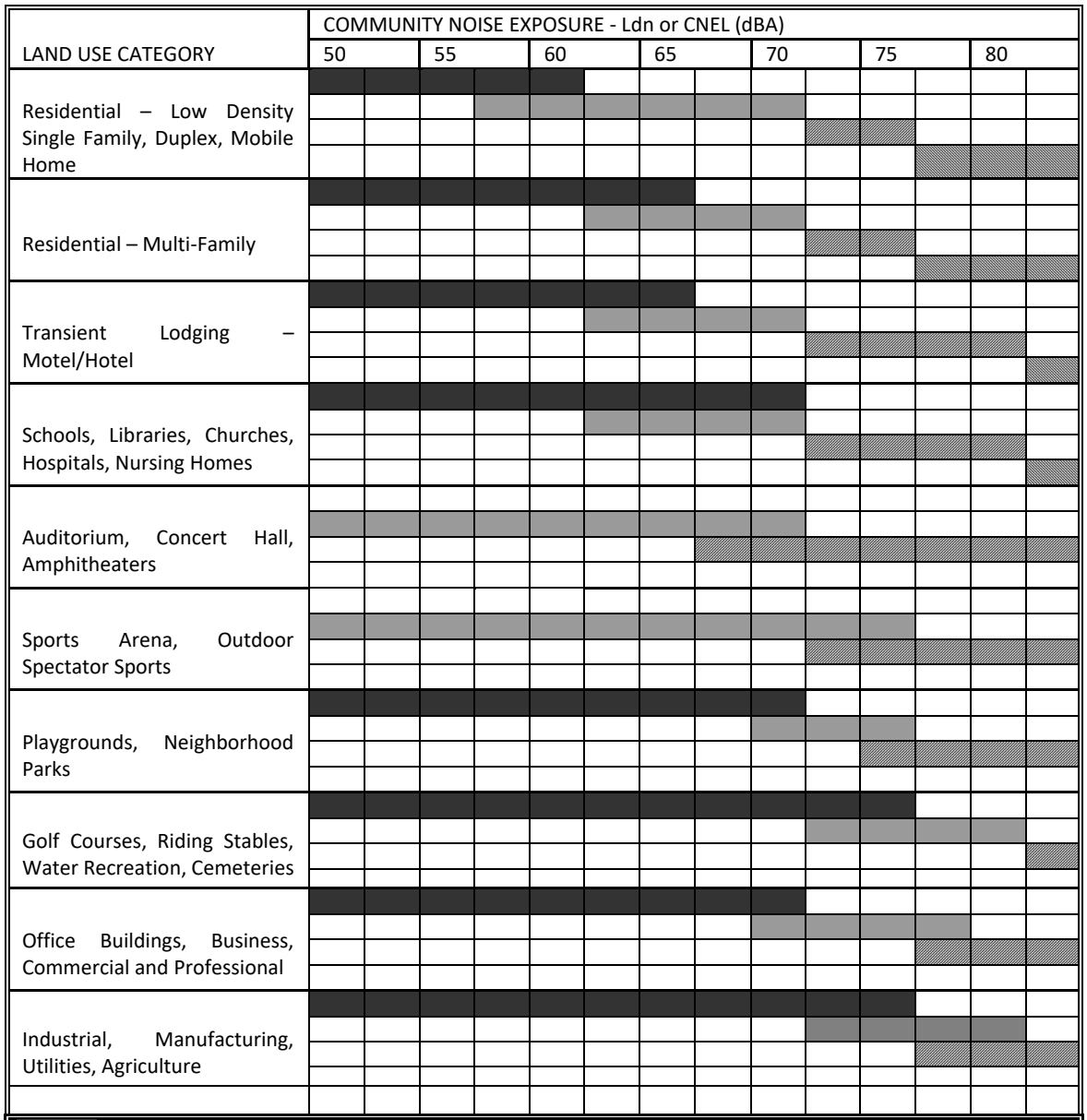
The following goals and policies from the City of Yuba City General Plan[1] are relevant to noise.

Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than "normally acceptable" levels. Noise mitigation measures include, but are not limited to, the following actions:
- Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment,
- Increase setbacks for noise sources from adjacent dwellings,
- Retain fences, walls, and landscaping that serve as noise buffers,
- Use soundproofing materials and double-glazed windows, and
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing "normally acceptable" noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

[1] City of Yuba, 2004. *City of Yuba General Plan.* April 8, 2004.

Figure 1: Noise Exposure



	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development generally should not be undertaken.

Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

3.13.6 Impact Assessment/Environmental Consequences:

a) Generation of 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 established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation Incorporated. The proposed project will result in the establishment of 82 single family residential lots with two lots including accessory dwelling units or ADUs. The project site is within the boundaries of the former Lincoln East Specific Plan (LESP) where an Environmental Impact Report (EIR) was previously adopted (SCH# 2006082094). The project site is adjacent to existing developed homes and agricultural uses.

