



AGENDA

MAY 2, 2023

REGULAR MEETING CITY COUNCIL CITY OF YUBA CITY

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

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

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

AGENDA

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](http://yubacity.net/ADA&AccessibilityResources). 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.

**REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
MAY 2, 2023
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL**

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

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link: https://us06web.zoom.us/webinar/register/WN_InSt-CCwRAG3z-B_RyDbvQ. 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.

Regular Meeting

Call to Order

Roll Call

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

Invocation/Inspiration

Pledge of Allegiance to the Flag

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. **May is Older Americans Month Proclamation**
2. **Small Business Month and April 30th - May 6th is National Small Business Week, Proclamation**

Public Communication

3. **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.

4. Minutes of the April 18th meeting

Recommendation: Approve the minutes of the April 18th meeting

5. Dunn Ranch Estates Subdivision (Acceptance of Public Improvements)

Recommendation: Adopt a Resolution accepting certain street and related improvements pursuant to the Dunn Ranch Estates Subdivision Agreement with James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000, and authorizing the Subdivider to file a Notice of Completion. [Subdivision is located south of Monroe Road and east of Royo Ranchero Drive]

6. Thiara Estates Subdivision

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-13 by adopting a Mitigated Negative Declaration prepared for RZ 22-07 and TSM 22-08, and rezoning Assessor's Parcels 17-066-003, -005, and 021 from R-1X20 to R-1, located on the west side of Tully Parkway across from the terminus of Bradley Estates Drive and bordering the east side of Elmer Avenue, and waive the second reading

7. Update of Safe and Sane Fireworks Regulations

Recommendation: Adopt an Ordinance of the City Council of Yuba City regulating the use of fireworks by adding Section 4-11.02 (Discharge of Fireworks) of Chapter 11, and amending Section 4-17.20 (Exemptions [Noise Regulations]) of Chapter 17 and Section 5602 of Chapter 5 (Fire Prevention), and adding Section 5602.2 (dangerous fireworks) to Section 4-5.02 of Chapter 5, all of Title 4 of the Yuba City Municipal Code by title only and waive the second reading

Business Items

8. Plumas Street Improvements Design Award

Recommendation: Adopt a Resolution Awarding a Professional Services Agreement to Melton Design Group, Inc. of Chico, CA for the Plumas Street Improvements Project (Preliminary Engineering Services) in the amount of \$185,700, and authorizing the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

9. Housing Element GPA/Rezone Project

Recommendation: A. Conduct a Public Hearing, and;

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-07 by

adopting a Mitigated Negative Declaration prepared for the Implementing Policies of the 2021-2029 Housing Element project, and adopt General Plan Amendment 22-03 for approximately 75.89 acres located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-04 for the Implementing Policies of the 2021-2029 Housing Element project for approximately 75.89 acres, which includes an X29 Combining District on 14.95 acres, located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097), by title only and waive the first reading

10. Merriment Village Apartments - Homekey 3.0 Grant Application Submittal

Recommendation: A. Adopt a Resolution authorizing a joint application with Habitat for Humanity Yuba/Sutter, Inc, to apply for Homekey 3.0 funds through the State Department of Housing and Community Development for a 79-unit affordable housing project located at 428 North Walton Avenue, which is Phase 1 of the proposed 217-unit Merriment Village Apartments

B. Authorize the Mayor to submit a Funding Commitment letter for the City to contribute \$1,787,922 in development fee waivers and \$155,000 annually of Permanent Local Housing Allocation (PLHA) funds, provided that the City continues to receive PLHA funds

Future Agenda Items

11. Future Agenda Items

- Councilmember Pasquale
- Councilmember Boomgaarden
- 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

12. City Manager's Report

13. City Council Reports

Adjournment



Proclamation

of the City Council

Older Americans Month May 2023

WHEREAS, nearly 22,300 residents of Yuba City and the surrounding area are now 60 years of age or older who enrich our community through their diverse life experiences; and

WHEREAS, Yuba City is committed to strengthening our community by connecting with and supporting older adults, their families, and caregivers and acknowledging their many valuable contributions to society; and

WHEREAS, Yuba City recognizes the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being for the benefit of all; and

WHEREAS, our local communities can enhance the lives of older Americans by:

- promoting home and community-based services that support independent living
- involving older adults in community events and other activities
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor

NOW, THEREFORE BE IT RESOLVED, that I, Wade Kirchner, Mayor of the City of Yuba City on behalf of the entire Council does hereby proclaim May 2023 to be Older Americans Month. We urge every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community.

Done on this 2nd day of May, 2023 in the City of Yuba City, County of Sutter, State of California.



Proclamation

of the City Council

**MAY IS
SMALL BUSINESS MONTH AND WEEK**
APRIL 30 – MAY 6, 2023

WHEREAS, the City of Yuba City recognizes May is National Small Business Month & Week. The dedication and entrepreneurial spirit of small businesses that keep the Yuba-Sutter region's economy growing stronger; and

WHEREAS, it is the collaborative mission of the City of Yuba City working in partnership with The Yuba Sutter Chamber of Commerce, and other organizations to help our businesses develop and thrive; and

WHEREAS, small businesses are not only the engines of our economic progress, they employ local residents and they are the heart and soul of our community; and

WHEREAS, the City of Yuba City appreciates the support provided to our small businesses by the Yuba Sutter Chamber of Commerce and other organizations; and

WHEREAS, during the month of May and the week of April 30 - May 6, 2023, the National Small Business Administration and the Yuba Sutter Chamber of Commerce are celebrating Small Business Month and Week.

NOW, THEREFORE, BE IT RESOLVED, that I, Wade Kirchner, Mayor of the City of Yuba City and on behalf of the entire City Council, do hereby proclaim April 30 - May 6, 2023, as "Small Business Week" and the entire month of May as Small Business Month in the City of Yuba City and urge all citizens to acknowledge and celebrate the achievements made by small business both locally and nationally.

Done this 2nd day of May 2023, at the City of Yuba City, County of Sutter, State of California.

CITY OF YUBA CITY

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

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes of the April 18th meeting
Recommendation: Approve the minutes of the April 18th meeting
Fiscal Impact: None

Attachments:

1. 04-18-2023 Regular Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
CITY COUNCIL - CITY OF YUBA CITY
APRIL 18, 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, and Pasquale

Absent: Councilmember Shaw

[Councilmember Shaw arrived at 6:03 PM]

Invocation/Inspiration

Pastor Chris Finchum – CityWalk Church Yuba City

Pledge of Allegiance to the Flag

Joseph Hale – Habitat for Humanity

Agenda Modifications/Approval of Agenda

Staff requested that Item 6 be pulled from Consent and heard as the first matter of Business

Ceremonial Presentations

1. Child Abuse Prevention Month Proclamation

Mayor Kirchner presented a proclamation to Michelle Downing, Executive Director of Casa de Esperanza

2. Outgoing Planning Commissioners, Michele Blake and Lorie Adams Proclamation

Mayor Kirchner presented proclamations to Michele Blake and Lorie Adams

Public Communication

3. Appearance of Interested Citizens

No public comment

Consent Calendar

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to approve Consent Calendar items 4-5, and 7-8:

4. Minutes of the April 4, 2023 meeting

Approve the April 4, 2023 minutes

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

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)

[Item 6 moved to Business Items]

6. ~~Wastewater Treatment Facility Peterbilt Crane Truck Award~~

~~Adopt a Resolution authorizing the purchase of one (1) Peterbilt Model 537 Crane Truck to Dobbs Heavy Duty Holdings, LLC DBA Dobbs Peterbilt of Federal Way, WA in the amount of \$300,000, including tax and a 10% contingency, by piggybacking on Sourcewell Contract No. 060920-PMC, with the finding that it is in the best interest of the City~~

7. Officer Wellness and Mental Health Grant Program

- A. Adopt a Resolution authorizing the Chief of Police to accept the Officer Wellness and Mental Health Grant and approve expenditure recommendations
- B. Authorize the Chief Financial Officer to make budget adjustments as necessary

8. Community Sponsorship Request

Consider the sponsorship request from Shri Guru Ravidass Temple, and if approved: Adopt a Resolution to approve a monetary sponsorship request from the Shri Guru Ravidass Temple of \$2,500.00 to assist in funding the Cultural Community Parade

The motion was passed unanimously

Business Items

[Item 6 moved from Consent Calendar]

6. Wastewater Treatment Facility Peterbilt Crane Truck Award

[Staff presentation and memo revised recommendation]

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

- A. Adopt a Resolution authorizing the purchase of one (1) Peterbilt Model 537 Crane Truck to Dobbs Heavy Duty Holdings, LLC DBA Dobbs Peterbilt of Federal Way, WA in the amount of \$300,000, including tax and a 10% contingency, by piggybacking on Sourcewell Contract No. 060920-PMC, with the finding that it is in the best interest of the City
- B. Approve an increase to the capital acquisition budget allocation for the WWTF Mechanic Crane Truck in the amount of \$50,000 for a total capital asset value of \$300,000

The motion was passed unanimously

9. Special Event Permit Process

Received a presentation regarding the proposed Special Event Permit Process

Heather Esemann spoke

Caroline (Last Name Unknown) spoke

Sarb Thiara spoke

Sandee Drown spoke

No action. Council provided direction to staff

10. Update of Safe and Sane Fireworks Regulations

Mayor Kirchner opened a Public Hearing

No public comment

Mayor Kirchner closed the Public Hearing

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

Introduce an Ordinance of the City Council of Yuba City regulating the use of fireworks by adding Section 4-11.02 (Discharge of Fireworks) of Chapter 11, and amending Section 4-17.20 (Exemptions [Noise Regulations]) of Chapter 17 and Section 5602 of Chapter 5 (Fire Prevention), and adding Section 5602.2 (dangerous fireworks) to Section 4-5.02 of Chapter 5, all of Title 4 of the Yuba City Municipal Code by title only and waive the first reading

The motion was passed unanimously

11. Station 4 Training Grounds - Drill Tower Purchase

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

Adopt a Resolution authorizing the sole source purchase of an Affordable Drill Tower from Affordable Drill Towers, LLC, of Austin, TX in the amount of \$132,785 and adoption of Categorical Exemptions

The motion was passed unanimously

12. Fire Station No. 2 Dorm Room Addition

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

Adopt a Resolution approving the plans and specifications for the Fire Station No. 2 Expansion Project located at 1641 Gray Avenue and authorizing advertisement for bids on the project

The motion was passed unanimously

13. Rezone (RZ) 22-07, Pre-annexation Zoning for the Thiara Estates Subdivision (TSM 22-08)

Mayor Kirchner opened a Public Hearing

Caroline (Last Name Unknown) spoke
Bob Farley spoke
Rick Blue spoke
Ravi (Last Name Unknown) spoke
Alexander Cervantes spoke
AJ Hyatt spoke
Aletha Martin spoke
Heather Esemann spoke

Mayor Kirchner closed the Public Hearing

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

Introduce an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-13 by adopting a Mitigated Negative Declaration prepared for RZ 22-07 and TSM 22-08 and rezoning Assessor's Parcels 17-066-003, - 005, and 021 from R-1X20 to R-1, located on the west side of Tuly Parkway across from the terminus of Bradley Estates Drive and bordering the east side of Elmer Avenue, and waive the first reading

The motion was passed unanimously

14. Water Supply Outlook

Heather Esemann spoke

Councilmember Boomgaarden moved and Councilmember Pasquale seconded the motion to:

Adopt a Resolution declaring that water supply conditions are such that they dictate and justify the reduction of mandatory conservation measures from Stage 3 "Severe Shortage" to Stage 1 "Water Alert" of the Water Shortage Contingency Plan

The motion was passed unanimously

15. Second Groundwater Well - Award for Construction of Phase 2 and Amend Professional Services Agreement

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

Adopt a Resolution which takes the following actions:

- A. Award a construction contract to Auburn Constructors LLC of Sacramento, CA in the amount of their total bid of \$1,994,300 and authorize the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney
- B. Authorize Amendment No. 1 to the Professional Services Agreement with West Yost and Associates, Inc. of Davis, CA for Engineering Services During Construction in the amount of \$270,800, subject to material terms, with the finding that it is in the best interest of the City

The motion was passed unanimously

16. Merriment Village Apartments - Homekey 3.0 Grant Application Submittal

Councilmember Shaw moved and Councilmember Boomgaarden seconded the motion to:

Authorize the City Manager to continue to work with Habitat for Humanity to apply for Homekey 3.0 funds through the State Department of Housing and Community Development for a 79- unit affordable housing project located at 428 North Walton Avenue, which is Phase 1 of the proposed 217-unit Merriment Village Apartments

The motion was passed with four (4) votes *[Pasquale opposed]*

10. Update of Safe and Sane Fireworks Regulations

[Mayor Kirchner reopened Item 10 so that the Ordinance title could be read into the record]

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

Introduce an Ordinance of the City Council of Yuba City regulating the use of fireworks by adding Section 4-11.02 (Discharge of Fireworks) of Chapter 11, and amending Section 4-17.20 (Exemptions [Noise Regulations]) of Chapter 17 and Section 5602 of Chapter 5 (Fire Prevention), and adding Section 5602.2 (dangerous fireworks) to Section 4-5.02 of Chapter 5, all of Title 4 of the Yuba City Municipal Code by title only and waive the first reading

Again, the motion was passed unanimously

Future Agenda Items

17. Future Agenda Items

No suggestions were made

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 8:50 PM

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Dunn Ranch Estates Subdivision (Acceptance of Public Improvements)
Recommendation: Adopt a Resolution accepting certain street and related improvements pursuant to the Dunn Ranch Estates Subdivision Agreement with James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000, and authorizing the Subdivider to file a Notice of Completion. [Subdivision is located south of Monroe Road and east of Royo Ranchero Drive]
Fiscal Impact: City will become responsible for maintenance costs of the public improvements.

Purpose:

To accept the infrastructure improvements associated with the Dunn Ranch Estates Development for public use and initiate the one (1) year warranty period.

Council's Strategic Goal:

Acceptance of these improvements coordinates with the Council Strategic Goal related to Infrastructure. The action is necessary to comply with the Development Subdivision Agreement and transfer the private development to the City as public infrastructure.

Background:

On November 16, 2021, Council authorized Resolution No. 21-168 to execute a Subdivision Agreement with the Subdivider, James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000, regarding the development of the Dunn Ranch Estates Subdivision (SM 20-06) (Attachment 2). Per the agreement, the Subdivider was to construct the determined improvements and, upon completion, dedicate and offer the improvements to the City to constitute public improvements.

Analysis:

The Dunn Ranch Estates Subdivision street and related improvements have been constructed to the satisfaction of the City. At this time, the Subdivider is requesting acceptance of the improvements so that the one (1) year warranty period can begin. All of the required improvements within the subdivision have been constructed in conformance with the approved plans and specifications. With the acceptance, the Subdivider will provide security for the guarantee and warranty of the work in the amount of 10% of the cost of the improvements, which equates to \$281,736.70.

Fiscal Impact:

With the acceptance of the improvements, the City will become responsible for the ongoing maintenance of the public improvements, including the water, sewer, storm-drain lines, streets, streetlights, and landscaping. Residents within the subdivision will participate in Lighting and Landscape Maintenance District No. 5K_16, which will pay for the proportional share of the maintenance of the streetlights and landscaping. Maintenance costs for the water and sewer lines will come from the Water Enterprise and Sewer Enterprise funds, respectively, and maintenance of the streets and storm drains will be funded with road funds and the established Community Facilities District for the subdivision.

Alternatives:

Do not accept the improvements.

Recommendation:

Adopt a Resolution accepting certain street and related improvements pursuant to the Dunn Ranch Estates Subdivision Map Agreement with James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000, and authorizing the Subdivider to file a Notice of Completion. [Subdivision is located south of Monroe Road and east of Royo Ranchero Drive].

Attachments:

1. Resolution - Dunn Ranch Estates Subdivision (Acceptance of Public Improvements)
2. Dunn Ranch Estates Location Map

Prepared By:

Kevin Bradford
Deputy PW Director – Engineering

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ACCEPTING CERTAIN STREET AND RELATED IMPROVEMENTS
PURSUANT TO THE DUNN RANCH ESTATES SUBDIVISION AGREEMENT
DATED DECEMBER 3, 2021, BETWEEN THE CITY OF YUBA CITY AND
JAMES R. SCOTT, TRUSTEE OF THE SCOTT FAMILY TRUST DATED
NOVEMBER 6, 2000, AND AUTHORIZING THE SUBDIVIDER TO FILE THE
NOTICE OF COMPLETION.**

WHEREAS, the City of Yuba City (City) has heretofore contracted with James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000 for certain work pursuant to that Dunn Ranch Estates Subdivision Agreement dated December 3, 2021, between the City of Yuba City and James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000 as a condition of approval for Subdivision Map No. 20-06; and

WHEREAS, said work of improvements called for by said Agreement for street and related improvements was completed to the satisfaction of the City, and a maintenance bond insuring the work of improvements from a maintenance standpoint for a period of one (1) year from and after completion has been provided.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Yuba City hereby accepts the work performed on those certain improvements, the subject of the Subdivision Agreement between the City of Yuba City and James R. Scott, Trustee of The Scott Family Trust dated November 6, 2000, and authorizes and directs the Subdivider to execute and record a Notice of Completion in connection with said work of improvement.

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 2nd day of May, 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 2

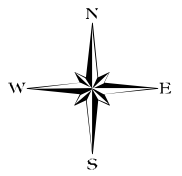


Figure 1: Location Map: Dunn Ranch Estates
Tentative Subdivision Map 20-06

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Summary

Subject: Thiara Estates Subdivision
Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-13 by adopting a Mitigated Negative Declaration prepared for RZ 22-07 and TSM 22-08, and rezoning Assessor's Parcels 17-066-003, -005, and 021 from R-1X20 to R-1, located on the west side of Tuly Parkway across from the terminus of Bradley Estates Drive and bordering the east side of Elmer Avenue, 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 rezone 8.19 acres removing the X20 Overlay District for the Thiara Estates Subdivision Map (TSM 22-08) that was contingently approved by the Planning Commission.

Council's Strategic Goal:

This item meets the City Council's strategic goal of business friendly. Establishing appropriate pre-annexation zoning for this subdivision will align the zoning and development with the city's development standards.

Background:

The applicant/owner, Sarbjit Thiara Jr., filed applications RZ 22-07 and Tentative Subdivision Map TSM 22-08, Thiara Estates.

On March 22, 2023, the Yuba City Planning Commission conducted a public hearing. Concerns expressed by the public included potential increased traffic on Elmer Avenue, Bradley Estates Drive, and the existing traffic issues with drop-off and pick-up at the nearby Butte Vista Elementary School. Additionally, impacts of two-story homes on existing adjacent development was discussed.

After closing the public hearing, the Planning Commission unanimously:

1. Adopted Resolution PC 23-07 recommending approval of RZ 22-07 to the City Council together

- with Environmental Assessment 22-13; and
2. Adopted Resolution PC 23-08 contingently approving TSM 22-08

On April 18, 2023, the City Council conducted a public hearing for RZ 22-07 and Environmental Assessment 22-13. The City Council voted 5-0 in approval to advance RZ 22-07 and EA 22-13 to a second reading on May 2, 2023.

Although the property has been utilized as an orchard, it has been designated for single-family residential development for many years. The Sutter County General Plan has designated the property in this area for single-family residential development (at up to 8 residences per acre) since at least 1996. The Yuba City General Plan has designated the property as Low Density Residential (2-8 residences per acre) since at least 2004. This proposal is consistent with both Sutter County and Yuba City General Plans, and it is consistent with the R-1 pre-annexation zoning that was previously applied to the property. There have been several other similar subdivisions in this area in previous years, as City services are available to this urbanizing area within Yuba City's existing sphere of influence.

Analysis:

TSM 22-08 is a 34 single-family residential lot subdivision located on approximately 8.19 acres. Lot sizes range from 6,457 square feet up to 9,834 square feet. The gross density of the project is approximately 4.3 residences per acre, and an existing single-family residence will be removed as part of project development. The subdivision will connect with Tuly Parkway on the east and Elmer Avenue on the west.

Pre-annexation Rezone 22-07 will remove the X20 Combining District from this property. The X20 District provides specific development criteria to this and neighboring properties and provides 12 development related criteria that must be met in order to develop the property (a copy of that criteria is attached to this staff report). Nine of the criteria have since been incorporated into ordinance, practices, or procedures rendering them unnecessary today. There are three criteria that are not incorporated into today's practices that would affect the viability of the project if left intact. These include:

- A requirement that a Development Agreement between the developer and the City be approved as part of any project;
- The project must provide an affordable housing component (to be negotiated as part of the Development Agreement); and
- The minimum lot size is one-acre (compared to 5,000 square feet for the R-1 District).

The removal of the X20 Combining District from this property is consistent with the Council's decision in May of 2021 to rescind the 2005 Growth Policies which contained similar provisions. The resulting zoning of this proposal would be R-1, Single Family Residential.

The subject property is currently in an unincorporated area of Sutter County but is within the City's long-established sphere of influence. If this project is approved, the project will not be able to develop until annexation is approved by the Sutter County Local Agency Formation Commission (Sutter LAFCo). The applicant intends to apply to LAFCo following the City's application process.

Compatibility with neighboring uses:

The project is located on the western edge of the City. As growth in this part of the urban area has in

recent years been moving west, there has been new residential development. As such, the area has been transitioning from agricultural uses (primarily small orchards) to single-family residential development. The interface between farming and residential development is often times difficult for both farming and the nearby residents. But as this transition in this area is temporary, requiring buffers, like distance and separation of use requirements, is not effective. Agricultural buffers are only effective for establishing more permanent boundaries. Better long-term planning is to separate the uses. That is, let this urbanizing area build-out, and protect agricultural lands in more rural locations along the perimeter of the Yuba City sphere of influence.

This new subdivision will also be located next to existing single-family residential development. Historically the City has been respectful of existing single-story homes by limiting neighboring new homes to a single story. As has been the standard with other developments with similar issues, a condition has been included for the proposed new homes that will abut existing single-story residences. They are limited to single-story construction, or some residences may have a second story with no overlooking windows. The condition limits lots 1 through 8, 22, 23, 24, 25, 26 and 27 to single story construction or any back-facing windowsills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, and prohibits second story balconies, or as otherwise approved by the Development Services Director.

Table 1: Bordering Information and Uses			
	General Plan Land Use Classification	Zoning	Existing Land Use
Project Site	Low Density Residential (LDR)	One-Family Residential (R-1)	Orchard and a boarded-up single-family residence.
North	LDR	R-1	Single-family residences.
East	LDR	R-1	Tuly Parkway and single-family residences across the parkway.
West	LDR	R-1	Estate sized single-family residences and orchard.
South	LDR	R-1	Estate sized single-family residence.

Logical path of growth

Although this property is currently utilized as an orchard, and this development means the loss of that 8-acre orchard, this property is in a logical growth area for the City within the City's long-established sphere of influence. As discussed above, the area has been planned by both Sutter County and Yuba City for this growth for at least 30 years. The construction of Tuly Parkway that adjoins this property further increases the viability of this site for urban growth. The agricultural use of this site, with increasing urban development around it, will become more and more difficult to conduct as this area grows.

Traffic

The project will create new internal roadways with access to the surrounding streets. It will connect Elmer Avenue to Tully Parkway/Bradley Estates Drive which connect with Blevins Road and other points east. Per the proposed Conditions of Approval, the developer will dedicate appropriate right-of-way and construct and/or pay for their portions of Elmer Avenue and Tuly Parkway as well as the internal streets. This includes curbs, gutters, sidewalks, and decorative masonry walls and landscaping, as appropriate.

To analyze the effects on the existing street system from this additional traffic, a traffic study was

prepared (Wood Rodgers, Thiara Estates Traffic Operation Memorandum, November 30, 2022) (Study). The Study estimates that the subdivision will generate approximately 374 new daily vehicle trips (a trip is one-way), most of which will utilize the Tuly Parkway/Bradly Estates Drive intersection. (A copy of the full traffic study is attached to the Environmental Assessment attached to this staff report).

Tuly Parkway/Bradley Estates Drive: Upon completion of the subdivision the Study provides that most project related traffic will utilize Tuly Parkway, but until the Parkway is opened to Butte House Road, much of the traffic will utilize Tuly Parkway and Bradley Estates Drive to access Blevin Road. As Tuly Parkway and Bradley Estates Drive are not used to a level that effect capacity, the Study concludes that there is adequate capacity in both of those roadways for the additional trips.

Elmer Avenue and Blevin Road: Of concern were the project's potential effects on the Elmer Avenue/Butte House Road intersection and the Blevin Road/Butte House Road intersection. Both the Yuba City and Sutter County General Plans (Elmer Ave.) consider the standard for acceptable street and intersection flows to be LOS D or better. As can be seen in Table 2 below, the existing LOS at those intersections are currently acceptable and construction of these 34 homes will not alter that, with changes to the intersection delays not likely to be noticeable. Per the Study, signalization of those intersections is not recommended at this time.

Even under the cumulative scenario, which projects traffic levels on these roadways to 2035, the traffic flow remains at an acceptable level of service. The Study also considered the effects on Elmer Avenue if Tuly Parkway is not completed. It concluded that the traffic levels would not be significantly affected by removal of Tuly Parkway.

Table 2: Elmer Way and Blevins Road Operations						
Intersection	LOS Criteria	Peak hour	Existing		Existing Plus Project	
			Delay (sec)	LOS	Delay (sec)	LOS
Elmer Ave./Butte House Road	D or better	AM	17.1	C	17.2	C
		PM	22.1	C	22.6	C
Blevin Rd./Butte House Road	D or better	AM	14.3	B	14.7	B
		PM	27.1	D	28.9	D

Other conclusions of the traffic study are:

- Emergency access is considered adequate.
- The project will provide adequate connectivity to existing bicycle and pedestrian facilities.

Another consideration not discussed in the traffic study is the potential benefit to existing Elmer Avenue residents. This subdivision will provide an additional southerly exit for Elmer Avenue residents other than the Elmer Avenue/Butte House Road intersection, via the new connection through the subdivision to Tuly Road and Bradley Estates Drive.

New development will be required to pay City wide traffic impact fees and the development will construct the west portion of Tuly Parkway from Bradley Estates Drive to the north property line of this project area, which aids the ultimate General Plan goal of connecting Tuly Parkway to Butte House Rd

to alleviate traffic impact at Blevin/Butte House and Elmer/Butte House.

Availability of City services:

City water, wastewater and stormwater drainage will be extended to the property.

Eliminating the X20 Combining District:

As discussed in the Background section above, the X20 Combining District was adopted in 2004 to implement the new General Plan. It contains 12 criteria that is to be required of new development. Since that time there have been other ordinances adopted and programs established that accomplish many of those items, making them duplicative today. That includes nine of the criteria to pay sewer, water, park, school, and other development impact fees, make proper drainage improvements, pay a fair share of upgraded or new collector and arterial streets, and levee improvements, and entry into a Community Facilities District to fund police/fire operations, and park maintenance.

Other criterion that seemed justified at that time, but is no longer needed, is that the project must participate in an affordable housing program that was anticipated to be implemented. Since that time, the City has developed other strategies for affordable housing, as most recently contained in the 2021-2029 Housing Element so this criterion has been superseded by the new Housing Element.

There is a criterion to enter into a Development Agreement between the property owner and the City. The stated need is to implement the City's Housing program. As stated above, the housing problem has otherwise been addressed, negating the need for a development agreement.

A criterion requires a one-acre minimum lot size. One-acre minimum lot size would be inconsistent with the General Plan. The Low-Density Residential land use designation in which this property lies has an allowed density range of 2-6 residences/acre. The one-acre minimum translates to a density of 1 residence/acre – outside of the permitted density range. Also, if the one-acre minimum lot size is implemented for this subdivision the project would be reduced to eight lots instead of the 34 that are proposed. This raises a major concern. At this reduced density, to accommodate new growth, it would be an inefficient use of land, causing considerable sprawl, and a waste of much more agricultural land. Further, the cost of providing City services to those properties at this low density would be prohibitive to all but the wealthiest.

Map Approval Prior to Annexation

Pursuant to Government Code Section 66454 (the State Subdivision Map Act), a city may process and approve a proposed subdivision of unincorporated territory adjacent to a city but must condition its approval that the subdivision cannot be built until annexation is approved. This requirement has been reflected as proposed Condition No. 6.

Environmental Considerations:

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 finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases Geology and Soils, and Tribal Cultural Resources this 34 single-family residential lot subdivision

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 in the attached Mitigation Monitoring Program.

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 approve Environmental Assessment 22-13, Rezone 22-07 and the associated Tentative Subdivision Map 22-08.
2. Provide staff with alternate direction.

Recommendations:

Adopt an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-13 by adopting a Mitigated Negative Declaration prepared for RZ 22-07 and TSM 22-08, and rezoning Assessor's Parcels 17-066-003, -005, and 021 from R-1X20 to R-1, located on the west side of Tuly Parkway across from the terminus of Bradley Estates Drive and bordering the east side of Elmer Avenue, and waive the second reading.

Attachments:

1. City Council Ordinance approving Environmental Assessment 22-13 and RZ 22-07
2. X20 Overlay District
3. Subdivision Map TSM 22-08, Thiara Estates, and Conditions of Approval
4. Environmental Assessment 22-13

Prepared By:

Doug Libby, AICP
Deputy Director of Development Services

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT (EA) 22-13 BY ADOPTING A MITIGATED NEGATIVE DECLARATION PREPARED FOR RZ 22-07 AND TSM 22-08 AND REZONING ASSESSOR'S PARCELS 17-066-003, -005, AND 021 FROM R-1X20 TO R-1, LOCATED ON THE WEST SIDE OF TULY PARKWAY ACROSS FROM THE TERMINUS OF BRADLEY ESTATES DRIVE AND BORDERING THE EAST SIDE OF ELMER AVENUE.

WHEREAS, the City received a tentative subdivision map application for this property in July 2022 to subdivide the approximately 8.19-acre property into 34 single-family residential lots, and a rezoning of the property (RZ 22-07) to delete the X20 Combining District from the existing R-1X20 zoning located on the west side of Tuly Parkway across from the terminus of Bradley Estates Drive; and

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

- *Rezone (RZ) 22-07*: which proposes to amend the zone district from a One Family Residence combined with the X20 Combining District (R-1X20) to a One Family Residence District (R-1)
- *Tentative Parcel Map (TSM) 22-08*: which proposes to subdivide 8.19 acres into 34 single family residential lots
- *Environmental Assessment (EA) 22-13*

(collectively "Project"); and

WHEREAS, the X20 Combining District was added to this and nearby properties in 2004 as part of a potential annexation into the City. At that time the new General Plan had been recently adopted and this zoning was added to ensure that the new policies and programs in the General Plan be implemented. Since that time many of the criteria have been incorporated into standard practice; and

WHEREAS, a review of the X20 zoning concluded that its twelve criteria of development were no longer necessary due to more recent actions to implement these standards citywide or that they are no longer needed (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 22-13) for the Project; and

WHEREAS, on March 22, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-13, Rezone 22-07, and Tentative Subdivision Map 22-08, 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 unanimously recommended the City Council adopt an Ordinance approving

Environmental Assessment 22-13 and Rezone 22-07 and contingently approved Tentative Subdivision Map 22-08.

WHEREAS, on April 18, 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; 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 approve Rezone 22-07 and the associated Environmental Assessment (EA) 22-13 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. Rezone Findings. The City Council finds that Rezone 22-07 is consistent with the General Plan and 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.

5. Approval of Rezone 22-07. The City Council approves Rezone 22-07 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 One-Family Residence District, X20 Combining District (R-1X20) to One-Family Residence District (R-1).
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 18th day of April 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

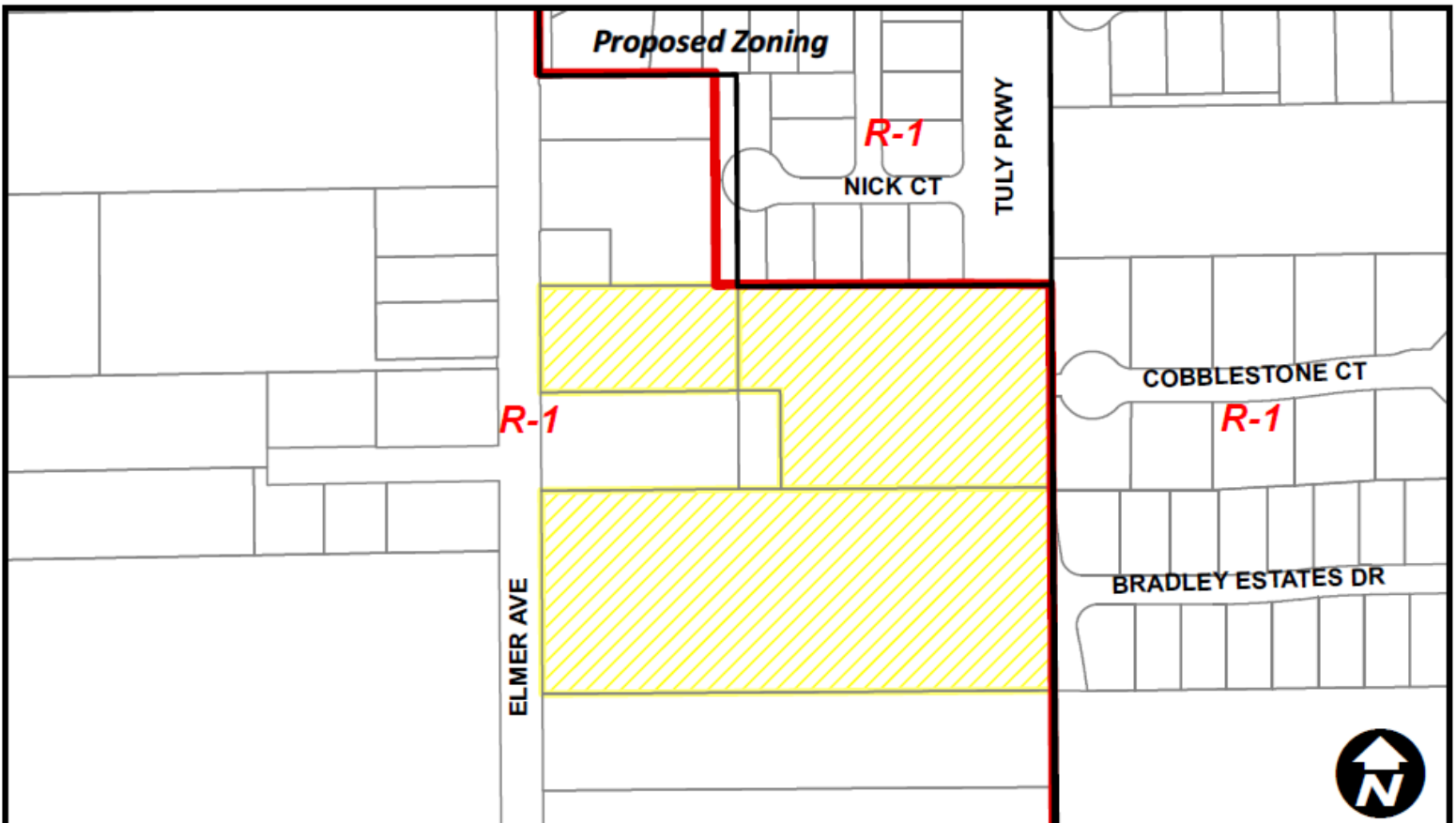
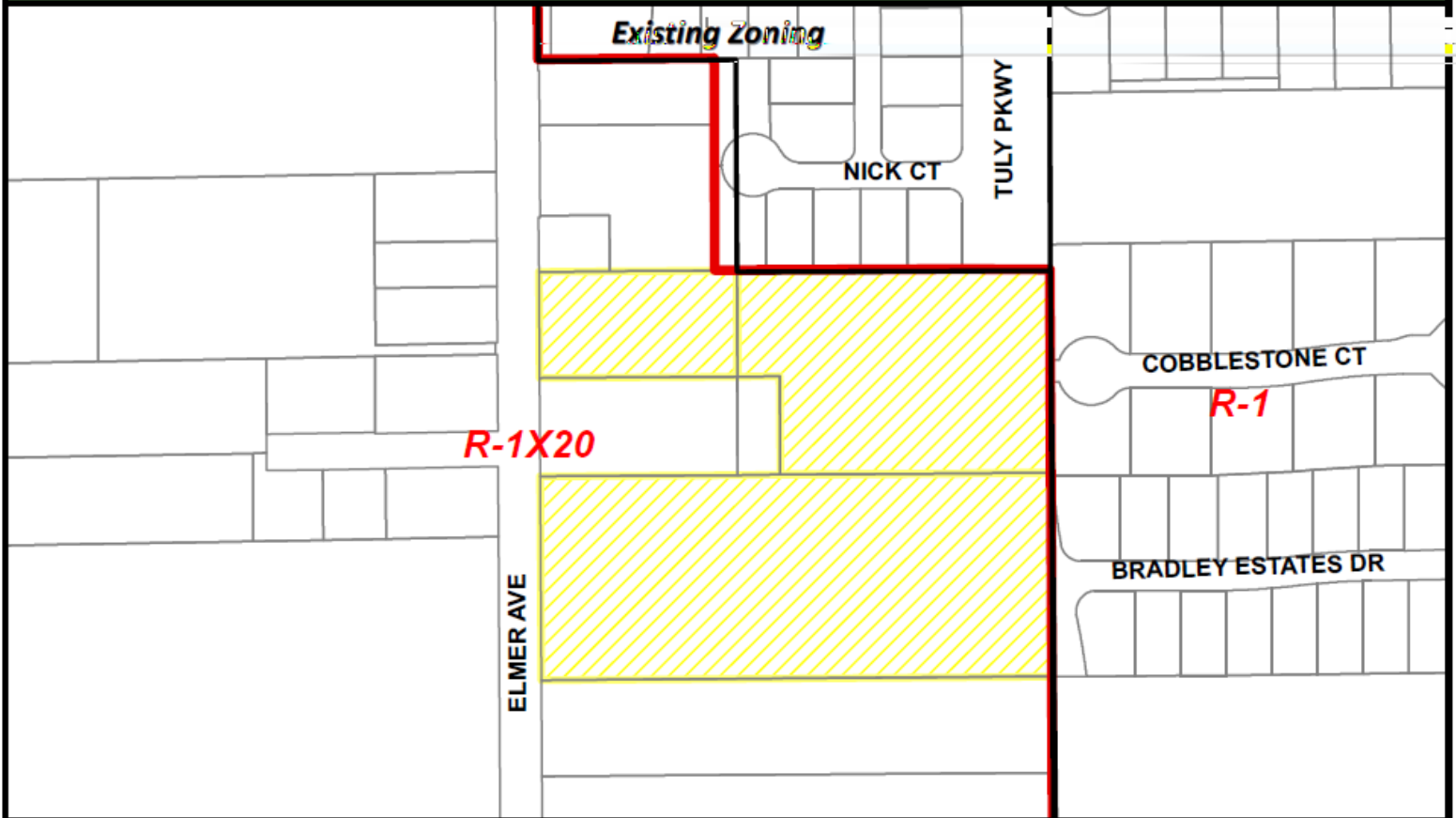
Exhibit A: Rezone 22-07

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

Thiara Estates (SM 22-08, RZ 22-07)

Zoning Map



ATTACHMENT 2



X₂₀ Area: West side of Elmer Road, south of the westerly extension of Lizanne Drive, and the area lying between Tuly Parkway right of way and the section of Tierra Buena which was annexed to the City in April of 2004 along with the area lying between Vine Avenue and the westerly extension of Lizanne Drive.

Conditions of Preannexation Zoning

The preannexation zoning of the Property is approved subject to the following conditions. These conditions shall only apply to divisions of land requiring a subdivision map or to any multi-family development of five residences or more.

1. Prior to the approval of any subdivision map for said Property, or prior to any multi-family development of five residences or more of said Property, a Development Agreement must be entered into with the City. At a minimum, the Development Agreement shall address conditions of development and the financing of roads, parks, public facilities, sewer, water, drainage, and surrounding infrastructure as established in the General Plan. The approval of said preannexation zoning in no way obligates the City to enter into a Development Agreement. The City shall have complete discretion whether to approve a Development Agreement and in approving the terms and conditions of the Development Agreement.
2. Prior to the City finalizing a Development Agreement, the developer of the Property shall provide written documentation from the affected school district that the developer has satisfied said school district's requirements for school infrastructure. This would generally apply to any developments over 4 residential units. The School District would expect, at a minimum, that all residential developments enter into a Mello Roos District and that depending on the size of development, land dedication and school development may be an alternative, subject to negotiation with the District.
3. Drainage plans shall be provided for all subdivisions of land within the Property and shall comply with the City and County's master drainage plans.
4. All residential subdivisions within the Property shall include an affordable housing component that meets the minimum production standard of affordable housing outlined in the regional compact with SACOG adopted by the City of Yuba City in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer and shall be part of the Development Agreement.

5. All residential subdivisions within the Property shall meet the minimum standards for residential design as established by the City Council.
6. Sewer and water fees, including connection fees and the installation of major trunk lines from both plants, shall be incorporated into the cost of development and shall be part of the Development Agreement.
7. Development within the Property shall be required to pay its fair share of major roadwork as part of the development and, may require construction of collector and arterial roads that will adequately address infrastructure concurrent with the proposed development. This will be negotiated as part of the Development Agreement.
8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, shall be required and will be part of the Development Agreement. These fees will be estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act shall also apply.
9. Payment of a fee to address levee improvements and potential flood issues shall be required as part of the Development Agreement.
10. Any development within the Property shall require the Property entering into a Community Facilities District to assist in funding police, fire and park maintenance.
11. Any development within the Property shall address the community design policies in the General Plan including walkable, livable concepts and address the village concept as provided for in the General Plan.
12. The minimum lot size for the lots shown as R-I-X_{20a} shall be one acre as shown on Exhibit A.

ATTACHMENT 3

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
TENTATIVE SUBDIVISION MAP 22-08
MARCH 22, 2023**

**THIARA ESTATES
APNs: 17-066-003, -005, -021**

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. **Standard Cultural Resource:** The following cultural resource COA are applicable to all approved applications associated with TSM 22-08.
 - **Prior to and during construction of each phase or individual construction activity** undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken:
 - **Prior to excavation and construction on the project site**, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric cultural resources or

removing artifacts such as, but not limited to, prehistoric ground stone, projectile points, shell middens, or debitage, human remains, historic materials such as, but not limited to, bottles or cans and other cultural materials from the project site.

Responsibility: Project Applicant, Prime Construction Contractor, Subcontractors

Timing: Prior to excavation and construction

Funding: Project Applicant

- **Prior to any demolition, excavation, or construction**, the project applicant shall identify a qualified archaeologist to be on call if any cultural resources are identified, or if required by the City. The City shall approve the selected archaeologist **prior to issuance of the any permit that includes soil disturbance, if any cultural resources are identified and/or required by the City**. When excavation of greater than four (4') feet is anticipated, a Tribal Monitor may be required.

Responsibility: Project Applicant, City

Timing: Prior to any demolition, excavation or construction.

Funding: Project Applicant

- In the event of a find, reasonable time shall be allowed for the qualified archaeologist to conduct additional subsurface testing, analysis, and reporting, if warranted. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find (within a 50-meter radius, or approximately 164-feet, or within a larger area as determined by the qualified archaeologist). However, activities may continue in other areas of the project site if so, determined by the qualified archaeologist.
- If any find is determined to be significant by the qualified archaeologist, representatives of the project developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.

Responsibility: Project Archaeologist, Project Applicant, Construction Contractor, City

Timing: Prior to any work within a 50-meter radius, or approximately 164-feet, of the find

Funding: Project Applicant

- All cultural materials recovered as part of the testing or monitoring program shall be subject to scientific analysis, professional museum curation, and reporting prepared according to current professional standards. A copy of the report and analysis shall be provided to the California Historical Resources Information System Northwest Information Center for recordation.

Responsibility: Project Archaeologist, City

Timing: After Report and Analyses is completed

Funding: Project Applicant

In accordance with *State CEQA Guidelines*, Section 15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the project site during development, the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the Monterey County coroner is contacted to determine that no investigation of the cause of death is required. Possible indications of burials could include a layer of shells placed over the burial.
- If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission ("**Commission**") within twenty-four (24) hours. The Commission shall identify the person or persons it believes to be the most likely descendent ("**MLD**") from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

Responsibility: Project Contract, Project Applicant, City
Timing: In Event of Discovery or Recognition of any Human Remains
Funding: Project Applicant

- Where the following conditions occur, the landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if the:
 - a) Commission is unable to identify an MLD or the MLD failed to make a recommendation within forty-eight (48) hours after being notified by the Commission;
 - b) Descendent identified fails to make a recommendation; or
 - c) Landowner or their authorized representative rejects the recommendation of the descendent, and the mediation by the Commission fails to provide measures acceptable to the landowner.

Responsibility: Project Applicant, NAHC, MLD, City
Timing: After Discovery of Human Remains
Funding: Project Applicant

3. The lot design on the subdivision maps shall be designed in substantial conformance with the TSM 22-08, as appropriate, and as approved by the Planning Commission.
4. The project development shall comply with all CEQA mitigation measures identified in Environmental Assessment 22-13 dated March 22, 2023.
5. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
 - The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
6. Pursuant to Government Code Section 66454, prior to recording of a final map, annexation of the project site to the City of Yuba City is required through the Sutter County Local Area Formation Commission (Sutter LAFCO).

7. Approval of TSM 22-08 is shall be null and void without annexation of the affected lands into the City's jurisdictional boundary within the timeframe permitted by Yuba City Municipal Code Section 8-2.610.
8. Lot 1, 23, and 24 and along Elmer Avenue shall be constructed with six-foot decorative masonry block wall.
9. To limit visibility, provide privacy and to minimize conflicting views of adjacent properties, the Tentative Map dated January 2022 (filed with the City on August 8, 2022) is restricted as follows:
 - Lots 1 through 8, 22, 23, 24, 25, 26 and 27 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, and additionally, shall not establish second floor balconies facing single-story homes, or as otherwise approved by the Development Services Director.
10. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
 - The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
11. Storage of construction material is not allowed in the travel way.
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. A Subdivision/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 recordation of map, or prior to approval of the Improvement Plans, whichever comes first.
16. The applicant shall be required to pay all applicable fees, including but not limited to, Sutter County, and/or Yuba City determined fees.

PRIOR TO ISSUANCE OF A GRADING PERMIT

17. 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.

18. A master grading plan of the subdivision shall be submitted to the Public Works Department as part of the improvement plans.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS

19. Fire hydrants shall be included throughout the project as approved by the Yuba City Fire Marshal.

20. 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, permit applications, and payment of fees. The Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

21. The Developer shall dedicate right-of-way to the City as follows, or as approved by the Public Works Director:

- Tuly Parkway: a total width of 101.0 feet, including a 12.0-foot public utility easement.
- Elmer Avenue: on the **east** side, shall have right-of-way dedicated to a width of 45.5 feet (centerline to back of new 6.0-foot-high block wall), including a 10.0-foot PUE (35.5 feet east of centerline of roadway to back of new 6.0-foot-high block wall).
- Interior residential streets (Bradley Estates Drive, Rumi Street, easterly portion of Ameera Street, and Rohin Court):
 - i. *Detached sidewalk option* -- 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. A 12.0-foot wide PUE shall be dedicated along the sidewalk with 2.0-foot located underneath the sidewalk along each side of the roadway.
 - ii. *Attached sidewalk option* -- Right-of-way shall be dedicated to a width of 46.0 feet. A 12.0-foot wide PUE shall be dedicated adjacent to the right-of-way with 2.0-foot located underneath the sidewalk along each side of the roadway.
 - iii. *A combination of the attached and detached sidewalk options to provide street trees and meeting City design standards (westerly portion of Ameera Street* -- Right-of-way shall be dedicated to a width of 45.0 feet (back of sidewalk at the north side of Ameera Street to the north property line of APN 17-066-044). A 12.0-foot wide PUE shall be dedicated adjacent to the right-of-way with 2.0-foot located underneath the sidewalk.
- All necessary right of way and easements are to be dedicated with the recordation of the Final Map.

22. The Developer shall construct frontage improvements to City standards as follows, or as approved by the Public Works Director:

- Tuly Parkway:
 - i. 6.0-foot high masonry block wall
 - ii. 12.0-foot wide public utility easement area with landscaping and irrigation
 - iii. 6.0-foot wide sidewalk

- iv. 6.0-foot wide landscaped parkway strip (measured from face of sidewalk to back of curb) with City approved street trees, landscaping, and irrigation
- v. 2.5-foot wide barrier curb and gutter
- vi. 18.0-foot wide asphalt road section
- vii. 12.0-foot wide landscaped median including a 6" barrier curb at the perimeter. The median shall include City-approved street trees, landscaping, and irrigation
- viii. Streetlights
- Elmer Avenue:
 - i. 22.0-foot-wide asphalt road section - centerline of Elmer Road to lip of gutter
 - ii. 2.5-foot wide barrier curb and gutter
 - iii. 6.0-foot wide landscaped parkway strip (measured from back of curb to face of sidewalk) with City approved street trees, landscaping, and irrigation
 - iv. 5.0-foot wide detached sidewalk
 - v. 10.0-foot wide public utility easement adjacent to the sidewalk with landscaping and irrigation
 - vi. 6.0-foot high masonry block wall
 - vii. Streetlights
 - viii. fire hydrants
 - ix. storm drainage facilities
 - x. barricade
 - xi. roadway striping
 - xii. roadway signage
- Interior residential streets (Bradley Estates Drive, Rumi Street, Ameera Street [east of APN 17-066-004], and Rohin Court):
 - i. *Detached sidewalk option* -- 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. 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.
 - 1. 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.
 - 2. The landscaping in the parkway strip is to have a coordinated theme referenced on the public improvement plans, or as approved by the Development Services Director.
 - ii. *Attached sidewalk option* -- 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. Frontage improvements shall include street section, curb, gutter, a 4.0-foot wide attached sidewalk, and streetlights.
 - 1. Curb bulb-outs (a contained area for the street trees) shall be installed with the following characteristics, or as otherwise determined by the Public Works Director:
 - a. 8.0-feet long by the width of the parking lane
 - b. Spaced between 30-feet and 45-feet apart, alternating sides of the street through the street length
 - c. Shall not be placed over any service laterals
 - d. Detached from the standard curb and gutter adjacent 6" barrier curb to the curb and gutter

- e. Planted with City approved trees prior to the Certificate of Occupancy of the adjacent residence.
 - 2. The landscape plan for the front yard is required and shall be handled by each individual lot improvement.
 - iii. *A combination of the attached and detached sidewalk options to provide street trees and meeting City design standards, or as approved by the Public Works Director.*
 - o Interior residential street (Ameera Street [north of APN 17-066-004], north to south):
 - i. 4.0-foot sidewalk
 - ii. 6.0-foot wide landscaped parkway strip (measured from face of sidewalk to back of curb) with City approved street trees, landscaping, and irrigation
 - iii. 2.5-foot wide rolled curb and gutter
 - iv. 26.0-foot wide asphalt road section
 - v. 2.5-foot wide barrier curb and gutter
 - vi. 4.0-foot wide landscaped strip (measured from back of curb to north property line of 17-066-004) with City approved street trees, landscaping, and irrigation
23. Road work on Tuly Parkway shall be constructed prior to the issuance of the first certificate of occupancy, up to and including the following, or as otherwise determined by the Public Works Director:
- a) The existing storm drain main and water main shall be extended in Tuly Parkway south of Bradley Estates Drive to the south property line of the proposed subdivision.
 - b) South of Bradley Estates Drive, the pavement shall stop at the existing street barricades, unless otherwise determined by the Public Works Director.
 - c) An off-site transition of the paved roadway, curb, gutter, sidewalk and striping/pavement markings shall be constructed from the north property line of the proposed subdivision to, at a minimum, Nick Ct (Valencia Estates). The Developer shall receive fee credits for this off-site work as determined by the Public Works Director.
 - d) Provisions for northbound and southbound left turn pockets, from Tuly Parkway to Bradley Estates Drive shall be incorporated in the design of the landscaped median. The stacking portion of the left turn pocket shall be a minimum of 65.0 feet, or as otherwise determined by the Public Works Director. Pavement delineation at the turn pockets shall be part of the improvements.
24. Road work on Elmer Avenue shall be constructed prior to the issuance of the first certificate of occupancy, up to and including the following, or as otherwise determined by the Public Works Director:
- a) North of Ameera Street, Elmer Avenue shall have a full street section constructed, unless otherwise determined by the Public Works Director. There shall be a “stepped” block wall installed along the west property line of Lot 1 (as said Lot 1 is shown on the Tentative Map 22-08, dated January 2022). A street barricade shall be installed at the north end of the paved shoulder.
 - b) A street light shall be installed at the intersection of Ameera Street and Elmer Avenue.

- c) Adjacent to APN 17-066-004, 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 PUE, street trees, street lights, or landscaped parkway strip.
 - d) Between the north side of the walkway at Rohin Court and APN 17-066-004, Elmer Avenue shall have a full street section constructed, unless otherwise determined by the Public Works Director.
 - e) The construction of the street section on Elmer Avenue, between the south side of the walkway at Rohin Court and the westerly prolongation of the southerly property line of the proposed subdivision, may be deferred, unless otherwise determined by the Public Works Director.
25. An access point through the block wall, between Rohin Court and Elmer Avenue shall be provided and have the following design characteristics:
- a) The distance between the pilasters (at the ends of the masonry block walls) shall be wide enough to allow emergency vehicle access.
 - b) A concrete walkway not less than 6.0 feet wide shall be provided.
 - c) The area shall be illuminated with a decorative light, unless a street light is nearby, and/or as approved by the Public Works Director.
 - d) A fold down/hinged bollard shall be placed in the walkway to prevent vehicular access. The walkway shall be widened at the bollard, as necessary to comply with safety requirements, as approved by the Public Works Director.
26. The Developer shall comply with all City requirements related to drainage, including design, construction, and payment of fees in accordance with the Northwest Drainage Study. Any modifications and/or required updates shall require a 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. 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.
 - g. The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and/or the Sutter County Water Agency Engineer to be comprehensive, accurate, and adequate.
 - 27. 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.
 - 28. 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_r_management
 - 29. All development shall be designed to local, state, and federal flood standards.
 - 30. The proposed waterline that is part of this subdivision shall loop through the subdivision and through Elmer Avenue with provisions for future north and south extensions in Elmer Avenue. The proposed main that is to be constructed in Elmer Avenue shall be a 12" main as outlined in the Water Treatment Plant and Distribution System Master Plan dated January 2019.
 - 31. 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 6" 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.

32. 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.
33. 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.
34. 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.
35. 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."

36. In addition to the street lights provided on the interior streets, street lights shall be installed along the west side of Tuly Parkway, the length of the proposed development. Where there are existing lights on the opposite side of Tuly Parkway, the new light locations should be staggered between them.

