AGENDA

FEBRUARY 7, 2023

REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

5:30 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

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

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 help. 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.*

AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
FEBRUARY 7, 2023
5:30 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

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_eWF5FvoQQNiljSSQd7cCAA. 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.

Public Comment:
Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council in the Council Chamber prior to the City Council convening into closed session. Comments from the public will be limited to three minutes. No member of the public will be allowed to be present once the City Council convenes into closed session.

Closed Session

Conference with Legal Counsel—Existing Litigation per Govt. Code §54956.9;
Diana Barrett v. City of Yuba City, et.al. Superior Ct. CVCS20-0001102; Ct. of Appeal C097139

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

City Attorney's Report on Closed Session Items, City Attorney Shannon Chaffin

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. Mayor's Pin Presentation

Public Communication

2. 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.

3. Minutes from the January 17 and 26, 2023 meetings

Recommendation: Approve the minutes from the January 17 and 26, 2023 meetings

4. Annual Community Facilities District Report

Recommendation: Note and file

5. Henson Ranch Estates – Phase 1 Subdivision (Subdivision Agreement and Final Map Approval)

Recommendation: Adopt a Resolution approving the execution of a Subdivision Agreement with YC Hooper Ventures, LLC, A California Limited Liability Company providing for public improvements associated with the Henson Ranch Estates – Phase 1 Subdivision Map, approving the Henson Ranch Estates – Phase 1 Subdivision Final Map, accepting dedication of rights-of-way and easements shown thereon and authorizing the filing of the map. (Subdivision is located north of North Colusa Frontage Road, East of Hooper Road, and west of El Margarita Road)

6. Local Highway Safety Improvement Program Project Awards

Recommendation: A. Authorize the Finance Director to make a supplemental appropriation of $3,164,260 in Highway Safety Improvement Program grant funding to Account No. 921314 (Citywide Signal Hardware Upgrades), 921315 (Citywide Sign Upgrades & Audit), 921316 (Ped Safety Crosswalk Upgrades), 921317 (SHS Signal Hardware Upgrades), and 921318 (Local Roadway Safety Plan)

B. Authorize the Finance Director to transfer $23,840 from

Account No. 911253 (2018 Safe Routes to School Plan) to Account No. 911314 (Citywide Signal Hardware Upgrades) and $8,000 from Account No. 921253 (2018 Safe Routes to School Plan) to Account No. 921318 (Local Roadway Safety Plan)

7. Proposition 1 Integrated Regional Water Management Round 1 Grant Projects - Contract Amendment

Recommendation: Adopt a Resolution to award Amendment No. 1 to the Professional Services Agreement with West Yost and Associates, Inc. to initiate additional data collection activities for updating the modeling of Gilsizer Slough for the Prop 1 Integrated Regional Water Management Projects

8. Authorization to submit Department of Resources Recycling and Recovery (CalRecycle) Grant Applications for Illegal Disposal Site Abatement

Recommendation: Adopt a Resolution of the City Council of the City of Yuba City authorizing the Public Works and Development Services Director, or designee, to submit and administer CalRecycle grant applications and projects for a period of five years on behalf of the City

9. 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. Adopt 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 Sanbon 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 second reading

B. Adopt 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 second reading

10. Consideration of Rezone (RZ) 22-08: Spirit Drive Parcel Map

Recommendation: Adopt 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 second reading

11. Consideration of Planned Development (PD) 17: Nestory Park Self Storage

Recommendation: Adopt 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 second reading

12. Approve Regional Appointments to the Feather River Air Quality Management District (FRAQMD) Board of Directors for 2023

Recommendation: Approve the Appointment of Councilmembers Jeramy Chapdelaine (Live Oak) and Angela Teter (Wheatland) to serve as Alternate Directors on the FRAQMD Board of Directors

13. Updates to the City of Yuba City Conflict of Interest Code

Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions

14. Emergency Purchase of Four (4) Ford Three-Quarter Ton Pickups

Recommendation: Adopt a Resolution to award the purchase of four (4) Ford three-quarter ton pickups to Geweke Ford of Yuba City, CA, in the not-to-exceed amount of $161,000.00 and authorizing the purchase of necessary equipment and decals, estimated at $19,000.00, in order to place the vehicles in service

Business Items

15. Utilities Rate Study 2024 Award

Recommendation: Adopt a Resolution awarding the Utilities Rate Study 2024 to Black & Veatch Management Consulting, LLC of Los Angeles, CA in the amount of $159,705 plus a contingency of $32,000, with the finding that it is in the best interest of the City

16. Consideration of General Plan Amendment (GPA) 22-05, the appeal of Rezone (RZ) 22-06, and a Categorical Exemption under CEQA Guideline Section 15301: Gorsi Medical Office Rezone

Recommendation: A. Conduct a Public Hearing, and:

B. Move to continue the matter regarding General Plan Amendment 22-05, the appeal of Rezone 22-06, and the associated Environmental determination for the project, Gorsi Medical Office Rezone, at 467 Gray Avenue (Assessor's Parcel Number: 52-122-011) to February 21, 2023, with direction to staff to return with a resolution with appropriate findings consistent with Council direction for final determination of the matter

Future Agenda Items

17. Future Agenda Items

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

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 Paquale
- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Adjournment

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 **3**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes from the January 17 and 26, 2023 meetings
Recommendation: Approve the minutes from the January 17 and 26, 2023 meetings
Fiscal Impact: None

Attachments:
1. 01-17-2023 - Regular Meeting Minutes (DRAFT)
2. 01-26-2023 Special Closed Session Minutes (DRAFT)

Prepared By:
Ciara Wakfield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA
CITY JANUARY 17, 2023
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, Harris, Pasquale and Shaw

Absent: None

Invocation/Inspiration

Pastor Dan Callaghan, First Baptist Church of Yuba City

Pledge of Allegiance to the Flag

Ciara Wakefield, City Clerk Administrator

Agenda Modifications/Approval of Agenda

Item 7 was pulled from the Consent Calendar to be discussed separately. This item was heard as the first item of Business

Ceremonial Presentations

1. First Baptist Church 100 Years – Proclamation

Mayor Kirchner presented a proclamation to Pastor Dan Callaghan from First Baptist Church of Yuba City

2. National Human Trafficking Awareness Month Proclamation

Mayor Kirchner presented a proclamation to Sandee Drown and members of Soroptimist International of Marysville-Yuba City

3. You Can! with Yuba City – Presentation

Ashley Potočnik, Development Liaison, gave a presentation

4. Didar S. Bains Park Construction Update

Brad McIntire, Community Services Director, gave a presentation

Public Communication

5. Appearance of Interested Citizens

Heather Esemann spoke
Jackie Sillman spoke

Consent Calendar

Vice-Mayor Harris moved and Councilmember Shaw seconded the motion to approve Items 6 and 8-12 (excluding Item 7):

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

Approve the minutes from the December 20, 2022 and January 6, 2023 meeting

[Item 7 moved to business]

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

~~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

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 **Resolution 23-002** 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 **Resolution 23-003** 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

Adopt **Resolution 23-004** 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

Adopt **Resolution 23-005** 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

Adopt **23-006** 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

A. Adopt **Resolution 23-007** 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;

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

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

The motion was passed with a unanimous vote

<u>Business Items</u>

[Item 7 pulled from Consent Calendar]

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

Councilmember Pasquale moved and Councilmember Shaw seconded the motion to:

Adopt **Resolution 23-001** authorizing submission of the City's FY 2022- 2023 TDA claim to the Sacramento Area Council of Governments (SACOG)

The motion was passed with a unanimous vote

13. Community Sponsorship Request

Councilmember Shaw moved and Vice-Mayor Harris seconded the motion to:

Adopt **Resolution 23-008** to approve a monetary sponsorship request from Film Yuba-Sutter of $6,250.00 to assist in funding the Film Yuba-Sutter Film Commission

The motion was passed with a unanimous vote

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

Mayor Kirchner opened a Public Hearing

No public comment

Mayor Kirchner closed the Public Hearing

Councilmember Boomgaarden moved and Councilmember Pasquale seconded the motion to:

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

The motion was passed with a unanimous vote

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

Mayor Kirchner opened a Public Hearing

Shawn Minard spoke

Mayor Kirchner closed the Public Hearing

Councilmember Shaw moved and Councilmember Boomgaarden seconded the motion to:

B. Adopt **Resolution 23-009** 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);

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

The motion was passed with a unanimous vote

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

The Clerk received a letter re: Item 16 prior to the meeting. The letter was distributed to City Council in advance of the meeting and printed copies were made available to the public

[Councilmember Shaw recused himself]

Mayor Kirchner opened a Public Hearing

Heather Esemann spoke
Anthony Kurlan spoke
Shawn Minard spoke

Mayor Kirchner closed the Public Hearing

Councilmember Boomgaarden moved and Vice-Mayor Harris seconded the motion to:

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

The motion was passed with 3 votes [Shaw recused and Pasquale opposed]

Future Agenda Items

17. Future Agenda Items

No Suggestions

Reports and Communications

18. City Manager's Report

19. 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 8:25 PM

_____
Wade Kirchner, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 2

MINUTES (DRAFT)
SPECIAL MEETING
CITY COUNCIL - CITY OF YUBA CITY
JANUARY 26, 2023
8:00 A.M. SPECIAL MEETING HARVEST ROOM
1465 THARP ROAD
YUBA CITY CA 95993

Special Meeting

Call to Order

Mayor Kirchner called the Special Meeting of the City Council to order at 8:12 AM

Roll Call

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

Absent: None

Pledge of Allegiance

Michael Morris

Agenda Modifications/Approval of Agenda

Item 4, Public Communication was moved to the first item of business.

General Items

Public Communication

4. Appearance of Interested Citizens

No public comment

1. Council Goals and Priorities

2. Department Accomplishments 2022

3. Discussion Topics

- **Speeding/Sideshows**
- **Fireworks**
- **Boat/RV Storage**
- **Mobile Vendors**
- **City Tree Maintenance/Sidewalk Issues**
- **Campaign Signs**

- **Campaign Paperwork**
- **Community Workshops**

Adjournment

The Special Meeting was adjourned by Mayor Kirchner at 4:15 PM

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 2023
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Annual Community Facilities District Report
Recommendation: Note and file
Fiscal Impact: Information item only

Purpose:

Annual report of the background and current status of the Community Facilities District as required by state law.

Council's Strategic Goal:

This item addresses the Council's Strategic Goal of fiscal responsibility.

Background:

In accordance with Government Code Sections 50075.3 (regarding special taxes) and 53411 (report on bonded proceeds), a report concerning the Sunsweet Boulevard and Valencia Estates Community Facilities Districts is required to be filed annually with the City Council. This staff report serves to fulfill the requirement. The report must address the following items:

Sunsweet Boulevard, established 2004

1. The amount of funds collected and expended – On May 12, 2005, the City issued $3,250,000 in Community Facilities District Bonds. Of this amount, $2,705,904 was placed into the project fund and the remainder was used for cost of issuance and to establish a reserve fund. The entire $2,705,904 has been expended on the project. On July 19, 2016, the outstanding bonds, $2,437,327, were refunded and are referred to as special tax refunding bonds, series 2016. Special tax assessments were placed on the properties within the district and the amount collected for calendar year 2022, as of December 31, is $225,445 in assessments. These funds will be used to pay debt service.
2. The status of the project required or authorized to be funded – The project as defined by the "List of Authorized Facilities" (that was adopted as part of the resolution forming the district) is complete, including related improvements (traffic signal at Highway 99 and connector road to

Walton Avenue on the south side of Sunsweet), with a Notice of Completion dated July, 2007.

Valencia Estates, established 2017 & CFD 2021-1

1. The amount of funds collected and expended – during fiscal year 2021-22, the City collected $46,006 in special assessments from the district property owners.
2. The status of the project required or authorized to be funded – the City expended $2,763.19 on district administration on behalf of the district, with the remainder to fund police protection services; fire protection and suppression services; maintenance of parks, parkways, streets and roads, and open space; flood and storm protection services, among other less common services.

Fiscal Impact:

Information item only.

Recommendation:

Note and file.

Attachments:
None

Prepared By:
Spencer Morrison
Finance Director

Submitted By:
Diana Langley
City Manager

Agenda Item **5**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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: Henson Ranch Estates – Phase 1 Subdivision (Subdivision Agreement and Final Map Approval)

Recommendation: Adopt a Resolution approving the execution of a Subdivision Agreement with YC Hooper Ventures, LLC, A California Limited Liability Company providing for public improvements associated with the Henson Ranch Estates – Phase 1 Subdivision Map, approving the Henson Ranch Estates – Phase 1 Subdivision Final Map, accepting dedication of rights-of-way and easements shown thereon and authorizing the filing of the map. (Subdivision is located north of North Colusa Frontage Road, East of Hooper Road, and west of El Margarita Road)

Fiscal Impact: Costs and reimbursements in accordance with proposed Subdivision Agreement

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Purpose:

To approve the necessary agreement and final subdivision map that specify the terms for the Henson Ranch Estates – Phase 1 development.

Council's Strategic Goal:

Executing a subdivision agreement, approving a final map, and accepting dedications does not directly meet one of the Council's Strategic Goals. These actions are necessary to comply with the Subdivision Map Act and City policy to facilitate the private development project.

Background:

On November 10, 2021, the Planning Commission approved Tentative Map SM 21-01, Henson Ranch Estates – Phase 1 Subdivision, to subdivide 17.98 acres into 96 single family residential parcels located north of North Colusa Frontage Road, east of Hooper Road, and west of El Margarita Road (Attachment 2). The proposed lot sizes range from 5,775 square feet to 8,761 square feet.

Since Planning Commission approval, the developer and its representatives have been coordinating with City staff to develop the necessary improvement plans and determine the terms of the Subdivision Agreement in accordance with the conditions of approval for the development and City policy.

Analysis:

The procedure for approval of a Final Map is outlined in Title 8, Chapter 2, Article 8 of the Municipal Code. The process is summarized as follows:

- Tentative Map – The applicant submits a tentative map to the Development Services Department, which is then routed to all City Departments and other agencies for review, comment, and establishment of the Conditions of Approval. Upon preparation of the Conditions of Approval and the environmental document, the map is taken to the Planning Commission for approval. The tentative map for the subject project was approved by the Planning Commission on November 10, 2021.

- Final Map – Upon approval of the tentative map, the applicant submits a Final Map package which includes the Final Map and public improvement plans. If the applicant chooses to file the map prior to the construction of the public improvements, the City requires the execution of a Subdivision Agreement guaranteeing that the improvements will be constructed through the collection of security, such as bonds or a letter of credit.

- Council Approval – Once it is determined that the Final Map is correct and the Conditions of Approval have been met, the map is taken to the City Council for consideration and approval.

- Recordation of the Final Map – Upon Council approval, the City Clerk certifies the action on the map and it is submitted to the Sutter County Recorder for recordation.

In order to proceed with the development, the property owner is to enter into a Subdivision Agreement (Agreement) with the City to ensure the construction of the required public improvements. The Agreement specifies the obligations of the property owner regarding the fees, dedications, and improvements that are required as a condition of the subdivision, and guarantees that the required public improvements will be constructed.

With the recordation of the Final Map, the determined right-of-way and utility easements will be dedicated to the City. Road dedications include Millie Drive, Billie Keith Way, Wayne Way, and Ethel Drive, and portions of El Margarita Road and Hooper Road.

Fiscal Impact:

Costs and reimbursements for the public improvements are specified through the proposed Agreement. Exhibit B of the Agreement identifies the fees owed by the Developer to the City at the time of execution of the Agreement. Those fees include plan check, inspection, and water hot tap fees, and reimbursements totaling $197,075.49.

Alternatives:

Delay or modify the recommended actions of approving a Subdivision Agreement or Final Map for Henson Ranch Estates – Phase 1 Subdivision.

Recommendation:

Adopt a Resolution approving the execution of a Subdivision Agreement with YC Hooper Ventures, LLC, A California Limited Liability Company, providing for public improvements associated with the Henson Ranch Estates – Phase 1 Subdivision Map, approving the Henson Ranch Estates – Phase 1 Subdivision Final Map, accepting dedication of rights-of-way and easements shown thereon and authorizing the filing of the map. (Subdivision is located north of North Colusa Frontage Road, East of Hooper Road, and west of El Margarita Road).

Attachments:

1. Resolution - Henson Ranch Estates – Phase 1 Subdivision (Subdivision Agreement and Final Map Approval)
2. Location Map - Henson Ranch Estates – Phase 1 Subdivision (Subdivision Agreement and Final Map Approval)

Prepared By:	Submitted By:
Kevin Bradford	Diana Langley
Deputy Public Works Director – Engineering	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING A SUBDIVISION AGREEMENT WITH YC HOOPER VENTURES, LLC FOR THE HENSON RANCH ESTATES – PHASE 1 SUBDIVISION, APPROVING THE HENSON RANCH ESTATES – PHASE 1 SUBDIVISION FINAL MAP SUBDIVIDING LAND INTO 96 PARCELS TO CONSTRUCT SINGLE-FAMILY RESIDENTIAL BUILDINGS, AND ACCEPTING FOR DEDICATION THE PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS SHOWN THEREON

WHEREAS, YC Hooper Ventures, LLC, a California Limited Liability Company (“subdivider”) owns certain property as identified on Exhibit “B” and has offered for approval a Final Map designated as “Henson Ranch Estates – Phase 1 Subdivision” ("final map"), pursuant to approved Tentative Map for Henson Ranch Estates – Phase 1 Subdivision ("tentative map"); and

WHEREAS, the subdivision lies within the boundaries of the City of Yuba City; and

WHEREAS, the Planning Commission of the City of Yuba City, by formal resolution, approved said tentative map; and

WHEREAS, the City Engineer has subsequently reviewed the final map and has determined that the conditions of approval associated with the final map have been satisfied, that the final map is in substantial conformance with the tentative map, and that the final map is ready for City Council approval; and

WHEREAS, all the certificates which appear on the final map (except the approval certificate of the Council of the City of Yuba City and the recording certificate of the Recorder of the County of Sutter) have been signed and acknowledged and said final map has been filed for approval; and

WHEREAS, the final map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Sutter County a Tax Compliance Certificate Request along with copies of the final map considered herewith by the Council; and,

WHEREAS, the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the owner, whose signature(s) appear on the final map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said final map; and

WHEREAS, required public improvements have not been completed by the subdivider as of the filing of the final map, and all required public improvements shall be required to be completed in accordance with a Subdivision Improvement Agreement approved by and between the City and the Subdivider; and

WHEREAS, the City Council now desires to approve the Subdivision Agreement with

subdivider, approve the final map, and accept all dedications thereunder.

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

1. Subdivision Agreement: The City Council approves the Subdivision Agreement with YC Hooper Ventures, LLC, a California Limited Liability Company attached hereto as Exhibit "A," and authorizes the City Manager or designee to execute the same on behalf of the City of Yuba City.

2. Findings for Final Map: The City Council finds that:

a. The final map is in substantial compliance with the tentative map, any deviations therefrom being deemed to be approved by the Council.

b. The requisite conditions associated with the tentative map have been satisfied, subject to the terms of the Subdivision Agreement approved concurrently herewith.

c. The final map is in conformance with the General Plan and any applicable specific plan(s).

d. The final map conforms to all applicable requirements of the Subdivision Map Act of the State of California.

3. Approval of Final Map and Acceptance of Dedications: The City Council approves the final map attached hereto as Exhibit "B", subject to the terms of the Subdivision Agreement approved concurrently herewith, and subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the final map for recordation. The City Council accepts any and all of the streets, public utility easements, public utility facilities, access rights and all parcels of land and easements offered for dedication on the final map, unless it is stated on the final map that said dedications are subject to City acceptance of subdivider-installed improvements, in which case acceptance shall be subject to improvement in accordance with Section 66477.1 of the California Government Code.

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 7th day of February, 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” – Subdivision Agreement
Exhibit “B” – Final Map (Henson Ranch Estates – Phase 1, City of Yuba City)

EXHIBIT “A”

WHEN RECORDED MAIL TO:

City Clerk
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

NO FEE-Government Code §6103

Public Works Department
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

SUBDIVISION AGREEMENT
FINAL MAP OF HENSON RANCH ESTATES – PHASE 1 SUBDIVISION

(Regarding Tentative Map No. 21-01, Henson Ranch Estates – Phase 1 Subdivision)

THIS AGREEMENT is made this 6 day of January ~~2022~~ 2023, by and between the **City of Yuba City,** a general law city, hereinafter referred to as "City," and **YC Hooper Ventures, LLC, a California Limited Liability Company**, hereinafter referred to as "Subdivider" without regard for number or gender, and is effective the date first appearing on the Clerk's Attestation and signature for the City of Yuba City.

RECITALS

A. Subdivider has filed with City a Final Map proposing the subdivision of land owned by Subdivider, situated in the City of Yuba City, County of Sutter, State of California, hereinafter referred to as the "Subject Property", dividing the real property more particularly described as follows:

> Lots 1 through 96, inclusive, of the Final Map of Faith Court Subdivision according to the map thereof recorded on _____, 20____ in Book _____ of Surveys at Page(s) _____, Sutter County Records.

B. City requires as a condition precedent to the acceptance and approval of the Final Map the dedication of such streets, highways and public places and easements as are delineated and shown on the Final Map, and deems the same as necessary for the public use, and also requires any and all streets delineated and shown on the Final Map shall be improved by the construction and the installation of the improvements hereinafter specified.

C. Section 8-2.809 of the Yuba City Municipal Code ("City Code") requires Subdivider to enter into this Agreement with City whereby Subdivider agrees to do, perform and complete the work and matters required as Conditions of Approval for Tentative Map No. 21-01 dated November 10, 2021 issued by City and any amendments thereto, hereinafter referred to as "Conditions of Approval", within the time hereinafter specified.

D. Subdivider desires to construct the improvements and develop the Subject Property.

E. Subdivider hereby warrants that any and all parties having record title interest in the Final Map which may ripen into a fee have subordinated to this instrument and all such instruments of subordination, if any, are attached hereto and made a part of this instrument.

AGREEMENT

In consideration of the acceptance of the offers of dedication of the streets, highways, public ways, easements and facilities as shown and delineated on the Final Map, and in

consideration of finding of substantial compliance with said Tentative Map, it is mutually agreed and understood by and between Subdivider and City, and Subdivider and City do hereby mutually agree as follows:

1. The Subject Property is subject to the following:

a. Time for Performance. The work and improvements required by the Conditions of Approval shall be performed on or before **24 months** of the effective date of this Agreement, except as otherwise specifically set forth in this Agreement. If Subdivider fails to complete such work within such period, City may (but is not required to) complete the same and recover the full cost and expense thereof from Subdivider.

b. Conditions of Approval. The Subject Property shall comply with all Conditions of Approval required by Planning Commission Resolution No. PC 21-16, dated November 10, 2021 attached as Exhibit A and incorporated by reference.

c. Unforeseen Delays and Extension Process. When a delay occurs due to unforeseen causes beyond the control and without the fault or negligence of Subdivider, the time of completion may be extended for a period justified by the effect of such delay on the completion of the work. As a prerequisite for obtaining an extension, Subdivider must file a written request for a time extension with the City's Public Works Director within 24 months of the effective date of this Agreement. The written request should set forth the facts and unforeseen causes giving rise to the delay, and must be accompanied by an updated Cost Estimate approved by the City Engineer. Subdivider must also pay an extension fee, if any, established by the most recent City Fee Schedule ("Fee Schedule") based upon the higher of the initial or revised estimated total improvement cost for the Final Map. The Public Works Director, in said Director's sole and exclusive discretion, may grant an extension of time for completion of improvements by Subdivider. The Public Works Director may also re-assess Performance Security, Payment Security and any other improvement security to increase the amount based upon the updated Cost Estimate and pursuant to the types and percentage amounts set forth in Paragraph 5 of this Agreement. The Public Works Director shall give Subdivider written notice of the Director's determination in writing, including any additional Performance Security, Payment Security or other improvement security amounts. The Director's determination shall be final and conclusive. No extension of this Agreement shall be valid unless Subdivider shall provide City any additional improvement security within 20 business days after written notice of

the Director's determination. If no extension of time is granted, City shall refund the extension fee, less the cost of any staff time for processing the application, paid by Subdivider at the time of submittal of the request for extension.

2. Scope of Improvements. Subdivider agrees to construct and install, at Subdivider's sole cost and expense, all of the streets, sidewalks, curbs, gutters, storm drainage facilities, water distribution facilities, sewer collection facilities, street lighting facilities, fire hydrants, landscaping and irrigation, and all other work and improvements depicted or required on the Improvement Plans for the Construction on Henson Ranch Estates – Phase 1 Subdivision (City Drawing No. 5545-D), as approved by the City Engineer, and any approved amendments thereto, any Conditions of Approval required by Planning Commission Resolution No. PC 21-16, dated November 10, 2021, and in compliance with Chapter 2 of Title 8 of the City Municipal Code and the Subdivision Map Act (hereinafter collectively referred to as "Improvements"), which are incorporated by reference and made a part of this Agreement. Improvements shall be done in accordance with the construction standards contained in the most current edition of the City Standard Specifications and Details and, to the extent not addressed therein, in accordance with the State of California Department of Transportation Standard Plans and Specifications as amended by special provisions approved by the City Engineer.

3. Impact and other Fees. Subdivider shall pay to City the total fees and charges due as a condition of Final Map approval, including those required by City Code Section 8-2.803 and 8-2.1515, and Chapter 10 of Title 8 of the City Code, as they may be amended. The total fees and charges are more particularly itemized and made a part of this Agreement in the attached Exhibit B, which is incorporated by reference.

4. Estimated Reimbursements for Certain Improvements. City shall pay to Subdivider those amounts, if any, shown in Exhibit C, which is incorporated by reference, at such time and only at such time as City has accepted those Improvements. Exhibit C represents City's participation and contribution to the Improvements which City recognizes will ultimately inure to the overall benefit of City, both in connection with the subject development and in connection with future developments. In connection with the amounts set forth in Exhibit C, City has made its best faith efforts at predicting the amounts to be credited as reimbursements for Improvements that will benefit other properties as contemplated by City Code Section 8-2.1501. The parties acknowledge since the subject Improvements have not been completed at the time of execution of this Agreement, the actual cost of construction is not yet known. Some degree of reasonable estimation

is incorporated into the calculations, including the amount of fee credits, if any. Subdivider agrees these figures represent City's best estimates only and they are subject to fluctuation following calculation of actual construction costs after improvement completion and acceptance. Calculations of costs are also based on information submitted by Subdivider to City. Payment of fees and any reimbursements shall be made at the rates and amounts established by the City Code, including pertinent provisions contained in City's Fee Schedule.

5. Fee Credit Adjustments. With regard to fee credits including those referenced above and herein, Subdivider may receive designated fee credits from City as offsets toward a development impact fee for construction of certain required infrastructure improvements either as a part of this Agreement or at some future date. With regard to the amounts to be credited as referenced above, Subdivider acknowledges and agrees any such fee credits are provided contingent upon City accepting required infrastructure improvements completely installed by Subdivider. Until then, and notwithstanding any other provision, Subdivider expressly agrees Subdivider has no right to any portion of any fee credit and the Public Works Director for City, in the Director's sole discretion, may unilaterally amend this Agreement effective upon mailed notice to Subdivider to adjust (including adding, reducing or removing) credits at any time prior to acceptance of all required infrastructure improvements by City. Upon adjustment, Subdivider shall pay in full any development impact fees, due from modification of the fee credit, prior to approval of the subdivision map or as may be deferred by a fee deferral covenant. If the subdivision map has already been approved, all such fees shall be promptly paid by Subdivider. City may enforce recovery of such fees in any manner available at law or in equity, including but not limited to private foreclosure and sale of the property in the manner provided in Section 2924 of the California Civil Code or successor statute.

6. Inspections. City shall inspect all Improvements. All Improvements and materials shall be done, performed and installed in strict accordance with the approved construction plans for said work on file with the City Engineer and the Public Works Standards, which said construction plans and Public Works Standards are hereby referred to and adopted and made a part of this Agreement. In the event there are not any Public Works Standards for any of said Improvements, it is agreed that the same shall be done and performed in accordance with the standards and specifications of the State of California, Division of Highways. All of said Improvements and materials shall be done, performed and installed under the inspection of and to

the satisfaction of the City Engineer.

7. Security. Prior to the approval by the City Council of the Final Map, Subdivider shall furnish to City the following improvement securities set forth in this paragraph. Improvement security shall be of the type as provided for in Government Code §66499 subject to review by the City Attorney and approval of the City Council. Bonds shall be by one or more duly authorized corporate sureties licensed to do business in California subject to the approval of City and on forms furnished or approved by City and Certificates of Deposit must be in a form acceptable to the City Attorney.

a. Performance Security. The total amount shall equal 100% of the final Engineer's Estimate of Probable Cost of Remaining Items of Work, as approved by the City Engineer, to be conditioned upon the faithful performance of this Agreement. Performance Security shall be in the amount of $1,015,886.00 and in the form of a bond naming the City of Yuba City as obligee, or a certificate of deposit made payable only to the City of Yuba City, or cash.

b. Payment Security. The total amount shall equal 100% of the final Engineer's Estimate of Probable Cost of Remaining Items of Work, except if such securities is in the form of a cash deposit or deposit or instrument of credit, the amount shall be equal to 50% of the total estimated cost of the improvements, as approved by the City Engineer, to secure payment to all contractors and subcontractors performing work on said improvements and all persons furnishing labor, materials or equipment to them for said improvements. Payment Security shall be in the amount of $1,015,886.00 and in the form of a bond naming the City of Yuba City as obligee, or in the amount of $507,943.00 in the form of a certificate of deposit made payable only to the City of Yuba City, or cash.

8. Damage Prior to Final Acceptance. Any damage to the work or Improvements constructed pursuant to this Agreement occurring after installation shall be made good to the satisfaction of the City Engineer by Subdivider before any securities are released or the final acceptance of the completed work.

9. Remedy of Defects. Subdivider shall remedy any defective work, labor or materials related to the Improvements, and shall pay City for any damage to the Improvements resulting therefrom, which occur within a period of one year from the date of acceptance of the Improvements by City.

10. Warranty Security. To ensure Subdivider complies with its obligations set forth in paragraph 7, on acceptance of the required work by the City Engineer, a maintenance bond serving as warranty security shall be furnished to the City in the minimum amount of $369,059.90 which represents ten (10) percent of the total Engineer's Estimate of Probable Cost, including portions of improvements already completed. The warranty security shall serve as a guarantee and warranty of the work for a period of one year following acceptance against any defective work, labor or materials. The warranty security shall be released, less any amount required to be used for fulfillment of the warranty, one year after final acceptance of the subdivision Improvements.

11. No Right of Trespass. This Agreement shall in no way be construed as a grant by City of any rights to Subdivider to trespass upon land rightfully in the possession of, or owned by, another, whether such land be privately or publicly owned.

12. Indemnification. Subdivider shall be obligated as follows:

a. To the furthest extent allowed by law, Subdivider shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents 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, Subdivider or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees, litigation and legal expenses incurred by City or held to be the liability of City, including plaintiff's or petitioner's attorney's fees if awarded, in connection with City's defense of its actions in any proceeding), arising or alleged to have arisen directly or indirectly out of performance or in any way connected with: (i) the making of this Agreement; (ii) the performance of this Agreement; (iii) the performance or installation of the work or Improvements by Subdivider and Subdivider's employees, officers, agents, contractors or subcontractors; (iv) the design, installation, operation, removal or maintenance of the work and Improvements; (v) Subdivider and Subdivider's employees, officers, agents, contractors or subcontractor's failure to provide prevailing wages as may be required by law; or (vi) City's granting, issuing or approving use of this Agreement.

b. Subdivider's obligations under the preceding sentence shall apply regardless whether City or any of its officers, officials, employees or agents are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of City or any

of its officers, officials, employees, agents or volunteers.

c. If Subdivider should subcontract all or any portion of the work to be performed under this Agreement, Subdivider shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of paragraphs "a" and "b" of this Section. Notwithstanding the preceding sentence, any subcontractor who is a "design professional" as defined in Section 2782.8 of the California Civil Code shall, in lieu of indemnity requirements set forth in paragraphs "a" and "b" of this Section, 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 (including Section 2782.8 of the California Civil Code), 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), 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.

d. Subdivider further agrees that the use for any purpose and by any person of any and all of the streets and works and Improvements hereinbefore specified, shall be at the sole and exclusive risk of Subdivider at all times prior to final acceptance by City of the completed street and other improvements thereon and therein. This Section shall survive termination or expiration of this Agreement.

13. Insurance. Throughout the life of this Agreement, Subdivider 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 Risk Manager. The following policies of insurance are required:

a. 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 and advertising 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 $1,000,000 per occurrence for bodily injury and property damage, $1,000,000 per occurrence for personal and advertising injury and $1,000,000 aggregate for products and completed operations, and $1,000,000 general aggregate.

b. 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 (Section 1, subsection A.1 entitled "Any Auto"), with combined single limits of liability of not less than $1,000,000 per accident for bodily injury and property damage.

c. PROFESSIONAL LIABILITY (Errors and Omissions) insurance appropriate to the respective person's profession (applicable only to those subcontractors who are providing Professional Services to Subdivider), with limits of liability of not less than $1,000,000 per claim/occurrence and $1,000,000 policy aggregate.

d. WORKERS' COMPENSATION insurance as required under the California Labor Code.

e. EMPLOYERS' LIABILITY with minimum limits of liability of not less than $1,000,000 each accident, $1,000,000 disease policy limit and $1,000,000 disease each employee.

Subdivider shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Subdivider 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 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, Subdivider shall provide a new certificate evidencing renewal of such policy(ies) not less than 15 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, Subdivider 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, employees and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Subdivider's insurance shall be primary and no contribution shall be required of City. In the event claims-made forms are used for any Professional Liability coverage, either (i) the policy(ies) shall be endorsed to provide not less than a five (5) year discovery period, or (ii) the coverage shall be maintained for a minimum of five (5) years following the termination of this Agreement and the requirements of this Section relating to such coverage shall survive termination or expiration of this Agreement. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, agents, employees and volunteers.

Subdivider shall have furnished City with the certificate(s) and applicable endorsements for ALL required insurance prior to City's execution of the Agreement. Subdivider shall furnish City with copies of the actual policies upon the request of City Attorney or the City Clerk at any time during the life of the Agreement or any extension, and this requirement shall survive termination or expiration of this Agreement.

The fact that insurance is obtained by Subdivider or his/her/its subcontractors shall not be deemed to release or diminish the liability of Subdivider or his/her/its subcontractors including without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City, its officers, officials, agents, employees and volunteers, shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Subdivider or his/her/its subcontractors. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Subdivider, its principals, officers, agents, employees, persons under the supervision of Subdivider, vendors, suppliers, invitees, subcontractors, consultants or anyone employed directly or indirectly by any of them.

If at any time during the life of the Agreement or any extension, Subdivider fails to maintain the required insurance in full force and effect, the Director of Public Works for City, or his/her designee, may order that Subdivider, or its contractors or subcontractors, immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to insure that public health and safety is protected. All payments due or that become due to Subdivider 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. Any failure to maintain the required insurance shall be sufficient cause for

City to terminate this Agreement.

If Subdivider should subcontract all or any portion of the services to be performed under this Agreement, Subdivider shall require each subcontractor to provide insurance protection in favor of City, its officers, officials, employees, volunteers and agents in accordance with the terms of each of the preceding paragraphs, except that the subcontractors' certificates and endorsements shall be on file with Subdivider and City prior to the commencement of any work by the subcontractor.

14. Payment for Materials and Supplies. Subdivider and Subdivider's subcontractors shall pay for any materials, provisions, and other supplies used in, upon, for, or about the performance of the Improvements contracted to be done, and for any work or labor thereon of any kind, and for amounts due under the Unemployment Insurance Act of the State of California, with respect to such work or labor and shall file with City pursuant to Section 3800 of the California Labor Code, as may be amended, a Certificate of Workers Compensation and shall maintain a valid policy of Workers Compensation Insurance for the duration of the period of construction.

15. Compaction and Materials Testing. Compaction and other materials testing performed for determination of compliance with the Public Works Standards shall at all times remain under the review of the City Engineer who may determine additional test procedures, and additional locations to be tested. All materials testing for improvement work within the public easements and rights-of-way shall be ordered and paid for by Subdivider.

16. Work by Subdivider. It shall be the responsibility of Subdivider to coordinate all work done by Subdivider's contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability if one operation delays another. In no case shall representatives of City be placed in the position of making decisions that are the responsibility of Subdivider. It shall further be the responsibility of Subdivider to give the City Engineer written notice not less than two working days in advance of the actual date on which work is to be started. Failure on the part of Subdivider to notify the City Engineer may cause delay for which Subdivider shall be solely responsible.

17. Inspections. Whenever Subdivider varies the period during which work is carried on each day, Subdivider shall give due notice to the City Engineer so that proper inspection may be provided. If Subdivider fails to duly notify City as herein required, any work done in the absence of the City Engineer will be subject to rejection. Inspection of the Improvements by City shall not relieve Subdivider of any obligation to fulfill the Agreement as prescribed. Defective

work shall be made good, and unsuitable materials may be rejected, notwithstanding the fact that such defective work and unsuitable materials have been previously overlooked by the City Engineer or City Inspector and accepted.

18. Street Surfacing and Underground Facilities. Concrete curbs and gutters, the sanitary sewer system and house connections, together with water mains, gas mains, and their respective service connections, and all other facilities required to be installed underground shall be completed in the streets and alleys before installation of street and alley surfacing.

19. Compliance with Conditions of Approval; Easements. In addition to the Covenants affecting land development, if any, Subdivider shall comply with all Conditions of Approval set forth in the Conditions of Approval for Tentative Map No. 21-01 dated November 10, 2021, and any amendments thereto, not already fully completed or performed as of the date of the approval of the Final Map and which are not otherwise set forth in this Agreement. Compliance shall include, but is not limited to, any condition to convey to a specific party a fee interest or easement in any parcels in the Subject Property upon Subdivider's completion of all required improvements to said parcels. Subdivider's compliance with such conditions shall be completed within a reasonable time as determined by City, in City's sole discretion, commencing upon the City Engineer sending written notice to Subdivider of the outstanding condition and time in which Subdivider is required to comply, and Subdivider shall timely comply.

20. Compliance with Law. In performing obligations set forth in this Agreement, Subdivider shall comply with all applicable laws, ordinances, codes, regulations, and rules of all local, state and federal governmental agencies having jurisdiction including, without limitation, applicable federal and state labor standards and environmental laws and regulations. It shall be the sole responsibility of Subdivider to determine whether to pay prevailing wages for any or all work required by this Agreement. As a material part of this Agreement, Subdivider agrees to assume all risk of liability arising from any decision not to pay prevailing wages for work required by this Agreement. Subdivider shall indemnify, defend, and hold harmless City and its officials and employees against any failure to comply with such laws, ordinances, codes, regulations, and rules. Subdivider shall comply with the codes or ordinances of City including the City Code and Building Codes.

21. Enforcement of Obligations. City may enforce this Agreement in any manner available at law or in equity, including, but not limited to, reversion to acreage.

22. Limitations of Legal Acts. Except as provided by the Section entitled "Attorney's

Fees and Legal Expenses," in no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed Subdivider's sole legal remedy for breach or violation of this Agreement by City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

23. Attorney's Fees and Legal Expenses. If either party is required to commence any proceeding or legal action to enforce or interpret any term or condition of this Agreement, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorney's fees and legal expenses. For the purposes of this Agreement, "attorneys' fees" and "legal expenses" include, without limitation, paralegals' fees and expenses, attorneys, consultants fees and expenses, expert witness fees and expenses, and all other expenses incurred by the prevailing party's attorneys in the course of the representation of the prevailing party in anticipation of and/or during the course of litigation, whether or not otherwise recoverable as "attorneys' fees" or as "costs" under California law, and the same may be sought and awarded in accordance with California procedure as pertaining to an award of contractual attorneys' fees.

24. Obligation Running With Land. This Agreement shall burden the Subject Property described and constitute a covenant running with the land in favor of and for the benefit of City shall be binding upon the successors, transferees, and heirs of Subdivider. Subdivider consents to the recordation of this Agreement with the Sutter County Recorder.

25. Waiver. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.

26. Successor Statutes Incorporated. All references to a statue 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 Subdivider under this Agreement.

27. Incorporation of Attachments: All recitals and attachments to this Agreement, including all Exhibits referenced herein, and all subparts thereto, are incorporated herein by this reference.

28. Time is of the Essence. Time is of the essence of this Agreement, and the same shall bind and inure to the benefit of the parties hereto, their successors and assigns.

29. No Assignment. No assignment of this Agreement or of any duty or obligation of performance hereunder shall be made in whole or in part by Subdivider without the written consent of City.

30. Captions. Section, paragraph and other captions or headings contained in this Agreement are inserted as a matter of convenience and for reference, and in no way define, limit, extend or otherwise describe the scope or intent of the Agreement or any provision hereof and shall not affect in any way the meaning or interpretation of this Agreement.

31. Ambiguities or Uncertainties. Any ambiguities or uncertainties herein shall be equally and fairly interpreted and construed without reference to the identity of the Party or Parties preparing this Agreement, on the express understanding and agreement the Parties participated equally in the negotiation and preparation of the Agreement, or have had equal opportunity to do so. Accordingly, the Parties hereby waive the benefit of California Civil Code §1654 and any successor or amended statute, providing that in cases of uncertainty, language of a contract should be interpreted most strongly against the Party who caused the uncertainty to exist.

32. Severable Provisions. The provisions of this Agreement are severable. The invalidity or unenforceability of any one provision in this Agreement shall not affect the validity or enforceability of the other provisions, which shall remain in full force and effect.

33. Release of Conditions. The conditions and obligations of this Agreement shall remain in full force and effect until such time as City's Director of the Department of Public Works issues a written release finding the conditions and obligations of this Agreement have been fully satisfied and are no longer required for public health and safety reasons and thereafter records such release with the Sutter County Recorder.

34. Venue. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction. Venue for purposes of the filing of any action regarding the enforcement or interpretation of this Agreement and any rights and duties hereunder shall be Sutter County, California.

35. Acknowledgement of Content. Each party acknowledges that they have read and fully understand the contents of this Agreement. This Agreement represents the entire and integrated agreement between the parties with respect to the subject matter hereof and supersedes

all prior negotiations, representations or agreements, either written or oral. This Agreement may be modified only by written instrument duly authorized and executed by both City and Subdivider.

****

[Signatures on Next Page]

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement

CITY OF YUBA CITY,
a General Law City

By:_____
Diana Langley, City Manager

ATTEST

By:_____
Ciara Wakefield, Deputy City Clerk

Dated: _____

APPROVED AS TO FORM:

By:_____
Shannon L. Chaffin,
City Attorney

SUBDIVIDER

YC Hooper Ventures, LLC, a California Limited Liability Company

By:_____
Manjit Mike Singh
Also known as Manjit Singh Pabla, Manjit Singh, and Mike Singh

Dated: 1/6/2023

*(*Attach Notary Acknowledgments*)

Attachments:

Exhibit A: Planning Commission Resolution No. PC 21-16 – Conditions of Approval
Exhibit B: Impact Fees and Other Fees Due Payable by Subdivider
Exhibit C: Fee Credits and Reimbursements Payable by City

Document: Subdivision Agreement

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of Sutter)

On January 6, 2022 before me, Ana R Campos,

Notary Public personally appeared Manjit Singh

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

SIGNATURE

MGC1 ANA R. CAMPOS MGC1
COMM. # 2365231
NOTARY PUBLIC • CALIFORNIA
SUTTER COUNTY
Comm. Exp. JULY 12, 2025

CA-Notary Acknowledgment – One Page

EXHIBIT A

PLANNING COMMISSION RESOLUTION NO. PC 21-16
CONDITIONS OF APPROVAL

PLANNING COMMISSION RESOLUTION NO. PC21-16

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY APPROVING TENTATIVE SUBDIVISION MAP (TSM) 21-01, HENSON RANCH, , SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES, CREATING 96 SINGLE-FAMILY RESIDENTIAL LOTS AND A 6.63-ACRE REMAINDER ON 25.14 ACRES, LOCATED ALONG THE NORTH SIDE OF COLUSA HIGHWAY FRONTAGE ROAD BETWEEN HOOPER ROAD ON THE WEST AND EL MARGARITA ROAD ON THE EAST (ASSESSOR'S PARCEL NUMBERS 62-082-009, 62-082-011, 62-082-014, 62-082-015), AND ADOPTING THE MITIGATED NEGATIVE DECLARATION PREPARED AS DETAILED IN THE ENVIRONMENTAL ASSESSMENT 21-01.

WHEREAS, the City received a tentative subdivision map application for this property in June 2021 to subdivide the approximately 25.14-acre property. TSM 21-01 would create 96 single-family residential lots, and a 6.63-acre remainder. All of the new lots will be provided full City services; and

WHEREAS, this property is within Yuba City's city limits and the property owner wished to develop their property to urban levels; and

WHEREAS, the Planning Commission reviewed related Environmental Assessment 21-01 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigations that reduce significant impacts to less than significant; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed subdivision was consistent with the General Plan and Zoning Regulations; and

WHEREAS, the City on October 20, 2021, published a legal notice and a Public Hearing notice was mailed to each property owner within at least 300 feet of the project site in compliance with State law concerning the Planning Commission's consideration on November 10, 2021; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 10, 2021 and considered all of the project and environmental information presented by staff, public testimony and all of the background information.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

Environmental finding: The Planning Commission 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. This process included the distribution of requests for comment 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, the Commission finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate 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. 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.

Subdivision Findings: None of the findings required by Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project:

1. The proposed tentative subdivision map is not consistent with the applicable general plan and specific plan.
2. The design and improvement of the tentative subdivision map is not consistent with applicable general and specific plans or adopted City standards.
3. That the site is not physically suited for the density of development.
4. That the site is not physically suited for the type of development.
5. That the design of the subdivision map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision maps or the type of improvements is likely to cause serious public health problems.
7. None of the findings in Section 6-9.603 of the Municipal Code is satisfied.
8. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Evidence:

1. The proposed 96 single-family residential lots on approximately 18.51 acres of the 25.14-acre property are designated in the General Plan as LDR. This designation provides for a gross residential density range of 2 to 8 residences per acre. This proposal is for approximately 5.2 residences per acre, which is well within the General Plan density range standard provided in the Land Use Element.

   Hooper Road is designated in the General Plan as a collector street. The on-site portions of the street, including the remainder portions will be improved to a collector standard. With the increased traffic generated by the subdivision it will remain within the LOS standard of D or better as provided in the General Plan Circulation Element.

   The proposed 96 new residences are consistent with the Housing Element's call for more housing. The project is not within a specific plan.

   As determined in the mitigated negative declaration prepared for the subdivision there are no significant impacts on any agricultural land, biological resources, water quality, and air quality; the project will be paying its fair share (development impact fees) for local parks. Thus, the project is consistent with the Environmental Conservation Element of the General Plan.

2. As discussed above, this single-family residential land division meets all General Plan consistency requirements. Further, the project is conditioned to meet all City

development and improvement standards including water, wastewater, stormwater, street cross-sections, and streetscape landscaping. Each new residential lot meets the minimum lot size requirements of the R-1 Zone District.

3. 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 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.

4. The site is flat, surrounded by existing development and physically suited to be readily developable. The portion of the property where the proposed residential land division is located is designated by the General Plan for single-family residential development. As previously discussed, all City services will be available to the property.

5. Based on the mitigated negative declaration prepared for this project, the project will not create any significant environmental impacts, including adverse impacts on fish and wildlife.

6. Every new lot will be connected to City water, wastewater, and storm drainage systems, which will avoid public health problems.

7. The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

8. The subdivision will be served by public streets that are dedicated to the City for public use. There is no use of private streets or other types of easements that the project would conflict with. There are no known existing easements that will be adversely affected by this subdivision.

AND, BE IT FURTHER RESOLVED, that the Planning Commission, based on Environmental Assessment 21-01 and the list of identified mitigation measures, determines the project will not have a significant impact on the environment and adopts a Mitigated Negative Declaration for the project as well as the associated Mitigation Monitoring Program, and approves Tentative Subdivision Map 21-01 Henson Ranch, as shown in **Exhibit A**, subject to the Conditions of Approval and Mitigation Measures as provided in **Exhibit B**.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on November 10, 2021, by Commissioner Doscher who moved its adoption, which motion was seconded by Commissioner Sillman and carried by the following vote:

Ayes: Chairwoman Blake, Vice Chairwoman Sillman, Commissioner Doscher, Commissioner Adams, Commissioner Brookman, Commissioner Shaffer

Noes:

Absent: Commissioner Dale

Recused:

By order of the Planning Commission of the City of Yuba City.

Michele Blake, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: Tentative Subdivision Map 21-01
Exhibit B: Conditions of Approval and Mitigation Measures

TENTATIVE SUBDIVISION TRACT MAP
SM 21-001 (HENSON RANCH)

YUBA CITY, CALIFORNIA
JUNE 14, 2021 REVISED SEPTEMBER 27, 2021

PROJECT NOTES

OWNER
HENSON FAMILY LIVING TR
2689 COLUSA HIGHWAY
YUBA CITY, CA 95991
CONTACT: MARY HENSON
PHONE: (530) XXX-XXXX

APPLICANT
WESTMARK PARTNERS, L.P.
4624 DUCKHORN DRIVE
SACRAMENTO, CA 95834
CONTACT: MIKE SINGH
PHONE: (530) 682-6686

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 62-082-009, 011, 014, AND 015

AREA OF TENTATIVE MAP
25.14 GROSS ACRE (6.63 ACRES ARE NOT PART OF THE PROJECT)

EXISTING USE
VACANT

EXISTING GENERAL PLAN DESIGNATION
LOW DENSITY RESIDENTIAL

PROPOSED GENERAL PLAN DESIGNATION
LOW DENSITY RESIDENTIAL

EXISTING ZONING
R-1

PROPOSED ZONING
R-1

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
OLIVEHURST PUBLIC UTILITIES DISTRICT

STORM DRAINAGE
CITY OF YUBA CITY PUBLIC WORKS AND SUTTER WATER AGENCY

ELECTRICITY
PACIFIC GAS AND ELECTRIC

NATURAL GAS (OPTIONAL)
PACIFIC GAS AND ELECTRIC

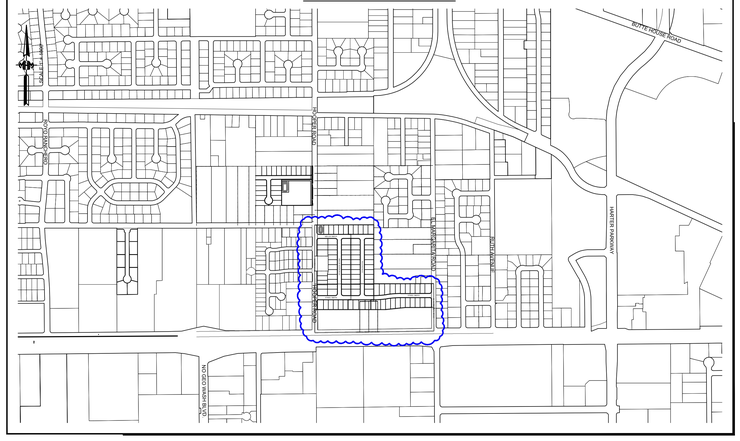
COMMUNICATION
AT&T AND COMCAST

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 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 DEVELOPMENT PERMIT.
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.
6. ALL EXISTING STRUCTURES, SEPTIC TANKS, AND WELLS TO BE REMOVED OR DESTORYED PRIOR TO CONSTRUCTION.
7. STREET TREES SHALL BE PLANTED PURSUANT TO COUNTY OF YUBA CITY STANDARDS. ADDITIONAL DETAIL SHALL BE PROVIDED ON THE IMPROVEMENT PLANS.
8. OWNERS, APPLICANT, ATTORNEY, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.

LOCATION MAP



LEGAL DESCRIPTION:

HE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SUTTER, CITY OF YUBA CITY, DESCRIBED AS FOLLOWS:

PARCEL ONE: (APN: 62-082-009 AND 62-082-014)
A PORTION OF LOTS 22 AND 23 OF SUBDIVISION NO. 2 OF THE ELMER TRACT, IN THE CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED FEBRUARY 4, 1908 IN BOOK 1, PAGE 61 OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 23 AND RUNNING THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 156.00 FEET; THENCE NORTHERLY, PARALLEL TO THE EAST LINE OF SAID LOT 23, A DISTANCE OF 340.00 FEET; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF SAID LOT 23 AND LOT 22, A DISTANCE OF 200 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID LOT 23, A DISTANCE OF 340.00 FEET TO THE SOUTH LINE OF SAID LOT 22; AND THENCE WESTERLY ALONG THE SOUTH LINE OF LOT 22, 44.0 FEET TO THE POINT OF BEGINNING.

PARCEL TWO: (APN: 62-082-011)
LOT 24 OF SUBDIVISION NO. 2 OF THE ELMER TRACT, IN THE CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED FEBRUARY 4, 1908 IN BOOK 1, PAGE 61 OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

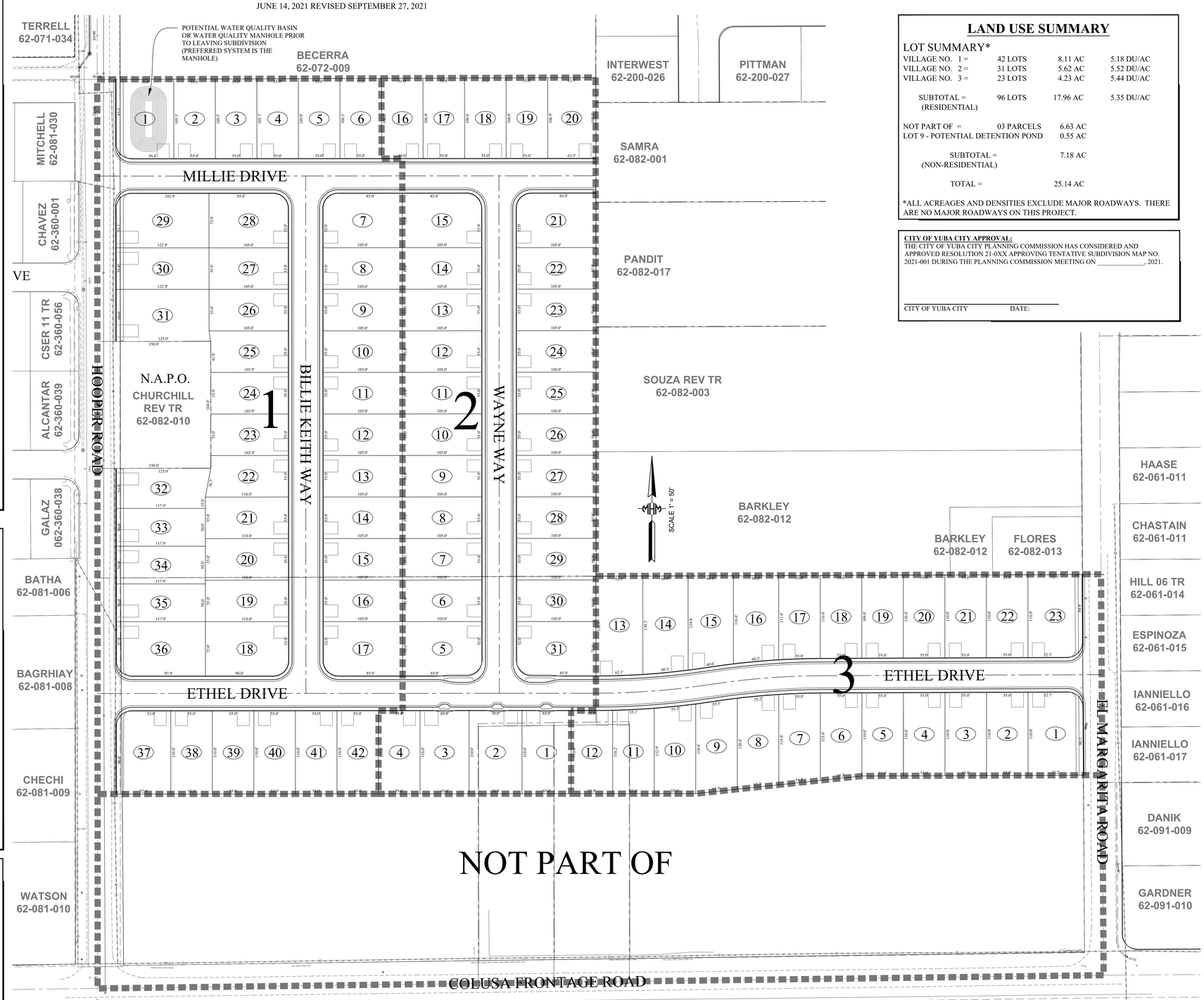
EXCEPTING THEREFROM THAT PORTION CONVEYED TO EARL D. LARSEN AND ROSETTA M. LARSEN, HIS WIFE, AS JOINT TENANTS, IN DEED RECORDED DECEMBER 13, 1963 IN BOOK 636, PAGE 346 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT IN THE WEST LINE OF LOT 24, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT", FILED FEBRUARY 4, 1908 AND RECORDED IN BOOK 1 OF SURVEYS, AT PAGE 61, SUTTER COUNTY RECORDS, DISTANT THEREON NORTH 1° 04' WEST, 145.0 FEET FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE FROM SAID POINT OF BEGINNING, CONTINUING ALONG THE WEST LINE OF SAID LOT 24, NORTH 1° 04' WEST, 168.0 FEET; THENCE LEAVING SAID WEST LINE, RUNNING EASTERLY AT RIGHT ANGLES TO SAID WEST BOUNDARY LINE, A DISTANCE OF 150.0 FEET; THENCE SOUTHERLY AT RIGHT ANGLES, 168.0 FEET; THENCE WESTERLY AT RIGHT ANGLES 150.0 FEET TO THE POINT OF BEGINNING.

PARCEL THREE: (APN: 62-082-015)
LOTS 22 AND 23 OF SUBDIVISION NO. 2 OF THE ELMER TRACT, IN THE CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED FEBRUARY 4, 1908 IN BOOK 1, PAGE 61 OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 22 AND 23 OF SUBDIVISION NO. 2 OF THE ELMER TRACT, IN THE CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED FEBRUARY 4, 1908 IN BOOK 1, PAGE 61 OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 23 AND RUNNING THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 156.00 FEET; THENCE NORTHERLY, PARALLEL TO THE EAST LINE OF SAID LOT 23, A DISTANCE OF 340.00 FEET; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF SAID LOT 23 AND LOT 22, A DISTANCE OF 200 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID LOT 23, A DISTANCE OF 340.00 FEET TO THE SOUTH LINE OF SAID LOT 22; AND THENCE WESTERLY ALONG THE SOUTH LINE OF LOT 22, 44.0 FEET TO THE POINT OF BEGINNING.



LAND USE SUMMARY

LOT SUMMARY*

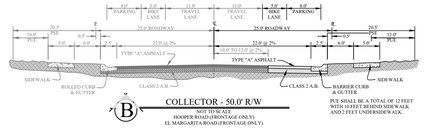
VILLAGE NO. 1 =	42 LOTS	8.11 AC	5.18 DU/AC
VILLAGE NO. 2 =	31 LOTS	5.62 AC	5.52 DU/AC
VILLAGE NO. 3 =	23 LOTS	4.23 AC	5.44 DU/AC
SUBTOTAL = (RESIDENTIAL)	96 LOTS	17.96 AC	5.35 DU/AC
NOT PART OF =	03 PARCELS	6.63 AC	
LOT 9 - POTENTIAL DETENTION POND		0.55 AC	
SUBTOTAL = (NON-RESIDENTIAL)		7.18 AC	
TOTAL =		25.14 AC	

*ALL ACREAGES AND DENSITIES EXCLUDE MAJOR ROADWAYS. THERE ARE NO MAJOR ROADWAYS ON THIS PROJECT.

CITY OF YUBA CITY APPROVAL:
THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 21-0XX APPROVING TENTATIVE SUBDIVISION MAP NO. 2021-001 DURING THE PLANNING COMMISSION MEETING ON _____, 2021.

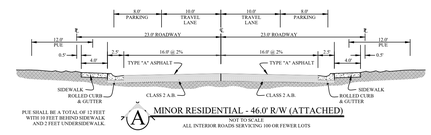
CITY OF YUBA CITY DATE:

0 20' 40' 80' 160'



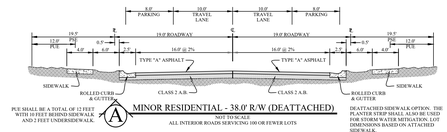
B COLLECTOR - 50.0' R/W
NOT TO SCALE
HOOPER ROAD (FRONTAGE ONLY)
EL MARGARITA ROAD (FRONTAGE ONLY)

PUE SHALL BE A TOTAL OF 12 FEET WITH 10 FEET BEHIND SIDEWALK AND 2 FEET UNDERSIDEWALK.



A MINOR RESIDENTIAL - 46.0' R/W (ATTACHED)
NOT TO SCALE
ALL INTERIOR ROADS SERVICING 100 OR FEWER LOTS

PUE SHALL BE A TOTAL OF 12 FEET WITH 10 FEET BEHIND SIDEWALK AND 2 FEET UNDERSIDEWALK.



A MINOR RESIDENTIAL - 38.0' R/W (DEATTACHED)
NOT TO SCALE
ALL INTERIOR ROADS SERVICING 100 OR FEWER LOTS

PUE SHALL BE A TOTAL OF 12 FEET WITH 10 FEET BEHIND SIDEWALK AND 2 FEET UNDERSIDEWALK.

DEATTACHED SIDEWALK OPTION. THE PLANTER STRIP SHALL ALSO BE USED FOR STORM WATER MITIGATION. LOT DIMENSIONS BASED ON ATTACHED SIDEWALK.

SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY PLACER TITLE COMPANY ORDER NUMBER P-492574 DATED MAY 21, 2021.

SEAN MINARD, P.E. 52593, P.L.S. 8397

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

CITY OF YUBA CITY
CONDITIONS OF APPROVAL
TENTATIVE SUBDIVISION MAP 21-01
NOVEMBER 10, 2021

HENSON RANCH
APNs: 62-082-009, -011, -014, -015

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through tentative subdivision map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this tentative subdivision map.

CONDITIONS OF APPROVAL

1. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability

or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.

2. The lands with a current general plan designation of Office and Office Park shown as 'not a part of' the project will not have development rights unless a Conditional Certificate of Compliance is processed for the subject area or as approved by the City Surveyor.

3. The lot design on the subdivision maps shall be designed in conformance with the TSM 21-01, as appropriate, and as approved by the Planning Commission.

4. The development and operation of the project shall comply with all CEQA mitigation measures identified in Environmental Assessment 21-02 dated October 20, 2021.

5. To limit visibility to provide privacy and to minimize conflicting views of adjacent properties, the Tentative Map dated June 14, 2021 Revised September 27, 2021 is restricted as follows:

    a. Phase 1 lots – 2, 3 and 4 are to be restricted to single story construction or any back-facing window sills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, or as otherwise approved by the Development Services Director

    b. Phase 1 lots - 23 and 24 are to be restricted to single story construction.

    c. Phase 2 lot - 26 is to be restricted to single story construction or any back-facing window sills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, or as otherwise approved by the Development Services Director.

    d. Phase 3 lots – 22 and 23 are to be restricted to single story construction or any back-facing window sills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, or as otherwise approved by the Development Services Director.

6. The Developer shall coordinate with United States Postal Service in regard to relocating the existing mailboxes, adjacent to the subdivision, located along the west side of El Margarita Road, to either a centralized mail delivery unit or to the east side of the road in coordination with applicable property owners. On site mail delivery is to be maintained throughout construction.

7. If Phase 3 develops prior to Phases 1 or 2, then Ethel Drive will need a temporary cul-de-sac at the west end (located in Phase 2). In addition, a fire hydrant will need to be installed midway down the length of Ethel Drive, or at a location determined by the Yuba City Fire Marshal.

8. Road improvements along Hooper Road, from the north boundary of the tentative map to the intersection with North Colusa Frontage Road, along the east right of way, are to be constructed including road widening, curb, and gutter, along the entire length of Hooper Road, including the curb return and ADA ramp at the intersection of Hooper Road and North Colusa Frontage Road or as otherwise determined by the Public Works Director. Sidewalk improvements shall be provided from north boundary line to the southern boundary of Phase 1 Lot 37. No sidewalk shall be

required on the “Not Part Of” lands. Necessary right of way and easements are to be dedicated with Phase One of the Final Map.

9. Road work adjacent to APN 62-082-010 (between lots 31 and 32 of Phase 1) is to be constructed. Work is to include a widened bike lane, curb, gutter, and sidewalk within the existing right of way, with a modified road section as approved by the Public Works Director to facilitate construction. Reimbursement fee credits for qualifying work will be determined in the applicable subdivision/improvement agreement with Developer prior to construction.

   Road work shall be constructed prior to the issuance of the first certificate of occupancy in Phase 1, or as otherwise determined by the Public Works Director.

10. Road improvements along El Margarita Road, from the north boundary of the tentative map to the intersection with North Colusa Frontage Road, along the west right of way, are to be constructed including road widening, curb, and gutter, along the entire length of El Margarita Road, including the curb return and ADA ramp at the intersection of El Margarita Road and North Colusa Frontage Road or as otherwise determined by the Public Works Director. Sidewalk improvements shall be provided from north boundary line to the southern boundary of Phase 3 Lot 1. No sidewalk shall be required on the “Not Part Of” lands. Necessary right of way and easements are to be dedicated with Phase One of the Final Map.

11. The Developer shall, prior to the issuance of the first certificate of occupancy of the first residence in Phase 2 (as said Phase is shown on Tentative Subdivision Map dated June 14, 2021 Revised September 27, 2021), construct a solid 6-foot high chain link fence across the right-of-way of Ethel Drive and Millie Drive connecting with the adjoining six-foot high private fences. This fencing shall be constructed in addition to the standard dead-end barricade. The fence and barricade shall be maintained by the City via the lighting and landscape maintenance district.

12. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.

13. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.

14. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to assure compliance.

15. Storage of construction material is not allowed in the travel way.

16. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18” wide strips to accommodate the wheel path of vehicles unless authorized/approved by the Public Works Director.

17. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior

to recordation of map, or prior to approval of the Improvement Plans, whichever comes first.

PRIOR TO ISSUANCE OF A GRADING PERMIT

18. The improvement plans for the development of the subject property shall include all measures required to ensure that no increased drainage runoff resulting from the development of the property flow onto the adjacent lands or that the development will not impede the drainage from those properties. The rear yards and/or side yards of the lots that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department. If retaining walls are required they shall be constructed of concrete or masonry block.

19. A master grading plan for all phases of the subdivision shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS

20. A fair share analysis shall be prepared by a traffic engineer. The analysis should determine fair share amounts related to mitigations in previous traffic studies as approved by the Public Works Director, with a focus primarily on the following intersections:

    - State Route 20 / N. Colusa Frontage Road and N. George Washington Blvd.
    - North Colusa Frontage Road and Hooper Road
    - North Colusa Frontage Road and El Margarita Road
    - Hooper Road and Jefferson Avenue
    - Any other locations deemed appropriate by the traffic engineer or Public Works Director

    Developer is to construct and/or pay all determined proportional share amounts of required improvements and/or fees related to mitigating identified traffic impacts that are in addition to the City's impact fee program.

21. Final Improvement Plans are to incorporate traffic calming measures along Ethel Drive, including curb extensions (bulb-outs / chokers) at determined locations to be approved by the Development Services Director.

22. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of Improvement Plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

23. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.

24. The plans shall indicate the locations of all prior hull deposit pits, detention pond(s), all septic and leach field areas, and all wells. All pits and ponds are to be filled with engineered fill.