During construction of the proposed project, noise levels would be produced by the operation of heavy-duty equipment and various other grading and construction activities. During each construction stage, there will be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and location of the construction activity. A summary of potential noise to be generated by various construction equipment is listed in Table 2 below.

Table 2: Noise Levels of Typical Construction

Type of Equipment [1]	dBA at 50 ft.	
	Without Feasible Noise Control [2]	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

[1] US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.
[2] Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications

The City's Municipal Code requires that project construction activities be limited to the hours of 6:00 a.m. to 9:00 p.m. Monday through Saturday, and the hours of 8:00 a.m. to 9:00 p.m. on Sundays and state and federal holidays. Noise produced from construction-related activities is exempt from the exterior noise limits set by the City's Municipal Code. The LESP EIR explained that compliance with the noise ordinance is adequate mitigation to reduce the impact to a less than significant level. However, because construction activities could expose occupants of adjacent uses to high levels of noise during the day, the LESP recommended the following mitigation measures to further reduce potential noise associated with construction.

Implementation of the following mitigation measure will reduce exposure of occupants on and off the project site to noise associated with project construction to the maximum extent feasible. Mitigation Measures NOI 1, which is also Mitigation Measure 4.9-1 of the LESP EIR, will ensure maximum reduction of noise impacts on receptors near the construction areas by shielding construction activities and staging construction equipment away from residential, and school uses, limiting construction hours to daytime hours, and use of exhaust and intake silencers on construction equipment. Staff has updated subsection (a) of this mitigation measure to clarify it applies to development on parcels less than 50-feet from existing noise sensitive uses because the original measure was unclear on its applicability. Additionally, it is recommended in subsection (f) that the notification requirement be reduced from 500-feet to 300-feet to coincide with existing public noticing requirements for projects. These measures will assist to reduce the exposure of occupants both on and off the project site to the maximum extent feasible; thus, this impact would remain less than significant.

Proposed Mitigation Measure: Noise

NOI 1 The project contractor(s) shall ensure that the following measures are implemented during all phases of project construction:

(a) Whenever construction occurs on parcels less than 50-feet from residential buildings where people normally sleep, schools or other sensitive uses, when it occurs during later project stages on parcels near residential and other noise-sensitive uses built on-site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for site access and surveying openings. The barrier height shall be designed to break the line-of-sight and provide at least a 5-dBA insertion loss between the noise producing equipment and the upper-most story of the adjacent noise-sensitive uses. If, for practical reasons, which are subject to the review and approval of the City, a barrier cannot be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.

(b) Construction equipment staging areas shall be located as far as possible from residential areas while still serving the needs of construction contractor(s).

(c) High noise activities, such as jackhammers, drills, impact wrenches and other generators of sporadic high noise peaks, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of work outside these hours and dates would not adversely affect nearby noise-sensitive receptors.

(d) Construction equipment shall be properly muffled and maintained with noise reduction devices to minimize construction-generated noise.

(e) The unnecessary idling of internal combustion engines shall be prohibited.

(f) Residents and businesses within 300 feet of the construction site shall be notified of the construction scheduling in writing.

(g) The construction contractor shall designate a "noise disturbance coordinator" for construction activities. The coordinator shall be responsible for responding to any local complaints regarding construction noise. The coordinator shall determine the cause of the noise complaint (i.e., starting too early, bad muffler, no shielding), and would require that reasonable measures warranted to correct the problem be implemented. A telephone number for the construction coordinator shall be posted at the construction site and be included in the notice sent to neighbors and businesses regarding the construction schedule.

b) Generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact with Mitigation Incorporated. Project construction activities have the potential to generate vibration associated with impact equipment such as jackhammers and the operation of heavy-duty construction equipment such as trucks and bulldozers, jackhammers. Table 3 below shows typical vibration levels for construction equipment.

Table 3: Typical Construction Levels	
Equipment [(1)]	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
[(1)] *US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.*	

Vibration can damage buildings constructed of reinforced concrete, steel, or timber; however, vibration significance is oriented toward avoiding sleep disturbance in residential areas; Based on the information presented the LESP EIR and specifically Table 4.9-7 and Table 4.9-10, vibration levels at residences nearest construction equipment would be expected to exceed the 80 VdB impact criterion for "infrequent" vibration events7 associated with Land Use Category 2 (residences and buildings where people normally sleep).

Based on the estimated vibration levels of construction equipment, only equipment such as a large bulldozer and loaded truck would produce a vibration level above 80 VdB at 25 feet from the source. At 50 feet from the source, the vibration levels from typical construction equipment are not above the FTA's 80 VdB ground borne vibration impact criteria. Construction activities would be limited to the daytime hours between 6:00 AM and 9:00 PM in accordance with the Yuba City Municipal Code; thus, construction activities would not occur during normal sleep hours. However, vibration levels still have the potential to interfere with sleep within the residences or other sensitive buildings during construction hours and could be above the acceptable vibration levels for infrequent events at residential land uses (80 VdB) if within 25 feet of the receptor.