PRIOR TO ACCEPTANCE OF THE PUBLIC IMPROVEMENTS

37. All existing structures, 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.
38. Prior to backfilling, the Developer shall vacuum test all manholes to ensure no leakage will occur.
39. 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.
40. Prior to final paving, the Developer shall televise all sewer laterals. If any debris, dirt, and/or material is found in the lateral, then the Developer shall clean it at his expense, to the satisfaction of the Public Works Director.
41. 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.
42. Public improvements shall be designed and constructed in accordance with City Standards, including current Water / Wastewater Master Plans and Specific Plan documents, or as approved by the Public Works Director. Costs are to be determined and reflected in the Subdivision Agreement.
43. The existing utility poles, and associated overhead utility improvements, within the project boundaries shall be undergrounded to facilitate power and communications service to APN 17-066-004. The development shall be serviced with underground utilities; no overhead utilities will be allowed.

PRIOR TO FINAL MAP RECORDATION

44. 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.

45. 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, block walls, barricades, and any detention / water quality basin(s) or devices. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
46. The existing properties within the proposed subdivision are part of the Northwest Yuba City Drainage Area Master Drainage Plan and are subject to its proportional share of drainage improvement fees as outlined in said Plan. Current fees are calculated per acre and indexed to a current value that is in effect at the time the Subdivision/Improvement Agreement is executed.
47. Should a detention pond or water quality basin be utilized, the basin parcel(s) shall be dedicated to the City of Yuba City as determined by the Public Works Director.
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.
50. The West Yuba City Sewer Trunk Line fees, as stated in the City of Yuba City Fee Schedule, shall be paid. The fee value to be used is the value in effect at the time a building permit is issued for any particular parcel.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

51. 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.
52. 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.
53. 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	Monitoring Party	Timing
3.7 Geology and Soils	Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and	Developer	Developer, Public Works Dept., Development	During grading phase

	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		Services Dept.	
--	--	--	----------------	--

	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.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	TCR 1 If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the <i>Secretary of Interior's Professional Qualifications Standards for Archaeology</i> , as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning	Developer	Developer, Public Works Dept., Development Services Dept.	During construction phase

	objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe. The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR 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 a TCR 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. If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99, 5097.991, and			
--	---	--	--	--

	compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.			
--	---	--	--	--

ATTACHMENT 4



Environmental Assessment 22-13 For Thiara Estates Subdivision

Initial Study and Mitigated Negative Declaration for Tentative Subdivision Map (TSM) 22-08 and Rezone (RZ) 22-07

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

March 2023

This page intentionally left blank.

Table of Contents	2
1. Introduction	4
1.1. Introduction	4
1.2. Regulatory Information	5
1.3. Document Format	5
1.4. Purpose of Document	6
1.5. Intended Uses of this Document	6
2. Project Description	7
2.1. Project Title	7
2.2. Lead Agency Name and Address	7
2.3. Contact Person and Phone Number	7
2.4. Project Location	7
2.5. 7	
Project Applicant	7
2.5. Property Owner	7
2.6. General Plan Designation	7
2.7. Zoning	8
2.10 Surrounding Land Uses and Setting	12
2.11 Other Public Agencies Whose Approval May be Required	12
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.?	13
2.13 Environmental Factors Potentially Affected:	13
2.8. Evaluation of Environmental Impacts:	14
3. Environmental Checklist and Impact Evaluation	16
3.1. Aesthetics	16
3.2. Agricultural and Forestry Resources	19
3.3. Air Quality	23
3.4. Biological Resources	31
3.5. Cultural Resources	35
3.6 Energy	37
3.7 Geology and Soils	39
3.8 Greenhouse Gas Emissions	45
3.9 Hazards and Hazardous Materials	48
3.10 Hydrology and Water Quality	53

3.11	Land Use and Planning.....	57
3.12	Mineral Resources	58
3.13	Noise	60
3.14	Population and Housing.....	66
3.15	Public Services.....	68
3.16	Recreation.....	70
3.17	Transportation/Traffic	71
3.18	Tribal Cultural Resources	75
3.19	Utilities and Service Systems	80
3.20	Wildfire.....	83
3.21	Mandatory Findings of Significance.....	85
4.	Section References and/or Incorporated by Reference.....	87



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 the proposed Thiara Estates Tentative Subdivision Map (TSM) 22-08 and Pre-annexation Rezoning (RZ) 22-07 (Project).

TSM 22-08 is a proposed 34 single-family residential lot subdivision located on approximately 8.19 acres. The proposed lot sizes range in size from 6,457 square feet up to 9,834 square feet. The gross density of the project is approximately 4.3 residences per acre. The subdivision will connect to Tully Parkway on the east and Elmer Avenue on the west, providing a direct linkage between those roadways. An existing single-family residence will be removed as part of the project.

RZ 22-07 is a request to remove the X20 Combining Zone District from the existing R-1 X20 pre-annexation zoning from this same property. The X20 District provides 12 specific development criteria to this and neighboring properties that must be met in order to develop. Nine of the criteria have since been incorporated into City ordinance, practices, or procedures making them unnecessary today. There are three criteria that are not typically applied by the City to projects but would affect the Project if left intact. These include:

- A requirement that a Development Agreement between the developer and the City be approved as part of any project;
- A residential project must provide an affordable housing component (to be negotiated as part of the Development Agreement); and
- The minimum lot size is one-acre (which would otherwise be 5,000 square feet for the R-1 Zone District).

The resulting pre-annexation zoning will be R-1.

The subject property is currently in an unincorporated area of Sutter County. If this proposal is approved by the City, the Project will not be triggered until the annexation into the City is completed. In the future, LAFCo will consider an application to annex this property to the City. As such LAFCo will likely utilize this environmental document for its review.

This subdivision is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the Project, with public review and consideration by the City of Yuba City Planning Commission and the 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 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 and rezoning will undergo a public review process by the Planning Commission that will make a recommendation to the City Council for a decision. If approved as proposed, the project will result in annexation of the land to Yuba City and construction of 34 single-family residences. The Planning Commission and City Council 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 March 2, 2023 and end on March 22, 2023 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

Tentative Subdivision Map 22-08: Thiara Estates Subdivision, and Pre-annexation Rezoning 22-07.

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 8.19-acre property is located on the west side of Tuly Parkway across from Bradley Estates Drive. Assessor's Parcel Numbers 17-066-003, -005, and -021.

2.5 Project Applicant

Sarbjit Thiara Jr.
2599 Reed Road
Yuba City, CA 95993

2.5. Property Owner

Sarbjit Thiara Jr.
2599 Reed Road
Yuba City, CA 95993

2.6. General Plan Designation

The site is designated Low Density Residential (LDR). The LDR designation allows a residential density ranging between 2 and 8 residences per acre. As proposed, the Project will have a density of approximately 4.3 residences per acre.

2.7. Zoning

Existing

One-Family Residential Zone District Combined with an X₂₀ Combining Zone District (R-1X₂₀). The requirements of the X₂₀ District are:

The pre-annexation zoning of the Property is approved subject to the following conditions. These conditions shall only apply to divisions of land requiring a subdivision map or to any multi-family development of five residences or more.

1. Prior to the approval of any subdivision map for said Property, or prior to any multi-family development of five residences or more of said Property, a Development Agreement must be entered into with the City. At a minimum, the Development Agreement shall address conditions of development and the financing of roads, parks, public facilities, sewer, water, drainage, and surrounding infrastructure as established in the General Plan. The approval of said pre-annexation zoning in no way obligates the City to enter into a Development Agreement. The City shall have complete discretion whether to approve a Development Agreement and in approving the terms and conditions of the Development Agreement.
2. Prior to the City finalizing a Development Agreement, the developer of the Property shall provide written documentation from the affected school district that the developer has satisfied said school district's requirements for school infrastructure. This would generally apply to any developments over 4 residential units. The School District would expect, at a minimum, that all residential developments enter into a Mello Roos District and that depending on the size of development, land dedication and school development may be an alternative, subject to negotiation with the District.
3. Drainage plans shall be provided for all subdivisions of land within the Property and shall comply with the City and County's master drainage plans.
4. All residential subdivisions within the Property shall include an affordable housing component that meets the minimum production standard of affordable housing outlined in the regional compact with SACOG adopted by the City of Yuba City in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer and shall be part of the Development Agreement.
5. All residential subdivisions within the Property shall meet the minimum standards for residential design as established by the City Council.
6. Sewer and water fees, including connection fees and the installation of major trunk lines from both plants, shall be incorporated into the cost of development and shall be part of the Development Agreement.
7. Development within the Property shall be required to pay its fair share of major roadwork as part of the development and, may require construction of collector and arterial roads that will adequately address infrastructure concurrent with the proposed development. This will be negotiated as part of the Development Agreement.
8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, shall be required and will be part of the Development Agreement. These fees will be

estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act shall also apply.

9. Payment of a fee to address levee improvements and potential flood issues shall be required as part of the Development Agreement.
10. Any development within the Property shall require the Property entering into a Community Facilities District to assist in funding police, fire and park maintenance.
11. Any development within the Property shall address the community design policies in the General Plan including walkable, livable concepts and address the village concept as provided for in the General Plan.
12. The minimum lot size for the lots shown as R-1X20 shall be one acre as shown on Exhibit A.

Proposed

One-Family Residential (R-1) Zone District.

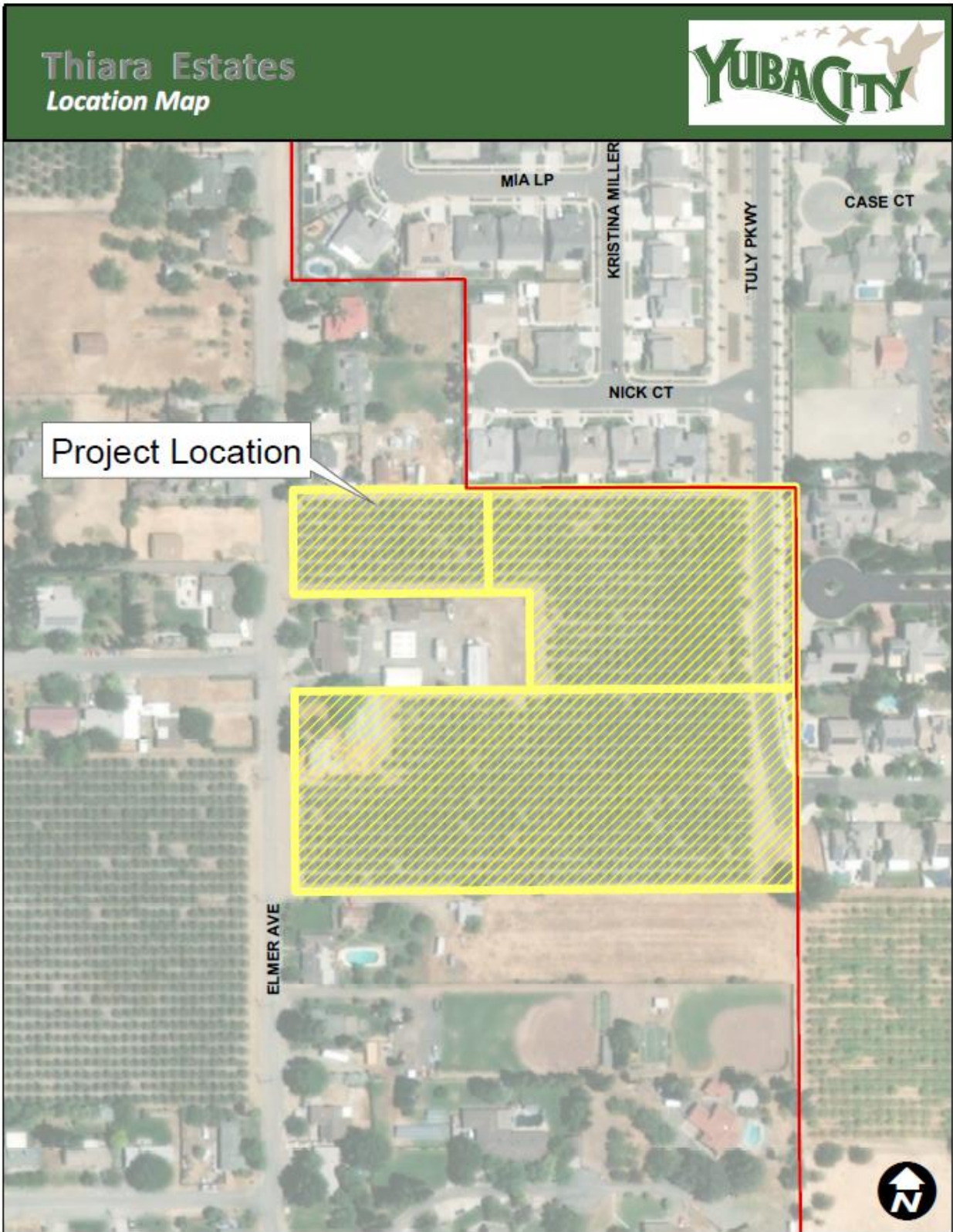


Figure 1: Location Map

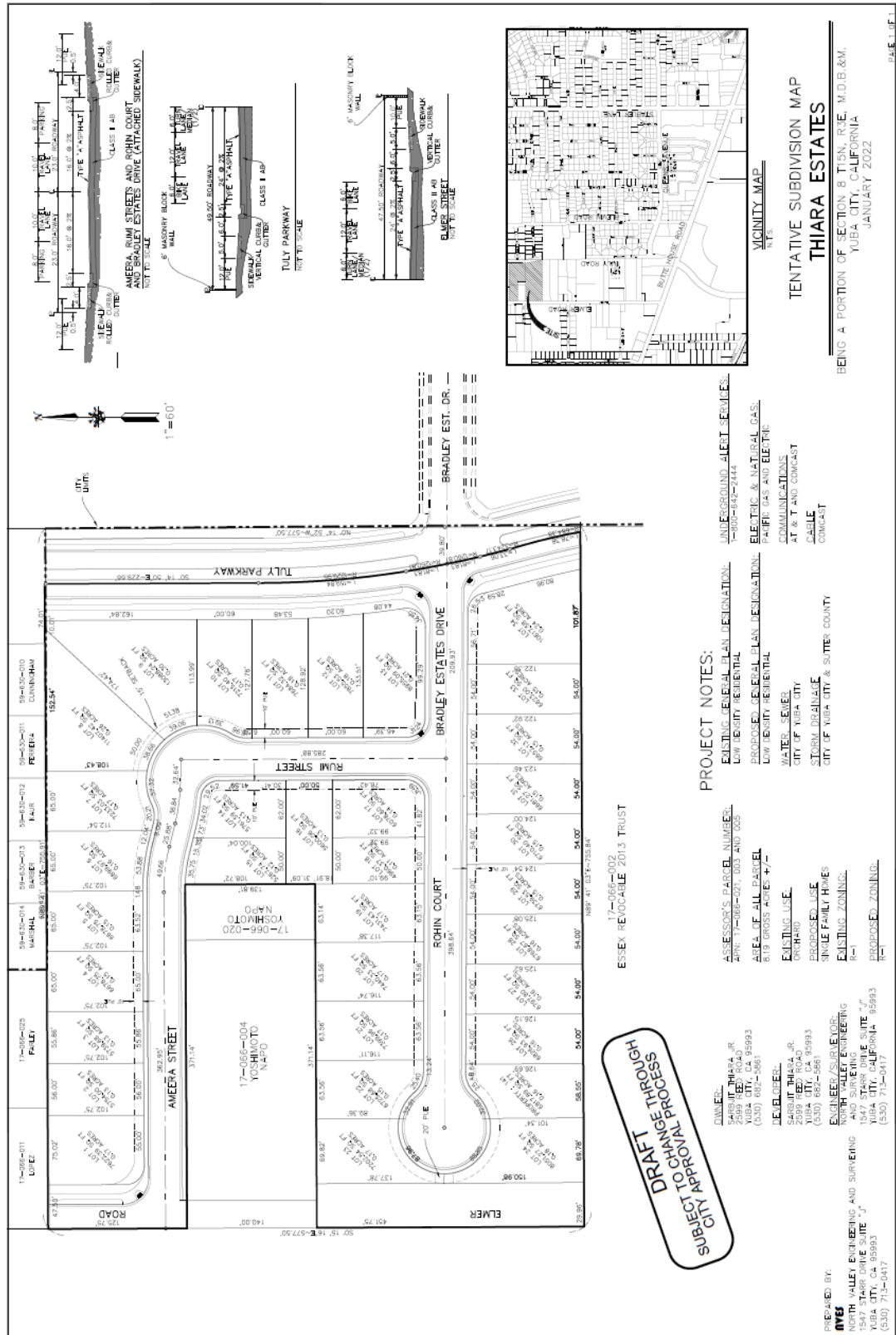


Figure 2: Subdivision Map

2.9 Project Description

This is a request to approve Thiara Estates Tentative Subdivision Map (TSM) 22-08 and Pre-annexation Rezoning (RZ) 22-07 (Project).

TSM 22-08 is a proposed 34 single-family residential lot subdivision located on approximately 8.19 acres. The proposed lot sizes range in size from 6,457 square feet up to 9,834 square feet. The gross density of the project is approximately 4.3 residences per acre. The subdivision will connect to Tuly Parkway on the east and Elmer Avenue on the west. An existing single-family residence will be removed as part of the project.

RZ 22-08 is a request to remove the X20 Combining Zone District from the existing R-1 X20 pre-annexation zoning from this property. The X20 District provides specific development criteria to this and neighboring properties. The X20 provides 12 development related criteria that must be met in order to develop the property (a copy of that criteria is attached to this staff report). Nine of the criteria have since been incorporated into ordinance, practices, or procedures making them un-needed today. There are three criteria that are not practiced today but would affect the project if left intact. These include:

- A requirement that a Development Agreement between the developer and the City be approved as part of any project;
- The project must provide an affordable housing component (to be negotiated as part of the Development Agreement); and
- The minimum lot size is one-acre (vs 5,000 square feet for the R-1 District).

The resulting pre-annexation zoning will be R-1.

The subject property is currently in an unincorporated area of Sutter County. If this proposal is approved by the City, the project will not be triggered until the annexation into the City is also completed by LAFCo. LAFCo has a pending application to consider that item upon approval of this proposal by the City.

2.10 Surrounding Land Uses and Setting

Setting: The site, located in northwest Yuba City, is currently utilized for an orchard. It is located in an area that is generally transitioning from agricultural (orchard) uses to residential subdivisions.

Table 1: Bordering Uses	
North:	Single-family residences.
South:	Estate sized single-family residence.
East:	Tuly Parkway and single-family residences across the parkway.
West:	Estate sized single-family residences and orchard.

2.11 Other Public Agencies Whose Approval May be Required

- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.

- Central Valley Regional Water Quality Control Board.

2.12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

All geographically relevant Native American tribes were timely notified of the Project, and consultation was not requested.

2.13 Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources		Air Quality
	Biological Resources	X	Cultural Resources		Energy
X	Geology/Soils	X	Greenhouse Gas Emissions		Hazard & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
	Noise		Population/Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as

described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Doug Libby
Doug Libby, Deputy Director of Development Services

March 2, 2023

2.8. 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, located several 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. However, the Design Guidelines do not apply to single-family residences.

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 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?

There are no officially designated scenic vistas in Yuba City; the Project would therefore have no adverse effect on an official scenic vista. As the Project is within an existing residential area the subdivision will not interfere with any distant scenic views. The subdivision itself, visible from both Tuly Parkway and Elmer Road will have those frontages lined with a six foot high decorative masonry wall as well at least a 10-foot wide landscaped strip, with trees planted 30 feet on-center. As such, views of the development from those streets will primarily be of landscaping and trees. As such, the scenic impact is considered to be a less than significant impact.

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. Additionally, there are no state scenic highways in Yuba City or Sutter County. As a result, no impacts are anticipated

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 subdivision is within the Yuba City urbanized area. The City does not have design standards for single-family residences. Regarding the aesthetics associated with the design of the subdivision the City does have design standards for decorative masonry walls, landscaping, and trees along subdivision perimeter streets. As those standards must be met, the impacts on resulting visual character of the subdivision from nearby streets will be less than significant.

d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

The City requires new streets to have streetlights, so there will be new street lighting within and on the perimeter of the 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. The street lighting will also be consistent with the street lighting of neighboring subdivisions. Further, the lighting from the new homes typically does not extend much beyond the property lines. Therefore, since there are no unique circumstances, the impacts from new street and home lighting should be less than significant.

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 procure 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 8.19 acres of farmland quality soils, and currently has an orchard on it. The 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as “Unique Farmland.” But this property, as well as being small for an agricultural use, is also within the Yuba City urban area and has other urban uses around it. As such it has for many years been designated in the Yuba City General Plan for urban uses, for which overriding considerations for agricultural land losses 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 would be protected. This property is already designated for single-family residential development by Sutter County today with the ability to develop with the same density as specified by the Yuba City General Plan. As this Project has been designated for urban uses for many years thus within the General Plan’s area of anticipated loss of agricultural land and is already designated for suburban development by Sutter County, the impact on agriculture land loss is considered to be less than significant.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The property, as well as the neighboring properties, are currently zoned for non-agricultural uses by Sutter County and they are not under Williamson Act contracts. Therefore, this Project will not conflict with any agricultural zoned properties. 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 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?

As the area has been designated for urban uses for many years by both Sutter County and Yuba City, the site is within an area already served by City services and developed with residential uses. Further, while this property and a nearby property remain as an orchard, other neighboring properties have been developed with non-agricultural uses. No properties within the area are under the Williamson Act. There are also no forestlands on the Project site or in the vicinity. Therefore, the impacts on agricultural lands and timberlands 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 (NO_x), 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 (NO_x): 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 NO_x 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 (PM_{2.5}): 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 PM_{2.5}), 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?

Grading the site and creation of building pads will briefly create equipment exhaust and fugitive dust. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from the new residences. Standards set by FRAQMD, CARB, and Federal agencies apply to this Project. 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 34 new residential lots. The proposed project will not exceed FRAQMD's established threshold for potential significant impacts. As a result, a less than significant impact is anticipated.

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.

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 on the subdivision, 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 Project construction and from vehicle traffic generated by the new residents following the construction of the single-family residences. However, the proposed Project is not large 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.

Butte Vista School is a sensitive receptor within 1,000 feet of the Project. However, 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.

With the inclusion of these standards into the construction of the subdivision, the impact on the school will 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 single-family residences and the ongoing living conditions 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 8.19-acre level property is within the Yuba City urbanized area with existing single-family residences on all around it. The site has been used and continues to be used as an orchard, with no native habitat remaining. 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., sec. 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?*
- 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 has been no special status species identified on the site or within the vicinity. 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. As this property does not fall within this area, no adverse impacts to special status species will occur.

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, over a mile 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?

The site has been previously disturbed over many years for agricultural use, and no native trees or other 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 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 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, 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
- Lone 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.

There is an existing residence on the property that will be removed as part of the development. However, the residence does not appear to be old enough to be of historical significance, nor does the General Plan EIR identify it as historically significant. Therefore, the potential impact on any historical resource is considered a less than significant impact.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

Please see c) below for the response to this item.

c) Disturb any human remains, including those interred outside of formal cemeteries?

The 8.19-acre property has been utilized for many years as an orchard and a single-family residence. No formal cemeteries or other places of human internment are known to exist on the proposed Project site. The United Auburn Indian Community responded to the City's request for comments in an email to the City dated September 6, 2022, stating that the property is not sensitive for tribal cultural resources, so it declined to consult or comment on the project. The Tribe recommended that the "Unanticipated Discoveries" mitigation should be utilized. Since 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 3-6: 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?

Project construction 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 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 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 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 single-family residences, the main sources of energy consumption would be household operations and vehicle usage. However, since FRAQMD did not respond otherwise, the 34 new residences and their associated operation of vehicles is not a large enough impact on air quality to be considered significant and the project falls under FRAQMD's thresholds of significance.

As a result, Project 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?

As the project is built-out, new home construction is required to comply with applicable state and local ordinances for energy efficiency. As a result, the Project's impacts are considered to 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?*

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 considered to be 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, which pertain to minimizing risks of property damage and personal injury posed by geologic and seismic hazards, and the building codes reduce the potential impacts to a less than significant level.

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 considered to be a less than significant impact.

iv. Landslides?

According to the City General Plan EIR, due to the flat topography, landslides, and mudflows are not a risk in the City limits or within the City's Sphere of Influence. As a result, no impacts are anticipated.

b) Result in substantial soil erosion or the loss of topsoil?

Most of the 8.19 acres will 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 drainage system. However, as part of the grading and construction of the subdivision, 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?

The General Plan EIR, which includes planning of the City sphere of influence, does not identify this site or vicinity within the City sphere of influence as being located in an area having unstable soil, landslide area, lateral spreading, subsidence, liquefaction, or collapse. As a result, no impacts are anticipated.

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. As a result, no impacts are anticipated.

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 residences to be constructed 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 from agricultural and residential 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 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 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?*

Please see b) below for an answer to this item.

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 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 apartments. 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.

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?

Please see b) below for an answer to this item.

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 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 anticipated hazardous waste generated by the Project would be household hazardous waste. 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?*

Butte Vista School is within one-quarter mile of the Project. Construction that would result from development of this subdivision would likely generate construction equipment emissions. However, the time for operating equipment on the Project 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 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 project is not located within the adopted Sutter County Airport or the Yuba County Airport Comprehensive Land Use Plans nor is it within two miles public use airport. As a result, no impacts are anticipated.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Yuba City Fire and Police Departments 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 anticipated to result from this Project.

- 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 Project site is located within the urban area and the urban area is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate vicinity. As a result, a less than significant impact is anticipated 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 make up 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. Local Regulatory Setting

The City requires demonstration of a viable water supply, storm water treatment planning and drainage controls as part of all new development.

3.10.4 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 the new residences 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 34 new residences will flow into the City wastewater treatment facility which is in compliance with all state water discharge standards. The wastewater from the new residences 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 ultimately drain into the Sutter By-Pass and ultimately 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. These measures are implemented through standard project conditions.

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. As a result, a less than significant impact is anticipated.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?

All of the new residences that will result from construction of this subdivision will be connected to the City's water system. 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 in its system. As a result 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 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 construct the local collection facilities and pay the appropriate drainage fees. 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?

This portion of the City is outside of the 100-year flood plain and 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 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 and a less than significant impact is anticipated.

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 and these are implemented through the City's standard conditions of approval. 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 8.19-acre property that primarily utilized as an orchard. Around the property is primarily single-family residential uses and some remnant farming. As both the County and City General Plans have designated this area for residential development many years ago, it is expected that much of the property in the vicinity will also at some point be built out with residences or a related urban development.

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?

Please see b) below for a response to this item.

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?

This subdivision will not physically divide an established community. The buildout of this property as proposed will be consistent with the General Plan. It will be similar to other residential subdivisions in the vicinity with similar street construction, landscaping, street lighting, and other subdivision improvements required by the City. As such, rather than dividing an established community, this subdivision will continue the planned street pattern, fitting in with the neighboring residential development. Some of the new residences will also be restricted to a single-story construction in order to assure neighborhood compatibility. Therefore, there will not be significant effect caused by this Project not being consistent with a land use plan or by dividing a community.

Regarding the proposed pre-annexation zoning, there are proposed changes to the criteria by which the property could be developed. Of the 12 criteria, nine of them are funding or related issues that have been superseded by other City standards or programs, so there would be no environmental impact. The elimination of the one-acre minimum lot size would be to correct a general plan consistency issue. The affordable housing issue has been superseded by the new citywide housing element policies thus no potential environmental impact. The elimination of the requirement for a Development Agreement (for affordable housing) is not an environmental issue and a less than significant impact is anticipated.

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?*

Please see b) for a response to this item.

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 zone within the City limits, and no mineral extraction facilities currently exist within the City. The property contains no known mineral resources and there is little opportunity for mineral resource extraction. Additionally, the site has nearby residential uses, which generally are considered incompatible with mineral extraction facilities. As such the Project will not have an impact on mineral resources. As a result, no impacts are 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 Groundborne 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. 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 Plan¹ 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.

¹ City of Yuba, 2004. *City of Yuba General Plan*. April 8, 2004.

- 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.

Table 2: 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 subdivision followed by noise from the construction of the single-family residences. All of this 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 existing nearby residences. Activities involved in construction could generate maximum noise levels, as indicated in Table 3, 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, the noise effects from this activity are expected to be less than significant.

Table 3: 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		

Once constructed the residences are generally not considered to be significant noise generators. Also, the use of masonry perimeter walls will further reduce any noise impacts. Therefore, the residences are not expected in any significant way to raise the ambient noise levels in the surrounding residential neighborhood. For these reasons, adding new residences to a residential area is not expected to create any significant noise impacts.

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.

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 4 describes the typical construction equipment vibration levels.

Table 4: 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 4 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 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 located within two miles of the Sutter County Airport or the Yuba County Airport. Since the Project is not impacted by airport noise, there should be no potential for any significant impacts from the Sutter County or Yuba County Airports onto this site.

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 property is abutted on two sides by single-family residential subdivisions and on two sides by estate lots and small agricultural uses. The area has been converting from agricultural uses to urban residential uses in recent years as this area was designated by the General Plan years ago for single-family residential development and because full City services are available to the site.

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 proposed Project will create 34 single-family residences in an area transitioning from agricultural uses to residential uses. Residential development was planned for this area for at least 30 years by both Sutter County and Yuba City. As this is mostly an infill project this Project will not induce unplanned growth to the area. As a result, it does not have the potential to create any significant impacts from unplanned growth.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed Project will result in the demolition of one existing residence. This loss is not considered to be a significant impact as the loss would be off-set by the development of 34 single-family residences.

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 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 will be utilized by new residents, including streets, water, and sewer. 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. Since all new housing 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 Police Department reviewed the proposal and did not express concerns. Since all new housing development pays 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: New residences 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. 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 residential connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects 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 regarding the provision of public services.

Regarding the proposed pre-annexation rezoning, there are several criteria that involve funding of public services, both from a capital improvement perspective and an infrastructure maintenance standpoint. The elimination of these criteria does not have potential to create any impacts on the provision and maintenance of services as these criteria have since been superseded by citywide standards and project conditions. Therefore there will be no impact on the provision of City 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?*

The 34 new residences that will be constructed as a result of this subdivision will incrementally increase the use of City parks. However, for each new residence development impact fees for new or expanded parks and recreation facilities will be paid. These fees will mitigate any incremental impacts on recreational facilities.

The rezoning that will eliminate the criteria for funding recreational facilities, but will have no impact as this criterion has been superseded by citywide development impact fees.

- 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 any new or expanded recreational uses.

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
T 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?

The General Plan policies cited above require that General Plan level streets and intersections maintain adequate levels of service (LOS D or better is considered adequate level). In this case the Project will create a new intersection onto Tuly Parkway, which is designated in the General Plan as a four-lane parkway, and onto Bradley Estates Drive, which is designated as a collector street. Also impacted by the Project will be Blevin Road, which is also designated as a collector street, and a new connection with Elmer Avenue, a local street, will also be created. A traffic study was prepared for the Project (Wood Rodgers, Thiara Estates Traffic Operations Memorandum, dated November 30, 2022) to analyze the Projects impacts on these streets (a copy of the full study is attached to the environmental assessment which is part of this packet). Of primary concern was the impacts the Project would have on the Elmer Avenue/Butte House Road and Blevins Road/Butte House Road intersections. The study concluded that upon completion of the Project, the LOS at those intersections will remain at LOS D or better. This remains the case even under the cumulative scenario which projects traffic levels to 2035. As such, the Project's impacts on the street segments and intersections discussed above are consistent with General Plan policies and thus the impacts will be 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. The Project will exceed this criterion, so it is not further considered 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 this 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 subdivision 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)?

Based on the traffic study discussed in part a) above, Project access, site internal circulation, and emergency access are adequate. Therefore any increase in traffic hazards associated with this Project are considered to be less than significant.

d) Result in inadequate emergency access?

The Fire Department and Police Departments have reviewed the Project plans, which includes two access points into the subdivision. As such, the Fire Department and Police Department did not comment on the Project has determined that it meets all City standards. The traffic study prepared for the Project also confirmed that emergency access is considered adequate, and therefore less than a significant impact.

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 register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
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 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.

3.18.3 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.

3.18.4 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.

3.18.5 Summary of Native American Consultation

In response to AB 52, 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
- Lone Band of Miwok Indians

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 is an existing residence on the property, that will be removed as part of the development of the property. However, the residence does not appear to be old enough to be of historical significance, nor does the EIR prepared for the General Plan update identify it as historically significant. Therefore, the potential impact on any historical resource will be less than 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.*

The 8.19-acre property that will be developed has been utilized for many years as an orchard and a single-family residence. The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with SB 18 and AB 52. The United Auburn Indian Community responding to the City's request stated that the property is not sensitive for tribal cultural resources. But it remains possible that Tribal Cultural Resources could remain on the property. As such, the "Unanticipated Discoveries" mitigation is applied to this project. With this mitigation measure, the impact on cultural resources will be less than significant.

3.18.8 Tribal Cultural Mitigation Measures

Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the Secretary of Interior's Professional Qualifications Standards for Archaeology, as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe.

The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR 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 a TCR 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.

If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99, 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.

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 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. As of June 2021, the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; and has a remaining capacity of 21,297,000 tons; and remaining landfill service life is 53 years.

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.

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?*
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

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.

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.

Both facilities have 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 Yuba City drainage lines. Subject to the subdivision's conditions of approval, the local stormwater drainage system has been determined 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 that mitigates the Project's impacts on the system. Thus, the impacts on the stormwater drainage system will be less than significant.

The rezoning that will eliminate the criteria for funding public facilities and services, such as water, sewer,

and drainage will have no impact as these criteria have been superseded by citywide development impact fees and connection fees.

The extension of 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 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 project's projected demand in addition to the provider's 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.

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 will 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 area within the City urban area with little, if any, native vegetation remaining, and the 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 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 will 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 there are no on-site or nearby waterways or wetland areas. Therefore the construction of these 34 single-family residences 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 residential densities and policies of the General Plan. As such the traffic that will be generated is within the range of 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 subdivision. 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 City, 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 significant 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 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:

Wood Rodgers, Thiara Estates Traffic Operations Memorandum, dated November 30, 2022.

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

Thiara Estates Traffic Operations Memorandum



Memorandum

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

To: Sarbjit Thiara Jr.
2599 Reed Road
Yuba City, CA 95993

From: Mario Tambellini, PE, TE
Nicole Scappaticci, PE

Date: November 30, 2022

Subject: Thiara Estates Traffic Operations Memorandum

INTRODUCTION

This Traffic Operations Memorandum (TOM) has been prepared to present the results for a traffic assessment for the proposed Thiara Estates Project (Project) located in Yuba City (City). The Project would develop 34 single-family residential dwelling units on a lot located south of Nick Court between Elmer Avenue and Tuly Parkway. The Project location is shown in **Attachment A**. The lot is currently occupied by an orchard which the Project would remove.

This TOM includes the following:

- Project trip generation
- Intersection analysis
- Site access evaluation
- Discussion of Project effect on transit and other public facilities
- Vehicle Miles Traveled (VMT) analysis

This TOM has been prepared consistent with policies in the *Yuba City General Plan* (adopted April 8, 2004) and the *Sutter County General Plan Draft Environmental Impact Report (DEIR)* (dated September 2010).

PROJECT DESCRIPTION

The Project proposes to develop 34 single-family residential dwelling units on a site which currently contains an orchard which would be removed. The Project would construct new internal site roadways and gain access to the surrounding network via new intersection connections with Elmer Avenue and Tuly Parkway/Bradley Estates Drive. The existing and proposed zoning is One-Family Residence Districts (R-1). The existing and proposed General Plan designation is Low Density Residential. The Project site plan is included in **Attachment B**.

ANALYSIS SCENARIOS AND STUDY FACILITIES

Intersection and roadway operations were studied under the following scenarios:

- Existing Conditions
- Existing Plus Project Conditions

As shown in **Attachment A**, the following intersections and roadway facilities were included in this analysis:

Study Intersections:

1. Elmer Avenue & Butte House Road
2. Blevin Road & Butte House Road

ANALYSIS METHODOLOGY

Synchro 11 software and Highway Capacity Manual, 6th Edition (HCM 6th Edition) methodology was used to determine intersection delay and level of service (LOS) operations under weekday AM and PM peak hour conditions.

For side-street stop-controlled intersections, the worst approach/movement delay and LOS is reported. The delay based HCM 6th Edition LOS criteria for different types of intersection controls are outlined in **Table 1**.

Table 1. HCM 6th Edition Intersection LOS Thresholds

Level of Service	Description	Intersection Control Delay (seconds/vehicle)	
		Unsignalized	Signalized
A	Free-flow conditions with negligible to minimal delays.	delay ≤ 10.0	delay ≤ 10.0
B	Good progression with slight delays.	10.0 < delay ≤ 15.0	10.0 < delay ≤ 20.0
C	Relatively higher delays.	15.0 < delay ≤ 25.0	20.0 < delay ≤ 35.0
D	Somewhat congested conditions with longer but tolerable delays.	25.0 < delay ≤ 35.0	35.0 < delay ≤ 55.0
E	Congested conditions with significant delays.	35.0 < delay ≤ 50.0	55.0 < delay ≤ 80.0
F	Jammed or grid-lock type operating conditions.	delay > 50.0	delay > 80.0

Source: HCM 6th Edition Exhibit 19-8 and 20-2.

Roadway segment LOS was determined based on roadway capacity thresholds contained in Table 6.14-6 Roadway Level of Service Thresholds from the *Sutter County General Plan Draft Environmental Impact Report* (dated September 2010) and are shown in **Table 2**. For comparison purposes, **Table 2** includes roadway capacity thresholds for “Residential” and “Rural, 2-Lane Road, <24’ of Pavement, <6’ Shoulders” facility types based on *Table F-2 Level of Service Criteria for Roadway Segments* found in the *Sacramento County Transportation Analysis Guidelines* (September 10, 2020).

Table 2. Roadway Segment LOS Thresholds

Jurisdiction	Facility Type	Maximum Volume for Given Service Level				
		A	B	C	D	E
Sutter County ¹	Rural – Two lane	-	-	10,600	16,400	25,200
Sacramento County ²	Residential	600	1,200	2,000	3,000	4,500
	Rural, 2-Lane Road, <24’ of Pavement, <6’ Shoulders	1,000	2,100	3,400	6,000	12,800

Notes:
¹ Based on Table 6.14-6 Roadway Level of Service Thresholds from the *Sutter County General Plan Draft Environmental Impact Report*.
² Based on Table F-2 Level of Service Criteria for Roadway Segments from the *Sacramento County Transportation Analysis Guidelines* (September 10, 2020).

LEVEL OF SERVICE CRITERIA

The City’s General Plan Transportation Policy 5.2-I-12 states that Yuba City aims to have all intersections and roadway segments achieve at least LOS “D”. Sutter County’s *DEIR* states that a project is considered to have an adverse effect if the existing or cumulative no project LOS for study locations deteriorate from LOS D (or better) to LOS E (or worse). Based on City General Plan requirements, the minimum acceptable LOS for the study intersections and roadway segments is considered to be LOS “D”.

INTERSECTION OPERATIONS ANALYSIS

EXISTING TRAFFIC VOLUMES

Weekday AM and PM peak hour turning movement counts were collected on Thursday, June 9, 2022 between 7:00 AM to 9:00 AM and between 4:00 PM to 6:00 PM. Traffic data count sheets are included in **Attachment C**. In order to account for reduced traffic during summer break when local schools are not in session, AM and PM peak hour traffic volume data on State Route 99 in Yuba City during typical weekdays in May 2022 (when school was in session) and June 2022 (when school was not in session) was obtained from the Caltrans Performance Measurement System (PeMS) database. The data showed that May 2022 volumes were 22.58% and 3.70% higher than June 2022 volumes during the AM and PM peak hours, respectively. Therefore, existing traffic volumes at the study intersections were increased based on these percentages for movements that would experience higher volumes when school is in session. A summary of PeMs data is included in **Attachment C**. A summary of the intersection turning movement volumes and lane geometry for Existing conditions is presented in **Figure 1**.

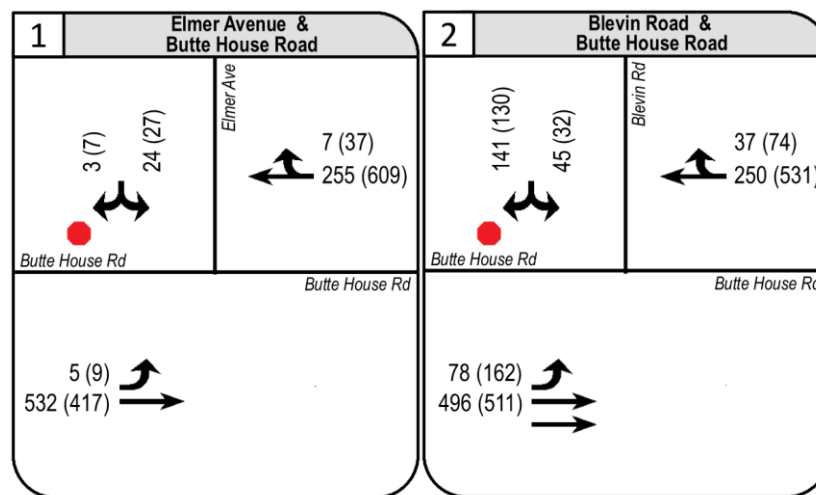


Figure 1. Existing AM (PM) Peak Hour Intersection Volumes and Lane Geometry

PROJECT TRIP GENERATION AND DISTRIBUTION

The trip generation data contained in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition* was used to approximate the number of trips generated by the Project. The ITE land use category of Single-Family Detached Housing (ITE Code 210) was used to represent the Project. **Table 3** summarizes the trip generation for the proposed Project.

Table 3. Project Trip Generation

ITE Code	Land Use Category	Quantity	Units	Daily	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Single-Family Detached Housing ¹		34	DU ²	374	7	21	28	23	13	36
Total Project Trips				374	7	21	28	23	13	36
Notes: ¹ Trip rates are calculated based on ITE Trip Generation (11 th Edition) fitted curve equations. ² DU = Dwelling Unit										

As illustrated in **Table 3**, the proposed Project is anticipated to generate a total of 374 daily trips, 28 AM peak hour trips (7 inbound, 21 outbound), and 36 PM peak hour trips (23 inbound, 13 outbound) under typical weekday traffic demand conditions.

The Project trip distribution was determined based on existing traffic counts and travel patterns, knowledge of the area, and engineering judgement. The Project trip distribution is shown in **Figure 2**.



Figure 2. Project Trip Distribution

The Project trip assignment is presented in **Figure 3**. The project trips were added to Existing volumes to obtain Existing Plus Project peak hour volumes, which are shown in **Figure 4**.

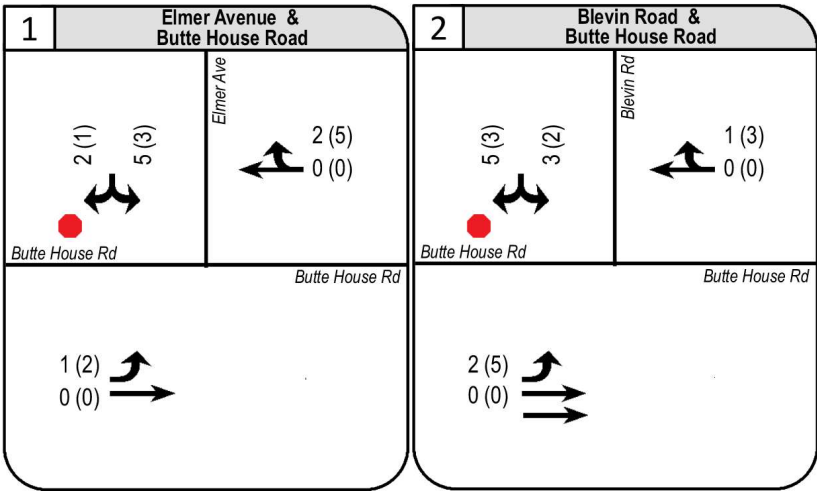


Figure 3. Project AM (PM) Peak Hour Trip Assignment and Lane Geometry

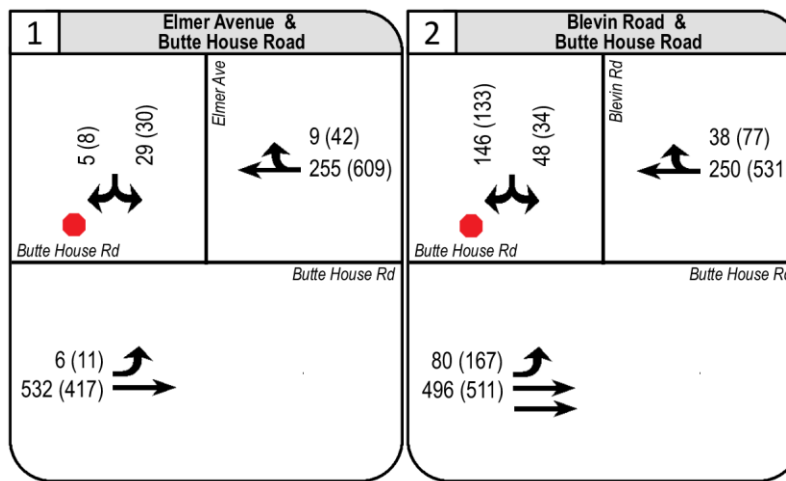


Figure 4. “Existing Plus Project” Weekday AM (PM) Peak Hour Intersection Volumes and Lane Geometry

INTERSECTION LOS RESULTS

Table 4 presents a summary of the intersection LOS operations under weekday AM and PM peak hour Existing and Existing Plus Project conditions.

Table 4. Intersection Operations

#	Intersection	Control Type	LOS Criteria	Peak Hour	Existing		Existing Plus Project	
					Delay (sec)	LOS	Delay (sec)	LOS
1	Elmer Avenue & Butte House Road	OWSC ¹	D	AM	17.1	C	17.2	C
				PM	22.1	C	22.6	C
2	Blevin Road & Butte House Road	OWSC ¹	D	AM	14.3	B	14.7	B
				PM	27.1	D	28.9	D

Notes:
¹ OWSC = One-Way Stop-Controlled

As shown in **Table 4**, all intersections operate at acceptable LOS (LOS “D” or better) under Existing and Existing Plus Project conditions. Synchro software HCM 6th Edition intersection LOS output reports are included in **Attachment D**.

ROADWAY CAPACITY ON ELMER AVENUE

The operations of Elmer Avenue north of Butte House Road were analyzed to determine if the relatively narrow cross-section of Elmer Avenue would affect capacity of the roadway once Project trips were added. The highest peak hour two-directional volume on Elmer Avenue was assumed to be 10% of the roadway’s average daily traffic (ADT). Based on the Project distribution, the Project would add 120 daily trips to the roadway. **Table 5** shows the Existing and Existing Plus Project operations of the roadway segment compared to the acceptable capacity of the three facility types shown in **Table 2**.

Table 5. Existing and Existing Plus Project Roadway Operations

Segment	LOS Criteria	Facility Type ¹	Max ADT for Acceptable LOS ¹	Existing ADT	Project ADT	Existing Plus Project ADT	LOS Acceptable?
Elmer Ave north of Butte House Rd	D	Rural - Two Lane	16,400	800	120	920	Yes
		Residential	3,000				
		Rural, 2-Lane Road, <24' of Pavement, <6' Shoulders	6,000				
<i>Notes:</i> ¹ See Table 2.							

A shown in **Table 7**, under Existing Plus Project conditions, Elmer Avenue is projected to operate at an acceptable LOS and is not expected to exceed capacity.

SIGNAL WARRANTS

A signal warrant analysis was performed for the two unsignalized study intersections based on California Manual on Uniform Traffic Control Devices (CA MUTCD) Peak Hour Signal Warrant #3. The intersection of Elmer Avenue with Butte House Road does not meet the peak hour signal warrant in the AM or PM peak hours. The intersection of Blevin Road with Butte House Road does not meet the peak hour signal warrant in the AM peak hour but does meet the signal warrant in the PM peak hour. However, it is not recommended to install a traffic signal at the intersection of Blevin Road with Butte House Road because it does not meet the signal warrant during both weekday peak hours, the intersection operates at acceptable LOS, and the intersection does not experience excessive queuing. The signal warrant worksheets are provided in **Attachment E**.

QUEUING ANALYSIS

95th percentile vehicle queuing was analyzed using Synchro software for all movements with turn pockets at which the Project would add trips. **Table 6** shows the available storage lengths and 95th percentile queues under all analysis scenarios. As shown in **Table 6**, all 95th percentile queues are expected to be accommodated by the existing available storage.

Table 6. Queuing Analysis Results

Intersection	Movement	Storage (ft) ¹	Control Type	Peak Hour	95 th Percentile Queue (ft)	
					Existing Conditions	Existing Plus Project Conditions
#1, Butte House Road & Elmer Avenue	EBL	80	OWSC ¹	AM	0	0
				PM	0	0
#2, Butte House Road & Blevin Road	EBL	210	OWSC ¹	AM	25	25
				PM	25	25
Notes: ¹ OWSC = One-Way Stop-Controlled						

CUMULATIVE CONDITIONS ANALYSES

The Elmer Avenue & Butte House Road intersection and the segment of Elmer Avenue north of Butte House Road have been analyzed under future year (2035) Cumulative and Cumulative Plus Project conditions. This Cumulative analysis is intended to quantify future operations on Elmer Road with construction of the planned Tuly Parkway extension to Butte House Road, as well as the proposed Project.

CUMULATIVE TRAFFIC VOLUMES

Cumulative volumes at the Elmer Avenue & Butte House Road intersection were developed using data from the Yuba City Travel Demand Model (TDM) 2020 Base Year and 2035 Market Scenario. The 2035 Market Scenario assumed the planned Tully Parkway extension was in place, as well as an extension of Elmer Avenue north to Pease Road. The model showed a slight decrease in volumes on Elmer Avenue in the 2035 Market Scenario due to re-routed traffic using the new roadway extensions. However, 2035 Market Scenario model volumes showed an increase in Butte House Road volumes over 2020 Base Year. Base Year and Market Scenario model volumes were used to process Existing conditions volumes via the Furness Method in order to obtain Cumulative Conditions volumes. Project trips were added to Cumulative condition volumes to get Cumulative Plus Project volumes. The model also showed a widening of Butte House Road to four lanes. Cumulative and Cumulative Plus Project peak hour volumes and lane geometry at Elmer Avenue & Butte House Road are shown in **Figures 5 and 6**, respectively.

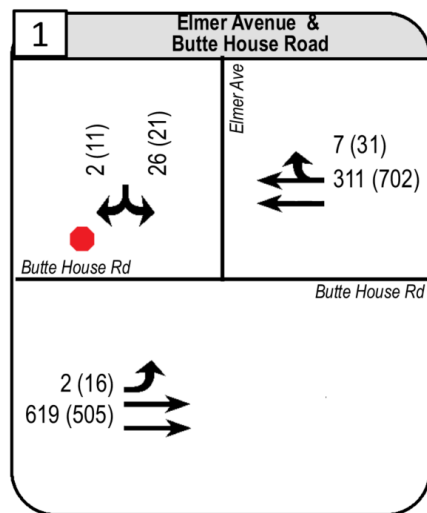


Figure 5. “Cumulative” Weekday AM (PM) Peak Hour Intersection Volumes and Lane Geometry

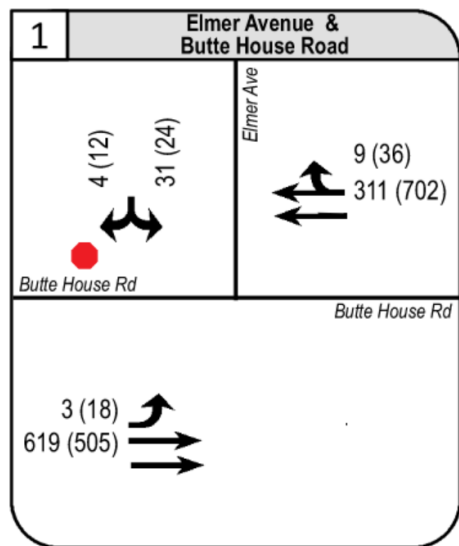


Figure 6. “Cumulative Plus Project” Weekday AM (PM) Peak Hour Intersection Volumes and Lane Geometry

Cumulative (2035) conditions roadway volumes on Elmer Avenue were determined by applying a yearly growth rate to Existing conditions ADT volumes on Elmer Avenue. The highest peak hour volumes on Elmer

Avenue were assumed to be 10% of the roadway's Existing ADT. A yearly growth rate of -0.11% was calculated based on the TDM 2020 Base Year daily volumes and 2035 Market Scenario daily volumes on Elmer Avenue.

INTERSECTION, ROADWAY SEGMENT, AND QUEUEING OPERATIONS

Table 7 presents a summary of the intersection LOS operations under weekday AM and PM peak hour Cumulative and Cumulative Plus Project conditions.

Table 7. Cumulative and Cumulative Plus Project Intersection Operations

#	Intersection	Control Type	LOS Criteria	Peak Hour	Cumulative		Cumulative Plus Project	
					Delay (sec)	LOS	Delay (sec)	LOS
1	Elmer Avenue & Butte House Road	OWSC ¹	D	AM	18.3	C	18.4	C
				PM	16.6	C	16.9	C
Notes: ¹ OWSC = One-Way Stop-Controlled								

As shown in **Table 7**, all intersections operate at acceptable LOS (LOS "D" or better) under Cumulative and Cumulative Plus Project conditions. Synchro software HCM 6th Edition intersection LOS output reports are included in **Attachment D**.

Operations for the segment of Elmer Avenue north of Butte House Road under Cumulative and Cumulative Plus Project conditions are shown in **Table 8**.

Table 8. Cumulative and Cumulative Plus Project Roadway Operations

Segment	Facility Type	LOS Criteria	Max ADT for Acceptable LOS ¹	Cumulative ADT	Project ADT	Cumulative Plus Project ADT	LOS Acceptable?
Elmer Avenue north of Butte House Road	Rural - Two Lane	D	16,400	784	120	904	Yes
<i>Notes:</i> ¹ See Table 2.							

As shown in **Table 8**, Elmer Avenue is projected to operate at acceptable LOS under Cumulative and Cumulative Plus Project conditions.

As shown in **Table 9**, all 95th percentile queues are expected to be accommodated by the existing available storage under Cumulative and Cumulative Plus Project conditions.

Table 9. Cumulative and Cumulative Plus Project Queuing Analysis Results

Intersection	Movement	Storage (ft) ¹	Control Type	Peak Hour	95 th Percentile Queue (ft)	
					Cumulative	Cumulative Plus Project
#1, Butte House Road & Elmer Avenue	EBL	80	OWSC ¹	AM	0	0
				PM	0	0
Notes: ¹ OWSC = One-Way Stop-Controlled						

In order to observe the effects on Elmer Avenue if the Tully Parkway extension was not built, a version of the 2035 Market Scenario TDM was run in which the Tully Parkway extension was not in place. Model outputs showed that volumes on Elmer Avenue were not significantly affected by the removal of the Tully Parkway extension. The 2035 Market Scenario assumes little to no land use growth in the vicinity of Elmer Avenue, which means without the planned roadway extensions, volumes on Elmer Avenue would remain similar to

existing counts. Therefore, traffic operations on Elmer Avenue were projected to remain acceptable without the Tuly Parkway extension in place.