25. Hooper Road shall be widened to a half-width (centerline to back of curb) of 24.5 feet. Right-of-way shall be dedicated to a width of 25.0 feet together with a 20.5-foot Public Service Easement (PSE) behind the right-of-way. Frontage improvements shall include street section, **barrier curb**, gutter, 6.0-foot landscaped parkway strip (measured from back of curb), 5.0-foot wide sidewalk, street trees, and streetlights. A 12.0 foot wide Public Utility Easement (PUE) shall be located adjacent to the sidewalk with 2.0 foot located underneath the sidewalk, or as otherwise determined by the Public Works Director. Adjacent to APN 62-082-010, the road section width and specifications can be modified as approved by the Public Works Director to facilitate construction within the existing right of way. The sidewalk can be attached and there shall be no requirement for a PSE, street trees, street lights, or landscaped parkway strip. Work is to include relocating the existing mailbox to the back of sidewalk or incorporated into the centralized mail delivery unit.

26. El Margarita Road shall be widened to a half-width (centerline to back of curb) of 24.5 feet. Right-of-way shall be dedicated to a width of 25.0 feet together with a 20.5-foot PSE behind the right-of-way. Frontage improvements shall include street section, **barrier curb**, gutter, 6.0-foot landscaped parkway strip (measured from back of curb), 5.0-foot wide sidewalk, street trees, and streetlights. A 12.0-foot wide PUE shall be located adjacent to the sidewalk with 2.0 foot located underneath the sidewalk, or as otherwise determined by the Public Works Director.

27. The Developer has two roadway design options for of the interior residential streets:

    a. *Detached sidewalk* -- Streets shall be designed/constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PSE behind the right-of-way. Frontage improvements shall include street section, curb, gutter, 6.0-foot wide landscape parkway strip (measured from back of curb), 4.0-foot wide sidewalk, street trees, and streetlights. A 12.0-foot wide PUE shall be located adjacent to the sidewalk with 2.0-foot located underneath the sidewalk.

        i. The landscape plan for the front yard, including the area between the sidewalk and curb, shall be handled by each individual lot improvement. The irrigation system shall be designed to accommodate the street tree and shall meet the City's Model Water Efficient Landscape Ordinance.

        ii. The landscaping in the parkway strip is to have a coordinated theme referenced on the public improvement plans, or as approved by the Development Service Director.

    b. *Attached sidewalk* -- Streets shall be designed/constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 46.0 feet. Frontage improvements shall include street section, curb, gutter, a 4.0-foot wide attached sidewalk, and streetlights. A 12.0-foot wide PUE shall be located adjacent to the sidewalk with 2.0 foot located underneath the sidewalk.

        i. At minimum one City approved street tree shall be planted in the front yard of each lot. Any variation as to location of tree and/or type of tree shall be approved by the Development Services Director.

ii. The landscape plan for the front yard shall be handled by each individual lot improvement.

28. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:

    a. Grading and drainage plan showing the proposed drainage conveyance and storage system.

    b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume. The calculation analysis shall meet the requirements of the Yuba City Basin Drainage Study.

    c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.

    d. Street Flow- The street system shall be designed to convey the 100-year, 24-hour runoff while maintaining a water surface at least 1 foot below the adjacent building pad elevations (or alternatively, the building pad elevations shall be at least 1 foot above the 100-year water level). The grading plan shall ensure that the 100-year, 24-hour runoff can be conveyed through the development and to the receiving drainage facility.

    e. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.

    f. Water Quality – Water quality basin(s) shall meet State Water Resource Board requirements for water quality. The water quality basin can be incorporated into a detention pond, designed as an individual pond, included in a water quality manhole system, or as approved by the Public Works Director.

    g. Detention Basins - A 100-year, 4-day storm shall be used for sizing detention storage facilities. The detention basin release rate from a 100-year, 24-hour storm after development must be equal to or lower than the runoff rate from the detention basin's tributary area before development.

    h. The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and the Sutter County Water Agency Engineer to be comprehensive, accurate, and adequate.

29. Only one detention pond and/or water quality basin shall be utilized if required to meet stormwater requirements throughout the entire subdivision. Mechanical water quality devices and/or oversized pipes are preferred. Should a basin be necessary it is to include, but not be limited to a vehicle pull out area, solid masonry wall adjacent to residential, decorative perimeter fencing with accessible sized gate, landscaping, and access to the inlet and outlet in the basin as approved by the Public Works Director. Maintenance costs associated with the basin and/or mechanical water quality device(s) are to be included in the applicable Lighting and Landscape Maintenance District.

30. Development shall comply with Yuba City's stormwater requirements and Post-Construction Standards Plan. The Post Construction information can be found here: https://www.yubacity.net/city_hall/departments/public_works/engineering/stormwater_management

31. The Developer shall comply with all Sutter County requirements related to drainage, including submittal of a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director. The Developer shall coordinate with the County if the storm drain under Hooper Road, and the ditches to the west, are to be utilized as part of the drainage improvements.

32. All development shall be designed to local, state, and federal flood standards.

33. The structural section of all road improvements shall be designed using the Caltrans empirical R-value method. A geotechnical investigation shall determine the R-value of the existing soil in accordance with the Caltrans Highway Design Manual. The structural section shall be designed to the following standards:

    a. Use 3" minimum for residential, 4" minimum for collectors and 5" minimum for arterials, of 'Type A' asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)

    b. Use a traffic index of 6 for residential streets

    c. Use a traffic index of 7 for collector streets

    d. Use a traffic index of 10 for arterial streets

    A copy of the geotechnical investigation, including R-value determination, test locations and structural section calculations, shall be submitted with the first improvement plan check.

34. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department. All required speed limit signs shall be shown on the Improvement Plans.

35. The street trees and street lighting are public improvements which shall meet the Parks Division Planting Standards and City Standard Details and be included in the Improvement Plans and Specifications for the subdivision when the improvement plans are submitted for the first improvement plan check. Only one tree species shall be planted on any street.

36. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the PUE. Developer shall provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

37. Required Improvement Plan Notes:

    a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."

b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."

c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."

d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the "California Manual of Uniform Traffic Control Devices, latest edition." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."

e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

f. "Where an excavation for a trench and/or structure is five (5) feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department, prior to beginning construction."

PRIOR TO ACCEPTANCE OF THE PUBLIC IMPROVEMENTS

38. All existing well(s), septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. Connections shall be made to public sewer and water. The Developer shall pay all applicable fees.

39. In addition to the street lights provided on the interior streets, street lights shall be installed along the east side of Hooper Road (except adjacent to APN 62-082-010), in front of the commercial property on the north side of North Colusa Frontage Road, and along the west side of El Margarita Road. Where there are existing lights on the opposite side of Hooper Road and/or El Margarita Road, the new light locations should be staggered between them.

40. Prior to final paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.

41. Prior to final paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, and at the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.

42. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been

added to the plans, the Engineer of Record shall submit both an electronic copy (Civil 3D version 2017 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

43. The existing power poles along the property on Hooper Road shall be placed underground, or addressed in accordance with the City's Overhead Utility Policy adopted March 17, 2020. The total lineal foot length of overhead lines along Hooper Road is determined to be 1,006 lineal feet or as otherwise determined by the Public Works Director.

44. All public street lighting shall be dedicated to the City of Yuba City.

PRIOR TO FINAL MAP RECORDATION

45. The residential portion of the development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This condition may be satisfied through participation in a Mello-Roos CFD, by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district. The property shall annex in to an existing CFD.

46. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Landscaping Maintenance District for the purpose of maintaining; street trees which are to be planted along all streets, street lights, fencing, and any detention / water quality basin(s) or devices. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

47. Should a detention pond or water quality basin be utilized, the basin parcel(s) shall be dedicated to the City of Yuba City.

48. All public street lighting shall be dedicated to the City of Yuba City.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

49. The Developer's Superintendent/Representative shall submit three (3) sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.

50. The Developer shall pay all applicable Sutter County Water Agency connection fees and maintenance and operation fees, and entering into an agreement with Sutter County providing participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system, as determined applicable by Sutter County.

51. At the commercial properties, cross access easements shall be reserved in deeds or other acceptable format to facilitate all shared underground utilities, ingress and egress, parking, drainage, refuse collection, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division. The document is to be recorded and tied to the divided parcels.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

52. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

53. All street lighting shall be constructed per the Improvement Plans and energized prior to the issuance of any certificate of occupancy or as approved by the Development Services Director.

54. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed in accordance with City requirements.

MITIGATION MEASURES

Impact	Mitigation Measure	Responsible Party	Timing
3.7 Geology and Soils	**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 at 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 where determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development	Developer, Public Works Dept., Development Services Dept.	During construction phase

Impact	Mitigation Measure	Responsible Party	Timing
	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 Gases	**Greenhouse Gas Mitigation 1:** The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	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 Cultural Resources Mitigation Measure 2, below: **Unanticipated Discoveries** shall be implemented. Preservation in place is the preferred alternative under CEQA and	Developer, Public Works Dept., Development Services Dept.	During construction phase

Impact	Mitigation Measure	Responsible Party	Timing
	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.		

Impact	Mitigation Measure	Responsible Party	Timing
	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.		

EXHIBIT B

IMPACT FEES AND OTHER FEES PAYABLE BY SUBDIVIDER

In accordance with this Agreement, and also in accordance with applicable provisions of the Yuba City Municipal Code, it has been determined that Subdivider shall pay the following fees a minimum of ten (10) calendar days prior to the date of Council action on the Agreement, and prior to issuance of any building permits for the subject development.

(1) Public Improvement Plan Check and Inspection Fee:

3% of the estimated total construction cost

$3,690,599.00 x .03 =	$110,717.97
Less fees paid on Building Permit BLD21-02313 (3 – 8" hot tap; offsite civil plan check and inspection)	-$35,465.49
SUBTOTAL (1)	$75,252.48

(2) Sewer Extension Fees

Developer constructing onsite sewer main.	$0.00

(3) Sewer Connection Fees (per Section 6-5.504 Municipal Code)

Deferred until application for building permits are filed.	$0.00

(4) Water Extension Fees

Developer constructing onsite water main.	$0.00

(5) Water Connection Fees (per Section 6-6.05 Municipal Code)

Deferred until application for building permits are filed.	$0.00
SUBTOTAL (2)	$0.00

(6) Drainage Fees (per Sutter County Zones of Benefit No. 4 and No. 6)

Deferred until application for building permits are filed. $0.00

SUBTOTAL (3) $0.00

(7) Reimbursement Agreement [Resolution No. 09-026 (Siena Estates)]
covering offsite storm drain main extension:

a) 42", 36", and 24" storm drain
17.98 acres x $2,124.52 per acre $38,198.87

b) 48" storm drain
17.98 acres x $2,446.18 per acre $43,982.32

(8) Reimbursement Agreement [Resolution No. 09-061 (1283 Hooper Road)]
covering offsite sewer main extension:

a) on Hooper Road (APN 62-082-011) $6,915.60

SUBTOTAL (4) $89,096.79

TOTAL FEES PAYABLE BY SUBDIVIDER

SUBTOTAL (1) + SUBTOTAL (2) + SUBTOTAL (3) + SUBTOTAL (4) $164,349.27

Notes:

1. The Siena Estates Reimbursement Agreement (Resolution 05-102) for sewer and water expired in 2020. Therefore the parcels, in this development, fronting Hooper Road, are not subject to sewer and water extension fees.
2. In the Siena Estates Reimbursement Agreement (Resolution No. 09-026) for storm, all of assessor's parcel 62-082-011 and a portion of parcels 62-082-009, 62-082-014, and 62-082-015 are being developed at this time; hence the per acre rates of reimbursement are applied to the17.98 acres being developed at this time.

EXHIBIT C

FEE CREDITS AND REIMBURSEMENTS PAYABLE BY CITY

Road work adjacent to assessor parcel number 62-082-010 (between lots 31 and 32 of phase 1) is to be constructed. Work is to include a widened bike lane, curb, gutter, and sidewalk within the existing right of way, with a modified road section as approved by the public works director to facilitate construction. Road Impact Fee credits for qualifying work are shown on the attached Engineer's Estimate in the amount not to exceed $27,762.90 and shall be used on applicable fee types.

Project	CO.	RCVD. BY	DATE
Henson Ranch Phase 1 Offsite Improvements - APN 62-082-010 Frontage	Sutter	S.M. Minard	29-Aug-22
MHM PROJECT NO.	**QTY. BY**	**IN**	**CONST. INDEX**
21-154	S. Mallen	25-Aug-22	
96 Lots	**QTY. CHK.**	**OUT**	**BLDG. INDEX**
	J. Mallen	29-Aug-22	

Bid Schedule A - Henson Ranch Phase 1 Offsite Improvements - APN 62-082-010 Frontage

Item No.	Item Description	Estimated Quantity	Unit	Unit Price ($/Unit)	Amount ($)		
1	Mobilization/Demobilization	1	LS	$ 600.00	$ 600.00	Road	
2	Class 2 Aggregate Base (14-Inch- Road Section)	170	TON	$ 30.00	$ 5,100.00	Road	
3	Asphalt Concrete (Type A) (4-Inch - Road Section)	40	TON	$ 123.25	$ 4,930.00	Road	
4	Minor Concrete (Sidewalks YC ST8 /ST9) (4-Inch)	840	SF	$ 6.10	$ 5,124.00	Road	
5	Class 2 Aggregate Base (4 Inch under sidewalk)	20	TON	$ 40.00	$ 800.00	Road	
6	Minor Concrete (YC ST4 Barrier Curb)	170	LF	$ 26.50	$ 4,505.00	Road	
7	Standard Driveway (Extra Forming Cost)	2	EA	$ 1,500.00	$ 3,000.00	Road	
8	Pavement Delineation (Restriping)	170	LF	$ 4.00	$ 680.00	Road	$ 24,739.00
9	Project SWPPP & Erosion Control (Street Sweeping)	1	LS	$ 500.00	$ 500.00	SWPPP	$ 500.00
					Subtotal Contract Items A =	**$ 25,239.00**	

Subtotal Contract Item A =	$ 25,239.00
Project Manager @ 0.5% =	*126.20*
City Plan Check @ 1.5% =	*378.59*
City Inspection @ 2.0% =	*504.78*
Preliminary Engineering @ 0.5% =	*126.20*
Design Engineering and Surveying @ 3.0% =	*757.17*
Construction Surveying @ 2.5% =	*630.98*
Grand Total =	$27,762.90
***** For Budget Purposes =**	**$27,800.00**

EXHIBIT “B”

CERTIFICATE FOR FEE DEDICATION

A.) OWNER'S NAME AND ADDRESS:

YC HOOPER VENTURES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
4170 DOUGLAS BLVD, SUITE 150
GRANITE BAY, CA 95746

B.) PROPERTY BEING DEDICATED:

1. BEING ALL THAT REAL PROPERTY AS SHOWN AS ITEM 1 IN OWNER'S OFFER OF DEDICATION.

C.) THE CITY OF YUBA CITY SHALL RECONVEY THE ABOVE-DESCRIBED PROPERTY TO THE ABOVE-NAMED OWNER, OR SUCCESSOR IN INTEREST, IF THE CITY DETERMINES PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

NOTE: THE LOTS ON THIS MAP ARE SUBJECT TO:

1. ASSESSMENT FROM COMMUNITY FACILITIES DISTRICT (CFD) 2021-1, RESOLUTION NUMBER _____, RECORDED AS DOCUMENT NO. _____ ON _____.
2. ASSESSMENT FROM YUBA CITY LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT _____, RESOLUTION NUMBER _____, RECORDED AS DOCUMENT NO. _____ ON _____.
3. ANY STREET, DRAINAGE, PUBLIC UTILITY, OR OTHER EASEMENTS AFFECTING THE PROPERTY.
4. THE CITY OF YUBA CITY CONDITIONS OF APPROVAL FOR TENTATIVE SUBDIVISION MAP 21-01 APPROVED ON AUGUST 26, 2020.

OWNER'S STATEMENT

WE, THE UNDERSIGNED, YC HOOPER VENTURES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS HOLDER OF RECORD TITLE INTERESTS, OF THE HEREIN SUBDIVIDED LANDS, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PLAT OF "HENSON RANCH ESTATES -PHASE 1" AND OFFER FOR DEDICATION AND DO PARTICIPATE IN SAID OFFER OF DEDICATION AND DO HEREBY DEDICATE THE FOLLOWING:

1. 25' AND 46' STRIPS OF LAND IN FEE TITLE INDICATED ON SAID PLAT AND DESIGNATED AS HOOPER ROAD, EL MARGARITA ROAD, BILLIE KEITH WAY, MILLIE DRIVE, WAYNE WAY, AND ETHEL DRIVE.
2. EASEMENTS INDICATED AS 12.0' AND 20.5' PUE (PUBLIC UTILITY EASEMENT) FOR, BUT NOT LIMITED TO ELECTRICAL, WATER, SEWER, GAS, STORM DRAINAGE, COMMUNICATIONS SERVICES, AND ALL APPURTENANCES THERETO. OWNER EXPRESSLY COVENANTS NOT TO UNREASONABLY RESTRICT, OBSTRUCT OR INTERFERE WITH SAID PUBLIC UTILITY EASEMENT OR THE USE THEREOF BY THE CITY, ITS AGENTS OR ANY FRANCHISEE

YC HOOPER VENTURES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: MANJIT MIKE SINGH TITLE: MANAGER
ALSO KNOWN AS: MANJIT SINGH PABLA,
MANJIT SINGH, AND MIKE SINGH

ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California
COUNTY OF Yuba } SS

ON August 31, 2022 BEFORE ME Roger Keith Hanlin
_____, NOTARY PUBLIC, PERSONALLY APPEARED
Manjit Mike Singh,
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

SIGNATURE OF NOTARY

Roger K. Hanlin
NOTARY'S NAME

MY COMMISSION NUMBER 2405949

MY COMMISSION EXPIRES June 20, 2026

PRINCIPAL PLACE OF BUSINESS Yuba County
(County)

PLANNER'S STATEMENT

THIS MAP HAS BEEN EXAMINED THIS _____ DAY OF _____ , 2022, FOR CONFORMANCE WITH THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF AS APPROVED BY THE YUBA CITY PLANNING COMMISSION ON AUGUST 26, 2020.

_____
PLANNING DIVISION
CITY OF YUBA CITY
STATE OF CALIFORNIA

CITY CLERK CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SUTTER } SS
CITY OF YUBA CITY

I, JACKIE SILLMAN, CLERK OF THE CITY OF YUBA CITY, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF YUBA CITY HAS, BY RESOLUTION NO. _____ DULY AND REGULARLY PASSED BY SAID COUNCIL ON THE _____ DAY OF _____, 20_____ , APPROVED THE WITHIN MAP OF "HENSON RANCH ESTATES - PHASE 1" IN ACCORDANCE WITH THE CONDITIONAL APPROVAL OF THE TENTATIVE MAP, HERETOFORE FILED AS APPROVED, AND BY SAID RESOLUTION HAS ACCEPTED ON BEHALF OF THE PUBLIC ITEM(S) 1 AND 2 SHOWN IN THE OWNER'S OFFER OF DEDICATION.

_____
JACKIE SILLMAN
CITY CLERK, CITY OF YUBA CITY

COUNTY TAX COLLECTOR'S STATEMENT

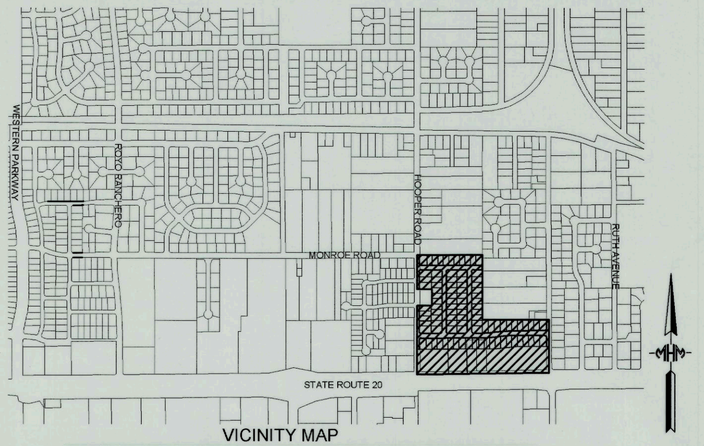
I, NICHOLAS F. VALENCIA, TAX COLLECTOR FOR THE COUNTY OF SUTTER, STATE OF CALIFORNIA, DO HEREBY CERTIFY PURSUANT TO GOVERNMENT CODE SEC. 66492 THAT THE RECORDS OF MY OFFICE SHOW THAT THERE ARE NO LIENS AGAINST THE LANDS SHOWN HEREON OR ANY PART THEREOF FOR UNPAID TAXES OR SPECIAL ASSESSMENTS. AS TO LIENS FOR TAXES NOT YET PAYABLE, I ESTIMATE THAT THERE ARE TAXES IN THE AMOUNT OF $ 14,951.38 FOR 2022-2023, WHICH ARE A LIEN BUT NOT YET PAYABLE. I CERTIFY PURSUANT TO GOVERNMENT CODE SEC. 66493 THAT SECURITY HAS BEEN DEPOSITED WITH THE COUNTY CONDITIONED UPON THE PAYMENT OF SAID TAXES NOT YET PAYABLE.

ASSESSOR'S PARCEL NOS. 062-082-011-000 &062-082-018-000

DATE: October 11, 2022

for NICHOLAS F. VALENCIA, TREASURER AND TAX COLLECTOR
COUNTY OF SUTTER, STATE OF CALIFORNIA

COUNTY OF SUTTER TREASURER TAX COLLECTOR CALIFORNIA



VICINITY MAP
NOT TO SCALE

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FILED SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF YC HOOPER VENTURES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ON JANUARY 1, 2022. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP; THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JOHN S. MALLEN
P.L.S. 8457
EXPIRES: 12-31-2022

PROFESSIONAL LAND SURVEYOR JOHN S. MALLEN NO. LS 8457 STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I DO HEREBY CERTIFY THAT THIS MAP HAS BEEN EXAMINED BY ME AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATED: _____

BENJAMIN K. MOODY
CITY ENGINEER, R.C.E. 72383
EXPIRES: 06-30-24

REGISTERED PROFESSIONAL ENGINEER BENJAMIN K. MOODY No. 72383 Exp. 6-30-24 CIVIL STATE OF CALIFORNIA

CITY SURVEYOR'S STATEMENT

I, BENJAMIN K. MOODY, CITY SURVEYOR OF THE CITY OF YUBA CITY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATED: _____

BENJAMIN K. MOODY
CITY SURVEYOR P.L.S. 9018
EXPIRES: 9-30-2021

PROFESSIONAL LAND SURVEYOR BENJAMIN K. MOODY No. 9018 Exp. 9-30-23 STATE OF CALIFORNIA

RECORDER'S CERTIFICATE

FILED THIS _____ DAY OF _____, 2022, AT ___ :__ .M. IN BOOK_____ OF SURVEYS, AT PAGE __AT THE REQUEST OF MHM INC.

DONNA M. JOHNSTON BY: _____
SUTTER COUNTY RECORDER DEPUTY

FILE NO. _____ FEE PD._____

HENSON RANCH ESTATES - PHASE 1
CITY OF YUBA CITY

BEING PORTION OF LOTS 22, 23, AND 24 AS SHOWN ON THAT CERTAIN MAP ENTITLED " MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT", BOOK 1 OF SURVEYS, PAGE 61 , SUTTER COUNTY RECORDS, AND A PORTION OF SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 3 EAST, M.D.M

COUNTY OF SUTTER AUGUST 2022
CALIFORNIA

PREPARED BY: MHM INC. 1204 "E" STREET, MARYSVILLE, CA 95901
21154 SHEET 1 OF 5

BENEFICIARY'S STATEMENT

RIVER VALLEY COMMUNITY BANK, BENEFICIARY UNDER THE MODIFIED DEED OF TRUST TO YC HOOPER VENTURES, LLC, DATED APRIL 22,2022 AND RECORDED APRIL 27, 2022 AS INSTRUMENT NUMBER 2022-0006182 IN THE OFFICIAL RECORDS OF SUTTER COUNTY, CALIFORNIA, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

RIVER VALLEY COMMUNITY BANK

BY: [signature]

PRINT NAME: John M. Jelavich TITLE: President & CEO

ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California
COUNTY OF Sutter } SS

ON August 26, 2022 BEFORE ME Barbara A. McConnell, NOTARY PUBLIC, PERSONALLY APPEARED John M. Jelavich,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(~~S~~) WHOSE NAME(~~S~~) IS/A~~RE~~ SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SH~~E/THE~~Y EXECUTED THE SAME IN HIS/~~HER/THE~~IR AUTHORIZED CAPACITY(I~~ES~~), AND THAT BY HIS/HE~~R/THEI~~R SIGNATURE(~~S~~) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

Barbara A. McConnell
SIGNATURE OF NOTARY

Barbara A. McConnell
NOTARY'S NAME

MY COMMISSION NUMBER 2274578

MY COMMISSION EXPIRES Feb 3, 2023

PRINCIPAL PLACE OF BUSINESS Sutter (County)

HENSON RANCH ESTATES - PHASE 1
CITY OF YUBA CITY

BEING PORTION OF LOTS 22, 23, AND 24 AS SHOWN ON THAT CERTAIN MAP ENTITLED " MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT", BOOK 1 OF SURVEYS, PAGE 61 , SUTTER COUNTY RECORDS, AND A PORTION OF SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 3 EAST, M.D.M

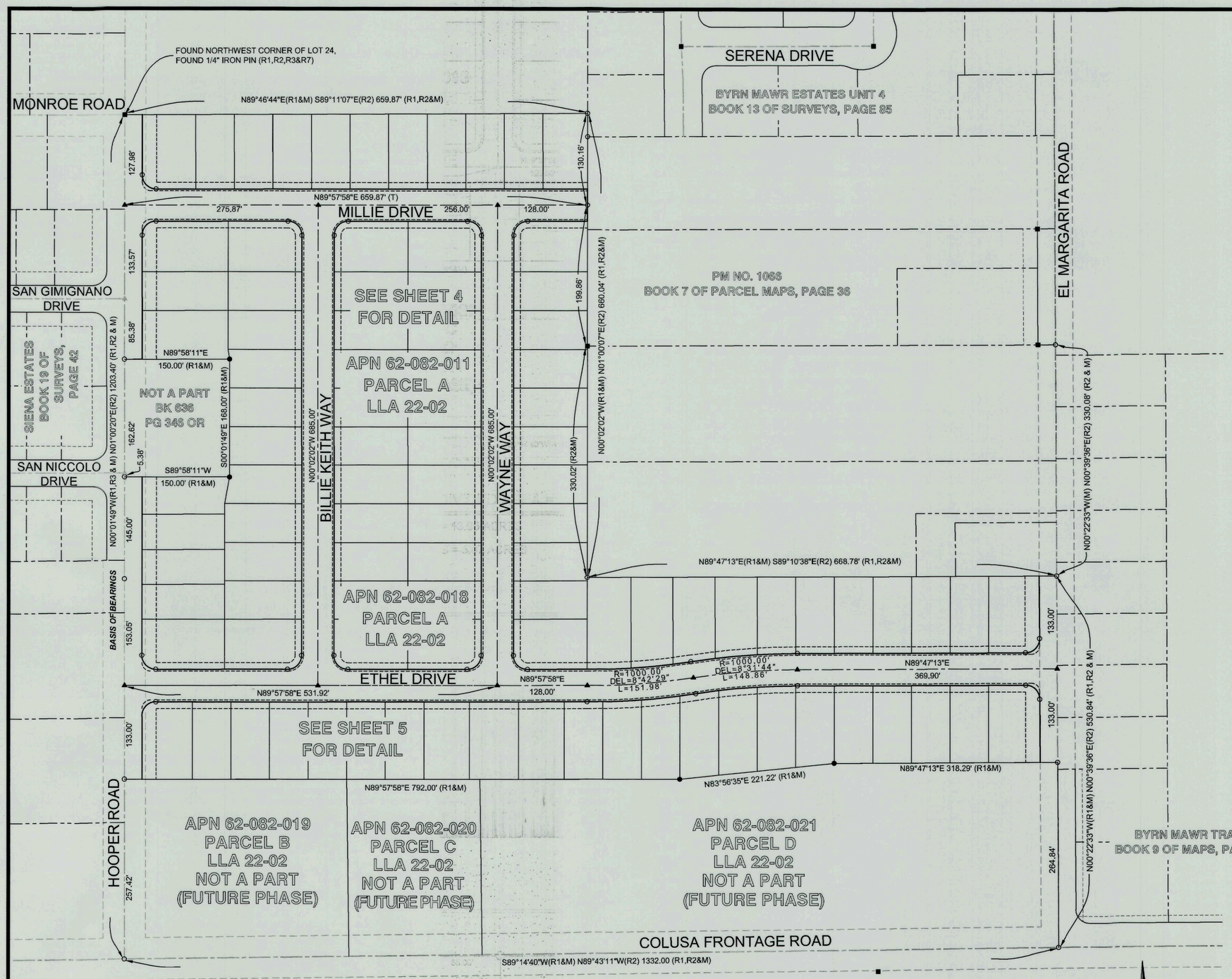
COUNTY OF SUTTER
CALIFORNIA

AUGUST 2022

PREPARED BY: MHM INC. 1204 "E" STREET, MARYSVILLE, CA 95901

21154

SHEET 2 OF 5



Curve Table			
Curve #	Radius	Length	Delta
C1	20.00	31.42	90°00'13"
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C3	20.00	31.42	90°00'00"
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C25	977.00	32.49	1°54'19"
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C28	1023.00	55.07	3°05'04"
C29	1023.00	22.08	1°14'11"

LEGEND

()	EMBRACES RECORD DATA
PUE	PUBLIC UTILITY EASEMENT
PSE	PUBLIC SERVICE EASEMENT
M	MEASURED
S.F.	SQUARE FEET
(B.O.B.)	BASIS OF BEARINGS
■	FOUND MONUMENT AS SHOWN
●	SET 5/8" REBAR W / CAP LS 8457
○	CALCULATED POINT - NOTHING FOUND OR SET

RECORD REFERENCES

(R1) LLA 22-02, DOCUMENT N0. 2022-0006178

(R2) BOOK 7 OF PARCEL MAPS, PAGE 36 - PM NO. 1066 (2005)

(R3) BOOK 19 OF SURVEYS, PAGE 42 - SIENA ESTATES (2005)

(R4) BOOK 13 OF SURVEYS, PAGE 85 - BYRN MAWR ESTATES UNIT 4 (1989)

(R5) BOOK 9 OF MAPS, PAGE 55 - BYRN MAWR TRACT (1965)

(R6) BOOK 636, PAGE 346 OF OFFICIAL RECORDS, DECEMBER 13, 1963

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COUNTY OF SUTTER — AUGUST 2022

CALIFORNIA — SCALE: 1"=100'

PREPARED BY: MHM INC. 1204 "E" STREET, MARYSVILLE, CA 95901

21154 — SHEET 3 OF 5

BASIS OF BEARINGS

THE BEARING N 00°01'49" W WAS ASSIGNED TO THE LINE BETWEEN THE FOUND MONUMENTS ON HOOPER ROAD. THE BEARING FOR THIS LINE IS THE SAME AS SHOWN ON "SIENA ESTATES" FILED IN BOOK 19 OF SURVEYS AT PAGE 42 SUTTER COUNTY RECORDS. THE DISTANCES SHOWN ARE GROUND, MULTIPLY BY 0.999915 TO OBTAIN GRID DISTANCES.

SUBDIVIDED AREA = 19.02 ACRES

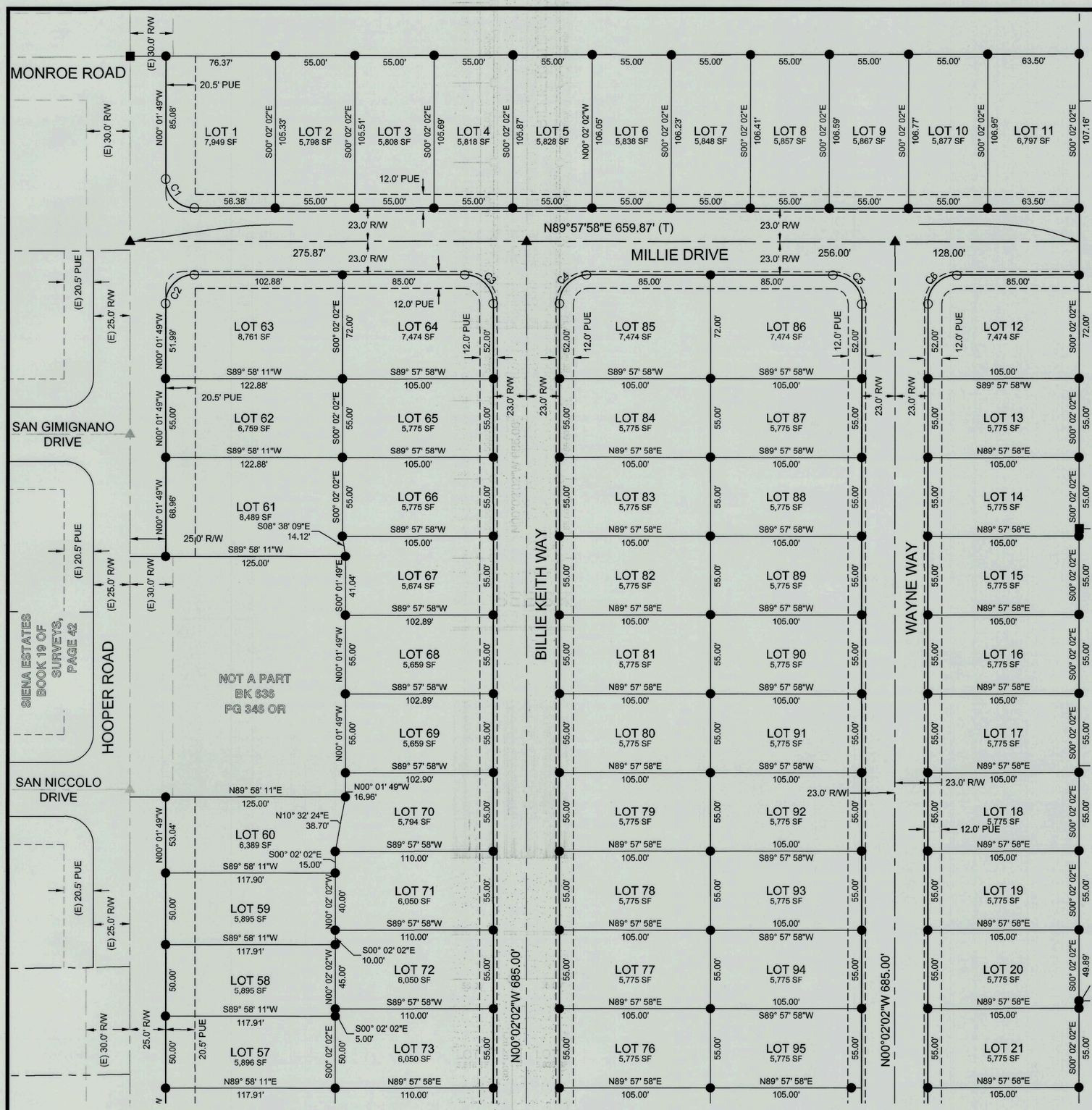
LOTS = 13.95 ACRES

ROADS = 5.07 ACRES

100' 0 50' 100' 200'

GRAPHIC SCALE (IN FEET)

MHM



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LEGEND

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PSE	PUBLIC SERVICE EASEMENT
M	MEASURED
S.F.	SQUARE FEET
(B.O.B.)	BASIS OF BEARINGS
■	FOUND MONUMENT AS SHOWN
●	SET 5/8" REBAR W / CAP LS 8457
○	CALCULATED POINT - NOTHING FOUND OR SET
▲	FOUND STANDARD CENTERLINE MONUMENT

50' 0 25' 50' 100'

GRAPHIC SCALE (IN FEET)

RECORD REFERENCES

(R1) LLA 22-02, DOCUMENT N0. 2022-0006178

(R2) BOOK 7 OF PARCEL MAPS, PAGE 36 - PM NO. 1066 (2005)

(R3) BOOK 19 OF SURVEYS, PAGE 42 - SIENA ESTATES (2005)

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(R7) BOOK 1 OF SURVEYS, PAGE 61 - MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT (1908)

HENSON RANCH ESTATES - PHASE 1
CITY OF YUBA CITY

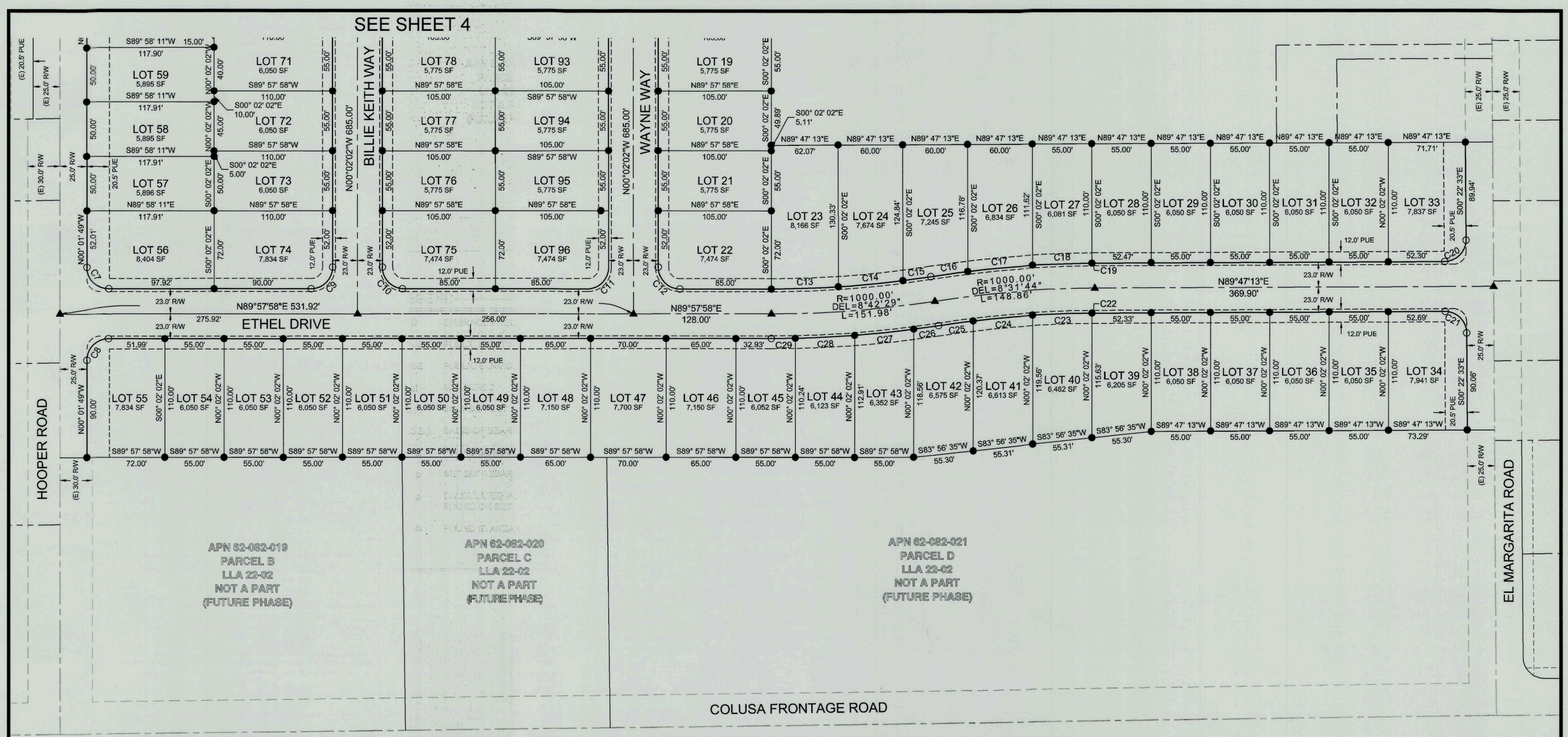
BEING PORTION OF LOTS 22, 23, AND 24 AS SHOWN ON THAT CERTAIN MAP ENTITLED " MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT", BOOK 1 OF SURVEYS, PAGE 61 , SUTTER COUNTY RECORDS, AND A PORTION OF SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 3 EAST, M.D.M

COUNTY OF SUTTER — AUGUST 2022

CALIFORNIA — SCALE: 1"=50'

PREPARED BY: MHM INC. 1204 "E" STREET, MARYSVILLE, CA 95901

21154 — SHEET 4 OF 5



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PSE	PUBLIC SERVICE EASEMENT
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S.F.	SQUARE FEET
(B.O.B.)	BASIS OF BEARINGS
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(R7) BOOK 1 OF SURVEYS, PAGE 61 - MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT (1908)

60' 0 30' 60' 120'

GRAPHIC SCALE (IN FEET)

HENSON RANCH ESTATES - PHASE 1
CITY OF YUBA CITY

BEING PORTION OF LOTS 22, 23, AND 24 AS SHOWN ON THAT CERTAIN MAP ENTITLED " MAP OF SUBDIVISION NO. 2 OF THE ELMER TRACT", BOOK 1 OF SURVEYS, PAGE 61 , SUTTER COUNTY RECORDS, AND A PORTION OF SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 3 EAST, M.D.M

COUNTY OF SUTTER — AUGUST 2022

CALIFORNIA — SCALE: 1"=60'

PREPARED BY: MHM INC. 1204 "E" STREET, MARYSVILLE, CA 95901

21154 — SHEET 5 OF 5

ATTACHMENT 2

Figure 1: Location Map: Henson Ranch
Tentative Subdivision Map 21-01

1 inch = 300 feet

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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: Local Highway Safety Improvement Program Project Awards

Recommendation: A. Authorize the Finance Director to make a supplemental appropriation of $3,164,260 in Highway Safety Improvement Program grant funding to Account No. 921314 (Citywide Signal Hardware Upgrades), 921315 (Citywide Sign Upgrades & Audit), 921316 (Ped Safety Crosswalk Upgrades), 921317 (SHS Signal Hardware Upgrades), and 921318 (Local Roadway Safety Plan)

B. Authorize the Finance Director to transfer $23,840 from Account No. 911253 (2018 Safe Routes to School Plan) to Account No. 911314 (Citywide Signal Hardware Upgrades) and $8,000 from Account No. 921253 (2018 Safe Routes to School Plan) to Account No. 921318 (Local Roadway Safety Plan)

Fiscal Impact: $3,196,100 in total cost for five transportation safety projects.

- $3,164,260 – Highway Safety Improvement Program Grant Funds
- $31,840 – Local Match (Streets and Roads and TDA Funds)

Purpose:
To prepare and deliver transportation projects in accordance with the Local Highway Safety Improvement Program (HSIP) guidelines to improve safety in the City.

Council's Strategic Goal:
This project addresses City Council's Strategic Goal of improving the City's Infrastructure.

Background:
The California Department of Transportation (Caltrans) HSIP aims to reduce traffic fatalities and serious injuries on all public roads. In the HSIP Cycle 10 Call-for-Projects, 429 applications were received requesting $489.8 million in funds. 266 projects, totaling $227.6 million in HSIP funds, were selected for funding.

The City of Yuba City was awarded $3,196,100 for the development of five transportation safety projects:

- Citywide Signal Hardware Upgrades: The project will improve signal hardware at 56 intersections throughout the City. Improvements will include the installation of new reflective

backplates and upgrades to bulbs and lenses. Total project cost: $571,000 ($571,000 HSIP funds, $23,840 Local Funds Match).

- Roadway Safety Signing Audit and Upgrades: The project will evaluate roadway signing on critical corridors in the City for safety and generate the necessary information and prioritization to proceed with signage replacement and installation. Total project cost $1,835,400 ($1,835,400 HSIP funds, No Local Funds Match Required).
- Pedestrian Safety Crosswalk Upgrades: The project will improve crosswalks at 15 unsignalized intersections, primarily near schools. Improvements will include the installation of high visibility striping to crosswalks, advance stop bars, and yield lines. Total project cost $199,100 ($199,100 HSIP funds, No Local Funds Match Required).
- SHS Signal Hardware Upgrades: The project will improve signal hardware at 17 intersections on the State Highway System throughout the City. Improvements will include the installation of new reflective backplates and upgrades to bulbs and lenses. Total project cost $510,600 ($510,600 HSIP funds, No Local Funds Match Required).
- Local Roadway Safety Plan: The plan will create a framework to systematically identify, analyze, and prioritize safety improvements on roads in Yuba City. Total project cost $80,000 ($72,000 HSIP funds, $8,000 Local Funds Match).

Analysis:
The HSIP funding will allow the City to develop and construct safety projects identified in the City's Safe Routes to School Plan and Systemic Safety Analysis Report. No other funds have been budgeted for these projects and implementation of them is possible with HSIP funds.

Fiscal Impact:
The City will be reimbursed a total of $3,196,100 from Caltrans. Streets and Roads ($23,580) and Transportation Development Act ($8,000) funding from CIP Project No. 1253 (Safe Routes to School Plan) will be transferred to provide the local match funds for the projects that require it.

Alternatives:
Do not accept the grant funds and direct staff to research alternative funding.

Recommendation:
A. Authorize the Finance Director to make a supplemental appropriation of $3,164,260 in Highway Safety Improvement Program grant funding to Account No. 921314 (Citywide Signal Hardware Upgrades), 921315 (Citywide Sign Upgrades & Audit), 921316 (Ped Safety Crosswalk Upgrades), 921317 (SHS Signal Hardware Upgrades), and 921318 (Local Roadway Safety Plan).

B. Authorize the Finance Director to transfer $23,840 from Account No. 911253 (2018 Safe Routes to School Plan) to Account No. 911314 (Citywide Signal Hardware Upgrades) and $8,000 from Account No. 921253 (2018 Safe Routes to School Plan) to Account No. 921318 (Local Roadway Safety Plan).

Attachments:
1. Resolution

Prepared By:	Submitted By:
David Giongco	Diana Langley
Deputy Public Works Director - Engineering	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY APPROPRIATIONS FOR THE AWARD OF LOCAL HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS

WHEREAS, the City of Yuba City requested California Department of Transportation (Caltrans) Local Highway Safety Improvement Program (HSIP), Cycle 10, funds for five transportation safety projects:

WHEREAS, Caltrans awarded a total of $3,196,100 to the following projects:

Citywide Signal Hardware Upgrades ($571,000)
Roadway Safety Signing Audit and Upgrades ($1,835,400)
Pedestrian Safety Crosswalk Upgrades ($199,000)
SHS Signal Hardware Upgrades ($510,600)
Local Roadway Safety Plan ($72,000); and

WHEREAS, the City of Yuba City is required to provide a local match for the following projects:

Citywide Signal Hardware Upgrades ($23,840)
Local Roadway Safety Plan ($8,000).

NOW, THEREFORE, be it resolved by the City Council of Yuba City as follows:

A. The City Council authorizes the Finance Director to make a supplemental appropriation of $3,164,260 in Highway Safety Improvement Program grant funding to Account No. 921314 (Citywide Signal Hardware Upgrades), 921315 (Citywide Sign Upgrades & Audit), 921316 (Ped Safety Crosswalk Upgrades), 921317 (SHS Signal Hardware Upgrades), and 921318 (Local Roadway Safety Plan).

B. The City Council authorizes the Finance Director to transfer $23,840 from Account No. 911253 (2018 Safe Routes to School Plan) to Account No. 911314 (Citywide Signal Hardware Upgrades) and $8,000 from Account No. 921253 (2018 Safe Routes to School Plan) to Account No. 921318 (Local Roadway Safety Plan).

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 7th day of February, 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

Attachment:

Exhibit A – HSIP Cycle 10 Project Awards – Yuba City

Project List for Highway Safety Improvement Program (HSIP) Cycle 10

(Sort by Caltrans District and Agency Name)

* Application Category: **BCR** = Benefit-Cost Ratio; SA-PedCrossing = Set-aside for Pedestrian Crossing Enhancements; **SA-Guardrail** = Set-aside for Guardrail Upgrade; **SA-Edgeline** = Set-aside for Installing Edgelines.

No.	Unique Project ID	Original Application ID	Caltrans District	Agency Name	MPO	Project Title	Location of Work	Description of Work	Project Cost	HSIP Funds (State)	Application Category*
20	H10-03-010	03-Folsom-02	3	Folsom	SACOG	Install delineators, reflectors and/or object markers, and edgeline rumble strips/stripes.	American River Canyon Dr - Oak Canyon Wy and Canyon Rim Dr; Folsom Bd - US-50 and Iron Pt Rd; Glenn Dr - Sibley St and Folsom Bd; Blue Ravine Rd - Crossing Wy and Riley St; Folsom Auburn Rd; Prairie City Road; E Bidwell St - US-50 and Mangini Pk.	Install delineators, reflectors and object markers (with retro-reflectivity) on the sides of roads, and install rumble strip along the edges of the roadway segments.	$ 366,600	$ 366,600	BCR
21	H10-03-011	03-Folsom-03	3	Folsom	SACOG	Median Barrier, Dynamic/Variable Speed Warning Sign, Delineators, Reflectors, and/or Object Markers	Folsom Lake Xing - Folsom Dam Rd and Johnny Cash Trail entrance; E Natoma St - Folsom Lake Xing and Gionata Wy; E Natoma St - Cimmaron Cir and Fargo Wy; Folsom Auburn Rd - Pinebrook Rd and Folsom Dam Rd.	Construct median barrier, install dynamic/variable speed warning signs, and delineators, reflectors, and/or object markers (with retro-reflectivity).	$ 1,031,400	$ 1,031,400	BCR
22	H10-03-012	03-Glenn County-1	3	Glenn County	RURAL	Forest Highway 7 Guardrail Replace	Forest Highway 7 (FH7) west of State Route 162 in western Glenn County.	Upgrade existing, damaged, and destroyed guardrail to current standards.	$ 3,636,400	$ 1,000,000	SA-Guardrail
23	H10-03-013	03-Grass Valley-1	3	Grass Valley	RURAL	Ped Crossing Set-aside	Various locations throughout the City of Grass Valley. Areas include crossings adjacent to city schools, parks and commercial areas.	Install Rectangular Rapid Flashing Beacons (RRFBs), pavement striping and markings, pedestrian crossing signs, as well as a raised crosswalk and curb ramps.	$ 250,000	$ 250,000	SA-PedCrossing
24	H10-03-014	03-Nevada County-1a	3	Nevada County	RURAL	2022 Nevada County Thermoplastic and MMA Safety Project	Approximately 21.7 miles of road on: Burma Rd, Dog Bar Rd, Lower Colfax Rd, McCourtney Rd, Pleasant Valley Rd, Squirrel Creek Rd, Boulder St, Donner Pass Rd, Glenshire Dr, Gracie Rd, Hirschdale Rd, and Lake Vera Purdon Rd.	Provide thermoplastic striping and markings and pavement markers to lower elevation roads. Provide MMA striping and markings to higher elevation roads that are subject to frequent plowing and sanding.	$ 949,100	$ 949,100	BCR
25	H10-03-015	03-Nevada County-2a	3	Nevada County	RURAL	2022 High Friction Surface Treatment Project	Nineteen curves throughout Nevada County.	Apply High Friction Surface Treatment (HFST).	$ 1,809,000	$ 1,809,000	BCR
26	H10-03-016	03-Placer County-01	3	Placer County	SACOG	High Friction Surface Treatment for several areas in rural Placer County (Auburn and Lincoln).	Hungry Hollow Rd. at Hardscrabble Dr., Lonestar Rd. (1 local 1/4 mile e of Bell Rd. and one w of View Wy.), McCourtney Rd. at Fleming Dr., Mt. Vernon Rd. (2 areas), Placer Hills Rd. n of Pinewood Wy, Sierra College Bl n of 12 Bridges & Wise Rd.	Placer County, in order to reduce high-severity collisions along roadways, is applying for funding to perform high friction surface treatments along abrupt horizontal curves on several roadways primarily in the areas of Auburn and Lincoln.	$ 1,201,600	$ 1,201,600	BCR
27	H10-03-017	03-Placer County-02	3	Placer County	SACOG	Placer County Signal Upgrade Project	Various locations in Placer County	Upgrade all signal backplates with new reflective backplates, replace old pedestrian heads with countdown type heads and replace old controllers along Douglas Blvd. with new 2070 controllers.	$ 351,300	$ 351,300	BCR
28	H10-03-018	03-Placer County-4	3	Placer County	SACOG	Placer County Guardrail Retrofit	Indian Hill Road, Ridge Road, and Rollins Lake Road.	Update guardrail to bring existing facilities up to current standards.	$ 1,070,500	$ 995,500	SA-Guardrail
29	H10-03-019	03-Placerville-1	3	Placerville	SACOG	Placerville Highway 50 Corridor Intersection Pedestrian Safety Project	US Highway 50, PM 16.7 to PM 18.8 (within the City limits of Placerville).	Enhance pedestrian crossing safety through the use of dynamic warning signs at various state highway and local road at grade pedestrian/school crossings.	$ 250,000	$ 250,000	SA-PedCrossing
30	H10-03-020	03-Rancho Cordova-2	3	Rancho Cordova	SACOG	Pedestrian Crossing Enhancements Project	On Peter A Mccuen Boulevard adjacent to VA Northern Medical Center and four intersections along Zinfandel Dr and Cordova Lane adjacent to Cordova Lane Center School.	Improve pedestrian crossings with curb extensions, accessible curb ramps, high visibility crosswalks, and advanced pavement markings.	$ 242,400	$ 242,400	SA-PedCrossing
31	H10-03-021	03-Sacramento-1	3	Sacramento	SACOG	City of Sacramento Pedestrian Crossing Improvements	Various locations throughout the City of Sacramento	Upgrade pedestrian crossings at uncontrolled locations with the installation of Rectangular Rapid Flashing Beacons (RRFBs).	$ 248,600	$ 248,600	SA-PedCrossing
32	H10-03-022	03-Sacramento County-1	3	Sacramento County	SACOG	Converting a STOP-sign Controlled Intersection to a Signalized Intersection in Sacramento County	The Intersection of Fair Oaks Boulevard and Kenneth Avenue.	Signalization of intersection to mitigate collisions and improve safety.	$ 815,800	$ 815,800	BCR
33	H10-03-023	03-Sacramento County-5	3	Sacramento County	SACOG	Upgrading Guardrails in Sacramento County	17 locations within Sacramento County.	Upgrade existing guardrails and their end treatments.	$ 999,900	$ 999,900	SA-Guardrail
34	H10-03-024	03-Sierra County-01	3	Sierra County	RURAL	Phase 1-Countywide Guardrail Upgrade or Replacement	On Pike City Road at 3 locations, on Brandy City Road at 9 locations, and on Upper Main Street at 3 locations.	Replace damaged guardrail with steel posts.	$ 539,500	$ 539,500	SA-Guardrail
35	H10-03-025	03-Woodland-1	3	Woodland	SACOG	East St./Main St. Signal Improvements	Intersection of East Street and Main Street in the City of Woodland.	Intersection signal improvements.	$ 336,900	$ 158,450	BCR
36	H10-03-026	03-Woodland-2	3	Woodland	SACOG	Pedestrian Crossings Improvements Project	Pedestrian Crossings at Dingle, Maxwell, Zamora and Gibson Elementary Schools in Woodland.	Installation of Rectangular Rapid Flashing Beacons (RRFB) and AC Powered Speed Feedback Signs.	$ 250,000	$ 250,000	SA-PedCrossing
37	H10-03-027	03-Yuba City-1	3	Yuba City	SACOG	Citywide Signal Hardware Upgrades	Various signalized intersections throughout the City of Yuba City.	Improve signal hardware at 38 signalized intersections. Improvements include new backplates, replacing 8" bulbs with 12", adding/replacing LED IISNS, and installing reflective tape.	$ 571,000	$ 548,160	BCR
38	H10-03-028	03-Yuba City-2	3	Yuba City	SACOG	Yuba City Arterial/Collector Sign Upgrades	Various arterial and collector roadways throughout the City of Yuba City.	Installation and/or upgrade signs with new fluorescent sheeting, as well as the completion of a Roadway Safety Signing Audit.	$ 1,835,400	$ 1,835,400	BCR

Project List for Highway Safety Improvement Program (HSIP) Cycle 10

(Sort by Caltrans District and Agency Name)

* Application Category: **BCR** = Benefit-Cost Ratio; SA-PedCrossing = Set-aside for Pedestrian Crossing Enhancements; **SA-Guardrail** = Set-aside for Guardrail Upgrade; **SA-Edgeline** = Set-aside for Installing Edgelines.

No.	Unique Project ID	Original Application ID	Caltrans District	Agency Name	MPO	Project Title	Location of Work	Description of Work	Project Cost	HSIP Funds (State)	Application Category*
39	H10-03-029	03-Yuba City-3	3	Yuba City	SACOG	Yuba City Crosswalk Upgrades for Pedestrian Safety	Various unsignalized intersections in Yuba City.	Crosswalk improvements at 15 unsignalized intersections, primarily near schools. Improvements include replacing standard crosswalks with high visibility striping, advance stop bars, yield lines, and ADA improvements.	$ 199,100	$ 199,100	SA-PedCrossing
40	H10-03-030	03-Yuba City-4	3	Yuba City	SACOG	Hardware Improvement Project for State Highway Signalized Intersections within City of Yuba City	Various State Highway Signalized intersections within City of Yuba City limits.	Improve Signal Hardware at 17 State Highway Signalized Intersections. Improvements include new back plates, replacing 8" bulbs and lenses with 12", adding/replacing TYPE IX Street Name Signs, and installing reflective tape.	$ 510,600	$ 510,600	BCR
41	H10-03-031	03-Yuba County-1	3	Yuba County	SACOG	North Beale Road - High Friction Surface Treatment Project	North Beale Road, starting at a point 300 feet SE of the intersection with Feather River Blvd. and extending 3,000 feet NW to the SR70 on-ramp.	Improve pavement friction by installing High Friction Surface Treatment, plus installing edge lines, centerlines, delineators, reflectors, and object markers.	$ 381,400	$ 381,400	BCR
42	H10-03-032	03-Yuba County-2	3	Yuba County	SACOG	Old Dobbins Road & La Porte Road Striping Project	The entirety of Old Dobbins Road and on La Porte Road from Barton Hill Road to the Plumas County line.	Install edge lines, centerlines, delineators, reflectors, object markers, and improved reflective signs.	$ 274,100	$ 274,100	BCR
43	H10-04-001	04-Alameda-1	4	Alameda	MTC	Signal Equipment, Timing, & Striping Upgrades at 4 Intersections to Improve Pedestrian Safety	four intersections: Santa Clara Avenue/Grand Street, Otis Drive/Willow Street, Otis Drive/Park Street, and Fernside Blvd./San Jose Avenue.	Provide upgraded traffic signal equipment, timing and striping to improve pedestrian safety. Upgraded equipment includes cabinets, controllers, video detection, audible pedestrian signals and signal heads.	$ 273,100	$ 249,076	SA-PedCrossing
44	H10-04-002	04-Alameda County-1	4	Alameda County	MTC	Pedestrian Crossing Enhancements for Unincorporated Alameda County	Various unsignalized intersections in the unincorporated Alameda County: Meekland Ave. at Medford Ave., Meekland Ave. at Sunset Blvd., Hacienda Ave. at Ricardo Ave., Grove Way at Dolores St., and D St. at Twin Creek CT.	Install Rectangular Rapid Flash Beacons (RRFBs) and various crosswalk enhancements to unsignalized intersections to increase safety for pedestrians.	$ 249,500	$ 249,500	SA-PedCrossing
45	H10-04-003	04-Alameda County-2	4	Alameda County	MTC	Guardrail improvements along Crow Canyon Road	Various locations along Crow Canyon Road in unincorporated Alameda County.	Upgrade existing guardrails at locations with damage and height below accepted tolerance.	$ 994,600	$ 994,600	SA-Guardrail
46	H10-04-004	04-Alameda County-3	4	Alameda County	MTC	Installation of PHBs at three-legged intersections on roads with two or more lanes in each direction	Three unsignalized intersections with existing marked crosswalks in suburban areas of Alameda County: Redwood Road and Modesto Street, Lake Chabot Road and Congress Way, and Lake Chabot Road and Keith Avenue.	Installation of Pedestrian Hybrid Beacons and raised medians; installation of accompanying signage, ADA Ramps, and pavement striping.	$ 821,000	$ 821,000	BCR
47	H10-04-005	04-Benicia-2	4	Benicia	MTC	Pedestrian Crossing Improvements at 4 locations	Kearney Street at Rose Drive, Kearney Street at Mid-Block Crossing, Hastings Drive at Southhampton Road and Military West at W 3rd Street.	Install high-visibility crosswalks, advance yield limit lines, signage, RRFB systems, ADA compliant ramps, and bulb-outs.	$ 249,900	$ 249,900	SA-PedCrossing
48	H10-04-006	04-Berkeley-B1	4	Berkeley	MTC	Sacramento Street Pedestrian Crossing Safety Enhancements	Six intersections along Sacramento Street: Oregon Street, Julia Street, Tyler Street, Prince Street, Woolsey Street and Fairview Street.	Install RRFBs, warning signing, and raised median extensions at three intersections. Install advanced yield lines and warning signing at three other intersections.	$ 339,800	$ 250,000	SA-PedCrossing
49	H10-04-007	04-Concord-1	4	Concord	MTC	Traffic Signal Improvements	Various locations throughout the City of Concord.	Improve traffic signal hardware, install pedestrian countdown signal heads, and modify phasing to provide a Lead Pedestrian Interval (LPI).	$ 2,360,000	$ 2,171,200	BCR
50	H10-04-008	04-Concord-2	4	Concord	MTC	Citywide Protected Left-Turn Implementation	Various intersections throughout the City.	Modify 9 intersections with permissive left-turn phasing to provide protected left-turn phasing.	$ 1,254,800	$ 1,254,800	BCR
51	H10-04-009	04-Concord-4	4	Concord	MTC	Pedestrian Crossing Enhancements at 4 locations in Concord, Ca	Concord Boulevard at West Street, Salvio Street at Date Street, Ronald Way at Holbrook Elementary School Entrance and E. Olivera Road at Trail Crossing.	Install high-visibility crosswalks, concrete bulb-outs, advance warning signs, and ADA ramps.	$ 246,600	$ 246,600	SA-PedCrossing
52	H10-04-010	04-Contra Costa County-1	4	Contra Costa County	MTC	Briones Area Guardrail Upgrades	Various locations on arterial and major collector roadways in the Briones area of unincorporated Contra Costa County.	Replace sub-standard MBGR guardrails with Caltrans standard MGS guardrails and end treatments on arterial and major collector roadways. Upgrade includes approximately 43 guardrails with a length of over 12,000 linear feet.	$ 1,687,800	$ 992,082	SA-Guardrail
53	H10-04-011	04-Contra Costa County-2	4	Contra Costa County	MTC	Franklin Canyon Road Safety Improvements	On Franklin Canyon Road in unincorporated Contra Costa County between Cummings Skyway and Dutra Road.	Install centerline rumble strips.	$ 562,400	$ 562,400	BCR
54	H10-04-012	04-Contra Costa County-4	4	Contra Costa County	MTC	San Pablo Dam Rd and Bailey Rd Signal Hardware Upgrades	San Pablo Dam Rd from El Portal Dr to Castro Ranch Rd; Bailey Rd from Willow Pass Rd to Canal Rd/ Via Delta De Anza Trail.	Improve safety by improving traffic signal hardware, with enlarged signal heads, video detection, advance dilemma zone detection, and install pedestrian countdown signal heads at 11 signalized intersections.	$ 1,100,100	$ 1,100,100	BCR

List of Funded Projects for Developing Local Roadway Safety Plan (LRSP) (Sorted by Caltrans District)
January 31, 2020

LRSP ID	Caltrans District	Local Agency	County	Total Cost	LRSP Funds	Local/Other Funds	Scope of Work	Notes
LRSP015	3	Folsom	Sacramento County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP016	3	Glenn County	Glenn County	$ 60,000	$ 54,000	$ 6,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP093	3	Grass Valley	Nevada County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP017	3	Isleton	Sacramento County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP094	3	Rancho Cordova	Sacramento County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP095	3	Rocklin	Placer County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP018	3	Roseville	Placer County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP096	3	Sacramento County	Sacramento County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP019	3	Truckee	Nevada County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP097	3	Yuba City	Sutter County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP098	3	Yuba County	Yuba County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP099	4	Antioch	Contra Costa County	$ 72,000	$ 64,800	$ 7,200	Develop a Local Roadway Safety Plan (LRSP).	
LRSP020	4	Concord	Contra Costa County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP100	4	Cotati	Sonoma County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP101	4	Cupertino	Santa Clara County	$ 81,000	$ 72,000	$ 9,000	Develop a Local Roadway Safety Plan (LRSP).	
LRSP021	4	Dublin	Alameda County	$ 80,000	$ 72,000	$ 8,000	Develop a Local Roadway Safety Plan (LRSP).	

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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: Proposition 1 Integrated Regional Water Management Round 1 Grant Projects - Contract Amendment

Recommendation: Adopt a Resolution to award Amendment No. 1 to the Professional Services Agreement with West Yost and Associates, Inc. to initiate additional data collection activities for updating the modeling of Gilsizer Slough for the Prop 1 Integrated Regional Water Management Projects

Fiscal Impact: The total cost for Amendment No. 1 to the Professional Services Agreement with West Yost is $10,150.00. Staff recommends funding this increase from Capital Improvement Program Account No. 921025 (Drainage Improvements). The current balance in this account is approximately $614,000

Purpose:

To minimize adverse water quality impacts from point sources to surface and groundwater and to improve and protect riparian and fish habitat, and fish passage by the removal of trash debris.

Council's Strategic Goals:

The projects address the City Council's Strategic Goal of Improving Infrastructure.

Background:

The City of Yuba City is a stakeholder in the North Sacramento Valley (NSV) Integrated Regional Water Management (IRWM) region, which includes Butte, Colusa, Glenn, Shasta, Sutter, and Tehama Counties.

In 2019, Butte County was the lead agency for the NSV IRWM Proposition 1 Round 1 grant funding application. Butte County examined various stakeholder's projects that have been identified in approved Storm Water Resource Plans (SWRP). Two of the City's SWRP projects were selected to be included in Butte County's NSV IRWM Proposition 1 Round 1 grant application: Project 4 Gilsizer North Detention Basin Improvement Project (Project 4) and Project 5 Lincoln Road Trash Capture Project in Gilsizer Slough at Lincoln Road (Project 5). The City's projects were awarded funding by DWR in the amount of $970,700 on July 3, 2020.

Project 4 involves improvements to the detention basin east of the City's Corporation Yard, constructing

a cover for the existing fuel station at the Corporation Yard, and installation of retractable tarps for bulk material storage areas at the Corp Yard. Project 5 involves installing a full capture trash capture device to a newly constructed concrete pad at the bottom of Gilsizer Slough downstream of Lincoln Rd. Refer to Attachment 2 for a location map showing these two projects.

On July 20, 2021, Council authorized the City Manager to enter into a Subrecipient Agreement with Butte County allowing allocation of the grant funds for these projects. Then on April 5, 2022, Council authorized the City Manager to execute a Professional Services Agreement with West Yost and Associates, Inc. (West Yost) to facilitate environmental documents, permitting, and design of the projects.

Analysis:

During a kickoff site visit with County of Sutter staff, the design team learned that the County has been maintaining stream gauges in the Gilsizer Slough that have collected stream flow data from the largest storms in the past two years. This data would be particularly useful for calibrating the Regional Drainage Model by using real time stream gauge data from real storms instead of computer-generated modeled storms. This calibration would result in the most cost-efficient design for the two projects.

West Yost has prepared an estimate to collect and analyze the real-time stream gauge data and update the City's Regional Drainage Model accordingly. The total cost for this additional work would be $10,150. Staff recommends authorizing this additional work since West Yost is uniquely familiar with the City's Regional Drainage Model and can incorporate the new data as cost effectively as possible.