Because construction of the proposed project could expose sensitive receptors to excessive ground borne vibration levels above the Federal Transportation Administration's (FTA) vibration impact criteria, this would be a potentially significant impact.

To address this potential impact, the LESP EIR recommended a mitigation measure that if construction equipment is located at least 50 feet from sensitive receptors, such as residential uses or other land uses

where people normally sleep, ground borne vibration levels would be kept below the FTA's vibration impact criteria of 80 VdB for infrequent events. Although this mitigation is well intentioned, build-out of subsequent adjacent projects, where there is no intervening road, make this mitigation measure infeasible because equipment used for compacting and grading would be prohibited from working in adjoining project back yard area or near common property lines. As a result, staff proposes to amend this mitigation measure to reduce this distance to 20-feet so that subsequent adjoining subdivisions can build out. Implementation of this mitigation measure will assist to limit the amount of sleep disturbance to occur during construction hours by excessive ground borne vibration levels reducing the impact to a less-thansignificant level.

Proposed Mitigation Measure: Noise

NOI 2 The project applicant shall require that all construction contracts include specifications that construction equipment remain a minimum of 20 feet from residential buildings or other buildings where people normally sleep.

The incorporation of the above mitigation measure will ensure that potential impacts are reduced to a less than significant level.

c) 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?

Less than Significant Impact. The proposed project is not within the boundaries of an airport land use plan. There are no private airports or airfields located within the City limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazard zones. As a result, a less than significant impact is anticipated.

3.14 Population and Housing

Table 4-14: Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

3.14.1 Environmental Setting/Affected Environment

The 14.86 acres is within the city limits after being annexed to Yuba City in 2022. This area is a part of the former LESP area, a long-planned development and this property has been within the sphere of influence

since the mid-1980s. The project site is currently developed with two dwelling units and a walnut orchard and these will be removed to accommodate the proposed project. Additionally, all surrounding property has also annexed and is now within the city limits. There is an approved subdivision map to the south (Project #SM 19-02, West Sanborn Estates) that was approved November 10, 2021. Existing developed residential neighborhoods are located on the east side of Sanborn Road. There have been two environmental impact reports prepared analyzing development in this area (the 2004 General Plan and the former LESP). Findings of Overriding Consideration were made for certain impacts associated with growth in this area.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The City adopted its current Housing Element in 2022.

3.14.4 Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.[2]

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.[3]

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2 Sacramento Area Council of Governments. 2012. Regional Needs Housing Plan 2013-2021. Adopted September 20, 2012. Page 4. Table 1.

3 Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: http://www.sacog.org/about/. Accessed July 25, 2017.

3.14.5 Impact Assessment/Environmental Consequences:

a) 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)?

Less than Significant Impact. The proposed project will result in the establishment of 82 new single-family residential lots with two lots being sized large enough to include ADUs for a total of 84 new residences. Land to the east is developed similarly with single-family residential uses. The project site is within what was previously the LESP where an EIR was adopted by the City. Proposed project densities are consistent with what was analyzed in the LESP EIR. As part of the previous Planning effort, City services and streets were analyzed to serve this area. Population growth and the extension of City services were examined in the LESP EIR and as part of the adopted City General Plan. At the time of adoption of the LESP EIR, it was determined the population growth to result from the plan and build-out, there was no feasible mitigation measures that would reduce the impact to a less than significant level. As a result, the impact was determined to be significant and unavoidable and Findings of Overriding Consideration were adopted with the LESP EIR.

As the proposed project is consistent with the densities previously analyzed for development where an EIR was adopted that included Findings of Overriding Consideration, there are no new impacts anticipated by this proposed project so impacts have been determined to be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Less than Significant Impact. The proposed project will result in the removal of two dwelling units that exist on the property today and 84 residences will replace them. As a result, the proposed project will not displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere. A less than significant impact will result.

3.15 Public Services

Table 3.15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	

ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement for the proposed new housing will be provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services that may be utilized by new residents, including streets, water, sewer stormwater drainage will also be provided by Yuba City. The nearby Tierra Buena School and River Valley High School are part of the Yuba City Unified School District.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities,

the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: **Less than Significant Impact.** The Yuba City Fire Department provides fire protection services to the property. This proposal will result in additional residential uses. To date, the Fire Department has not expressed any concern with respect to providing services to this project area in the future. Potential impacts to fire services will be mitigated through the collection of the City's development impact fee for "Fire Protection" per dwelling unit which is $891.86 per dwelling unit or a total of $73,132.52 that will be collected (Note: Accessory Dwelling Units are excluded from development impact fees). As a result, a less than significant impact is anticipated.

Police Protection: **Less than Significant Impact.** The Sutter County Sheriff Department will continue to provide law enforcement services to the site initially; however, it is anticipated this service will transfer to the City Police Department once the appropriate threshold is reached pursuant to the City and County's Master Tax Exchange Agreement. In anticipation of law enforcement services ultimately switching over to the City, potential impacts to Police Protection will be mitigated through the collection of the City's development impact fee for the "Police Protection" category per dwelling unit which is currently set at $783.74 per dwelling unit or a total of $64,266.68 that will be collected (Note: Accessory Dwelling Units are excluded from development impact fees). Since all new housing will pay development impact fees that are intended to offset the cost of additional police facilities and equipment resulting from the impacts of growth on police services, a less than significant impact is anticipated.