PROJECT TRAFFIC ON TULY PARKWAY/BRADLEY ESTATES DRIVE

A separate future project proposes to extend Tuly Parkway south to Butte House Road. When this project is completed, traffic from the Thiara Estates Project would likely utilize the Tuly Parkway Extension. However, until the extension is in place, a portion of Project traffic traveling to SR-99 or Butte House Road would utilize Tuly Parkway and Bradley Estates Drive to reach Blevin Road. Therefore, traffic count data was collected at the intersection of Bradley Estates Drive with Blevin Road to evaluate the effect of Project traffic on Tuly Parkway and Bradley Estates Drive west of Blevin Road.

Based on the Project trip distribution, it is estimated that 68-percent of Project trips will utilize the Bradley Estates Drive and Blevin Road intersection for trips to/from the Project site. During the AM peak-hour, 19 trips are anticipated to be added to the west leg of the Bradley Estates Drive and Blevin Road intersection. During the PM peak-hour, 25 trips are anticipated to be added to the west leg of the intersection. The existing Plus Project traffic volumes on Bradley Estates Drive west of Blevin Road, increased to account for school being out of session, are as follows:

- AM Peak Hour: 28 vehicles + 19 Project trips = 47 total vehicles
- PM Peak Hour: 35 vehicles + 25 Project trips = 60 total vehicles

As the existing volumes on Tuly Parkway and Bradley Estates Drive were found to be relatively low, the addition of the Project trips is not expected to adversely affect Tuly Parkway and Bradley Estates Drive under current traffic conditions.

INTERNAL SITE CIRCULATION AND SITE ACCESS

INTERNAL CIRCULATION

Internal circulation within the Project site would occur on bi-directional local streets, as depicted in **Attachment B**. It is assumed that sidewalks would be constructed on internal site roadways and should connect to external existing sidewalks. Similarly, it is also assumed that curb ramps would be constructed at appropriate locations throughout the project site.

SITE ACCESS

The Project would gain access to the surrounding roadway network via two (2) Project roadway connections. One (1) Project roadway connection would be provided to Elmer Avenue and one (1) Project roadway connection would be provided to Tuly Parkway.

The new roadway connections on Elmer Avenue and Tuly Parkway are assumed to be full-access and side-street stop-controlled, similar to the intersections in the adjacent neighborhoods. Due to the low volumes generated by the Project site, the proposed site access is considered adequate.

Based on the site plan shown in **Attachment B**, it appears that emergency vehicles would have sufficient access throughout the project site, as well as multiple access points for the site. Thus, emergency access to the project is considered adequate.

SIGHT DISTANCE

A sight distance analysis was performed qualitatively at the two (2) Project roadway connections on Elmer Avenue and Tuly Parkway. Elmer Avenue and Tuly Parkway are low-speed facilities (35 miles per hour or less) and do not have significant horizontal or vertical curvature. The adjacent driveways and intersections to the Project roadway connections are anticipated to have low traffic volumes and are not anticipated to conflict with the Project roadway connections. It is recommended to maintain any vegetation in the vicinity of the Project roadway connections to preserve adequate sight distance.

TRANSIT, BICYCLES, AND PEDESTRIANS

The nearest bus stops to the Project site are located at the Butte House Road and Harter Parkway intersection and the Butte House Road & Tharp Road intersection. The bus stop at the Butte House Road and Harter Parkway intersection is located approximately one-mile from the site and serves Yuba-Sutter Transit Route 1 and Route 5. The bus stops at the Butte House Road & Tharp Road intersection are located approximately one-mile from the site and serves Yuba-Sutter Transit Route 1 and Route 5. The Project is not anticipated to affect existing transit facilities.

Existing striped bicycle lanes are present along Butte House Road and Tuly Parkway. No bicycle facilities are provided along Elmer Avenue or Blevin Road. Sidewalks are present along the southern edge of Butte House Road between Harter Parkway and Blevin Road. Existing curb ramps and striped crosswalks are present on the southern leg of the Blevin Road and Butte House Road intersection.

The Project proposes to construct a sidewalk along Tuly Parkway adjacent to the eastern Project frontage. Additionally, Project proposes to construct curb ramps on the proposed western leg of the intersection of Tuly Parkway with Bradley Estates Drive. The Project would provide adequate connectivity to existing bicycle and pedestrian facilities.

VEHICLES MILES TRAVELED ANALYSIS

Senate Bill 743 (SB 743), signed in 2013, required changes to California Environmental Quality Act (CEQA) guidelines on the measurement and identification of transportation impacts due to new projects in California. Revised CEQA Guidelines were adopted in 2018 which identified Vehicles Miles Traveled (VMT) as the most appropriate metric to evaluate transportation impacts. Statewide implementation of assessment of VMT as a metric of transportation impact occurred for all jurisdictions on July 1, 2020. The Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR Technical Advisory) (December 2018), contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.

As Yuba City has not currently adopted VMT significance criteria or guidelines, Project VMT impact has been analyzed using criteria outlined in the County of Sacramento Transportation Analysis Guidelines (September 10, 2020). The Transportation Analysis Guidelines were selected as they represent guidelines developed for a similar, neighboring jurisdiction, and therefore were considered reasonably applicable in Yuba City.

Per the Transportation Analysis Guidelines, an approved screening map was used to assess significant impacts to VMT. The approved screening map was developed by Sacramento Area Council of Governments (SACOG) and uses HEX geography. Residential VMT per capita per HEX is calculated by tallying all household VMTs, including VMT traveling outside the region, generated by the residents living at the HEX and divided by the total population in the HEX. Consistent with SACOG guidelines, the Project specific VMT threshold is defined as total household VMT per capita achieving 15-percent reduction compared to regional average.

The SACOG screening map indicated that one (1) HEX area covers the Project site. The HEX number for the Project site is CN-64. **Figure 7** shows a screenshot of the SACOG screening map with the approximate Project site location indicated. **Table 10** provides the regional Average Residential VMT per Capita and the Average Residential VMT per capita for the HEX, along with the percent change between the regional and HEX VMT per capita. As shown in **Table 10**, the HEX location associated with the Project achieves at least a 15-percent reduction in VMT per capita compared to regional average. Thus, the Project impacts on VMT are considered less than significant and no mitigation measures are recommended.

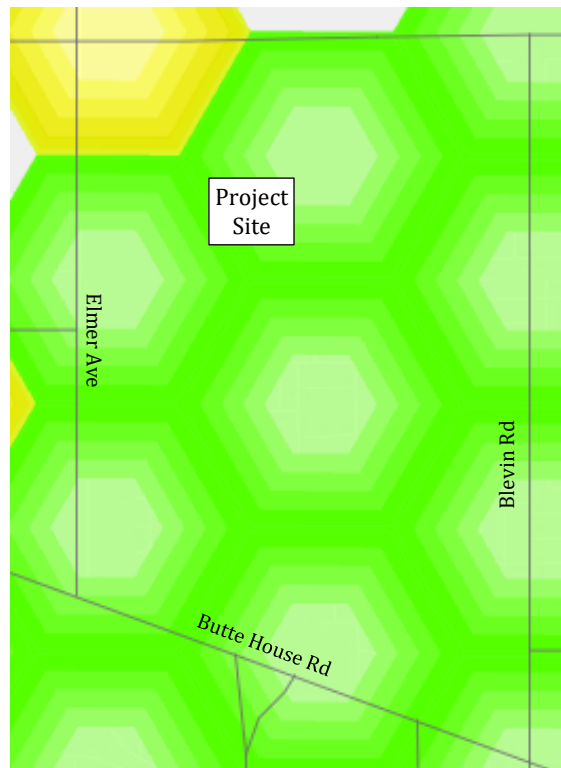


Figure 7. Excerpt of SACOG Residential Screening Map

Table 10. Project Area Average Residential VMT per Capita Comparison

Regional Average	HEX	
	CN-64	
VMT/Capita ¹	VMT/Capita ¹	Percent Change ²
20.82	15.95	-23.4%
Note: ¹ VMT/Capita represents Average Residential VMT per capita. ² Percent change represents percent change from regional average.		

CONCLUSION

The proposed Project is anticipated to generate a total of 374 daily primary trips, 28 AM peak hour primary trips (7 inbound, 21 outbound), and 36 PM peak hour primary trips (23 inbound, 13 outbound) under typical weekday traffic demand conditions.

Intersection LOS at all study intersections was projected to be acceptable (LOS “D” or better) under all study scenarios. Under Existing Plus Project conditions, the roadway segment of Elmer Avenue north of Butte House Road is projected to operate at an acceptable LOS and is not expected to exceed capacity. All 95th percentile queues are expected to be accommodated by the existing available storage. The intersection of Elmer Avenue with Butte House Road does not meet the peak hour signal warrant in the AM or PM peak hours. The intersection of Blevin Road with Butte House Road does not meet the peak hour signal warrant in the AM peak hour but does meet the signal warrant in the PM peak hour. However, it is not recommended to install a traffic signal at the intersection of Blevin Road with Butte House Road because it does not meet the signal warrant during both weekday peak hours, the intersection operates at acceptable LOS, and the intersection does not experience excessive queuing.

The Elmer Avenue & Butte House Road intersection and the segment of Elmer Avenue north of Butte House Road were analyzed under future year (2035) Cumulative and Cumulative Plus Project conditions in order to quantify future operations on Elmer Road with construction of the planned Tuly Parkway extension and the proposed Project.

The intersection of Elmer Avenue & Butte House Road and the segment of Elmer Avenue north Butte House Road of were projected to operate at acceptable LOS.

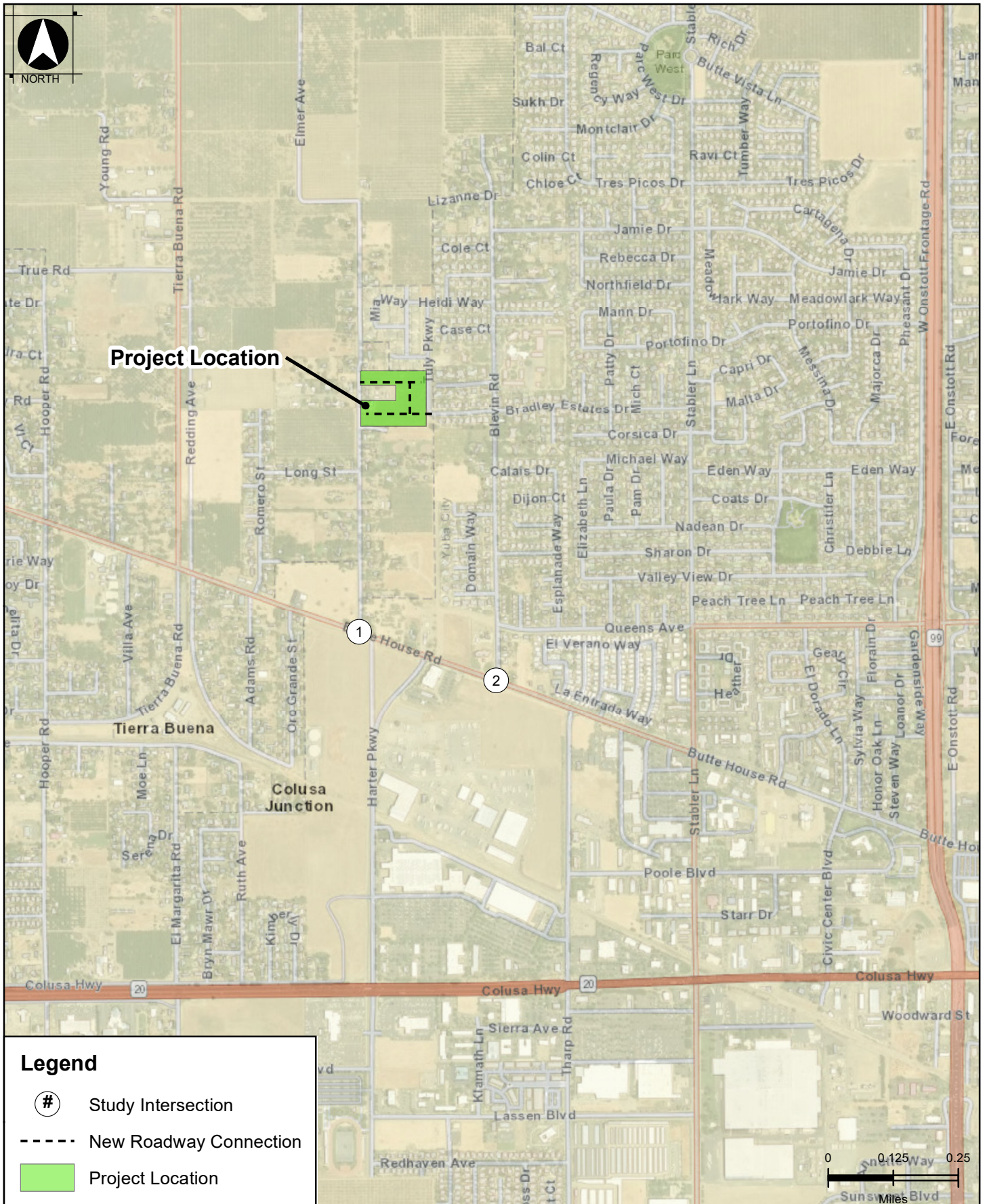
The addition of Project traffic is not anticipated to adversely affect the segment of Tuly Parkway/Bradley Estate Drive west of Blevin Road.

Based upon a review of the Project site, Project access, site internal circulation, and emergency access are considered adequate. It is recommended to maintain any vegetation in the vicinity of the Project roadway connections on Elmer Avenue and Tuly Parkway to preserve adequate sight distance.

The Yuba-Sutter Transit Route has bus stops located approximately one-mile from the Project site. The Project is not anticipated to affect existing transit facilities. The Project would provide adequate connectivity to existing bicycle and pedestrian facilities.

The SACOG screening map indicated that the HEX location associated with the Project achieves at least a 15-percent reduction in VMT per capita comparing to regional average. Thus, the Project impacts on VMT are considered less than significant and no mitigation measures are recommended.

ATTACHMENT A
PROJECT LOCATION AND STUDY FACILITIES



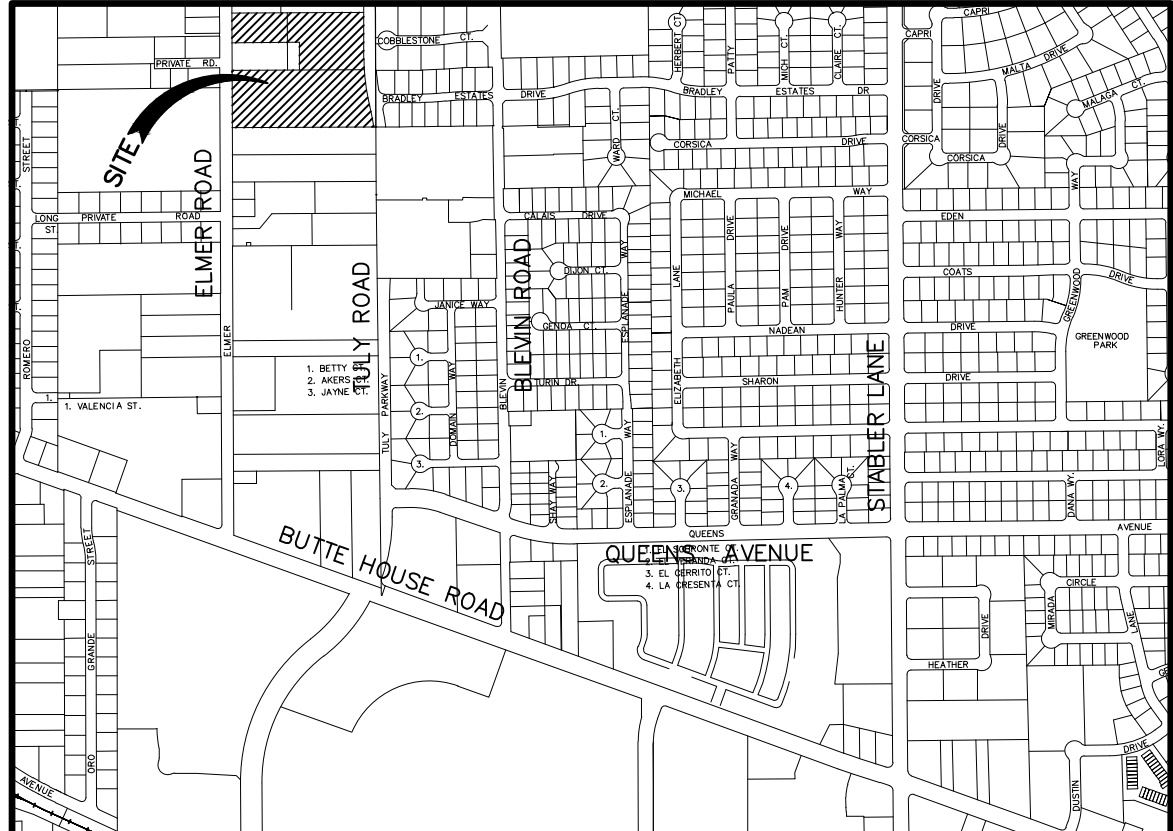
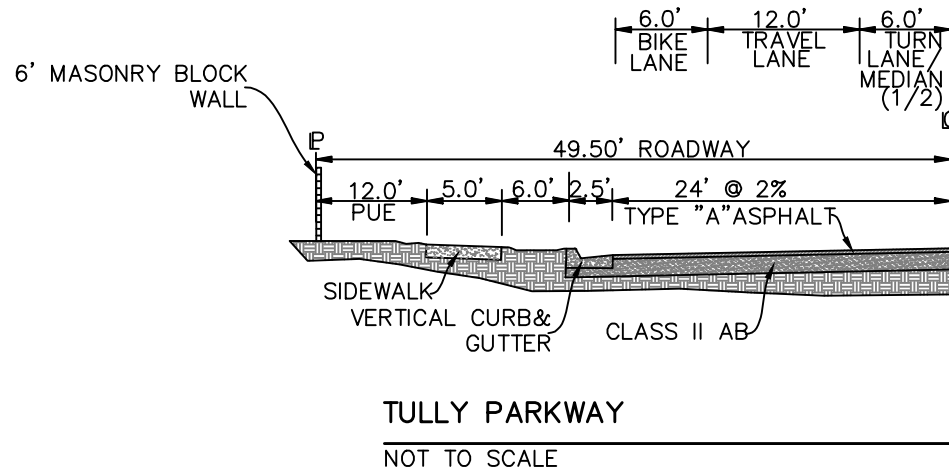
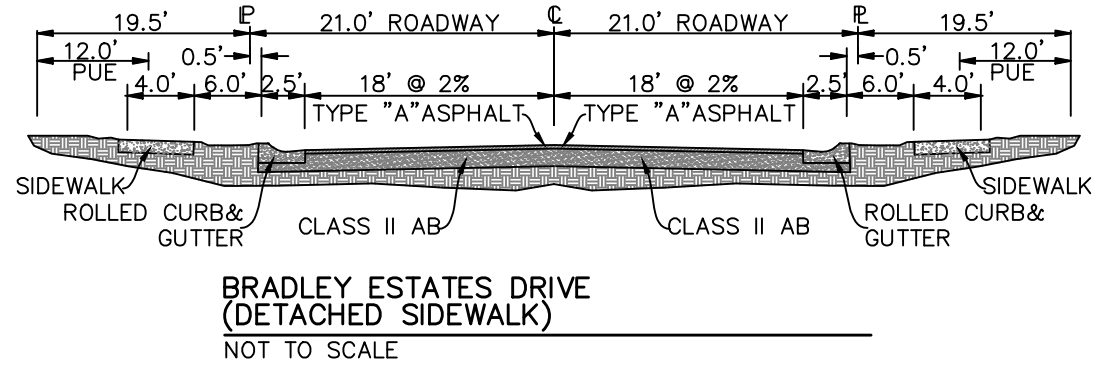
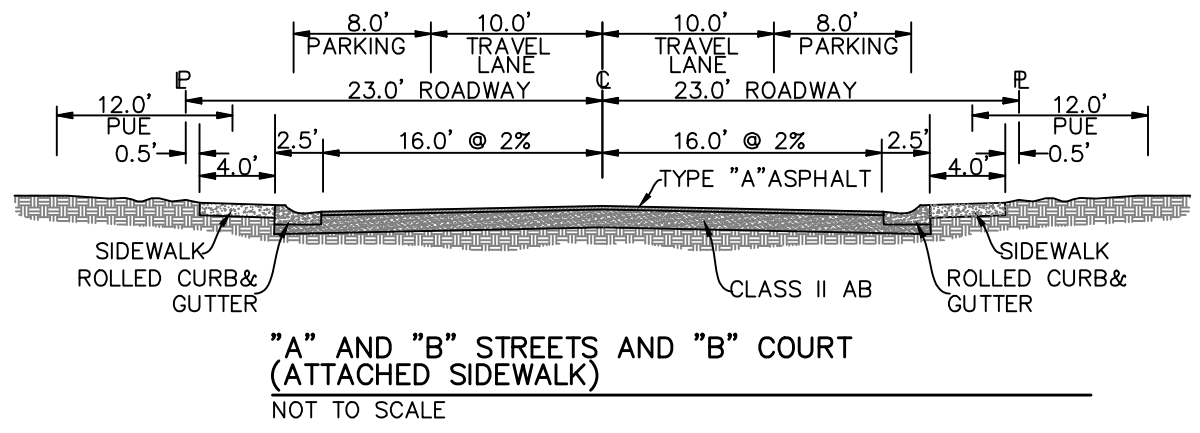
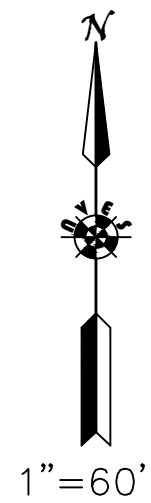
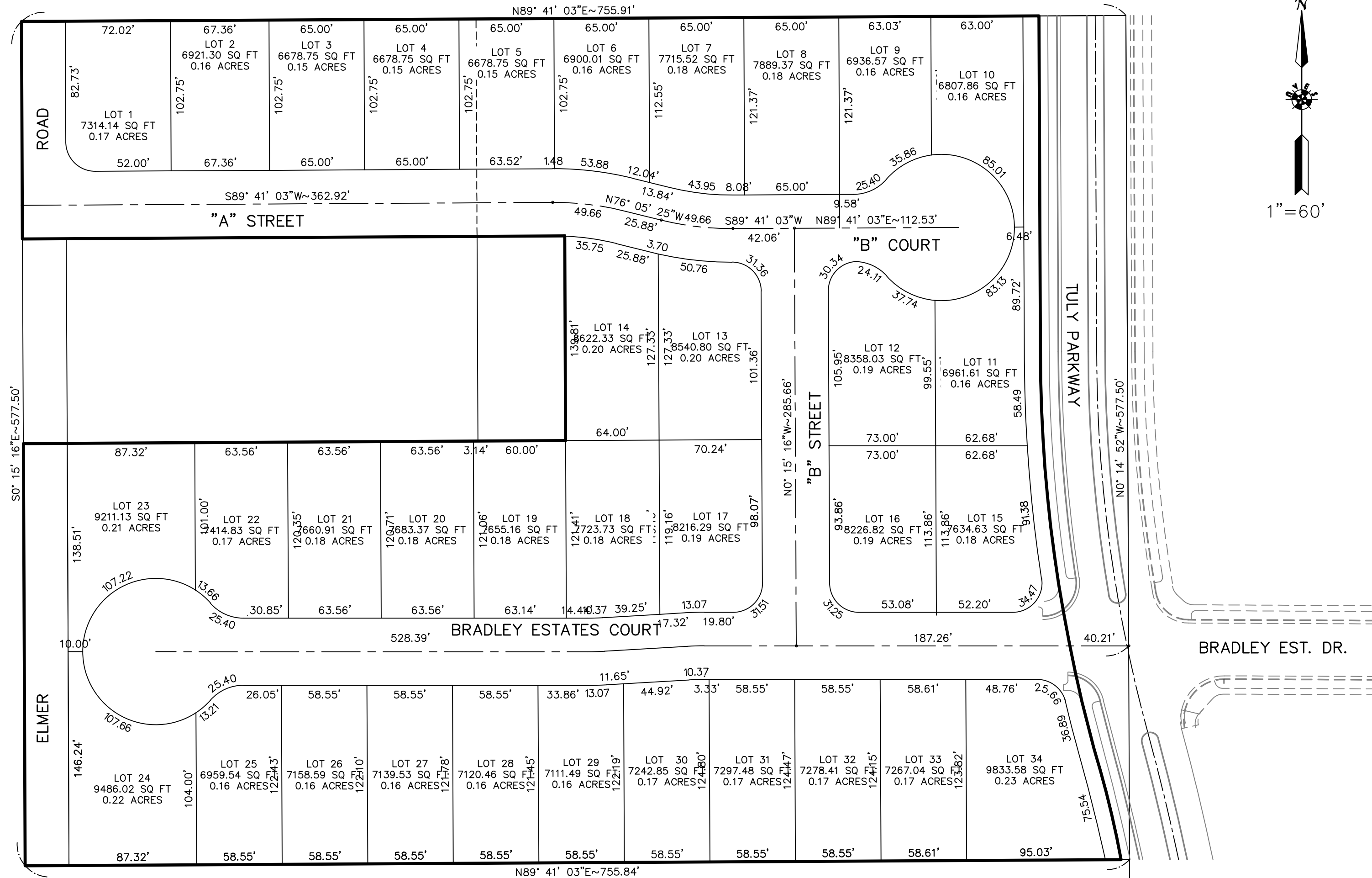
Project Location and Study Facilities
 Thiara Estates Traffic Operations Memorandum
 Yuba City, CA
 October 2022

Figure 1



WOOD RODGERS

ATTACHMENT B
PROJECT SITE PLAN



DRAFT
SUBJECT TO CHANGE THROUGH
CITY APPROVAL PROCESS

PROJECT NOTES:

OWNER:
SARBJIT THIARA JR.
2599 REED ROAD
YUBA CITY, CA 95993
(530) 682-5861

ASSESSOR'S PARCEL NUMBER:
APN: 17-066-021, 003 AND 005

AREA OF ALL PARCEL
8.19 GROSS ACRES +/-

EXISTING USE:
ORCHARD

PROPOSED USE
SINGLE FAMILY HOMES

EXISTING ZONING:
R-1

PROPOSED ZONING:
R-1

EXISTING GENERAL PLAN DESIGNATION:
LOW DENSITY RESIDENTIAL

PROPOSED GENERAL PLAN DESIGNATION:
LOW DENSITY RESIDENTIAL

WATER, SEWER
CITY OF YUBA CITY

STORM DRAINAGE
CITY OF YUBA CITY & SUTTER COUNTY

UNDERGROUND ALERT SERVICES:
1-800-642-2444

ELECTRIC & NATURAL GAS:
PACIFIC GAS AND ELECTRIC

COMMUNICATIONS
AT & T AND COMCAST

CABLE
COMCAST

VICINITY MAP
N.T.S.

TENTATIVE SUBDIVISION MAP
THIARA ESTATES

BEING A PORTION OF SECTION 8 T15N, R3E, M.D.B.&M.
YUBA CITY, CALIFORNIA
JANUARY 2022

PREPARED BY:
NVE
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

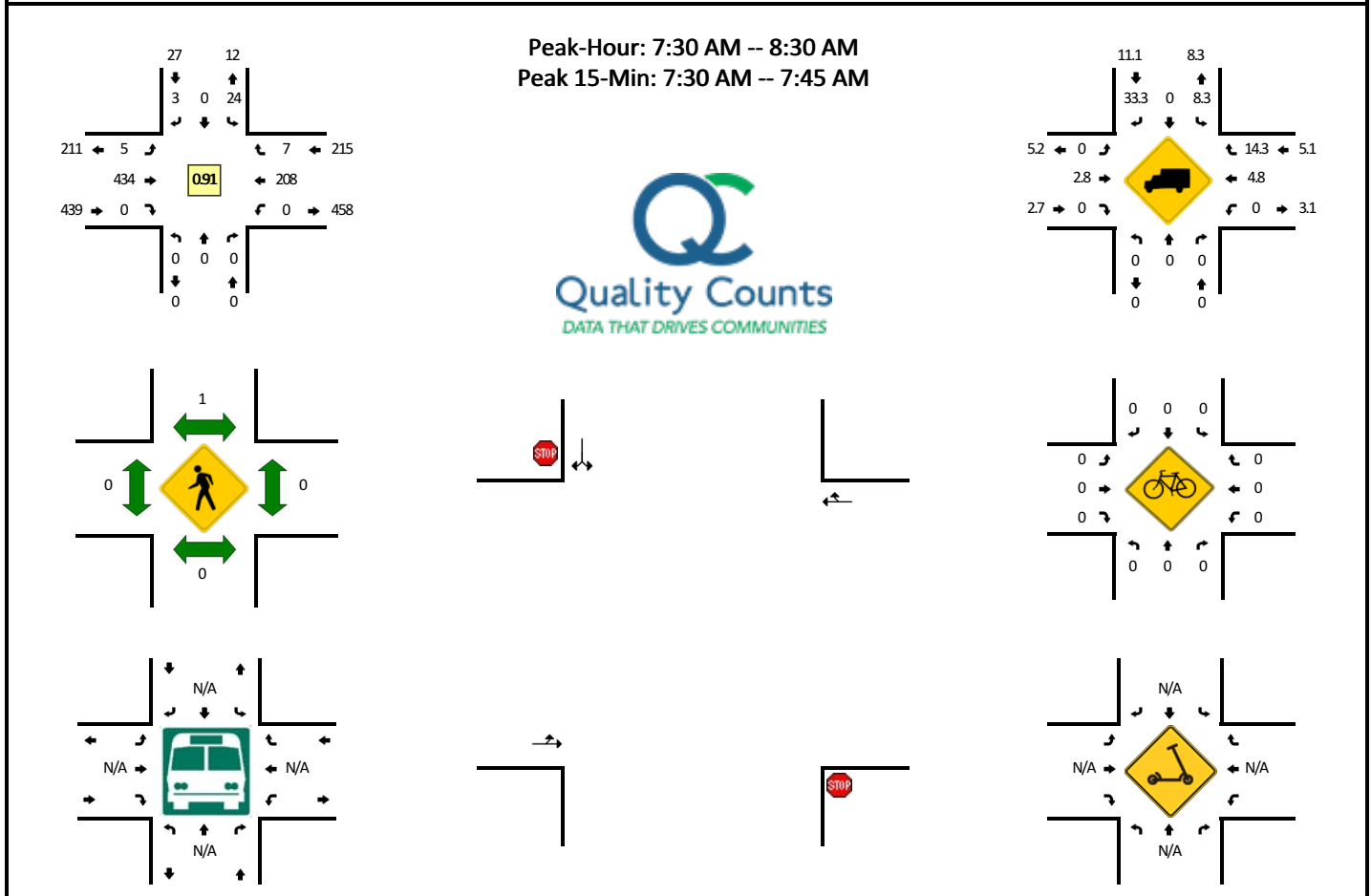
DEVELOPER:
SARBJIT THIARA JR.
2599 REED ROAD
YUBA CITY, CA 95993
(530) 682-5861

ENGINEER/SURVEYOR:
NORTH VALLEY ENGINEERING
AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CALIFORNIA 95993
(530) 713-0417

ATTACHMENT C
TRAFFIC COUNTS

LOCATION: Elmer Ave -- Butte House Rd
CITY/STATE: Yuba City, CA

QC JOB #: 15852801
DATE: Thu, Jun 9 2022

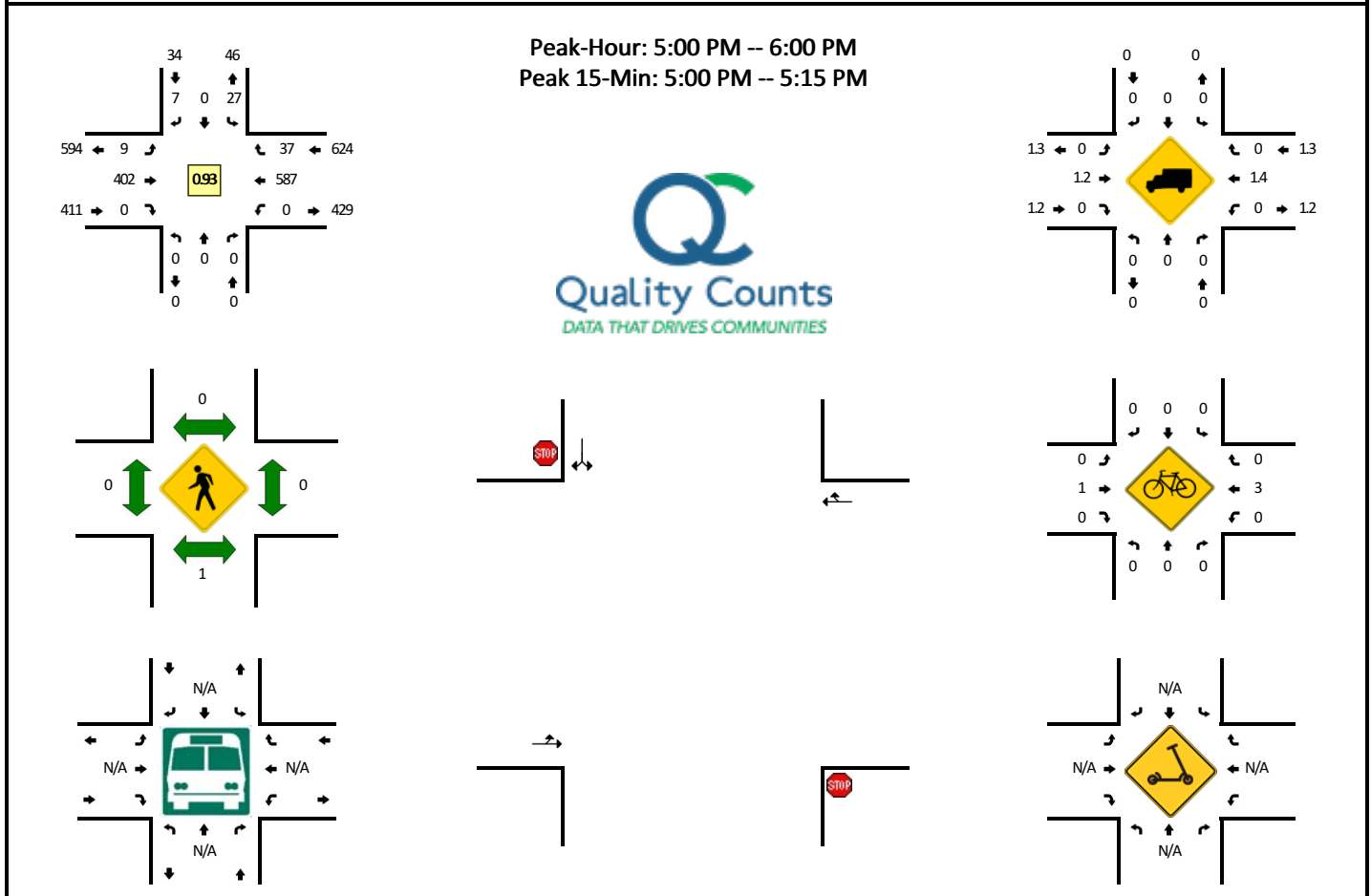


15-Min Count Period Beginning At	Elmer Ave (Northbound)				Elmer Ave (Southbound)				Butte House Rd (Eastbound)				Butte House Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	0	0	3	0	0	0	0	83	0	0	0	29	2	0	117	
7:15 AM	0	0	0	0	8	0	2	0	0	95	0	0	0	38	0	0	143	
7:30 AM	0	0	0	0	3	0	1	0	0	119	0	0	0	63	2	0	188	
7:45 AM	0	0	0	0	8	0	0	0	1	122	0	0	0	45	0	0	176	624
8:00 AM	0	0	0	0	6	0	0	0	2	94	0	0	0	46	0	0	148	655
8:15 AM	0	0	0	0	7	0	2	0	2	99	0	0	0	54	5	0	169	681
8:30 AM	0	0	0	0	4	0	2	0	0	95	0	0	0	52	3	0	156	649
8:45 AM	0	0	0	0	4	0	0	0	0	92	0	0	0	47	2	0	145	618
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	12	0	4	0	0	476	0	0	0	252	8	0	752	
Heavy Trucks	0	0	0	0	4	0	0	0	0	12	0	0	0	12	4	0	32	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

Comments:

LOCATION: Elmer Ave -- Butte House Rd
CITY/STATE: Yuba City, CA

QC JOB #: 15852802
DATE: Thu, Jun 9 2022



15-Min Count Period Beginning At	Elmer Ave (Northbound)				Elmer Ave (Southbound)				Butte House Rd (Eastbound)				Butte House Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	6	0	0	0	2	101	0	0	0	122	4	0	235	
4:15 PM	0	0	0	0	9	0	3	0	5	82	0	0	0	151	7	0	257	
4:30 PM	0	0	0	0	5	0	0	0	2	106	0	0	0	140	7	0	260	
4:45 PM	0	0	0	0	7	0	1	0	2	88	0	0	0	124	9	0	231	983
5:00 PM	0	0	0	0	7	0	1	0	1	99	0	0	0	168	10	0	286	1034
5:15 PM	0	0	0	0	5	0	4	0	5	123	0	0	0	137	11	0	285	1062
5:30 PM	0	0	0	0	4	0	2	0	3	94	0	0	0	149	9	0	261	1063
5:45 PM	0	0	0	0	11	0	0	0	0	86	0	0	0	133	7	0	237	1069
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	28	0	4	0	4	396	0	0	0	672	40	0	1144	
Heavy Trucks	0	0	0	0	0	0	0	0	0	12	0	0	0	8	0	0	20	
Buses																		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	4	
Scoters																		

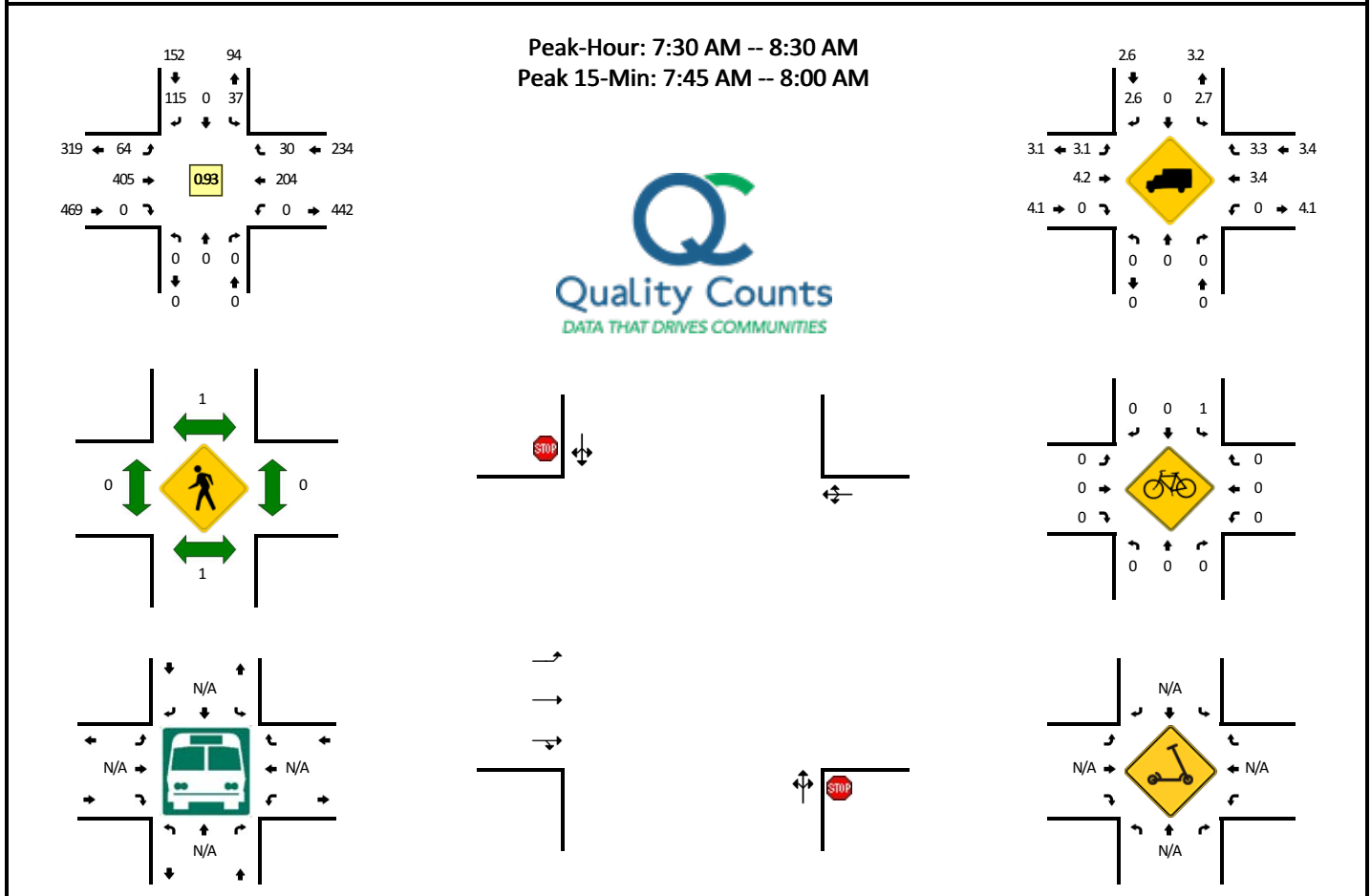
Comments:

Report generated on 6/16/2022 1:33 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Belvin Rd -- Butte House Rd
CITY/STATE: Yuba City, CA

QC JOB #: 15852803
DATE: Thu, Jun 9 2022

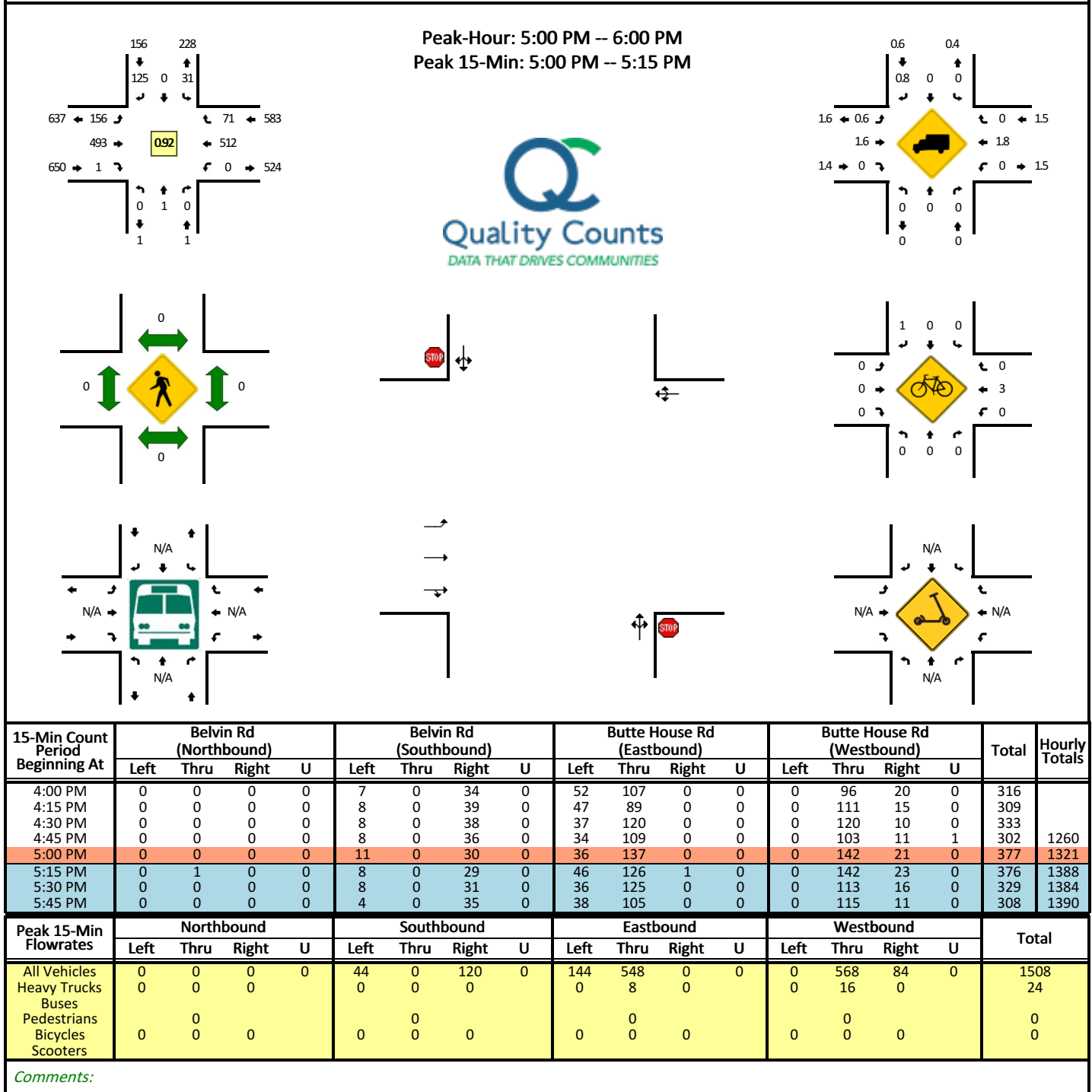


15-Min Count Period Beginning At	Belvin Rd (Northbound)				Belvin Rd (Southbound)				Butte House Rd (Eastbound)				Butte House Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	0	0	4	0	18	0	14	60	0	0	0	23	4	0	123	
7:15 AM	0	0	0	0	3	0	16	0	10	81	0	0	0	40	12	0	162	
7:30 AM	0	0	0	0	9	0	31	0	15	105	0	0	0	48	8	0	216	
7:45 AM	0	0	0	0	11	0	22	0	19	121	0	0	0	51	6	0	230	731
8:00 AM	0	0	0	0	9	0	22	0	16	78	0	0	0	47	11	0	183	791
8:15 AM	0	0	0	0	8	0	40	0	14	101	0	0	0	58	5	0	226	855
8:30 AM	0	0	0	0	11	0	18	0	21	94	0	0	0	51	10	0	205	844
8:45 AM	0	0	0	0	11	0	32	0	21	89	0	0	0	55	7	0	215	829
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	44	0	88	0	76	484	0	0	0	204	24	0	920	
Heavy Trucks	0	0	0	0	0	0	0	0	0	8	0	0	0	4	0	0	12	
Buses																		
Pedestrians		4				0				0				0			4	
Bicycles	0	0	0		4	0	0		0	0	0		0	0	0		4	
Scoters																		

Comments:

LOCATION: Belvin Rd -- Butte House Rd
CITY/STATE: Yuba City, CA

QC JOB #: 15852804
DATE: Thu, Jun 9 2022



Mainline VDS 3415061 - 99SB JSO Butte House/Mainline VDS 3415064 - 99NB JSO Butte House
May 2022 - AM Peak

Hour	Lane 1 Flow (Veh/Hour)	Lane 2 Flow (Veh/Hour)	Flow (Veh/Hour)	# Lane Points	% Observed
6:00:00 AM	243	235	478	24	100
7:00:00 AM	249	367	616	24	100
8:00:00 AM	263	369	632	24	100
6:00:00 AM	221	227	448	24	100
7:00:00 AM	304	399	703	24	100
8:00:00 AM	265	381	646	24	100
6:00:00 AM	228	239	467	24	100
7:00:00 AM	295	342	637	24	100
8:00:00 AM	282	395	677	24	100
6:00:00 AM	240	235	475	24	100
7:00:00 AM	313	354	667	24	100
8:00:00 AM	306	371	677	24	100
6:00:00 AM	213	224	437	24	100
7:00:00 AM	252	345	597	24	100
8:00:00 AM	250	342	592	24	100
6:00:00 AM	345	326	671	24	100
7:00:00 AM	430	409	839	24	100
8:00:00 AM	401	364	765	24	100
6:00:00 AM	370	318	688	24	100
7:00:00 AM	489	382	871	24	100
8:00:00 AM	380	384	764	24	100
6:00:00 AM	384	329	713	24	100
7:00:00 AM	441	397	838	24	100
8:00:00 AM	412	382	794	24	100
6:00:00 AM	397	350	747	24	100
7:00:00 AM	416	422	838	24	100
8:00:00 AM	437	401	838	24	100
6:00:00 AM	351	320	671	24	100
7:00:00 AM	464	426	890	24	100
8:00:00 AM	430	405	835	24	100

Mainline VDS 3415061 - 99SB JSO Butte House/Mainline VDS 3415064 - 99NB JSO Butte House
June 2022 - AM Peak

Hour	Lane 1 Flow (Veh/Hour)	Lane 2 Flow (Veh/Hour)	Flow (Veh/Hour)	# Lane Points	% Observed	
6:00:00 AM	218	219	437	24	0	
7:00:00 AM	267	342	609	24	0	
8:00:00 AM	242	329	571	24	0	
6:00:00 AM	186	227	413	24	100	
7:00:00 AM	249	288	537	24	100	
8:00:00 AM	254	303	557	24	100	
6:00:00 AM	209	235	444	24	100	
7:00:00 AM	234	268	502	24	100	
8:00:00 AM	213	285	498	24	100	
6:00:00 AM	226	243	469	24	100	
7:00:00 AM	244	277	521	24	100	
8:00:00 AM	219	279	498	24	100	
6:00:00 AM	195	218	413	24	100	
7:00:00 AM	221	242	463	24	100	
8:00:00 AM	191	265	456	24	100	
6:00:00 AM	293	283	576	24	0	
7:00:00 AM	409	421	830	24	0	
8:00:00 AM	342	367	709	24	0	
6:00:00 AM	273	309	582	24	100	
7:00:00 AM	298	354	652	24	100	
8:00:00 AM	335	368	703	24	100	
6:00:00 AM	286	289	575	24	100	
7:00:00 AM	338	380	718	24	100	
8:00:00 AM	324	371	695	24	100	
6:00:00 AM	277	293	570	24	100	
7:00:00 AM	295	338	633	24	100	
8:00:00 AM	330	341	671	24	100	
6:00:00 AM	261	282	543	24	100	
7:00:00 AM	304	346	650	24	100	
8:00:00 AM	293	346	639	24	100	

Mainline VDS 3415061 - 99SB JSO Butte House/Mainline VDS 3415064 - 99NB JSO Butte House
May 2022 - PM Peak

Hour	Lane 1 Flow (Veh/Hour)	Lane 2 Flow (Veh/Hour)	Flow (Veh/Hour)	# Lane Points	% Observed
3:00:00 PM	375	492	867	24	100
4:00:00 PM	375	538	913	24	100
5:00:00 PM	433	555	988	24	100
3:00:00 PM	373	489	862	24	100
4:00:00 PM	443	533	976	24	100
5:00:00 PM	408	536	944	24	100
3:00:00 PM	365	490	855	24	100
4:00:00 PM	441	532	973	24	100
5:00:00 PM	417	555	972	24	100
3:00:00 PM	386	521	907	24	100
4:00:00 PM	467	561	1028	24	100
5:00:00 PM	391	562	953	24	100
3:00:00 PM	439	556	995	24	100
4:00:00 PM	435	587	1022	24	100
5:00:00 PM	459	594	1053	24	100
3:00:00 PM	375	492	867	24	100
4:00:00 PM	375	538	913	24	100
5:00:00 PM	433	555	988	24	100
3:00:00 PM	373	489	862	24	100
4:00:00 PM	443	533	976	24	100
5:00:00 PM	408	536	944	24	100
3:00:00 PM	365	490	855	24	100
4:00:00 PM	441	532	973	24	100
5:00:00 PM	417	555	972	24	100
3:00:00 PM	386	521	907	24	100
4:00:00 PM	467	561	1028	24	100
5:00:00 PM	391	562	953	24	100
3:00:00 PM	439	556	995	24	100
4:00:00 PM	435	587	1022	24	100
5:00:00 PM	459	594	1053	24	100

Mainline VDS 3415061 - 99SB JSO Butte House/Mainline VDS 3415064 - 99NB JSO Butte House
June 2022 - PM Peak

Hour	Lane 1 Flow (Veh/Hour)	Lane 2 Flow (Veh/Hour)	Flow (Veh/Hour)	# Lane Points	% Observed
3:00:00 PM	358	516	874	24	100
4:00:00 PM	405	498	903	24	100
5:00:00 PM	390	527	917	24	100
3:00:00 PM	370	497	867	24	100
4:00:00 PM	420	545	965	24	100
5:00:00 PM	398	535	933	24	100
3:00:00 PM	361	497	858	24	100
4:00:00 PM	403	556	959	24	100
5:00:00 PM	404	533	937	24	100
3:00:00 PM	367	505	872	24	100
4:00:00 PM	377	520	897	24	100
5:00:00 PM	387	542	929	24	100
3:00:00 PM	436	510	946	24	100
4:00:00 PM	434	554	988	24	100
5:00:00 PM	400	551	951	24	100
3:00:00 PM	358	516	874	24	100
4:00:00 PM	405	498	903	24	100
5:00:00 PM	390	527	917	24	100
3:00:00 PM	370	497	867	24	100
4:00:00 PM	420	545	965	24	100
5:00:00 PM	398	535	933	24	100
3:00:00 PM	361	497	858	24	100
4:00:00 PM	403	556	959	24	100
5:00:00 PM	404	533	937	24	100
3:00:00 PM	367	505	872	24	100
4:00:00 PM	377	520	897	24	100
5:00:00 PM	387	542	929	24	100
3:00:00 PM	436	510	946	24	100
4:00:00 PM	434	554	988	24	100
5:00:00 PM	400	551	951	24	100

ATTACHMENT D
SYNCHRO OUTPUT REPORTS

1: Butte House Rd & Elmer Ave
Existing (2022) AM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	0.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	5	532	255	7	24	3
Future Vol, veh/h	5	532	255	7	24	3
Conflicting Peds, #/hr	0	0	0	1	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	91	91	91	91	91	91
Heavy Vehicles, %	0	3	5	14	8	33
Mvmt Flow	5	585	280	8	26	3

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	289	0	0	880	285
Stage 1	-	-	-	285	-
Stage 2	-	-	-	595	-
Critical Hdwy	4.1	-	-	6.48	6.53
Critical Hdwy Stg 1	-	-	-	5.48	-
Critical Hdwy Stg 2	-	-	-	5.48	-
Follow-up Hdwy	2.2	-	-	3.572	3.597
Pot Cap-1 Maneuver	1284	-	-	310	686
Stage 1	-	-	-	750	-
Stage 2	-	-	-	539	-
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	1283	-	-	308	685
Mov Cap-2 Maneuver	-	-	-	308	-
Stage 1	-	-	-	746	-
Stage 2	-	-	-	538	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	17.1
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1283	-	-	-	328
HCM Lane V/C Ratio	0.004	-	-	-	0.09
HCM Control Delay (s)	7.8	-	-	-	17.1
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.3