Fiscal Impact:

The total cost for Amendment No. 1 to the Professional Services Agreement with West Yost is $10,150.00. Staff recommends funding this increase from Capital Improvement Program Account No. 1025 (Drainage Improvements). The current balance in this account is approximately $614,000.

Alternatives:

Do not adopt the Resolution and direct staff to use the current Regional Drainage Model, resulting in a less efficient design of the trash capture devices.

Recommendation:

Adopt a Resolution to award Amendment No. 1 to the Professional Services Agreement with West Yost and Associates, Inc. to initiate additional data collection activities for updating the modeling of Gilsizer Slough for the Prop 1 Integrated Regional Water Management Projects.

Attachments:

1. Resolution - Prop 1 IRWM Projects - Amendment 1

Prepared By:	Submitted By:
William Jow	Diana Langley
Assistant Engineer	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST & ASSOCIATES, INC. TO INITIATE ADDITIONAL DATA COLLECTION ACTIVITIES FOR UPDATING THE MODELING OF GILSIZER SLOUGH FOR THE PROPOSITION 1 ROUND 1 INTEGRATED REGIONAL WATER MANAGEMENT PROJECTS

WHEREAS, on April 5, 2022, the City Council awarded a Professional Services Agreement to West Yost and Associates, Inc (West Yost), to provide professional services necessary for the Proposition 1 Round 1 Integrated Regional Water Management (IRWM) projects (Projects); and

WHEREAS, the City Council desires to amend the Professional Services Agreement with West Yost for the first time to include additional data collection and analysis for calibration of the Gilsizer Slough portion of the Regional Drainage Model; and

WHEREAS, it has been determined by the City Council that such modeling of stormwater drainage infrastructure and amendment of the Professional Services Agreement is in the public interest.

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

1. The City Council of the City of Yuba City authorizes the City Manager to enter into Amendment No. 1 to the Professional Services Agreement with West Yost to include activities for the calibration of the Gilsizer Slough portion of the Regional Drainage Model for the Projects. The City Council finds that approval of such amendment 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 7th day of February 2023.

AYES:

NOES:

ABSENT:

ATTEST:

_____

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):
Exhibit A – Amendment No. 1 to the Professional Service Agreement

EXHIBIT A

AMENDMENT NO. 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES
WEST YOST AND ASSOCIATES, INC.

West Yost and Associates, Inc.
2020 Research Park Dr
Davis, CA 95618

SUBJECT: Amendment No. 1 to Scope of Services for Yuba City's Prop 1 Integrated Regional Water Management Trash Capture Projects

This Amendment to the Agreement for Professional Services dated April 5, 2022 ("First Amendment") is made and entered into as of the ___ day of _____, 2023 by and between the City of Yuba City ("City") and West Yost and Associates, Inc. ("Consultant").

Recitals

Whereas, by Professional Services Agreement dated April 5, 2022 ("Prime Agreement"), City entered into an agreement with Consultant for professional engineering services for the City's Proposition 1 Integrated Regional Water Management's Trash Capture Projects in the amount of $180,093.00.

Whereas, the Parties desire to amend the Prime Agreement for the first time to include additional data collection and analysis for calibration of the Gilsizer Slough portion of the City's Regional Drainage Model under optional Task Seven related to the Project.

Agreement

In consideration of the foregoing Recitals and for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and Consultant agree as set forth herein.

1. Section 1, Scope of Services, of the Prime Agreement is replaced with the following:

See Attached Scope of Services
(Exhibit A)

2. Section 3, Compensation, of the Prime Agreement is amended to add the following:

   For services rendered by Consultant under this Amendment No. 1 to the Prime Agreement as outlined above, Consultants Compensation shall not exceed $190,243.

3. A copy of the Prime Agreement is attached hereto as Exhibit "B" and, except as otherwise amended by this First Amendment, is incorporated as though set forth in full herein.

4. Except as amended in this First Amendment, the terms and conditions of the Prime Agreement and First Amendment shall remain the same and shall be in full force and effect. This First Amendment is not effective until approved and executed by the authorized City representative.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date and year first written above.

CITY:

CITY OF YUBA CITY, a municipal corporation

_____

Diana Langley, City Manager

CONSULTANT:

WEST YOST AND ASSOCIATES, INC.

_____

Name:_____

Title:_____

Kindly execute the original and two (2) copies and return to City Hall at 1201 Civic Center Boulevard, Yuba City, CA 95993; the City will return a fully-executed copy to you via mail for your files.

Attachments:

Exhibit A: Amended Exhibit A to Prime Agreement
Exhibit B: Prime Agreement

Exhibit A

2020 Research Park Drive
Suite 100
Davis CA 95618

530.756.5905 phone
530.756.5991 fax
westyost.com

March 16, 2022

SENT VIA: EMAIL

Mr. William Jow
Assistant Engineer
City of Yuba City
Public Works Department
1201 Civic Center Blvd.
Yuba City, CA 95993

SUBJECT: Proposal for Engineering Services for Design of the Gilsizer North Detention Basin Improvements and the Gilsizer Slough at Lincoln Road Improvements

Dear William:

West Yost is pleased to provide the City of Yuba City (City) with this proposal to prepare plans, technical specifications, and cost estimates and to provide permitting services for the Design of the Gilsizer North Detention Basin Improvements and the Gilsizer Slough at Lincoln Road Improvements (Projects). West Yost is uniquely qualified to efficiently design these projects because we prepared predesign level Technical Memoranda (TMs) on each project on June 28, 2018, and because we developed the Gilsizer Slough drainage model, which will be used to verify design level water surface elevations and flow rates. This proposal covers design services based on the predesign TMs. The proposed scope of services, budget, and schedule are described below. Two days of surveying will be performed by Slooten Surveying as a subconsultant to West Yost. All geotechnical engineering work will be performed by Geocon Consultants, Inc. (GCI) as a subconsultant to West Yost (see Attachment A). All structural design work will be performed by VE Solutions (Bradley A. Freiderichs, SE) as a subconsultant to West Yost (see Attachment B). The Environmental Permitting will be performed by Dokken Engineering as a subconsultant to West Yost (see Attachment C).

SCOPE OF SERVICES

The scope of services is described below by work task.

Task 1. Project Management and Meetings

We will manage the project and project staff to ensure the project remains on budget and on schedule.

We will conduct a kickoff meeting with City staff (and County staff if they choose to participate in the design effort). The kickoff meeting will be conducted in-person and will include a site visit to each project site and improvement location. We will also discuss options for bidding and constructing the projects. We will prepare a summary of the kickoff meeting for review and approval by the City.

We will also conduct: 1) a 50% design review meeting via Microsoft Teams; 2) an on-site 90% design review meeting; and 3) a 100% design review meeting via Microsoft Teams. The purpose of the design review meetings is to obtain City (and County) comment on the design submittals.

Task 1 Deliverables
- Meeting agenda and notes

Task 2. Data Collection (Design Level Surveys and Geotechnical Evaluations)

All surveying will be performed by Slooten Surveying as a subconsultant to West Yost. Slooten Surveying will perform design level surveying of the Corp Yard fueling area, the North Gilsizer Detention Basin and Pump Station, and the Gilsizer Slough at Lincoln Road to 200 feet south of Lincoln Road.

All geotechnical engineering work will be performed by GCI. GCI will perform the geotechnical investigation at the Corp Yard fuel area for design of the fuel area roof. The geotechnical evaluation will include:

- Performing up to two borings at the Corp Yard fuel area
- Performing Laboratory testing to prepare design parameters
- Preparing a geotechnical engineering report

Task 2 Deliverables
- Topographic Survey in AutoCAD format
- Geotechnical Report

Task 3. Design of Trash Capture Facilities and Gilsizer North Detention Basin Improvements

This task includes design of the following items:

- Trash capture screen in Gilsizer Slough just south of Lincoln Road.
- Trash capture screen at the inlet to the North Gilsizer Detention Basin Pump Station.
- Bioswales from each storm drain outlet to the North Gilsizer Detention Basin trash capture screen. Culverts will be included in the bioswales to ensure vehicle access to all areas of the basin.
- Filling of the existing low flow channels in the bottom of the existing North Gilsizer Detention Basin.
- If authorized, grading the bottom of the basin to increase the storage volume to mitigate for future development in the tributary watershed (see optional subtask below).

The predesign TM also shows a baseball diamond and a pedestrian access gate from the existing nearby baseball fields in the project, but these two improvements are not included in this design task.

The design will include the following sheets:

- G1 – Title Sheet and Location Maps
- G2 – Abbreviations, Notes, and legend
- G3 – Overall Plan, Key Map, and Survey Control

- C1 – Gilsizer North Detention Basin Grading Plan (at 1 inch = 40 feet)
- C2 – Gilsizer North Detention Basin Bioswale Details and Sections (including seed mix)
- C3 – Gilsizer North Detention Basin Trash Screen Details and Sections
- C4 – Gilsizer Slough South of Lincoln Road Trash Screen Details and Sections
- S1 – Trash Screen Structural Design
- S2 – Trash Screen Structural Notes

The 65% design submittal will include Sheets G1 through C4. The 90%, 100%, and Final (for bid and construction) submittals will include all the design sheets (including Sheets S1 and S2).

We will prepare and submit draft technical specifications with the 90% design and final technical specifications with the 100% design. The following technical specifications are anticipated.

- 01010 Summary of Work
- 01140 Work Sequence and Constraints
- 01200 Measurement and Payment
- 01322 Construction Schedule
- 01325 Field Engineering
- 01330 Contractor Submittals
- 01450 Quality Control
- 01505 Mobilization
- 01500 Construction Facilities and Utilities
- 01560 Environmental Controls
- 01570 Storm Water Quality Control
- 01770 Project Closeout
- 01780 Record Drawings
- 01910 Hazardous Material Procedures
- 02017 Geotextile Fabrics
- 02081 Controlled Low Strength Material
- 02221 Demolition, Salvage, and Abandonment
- 02241 Control of Water
- 02200 Site Preparation
- 02260 Excavation Support and Protection
- 02300 Earthwork
- 02950 Site Restoration
- 02385 Rock Slope Protection
- 02925 Hydroseeding
- 03301 Cast-in-Place Concrete (for small projects)
- 05100 Structural Metals
- 02635 Reinforced Concrete Pipe
- 05501 Anchor Bolts

An Opinion of Probable Construction Cost (OPCC) will be prepared and submitted with the 50% and 90% submittals

Task 3 Deliverables

- Concept Drawings
- 50% Drawings and OPCC
- 90% Drawings, Technical Specifications, and OPCC
- 100% Drawings and Technical Specifications
- Final Submittal Including Signed Drawings and Signed Technical Specifications

Task 3 Assumptions

- All submittals will be in electronic PDF format

Task 4 Design of Corp Yard Improvements

This task includes design of the following items:

- Retractable tarps for material storage areas
- Permanent roof over Corp Yard fuel station and drainage and water quality requirements consistent with the Fueling Area design guidelines in the Sacramento Region Stormwater Quality Design Manual (to the extent possible given the existing site constraints)

The design will include the following sheets:

- G1 – Title Sheet and Location Maps
- G2 – Abbreviations, Notes, and legend
- G3 - Overall Plan, Key Map, and Survey Control
- C1 – Retractable Tarps and Associated Details
- C2 – Fueling Area Site Plan and Grading
- C3 – Fueling Area Details and Sections
- S1 – Fueling Area Roof Structural Design
- S2 – Fueling Area Structural Notes

The 50% design submittal will include Sheets G1 through C3. The 90%, 100%, and Final (for bid and construction) submittals will include all the design sheets (including Sheets S1 and S2).

We will prepare and submit draft technical specifications with the 90% design and final technical specification with the 100% design. The following technical specifications are anticipated.

- 01010 Summary of Work
- 01140 Work Sequence and Constraints
- 01200 Measurement and Payment
- 01322 Construction Schedule
- 01325 Field Engineering
- 01330 Contractor Submittals
- 01450 Quality Control
- 01505 Mobilization
- 01500 Construction Facilities and Utilities
- 01560 Environmental Controls
- 01570 Storm Water Quality Control
- 01770 Project Closeout
- 01780 Record Drawings
- 01910 Hazardous Material Procedures
- 02017 Geotextile Fabrics
- 02221 Demolition, Salvage, and Abandonment
- 02200 Site Preparation
- 02260 Excavation Support and Protection
- 02300 Earthwork
- 02950 Site Restoration
- 2953 Pavement Restoration
- 03301 Cast-in-Place Concrete (for small projects)
- 05100 Structural Metals
- 05120 Structural Steel
- 05300 Steel Roof Deck
- 05501 Anchor Bolts

An OPCC will be prepared and submitted with the 50% and 90% submittals

Task 4 Deliverables

- Concept Drawings
- 50% Submittal including C- Drawings and OPCC
- 90% Submittal Including all Drawings, Draft Technical Specifications and OPCC
- 100% Submittal Including all Drawings and Final Technical Specifications
- Final Submittal Including Signed Drawings and Signed Technical Specifications

Task 4 Assumptions

- All submittals will be in electronic PDF format

Task 5. Environmental Permitting Support

The following permits are anticipated for the Lincoln Road Trash Capture Screen and potentially also for the Gilsizer North Detention Basin Improvements:

- Pre-Application Agency Coordination
- California Department of Fish and Wildlife Stream Bed Alternation Agreement
- Clean Water Act Section 401 Certification

As a subconsultant to West Yost, Dokken Engineering will provide initial coordination with the permitting agencies, prepare the permit applications, and provide follow-up coordination with the permitting agencies. If needed, the Clean Water Act Section 404 USA Army Corps of Engineers permit application has been included as an optional task (Task 7 below).

This proposal does not include a California Environmental Quality Act (CEQA) evaluation nor associated cultural or biological data base evaluations or site-specific field evaluation. The City is to provide copies of the needed CEQA evaluation and associated studies for use for the environmental permitting applications and support.

Task 5 Deliverables

- Permit Pre-Application Coordination Summary emails, CDFW Streambed Alteration Agreement Application, CWA Section 401 Certification Application.

Task 6. Project–Specific Full Capture System Certification Application (Updated April 2021) Support

We will review the previously approved trash screens and devices that could be used at each of the trash capture sites (see Certified Full Capture System List of Trash Treatment Control Devices). We will also review the requirements for use of a detention basin for trash capture (see Detention Basins Multi-Benefit Trash Treatment Systems). We will try to identify trash screen technologies that have already been approved by the State and are suitable for use at each trash screen site. If approved technologies are available, we will discuss their use with you and jointly determine if the approved technologies should be used in the Task 2 design drawings. If no suitable technology exists already, we will prepare a Project–Specific Full Capture System Certification Application, including the required information that can be developed with the drainage model and the design effort. However, there may be some data that West Yost won't be able to generate, like the field/lab testing Information and analysis. Because it is

currently unclear if approved technologies are available or how much effort will be needed to gain approval of site-specific designs, we have allocated up to 24 hours for this task. We will not expend more than 24 hours of effort without your prior approval.

Task 6 Deliverables

- Project–Specific Full Capture System Certification Application 50% Submittal including C- Drawings and OPCC

Task 6 Assumptions

- Application will be submitted if no Certified Full Capture System Trash Treatment Control Devices are suitable for the Project
- Some data required for the application will need to be provided by others.

Task 7. Optional Tasks

Grade the basin to provide adequate additional detention storage to mitigate for development of the currently undeveloped parcels within the tributary watershed

If this optional subtask is authorized, we will run the drainage model for existing conditions and with full development of all the currently undeveloped parcels in the watershed tributary to the North Gilsizer Detention Basin for the 100-year storm. Using the model results, we will calculate the increase to the basin volume needed to mitigate for the development. We will document this evaluation (including a map of the parcels that are undeveloped now and assumed to develop in the future) in a concise TM. We will grade the basin to include the required increase in storage volume. The purpose for doing this grading is to eliminate one potential obstacle to future development (flood-related impacts from increased flows to the basin from development). Nevertheless, the development could result in other impacts that would still need to be mitigated (like increased flow in the tributary storm drains).

Although probably not needed, preparation of the Clean Water Act Section 404 Permit application is included as an optional task.

BUDGET AND SCHEDULE

The proposed budget is shown in Table 1 by task. West Yost will perform the scope of services described above on a time-and-expenses basis at the billing rates set forth in West Yost's attached Billing Rate Schedule (Attachment D). Any additional services not included in this Scope of Work will be performed only after receiving a written amendment to the contract. The budget shown in Table 1 does not include the optional task. The budget for the optional task is $16,342. We will only perform the optional task work with written approval from the City.

The schedule is based on receiving a fully executed contract and notice to proceed by April 1, 2022.

Table 1. Budget and Schedule Summary

Task	Schedule	Cost, dollars
Task 1. Project Management and Meetings	On-going, meetings coordinated with design submittals	20,730
Task 2. Data Collection (Design Level Surveys and Geotechnical Evaluations)	Surveying: April 30 Geotechnical Report: May 30	14,789
Task 3. Design of Trash Capture Facilities and Gilsizer North Detention Basin Improvements	Concepts: April 11 65%: May 30 90%: June 30 100%: July 22 Final Design: August 19 Draft Technical Specs: June 30 Final Technical Specs: July 22 Optional Task: April 30	62,863
Task 4. Design of Corp Yard Improvements	Concepts: April 11 50%: May 30 90%: June 30 100%: July 22 Final Design: August 19 Draft Technical Specs: June 30 Final Technical Specs: July 22	35,787
Task 5. Environmental Permitting Support	Draft Applications: June 30	23,621
Task 6. Project–Specific Full Capture System Certification Application (Updated April 2021) Support	Review Approved Systems: April 30 Certification Application: May 30	5,961
Total		**$163,751**

Please let me know if you have any questions or comments. We can revise this proposal to better match the City's design requirements and budget limitations if needed.

Sincerely,

WEST YOST

Douglas T. Moore, PE
Engineering Manager
RCE #58122

Attachment(s): A. Geocon Consultants, Inc. Proposal
B. VE Solutions, Inc. Proposal
C. Dokken Engineering Proposal
D. West Yost 2022 Billing Rate Schedule

Attachment A

Geocon Consultants Inc. Proposal

Proposal No. LS-22-96
March 11, 2022

Doug Moore
Engineering Manager
WEST YOST
2020 Research Park Drive, Suite 100
Davis, CA 95618
dmoore@westyost.com

Subject: PROPOSAL FOR GEOTECHNICAL INVESTIGATION
FUELING ISLAND CANOPY IMPORVEMENTS
YUBA CITY CORPORATION YARD
1185 MARKET STREET
YUBA CITY, CALIFORNIA

Mr. Moore:

In accordance with your request, we are pleased to submit this proposal to perform a geotechnical investigation for the proposed improvements for the fueling area at the City of Yuba City Corporation Yard located at 1185 Market Street in Yuba City, California.

BACKGROUND AND PURPOSE

To aid in preparing this proposal we have discussed the project with you and reviewed project information you provided. The project includes constructing a canopy over the existing fueling islands at the City Corporation Yard. The canopy will likely be supported on cast-0in-drilled-hole (CIDH) concrete piers or conventional spread footings.

The purpose of our geotechnical investigation will be to evaluate subsurface conditions at the site and provide geotechnical recommendations for design and construction of the proposed project. Our investigation will include a field exploration program, geotechnical laboratory testing, engineering analysis, and report preparation.

SCOPE OF SERVICES

Based on our understanding of the project, we propose the following scope of services:

- Perform a limited geologic literature review to aid in evaluating the geologic conditions present at the site.
- Review available design plans to select exploratory excavation locations.
- Perform a site reconnaissance to review project limits and mark out exploratory excavation locations for subsequent utility clearance.
- Notify subscribing utility companies via Underground Service Alert (USA) a minimum of two business days (as required by law) prior to performing exploratory borings at the Site.
- Drill up two exploratory borings within/near the proposed improvement area to a depth of approximately 15 feet using a truck-mounted drill rig equipped with hollow-stem augers.

- Obtain representative soil samples from the exploratory borings.
- Log the borings in accordance with the Unified Soil Classification System.
- Upon completion, backfill borings with the drill cuttings or neat cement grout.
- Perform laboratory tests to evaluate pertinent geotechnical parameters.
- Analyze the field and laboratory testing data and prepare a letter report with our conclusions and recommendations. Our report will include (but not be limited to) the following:
    - Site plan showing locations of exploratory borings
    - Description of site geology and logs of subsurface conditions
    - Geotechnical laboratory test results
    - Summary of geotechnical constraints and mitigation alternatives (if required)
    - Foundation design recommendations and nparameters: recommended foundation type(s), allowable bearing capacity, recommended dimensions, estimated settlement
    - Code-based seismic design criteria (2019 California Building Code)

An electronic (PDF) version of the draft geotechnical investigation report will be submitted. Upon receipt of review comments, we will incorporate comments and submit a final report in PDF format.

ASSUMPTIONS AND LIMITATIONS

Our scope of services and fees are based on:

- The client will coordinate site access and permission to enter.
- The site is accessible to truck-mounted drilling equipment.
- Site plans provided for our use will show the locations of all underground utility lines and structures. We will not be responsible for damage to any such lines or structures that are not shown accurately on the plans provided to us or properly marked by USA subscriber companies.
- The scope of services detailed in this proposal does not include the evaluation or identification of environmental contamination.

PROPOSED FEE

We propose to perform the scope of services described herein for a lump sum fee of $7,500.

Our services will be provided in accordance with the enclosed *2022 Schedule of Fees/Terms and Conditions,* which is incorporated into and made a part of this proposal. If unforeseen conditions are encountered, or if we experience delays or circumstances beyond our control, we will notify you immediately to discuss modifications to the scope of services and/or project fees.

CONTRACT EXECUTION

If this proposal is acceptable, please issue a *Professional Services Agreement* for our review. We will commence with the scope of services outlined herein upon receipt of your written authorization; however, services provided by Geocon will be pursuant to the terms stated in our *2022 Schedule of Fees* until or unless a mutually agreed upon, negotiated contract is finalized.

We appreciate the opportunity to provide a proposal for geotechnical services on this project. Please contact us if you have any questions concerning the contents of this proposal or if we may be of further service.

Respectfully submitted,

GEOCON CONSULTANTS, INC.

Jeremy J. Zorne, PE, GE
Senior Engineer

Attachment: 2022 Schedule of Fees

GEOCON
CONSULTANTS, INC.
GEOTECHNICAL ■ ENVIRONMENTAL ■ MATERIALS

2022 SCHEDULE OF FEES

PROFESSIONAL SERVICES

Engineering Assistant/Laboratory Technician	$85/hr.
Engineering Field Technician/Special Inspector I	85/125(PW)*/hr.
Engineering Field Technician/Special Inspector II	95/135(PW)*/hr.
Engineering Field Technician/Special Inspector III/Equipment Operator	105/145(PW)*/hr.
Word Processor/Technical Editor/Draftsman	85/hr.
Research Assistant/Technical Illustrator/Senior Draftsman	100/hr.
Project Coordinator/GIS Specialist	110/hr.
Staff Engineer/Geologist/Scientist/Field Supervisor	125/hr.
Senior Staff Engineer/Geologist/Scientist	135/hr.
Project Engineer/Geologist/Scientist/Construction Supervisor	145/hr.
Senior Project Engineer/Geologist/Scientist	160/hr.
Senior Engineer/Geologist/Scientist/Certified Industrial Hygienist	175/hr.
Associate Engineer/Geologist/Scientist	200/hr.
Principal Engineer/Geologist/Scientist/Litigation Support	240/hr.
Deposition or Court Appearance	400/hr.
Attorney Fees (General)	350/hr.
Overtime (>8 to 12 hrs.), Saturday, and Night Rate	1.5X Regular Hourly Rate
Overtime (>12 hrs.), Sunday, and Holiday Rate	2X Regular Hourly Rate
Minimum Professional Fee	$500/Project
Minimum Field Services Fee (per day or call-out)	4 Hours

*Prevailing Wage (PW) per requirements of California Labor Code §720, et. Seq.

TRAVEL

Personnel	Regular Hourly Rate
Subsistence (Per Diem)	$200/day
Vehicle Mileage	0.75/mile

EQUIPMENT & ANALYTICAL TESTS

Nuclear Gauge	Included in Technician Hourly Rate
Pick-up Truck	$125/day
Equipment Truck	200/day
Direct-Push Rig/Operator	185/225(PW)*/hr.
Direct-Push Sample Liner	10/ea.
Equipment Trailer	100/day
Wenner 4-Pin Earth Resistivity Meter	150/day
Coring Machine (concrete, asphalt, masonry)	200/day
Dynamic Cone Penetrometer	250/day
Dilatometer (DMT) Test Equipment	800/day
Generator or Air Compressor	150/day
GPS Unit	160/day
Drive-Tube Sampler or Hand-Auger	50/day
Soil Sample Tube (Brass or Stainless)	10/ea.
Water Level Indicator	40/day
Battery-Powered Pump	75/day
Photo-Ionization Meter	150/day
Level D PPE/Decon Rinse Equipment	$50/day
pH/Conductivity/Temperature Meter	60/day
55-gallon drum	65/ea.
TPHg (EPA 8015M)	90/ea.
TPHd/mo (EPA 8015M)	80/ea.
Fuel Oxygenate Compounds (EPA 8260B)	110/ea.
Volatile Organic Compounds (EPA 8260B)	150/ea.
Semi-Volatile Organic Compounds (EPA 8270)	300/ea.
CAM 17 Metals (EPA 6010B)	170/ea.
Single Metal (EPA 6010B)	30/ea.
STLC or TCLP Extraction	75/ea.
Soil pH (EPA 9045C)	25/ea.
Organochlorine Pesticides (EPA 8081)	125/ea.
Naturally Occurring Asbestos (CARB 435)	90/ea.
Asbestos PLM	20/ea.
Asbestos 1,000-pt Count	80/ea.
48-hr/24-hr Turnaround Time	60%/100% surcharge

LABORATORY TESTS

COMPACTION CURVES

4-inch mold (D1557/D698)	$225/ea.
6-inch mold (D1557/D698)	225/ea.
California Impact (CAL216)	225/ea.
Check Point	100/ea.

SOIL AND AGGREGATE STABILITY

Resistance Value, R-Value (D2844/CAL301)	$300/ea.
R-Value, Treated (CAL301)	325/ea.
California Bearing Ratio (D1883)	175/pt.
Stabilization Ability of Lime (C977)	180/ea.

SOIL AND AGGREGATE PROPERTIES

#200 Wash (D1140/C117)	$90/ea.
Wet Sieve Analysis to #200 (D422/CAL202)	120/ea.
Dry Sieve Analysis, 1.5"+ Aggregate (D6913)	350/ea.
Hydrometer Analysis (D422)	165/ea.
Sieve Analysis with Hydrometer (D422)	200/ea.
Specific Gravity, Soil (T100)	100/ea.
Specific Gravity Coarse Aggregate (C127)	60/ea.
Specific Gravity Fine Aggregate (C128)	75/ea.
Moisture Determination, tube sample (D2216)	$20/ea.
Moisture Determination and Unit Weight (D2937)	40/ea.
Atterberg Limits: Plasticity Index (D4318)	200/ea.
Sand Equivalent (D2419/CAL217)	100/ea.
pH and Resistivity (CAL643)	120/ea.
Sulfate Content (CAL417)	90/ea.
Chloride Content (CAL422)	50/ea.
Organic Content (D2974)	65/ea.
Cut/Extract Shelby Tube	100/ea.

SHEAR STRENGTH

Unconfined Compression (D2166)	$100/ea.
Direct Shear (3 pts.)(D3080)	325/ea.
Unconsolidated-Undrained Triaxial Shear (D2850)	125/pt.
Unconsolidated-Undrained Triaxial Staged (D2850)	175/ea.
Consolidated-Undrained Triaxial Shear (D4767)	300/pt.
Consolidated-Undrained Triaxial Staged (D4767)	375/ea.
Consolidated-Drained Triaxial Shear (EM1110)	400/pt.
Consolidated-Drained Triaxial Staged (EM1110)	500/ea.

PERMEABILITY, CONSOLIDATION AND EXPANSION

Permeability, Flexible Wall (D5084)	$300/ea.
Permeability, Rigid Wall (D5856)	300/ea.
Consolidation (D2435)	60/pt.
Expansion Index (D4829/UBC 29-2)	225/ea.
Swell/Collapse (D4546)	165/pt.

AGGREGATE QUALITY

Sieve Analysis to #200 (C136)	$120/ea.
L.A. Rattler Test (500 rev.) (C131)	200/ea.
Durability Index (D3744/CAL229)	165/ea.
Fine Aggregate Angularity (CAL 234)	125/ea.
Flat and Elongated Particles (D4791/CAL 235)	150/ea.
Percent Crushed Particles (CAL205)	150/ea.

CONCRETE / MASONRY / REINFORCING STEEL

Compressive Strength, Cast Cylinders (C39)	$30/ea.
Compressive Strength, Cores (C42)	60/ea.
Flexural Strength Beam (C78/C293)	80/ea.
Splitting Tensile Test (C496)	80/ea.
DSA Masonry Shear (DSA-207)	75/ea.
Shotcrete Panel Coring and Comp. Strength (C1140)	80/ea.
Rebar Tensile / Bend (up to #11/#11 and Larger)	200/250/ea.
CMU Compressive Strength (C140)	100/ea.
Compressive Strength, Grout (C1019/UBC 21-19)	30/ea.
Compressive Strength, Mortar (C109/UBC 21-15,16)	30/ea.
CMU Unit Wt., Dimen., Absorption (C140)	75/ea.
Compressive Strength, Masonry Prism (C1314)	250/ea.

HOT MIX ASPHALT

HMA Air Voids, Gyratory (T269)	$525/ea.
Hamburg Wheel Tracker (T324)	1,000/ea.
Theoretical Max. Specific Gravity (D2041/CAL309)	175/ea.
Ignition/Sieve Analysis (C136/CAL202)	220/ea.
HMA Core Unit Weight (D1188/CAL308)	100/ea.
% Asphalt, Ignition Method (D6307/CAL382)	125/ea.
% Asphalt, Ignition Calibration (D6307/CAL382)	400/ea.
Tensile Strength Ratio (T283)	1,000/ea.

***2X surcharge on rush turnaround for laboratory testing**

TERMS AND CONDITIONS

1. Listed are typical charges for the services most frequently performed by Geocon. Prices for unlisted services as well as special quotations for programs involving volume work will be provided upon request. Laboratory test prices shown are for laboratory work only, and include reporting of routine results not calling for comments, recommendations or conclusions.
2. Sampling and testing is conducted in substantial conformance with the latest applicable or designated specifications of the American Society for Testing and Materials, Caltrans, American Association of State Highway and Transportation Officials, or other pertinent agencies.
3. Saturday, night work, and overtime hours are charged at time and one-half; Sundays and holidays at double time. Per diem may apply when location of work dictates.
4. Equipment and materials will be billed at cost plus 15%. Outside services including subcontractors and rental of special equipment are billed at cost plus 15%. Hourly services are billed portal to portal from closest office in accordance with the stated hourly rates herein, with a minimum four-hour charge.
5. Invoices will be submitted at four-week intervals. Terms of payment are met upon presentation of invoice. Invoices become delinquent thirty (30) days from invoice date and subject to one and one-half percent (1-1/2%) service charge per month, or the maximum rate allowed by law, whichever is lower. If Client objects to all or any portion of any invoice, Client will so notify Geocon in writing within fourteen (14) calendar days of the invoice date, identify the cause of disagreement, and pay that portion of the invoice not in dispute. The parties will immediately make every effort to settle the disputed portion of the invoice. Payment on delinquent invoices will first be applied to accrued interest and then to the principal amount. All time spent and expenses incurred (including any attorney's fees and costs) in connection with collection of any delinquent amount will be paid by Client to Geocon per Geocon's current fee schedule.
6. Client and Geocon shall allocate certain of the risks so that, to the fullest extent permitted by law, Geocon's (the term "Geocon" includes Geocon's partners, officers, directors, employees, agents, affiliates, subcontractors and subconsultants) total aggregate liability to Client *is limited to the greater of **$10,000** or the total compensation received from Client by Geocon for services rendered on this project, for any and all of Client's injuries, damages, claims, losses, expenses, or claim expenses arising out of this Agreement from any cause or causes, including attorneys' fees and costs which may be awarded to the prevailing party, and Client agrees to indemnify and hold harmless Geocon from and against all liabilities in excess of the monetary limit established above.*

   Client and Geocon shall allocate certain of the other risks so that, to the fullest extent permitted by law, Client shall limit Geocon's total aggregate liability to all third parties, including contractors, subcontractors of all tiers, materialmen, and others involved in Client's project, as well as persons and other entities not involved in the project, to *the greater* of ***$20,000*** *or the total compensation received from Client by Geocon for services rendered on this project, for any and all injuries, damages, cause or causes, including attorneys' fees and costs which may be awarded to the prevailing party, and Client agrees to indemnify and hold harmless Geocon from and against all liabilities in excess of the monetary limit established above, including all liability incurred by Geocon for acts, errors, or omissions, pursuant to entering into agreements with third parties on behalf of Client in order to obtain access or entry onto property not owned by Client. Client agrees to notify all contractors and subcontractors of any limitation of Geocon's liability to them, and require them to abide by such limitation for damages suffered by any contractor or subcontractor arising from Geocon's actions or inactions. Neither the contractor nor any subcontractor assumes any liability for damages to others which may arise on account of Geocon's actions or inactions.*

Attachment B

VE Solutions, Inc. Proposal

Note: VE Solutions agreed to a 10 percent budget reduction from the amounts shown in this budget. Also, engineering services during construction (ESD) are not included in this proposal.

VE SOLUTIONS

Task Order Agreement

VE Solutions, Inc.
7777 Greenback Lane, Suite 104
Citrus Heights, CA 95610
bradf@vesolutions.net
(916) 505-0519

Client: West Yost & Associates
2020 Research Park Dr., Ste 100
Davis, CA 95618

Date: March 10, 2022

Project Name/Location: Gilsizer North Detention Basin Structures

VES Project No.: 22021

Project Description: Structural engineering services for:

1. A 2 ft max high structural steel trash capture screen. The screen will be attached to an existing concrete slab and will be designed to resist full unbalanced water head on one side.
2. A max 20' x 20' x 20' high structural steel canopy over an existing fuel station. The canopy will be supported on new concrete spread footings or drilled piers.

A geotechnical report will be prepared by others.

Scope of Services: Prepare structural engineering plans and calculations for the project described above. Review rfi's and submittals during construction. Documents will be signed and sealed by a California registered structural engineer.

Fee Arrangement: Design: $12,000; ESDC: $2,500; Total $14,500

Limitation of Liability: $1,000,000

Special Conditions: none

Offered by:		**Accepted by:**	
3/10/2022			
signature	date	signature	date
Brad Friederichs, President	S2780		
name/title	*CA License*	*name/title*	
VE Solutions, Inc.			
		Client	

The Terms and Conditions of this agreement are in accordance with the Task Order Agreement dated September 27, 2017

VE SOLUTIONS

Task Order Agreement

VE Solutions, Inc.
7777 Greenback Lane, Suite 104
Citrus Heights, CA 95610
bradf@vesolutions.net
(916) 505-0519

Client: West Yost & Associates
2020 Research Park Dr., Ste 100
Davis, CA 95618

Date: March 10, 2022

Project Name/Location: Gilsizer Slough Trash Capture Device

VES Project No.: 22022

Project Description: Structural engineering services for 5 ft high structural steel screen to span across an existing channel. The structure will resist full unbalanced water head on one side. It will be supported on a new concrete slab.

Scope of Services: Prepare structural engineering plans and calculations for the project described above. Review rfi's and submittals during construction. Documents will be signed and sealed by a California registered structural engineer.

Fee Arrangement: Design: $11,500; ESDC: $2,500; Total $14,000

Limitation of Liability: $1,000,000

Special Conditions: none

Offered by:		**Accepted by:**	
	3/10/2022		
signature	date	signature	date
Brad Friederichs, President	S2780		
name/title	*CA License*	*name/title*	
VE Solutions, Inc.			
		Client	

The Terms and Conditions of this agreement are in accordance with the Task Order Agreement dated September 27, 2017

Attachment C

Dokken Engineering Proposal

Note: Dokken Engineering agreed to a 5 percent budget reduction from the amounts shown in this budget. Also, the Clean Water Act Section 404 Nation Wide Permit Task (OPTIONAL) and the associated budget are included in the optional task of this proposal.

March 11, 2022

Doug Moore
Engineering Manager
West Yost
2020 Research Park Drive, Suite 100
Davis, CA 95618

RE: Scope and Fee for Environmental Permitting Services for the Gilsizer Slough Trash Capture Project and the Gilsizer North Detention Basin Project in Yuba City

Mr. Doug Moore,

Enclosed is a scope of services and fee for Dokken Engineering to obtain the necessary environmental permits for the planned Gilsizer Slough Trash Capture Project and the Gilsizer North Detention Basin Project in Yuba City. It is our understanding that Gilsizer Slough is a realigned natural channel with historic hydrologic connection to the Feather River and is therefore considered a Water of the U.S. and Water of the State. As such, environmental permits under the Clean Water Act and State of California Fish and Game Code must be obtained prior to the start of construction. Environmental Analysis under the California Environmental Quality Act (CEQA) is being completed by the City and is not included in this scope of work.

The southwestern terminus of Gilsizer slough is known to support stable populations of special status species including giant garter snake (*Thamnophis gigas*) and tricolor blackbird (*Agelaius tricolor*). The proposed Gilsizer Slough Trash Capture Project at Lincoln Rd. does not provide habitat for these species and is located approximately 10 miles upstream of this habitat area and there is no suitable habitat for these species farther upstream in the watershed. It is therefore unlikely that these species will be impacted by either project and this scope of work assumes that the project will not result in "take" of any species listed as threatened or endangered by either the Federal Endangered Species Act or California Endangered Species Act.

<u>Scope of Work</u>

Task 1: Pre-Application Agency Coordination
Prior to beginning the permit application process, Dokken will present the proposed project features to our contacts at the regulatory agencies and receive initial feed back on the permitting effort that will be required for both projects. The agencies contacted will include the California Department of Fish and Wildlife (CDFW), the Central Valley Regional Water Quality Control Board (RWQCB), and the United States Army Corps of Engineers (USACE). This early coordination effort will ensure the permit applications contain only the project features that require environmental permits, streamlining the permitting process and potentially reducing permitting and mitigation costs.

Task 2: California Fish and Game Code §1600 Streambed Alteration Agreement
Dokken will prepare the necessary components of a Notification of Streambed Alteration Package for submittal to CDFW via the department's online permitting portal the *Electronic Permitting Information and Management System* (EPIMS). Dokken will work with City staff to set up an EPIMS account for the City and Dokken will take the lead on submitting the application through EPIMS. Dokken will review the draft permit prior to City signature to ensure permit conditions to not cause constructability issues.

Task 3: Clean Water Act §401 Water Quality Certification
Dokken will prepare a Water Quality Certification application package for submittal to the RWQCB. Dokken will follow up with RWQCB staff following submittal of the application package periodically to ensure timely review of application materials. Dokken will review the draft permit prior to City signature to ensure permit conditions to not cause constructability issues.

Task 4: Clean Water Act §404 Nationwide Permit Authorization (OPTIONAL)
The proposed projects appear to be consistent with Nationwide Permit 25 – Structure Discharges. Use of this Nationwide Permit does not require submitting a Pre-Construction Notification to the Army Corps of Engineers if all General and Regional Conditions specified in this Nationwide Permit are met. Based on a review of the project plans and the Nationwide Permit conditions, these projects are anticipated to qualify for coverage under a non-notifying NWP-25.

If during pre-application agency coordination, USACE determines that Pre-Construction Notification is required, this optional task will include preparation of a PCN, coordination with USACE, and review of the draft permit prior to City signature.

Fee For Services

The total cost for each scope item listed above is included below. This fee estimate assumes Yuba City will be responsible for paying application fees required by the regulatory agencies. A breakdown of the hours needed to complete each task is included on the following page.

Task 1: Pre-Application Agency Coordination - $2,560

Task 2: CDFW §1600 Streambed Alteration Agreement - $8,420

Task 3: CWA §401 Water Quality Certification - $8,020

Task 4: CWA §404 Nationwide Permit (OPTIONAL) - $9,290

Please feel free to contact me at ssalembier@dokkenengineering.com or by phone at (916) 858-0642 if you need anything else for your review of this project.

Thank you,

Scott Salembier

Scott Salembier
Associate Environmental Planner/Biologist
ISA Certified Arborist
Dokken Engineering
110 Blue Ravine Rd. #200
Folsom, CA 95630

DOKKEN ENGINEERING

COST PROPOSAL - HOURS BREAKDOWN BY TASK
GILSIZER SLOUGH TRASH CAPTURE &
NORTH DETENTION BASIN PROJECT
March 10, 2022

TASK DESCRIPTION	Environmental Manager	Senior Environmental Planner / Biologist / Archaeologist	Associate Environmental Planner / Biologist / Archaeologist	Environmental Planner / Biologist / Archaeologist	TOTAL HOURS	OTHER DIRECT COST	TOTAL COST
	$250	$180	$140	$110			
Envvironmental Permitting Services	6	24	78	105	213		$28,290
Task 1: Pre-Application Agency Coordination		8	8		16		$2,560
Task 2: CDFW §1600 Streambed Alteration Agreement	2	4	20	40	66		$8,420
Task 3: CWA §401 Water Quality Certification	2	4	25	30	61		$8,020
Task 4: CWA §404 Nationwide Permit Authorization (OPTIONAL)	2	8	25	35	70		$9,290
TOTAL HOURS	6	24	78	105	213		
TOTAL COST	$1,500	$4,320	$10,920	$11,550			$28,290

Attachment D

West Yost 2022 Billing Rate Schedule

2022 Billing Rate Schedule

(Effective January 1, 2022 through December 31, 2022)*

WEST YOST
Water. Engineered.

POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
ENGINEERING	
Principal/Vice President	$300
Engineer/Scientist/Geologist Manager I / II	$285 / $297
Principal Engineer/Scientist/Geologist I / II	$257 / $272
Senior Engineer/Scientist/Geologist I / II	$230 / $241
Associate Engineer/Scientist/Geologist I / II	$198 / $211
Engineer/Scientist/Geologist I / II	$158 / $184
Engineering Aide	$92
Field Monitoring Services	$85
Administrative I / II / III / IV	$81 / $102 / $123 / $136
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	$294 / $297
Principal Tech Specialist I / II	$270 / $280
Senior Tech Specialist I / II	$247 / $260
Senior GIS Analyst	$224
GIS Analyst	$212
Technical Specialist I / II / III / IV	$158 / $181 / $204 / $227
Technical Analyst I / II	$114 / $136
Technical Analyst Intern	$91
Cross-Connection Control Specialist I / II / III / IV	$117 / $128 / $144 / $160
CAD Manager	$179
CAD Designer I / II	$139 / $155
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	$288
Construction Manager I / II / III / IV	$175 / $187 / $200 / $252
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	$153 / $171 / $189 / $197
Apprentice Inspector	$139
CM Administrative I / II	$75 / $100
Field Services	$198

- Technology and Communication charges including general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses will be billed at 6% of West Yost labor.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- The Federal Mileage Rate will be used for mileage charges and will be based on the Federal Mileage Rate applicable to when the mileage costs were incurred. Travel other than mileage will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

* This schedule is updated annually

2022 Billing Rate Schedule

(Effective January 1, 2022 through December 31, 2022)*

WEST YOST
Water. Engineered.

Equipment Charges

EQUIPMENT	BILLING RATES
2" Purge Pump & Control Box	$270 / day
Aquacalc / Pygmy or AA Flow Meter	$28 / day
Emergency SCADA System	$35 / day
Gas Detector	$80 / day
Generator	$39 / day
Hydrant Pressure Gauge	$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	$55 / day
Hydrant Pressure Recorder, Standard	$40 / day
Low Flow Pump Controller	$75 / day
Powers Water Level Meter	$32 / day
Precision Water Level Meter	$19 / day
Stainless Steel Wire per foot	$0.03 / day
Storage Tank	$15 / day
Sump Pump	$24 / day
Transducer Components (per installation)	$23 / day
Trimble GPS – Geo 7x	$220 / day
Tube Length Counter	$22 / day
Turbidity Meter	$22 / day
Vehicle	$10 / day
Water Flow Probe Meter	$20 / day
Water Quality Meter	$27 / day
Water Quality Multimeter	$185 / day
Well Sounder	$30 / day

* This schedule is updated annually

2020 Research Park Drive
Suite 100
Davis CA 95618

530.756.5905 phone
530.756.5991 fax
westyost.com

November 14, 2022 SENT VIA: EMAIL

Mr. William Jow
Assistant Engineer
City of Yuba City
Public Works Department
1201 Civic Center Blvd.
Yuba City, CA 95993

SUBJECT: Proposal for Calibration of the Regional Drainage Model (Gilsizer Slough Portion)

Dear William:

West Yost is pleased to provide the City of Yuba City (City) with this proposal to calibrate the Gilsizer Slough portion of the regional drainage model. This work is to be completed jointly with the calibration of the Live Oak Canal portion, which will be funded by the Sutter County. The calibration will be based on the large October 2021 storm event and will cover both the Gilsizer Slough Watershed and the Live Oak Canal Watershed.

SCOPE OF SERVICES

The scope of services is described below by work task.

Task 1. Data Collection

The City and County are to provide the following:

- Photographs of the flooding along with concise descriptions of the photo locations.
- Stage and flow data for the new gages in both the Gilsizer Slough and Live Oak Canal.
- North Gilsizer Detention Basin stage data (if available) and pump operation records.
- Rain records for all available City or County rain gages and the gage locations.

West Yost will also obtain the California Irrigation Management Information System rain gage data, and we will attempt to obtain pump operation data for the California Department of Water Resources pump stations.

As a subconsultant to West Yost, Slooten Engineering will survey up to 5 water surface elevations (WSEs) based on flood photos to the best of their ability. Slooten will also verify the elevation datums for the gages in both the Gilsizer Slough and Live Oak Canal. Slooten Engineering will provide up to half a day of surveying.

Task 1 Deliverables

- Summary of the collected data

Task 2. Model the October 2021 Storm Event Using the Previously Verified Model and Assess the Adequacy of the Previous Verification

The regional model was previously verified by running the 3-year design storm and having City and County staff verify that the model results were generally consistent with the regularly observed flooding. At that time, there was not flow or stage data available for a model calibration.

We will run the October 2021 Storm event with the previously verified model. We will prepare up to three comparison stagegraphs and three comparison hydrographs. We will compare the pump station operation data with the pump station operations from the model. We will compare the estimated WSEs from the flood photos with the modeled WSEs.

We will summarize these evaluations in a concise Draft Technical Memorandum (TM). The TM will provide an overall assessment of the adequacy of the past model verification and, if needed, provide recommendations of how to calibrate the model using the now-available data. We will meet with City and County staff to discuss the findings in the TM.

Task 2 Deliverables

- Draft TM

Task 3. Calibrate the Model using the October 2021 Storm Event and the Now-Available Data

This task will be implemented after the meeting from Task 2 and only if City and County staff agree this calibration task is needed.

We will revise the model input data to better match the now-available data. We anticipate the infiltration rates will be adjusted if they achieve better agreement of the overall runoff volumes. Other variables will be adjusted to achieve better agreement of the peak flows and maximum WSEs.

We will revise the Task 2 work products to also include a description of the calibration process and the results from the calibrated model. We will finalize the Draft TM (from Task 2) by including the results of Task 3.

BUDGET AND SCHEDULE

The proposed budget is shown in Table 1 by task. West Yost will perform the scope of services described above on a time-and-expenses basis at the billing rates established in the attached rate schedule. Any additional services not included in this Scope of Work will be performed only after receiving a written amendment to the contract. Task 2 will be completed within three weeks after receiving all the available data from the City, County, and State. Task 3 work will take place three weeks after the Task 2 meeting and receiving direction to perform Task 3.

Table 1. Budget and Schedule Summary	
Task	Cost, dollars
Task 1. Data Collection	2,950
Task 2. Model the October 2021 Storm Event Using the Previously Verified Model and Assess the Adequacy of the Previous Verification	2,900
Task 3. Calibrate the Model using the October 2021 Storm Event and the Now Available Data	4,300
Total	**$10,150**

Please let me know if you have any questions or comments.

Sincerely,

WEST YOST

Douglas T. Moore, PE
Engineering Manager
RCE #58122

2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*

WEST YOST
Water. Engineered.

POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
ENGINEERING	
Principal/Vice President	$318
Engineer/Scientist/Geologist Manager I / II	$303 / $315
Principal Engineer/Scientist/Geologist I / II	$273 / $288
Senior Engineer/Scientist/Geologist I / II	$244 / $255
Associate Engineer/Scientist/Geologist I / II	$204 / $217
Engineer/Scientist/Geologist I / II	$163 / $190
Engineering Aide	$95
Field Monitoring Services	$118
Administrative I / II / III / IV	$85 / $108 / $131 / $144
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	$312 / $315
Principal Tech Specialist I / II	$286 / $297
Senior Tech Specialist I / II	$262 / $276
Senior GIS Analyst	$238
GIS Analyst	$225
Technical Specialist I / II / III / IV	$168 / $192 / $216 / $241
Technical Analyst I / II	$121 / $144
Technical Analyst Intern	$97
Cross-Connection Control Specialist I / II / III / IV	$125 / $136 / $152 / $170
CAD Manager	$190
CAD Designer I / II	$147 / $165
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	$306
Construction Manager I / II / III / IV	$185 / $199 / $212 / $268
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	$163 / $181 / $201 / $209
Apprentice Inspector	$147
CM Administrative I / II	$79 / $106
Field Services	$210

- Technology and Communication charges including general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses will be billed at 6% of West Yost labor.
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Aquacalc / Pygmy or AA Flow Meter	$28 / day
Emergency SCADA System	$35 / day
Field Vehicles (Groundwater)	$1 / mile
Gas Detector	$80 / day
Generator	$60 / day
Hydrant Pressure Gauge	$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	$55 / day
Hydrant Pressure Recorder, Standard	$40 / day
Low Flow Pump Back Pack	$135 / day
Low Flow Pump Controller	$200 / day
Powers Water Level Meter	$32 / day
Precision Water Level Meter 300ft	$30 / day
Precision Water Level Meter 500ft	$40 / day
Precision Water Level Meter 700ft	$45 / day
QED Sample Pro Bladder Pump	$65 / day
Stainless Steel Wire per foot	$0 / day
Storage Tank	$20 / day
Sump Pump	$24 / day
Transducer Components (per installation)	$23 / day
Trimble GPS – Geo 7x	$220 / day
Tube Length Counter	$22 / day
Turbidity Meter	$30 / day
Vehicle (Construction Management)	$10 / hour
Water Flow Probe Meter	$20 / day
Water Quality Meter	$50 / day
Water Quality Multimeter	$185 / day
Well Sounder	$30 / day

* This schedule is updated annually

2020 Research Park Drive
Suite 100
Davis CA 95618

530.756.5905 phone
530.756.5991 fax
westyost.com

November 14, 2022

SENT VIA: EMAIL

*Amendment 1 Additional Work

Mr. William Jow
Assistant Engineer
City of Yuba City
Public Works Department
1201 Civic Center Blvd.
Yuba City, CA 95993

SUBJECT: Proposal for Calibration of the Regional Drainage Model (Gilsizer Slough Portion)

Dear William:

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Task 2 Deliverables

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We will revise the Task 2 work products to also include a description of the calibration process and the results from the calibrated model. We will finalize the Draft TM (from Task 2) by including the results of Task 3.

BUDGET AND SCHEDULE

The proposed budget is shown in Table 1 by task. West Yost will perform the scope of services described above on a time-and-expenses basis at the billing rates established in the attached rate schedule. Any additional services not included in this Scope of Work will be performed only after receiving a written amendment to the contract. Task 2 will be completed within three weeks after receiving all the available data from the City, County, and State. Task 3 work will take place three weeks after the Task 2 meeting and receiving direction to perform Task 3.

Table 1. Budget and Schedule Summary	
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Total	**$10,150**

Please let me know if you have any questions or comments.

Sincerely,

WEST YOST

Douglas T. Moore, PE
Engineering Manager
RCE #58122

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(Effective January 1, 2023 through December 31, 2023)*

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Water. Engineered.

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- The Federal Mileage Rate will be used for mileage charges and will be based on the Federal Mileage Rate applicable to when the mileage costs were incurred. Travel other than mileage will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

* This schedule is updated annually

2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*

WEST YOST
Water. Engineered.

Equipment Charges

EQUIPMENT	BILLING RATES
2" Purge Pump & Control Box	$300 / day
Aquacalc / Pygmy or AA Flow Meter	$28 / day
Emergency SCADA System	$35 / day
Field Vehicles (Groundwater)	$1 / mile
Gas Detector	$80 / day
Generator	$60 / day
Hydrant Pressure Gauge	$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	$55 / day
Hydrant Pressure Recorder, Standard	$40 / day
Low Flow Pump Back Pack	$135 / day
Low Flow Pump Controller	$200 / day
Powers Water Level Meter	$32 / day
Precision Water Level Meter 300ft	$30 / day
Precision Water Level Meter 500ft	$40 / day
Precision Water Level Meter 700ft	$45 / day
QED Sample Pro Bladder Pump	$65 / day
Stainless Steel Wire per foot	$0 / day
Storage Tank	$20 / day
Sump Pump	$24 / day
Transducer Components (per installation)	$23 / day
Trimble GPS – Geo 7x	$220 / day
Tube Length Counter	$22 / day
Turbidity Meter	$30 / day
Vehicle (Construction Management)	$10 / hour
Water Flow Probe Meter	$20 / day
Water Quality Meter	$50 / day
Water Quality Multimeter	$185 / day
Well Sounder	$30 / day

* This schedule is updated annually

Exhibit B

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into as of 4/5/2022, by and between the City of Yuba City, a municipal corporation ("City") and West Yost & Associates, Inc. ("Consultant").

RECITALS

A. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and

B. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein; and

C. City desires to retain Consultant to render professional services as set forth in this Agreement.

AGREEMENT

1. Scope of Services. The Consultant shall furnish the following services in a professional manner.

See Attached Scope of Services
(Attachment 1, including Task 7. Optional Tasks)

2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is completed and approved by the City. Finalization shall be completed at the direction of the City of Yuba City.

3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit A, which is attached hereto and incorporated herein by reference. In no event shall Consultant's compensation exceed $180,093 without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's invoices shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenses. City shall pay Consultant not later than 30 days after approval of the monthly invoice by City staff. When payments made by the City equal 90% of the maximum fee provided for in this Agreement, no further payments shall be made until the final work under this Agreement has been accepted by City.

5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of

the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from City.

6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination. Such compensation is subject to the conditions of Section 4 of this agreement.

7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees, agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon request.

* Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). Consultant shall require all subcontractors to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regards to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the City. City shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant, which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or

radio production or other similar medium without the prior written consent of City.

8. Consultant's Books and Records:

   a. Consultant shall maintain any and all ledgers, books of accounts, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
   b. Consultant shall maintain all documents and records which demonstrated performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
   c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Auditor or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.
   d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to such records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

9. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

   Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

   a. Will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and

b. Possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(B)(2).)

10. Interest of Consultant. Consultant (including principals, associates and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

11. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide properly skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

12. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.

13. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature, which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Consultant to practice its profession. Consultant shall maintain a City of Yuba City business license.

14. Indemnity. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs, including attorney fees and expenses in connection therein), arising out of the performance of this Agreement in whole or in part by any negligent act or omission of the Consultant, or anyone directly or indirectly employed by the Consultant or anyone for whose acts the Consultant may be liable, or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising out of the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.

15. Insurance Requirements. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the contract, necessary insurance policies as described in Exhibit B.

16. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City	William Jow Public Works Department City of Yuba City 1201 Civic Center Blvd Yuba City, CA 95993 (530) 822-4792
If to Consultant:	Jeff Pelz Principal-in-Charge West Yost & Associates, Inc. 2020 Research Park Drive Davis, CA 95618 (530) 574-4832

17. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

18. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.

19. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under the Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.

20. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.

21. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

22. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Sutter.

23. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.

24. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.

25. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

26. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

27. Prohibited Interest. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising there from.

28. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non- discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of City's Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF YUBA CITY:	**CONSULTANT:**
By: Diana Langley	By Greg Chung, Vice President
Diana Langley **City Manager** **City of Yuba City**	**Jeff Pelz** & Greg Chung **Principal-in-Charge** **West Yost & Associates, Inc.**

2020 Research Park Drive
Suite 100
Davis CA 95618

530.756.5905 phone
530.756.5991 fax
westyost.com

March 16, 2022 SENT VIA: EMAIL

Mr. William Jow
Assistant Engineer
City of Yuba City
Public Works Department
1201 Civic Center Blvd.
Yuba City, CA 95993

SUBJECT: Proposal for Engineering Services for Design of the Gilsizer North Detention Basin Improvements and the Gilsizer Slough at Lincoln Road Improvements

Dear William:

West Yost is pleased to provide the City of Yuba City (City) with this proposal to prepare plans, technical specifications, and cost estimates and to provide permitting services for the Design of the Gilsizer North Detention Basin Improvements and the Gilsizer Slough at Lincoln Road Improvements (Projects). West Yost is uniquely qualified to efficiently design these projects because we prepared predesign level Technical Memoranda (TMs) on each project on June 28, 2018, and because we developed the Gilsizer Slough drainage model, which will be used to verify design level water surface elevations and flow rates. This proposal covers design services based on the predesign TMs. The proposed scope of services, budget, and schedule are described below. Two days of surveying will be performed by Slooten Surveying as a subconsultant to West Yost. All geotechnical engineering work will be performed by Geocon Consultants, Inc. (GCI) as a subconsultant to West Yost (see Attachment A). All structural design work will be performed by VE Solutions (Bradley A. Freiderichs, SE) as a subconsultant to West Yost (see Attachment B). The Environmental Permitting will be performed by Dokken Engineering as a subconsultant to West Yost (see Attachment C).

SCOPE OF SERVICES

The scope of services is described below by work task.

Task 1. Project Management and Meetings

We will manage the project and project staff to ensure the project remains on budget and on schedule.

We will conduct a kickoff meeting with City staff (and County staff if they choose to participate in the design effort). The kickoff meeting will be conducted in-person and will include a site visit to each project site and improvement location. We will also discuss options for bidding and constructing the projects. We will prepare a summary of the kickoff meeting for review and approval by the City.

We will also conduct: 1) a 50% design review meeting via Microsoft Teams; 2) an on-site 90% design review meeting; and 3) a 100% design review meeting via Microsoft Teams. The purpose of the design review meetings is to obtain City (and County) comment on the design submittals.

Task 1 Deliverables
- Meeting agenda and notes

Task 2. Data Collection (Design Level Surveys and Geotechnical Evaluations)

All surveying will be performed by Slooten Surveying as a subconsultant to West Yost. Slooten Surveying will perform design level surveying of the Corp Yard fueling area, the North Gilsizer Detention Basin and Pump Station, and the Gilsizer Slough at Lincoln Road to 200 feet south of Lincoln Road.

All geotechnical engineering work will be performed by GCI. GCI will perform the geotechnical investigation at the Corp Yard fuel area for design of the fuel area roof. The geotechnical evaluation will include:

- Performing up to two borings at the Corp Yard fuel area
- Performing Laboratory testing to prepare design parameters
- Preparing a geotechnical engineering report

Task 2 Deliverables
- Topographic Survey in AutoCAD format
- Geotechnical Report

Task 3. Design of Trash Capture Facilities and Gilsizer North Detention Basin Improvements

This task includes design of the following items:

- Trash capture screen in Gilsizer Slough just south of Lincoln Road.
- Trash capture screen at the inlet to the North Gilsizer Detention Basin Pump Station.
- Bioswales from each storm drain outlet to the North Gilsizer Detention Basin trash capture screen. Culverts will be included in the bioswales to ensure vehicle access to all areas of the basin.
- Filling of the existing low flow channels in the bottom of the existing North Gilsizer Detention Basin.
- If authorized, grading the bottom of the basin to increase the storage volume to mitigate for future development in the tributary watershed (see optional subtask below).

The predesign TM also shows a baseball diamond and a pedestrian access gate from the existing nearby baseball fields in the project, but these two improvements are not included in this design task.

The design will include the following sheets:

- G1 – Title Sheet and Location Maps
- G2 – Abbreviations, Notes, and legend
- G3 – Overall Plan, Key Map, and Survey Control

- C1 – Gilsizer North Detention Basin Grading Plan (at 1 inch = 40 feet)
- C2 – Gilsizer North Detention Basin Bioswale Details and Sections (including seed mix)
- C3 – Gilsizer North Detention Basin Trash Screen Details and Sections
- C4 – Gilsizer Slough South of Lincoln Road Trash Screen Details and Sections
- S1 – Trash Screen Structural Design
- S2 – Trash Screen Structural Notes

The 65% design submittal will include Sheets G1 through C4. The 90%, 100%, and Final (for bid and construction) submittals will include all the design sheets (including Sheets S1 and S2).

We will prepare and submit draft technical specifications with the 90% design and final technical specifications with the 100% design. The following technical specifications are anticipated.

- 01010 Summary of Work
- 01140 Work Sequence and Constraints
- 01200 Measurement and Payment
- 01322 Construction Schedule
- 01325 Field Engineering
- 01330 Contractor Submittals
- 01450 Quality Control
- 01505 Mobilization
- 01500 Construction Facilities and Utilities
- 01560 Environmental Controls
- 01570 Storm Water Quality Control
- 01770 Project Closeout
- 01780 Record Drawings
- 01910 Hazardous Material Procedures
- 02017 Geotextile Fabrics
- 02081 Controlled Low Strength Material
- 02221 Demolition, Salvage, and Abandonment
- 02241 Control of Water
- 02200 Site Preparation
- 02260 Excavation Support and Protection
- 02300 Earthwork
- 02950 Site Restoration
- 02385 Rock Slope Protection
- 02925 Hydroseeding
- 03301 Cast-in-Place Concrete (for small projects)
- 05100 Structural Metals
- 02635 Reinforced Concrete Pipe
- 05501 Anchor Bolts

An Opinion of Probable Construction Cost (OPCC) will be prepared and submitted with the 50% and 90% submittals

Task 3 Deliverables

- Concept Drawings
- 50% Drawings and OPCC
- 90% Drawings, Technical Specifications, and OPCC
- 100% Drawings and Technical Specifications
- Final Submittal Including Signed Drawings and Signed Technical Specifications

Task 3 Assumptions

- All submittals will be in electronic PDF format

Task 4 Design of Corp Yard Improvements

This task includes design of the following items:

- Retractable tarps for material storage areas
- Permanent roof over Corp Yard fuel station and drainage and water quality requirements consistent with the Fueling Area design guidelines in the Sacramento Region Stormwater Quality Design Manual (to the extent possible given the existing site constraints)

The design will include the following sheets:

- G1 – Title Sheet and Location Maps
- G2 – Abbreviations, Notes, and legend
- G3 - Overall Plan, Key Map, and Survey Control
- C1 – Retractable Tarps and Associated Details
- C2 – Fueling Area Site Plan and Grading
- C3 – Fueling Area Details and Sections
- S1 – Fueling Area Roof Structural Design
- S2 – Fueling Area Structural Notes

The 50% design submittal will include Sheets G1 through C3. The 90%, 100%, and Final (for bid and construction) submittals will include all the design sheets (including Sheets S1 and S2).

We will prepare and submit draft technical specifications with the 90% design and final technical specification with the 100% design. The following technical specifications are anticipated.

- 01010 Summary of Work
- 01140 Work Sequence and Constraints
- 01200 Measurement and Payment
- 01322 Construction Schedule
- 01325 Field Engineering
- 01330 Contractor Submittals
- 01450 Quality Control
- 01505 Mobilization
- 01500 Construction Facilities and Utilities
- 01560 Environmental Controls
- 01570 Storm Water Quality Control
- 01770 Project Closeout
- 01780 Record Drawings
- 01910 Hazardous Material Procedures
- 02017 Geotextile Fabrics
- 02221 Demolition, Salvage, and Abandonment
- 02200 Site Preparation
- 02260 Excavation Support and Protection
- 02300 Earthwork
- 02950 Site Restoration
- 2953 Pavement Restoration
- 03301 Cast-in-Place Concrete (for small projects)
- 05100 Structural Metals
- 05120 Structural Steel
- 05300 Steel Roof Deck
- 05501 Anchor Bolts

An OPCC will be prepared and submitted with the 50% and 90% submittals

Task 4 Deliverables

- Concept Drawings
- 50% Submittal including C- Drawings and OPCC
- 90% Submittal Including all Drawings, Draft Technical Specifications and OPCC
- 100% Submittal Including all Drawings and Final Technical Specifications
- Final Submittal Including Signed Drawings and Signed Technical Specifications

Task 4 Assumptions

- All submittals will be in electronic PDF format

Task 5. Environmental Permitting Support

The following permits are anticipated for the Lincoln Road Trash Capture Screen and potentially also for the Gilsizer North Detention Basin Improvements:

- Pre-Application Agency Coordination
- California Department of Fish and Wildlife Stream Bed Alternation Agreement
- Clean Water Act Section 401 Certification

As a subconsultant to West Yost, Dokken Engineering will provide initial coordination with the permitting agencies, prepare the permit applications, and provide follow-up coordination with the permitting agencies. If needed, the Clean Water Act Section 404 USA Army Corps of Engineers permit application has been included as an optional task (Task 7 below).

This proposal does not include a California Environmental Quality Act (CEQA) evaluation nor associated cultural or biological data base evaluations or site-specific field evaluation. The City is to provide copies of the needed CEQA evaluation and associated studies for use for the environmental permitting applications and support.

Task 5 Deliverables

- Permit Pre-Application Coordination Summary emails, CDFW Streambed Alteration Agreement Application, CWA Section 401 Certification Application.

Task 6. Project–Specific Full Capture System Certification Application (Updated April 2021) Support

We will review the previously approved trash screens and devices that could be used at each of the trash capture sites (see Certified Full Capture System List of Trash Treatment Control Devices). We will also review the requirements for use of a detention basin for trash capture (see Detention Basins Multi-Benefit Trash Treatment Systems). We will try to identify trash screen technologies that have already been approved by the State and are suitable for use at each trash screen site. If approved technologies are available, we will discuss their use with you and jointly determine if the approved technologies should be used in the Task 2 design drawings. If no suitable technology exists already, we will prepare a Project–Specific Full Capture System Certification Application, including the required information that can be developed with the drainage model and the design effort. However, there may be some data that West Yost won't be able to generate, like the field/lab testing Information and analysis. Because it is

currently unclear if approved technologies are available or how much effort will be needed to gain approval of site-specific designs, we have allocated up to 24 hours for this task. We will not expend more than 24 hours of effort without your prior approval.

Task 6 Deliverables

- Project–Specific Full Capture System Certification Application 50% Submittal including C- Drawings and OPCC

Task 6 Assumptions

- Application will be submitted if no Certified Full Capture System Trash Treatment Control Devices are suitable for the Project
- Some data required for the application will need to be provided by others.

Task 7. Optional Tasks

Grade the basin to provide adequate additional detention storage to mitigate for development of the currently undeveloped parcels within the tributary watershed

If this optional subtask is authorized, we will run the drainage model for existing conditions and with full development of all the currently undeveloped parcels in the watershed tributary to the North Gilsizer Detention Basin for the 100-year storm. Using the model results, we will calculate the increase to the basin volume needed to mitigate for the development. We will document this evaluation (including a map of the parcels that are undeveloped now and assumed to develop in the future) in a concise TM. We will grade the basin to include the required increase in storage volume. The purpose for doing this grading is to eliminate one potential obstacle to future development (flood-related impacts from increased flows to the basin from development). Nevertheless, the development could result in other impacts that would still need to be mitigated (like increased flow in the tributary storm drains).

Although probably not needed, preparation of the Clean Water Act Section 404 Permit application is included as an optional task.