Schools: **Less than Significant Impact.** The Yuba City Unified School District did not voice any concerns over the proposed project. New residences will be required to pay the Yuba City Unified School District adopted school impact fees that are intended to offset a new resident's fair share for expanded or new educational facilities needed to accommodate this new growth. Therefore, the impact on schools is anticipated to be less than significant.

Parks: **Less than Significant Impact.** The City charges a "Park and Recreation" development impact fee for each new residence constructed and these funds are utilized to purchase and develop parkland and other recreational facilities within the City limits. The Park and Recreation development impact fee is currently set at $4,036.65 per dwelling unit and this will result in a total of $331,005.30 being collected from this project that will offset potential impacts (Note: Accessory Dwelling Units are excluded from development impact fees). A less than significant impact is anticipated.

Other Public Facilities: **Less than Significant Impact.** The proposed project will be connected to City water and wastewater systems as well as drainage facilities that will convey runoff to the Gilsizer slough. Each new residential connection to those systems must pay connection fees (City water and wastewater) that are utilized for expansion of the respective treatment plants. New residences will also be required to pay development impact fees to the Gilsizer County Drainage District for impacts to the Gilsizer slough. Finally, the City also collects development impact fees on behalf of Sutter County for countywide services that are provided to the new residences, such as the Health and Human Services, General Government, and the criminal justice system to offset the potential impacts of City development. With the collection of these adopted development impact fees, a less than significant impact is anticipated.

3.16 Recreation

Table 3-16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. The nearest City park is Happy Park, located approximately one-half mile to the east of the project site. The City's "Park and Recreation" development impact fee program requires collection of fees for new development, and allocates fees to the acquisition and planned development of open space/park areas in the City. Given this system which is already in place, the potential impact is considered to be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less than Significant Impact. The proposed project will generate 84 new single-family residences from which the residents will have access to the City's park system, thus increasing park usage. The City, however, charges a "Park and Recreation" development impact fee for each new residence, to be utilized to purchase parkland and construct the new parks. This fee is intended to offset potential impacts on parks as it provides for expansion of the City's park system. Therefore, the impact on parks from this project is considered to be a less than significant impact.

3.17 Transportation/Traffic

Table 4-17: Transportation Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?		X		
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

3.17.1 Federal Regulatory Setting

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 Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU 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.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

3.17.2. State Regulatory Setting

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled …". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

3.17.3. Impact Assessment/Environmental Consequences:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The LESP EIR described potential improvements to roadway segments and intersections necessary to minimize negative traffic impacts related to the proposed project. The proposed project will be conditioned to construct in-tract roadways, as well as frontage improvements along Sanborn Road to City standards. The subdivision will be accessed via an internal road network of public streets, with internal streets feeding an extension of Pebble Beach Drive which intersects with Sanborn Road. Minor interior roadways are proposed to consist of either 38-ft-wide or 46-foot-wide rights-of-way (depending on the preference to have sidewalks that are detached or attached to the roadway), and a 54-foot-wide right-of-way for the extension of Pebble Beach Drive which is classified as a Collector road that will include two 6-foot-wide bike lanes. Sanborn Road is also classified as a collector street that will include two (2) 12-ft travel lanes, two (2) 6-ft bikeways, parking lanes and frontage improvements will be required to be made to Sanborn Road to bring it up to the current City standards for that portion of the project that adjoins the roadway. The project is estimated to generate 780 daily vehicle trips, which can be accommodated by planned roadway improvements of the project and the

existing local street system. As part of the approved West Sanborn Subdivision located immediately to the south, a condition of approval for that project requires the installation of a new public transit bus stop along Sanborn Road near Bogue Road. With the City's required improvements for this project, the project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and a less than significant impact is anticipated.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than Significant Impact with Mitigation Incorporated. This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts
are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. The Project will exceed this criterion, so it is not considered any further in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

Less than 50% of regional average.
50-85% of regional average.
85-100% of the regional average.
115-150% of the regional average.
More than 150% of the regional average.

Per the SACOG maps for the project area the estimated average vehicle distance traveled per residence is in the 85-100% range of the norm. In other words, per the SACOG regional screening maps this subdivision is located in an area that does not meet the 15 percent vehicle trip reduction criteria.

The City previously contracted with transportation engineering firm Fehr and Peers to prepare an SB 743 Implementation Guideline document which was completed in September of 2020. The Guidelines provide strategies and recommendations and mitigation to complying with the requirements of SB 743. One of the project screening measures identified is if a project with within ½ mile of an existing major transit stop, the project can be determined to have a less than significant impact.