2: Butte House Rd & Blevin Rd
Existing (2022) AM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	3.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	78	496	250	37	45	141
Future Vol, veh/h	78	496	250	37	45	141
Conflicting Peds, #/hr	0	0	0	1	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	210	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	93	93	93	93	93	93
Heavy Vehicles, %	3	4	3	3	3	3
Mvmt Flow	84	533	269	40	48	152
Major/Minor	Major1	Major2	Minor2			
Conflicting Flow All	310	0	-	0	725	290
Stage 1	-	-	-	-	290	-
Stage 2	-	-	-	-	435	-
Critical Hdwy	4.145	-	-	-	6.645	6.245
Critical Hdwy Stg 1	-	-	-	-	5.445	-
Critical Hdwy Stg 2	-	-	-	-	5.845	-
Follow-up Hdwy	2.2285	-	-	-	3.5285	3.3285
Pot Cap-1 Maneuver	1242	-	-	-	374	746
Stage 1	-	-	-	-	756	-
Stage 2	-	-	-	-	618	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1241	-	-	-	348	745
Mov Cap-2 Maneuver	-	-	-	-	348	-
Stage 1	-	-	-	-	704	-
Stage 2	-	-	-	-	617	-
Approach	EB	WB		SB		
HCM Control Delay, s	1.1	0		14.3		
HCM LOS				B		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	1241	-	-	-	584	
HCM Lane V/C Ratio	0.068	-	-	-	0.342	
HCM Control Delay (s)	8.1	-	-	-	14.3	
HCM Lane LOS	A	-	-	-	B	
HCM 95th %tile Q(veh)	0.2	-	-	-	1.5	

1: Butte House Rd & Elmer Ave
Existing (2022) PM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	9	417	609	37	27	7
Future Vol, veh/h	9	417	609	37	27	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	93	93	93	93	93	93
Heavy Vehicles, %	0	1	1	0	0	0
Mvmt Flow	10	448	655	40	29	8

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	695	0	0	1143	675
Stage 1	-	-	-	675	-
Stage 2	-	-	-	468	-
Critical Hdwy	4.1	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	3.5	3.3
Pot Cap-1 Maneuver	910	-	-	223	457
Stage 1	-	-	-	510	-
Stage 2	-	-	-	634	-
Platoon blocked, %	-	-	-		
Mov Cap-1 Maneuver	910	-	-	221	457
Mov Cap-2 Maneuver	-	-	-	221	-
Stage 1	-	-	-	504	-
Stage 2	-	-	-	634	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	22.1
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	910	-	-	-	247
HCM Lane V/C Ratio	0.011	-	-	-	0.148
HCM Control Delay (s)	9	-	-	-	22.1
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.5

2: Butte House Rd & Blevin Rd
Existing (2022) PM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	4.1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	162	511	531	74	32	130
Future Vol, veh/h	162	511	531	74	32	130
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	210	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	1	2	2	0	0	1
Mvmt Flow	176	555	577	80	35	141
Major/Minor	Major1	Major2	Minor2			
Conflicting Flow All	657	0	-	0	1247	617
Stage 1	-	-	-	-	617	-
Stage 2	-	-	-	-	630	-
Critical Hdwy	4.115	-	-	-	6.6	6.215
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2095	-	-	-	3.53	3.095
Pot Cap-1 Maneuver	934	-	-	-	180	491
Stage 1	-	-	-	-	542	-
Stage 2	-	-	-	-	498	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	934	-	-	-	146	491
Mov Cap-2 Maneuver	-	-	-	-	146	-
Stage 1	-	-	-	-	440	-
Stage 2	-	-	-	-	498	-
Approach	EB	WB		SB		
HCM Control Delay, s	2.3	0		27.1		
HCM LOS				D		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	934	-	-	-	335	
HCM Lane V/C Ratio	0.189	-	-	-	0.526	
HCM Control Delay (s)	9.7	-	-	-	27.1	
HCM Lane LOS	A	-	-	-	D	
HCM 95th %tile Q(veh)	0.7	-	-	-	2.9	

1: Butte House Rd & Elmer Ave
Existing (2022) Plus Project AM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	6	532	255	9	29	5
Future Vol, veh/h	6	532	255	9	29	5
Conflicting Peds, #/hr	0	0	0	1	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	91	91	91	91	91	91
Heavy Vehicles, %	0	3	5	14	8	33
Mvmt Flow	7	585	280	10	32	5
Major/Minor	Major1	Major2	Minor2			
Conflicting Flow All	291	0	-	0	885	286
Stage 1	-	-	-	-	286	-
Stage 2	-	-	-	-	599	-
Critical Hdwy	4.1	-	-	-	6.48	6.53
Critical Hdwy Stg 1	-	-	-	-	5.48	-
Critical Hdwy Stg 2	-	-	-	-	5.48	-
Follow-up Hdwy	2.2	-	-	-	3.572	3.597
Pot Cap-1 Maneuver	1282	-	-	-	308	685
Stage 1	-	-	-	-	749	-
Stage 2	-	-	-	-	537	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1281	-	-	-	306	684
Mov Cap-2 Maneuver	-	-	-	-	306	-
Stage 1	-	-	-	-	745	-
Stage 2	-	-	-	-	536	-
Approach	EB	WB		SB		
HCM Control Delay, s	0.1	0		17.2		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	1281	-	-	-	333	
HCM Lane V/C Ratio	0.005	-	-	-	0.112	
HCM Control Delay (s)	7.8	-	-	-	17.2	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.4	

2: Butte House Rd & Blevin Rd
Existing (2022) Plus Project AM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	3.3					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	80	496	250	38	48	146
Future Vol, veh/h	80	496	250	38	48	146
Conflicting Peds, #/hr	0	0	0	1	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	210	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	93	93	93	93	93	93
Heavy Vehicles, %	3	4	3	3	3	3
Mvmt Flow	86	533	269	41	52	157
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	311	0	-	0	730	291
Stage 1	-	-	-	-	291	-
Stage 2	-	-	-	-	439	-
Critical Hdwy	4.145	-	-	-	6.645	6.245
Critical Hdwy Stg 1	-	-	-	-	5.445	-
Critical Hdwy Stg 2	-	-	-	-	5.845	-
Follow-up Hdwy	2.2285	-	-	-	3.5285	3.3285
Pot Cap-1 Maneuver	1241	-	-	-	371	745
Stage 1	-	-	-	-	755	-
Stage 2	-	-	-	-	616	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1240	-	-	-	345	744
Mov Cap-2 Maneuver	-	-	-	-	345	-
Stage 1	-	-	-	-	702	-
Stage 2	-	-	-	-	615	-
Approach	EB	WB		SB		
HCM Control Delay, s	1.1	0		14.7		
HCM LOS	B					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	1240	-	-	-	578	
HCM Lane V/C Ratio	0.069	-	-	-	0.361	
HCM Control Delay (s)	8.1	-	-	-	14.7	
HCM Lane LOS	A	-	-	-	B	
HCM 95th %tile Q(veh)	0.2	-	-	-	1.6	

1: Butte House Rd & Elmer Ave
Existing (2022) Plus Project PM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	11	417	609	42	30	8
Future Vol, veh/h	11	417	609	42	30	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	93	93	93	93	93	93
Heavy Vehicles, %	0	1	1	0	0	0
Mvmt Flow	12	448	655	45	32	9
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	700	0	-	0	1150	678
Stage 1	-	-	-	-	678	-
Stage 2	-	-	-	-	472	-
Critical Hdwy	4.1	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	906	-	-	-	221	456
Stage 1	-	-	-	-	508	-
Stage 2	-	-	-	-	632	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	906	-	-	-	218	456
Mov Cap-2 Maneuver	-	-	-	-	218	-
Stage 1	-	-	-	-	501	-
Stage 2	-	-	-	-	632	-
Approach	EB	WB		SB		
HCM Control Delay, s	0.2	0		22.6		
HCM LOS	C					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	906	-	-	-	245	
HCM Lane V/C Ratio	0.013	-	-	-	0.167	
HCM Control Delay (s)	9	-	-	-	22.6	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.6	

2: Butte House Rd & Blevin Rd
Existing (2022) Plus Project PM Peak-Hour

HCM 6th TWSC

Intersection						
Int Delay, s/veh	4.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	167	511	531	77	34	133
Future Vol, veh/h	167	511	531	77	34	133
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	210	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	1	2	2	0	0	1
Mvmt Flow	182	555	577	84	37	145
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	661	0	-	0	1261	619
Stage 1	-	-	-	-	619	-
Stage 2	-	-	-	-	642	-
Critical Hdwy	4.115	-	-	-	6.6	6.215
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2095	-	-	-	3.53	3.095
Pot Cap-1 Maneuver	931	-	-	-	177	490
Stage 1	-	-	-	-	541	-
Stage 2	-	-	-	-	492	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	931	-	-	-	142	490
Mov Cap-2 Maneuver	-	-	-	-	142	-
Stage 1	-	-	-	-	436	-
Stage 2	-	-	-	-	492	-
Approach	EB	WB		SB		
HCM Control Delay, s	2.4	0		28.9		
HCM LOS	D					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	931	-	-	-	327	
HCM Lane V/C Ratio	0.195	-	-	-	0.555	
HCM Control Delay (s)	9.8	-	-	-	28.9	
HCM Lane LOS	A	-	-	-	D	
HCM 95th %tile Q(veh)	0.7	-	-	-	3.2	

Thiara Estates Traffic Operations Memorandum

1: Butte House Rd & Elmer Ave

Cumulative AM Peak-Hour

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	311	619	0	26	2
Future Vol, veh/h	0	311	619	0	26	2
Conflicting Peds, #/hr	0	0	0	1	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	3	5	14	8	33
Mvmt Flow	0	338	673	0	28	2

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	674	0	0	843	338
Stage 1	-	-	-	674	-
Stage 2	-	-	-	169	-
Critical Hdwy	4.1	-	-	6.96	7.56
Critical Hdwy Stg 1	-	-	-	5.96	-
Critical Hdwy Stg 2	-	-	-	5.96	-
Follow-up Hdwy	2.2	-	-	3.58	3.63
Pot Cap-1 Maneuver	927	-	-	291	575
Stage 1	-	-	-	452	-
Stage 2	-	-	-	826	-
Platoon blocked, %	-	-	-		
Mov Cap-1 Maneuver	926	-	-	290	574
Mov Cap-2 Maneuver	-	-	-	290	-
Stage 1	-	-	-	452	-
Stage 2	-	-	-	825	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	18.3
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	926	-	-	-	301
HCM Lane V/C Ratio	-	-	-	-	0.101
HCM Control Delay (s)	0	-	-	-	18.3
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.3

Thiara Estates Traffic Operations Memorandum
1: Butte House Rd & Elmer Ave

Cumulative PM Peak-Hour

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	702	505	0	21	11
Future Vol, veh/h	0	702	505	0	21	11
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	1	1	0	0	0
Mvmt Flow	0	763	549	0	23	12

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	549	0	0	931	275
Stage 1	-	-	-	549	-
Stage 2	-	-	-	382	-
Critical Hdwy	4.1	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	3.5	3.3
Pot Cap-1 Maneuver	1031	-	-	269	729
Stage 1	-	-	-	548	-
Stage 2	-	-	-	665	-
Platoon blocked, %	-	-	-		
Mov Cap-1 Maneuver	1031	-	-	269	729
Mov Cap-2 Maneuver	-	-	-	269	-
Stage 1	-	-	-	548	-
Stage 2	-	-	-	665	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	16.6
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1031	-	-	-	344
HCM Lane V/C Ratio	-	-	-	-	0.101
HCM Control Delay (s)	0	-	-	-	16.6
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.3

Thiara Estates Traffic Operations Memorandum

1: Butte House Rd & Elmer Ave

Cumulative Plus Project AM Peak-Hour

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	311	619	0	31	4
Future Vol, veh/h	0	311	619	0	31	4
Conflicting Peds, #/hr	0	0	0	1	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	3	5	14	8	33
Mvmt Flow	0	338	673	0	34	4
Major/Minor	Major1	Major2	Minor2			
Conflicting Flow All	674	0	-	0	843	338
Stage 1	-	-	-	-	674	-
Stage 2	-	-	-	-	169	-
Critical Hdwy	4.1	-	-	-	6.96	7.56
Critical Hdwy Stg 1	-	-	-	-	5.96	-
Critical Hdwy Stg 2	-	-	-	-	5.96	-
Follow-up Hdwy	2.2	-	-	-	3.58	3.63
Pot Cap-1 Maneuver	927	-	-	-	291	575
Stage 1	-	-	-	-	452	-
Stage 2	-	-	-	-	826	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	926	-	-	-	290	574
Mov Cap-2 Maneuver	-	-	-	-	290	-
Stage 1	-	-	-	-	452	-
Stage 2	-	-	-	-	825	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		18.4		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	926	-	-	-	307	
HCM Lane V/C Ratio	-	-	-	-	0.124	
HCM Control Delay (s)	0	-	-	-	18.4	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.4	

Thiara Estates Traffic Operations Memorandum

1: Butte House Rd & Elmer Ave

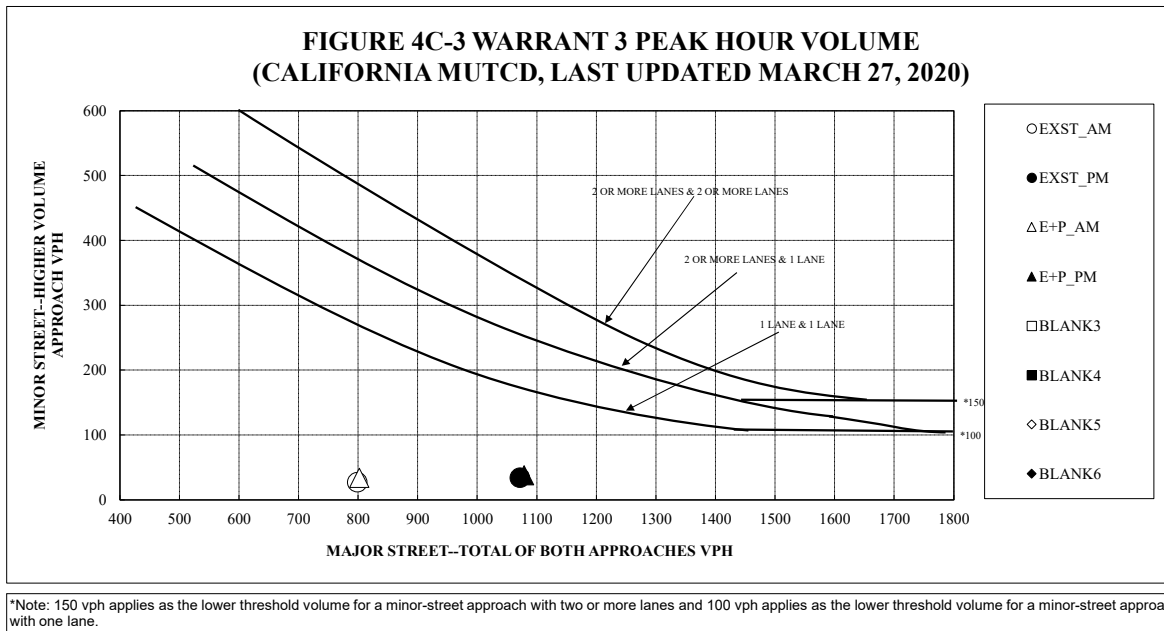
Cumulative Plus Project PM Peak-Hour

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	702	505	0	24	12
Future Vol, veh/h	0	702	505	0	24	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	80	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	1	1	0	0	0
Mvmt Flow	0	763	549	0	26	13
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	549	0	-	0	931	275
Stage 1	-	-	-	-	549	-
Stage 2	-	-	-	-	382	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1031	-	-	-	269	729
Stage 1	-	-	-	-	548	-
Stage 2	-	-	-	-	665	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1031	-	-	-	269	729
Mov Cap-2 Maneuver	-	-	-	-	269	-
Stage 1	-	-	-	-	548	-
Stage 2	-	-	-	-	665	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		16.9		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	1031	-	-	-	341	
HCM Lane V/C Ratio	-	-	-	-	0.115	
HCM Control Delay (s)	0	-	-	-	16.9	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.4	

ATTACHMENT E
SIGNAL WARRANT WORKSHEETS

CA SIGNAL WARRANT 3 ANALYSIS

SCENARIOS: "AM/PM PEAK HOUR" CONDITIONS



SCENARIO	APPROACH(ES)		WARRANT MET?
	MAJOR	MINOR	
EXST_AM	799	27	
EXST_PM	1072	34	
E+P_AM	802	34	
E+P_PM	1079	38	
BLANK3	0	0	
BLANK4	0	0	
BLANK5	0	0	
BLANK6	0	0	

Note: Major approach is the total of both approaches. Minor approach is the highest of both approaches.

Date: **July 21, 2022**

Intersection No.: **1**

Intersection: **Butte House Road & Elmer Avenue**

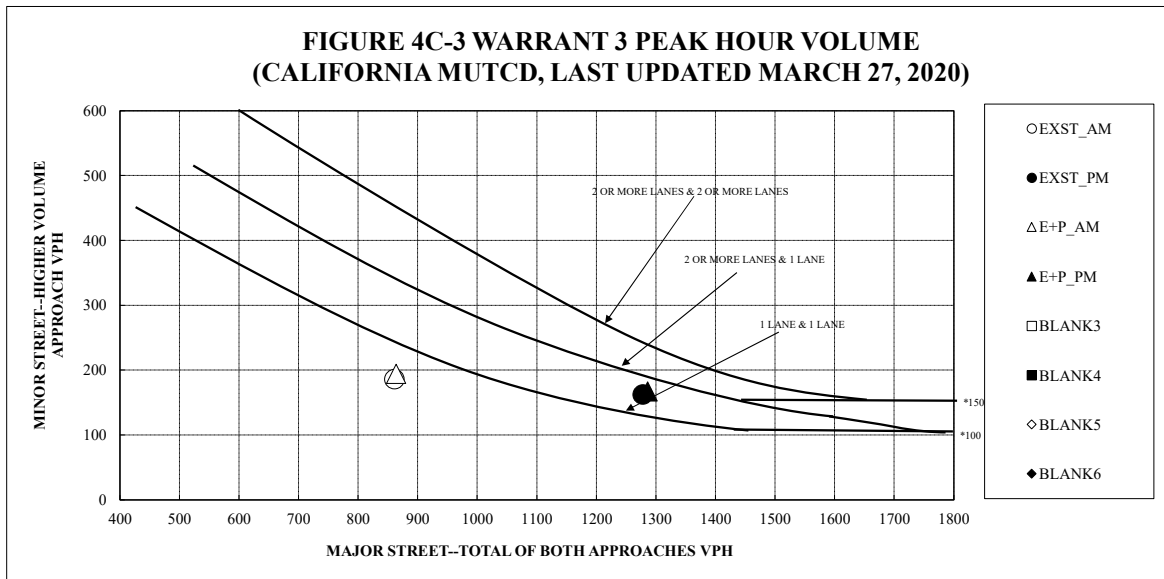
Number of lanes on MAJOR street: **1**

Number of lanes on MINOR street: **1**



CA SIGNAL WARRANT 3 ANALYSIS

SCENARIOS: "AM/PM PEAK HOUR" CONDITIONS



*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

SCENARIO	APPROACH(ES)		WARRANT MET?
	MAJOR	MINOR	
EXST_AM	861	186	
EXST_PM	1278	162	
E+P_AM	864	194	
E+P_PM	1286	167	
BLANK3	0	0	
BLANK4	0	0	
BLANK5	0	0	
BLANK6	0	0	

Note: Major approach is the total of both approaches. Minor approach is the highest of both approaches.

Date: July 21, 2022

Intersection No.: 2

Intersection: Butte House Road & Blevin Road

Number of lanes on MAJOR street: 1

Number of lanes on MINOR street: 1



Appendix B

MITIGATION MEASURES AND MONITORING PLAN ***Thiara Estates Subdivision:***

Initial Study and Mitigated Negative Declaration for
Tentative Subdivision Map (TSM) 22-08 and Rezone (RZ) 22-07

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
Thiara Estates Subdivision:
Initial Study and Mitigated Negative Declaration EA 22-13
For Tentative Subdivision Map 22-08

Impact	Mitigation Measure	Responsible Party	Monitoring 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 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	Developer	Developer, Public Works Dept., Development Services Dept.	During grading phase

	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.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	TCR 1 If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the <i>Secretary of Interior's Professional Qualifications Standards for Archaeology</i>, as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe. The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR 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 a TCR will be documented in the project record. For any recommendations made by traditionally	Developer	Developer, Public Works Dept., Development Services Dept.	During construction phase

	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. If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99. 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.			
--	--	--	--	--

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Fire Department
Presentation By: Jesse Frias, Fire Marshal

Summary

Subject: Update of Safe and Sane Fireworks Regulations
Recommendation: Adopt an Ordinance of the City Council of Yuba City regulating the use of fireworks by adding Section 4-11.02 (Discharge of Fireworks) of Chapter 11, and amending Section 4-17.20 (Exemptions [Noise Regulations]) of Chapter 17 and Section 5602 of Chapter 5 (Fire Prevention), and adding Section 5602.2 (dangerous fireworks) to Section 4-5.02 of Chapter 5, all of Title 4 of the Yuba City Municipal Code by title only and waive the second reading
Fiscal Impact: None

Purpose:

To update the Municipal Code to modify the period of time to sell and discharge “safe and sane fireworks,” regulate dangerous fireworks, and ensure that lawful use of fireworks does not constitute a noise violation during lawful periods of discharge.

Council's Strategic Goal:

Business Friendly and Community Risk Reduction.

Background:

In previous years, there have been significant issues surrounding the use of fireworks in our community. Fireworks pose a serious fire hazard which have resulted in injuries and/or property damage. Noise from fireworks can have negative impacts, especially for infants, small children, the infirm, and persons with post-traumatic stress disorder. Animals, such as house pets and wildlife, are often terrified by fireworks. Pets are prone to panic and commonly escape from their owners because of this noise. Complaints about fireworks place a strain on public safety resources, especially on the Independence Day holiday, when there is an excess of fireworks disturbance calls.

While the current Municipal Code does have some regulations in place to address fireworks, community feedback indicates that refinements may be necessary. The City Council has reviewed options regarding this issue and discussed potential approaches during a day-long public workshop held on January 26, 2023. As a result of this guidance, staff has returned with a draft Ordinance for Council consideration.

Analysis:

The draft Ordinance would update the Municipal Code to:

- Reduce the time to sell/purchase “safe and sane fireworks”.
- From: Beginning at 12:00 noon on June 28 and ending at 12:00 noon on July 6.
- To: Beginning at 12:00 noon on June 28 and ending at 11:00 p.m., and beginning at 8:00 a.m. and ending at 11:00 p.m. on June 29 through July 4.

- Reduce the time to discharge “safe and sane fireworks”.
- From: Begin June 28th from noon each day with no end date defined.
- To: Between June 29th and July 4th from noon to 11:00 p.m. each day.

- Prohibit discharge of “safe and sane fireworks” within 10 feet of a residence.

- Provide a specific time frame to exempt the discharge of “safe and sane fireworks” from the City’s noise ordinance, as well as those with a special permit (such as would be required for a community-wide fireworks event).

Staff does not recommend any change to the Administrative citation (up to \$500 per violation) structure.

As community groups often use the sale of fireworks for fundraisers, the Fire Department has reached out to vendors of “safe and sane fireworks,” who have generally confirmed that the proposed refinements are feasible.

Finally, when reviewing the most recent version of the City’s Municipal Code, it appeared that the latest updates did not include certain fireworks regulations that had previously been adopted by the City Council. These include prohibitions against the use of “dangerous” fireworks as defined by state law, as well as “social host” enforcement. As a result, these regulations are also proposed to be added back into the Fire Prevention Code. Violations of the section are a misdemeanor, and penalties are a fine of \$1,000 per violation.

Fiscal Impact:

No direct fiscal impact will result from the adoption of the Ordinance.

Alternatives:

1. The Council may amend the draft ordinance to address issues associated with the sale and use of fireworks. The Council may also choose to take no action, which will leave the current regulations in effect.

Recommendation:

Adopt an Ordinance of the City Council of Yuba City regulating the use of fireworks by adding Section 4-11.02 (Discharge of Fireworks) of Chapter 11, and amending Section 4-17.20 (Exemptions [Noise Regulations]) of Chapter 17 and Section 5602 of Chapter 5 (Fire Prevention), and adding Section 5602.2 (dangerous fireworks) to Section 4-5.02 of Chapter 5, all of Title 4 of the Yuba City Municipal Code by title only and waive the second reading.

Attachments:

1. 2023 Fireworks Ordinance (2)

Prepared By:

Jesse Frias
Fire Marshal

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY REGULATING THE USE OF FIREWORKS BY ADDING SECTION 4-11.02 (DISCHARGE OF FIREWORKS) OF CHAPTER 11, AMENDING SECTION 4-17.20 (EXEMPTIONS [NOISE REGULATIONS]) OF CHAPTER 17 AND SUBSECTION 5602 OF SECTION 4-5.02 OF CHAPTER 5 (FIRE PREVENTION), AND ADDING SECTION 5602.2 (DANGEROUS FIREWORKS) TO SECTION 4-5.02 OF CHAPTER 5, ALL OF TITLE 4 OF THE YUBA CITY MUNICIPAL CODE

WHEREAS, the City of Yuba City has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. Art. XI, section 7; and

WHEREAS, the City Council of the City of Yuba City finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the City; and

WHEREAS, Health and Safety Code Section 12541 authorizes the City Council to establish local fireworks regulations; and

WHEREAS, the use or possession of dangerous or illegal fireworks continues to increase within the City limits; and,

WHEREAS, dangerous fireworks pose a serious risk to the public's safety, given the potential for personal bodily injury and property damage and loss, and the unknown material composition of these fireworks and lack of safeguards; and

WHEREAS, fireworks pose a serious fire hazard which can result in injuries and/or property damage; and

WHEREAS, apart from fire hazards, the noise from fireworks has negative impacts upon the quality of life including infants and small children, the infirm, and persons with post-traumatic stress disorder. Animals, such as house pets and wildlife, are easily terrified by fireworks. Pets are prone to panic, and commonly escape from their owners because of this noise; and

WHEREAS, complaints about fireworks place a strain on public safety resources, especially on the Independence Day holiday when there is an excess of fireworks disturbance calls; and

WHEREAS, the City recognizes the need to adopt further restrictions and increase penalties for the possession, sale, use or discharge of dangerous fireworks; and

WHEREAS, it is the intent of the City Council to reasonably regulate the possession, sale, use or discharge of dangerous fireworks within the City to protect the public health, safety, and general welfare of its residents.

WHEREAS, the City periodically updates its ordinances to ensure that they are achieving their aims, while continuing to adhere to legal requirements; and

WHEREAS, the City Council now desires to update the Municipal Code to modify the period of time to sell and discharge “safe and sane fireworks,” to ensure that the same do not constitute a noise violation during lawful periods of discharge, and to hold parties responsible for illegal discharge and possession.

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

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. Section 5602 of Section 4-5.02 of Chapter 5 of Title 4 of the Yuba City Municipal Code is amended to read as follows:

Section 5602.

Fireworks - Prohibition.

Except as otherwise provided in this chapter, no person shall possess, sell, use, display or explode within the City any kind of fireworks as defined in Section 12511 of the Health and Safety Code, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, torpedo cane, fire balloon, wire core sparkler, wooden core sparkler, black cartridge or other combustible device or explosive substance. Discharge, igniting, exploding, projecting, or otherwise firing or using any kind of fireworks is prohibited except as otherwise authorized in Section 4-11.02 or Section 5602.2 of this Section 4-5.02.

Fireworks - Exception.

It shall not be unlawful to sell within the City those fireworks as are defined and classified as “safe and sane fireworks” in the State Fireworks Law (Sections 12500, et seq. of the Health and Safety Code) during that time period as follows:

June 28: Beginning at 12:00 noon and ending at 11:00 p.m.

June 29 through July 4: Beginning at 8:00 a.m. and ending at 11:00 p.m.

Permit required.

It shall be unlawful for any person to sell “safe and sane fireworks” within the City without having first applied for and receiving a City permit.

Prerequisite for permit issuance.

- (a) No permit to sell fireworks shall be issued to any person, except nonprofit organizations or corporations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes.

- (b) Each such organization shall have its principal and permanent meeting place within Sutter County limits and shall have been organized and established in an area which is presently within the limits for a minimum of one (1) year continuously preceding the filing of the application for the permit.
- (c) No organization shall submit more than one (1) application for permit to sell fireworks within the City of Yuba City. Submittal of more than one (1) application shall be grounds for denial of all applications.

The number of available permits which includes any permits issued pursuant will be limited to one (1) per two thousand (2,000) population based on the latest survey available to the City of Yuba City. If necessary, a lottery system will be used to fill permit vacancies. Only one (1) permit to sell fireworks pursuant to this chapter shall be issued to an eligible applicant.

Permit application.

- (a) All applications for permits to sell fireworks shall be in writing to the Fire Marshal. Applications may be filed beginning March 1 of each year up to and including March 31 of same year, at which time the filing period for that year will close. Applications shall set forth the proposed location of the fireworks stand being applied for, and other information as may be required by the Fire Marshal.
- (b) Any person, firm, corporation, or organization applying for a permit to sell fireworks shall furnish to the Yuba City Fire Department a policy of public liability and property damage insurance. This policy shall have no deductible, with a limit of bodily injury of not less than one million (\$1,000,000) dollars and a limit of property damage not less than one million (\$1,000,000) dollars. The City of Yuba City and its agents and employees shall be named as coinsured on the policy.
- (c) Applicants for such permits shall be notified by April 15 of each calendar year by the Fire Marshal of the approval or disapproval of such applications for such permit. All organizations whose permits have been approved shall have up to and including July 1st of that year to pick up such permit.
- (d) Every application for a permit shall be accompanied by the established permit fee for the sales of fireworks. The permit fee will be refunded if the application is not approved.

Fireworks stand.

All retail sales of “safe and sane” fireworks shall be permitted only from within a temporary firework stand, and the sale from any other building or structure is hereby prohibited. Temporary stands shall be subject to the following provisions:

- (a) No fireworks stand shall be located within fifty (50’) feet of any other building or within one hundred (100’) feet of any gasoline pump or distribution point or within

one hundred (100') feet of any other fireworks booth, unless separated by a roadway four (4) lanes wide or greater.

- (b) Fireworks stands need not comply with the provisions of the Building Code of the City; provided, however, that all stands shall be erected under the supervision of the Fire Inspector, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons; and provided further that any electrical installations shall comply with all applicable codes.
- (c) Each stand shall be provided with two (2) two and one-half (2 1/2) gallon "water type" (minimum rating 2A) fire extinguishers in good working order and easily accessible for use in case of fire.
- (d) No stand shall have a floor area in excess of seven hundred fifty (750) square feet.
- (e) Each stand shall have at least two (2) exits. Each stand in excess of forty (40') feet in length shall have at least three (3) exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty four (24') feet. Exit doors shall be not less than twenty-four (24") inches wide and six feet and two (6'2") inches in height and shall swing in the direction of exit travel.

Operation of stand.

- (a) No person shall sell fireworks to any person under the age of eighteen (18).
- (b) Sale of fireworks shall begin no earlier than 12:00 noon on June 28th and shall not continue after 11 p.m. on July 4th of the same year.
- (c) No person other than the permittee organization shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.
- (d) No person other than the individuals who are members of the permittee organization or the wives, husbands, parents or adult children of such members shall sell or otherwise participate in the sale of fireworks at such stand.
- (e) No person under the age of eighteen (18) shall sell or participate in the sale of fireworks.
- (f) Each stand shall have an adult watchperson in attendance while the stand is being used for the sale, display or storage of fireworks. In lieu of a night watchperson, a Class IV magazine or equivalent, as approved by the Fire Marshal, may be used to store fireworks.
- (g) All fireworks shall be retained at the approved location. In no event shall unsold fireworks be removed from the approved location to any other place without written approval of the Fire Marshal.

(h) Stands may not be located on public or residential property.

General requirements for permittees.

All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty-five (25') feet surrounding the stand.

“NO SMOKING” signs shall be prominently displayed on and in the fireworks stand.

No fuel-powered generator or similar equipment shall be allowed within fifty (50') feet of a fireworks stand.

SECTION 3. Subsection 5602.2 of Section 4-5.02 of Chapter 5 of Title 4 of the Yuba City Municipal Code is amended to read as follows:

Section 5602.2.

Dangerous Fireworks – Prohibition.

- (a) For purposes of this section, dangerous fireworks are those fireworks specified as such in the State Fireworks Law, Section 12505 of the California Health and Safety Code, and such other fireworks as may be determined to be dangerous by the State Fire Marshal. All other types of fireworks are regulated by Section 5602 of Section 4-5.02 of this chapter, and Section 4-11.02.
- (b) It shall be unlawful for any person or responsible party to possess, sell, use or discharge dangerous fireworks unless a permit authorizing such possession, sale, use or discharge has been issued by the Fire Chief or Fire Marshal to the person or responsible party using, selling, discharging or found in possession of said fireworks, and unless such person is in possession of a valid pyrotechnic operator’s license issued by the Office of the State Fire Marshal and obtain a fireworks permit for use or discharge from the Fire Chief or Fire Marshal. The Fire Chief or Fire Marshal may establish reasonable rules and regulations for governing issuance of a firework permit and may issue the same subject to payment of a fee as established by the City Council from time to time.

Definitions.

For the purposes of this section, the following definitions shall apply:

- (a) “Enforcement officer” means any City officer, employee, or law enforcement officer of the City designated by the Municipal Code or the City Manager to enforce any provision of the Municipal Code or any Code adopted by the City, and includes the City’s Fire Chief, Fire Marshal, Building Official, Development Services Director, enforcement officer, and their respective designees. Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.

- (b) “Property” means private property, rented residential premises, or rented commercial residences; including, but not limited to, a home, yard, or field, whether occupied on a temporary or permanent basis, whether or not occupied as a dwelling and whether owned, leased, rented, or used with or without compensation.
- (c) “Residence or other private property” means a home, yard, apartment, condominium, hotel or motel room, other dwelling unit, a hall or meeting room, or commercial property, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used with or without compensation.
- (d) “Responsible party” includes, but is not limited to:
 - 1. The person(s) who owns, rents, leases, or otherwise has possession of the residence or other private property;
 - 2. The person(s) in immediate control of the residence or other private property; and
 - 3. The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the illegal discharge or illegal storage of fireworks.

If the residence or other private property is rented or leased, the landlord or lessor is not covered by this section unless they fall within the category of persons described under paragraph 2 or 3 of this definition. A landlord or lessor can only be held responsible under paragraph 3 of this definition if he or she has knowledge that fireworks are being discharged or illegally stored on the property without obtaining a permit therefor from the Fire Chief or Fire Marshal.

Violations and Penalties.

- (a) Misdemeanor. Any person or responsible party who violates any of the provisions of this section shall be guilty of a misdemeanor.
- (b) Administrative Citation. An administrative citation may be issued by an enforcement officer to any person or responsible party who violates any of the provisions of this section pursuant to the procedures as set forth in Chapter 6, Title 1 of the Yuba City Municipal Code.
 - 1. Notwithstanding Section 1-6.040, all violators and responsible parties shall be subject to an administrative fine in an amount not to exceed \$1,000 for the first violation; and a fine in an amount not to exceed \$1,000 for any subsequent violation.
 - 2. The imposition of administrative fines shall be limited to persons or responsible parties who possess, sell, use or discharge or seizure of 25 pounds or less of dangerous fireworks.

3. Administrative fines collected pursuant to this section shall not be subject to Health and Safety Code Section 12706.

Penalties Not Exclusive.

Nothing in this section shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of dangerous fireworks. The penalties set forth herein are intended to be nonexclusive and are intended to be in addition to any other remedies provided in the Yuba City Municipal Code or any other law, statute, ordinance or regulation, including those regulating nuisances.

SECTION 4. Section 4-11.02 of Chapter 11 of Title 4 of the Yuba City Municipal Code is added to read in its entirety as follows:

Sec. 4-11.02. – Discharge of Fireworks

It is unlawful for any person to discharge, ignite, explode, project, or otherwise fire or use any fireworks, or permit the discharge, ignition, explosion or projection thereof, unless having first obtained a special permit in writing from the Fire Chief or Fire Marshal. Such unlawful use is an infraction, is also deemed a nuisance pursuant to chapter 8, title 4, and is subject to enforcement remedies identified in Section 4-8.501.

Notwithstanding the foregoing, discharge and use of “safe and sane fireworks” as classified and defined in the State Fireworks Law (Sections 12500, et seq. of the Health and Safety Code) is authorized between June 29th and July 4th from noon to 11:00 p.m. each day. However, “safe and sane fireworks” shall not be discharged, ignited, exploded, projected, or otherwise fired or used within ten feet of any residence dwelling or other structure used as a place of habitation by human beings, which shall constitute a nuisance.

SECTION 5. Section 4-17.20 of Chapter 17 of Title 4 of the Yuba City Municipal Code is amended to read in its entirety as follows:

Sec. 4-17.20. Exemptions.

The term "loud and raucous noise" as used in this chapter does not include noise or sound generated by the following:

- (a) Cries for emergency assistance and warning calls.
- (b) Radios, sirens, horns and bells on police, fire and other emergency response vehicles.
- (c) Parades, fireworks displays and other special events for which a permit has been obtained from the City are exempted provided there is compliance with all conditions which have been noted in writing on the permit. That loud and raucous noise produced as a result of noncompliance with any condition specified on the permit is not exempted from the requirements of this chapter.

- (d) Activities on or in publicly owned property and facilities, or by public employees while in the authorized discharge of their responsibilities, are exempt provided that such activities have been authorized by the owner of such property or facilities or its agent or by the employing authority.
- (e) Religious worship activities, including but not limited to, bells, organs, singing and preaching.
- (f) Locomotives and other railroad equipment and aircraft.
- (g) The collection of solid waste by employees of a company engaged in the waste disposal business.
- (h) Organized activities at the Yuba Sutter Fair.
- (i) Organized sports events.
- (j) The discharge of “safe and sane fireworks” during the times authorized in Section 4-11.02, and the discharge of fireworks for which a special permit has been issued per Section 5602 of Section 4-5.02 of this chapter or Section 4-11.02.

SECTION 6: SEVERABILITY. If any article, section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Chapter. The Council hereby declares that it would have adopted this chapter and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7: EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.\

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the ____ day of April, 2023, and passed and adopted at a regular meeting held on the ____ day of ____, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Kirchner, Mayor
City of Yuba City

ATTEST:

APPROVED AS TO FORM:

Ciara Wakefield, Deputy City Clerk

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Plumas Street Improvements Design Award

Recommendation: Adopt a Resolution Awarding a Professional Services Agreement to Melton Design Group, Inc. of Chico, CA for the Plumas Street Improvements Project (Preliminary Engineering Services) in the amount of \$185,700, and authorizing the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

Fiscal Impact: \$204,270.00 – CIP Account No. 1268 (Plumas Water Tower Maintenance)

\$204,270.00 – Total Design Cost
\$185,700.00 – Design Award Amount
\$ 18,570.00 – 10% Design Contingency

Purpose:

To award a design contract to begin implementation of the Plumas Street Improvements Project.

Council Strategic Goal:

This project addresses two Council Strategic Goals, “Business Friendly” and “Infrastructure.” This project will make the downtown area a more attractive place for residents by rehabilitating the City’s water tower and creating a park and other visible upgrades.

Background:

In 2022, the California Department of Transportation (Caltrans) created the Clean California Local Grant Program (CCLGP) to fund projects which would clean and beautify public spaces, to improve spaces for walking and recreation. Through the review of this grant opportunity, City staff determined that the grant could fund multiple improvements along Plumas Street, while also making new improvements.

In March of 2022, the City received a notification from Caltrans that it had been awarded \$2,235,628 for the Plumas Street project, which includes the following improvements to the downtown area:

- Water Tower
 - Abate lead paint and remove old lighting systems on the water tower

- Re-paint the water tower and install new logos which match current City Standards
- Install new multi-colored LED uplighting on water tower

Park Under/Adjacent to Water Tower

- Park/common area with a shade structure
- Playscape Installation
- Drought-tolerant landscaping installation
- Digital event board installation
- Public Mural Installation

Plumas Street Improvements

- Installation of trash/recycling bins from Bridge Street to State Route 20
- Installation of an illuminated gateway arch at the downtown area entrance, which compliments Plumas Street's current architectural style

Center Street:

- Install festoon-style lighting that crisscrosses over Center Street
- Install trash/recycling bins along Center Street

In order to ensure that the project would be designed and constructed to meet current regulatory standards, while also reflecting the City's vision for the Downtown area, City staff issued a Request for Proposals for Preliminary Engineering Services on September 15, 2022.

Analysis:

The City received four design proposals. A review of each proposal was completed by a selection committee of Public Works Engineering and Development Services staff. Melton Design Group, Inc. (Melton) was identified as the most qualified to provide design services for the project. Melton's proposal transcended the other proposals due to their familiarity with the City through previous design work on the landscape design of Bridge Street Projects, Highway 20 Streetscape design, SR-20 and SR-99 Welcome Sign designs, and various other City projects. Melton's proposal also emphasized the need for outreach to the community and stakeholders in the Downtown district, which will be key in ensuring a project that represents the community's desires.

Melton's scope of work encompasses the design of the park improvements under the water tower, and the gateway arch near Bridge Street and Plumas Street. The remaining elements of the project will be designed and constructed by qualified vendors.

Fiscal Impact:

The design contract amount to be awarded is \$185,700. Staff is also requesting a design contingency of \$18,570 which equates to 10% of the design cost.

The project is proposed to be funded through CIP Account No. 1268 (Plumas Street Improvements Project). The account currently has a balance of \$2,338,598.

Once the project is constructed, staff will coordinate with Caltrans in order to have the \$2,235,628 in

grant funds reimbursed to the City.

Alternatives:

Do not award the contract to Melton, and either negotiate with the next ranked consultant, or issue another request for proposals. This may result in delays that could jeopardize project funding.

Recommendation:

Adopt a Resolution Awarding a Professional Services Agreement to Melton Design Group, Inc. of Chico, CA for the Plumas Street Improvements Project (Preliminary Engineering Services) in the amount of \$185,700, and authorizing the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

Attachments:

1. Attachment 1 - Melton Design Award with Exhibits

Prepared By:

Josh Wolffe
Associate Civil Engineer

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING A PROFESSIONAL SERVICES AGREEMENT TO MELTON DESIGN GROUP, INC. IN THE AMOUNT OF \$185,700 FOR THE PLUMAS STREET IMPROVEMENTS PROJECT (PRELIMINARY ENGINEERING SERVICES), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY, SUBJECT TO REVIEW AND APPROVAL AS TO LEGAL FORM BY THE CITY ATTORNEY

WHEREAS, the City has been awarded \$2,235,628 through the Clean California Local Grant Program, administered by the California Department of Transportation, for the Construction of the Plumas Street Historic District and Water Tower Park Improvements Project; and,

WHEREAS, staff issued a Request for Proposals on September 15, 2022 to find the most qualified consultant to provide preliminary engineering services for the Project and received four proposals by or on October 19, 2022; and,

WHEREAS, after careful analysis of the proposals based on the guidelines set forth by the California Department of Transportation, staff has determined Melton Design Group, Inc. to be the most qualified to provide the preliminary engineering services; and,

WHEREAS, staff recommends awarding a Professional Services Agreement to the top-ranked consultant, Melton Design Group, Inc., for Preliminary Engineering Services for the Project.; and,

WHEREAS, it has been determined by the City Council that such provisions are in the public interest.

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

Section 1. The City Council of the City of Yuba City finds that Melton Design Group, Inc. is the top ranked, most qualified responsive bidder, and has demonstrated competence. The City Council finds that Melton Design Group, Inc. has the professional qualifications for the services required, availability, and can provide the services at a fair and reasonable cost. The City Council approves the "Professional Services Agreement" attached as Exhibit "A" with Melton Design Group, Inc. subject to its material terms. The City Manager is authorized to execute the same on behalf of the City and to make any non-material, technical, and clerical edits and corrections to the agreement subject to approval as to form by City Attorney.

Section 2. 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 2nd day of May, 2023.

AYES:

NOES:

ABSENT:

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

Exhibit A – (Draft) Professional Services Agreement

EXHIBIT A

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into as of January 20, 2023, by and between the City of Yuba City, a municipal corporation ("City") and Melton Design Group, 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
(Exhibit 1)**

- 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, but prior to June 30, 2024.
- 3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit 1, which is attached hereto and incorporated herein by reference. In no event shall Consultant's compensation exceed \$325,841.24 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.

- A. The method of payment for this AGREEMENT will be based on actual cost plus a fixed fee. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved CONSULTANT'S Cost Proposal, unless additional reimbursement is provided for by AGREEMENT amendment. In no event, will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY's approved overhead rate set forth in the Cost Proposal. In the event, that LOCAL AGENCY determines that a change to the work from that specified in the Cost Proposal and AGREEMENT is required, the AGREEMENT time or actual costs reimbursable by LOCAL AGENCY shall be adjusted by AGREEMENT amendment to accommodate the changed work. The maximum total cost as specified in Paragraph "I" of this Article shall not be exceeded, unless authorized by AGREEMENT amendment.
- B. The indirect cost rate established for this AGREEMENT is extended through the duration of this specific AGREEMENT. CONSULTANT's agreement to the extension of the 1-year applicable period shall not be a condition or qualification to be considered for the work or AGREEMENT award.
- C. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee of \$0.00. The fixed fee is nonadjustable for the term of the AGREEMENT, except in the event of a significant change in the scope of work and such adjustment is made by AGREEMENT amendment.
- D. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.
- E. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.
- F. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in Article III Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this AGREEMENT.
- G. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this AGREEMENT.
- H. CONSULTANT will be reimbursed promptly according to California Regulations upon receipt by LOCAL AGENCY's Contract Administrator of itemized invoices in duplicate. Invoices shall be submitted no later than thirty (30) calendar days after the

performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this AGREEMENT number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of Article XI Equipment Purchase. The final invoice should be submitted within sixty (60) calendar days after completion of CONSULTANT's work. Invoices shall be mailed to LOCAL AGENCY's Contract Administrator at the following address:

Josh Wolffe
Public Works Department
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
(530) 822-3288

- I. The total amount payable by LOCAL AGENCY including the fixed fee shall not exceed \$325,841.24
 - J. For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.
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.
- A. This AGREEMENT may be terminated by LOCAL AGENCY, provided that LOCAL AGENCY gives not less than thirty (30) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate. Upon termination, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not.
 - B. LOCAL AGENCY may temporarily suspend this AGREEMENT, at no additional cost to LOCAL AGENCY, provided that CONSULTANT is given written notice (delivered by certified mail, return receipt requested) of temporary suspension. If LOCAL AGENCY gives such notice of temporary suspension, CONSULTANT shall immediately suspend its activities under this AGREEMENT. A temporary suspension may be issued concurrent with the notice of termination.

C. Notwithstanding any provisions of this AGREEMENT, CONSULTANT shall not be relieved of liability to LOCAL AGENCY for damages sustained by City by virtue of any breach of this AGREEMENT by CONSULTANT, and City may withhold any payments due to CONSULTANT until such time as the exact amount of damages, if any, due City from CONSULTANT is determined.

D. In the event of termination, CONSULTANT shall be compensated as provided for in this AGREEMENT. Upon termination, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not.

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. Conflict of Interest.

- A. During the term of this AGREEMENT, the CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this AGREEMENT or any ensuing LOCAL AGENCY construction project. The CONSULTANT shall also list current clients who may have a financial interest in the outcome of this AGREEMENT or any ensuing LOCAL AGENCY construction project which will follow.
- B. CONSULTANT certifies that it has disclosed to LOCAL AGENCY any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this AGREEMENT. CONSULTANT agrees to advise LOCAL AGENCY of any actual, apparent or potential conflicts of interest that may develop subsequent to the date of execution of this AGREEMENT. CONSULTANT further agrees to complete any statements of economic interest if required by either LOCAL AGENCY ordinance or State law.
- C. The CONSULTANT hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of services under this AGREEMENT.
- D. The CONSULTANT hereby certifies that the CONSULTANT or subconsultant and any firm affiliated with the CONSULTANT or subconsultant that bids on any construction contract or on any Agreement to provide construction inspection for any construction project resulting from this AGREEMENT, has established necessary controls to ensure a conflict of interest does not exist. An affiliated firm is one, which is subject to the control of the same persons, through joint ownership or otherwise.

12. 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.

13. 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.

14. State Prevailing Wage Rates.

- A. No CONSULTANT or Subconsultant may be awarded an AGREEMENT containing public work elements unless registered with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5. Registration with DIR must be maintained throughout the entire term of this AGREEMENT, including any subsequent amendments.
- B. The CONSULTANT shall comply with all of the applicable provisions of the California Labor Code requiring the payment of prevailing wages. The General Prevailing Wage Rate Determinations applicable to work under this AGREEMENT are available and on file with the Department of Transportation's Regional/District Labor Compliance Officer (<https://dot.ca.gov/programs/construction/labor-compliance>). These wage rates are made a specific part of this AGREEMENT by reference pursuant to Labor Code §1773.2 and will be applicable to work performed at a construction project site. Prevailing wages will be applicable to all inspection work performed at LOCAL AGENCY construction sites, at LOCAL AGENCY facilities and at off-site locations that are set up by the construction contractor or one of its subcontractors solely and specifically to serve LOCAL AGENCY projects. Prevailing wage requirements do not apply to inspection work performed at the facilities of vendors and commercial materials suppliers that provide goods and services to the general public.
- C. General Prevailing Wage Rate Determinations applicable to this project may also be obtained from the Department of Industrial Relations website at <http://www.dir.ca.gov>.
- D. Payroll Records
 - 1. Each CONSULTANT and Subconsultant shall keep accurate certified payroll records and supporting documents as mandated by Labor Code §1776 and as defined in 8 CCR §16000 showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the CONSULTANT or Subconsultant in connection with the public work. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:
 - a. The information contained in the payroll record is true and correct.

- b. The employer has complied with the requirements of Labor Code §1771, §1811, and §1815 for any work performed by his or her employees on the public works project.
2. The payroll records enumerated under paragraph (1) above shall be certified as correct by the CONSULTANT under penalty of perjury. The payroll records and all supporting documents shall be made available for inspection and copying by LOCAL AGENCY representatives at all reasonable hours at the principal office of the CONSULTANT. The CONSULTANT shall provide copies of certified payrolls or permit inspection of its records as follows:
 - a. A certified copy of an employee's payroll record shall be made available for inspection or furnished to the employee or the employee's authorized representative on request.
 - b. A certified copy of all payroll records enumerated in paragraph (1) above, shall be made available for inspection or furnished upon request to a representative of LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards of the Department of Industrial Relations. Certified payrolls submitted to LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards shall not be altered or obliterated by the CONSULTANT.
 - c. The public shall not be given access to certified payroll records by the CONSULTANT. The CONSULTANT is required to forward any requests for certified payrolls to the LOCAL AGENCY Contract Administrator by both email and regular mail on the business day following receipt of the request.
3. Each CONSULTANT shall submit a certified copy of the records enumerated in paragraph (1) above, to the entity that requested the records within ten (10) calendar days after receipt of a written request.
4. Any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by LOCAL AGENCY shall be marked or obliterated in such a manner as to prevent disclosure of each individual's name, address, and social security number. The name and address of the CONSULTANT or Subconsultant performing the work shall not be marked or obliterated.
5. The CONSULTANT shall inform LOCAL AGENCY of the location of the records enumerated under paragraph (1) above, including the street address, city and county, and shall, within five (5) working days, provide a notice of a change of location and address.
6. The CONSULTANT or Subconsultant shall have ten (10) calendar days in which to comply subsequent to receipt of written notice requesting the records enumerated in paragraph (1) above. In the event the CONSULTANT or

Subconsultant fails to comply within the ten (10) day period, he or she shall, as a penalty to LOCAL AGENCY, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Such penalties shall be withheld by LOCAL AGENCY from payments then due. CONSULTANT is not subject to a penalty assessment pursuant to this section due to the failure of a Subconsultant to comply with this section.

- E. When prevailing wage rates apply, the CONSULTANT is responsible for verifying compliance with certified payroll requirements. Invoice payment will not be made until the invoice is approved by the LOCAL AGENCY Contract Administrator.

F. Penalty

1. The CONSULTANT and any of its Subconsultants shall comply with Labor Code §1774 and §1775. Pursuant to Labor Code §1775, the CONSULTANT and any Subconsultant shall forfeit to the LOCAL AGENCY a penalty of not more than two hundred dollars (\$200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the Director of DIR for the work or craft in which the worker is employed for any public work done under the AGREEMENT by the CONSULTANT or by its Subconsultant in violation of the requirements of the Labor Code and in particular, Labor Code §§1770 to 1780, inclusive.
2. The amount of this forfeiture shall be determined by the Labor Commissioner and shall be based on consideration of mistake, inadvertence, or neglect of the CONSULTANT or Subconsultant in failing to pay the correct rate of prevailing wages, or the previous record of the CONSULTANT or Subconsultant in meeting their respective prevailing wage obligations, or the willful failure by the CONSULTANT or Subconsultant to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rates of prevailing wages is not excusable if the CONSULTANT or Subconsultant had knowledge of the obligations under the Labor Code. The CONSULTANT is responsible for paying the appropriate rate, including any escalations that take place during the term of the AGREEMENT.
3. In addition to the penalty and pursuant to Labor Code §1775, the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the CONSULTANT or Subconsultant.
4. If a worker employed by a Subconsultant on a public works project is not paid the general prevailing per diem wages by the Subconsultant, the prime CONSULTANT of the project is not liable for the penalties described above unless the prime CONSULTANT had knowledge of that failure of the Subconsultant to pay the specified prevailing rate of wages to those workers or unless the prime CONSULTANT fails to comply with all of the following requirements:

- a. The AGREEMENT executed between the CONSULTANT and the Subconsultant for the performance of work on public works projects shall include a copy of the requirements in Labor Code §§ 1771, 1775, 1776, 1777.5, 1813, and 1815.
 - b. The CONSULTANT shall monitor the payment of the specified general prevailing rate of per diem wages by the Subconsultant to the employees by periodic review of the certified payroll records of the Subconsultant.
 - c. Upon becoming aware of the Subconsultant's failure to pay the specified prevailing rate of wages to the Subconsultant's workers, the CONSULTANT shall diligently take corrective action to halt or rectify the failure, including but not limited to, retaining sufficient funds due the Subconsultant for work performed on the public works project.
 - d. Prior to making final payment to the Subconsultant for work performed on the public works project, the CONSULTANT shall obtain an affidavit signed under penalty of perjury from the Subconsultant that the Subconsultant had paid the specified general prevailing rate of per diem wages to the Subconsultant's employees on the public works project and any amounts due pursuant to Labor Code §1813.
5. Pursuant to Labor Code §1775, LOCAL AGENCY shall notify the CONSULTANT on a public works project within fifteen (15) calendar days of receipt of a complaint that a Subconsultant has failed to pay workers the general prevailing rate of per diem wages.
 6. If LOCAL AGENCY determines that employees of a Subconsultant were not paid the general prevailing rate of per diem wages and if LOCAL AGENCY did not retain sufficient money under the AGREEMENT to pay those employees the balance of wages owed under the general prevailing rate of per diem wages, the CONSULTANT shall withhold an amount of moneys due the Subconsultant sufficient to pay those employees the general prevailing rate of per diem wages if requested by LOCAL AGENCY.
- G. Hours of Labor
- Eight (8) hours labor constitutes a legal day's work. The CONSULTANT shall forfeit, as a penalty to the LOCAL AGENCY, twenty-five dollars (\$25) for each worker employed in the execution of the AGREEMENT by the CONSULTANT or any of its Subconsultants for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of the Labor Code, and in particular §§1810 to 1815 thereof, inclusive, except that work performed by employees in excess of eight (8) hours per day, and forty (40) hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight

(8) hours per day and forty (40) hours in any week, at not less than one and one-half (1.5) times the basic rate of pay, as provided in §1815.