BUDGET AND SCHEDULE

The proposed budget is shown in Table 1 by task. West Yost will perform the scope of services described above on a time-and-expenses basis at the billing rates set forth in West Yost's attached Billing Rate Schedule (Attachment D). Any additional services not included in this Scope of Work will be performed only after receiving a written amendment to the contract. The budget shown in Table 1 does not include the optional task. The budget for the optional task is $16,342. We will only perform the optional task work with written approval from the City.

The schedule is based on receiving a fully executed contract and notice to proceed by April 1, 2022.

Table 1. Budget and Schedule Summary

Task	Schedule	Cost, dollars
Task 1. Project Management and Meetings	On-going, meetings coordinated with design submittals	20,730
Task 2. Data Collection (Design Level Surveys and Geotechnical Evaluations)	Surveying: April 30 Geotechnical Report: May 30	14,789
Task 3. Design of Trash Capture Facilities and Gilsizer North Detention Basin Improvements	Concepts: April 11 65%: May 30 90%: June 30 100%: July 22 Final Design: August 19 Draft Technical Specs: June 30 Final Technical Specs: July 22 Optional Task: April 30	62,863
Task 4. Design of Corp Yard Improvements	Concepts: April 11 50%: May 30 90%: June 30 100%: July 22 Final Design: August 19 Draft Technical Specs: June 30 Final Technical Specs: July 22	35,787
Task 5. Environmental Permitting Support	Draft Applications: June 30	23,621
Task 6. Project–Specific Full Capture System Certification Application (Updated April 2021) Support	Review Approved Systems: April 30 Certification Application: May 30	5,961
Total		**$163,751**

Please let me know if you have any questions or comments. We can revise this proposal to better match the City's design requirements and budget limitations if needed.

Sincerely,

WEST YOST

Douglas T. Moore, PE
Engineering Manager
RCE #58122

Attachment(s): A. Geocon Consultants, Inc. Proposal
B. VE Solutions, Inc. Proposal
C. Dokken Engineering Proposal
D. West Yost 2022 Billing Rate Schedule

Attachment A

Geocon Consultants Inc. Proposal

Proposal No. LS-22-96
March 11, 2022

Doug Moore
Engineering Manager
WEST YOST
2020 Research Park Drive, Suite 100
Davis, CA 95618
dmoore@westyost.com

Subject: PROPOSAL FOR GEOTECHNICAL INVESTIGATION
FUELING ISLAND CANOPY IMPORVEMENTS
YUBA CITY CORPORATION YARD
1185 MARKET STREET
YUBA CITY, CALIFORNIA

Mr. Moore:

In accordance with your request, we are pleased to submit this proposal to perform a geotechnical investigation for the proposed improvements for the fueling area at the City of Yuba City Corporation Yard located at 1185 Market Street in Yuba City, California.

BACKGROUND AND PURPOSE

To aid in preparing this proposal we have discussed the project with you and reviewed project information you provided. The project includes constructing a canopy over the existing fueling islands at the City Corporation Yard. The canopy will likely be supported on cast-0in-drilled-hole (CIDH) concrete piers or conventional spread footings.

The purpose of our geotechnical investigation will be to evaluate subsurface conditions at the site and provide geotechnical recommendations for design and construction of the proposed project. Our investigation will include a field exploration program, geotechnical laboratory testing, engineering analysis, and report preparation.

SCOPE OF SERVICES

Based on our understanding of the project, we propose the following scope of services:

- Perform a limited geologic literature review to aid in evaluating the geologic conditions present at the site.
- Review available design plans to select exploratory excavation locations.
- Perform a site reconnaissance to review project limits and mark out exploratory excavation locations for subsequent utility clearance.
- Notify subscribing utility companies via Underground Service Alert (USA) a minimum of two business days (as required by law) prior to performing exploratory borings at the Site.
- Drill up two exploratory borings within/near the proposed improvement area to a depth of approximately 15 feet using a truck-mounted drill rig equipped with hollow-stem augers.

- Obtain representative soil samples from the exploratory borings.
- Log the borings in accordance with the Unified Soil Classification System.
- Upon completion, backfill borings with the drill cuttings or neat cement grout.
- Perform laboratory tests to evaluate pertinent geotechnical parameters.
- Analyze the field and laboratory testing data and prepare a letter report with our conclusions and recommendations. Our report will include (but not be limited to) the following:
    - Site plan showing locations of exploratory borings
    - Description of site geology and logs of subsurface conditions
    - Geotechnical laboratory test results
    - Summary of geotechnical constraints and mitigation alternatives (if required)
    - Foundation design recommendations and nparameters: recommended foundation type(s), allowable bearing capacity, recommended dimensions, estimated settlement
    - Code-based seismic design criteria (2019 California Building Code)

An electronic (PDF) version of the draft geotechnical investigation report will be submitted. Upon receipt of review comments, we will incorporate comments and submit a final report in PDF format.

ASSUMPTIONS AND LIMITATIONS

Our scope of services and fees are based on:

- The client will coordinate site access and permission to enter.
- The site is accessible to truck-mounted drilling equipment.
- Site plans provided for our use will show the locations of all underground utility lines and structures. We will not be responsible for damage to any such lines or structures that are not shown accurately on the plans provided to us or properly marked by USA subscriber companies.
- The scope of services detailed in this proposal does not include the evaluation or identification of environmental contamination.

PROPOSED FEE

We propose to perform the scope of services described herein for a lump sum fee of $7,500.

Our services will be provided in accordance with the enclosed *2022 Schedule of Fees/Terms and Conditions,* which is incorporated into and made a part of this proposal. If unforeseen conditions are encountered, or if we experience delays or circumstances beyond our control, we will notify you immediately to discuss modifications to the scope of services and/or project fees.

CONTRACT EXECUTION

If this proposal is acceptable, please issue a *Professional Services Agreement* for our review. We will commence with the scope of services outlined herein upon receipt of your written authorization; however, services provided by Geocon will be pursuant to the terms stated in our *2022 Schedule of Fees* until or unless a mutually agreed upon, negotiated contract is finalized.

We appreciate the opportunity to provide a proposal for geotechnical services on this project. Please contact us if you have any questions concerning the contents of this proposal or if we may be of further service.

Respectfully submitted,

GEOCON CONSULTANTS, INC.

Jeremy J. Zorne, PE, GE
Senior Engineer

Attachment: 2022 Schedule of Fees

GEOCON
CONSULTANTS, INC.
GEOTECHNICAL ■ ENVIRONMENTAL ■ MATERIALS

2022 SCHEDULE OF FEES

PROFESSIONAL SERVICES

Engineering Assistant/Laboratory Technician	$85/hr.
Engineering Field Technician/Special Inspector I	85/125(PW)*/hr.
Engineering Field Technician/Special Inspector II	95/135(PW)*/hr.
Engineering Field Technician/Special Inspector III/Equipment Operator	105/145(PW)*/hr.
Word Processor/Technical Editor/Draftsman	85/hr.
Research Assistant/Technical Illustrator/Senior Draftsman	100/hr.
Project Coordinator/GIS Specialist	110/hr.
Staff Engineer/Geologist/Scientist/Field Supervisor	125/hr.
Senior Staff Engineer/Geologist/Scientist	135/hr.
Project Engineer/Geologist/Scientist/Construction Supervisor	145/hr.
Senior Project Engineer/Geologist/Scientist	160/hr.
Senior Engineer/Geologist/Scientist/Certified Industrial Hygienist	175/hr.
Associate Engineer/Geologist/Scientist	200/hr.
Principal Engineer/Geologist/Scientist/Litigation Support	240/hr.
Deposition or Court Appearance	400/hr.
Attorney Fees (General)	350/hr.
Overtime (>8 to 12 hrs.), Saturday, and Night Rate	1.5X Regular Hourly Rate
Overtime (>12 hrs.), Sunday, and Holiday Rate	2X Regular Hourly Rate
Minimum Professional Fee	$500/Project
Minimum Field Services Fee (per day or call-out)	4 Hours

*Prevailing Wage (PW) per requirements of California Labor Code §720, et. Seq.

TRAVEL

Personnel	Regular Hourly Rate
Subsistence (Per Diem)	$200/day
Vehicle Mileage	0.75/mile

EQUIPMENT & ANALYTICAL TESTS

Nuclear Gauge	Included in Technician Hourly Rate
Pick-up Truck	$125/day
Equipment Truck	200/day
Direct-Push Rig/Operator	185/225(PW)*/hr.
Direct-Push Sample Liner	10/ea.
Equipment Trailer	100/day
Wenner 4-Pin Earth Resistivity Meter	150/day
Coring Machine (concrete, asphalt, masonry)	200/day
Dynamic Cone Penetrometer	250/day
Dilatometer (DMT) Test Equipment	800/day
Generator or Air Compressor	150/day
GPS Unit	160/day
Drive-Tube Sampler or Hand-Auger	50/day
Soil Sample Tube (Brass or Stainless)	10/ea.
Water Level Indicator	40/day
Battery-Powered Pump	75/day
Photo-Ionization Meter	150/day
Level D PPE/Decon Rinse Equipment	$50/day
pH/Conductivity/Temperature Meter	60/day
55-gallon drum	65/ea.
TPHg (EPA 8015M)	90/ea.
TPHd/mo (EPA 8015M)	80/ea.
Fuel Oxygenate Compounds (EPA 8260B)	110/ea.
Volatile Organic Compounds (EPA 8260B)	150/ea.
Semi-Volatile Organic Compounds (EPA 8270)	300/ea.
CAM 17 Metals (EPA 6010B)	170/ea.
Single Metal (EPA 6010B)	30/ea.
STLC or TCLP Extraction	75/ea.
Soil pH (EPA 9045C)	25/ea.
Organochlorine Pesticides (EPA 8081)	125/ea.
Naturally Occurring Asbestos (CARB 435)	90/ea.
Asbestos PLM	20/ea.
Asbestos 1,000-pt Count	80/ea.
48-hr/24-hr Turnaround Time	60%/100% surcharge

LABORATORY TESTS

COMPACTION CURVES

4-inch mold (D1557/D698)	$225/ea.
6-inch mold (D1557/D698)	225/ea.
California Impact (CAL216)	225/ea.
Check Point	100/ea.

SOIL AND AGGREGATE STABILITY

Resistance Value, R-Value (D2844/CAL301)	$300/ea.
R-Value, Treated (CAL301)	325/ea.
California Bearing Ratio (D1883)	175/pt.
Stabilization Ability of Lime (C977)	180/ea.

SOIL AND AGGREGATE PROPERTIES

#200 Wash (D1140/C117)	$90/ea.
Wet Sieve Analysis to #200 (D422/CAL202)	120/ea.
Dry Sieve Analysis, 1.5"+ Aggregate (D6913)	350/ea.
Hydrometer Analysis (D422)	165/ea.
Sieve Analysis with Hydrometer (D422)	200/ea.
Specific Gravity, Soil (T100)	100/ea.
Specific Gravity Coarse Aggregate (C127)	60/ea.
Specific Gravity Fine Aggregate (C128)	75/ea.
Moisture Determination, tube sample (D2216)	$20/ea.
Moisture Determination and Unit Weight (D2937)	40/ea.
Atterberg Limits: Plasticity Index (D4318)	200/ea.
Sand Equivalent (D2419/CAL217)	100/ea.
pH and Resistivity (CAL643)	120/ea.
Sulfate Content (CAL417)	90/ea.
Chloride Content (CAL422)	50/ea.
Organic Content (D2974)	65/ea.
Cut/Extract Shelby Tube	100/ea.

SHEAR STRENGTH

Unconfined Compression (D2166)	$100/ea.
Direct Shear (3 pts.)(D3080)	325/ea.
Unconsolidated-Undrained Triaxial Shear (D2850)	125/pt.
Unconsolidated-Undrained Triaxial Staged (D2850)	175/ea.
Consolidated-Undrained Triaxial Shear (D4767)	300/pt.
Consolidated-Undrained Triaxial Staged (D4767)	375/ea.
Consolidated-Drained Triaxial Shear (EM1110)	400/pt.
Consolidated-Drained Triaxial Staged (EM1110)	500/ea.

PERMEABILITY, CONSOLIDATION AND EXPANSION

Permeability, Flexible Wall (D5084)	$300/ea.
Permeability, Rigid Wall (D5856)	300/ea.
Consolidation (D2435)	60/pt.
Expansion Index (D4829/UBC 29-2)	225/ea.
Swell/Collapse (D4546)	165/pt.

AGGREGATE QUALITY

Sieve Analysis to #200 (C136)	$120/ea.
L.A. Rattler Test (500 rev.) (C131)	200/ea.
Durability Index (D3744/CAL229)	165/ea.
Fine Aggregate Angularity (CAL 234)	125/ea.
Flat and Elongated Particles (D4791/CAL 235)	150/ea.
Percent Crushed Particles (CAL205)	150/ea.

CONCRETE / MASONRY / REINFORCING STEEL

Compressive Strength, Cast Cylinders (C39)	$30/ea.
Compressive Strength, Cores (C42)	60/ea.
Flexural Strength Beam (C78/C293)	80/ea.
Splitting Tensile Test (C496)	80/ea.
DSA Masonry Shear (DSA-207)	75/ea.
Shotcrete Panel Coring and Comp. Strength (C1140)	80/ea.
Rebar Tensile / Bend (up to #11/#11 and Larger)	200/250/ea.
CMU Compressive Strength (C140)	100/ea.
Compressive Strength, Grout (C1019/UBC 21-19)	30/ea.
Compressive Strength, Mortar (C109/UBC 21-15,16)	30/ea.
CMU Unit Wt., Dimen., Absorption (C140)	75/ea.
Compressive Strength, Masonry Prism (C1314)	250/ea.

HOT MIX ASPHALT

HMA Air Voids, Gyratory (T269)	$525/ea.
Hamburg Wheel Tracker (T324)	1,000/ea.
Theoretical Max. Specific Gravity (D2041/CAL309)	175/ea.
Ignition/Sieve Analysis (C136/CAL202)	220/ea.
HMA Core Unit Weight (D1188/CAL308)	100/ea.
% Asphalt, Ignition Method (D6307/CAL382)	125/ea.
% Asphalt, Ignition Calibration (D6307/CAL382)	400/ea.
Tensile Strength Ratio (T283)	1,000/ea.

***2X surcharge on rush turnaround for laboratory testing**

TERMS AND CONDITIONS

1. Listed are typical charges for the services most frequently performed by Geocon. Prices for unlisted services as well as special quotations for programs involving volume work will be provided upon request. Laboratory test prices shown are for laboratory work only, and include reporting of routine results not calling for comments, recommendations or conclusions.
2. Sampling and testing is conducted in substantial conformance with the latest applicable or designated specifications of the American Society for Testing and Materials, Caltrans, American Association of State Highway and Transportation Officials, or other pertinent agencies.
3. Saturday, night work, and overtime hours are charged at time and one-half; Sundays and holidays at double time. Per diem may apply when location of work dictates.
4. Equipment and materials will be billed at cost plus 15%. Outside services including subcontractors and rental of special equipment are billed at cost plus 15%. Hourly services are billed portal to portal from closest office in accordance with the stated hourly rates herein, with a minimum four-hour charge.
5. Invoices will be submitted at four-week intervals. Terms of payment are met upon presentation of invoice. Invoices become delinquent thirty (30) days from invoice date and subject to one and one-half percent (1-1/2%) service charge per month, or the maximum rate allowed by law, whichever is lower. If Client objects to all or any portion of any invoice, Client will so notify Geocon in writing within fourteen (14) calendar days of the invoice date, identify the cause of disagreement, and pay that portion of the invoice not in dispute. The parties will immediately make every effort to settle the disputed portion of the invoice. Payment on delinquent invoices will first be applied to accrued interest and then to the principal amount. All time spent and expenses incurred (including any attorney's fees and costs) in connection with collection of any delinquent amount will be paid by Client to Geocon per Geocon's current fee schedule.
6. Client and Geocon shall allocate certain of the risks so that, to the fullest extent permitted by law, Geocon's (the term "Geocon" includes Geocon's partners, officers, directors, employees, agents, affiliates, subcontractors and subconsultants) total aggregate liability to Client *is limited to the greater of **$10,000** or the total compensation received from Client by Geocon for services rendered on this project, for any and all of Client's injuries, damages, claims, losses, expenses, or claim expenses arising out of this Agreement from any cause or causes, including attorneys' fees and costs which may be awarded to the prevailing party, and Client agrees to indemnify and hold harmless Geocon from and against all liabilities in excess of the monetary limit established above.*

   Client and Geocon shall allocate certain of the other risks so that, to the fullest extent permitted by law, Client shall limit Geocon's total aggregate liability to all third parties, including contractors, subcontractors of all tiers, materialmen, and others involved in Client's project, as well as persons and other entities not involved in the project, to *the greater* of ***$20,000*** *or the total compensation received from Client by Geocon for services rendered on this project, for any and all injuries, damages, cause or causes, including attorneys' fees and costs which may be awarded to the prevailing party, and Client agrees to indemnify and hold harmless Geocon from and against all liabilities in excess of the monetary limit established above, including all liability incurred by Geocon for acts, errors, or omissions, pursuant to entering into agreements with third parties on behalf of Client in order to obtain access or entry onto property not owned by Client. Client agrees to notify all contractors and subcontractors of any limitation of Geocon's liability to them, and require them to abide by such limitation for damages suffered by any contractor or subcontractor arising from Geocon's actions or inactions. Neither the contractor nor any subcontractor assumes any liability for damages to others which may arise on account of Geocon's actions or inactions.*

Attachment B

VE Solutions, Inc. Proposal

Note: VE Solutions agreed to a 10 percent budget reduction from the amounts shown in this budget. Also, engineering services during construction (ESD) are not included in this proposal.

VE SOLUTIONS

Task Order Agreement

VE Solutions, Inc.
7777 Greenback Lane, Suite 104
Citrus Heights, CA 95610
bradf@vesolutions.net
(916) 505-0519

Client: West Yost & Associates
2020 Research Park Dr., Ste 100
Davis, CA 95618

Date: March 10, 2022

Project Name/Location: Gilsizer North Detention Basin Structures

VES Project No.: 22021

Project Description: Structural engineering services for:

1. A 2 ft max high structural steel trash capture screen. The screen will be attached to an existing concrete slab and will be designed to resist full unbalanced water head on one side.
2. A max 20' x 20' x 20' high structural steel canopy over an existing fuel station. The canopy will be supported on new concrete spread footings or drilled piers.

A geotechnical report will be prepared by others.

Scope of Services: Prepare structural engineering plans and calculations for the project described above. Review rfi's and submittals during construction. Documents will be signed and sealed by a California registered structural engineer.

Fee Arrangement: Design: $12,000; ESDC: $2,500; Total $14,500

Limitation of Liability: $1,000,000

Special Conditions: none

Offered by:		**Accepted by:**	
3/10/2022			
signature	date	signature	date
Brad Friederichs, President	S2780		
name/title	*CA License*	*name/title*	
VE Solutions, Inc.			
		Client	

The Terms and Conditions of this agreement are in accordance with the Task Order Agreement dated September 27, 2017

VE SOLUTIONS

Task Order Agreement

VE Solutions, Inc.
7777 Greenback Lane, Suite 104
Citrus Heights, CA 95610
bradf@vesolutions.net
(916) 505-0519

Client: West Yost & Associates
2020 Research Park Dr., Ste 100
Davis, CA 95618

Date: March 10, 2022

Project Name/Location: Gilsizer Slough Trash Capture Device

VES Project No.: 22022

Project Description: Structural engineering services for 5 ft high structural steel screen to span across an existing channel. The structure will resist full unbalanced water head on one side. It will be supported on a new concrete slab.

Scope of Services: Prepare structural engineering plans and calculations for the project described above. Review rfi's and submittals during construction. Documents will be signed and sealed by a California registered structural engineer.

Fee Arrangement: Design: $11,500; ESDC: $2,500; Total $14,000

Limitation of Liability: $1,000,000

Special Conditions: none

Offered by:		**Accepted by:**	
	3/10/2022		
signature	date	signature	date
Brad Friederichs, President	S2780		
name/title	*CA License*	*name/title*	
VE Solutions, Inc.			
		Client	

The Terms and Conditions of this agreement are in accordance with the Task Order Agreement dated September 27, 2017

Attachment C

Dokken Engineering Proposal

Note: Dokken Engineering agreed to a 5 percent budget reduction from the amounts shown in this budget. Also, the Clean Water Act Section 404 Nation Wide Permit Task (OPTIONAL) and the associated budget are included in the optional task of this proposal.

March 11, 2022

Doug Moore
Engineering Manager
West Yost
2020 Research Park Drive, Suite 100
Davis, CA 95618

RE: Scope and Fee for Environmental Permitting Services for the Gilsizer Slough Trash Capture Project and the Gilsizer North Detention Basin Project in Yuba City

Mr. Doug Moore,

Enclosed is a scope of services and fee for Dokken Engineering to obtain the necessary environmental permits for the planned Gilsizer Slough Trash Capture Project and the Gilsizer North Detention Basin Project in Yuba City. It is our understanding that Gilsizer Slough is a realigned natural channel with historic hydrologic connection to the Feather River and is therefore considered a Water of the U.S. and Water of the State. As such, environmental permits under the Clean Water Act and State of California Fish and Game Code must be obtained prior to the start of construction. Environmental Analysis under the California Environmental Quality Act (CEQA) is being completed by the City and is not included in this scope of work.

The southwestern terminus of Gilsizer slough is known to support stable populations of special status species including giant garter snake (*Thamnophis gigas*) and tricolor blackbird (*Agelaius tricolor*). The proposed Gilsizer Slough Trash Capture Project at Lincoln Rd. does not provide habitat for these species and is located approximately 10 miles upstream of this habitat area and there is no suitable habitat for these species farther upstream in the watershed. It is therefore unlikely that these species will be impacted by either project and this scope of work assumes that the project will not result in "take" of any species listed as threatened or endangered by either the Federal Endangered Species Act or California Endangered Species Act.

<u>Scope of Work</u>

Task 1: Pre-Application Agency Coordination
Prior to beginning the permit application process, Dokken will present the proposed project features to our contacts at the regulatory agencies and receive initial feed back on the permitting effort that will be required for both projects. The agencies contacted will include the California Department of Fish and Wildlife (CDFW), the Central Valley Regional Water Quality Control Board (RWQCB), and the United States Army Corps of Engineers (USACE). This early coordination effort will ensure the permit applications contain only the project features that require environmental permits, streamlining the permitting process and potentially reducing permitting and mitigation costs.

Task 2: California Fish and Game Code §1600 Streambed Alteration Agreement
Dokken will prepare the necessary components of a Notification of Streambed Alteration Package for submittal to CDFW via the department's online permitting portal the *Electronic Permitting Information and Management System* (EPIMS). Dokken will work with City staff to set up an EPIMS account for the City and Dokken will take the lead on submitting the application through EPIMS. Dokken will review the draft permit prior to City signature to ensure permit conditions to not cause constructability issues.

Task 3: Clean Water Act §401 Water Quality Certification
Dokken will prepare a Water Quality Certification application package for submittal to the RWQCB. Dokken will follow up with RWQCB staff following submittal of the application package periodically to ensure timely review of application materials. Dokken will review the draft permit prior to City signature to ensure permit conditions to not cause constructability issues.

Task 4: Clean Water Act §404 Nationwide Permit Authorization (OPTIONAL)
The proposed projects appear to be consistent with Nationwide Permit 25 – Structure Discharges. Use of this Nationwide Permit does not require submitting a Pre-Construction Notification to the Army Corps of Engineers if all General and Regional Conditions specified in this Nationwide Permit are met. Based on a review of the project plans and the Nationwide Permit conditions, these projects are anticipated to qualify for coverage under a non-notifying NWP-25.

If during pre-application agency coordination, USACE determines that Pre-Construction Notification is required, this optional task will include preparation of a PCN, coordination with USACE, and review of the draft permit prior to City signature.

Fee For Services

The total cost for each scope item listed above is included below. This fee estimate assumes Yuba City will be responsible for paying application fees required by the regulatory agencies. A breakdown of the hours needed to complete each task is included on the following page.

Task 1: Pre-Application Agency Coordination - $2,560

Task 2: CDFW §1600 Streambed Alteration Agreement - $8,420

Task 3: CWA §401 Water Quality Certification - $8,020

Task 4: CWA §404 Nationwide Permit (OPTIONAL) - $9,290

Please feel free to contact me at ssalembier@dokkenengineering.com or by phone at (916) 858-0642 if you need anything else for your review of this project.

Thank you,

Scott Salembier

Scott Salembier
Associate Environmental Planner/Biologist
ISA Certified Arborist
Dokken Engineering
110 Blue Ravine Rd. #200
Folsom, CA 95630

DOKKEN ENGINEERING

COST PROPOSAL - HOURS BREAKDOWN BY TASK
GILSIZER SLOUGH TRASH CAPTURE &
NORTH DETENTION BASIN PROJECT
March 10, 2022

TASK DESCRIPTION	Environmental Manager	Senior Environmental Planner / Biologist / Archaeologist	Associate Environmental Planner / Biologist / Archaeologist	Environmental Planner / Biologist / Archaeologist	TOTAL HOURS	OTHER DIRECT COST	TOTAL COST
	$250	$180	$140	$110			
Envvironmental Permitting Services	6	24	78	105	213		$28,290
Task 1: Pre-Application Agency Coordination		8	8		16		$2,560
Task 2: CDFW §1600 Streambed Alteration Agreement	2	4	20	40	66		$8,420
Task 3: CWA §401 Water Quality Certification	2	4	25	30	61		$8,020
Task 4: CWA §404 Nationwide Permit Authorization (OPTIONAL)	2	8	25	35	70		$9,290
TOTAL HOURS	6	24	78	105	213		
TOTAL COST	$1,500	$4,320	$10,920	$11,550			$28,290

Attachment D

West Yost 2022 Billing Rate Schedule

2022 Billing Rate Schedule

(Effective January 1, 2022 through December 31, 2022)*

WEST YOST
Water. Engineered.

POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
ENGINEERING	
Principal/Vice President	$300
Engineer/Scientist/Geologist Manager I / II	$285 / $297
Principal Engineer/Scientist/Geologist I / II	$257 / $272
Senior Engineer/Scientist/Geologist I / II	$230 / $241
Associate Engineer/Scientist/Geologist I / II	$198 / $211
Engineer/Scientist/Geologist I / II	$158 / $184
Engineering Aide	$92
Field Monitoring Services	$85
Administrative I / II / III / IV	$81 / $102 / $123 / $136
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	$294 / $297
Principal Tech Specialist I / II	$270 / $280
Senior Tech Specialist I / II	$247 / $260
Senior GIS Analyst	$224
GIS Analyst	$212
Technical Specialist I / II / III / IV	$158 / $181 / $204 / $227
Technical Analyst I / II	$114 / $136
Technical Analyst Intern	$91
Cross-Connection Control Specialist I / II / III / IV	$117 / $128 / $144 / $160
CAD Manager	$179
CAD Designer I / II	$139 / $155
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	$288
Construction Manager I / II / III / IV	$175 / $187 / $200 / $252
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	$153 / $171 / $189 / $197
Apprentice Inspector	$139
CM Administrative I / II	$75 / $100
Field Services	$198

- Technology and Communication charges including general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses will be billed at 6% of West Yost labor.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- The Federal Mileage Rate will be used for mileage charges and will be based on the Federal Mileage Rate applicable to when the mileage costs were incurred. Travel other than mileage will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

* This schedule is updated annually

2022 Billing Rate Schedule

(Effective January 1, 2022 through December 31, 2022)*

WEST YOST
Water. Engineered.

Equipment Charges

EQUIPMENT	BILLING RATES
2" Purge Pump & Control Box	$270 / day
Aquacalc / Pygmy or AA Flow Meter	$28 / day
Emergency SCADA System	$35 / day
Gas Detector	$80 / day
Generator	$39 / day
Hydrant Pressure Gauge	$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	$55 / day
Hydrant Pressure Recorder, Standard	$40 / day
Low Flow Pump Controller	$75 / day
Powers Water Level Meter	$32 / day
Precision Water Level Meter	$19 / day
Stainless Steel Wire per foot	$0.03 / day
Storage Tank	$15 / day
Sump Pump	$24 / day
Transducer Components (per installation)	$23 / day
Trimble GPS – Geo 7x	$220 / day
Tube Length Counter	$22 / day
Turbidity Meter	$22 / day
Vehicle	$10 / day
Water Flow Probe Meter	$20 / day
Water Quality Meter	$27 / day
Water Quality Multimeter	$185 / day
Well Sounder	$30 / day

* This schedule is updated annually

Agenda Item **8**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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: Authorization to submit Department of Resources Recycling and Recovery (CalRecycle) Grant Applications for Illegal Disposal Site Abatement

Recommendation: Adopt a Resolution of the City Council of the City of Yuba City authorizing the Public Works and Development Services Director, or designee, to submit and administer CalRecycle grant applications and projects for a period of five years on behalf of the City

Fiscal Impact: None. There is not a fiscal impact to submit this grant application.

Purpose:

To obtain State grant funding to further the City's efforts to clean up illegal dumping where there is a high threat to public safety, health, and the environment and to authorize the Public Works and Development Services Director to be able to submit and administer CalRecycle grants for a period of 5 years.

Council's Strategic Goal:

This item implements the Council's goals of Public Safety, Fiscal Responsibility and Business Friendly.

Background:

The Department of Resources Recycling and Recovery (CalRecycle) has an Illegal Disposal Site Abatement Grant Program pursuant to section 48020 of the Public Resources Code. The purpose of the grant is to provide funding for the clean-up of solid waste sites and solid waste at co-disposal sites where the responsible party either cannot be identified or is unwilling or unable to pay for timely remediation and where cleanup is needed to protect public health and safety and/or the environment. There is $1 million in total funds available and there is no match requirement.

Analysis:

CalRecycle Illegal Disposal Site Abatement provides funds to clean up high priority locations within the City to advance the efforts to keep Yuba City's illegal dumping at bay. The scope of the current grant application includes two priority locations, with optional "hot spot" locations:

1. City owned land located on the east side of the Feather River, southeast of the city limits that is developed with City wastewater ponds; and
2. Unused Union Pacific Railroad corridor land located between Harter Parkway on the west and Bridge Street on the east.
3. Various “hot spot” locations

The submittal date for the current application is February 15, 2023. This is the second application filing period for funds. The due date for a City adopted Resolution is March 15, 2023. Grant awards will be announced in April, and the grant term is from the date of Notice to Proceed until June 30, 2025. The City anticipates requesting up to $300,000 for the two clean-up sites.

If funding is not received during this cycle, another potential funding round is anticipated in November 2023.

Additionally, the proposed resolution authorizes the Public Works and Development Services Director or designee, the ability to execute all CalRecycle grant documents including applications, agreements, amendments, and requests for payment, necessary to secure grant funds and implement approved grant projects for a period of 5-years from the date of the proposed resolution, or February 7, 2028.

Fiscal Impact:

There is not a matching fund requirement with the proposed grant. Minor costs associated with preparing the grant application will be funded through existing monies in Development Services, Professional Services budget (1910-62701).

Alternatives:

Do not adopt the proposed resolution to submit the proposed CalRecycle grant application and to not authorize the Development Services Director, or designee, the ability to submit and administer CalRecycle grants for a period of 5 years. The City Council may modify the proposal as determined necessary. If the City does not pursue these grant funds, the City will not receive State funding through the program, and will need to utilize other funding sources or wait for the next cycle to apply (November 2023).

Recommendations:

Adopt a Resolution of the City Council of the City of Yuba City authorizing the Public Works and Development Services Director, or designee, to submit and administer CalRecycle grant applications and projects for a period of five years on behalf of the City.

Attachments:
1. Proposed Resolution

Prepared By:
Doug Libby, AICP
Deputy Director of Development Services

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF YUBA CITY IS ELIGIBLE

WHEREAS, Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City authorizes the submittal of application(s) to CalRecycle for all grants for which the City of Yuba City is eligible.

BE IT FURTHER RESOLVED that the Public Works and Development Services Director or designee is hereby authorized and empowered to execute in the name of the City of Yuba City all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 7th day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM:

Shannon L. Chaffin, City Attorney

Agenda Item **9**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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. Adopt 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 Sanbon 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 second reading

B. Adopt 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 second 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:

This item was introduced at the January 17, 2023, regular Council Meeting.

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).

Environmental Considerations:

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. Adopt an Ordinance of the City Council approving Environmental Assessment (EA) 22-14 by adopting a Mitigated Negative Declaration prepared for Planned Development (PD) 15, SM 22-07, and a Development Agreement and rezoning Assessor's Parcel 65-020-009 and a portion of Assessor's Parcel 65-020-010 to add Planned Development (PD) 15, and waive the second reading.
2. Adopt an Uncodified Ordinance of the City Council of the City of Yuba City establishing a Development Agreement with Interwest Homes Corporation, a California Corporation, for the development of the Chima Ranch Subdivision (SM 22-07); Assessor's Parcels 65-020-009 and 65-020-010, and waive the second reading.

Attachments:

1. 1. City Council Ordinance approving Environmental Assessment and Planned Development No. 15
2. 2. City Council Ordinance approving Development Agreement
3. 3. Subdivision Map SM 22-07, Chima Ranch
4. 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

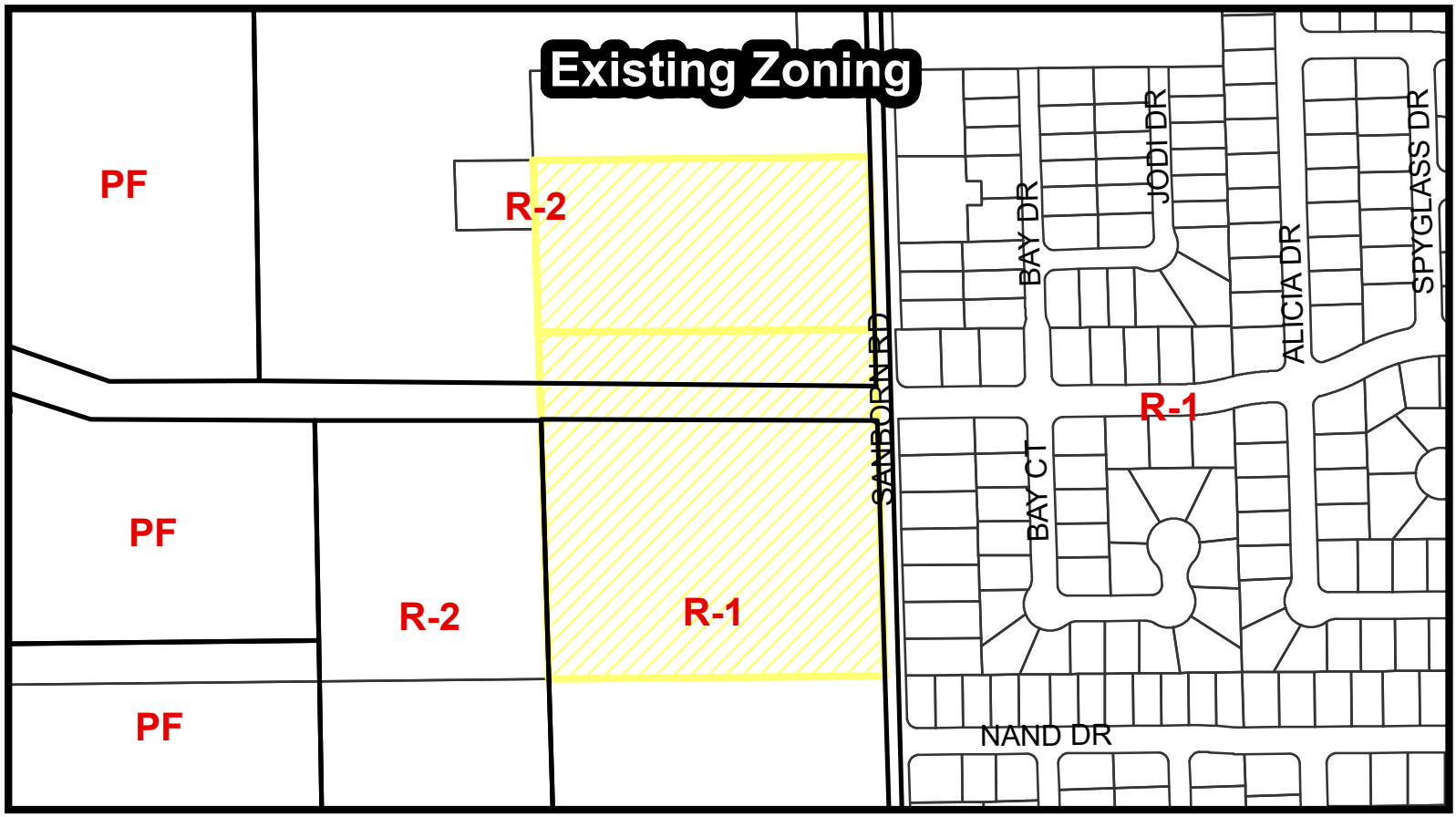
Exhibit A: Map of Planned Development No. 15
Exhibit B: Development Standards

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



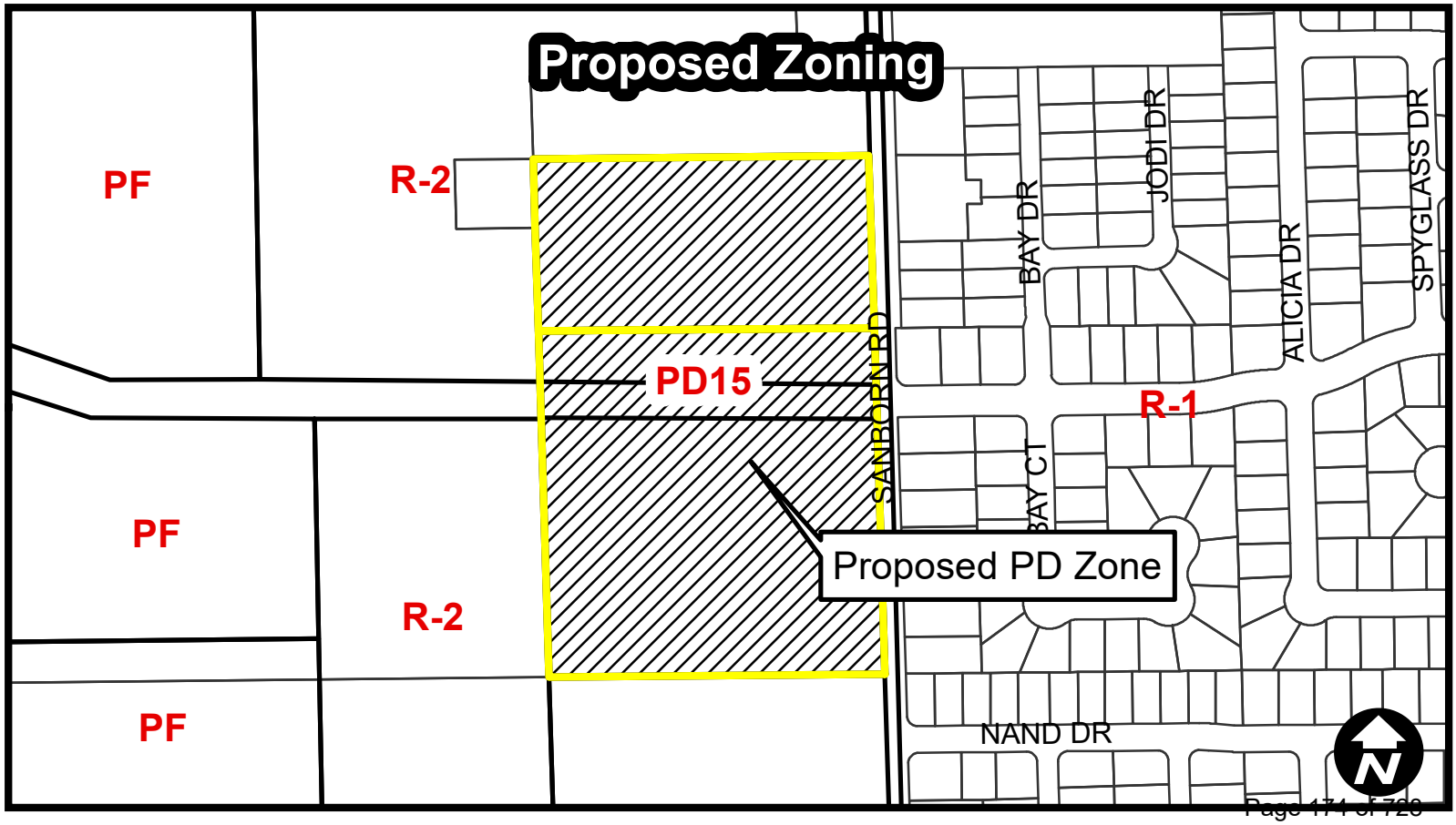


EXHIBIT B

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

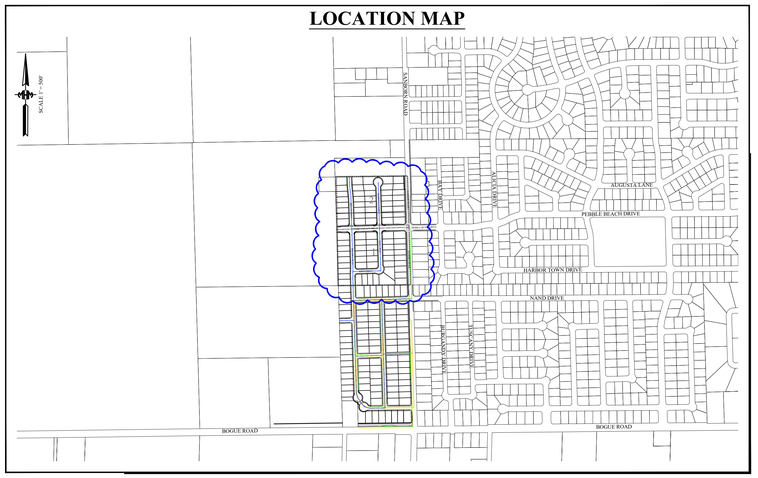
COMMUNICATION
AT&T AND COMCAST

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):

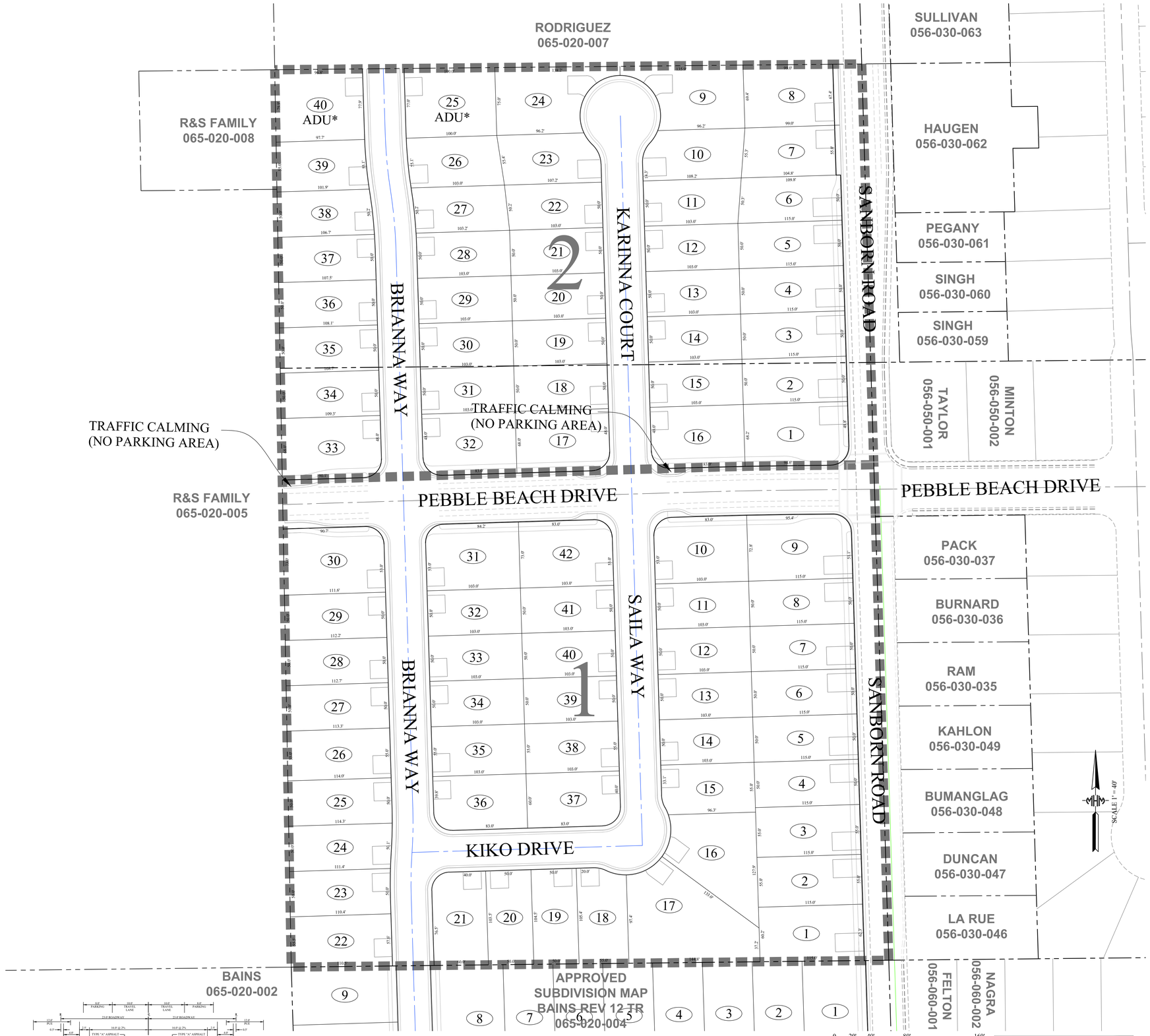
HE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SUTTER, CITY OF YUBA CITY, DESCRIBED AS FOLLOWS:

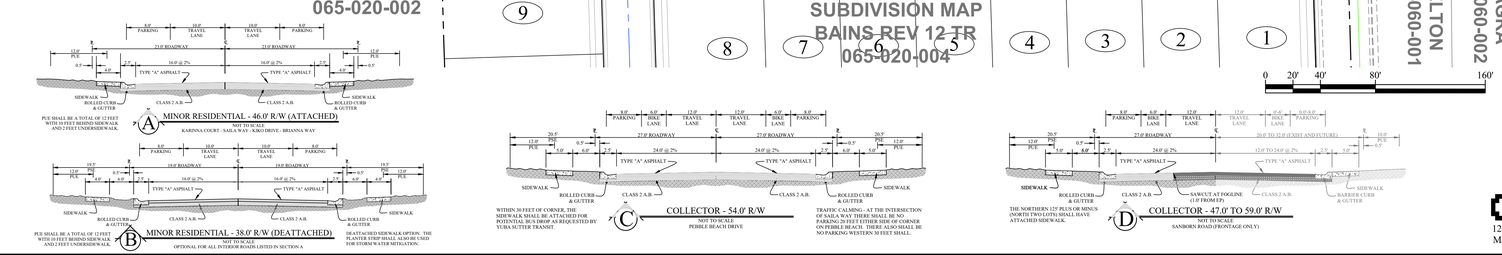
PARCEL ONE: (APN: 065-020-010)
LOT 3 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE SE-1/4 OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 3 E., M.D.M. IN SUTTER CO., CAL., AS SUBDIVIDED INTO LOTS FOR JAMES LITTLEJOHN" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SUTTER COUNTY, CALIFORNIA, ON SEPTEMBER 4, 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.

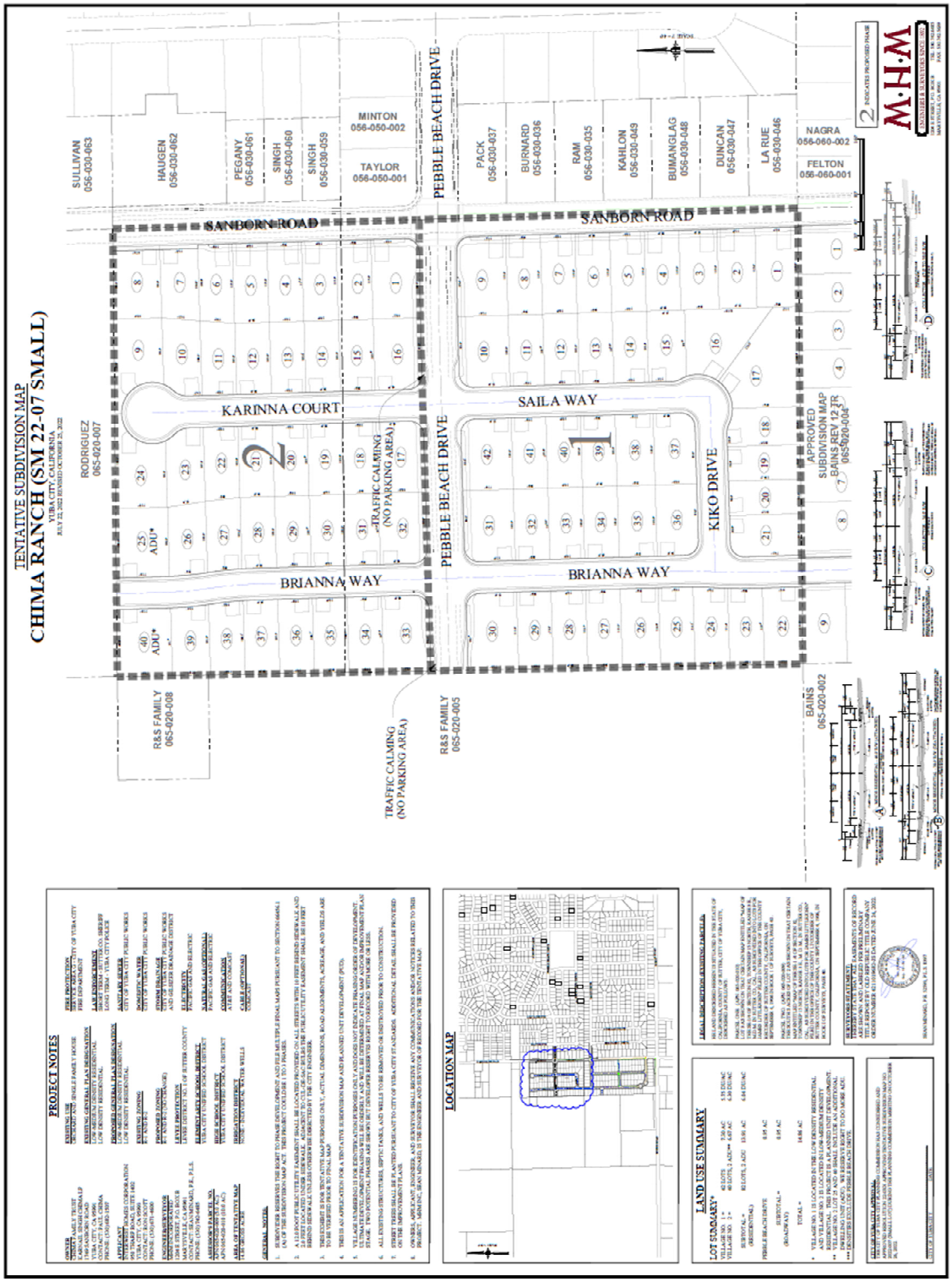
2.9. Existing Zoning

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.

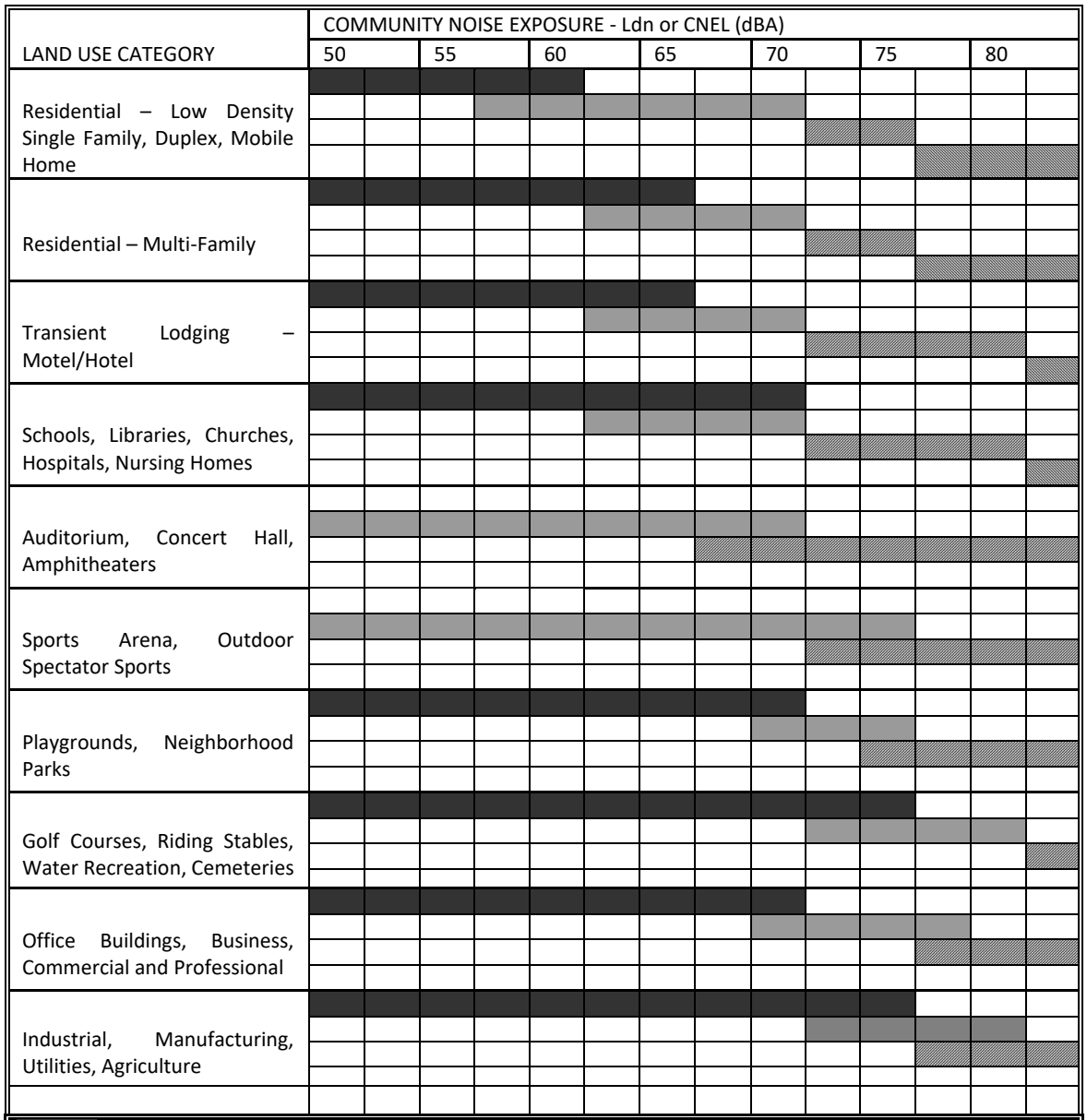
The following goals and policies from the City of Yuba City General Plan[1] are relevant to noise.

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



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).

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.

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

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
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.			

Agenda Item **10**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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 Rezone (RZ) 22-08: Spirit Drive Parcel Map

Recommendation: Adopt 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 second reading

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

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Purpose:

To adopt Rezone 22-08 for 8 acres of the 19.99-acre parcel in association with Spirit Drive Parcel Map (TPM 22-04) and General Plan Amendment (GPA) 22-06 located at the southeast corner of State Route 20 and El Margarita Road (APN: 63-010-141).

Council's Strategic Goal:

This item implements the Council's goal of being 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.

On December 14, 2022, the Yuba City Planning Commission conducted a public hearing, and voted to approve this recommendation to City Council. In addition, the Planning Commission contingently approved Tentative Parcel Map (TPM) 22-04.

On January 17, 2023, the City Council conducted a public hearing for GPA 22-06, RZ 22-08, and Environmental Assessment (EA) 22-15. The City Council voted 5-0 in approval of GPA 22-06 and EA 22-15 and voted to advance RZ 22-08 to a second reading on February 7, 2023.

Analysis:

The RZ will rezone eight acres of the 19.99-acre parcel from an Office Commercial Zone District

combined with the X19 Zone District (C-O X19) to a General Commercial (C-3) Zone District. The remaining 11.99 acres will remain in the same O designation.

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

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

<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, 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.

<u>Other Intersections of Concern:</u> 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 exacerbate traffic impacts at these impacted 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 measure requires that the needed improvements for each of the intersections, and the estimated costs be disaggregated per a fair share ratio to be paid by the developer. Additionally, the City Council has provided input at the January 17, 2023 Council meeting for staff to initiate discussions with Caltrans regarding intersection improvements at the intersection of El Margarita Road and SR 20 that includes an option to restrict traffic to right in – right out from El Margarita Road, thus changing future mitigation responsibilities, that will be determined at the time of development. The mitigation measure provides flexibility to establish a developer fee and responsibilities based on the actual future project impacts and needed improvements.

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 Rezone 22-08.
2. Provide staff with alternate direction.

Recommendation:

Adopt 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 second reading.

Attachments:

1. City Council Ordinance to Adopt RZ 22-08
2. Spirit Drive Planning Commission Staff Report Packet, December 14, 2022

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 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

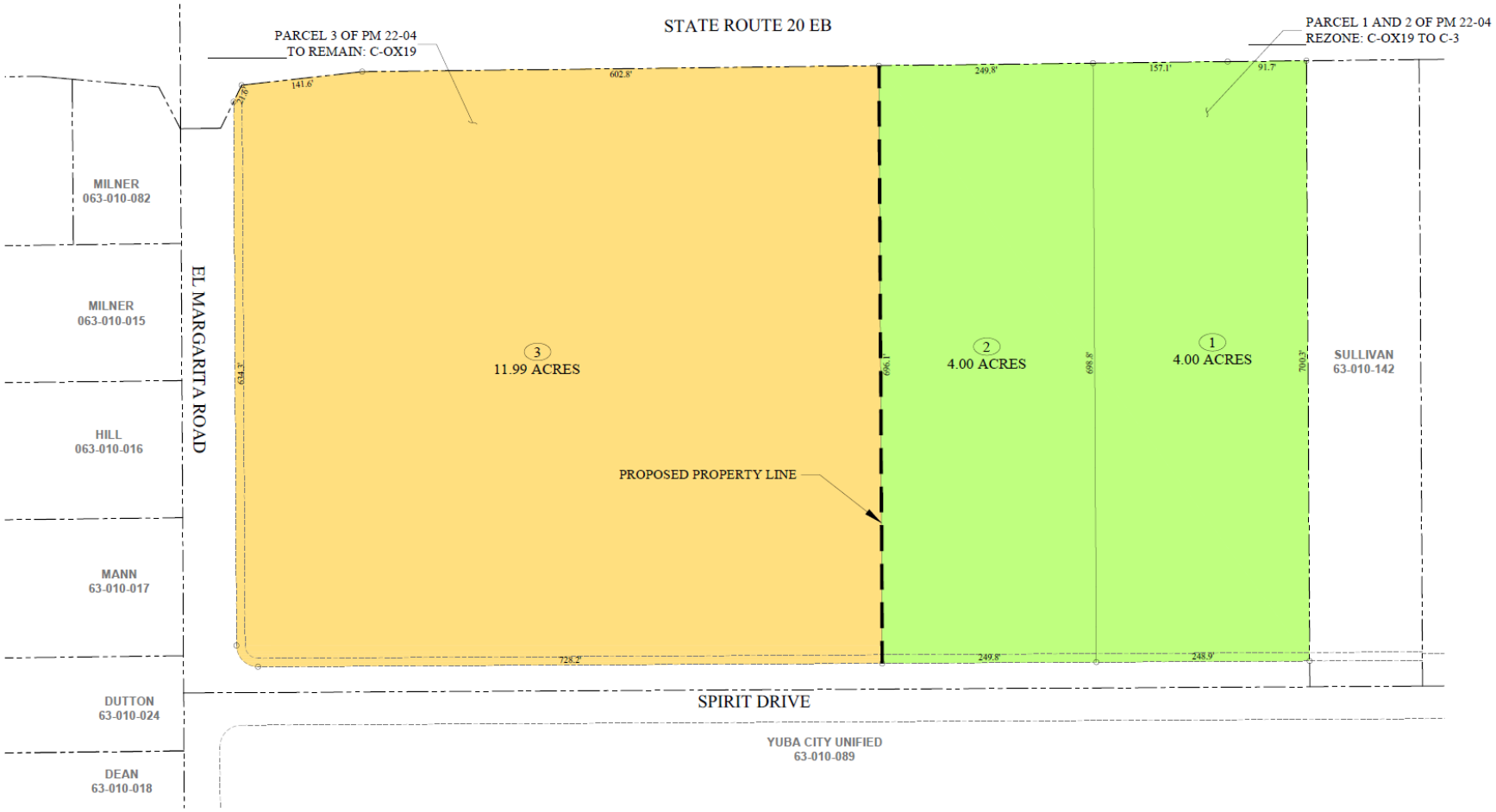
I, _____, Deputy City Clerk of the City of Yuba City, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Yuba City on the date and by the vote indicated herein.

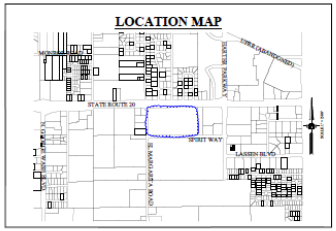
EXHIBIT A

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 2

CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Date: December 14, 2022

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation by: Ashley Potočnik, Development Liaison

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

Recommendation:

A. Conduct a Public Hearing and make the necessary findings to:

B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-15 and adopt an Ordinance to approve GPA 22-06 and RZ 22-08; and

C. Adopt a Resolution contingently approving TPM 22-04, Spirit Drive Parcel Map, subject to the proposed Conditions of Approval and Mitigation Measures, on 19.99-acres, located at the southeast corner of State Route 20 and El Margarita Road (Assessor's Parcel Number: 63-010-141).

Applicant/Owner: Yanni Limited L.L.C / Calvary Christian Center

Project Location: The 19.99 acres is located at the southeast corner of State Route 20 and El Margarita Road. APN: 63-010-141

General Plan: Existing: Office and Office Park (O)

Proposed: Eight acres are proposed to be re-designated to Regional Commercial (RC).

Zoning: Existing: Commercial-Office X_{19} Zone District (C-O X_{19})

Proposed: Eight acres are proposed to be rezoned to the General Commercial (C-3) Zone District.

Project Description:

The proposal is a project that includes Tentative Parcel Map (TPM) 22-04, General Plan Amendment (GPA) 22-06, Rezoning (RZ) 22-08, titled Spirit Drive Parcel Map.

TPM 22-04 will divide a 19.99-acre parcel into three parcels that will consist of two – four-acre

parcels (the same eight acres as the discussed below in the GPA and RZ) and a 11.99-acre parcel for which the general plan and rezoning is not proposed to be amended.

The GPA will redesignate 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 X_{19} Zone District (C-O X_{19}) to a General Commercial (C-3) Zone District. The deletion of the X Zone District would eliminate requirements for development of the property to pay its fair share of improvements to the Walton Avenue/Lassen Blvd. intersection, the Tharp Road/Lassen Blvd. intersection, and dedication of the appropriate right-of-way

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.

Background:

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).

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. As there is other nearby urban development, all City services are available to this property.

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. The mitigation stipulates that no new development occur on these properties prior to implementation of the study results.

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.

Recommended Actions:

A. Following the close of the public hearing, the Planning Commission recommends the following findings:

Environmental Findings:

1. The Planning Commission recommends that the City Council find 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 recommends 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.

2. Adoption of the MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program, 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.

General Plan Amendment and Rezone Findings:

1. *The proposed General Plan Amendment and Rezone are consistent with the applicable General Plan and specific plan.*

   Evidence: 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.

2. *That the sites are physically suited for the density of development.*

   Evidence: 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.

3. *That the sites are physically suited for the type of development.*

   Evidence: 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.

4. *That the General Plan Amendment and Rezone is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Evidence: 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.

5. *That the General Plan Amendment and Rezone is not likely to cause serious public health problems.*

   Evidence: Every new lot will be connected to City water, wastewater, and stormwater drainage systems, all of which will avoid public health problems.

Tentative Parcel Map Findings:

Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act Section 66474 require that the City deny the subdivision map if it makes any of the following findings (the required findings are in italics).

1. *The proposed subdivision is not consistent with the applicable general and specific plan.*

   Evidence: 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.

   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.

   There is no specific plan for this area.

2. *The design and improvement of the proposed subdivision is not consistent with applicable general and specific plans or adopted City standards.*

   Evidence: As discussed above, the land division meets all General Plan consistency requirements. Further, the project is conditioned to meet all City development and improvement standards including water, wastewater and the stormwater drainage systems, street cross-sections, and streetscape landscaping. Each new lot exceeds the minimum lot size requirements of the respective C-O and C-3 Zone Districts.

3. *That the site is not physically suited for the density of development:*

Evidence: 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.

4. *That the site is not physically suited for the type of development.*

   Evidence: 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.

5. *That the design of the subdivision or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

   Evidence: 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.

6. *That the design of the subdivision map or the type of improvements is likely to cause serious public health problems.*

   Evidence: Every new lot will be connected to City water, wastewater, and stormwater drainage systems, all of which will avoid public health problems.

7. *None of the findings in Section 6-.601 of the Municipal Code is satisfied.*

   Evidence: This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the “Local Flood Management Agency” for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

8. *That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision:*

   Evidence: There are no known existing easements that will be adversely affected by this land division.

Based on the discussions provided, none of the required findings that would require denial of the

parcel map can be made. Therefore, the tentative parcel map may be approved.

B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-15 and adopt an Ordinance to approve GPA 22-06 and RZ 22-08; and

C. Adopt a Resolution contingently approving TPM 22-04, Spirit Drive Parcel Map, subject to the proposed Conditions of Approval and Mitigation Measures, on 19.99-acres, located at the southeast corner of State Route 20 and El Margarita Road (Assessor's Parcel Number: 63-10-141).

Attachments:

1. PC 22-17: Resolution Recommending Approval of GPA 22-06 and RZ 22-08
   Exhibit A: General Plan Map, GPA 22-06
   Exhibit B: Zoning Map, RZ 22-08
2. PC 22-18: Resolution to Contingently Approve TPM 22-04
   Exhibit A: Tentative Parcel Map 22-04
   Exhibit B: Conditions of Approval
3. Location Map
4. X19 Zone District Description
5. Environmental Assessment 22-15 and the Mitigation Monitoring Program
6. Memo from Public Works, dated November 1, 2022
7. Public Comment Received

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 22-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) RECOMMENDING THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPT A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT 22-15, GENERAL PLAN AMENDMENT 22-06 AND REZONE 22-08 AT THE SOUTHEAST CORNER OF STATE ROUTE 20 (COLUSA HIGHWAY) AND EL MARGARITA ROAD (ASSESSOR'S PARCEL NUMBER 63-010-141).

WHEREAS, the City received an application for Tentative Parcel Map (TPM) 22-04, General Plan Amendment (GPA) 22-06, Rezoning (RZ) 22-08 for a 19.9-acre parcel located at the southeast corner of State Route 20 and El Margarita Road (APN: 63-010-141); and

WHEREAS, as a result the following entitlements are being considered 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, this property is within Yuba City's city limits and the property owner wished to enhance development opportunities for the property; 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 a Mitigated Negative Declaration (SCH No. 2022110294) and Mitigation Monitoring and Reporting Program (MMRP) for the Project; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-15, General Plan Amendment 22-06, Rezone 22-08, and Tentative Parcel Map 22-04, 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 Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to recommend the City Council adopt an Ordinance approving Environmental Assessment 22-15, General Plan Amendment 22-06 and Rezone 22-08.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

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

2. CEQA Findings. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that General Plan Amendment 22-06 or Rezone 22-08 may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 22-15. Additionally, the Planning Commission recommends that the City Council find and determine as follows:

a. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment 22-15 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 judgment and analysis, the Commission recommends the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the 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. As such, the Planning Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the project has been adequately environmentally assessed as required by CEQA per Environmental Assessment 22-15.

3. Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The Yuba City Development Services Department located at 1201 Civic Center Blvd., Yuba City, CA 95993, is designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The Planning Commission further recommends that 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.

4. General Plan Findings. The Planning Commission finds, and recommends that the City Council find, 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. Recommendation of Approval of GPA 22-06. The Planning Commission recommends the City Council adopts General Plan Amendment No. 22-06, per the attached Exhibit "A" made a part hereof by this reference, be designated to the General Plan land use designations, as depicted in Exhibit "A".

6. Rezone Findings. The Planning Commission finds, and recommends that the City Council find and determine, that Rezone 22-08 is consistent with the General Plan as amended by General Plan Amendment 22-06. The Planning Commission further recommends that the City Council find that Rezone 22-08 i) is consistent with the General Plan goals and policies as amended and as further described above; 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 balanced neighborhoods that provide housing options for the City.

7. Recommendation of Approval of RZ 22-08. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City that it adopt an ordinance approving RZ 22-08 and reclassify the zone districts for those districts as depicted in Exhibit "B" shown on the zoning map of the City of Yuba City.

8. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 14, 2022, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

_____
Michele Blake, Planning Commission Chair

ATTEST:

_____
Benjamin Moody, Secretary to the Planning Commission

Attachments:

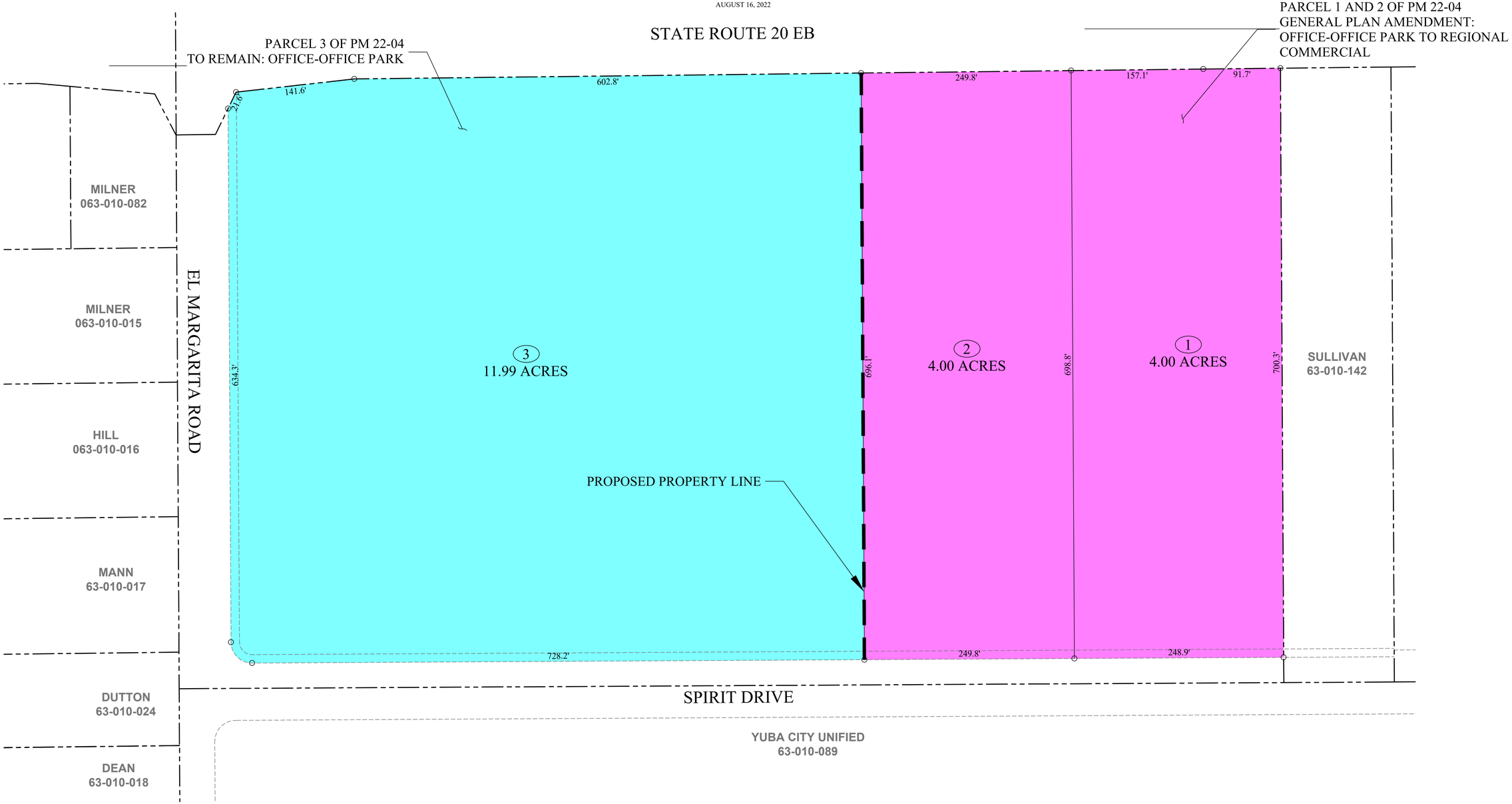
Exhibit A: General Plan Map, GPA 22-06
Exhibit B: Zoning Map, RZ 22-08

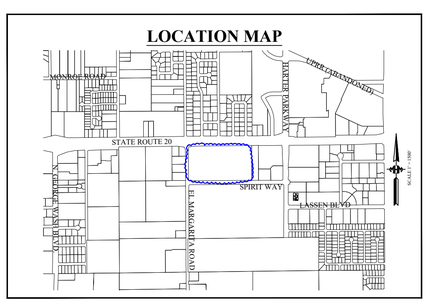
EXHIBIT A

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'

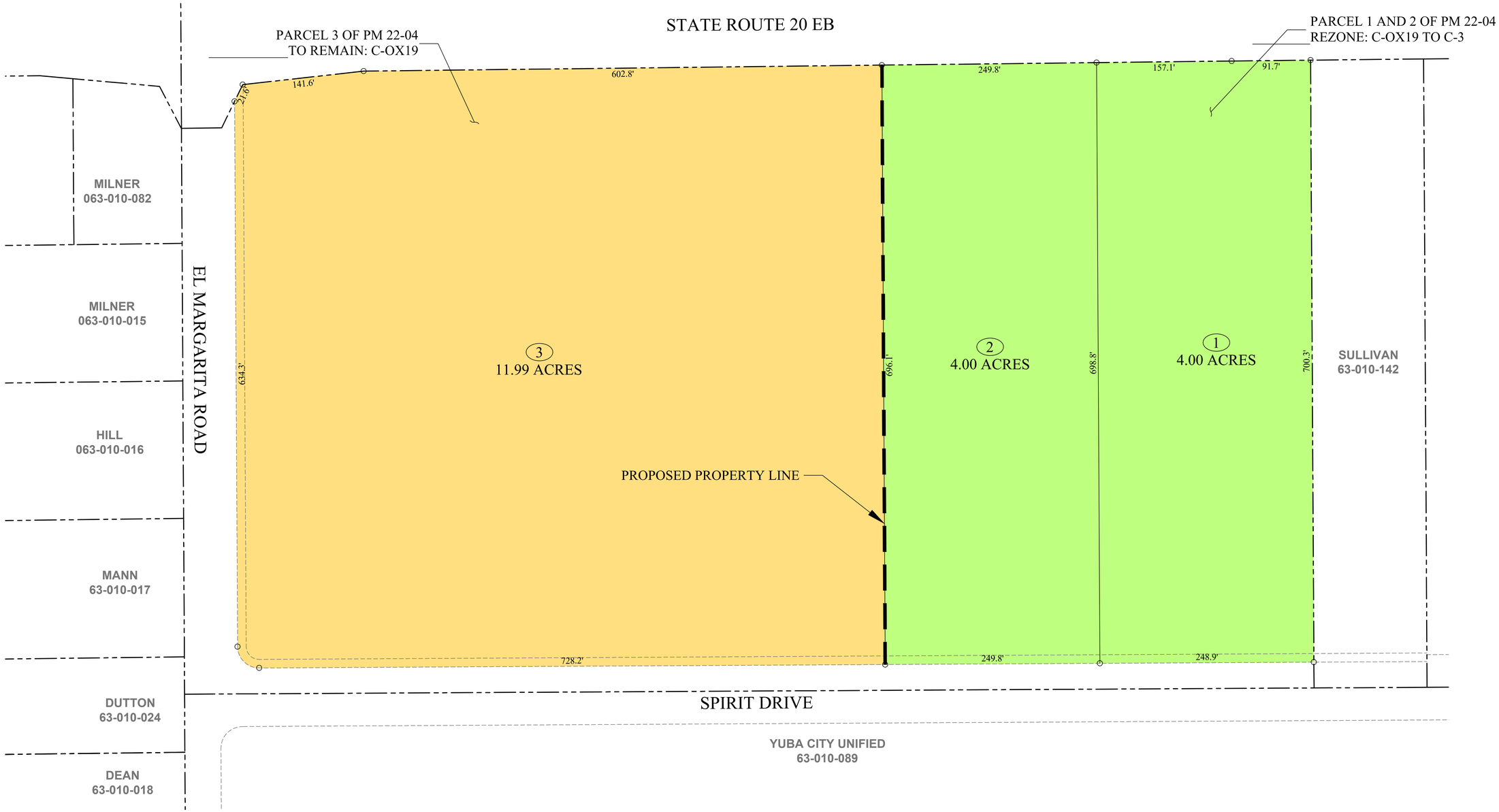
M·H·M
ENGINEERS & SURVEYORS SINCE 1892
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

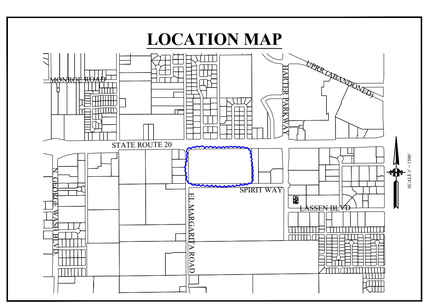
EXHIBIT B

PROPOSED REZONE FOR

PM 22-04 (SPIRIT DRIVE PARCEL MAP)

YUBA CITY, CALIFORNIA
AUGUST 15, 2022





LEGEND:

- PROPOSED REZONE FROM C-OX19 TO C-3X24/25
- 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
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1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. PC 22-18

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) CONTINGENTLY APPROVING TENTATIVE PARCEL MAP (TPM) 22-04, SPIRIT DRIVE PARCEL MAP, SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES, CREATING THREE PARCELS ON 19.99 ACRES AT THE SOUTHEAST CORNER OF STATE ROUTE 20 (COLUSA HIGHWAY) AND EL MARGARITA ROAD (ASSESSOR'S PARCEL NUMBER 63-010-141).

WHEREAS, the City received an application for Tentative Parcel Map (TPM) 22-04 for the property at the southeast corner of State Route 20 and El Margarita Road (APN: 63-010-141) in 2022 to subdivide the 19.99 acres into 3 parcels; and

WHEREAS, all lots created will be provided a full range of City services with stormwater being collected into the City's drainage system and drains into the Live Oak Canal; and

WHEREAS, the Planning Commission reviewed related Environmental Assessment (EA) 22-15 considering a Mitigated Negative Declaration (MND) prepared for the project, which provides mitigation measures that reduce potentially significant impacts to less than significant level; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed subdivision are consistent with the General Plan and Zoning Regulations with the approval of General Plan Amendment 22-06 and Rezone 22-08; and

WHEREAS, the City on November 12, 2022, published a legal notice and a public hearing notice was mailed to each property owner within at least 350 feet of the project site in compliance with State law concerning the Planning Commission's consideration on December 14, 2022; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-15, General Plan Amendment 22-06, Rezone 22-08, and Tentative Parcel Map 22-04, 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 Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve TPM 22-04 such that no decision of approval of TPM 22-04 becomes final and effective until immediately after the City Council adopts the MND (EA 22-15) and adopts GPA 22-06 and Rezone 22-08; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that TPM 22-04 be set for further consideration and a final decisions by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

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

2. CEQA Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared a Mitigated Negative Declaration (MND) to evaluate the

environmental effects of the Project, including the development of the Spirit Drive Parcel Map area. The Planning Commission has fully considered the MND and has concurrently recommended it to the City Council for adoption. The Planning Commission finds that TPM 22-04 is consistent with, and have been fully assessed by, the MND, and that TPM 22-04 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND.

3. Parcel Map Findings. The Planning Commission finds, and recommends that the City Council find, that none of the findings required by Yuba City Municipal Code Section 8-2.609, and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative parcel map apply to this project:

   i. The proposed tentative subdivision map is not consistent with the applicable general plan and specific plan.

   Evidence: Of the three proposed commercial lots on approximately 19.99 acres one will be designated in the General Plan as Office and Office Park (11.99-acre parcel) and two – four-acre parcels will be designated Regional Commercial. As no development of the properties is proposed, an intensity criterion can be established. However, the parcels are large and can each accommodate a sizable building(s) along with required parking and landscaping.

   El Margarita Road is designated in the General Plan as a collector street. The on-site portions of El Margarita Road will be improved to a collector standard as part of the development of the properties. There is also a mitigation measure requiring the development of the properties to also pay its fair share of improvements too nearby intersections, mitigating any impacts that the increased traffic that development of the properties may create.

   As determined in the mitigated negative declaration prepared for the land division, there are no significant impacts on any agricultural land, biological resources, water quality, and air quality.

   ii. The design and improvement of the tentative subdivision map is not consistent with applicable general and specific plans or adopted City standards.

   Evidence: As discussed above, this commercial land division meets all General Plan consistency requirements. Although no specific development is proposed, any project will be required to meet all City development standards and improvement standards including water, wastewater and the stormwater drainage system, street cross-sections, streetscape landscaping, and any new buildings will have to meet all design standards provided in the Yuba City Design Guidelines.

   iii. That the site is not physically suited for the density of development.

   Evidence: 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 connect to a larger drainage system operated by 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.

   iv. That the site is not physically suited for the type of development.

Evidence: The proposed land division is designated by the General Plan for commercial and office development. As previously discussed, the proposed parcels exceed the minimum lot size requirements of the Zoning Regulations, and all City services are available to the site.

v. *That the design of the subdivision map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Evidence: Based on the mitigated negative declaration prepared for this project, the project will not create any significant environmental impacts, including adverse impacts on fish and wildlife.

vi. *That the design of the subdivision maps or the type of improvements is likely to cause serious public health problems.*

Evidence: Each new parcel will be connected to City water, wastewater, and storm drainage systems, which will avoid public health problems.

vii. *None of the findings in Section 6-.601 of the Municipal Code is satisfied.*

Evidence: This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

viii. *That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

Evidence: The new parcels will be served by public streets that are dedicated to the City for public use. There is no use of private streets or other types of easements that the project would conflict with. There are no known existing easements that will be adversely affected by this parcel map.

4. Recommendation of Approval of TPM 22-04. Based on the aforementioned findings, the Planning Commission hereby approves TPM 22-04, Spirit Drive Parcel Map, as shown in Exhibit A, subject to the conditions and mitigation measures as set forth in Exhibit B attached hereto, which approvals are contingent upon the following:

a. The approval of TPM 22-04 shall become final and effective immediately only after the City Council of the City of Yuba City i) adopts the Mitigated Negative Declaration (EA 22-15), ii) adopts General Plan Amendment 22-06 and iii) adopts Rezone 22-08 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then TPM 22-04 shall be returned to the Planning Commission for further

consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission hearing, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then TPM 22-04 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective 10 days after, and only upon, the Council Approvals including the MND and adoption of GPA 22-06 and RZ 22-08, unless within such 10 days an appeal is filed with the City Clerk in accordance with the provisions of the Yuba City Zoning Ordinance.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 14, 2022, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

_____
Michele Blake, Planning Commission Chair

ATTEST:

_____
Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: Tentative Parcel Map 22-04
Exhibit B: Conditions of Approval

EXHIBIT A

TENTATIVE PARCEL MAP

PM 22-04 (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.

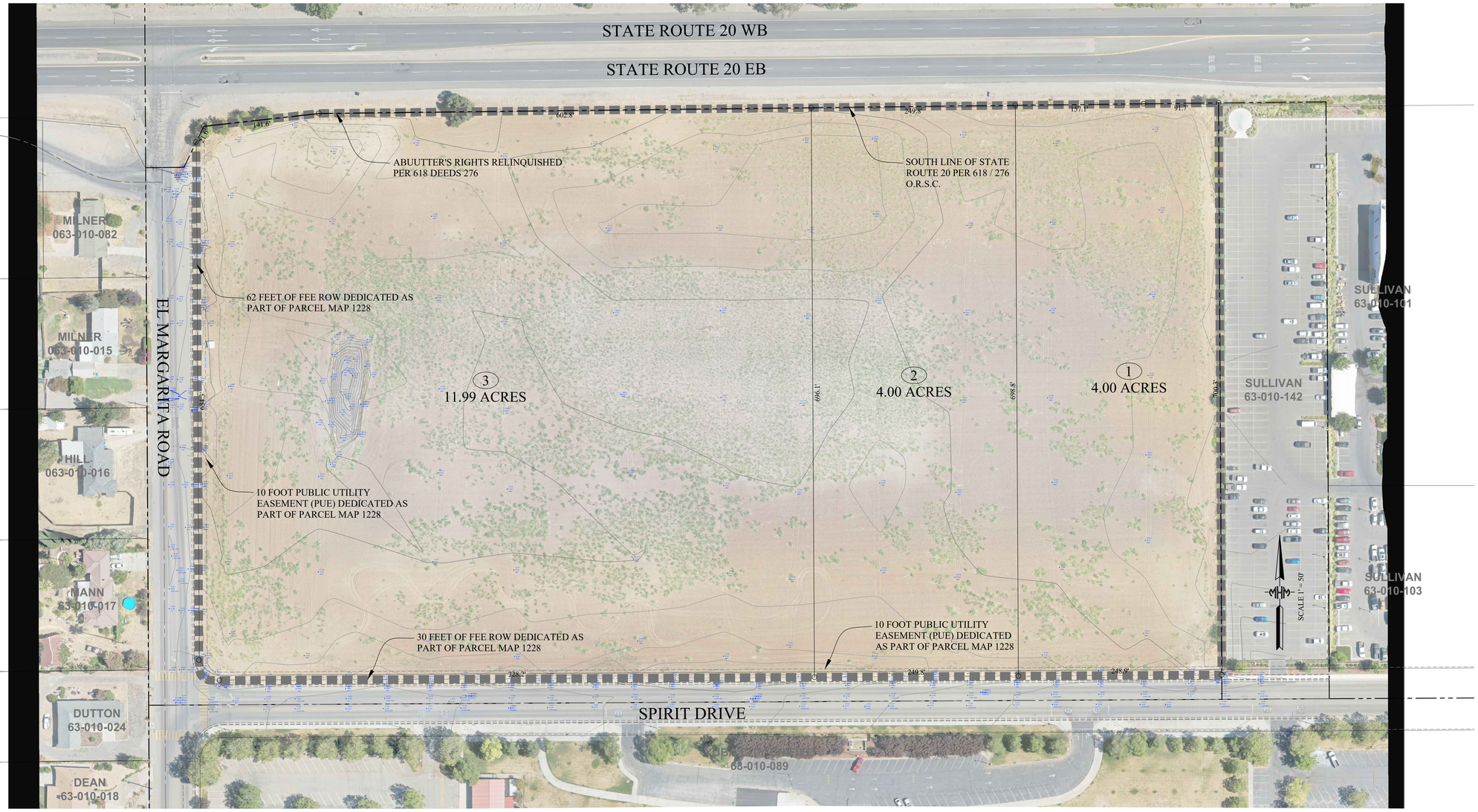
SEAN MINARD, P.E. 52593, P.L.S. 8397

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

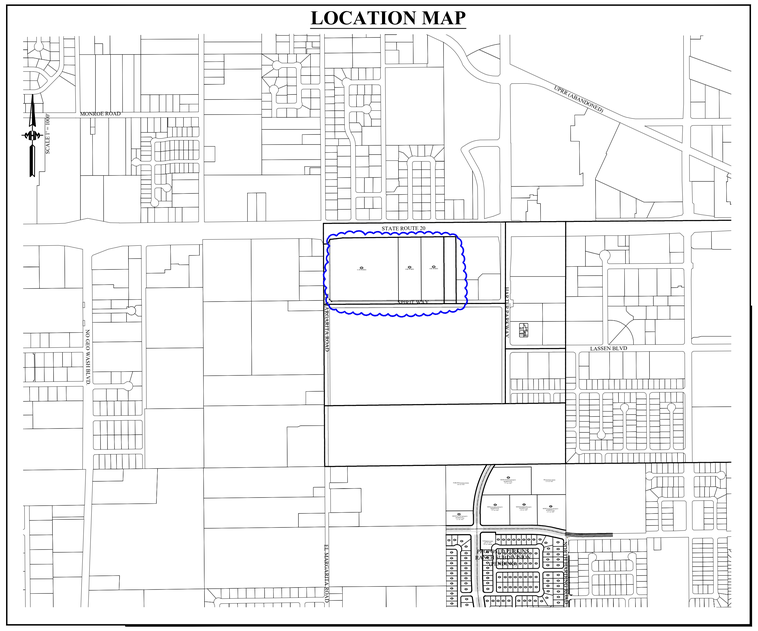
COMMUNICATION
AT&T AND COMCAST

CABLE (OPTIONAL)
COMCAST

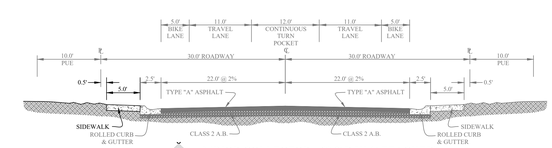
GENERAL NOTES:

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.

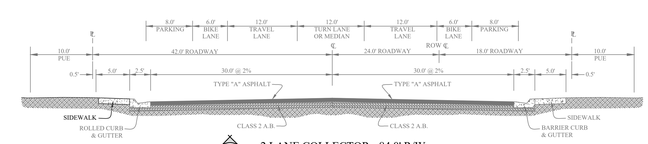
LOCATION MAP



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

EXHIBIT B

CITY OF YUBA CITY
CONDITIONS OF APPROVAL
PARCEL MAP 22-04
December 14, 2022

SPIRIT DRIVE PARCEL MAP
APN: 63-010-141

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through tentative subdivision map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this tentative subdivision map.

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents 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, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, 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 any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. The project must comply with all required Development Standards as outlined in the Municipal Code.

3. The lot design on the parcel map shall be designed in conformance with the TPM 22-04, as appropriate, and as approved by the Planning Commission.

PRIOR TO FINAL MAP RECORDATION

4. With development of Parcels 1, 2 and 3, the Developer shall construct sidewalk, commercial driveways, and landscaping along the frontage of Spirit Way and/or El Margarita Road associated with parcel frontage improvements, as approved by the Public Works Director.

5. With any future development of Parcel 3, Developer shall relocate the existing power pole at the southeast corner of the intersection of State Route 20 and El Margarita Road to a City approved location, unless otherwise approved by the Public Works Director.

6. Any future development of Parcel 3 shall comply with the City's undergrounding policy.

7. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Maintenance District for the purpose of maintaining the street lights and landscaping. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

8. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:

    a. Grading and drainage plan showing the proposed drainage conveyance and storage system.

    b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume. The calculation analysis shall meet the requirements of the Yuba City Basin Drainage Area.

    c. Storm Drain Collection Systems - For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.

    d. Street Flow - The street system shall be designed to convey the 100-year, 24-hour runoff while maintaining a water surface at least 1 foot below the adjacent building pad elevations (or alternatively, the building pad elevations shall be at least 1 foot above the 100-year water level). The grading plan shall ensure that the 100-year, 24-hour runoff can be conveyed through the development and to the receiving drainage facility.

    e. Water Quality – Water quality basin(s) shall meet State Water Resource Board requirements for water quality. The water quality basin can be incorporated into a detention pond, designed as an individual pond, included in a water quality manhole system, or as approved by the Public Works Director.

    The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and the Sutter County Water Agency Engineer to be comprehensive, accurate, and adequate.

9. The applicant shall be required to pay all applicable fees, including, but not limited to, Sutter County, and/or Yuba City determined fees.

10. The Development shall comply with all traffic mitigation measures outlined in the traffic memo dated November 1, 2022.

MITIGATION MEASURES

Impact	Mitigation Measure	Responsible 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 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	Developer, Public Works Dept., Development Services Dept.	During construction phase

	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 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.	Development Services Dept.	Prior to issuance of building permits.
3.13 Noise	**Noise Mitigation Measure 1:** The 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	Developer, Public Works Dept., Development Services Dept.	During Construction phase

	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.		

3.17 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.	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 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	Developer, Public Works Dept., Development Services Dept.	During construction phase

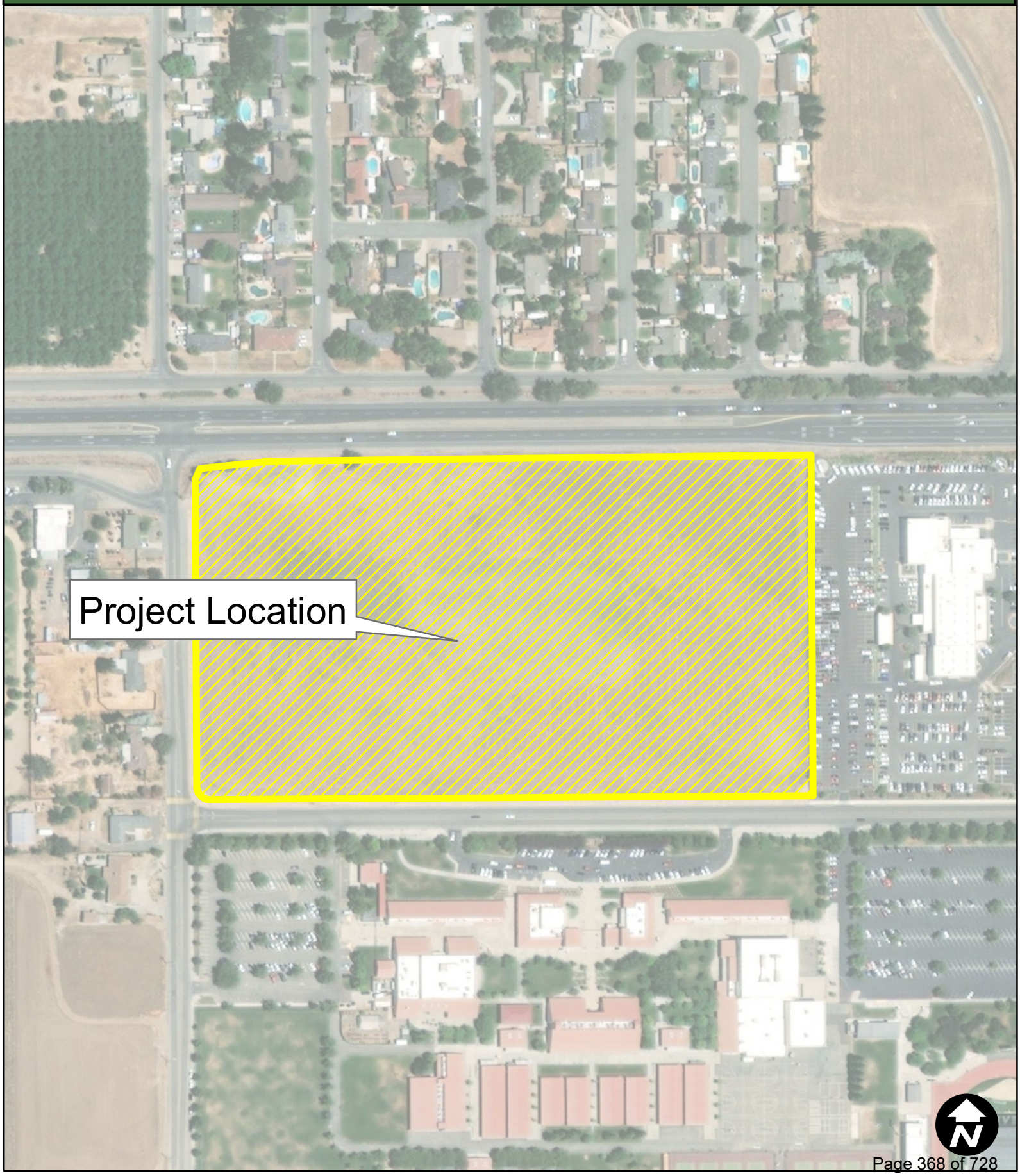
	Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure. If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and measures included 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.		

ATTACHMENT 3

Spirit Drive Parcel Map | Location Map

GPA 22-06, RZ 22-08, PM 22-04, EA 22-15



ATTACHMENT 4

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 5

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

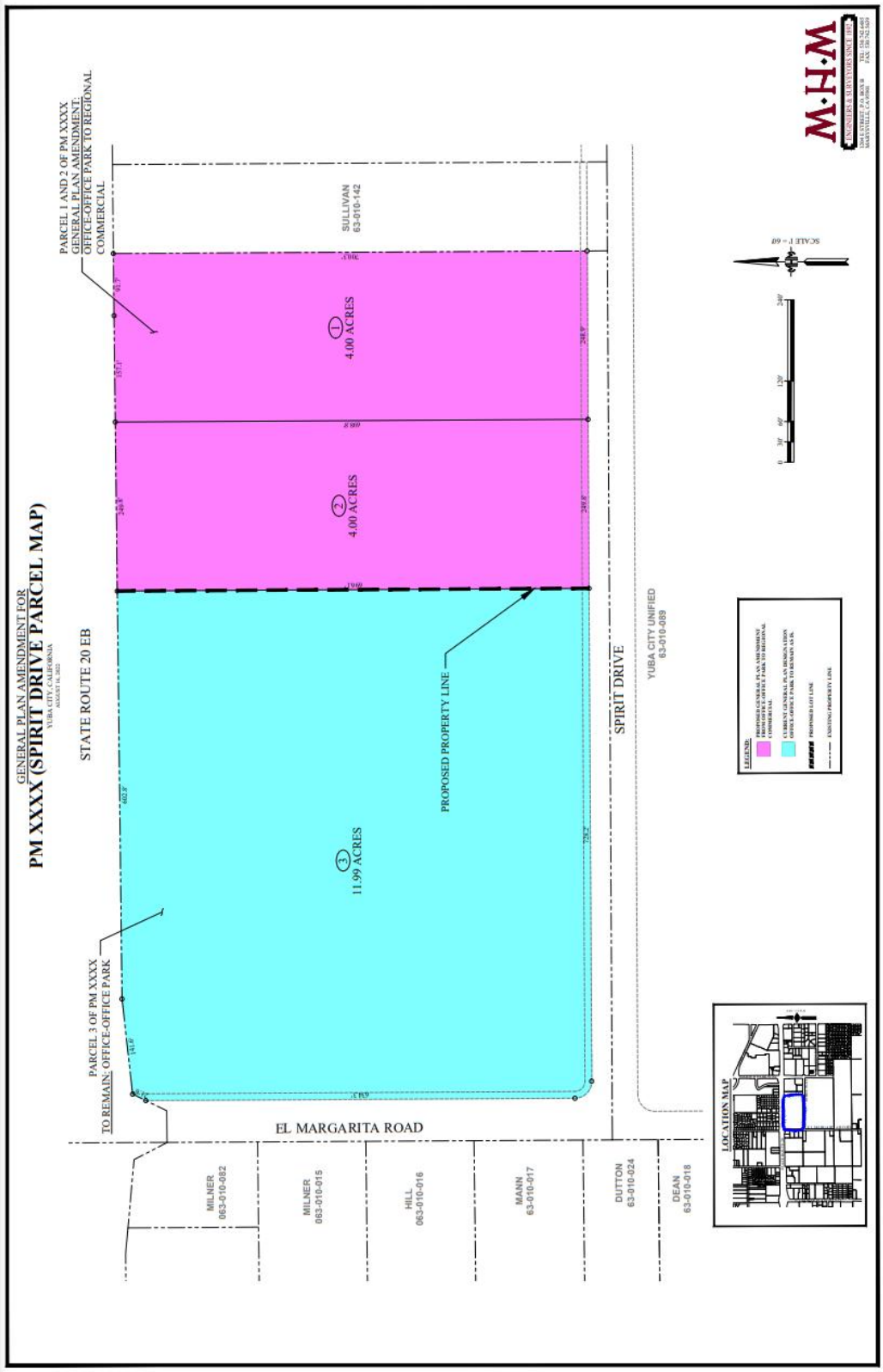


Figure 3: Rezone (RZ) 22-08

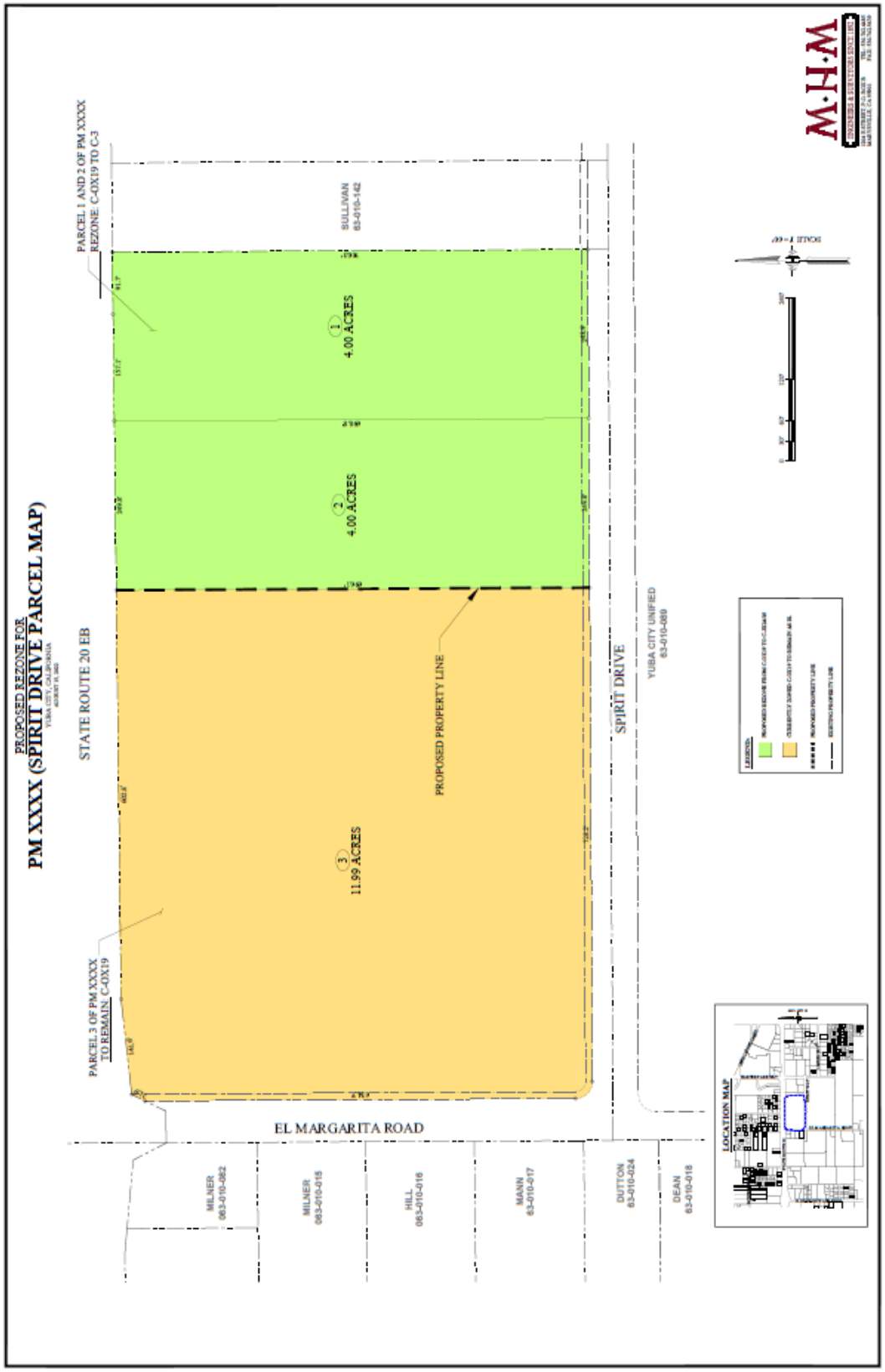
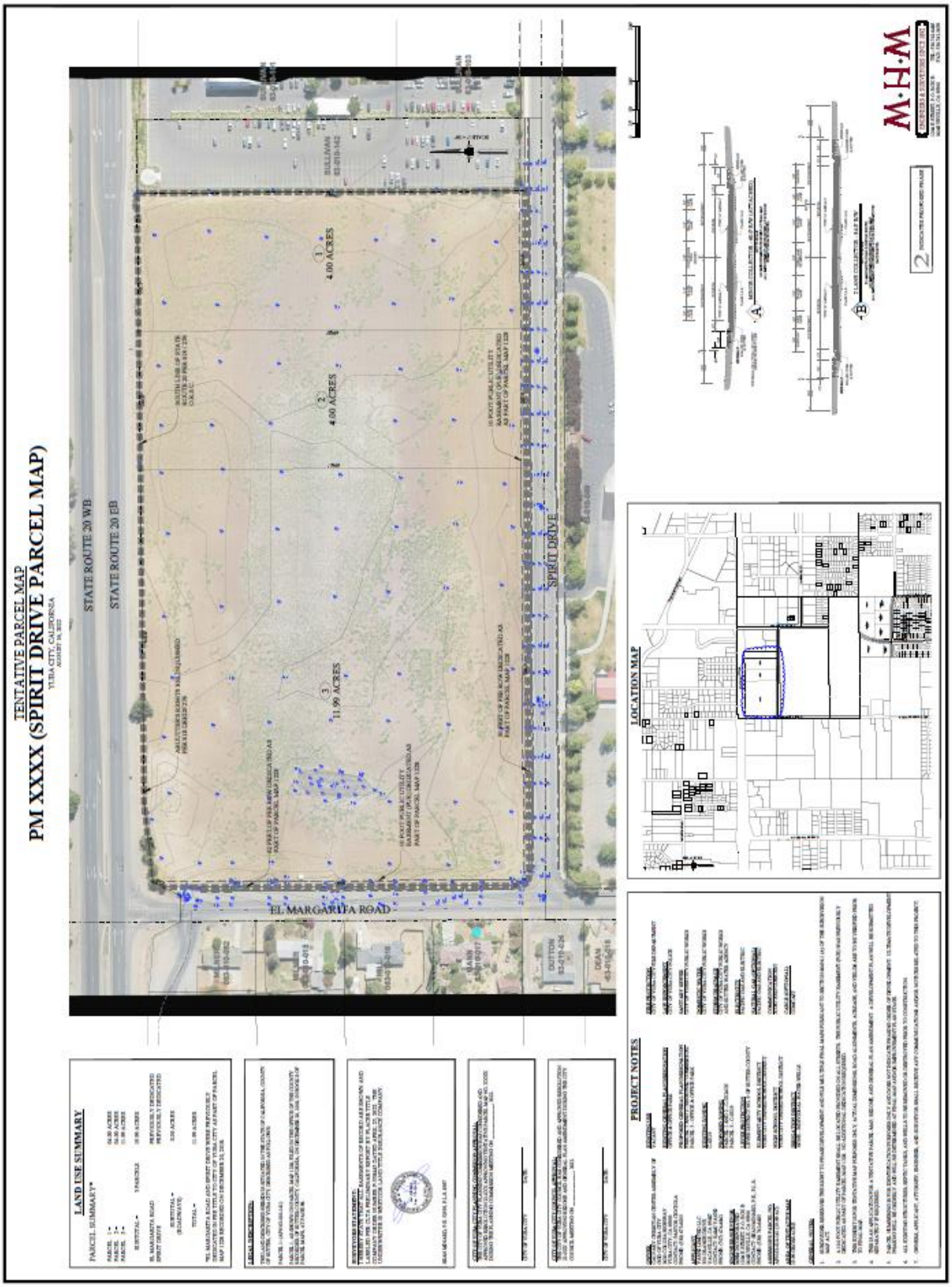


Figure 4: Tentative Parcel Map (TPM) 22-04



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.

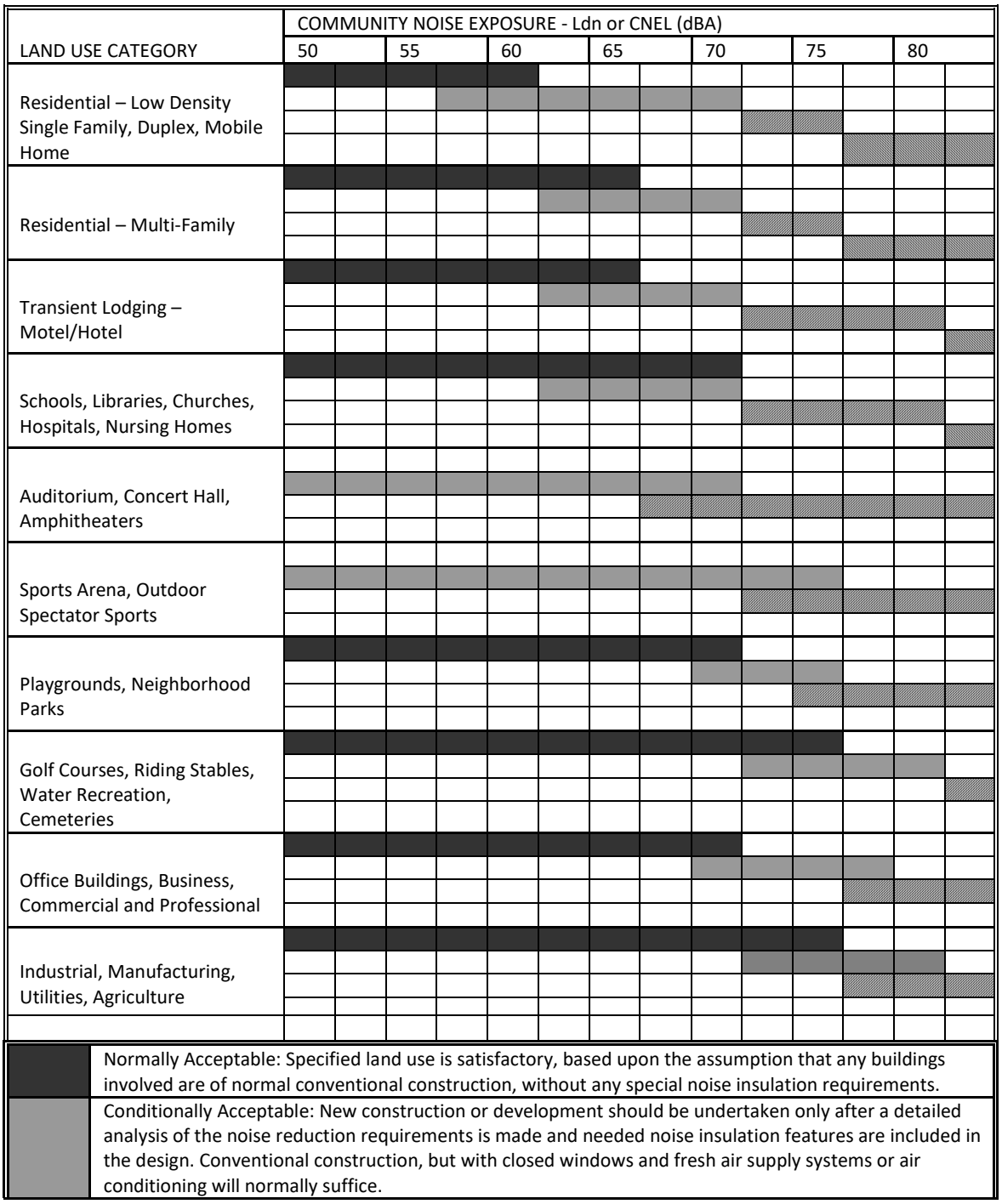
Guiding Policies

- 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.			

ATTACHMENT 6

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 7

City of Yuba City Planning Commission
Re GPA 22-06, RZ-08, TPM-22-04

I am writing regarding the above referenced property proposed amendment, rezone and parcel map changes with plans to remove the current development requirements for various nearby street intersection improvements.

I object to all of the proposed changes insofar that they will remove the developer requirement to make street intersection improvements. These parcels are across the street from a high school, which means a lot of traffic, from parents in a hurry to drop off students to young, first time drivers rushing to school and leaving in the same rush. It is also adjacent to two auto dealerships that have individuals driving automobiles that they are wholly unfamiliar with, on test drives cruising through these neighborhoods. The high school also hosts sporting and community events that strain the available parking and pack the roads with individuals unfamiliar with their surroundings.

These parcels also adjoin El Margarita to its intersection with Colusa Highway. El Margarita is an old farming road designed for minimal traffic with narrow lanes and in the area of this development no shoulders. In the mornings El Margarita handles traffic that far exceeds its design and is ripe for dangerous accidents.

Ideally these parcels, when developed, will require the developer to not only fund safe intersections with signals and street lights, curbs and sidewalks designed to safely guide and protect drivers and pedestrians but also ensure El Margarita is widened and hopefully its intersection with Colusa highway and the Colusa Highway frontage road improved and made safer.

When traffic signals, street lights, sidewalks etc are not required at the time of development they are left to the city to improve at a later date. Since there are a plethora of areas within our city that desperately need improvement it is imperative we do not create another with this development.

If you have further questions you are welcomed to contact me at bill.ramsaur@gmail.com

Thank you

William Ramsaur
1032 Kimberly Drive
Yuba City, Ca 95993

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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: Nestory Park Self Storage

Recommendation: Adopt 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 second reading

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

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Purpose:

To adopt Planned Development (PD) 17 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.

Council's Strategic Goal:

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

Background:

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

On December 14, 2022, the Yuba City Planning Commission conducted a public hearing, and voted to approve this recommendation to City Council. In addition, the Planning Commission contingently approved Development Plan (DP) 22-04.

On January 17, 2023, the City Council conducted a public hearing for PD 17 and Environmental Assessment (EA) 22-12. The City Council voted 5-0 in approval of EA 22-12 and voted to advance PD 17 to a second reading on February 7, 2023.

Analysis:

This 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. 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 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.

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.

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.

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 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:

Adopt 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 second reading.

Attachments:

1. City Council Ordinance to Establish PD 17
2. Nestory Park Self Storage Planning Commission Staff Report Packet, December 14, 2022

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

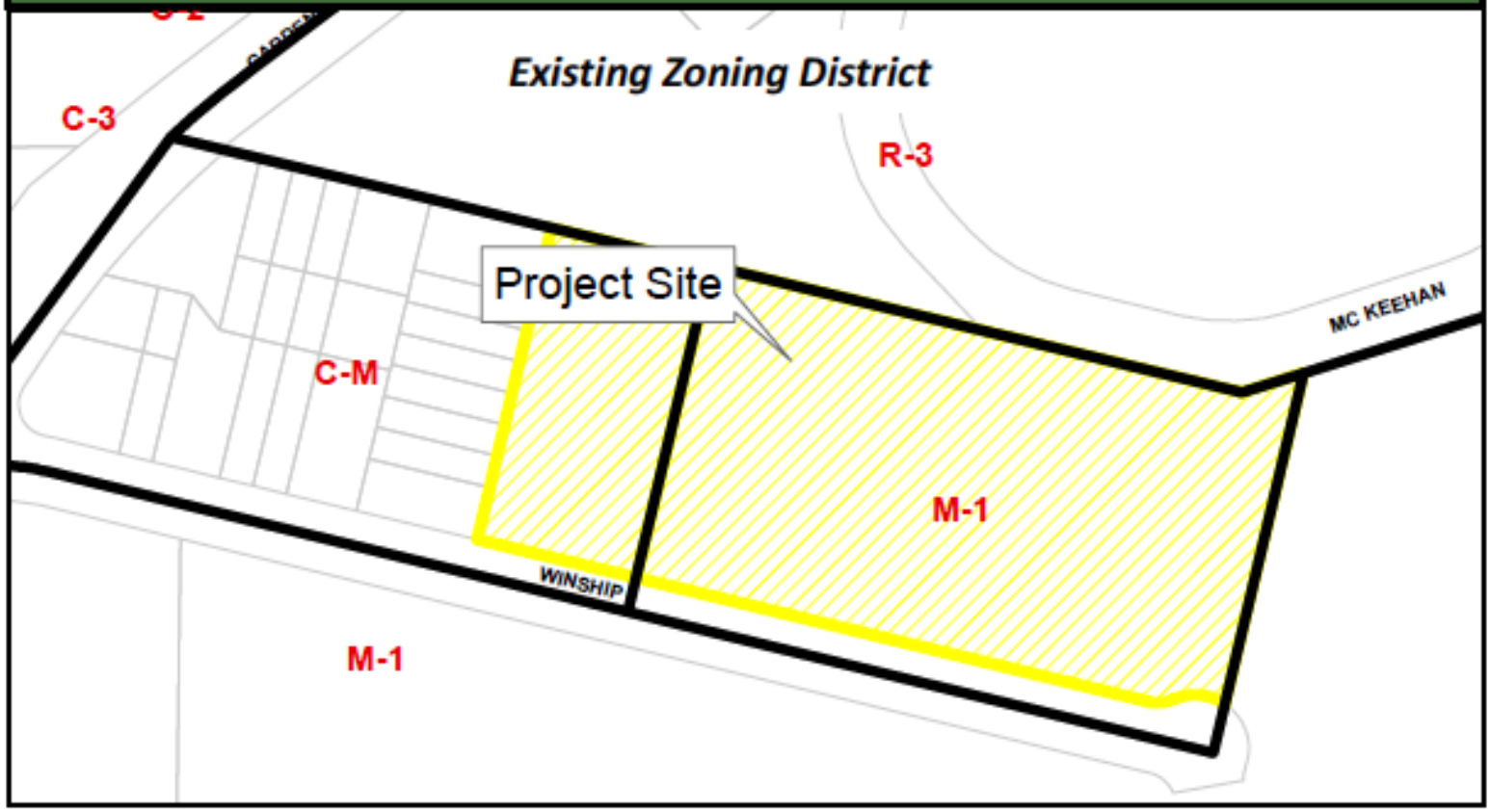
Exhibit A: Zoning Map, PD 17
Exhibit B: PD 17 Zone District

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



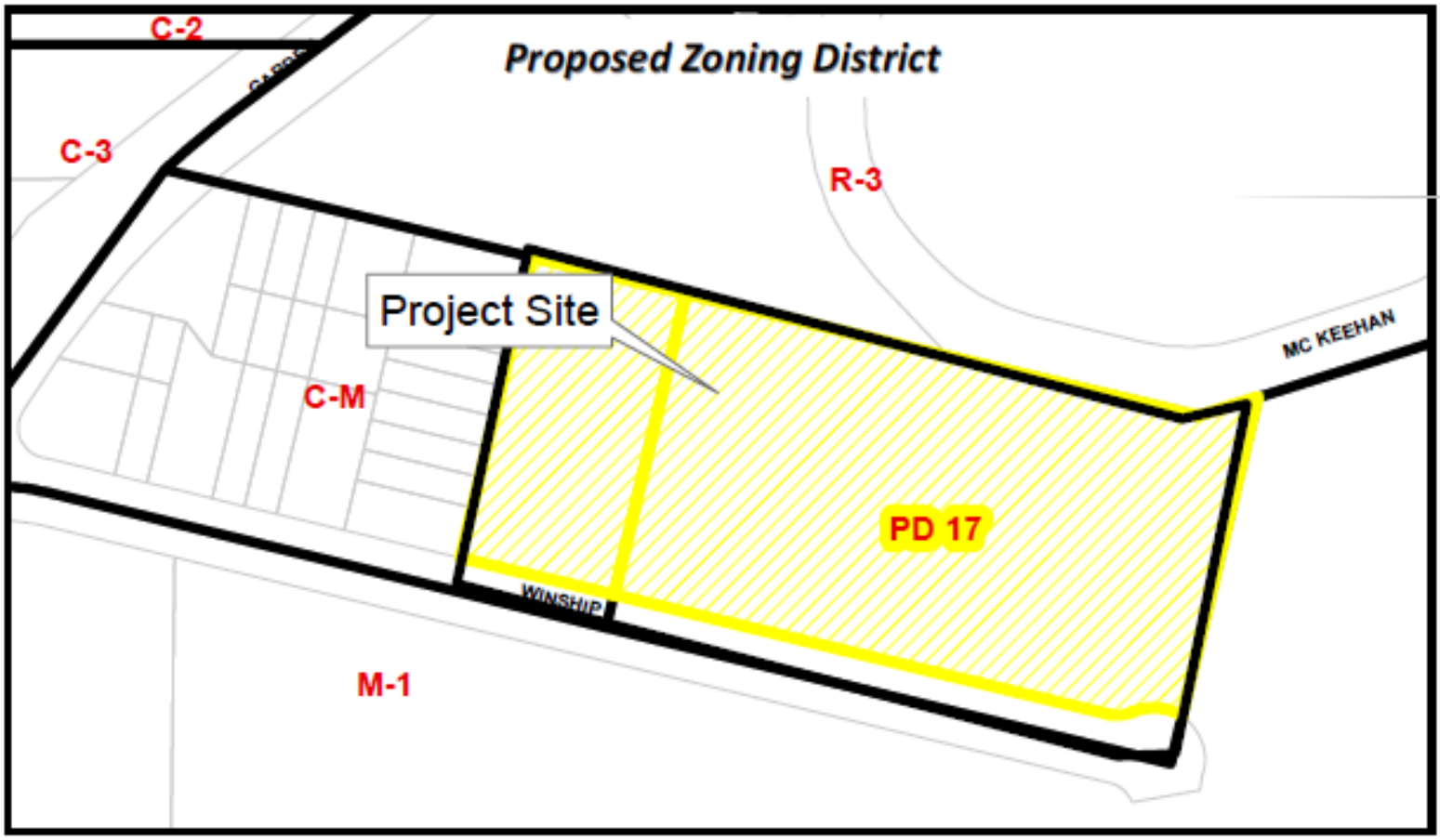


EXHIBIT B

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

CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Date: December 14, 2022

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation by: Ashley Potočnik, Development Liaison

Subject: **Consideration of Planned Development (PD) 17 and Development Plan (DP) 22-04: Nestory Park Self Storage**

Recommendation:

A. Conduct a Public Hearing and make the necessary findings to:

B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-12 and adopt an Ordinance to approve Planned Development 17; and

C. Adopt a Resolution contingently approving DP 22-04, Nestory Park Self Storage, subject to the proposed Conditions of Approval and Mitigation Measures, on 4.9-acres, located along the north side of Winship Road (Assessor's Parcel Number(s) 53-500-008 and 53-500-035).

Applicant/Owner: David Flaherty / Nestory Park

Project Location: The 4.9-acre property, consisting of two parcels, 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.

General Plan: 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.

Zoning: Existing: 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).

Proposed: The site is proposed to be rezoned to the PD 17 Zone District to modify the existing setback requirements in order to eliminate potential loitering areas and maximize development capacity.

Project Description:

The proposal is a project that includes Planned Development (PD) 17 and Development Plan 22-04, titled Nestory Park Self Storage.

PD 17 is a proposal to rezone the property from the C-M Zone District and M-1 Zone District to a PD 17 Zone District. This individualized zone district allows the modification of uses and standards, and PD 17 proposed a reduction of setbacks and associated landscaping 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, with vine type plantings along the masonry type wall. The applicant is coordinating with the adjacent property owner regarding a possible landscape easement on the Regional Housing Authority parcel to the north (APN: 53-470-087), however if an easement is not possible, then the applicant will pursue an alternative landscaping solution along that property line that will be reviewed by the Development Services Director through the Building Permit process. The front setback is proposed to be reduced from 20 feet to 10 feet with an associated reduction in landscape area.

DP 22-04 proposes to construct Nestory Park Self Storage facility on 4.9 acres. The request includes seven buildings that will house approximately 89,785 square feet of indoor self-storage units, approximately 70 outdoor vehicle storage spaces and approximately 127 shipping container spaces. In addition, an office/reception area near the entrance is proposed with seven public parking spaces just outside the entrance gate. No on-site caretaker residence is proposed. No commercial semi-trucks will be allowed in the outdoor vehicle storage area, and the perimeter of the project will include the rear of the self-storage units or walls that will block views of the outdoor storage area and the shipping containers.

Background:

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.

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.

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:

As provided in the project description, 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.

Recommended Actions:

A. Following the close of the public hearing, the Planning Commission recommends the following findings:

Environmental Findings:

1. The Planning Commission recommends that the City Council find 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 recommends 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.

2. Adoption of the MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program, 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.

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).*

1. *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.

2. *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.

3. *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.

4. *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.

Development Plan 22-04 Findings:

Based upon analysis of the Development Plan application and subject to the applicant's compliance with the conditions of approval, the following required findings of Section 8-5.7001(d) of the Zoning Regulations can be made (*the required findings are in italics).*

1. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking, landscaping, and other features required by this chapter.*

   Evidence. If the PD_{17} rezoning is approved, the proposed self-storage facility will fit within the 4.90-acre site and meet all City standards. This includes off-street parking, lighting, landscaping, and other City adopted standards. All City services are available to the site, and adequate public access is provided by Colusa Frontage Road.

2. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

   Evidence. The site is served by Winship Road. The City Public Works Department determined that the street would adequately serve the site. With the proposed condition that prohibits commercial truck parking on this project site, the nearest intersection at Garden Highway and Winship Road will not be impacted.

3. *The site design, design of the buildings, and the scale of the project will complement neighboring facilities.*

   Evidence. Based on the analysis provided in the staff report, the design of the project combined with the condition added for further review of the two-story portion of the project, adequately addresses the City's desire for quality building design. The project's design and street frontage landscaping will complement the neighboring properties.

4. *The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.*

   Evidence. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such,

has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-12 and adopt an Ordinance to approve Planned Development 17; and

C. Adopt a Resolution contingently approving DP 22-04, Nestory Park Self Storage, subject to the proposed Conditions of Approval and Mitigation Measures, on 4.9-acres, located along the north side of Winship Road (Assessor's Parcel Number(s) 53-500-008 and 53-500-035).

Attachments:

1. PC 22-15: Resolution Recommending Approval of PD 17
   Exhibit A: Zoning Map, PD 17
2. PC 22-16: Resolution to Contingently Approve DP 22-04
   Exhibit A: Development Plan 22-04
   Exhibit B: Conditions of Approval
      A. PD 17 Zone District
3. Location Map
4. Environmental Assessment 22-12 and the Mitigation Monitoring Program

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 22-15

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPT A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT 22-12 AND PLANNED DEVELOPMENT (PD) 17, 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 (ASSESSOR'S PARCEL NUMBERS 53-500-008 AND 53-500-035).

WHEREAS the City received an application 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:

- *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 a Mitigated Negative Declaration (SCH No. 2022110562) and Mitigation Monitoring and Reporting Program (MMRP) for the Project; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-12, Planned Development (PD) 17 and Development Plan (DP) 22-04, 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 Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to recommend the City Council adopt an Ordinance approving Environmental Assessment 22-12 and Planned Development (PD) 17.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

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

2. CEQA Findings. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that Planned Development (PD) 17 or Development Plan (DP) may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 22-12. Additionally, the Planning Commission recommends that the City Council find and determine as follows:

   a. The Planning Commission recommends that the City Council find 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 recommends 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 MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program, 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 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. Recommendation of Approval of Planned Development 17. The Planning Commission recommends the City Council adopts Planned Development 17, per the attached Exhibit “A” made a part hereof by this reference.

6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 14, 2022, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

_____
Michele Blake, Planning Commission Chair

ATTEST:

_____
Benjamin Moody, Secretary to the Planning Commission

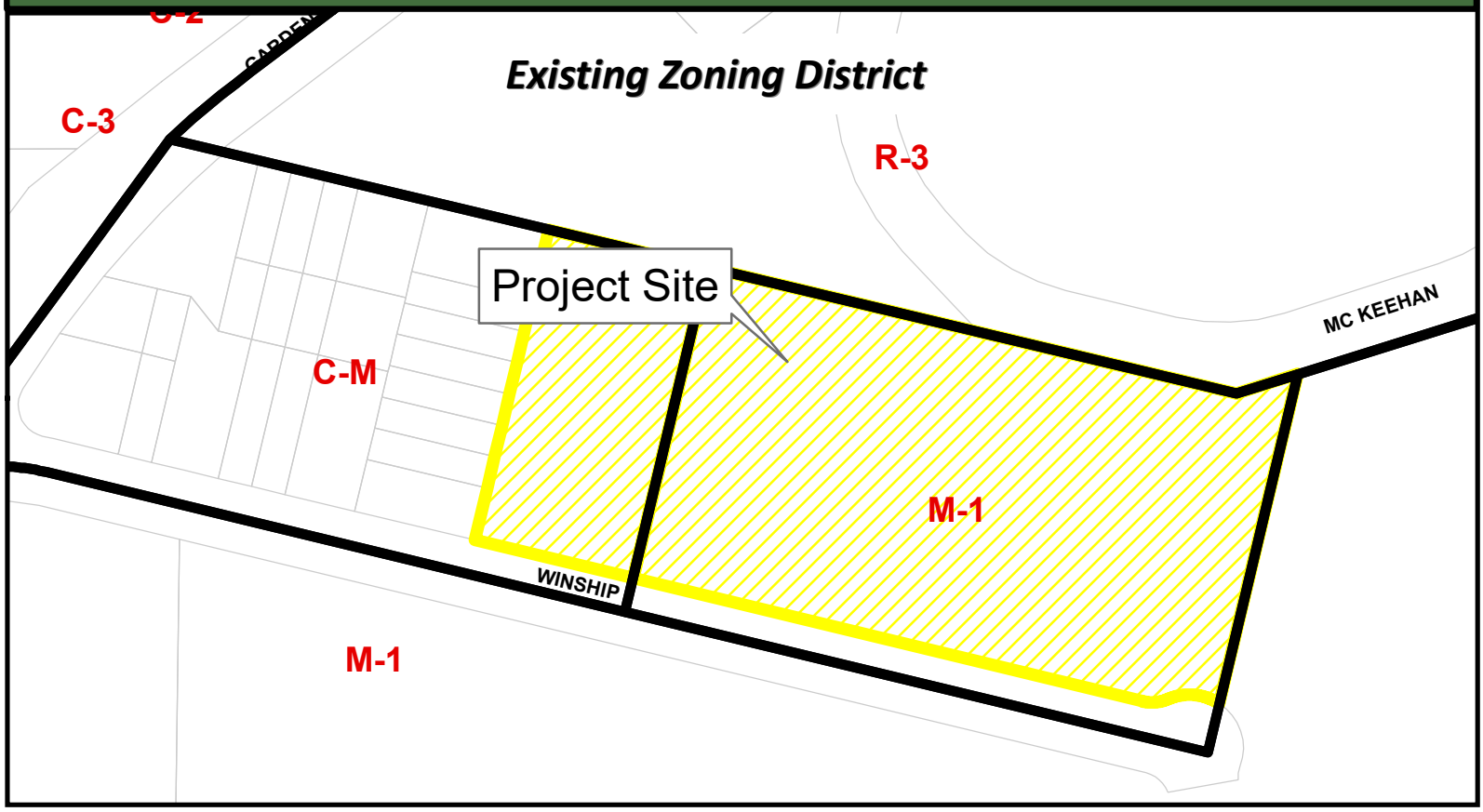
Attachments:

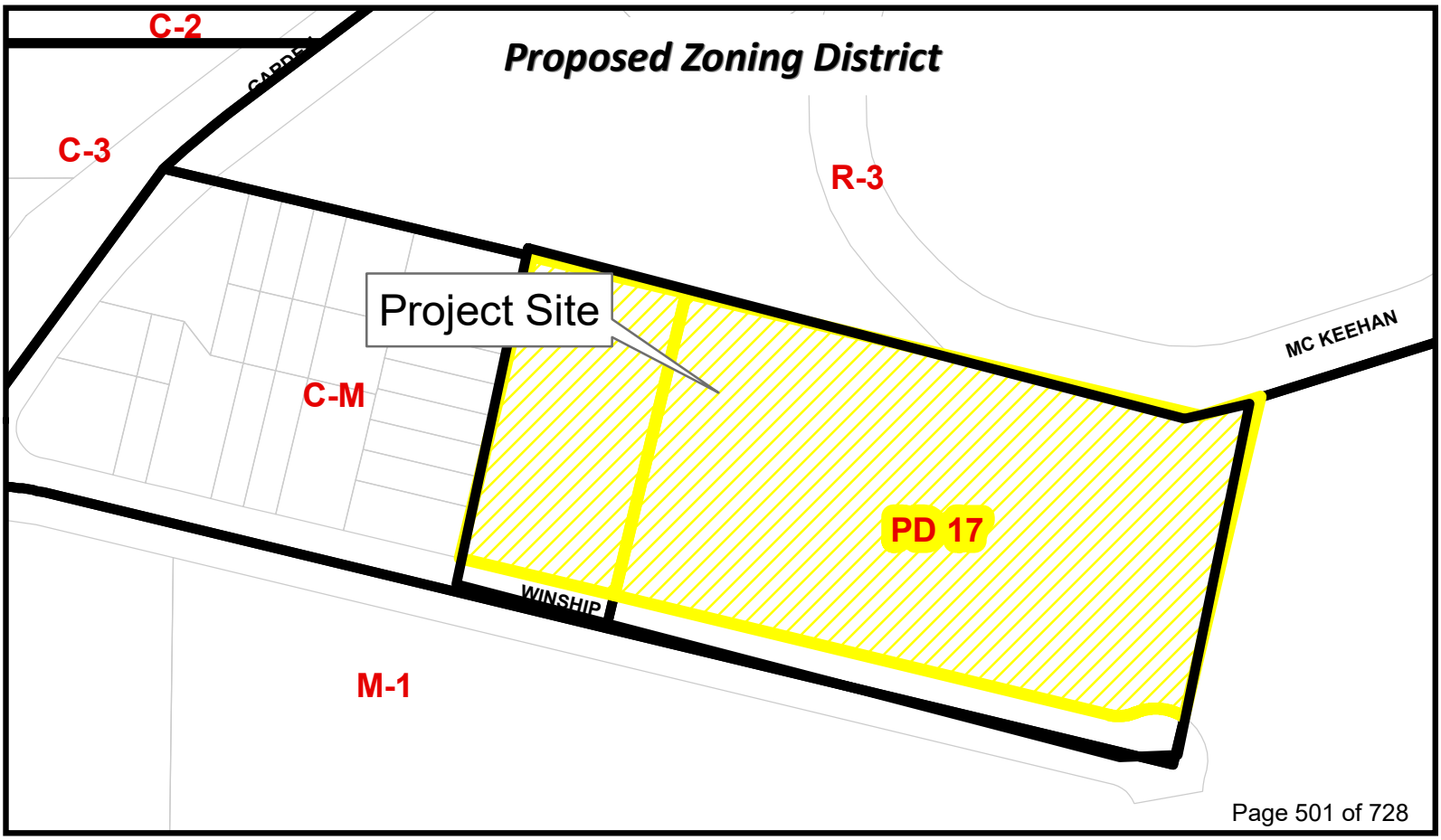
Exhibit A: Planned Development 17 Zoning Map

EXHIBIT A

Nestory Park Self Storage

Development Plan 22-04 - Planned Development 17





ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. PC 22-16

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) CONTINGENTLY APPROVING DEVELOPMENT PLAN 22-04, NESTORY PARK SELF-STORAGE, SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES, LOCATED ALONG THE NORTH SIDE OF WINSHIP ROAD APPROXIMATELY 430 FEET EAST OF THE INTERSECTION OF WINSHIP ROAD AND GARDEN HIGHWAY (ASSESSOR'S PARCEL NUMBERS 53-500-008 AND 53-500-035).