The only existing transit stops in the area are non-sheltered and signs only; one located near the intersection of Bogue and Sanborn Roads and another located at the northwest corner of Happy park to the east along Pebble Beach Drive. A condition added to the West Sanborn Estates, Subdivision Map 19-02, Condition No. 32, requires the developer provide for a future bus stop on the west side of Sanborn Road as it nears Bogue Road and on the north side of Bogue Road just west of the intersection with Sanborn Road. To minimize this project's VMT impact, a mitigation measure is proposed requiring the developer to contribute a fair for the development of a sheltered bus stop at the location specified in the West Sanborn Estates Subdivision which will be located within ½ mile of the proposed project site.

This project is within walking or biking distance to local shopping and public transportation will be available to the area, including through the provision of proposed Mitigation Measure TRA 1. The project also includes pedestrian/bikeway connecting the interior lots to Pebble Beach Drive and Sanborn Road, providing for easier pedestrian and bicycle access for project residents, and it is anticipated to help reduce

some vehicle trips. With the incorporation of the mitigation measure and development of the project as designed, impacts to VMT and the project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b).

Proposed Mitigation Measure: Transportation

TRA 1 The developer shall contribute a fair-share to the development of a sheltered bus stop on the west side of Sanborn Road as it nears Bogue Road and on the north side of Bogue Road just west of the intersection with Sanborn Road. This bus stop was identified to be developed as part of the West Sanborn Estates Subdivision Map, SM 19-02, as Condition No. 32 that was approved on November 10, 2021.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The proposed project fronts Sanborn Road and will extend Pebble Beach Drive westward. Both the Public Works and Yuba City Police Department have reviewed the project. There are no curved streets or busy, dangerous intersections involved in this project. Proposed internal roadways and improvements to Sanborn Road will be completed with curb, gutters and sidewalks as part of this project. These improvements will be to current City standards and the intersections are at right-angles and pose no undue safety threats. A less than significant impact is anticipated.

d) Result in inadequate emergency access?

Less than Significant Impact. The Fire and Police Departments have reviewed the project plans and did not express concerns about emergency access to the property. This project will be developed consistent with existing City adopted standards and a less than significant impact is anticipated.

3.18 Tribal Cultural Resources

Table 3-18: Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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:				
i) 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			X	
ii) 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		X		

5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

3.18.1 Federal Regulatory Setting

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs) in the Master Plan. The following analysis of the potential environmental impacts related to TCRs is derived primarily from the following sources:

- California Native American Heritage Commission Sacred Lands File Search, December 11, 2017
- Ethnographic overview of the Nisenan culture
- Environmental Impact Report for the City of Yuba City General Plan (2004)
- Consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes 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 the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
    b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
    c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also

require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush, and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388).Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to

support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.4 Summary of Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, the City provided the following two Native American tribes with project descriptions and maps of proposed project areas:

- United Auburn Indian Community of the Auburn Rancheria
- Ione Band of Miwok Indians

3.18.5 Tribal Cultural Resources within Project Area

In the absence of specific information from California Native American Tribes, information about potential impacts to TCRs or Native American Cultural Places was drawn from the ethnographic context (summarized above) and the results of a search of the Sacred Lands File of the NAHC. The ethnographic information reviewed for the project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current project area. Further, the areas of highest sensitivity are closer to the Feather River. In addition, the Sacred Lands File failed to identify any sacred lands or tribal resources in or near the project area.

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
    - A cultural landscape with a geographically defined boundary;
    - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
    - A unique archaeological resource as defined in Section 21083.2; and/or
    - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

a) 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:

i) 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).

Less than Significant Impact. The proposed project is developed with an existing walnut orchard, two dwellings, septic systems and private onsite wells. There are no known tribal and cultural resources known to exist on or proximate to the project site and none have been identified (as defined in Section 21074) within the project area. Therefore, no resources listed for or eligible for listing in the California Register of Historical Resources or a local register are present. See discussion above in Section 3.5 Cultural Resources, and use of mitigation measures to address potential for inadvertent discovery of cultural resources. With this mitigation, this impact is considered less than significant.

ii) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than Significant Impact with Mitigation Incorporated. The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52. A comment was received by the United Auburn Indian Community together with recommended mitigation. No known tribal or cultural resources have been identified (as defined in Section 21074) within the proposed project area. No formal cemeteries or other places of human internment are known to exist on the project site. No evidence of human remains at the project site have been documented, and it is unlikely that buried human remains are present. Given the level of previous disturbance within the project area, it is not expected that any tribal or cultural resources would remain. However, during grading and excavation activities, there is a potential to encounter native soils, which may contain undiscovered cultural resources. In the unlikely event resources are discovered during ground disturbing activities that are associated with Native American culture, compliance with the Mitigation Measures provided below will reduce the potential impacts to a less than significant level. The same mitigation was incorporated into the West Sanborn Subdivision project immediately south of this proposed project site.