H. Employment of Apprentices

1. Where either the prime AGREEMENT or the subagreement exceeds thirty thousand dollars (\$30,000), the CONSULTANT and any subconsultants under him or her shall comply with all applicable requirements of Labor Code §§ 1777.5, 1777.6 and 1777.7 in the employment of apprentices.

2. CONSULTANTs and subconsultants are required to comply with all Labor Code requirements regarding the employment of apprentices, including mandatory ratios of journey level to apprentice workers. Prior to commencement of work, CONSULTANT and subconsultants are advised to contact the DIR Division of Apprenticeship Standards website at <https://www.dir.ca.gov/das/>, for additional information regarding the employment of apprentices and for the specific journey-to- apprentice ratios for the AGREEMENT work. The CONSULTANT is responsible for all subconsultants' compliance with these requirements. Penalties are specified in Labor Code §1777.7.

15. 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 2.

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
Josh Wolffe
Public Works Department
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
(530) 822-3288

If to Consultant:
Gregory Melton
President/CEO
Melton Design Group, Inc.
820 Broadway Street
Chico, CA 95928
(530) 899-1616

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. Disputes. Prior to either party commencing any legal action under this AGREEMENT, the parties agree to try in good faith, to settle any dispute amicably between them. If a dispute has not been settled after forty-five (45) days of good-faith negotiations and as may be otherwise provided herein, then either party may commence legal action against the other.
- A. Any dispute, other than audit, concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by a committee consisting of LOCAL AGENCY's Contract Administrator and Public Works Director, who may consider written or verbal information submitted by CONSULTANT.
 - B. Not later than thirty (30) calendar days after completion of all work under the AGREEMENT, CONSULTANT may request review by LOCAL AGENCY Governing Board of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.
 - C. Neither the pendency of a dispute, nor its consideration by the committee will excuse CONSULTANT from full and timely performance in accordance with the terms of this AGREEMENT.
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:_____

By:_____

**Diana Langley
City Manager
City of Yuba City**

**Gregory Melton
President & CEO
Melton Design Group, Inc.**

Attachments: Exhibit 1 – Scope of Services
 Exhibit 2 – Insurance Requirements

Exhibit 1
Scope of Services

The Path to Success

SCOPE OF WORK

Following is your project Scope of Work along with our approach to the specifics and the prospective schedule.:

***We'll take your project from
start to finish!***



MDG-Designed custom play - 20/30 Park in Eureka

TASK 1 –PROJECT LAUNCH / COORDINATION and PROGRAM DEVELOPMENT

We feel the project launch sets the tone for a successful project. The prime consultant brings the key players from each team and meets with the Client's project manager and assisting staff.

- 1.1 Meet with the Client and Team to discuss the scope of work, design needs and specific desires for the project. We'll work with City to identify a key group of Stakeholders to form an Advisory Committee.
- 1.2 Project coordination and project meetings throughout the design process.
- 1.3 Create project design schedule and updates throughout project for all design tasks.
- 1.4 Perform Quality Assurance and Quality Control throughout project.
- 1.5 Engage with Client Staff to assess needs of community.
- 1.6 Develop program of elements and identify and prioritize Client's needs and wants.
 - a. Review ideas and gain a complete understanding of the project.
 - b. Discuss all possible opportunities and study constraints directing the design.

TASK 2 – SITE ANALYSIS, SURVEYS, MAPPING and GEOTECHNICAL STUDY

This section includes data collection, mapping and surveying necessary for preliminary engineering, design, cost estimates, right-of-way impacts and the level of environmental clearance.

- 2.1 Surveys for Tower Park, Entry Archway and Center Street.
 - a. Control surveys.
 - b. Limited design level topographic surveys.
 - c. Right-of-way retracement.
 - d. Record of Survey.
- 2.2 Mapping.
 - a. Comprehensive base mapping of project site (Tower Park, Entry Archway and Center Street).
 - b. Base map of additional project areas using City-provided Plumas Street as-builts.
- 2.3 Geotechnical survey and report.
- 2.4 Site Analysis to confirm existing conditions.
 - a. Study all site elements and view aerial and site visit.



820 BROADWAY ST CHICO CA 95928 – 530.899.1616
1930 G ST SACRAMENTO CA 95811 – 916.754.2153
MELTONDG.COM

- b. Study general grades for site and existing topography to understand the elevation challenges.
- c. Confirm utilities and drainage on plans and onsite.
- d. Identify all onsite elements that are to remain or be removed.
- e. Obtain all site conditions from sun, wind, views, neighbors, uses, etc.

TASK 3 – UTILITY COORDINATION

Here we'll coordinate with area utility companies to ensure that there are no conflicts at the time of construction and that any necessary relocations happen prior to construction. We will cover all utilities as described in RFP and needed to complete project.

- 3.1 Contact area utility providers to let them know about the proposed work and to get as-built drawings for the project areas. Survey of providers will also identify utilities needed such as sewer, storm drainage, electrical and potable water. These will be needed specifically for the spray ground and if a restroom is added to the project.
- 3.2 At the 65% Construction Documents stage, send progress plans to the area utility providers and request relocation plans as necessary.
- 3.3 At the completion of the 100%-Final Construction Documents, send the Final plans to area utility providers to confirm there are no conflicts.

TASK 4 – COORDINATION WITH ADJACENT PROPERTIES

We will coordinate with adjacent property owners and businesses to establish any modifications required on or adjacent to their property to accommodate improvements such as the Gateway Arch or Center Street Lighting.

- 4.1 Contact property owners and businesses adjacent to the project area.
 - a. Determine if modifications are needed to accommodate improvements.
 - b. Attend DBA meetings to introduce project design and input.
 - c. Provide additional outreach through City or MDG website for design review and comment.
- 4.2 Facilitate a public meeting workshop onsite to engage business owners and introduce project options, opportunities and constraints to generate a consensus and priority list.

TASK 5 – SCHEMATIC MASTER PLAN DEVELOPMENT and COST ANALYSIS

This step includes multiple alternative layouts and elements to provide an engaging design process, including identifying all vendors, materials and finishes.

- 5.1 Finalize project element program to meet all code requirements based on the City scope of work and elements. Support the City regarding the art and project tie-in.
- 5.2 Develop schematic hand drawn plans and options for review.
 - a. Include all elements of proposed program – Plan view schematic plan with descriptions of all elements and alternatives.
 - b. Create architectural structure unique to the downtown. Provide renderings.
 - c. Provide alternative options for key areas that warrant study.

- d. Develop architectural concepts for all structures.
- 5.3 Develop a preliminary Cost Estimate for all improvements that uses recent job bids as guidance for the estimate.
- 5.4 Expand architectural 3D rendering and design of all elements.
 - a. Meet with Client to review design. Make revisions and resubmit during Master Plan process.
 - b. Introduce 3D renderings of the key areas of the project: entry sign, tower, park and Center Street. Include day and night views to accentuate the lighting.
- 5.5 Present Schematic Plan to Client for review and comment. (City to specify meetings)
 - a. Cost analysis and value engineering.
 - b. Assess design options, concepts and re-assess prioritized elements.
 - c. Client to provide additional direction and comment.
- 5.6 Gain approval to move on to Design Development.

TASK 6 – DESIGN DEVELOPMENT (30%)

We'll design and prepare the plans, specifications and estimates in accordance with CA Building Code, CA Electric Code, Caltrans Standards, AASHTO Geometric Design guidelines and all other codes and/or standards relevant to each trade, to achieve project objectives. We'll examine and present project alternatives, as necessary, which complete project goals within budget.

- 6.1 Develop a digitalized final landscape Master Plan and 3D Rendering.
- 6.2 Present approved final design to the Team.
- 6.3 Gain approval to move on to 65%, 95% and 100% Construction Drawings.

TASK 7 – CONSTRUCTION DOCUMENTS and SUBMITTALS (65%, 95%, 100%)

After DD approvals, Team MDG will dive into creating a clean and detailed set of PS&Es and follow the requirements as stated in DD. This includes Team coordination and submittal tracking.

- 7.1 TITLE SHEET and SIGNATURE PAGE
 - a. Project sheet index of each discipline.
 - b. Approval signatures.
 - c. Inspection checklists.
- 7.2 DEMOLITION PLAN – Show location of all elements that require removal and offsite disposal.
- 7.3 ENVIRONMENTAL REMEDIATION PLAN and SPECIFICATIONS
- 7.4 GRADING PLAN – Show location and layout of all proposed hardscape, landscape, lighting, grading, drainage and utilities.
 - a. Identify areas requiring imported soil for better drainage and plant health.
 - b. Show new drainage patterns with slopes and compaction.
 - c. Identify all landscape mounds and earth shapes.
- 7.5 ELECTRICAL and LIGHTING PLAN – Lighting location and fixture type. Coordinate all electrical fixtures, play and security lighting in landscape with Electrical Engineer.
- 7.6 STRUCTURAL PLAN, CALCULATIONS and DETAILS – Necessary structural calculations for footings for walls and entry monumentation and pole for lighting.



- 7.7 CONSTRUCTION PLAN – Show location and layout of all proposed hardscape, grading, drainage and utilities.
 - a. Identify all paving locations, types, finish and detail reference.
 - b. Locate all existing conditions to remain including utilities.
 - c. Identify all material types and installation details.
- 7.8 IRRIGATION PLAN – Irrigation plan with complete water use information including all water use calculations for all planting areas.
 - a. Identify all irrigation water use zones (trees, shrubs and ground covers) along with mainline, new and existing valves, point of connection and meters.
 - b. Show new valves, flow valves and controller layout.

WATER USE CALCULATIONS, SCHEDULING and GUIDELINES

 - c. Provide water use calculations identifying maximum applied water allowance and quantity of water use.
 - d. Develop water use schedule with seasonal adjustments along with estimated water use calculations.
- 7.9 PLANTING PLAN – Identify all proposed plant species, water use, size and type.
 - a. Drought tolerant, low-maintenance adaptive plants and California natives where possible.
 - b. Provide all surface material, gravel, boulders, etc.
- 7.10 DETAIL SHEETS – Construction details of all proposed elements.
- 7.11 SPECIFICATIONS – Book form to describe required materials, workmanship and grading, planting and irrigation techniques. Including requirements for contractor-supplied as-built drawings.
- 7.12 COST ESTIMATE – Calculations and detailed cost estimate to verify budget and bid documents.
- 7.13 SUBMITTAL – Sets of development plans for the Client; revise construction documents, as required, for approval.
 - a. Submittal of construction drawings to Client will occur at 65%, 95% and 100%
 - b. Submittal of Schedule A Bid Form and Schedule B for itemized elements.
 - c. If requested, incorporate specifications and bid form into the Client's boiler plate and general conditions to form a complete bid package.

DELIVERABLES:

- Meetings with Staff for Review and Comments
- Construction Documents at 65%, 95% and 100%
- Bid Forms

TASK 8 – BID PROCESS

MDG will provide an electronic copy of the final approved plans, specifications and estimate, a mylar copy of the final approved plans and a hard copy of the final approved specifications. The electronic copy of the plans shall be provided as both AutoCAD files and PDF files, the electronic copy of the specifications shall be provided in both Microsoft Word format and PDF format and the estimate shall be provided in Excel format and PDF format. Coordinate with Client Staff to complete the scheduling of the bid process.



- 8.1 Pre-Bid Meeting attendance / RFI review / Addenda creation, as needed.
- 8.2 Bid Review.
- 8.3 Review of Construction Contract Award.

DELIVERABLES:

- Meetings with Staff for Review and Comments
- Electronic copy of plans, specifications and cost estimate.
- Mylar copy of final plans, hard copy specifications.

TASK 9 – CONSTRUCTION SUPPORT

Team MDG will be available to assist the City with any construction RFIs and potential Construction Contract change orders that may arise. We will also be available for field meetings and/or virtual meetings on an as-needed basis.

- 9.1 Pre-Construction coordination meetings (in-person or virtual meetings). (5 meetings)
- 9.2 Review/assistance with RFIs and Change Orders, as needed.
- 9.3 SCHEDULED SITE VISITS – Participate in the following inspections: (12 total meetings)
 - a. Grading, utilities, site layout, lighting, concrete, spray ground, playground, irrigation, audits, planting.
 - b. Pre-maintenance period observation and punchlist to confirm completion and coordination with City and General Contractor.
 - c. Final walk through/post-maintenance period punchlist review of submittals from contractor.
- 9.4 Final walk and sign off of project.
- 9.5 Certificate of Completion for Construction.
- 9.6 As-Built Record Drawings.

SCHEDULE PER TASK

TASK 1: PROJECT LAUNCH and PROGRAM DEVELOPMENT	Dec-Jan. 2023
TASK 2: SURVEY and MAPPING	Jan-Feb 2023
TASK 3: UTILITY COORDINATION	Feb 2023
TASK 4: COORDINATION WITH ADJACENT PROPERTIES	Feb 2023
TASK 5: SCHEMATIC MASTER PLAN DEVELOPMENT and COST ANALYSIS	Feb-April 2023
REVIEW:	3 Weeks After
TASK 6: DESIGN DEVELOPMENT (30%)	April-May 2023
REVIEW:	3 Weeks After
TASK 7: CONSTRUCTION DOCUMENTS and SUBMITTALS (65%, 95%, FINAL)	May-April 2023
REVIEW:	3 Weeks After
TASK 8: BID PROCESS	Oct-Dec 2023
TASK 9: CONSTRUCTION SUPPORT	Jan-June 2024
GRAND OPENING!	



Exhibit 2

Insurance Requirements

- I. **Workers' Compensation Coverage.** Consultant shall maintain Workers' Compensation Insurance for his/her employees in accordance with the laws of the State of California and Employers Liability Insurance in an amount not less than one million dollars (\$1,000,000) per accident for bodily injury and/or disease. In addition, Consultant shall require each subcontractor to similarly maintain Workers' Compensation Insurance in accordance with the laws of the State of California and Employers Liability Insurance in an amount not less than one million dollars (\$1,000,000) per accident for bodily injury and/or disease. For all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against City, its officers, agents, employees and volunteers for losses arising from work performed by Consultant for City. This provision shall not apply if Consultant has no employees performing work under this Agreement. If the Consultant has no employees for the purposes of this Agreement, Consultant shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit C.

- II. **General Liability Coverage.** Consultant shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.

- III. **Automobile Liability Coverage.** Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence.

- IV. **Professional Liability Coverage.** Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors or omissions which may arise from Consultant's operations under this Agreement, whether such operations are by the Consultant or by its employees, subcontractors, or sub-consultants. The amount of this insurance shall not be less than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single-limit per occurrence basis.

- V. **Endorsements.** Each general liability and automobile liability insurance policy shall be with insurers possessing a current A.M. Best's rating of no less than A:VII and shall be endorsed with the following specific language or equivalent:
- A. The City, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insured with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations. Conforms to ISO CG 2009 and CG 2037 10 01. Both are required.
 - B. This policy shall be considered primary insurance as respects to the City, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.
 - C. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
 - D. The insurer waives all rights of subrogation against the City, its elected or appointed officers, officials, employees or agents.
 - E. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents or volunteers.
 - F. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage except after thirty (30) days written notice has been received by the City.
- VI. **Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retention's.
- VII. **Certificates of Insurance.** Consultant shall provide certificates of insurance with original endorsements to City, as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the City on or before commencement of

performance of this agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

Exhibit 3
Vendor Payment Options

The City of Yuba City currently participates in an electronic bill pay program.

The Control Pay Advanced program offered through Commerce Bank is an automated accounts payable solution. Commerce Bank enrolls City vendors in the program. Once enrolled, the Finance Department will send weekly electronic accounts payable files using the standard industry Automated Clearing House (ACH) technology, to Commerce Bank listing all information regarding the payment to the vendor. Commerce Bank will then process the accounts payable file and transmit electronic payments to those vendors in the program through Visa instead of the City processing individual checks and sending by mail. Vendors will receive the funds in their bank account within 24-48 hours.

Does your company accept Visa payment for invoices? _____ YES _____ NO

AUTHORIZED SIGNER:

By: _____

Title: _____

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Summary

Subject: Housing Element GPA/Rezone Project

Recommendation: A. Conduct a Public Hearing, and;

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-07 by adopting a Mitigated Negative Declaration prepared for the Implementing Policies of the 2021-2029 Housing Element project, and adopt General Plan Amendment 22-03 for approximately 75.89 acres located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-04 for the Implementing Policies of the 2021-2029 Housing Element project for approximately 75.89 acres, which includes an X29 Combining District on 14.95 acres, located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097), by title only and waive the first reading

Fiscal Impact: Staff time for processing the project application.

Purpose:

To consider General Plan Amendment 22-03 and Rezone 22-04 with Combining Zone District X29 to implement the 2021-2029 Housing Element.

Council's Strategic Goal:

This item meets the City Council's strategic goal of improving the quality of life for city residents by establishing sufficient residential land designations to meet the needs of the city.

Background:

The 2021-2029 Housing Element was adopted by City Council on March 1, 2022, and certified by the CA Housing and Community Development Department (HCD) on May 5, 2022.

This proposed GPA and RZ is an implementation of the General Plan Housing Element. It is a City-initiated effort to meet the City's Regional Housing Needs Allocation (RHNA) fair share assessment for lower income residents as identified by the recently adopted 2021-2029 Housing Element. Housing Element Policy H-C-7 provides that the City will provide a sufficient amount of zoned land to accommodate the RHNA number (1,544 dwelling units). The City's Housing Element vacant land inventory identified capacity to accommodate 1,336 dwelling units, leaving a shortfall of 208 units for the lower income RHNA. The proposed GPA and RZ will alleviate this shortfall by increasing potential residential development density consistent with Program H-C-7 of the 2021-2029 Housing Element. **This GPA and RZ does not include any actual development, as the private sector is responsible for developing the proposed sites.**

The candidate sites that were selected to be redesignated to accommodate future potentially higher density residential development were selected based on consideration of several factors including land use compatibility, access to available utility and public road infrastructure, **property owner interest**, and site constraints. The acreage consists of parcels ranging between 0.5-10 acres in area, which is expressly encouraged by the State and reflected in Housing Element Program H-C-7.

On March 22, 2023, the Yuba City Planning Commission conducted a public hearing and voted to adopt Resolution PC 23-09 recommending approval of GPA 22-03 and R 22-04 to the City Council together with Environmental Assessment 22-07.

Analysis:

GPA 22-03 and RZ 22-04, involves 35 parcels that implements the requirements of Program H-C-7 of the 2021-2029 Housing Element. This GPA and RZ is intended to make available adequate land capable of accommodating the 1,544 needed lower income housing units in compliance with RHNA and State Housing law.

This proposed project, covering 75.89 acres, increases the minimum residential development densities to 12 units per acre. The rezoning will also include an X29 Combining Zone District for three of the 35 parcels, totaling 14.95 acres, that will require new residential densities to be a minimum of 20 units per acre. More specifically:

- **General Plan Amendment 22-03:** The proposal will amend the General Plan Land Use Element by re-designating 35 parcels from; Medium/Low Density Residential (29 parcels), Low Density Residential (3 parcels), Office and Office Park (2 parcels), and Public Facility (1 parcel) all to a Medium/High Density Residential (HDR) General Plan Designation.
- **Rezone 22-04:** The proposal will rezone twelve of those same properties to be consistent with the GPA discussed above. This includes three parcels currently in a One-Family Residential (R-1) Zone District, six parcels in a Two-Family Residence (R-2) Zone District, and three parcels in a Commercial Office (C-O) Zone District. All are proposed to be rezoned to a Multiple-Family (R-3) Zone District in order to be consistent with the HDR General Plan designation described above. Twenty-three of the properties were previously zoned R-3, and a rezoning is not required.
- **X29 Combining District:** In addition, three of the 35 properties, totaling 14.95 acres will have

an X29 Combining District added to the R-3 zoning. The X29 Combining District will require new residential development to occur at a minimum of 20 units per acre as compared to the standard R-3 zoned properties that could be developed at a minimum of 12 units per acre. Applying the X29 Combining District to 14.95 acres exceeds the Program H-C-7 requirement to rezone 10.4-acres with an increased residential density.

The project will provide an additional 75.89 acres within the City for multiple-family residential housing, primarily on underutilized or vacant infill sites. The sites are appropriately located along or near major transportation corridors within the City. The sites will provide more opportunities for future development to build at higher densities. Support for multifamily housing will enhance the community by providing a balance of housing types within the City.

General Property Characteristics:

Per the Environmental Study prepared for the project, the proposed sites have been previously disturbed and do not contain any environmental constraints such as riparian habitat, water features, sensitive natural communities, or hazardous materials. The sites have adequate access to major roadways as well as the utility infrastructure necessary to support multiple-family development. The areas surrounding the 35 sites contain urban levels of development with low density residential, commercial, office, and light industrial uses that are generally compatible with multiple-family residential uses. The overall characteristics for each area where the General Plan amendments are proposed are described in further detail below. The properties are generally located within four areas of the City:

1. *Butte House Road Corridor* – There are several parcels consisting of approximately 14.6 acres along the north side of Butte House Road between Tharp Road and Romero Street. This area is primarily a residential area that is transitioning between homes on larger lots that were built prior to the area incorporating into the City, to larger properties developing into more urban and suburban type development. Butte House Road is designated in the General Plan Circulation Element as a four-lane major arterial designed to accommodate high traffic volumes from urban development.
2. *Walton Avenue Corridor* – Five infill type properties consisting of approximately 9.73 acres fronting along Walton Avenue, north and south of Franklin Road. This is primarily a single-family residential area with some smaller locally serving commercial uses. This proposal will allow for development of a wider mix of different residential densities and uses. Walton Avenue is designated as a four-lane major arterial having capacity to accommodate traffic from urban development. One of the properties (7.38 acres) is proposed to be rezoned to the X29 Combining District is located within this area.
3. *Regional Housing Authority (RHA)* – Twenty-two of the properties consisting of approximately 50.34 acres are located within the area owned and managed by the Regional Housing Authority. The developed portion of the RHA properties primarily consist of multiple-family development. As such, any new multiple-family development would be compatible with the existing uses. Two of the properties (7.57 acres) proposed to be rezoned to the X29 Combining District are located within this area.
4. *Market Street Area* – There are two adjoining properties, consisting of approximately 1.22 acres on Market Street just north of downtown. The site is vacant and is located at the northwest corner of Perkins Way and Market Street. The site exhibits flat topography that was previously disturbed. Historical aerials indicate the site was previously used as a vehicle and material storage yard.

Attachment 3 provides the location and details for all properties involved.

Compatibility with Surrounding Uses:

While no development accompanies this project, the subject sites were reviewed to ensure future multiple-family development at the prescribed density would be compatible with neighboring uses and the existing physical build-out surrounding each site. The sites are located within the developed portion of the City, which consists of a suburban level of development supported by a large grid roadway network. Existing development within these areas of the City include a mix of single-family residential, commercial, and to a lesser extent, offices, multiple-family, and vacant lands. Overall, the larger suburban context featuring a robust roadway network, utility infrastructure, emergency services, local parks, and a large commercial development presence supports the concept of additional multiple-family residences.

The sites would have direct access to public roads and would not require a connection to an existing single-family neighborhood that would impact traffic on a roadway currently experiencing low traffic volumes. The sites are sized to accommodate multiple-family development including necessary site improvements such as private driveways, pedestrian connectivity, onsite parking spaces, landscaping, and recreational amenities such as clubhouses, pools, private patios, balconies, and/or play equipment. Orientation of multiple-family buildings can also be designed to minimize intrusion to adjacent uses, as well as height reduction, locating buildings closer to public street frontages, landscape buffering, location of solid waste enclosures, balcony placement, and lighting considerations. Additional City review and permitting will be required for any subsequent development proposals for the project sites to review for compliance with R-3 Zone District development standards and to ensure design compatibility with the existing neighboring uses.

General Plan Compliance:

The proposed GPA and RZ is consistent with the guiding goals and policies contained within the City of Yuba City General Plan. The project supports and forwards the following highlighted goals contained within the General Plan:

- **3.4-I-5:** *Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community.*
- **2.5-G-7:** *Enhance aspects of the community that help economic development and draw residents to Yuba City, including small-town ambience, educational, cultural, environmental, and recreational resources, and affordable housing.*
- **3.4-I-7:** *Promote infill development that maintains the scale and character of established neighborhoods.*
- **3.5-G-6:** *Encourage and provide incentives for infill development, including affordable housing for low and very low-income residents, within existing residential areas at a density not less than surrounding development, subject to appropriate standards to ensure compatibility with adjacent uses.*

The project will allow for future development of multiple-family housing within the urbanized area of the City on underutilized or vacant infill sites. The sites range in size from 1-acre to 8.21 acres, which are sized to support a small multiple-family complex to a medium or large-scale multiple-family development. The parcel sizes would accommodate the various aspects of a multiple-family development including the minimum number of dwellings required of the HDR designation and R-3 zoning (12-36 units/acre), vehicular and emergency vehicle access, off-street parking, landscaping, water quality treatment, onsite amenities, and utilities. The sites are appropriately located along major transportation corridors within the City that provide an appropriate transition area from low density residential development, office, or vacant land uses to higher intensity uses such as multiple-family residences.

Support for affordable housing will increase the City's economic vitality in attracting new residents and enhancing the community with a balance of housing types within the City.

Zoning Compliance:

It's important to recognize this project does not propose any physical development. The candidate sites have been selected based on a number of factors, including suitability to support high density residential development, and ability to meet objective standards of the R-3 zone and Title 8 of the City Code. All new development that may follow this action will be reviewed for compliance with all City development and design standards.

Traffic:

The project was evaluated for resulting traffic related impacts associated with the proposed GPA and RZ and impacts were determined to be less than significant. Although no physical development is proposed as part of this project, the future development of the subject sites would result in construction activities and the occupation of new residences that would result in vehicle trips being generated, potentially beyond those which could be anticipated under the existing general plan and zoning. The City's circulation system has been designed and sized for the ultimate build-out of the City's land uses per the General Plan, and potential circulation impacts from build-out have been analyzed and disclosed in the General Plan Environmental Impact Report.

Significant impacts to capacity or level of service from future multiple-family residential development that may occur from the project are not anticipated given that the project sites front or are adjacent to major arterial streets (Butte House Road, Walton Avenue, and Garden Highway). These arterial streets are anticipated to be major traffic carriers and are within all level of service standards provided in the General Plan. The project sites all have nearby access to public transportation routes. Additionally, any project in excess of 25 units is required to have a Development Plan review by the Planning Commission and possibly the City Council to address project specific requirements, including traffic.

Future development that could occur on these sites would trigger improvements such as new driveways, internal circulation, solid waste servicing, frontage improvements, and/or other offsite public improvements. Additionally, a proposed development would be required to improve public street frontages and other facilities such as pedestrian infrastructure, public transportation improvements, and roadway improvements as needed. This review would ensure the site is adequate to serve the project and the anticipated traffic volumes produced from the development could be properly accommodated. Future residential development projects will also be conditioned to contribute their fair share to the cost of circulation improvements via the existing citywide traffic impact fees that would be assessed.

Availability of City Services:

City design standards require new development to be connected to City services and project sites are near or within previously developed areas of the City; therefore water, wastewater, and stormwater drainage infrastructure is available to serve multiple-family development at each of the sites. Additional studies to determine capacity for existing infrastructure may be required based on a project specific development application. The GPA and RZ proposal do not conflict with any adopted plan or policy with regard to City utility infrastructure development or maintenance.

Environmental Considerations:

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 Air Quality, the project will not create any significant impacts to nearby neighborhoods. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA.

Fiscal Impact:

Staff time for processing the project application.

Alternatives:

1. Deny the application to establish General Plan Amendment 22-03 or Rezone 22-04.
2. Provide staff with alternate direction.

Recommendations:

1. Conduct a Public Hearing, and;
2. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment (EA) 22-07 by adopting a Mitigated Negative Declaration prepared for the Implementing Policies of the 2021-2029 Housing Element project, and adopt General Plan Amendment 22-03 for approximately 75.89 acres located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097; and
3. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-04 for the Implementing Policies of the 2021-2029 Housing Element project for approximately 75.89 acres, which includes an X29 Combining District on 14.95 acres, located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097), by title only and waive the first reading.

Attachments:

1. City Council Resolution
2. City Council Ordinance
3. Planning Commission Staff Report Packet, dated March 22, 2023

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 APPROVING ENVIRONMENTAL ASSESSMENT (EA) 22-07 BY ADOPTING A MITIGATED NEGATIVE DECLARATION PREPARED FOR THE IMPLEMENTING POLICIES OF THE 2021-2029 HOUSING ELEMENT PROJECT, AND ADOPT GENERAL PLAN AMENDMENT 22-03 FOR APPROXIMATELY 75.89 ACRES LOCATED THROUGHOUT THE CITY (ASSESSOR'S PARCEL NUMBER 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, AND 53-470-097).

WHEREAS, the City of Yuba City Council adopted the 2021-2029 City of Yuba City General Plan Housing Element and Addendum to the General Plan Environmental Impact Report (EIR), SCH No. 2001072105, which identified a lower income Regional Housing Needs Allocation (RHNA) shortfall of 208 units and requires the City to rezone a minimum of 10.3 acres to Multiple-Family Residence (R-3) to alleviate that shortfall; and

WHEREAS, The City of Yuba City is required to implement Program H-C-7 of the 2021-2029 City of Yuba City General Plan Housing Element by a date certain; and

WHEREAS, The City of Yuba City has identified 35 sites totaling 75.89 acres that meet the criteria identified under Program H-C-7 to alleviate the City's lower income RHNA shortfall; and

WHEREAS, the City initiated an effort to meet the Regional Housing Needs Allocation (RHNA) fair share assessment for lower income residents as identified in the 2021-2029 Housing Element and consistent with Program H-C-7 adopted on March 1, 2022; and

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

- Environmental Assessment (EA) 22-07
- General Plan Amendment (GPA) 22-03
- Rezone (RZ) 22-04 with an X29 Combining District

(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 a Mitigated Negative Declaration (SCH No. 2023020503) and Mitigation Monitoring and Reporting Program (MMRP) for the Project; and

WHEREAS, on March 22, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-08, General Plan Amendment 22-03, and Rezone 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, the Planning Commission has reviewed the Environmental Assessment and all associated documents prepared for the project, the staff report pertaining to the General Plan Amendment, Rezone, and Environmental Assessment, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council adopt Environmental Assessment 22-07 and General Plan 22-03, and adopt an Ordinance to approve Rezone 22-04; and

WHEREAS, on May 2, 2023, the Yuba City Council conducted a Public Hearing to consider the Project and received both oral testimony and written information presented at the hearing regarding the General Plan Amendment and Rezone; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council now desires to find that Environmental Assessment (EA) 22-07 prepared for the project is in conformance with State and local environmental guidelines; and

WHEREAS, the City Council now desires to adopt EA 22-07 and GPA 22-03.

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

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the same herein as if set forth in full.
2. CEQA Findings: The City Council of the City of Yuba City finds that an Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, 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 22-07 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 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 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 22-07.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council of the City of Yuba City adopts the

Mitigated Negative Declaration, that was 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 City Council authorizes the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. General Plan Findings. The City Council finds that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 22-03, 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 is consistent with the objectives of Program H-C-7 of the 2021-2029 Housing Element which requires the City to amend the zoning to R-3 on at least 10.3 acres within the City to alleviate the existing 208-unit shortfall for lower income RHNA. The project will forward the goals of the Housing Element to provide for additional affordable housing opportunities within the City. The project sites are appropriately sited to support high-density residential development permitted under the Medium-High Density Residential designation as the sites are infill parcels where supporting infrastructure is already in place such as a robust roadway network operating at acceptable levels of service, utility infrastructure, emergency services such as municipal police and fire protection facilities, local parks, and nearby commercial businesses to support resident needs. The sites are also compatible in terms of land use and provide natural transitions between major arterial roadway segments and low-density residential development and will have independent access that does not conflict with low volume residential streets surrounding the sites.

The project supports and forwards the following highlighted goals contained within the General Plan:

3.4-I-5: *Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community.*

2.5-G-7: *Enhance aspects of the community that help economic development and draw residents to Yuba City, including small-town ambience, educational, cultural, environmental and recreational resources, and affordable housing.*

3.4-I-7: *Promote infill development that maintains the scale and character of established neighborhoods.*

3.5-G-6: *Encourage and provide incentives for infill development, including affordable housing for low and very low-income residents, within existing residential areas at a density not less than surrounding development, subject to appropriate standards to ensure compatibility with adjacent uses.*

The project will allow for future development of multi-family housing within the urbanized area of the City on underutilized or vacant infill sites. The sites are appropriately located along major transportation corridors within the City that provide an appropriate transition area from low density residential development to higher intensity uses such as multi-family. The sites will be utilized for future development of multi-family units intended for lower income residents to maintain affordable housing within the City. Support for affordable housing will increase the City's economic vitality in attracting new residents and enhancing the community with a balance of housing types within the City. The project sites are not located within a specific plan area.

The sites have all City services available to them, which have capacity to serve the density range of 12-36 units per acre allowed under the Medium-High Density Residential designation. The existing public roadway network adjacent to the sites and within the larger surrounding areas is adequate to support the anticipated vehicle and pedestrian traffic associated with the planned residential use with feasible improvements imposed upon a future development plan. The sites are sized to accommodate the anticipated density and will allow for adequate onsite circulation to occur with a proposed development plan. 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.

The project sites are located along major transportation corridors which are appropriate for siting multi-family residential development envisioned with the proposed GPA and Rezone. The existing roadways will support the anticipated vehicle and pedestrian traffic. The sites are sized to accommodate multi-family residential development and their associated improvements such as parking, drive aisles, landscaping, pedestrian corridors and amenities, and waste enclosures. As previously discussed, all City services will be brought to the property that are adequate to serve the proposed residential use of the property. There are no known environmental hazards associated with the project site that would render the site unsuitable for residential development.

Based on the Environmental Assessment (EA 22-07) and Mitigation Monitoring Program prepared for the project, any potential environmental impacts will be mitigated to a less than significant level.

The project does not result in any physical development of any of the sites, however the project will allow future residential development to occur at a higher density than previously permitted under the previous General Plan land use designation. Development of the sites will require connection to public utility infrastructure such as water, sewer, stormwater, electric, gas, and telecommunications. Future development of the sites will be evaluated for potential impacts to ensure proposed development is not detrimental to public health and safety.

5. Approval of GPA 22-03. The City Council adopts General Plan Amendment 22-03, 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. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City

Council of the City of Yuba City at a regular meeting thereof held on the 2nd day of May, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

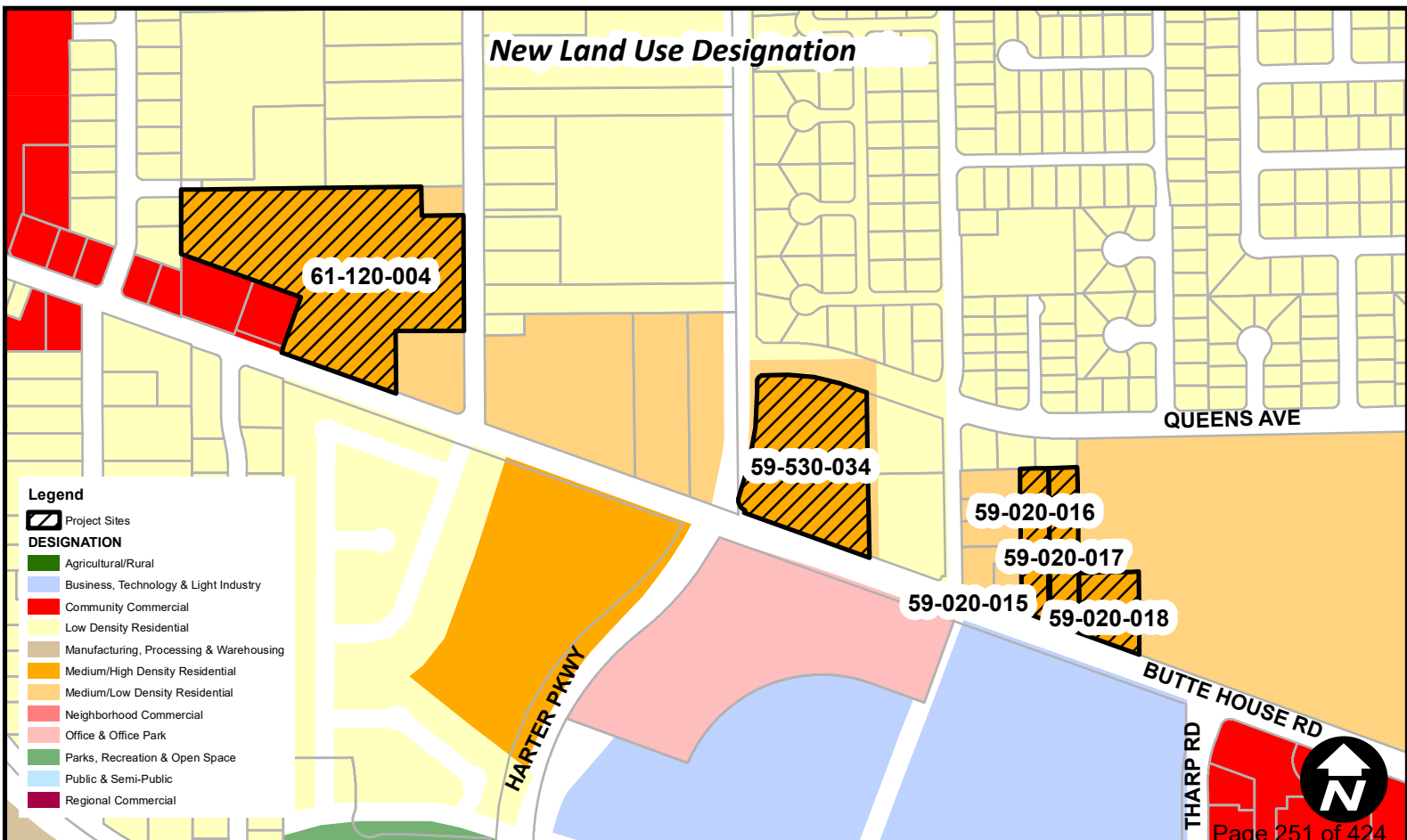
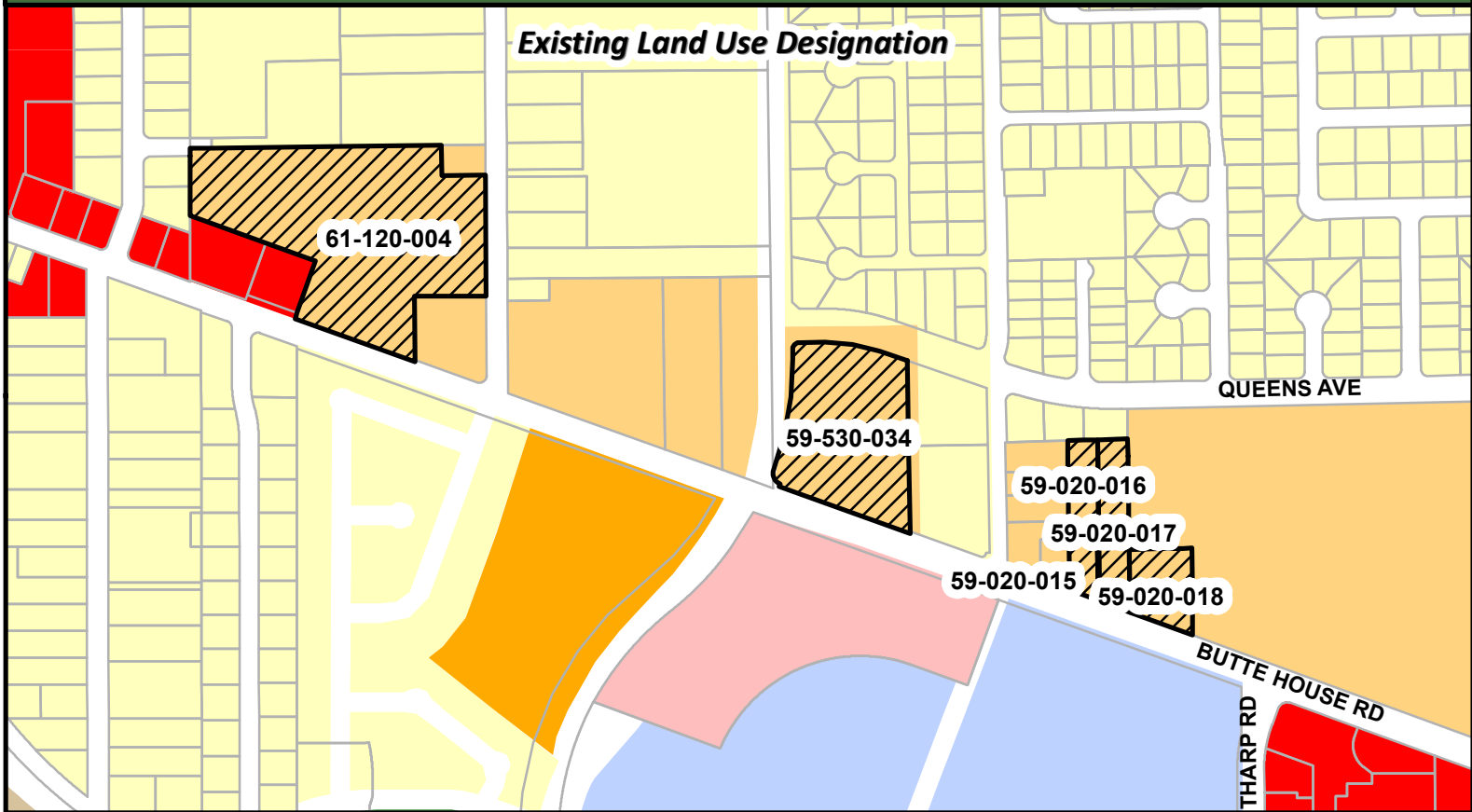
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: General Plan Maps, GPA 22-03

EXHIBIT A

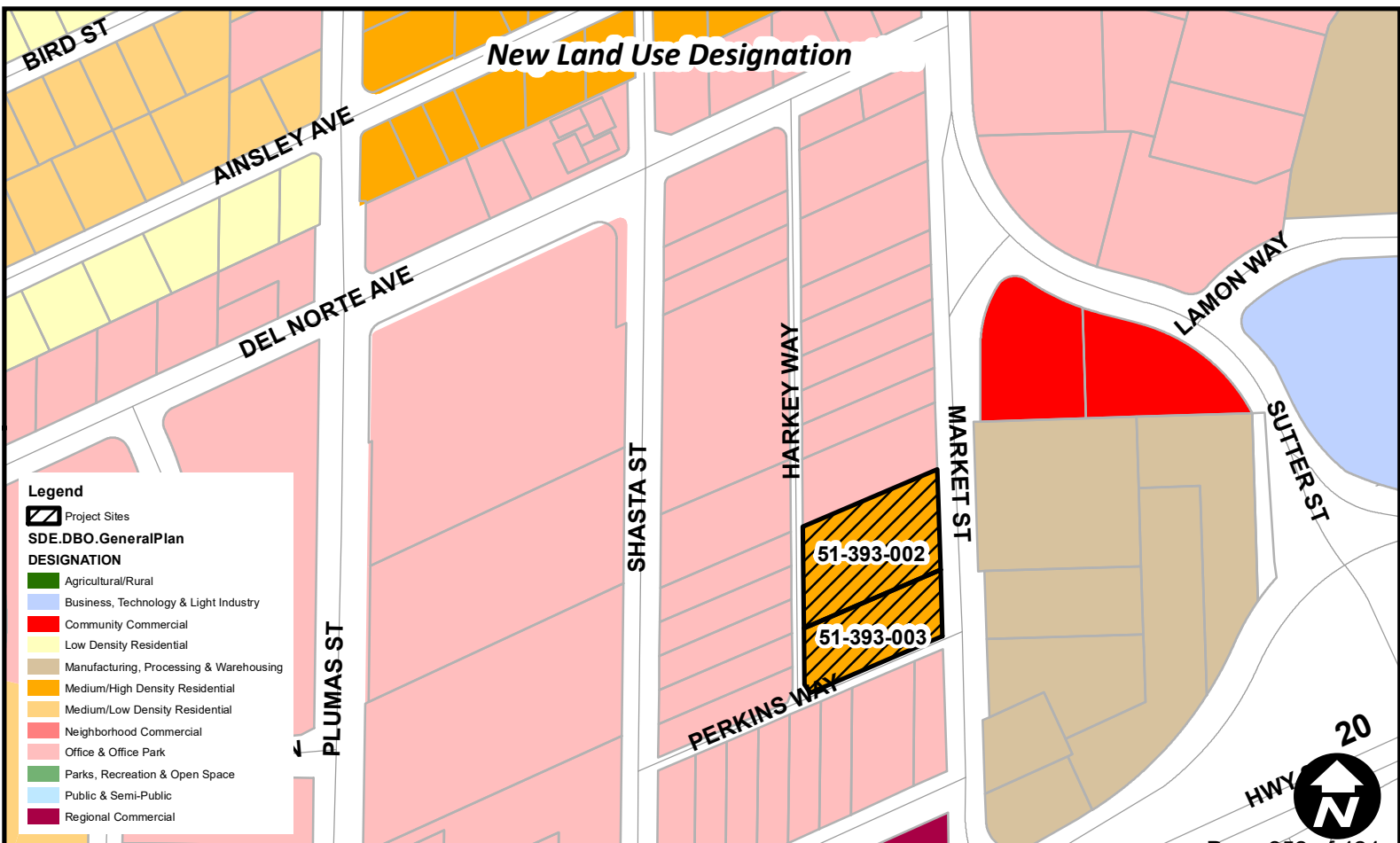
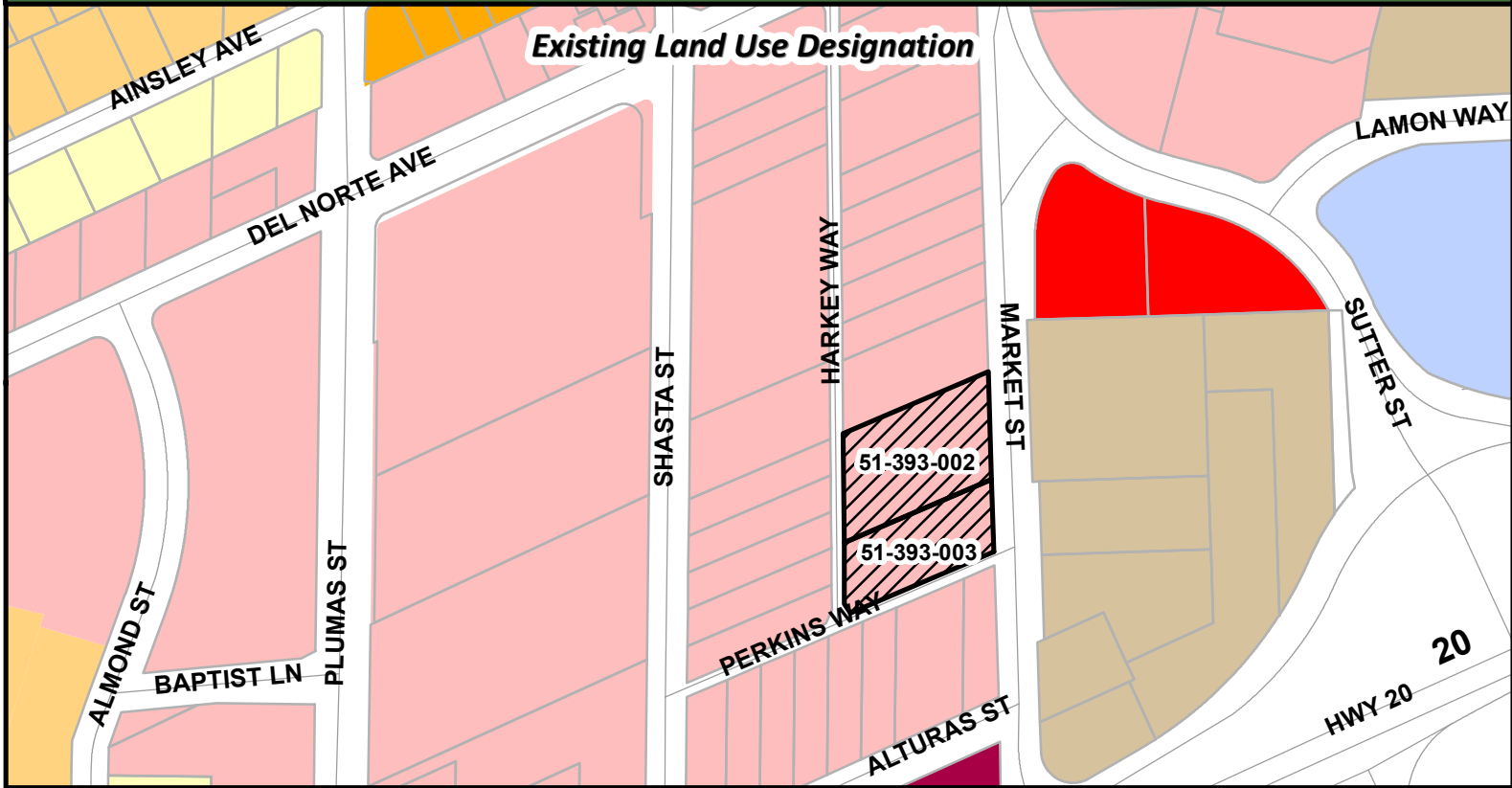
Butte House Road Corridor

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



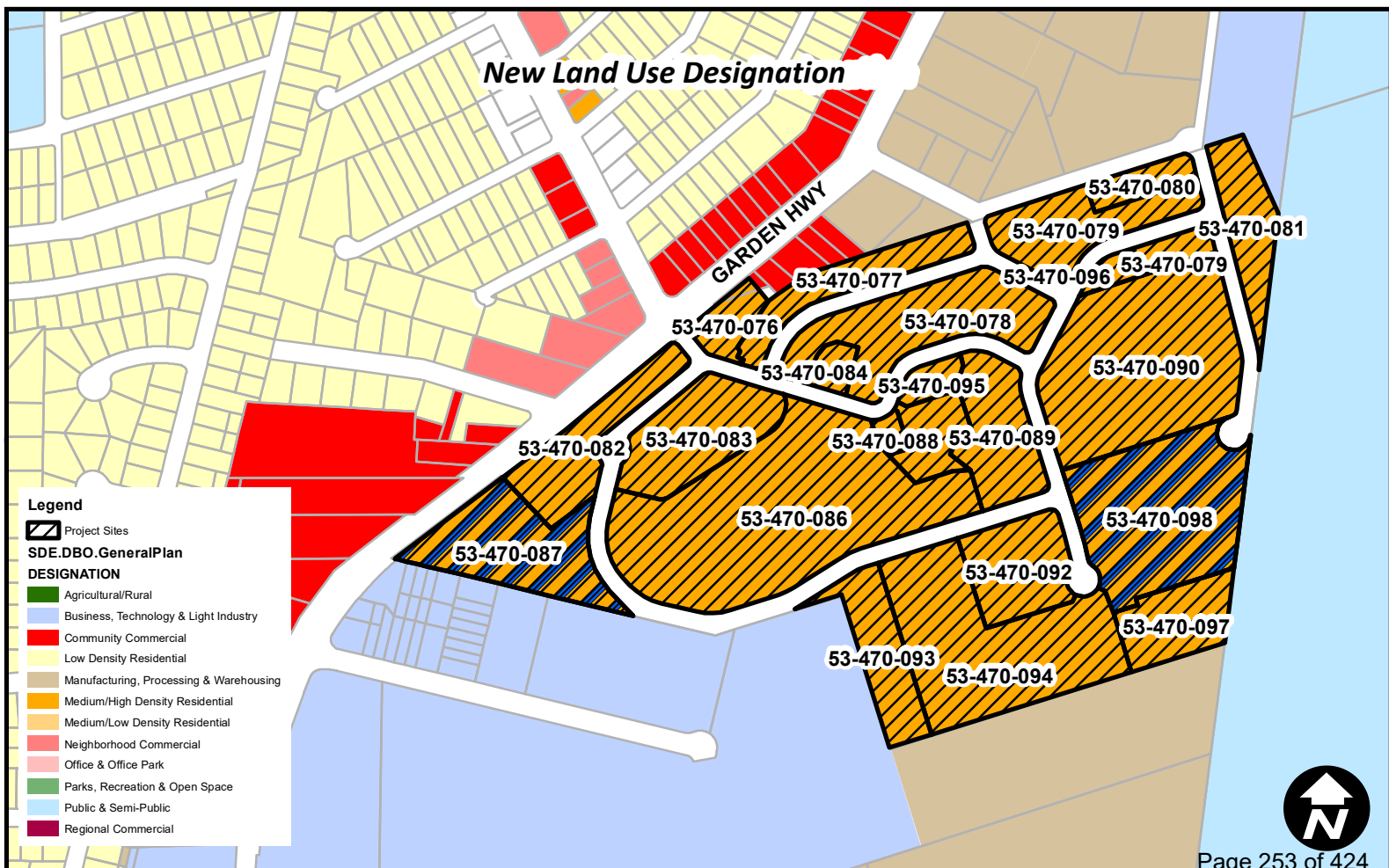
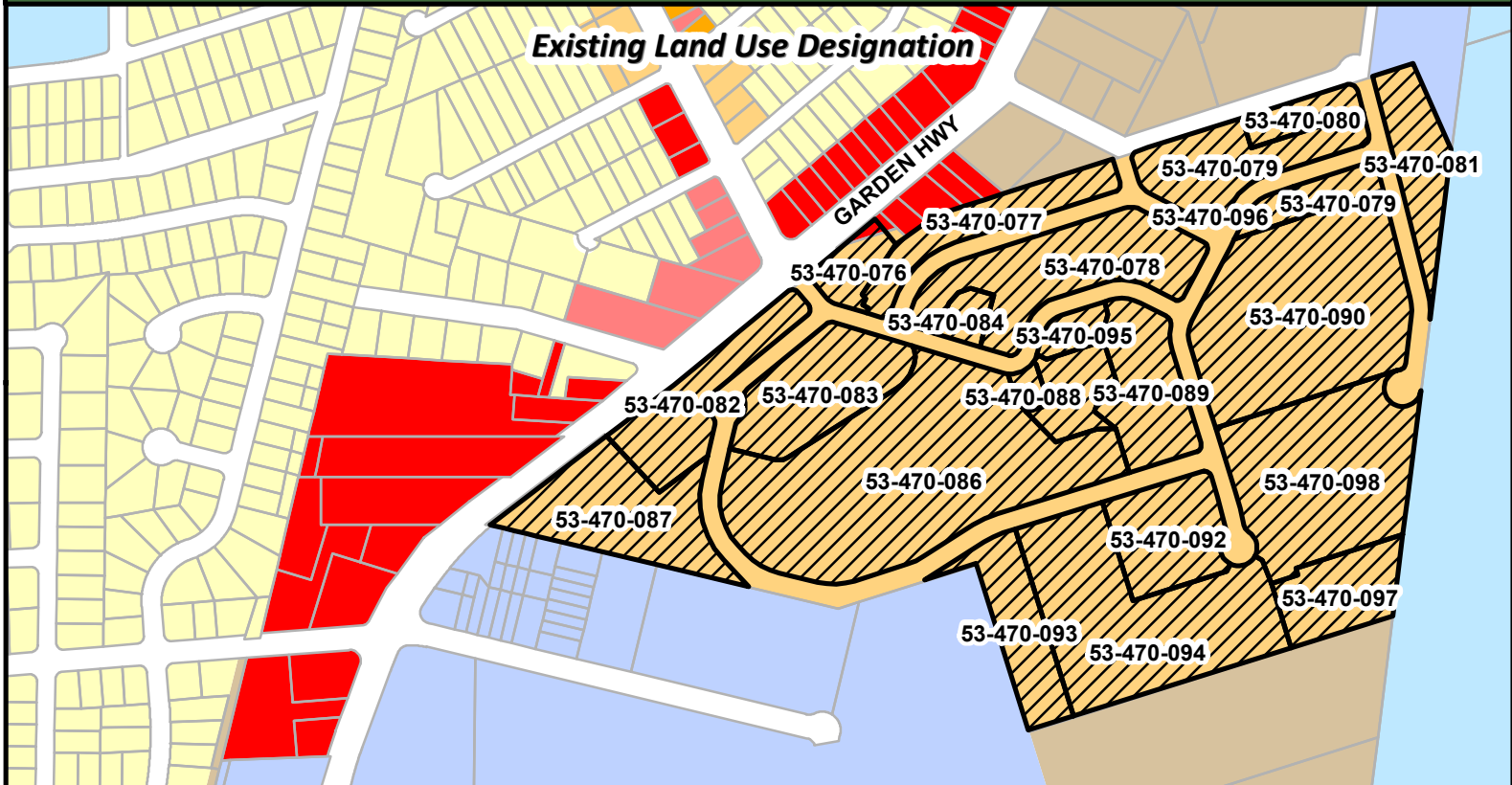
Market Street Area