WHEREAS the City received an application for Development Plan (DP) 22-04 to construct a self-storage facility, outdoor vehicle storage area and shipping container storage area; 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 is consistent with the General Plan and Zoning Regulations with the approval of Planned Development 17; and

WHEREAS, on December 14, 2022, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-12, Planned Development (PD) 17 and Development Plan (DP) 22-04, 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 Planning Commission, after which public testimony was closed; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve DP 22-04 such that no decision of approval of DP 22-04 becomes final and effective until immediately after the City Council adopts the MND (EA 22-12) and adopts Planned Development 17; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that DP 22-04 be set for further consideration and a final decisions by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City resolves and orders as follows:

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

2. CEQA Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared a Mitigated Negative Declaration (MND) to evaluate the environmental effects of the Project, including the development of the Nestory Park Self Storage area. The Planning Commission has fully considered the MND and has concurrently recommended it to the City Council for adoption. The Planning Commission finds that DP 22-04 is consistent with, and have been fully assessed by, the MND, and that DP 22-04 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND.

3. Development Plan Findings. The following are required findings of Section 8-5.7001(C) of the Municipal Code that must be made prior to approving the project (*the required*

findings are in italics).

a. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking, landscaping, and other features required by this chapter.*

   Evidence. If the PD_{17} rezoning is approved, the proposed self-storage facility will fit within the 4.90-acre site and meet all City standards. This includes off-street parking, lighting, landscaping, and other City adopted standards. All City services are available to the site, and adequate public access is provided by Colusa Frontage Road.

b. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

   Evidence. The site is served by Winship Road. The City Public Works Department determined that the street would adequately serve the site. With the proposed condition that prohibits commercial truck parking on this project site, the nearest intersection at Garden Highway and Winship Road will not be impacted.

c. *The site design, design of the buildings, and the scale of the project will complement neighboring facilities.*

   Evidence. Based on the analysis provided in the staff report, the design of the project combined with the condition added for further review of the two-story portion of the project, adequately addresses the City's desire for quality building design. The project's design and street frontage landscaping will complement the neighboring properties.

d. *The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.*

   Evidence. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

4. Recommendation of Approval of Development Plan 22-04. Based on the aforementioned findings, the Planning Commission hereby approves DP 22-04, Nestory Park Self Storage, as shown in Exhibit A, subject to the conditions and mitigation measures as set forth in Exhibit B attached hereto, which approvals are contingent upon the following:

a. The approval of DP 22-04 shall become final and effective immediately only after the City Council of the City of Yuba City i) adopts the Mitigated Negative Declaration (EA 22-12) and ii) adopts Planned Development 17 (collectively "Council Approvals"). If all

of the Council Approvals are not made within 180 days of the adoption of this Resolution, then DP 22-04 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission hearing, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then DP 22-04 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective 10 days after, and only upon, the Council Approvals including the MND and adoption of Planned Development 17, unless within such 10 days an appeal is filed with the City Clerk in accordance with the provisions of the Yuba City Zoning Ordinance.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 14, 2022, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

_____
Michele Blake, Planning Commission Chair

ATTEST:

_____
Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: Development Plan 22-04
Exhibit B: Conditions of Approval

EXHIBIT A

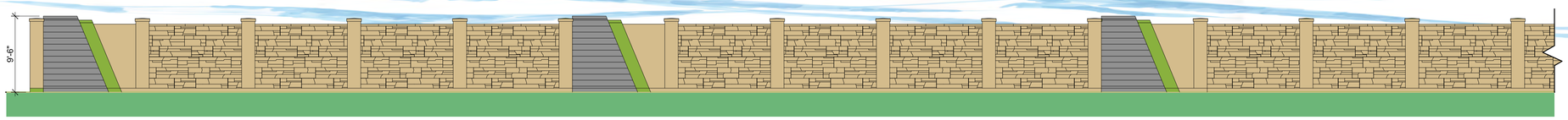
NEST
CAFE

NESTORY PARK
SELF STORAGE
NEST
CAFE

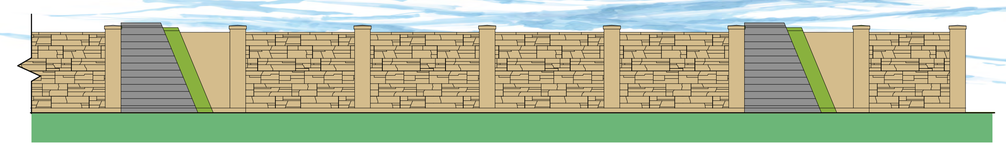
BUILDING ELEVATIONS

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

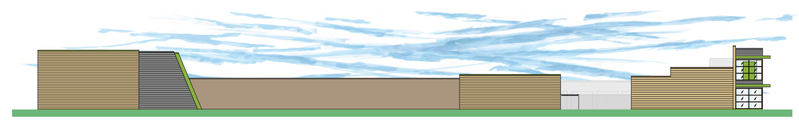
OVERALL EAST ELEVATION 0 15' 30' 60'



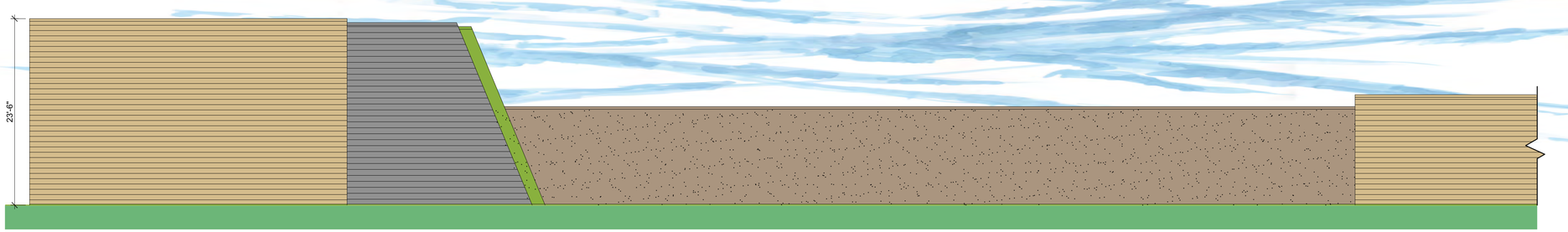
EAST ELEVATION (SOUTH PORTION) 0 4' 8' 16'



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



OVERALL WEST ELEVATION 0 15' 30' 60'



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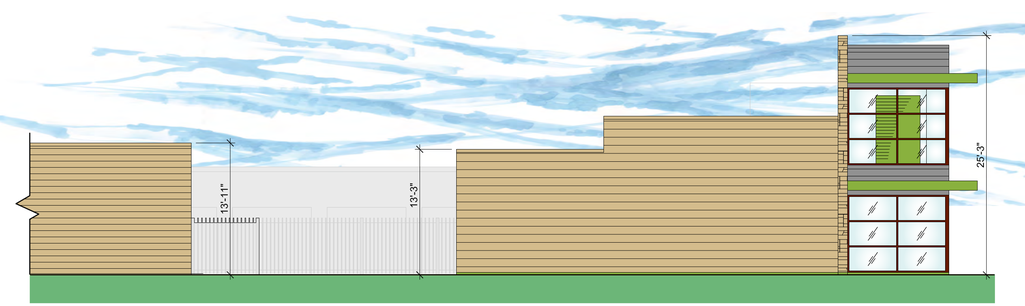

WEST ELEVATION (SOUTH PORTION) 0 4' 8' 16'

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Architects / Planners / Engineers
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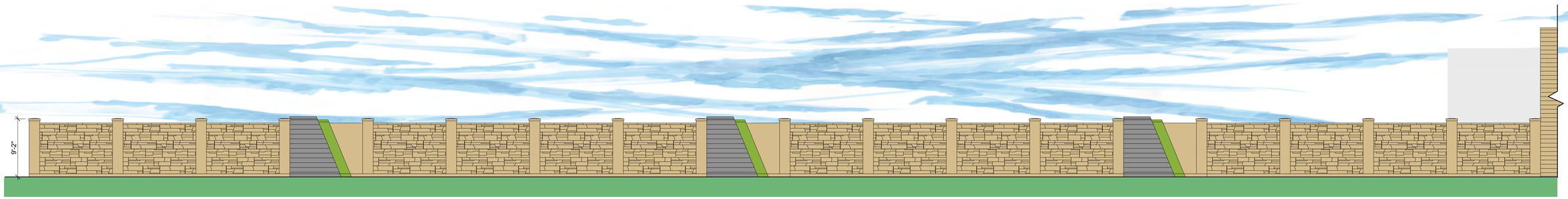
www.groundworkltd.com
FF06 0822

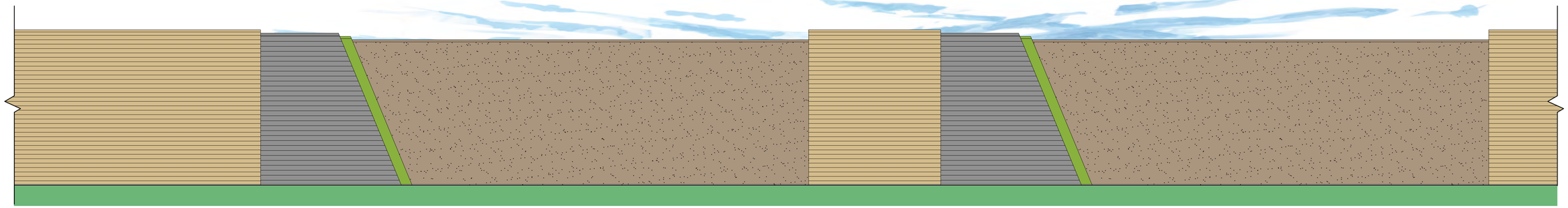
BUILDING ELEVATIONS

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

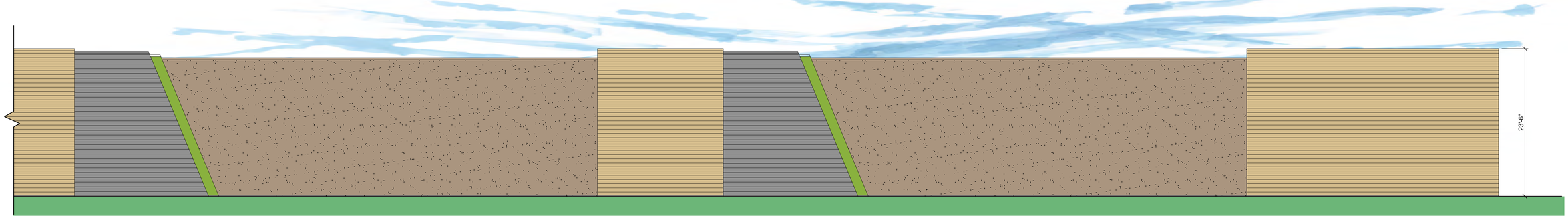
OVERALL NORTH ELEVATION 0 15' 30' 60'



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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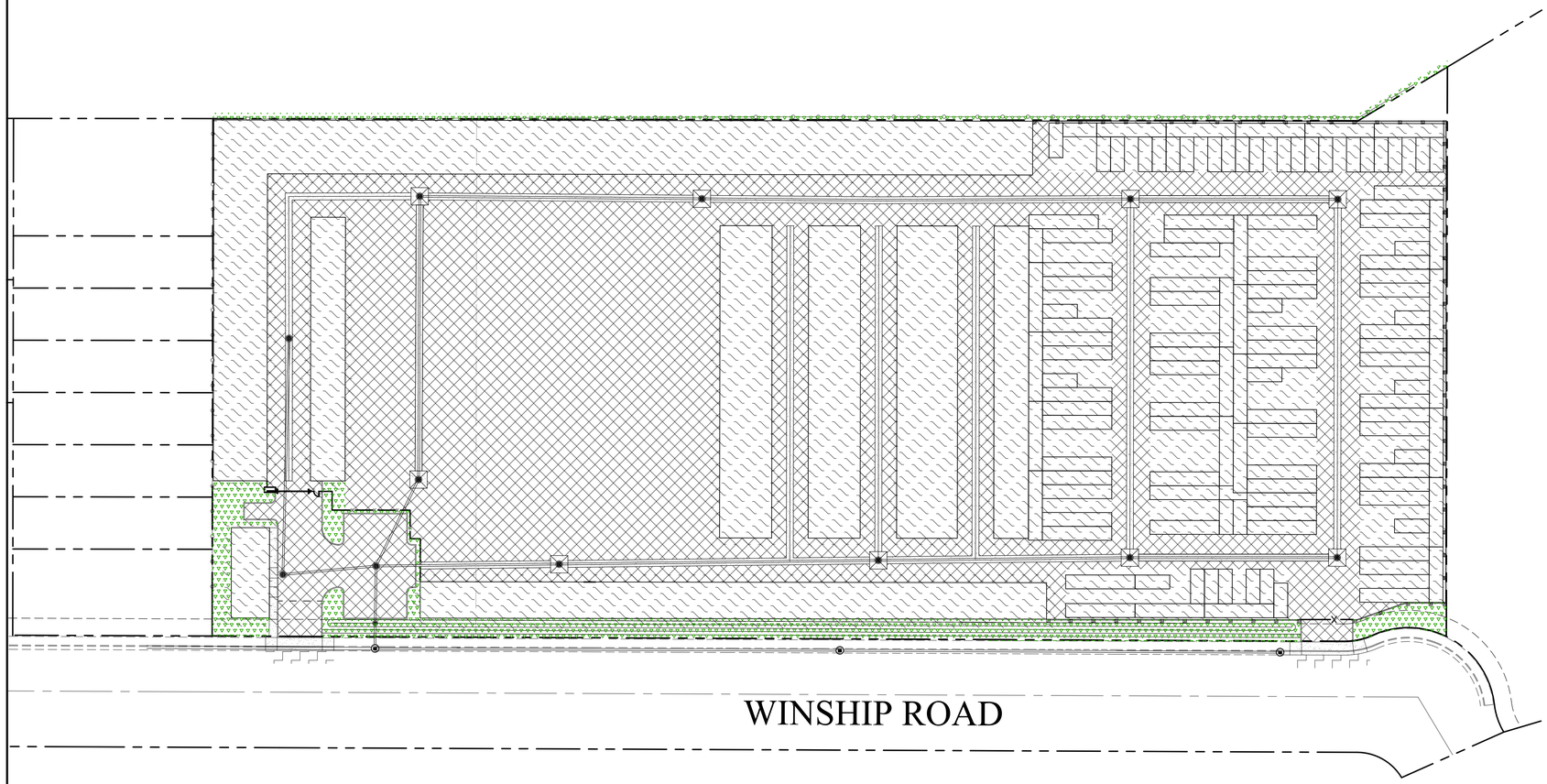


PORTLAND CEMENT CONCRETE WALKWAYS
4" SIDEWALK/FLATWORK ON 2" SAND BEDDING OVER 6" COMPACTED SUBGRADE (95% RELATIVE COMPACTION). (MINIMUM CONCRETE COMPRESSIVE STRENGTH OF 3000 PSI)

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. 74346 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.

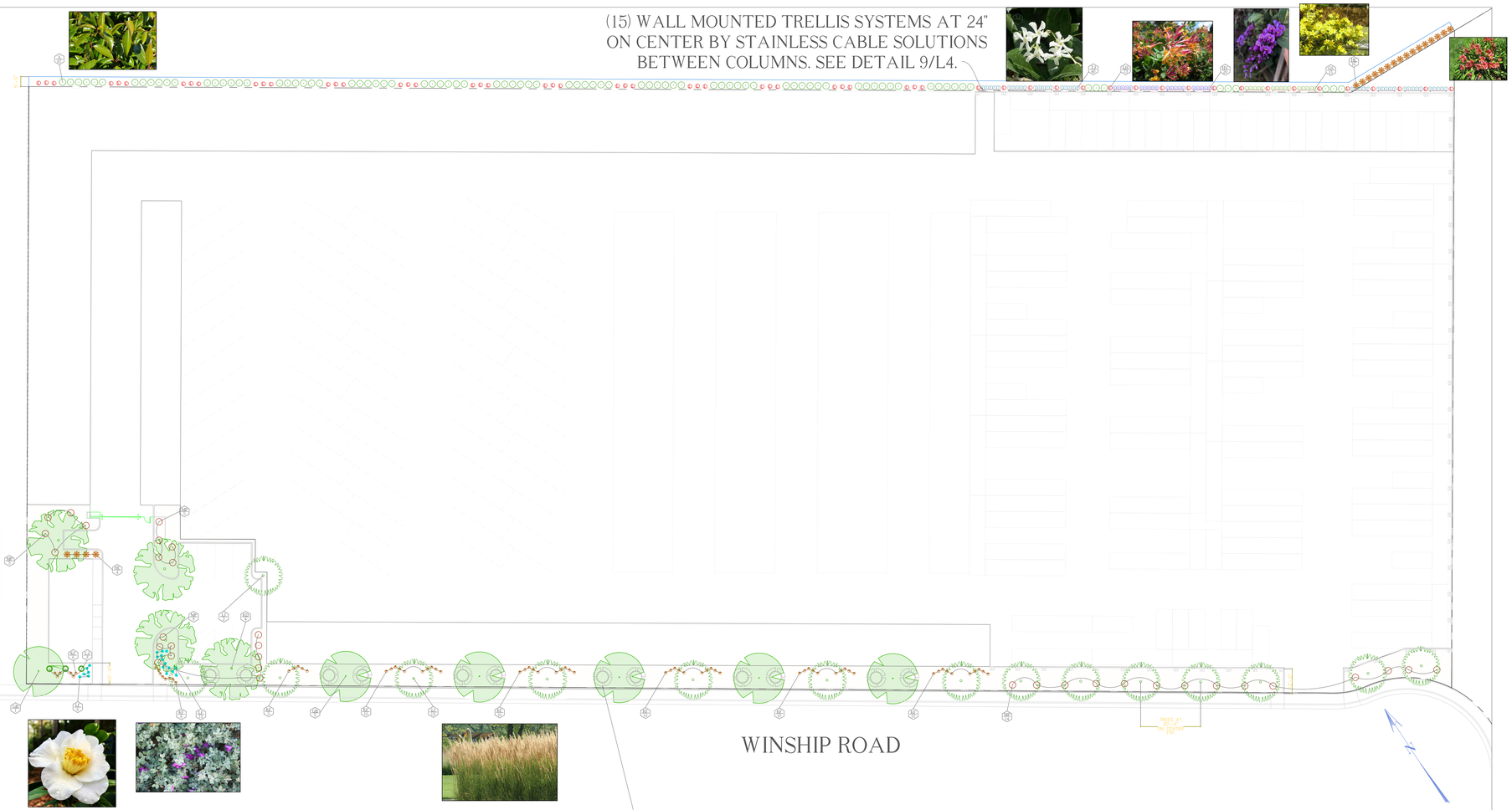
M·H·M
ENGINEERS & SURVEYORS SINCE 1892
ENGINEERING-SURVEYING
1204 "E" STREET
MARYSVILLE, CALIF. 95901-0053
Ph: (530)742-6485/Fax(530)742-5639

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	
4		6	15 GAL	GINKGO BILOBA 'PRINCETON SENTRY'	GINKGO
5		15	15 GAL	LAGERSTROEMIA INDICA 'DYNAMITE'	CRAPE MYRTLE
6		4	15 GAL	PISTACIA CHINENSIS 'KEITH DAVEY'	CHINESE PISTACE
				SHRUBS, PERENNIALS & GROUNDCOVERS	
10		69	1 GAL	CALAMAGROSTIS 'KARL FOERSTER'	KARL FOERSTER GRASS
11		4	1 GAL	HEMEROCALLIS 'ROSY CHIPPER'	DAYLILY
12		3	5 GAL	CAMELLIA JAPONICA 'SILVER WAVES'	CAMELLIA
13		15	5 GAL	GELSEMIUM SEMPERVIRENS	CAROLINA JESSAMINE
14		20	5 GAL	HARDENBERGIA VIOLACEA	PURPLE VINE LILAC
15		11	5 GAL	LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	TEXAS SAGE
16		73	5 GAL	LONICERA HECKROTTII 'GOLDFLAME'	GOLDFLAME HONEYSUCKLE
17		31	5 GAL	MYOPORUM PARVIFOLIUM	CREEPING BOOBIALLA
18		40	5 GAL	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE
19		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'

BOTANICA LANDSCAPES
P: (530) 671-1029 CONSTRUCTION * MAINTENANCE * DESIGN
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:

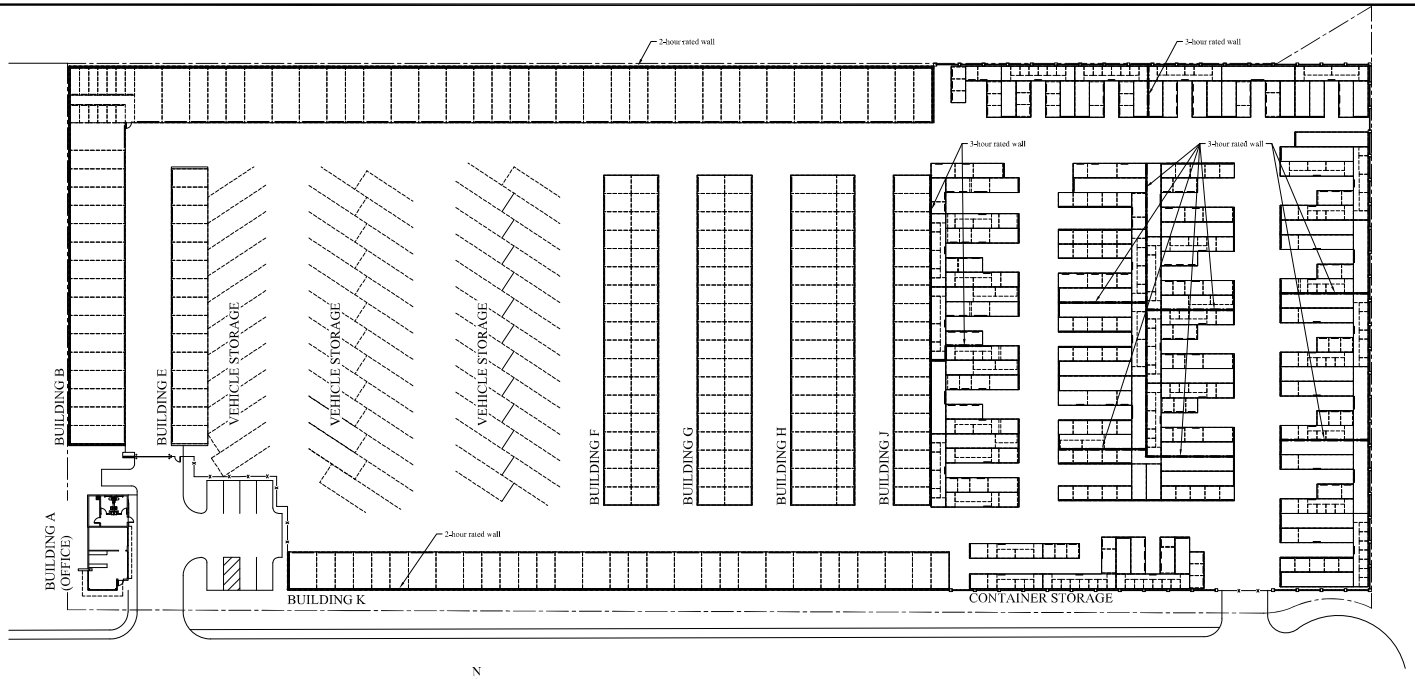
COMMERCIAL

LICENSE: 409125

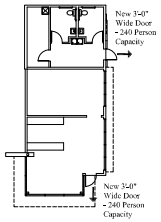
L1

1 OF SHEET 4

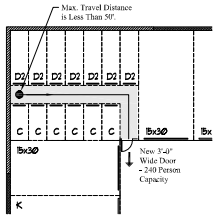
CODE MATRIX



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

GROUNDWORK, LTD.
ARCHITECTS PLANNERS ENGINEERS
847.541.4151
391 WEST DUNDEE ROAD, SUITE A
BUFFALO GROVE, ILLINOIS 60089
kern@groundworkltd.com

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NO	DATE	BY	REVISION / ISSUE

SCOPE DOCUMENTS

THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE ARCHITECTURAL DESIGN CONCEPT OF THE BUILDING AND/OR BUILDINGS. THE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS THESE DWGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL THE WORK REQUIRED FOR FULL PERFORMANCE AND/OR COMPLETION OF ALL REQUIREMENTS OF THE CONTRACT DOCUMENTS. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, THE CONTRACTOR SHALL FURNISH ALL ITEMS OR ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK. THE GENERAL CONTRACTOR SHALL ASSUME THE RESPONSIBILITY FOR COORDINATION OF EACH OF THE TRADES WORK AS RELATED TO THE SCOPE OF WORK REQUIRED FOR A COMPLETE PROJECT.

THESE DOCUMENTS DO NOT REFLECT ANY CHANGES, MODIFICATIONS, OR ADDITIONS MADE BY OTHERS AFTER THE DATES INDICATED ON THE DOCUMENTS, OR THAT GROUNDWORK, LTD., WAS NOT MADE AWARE. GROUNDWORK, LTD., CANNOT BE HELD LIABLE FOR CHANGES, MODIFICATIONS, OR ADDITIONS MADE TO THESE DOCUMENTS BY OTHERS. REUSE OF THESE DOCUMENTS FOR OTHER THAN THE ORIGINAL PURPOSE SHOWN ON THIS SHEET WILL BE OF THE OWNERS SOLE LIABILITY OR LEGAL EXPOSURE TO GROUNDWORK, LTD.

THESE PLANS ARE FOR THE FOLLOWING PURPOSES ONLY, AS INDICATED:

- ☐ REVIEW ONLY
- ☐ PERMIT
- ☐ BIDDING
- ☐ CONSTRUCTION
- ☐ _____

SELF-STORAGE FACILITY

475 WINSHIP ROAD, YUBA CITY, CA 95991

FDP YUBA CITY, LLC
1 BELVEDERE DRIVE
MILL VALLEY, CA 94941

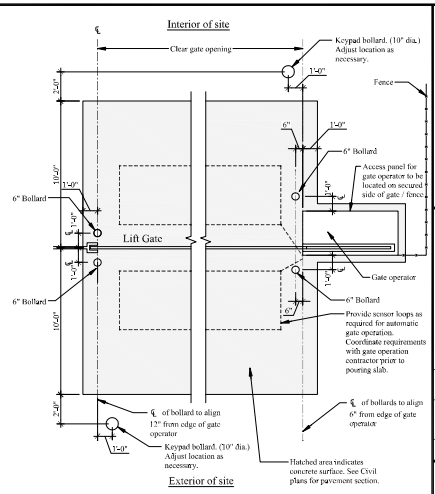
DRAWN BY: SJD	SCALE: AS NOTED	CODE COMPLIANCE & FLOOR PLANS
CHKD BY: DMW		FILE NAME
DATE		JOB NO. FF06

SHEET NO. A0-1

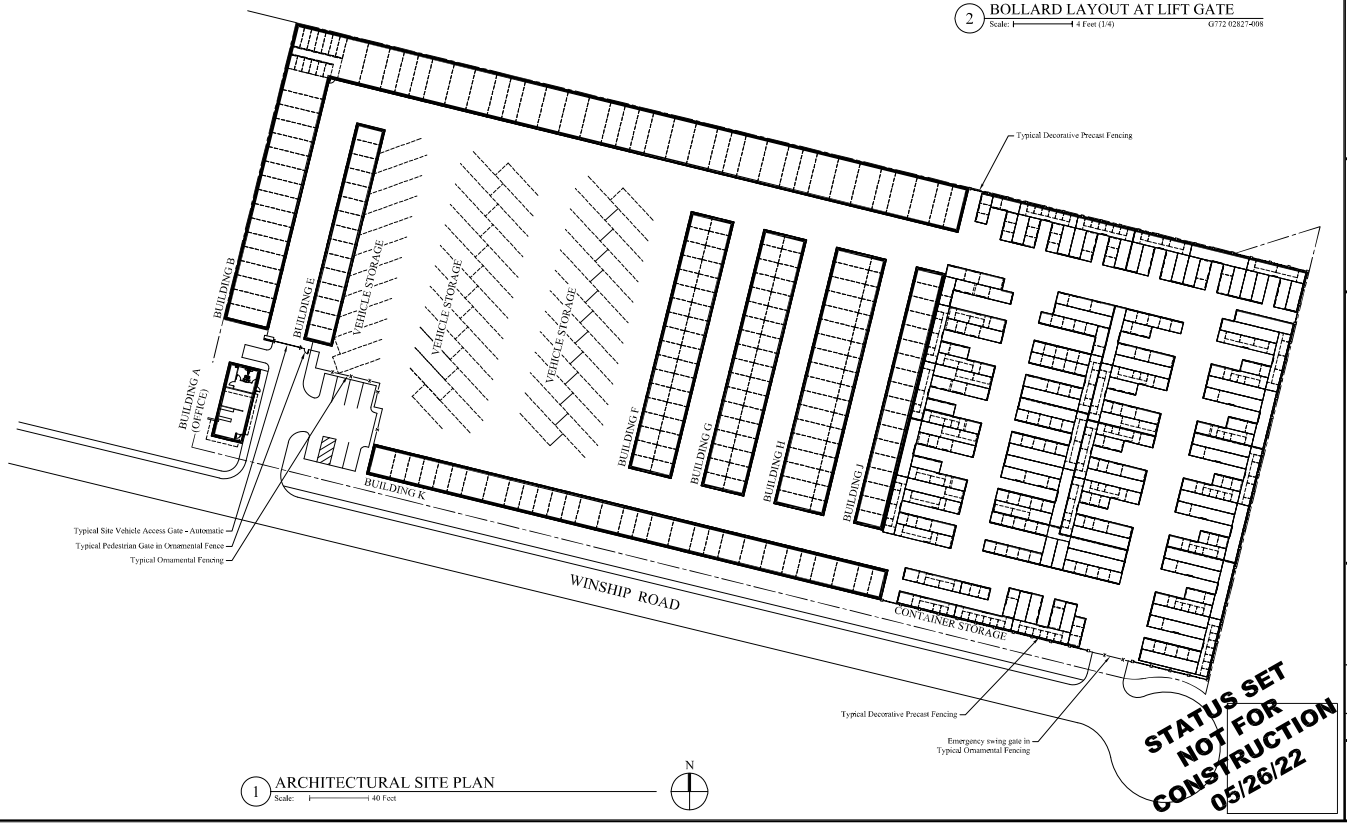
Continued from Sheet A0-1

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

STATUS SET NOT FOR CONSTRUCTION 05/26/22

ARCHITECTS PLANNERS ENGINEERS
GROUNDWORK, LTD.
391 WEST DUNDEE ROAD, SUITE A
BUFFALO GROVE, ILLINOIS 60089
847.541.4151
learn@groundworkltd.com

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NO	DATE	BY	REVISION / ISSUE

SCOPE DOCUMENTS

THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE ARCHITECTURAL DESIGN CONCEPT OF THE BUILDING AND ITS RELATIONSHIP TO ADJACENT BUILDING. AS SCOPE DOCUMENTS THESE DWGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL THE WORK REQUIRED FOR FULL PERFORMANCE AND/OR COMPLETION OF ALL REQUIREMENTS OF THE CONTRACT DOCUMENTS. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, SUBMIT BIDS OR NEGOTIATE A CONTRACT TO FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK. THE GENERAL CONTRACTOR SHALL ASSUME THE RESPONSIBILITY FOR COORDINATION OF EACH OF THE TRADES WORK AS RELATED TO THE SCOPE OF WORK REQUIRED FOR A COMPLETE PROJECT.

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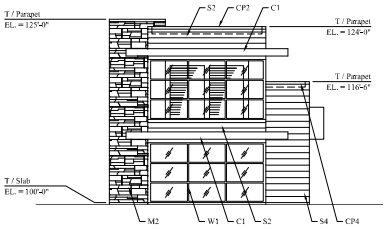
THESE PLANS ARE FOR THE FOLLOWING PURPOSES ONLY, AS INDICATED:
- ☐ REVIEW ONLY
- ☐ PERMIT
- ☐ BIDDING
- ☐ CONSTRUCTION
- ☐ _____

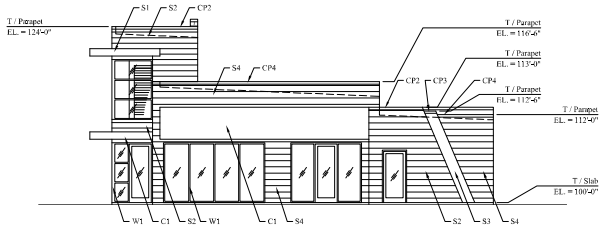
SELF-STORAGE FACILITY
475 WINSHIP ROAD, YUBA CITY, CA 95991

FDP YUBA CITY, LLC
1 BELVEDERE DRIVE
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"



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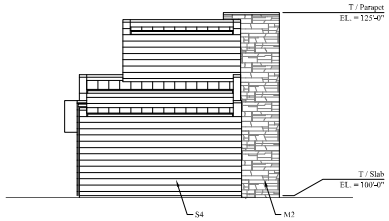

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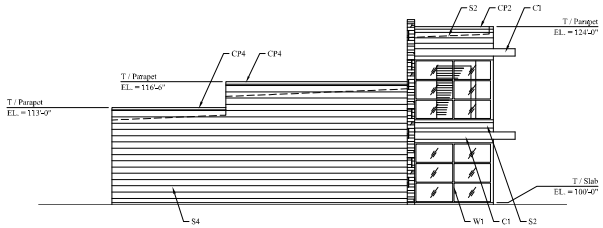
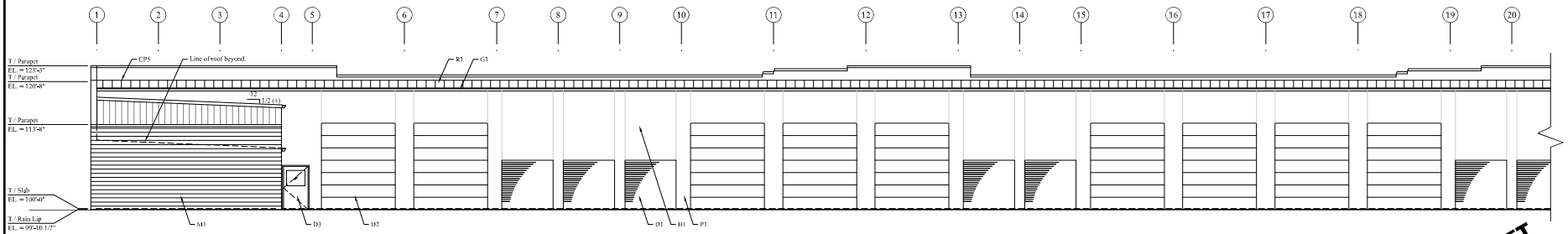
Scale: 1/8" = 1' - 0"



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



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

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.

ARCHITECTS
PLANNERS
ENGINEERS
847.24.4151
GROUNDWORK
GROUNDWORK, LTD.
391 WEST DUNDEE ROAD, SUITE A
BUFFALO GROVE, ILLINOIS 60089 team@groundworkltd.com

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NO	DATE	BY	REVISION / ISSUE

SCOPE DOCUMENTS
THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE ARCHITECTURAL DESIGN CONCEPT OF THE BUILDING AND SITE. THE DRAWINGS AND THE SPECIFICATIONS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL THE WORK REQUIRED FOR FULL PERFORMANCE AND/OR COMPLETION OF ALL REQUIREMENTS OF THE CONTRACT DOCUMENTS. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, THE CONTRACTOR SHALL FURNISH ALL ITEMS AND ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK. THE GENERAL CONTRACTOR SHALL ASSUME THE RESPONSIBILITY FOR COORDINATION OF EACH OF THE TRADES WORK AS RELATED TO THE SCOPE OF WORK REQUIRED FOR A COMPLETE PROJECT.

THESE DOCUMENTS DO NOT REFLECT ANY CHANGES, MODIFICATIONS, OR ADDITIONS MADE BY OTHERS AFTER THE DATES INDICATED ON THE DOCUMENTS, OR THAT GROUNDWORK, LTD., WAS NOT MADE AWARE. GROUNDWORK, LTD., CANNOT BE HELD LIABLE FOR CHANGES, MODIFICATIONS, OR ADDITIONS MADE TO THESE DOCUMENTS BY OTHERS. REUSE OF THESE DOCUMENTS FOR OTHER PURPOSES OR ORIGINAL INTENDED USE SHALL BE AT SUCH TIME OF OTHERS WORK LIABILITY OR LEGAL EXPOSURE TO GROUNDWORK, LTD.

THESE PLANS ARE FOR THE FOLLOWING PURPOSED ONLY, AS INDICATED
☐ REVIEW ONLY
☐ PERMIT
☐ BIDDING
☐ CONSTRUCTION
☐ _____

NESTORY PARK SELF-STORAGE
475 WINSHIP ROAD, YUBA CITY, CA 95991
FDP YUBA CITY, LLC
1 BELVEDERE DRIVE
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
NOT FOR
CONSTRUCTION
07/18/22

EXHIBIT B

CITY OF YUBA CITY
CONDITIONS OF APPROVAL
DEVELOPMENT PLAN 22-04
DECEMBER 14, 2022

NESTORY PARK STORAGE
APN: 53-500-008, 53-500-035

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the development plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this development plan shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this development plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this development plan, the zoning ordinance, and all City standards and specifications. This development plan is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is

material to the issuance of this development plan. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised development plan is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the development plan or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the development plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this development plan or subsequent amendments or revisions. These conditions are conditions imposed solely upon the development plan, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this development plan, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this development plan.

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents 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, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant’s/property owner’s obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, 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 any termination, revocation, overturn, or expiration of an approval.

   Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City’s attorneys’ fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. The development and operation of the project shall comply with all CEQA mitigation measures identified in Environmental Assessment 22-12 dated November 24, 2022.

3. Approval of Development Plan DP 22-04 shall be null and void without further action if either the project has not been substantially commenced within 2 years of the approval date of the development plan or that a request for an extension of time has been submitted to the City.

4. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes).

5. The property shall be developed, used and maintained in accordance with the application, project description and development plan (DP 22-04) except as may be modified in the project conditions or as otherwise approved by the Development Services Director.

6. The development shall comply with Planned Development 17. The specific requirements for PD 17 can be found in Planned Development 17, **Attachment A.**

7. The proposed storage containers shall be secured to foundation in accordance with relevant Building Code requirements, and no stacking of the containers is permitted.

8. All signage to be approved under separate permit as necessary.

PUBLIC WORKS

9. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.

10. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.

11. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports,

concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to assure compliance.

12. Storage of construction material is not allowed in the travel way.

13. An Improvement Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to approval of the Improvement Plans.

PRIOR TO ISSUANCE OF A GRADING PERMIT

14. The improvement plans for the development of the subject property shall include all measures required to ensure that no increased drainage runoff resulting from the development of the property flow onto the adjacent lands or that the development will not impede the drainage from those properties. The land of this development shall have the same finish grade elevation as the adjacent parcels or are within tolerances as approved by the Public Works Department. If retaining walls are required they shall be constructed of concrete or masonry block.

15. A master grading plan shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS

16. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of the Improvement Plans, the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

17. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.

18. Drainage improvements shall be designed in accordance with current City and County design standards. The design is to take into consideration existing infrastructure and needed improvements to facilitate drainage to the Gilsizer Slough.

19. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:

    a. Grading and drainage plan showing the proposed drainage conveyance and storage system.

    b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume.

    c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The

storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.

d. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.

e. Detention Basins - A 100-year, 24-hour storm shall be used for sizing any detention basin(s) included in the approved drainage plan detention storage facilities. The detention basin release rate from any such detention basin(s) during a 100-year, 24-hour storm after development must be equal to or lower than the runoff rate from the detention basin's tributary area before development. The Developer can provide a drainage study addressing storm water mitigation through onsite storage (Phase 2 State Water Resources Control Plan – 80% of two-year storm), perforated pipes, and oversizing storm drainage pipes upon approval of the Public Works Director to eliminate need for a detention pond.

f. The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and the Gilsizer Drainage District Engineer to be comprehensive, accurate, and adequate.

20. The development shall comply with Yuba City's stormwater requirements and Post-Construction Standards Plan. The Post Construction information can be found here: https://www.yubacity.net/city_hall/departments/public_works/engineering/stormwater_management

21. All development shall be designed to local, state, and federal flood standards.

22. The street lighting is a public improvement which shall meet the City Standard Details and be included in the Improvement Plans and Specifications for the development when the improvement plans are submitted for the first improvement plan check. Placement of two street lights shall be approved by the Public Works Director.

23. Required Improvement Plan Notes:

a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."

b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."

c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."

d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the "California Manual of Uniform Traffic Control Devices, latest edition." The

City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."

e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

f. "Where an excavation for a trench and/or structure is five (5) feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department, prior to beginning construction."

g. "Should any field conditions, conflicts, errors, and/or omissions be overlooked during the design review process, or during construction of the development, then any additional work identified during construction shall be implemented by the Developer at the Developer's expense."

PRIOR TO ACCEPTANCE OF THE PUBLIC IMPROVEMENTS

24. Prior to backfill, the Developer shall vacuum test all manholes to ensure no leakage will occur.

25. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (Civil 3D version 2017 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

26. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Maintenance District for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

27. All public street lighting shall be dedicated to the City of Yuba City.

28. The Post Construction Statement of Responsibility shall be recorded at the Sutter County Recorders Office.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

29. The Developer's Superintendent/Representative shall submit three (3) sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.

30. The applicant shall be required to pay all applicable Gilsizer Drainage Fees.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

31. A Lot Line Adjustment merging the two existing parcels shall be approved by the City and recorded at the Sutter County Recorders Office. A recorded copy shall be delivered to the City's Development Services Department.

32. The curb and gutter, and lot drainage shall be inspected and approved by the City. Any curb and gutter which is not in accord with City standards or is damaged before or during construction, shall be replaced. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

33. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.

34. All street lighting shall be constructed per the Improvement Plans and energized prior to the issuance of any certificate of occupancy or as approved by the Public Works Director.

35. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed in accordance with City requirements.

36. The property shall be developed, used and maintained in accordance with the application, project description and development plan except as may be modified in the project conditions.

MITIGATION MEASURES

Impact	Mitigation Measure	Responsible 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;	Developer, Public Works Dept., Development Services Dept.	During construction phase

	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 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.	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.	Developer, Public Works Dept., Development Services Dept.	During construction phase

	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.		

Attachments:

Attachment A – Planned Development 17

ATTACHMENT A

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 3

Nestory Park Self Storage Map

Development Plan 22-04 - 465/475 Winship Road

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

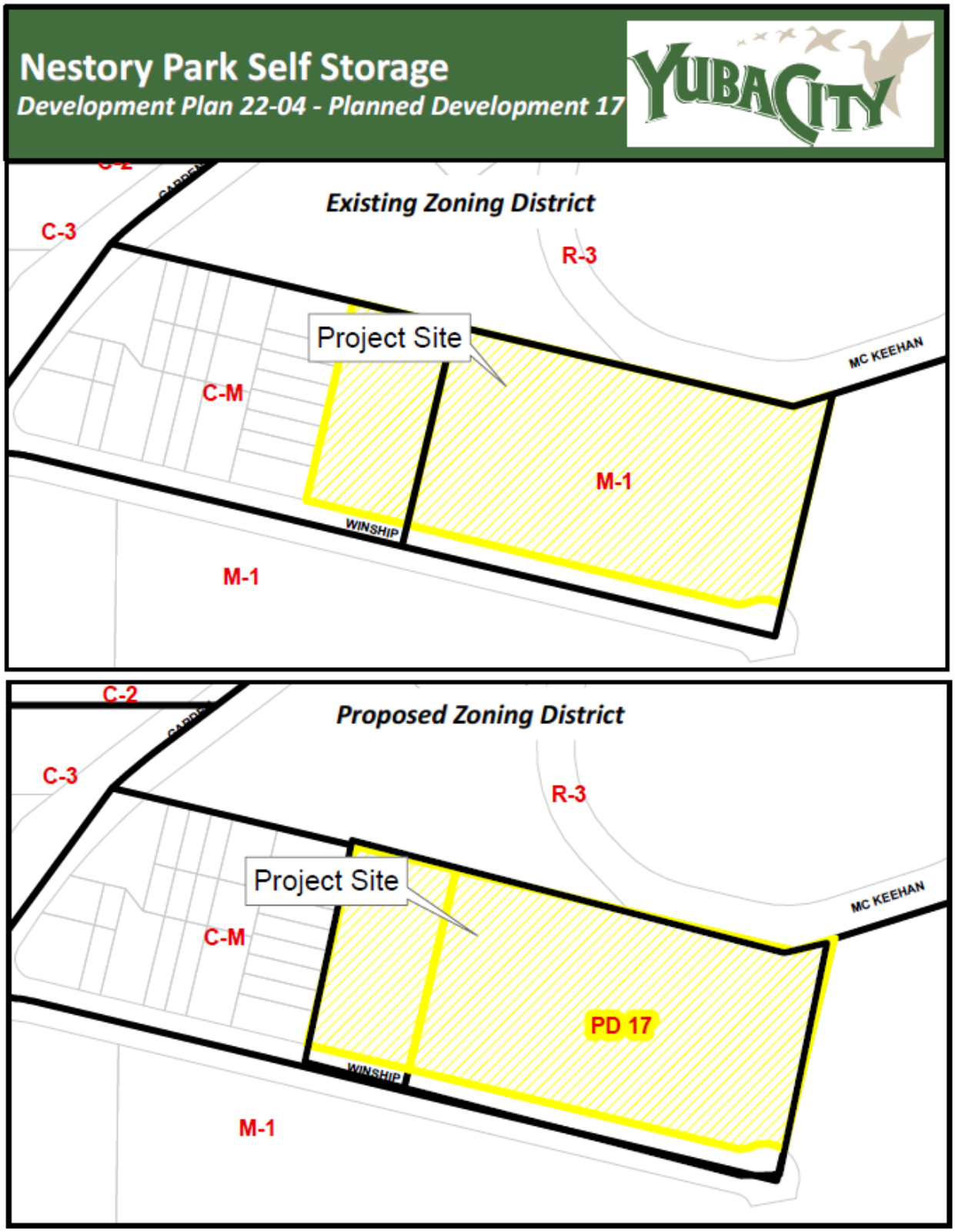

Figure 3: Site Plan

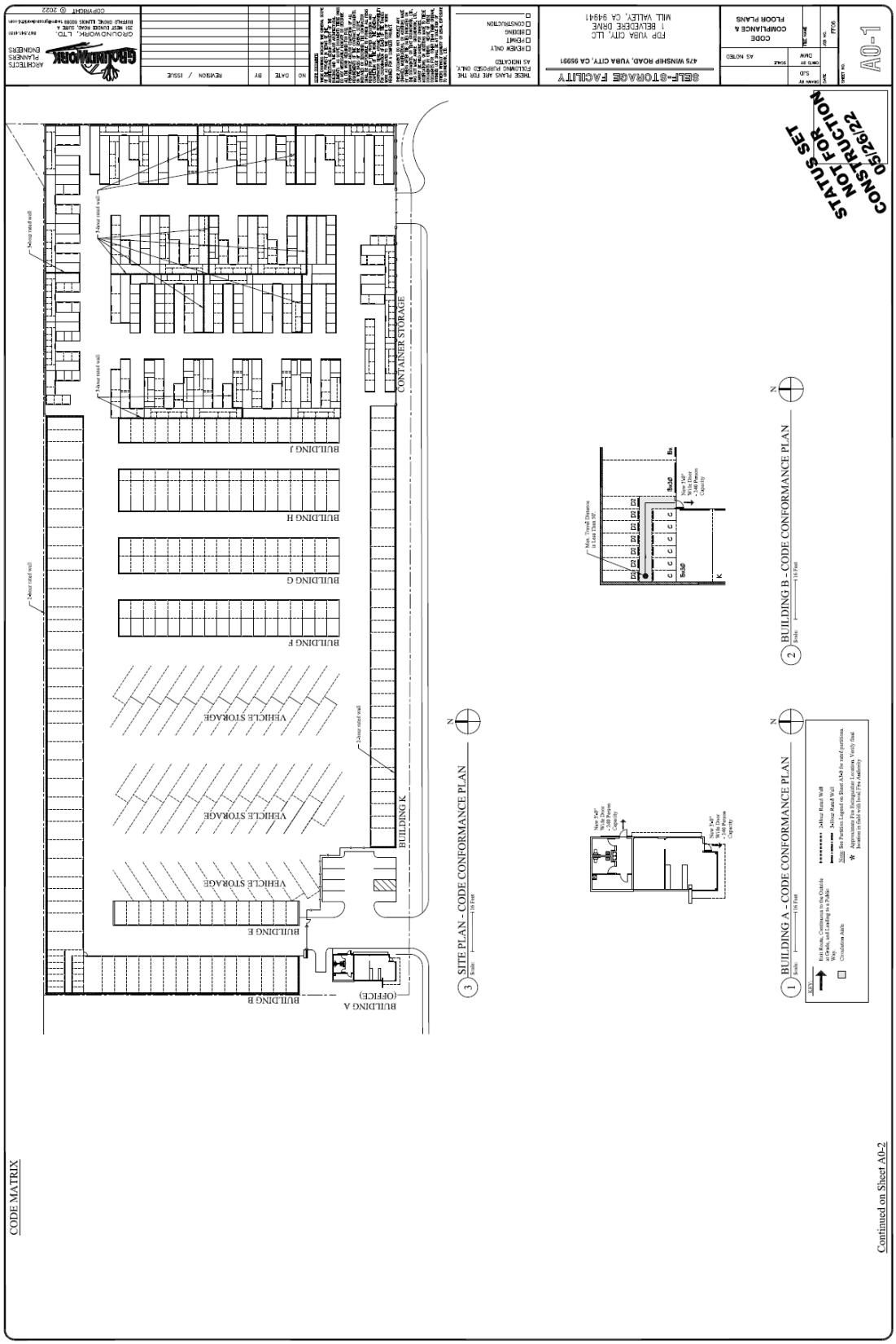

Figure 4: Landscape Plan

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.

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.

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
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.

Agenda Item **12**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Approve Regional Appointments to the Feather River Air Quality Management District (FRAQMD) Board of Directors for 2023

Recommendation: Approve the Appointment of Councilmembers Jeramy Chapdelaine (Live Oak) and Angela Teter (Wheatland) to serve as Alternate Directors on the FRAQMD Board of Directors

Fiscal Impact: None

Purpose:

Approve changes of the member jurisdiction appointments to the Feather River Air Quality Management District Board of Directors.

Background:

The governing body of the Feather River Air Quality Management District is the nine member Board of Directors that includes five members from the two counties and four members from the four incorporated cities. Whenever a jurisdiction changes a member of the FRAQMD Board, the remaining jurisdictions must approve the new appointees.

Analysis:

A request for approval of the recommended members to the Board of Directors has been received from FRAQMD for Alternate Directors. This recommendation has been deemed to be compliant with the 2004 Amended and Restated Agreement.

Fiscal Impact:

None

Alternatives:

Do not approve.

Recommendation:

Approve the Appointment of Councilmembers Jeramy Chapdelaine (Live Oak) and Angela Teter (Wheatland) to serve as Alternate Directors on the FRAQMD Board of Directors

Attachments:

1. City of Yuba City approval of Live Oak and Wheatland appointments 2023

Prepared By:	Submitted By:
Ciara Wakefield	Diana Langley
City Clerk Administrator	City Manager

ATTACHMENT 1

541 Washington Avenue
Yuba City, CA 95991
(530) **634-7659**
FAX (530) **634-7660**
www.fraqmd.org

Christopher D. Brown, AICP
Air Pollution Control Officer

To: City of Yuba City Council Members

From: Christopher D. Brown, AICP, Air Pollution Control Officer

Subject: **Approval of appointment to the Board of Directors of the Feather River AQMD**

Date: February 7, 2023

Recommendation:

Approve the new appointments to the Feather River Air Quality Management District Board of Directors for 2023.

Background and Discussion:

In accordance with the Agreement for Composition of the Feather River AQMD Board of Directors, the following new appointments listed below have been made. This action requires the approval of the Yuba City Council Members.

Director/Alternate Directors:

Council Member – Jeramy Chapdelaine – Alternate Director (City of Live Oak)
Council Member – Angela Teter – Alternate Director (City of Wheatland)

Fiscal Impact:

None

Committee Action:

None required.

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Updates to the City of Yuba City Conflict of Interest Code
Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions
Fiscal Impact: None

Purpose:

A Conflict of Interest Code informs the public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interest (FPPC Form 700).

Background:

The Political Reform Act (Act) prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency must adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designated positions must disclose their financial interests as specified in the agency's conflict of interest code.

In accordance with Government Code Section 87306.5, local agencies must conduct a biennial review of its conflict of interest code. The code must contain language that incorporates Fair Political Practices Commission (FPPC) Reg. 18730 or the basic provisions required in Government Code Section 87302. The last review and update was approved by the City Council on April 5, 2022. Although we are not due for our biennial review, a number of new job classifications were created in 2022, which caused staff to revisit the list of designated positions.

Analysis:

Staff has reviewed the Conflict of Interest Code and determined that amendments to the Code are necessary in order to accurately designate all positions that make or participate in the making of governmental decisions. These are decisions that may foreseeably have a material effect on any financial interest. This amendment is due to personnel classification additions or deletions that have been incorporated in the City's annual budget process as well as City-wide organization changes (Appendix A).

Fiscal Impact:

None

Alternatives:

Do not approve the amended Conflict of Interest Code and ask Staff to provide further review.

Recommendation:

Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions.

Attachments:
1. Resolution - Amending Conflict of Interest Code
2. 2023 Conflict of Interest Code DRAFT 02.07.23

Prepared By:	Submitted By:
Ciara Wakefield	Diana Langley
City Clerk Administrator	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING THE CITY OF YUBA CITY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000, et seg.) required state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted regulations (2 Cal. Code of Regs. 18730) which contain the terms of a standard conflict of interest code; and

WHEREAS, after public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

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

1. That the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Section 18730) and any amendments to the Act are hereby incorporated by reference, and this regulation and the attached Appendix(s) designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the City of Yuba City; and
2. That designated employees shall file their Form 700 statements with the City Clerk's Office, which will make the statements available to public inspection and reproduction (Gov. Code Section 81008).
3. That all previously adopted resolutions approving conflict of interest codes are hereby superseded effective as of the approval date of this resolution.

The foregoing Resolution of the City Council of the City of Yuba City was duly and regularly introduced, passed and adopted at a regular meeting thereof held on this 7th day of February 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
Conflict of Interest Code

The Political Reform Act, Government Code Sections 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings.

Therefore, the terms of Section 18730 and any amendments that are duly adopted by the FPPC are hereby incorporated by reference, as the Conflict of Interest Code of the City of Yuba City along with the attached Appendix(s) in which officials and employees are designated and disclosure categories are set forth.

Designated employees shall file annual FPPC Form 700 Statements of Economic Interests with the City Clerk of the Yuba City and attend required AB1234 Code of Ethics every two years. The City shall make all statements available for public inspection and reproduction, pursuant to Government Section 81008.

Attachments:

- Appendix A: Designated Positions
- Appendix B: Disclosure Categories

Revised February 7, 2023

City of Yuba City
Conflict of Interest Code
Designated Positions

A designated employee is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest. (Government Code Section 82019)

1) Making a governmental decision means the person:
    a. Votes on a matter
    b. Appoints a person
    c. Obligates or commits his or her agency to any course of action; or
    d. Enters into any contractual agreement on behalf of his or her agency

2) Participating in making of a decision, means the person:
    a. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision
    b. Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision

3) Consultant means an individual whom, pursuant to a contract with a state or local government agency makes a governmental decision whether to:
    a. Approve a rate, rule, or regulation
    b. Adopt or enforce a law
    c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, or similar authorization or entitlement
    d. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract
    e. Grant agency approval to a plan, design, report, study, or similar item
    f. Adopt or grant agency approval of policies, standards, or guidelines for the agency or for any subdivision thereof

Positions listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, City Manager, City Attorney, City Treasurer) are not required to be included in the list of designated positions because persons holding these positions are required to file FPPC Form 700 pursuant to State law.

Officials who manage Investments:

It has been determined that the position listed below manage public investments and will file a statement of economic interests (Form 700) pursuant to Government Code Section 87200:

City Treasurer

Department	Position	Disclosure Category
Administration		
	Assistant City Manager	I
	City Clerk	II
	Management Analyst	II
Community Services		
	Community Services Director	I
	Recreation Supervisor I/II/III	IV
	Parks and Grounds Superintendent	II
	Parks Maintenance Supervisor	IV
	Animal Services Manager	II
	Animal Services Supervisor	IV
Development Services		
	Public Works & Development Services Director	I
	Development Services Director	I
	Deputy Director, Development Services	I
	Development Liaison	I
	Assistant Planner	I
	Associate Planner	I
	Chief Building Official	I
	Plans Examiner	I
	Code Enforcement Officer	I
	Building Inspector I/II	III/IV
	Administrative Analyst I/II	II
Finance		
	Finance Director	I
	Accounting Manager	II
	Accountant II	II
	Customer Service Manager	III/IV
	Administrative Analyst I/II	II
	Information Technology Manager	I
	Senior Information Technology Analyst	II
Fire		
	Fire Chief	I
	Assistant Fire Chief	I
	Deputy/Division Chief	II
	Fire Marshall	II
	Fire Safety Inspector	II/III
	Fire Battalion Chief	IV
	Fire Captain	IV
	Administrative Analyst I/II	III/IV

Human Resources

Human Resources Director	I
Administrative Analyst I/II/III	II

Police

Police Chief	I
Police Commander	I
Administrative Manager	II
Police Lieutenant	II
Police Sergeant	IV

Public Works

Public Works & Development Services Director	I
Public Works Director	I
Deputy PW Director - Engineering	II
Deputy PW Director - Utilities	II
–Senior Civil Engineer	II
Civil Engineer – Associate	II
Director of Engineering - SBFCA	II
Environmental Compliance Manager	II
Environmental Compliance Coordinator	II
Construction Project Manager	II
Senior Construction Inspector	II
Deputy Public Works Director - Maintenance	II
Facilities Maintenance Supervisor	II
Fleet Maintenance Supervisor	II
Street Maintenance Supervisor	II
Wastewater Collection Supervisor	II
Water Distribution Supervisor	II
Electrical Instrumentation Supervisor	II
WWTF Maintenance Supervisor	II
WTP Maintenance Supervisor	II
WWTF Supervisor	II
WTP Supervisor	II
Chief Plant Operator - WTP	II
Chief Plant Operator - WWTF	II
Lab Supervisor	II
Administrative Analyst I/II	III/IV

Consultants

Determined by City Manager (1)	I/II/III/IV
Personnel Attorney	I

(1) Consultants (as defined by FPPC regulation 18700(a)(2)) shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

> The City Manager or designee may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section.

City of Yuba City
Conflict of Interest Code
Disclosure Categories

The following disclosure categories set forth the required contents of disclosure statements for officers and employees holding designated positions. An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decisions made or participated in by the designated employee by virtue of the employee's position.

Category I – Full Disclosure

Designated employees assigned to Category I shall report all investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the City of Yuba City or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

Category II – Citywide Disclosure: Material & Supplies

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to the City.

Designated employees assigned to Category II shall report:

a) All investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

b) All income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with, the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

Category III – Citywide Disclosure: Construction, Building and Real Property

Designated employees assigned to Category III shall report:

a) Investments in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

b) All income from any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.

d) All investment and interests in real property if the property is located within or subject to the jurisdiction of the City of Yuba City.

Category IV - Department Disclosure: Material & Supplies

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to their department/division.

Designated employees assigned to Category IV shall report:

a) Investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

b) Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 2023
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Emergency Purchase of Four (4) Ford Three-Quarter Ton Pickups

Recommendation: Adopt a Resolution to award the purchase of four (4) Ford three-quarter ton pickups to Geweke Ford of Yuba City, CA, in the not-to-exceed amount of $161,000.00 and authorizing the purchase of necessary equipment and decals, estimated at $19,000.00, in order to place the vehicles in service

Fiscal Impact: This emergency purchase totaled $180,000.00 for vehicles already in the Vehicle Replacement Plan and funds are available in the Vehicle Replacement Fund, account number 6610-69410, including equipment and setup

---

Purpose:

Purchase of four (4) replacement vehicles for Parks Maintenance and Wastewater Treatment.

Council's Strategic Goal:

This purchase supports the City Council priority of fiscal responsibility.

Background:

Each year, Fleet Maintenance staff reviews the City's vehicles to determine which are recommended for replacement. This is done by reviewing the age of the vehicle, the number of miles on the vehicle, and the anticipated maintenance cost if the vehicle remains in service. For the 2021/22 fiscal year, Council approved the use of Enterprise Fleet Management to execute a leasing plan for vehicle replacement with the intention of buying at national fleet pricing and selling after a few years, at market rate, while the vehicle still has a high equity value. Advantages to such a program include a newer, more efficient, and safer fleet, and a reduced cost. Staff could not have predicted the supply-chain-related issues that would plague the entire automobile industry and effectively halt production later that same fiscal year. Pickups are very difficult to come by, still, today.

As time goes on, the City has aging vehicles that are becoming very costly to operate due to frequent breakdowns and parts availability.

Analysis:

With the difficulty in finding suitable vehicles to replace the worst of the City's fleet, the City Manager has authorized, per section 9.4 of the Purchasing Policy, fleet staff to make emergency purchases of vehicles meeting the City's specifications that become available on a case-by-case basis, when funds are existing in the City's Vehicle Replacement Plan. It is still the City's intention to move to a leasing program, and have many vehicles on order with major manufacturers. However, the urgency to keep our fleet operational will delay implementation. The table below shows the details of the emergency purchases made:

Division	Vehicle	Replaces	3-Yr. Maint. Cost $	Est. Purch $
Parks Maint.	F-250 4x2	0213 Ford F-250 4x2	4,562.10	40,879.58
Parks Maint.	F-250 4x2	0327 Ford F-250 4x2	2,731.86	40,879.58
Parks Maint.	F-250 4x2	0328 Ford F-250 4x2	11,923.99*	37,842.26
WWTF	F-250 4x4	0110 Dodge 2500 4x4	3,048.98**	41,143.42
All	Equip/Set up	All	N/A	19,255.16
				180,000.00

* Includes stolen catalytic converter repair
** Includes eight repairs for heating/cooling (A/C) issues

Fiscal Impact:

This emergency purchase totaled $180,000.00 for vehicles already in the Vehicle Replacement Plan and funds are available in the Vehicle Replacement Fund, account number 6610-69410, including equipment and setup.

Alternatives:

1. Sell purchased vehicles for very little loss and wait for orders from Ford to be filled in FY 2023-24, or after.

Recommendation

Adopt a Resolution to award the purchase of four (4) Ford three-quarter ton pickups to Geweke Ford of Yuba City, CA, in the not-to-exceed amount of $161,000.00 and authorizing the purchase of necessary equipment and decals, estimated at $19,000.00, in order to place the vehicles in service.

Attachments:
1. Resolution

Prepared By:
Spencer Morrison
Finance Director

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO.___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE EMERGENCY PURCHASE OF FOUR THREE-QUARTER TON PICKUPS

WHEREAS, the Fleet Maintenance staff reviews the City's vehicles to determine which are recommended for replacement. This is done by reviewing the age of the vehicle, amount of miles on the vehicle and the anticipated maintenance cost if the vehicle remains in service; and

WHEREAS, City Council approved the use of Enterprise Fleet Management in FY 2021-22 to execute a leasing plan for vehicle replacement with the intention of buying at national fleet pricing and selling after a few years, at market rate, while the vehicle still has a high equity value; and

WHEREAS, City staff could not have predicted the supply-chain-related issues that would plague the entire automobile industry and effectively halt production later that same fiscal year making pickups especially difficult to purchase; and

WHEREAS, the City has several, aging vehicles that are becoming very costly to operate due to frequent breakdowns and parts availability;

WHEREAS, with the difficulty in finding suitable vehicles to replace the worst of the City's fleet, the City Manager has authorized, per section 9.4 of the Purchasing Policy, fleet staff to make emergency purchases of vehicles meeting the City's specifications that become available on a case-by-case basis, when funds are existing in the City's Vehicle Replacement Plan.

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

The City Council finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

The City Council finds that a sole source award is appropriate on the grounds that the current significant supply-chain issues have made it very difficult to obtain pickups through Enterprise Fleet Management and Geweke Ford has the pickups available.

The City Council hereby authorizes the purchase of four (4) Ford three-quarter ton pickups to Geweke Ford of Yuba City, CA in the not-to-exceed amount of $161,000, with the finding that it is in the best interest of the City.

The City Council hereby authorizes the purchase of necessary equipment and decals to place the vehicles in service, estimated at $19,000.

This resolution shall become effective immediately.

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 7th day of February 2023.

AYES:

NOES:

ABSENT:

_____
Wade Kirchner, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Shannon Chaffin, Esq.
Aleshire & Wynder, LLP

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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 Rate Study 2024 Award

Recommendation: Adopt a Resolution awarding the Utilities Rate Study 2024 to Black & Veatch Management Consulting, LLC of Los Angeles, CA in the amount of $159,705 plus a contingency of $32,000, with the finding that it is in the best interest of the City

Fiscal Impact: $191,705.00

Contract:
$79,852.50 (7120-62701 – WTP Professional Services)
$79,852.50 (8120-62701 – WWTF Professional Services)

Contingency:
$16,000.00 (7120-62701 – WTP Professional Services)
$16,000.00 (8120-62701 – WWTF Professional Services)

Purpose:

To conduct a water and wastewater rate study to recommend changes to the utilities rates and fees beginning in Fiscal Year 24/25.

Council's Strategic Goal:

This item addresses Council's strategic goals of *Fiscal Responsibility* and *Infrastructure* by providing the necessary funding to support the services, operations, maintenance, labor, and capital improvement of the City's water and wastewater systems.

Background:

The City's utilities service rates and fees are intended to fully recuperate costs to deliver water and wastewater services and the operations and infrastructure of their associated systems via self-funded enterprise funds. In order to develop and propose rate maximums for a five-year projection, local agencies are required to provide a documentation record as evidence of the fiscal requirements per California statute. A rate study which evaluates the operational and infrastructural needs of the water and wastewater systems and the share of rates and fees by customer classes fulfills this need for the Proposition 218 rate approval process.

The City's last rate study was initiated in 2014, and the recommended rate maximums were approved

through a successful Proposition 218 process to begin in Fiscal Year 16/17. The water and wastewater rates will reach these Proposition 218 maximums in Fiscal Year 23/24. A new rate study is required to reevaluate and recommend new rates for Fiscal Year 24/25 and beyond.

Analysis:

The Public Works Department issued Request for Proposals No. 2022-RFP-02 (RFP) on October 21, 2022 for preparation of the Utilities Rate Study 2024 and services during the subsequent Proposition 218 process. The Scope of Services solicited in the RFP included the following tasks:

1. Project Kick-off
2. Study Section 1 – Rates & Fees Analysis
3. Study Section 2 – Water
4. Study Section 3 – Wastewater
5. Study Section 4 – Adoption & Implementation
6. Preliminary Draft
7. Final Draft
8. Town Hall Meetings (5)
9. Council Workshop
10. Support – Proposition 218 Process through Adoption
11. Final Utilities Rate Study 2024

Four (4) qualified consultant firms submitted proposals on November 18, 2022, which were scored by City staff from the Public Works and Finance Departments. A summary of the proposal scores is included below as Table 1.