3.18.8 Tribal Cultural Mitigation Measures

Proposed Mitigation Measure: Tribal Cultural Resources

TCR 1 Worker Awareness Training. The developer shall ensure that a Worker Education Program is developed and delivered to train equipment operators about cultural resources and training shall be documented. The program shall be designed to inform workers about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require a work stoppage; procedures for notifying the City of any occurrences; and enforcement of penalties and repercussions for non-compliance with the program. Worker education training may be provided either in person or as a DVD with a training binder, prepared by a qualified professional archaeologist and reviewed by the City. The United Auburn Indian Community (UAIC) shall be afforded the option of attending the initial training in person or providing a video segment or information for incorporation into the training that appeals to the contractor's need to be respectful of tribal cultural resources and tribal participation in implementing unanticipated discovery protocols. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. A copy of the form shall be provided to the City as proof of compliance.

TCR 2 Avoid and minimize impacts to previously unknown Tribal Cultural Resources. If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during the initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the construction supervisor shall immediately notify the City representative. If the find includes human remains, then the City shall immediately notify the Sutter County Coroner and the procedures in Section 7050.5 of the California Health and Safety Code and, if applicable, Section 5097.98 of the Public Resources Code, shall be followed. For resources reasonably associated with Native American cultural and for human remains, the City shall coordinate any necessary investigation of the discovery with a UAIC tribal representative and a qualified archaeologist approved by the City. As part of the site investigation and resource assessment, the City shall consult with UAIC to develop, document, and implement appropriate management recommendations, should potential impacts to the resources be found by the City to be significant. Nothing in this measure prohibits the City from considering any comments from other culturally-affiliated Native American tribes that volunteer information to the City during its investigation. Possible management recommendations could include documentation, data recovery, or (if deemed feasible by the City) preservation in place. The contractor shall implement any measures deemed by City staff to be necessary and feasible to avoid, minimize, or mitigate significant effects to the cultural resources, such as the use of a Native American Monitor whenever work is occurring within 100 feet of the discovery of Native American resources, if deemed appropriate by the City.

The types of treatment preferred by UAIC that protects, preserves or restores the integrity of tribal cultural resources may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of tribal cultural resources will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

3.19 Utilities and Service Systems

Table 3-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
d) 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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater: Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water: The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with approximately 18,045 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling: Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid

waste facility that provides a full range of transfer and diversion services. This landfill has a remaining capacity of 39,223,000 cubic yards (90 percent remaining capacity reported in 2007).4

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

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4 CalRecycle, 2017. Available: http://www.calrecycle.ca.gov/SWFacilities/Directory/58-AA-0011/Detail/. Accessed August 15, 2017.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The response to this item is found in subsection b) below.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Project will connect to both the City's water and wastewater treatment systems. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments, including this proposed project.

The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate this project. The WTP uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment facilities provides a total WTP capacity of 36 mgd. The City is permitted to draw 30 mgd from the Feather River. The current maximum day use is 26 mgd. The City also has an existing on-site water well at the water plant that supplements the surface water when needed.

For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City. Additionally, construction impacts from the installation of utility line extensions to serve the site were analyzed in the LESP EIR.

The ongoing expansions of those plants to accommodate growth beyond this project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

In 2022, the project site was annexed to the Gilsizer County Drainage District. Stormwater drainage in this area is provided by a combination of existing Yuba City storm drain lines (that this project will connect

into) that will convey stormwater flows to the Gilsizer Slough. It has been determined that adequate capacity exists in the City's existing stormwater drainage system to accommodate the project.

Although the Gilsizer District did not comment on the proposed project, as part of project build-out, Gilsizer District development impact fees will be collected for each dwelling unit constructed to mitigate potential impacts to the District. As a result, the impacts on the stormwater drainage system are considered to be less than significant.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their services to this project site. With these considerations, the impact on these types of facilities is anticipated to be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?

Less than Significant Impact. See Parts a) and b), above.

d). 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.

The response to this item is found in subsection e) below.

e) Comply with federal, state, and local statutes and regulations related to solid waste?

Less than Significant Impact. Recology Yuba-Sutter provides solid waste disposal for this region including all of Sutter and Yuba Counties. There is adequate collection and landfill capacity to accommodate the proposed development. Transportation and disposal of all waste due to the proposed project's construction and build-out would be facilitated in accordance with all applicable federal, state and local statutes and regulations. Impacts are considered to be less than significant.

3.20 Wildfire

Table 3-20: Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) 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?			X	

c) 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?			X	
d) 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?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. As discussed in Section 3.17 of this Initial Study, project construction will not obstruct emergency vehicles or any evacuations that may occur in the area. Project operations likewise would not obstruct any roadways. The project site will be built-out consistent with existing adopted City standards and as may be modified by the proposed Planned Development overlay. As a result, the impacts of the proposed project related to emergency response or evacuations are considered to be less than significant.

b) 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?