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



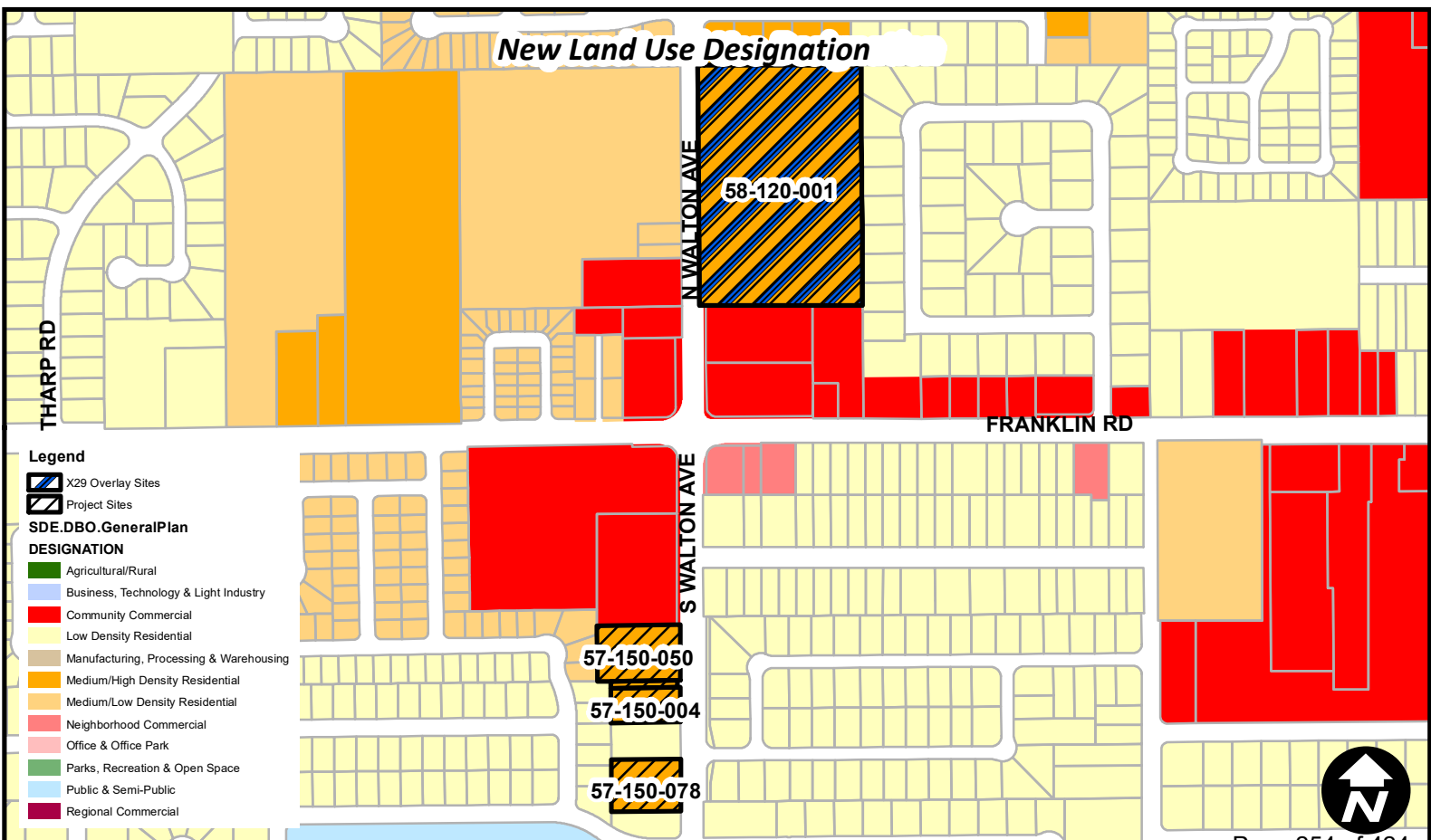
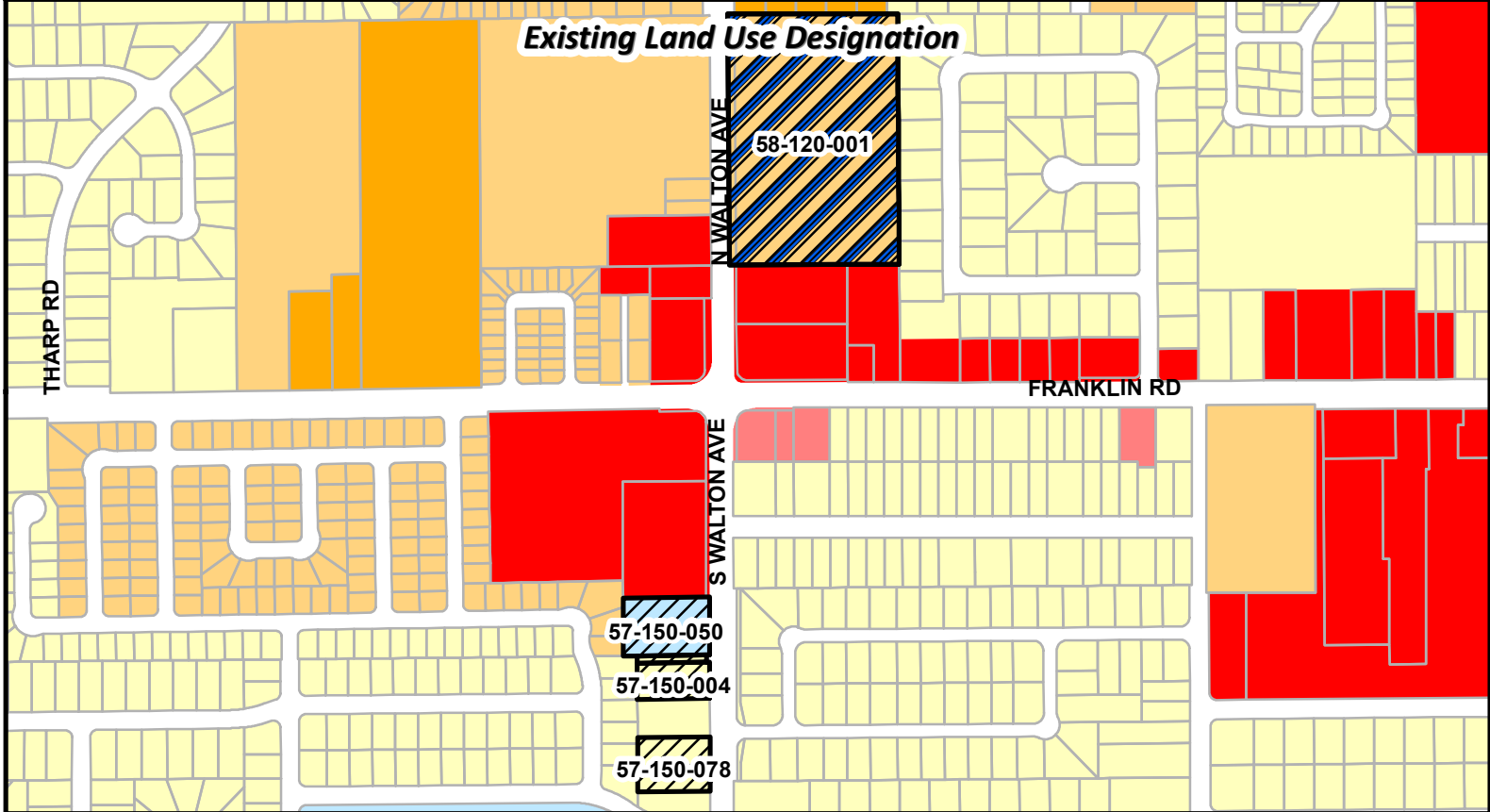
Regional Housing Authority Area

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



Walton Avenue Corridor

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO ADOPT REZONE 22-04 FOR THE IMPLEMENTING POLICIES OF THE 2021-2029 HOUSING ELEMENT PROJECT FOR APPROXIMATELY 75.89 ACRES, WHICH INCLUDES AN X29 COMBINING DISTRICT ON 14.95 ACRES, LOCATED THROUGHOUT THE CITY (ASSESSOR'S PARCEL NUMBER 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, AND 53-470-097).

WHEREAS, the City of Yuba City Council adopted the 2021-2029 City of Yuba City General Plan Housing Element and Addendum to the General Plan Environmental Impact Report (EIR), SCH No. 2001072105, which identified a lower income Regional Housing Needs Allocation (RHNA) shortfall of 208 units and requires the City to rezone a minimum of 10.3 acres to Multiple-Family Residence (R-3) to alleviate that shortfall; and

WHEREAS, The City of Yuba City is required to implement Program H-C-7 of the 2021-2029 City of Yuba City General Plan Housing Element by a date certain; and

WHEREAS, The City of Yuba City has identified 35 sites totaling 75.89 acres that meet the criteria identified under Program H-C-7 to alleviate the City's lower income RHNA shortfall; and

WHEREAS, the City initiated an effort to meet the Regional Housing Needs Allocation (RHNA) fair share assessment for lower income residents as identified in the 2021-2029 Housing Element and consistent with Program H-C-7 adopted on March 1, 2022; and

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

- Environmental Assessment (EA) 22-07
- General Plan Amendment (GPA) 22-03
- Rezone (RZ) 22-04 with an X29 Combining District

(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 a Mitigated Negative Declaration (SCH No. 2023020503) and Mitigation Monitoring and Reporting Program (MMRP) for the Project; and

WHEREAS, on March 22, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-08, General Plan Amendment 22-03, and Rezone 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, the Planning Commission has reviewed the Environmental Assessment and all associated documents prepared for the project, the staff report pertaining to the General Plan Amendment, Rezone, and Environmental Assessment, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council adopt Environmental Assessment 22-07 and General Plan 22-03, and adopt an Ordinance to approve Rezone 22-04; and

WHEREAS, on May 2, 2023, the Yuba City Council conducted a Public Hearing to consider the Project and received both oral testimony and written information presented at the hearing regarding the General Plan Amendment and Rezone; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, adopted Environmental Assessment (EA) 22-07 and approved GPA 22-03 at the meeting of May 2, 2023; and

WHEREAS, the City Council now desires to also approve RZ 22-04.

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 considered and previously approved EA 22-07 at the meeting of May 2, 2023, 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 22-04 is consistent with the General Plan as amended by General Plan Amendment 22-03. The City Council finds that Rezone 22-04 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 22-03; 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 22-04. Based on the information provided above, the City Council of Yuba City adopts an Ordinance approving RZ 22-04 and reclassify the zone districts for those districts as depicted in Exhibit "A" and "B" shown on the zoning map of the City of Yuba City.
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 2nd day of May 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

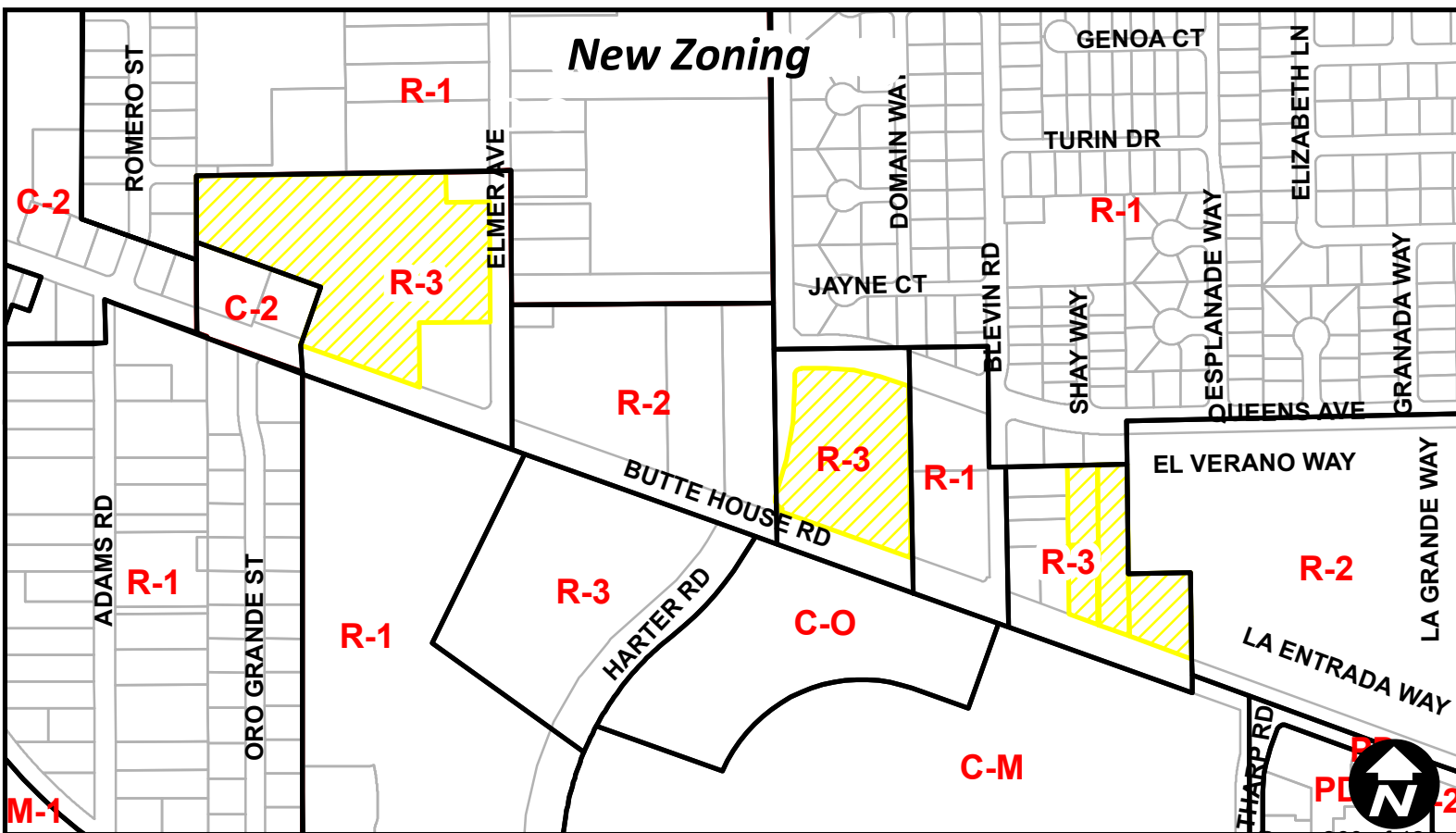
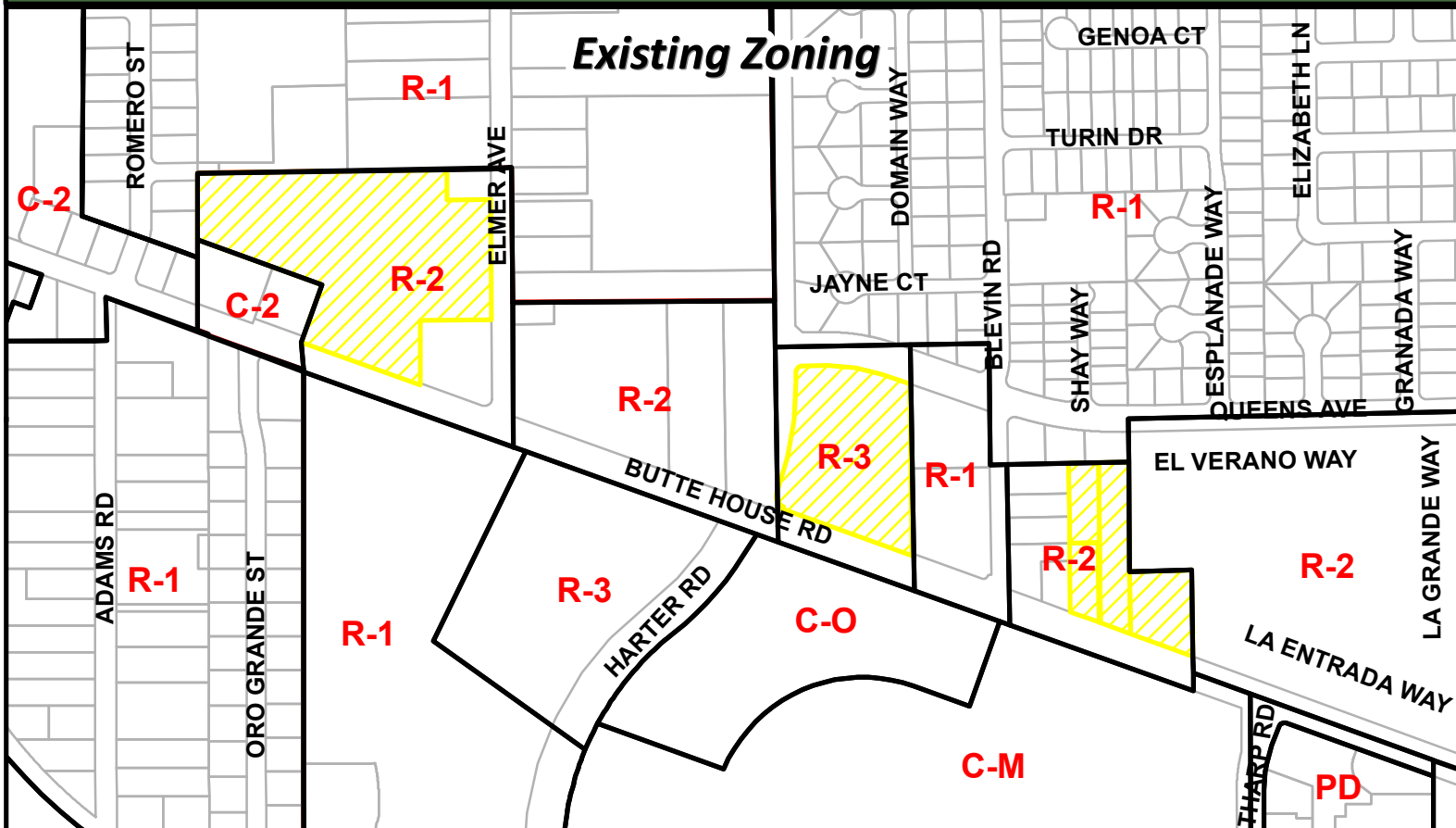
Exhibit A: Zoning Map, Rezone 22-04 Exhibit B: X29 Combining District Description

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

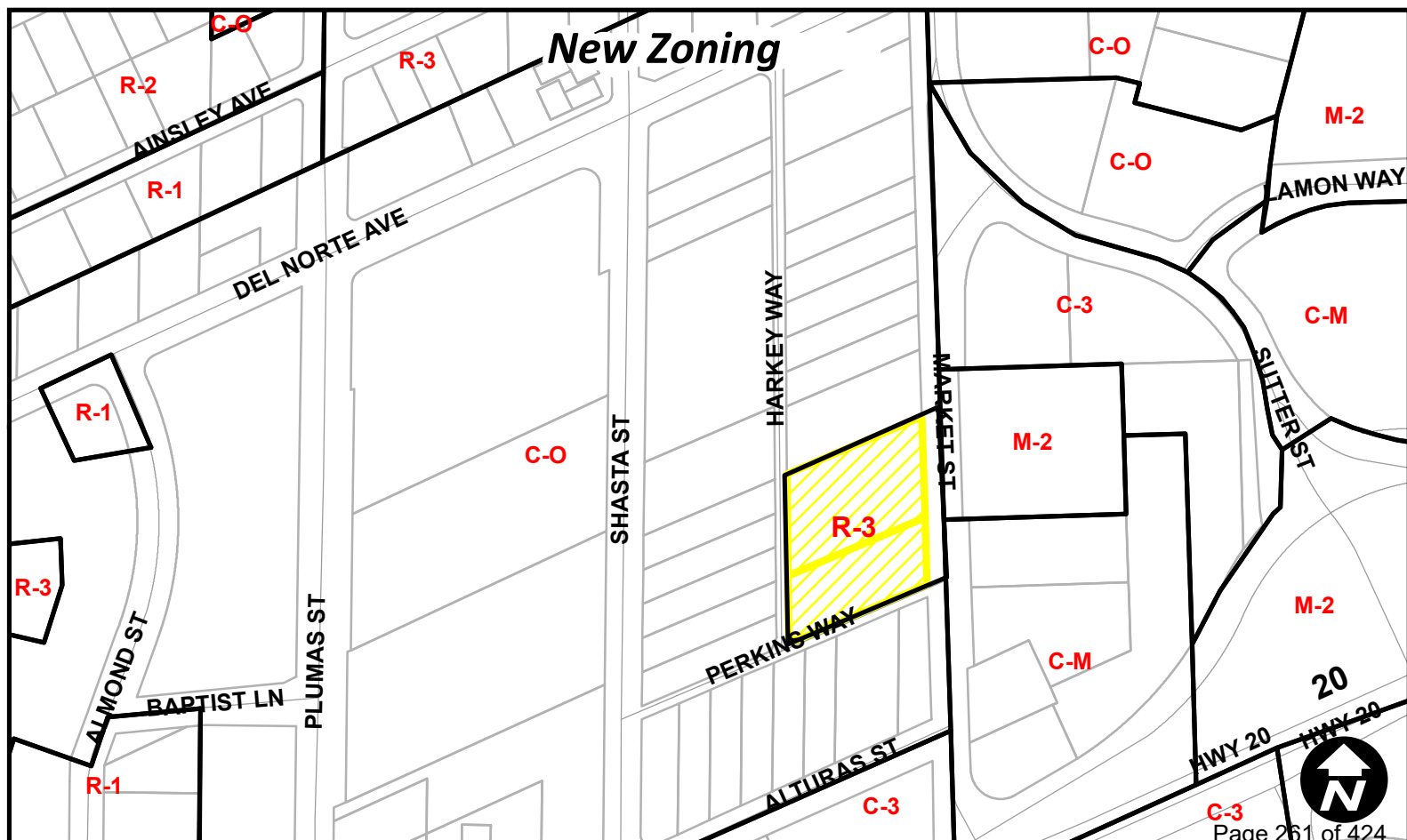
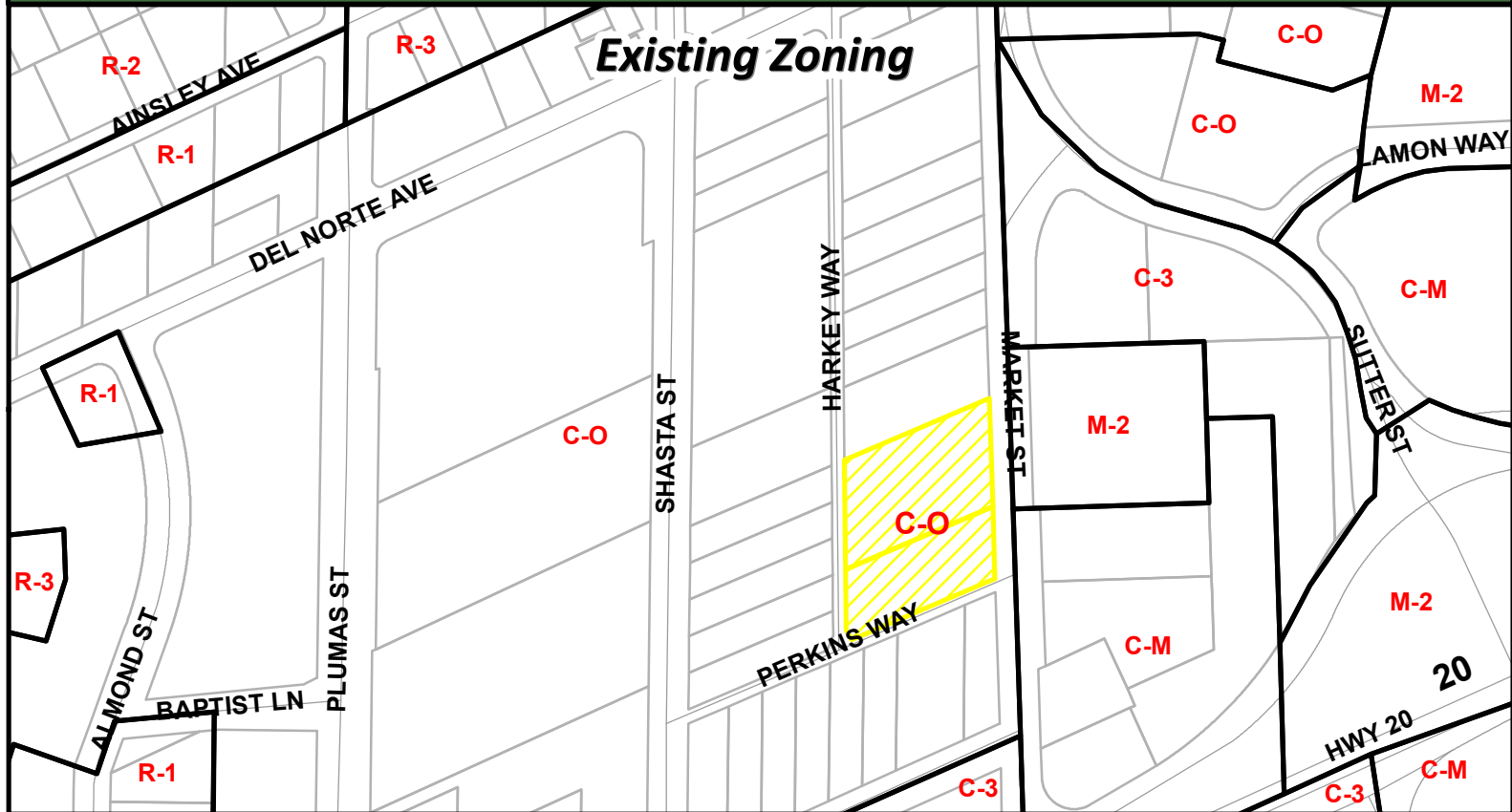
Butte House Corridor

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07



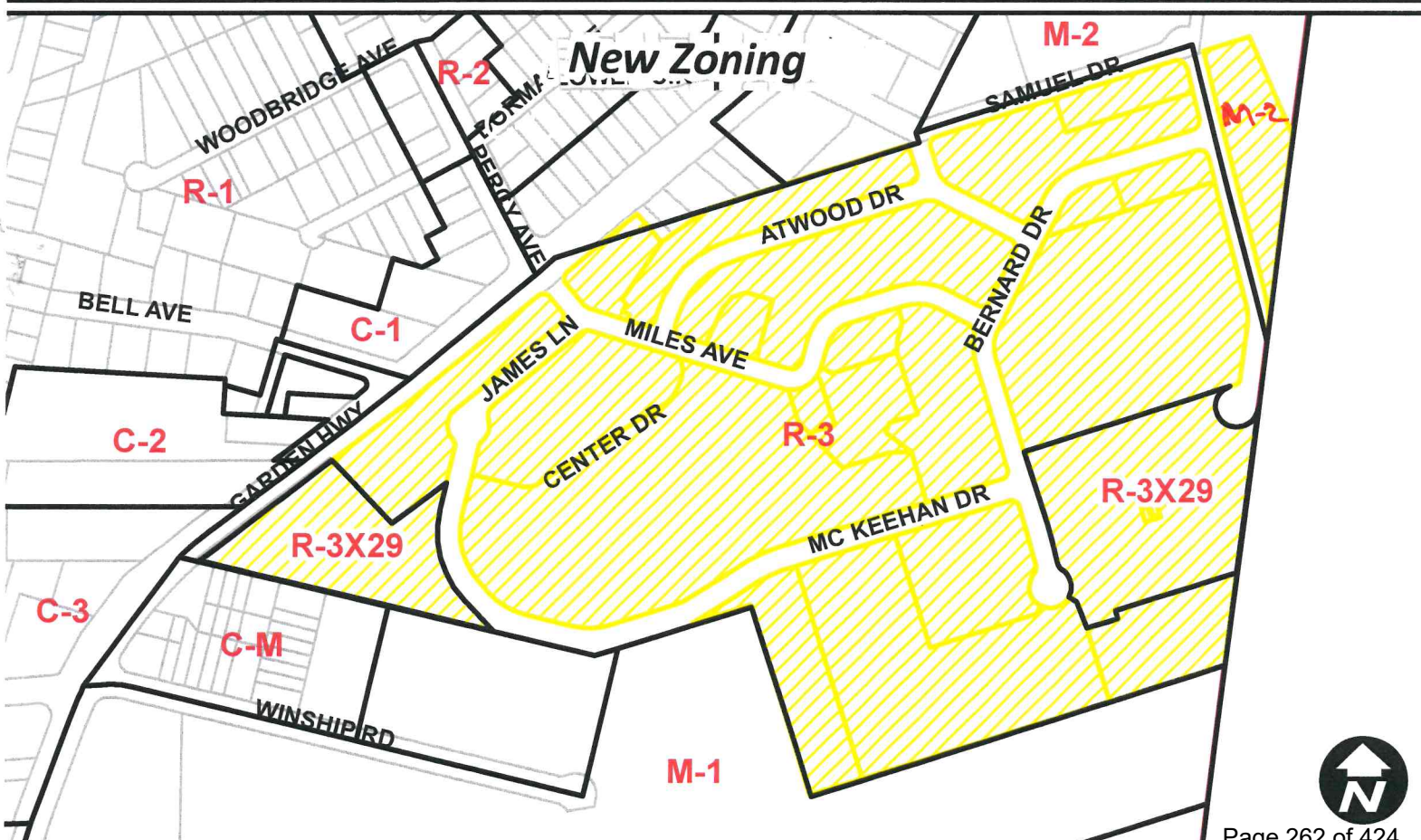
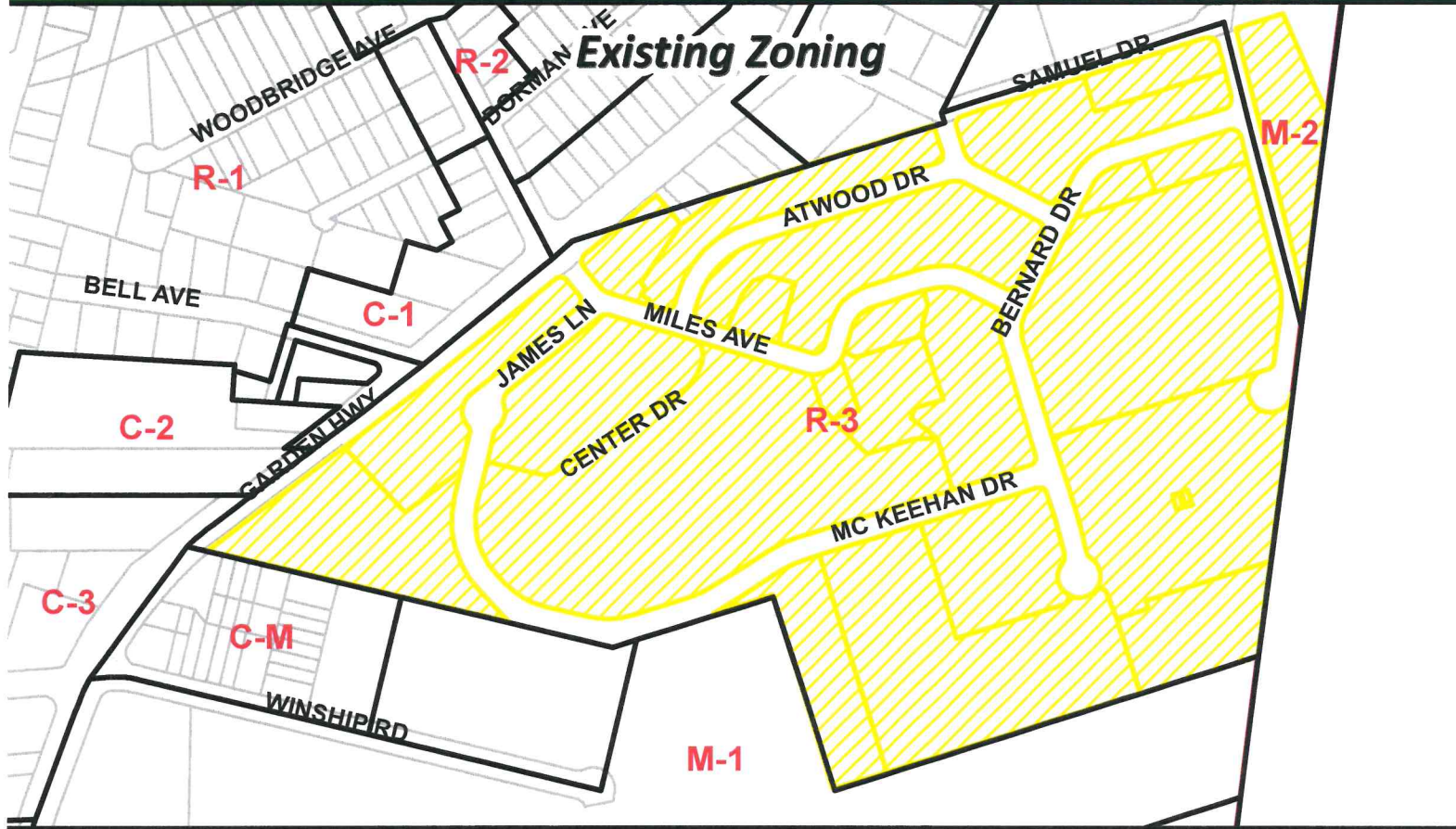
Market Street Area

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07



Regional Housing Authority Area

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07



Walton Avenue Corridor

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07

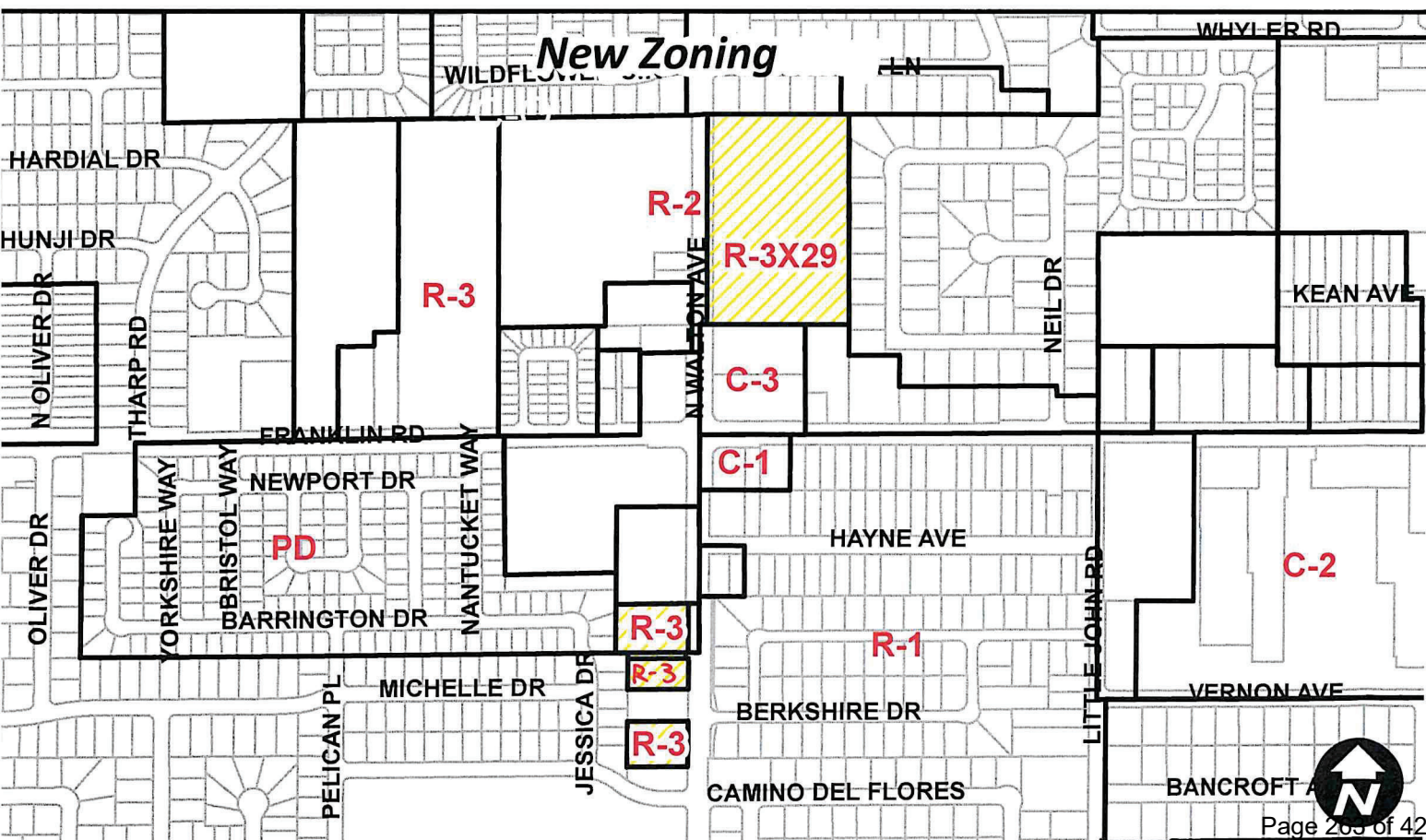
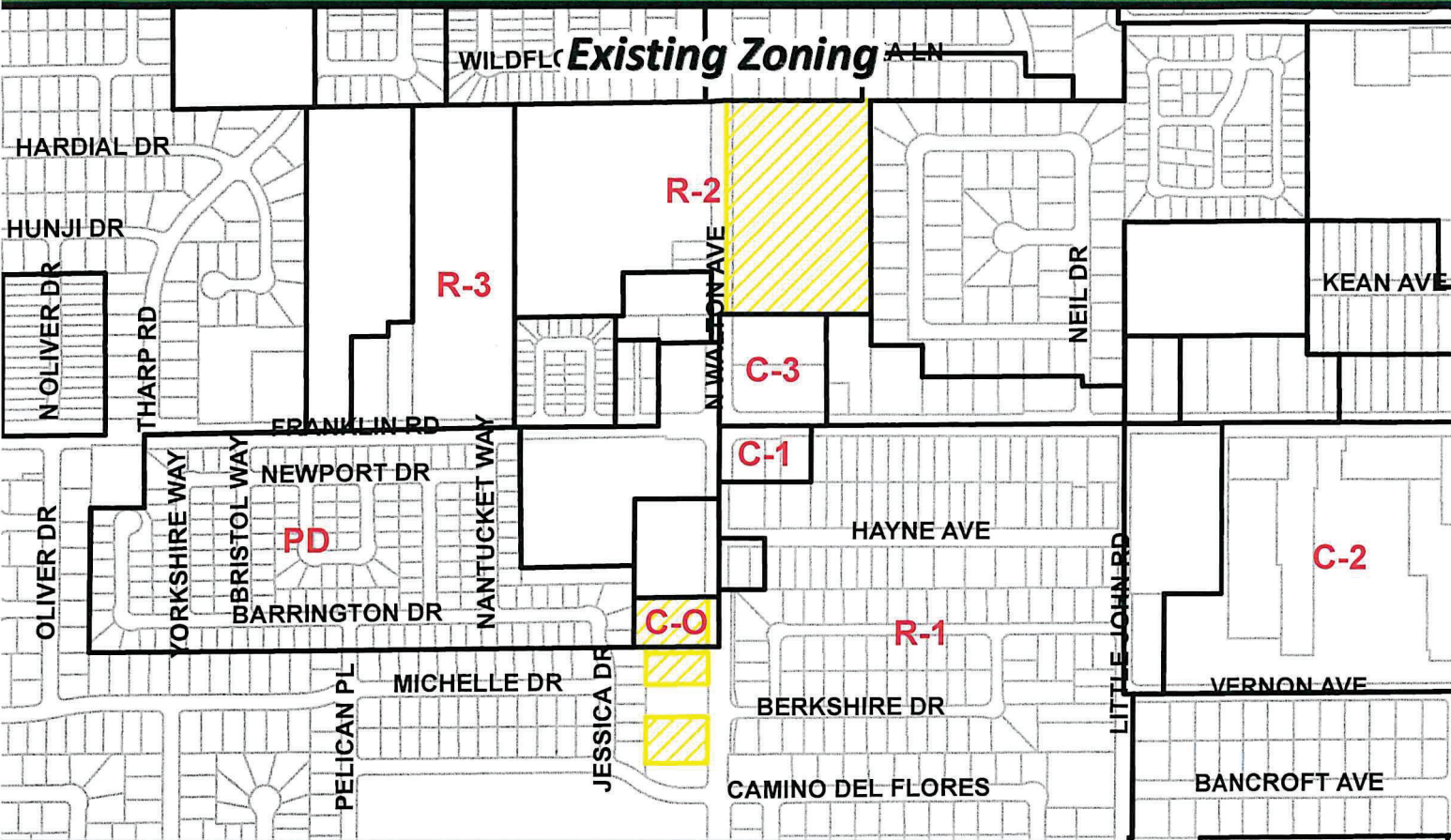


EXHIBIT B



YUBA CITY

X29 Combining District

Housing Element Rezone (GPA 22-03, RZ 22-04, EA 22-07)

X29 Area: This overlay zone encompasses three parcels as outlined below:

- 1) A 7.38-acre parcel located at 428 N Walton Avenue. The site is identified as Assessor's parcel number 58-120-001.
- 2) A 2.86-acre parcel located on McKeehan Drive south of the intersection of McKeehan Drive and Center Drive in the Richland Neighborhood. The site is identified as Assessor's parcel number 53-470-087.
- 3) A 4.71-acre parcel located at 470 Bernard Drive, in-between Bernard Drive and the Sutter County Airport. The site is identified as Assessor's parcel number 53-470-098.

Criteria for Development

1. The subject sites shall be developed at a minimum density of 20 dwelling units per acre and must be able to accommodate a minimum of 16 units per parcel in accordance with the 2021-2029 Housing Element (adopted March 1, 2022) that outlines the rezone requirements associated with program H-C-7.

ATTACHMENT 3



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Date: March 22, 2023
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation By: Doug Libby, Deputy Development Services Director

Subject: **General Plan Amendment (GPA) 22-03 and Rezone (RZ) 22-04 to implement the 2021-2029 Housing Element.**

Recommendation: A. Conduct a Public Hearing, and;
B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-07 by adopting a Mitigated Negative Declaration, subject to the Mitigation Measures, and adopt an Ordinance approving General Plan Amendment 22-03 and Rezone 22-04, on 75.89 acres, which includes an X29 Combining District on 14.95 acres, located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097).

Applicant: City of Yuba City

Owner(s): Various

Project Location: Citywide - Attachment 2 provides the location and details for all properties involved.

Specific Plan: None of the properties are located within a specific plan.

General Plan: ***Existing:*** The properties are located in various general plan designations:

- *Low Density Residential (LDR):* Three of the parcels (1.35 acres). Approximately 1.8% of the area is designated LDR, which provides for a residential density range of 2 to 8 residences per acre.
- *Low-Medium Density Residential (MDR):* 29 of the 35 parcels (72.32 acres). Approximately 95% of the area being considered is currently

designated MDR, which provides for a residential density range of 6 to 14 residences per acre.

- *Office and Office Park (O)*: Two parcels (1.22 acres). Approximately 1.6% of the area is designated O. This designation does not provide for residential uses except when in conjunction with an office development.
- *Public & Semipublic (P)*: One parcel (1 acre). Approximately 1.3% of the area is designated P. This designation does not provide for residential development.

Proposed:

- *Medium-High Density Residential (HDR)*: All 35 properties (75.89 acres) are proposed to be re-designated HDR. This designation provides for a residential density of 12 to 36 residences per acre.

Zoning:

Existing zoning: The properties are located in various zone districts:

- *One-Family Residence (R-1) Zone District*: Three parcels (1.35 acres). Approximately 2% of the project area is zoned R-1.
- *Two-Family Residential (R-2) Zone District*: Six parcels (18 acres). Approximately 23.7% of the project area is zoned R-2.
- *Multiple-Family Residence (R-3) Zone District*: Twenty-three parcels (54.32 acres). Almost 72% of the project area is zoned R-3. These properties do not need rezoning, even though the corresponding general plan designation is being modified.
- *Office Commercial (C-O) Zone District*: Three parcels (2.22 acres). Approximately 3% of the project area is zoned C-O.

Proposed zoning:

- *Multiple-Family (R-3)*: Twelve (12) parcels (21.57 acres) currently zoned R-1, R-2, and C-O are proposed to be rezoned to an R-3 Zone District. The other 23 parcels are already zoned R-3; and
- *X29 Combining District*: Three of the 35 properties (14.95 acres) are also proposed to have an X29 Combining Zone District added to the R-3 zoning. The X29 would require any residential development to be built to a minimum of 20 units per acre, as compared to the standard R-3 zoned properties that could be developed at a minimum of 12 units per acre.

Purpose:

Consideration of a Resolution to recommend approval to the City Council of General Plan Amendment 22-03 and Rezone 22-04 with Combining Zone District X29 to implement the 2021-2029 Housing Element.

Background:

The 2021-2029 Housing Element was adopted by City Council on March 1, 2022, and certified by the CA Housing and Community Development Department (HCD) on May 5, 2022.

This proposed GPA and RZ is an implementation of the General Plan Housing Element. It is a City-initiated effort to meet the City's Regional Housing Needs Allocation (RHNA) fair share assessment for lower income residents as identified by the recently adopted 2021-2029 Housing Element. Housing Element Policy H-C-7 provides that the City will provide a sufficient amount of zoned land to accommodate the RHNA number (1,544 dwelling units). The City's Housing Element vacant land inventory identified capacity to accommodate 1,336 dwelling units, leaving a shortfall of 208 units for the lower income RHNA. The proposed GPA and RZ will alleviate this shortfall by increasing potential residential development density consistent with Program H-C-7 of the 2021-2029 Housing Element. **This GPA and RZ does not include any actual development, as the private sector is responsible for developing the proposed sites.**

The candidate sites that were selected to be redesignated to accommodate future potentially higher density residential development were selected based on consideration of several factors including land use compatibility, access to available utility and public road infrastructure, **property owner interest**, and site constraints. The acreage consists of parcels ranging between 0.5-10 acres in area, which is expressly encouraged by the State and reflected in Housing Element Program H-C-7.

Project Description:

GPA 22-03 and RZ 22-04, involves 35 parcels that implements the requirements of Program H-C-7 of the 2021-2029 Housing Element. This GPA and RZ is intended to make available adequate land capable of accommodating the 1,544 needed lower income housing units in compliance with RHNA and State Housing law.

This proposed project, covering 75.89 acres, increases the minimum residential development densities to 12 units per acre. The rezoning will also include an X29 Combining Zone District for three of the 35 parcels, totaling 14.95 acres, that will require new residential densities to be a minimum of 20 units per acre. More specifically:

- **General Plan Amendment 22-03:** The proposal will amend the General Plan Land Use Element by re-designating 35 parcels from; Medium/Low Density Residential (29 parcels), Low Density Residential (3 parcels), Office and Office Park (2 parcels), and Public Facility (1 parcel) all to a Medium/High Density Residential (HDR) General Plan Designation.
- **Rezone 22-04:** The proposal will rezone twelve of those same properties to be consistent with the GPA discussed above. This includes three parcels currently in a One-Family Residential (R-1) Zone District, six parcels in a Two-Family Residence (R-2) Zone District, and three parcels in a Commercial Office (C-O) Zone District. All are proposed to be rezoned to a Multiple-Family (R-3) Zone District in order to be consistent with the HDR General Plan designation described above. Twenty-three of the properties were previously zoned R-3, and a rezoning is not required.

- **X29 Combining District:** In addition, three of the 35 properties, totaling 14.95 acres will have an X29 Combining District added to the R-3 zoning. The X29 Combining District will require new residential development to occur at a minimum of 20 units per acre as compared to the standard R-3 zoned properties that could be developed at a minimum of 12 units per acre. Applying the X29 Combining District to 14.95 acres exceeds the Program H-C-7 requirement to rezone 10.4-acres with an increased residential density.

Analysis:

The project will provide an additional 75.89 acres within the City for multiple-family residential housing, primarily on underutilized or vacant infill sites. The sites are appropriately located along or near major transportation corridors within the City. The sites will provide more opportunities for future development to build at higher densities. Support for multifamily housing will enhance the community by providing a balance of housing types within the City.

General Property Characteristics:

Per the Environmental Study prepared for the project, the proposed sites have been previously disturbed and do not contain any environmental constraints such as riparian habitat, water features, sensitive natural communities, or hazardous materials. The sites have adequate access to major roadways as well as the utility infrastructure necessary to support multiple-family development. The areas surrounding the 35 sites contain urban levels of development with low density residential, commercial, office, and light industrial uses that are generally compatible with multiple-family residential uses. The overall characteristics for each area where the General Plan amendments are proposed are described in further detail below. The properties are generally located within four areas of the City:

1. *Butte House Road Corridor* – There are several parcels consisting of approximately 14.6 acres along the north side of Butte House Road between Tharp Road and Romero Street. This area is primarily a residential area that is transitioning between homes on larger lots that were built prior to the area incorporating into the City, to larger properties developing into more urban and suburban type development. Butte House Road is designated in the General Plan Circulation Element as a four-lane major arterial designed to accommodate high traffic volumes from urban development.
2. *Walton Avenue Corridor* – Five infill type properties consisting of approximately 9.73 acres fronting along Walton Avenue, north and south of Franklin Road. This is primarily a single-family residential area with some smaller locally serving commercial uses. This proposal will allow for development of a wider mix of different residential densities and uses. Walton Avenue is designated as a four-lane major arterial having capacity to accommodate traffic from urban development. One of the properties (7.38 acres) is proposed to be rezoned to the X29 Combining District is located within this area.
3. *Regional Housing Authority (RHA)* – Twenty-two of the properties consisting of approximately 50.34 acres are located within the area owned and managed by the Regional Housing Authority. The developed portion of the RHA properties primarily consist of multiple-family development. As such, any new multiple-family development would be

compatible with the existing uses. Two of the properties (7.57 acres) proposed to be rezoned to the X29 Combining District are located within this area.

4. Market Street Area – There are two adjoining properties, consisting of approximately 1.22 acres on Market Street just north of downtown. The site is vacant and is located at the northwest corner of Perkins Way and Market Street. The site exhibits flat topography that was previously disturbed. Historical aerials indicate the site was previously used as a vehicle and material storage yard.

Attachment 2 provides the location and details for all properties involved.

Compatibility with Surrounding Uses:

While no development accompanies this project, the subject sites were reviewed to ensure future multiple-family development at the prescribed density would be compatible with neighboring uses and the existing physical build-out surrounding each site. The sites are located within the developed portion of the City, which consists of a suburban level of development supported by a large grid roadway network. Existing development within these areas of the City include a mix of single-family residential, commercial, and to a lesser extent, offices, multiple-family, and vacant lands. Overall, the larger suburban context featuring a robust roadway network, utility infrastructure, emergency services, local parks, and a large commercial development presence supports the concept of additional multiple-family residences.

The sites would have direct access to public roads and would not require a connection to an existing single-family neighborhood that would impact traffic on a roadway currently experiencing low traffic volumes. The sites are sized to accommodate multiple-family development including necessary site improvements such as private driveways, pedestrian connectivity, onsite parking spaces, landscaping, and recreational amenities such as clubhouses, pools, private patios, balconies, and/or play equipment. Orientation of multiple-family buildings can also be designed to minimize intrusion to adjacent uses, as well as height reduction, locating buildings closer to public street frontages, landscape buffering, location of solid waste enclosures, balcony placement, and lighting considerations. Additional City review and permitting will be required for any subsequent development proposals for the project sites to review for compliance with R-3 Zone District development standards and to ensure design compatibility with the existing neighboring uses.