Table 1. Utilities Rate Study 2024 Average Scores

Criteria	Points Allowed	Black & Veatch Management Company, LLC	Interstate Gas Services, Inc.	NBS Government Finance Group	Willdan Financial Services
Completeness of Proposal	10	10.00	8.75	9.25	10.00
Understanding of Project & City Needs	15	13.00	11.75	10.75	12.75
Methodology	10	9.75	7.00	7.25	9.75
Scope of Services & Deliverables	20	18.50	16.00	15.50	17.25
Project Schedule	10	10.00	10.00	9.25	10.00
Experience & Qualifications	15	14.50	9.75	13.00	12.75
Cost	15	11.00	9.00	10.00	15.00
References	5	4.50	2.75	4.50	3.00

Total Score:	100	91.25	75.00	79.50	90.50

City staff believe that Black & Veatch Management Company, LLC of Los Angeles, CA (Black & Veatch) is the most qualified consultant based on the scoring criteria of the RFP and best fits the needs of the City's water and wastewater utilities for this contract. The full proposal and proposal attachments submitted by Black & Veatch are included as Exhibit 1A and Exhibit 1B.

If approved, Black & Veatch, in coordination with Utilities and Engineering staff, will conduct the Utilities Rate Study 2024 process throughout the remainder of the calendar year with a targeted Fiscal Year 24/25 rate update. Public Works will return to Council in early 2024 upon completion of the rate study for further direction regarding rate recommendations, ordinance updates, and the Proposition 218 process.

Fiscal Impact:

The total requested award for the Utilities Rate Study 2024 is $191,705, consisting of Black & Veatch's cost proposal of $159,705 and a contingency of $32,000 for changes in scope and alternatives. Costs will be divided equally between the WTP and WWTF professional services accounts. There are sufficient funds budgeted in these operating budgets for this contract.

Alternatives:

1. Direct staff to reduce the scope of services and negotiate a reduced contract cost. An altered scope of services would reduce the data, documentation, and potential applications of the study.
2. Do not award the RFP and do not move forward with a water and/or wastewater rate study at this time. The City will not be able to alter the utilities rate maximums or rate structure until a new rate study is conducted.

Recommendation:

Adopt a Resolution awarding the Utilities Rate Study 2024 to Black & Veatch Management Consulting, LLC of Los Angeles, CA in the amount of $159,705 plus a contingency of $32,000, with the finding that it is in the best interest of the City.

Attachments:

1. Resolution - Utilities Rate Study 2024 Award
2. Exhibit 1A - Black & Veatch Utilities Rate Study 2024 Proposal
3. Exhibit 1B - Black & Veatch Utilities Rate Study 2024 Proposal Attachments

Prepared By:
Scarlett O. Harris
Administrative Analyst II

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING THE UTILITIES RATE STUDY 2024 (REQUEST FOR PROPOSALS NO. 2022-RFP-02) TO BLACK & VEATCH MANAGEMENT CONSULTING, LLC OF LOS ANGELES, CA IN THE AMOUNT OF $159,705 PLUS A CONTINGENCY OF $32,000

WHEREAS, the City of Yuba City provides treated water and wastewater via over 19,000 water connections and 15,000 sewer connections to a population of approximately 70,000 residents, businesses, and industrial facilities; and

WHEREAS, the City's Utilities branch of the Public Works Department's primary goal is the health and wellbeing of our customers and the environment through continuous and reliable operations and services of the Water Treatment Plant, water distribution system, wastewater collections system, Wastewater Treatment Facility, and laboratory; and

WHEREAS, the water and wastewater customer rates self-fund the operations, maintenance, and capital improvements of the City's water and wastewater infrastructure and services through the enterprise fund budget; and

WHEREAS, California statutes require that local assessments and fees which benefit specific residents or properties and are mandatory per the local agency must be charged proportionately to their usage, must be supported by sufficient data and documentation, and must be allowed the ability to protest said fees via a Proposition 218 ballot; and

WHEREAS, the Public Works Department issued Request for Proposals No. 2022-RFP-02 on October 21, 2022 to select a consultant firm to conduct the Utilities Rate Study 2024, which will inform the City on appropriate utility rates and fees to be proposed for Fiscal Year 23/24 and beyond and provide the data and documentation record required by Proposition 218; and

WHEREAS, the City received four (4) proposals on November 18, 2022 from qualified consultants, which were evaluated by Public Works and Finance staff and who have recommended Black & Veatch Management Consulting, LLC of Los Angeles, CA as the most beneficial and qualified consultant for award based on their completeness of proposal, understanding of project and City needs, methodology, scope of services and deliverables, project schedule, experience and qualifications, cost, and references; and

WHEREAS, the City desires to award a contract for the Utilities Rate Study 2024 to Black & Veatch Management Consulting, LLC of Los Angeles, CA in the amount of $159,705 plus a contingency of $32,000.

NOW, THEREFORE, be it resolved by the City Council of Yuba City as follows:

1. The Recitals are incorporated herein as if set forth in full.
2. The City Council finds that Black & Veatch Management Consulting, LLC of Los Angeles, CA is the most beneficial and qualified consultant for award based on its demonstrated competence, professional qualifications, availability, fair and reasonable costs, etc. Among others, this finding is based on the completeness of proposal, understanding of project and City needs, methodology, scope of services and deliverables, project schedule, experience and qualifications, cost, and

references. An award of the Utilities Rate Study 2024 project to Black & Veatch Management Consulting, LLC of Los Angeles, CA is in the best interests of the City.

3. The City Council awards the Utilities Rate Study 2024 project to Black & Veatch Management Consulting, LLC of Los Angeles, CA in the amount of $159,705 plus a contingency of $32,000, and authorizes the City Manager to enter into an agreement for the same, subject to approval as to legal form by the City Attorney.
4. This Resolution shall take effect 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 7th day of February, 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. Black & Veatch Utilities Rate Study 2024 Proposal
B. Black & Veatch Utilities Rate Study 2024 Proposal Attachments

EXHIBIT 1A

PROPOSAL FOR CITY OF YUBA

Utilities Rate Study 2024

2022-RFP-02 | NOVEMBER 18, 2022

PROPRIETARY AND CONFIDENTIAL INFORMATION

BLACK & VEATCH

Black & Veatch Management Consulting, LLC
550 S. Hope Street, Suite 2250, Los Angeles, CA 90071
P +1 913-458-4377 | E KlausnerCJ@bv.com

November 18, 2022

Phillip Marler
Deputy Public Works Director – Utilities
City of Yuba City
Wastewater Treatment Facility
302 Burns Drive
Yuba City, CA 95991

RE: Utilities Rate Study 2024

Dear Mr. Marler:

In response to the City of Yuba (City) request for a Water and Wastewater Rate Study, Black & Veatch Management Consulting, LLC (Black & Veatch) presents this proposal for your consideration.

Black & Veatch has extensive financial ratemaking experience based on sound engineering principles in providing the services requested by the City to clients in California and across the nation. We base our plan for providing value to the City on a thorough understanding of the City's objectives and our first-hand knowledge of water and wastewater issues faced in Northern California. We believe our solutions will provide benefits to the City by meeting the following key objectives identified in the RFP:

- Develop a five-year financial plan for the water and wastewater utilities that will meet operating, capital expenditures, reserves, bond covenants, and other requirements.
- Perform a cost-based rate analysis that will assign proportionality to the customer classes and meet Proposition 218 requirements.
- Design water and wastewater rate structures based on industry standards and meet statutory requirements.
- Present rate structure and rate recommendations to staff, City Council and assist in conducting a City Council Workshop and Town Hall Meetings.

Black & Veatch team members have led successful studies for similar municipalities with these goals, as demonstrated in our resumes and project experience write-ups. We will work closely with the City staff and management throughout the project to promote input and understanding of the work and efficient project completion.

PRIMARY CONTACT

ANN BUI
Project Director
550 S. Hope Street, Suite 2250
Los Angeles, CA 90071
BuiA@bv.com
+1 949-302-6017

Black & Veatch has received and reviewed all Q&A's, and no addenda were associated with the bid. We attest that all items and information included in the proposal are truthful and accurate.

We are sincerely interested in providing these professional services and believe our overall experience and highly qualified personnel provide the best service value to the City. Please contact the Project Director, Ms. Ann Bui, if you have any questions or require additional information.

Very truly yours,

Chris Klausner
Associate Vice President

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Executive Summary

The City of Yuba City (City) wishes to obtain a qualified consultant to conduct a water and wastewater rate study. The City serves 70,000 people in its 15 square miles area. The City is dealing with several unanticipated issues: severe drought in 2016 and 2022, COVID-19, economic inflation and supply issues, lack of funding for capital projects, and newly identified capital needs due to completed master plans. These issues have different impacts on the water and wastewater systems; therefore, the study will assess and evaluate the City's current rates to provide sufficient, defensible funding to meet their operations and capital obligations proportionate to the cost of providing the service. The major objectives identified include:

- Develop a multi-year financial plan for the water and wastewater utilities that will meet operating and capital expenditures.
- Perform a cost-of-service analysis that assigns proportionality to the customer classes and meets statutory requirements.
- Develop rate recommendations yet consider the impact on the community's economic well-being.
- Present rate recommendations to staff, City Council, and outside stakeholders.

FIRM QUALIFICATIONS AND EXPERIENCE

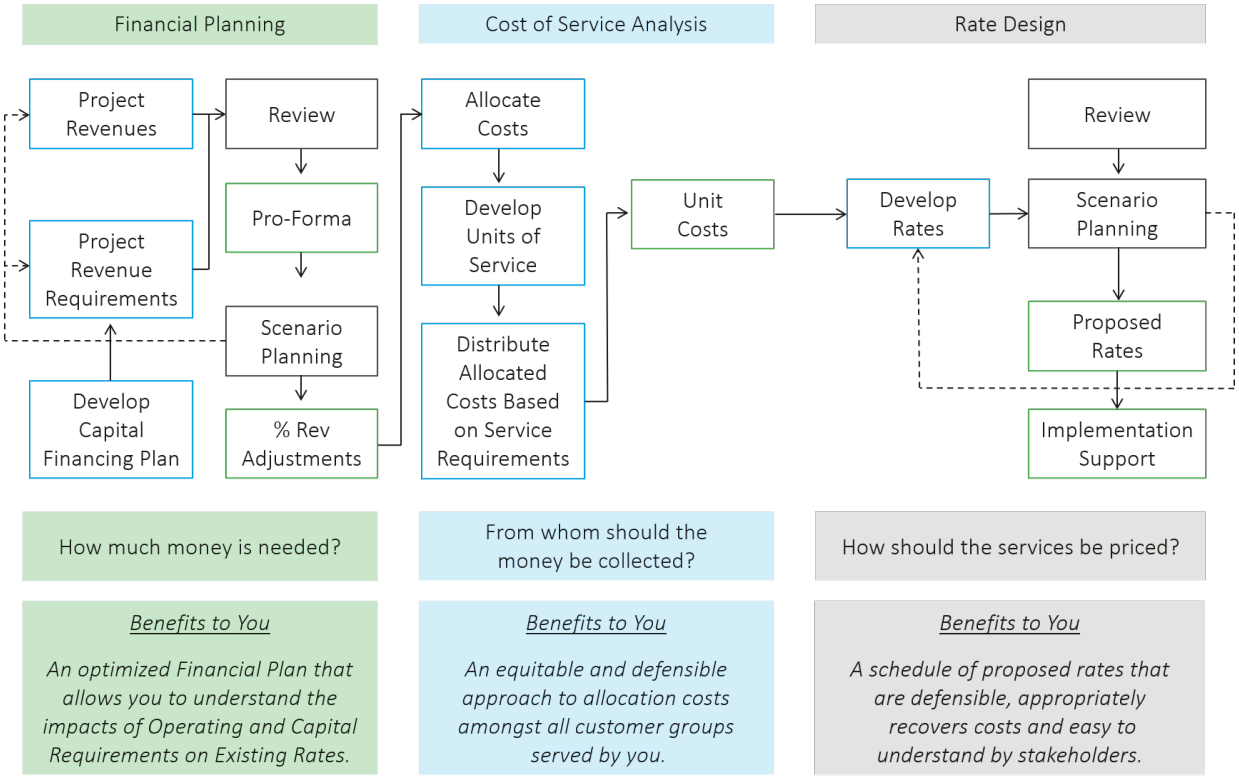
Black & Veatch Holding Company is a leading global engineering, construction, and consulting company specializing in developing energy, water, and telecommunications infrastructure. Founded in 1915, Black & Veatch is an employee-owned company based in Overland Park, Kansas, that has over 9,000 professionals operating out of more than 120 offices worldwide. Our revenues in 2021 were US$3.3 billion.

Black & Veatch Management Consulting, LLC

Black & Veatch Management Consulting, LLC is a wholly owned subsidiary of Black & Veatch Holding Company that brings together more than 200 professionals. These professionals include experienced industry executives, senior analysts, and technology experts from the electric, water, oil, natural gas, and technology industries. Our seasoned executives and senior-level analysts combine advanced analytics and practical business sense with extensive technology and engineering capabilities to deliver solutions that work best for the City.

PROJECT METHODOLOGY

The project methodology in conducting a comprehensive rate study is to understand the goals and objectives, outline the detailed approach, and execute to meet industry standards. The project methodology consists of three phases: financial planning, cost of service, and rate design. Our approach provides the flexibility to incorporate the uniqueness of the City's operations while meeting industry guidelines set forth in the American Water Works Association's M1 manual and Water Environment Federation's Financing and Charges for Wastewater Systems, Manual of Practice 27. The following figure shows a schematic of the methodology.



PROJECT TEAM

Our proposed project team is led by Alberto Morales, who brings a problem-solving, project-execution perspective based on technical expertise, teamwork, and close collaboration with his clients. Mr. Morales has worked throughout California for more than 20 years in the industry, specifically on Proposition 218-related revenue sources such as water and wastewater rates and system development charges. He will provide the leadership to guide the project team through all scope of services under the agreement.

Mr. Morales is supported by Ms. Ann Bui and Mr. Villalobos, seasoned ratemaking professionals who provide a breadth of utility experience to handle any issues that may arise. Together, our project team can execute the study for the City.

PROJECT MANAGEMENT

Black & Veatch has internal strategies and techniques to ensure that the study meets the scope, budget, and timeline. Internally, the metrics are handled through constant reviews with our finance team. In addition, Black & Veatch relies on frequent communication with the City throughout the study to obtain information, verify its reasonableness and applicability, and obtain, clarify, or verify policy direction.

Experience and Qualifications

The best testament to our work's quality is that more than 80 percent of our work comes from repeat clients and engagements. We encourage you to contact our references to inquire about our performance.

Black & Veatch has served numerous clients in completing water and wastewater cost-of-service analyses. Detailed herein is a summary of a few projects completed by Black & Veatch that align with your scope of services. More project experience write-ups and details can be provided upon request.

CITY OF SANTA CLARA, CA

Water, Recycled Water and Wastewater Rate Study and System Development Charges

Black & Veatch assisted the City of Santa Clara, CA, with water, recycled water, and sewer financial consulting services. Between 2017 and 2021, we assisted with financial planning, service cost, rate design, system development charges, and City Council proceedings. The City sets rates annually; therefore, Black & Veatch has assisted for over five years. The most recent revenue analysis was for 2021. The work items involved the following:

CLIENT CONTACT

MR. GARY WELLING
Director of Water & Sewer
1500 Warburton Ave
Santa Clara, CA 95050
+1 408-615-2018
gwelling@santaclara.gov
Contract $165,367

- Financial Plan: Black & Veatch developed a multi-year financial plan for the City's water, recycled water, and sewer system operating fund to determine the revenue adjustments needed for a three-year forecast period.
- Capital Financing Plan: Black & Veatch developed a capital financing plan defining the sources and uses of funding for the water, recycled water, and sewer capital program. The plan outlined $50M in new short-term debt proceeds to be refinanced into long-term debt for the wastewater utility due to improvements at the regional treatment plant.
- System Development Charges: Black & Veatch updated the City's existing capital connection charges for sewer, developed a new connection charge for water, and reviewed the storm drain fee to determine the existing charges' appropriateness and determine the maximum allowable charge that the City could implement.
- Stakeholder Engagement: Black & Veatch team assisted the City in presentations to City Management and City Council.

> Ann/Alberto - ...Appreciate the good work you've done each and every year, you have been rock-solid in supporting the City of Santa Clara with its rate modeling and everything to do with rates. Much appreciated!
>
> GARY WELLING
>
> Director of Water & Sewer Utilities, City of Santa Clara

CITY OF MENLO PARK, CA

Water Rate Study and System Development Charges

Black & Veatch is assisted the City of Menlo Park, CA, with water financial consulting services. From 2019 through 2021, we provided the City with financial planning, cost of service, rate design, and system development charges. In March 2020, COVID-19 abruptly halted the study. The study was at a stage where it was ready to be presented to City Council. In the Fall of 2020, the City extended the contract with Black & Veatch to update the study, and it was finalized in 2021. The work items involved the following:

CLIENT CONTACT

MS. PAM LOWE
Senior Civil Engineer
701 Laurel St.
Menlo Park, CA 94025
+1 650-330-6745
pjlowe@menlopark.org
Contract: $100,640

- Financial Plan: Black & Veatch developed a multi-year financial plan for the City's water utility fund to determine the revenue adjustments needed for a five-year forecast period.
- Capital Financing Plan: Black & Veatch developed a capital financing plan defining the sources and uses of funding for the water capital improvement program. The City had no debt and evaluated debt instruments as an alternative to cash funding the CIP. The debt instruments examined were short-term loans from the General Fund, state revolving loans, and revenue bonds.
- Rate Structure: Black & Veatch developed a multi-year rate schedule that met the water utility's financial needs. The rate structure included a monthly fixed charge based on meter size and a three-tier consumption charge. Due to California's limited water resources, we designed drought rates to match the City's different conservation stages.
- System Development Charges: Black & Veatch updated the City's existing capital connection charges, based on meter size, to determine the appropriateness of the existing charges and the maximum allowable charge that the City could implement.

CITY OF BANNING, CA

Water, Recycled Water, and Wastewater Rate Study

Black & Veatch assisted the City of Banning, CA, with water, recycled water, and wastewater financial consulting services. The City engaged Black & Veatch in 2021 to assist with financial planning, cost of service, rate design, and City Council proceedings. The City performed a rate study in 2017 but failed to implement the full identified revenue adjustments. Therefore, the City desperately needed to amend its rates, given increased operating and capital costs. The work items involved the following:

CLIENT CONTACT

MR. ARTURO VELA
Director of Public Works
99 E. Ramsey Street
Banning, CA 92220
+1 951-922-3134
avela@banningca.gov
Contract: $99,760

- Financial Plan: Black & Veatch developed a multi-year financial plan for the City's water and wastewater utility fund to determine the revenue adjustments needed for a five-year forecast period. The City did not have full recycled water revenue and revenue requirement details to separate recycled water as a standalone utility fully.

- Capital Financing Plan: Black & Veatch developed a capital financing plan defining the sources and uses of funding for the water and wastewater capital improvement program. The City evaluated debt instruments as an alternative to cash funding the CIP. Given the extensive improvements needed at the wastewater treatment plant, the City anticipates using state-revolving loans and/or revenue bonds.
- Rate Structure: Black & Veatch developed a multi-year schedule that met the financial needs of water and wastewater utilities. The rate structure included a monthly fixed charge based on meter size and a three-tier consumption charge. The tier breakpoints were assessed and adjusted to reflect better water conservation messaging. In addition, we designed drought rates to match the City's different conservation stages.
- Stakeholder Engagement: Black & Veatch team assisted the City in presentations to the Budget & Finance Committee and City Council.

PROJECT TEAM

KEY MEMBERS OF OUR DEDICATED PROJECT TEAM BRING THE SYNERGY OF HAVING WORKING TOGETHER, ENGINEERING KNOWLEDGE OF WATER AND WASTEWATER SYSTEMS, INDUSTRY BEST PRACTICE RATE SETTING EXPERTISE, AND CALIFORNIA-SPECIFIC EXPERIENCE TO HELP THE CITY ACHIEVE ITS STUDY OBJECTIVES.

Our people are the most important part of our organization. Our cohesive Team will perform under the Project Manager's leadership, who will be responsive, diligent, and available to serve the City effectively during this study.

We have selected a team specifically for this project that includes critical attributes:

- **Exceptional Project Management and Thought Leadership** to address the City's cost-of-service study objectives and provide pragmatic data-driven rate recommendations.
- **Synergistic Team that has Delivered Similar Projects** working together. Our Project Team will be led by Alberto Morales, the Project Manager, and supported by Ms. Ann Bui, the Project Director, and Mr. Jorge Villalobos, the Lead Financial Analyst.

  The PD and PM are based in Southern California and have the knowledge and skillset to execute rate studies under Proposition 218 requirements. **They maintain a strong track record of working together and cohesively leading project teams to deliver project results on schedule and budget successfully.**

  Together, they have supported **over 100 municipalities** in building long-term financial resilience plans and policies, defensible cost of service analysis, and alternate rate structures while balancing customer equity and affordability considerations.

Black & Veatch has been solely focused on utility ratemaking for over 80 years. We will bring national perspectives on new cost-of-service approaches, financial best practices, and couple it with recent project experience in Southern California. Our team will leverage lessons learned in the post-SJC rate-making era so the City can avoid common rate-setting pitfalls.

Alberto will lead and coordinate all components of the study. Our project team is excited to assist the City with this study and is strongly committed to working collaboratively with the City.

Key Personnel

The following section briefly describes each key team member's experience, expertise, and role in this study. Complete resumes are available in the Attachments section.

ALBERTO MORALES Project Manager

ROLE: Alberto will serve as the Project Manager on this project with the responsibility of managing the day-to-day execution and operations, leading the execution of all aspects of the project, and delivering agreed upon milestones.

Location: Los Angeles, California

HIGHLIGHTS

- Masters Business Administration, Finance, University of California - Los Angeles
- Over 20 years providing Financial Planning and Cost of Service Analysis
- Experienced project manager and project leader
- Served on similar projects for San Diego, CA, Long Beach, CA, Santa Clara, CA, Oxnard, CA, Sewerage & Water Board of New Orleans, LA, and Washington Suburban Sanitary

Alberto Morales provides over 20 years of extensive water, wastewater, and recycled water ratemaking and consulting experience for various public and special district agencies throughout California and across the nation. He provides practical, proven, and cost-effective solutions when assisting agencies in developing their operating and capital financing plans. In addition, his utility knowledge covers a wide range of utility management and operating issues, including financial planning, cost of service and rate analysis, capital financing, capital prioritizing, business case analysis, and technical due diligence.

Alberto has supported and led public outreach efforts for all his clients. He has developed and communicated to staff and outside stakeholders about the purpose and value of developing long-term financial plans and performing a cost-of-service analysis. In addition, he is well versed in Proposition 218 requirements affecting all California municipal agencies.

Selected California Project Experience

- City of Banning – Water, Recycled Water, and Wastewater Rate Study
- City of San Diego – Cost of Service Studies and Related Financial Support
- City of Lynwood – Water and Sewer Rate Study
- City of Long Beach – Water and Wastewater Cost of Service Studies
- County of San Diego – Wastewater Rate Studies and Water Rate Study
- Los Angeles Bureau of Sanitation – Revenue Studies, Wastewater Cost of Service Study
- City of Santa Ana – Water and Wastewater Rate Study
- City of Simi Valley – Wastewater Rate Study
- City of Burbank – Wastewater Cost of Service Study
- City of Oxnard – Water, Recycled Water, and Wastewater Rate Studies
- Camrosa Water District – Water and Wastewater Rate Studies
- City of Santa Clara – Water, Recycled Water, and Wastewater Rate

ANN BUI Project Director

ROLE: Ann will serve as the Project Director on this study to provide the technical guidance and leadership, work with the City to achieve the objectives, and ensure the quality of the analysis and deliverables.

Location: Los Angeles, California

HIGHLIGHTS

- Masters Business Administration, Finance, University of California – Davis
- Over 32 years of providing Financial Advisory Services
- Nationally recognized leader in Ratemaking Industry
- Experienced with building stakeholder consensus for complex cost-of-service studies
- Served on similar projects for the Cities of San Diego, CA, Santa Ana, CA, Long Beach, CA, Santa Clara, CA, Menlo Park, CA, Simi Valley, CA, Napa, CA, Burbank, CA, Oakland, CA, Sewerage and Water Board of New Orleans, LA, Philadelphia Water Department, PA, and Washington Suburban Sanitary Commission, MD

Ann Bui is a Senior Managing Director with Black & Veatch's Global Advisory business. Besides providing clients with strategic financial management strategies, her responsibilities include driving growth and innovation to utilities in financial and advisory planning, climate solutions, resiliency and sustainability issues, and asset integrity.

She has over 30 years of experience with clients over four continents gained through more than 450 engagements, providing business planning services for public and investor-owned utilities. Her recent assignments have focused on supporting alternative funding needs (including over $1 billion in grants), reducing carbon footprints for energy-intensive activities, and addressing affordability and assistance program needs.

Ann Bui is recognized as a thought leader in the industry's ratemaking community. Her contributions to shaping financial and rate-setting include authorship in the following manuals of practice:

- AWWA M1 -6th, 7th, and 8th (upcoming) editions
- AWWA M29, Water Utility Capital Financing -3rd, 4th, and 5th (upcoming) editions
- WEF, Financing and Charges for Wastewater Systems – 4th edition
- WEF, Unser Fee-Funded Stormwater Programs
- AWWA Financial Management for Water Utilities, Editor

In addition, she has served in leader roles at AWWA:

- Chair: FAMC, M29 Updates, AWRF Project (Water Reuse Cost Allocations & Pricing
- Co-Chair: Publications Subcommittee
- Vice-Chair: Water Rate Design Subcommittee

JORGE VILLALOBOS LEAD FINANCIAL ANALYST

ROLE: Mr. Villalobos will serve as the Lead Financial Analyst on the revenue requirements and cost-of-service analysis portions of the study by developing a financial model for the water and wastewater systems.

Location: Coral Springs, Florida

Jorge Villalobos provides consulting expertise in financial analysis for bond feasibility, revenue requirements, cost of service, rate design, capital prioritization, and business process evaluation for water, wastewater, and stormwater utilities. His experience includes his work as a consultant for investors in the securities and real estate investment industries. This diverse professional background allows him to combine his engineering and financial background with an understanding of the different points of view of multiple stakeholders in each engagement, which allows him to provide effective and actionable solutions for his clients.

LANI GOOD TECHNICAL ADVISOR

ROLE: Ms. Good will serve as a Technical Advisor providing technical and engineering guidance with respect to the capital improvement program and cost allocations.

Location: Walnut Creek, California

Lani brings a unique blend of master planning and asset management expertise, along with an owner's perspective from her five-year term as consulting District Engineer at Castro Valley Sanitary District. She has completed over 25 water and wastewater master plans and developed capital improvement and/or rehab/replacement plans for over 30 utilities and 50 capital programs. Lani's big-picture vision and ability to communicate technical information to diverse stakeholders will ensure support for and transparency of your project.

Key Support Staff

The Project Team will be supported by a deep bench of experts in the subject areas critical to executing the City's study. Specifically, we will use a team of financial analysts and engineers as junior staff in the analysis.

Our Value Proposition

The Project Team will bring value to the City through its experience, trust, thought leadership, accessibility, and collaboration, as noted in the figure.

Understanding of Project and City Needs

PROJECT UNDERSTANDING

Like many utilities, the City of Yuba City is facing the challenge of balancing the needs of maintaining and improving its infrastructure and operations and increasing resilience to climate change impacts – all while delivering safe, reliable, and affordable services to its customers in a fiscally responsible manner.

Located in Northern California, about 43 miles north of Sacramento, the City has a service area of approximately 15 square miles at the northeastern end of Sutter County. The City provides water and wastewater services to its residents through a complex above-ground and below-ground infrastructure network.

The City's water and wastewater utilities are part of the Utilities branch within the Public Works Department. They have a total of 41 budgeted full-time employees. The City's wastewater system is a collection and treatment system that discharged treated effluent into the retention ponds or the Feather River. The water system obtains water from the Feather River and is supplemented by groundwater wells and purchased surface water.

The COVID pandemic, increasing severity of drought, ongoing and newly identified capital needs, and diminishing reserves are testing the City's resiliency. The City wishes to obtain a qualified consultant to conduct a water and wastewater Rate study.

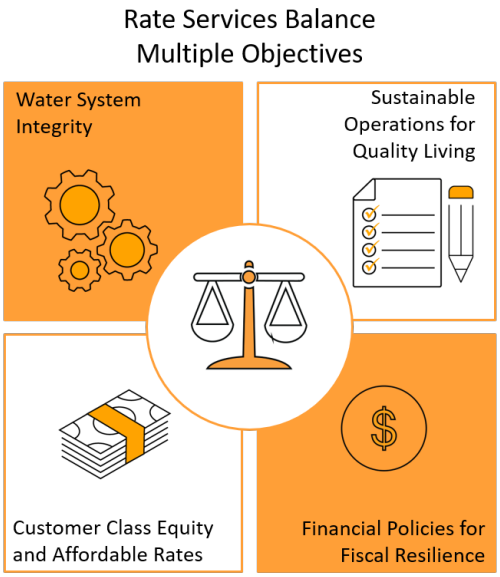


FIGURE 1 RATE STUDY DRIVERS

The City hopes to address the following elements in this study: rising water and wastewater costs and the need to improve infrastructure and meet future growth and demands. These elements have different impacts on the water and wastewater systems; therefore, the study will assess and evaluate the City's current rates to support its goal of financial resilience and support its mission of enhancing the quality of life in the community with dependable water and wastewater services, equitable cost recovery across customer classes, and affordable rates.

Black & Veatch's methodology and approach are rigorous and repeatable. We adhere to industry guidelines and best practices in setting rates. In the Post – San Juan Capistrano era, we work closely with your legal counsel to affirm the legal framework for the study and build the Administrative Record to demonstrate a clear nexus between cost and service provided. Finally, we work collaboratively with our clients and their Public Information departments to help translate "technical" speak into "every day" language to inform, educate, and engage the rate payers.

Methodology

PROJECT METHODOLOGY AND EXECUTION HIGHLIGHTS

OUR PROJECT METHODOLOGY STARTS WITH THE LOGICAL PREMISE BEGINNING WITH THE "CRITICAL THINKING" OF ISSUES AND STRATEGIES AND FOLLOWING THROUGH WITH STRUCTURED AND THOUGHTFUL EXECUTION THAT ENGAGES ALL STAKEHOLDERS.

Rigorous and Repeatable Methodology

In performing the services requested in this study, Black & Veatch will utilize the following principles and analytical approaches:

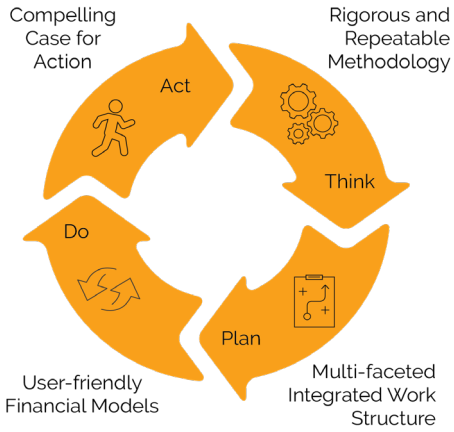


FIGURE 2 PROJECT EXECUTION HIGHLIGHTS

- Use Industry accepted and defensible cost allocation and rate-setting principles based on the American Water Works Association (AWWA), *Principles of Water Rates, Fees, and Charges*, Manual M1 and Water Environment Federation (WEF) *Financing and Charges for Wastewater Systems*, Manual of Practice No. 27 (MoP 27).
- Reflect the City's specific financial practices and policies, including policies on capital program financing, debt service, reserve requirements, and incorporating industry financial best-practice principles and metrics.
- Develop a balanced series of revenue adjustments, as required, based on defensible cost allocations and a practical approach to rate change recommendations that balance revenue adequacy, equity of cost recovery, bill impact, and ease of understanding and administration.

Multi-Faceted Integrated Work Structure

In alignment with the study's objectives, Black & Veatch has defined an integrated work structure, as illustrated in Figure 3.

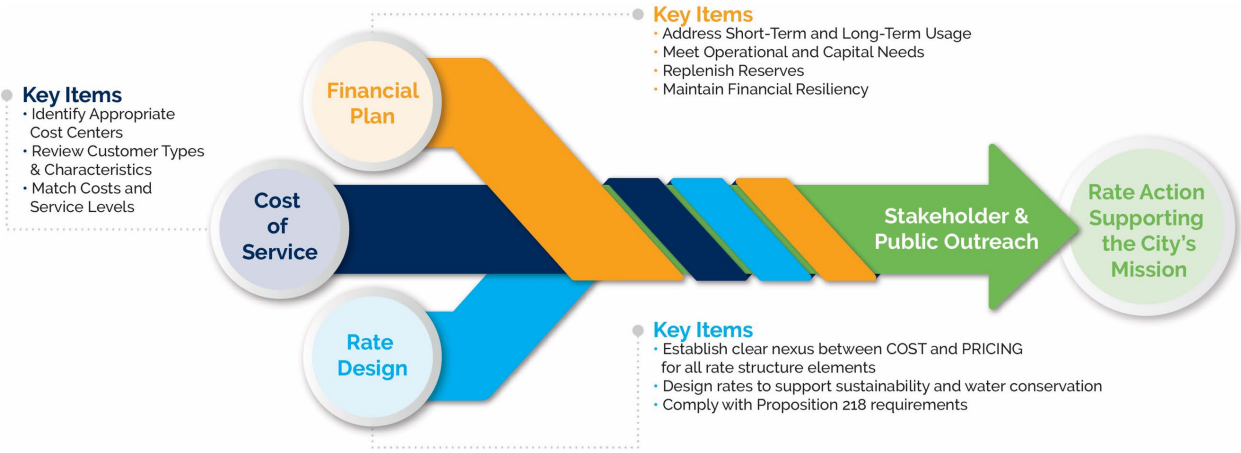


FIGURE 3 INTEGRATED WORK STRUCTURE

The key components of our methodology consist of the following:

- Financial Planning. Rates and charges should generate adequate revenues to meet the operating and capital costs and provide financial stability. The analysis will be conducted and modeled to provide for scenario "what-if" assessment, considering different assumptions related to growth, revenue, and expenses.
- Cost of Service. The analysis will evaluate the existing utilities and the relative load placed on the systems by the different customer classes to allocate costs based on services received fairly. The cost-of-service analysis will be based on industry standards and methodologies prescribed by AWWA's M1 and WEF's MoP 27. Our approach combines engineering design considerations with operational realities to support defensible cost allocations.
- Rate Design. Rates do more than recover costs. Within the legal Proposition 218 framework and industry standards, properly designed rates should support the City's objectives, such as revenue stability. Black & Veatch will help develop rates and charges that are defensible and industry standard. The City will benefit from our national experience with large, complex water and wastewater utilities and knowledge of creating and implementing different rate designs.

Robust Financial Modeling and Training

We are proud to say that many of our clients have used Black & Veatch models for decades for their rate-setting plans. And we support these models when clients move to different spreadsheet programs (e.g., Lotus to Excel) and operating systems (e.g., Windows 7 to Windows 10).

When working with complex models, we believe people learn better through **hands-on** activities and effective **knowledge transfer.** To that end, we have our clients review the models that we develop as we develop them so you trust the results generated. Our models have centralized inputs and dashboards to help manage and present data and analyses. Issues logs are included to support the Administrative Record.

Compelling Case for Action

How do you make a compelling case for action? By proactively engaging with stakeholders at all levels early in the rate-setting process.

As illustrated in Figure 4, we emphasize the **"Four E's"** in our communication – (i) **Evaluate** needs; **Educate** stakeholders on issues/solutions; **Engage** to solicit feedback/ ideas; and **Embrace** their input, to the extent practical, in final solutions. We have used this proven approach at utilities of all sizes, including California cities such as San Diego, Long Beach, Simi Valley, Santa Ana, Santa Clara, and Menlo Park, to achieve successful study outcomes.

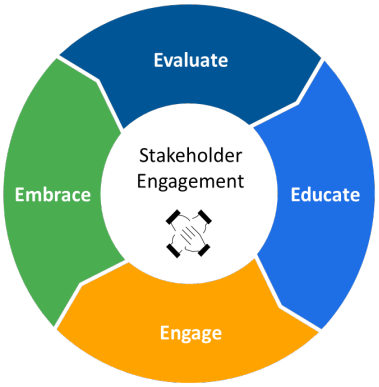


FIGURE 4 OUR "FOUR E'S PRINCIPLES"

The Black & Veatch Team is adept at conducting a multi-level stakeholder engagement to facilitate buy-in from the decision-makers and the City's customers. Our process includes presentations and discussions with the administration, briefing sessions with councils, boards, and commissions, executive committee presentations, and public open houses.

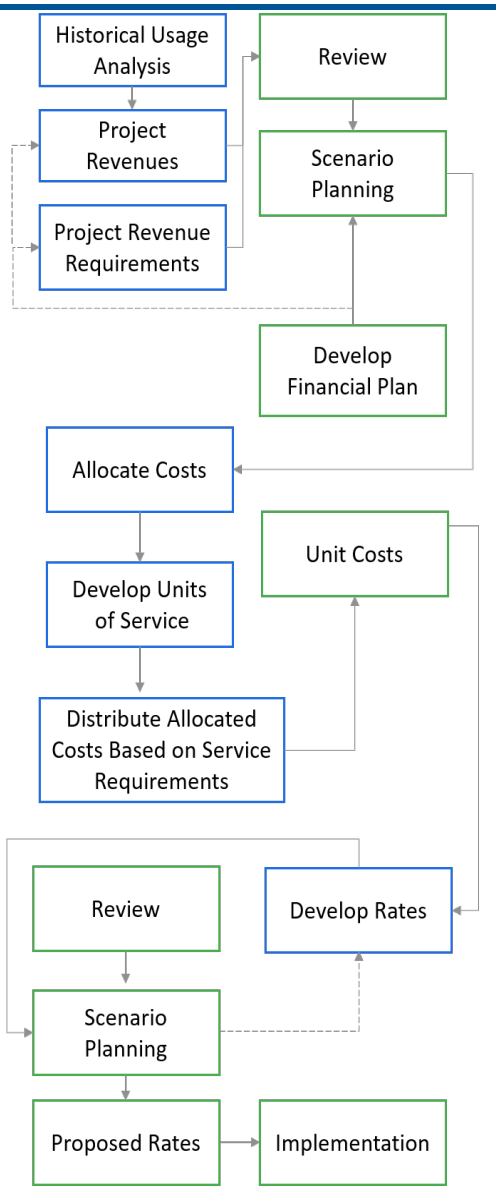
PROJECT APPROACH

BLACK & VEATCH'S APPROACH FOCUSES ON USING ENGINEERING-BASED ANALYSES TO SUPPORT FAIR COST ALLOCATIONS.

In California's increasingly litigious environment, rate studies have come under more scrutiny than ever. We believe that clients should be prepared for this increased examination. Our approach is proactive and wholly focused on establishing usage characteristics and determining the nexus between costs incurred and customer service level. Below is a summary of the study objectives and our approach to achieving them.

OBJECTIVE	ISSUES	APPROACHES
Develop five-year financial plans for water and wastewater to meet operating, capital, debt service, and reserve requirements.	▪ Increased operating costs due to water supply contracts ▪ Inflation issues driving costs up ▪ Need for replacement of infrastructure	▪ Historical usage and billing determinants assessment. ▪ A careful review of cost inflation factors ▪ Capital planning and financial scenarios
Benefit to the City: An integrated financial plan that helps you understand the impacts of operating and capital needs on existing rates		
Perform a cost-based rate analysis that assigns proportionality to the customer classes and meets statutory requirements.	▪ Detailed cost allocations to support Prop 218 requirements ▪ Update customer classes, if needed	▪ Data-driven, engineering-based cost allocations. **Keystone to the Study.** ▪ Defensible cost-of-service principles
Benefit to the City: A defensible cost allocation approach across the customer groups served		
Develop rate and reserve recommendations considering the impact on the community's economic well-being.	▪ Incorporate mandated water conservation targets ▪ Affordability and fixed income ▪ Cost nexus for all rate components	▪ Examine the existing rate structures ▪ A clear buildup of rates to demonstrate cost nexus and meet Prop 218 requirements
Benefit to the City: The design of fair rates based on informed decisions consistent with operating, capital, and stakeholder requirements		

HOW WE EXECUTE



Scope of Services and Deliverables

Task 1. Project Kick-off

Black & Veatch will conduct a kick-off meeting with City staff at the beginning of the project to understand goals and objectives and to establish responsibilities, schedules, and milestones throughout the study. In addition, Black & Veatch will develop a data request list for pertinent financial and operational documents used throughout the project. At a minimum, the following documents will be requested:

- Summary of revenue budgets. Data covering rate schedules, the basis for billings, revenue data, and consumption records for all customer classes for the most recent five years.
- Summary of operation and maintenance (O&M) budgets. Data covering known or projected changes to O&M expenses, such as labor costs, contract services, utilities, etc.
- A five-year major capital improvement project plan with estimated costs and scheduling.
- The latest documents related to debt issues include official statements that provide information about debt service, bond covenants, debt service coverage requirements, etc.
- Latest master plans and other relevant documents.

Deliverable: Project Management Tracking Workflow and Data Request

Task 2. Rates and Fees Analysis

Black & Veatch will work with City staff to assess the City's current rate structure and fees and to produce recommendations for the approach and structure of the City's future rates and fees. Specific subtasks include:

Rate Structure

Black & Veatch will review the City's current rate structure and billing type and recommend a rate structure that will be suitable for the City. Water rates include a current baseline by meter size and a uniform water consumption charge, while the current wastewater rate structure is by land use. A review of economically disadvantaged and fixed-income customers and the inclusion of accessory dwelling units into water and wastewater charges will be examined.

Fees and Penalties

Black & Veatch will review the City's fees and penalties associated with delinquencies, shut-offs, payment plan fees, and late action procedures.

Debt Coverage

Black & Veatch will project debt service coverage for the forecast period base on principal and interest payments on outstanding debt obligations and any projected future bonds or state revolving fund loans for major capital improvements.

Reserves

Black & Veatch will review the existing reserve fund requirements and balances. Adequate reserve levels will be recommended based on a review of reserve funding requirements, industry standards, and state regulations. Applicable bond ordinance requirements will be reviewed along with any relevant utility policies.

Regional Rate Comparison

Black & Veatch will obtain rates for ten (10) neighboring agencies and calculate typical residential and non-residential bills to show how the existing and proposed rates for the City compare to other local municipalities.

Typical Bill

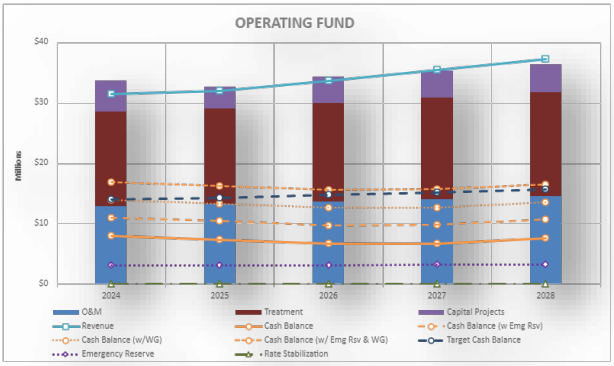
Black & Veatch will perform water and wastewater typical bill comparisons for single-family and commercial customers to show the potential impact of the recommended rates.

> Deliverable: Rate Structure Options and Regional Rate Comparison

Task 3. Water

Black & Veatch will conduct the financial plan, cost of service analysis, and rate design for the water utility. Specific subtasks include:

Financial Plan



Black & Veatch will prepare a financial plan summarizing the revenues and revenue requirements projections to determine revenues' adequacy under existing rate levels to meet operating and capital needs for the five-year study period. Forecasted revenue will include revenue under existing rates for water service, funds generated from other operating income, and interest income. Revenue requirements will include operation and maintenance expenses, routine capital expenditures, the revenue financed portion of major capital improvements, and any applicable debt service costs or other anticipated obligations. Adjustments will be made to allow any required revenue increases to meet revenue requirements over the study period and to minimize the impact of rate increases on the City's customers to the extent possible.

Cost of Service Analysis

Black & Veatch will perform a water cost-of-service allocation using the Base-Extra Capacity Method endorsed by the AWWA M1. Under cost-of-service principles, costs are allocated to the different customer classes in proportion to their water system use. As recommended by AWWA, Black & Veatch will distribute functional costs to the base (average load conditions), extra capacity (peaking), and customer-related parameters. This allocation methodology produces unit costs for allocation to individual customer classes based on the projected customer service requirements.

Rate Design

Black & Veatch will utilize the recommendations from Task 2 to design water rates and charges that meet City objectives and Proposition 218 requirements. Proposition 218 provides the regulatory framework that guides and informs the rate-setting process, while the cost-of-service analyses provide the cost nexus for the proposed rate structures.

Other specific elements that will be considered in performing the water rate study include:

- Water supply costs, including purchased water costs and curtailments during drought conditions.

- Water demand, conservation, and loss aligned with the City's Water Shortage Contingency Plan, regulatory water loss goals, and revenue stability.
- Operating budget needs (including intra-city costs) for the different divisions and the capital improvement program budget needs.

Deliverable: Proposed Water Rates for Five-Years and Water Conservation Recommendations

Task 4. Wastewater

Black & Veatch will conduct the financial plan, cost of service analysis, and rate design for the wastewater utility. Specific subtasks include:

Financial Plan

Black & Veatch will prepare a financial plan summarizing the revenues and revenue requirements projections to determine revenues' adequacy under existing rate levels to meet operating and capital needs for the five-year study period. Forecasted revenue will include revenue under existing rates for wastewater service, funds generated from other operating income, and interest income. Revenue requirements will include operation and maintenance expenses, routine capital expenditures, the revenue financed portion of major capital improvements, and any applicable debt service costs or other anticipated obligations. Adjustments will be made to allow any required revenue increases to meet revenue requirements over the study period and to minimize the impact of rate increases on the City's customers to the extent possible.

Utilizing the scenario builder in our rate model, Black & Veatch can prepare cash flow scenarios reflecting changes in different assumptions such as customer usage, operating expenses, capital costs, and capital funding options.

Each scenario will evaluate the ability of each system to fund revenue requirements under the current rates and the level of future revenue adjustments needed to meet obligations, including reserve requirements.

Cost of Service Analysis

Black & Veatch will perform a wastewater cost-of-service allocation using the Functional Cost Allocation Method endorsed by the WEF MoP27. Like the methodology used for water systems, the wastewater cost of service analysis allocates costs to the different customer classes in proportion to their use of the wastewater system. This allocation methodology produces unit costs for allocation to individual customer classes based on the projected customer service requirements. As recommended by WEF, Black & Veatch will distribute functional costs to volume, capacity, strength, and customer-related parameters.

Rate Design

Black & Veatch will utilize the recommendations from Task 2 to design wastewater rates and charges that meet City objectives and Proposition 218 requirements. Proposition 218 provides the regulatory framework that guides and informs the rate-setting process, while the cost-of-service analyses provide the cost nexus for the proposed rate structures.

Other specific elements that will be considered in performing the wastewater rate study include:

- NPDES permit requirements to be issued in spring 2023.

- Operating budget needs (including intra-city costs) for the different divisions and the capital improvement program budget needs.
- Debt service and other fiscal impacts of the Outfall Diffuser Replacement Project and its funding feasibility.
- Review the septage hauler program, including updating fees and construction of a hauler station.
- Analyze internal and commercial laboratory services to determine the funding ratio between rates and laboratory revenue.
- Review rates for schools, including a rate structure review (currently per student per year).
- Review industrial customer class rates and update current wastewater rates for industrial customers, considering industrial water rates, and evaluating rate structure.
- Regulatory compliance operational and capital funding requirements.
- Stormwater system evaluation includes CCTV review, full system mapping, and broken line identification.

Deliverable: Proposed Wastewater Rates for Five-Years, Septage Hauler Fee, and Industrial and School Rate Structure

Task 5. Adoption and Implementation

Black & Veatch will work with City staff to perform necessary subtasks to facilitate the adoption and implementation of the rate study and recommended rates and to prepare for post-study needs. Specific subtasks include:

City Ordinances

Black & Veatch, in consultation with the City staff and counsel, will review City updates to the water and wastewater rate ordinances for adherence to the rate study findings, including Proposition 218 maximum rates, changes to rate structure, new proposed fees, and any other recommendations from the rate study that the City elects to add.

Deliverable: Review of Water and Wastewater Ordinances

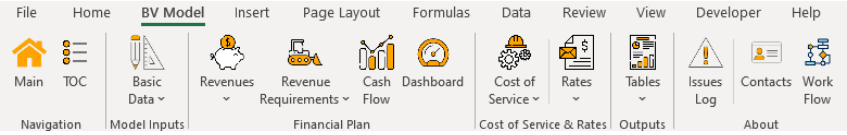
Rate Model

Black & Veatch will develop two independent Microsoft Excel-based rate models for each utility that encompasses financial planning, service cost, and rate design. The models will contain the following features:

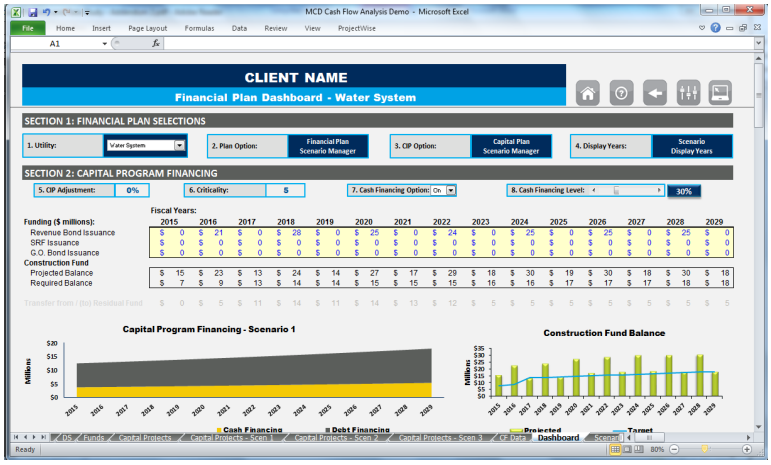
- Specifically tailored and designed to recognize the City's utilities' unique needs, characteristics, and information base, including matching the City's budgetary and accounting structures.
- Conduct "what-if" analyses reflecting the impact of changes in significant system variables such as water conservation, droughts, revised budgeted revenues and expenditures, changes in capital improvement program schedules, and policy decisions.
- Incorporation of user-friendly features, including fully automated preprogrammed print and navigation menus, customized icons for specific model functions, and other features.

The following screenshots are demonstrations of the Black & Veatch model.

- **General Navigation:** A link system that allows the user to switch between sections using simple navigation links.



- **Dashboard**: A dashboard system allows users to create scenarios for financial planning and rate revenue increases.



Black & Veatch will provide the City with one (1) training session on the rate models. During the study, we typically provide working versions of the rate models to provide City staff familiarity with the rate models and to feel confident that the rate models are working properly.

> Deliverable: Two Rate Models and Formal In-Person Training (4 hours)

Public Outreach

Black & Veatch will assist the City with outreach and public relations throughout the Proposition 218 process and implementing the new rate schedule. Support includes creating Proposition 218 notices to customers, two (2) flyers for insertion in the utility bills (one (1) regarding the Proposition 218 process and one (1) regarding the rates and information upon adoption), and social media and website content. *Social media and website content can vary significantly. Therefore, Black & Veatch requests these items be considered as additional scope of services to allow for further details to be determined.*

> Deliverable: Draft Prop 218 Public Notice and Two Bill Inserts

Task 6. Preliminary Draft

Black & Veatch will prepare a draft report that will include a discussion of all assumptions, study approach, a summary of findings of the financial plan, results of the cost-of-service analysis, proposed rate schedules, and a memorandum summarizing the findings and recommendations of the study.

> Deliverable: Draft 2024 Utilities Rate Study Report

Task 7. Final Draft

Black & Veatch will consider feedback and City Requests to prepare a final report for presentation to City Council and the public during Council Workshop sessions.

Deliverable: Final 2024 Utilities Rate Study Report

Task 8. Town Hall Meetings

Black & Veatch will assist with conducting five (5) town hall workshops, one (1) located within each of the five (5) Council districts. Black & Veatch will prepare necessary workshop presentations and materials, as requested, to educate City Council representative(s) and interested utilities customers on the rate study and Proposition 218 process and may make suggestions to be implemented into the rate study prior to final Council review and official acceptance.

Task 9. Council Workshops

Black & Veatch will assist with conducting and preparing necessary workshop presentations and materials, as requested, for one (1) official in-person public workshop whereby City Council and interested utilities customers may make public comments and suggestions to be implemented into the rate study prior to official acceptance of the Utilities Rate Study 2024 and the start of the Proposition 218 process.

Task 10. Support - Proposition 218 through Adoption

Black & Veatch will support City staff throughout the study acceptance, Proposition 218 process, rate adoption, and implementation. Support services may include, but are not limited to, presence at one (1) in-person City Council meeting to answer questions and/or make presentations; conduct, create, or participate in public outreach; produce alternative rate scenarios, designs, etc. *Any additional in-person meetings identified will be considered additional scope of services.*

Task 11. Final Utilities Study 2024 Report

Black & Veatch will prepare a Final Utilities Rate Study 2024 report incorporating all changes approved throughout the rate study process. The final report will also include summaries of all completed actions of the City Council, the final rates as adopted, the final rate structure, an explanation of how those rates were calculated, a summary of the Proposition 218 process and results of customer voting, and projected revenue under the adopted rates and rate structure.

Deliverable: Final 2024 Utilities Rate Study Administrative Record

Project Schedule

The study schedule was designed with the receipt of notice to proceed on February 3, 2023. The schedule assumes timely receipt of requested data, timely turn-around on materials submitted for review, and access to the City's staff and other stakeholders for meetings. As stated in the RFP, the City wishes to complete the study for rates to be implemented on July 1, 2024.

Task	Duration
Task 1: Project Kick-off	February 3, 2023
Task 2: Rates and Fees Analysis	February 2023 to March 2023
Task 3: Water	March 2023 to August 2023
Task 4: Wastewater	March 2023 to August 2023
Task 5: Adoption and Implementation	August 2023 to October 2023
Task 6: Preliminary Rate Study Draft Report	October 13, 2023
Task 7: Final Rate Study Draft Report	December 1, 2023
Task 8: Town Hall Meetings	January 2024
Task 9: Council Workshop	February 9, 2024
Task 10: Support - Proposition 218 through the Adoption	March to May 2024
Task 11: Final Utilities Rate Study Report	May 2024

Disclosures

Conflict of Interest

Black & Veatch does not foresee any general potential conflicts of interest in executing the scope of work with the City. In addition, no current clients have a financial interest in the outcome of this contract or projects that will follow.

Litigation

Black & Veatch Holding Company and its affiliates constitute a large, international engineering and construction firm. Like similarly sized firms, we may be involved with claims and litigation at any given point in time. Black & Veatch maintains a program of insurance to protect against claims arising from its work. In the opinion of Black & Veatch management, no pending claim or litigation will have a material impact on Black & Veatch's ability to execute this project.

EXHIBIT 1B

ATTACHMENTS PROPOSAL FOR CITY OF YUBA

Utilities Rate Study 2024

2022-RFP-02 | NOVEMBER 18, 2022

BLACK & VEATCH

PROPRIETARY AND CONFIDENTIAL INFORMATION

Black & Veatch Management Consulting, LLC
550 S. Hope Street, Suite 2250, Los Angeles, CA 90071
P +1 913-458-4377 | E KlausnerCJ@bv.com

November 18, 2022

Phillip Marler
Deputy Public Works Director – Utilities
City of Yuba City
Wastewater Treatment Facility
302 Burns Drive
Yuba City, CA 95991

RE: Utilities Rate Study 2024

Dear Mr. Marler:

In response to the City of Yuba (City) request for Water and Wastewater Rate Study, Black & Veatch Management Consulting, LLC (Black & Veatch) presents this price proposal for your consideration.

Included in this submittal are the reference attachments requested in the RFP. We attest that all items and information included in the price proposal is truthful and accurate.

We are sincerely interested in providing these professional services and believe our overall experience and highly qualified personnel provide the best service value to the City. Please contact the Project Director, Ms. Ann Bui, if you have any questions or require additional information.

Very truly yours,

Chris Klausner
Associate Vice President

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Cost Proposal

Based on the scope of services outlined in the proposal, Black & Veatch proposes to perform the scope on a time-and-materials basis for a not-to-exceed amount of $159,705 inclusive of anticipated direct expenses as shown in Table 1. Direct expenses include but are not limited to mileage, car rental, hotels, meals, and reproduction costs.

TABLE 1 PROJECT COSTS

TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	LEAD FINANCIAL ANALYST	FINANCIAL ANALYST	ADMIN SUPPORT	TOTAL COST
Team Member	Bui	Morales	Villalobos	Staff	Staff	
Hourly Billing Rate	$365	$275	$240	$185	$160	
Task 1: Project Kick-off	1	3	9	12	0	$5,570
Task 2: Rates and Fees Analysis	1	9	17	32	0	$12,840
Task 3: Water	3	35	62	152	0	$53,720
Task 4: Wastewater	3	23	48	112	0	$39,660
Task 5: Adoption and Implementation	0	8	7	20	4	$8,220
Task 6: Preliminary Rate Study Draft Report	1	4	8	28	0	$8,565
Task 7: Final Rate Study Draft Report	2	4	2	4	0	$3,050
Task 8: Town Hall Meetings	5	12	4	2	2	$6,775
Task 9: Council Workshop	1	3	2	2	2	$2,360
Task 10: Support - Proposition 218 through Adoption	1	10	8	10	4	$7,525
Task 11: Final Utilities Rate Study Report	0	2	10	12	0	$5,170
Total Hours	**18**	**113**	**177**	**386**	**12**	**$153,455**
Direct Expenses						$6,250
Total Fee						**$159,705**

In the development of the costs, Black & Veatch assumed the following:

- In Person Meetings: (1) Kick-off meeting, (1) Rate Model Training Session, (5) Town Hall Workshops, (1) City Council Workshop, and (1) City Council Meeting associated with Proposition 218 public hearing.
- For the Town Hall Workshops, it is assumed that the Town Hall Workshops will occur over a three-trip time span. *Example: Workshops 1 and 2 will occur back-to-back in Week 1, then Workshops 3 and 4 will occur back-to-back in Week 2, and Workshop 5 will occur on its own in Week 3*.
- For the Proposition 218 Support, it is assumed that there is one City Council meeting where rates will be adopted. Shall there be a need for additional meetings, they can be determined later. Therefore, additional meetings are not incorporated in the price.
- Any social media and website content will be developed later to allow the City to best determine what is appropriate. Therefore, these elements are not incorporated in the price.

Upon request and authorization by the City via an addendum to the agreement, any additional services or meetings not identified in the scope of services will be negotiated with the City upon developing a scope of work.

References

Black & Veatch presents three (3) client references that illustrate our prior experience in providing water and wastewater utility financial planning, cost of service analysis, rate design, stakeholder engagement workshops and presentations, benchmarking, and other rate study related services to utilities in California.

The projects represent our work experience similar to what the City has requested in the RFP and members of our project team have played key roles in these projects. *The project descriptions are included in the proposal under the Experience and Qualification section*.

CLIENT	REFERENCE	PROJECT MEMBERS
City of Santa Clara, CA	MR. GARY WELLING Director of Water & Sewer 1500 Warburton Ave Santa Clara, CA 95050 +1 408-615-2018 gwelling@santaclara.gov	Project Director: Ann Bui Project Manager: Alberto Morales
City of Menlo Park, CA	MS. PAM LOWE Senior Civil Engineer 701 Laurel St. Menlo Park, CA 94025 +1 650-330-6745 pjlowe@menlopark.org	Project Director: Ann Bui Project Manager: Alberto Morales
City of Banning, CA	MR. ARTURO VELA Director of Public Works 99 E. Ramsey Street Banning, CA 92220 +1 951-922-3134 avela@banningca.gov	Project Director: Ann Bui Project Manager: Alberto Morales

In addition to the provided reference projects, we are currently engaged in rate studies for the following utilities:

- City of Napa, CA – Water Rate Study
- City of Oakland, CA – Wastewater Rate Study (as part of Master Planning study)
- City of Manhattan Beach, CA – Wastewater Rate Study
- City of Newport Beach, CA – Water and Wastewater Rate Study
- LA Sanitation (LASAN), CA – Clean Water System Rate Action and Outreach (Starting January 2023)

All of these additional projects include financial planning, cost-of-service analyses, and rate design elements. They also include public workshops, meetings, and assistance with Proposition 218 public notices.

Resumes

Ann Bui

Project Director

Ms. Ann Bui serves as a Senior Managing Director with Black & Veatch's Global Advisory business. Besides providing clients with strategic financial management strategies, her responsibilities include driving growth and innovation to utilities in financial and advisory planning, climate solutions, resiliency and sustainability issues, and asset integrity.

Ann has more than 30 years of experience with clients in North and South America, Europe, and Asia gained through more than 450 engagements, providing financial and business planning services for public and investor-owned utilities of all sizes. Her recent assignments have focused on reducing carbon footprints for energy-intensive activities, water insecurity, addressing affordability and assistance program needs, and developing innovative approaches for structuring alternative delivery projects using private and public financing instruments.

She has prepared financial feasibility reports supporting more than $15 billion of revenue bond sales, $8 billion in state revolving fund loans, and over $1 billion of grant applications. Her work on due diligence efforts have supported the successful buy-side/sell-side of water and wastewater assets totaling over $10 billion.

Over the past two decades, Ms. Bui has provided expert witness testimony in front of the California Public Utilities Commission, the Indiana Utilities Regulatory Commission, and the Kentucky Public Service Commission.

An active proponent of advancing the water industry, Ms. Bui is a long-standing member of several industry associations. She is a past Chair of the American Water Works Association (AWWA) Finance, Accounting, and Management Controls Committee and is involved with AWWA's Rates and Charges Committee, the National Association of Clean Water Agency's Utility Management Committee, and with the Water Environment Federation (WEF).

Ann serves as an author, editor, and peer reviewer for many of the rate-making industry's manuals of practice, including AWWA's M1 – Principles of Water Rates, Fees and Charges, the current update to M1, the current update of WEF's Manual of Practice 27, Financing and Charges for Wastewater Systems, and WEF's User-Fee Funded Stormwater Program. She is the lead author and editor of AWWA's book ***Financial Management for Water Utilities: Principles of Finance, Accounting and Management Controls.*** Presently, Ann is the Chair for the update to AWWA's M29 – Water Utility Capital Financing.

EDUCATION

Masters, Business Administration, Finance, University of California – Davis, 1995

MS, Chemical Engineering, University of California Los Angeles, 1989

BS, Chemical Engineering, University of British Columbia, 1986, Canada

YEARS EXPERIENCE

32

PROFESSIONAL REGISTRATION

License, Engineer-In-Training, #XE094654, California, 1995

PROFESSIONAL ASSOCIATIONS

AWWA

Past Chair - AWWA's Finance, Accounting & Management Controls Committee

Member – AWWA's Rates & Charges

WEF

NACWA's Utility Management Committee

RELEVANT EXPERTISE

Financial & Management Consulting Services; Debt Issuance Support; Elasticity Studies; Cost of Service & Rate Design; Institutional & Organizational Studies; Alternative Financing; Valuations/M&A

REPRESENTATIVE NATIONAL EXPERIENCE

Philadelphia Water Department, PA | Water, Wastewater and Stormwater Cost of Service Studies | 2003 – 2006; 2017-Present

Project Director. Ms. Bui has worked with the City of Philadelphia since 2003 and currently serves as the Project Director for Black & Veatch's multi-utility cost of service work with the PWD. Comprehensive services performed include grant, loans, and revenue bond financing, the first municipal rate rider for the tiered customer assistance program, development of an impervious area-based stormwater fee, revenue audits, and expert witness testimony.

Washington Suburban Sanitary Commission, MD | Comprehensive Water and Wastewater Rate Study | 2016-Present

Project Director. Ms. Bui is the project director responsible for Black & Veatch's engagement with WSSC Water. Since 2016, we have completed numerous assignments with WSSC Water, including conducting a comprehensive water and wastewater rate study, analysis and development of a new overhead cost allocation methodology, creation of miscellaneous fees, and provided litigation support to WSSC on rate-setting matters in front of the Maryland PSC.

Sewerage and Water Board of New Orleans, LA | Operations Reports, Comprehensive Financial Planning & Cost of Service Studies & Customer Assistance Program | 2017-Present

Project Director. Ms. Bui serves as the Project Director for Black & Veatch's ongoing engagement for SWBNO. Our work for SWBNO has been on a continual basis for over 50 years. Services provided include the annual report on operations for water, wastewater, and storm drainage utilities, including evaluation of management, operations, financing and compliance with bond covenants; engineering bond reports; rate studies, and the development of SWBNO's first comprehensive customer assistance program.

REPRESENTATIVE CALIFORNIA PROJECT EXPERIENCE

County of San Diego, CA | Wastewater & Water Rate Studies | 2015-Present

Project Director. Ms. Bui serves as the Project Director for Black & Veatch's ongoing engagement with the County of San Diego's Department of Public Works. The engagement with the County has included comprehensive water and wastewater rate studies as well as specialized studies. Recently, we performed a rate study focused on creating a water rate for the Live Oaks area, which the County was taking over from a private water utility. New rates were approved via the Prop 218 process. Immediately following this study, we updated the County's wastewater rate study.

City of Santa Clara, CA | Water and Wastewater Rate Study | 2017 - Present

Project Director. Ms. Bui serves as the Project Director for Black & Veatch's continuing work for the City of Santa Clara. The City dealt with Covid-19 changes in consumption at the end of fiscal year 2020, therefore the study incorporated changes to the expect possible in the development of their yearly rates. The City performs a cost-of-service study on a yearly basis.

City of Napa, CA |Water Rate Studies | 2012-2014, 2016-2017, 2019, & 2022-Present

Project Director. Since 2012, Ms. Bui has served as the Project Director for Black & Veatch's engagements with the City of Napa. These projects have included developing financial plans, conducting cost-of-service analyses, and evaluating alternative rate structures to support numerous water and recycled water rate studies. As part of the last rate study and the current one, we are examining drought impacts and the

impact of mandatory water restrictions. Ms. Bui's team prepared Prop 218 notices, developed stakeholder outreach presentations, and supported the City throughout the Prop 218 process. Finally, the Black & Veatch team also conducted evaluations of the City's capacity fees to incorporate planned growth and development needs.

City of Burbank, CA | Wastewater Cost of Service & Connection Fee Study | 2012-2013 and 2020-Present

Project Director. Ms. Bui leads this wastewater cost of service study. In this role, she oversaw the team's work in performing a cost-of-service analysis on the City's wastewater utility. The result updated the rate structure for all customer classes. In addition, we assisted the City in reviewing and updating their connection fee for new connections to align methodologies and fee structures with those charged by Burbank Water and Power.

City of Menlo Park, CA | Water Rate & System Development Charges Study | 2019-2021

Project Director. Ms. Bui is the Project Director for this water rate study, working with Public Works to develop water rates. The study includes a financial plan, cost of service and rate design. The rate design component incorporates drought charges based on the City's four drought phases. The study is also developing system development charges for new connections to the water system.

Central Contra Costa Sanitation District, CA | Special Facility System Development Charges Study | 2019

Project Director. The District retained the Black & Veatch led by Ms. Bui to review its system development charges. Specifically, the District requested us to look at approaches for handling the growth of outdoor dining areas. The District's current capacity fee methodology does not contemplate how to address this phenomenon. Black & Veatch worked with District staff and water agencies and cities within the District's service area to develop a system development charge approach that captures this incremental expansion.

City of Simi Valley, CA | Wastewater Rate Study | 2019

Project Director. Ms. Bui served as the Project Director for the City's sanitary sewer rate study. The study included a multi-year financial plan, cost of service analysis, and rate design. The conclusion was a final report that satisfied Proposition 218 requirements. In addition, Ms. Bui led the effort in developing system development charges for the sanitation district.