Less than Significant Impact. As noted in Section 3.11 of this Initial Study, the project site has been planned to be urbanized by both the City's 2004 General Plan and the LESP and this land has been within the City's adopted sphere of influence since the mid-1980s. Environmental impact reports were adopted as part of the planning effort for each of these plans. The proposed project will develop consistent with those existing plans and will involve construction of new homes, accessory uses, roadways, driveways and landscaping. The project site is not within a State Responsibility Area for fire protection and is not located within a designated wildfire hazard area or other Fire Hazard Severity Zone. The bordering area to the

north, west and south are currently developed with irrigated orchards but will transition to urbanization as the City continues to grow in this area. The only identified wildfire hazard areas in the area are the Sutter Buttes and the water side of levees that adjoin local rivers. This project is not close to either of these locations. As a result, impacts of the proposed project related to wildland fire hazards are considered less than significant.

c) 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?

Less than Significant Impact. As discussed above, the project site is not located proximate to any wildland areas and the project itself will not create any improvements that potentially could generate wildfire conditions. As such the project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. As a result, the project will not create any potential significant impacts that could result from these types of improvements. A less than significant impact is anticipated.

d) 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?

Less than Significant Impact. The project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the project related to these issues would be less than significant.

3.21 Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	

b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?

Less than Significant Impact. The proposed project is located on a previously disturbed area that has historically been farmed with orchard crops as well as being developed with two dwelling units. The site has been within the Yuba City sphere of influence since the mid-1980s and has been planned for future growth in both the 2004 Yuba City General Plan and former LESP. Both plans had EIRs prepared for them with Findings of Overriding Consideration being made for certain impacts in each document. There is little plant or animal habitat value due to the site's historic use agriculturally. As a precaution, mitigation has been included requiring nesting surveys depending upon time of year of site clearing. There are no wetlands or similar habitat on the project site. Therefore, the development of this 14.86-acre parcel will not significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory. Mitigation is also included addressing potential accidental discovery of archaeological, cultural or Tribal resources. With these mitigations, impacts are expected to be less than significant.

The analysis conducted in this Initial Study results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

Less than Significant Impact. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

This project is consistent with the residential densities and policies of the General Plan. As such the traffic generated by the project is within what was anticipated in the General Plan which considered anticipated

future growth of the area. The City has adequate water and wastewater capacity and the project will be extending those services to the site. Stormwater drainage will also meet all City and Gilsizer County Drainage District standards. The loss of agricultural land is cumulative but based on City and County agricultural protection program, the loss is limited to within the urban areas of the cities which is a minor portion of the entire County. The school district has not indicated that they lack capacity to provide proper educational facilities to the new students. The FRAQMD also did not comment that the project would create any significant cumulative impacts on air quality. Therefore, there are no impacts that will be individually limited but that will create significant cumulative impacts.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The proposed project in and of itself will not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed project would not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

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Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

"Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination," prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. "Fault Zone Activity Map." Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at http://www.envirostor.dtsc.ca.gov/public/

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April, 1994.

Yuba County Airport Land Use Compatibility Plan, Sept., 2010.

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Appendix A

MITIGATION MEASURES AND MONITORING PLAN
Chima Ranch Subdivision:

Initial Study and Mitigated Negative Declaration EA 22-14
For Tentative Subdivision Map (TSM) SM 22-07 to subdivide 14.86 acres into 82 single family residential lots with two lots including accessory dwelling units (ADUs). A rezoning to add a Planned Development Combining District (PD 15)

Impact	Mitigation Measure	Implementing Party	Monitoring Party	Timing
3.7 Geology and Soils	**Geology and Soils Mitigation 1:** Should paleontological resources be identified at a particular site during project excavation activities both on- and off-site, the construction manager shall cease operation until a qualified professional can provide an evaluation. Mitigation shall be conducted as follows: a. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; b. Assess effects on identified sites; c. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; d. Obtain comments from the researchers; e. Comply with researchers' recommendations to address any significant adverse effects where determined by the County to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of	Applicant/ Developer	Development Services Dept.	During construction phase.

	factors such as the nature of the find, project design, costs, Specific Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	**Greenhouse Gas Mitigation 1:** Pertaining to potential cumulative impacts associated with GHG emissions, site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Applicant/ Developer	Development Services Dept.	During construction phase
3.10 Hydrology and Water Quality	**Hydrology and Water Quality Mitigation 1:** Prior to recordation of the final map or issuance of a building, grading or encroachment permit, the applicant shall obtain approval from the Gilsizer County Drainage District Engineer of a drainage study that reflects final design conditions for the project per County Standards. The drainage study shall show how the existing pipe system that conveys drainage flows to the Gilsizer County Drainage Facilities and how they will handle increased flows. The Drainage Study shall be completed and stamped by a professional engineer and determined by the Gilsizer District Engineer to be comprehensive, accurate, and adequate.	Applicant/ Developer	Public Works Dept.	Prior to final map, grading, building or encroachment permit issuance