General Plan Compliance:

The proposed GPA and RZ is consistent with the guiding goals and policies contained within the City of Yuba City General Plan. The project supports and forwards the following highlighted goals contained within the General Plan:

- **3.4-I-5:** *Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community.*
- **2.5-G-7:** *Enhance aspects of the community that help economic development and draw residents to Yuba City, including small-town ambience, educational, cultural, environmental, and recreational resources, and affordable housing.*

- **3.4-I-7:** *Promote infill development that maintains the scale and character of established neighborhoods.*
- **3.5-G-6:** *Encourage and provide incentives for infill development, including affordable housing for low and very low-income residents, within existing residential areas at a density not less than surrounding development, subject to appropriate standards to ensure compatibility with adjacent uses.*

The project will allow for future development of multiple-family housing within the urbanized area of the City on underutilized or vacant infill sites. The sites range in size from 1-acre to 8.21 acres, which are sized to support a small multiple-family complex to a medium or large-scale multiple-family development. The parcel sizes would accommodate the various aspects of a multiple-family development including the minimum number of dwellings required of the HDR designation and R-3 zoning (12-36 units/acre), vehicular and emergency vehicle access, off-street parking, landscaping, water quality treatment, onsite amenities, and utilities. The sites are appropriately located along major transportation corridors within the City that provide an appropriate transition area from low density residential development, office, or vacant land uses to higher intensity uses such as multiple-family residences.

Support for affordable housing will increase the City's economic vitality in attracting new residents and enhancing the community with a balance of housing types within the City.

Zoning Compliance:

Although the project does not propose any physical development. The candidate sites have been selected based on a number of factors, including suitability to support high density residential development, and ability to meet objective standards of the R-3 zone and Title 8 of the City Code. All new development that may follow this action will be reviewed for compliance with all City development and design standards.

Traffic:

The project was evaluated for resulting traffic related impacts associated with the proposed GPA and RZ and impacts were determined to be less than significant. Although no physical development is proposed as part of this project, the future development of the subject sites would result in construction activities and the occupation of new residences that would result in vehicle trips being generated, potentially beyond those which could be anticipated under the existing general plan and zoning. The City's circulation system has been designed and sized for the ultimate build-out of the City's land uses per the General Plan, and potential circulation impacts from build-out have been analyzed and disclosed in the General Plan Environmental Impact Report.

Significant impacts to capacity or level of service from future multiple-family residential development that may occur from the project are not anticipated given that the project sites front or are adjacent to major arterial streets (Butte House Road, Walton Avenue, and Garden Highway). These arterial streets are anticipated to be major traffic carriers and are within all level of service standards provided in the General Plan. The project sites all have nearby access to public transportation routes. Additionally, any project in excess of 25 units is required to have a Development Plan review by the Planning Commission and possibly the City Council to address project specific requirements, including traffic.

Future development that could occur on these sites would trigger improvements such as new driveways, internal circulation, solid waste servicing, frontage improvements, and/or other offsite public improvements. Additionally, a proposed development would be required to improve public street frontages and other facilities such as pedestrian infrastructure, public transportation improvements, and roadway improvements as needed. This review would ensure the site is adequate to serve the project and the anticipated traffic volumes produced from the development could be properly accommodated. Future residential development projects will also be conditioned to contribute their fair share to the cost of circulation improvements via the existing citywide traffic impact fees that would be assessed.

Availability of City Services:

City design standards require new development to be connected to City services and project sites are near or within previously developed areas of the City; therefore water, wastewater, and stormwater drainage infrastructure is available to serve multiple-family development at each of the sites. Additional studies to determine capacity for existing infrastructure may be required based on a project specific development application. The GPA and RZ proposal do not conflict with any adopted plan or policy with regard to City utility infrastructure development or maintenance.

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 Air Quality, the project will not create any significant impacts to nearby neighborhoods. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA.

Recommended Action:

- A.** Conduct a Public Hearing, and;
- B.** Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 22-07 by adopting a Mitigated Negative Declaration, subject to the Mitigation Measures, and adopt an Ordinance approving General Plan Amendment 22-03 and Rezone 22-04, on 75.89 acres, which includes an X29 Combining District on 14.95 acres, located throughout the City (Assessor's Parcel Number 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097).

Attachments:

1. Planning Commission Resolution
 - Exhibit A: General Plan Amendment 22-03
 - Exhibit B: Rezone 22-04
 - Exhibit C: X29 Combining District
2. Location Map and Information Table
3. Property Owner Support Letters
4. Environmental Assessment 22-07 and the Mitigation Monitoring Program

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVE ENVIRONMENTAL ASSESSMENT 22-07 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE MITIGATION MEASURES, AND ADOPT AN ORDINANCE APPROVING GENERAL PLAN AMENDMENT 22-03 AND REZONE 22-04, ON 75.89 ACRES, WHICH INCLUDES AN X29 COMBINING DISTRICT ON 14.95 ACRES, LOCATED THROUGHOUT THE CITY (ASSESSOR'S PARCEL NUMBER 59-020-017, 59-020-015, 61-120-004, 59-530-034, 59-020-018, 59-020-016, 51-393-003, 51-393-002, 57-150-078, 57-150-004, 57-150-050, 58-120-001, 57-220-065, 53-470-088, 53-470-079, 53-470-083, 53-470-087, 53-470-076, 53-470-085, 53-470-078, 53-470-077, 53-470-081, 53-470-086, 53-470-095, 53-470-082, 53-470-092, 53-470-080, 53-470-090, 53-470-096, 53-470-089, 53-470-093, 53-470-084, 53-470-094, 53-470-098, and 53-470-097).

WHEREAS, the City of Yuba City Council adopted the 2021-2029 City of Yuba City General Plan Housing Element and Addendum to the General Plan Environmental Impact Report (EIR), SCH No. 2001072105, which identified a lower income Regional Housing Needs Allocation (RHNA) shortfall of 208 units and requires the City to rezone a minimum of 10.3 acres to Multiple-Family Residence (R-3) to alleviate that shortfall; and

WHEREAS, The City of Yuba City is required to implement Program H-C-7 of the 2021-2029 City of Yuba City General Plan Housing Element by a date certain; and

WHEREAS, The City of Yuba City has identified 35 sites totaling 75.89 acres that meet the criteria identified under Program H-C-7 to alleviate the City's lower income RHNA shortfall; and

WHEREAS, the City initiated an effort to meet the Regional Housing Needs Allocation (RHNA) fair share assessment for lower income residents as identified in the 2021-2029 Housing Element and consistent with Program H-C-7 adopted on March 1, 2022; and

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

- Environmental Assessment (EA) 22-07
- General Plan Amendment (GPA) 22-03
- Rezone (RZ) 22-04 with an X29 Combining District

(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 a Mitigated Negative Declaration (SCH No. 2023020503) and Mitigation Monitoring and Reporting Program (MMRP) for the Project; and

WHEREAS, on March 22, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-08, General Plan Amendment 22-03, and Rezone 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, the Planning Commission has reviewed the Environmental Assessment and all associated documents prepared for the project, the staff report pertaining to the General Plan Amendment, Rezone, and Environmental Assessment, 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 a Resolution adopting Environmental Assessment 22-07, approving General Plan Amendment 22-03, and adopting an ordinance approving Rezone 22-04.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City 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 22-03 or Rezone 22-04, may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 22-07. 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 22-07 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 22-07.

3. Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends to the City Council adoption of a Mitigated

Negative Declaration 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 authorizes the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project.

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 22-03, including the following:

a. The project is consistent with the objectives of Program H-C-7 of the 2021-2029 Housing Element which requires the City to amend the zoning to R-3 on at least 10.3 acres within the City to alleviate the existing 208-unit shortfall for lower income RHNA. The project will forward the goals of the Housing Element to provide for additional affordable housing opportunities within the City. The project sites are appropriately sited to support high-density residential development permitted under the Medium-High Density Residential designation as the sites are infill parcels where supporting infrastructure is already in place such as a robust roadway network operating at acceptable levels of service, utility infrastructure, emergency services such as municipal police and fire protection facilities, local parks, and nearby commercial businesses to support resident needs. The sites are also compatible in terms of land use and provide natural transitions between major arterial roadway segments and low-density residential development and will have independent access that does not conflict with low volume residential streets surrounding the sites.

The project supports and forwards the following highlighted goals contained within the General Plan:

3.4-I-5: *Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community.*

2.5-G-7: *Enhance aspects of the community that help economic development and draw residents to Yuba City, including small-town ambience, educational, cultural, environmental and recreational resources, and affordable housing.*

3.4-I-7: *Promote infill development that maintains the scale and character of established neighborhoods.*

3.5-G-6: *Encourage and provide incentives for infill development, including affordable housing for low and very low-income residents, within existing residential areas at a density not less than surrounding development, subject to appropriate standards to ensure compatibility with adjacent uses.*

The project will allow for future development of multi-family housing within the urbanized area of the City on underutilized or vacant infill sites. The sites are appropriately located along major transportation corridors within the City that provide an appropriate transition area from low density residential development to higher intensity uses such as multi-family. The sites will be utilized for future development of multi-family units intended for lower income residents to maintain affordable housing within the City. Support for affordable housing will increase the

City's economic vitality in attracting new residents and enhancing the community with a balance of housing types within the City. The project sites are not located within a specific plan area.

The sites have all City services available to them, which have capacity to serve the density range of 12-36 units per acre allowed under the Medium-High Density Residential designation. The existing public roadway network adjacent to the sites and within the larger surrounding areas is adequate to support the anticipated vehicle and pedestrian traffic associated with the planned residential use with feasible improvements imposed upon a future development plan. The sites are sized to accommodate the anticipated density and will allow for adequate onsite circulation to occur with a proposed development plan. 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.

The project sites are located along major transportation corridors which are appropriate for siting multi-family residential development envisioned with the proposed GPA and Rezone. The existing roadways will support the anticipated vehicle and pedestrian traffic. The sites are sized to accommodate multi-family residential development and their associated improvements such as parking, drive aisles, landscaping, pedestrian corridors and amenities, and waste enclosures. As previously discussed, all City services will be brought to the property that are adequate to serve the proposed residential use of the property. There are no known environmental hazards associated with the project site that would render the site unsuitable for residential development.

Based on the Environmental Assessment (EA 22-07) and Mitigation Monitoring Program prepared for the project, any potential environmental impacts will be mitigated to a less than significant level.

The project does not result in any physical development of any of the sites, however the project will allow future residential development to occur at a higher density than previously permitted under the previous General Plan land use designation. Development of the sites will require connection to public utility infrastructure such as water, sewer, stormwater, electric, gas, and telecommunications. Future development of the sites will be evaluated for potential impacts to ensure proposed development is not detrimental to public health and safety.

5. Recommendation of Approval of GPA 22-03. The Planning Commission recommends the City Council adopt General Plan Amendment No. 22-03, 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 22-04 is consistent with the General Plan as amended by General Plan Amendment 22-03. The Planning Commission further recommends that the City Council find that Rezone 22-04 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 22-04. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City that it adopt an ordinance approving RZ 22-04 and reclassify the zone districts for those districts as depicted in Exhibit "B" and "C" 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 March 22, 2023, 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.

Jackie Sillman, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

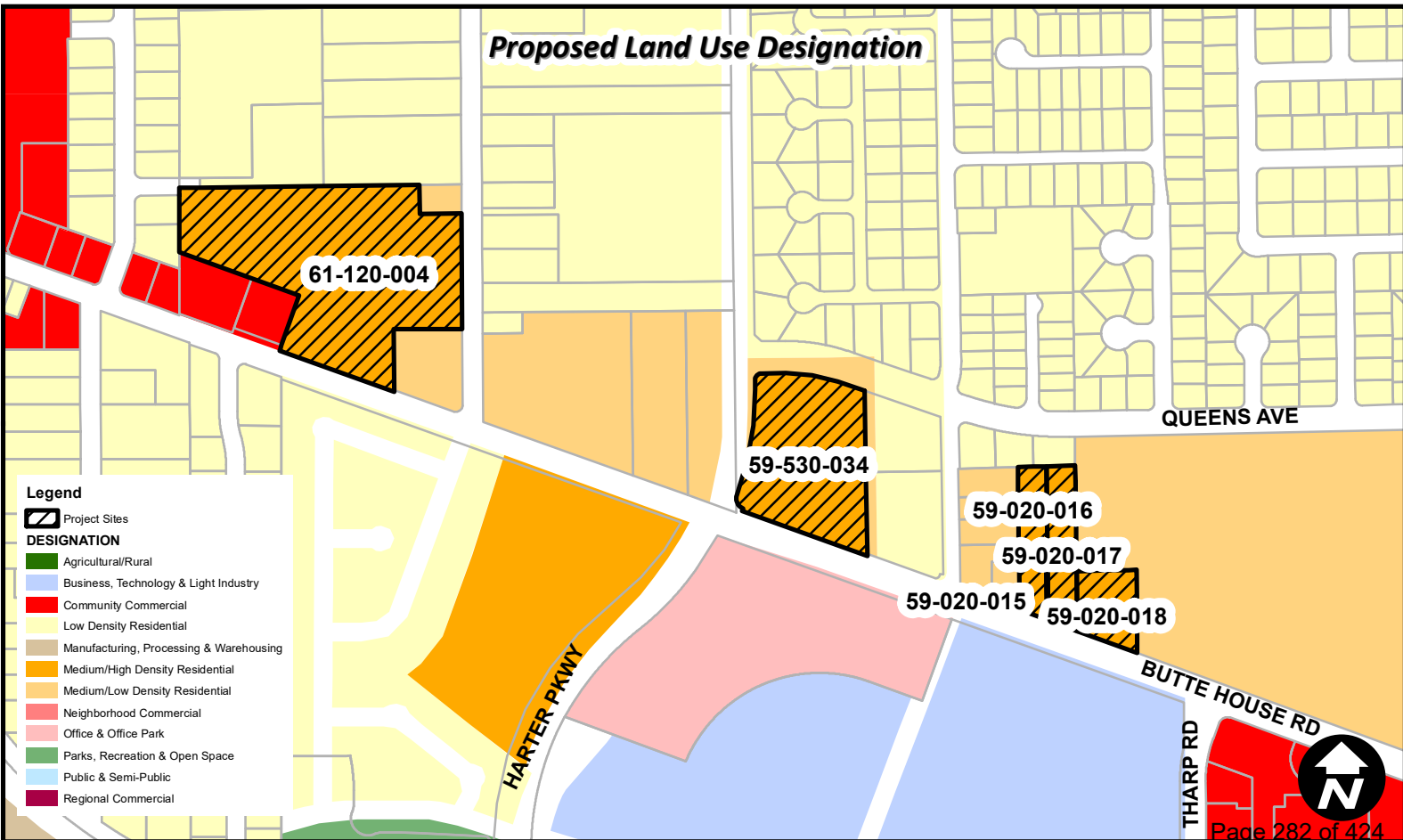
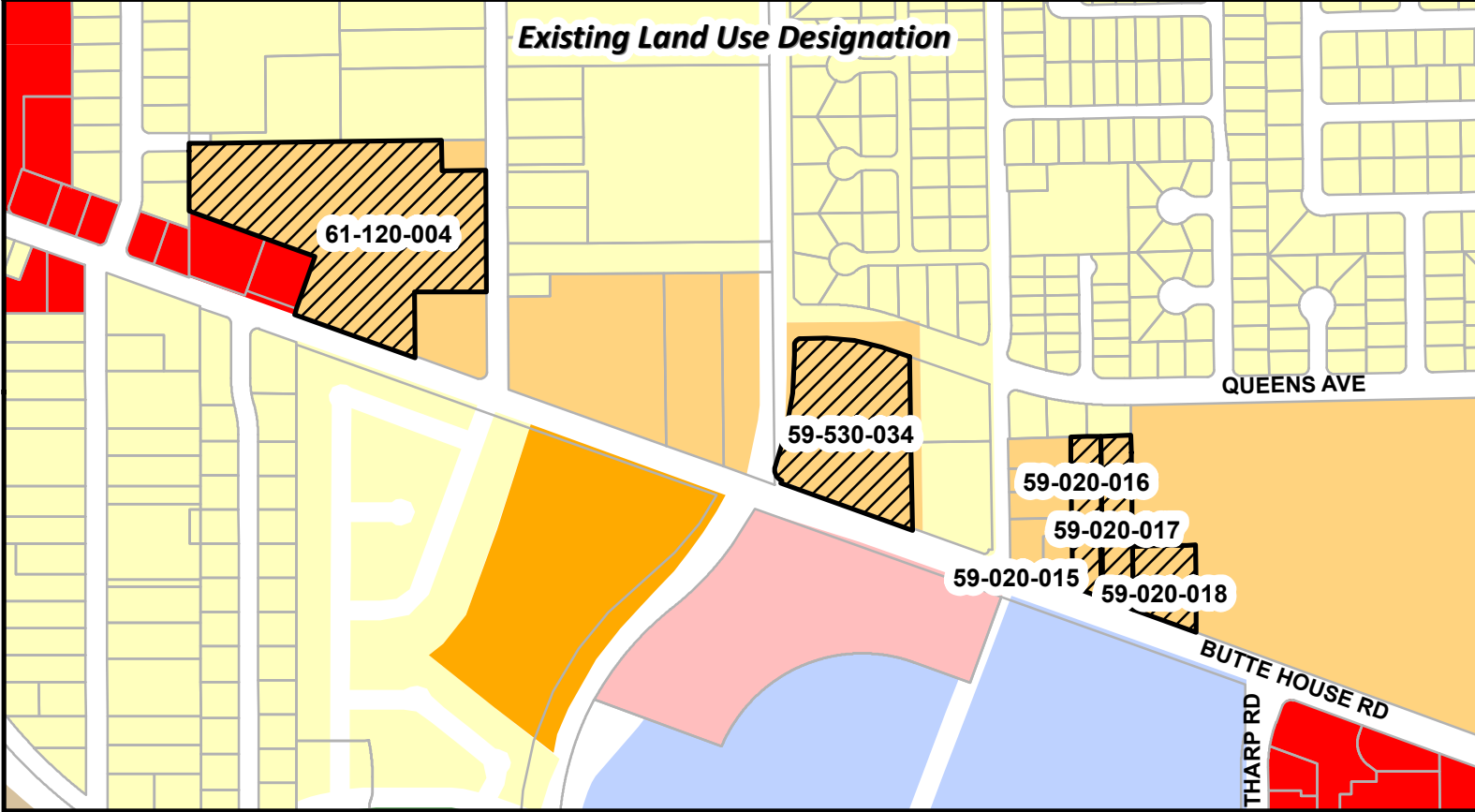
Attachments:

Exhibit A: General Plan Amendment 22-03
Exhibit B: Rezone 22-04
Exhibit C: X29 Combining District

EXHIBIT A

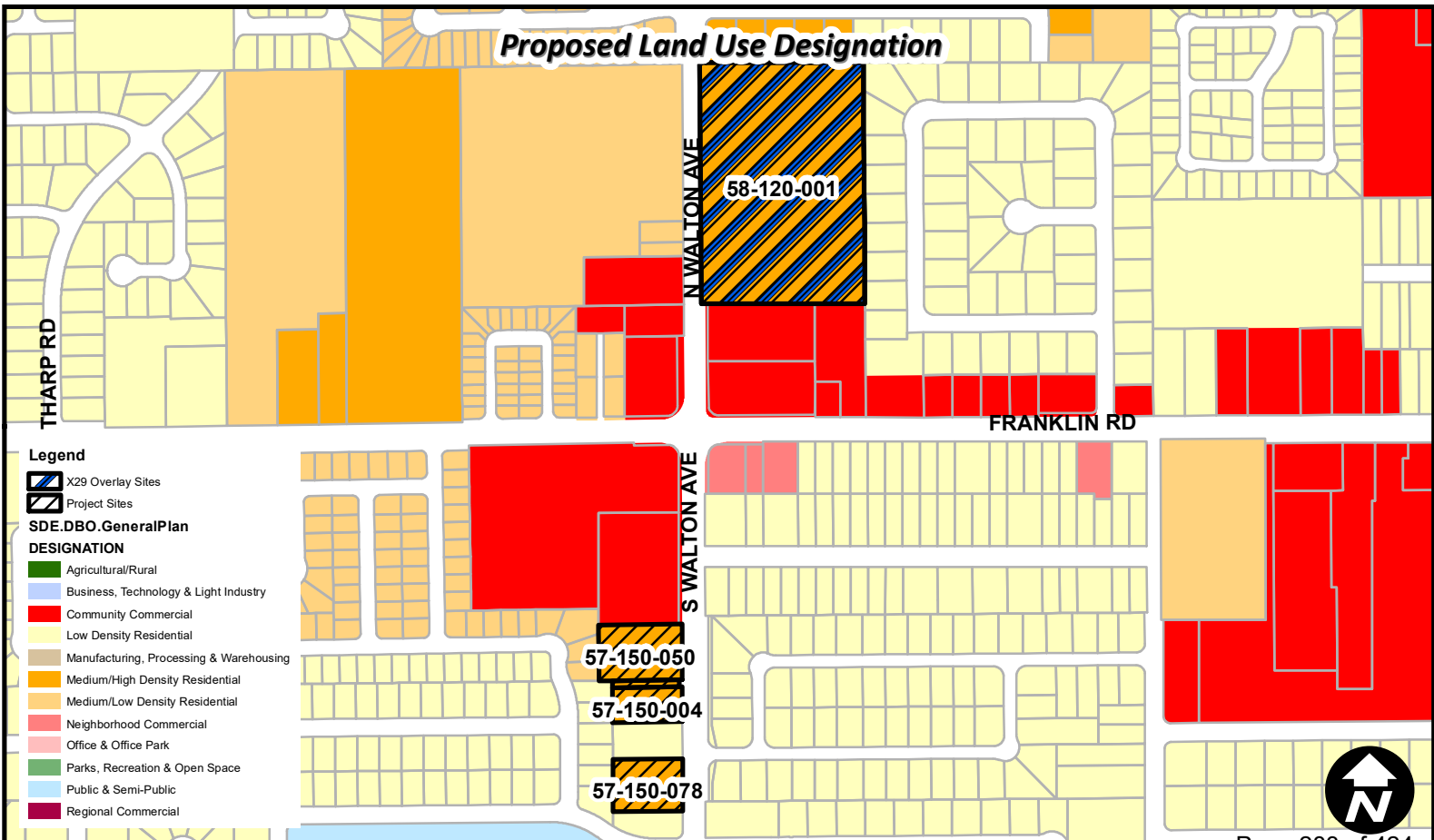
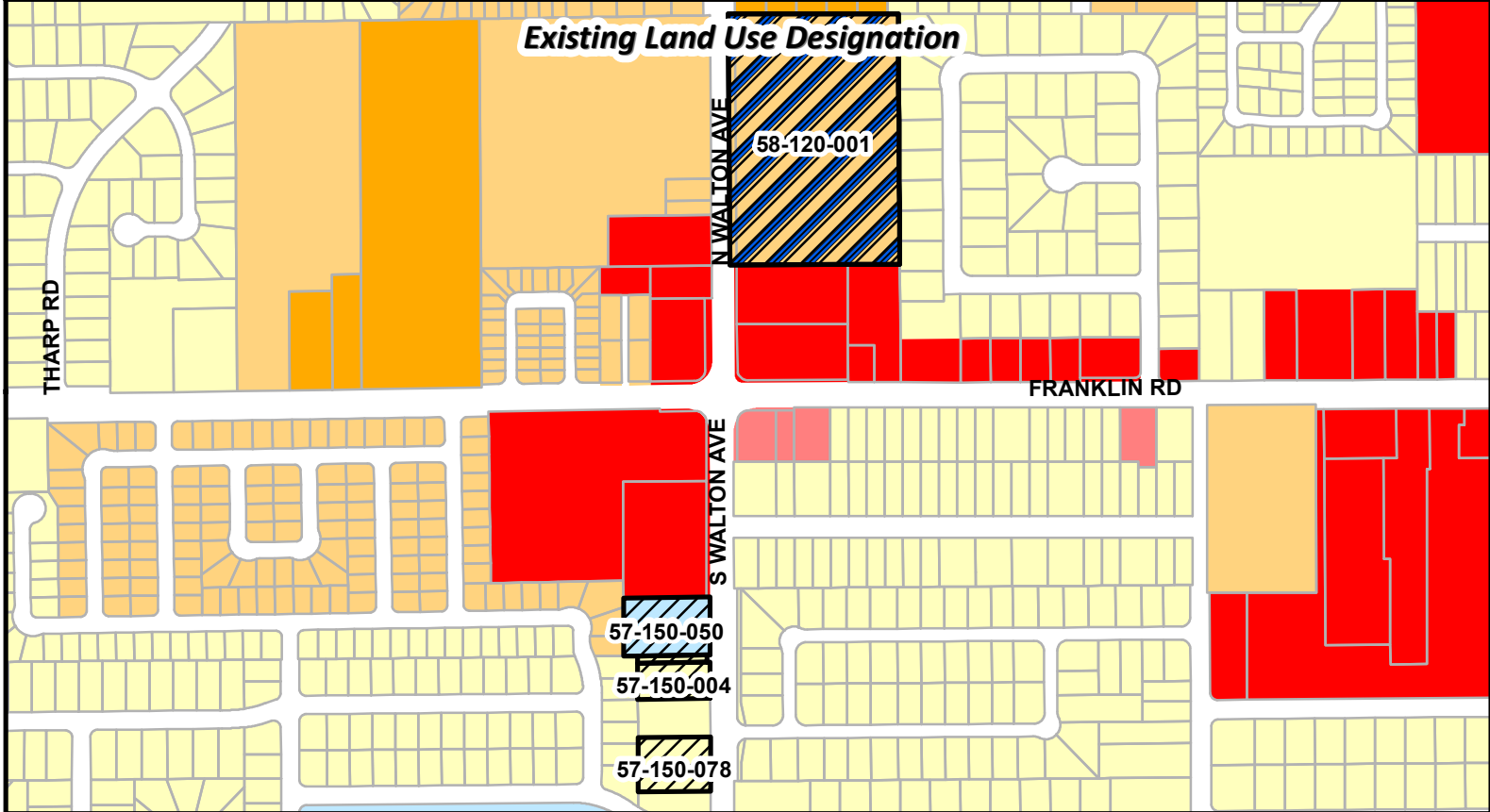
Butte House Road Corridor

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



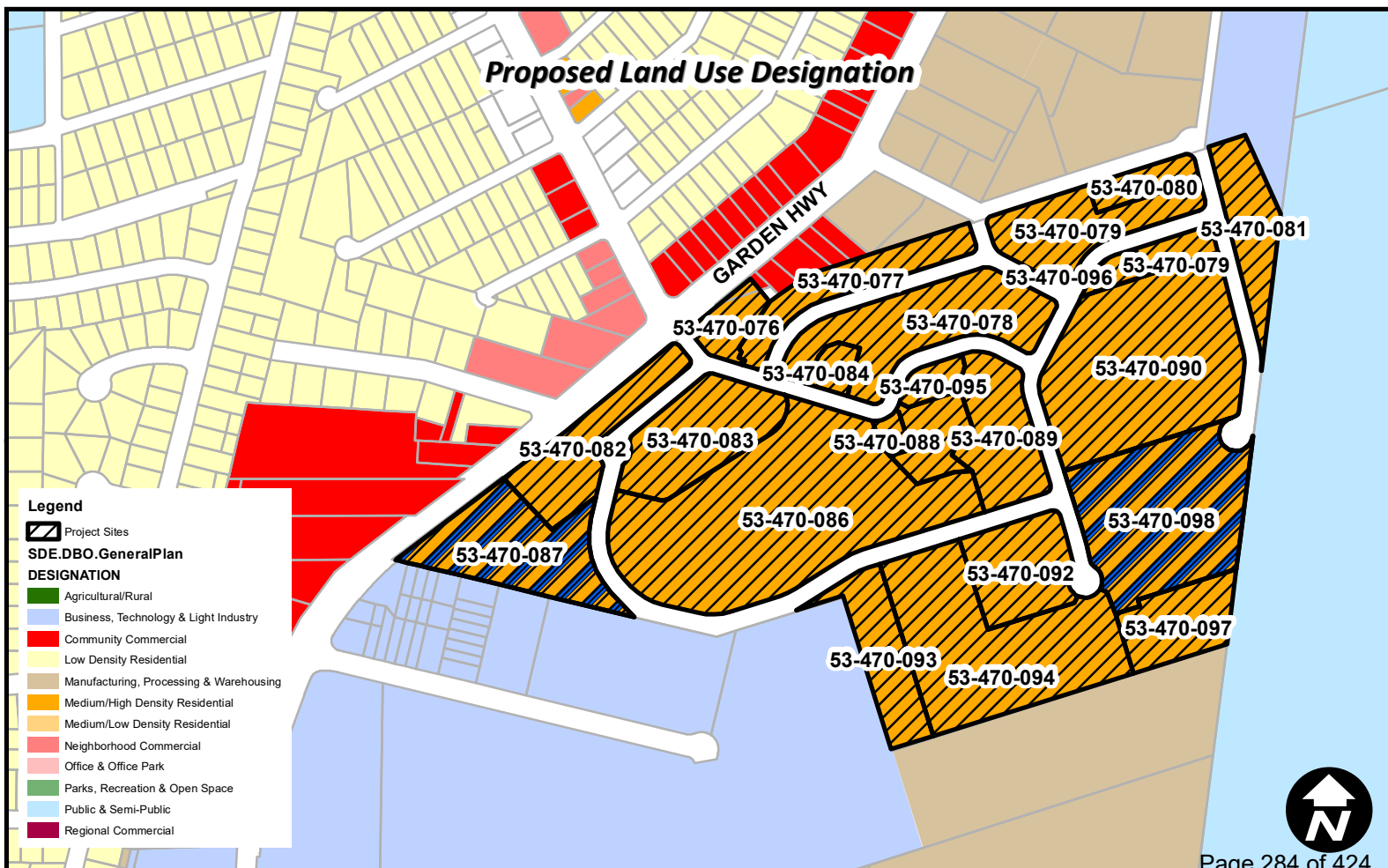
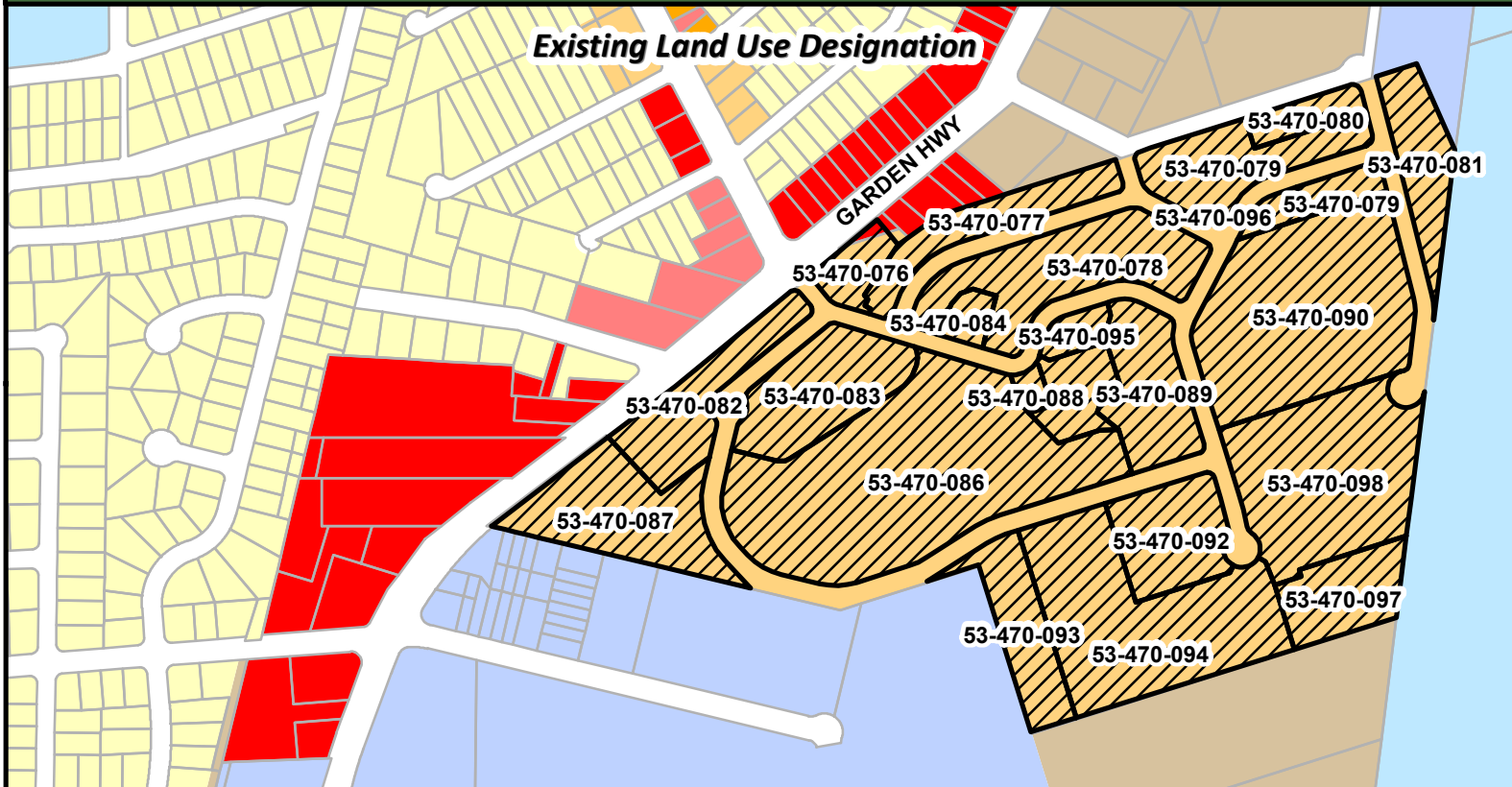
Walton Avenue Corridor

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



Regional Housing Authority Area

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07



Market Street Area

Land Use Map - GPA 22-03, RZ 22-04, EA 22-07

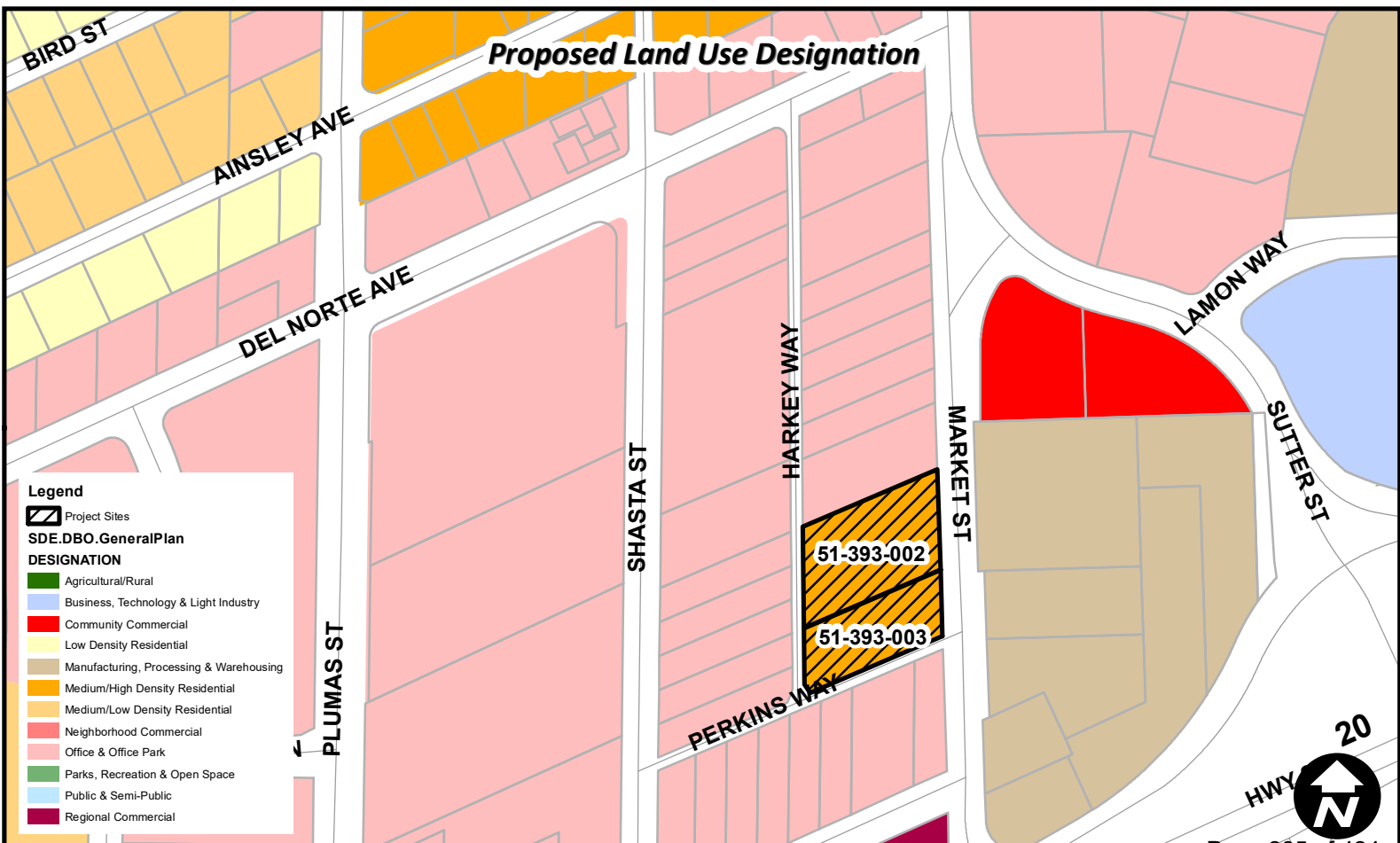
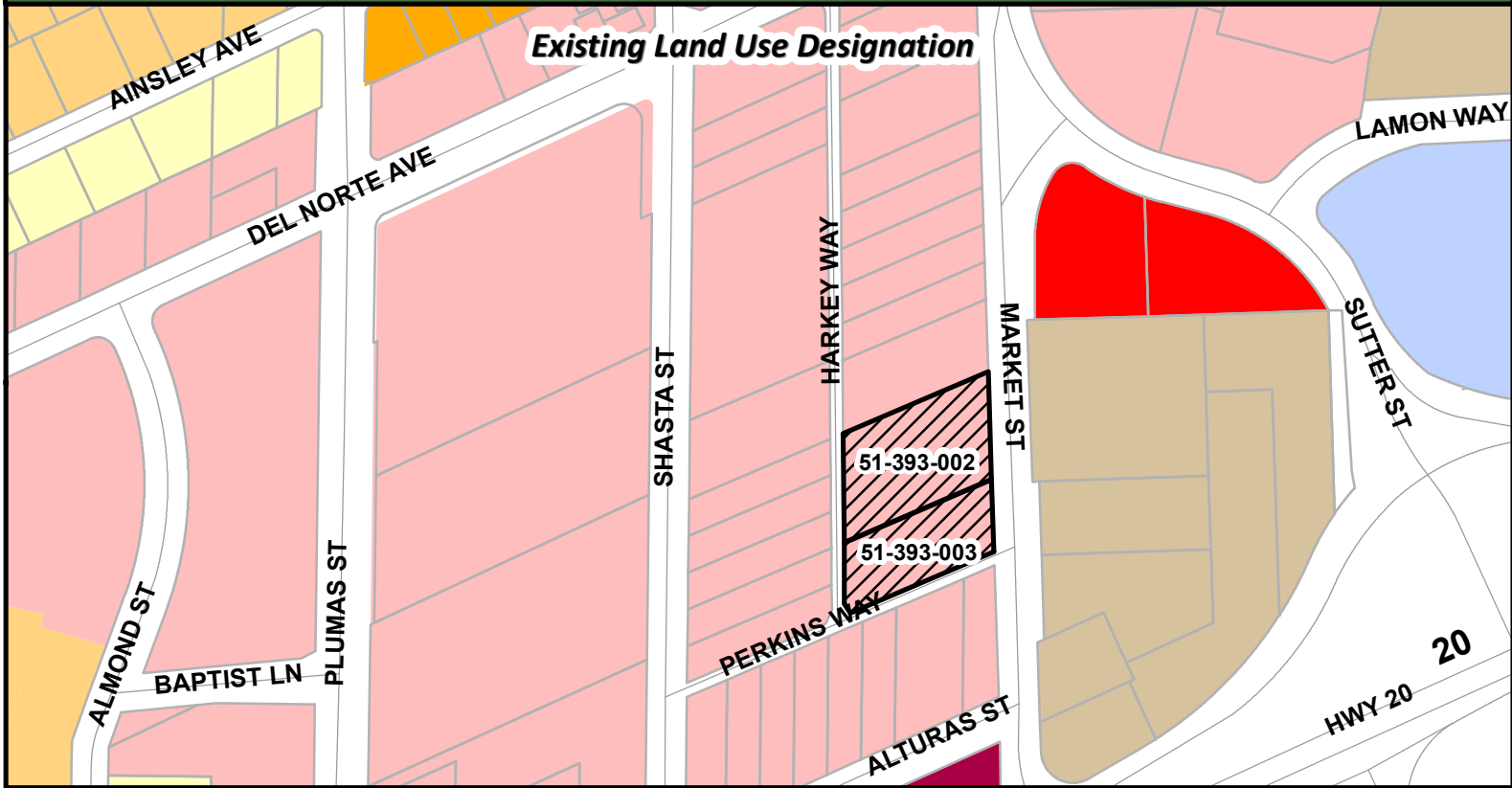
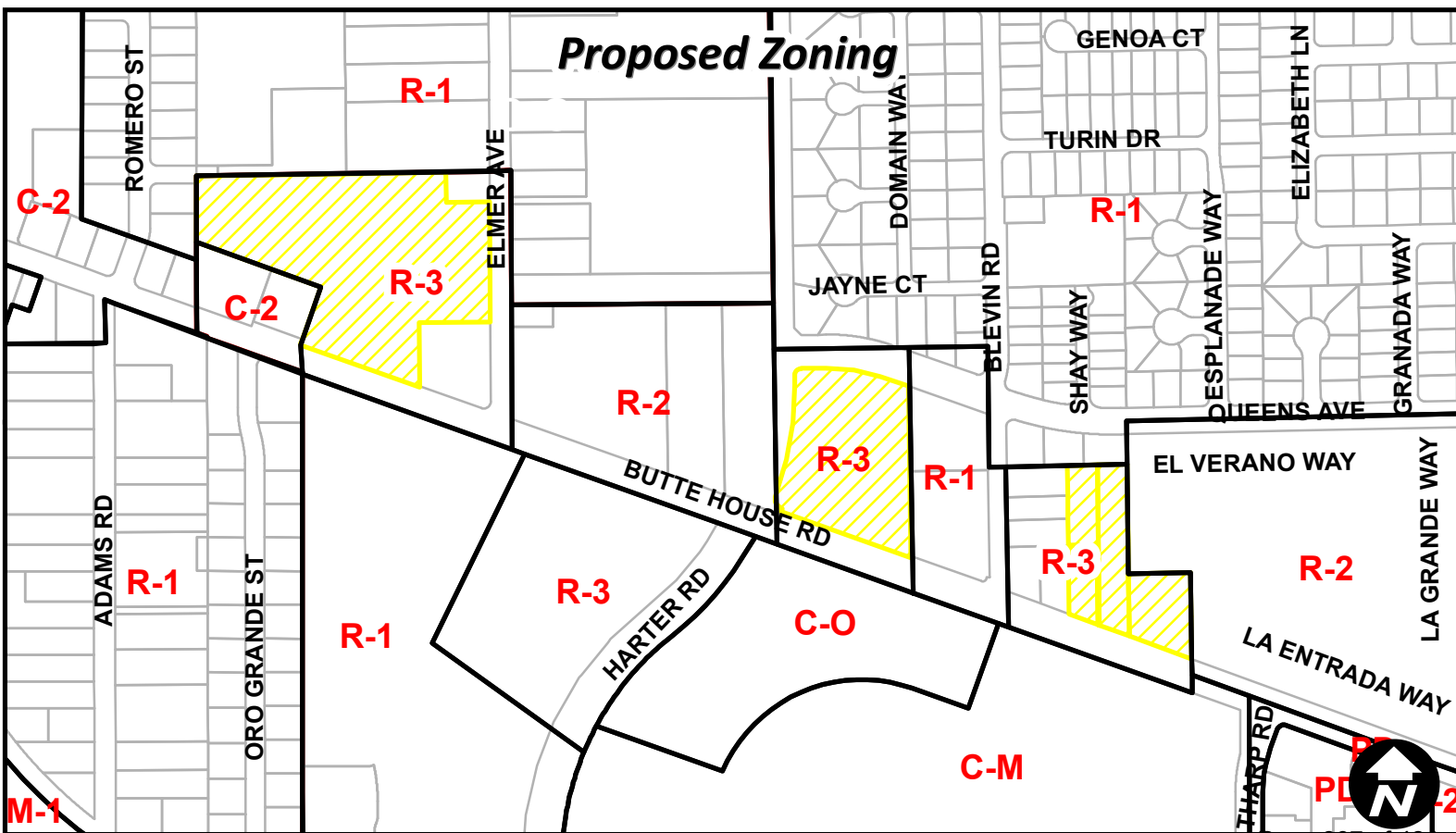
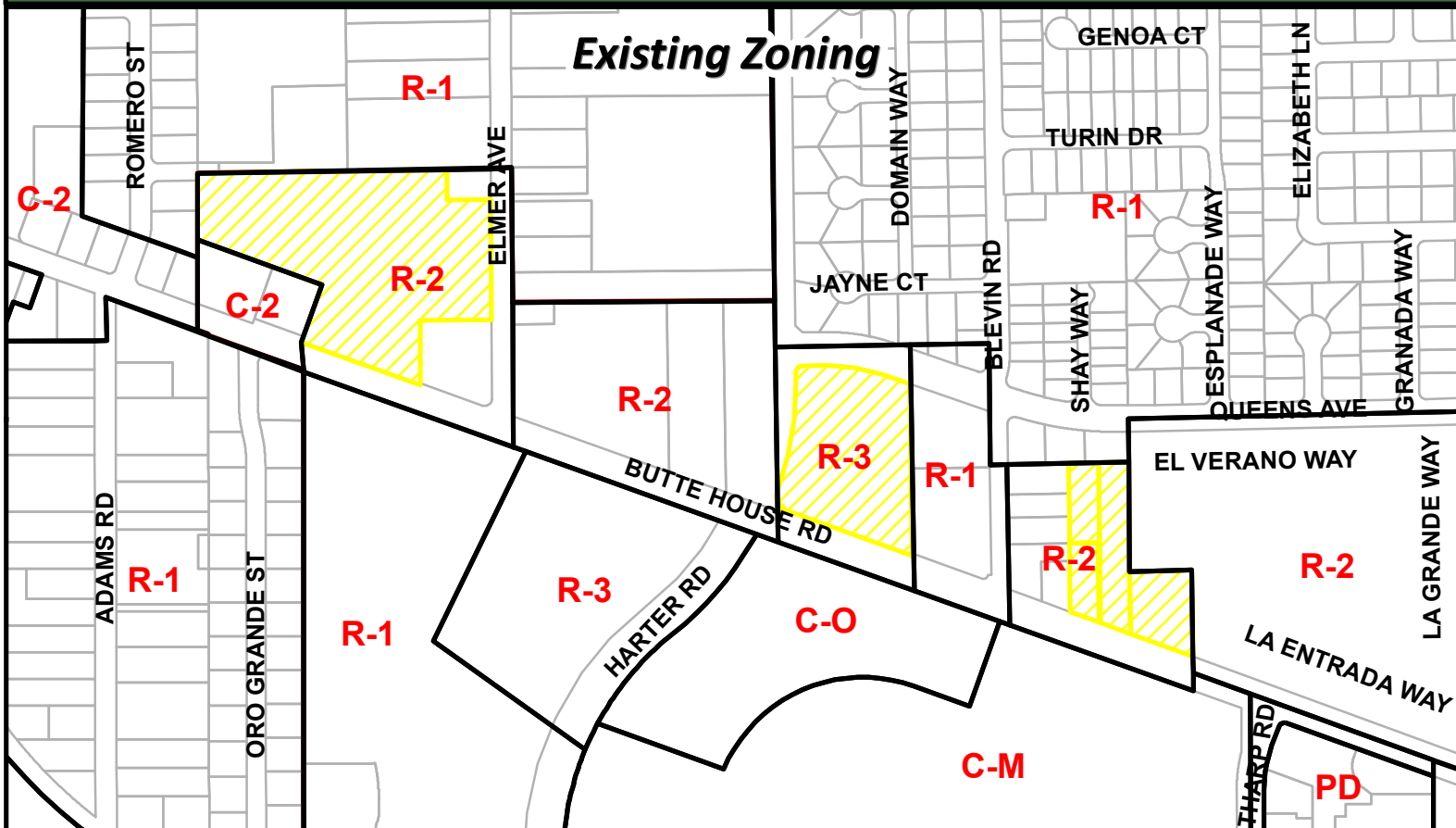


EXHIBIT B

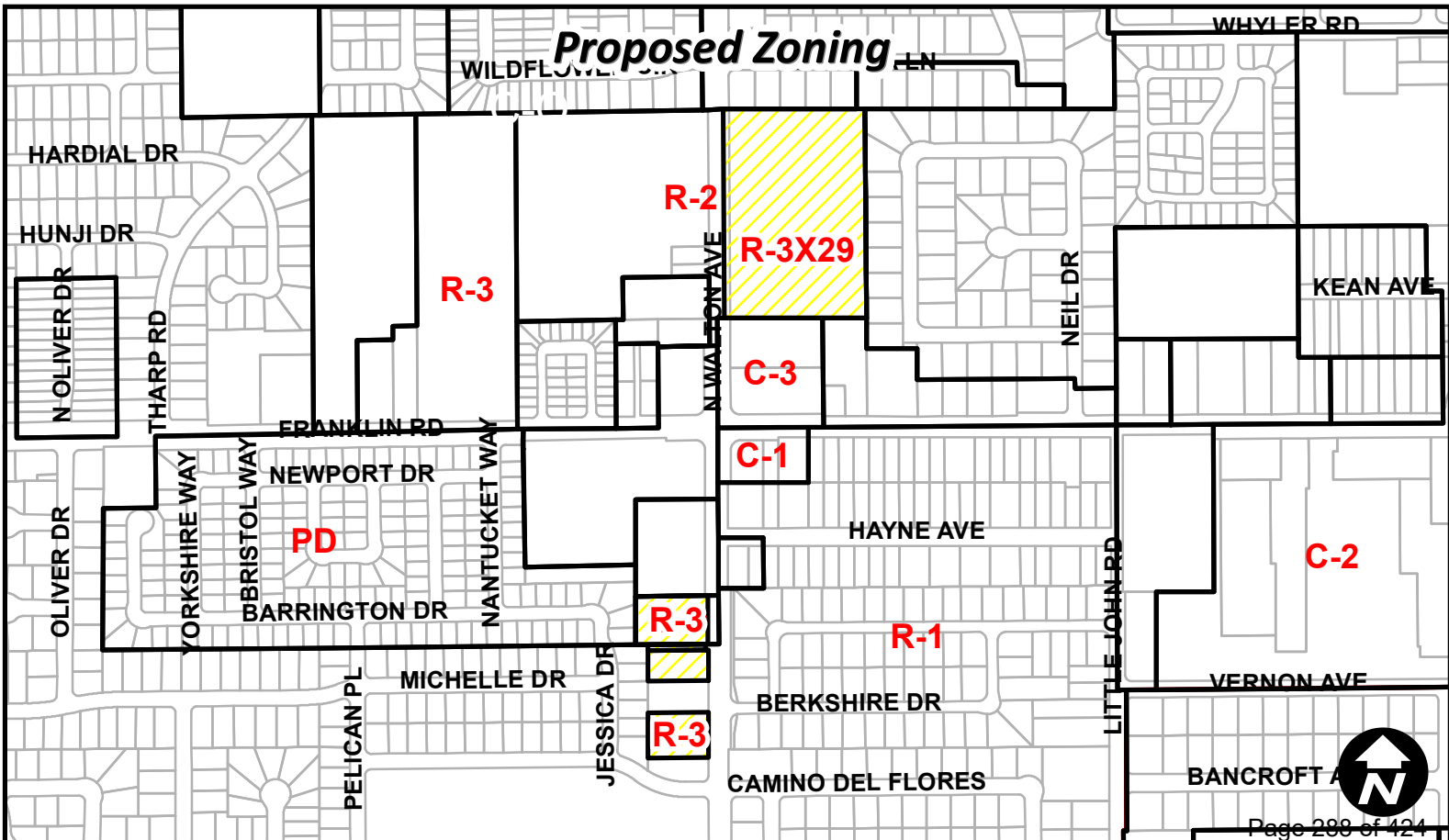
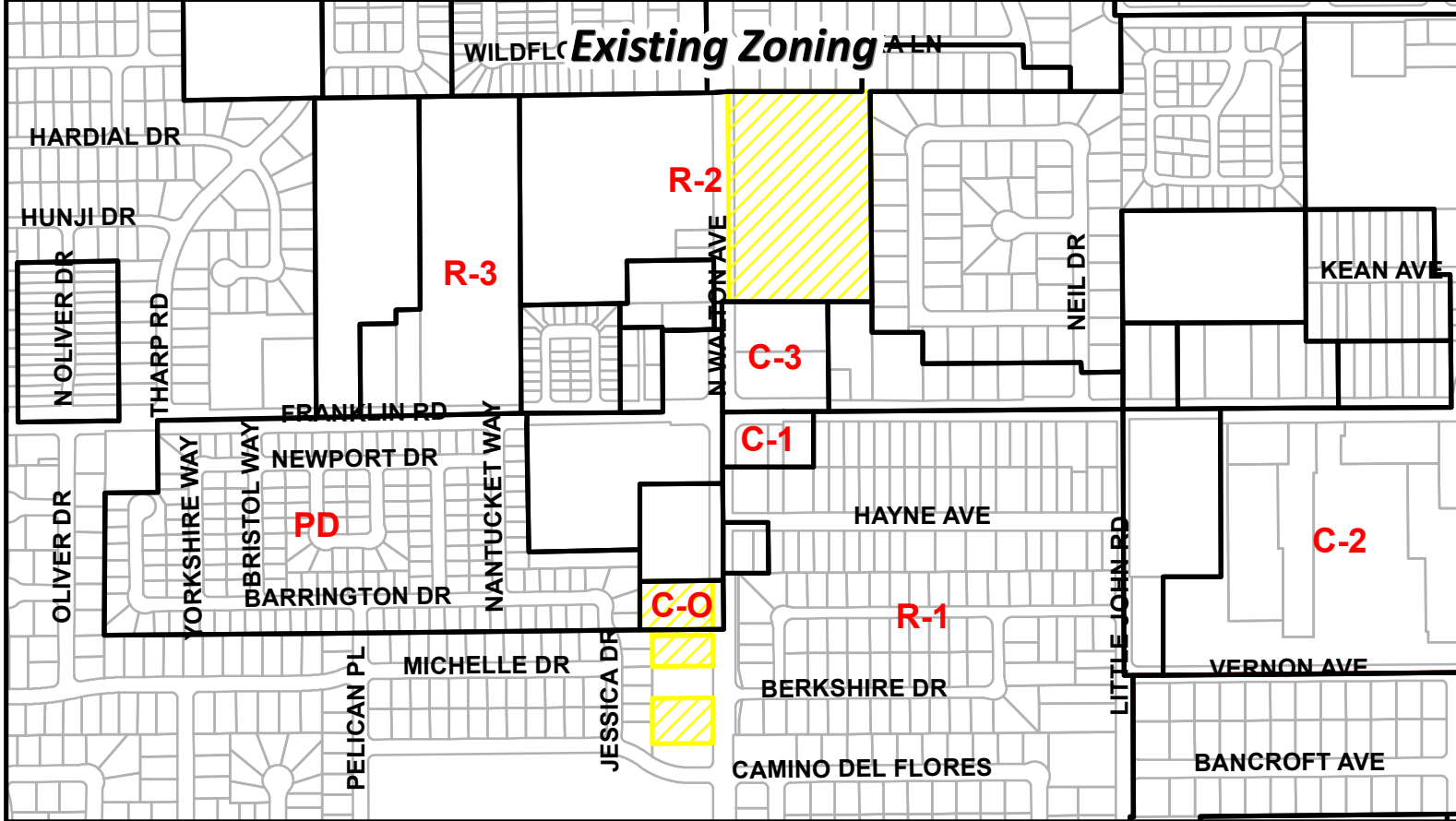
Butte House Corridor