City of Santa Ana, CA | Asset Management and Water/Wastewater Rate Study| 2012-2014 and 2015-2016

Project Director. Ms. Bui served as the Project Director for the City of Santa Ana's asset management and water/wastewater rate study. This study involves developing a program for the City that provides the basis for long-term asset management and development of the City's repair and replacement schedule. Black & Veatch then fed these inputs into the City's water and wastewater rate study. Black & Veatch completed the initial development of an asset review using its iCIP program. Black & Veatch used the outputs from the iCIP program to develop several cost-benefit scenarios illustrating the economic impact to the community through deferring CIP projects, as well as the rate impact to the utilities and the compromised service levels.

Western US - Water, Wastewater, Stormwater, & Solid Waste Utility Enterprise Financial Planning, Rate & Cost-of-Service Studies, Indirect Cost Allocations, Management Audits /Organizational Assessment Studies, & Business Planning Activities

- Glendale, AZ
- Phoenix, AZ
- Tucson, AZ
- Flagstaff, AZ
- Scottsdale, AZ
- Henderson, NV
- Las Vegas, NV
- Santa Monica, CA
- Los Angeles Bureau of Sanitation
- Long Beach, CA
- Orange, CA
- Palo Alto, CA
- Napa, CA
- South Gate, CA
- San Diego, CA
- County of San Diego, CA
- Cambria Community Services District, CA
- Marin Municipal Water District, CA
- Helix Water District, CA
- Rancho California Water District, CA
- Indio Water Authority, CA
- San Clemente, CA
- Soledad, CA
- San Joaquin County, CA
- Port Hueneme, CA
- Santa Ynez River Water Conservation District, CA
- Guam Waterworks Authority
- Salem, OR
- Oxnard, CA
- Los Angeles, Stormwater Division
- San Juan Capistrano, CA
- Downey, CA
- Camrosa Water District, CA
- Pico Rivera, CA
- Leucadia Water District, CA
- Soquel Creek Water District, CA
- Yuba City, CA
- Antioch, CA
- Encinitas Wastewater Authority, CA
- Escondido, CA
- Dublin San Ramon Service District, CA
- Padre Dam Municipal Water District, CA
- Sweetwater Authority, CA
- Western Municipal Water District, CA
- Cucamonga Valley Water District, CA
- Patterson, CA
- Chino Hills, CA
- Riverside Public Utilities, CA
- Vallecitos Water District, CA
- Fountain Valley, CA
- Westminster, CA
- Santa Ana, CA
- Lomita, CA
- Atascadero Mutual Water Company, CA
- Golden States Water Company
- California American Water
- Ontario, CA
- San Jose, CA
- County of San Bernardino, CA
- Goleta Water District
- Burbank Water & Power, CA
- Metropolitan Water District of Southern California
- Vallejo Flood Control District, CA
- Central Contra Costa Sanitation District, CA
- LA DWP, CA
- Santa Clara, CA
- Menlo Park, CA
- Olivehain Municipal Water District, CA
- Port of San Diego, CA
- Simi Valley Sanitation, CA
- Banning, CA
- Manhattan Beach, CA
- Newport Beach, CA
- Tacoma, WA
- Cherry Hills Sanitation District, CO
- Parker Water and Sanitation District, CO
- Waste Management Inc., CO
- Southeastern Colorado Water Conservancy District, CO
- Las Campanas Water & Sewer Cooperative, NM
- Suez Water, ID

Alberto J. Morales

Project Manager

Mr. Alberto J. Morales is a manager and serves as a project manager and lead financial analyst on financial planning, cost of service analyses, capacity fees, miscellaneous fees, capital prioritization, business processes, technical due diligence and market valuations for projects involving water, wastewater, and electric utilities.

Prior to joining the management consulting business of Black & Veatch, Mr. Morales worked as a civil engineer specializing in the design, construction management and operations for water and wastewater utilities. Mr. Morales combines his civil engineering background with his financial experience to provide effective solutions for clients.

REPRESENTATIVE PROJECT EXPERIENCE

County of San Diego; Sewer Rate Study; San Diego, California; 2021

Project Manager. Mr. Morales serves as the project manager for a sewer rate study. In this role he is working closely with staff to develop rates for eight County Service Areas (CSAs) throughout the County. The County owns and manages the various wastewater CSA's. While the County has smaller regional treatment plants, the County primarily sends its wastewater flow to the City of San Diego through a regional agreement. The study included a five-year financial plan, cost of service analysis, and rate design that will satisfy Proposition 218 requirements.

City of Aurora; Water and Wastewater Rate Study; Aurora, Illinois; 2020-2021

Project Manager. Mr. Morales serves as the project manager for a water and wastewater rate study update. In this role he is working close with staff to update rates, review of customer classification, incorporate a new residential affordability rate and new lead service line replacement fee. The customer classification review entails a review of City and County GIS data to compare the customer classifications. Any misalignment will be identified and addressed by the City. The rate study a financial plan, cost of service analysis, and rate design.

County of San Diego; Water Rate Study; Live Oak Springs, California; 2020

Project Manager. Mr. Morales served as the project manager for a water rate study. In this role he worked closely with staff to develop a new rate structure for a County Service Area (CSA) that has been recently acquired by the County. The County owns and manages a various wastewater CSAs, but Live Oak Springs CSA is their first water utility. The study included a three-year financial plan, cost of service

EDUCATION

Masters, Business Administration, University Of California, Los Angeles, 2005

MS, Civil Engineering, University of California, Los Angeles, 2000

BS, Civil Engineering, University of California, Los Angeles, 1999

YEARS OF EXPERIENCE

21

PROFESSIONAL REGISTRATIONS

License, Engineer-In-Training #106878, California, 1999

PROFESSIONAL ASSOCIATIONS

AWWA

LANGUAGES

Spanish

RELEVANT EXPERTISE

Capital Prioritization; Cost of Service Analyses; Financial Planning; Project Management; Technical Due Diligence

analysis, and rate design that will satisfy Proposition 218 requirements. The County Board of Directors approval to move forward with Proposition 218 requirements in late 2020.

City of Burbank; Wastewater Rate Study; Burbank, California; 2020-2021

Project Manager. Mr. Morales serves as the project manager for a wastewater cost of service study. In this role he is working close with the Assistant City Manager to perform a cost of service analysis on the City's wastewater utility. The result will be an updated rate structure for all customer classes. In addition, Mr. Morales will assist the City in reviewing and updating their connection fee for new connections. The analysis will focus on alternative fee structures to better align with Burbank Water and Power.

City of Menlo Park; Water Rate and System Development Charges Study; Menlo Park, California; 2020-2021

Project Manager. Mr. Morales serves as the project manager for a water rate study. Mr. Morales is working with Public Works to develop water rates. The study includes a financial plan, cost of service and rate design. The rate design component incorporates drought charges based on the City's four drought phases. The study is also developing system development charges for new connections to the water system. The study temporarily placed on hold in early 2020 as the City dealt with Covid-19. The City will update the rate study for fiscal year 2021 in late 2020/early 2021.

City of Santa Clara; Water and Wastewater Rate Study; Santa Clara, California; 2020-2021

Project Manager. Mr. Morales served as the project manager for an update to a water and wastewater rate study. Mr. Morales worked with the Director of Public Utilities and Management Analyst to update their water and wastewater rates. The City dealt with Covid-19 changes in consumption at the end of fiscal year 2020, therefore the study incorporated changes to the expect possible in the development of their yearly rates. The City performs a cost-of-service study on a yearly basis.

50 Largest Cities Rate Survey; United States; 2012-2021

Project Manager. Mr. Morales served as a project manager for updating an internal water and sewer rate survey of the 50 largest cities in the United States. The survey focused on comparing typical bills for various customer classes at different consumption intervals. The survey has been conducted by Black & Veatch since 2001 and is updated every 18 to 24 months. The survey provided utilities the ability to see how they compare to the largest water and sewer utilities in the across the country.

Florida Government Utility Authority; Consulting Engineer; Florida; 2019

Project Manager. Mr. Morales served as a project manager in analyzing the level of cost related to Florida Government Utility Authority's (FGUA) operating contract with a third-party provider. The contract is for operation and maintenance and customer services such a billing. The study focused on assessing the pricing model by the third-party provider and benchmarking the costs to regional and national benchmarks.

Las Campanas Water and Sewer Coop; Water and Sewer Rate Study; Santa Fe, New Mexico; 2019

Project Manager. Mr. Morales served as the project manager for a water and sewer rate study. Mr. Morales worked with staff and Board of Directors to develop a multi-year financial plan. The Coop was in the process of renegotiating contract service terms with its third-party operating partner and therefore sought an interactive rate model that could be used in the negotiations. Mr. Morales lead the effort in the cost of service and rate design for the Coop. In addition, Mr. Morales lead in an additional reserve study which provided the Coop a benchmark for setting reserve requirements for both operating and capital.

City of Simi Valley; Simi Valley, California; 2019

Project Manager. Mr. Morales served as the project manager for a sanitation (sewer) rate study. In this role he is worked closely with City staff and an independent rate consultant who was performing a water rate study. The study included a multi-year financial plan, cost of service analysis, and rate design. The conclusion was a final report that satisfied Proposition 218 requirements. In addition, Mr. Morales lead the effort in developing system development charges for the sanitation district.

Olivenhain Municipal Water District; Review of Recycled Water Charges; Encinitas, California; 2019

Project Manager. Mr. Morales served as a project manager in a review of Olivenhain Municipal Water District's (OMWD) recycled water charges. OMWD purchased recycled water from Vallecitos Water District (Vallecitos) through an agreement that was established in 2003. Over the years, Vallecitos has expanded recycled water production while OMWD has reduced recycled water demand. As part of the review, Black & Veatch reviewed and validated the cost components included in the charge and made recommendations for future changes to the agreement.

City of St. Helena; Water Cost of Service Analysis; St. Helena, California; 2018

Project Manager. Mr. Morales is served as the project manager for water cost of service analysis study. Mr. Morales is worked with the Director of Public Works and Finance to perform an engineering analysis that provided a nexus for the existing and future water rate structure. The City has a few customers that consume a significant amount of water, therefore the City wanted to examine the equity between customer classes.

City of Santa Clara; Water and Wastewater Rate Study and System Development Charges; Santa Clara, California; 2017-2018

Project Manager. Mr. Morales served as the project manager for water and wastewater rate and system development charge study. Mr. Morales worked with the Director of Public Utilities and Management Analyst to develop their water and wastewater rates and wastewater and storm drain system development charge. In addition, Mr. Morales developed a new water system development charge and updated the existing sewer system development charge.

Central Contra Costa Sanitation District; Capacity Fee Review and Survey; Alameda, California; 2017

Project Manager. Mr. Morales served as the project manager for wastewater capacity fee review and survey study. Mr. Morales worked with the General Manager and Department heads to review their existing capacity fee methodology and provide recommendations on any weaknesses. In addition, Mr. Morales lead the effort in surveying neighboring utilities regarding their capacity fees and methodologies.

City of Napa; Water Rate Study; Napa, California; 2016-2017

Project Manager. Mr. Morales served as the project manager in a water rate study. In this role, he worked closely with the water manager and director of Public Works to develop a rate structure that would meet Proposition 218 requirements while meeting the financial needs of the Water Division. He developed a customized rate model that would serve the city in updating rates on an annual basis. The rate model incorporated revenue requirements and cost of service components to assist the city in distributing costs equally among its customer classes. The City is in the process of adopting a five-year schedule of rates as it undergoes the Prop 218 process.

County of San Bernardino; Water and Sewer Rate Study; California; 2015-2017

Project Manager. Mr. Morales served as the project manager for a water and sewer rate study. Mr. Morales worked with the County's Special Districts to perform a cost-of-service analysis and rate design for its multiple County Service Areas throughout San Bernardino County. The County provides services to unincorporated areas in the largest county in the country. The study developed individual service area rates and charges.

City of Lynwood; Water and Sewer Rate Study; Lynwood, California; 2013-2016

Project Manager. Mr. Morales served as the project manager for a water and sewer rate study. Mr. Morales worked closely with Public Works to develop a customized rate model that will allow the city to separate revenues and expenses associated with its water and sewer system. The city historically relied on one fund for all operations, but the rate model anticipates future delineation of sources and uses in the future. In addition, Mr. Morales lead the effort of a capital needs assessment. The assessment examined the city's current capital needs and developed a five-year capital improvement program that will meet the city's future needs.

City of San Diego; Water and Wastewater Cost of Service and Capacity Fee Study; San Diego, California; 2012-2016

Manager. Mr. Morales served as a manager in the development of a water and sewer rate and connection fee study Mr. Morales is working closely with Public Utilities to update and develop a customized rate model that will allow the city to project revenues and expenses associated with its water and sewer utilities. The rate model incorporated revenue requirements and costs of service components to assist the city in distributing costs equally among its customer classes. Mr. Morales updated the water rate model to allow the city to deal with drought conditions.

Long Beach Water Department; Water Budget Based Study; California; 2015

Project Manager. Mr. Morales served as the project manager for a water budget-based rate study. Mr. Morales worked with the water conservation group within the Department to develop irrigation water budget-based rates that meet cost of service principles and Proposition 218. The primary focus was on analyzing the 100 plus irrigation customers and determine appropriate budgets that would help the city meet a state mandated reduction in consumption. Mr. Morales conducted a cost-of-service analysis for all customers in the process.

City of Lomita; Water Rate and Master Fee Study; Lomita, California; 2014

Project Manager. Mr. Morales served as the manager for a water rate and master fee study. Mr. Morales worked closely with the Assistant City Manager to develop a customized rate model that allowed the City to conduct "what-if" scenarios for water supply and staffing. The City recently shifted water supply to include more groundwater with the completion of a groundwater desalter thus lowering the demand for import water. The desalter requires additional staffing resources which the city sought to include in the rate study as a scenario. In addition, Mr. Morales worked on updating the City's master fee schedule for all departments.

Jorge Mauricio Villalobos, MS, MBA

Lead Financial Analyst

Mr. Jorge Villalobos provides consulting expertise in the areas of financial analysis for bond feasibility, cost of service, rate design as well as capital prioritization and business process evaluation for water, wastewater, and electric utilities.

Jorge's experience also includes his work as a consultant for investors in the securities and real estate investment industries. This diverse professional background allows him to combine his engineering and financial background with an understanding from the different points of view of multiple stakeholders in each engagement, which allows him to provide effective and actionable solutions for his clients.

REPRESENTATIVE PROJECT EXPERIENCE

City of Delray Beach, Florida; Stormwater Rate Study; 2022

Consultant. Mr. Villalobos is currently assisting in the development of a comprehensive study to determine rate adjustments to impervious area fees; necessary to recover costs associated with the City's Stormwater Utility. The study includes the development of a detailed stormwater financial and rate model, projecting revenue requirements and required financial metrics. Anticipated system-wide revenue increase requirements were developed along with the associated rate schedules to reflect the City's stormwater operational and capital program needs to address growth, climate change and water quality issues. Among the program needs, the study analyses the city's current well as projected incremental costs and expenses related to increased staffing necessary to provide an adequate level of service. The study includes modeling of alternative rate structures. The intended result of the study is to provide decision-makers with a reliable and defensible estimation of the level of fees required to operate, maintain, and renew the City's stormwater infrastructure.

City of Baton Rouge, Parish of East Baton Rouge; Stormwater Utility Feasibility Study; 2022

Consultant. Mr. Villalobos assisted in the development of a study to evaluate the feasibility of implementing a new Stormwater Utility that would allow the City-Parish to achieve appropriate funding through user fees, and other sources, to comply with is MS4 permit requirements. Work includes the development of a stormwater financial and rate model, projecting detailed revenue requirements, modeling the impact of the level of service alternatives, developing capital financing mix, and required

EDUCATION

Other, Masters in Commercial Real Estate (MiCP), Lipsey Company, 2017, United States

Certificate, Certified Real Estate Investment Fund Manager, CAFI, 2011, Costa Rica

Master of Business Administration, Business Administration, Rockhurst University, 2005, United States

Master of Science, Engineering Management, The University of Kansas, 1997, United States

Bachelor of Science, Architectural Engineering, Kansas State University, 1993, United States

YEARS OF EXPERIENCE

28

PROFESSIONAL REGISTRATIONS

Certification, Intern Engineer, Kansas, United States, 1993

LANGUAGES

English; Spanish

RELEVANT EXPERTISE

Bond Feasibility; Cost of Service; Financial Planning; Rate Design; Wastewater; Water

financial metrics. The study analyses a proposed level of staffing for the new utility, projected revenues from fees and funding from grants, transfers from general funds and proposed debt issuance to fund the new Utility. The intended result of the study is to provide decision-makers with a reliable and defensible estimation of the cost of providing and operating a separate Stormwater Utility and to recover these costs from individual properties based on Impervious Area as a parameter of contributed volume into the system.

City of Lee's Summit, Missouri; Stormwater Utility Feasibility Study; 2022

Consultant. Mr. Villalobos is currently assisting in the development of a study to evaluate the feasibility of implementing a new Stormwater Utility. Work includes the creation of stormwater financial and rate model, projecting detailed revenue requirements, modeling the impact of level of service alternatives, developing capital financing mix, and required financial metrics. The study analyses a mechanism to recover appropriate funding from charges based on Impervious Area. The study analyses a proposed level of staffing, projected revenues from fees and funding from multiple other sources to fund the new Utility. The intended result of the study is to provide decision-makers with a reliable and defensible estimation of the cost of providing and operating a separate Stormwater Utility and outline a mechanism appropriate to recover these costs from individual properties.

Beaufort Jasper Water & Sewer Authority, Okatie, South Carolina; Water and Sewer Capacity Fees Report; 2022

Consultant. Mr. Villalobos was the lead analyst in a study to review its water and sewer capacity fees. Capacity Fees are one-time fees assessed to customers that seek to connect to the water and sewer systems such that these customers pay their appropriate share of costs to join the system. The study used a Combined Systems Approach, which reflects a combination of the System Buy-in and Incremental Cost Pricing approaches, requires more robust information pertaining to planning, estimate of future conditions, and accurate record keeping to calculate a Maximum Allowable Capacity Fee appropriately. This methodology results in the recognition of investment in the system by existing customers and the incremental capacity, additions necessary to serve new growth, a defensible and consistent methodology that utilizes industry best practice principles and complies with applicable legal requirements; and Flexibility for the utility to consider policies in defining Capacity Fees that are lower than the Maximum Allowable Capacity Fee. The study resulted in a recommendation to increase Capacity Fees to reflect the increased costs experienced by the authority.

Gulf Coast Water Authority (GCWA), Texas City, TX; System Development Fees; 2021

Consultant. Mr. Villalobos served as lead analyst in a study that identified the cost that a new customer should contribute in order to "buy-in" to the existing infrastructure; depending on which canal and volume capacity new customer will require. GCWA operates a network of over 300 miles of canals that provide raw water to private and municipal customers; spanning Fort Bend, Brazoria and Galveston Counties. This infrastructure also includes pumping stations, reservoirs, and many operational assets. The study resulted in a defensible calculation of the cost that a new customer should contribute.

Public Service Enterprises Group (PSEG); Cost-Benefit Analysis of Electric and Natural Gas Capital Investments; 2021

Consultant. Mr. Villalobos was the lead analyst in the development of a cost-benefit study to evaluate the feasibility of the utility's proposed Infrastructure Advancement Program (IAP). The program proposed an accelerated deployment and recovery of the costs associated with hardening, reliability and resiliency of the electrical grid and gas metering stations in Newark, New Jersey. The study required the analysis of

Value of Lost Load, avoided Capital and Labor expected from the accelerated deployment of infrastructure. The study provided a technical standing for the utility to present its case and was awarded $351 million in accelerated recovery for the program.

Metropolitan Sewer District of Greater Cincinnati (MSD); Wet Weather Impervious Surface Charge Feasibility Study; 2021

Consultant. Mr. Villalobos assisted in the development of a study to evaluate the feasibility of implementing a new Stormwater Utility by bifurcating the costs currently recovered by the Metropolitan Sewer District under its sewer rates. The study included a series of community outreach sessions with key stakeholders that provided valuable feedback into the scope and fairness expected from a new stormwater utility fee structure. The study is to provided decision-makers with a reliable and defensible estimation of the cost of providing and operating wet weather infrastructure as well as how it could be attributed to individual properties based on Impervious Area as a parameter of contributed volume into the system.

Metropolitan Sewer District of Greater Cincinnati (MSD); Rate Study and Consent Decree Support Services

Consultant. Mr. Villalobos is currently assisting in the development of a study to determine rate adjustments necessary to recover the costs associated with the collection and treatment systems through base and volume charges. The study requires analysis of MSD's investment related to a Consent Decree to solve Combined Sewer Overflows from their system.

City of Wilmington, Delaware; Financial Planning and Rate Study; 2021

Consultant. Mr. Villalobos is currently assisting in the development of a Rate Study which encompasses developing a financial plan for the Water/sewer Enterprise Fund of the city of Wilmington. The financial plan is based on the analysis of operations and maintenance as well as debt service for the capital program and the projected revenue requirements. This plan is used to perform a cost-of-service analysis, rate design, and the rate adjustments needed to meet the utility's financial objectives.

Puerto Rico Electric Power Authority; Economic Feasibility Report; San Juan, Puerto Rico; 2021

Consultant. Mr. Villalobos is currently serving as a Consultant to the Puerto Rico Electric Power Authority in the evaluation of reinvestment in 10 Hydroelectric power generation plants in different locations around the island. The project includes improving four plants currently generating and rehabilitation for use of six others. The total investment will be determined based on the best use of capital for the utility, on proposed investments that could reach up to $180 million dollars. The analysis will consider the Net Present Value (NPV) of each investment and select those which have a positive NPV, the greatest impact for the company or that have strategic value as water supply to other facilities downstream.

Lani Good, P.E.

Technical Advisor

Ms. Lani Good specializes in water and wastewater planning, asset management, and regulatory compliance. Ms. Good is an expert in guiding utilities of all sizes through the decision-making process, from long-term asset management and capital improvement planning to urgent regulatory compliance projects.

Ms. Good has completed over 25 water and wastewater master plans and developed capital improvement and/or rehab/replacement plans for over 30 utilities and 50 capital programs. She's assessed the condition of over 350 miles of large-diameter sewers and 1,700 miles of sewer mains and managed the condition assessment of more than 50 pumping and treatment facilities.

REPRESENTATIVE PROJECT EXPERIENCE

Castro Valley Sanitary District | District Engineer | Castro Valley, CA

District Engineer. As Consulting District Engineer for a five-year term, developed and implemented District programs. Oversaw the Engineering Department efforts including regulatory compliance, asset management, collection system project planning and design, and management of the District's capital improvement program. Conducted annual flow monitoring and smoke testing programs to inform the Master Plan update, refine project scopes, and target I/I reduction. In developing the District's Asset Management Program, refined the District's standardized methodology for prioritizing capital improvement funds by developing an InfoMaster Sewer model to manage the identification of the District's assets with the highest risk of failure or overflow, prioritization of high-risk assets for inspection, assessment of the severity of defects, and identification of repair or replacement methodologies. Used the District's goals of reducing inflow/infiltration, reducing the risk of SSOs, avoiding third-party lawsuits and regulatory violations, and replacing aging assets to guide the asset management decision processes. Led collection system planning efforts for hydraulic improvements, I/I reduction, odor control, aerial creek and fault crossing risk mitigation, clay pipe scale management, pump station condition assessment and rehabilitation, and force main condition assessment and replacement. Performed an audit of and substantially updated the District's Sewer System Management Plan (SSMP) including major revisions to the District's Overflow Emergency Response Plan.

EDUCATION

BS, Civil Engineering, Arizona State University, 2001

YEARS OF EXPERIENCE

22

PROFESSIONAL REGISTRATIONS

PE – 2008, CA,73677

PE – 2017, OR, 91834

PROFESSIONAL ASSOCIATIONS

California Water Environment Association, San Francisco Bay Section Board Member, Santa Clara Valley Section Committee Chair, Past State Committee Chair, Annual Conference Committee Member

California Association of Sanitation Agencies

Bay Area Clean Water Agencies Active Committee Member

Northern California Pipe Users Group

American Public Works Association

Bay Area Water Works Association

WateReuse Association

Central Valley Clean Water Association

Toastmasters International, Past Chapter President

City of Yuba City | Water Treatment Plant and Distribution System Master Plan | Yuba City, CA

Asset Management Lead. Managed the water treatment plant and distribution system asset management planning portion of Yuba City's comprehensive Water Master Plan. The project included the development of a new hydraulic model using InfoWater and distribution system performance evaluations of existing and future demand conditions, including evaluations of system capacity and pressure, distribution system water quality, and performance of the system for different outage scenarios. The master plan included a baseline condition assessment, asset inventory improvements, asset hierarchy and classification system implementation, and asset valuation for the City's treatment, storage, pumping, and well facilities that resulted in a prioritized short-term and 30-year rehab/replacement and O&M improvement programs for all of the City's water facilities. InfoMaster Water was used to develop a risk assessment model for the City's water transmission and distribution pipelines that considered leak history, pipeline material, pipeline age, hydraulic capacity deficiencies, emergency response impacts, and critical customers. The results of the risk assessment were used to prioritize a 30-year waterline rehab/replacement program.

City of Hercules |Wastewater Program Management | Hercules, CA

Project Manager. Led this on-call effort to provide staff augmentation services to manage the City's wastewater program. Developed a prioritized multi-year Action Plan to assist the City in compliance with state regulations and to set a course for employing best management practices. Oversaw wet weather flow monitoring; updated the City's Sewer System Management Plan (SSMP) including the City's Overflow Emergency Response Plan; updated the City's Master Plan; scoped capacity upgrades to the City's largest lift station, force main, and trunk sewer to the wastewater treatment plant; oversaw the cleaning and condition assessment of the entire collection system; analyzed capacity upgrades for new development; and procured a consultant to perform a wastewater rate study and connection fee analysis.

City of Davis | Owner's Representative, Design-Build Wastewater Treatment Plant Improvements | Davis, CA

Design-Build (DB) Procurement Task Manager. DB Wastewater Treatment Plant (WWTP) Improvements Project representing approximately $95 million in constructed treatment plant improvements. West Yost prepared a Procurement Implementation Plan and a Preliminary Design Report; and will ultimately support the construction and commissioning on the new treatment plant improvements. West Yost's multi- faceted approach to achieving success on the City's project includes providing a high quality DB contract to manage risk, allow for innovation, and provide the best value for the City; a practical design that enables the City to meet discharge requirements by 2017 at the lowest lifecycle cost; rigorous project management, quality assurance, and effective project communications to keep the project on budget and schedule; knowledge of the State Revolving Fund (SRF) process to maintain project momentum, and our history of providing management services and serving as an extension of staff for our clients. This approach is tailored to assist the City in completing the three project phases, 1) Preliminary Design, 2) Procurement Documents, and 3) Construction & Commissioning, within or ahead of the City's 63-month time frame.

City of Oakland | Wastewater Master Plan Update | Oakland, CA

Project Manager. Project includes expanding the City's hydraulic model to include the entire system, evaluating I/I reduction progress since 2012, managing GIS/CMMS asset registry data, developing GIS tools, improving the GIS asset inventory through extensive field work and GIS analytics, evaluating

private-property I/I reduction policy and funding options, developing an Operations and Maintenance Master Plan including preventative and predictive maintenance and inspection programs, and conducting a wastewater rate and connection fee study. Currently working with the City's maintenance division on business intelligence enhancements through CMMS integrations with GIS, hydraulic and risk models, and online telemetry data from level sensors and flow meters. Developing custom SOP tools and calculators to streamline emergency response and regulatory compliance efforts.

Dublin San Ramon Services District | Wastewater Treatment and Biosolids Facilities Master Plan | Dublin, CA

Asset Management Lead. Developed a complete wastewater treatment facility asset inventory with a new asset hierarchy that was importable into the District's Lucity computerized maintenance management system. Developed a replacement cost model and long-term rehabilitation and replacement model for the District's wastewater treatment plant and provided model training to District staff. Also oversaw Level 1 condition assessment of the plant's four primary clarifiers, which were taken off-line and drained for the assessment. Worked with District staff to develop detailed condition assessment forms that the consulting team of structural, mechanical, and coatings inspectors used to document the inspections. These condition assessment forms were developed in such detail that District staff could use the forms to consistently assess other treatment processes on a periodic basis to develop long-term condition patterns for critical facilities.

Union Sanitary District | Preventative Maintenance Program Evaluation | Union City, CA

Project Manager. Evaluated the Union Sanitary District's Gravity Sewer Preventative Maintenance Program. Collected, reviewed, and assessed data for each pipe segment and manhole, incorporating historical CCTV data and over 30 years of maintenance work order requests with GIS geospatial data to develop data trends to identify potential modifications to sewer cleaning and inspection frequencies. Reviewed CCTV inspections to confirm that defects were being coded correctly and to develop recommendations for improvements to the condition assessment program. Using InfoMaster Sewer, assessed risk to optimize maintenance activities while managing risk of blockages and overflows. Performed a survey of collection system agencies and equipment manufacturers to develop recommendations for technologies to streamline preventative maintenance and inspection activities. Developed a Preventative Maintenance Evaluation Report to provide the District with a clear road map for making near-term and long- term improvements to the collection system condition assessment and preventative maintenance programs.

City of Sacramento | Basin 48 Sewer Master Plan | Sacramento, CA

Capital Improvement Lead. Using the results of the "build-out" hydraulic model developed as a part of the project, tested the sensitivity of sewer capacity to various storm intensities assuming 2-year, 5-year, and 10-year return frequency rainfall events. Identified hydraulic deficiencies within the collection system based on dry and wet weather conditions, and developed improvement alternatives for both the capacity and condition-related issues for both current and build-out conditions. Conducted a comprehensive condition assessment of the system and developed a risk model using InfoMaster Sewer that was used to prioritize improvements to pump stations, manholes, and gravity mains within the basin. Developed a prioritized, risk-based capital improvement plan for the basin.

City of West Sacramento | Sanitary Sewer Master Plan Update | Sacramento, CA

Capital and Asset Management Lead. Prepared the City's comprehensive Sewer Master Plan that includes a hydraulic analysis of the existing and future system to provide capacity for anticipated growth, and a condition assessment leading to a risk-based prioritized rehabilitation and replacement plan for existing infrastructure. The capacity improvement projects and rehabilitation/replacement projects are integrated into a prioritized CIP and a financial analysis that results in new connection fees. As Asset Management Lead for the project: 1) conducted a risk assessment in InfoMaster Sewer to identify areas of the collection system with a high risk of SSO; 2) performed CCTV inspection and condition assessment of high-risk areas of the City's system; 3) oversaw field inspection seven of the City's pump stations; and 4) developed a prioritized CIP that includes hydraulic capacity projects as well as condition/repair projects.

City of Davis | Wastewater Collection System Assessment | Davis, CA

Project Manager. Led a comprehensive third-party evaluation of the City's collection system management and Sewer System Management Plan (SSMP). Through a series of staff interviews and analysis of the City's current SSMP, maintenance activities, overflow history, emergency response procedures, and financial records; identified improvements to the City's management of the collection system. Recommendations for modifications to workflow and management procedures were prioritized to bring the City into compliance with the State General Waste Discharge Requirements, and as best management practices to increase the reliability of the system and reduce the risk of sanitary sewer overflows.

City of Vacaville | Wastewater Collection System Master Plan | Vacaville, CA

Asset Management Lead. The asset management plan included meeting with field utilities staff to evaluate the current practices for condition assessment, maintenance, emergency response, and rehabilitation and replacement functions. The asset management plan provides a detailed framework and data management system for the City to use to maintain and organize its gravity sewer asset data and improvement projects, and presents a prioritized plan for condition assessment and rehabilitation and replacement.

Ross Valley Sanitary District | Wastewater Collection System Flow Monitoring Study | San Rafael, CA

Project Manager. Managed the District's collection system wet and dry weather flow monitoring program. In an effort to comply with its Cease and Desist Order, the District is changing its design storm and other design criteria and reevaluating its hydraulic capacity improvement projects. Using the District's existing uncalibrated hydraulic model is locating five rain gauges and 24 temporary flow monitors to validate flow projections for the new 10-year, 24-hour design storm and to confirm the size and scale of hydraulic capacity improvement projects. This study also includes collecting temperature and electroconductivity data in low-lying areas of the District constructed on Bay Mud soils to quantify and isolate salt water intrusion into the collection system.

City of West Sacramento | Storm Drainage/Stormwater Master Plan Update | West Sacramento, CA

Asset Management Lead. Used the City's existing drainage system records to prioritize drainage facilities for condition assessment field work efforts. Identified storm drainage facility upgrades, documented existing drainage system components including functional deficiencies, and ensured compliance with the City's MS4 Stormwater Permit. The Master Plan Update identified the facilities that are necessary to serve future development and existing system condition and capacity deficiencies.

W9 and State Business Verification

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
BVH, INC.

2 Business name/disregarded entity name, if different from above
BLACK & VEATCH MANAGEMENT CONSULTING, LLC

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☑ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) 5

Exemption from FATCA reporting code (if any)

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
11401 LAMAR AVE.

Requester's name and address (optional)

6 City, state, and ZIP code
OVERLAND PARK, KS 66211

7 List account number(s) here (optional)

Part I **Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number
☐☐☐ – ☐☐ – ☐☐☐☐

or

Employer identification number
[redacted]

Part II **Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person ▶** **Date ▶** January 1, 2022

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

Cat. No. 10231X Form **W-9** (Rev. 10-2018)

Certificate of Status

Secretary of State
Certificate of Status

I, SHIRLEY N. WEBER, PH.D., California Secretary of State, hereby certify:

Entity Name:	BLACK & VEATCH MANAGEMENT CONSULTING, LLC
Entity No.:	201535210415
Registration Date:	12/18/2015
Entity Type:	Limited Liability Company - Out of State
Formed In:	KANSAS
Status:	Active

The above referenced entity is active on the Secretary of State's records and is qualified to transact intrastate business in California.

This certificate relates to the status of the entity on the Secretary of State's records as of the date of this certificate and does not reflect documents that are pending review or other events that may impact status.

No information is available from this office regarding the financial condition, status of licenses, if any, business activities or practices of the entity.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of November 16, 2022.

SHIRLEY N. WEBER, PH.D.
Secretary of State

Certificate No.: 060410719

To verify the issuance of this Certificate, use the Certificate No. above with the Secretary of State Certification Verification Search available at **biz**fileOnline.sos.ca.gov.

Agenda Item **16**

CITY OF YUBA CITY
STAFF REPORT

Date: February 7, 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) 22-05, the appeal of Rezone (RZ) 22-06, and a Categorical Exemption under CEQA Guideline Section 15301: Gorsi Medical Office Rezone

Recommendation: A. Conduct a Public Hearing, and:

B. Move to continue the matter regarding General Plan Amendment 22-05, the appeal of Rezone 22-06, and the associated Environmental determination for the project, Gorsi Medical Office Rezone, at 467 Gray Avenue (Assessor's Parcel Number: 52-122-011) to February 21, 2023, with direction to staff to return with a resolution with appropriate findings consistent with Council direction for final determination of the matter

Fiscal Impact: The appellant has paid the City's adopted flat fee for appeals which is intended to cover staff costs.

Purpose:

To consider General Plan Amendment 22-05, the appeal of Rezone 22-06, and a Categorical Exemption under CEQA Guideline Section 15301.

Council's Strategic Goal:

This item implements the Council's goal of Quality of Life.

Background:

The applicant, Dr. Shamaila Gorsi, filed applications for GPA 22-05 and RZ 22-06, in June 2022.

On September 28, 2022, the Planning Commission conducted a public hearing on this matter. One neighbor spoke in opposition to the project. After closing the public hearing and deliberating, there was not a motion made to act on the applications. Under the Planning Commission's By-Laws this results in a recommendation of denial for the General Plan amendment and denial of the proposed rezoning. Concerns expressed by the Commission included compatibility with the existing residential neighborhood, traffic, parking, and the long-term effect of a rezone at this location.

On October 5, 2022, Dr. Shamaila Gorsi appealed the Planning Commission's action that was timely

received by the City Clerk's office in accordance with Sec. 8-5.7202 and Sec. 8-8.104-105 of the Yuba City Municipal Code.

Analysis:

General Plan Amendment 22-05 proposes to amend the land use designation of a 0.19-acre parcel from Low Density Residential to Neighborhood Commercial and the appeal of Rezone 22-06 which proposes to rezone the same parcel from One Family Residence (R-1) to Neighborhood Commercial (C-1) District, with the addition of Overlay Zone District X28 that provides additional development restrictions. The applicant proposes to convert the existing single-family home (currently used as a home office) to a medical office. The future conversion of the existing home to a medical office will require a Building Permit, and all C-1 development standards are required to be met consistent with the Yuba City Municipal Code. This includes, but is not limited to, building height, setbacks, lighting, landscaping, parking, signage, trash enclosures, etc.

The proposed X28 Overlay Zone District adds specific criteria for development of the subject parcel including the timing required for a masonry style block wall on the north and east property lines, removal of the existing non-conforming wood fence along Franklin Avenue, and relocation of the existing Yuba-Sutter Transit bus stop located along Gray Avenue adjacent to the property.

The project site is located in south central Yuba City in an area of transition that is surrounded by single and multiple-family residences and commercial uses. All City services, including water, sewer, and storm-water drainage are available to this site.

Appeal:

The appeal cited three grounds (see appellant letter provided as Attachment 1):

1. Regarding traffic and parking concerns, the appellant stated that "the wooden fence that faces Franklin Avenue will be removed in its entirety [which] will allow patients open entry onto the property for parking behind the home. The vehicles can then continue their path towards Gray Avenue and exit into traffic safely. There will be no need for reverse driving to exit the property."
2. In regard to the long-term effects of the rezone on the residential neighborhood, the appellant stated that "there are no plans to demolish the current home… [The] goal is to beautify the current home that is present with a fresh coat of paint, new siding/windows, and new landscaping with lighting for safety… [The] goal is not to tear down any existing structures or build any new structures that will not fit into the current theme of the neighborhood."
3. The appellant explained that like many private medical practices, the business will be discreet in order to comply with HIPPA laws. "Patients will come in on an appointment basis to follow up on treatment plans, labs, medication refills, referrals, etc. There will be no more than two (2) patients present at any given time."

In addition, the appellant provided additional information regarding the proposed medical office use. Patients will come to the office for appointments, and only routine vaccinations (flu, pneumovax, shingles, etc.) and an emergency crash cart of medications will be stored on site. The medical office will not involve a retail pharmacy or any selling of goods.

Environmental Determination:

City staff have performed a preliminary Environmental Assessment of this project and have determined it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15301 (n) because this project involves a negligible expansion of existing facility and will result in the conversion of a single-family residence to office use. Furthermore, Staff has determined that none of the exceptions to

Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

Fiscal Impact:

The City's adopted flat fee for appeals has been paid by the appellant and is intended to cover staff costs.

Alternatives:

Provide staff with alternate direction.

Recommendation:

1. Conduct a public hearing, and:

2. Move to continue the matter regarding General Plan Amendment 22-05, the appeal of Rezone 22-06, and the associated Environmental determination for the project, Gorsi Medical Office Rezone, at 467 Gray Avenue (Assessor's Parcel Number: 52-122-011) to February 21, 2023, with direction to staff to return with a resolution with appropriate findings consistent with Council direction for final determination of the matter.

Attachments:

1. Appeal Letter, Conceptual Site Plan and Site Pictures
2. Planning Commission Staff Report Packet, September 28, 2022

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

ATTACHMENT 1

CITY CLERK
OCT 05 2022
YUBA CITY

Gorsi Medical Group
467 Gray Avenue
Yuba City, California 95991

Re: 467 Re-Zoning from R-1 to C-1

This appeal is in relation to the decision made September 28, 2022 by board members during the Town-Hall meeting. There were several concerns brought up related to the re-designation of 467 Gray Avenue from residential to commercial. The goal of re-designation would be to allow a private medical practice to be established in an existing building.

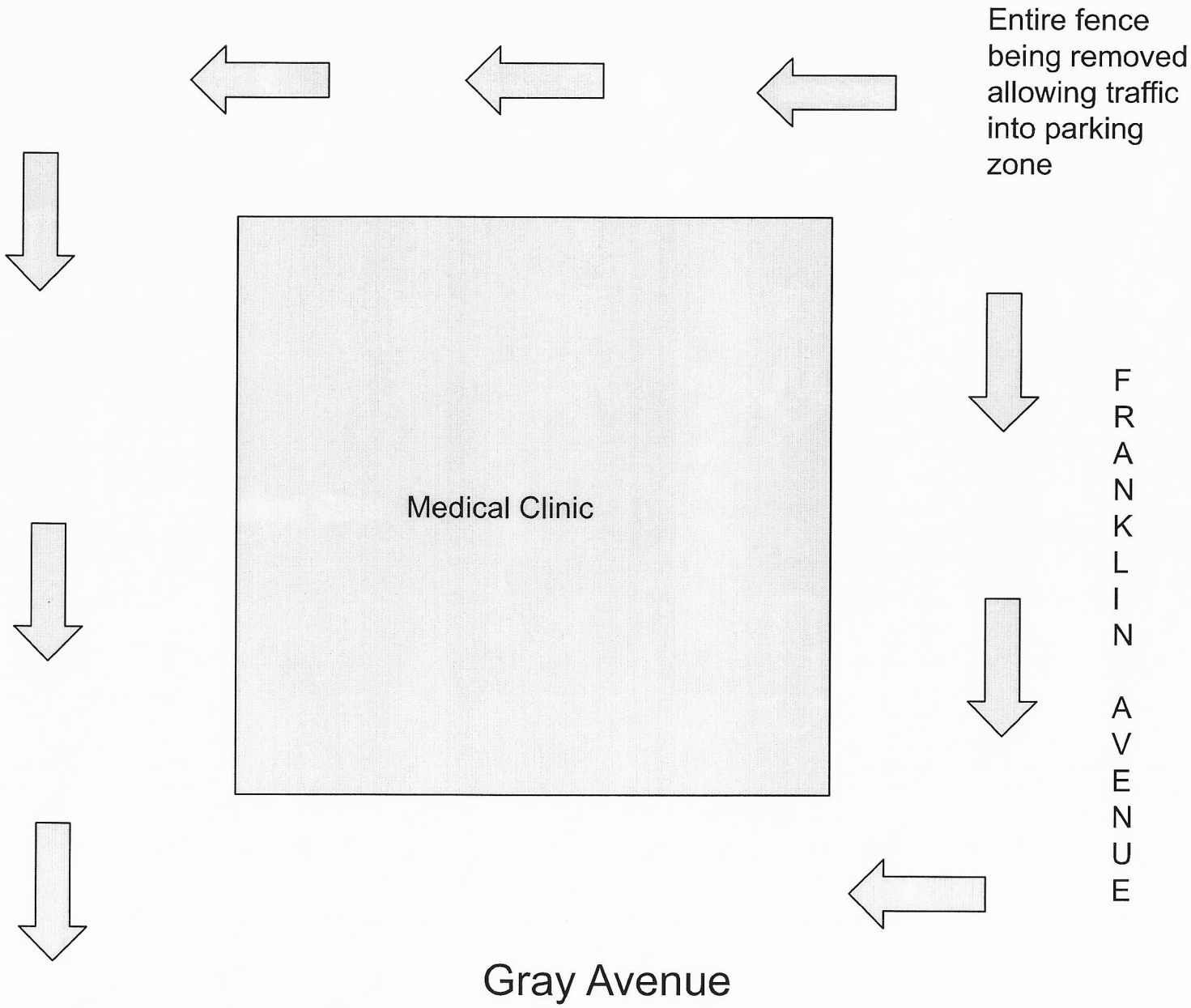
The property is located on a corner lot that faces Franklin and Gray avenues. It is a larger lot that allows access to all four sides of the home, with the home in the center. However, there are concerns that traffic may congest that corner per community members. To combat this, the wooden fence that faces Franklin Avenue will be removed in it's entirety. This will allow patients open entry onto the property for parking behind the home. The vehicles can then continue their path towards Gray avenue and exit into traffic safely. There will be no need for reverse driving to exit the property. Another valid concern is the aesthetics of the current property and whether demolition will occur. There are no plans to demolish the current home, as it meets my needs to operate a private medical practice. My goal is to beautify the current home that is present with a fresh coat of paint, new siding/windows and new landscaping with lighting for safety. This will add more charm to the property and enhance the value of surrounding structures. My goal is not to tear down any existing structures or build any new structures that will not fit into the current theme of the neighborhood.

As with many private medical practices, we remain discreet to comply with HIPPA laws for the safety and privacy of patients. Patients will come in on an appointment basis to follow up on treatment plans, labs, medication refills, referrals, etc. There will be no more than 2 patients present at any given time. There will be no retail pharmacy or selling of any goods. The only medications that will be present are routine vaccinations (flu, pneumovax, shingles, etc) and an emergency crash cart of medications in case of an adverse reaction. These are required to be kept on site in medical offices-dental clinics, and are to be accessible in a small 'pharmacy' like storage area. This 'pharmacy' is only accessible to staff and myself in case of an emergency.

I am practicing in Illinois and have a successful career in Internal Medicine. However, I have constantly noted the challenges patients face when accessing medical care in the Yuba-Sutter area. I was born and raised there, so I understand the needs of the community. There are language barriers, limitations to resources or just not enough appointments to get medical attention. The area remains heavily underserved with Medi-cal (public aid) patients and the situation will only worsen with the ongoing physician shortage and aging population. The pandemic has only highlighted this shortage as many physicians chose to retire early. If there are any suggestions or concerns, I would be happy to hear them and see if we can accommodate. I will be traveling to Live Oak from October 19 through the 27th and will be available.

Sincerely,

Shamaila Gorsi, MD
312-752-5403


Entire fence being removed allowing traffic into parking zone
Medical Clinic
FRANKLIN AVENUE
Gray Avenue

NO U TURN

ATTACHMENT 2

CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Date: September 28, 2022

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Ashley Potočnik, Development Liaison

Subject: **Consideration of General Plan Amendment 22-05 and Rezone 22-06 to rezone 467 Gray Avenue from Single Family Residential (R-1) to Neighborhood Commercial (C-1) X_{28}**

Recommendation:

A. Conduct a public hearing, and:

B. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15301(n), Existing Facilities, and approve General Plan Amendment 22-05 and Rezone 22-06 to rezone 467 Gray Avenue from One Family Residence (R-1) to Neighborhood Commercial (C-1) X_{28}.

Applicant/Owner: Shamaila Gorsi

Project Location: 467 Gray Avenue (APN: 52-122-011)

Project Number: General Plan Amendment 22-05 / Rezone 22-06

General Plan: The site is designated in the General Plan as Low Density Residential, and the proposal is to amend the General Plan to Neighborhood Commercial.

Zoning: The property is within the One Family Residence (R-1) District, and the proposal is to amend the Zoning to Neighborhood Convenience Commercial District (C-1) X_{28}.

Purpose

Consideration of General Plan Amendment 22-05 and Rezone 22-06 to rezone 467 Gray Avenue from Single Family Residential (R-1) to Neighborhood Commercial (C-1) X_{28}.

Project Description

This project is a request to rezone a 0.19-acre parcel from One Family Residence (R-1) to Neighborhood Commercial (C-1) X_{28} and to convert the existing single-family home to a medical office. Staff proposes to include Overlay Zone District X_{28}.

The X_{28} Overlay Zone District adds specific criteria for development of the subject parcel including the timing required for a masonry style block wall on the north and east property lines, removal of the existing non-conforming wood fence along Franklin Avenue, and relocation of the existing Yuba-Sutter Transit bus stop located along Gray Avenue adjacent to the property.

Analysis

The project site is located in south central Yuba City in an area of transition that is surrounded by single and multiple-family residences and commercial uses. All City services, including water, sewer, and storm-water drainage are available to this site.

This project request is to amend the General Plan land use designation and Zoning District to Neighborhood Commercial / Neighborhood Convenience Commercial District (C-1) X_{28}. The future conversion of the existing home to a medical office will require a Building Permit, and all C-1 development standards are required to be met consistent with the Yuba City Municipal Code. This includes, but is not limited to, building height, setbacks, lighting, landscaping, parking, signage, trash enclosures, etc.

Environmental Determination

This project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) Guidelines section 15301(n), Existing Facilities, with the basis that this project involves the conversion of a single-family residence to an office use. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Recommended Action:

A. Following a public hearing, the Planning Commission recommends the following findings:

Environmental Finding:

Find that the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15301(n), Existing Facilities.

General Plan Amendment 22-05 / Rezone 22-06 Findings:

Based upon analysis of the Rezone application, staff recommends the Planning Commission recommend the City Council find that General Plan Amendment 22-05 and Rezoning 22-06 i) are consistent with the General Plan goals and policies; ii) are consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; and iii) the Project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements.

B. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15301(n), Existing Facilities, and approve General Plan Amendment 22-05 and Rezone 22-06 to rezone 467 Gray Avenue from One Family Residence (R-1) to Neighborhood Commercial (C-1) X_{28}.

Attachments:

1. Planning Commission Resolution to approve GPA 22-05
   Exhibit A: General Plan Amendment 22-05 Map
   Exhibit B: Rezone 22-06 Map
2. Location Map
3. X_{28} Zone District Criteria of Development

ATTACHMENT 1

RESOLUTION NO. PC 22-08

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPT AN ORDINANCE TO DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15301(N), EXISTING FACILITIES, AND APPROVE GENERAL PLAN AMENDMENT 22-05 AND REZONE 22-06 TO REZONE 467 GRAY AVENUE, APN: 52-122-011

WHEREAS, the applicant has filed an application to amend the General Plan land use designation and Zoning of 467 Gray Avenue that is currently zoned One Family Residential District (R-1); and

WHEREAS, as a result the following entitlement is being considered for approval:

- General Plan Amendment 22-05
- Rezone 22-06; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, have performed a preliminary environmental assessment of this project and have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15301(n), Existing Facilities. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project; and

WHEREAS, the City on September 17, 2022, published a legal notice and a public hearing notice was mailed to each property owner within at least 350 feet of the project site in compliance with State law concerning the Planning Commission's consideration on September 28, 2022; and

WHEREAS, on September 28, 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, the Planning Commission has reviewed all associated documents prepared for the Project and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to recommend the City Council adopt an Ordinance approving General Plan Amendment 22-05 and Rezone 22-06.

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

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA Findings: Pursuant to the authority and criteria contained in the California

Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project have determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15301(n), Existing Facilities. Furthermore, Staff has determined that none of the exception to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project; and

3. Project Findings: The Planning Commission finds that that General Plan Amendment 22-05 and Rezoning 22-06 i) are consistent with the General Plan goals and policies; ii) are consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; and iii) the Project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements.

4. Recommendation of Approval of General Plan Amendment 22-05: Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adopt an Ordinance approving General Plan Amendment 22-05 and reclassify the land use for that parcel as depicted in Exhibit "A," as shown on the land use map of the City of Yuba City from Low Density Residential to Neighborhood Commercial.

5. Recommendation of Approval of Rezone 22-06: Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adopt an Ordinance approving General Plan Amendment 22-05 and Rezone 22-06 and reclassify the zone district for those districts as depicted in Exhibit "B," as shown on the zoning map of the City of Yuba City from One Family Residence (R-1) to Neighborhood Convenience Commercial (C-1) X_{28}.

6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on September 28, 2022 by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

_____
Michele Blake, Planning Commission Chair

ATTEST:

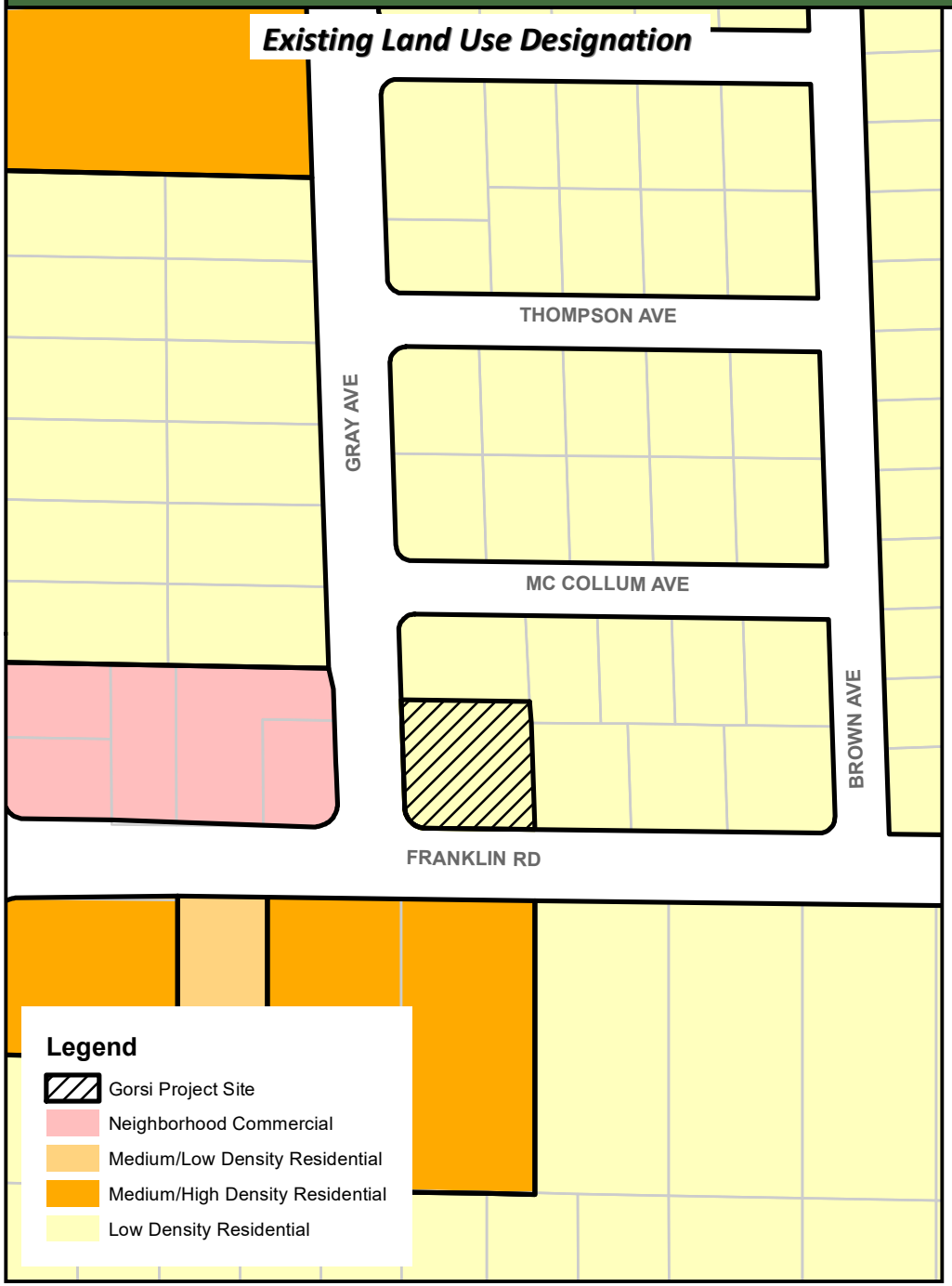
_____
Benjamin Moody, Secretary to the Planning Commission

Exhibit A: General Plan Amendment 22-05 Map
Exhibit B: Rezone 22-06 Map

EXHIBIT A

Gorsi Medical (GPA 22-05 and RZ 22-06)

General Plan Land Use Map



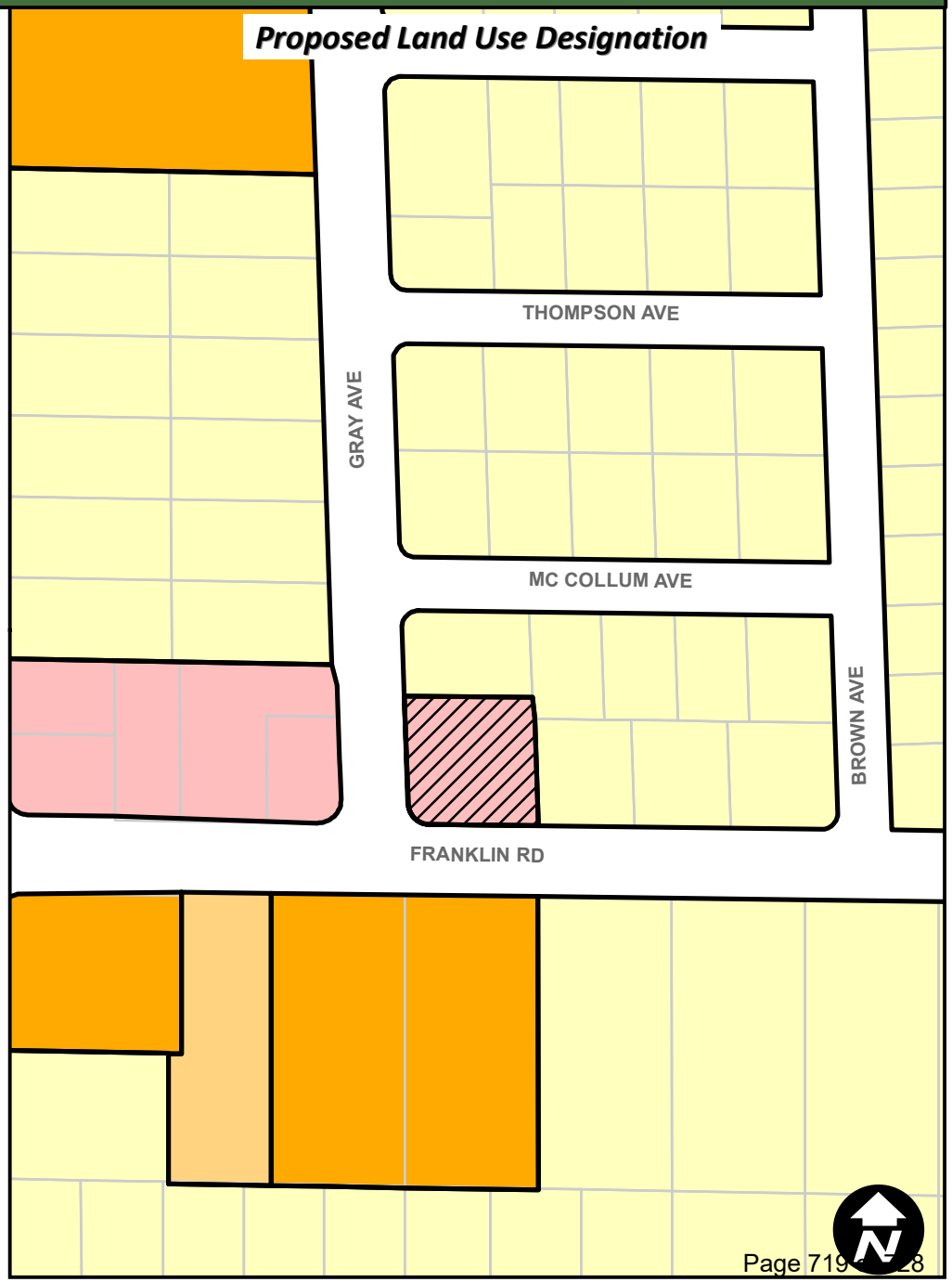
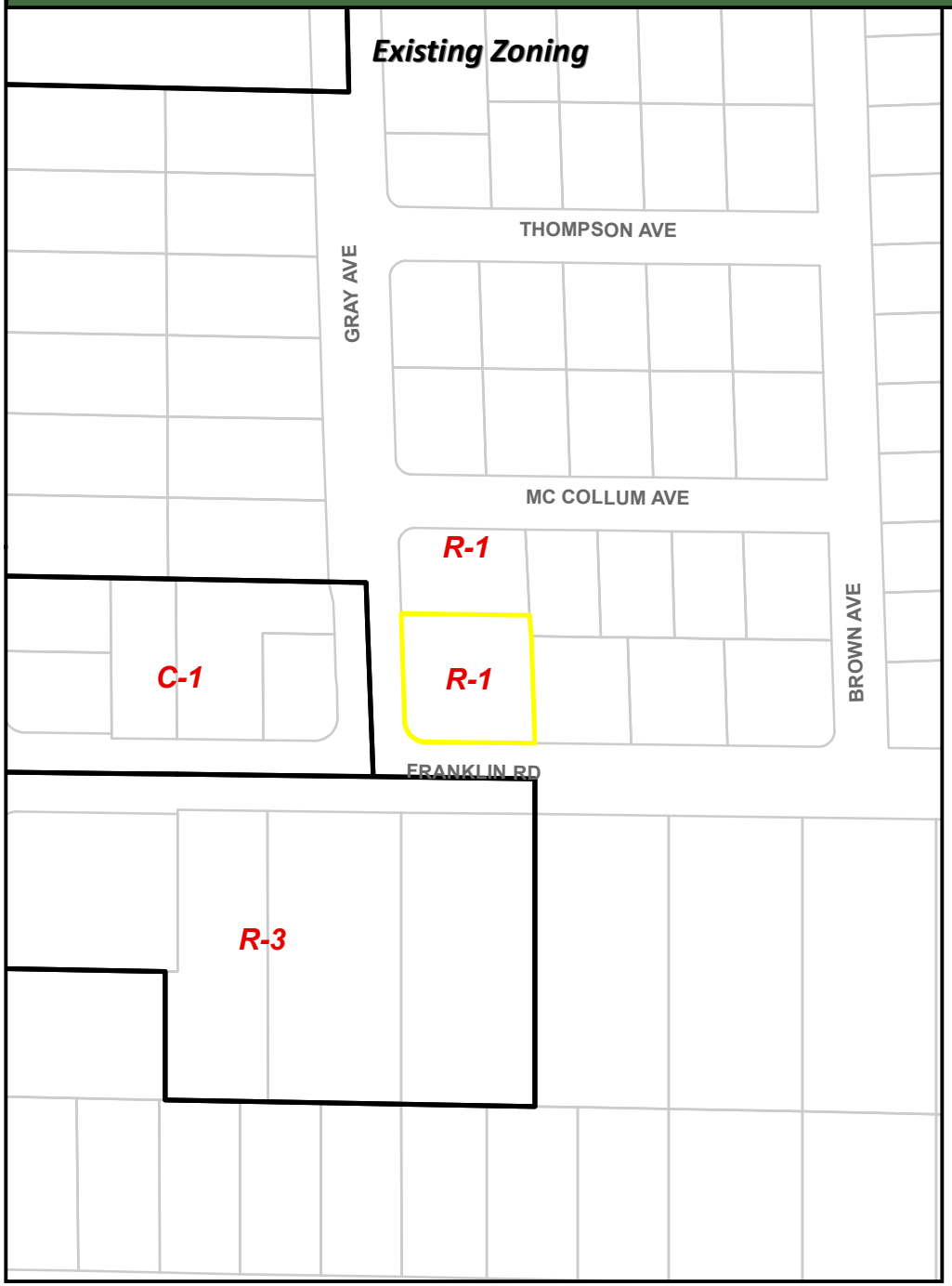
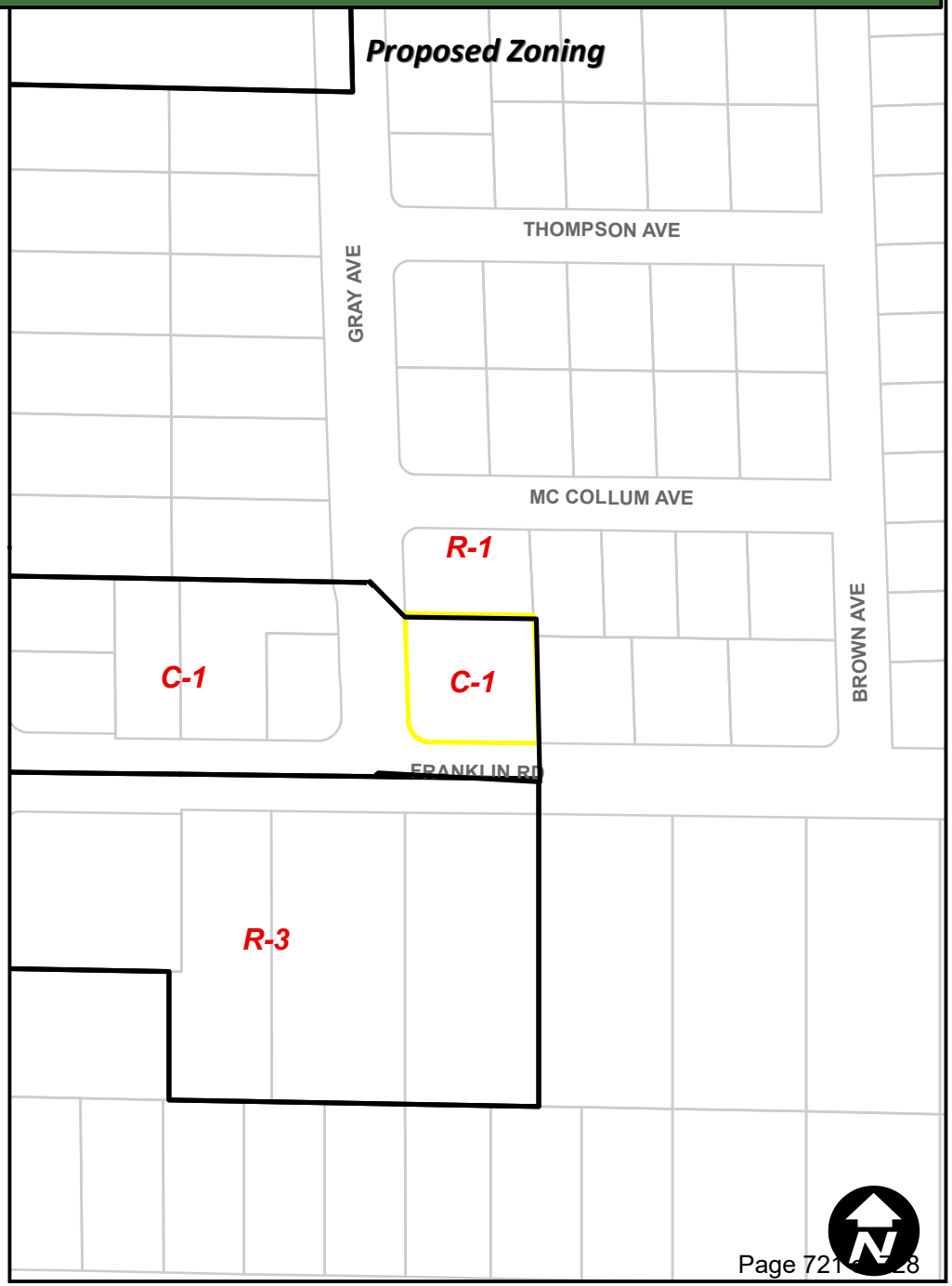


EXHIBIT B

Gorsi Medical (GPA 22-05 and RZ 22-06)

Zoning Map





ATTACHMENT 2

Gorsi Medical Location Map

General Plan Amendment (GPA) 22-05, Rezone (RZ) 22-06

ATTACHMENT 3

YUBA CITY

X_{28} Overlay District

Gorsi Medical (GPA 22-05, RZ 22-06)

X_{28} Area: This overlay zone applies to 467 Gray Avenue, Assessor's Parcel Number 52-122-011.

1) A 0.19-acre parcel located at the northeast corner of Gray Avenue and Franklin Avenue. The parcel has direct frontage onto Gray Avenue. The site is identified as Assessor's parcel number 52-122-011.

Criteria for Development

1. A masonry wall as outlined in Sec. 8-5.5905 of the Yuba City Municipal Code shall be required when the use is expanded or increased beyond a medical office.
2. The Developer shall coordinate with Public Works to relocate the existing transit sign/speed limit sign. In addition, an easement shall be dedicated to the City of Yuba City for the future construction of a Yuba Sutter Transit bus stop.
3. The existing non-conforming wooden fence along Franklin Avenue shall be removed when the residence is converted to a medical office.
4. Additional environmental review may be required when the use is expanded or increased beyond a medical office.

X_{28} Overlay District was approved in conjunction with General Plan Amendment (GPA) 22-05 and Rezone (RZ) 22-06, City Council Meeting Month Day, 2022, Ordinance #XXXXX

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