3.13 Noise	**Noise Mitigation 1:** The project contractor(s) shall ensure that the following measures are implemented during all phases of project construction: (a) Whenever construction occurs on parcels less than 50-feet from existing residential neighborhoods, schools or other sensitive uses, when it occurs during later project stages on parcels near residential and other noise-sensitive uses built on-site during earlier project stages, temporary barriers shall be constructed around the construction sites to shield the ground floor and lower stories of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90. The barrier shall not contain any gaps at its base or face, except for site access and surveying openings. The barrier height shall be designed to break the line-of-sight and provide at least a 5-dBA insertion loss between the noise producing equipment and the upper-most story of the adjacent noise-sensitive uses. If, for practical reasons, which are subject to the review and approval of the City, a barrier cannot be built to provide noise relief to the upper stories of nearby noise-sensitive uses, then it must be built to the tallest feasible height.	Applicant/ Developer	Development Services Dept.	During construction phase

	(b) Construction equipment staging areas shall be located as far as possible from residential areas while still serving the needs of construction contractor(s). (c) High noise activities, such as jackhammers, drills, impact wrenches and other generators of sporadic high noise peaks, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, unless it can be proved to the satisfaction of the City that the allowance of work outside these hours and dates would not adversely affect nearby noise-sensitive receptors. (d) Construction equipment shall be properly muffled and maintained with noise reduction devices to minimize construction-generated noise. (e) The unnecessary idling of internal combustion engines shall be prohibited. (f) Residents and businesses within 300 feet of the construction site shall be notified of the construction scheduling in writing. (g) The construction contractor shall designate a "noise disturbance coordinator" for construction activities. The coordinator shall be responsible for responding to any local complaints regarding construction noise. The coordinator shall determine the cause of the noise complaint			

	(i.e., starting too early, bad muffler, no shielding), and would require that reasonable measures warranted to correct the problem be implemented. A telephone number for the construction coordinator shall be posted at the construction site and be included in the notice sent to neighbors and businesses regarding the construction schedule.			
3.13 Noise	**Noise Mitigation 2:** The project applicant shall require that all construction contracts include specifications that construction equipment remain a minimum of 20 feet from residential buildings or other buildings where people normally sleep.	Applicant/ Developer	Development Services Dept.	During construction phase
3.17 Transportation / Traffic	**Transportation/Traffic Mitigation 1:** The developer shall contribute a fair-share to the development of a sheltered bus stop on the west side of Sanborn Road as it nears Bogue Road and on the north side of Bogue Road just west of the intersection with Sanborn Road. This bus stop was identified to be developed as part of the West Sanborn Estates Subdivision Map, SM 19-02, as Condition No. 32 that was approved on November 10, 2021.	Applicant/ Developer	Development Services Dept.	Prior to Final Map
3.18. Tribal Cultural Resources	**Tribal Cultural Resources Mitigation 1:** Worker Awareness Training. The developer shall ensure that a Worker Education Program is developed and delivered to train equipment operators about cultural resources and training shall be documented. The program shall	Applicant or Developer	Public Works Dept., Development Services Dept.	During construction phase

	be designed to inform workers about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require a work stoppage; procedures for notifying the City of any occurrences; and enforcement of penalties and repercussions for non-compliance with the program. Worker education training may be provided either in person or as a DVD with a training binder, prepared by a qualified professional archaeologist and reviewed by the City. The United Auburn Indian Community (UAIC) shall be afforded the option of attending the initial training in person or providing a video segment or information for incorporation into the training that appeals to the contractor's need to be respectful of tribal cultural resources and tribal participation in implementing unanticipated discovery protocols. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. A copy of the form shall be provided to the City as proof of compliance. **Tribal Cultural Resources Mitigation 2:** Avoid and minimize impacts to previously unknown Tribal Cultural Resources. If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural			

	remains are encountered during the initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the construction supervisor shall immediately notify the City representative. If the find includes human remains, then the City shall immediately notify the Sutter County Coroner and the procedures in Section 7050.5 of the California Health and Safety Code and, if applicable, Section 5097.98 of the Public Resources Code, shall be followed. For resources reasonably associated with Native American cultural and for human remains, the City shall coordinate any necessary investigation of the discovery with a UAIC tribal representative and a qualified archaeologist approved by the City. As part of the site investigation and resource assessment, the City shall consult with UAIC to develop, document, and implement appropriate management recommendations, should potential impacts to the resources be found by the City to be significant. Nothing in this measure prohibits the City from considering any comments from other culturally-affiliated Native American tribes that volunteer information to the City during its investigation. Possible management recommendations could include documentation, data recovery, or (if deemed feasible by the City) preservation in place. The contractor shall implement any measures deemed by City staff			

	to be necessary and feasible to avoid, minimize, or mitigate significant effects to the cultural resources, such as the use of a Native American Monitor whenever work is occurring within 100 feet of the discovery of Native American resources, if deemed appropriate by the City. The types of treatment preferred by UAIC that protects, preserves or restores the integrity of tribal cultural resources may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of tribal cultural resources will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.			

Future Agenda Items

- Councilmember Boomgaarden
- Councilmember Pasquale
- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Manager's Report

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Council Reports

- Councilmember Boomgaarden
- Councilmember Pasquale
- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Adjournment