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07



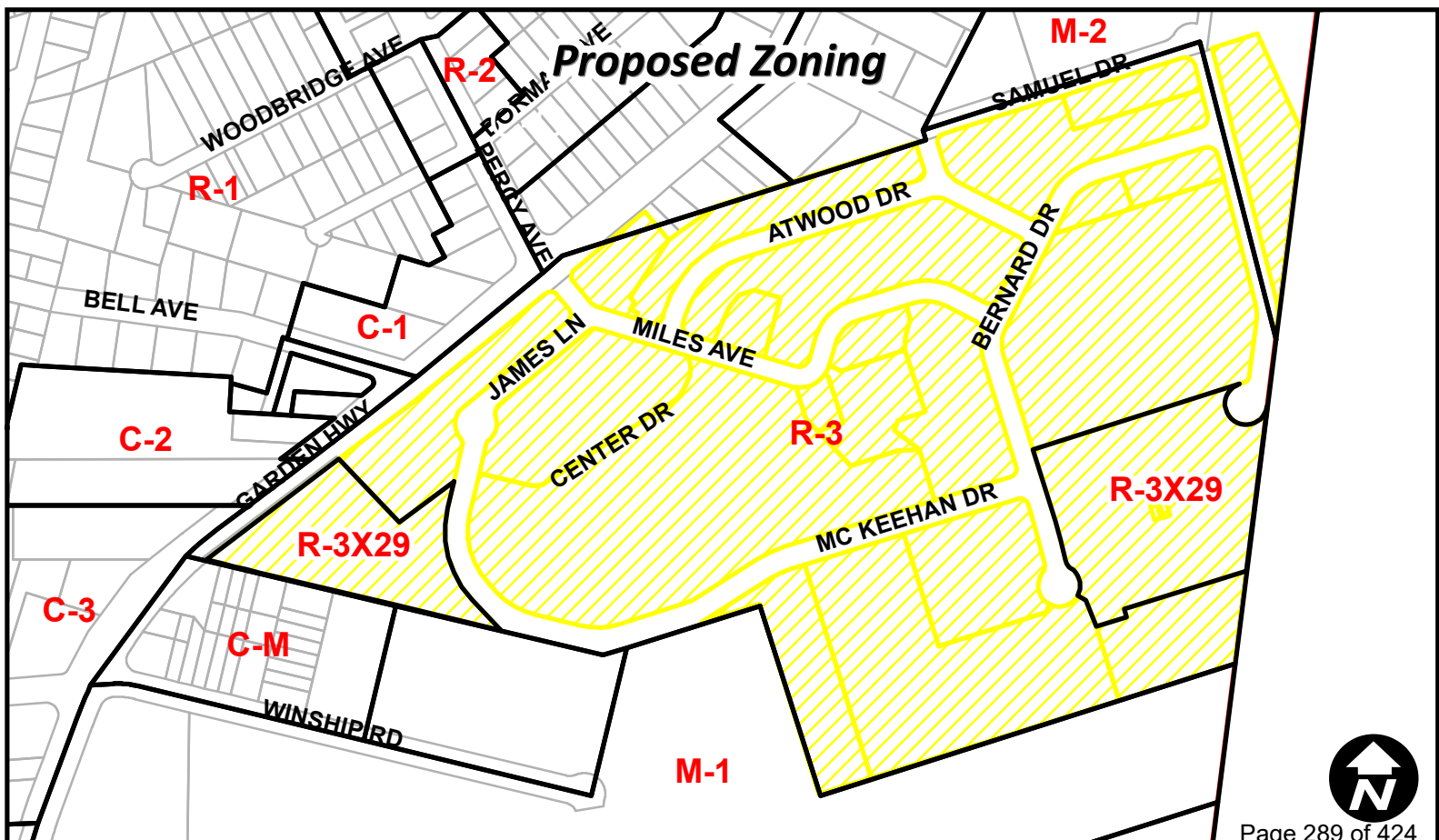
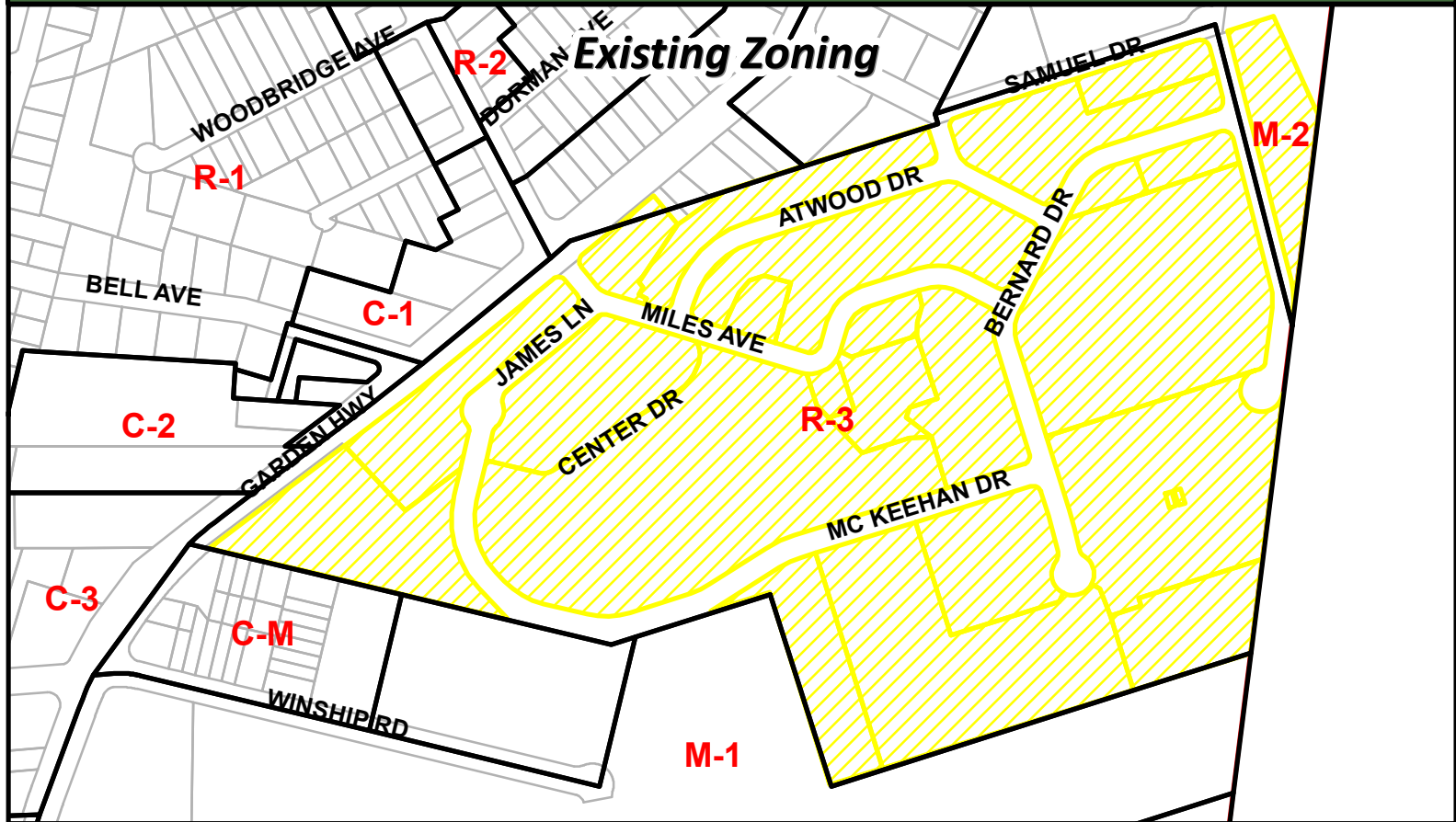
Walton Avenue Corridor

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07



Regional Housing Authority Area

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07



Market Street Area

Zoning Map - GPA 22-03, RZ 22-04, EA 22-07

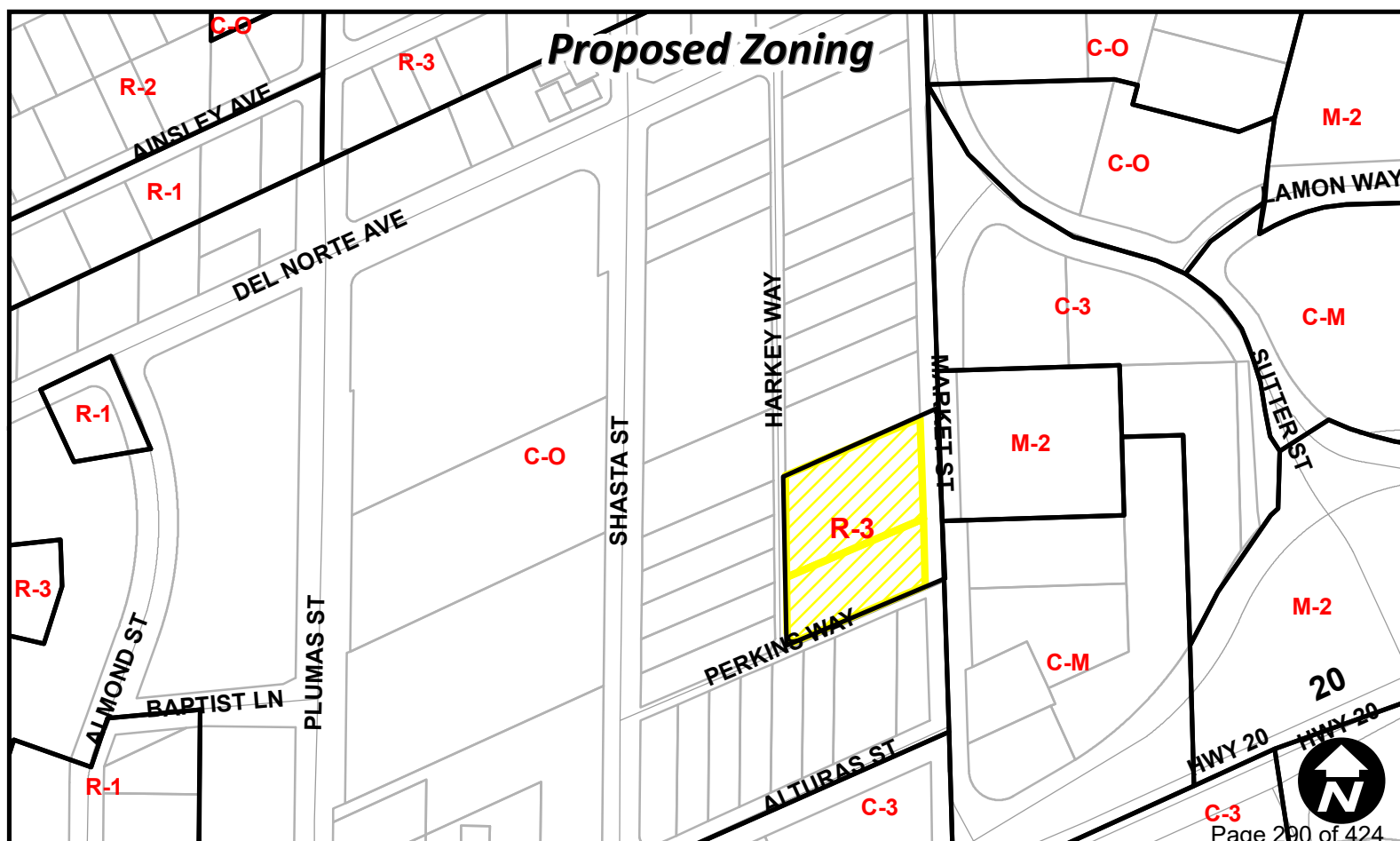
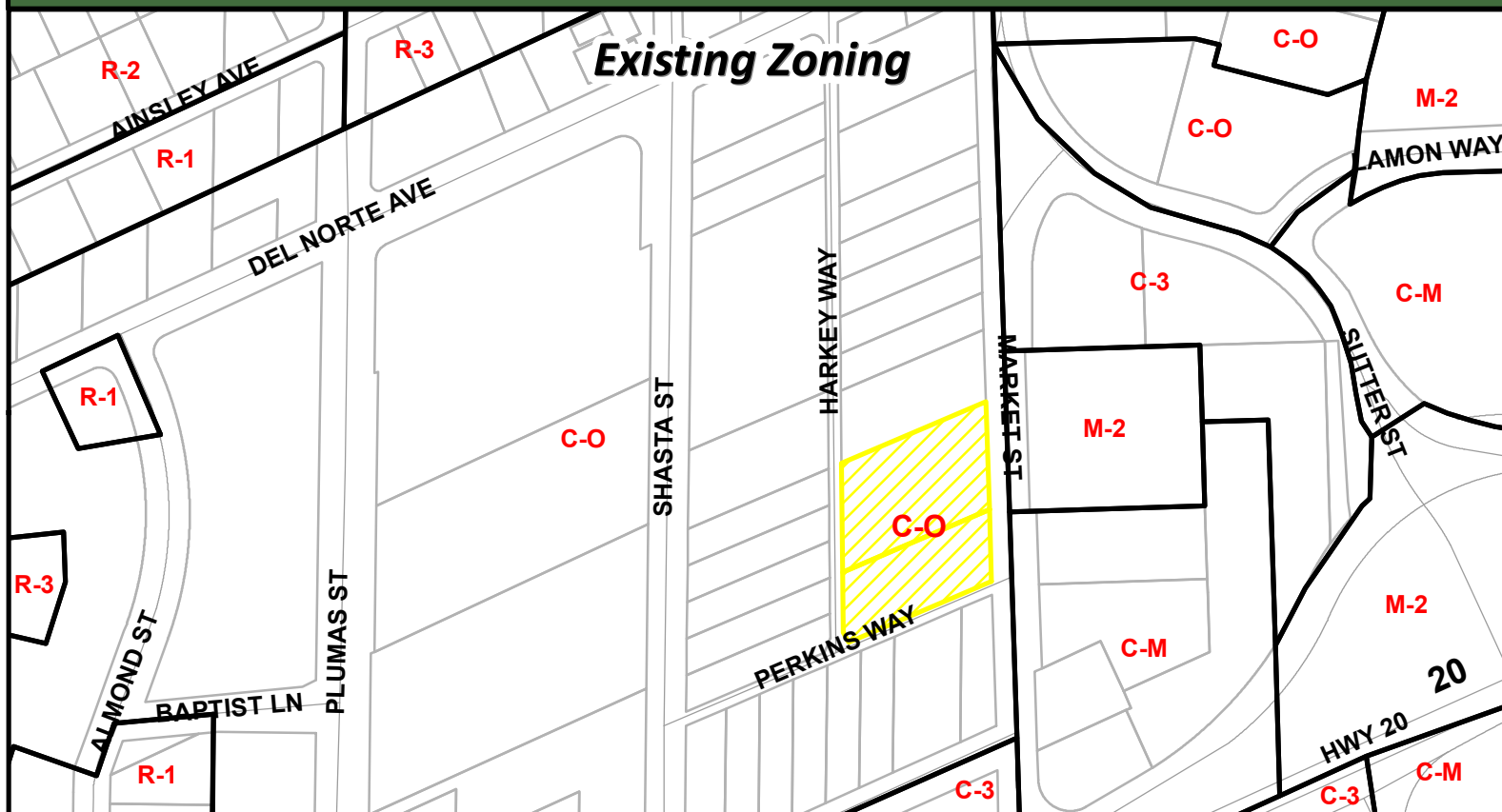


EXHIBIT C



YUBA CITY

X29 Overlay District

Housing Element Rezone (GPA 22-03, RZ 22-04, EA 22-07)

X29 Area: This overlay zone encompasses three parcels as outlined below:

- 1) A 7.38-acre parcel located at 428 N Walton Avenue. The site is identified as Assessor's parcel number 58-120-001.
- 2) A 2.86-acre parcel located on McKeehan Drive south of the intersection of McKeehan Drive and Center Drive in the Richland Neighborhood. The site is identified as Assessor's parcel number 53-470-087.
- 3) A 4.71-acre parcel located at 470 Bernard Drive, in-between Bernard Drive and the Sutter County Airport. The site is identified as Assessor's parcel number 53-470-098.

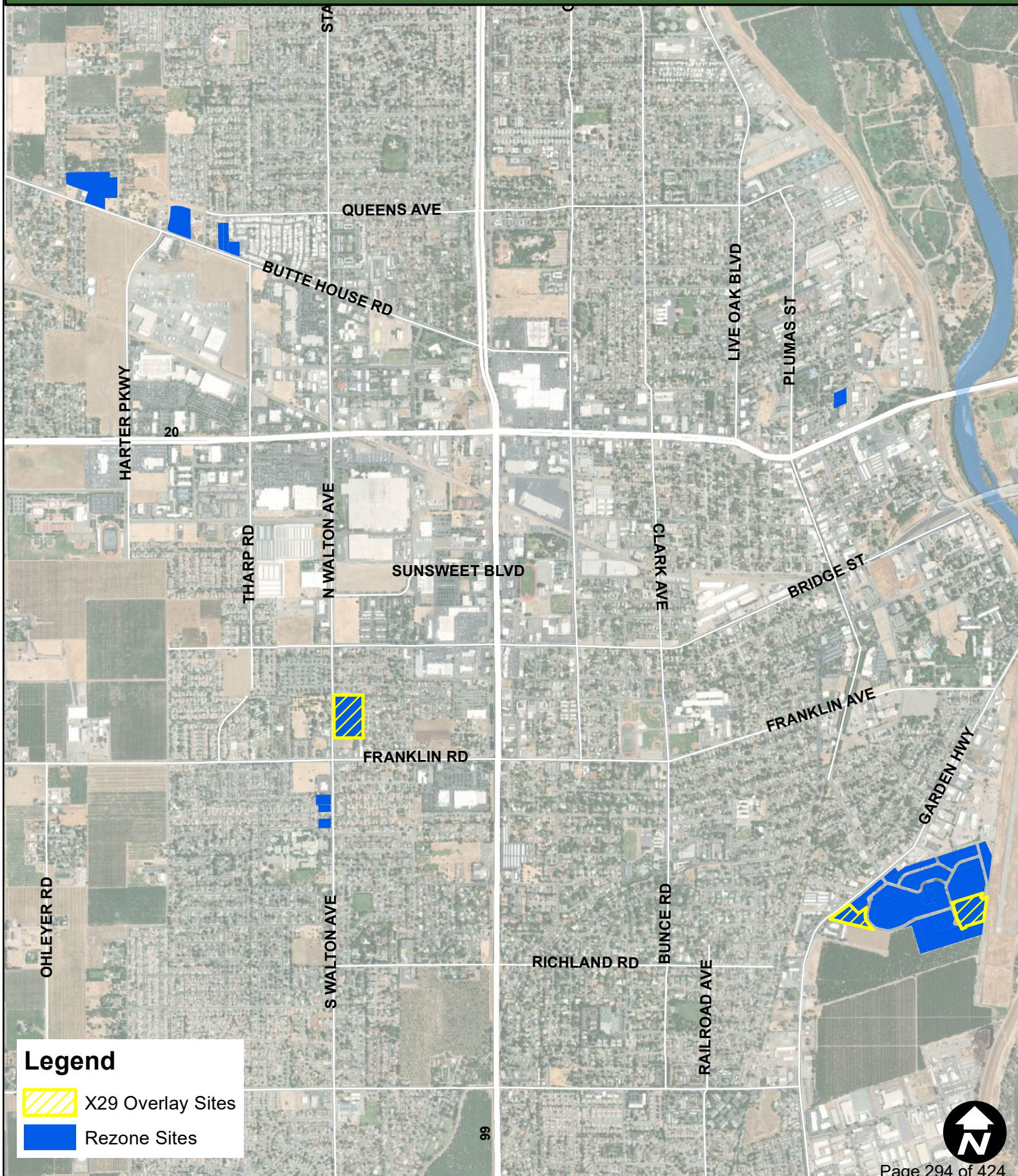
Criteria for Development

1. The subject sites shall be developed at a minimum density of 20 dwelling units per acre and must be able to accommodate a minimum of 16 units per parcel in accordance with the 2021-2029 Housing Element (adopted March 1, 2022) that outlines the rezone requirements associated with program H-C-7.

ATTACHMENT 2

Housing Element Rezone Sites

Location Map - GPA 22-03, RZ 22-04, EA 22-07



Housing Element General Plan Amendment Rezone Sites

GPA 22-03, RZ 22-04, EA 22-07

Site	APN	Address	Acreage	Current Zoning	Proposed Zoning	Current General Plan Land Use Designation	Proposed General Plan Land Use Designation
1	59-020-017	1835 BUTTE HOUSE RD	0.9	R-2	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
2	59-020-015	1851 BUTTE HOUSE RD	0.39	R-2	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
3	61-120-004	0 BUTTE HOUSE RD	7.88	R-2 x20	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
4	59-530-034	0 BUTTE HOUSE RD	3.98	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
5	59-020-018	1821 BUTTE HOUSE RD	1	R-2	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
6	59-020-016	1851 BUTTE HOUSE RD	0.45	R-2	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
7	51-393-003	0 MARKET ST	0.48	C-O	R-3	Office and Office Park (O&OP)	Medium-High Density Residential (MHDR)
8	51-393-002	0 MARKET ST	0.74	C-O	R-3	Office and Office Park (O&OP)	Medium-High Density Residential (MHDR)
9	57-150-078	247 S WALTON AVE	0.77	R-1	R-3	Low Density Residential (LDR)	Medium-High Density Residential (MHDR)
10	57-150-004	217 S WALTON AVE	0.47	R-1	R-3	Low Density Residential (LDR)	Medium-High Density Residential (MHDR)
11	57-150-050	211 S WALTON AVE	1	C-O	R-3	Public and Semi-Public (P&SP)	Medium-High Density Residential (MHDR)
12	58-120-001	428 N WALTON AVE	7.38	R-2	R-3 X29	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
13	57-220-065	0 WALTON AVE	0.11	R-1	R-3	Low Density Residential (LDR)	Medium-High Density Residential (MHDR)
14	53-470-088	0 MILES AVE	1.41	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
15	53-470-079	344 SAMUEL DR	2.05	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
16	53-470-083	0 JAMES LN	2.43	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
17	53-470-087	0 MC KEEHAN	2.86	R-3	R-3 X29	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
18	53-470-076	448 GARDEN HWY	0.67	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
19	53-470-085	0 MILES AVE	0.2	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
20	53-470-078	363 MILES AVE	3.25	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
21	53-470-077	363 ATWOOD DR	1.55	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
22	53-470-081	0 SAMUEL DR	1.05	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
23	53-470-086	420 MILES AVE	8.21	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
24	53-470-095	0 MILES AVE	0.41	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
25	53-470-082	456 GARDEN HWY	1.91	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
26	53-470-092	380 MC KEEHAN DR	1.88	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
27	53-470-080	334 SAMUEL DR	0.63	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
28	53-470-090	352 BERNARD DR	6.14	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
29	53-470-096	479 BERNARD DR	0.3	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
30	53-470-089	0 BERNARD DR	1.95	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
31	53-470-093	0 MC KEEHAN DR	1.64	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
32	53-470-084	415 MILES AVE	0.37	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
33	53-470-094	479 BERNARD DR	5.19	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
34	53-470-098	470 BERNARD DR	4.71	R-3	R-3 X29	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
35	53-470-097	470 BERNARD DR	1.53	R-3	R-3	Medium-Low Density Residential (MLDR)	Medium-High Density Residential (MHDR)
TOTAL ACREAGE			75.89				
TOTAL X29 OVERLAY ACREAGE			14.95				

*X29District Overlay Zone requires a minimum density of 20 dwelling units per acre.

The City of Yuba City Housing Element currently allows a density range of 12 – 36 dwelling units per acre (DUA) for the Medium/High Density Residential Zone. The Housing Element certified by the State requires that 10.4 acres of land is to be rezoned with a minimum density of 20 DUA. This proposal will include an X-Overlay zone for parcels one and two to account for that requirement.

ATTACHMENT 3



September 16, 2022

City of Yuba City
Attn: Doug Libby, AICP | Deputy Director of Development Services
1201 Civic Center Blvd.
Yuba City, CA 95993

RE: Support of the City of Yuba City Rezoning Certain Properties to Establish Additional Multi-Family Land

To who this may concern:

Habitat for Humanity Yuba/Sutter offers its support to the City of Yuba City in undertaking a project to rezone certain properties to establish additional multi-family land to comply with the City's new 2021-2029 Housing Element and specifically Program H-C-7.

In addition, we would like to provide support by requesting that the property located at 428 North Walton Avenue, APN: 58-120-001, which is 7.47 acres in size, be added to this effort.

It is further, our understanding that the City must include a provision that some of the properties being considered, would be developed at a minimum density of 20 or more units to the acre, and that we support including this requirement on the above mentioned property.

If you have any questions regarding this matter, please feel free to contact me by email at jhale@yubasutterhabitat.org or by phone at 530-742-2727, Ext. 211.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. Hale".

Joseph Hale, CEO
Habitat for Humanity Yuba/Sutter

"Habitat for Humanity brings people together to build homes, communities and hope."

Habitat for Humanity Yuba/Sutter is a non-profit 501(C)(3), Tax ID: 68-0301692

202 D Street

Marysville, CA 95901

530-742-2727



October 21, 2022

SENT VIA EMAIL TO bmoody@yubacity.net, potocnik@yubacity.net

To: City of Yuba City

Attn: Benjamin Moody

Re: Notice of property rezone and general plan land use amendment
428 Walton Ave

Please accept this letter as my desire to have the process described in your letter dated September 30, 2022 move forward on our property named above.

I am in full support of this process to change the zoning to R-3.

If you have anything you need from me to facilitate this process, feel free to reach out to me anytime.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "K S Takhar", with a stylized flourish at the end.

Kal S. Takhar
President, Crowne Development, Inc.
(530)870-3172

RECEIVED
FEB 24 2023

Date: 02-24-2023

Ben Moody, Public Works and Development Services Director
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993

City of Yuba City
Development Services

Subject: Housing Element General Plan Amendment Rezone Property Owner Support

Dear Mr. Moody:

This letter is to inform you that I, as the property owner and/or representative, am in support of the Housing Element General Plan Amendment and Rezone project. This project proposes to change the land use and zoning for the property located at APN# 51-393-002
51-393-003 to the Multiple-Family Residence District (R-3), with a General Plan land use designation of Medium/High Density Residential. This proposed change in land use will allow residential development with a density of 12 to 36 dwelling units per acre (DUA).

Furthermore, I understand that although this proposal involves a General Plan Amendment and Rezone of the subject property, the existing lawfully established land use(s) are allowed to continue pursuant to *Section 8-5.7300 (Nonconforming Structures and Uses)* of the Yuba City Municipal Code.

Sincerely,

Owner Signature: Thorats

Property Address: APN# 51-393-002
51-393-003

Owner: JAI RAJE LLC.

Phone Number: 530-301-6080

Email Address: THORATS@YAHOO.COM

Date: 03/02/2023

Ben Moody, Public Works and Development Services Director
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993

Subject: Housing Element General Plan Amendment Rezone Property Owner Support

Dear Mr. Moody:

This letter is to inform you that I, as the property owner and/or representative, am in support of the Housing Element General Plan Amendment and Rezone project. This project proposes to change the land use and zoning for the property located at Parcel 059530034000
Battle House Rd to the Multiple-Family Residence District (R-3), with a General Plan land use designation of Medium/High Density Residential. This proposed change in land use will allow residential development with a density of 12 to 36 dwelling units per acre (DUA).

Furthermore, I understand that although this proposal involves a General Plan Amendment and Rezone of the subject property, the existing lawfully established land use(s) are allowed to continue pursuant to *Section 8-5.7300 (Nonconforming Structures and Uses)* of the Yuba City Municipal Code.

Sincerely,

Owner Signature: Pam D

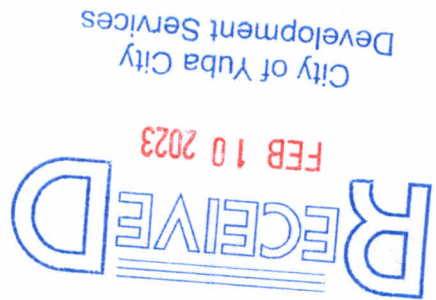
Property Address: Battle House Rd
Parminster S. Bains & Sharninder Bains
Owner: Hardeep S Dhadli & Jaswinder K Dhadli

Phone Number: (530) 870-7808

Email Address: pbains55@yahoo.com

Date: 1-20-23

Ben Moody, Public Works and Development Services Director
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993



Subject: Housing Element General Plan Amendment Rezone Property Owner Support

Dear Mr. Moody:

This letter is to inform you that I, as the property owner and/or representative, am in support of the Housing Element General Plan Amendment and Rezone project. This project proposes to change the land use and zoning for the property located at 247 Swanton Ave to the Multiple-Family Residence District (R-3), with a General Plan land use designation of Medium/High Density Residential. This proposed change in land use will allow residential development with a density of 12 to 36 dwelling units per acre (DUA).

Furthermore, I understand that although this proposal involves a General Plan Amendment and Rezone of the subject property, the existing lawfully established land use(s) are allowed to continue pursuant to *Section 8-5.7300 (Nonconforming Structures and Uses)* of the Yuba City Municipal Code.

Sincerely,

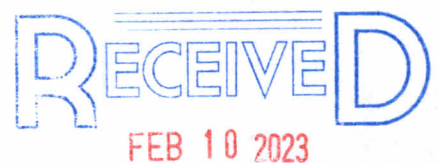
Owner Signature: _____

Property Address: _____

Owner: _____

Phone Number: _____

Email Address: _____



City of Yuba City
Development Services

Date: 11-15-2022

Ben Moody, Public Works and Development Services Director
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993

Subject: Housing Element General Plan Amendment Rezone Property Owner Support

Dear Mr. Moody:

This letter is to inform you that I, as the property owner and/or representative, am in support of the Housing Element General Plan Amendment and Rezone project. This project proposes to change the land use and zoning for the property located at 1821 Butte House Rd, Yuba City to the Multiple-Family Residence District (R-3), with a General Plan land use designation of Medium/High Density Residential. This proposed change in land use will allow residential development with a density of 12 to 36 dwelling units per acre (DUA).

Furthermore, I understand that although this proposal involves a General Plan Amendment and Rezone of the subject property, the existing lawfully established land use(s) are allowed to continue pursuant to *Section 8-5.7300 (Nonconforming Structures and Uses)* of the Yuba City Municipal Code.

Sincerely,

Owner Signature: Pargat Singh Dharmi

Property Address: 1821 Butte House Rd,

Yuba City CA 95993

Owner: PARGAT S. DHAMI

Phone Number: 530-713-3004

Email Address: PDHAMI195309MAIL.COM

Date: 2/10/2023

Ben Moody, Public Works and Development Services Director
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993

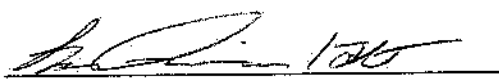
Subject: Housing Element General Plan Amendment Rezone Property Owner Support

Dear Mr. Moody:

This letter is to inform you that I, as the property owner and/or representative, am in support of the Housing Element General Plan Amendment and Rezone project. This project proposes to change the land use and zoning for the property located at 1825 Butte House Road to the Multiple-Family Residence District (R-3), with a General Plan land use designation of Medium/High Density Residential. This proposed change in land use will allow residential development with a density of 12 to 36 dwelling units per acre (DUA).

Furthermore, I understand that although this proposal involves a General Plan Amendment and Rezone of the subject property, the existing lawfully established land use(s) are allowed to continue pursuant to *Section 8-5.7300 (Nonconforming Structures and Uses)* of the Yuba City Municipal Code.

Sincerely,

Owner Signature: 

Property Address: Parcel # 59-020-017, 59-020-015, 59-020-016

Owner: Bonnie Thiara, Josuete Thiara

Phone Number: 530-301-4545

Email Address: thiara@sutterhealth.org



REGIONAL HOUSING AUTHORITY

Serving the Cities of Live Oak, Yuba City and Colusa • Counties of Sutter, Nevada, Colusa and Yuba

1455 Butte House Road • Yuba City, CA 95993

Phone: (530) 671-0220 • Toll Free: (888) 671-0220 • TTY: (866) 735-2929 • Fax: (530) 673-0775

www.RegionalHA.org

September 19, 2022

Mr. Ben Moody
Public Works and Development Services Director
1201 Civic Center Blvd
Yuba City, CA 95993

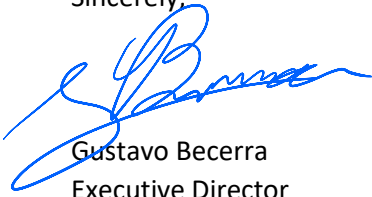
Mr. Moody,

The Regional Housing Authority (RHA) would be happy to participate in the City of Yuba City's General Plan Amendment and Rezone application in compliance with the 2021-2029 Housing Element, program H-C-7. The update to align the General Plan land use classification with the existing Zone District of the Richland Housing area aligns with RHA's long term development plans for the area. RHA concurs with the proposed changes to the General Plan as it relates to the zoning clarifications in the R-3 Zone, specific to the Richland Community in Yuba City.

RHA understands that the zoning alignment affects the parcels referenced in the attached Exhibit A, and Exhibit B records of survey. In addition, RHA is in support of the additional overlay density requirements per program H-C-7 of 20 dwelling units per acre (DUA) for parcels 53-470-087 and 53-470-098.

RHA appreciates the partnership with the City of Yuba City in its support of affordable housing development for our citizens.

Sincerely,



Gustavo Becerra
Executive Director

163

18 RS 163-

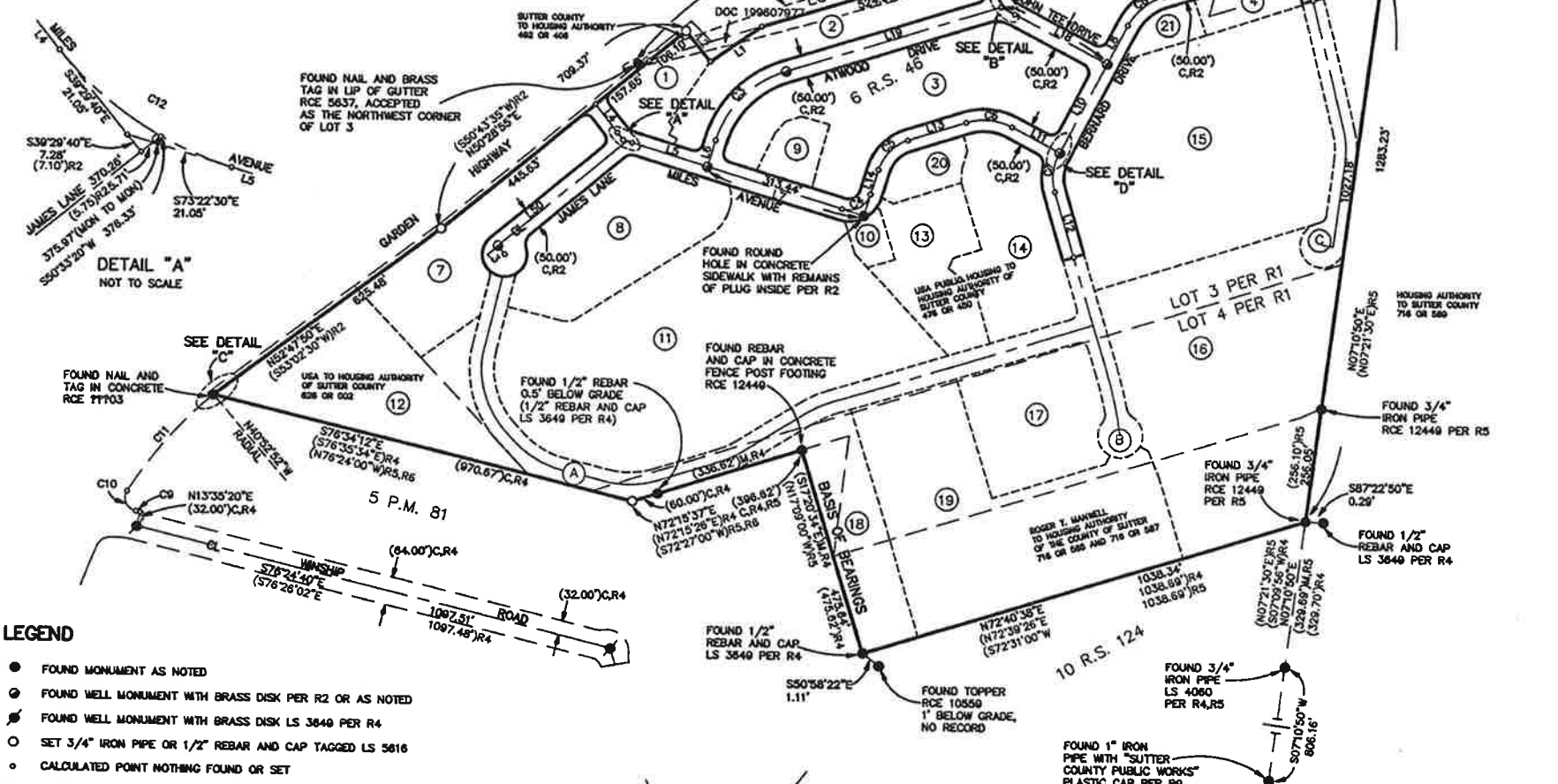
170



SCALE: 1" = 200'

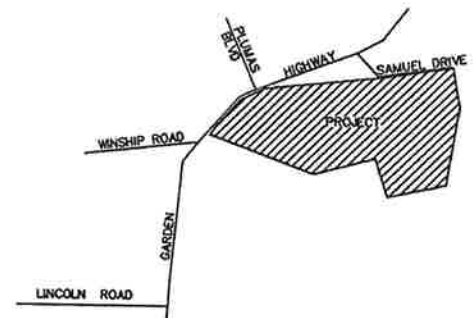


DETAIL "D"
NOT TO SCALE

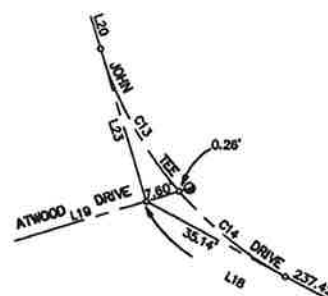


LEGEND

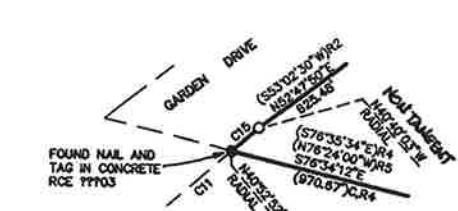
- FOUND MONUMENT AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK PER R2 OR AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK LS 3649 PER R4
- SET 3/4" IRON PIPE OR 1/2" REBAR AND CAP TAGGED LS 5616
- CALCULATED POINT NOTHING FOUND OR SET
- M INDICATES MEASURED DATA THAT MATCHES RECORD DATA
- C INDICATES CALCULATED DATA THAT MATCHES RECORD DATA
- R1 RECORD DATA PER BOOK 5 OF SURVEYS, AT PAGE 8
- R2 RECORD DATA PER BOOK 6, RECORD OF SURVEYS, AT PAGE 46
- R3 RECORD DATA PER BOOK 14, RECORD OF SURVEYS, AT PAGE 41
- R4 RECORD DATA PER BOOK 5, PARCEL MAPS, AT PAGE 81
- R5 RECORD DATA PER BOOK 10, RECORD OF SURVEYS, AT PAGE 124
- R6 RECORD DATA PER BOOK 476, OFFICIAL RECORDS, AT PAGE 450
- () EMBRACES RECORD DATA OR CALCULATED AND/OR MEASURED DATA THAT MATCHES RECORD DATA
- L1 LINE LABEL, SEE SHEET 7 OF 7
- C1 CURVE LABEL, SEE SHEET 7 OF 7
- ⑧ LOT NUMBERS PER DOCUMENT NUMBER 2011-0017612
- 97 RECORD DATA PER BOOK 18, RECORD OF SURVEYS, AT PAGE 95



LOCATION MAP
NOT TO SCALE



DETAIL "B"
NOT TO SCALE



DETAIL "C"
NOT TO SCALE



SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF THE REGIONAL HOUSING AUTHORITY OF SUTTER AND NEVADA COUNTIES, A PUBLIC BODY CORPORATE AND POLITIC, IN OCTOBER, 2011

James M. Herrick DATED: 8-24-2012
NORTHSTAR ENGINEERING
JAMES M. HERRICK PLS 5616



COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS 27th DAY OF AUGUST, 2012.

Jerry E. Orr
JERRY EUGENE ORR RCE 21203
SUTTER COUNTY SURVEYOR

RECORDER'S STATEMENT:

FILED THIS 28th DAY OF August, 2012, AT 12:30 P.M. IN BOOK 163 OF RECORD OF SURVEYS, AT PAGE 163, AT THE REQUEST OF NORTHSTAR ENGINEERING
FILE NO. 2012-0013920

DONNA M. JOHNSTON
COUNTY RECORDER
COUNTY OF SUTTER

BY: [Signature]
DEPUTY

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS MAP IS LOCATED AT THE ANGLE POINT IN THE NORTHERLY BOUNDARY OF THE "REMAINDER" PARCEL PER R4 EVIDENCED BY MONUMENTS SHOWN HEREON AS FOUND. THE BEARING OF SAID LINE BEING S172°34'E PER R4.

EASEMENT NOTES:

1. ALL EASEMENTS OF RECORD MAY NOT BE SHOWN HEREON.
2. EASEMENTS OF RECORD FALLING WITHIN STREETS AND ROADWAYS ARE NOT SHOWN HEREON.

RECORD OF SURVEY
FOR

REGIONAL HOUSING AUTHORITY OF SUTTER AND NEVADA COUNTIES, A PUBLIC BODY CORPORATE AND POLITIC

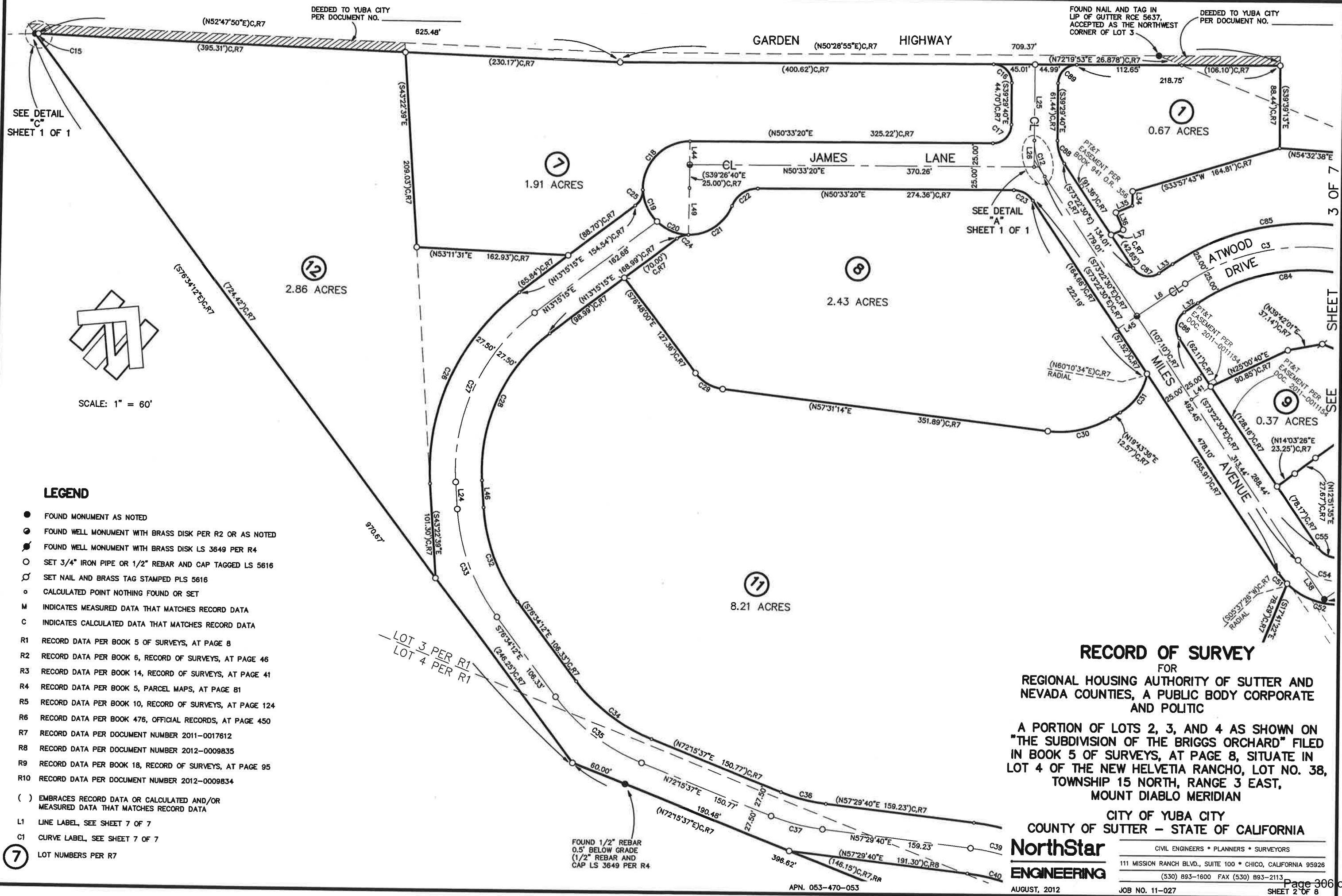
A PORTION OF LOTS 2, 3, AND 4 AS SHOWN ON "THE SUBDIVISION OF THE BRIGGS ORCHARD" FILED IN BOOK 5 OF SURVEYS, AT PAGE 8, SITUATE IN LOT 4 OF THE NEW HELVETIA RANCHO, LOT NO. 38, TOWNSHIP 15 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN

CITY OF YUBA CITY
COUNTY OF SUTTER - STATE OF CALIFORNIA

NorthStar
ENGINEERING

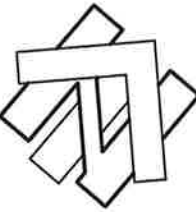
CIVIL ENGINEERS • PLANNERS • SURVEYORS
111 MISSION RANCH BLVD., SUITE 100 • CHICO, CALIFORNIA 95926
(530) 893-1600 FAX (530) 893-2113
AUGUST, 2012 JOB NO. 11-027 SHEET 1 OF 8

APPL 053-470-053



SEE DETAIL
"C"
SHEET 1 OF 1

SEE DETAIL
"A"
SHEET 1 OF 1



SCALE: 1" = 60'

LEGEND

- FOUND MONUMENT AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK PER R2 OR AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK LS 3849 PER R4
- SET 3/4" IRON PIPE OR 1/2" REBAR AND CAP TAGGED LS 5816
- SET NAIL AND BRASS TAG STAMPED PLS 5816
- CALCULATED POINT NOTHING FOUND OR SET
- M INDICATES MEASURED DATA THAT MATCHES RECORD DATA
- C INDICATES CALCULATED DATA THAT MATCHES RECORD DATA
- R1 RECORD DATA PER BOOK 5 OF SURVEYS, AT PAGE 8
- R2 RECORD DATA PER BOOK 6, RECORD OF SURVEYS, AT PAGE 46
- R3 RECORD DATA PER BOOK 14, RECORD OF SURVEYS, AT PAGE 41
- R4 RECORD DATA PER BOOK 5, PARCEL MAPS, AT PAGE 81
- R5 RECORD DATA PER BOOK 10, RECORD OF SURVEYS, AT PAGE 124
- R6 RECORD DATA PER BOOK 476, OFFICIAL RECORDS, AT PAGE 450
- R7 RECORD DATA PER DOCUMENT NUMBER 2011-0017612
- R8 RECORD DATA PER DOCUMENT NUMBER 2012-0009835
- R9 RECORD DATA PER BOOK 18, RECORD OF SURVEYS, AT PAGE 95
- R10 RECORD DATA PER DOCUMENT NUMBER 2012-0009834
- () EMBRACES RECORD DATA OR CALCULATED AND/OR MEASURED DATA THAT MATCHES RECORD DATA
- L1 LINE LABEL, SEE SHEET 7 OF 7
- C1 CURVE LABEL, SEE SHEET 7 OF 7
- 7 LOT NUMBERS PER R7

RECORD OF SURVEY

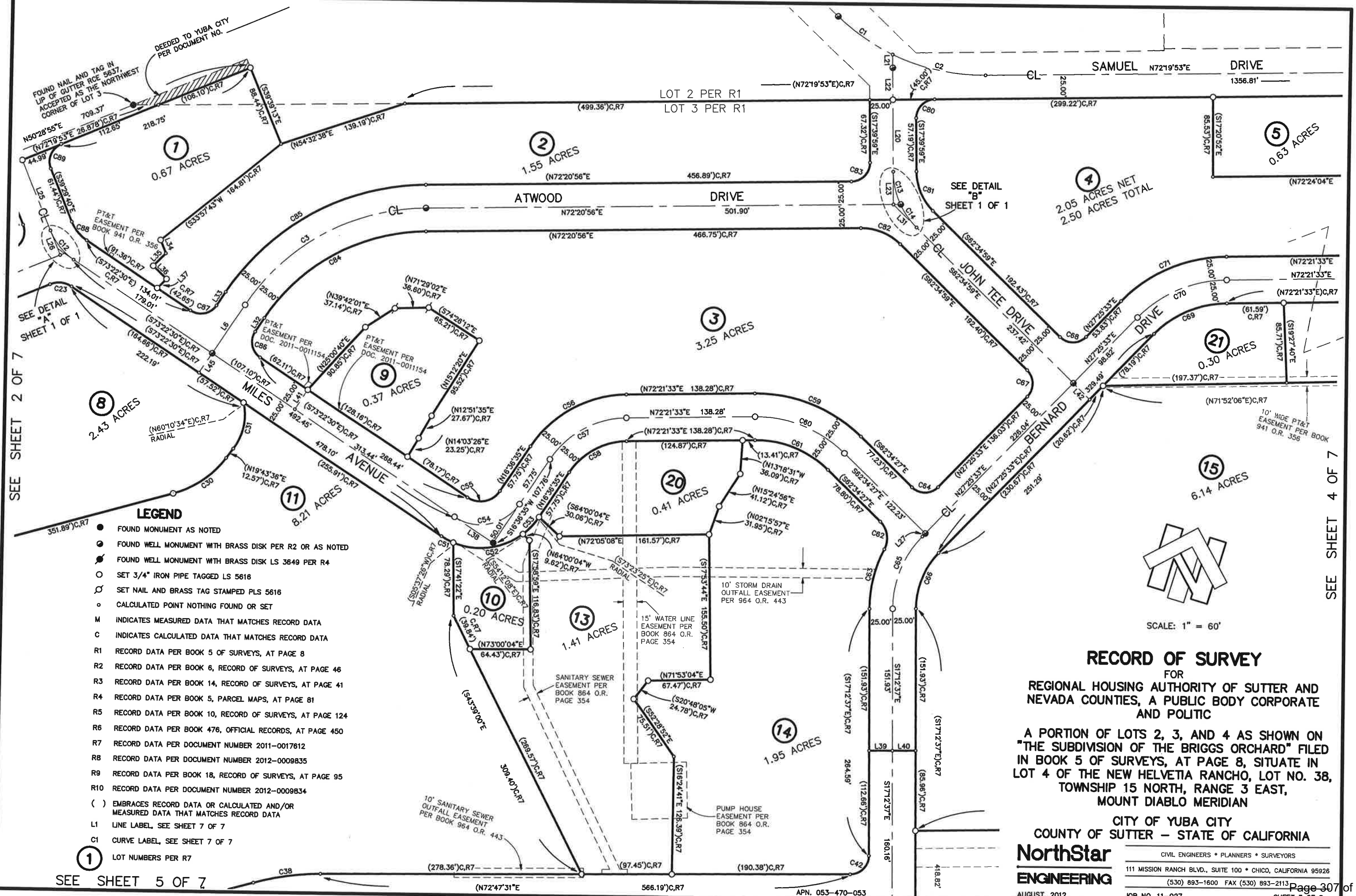
FOR
REGIONAL HOUSING AUTHORITY OF SUTTER AND
NEVADA COUNTIES, A PUBLIC BODY CORPORATE
AND POLITIC

A PORTION OF LOTS 2, 3, AND 4 AS SHOWN ON
"THE SUBDIVISION OF THE BRIGGS ORCHARD" FILED
IN BOOK 5 OF SURVEYS, AT PAGE 8, SITUATE IN
LOT 4 OF THE NEW HELVETIA RANCHO, LOT NO. 38,
TOWNSHIP 15 NORTH, RANGE 3 EAST,
MOUNT DIABLO MERIDIAN

CITY OF YUBA CITY
COUNTY OF SUTTER - STATE OF CALIFORNIA

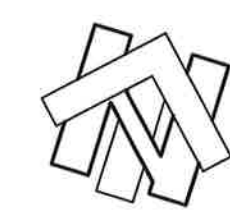
NorthStar
ENGINEERING

CIVIL ENGINEERS • PLANNERS • SURVEYORS
111 MISSION RANCH BLVD., SUITE 100 • CHICO, CALIFORNIA 95926
(530) 893-1600 FAX (530) 893-2113



LEGEND

- FOUND MONUMENT AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK PER R2 OR AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK LS 3649 PER R4
- SET 3/4" IRON PIPE TAGGED LS 5616
- SET NAIL AND BRASS TAG STAMPED PLS 5616
- CALCULATED POINT NOTHING FOUND OR SET
- M INDICATES MEASURED DATA THAT MATCHES RECORD DATA
- C INDICATES CALCULATED DATA THAT MATCHES RECORD DATA
- R1 RECORD DATA PER BOOK 5 OF SURVEYS, AT PAGE 8
- R2 RECORD DATA PER BOOK 6, RECORD OF SURVEYS, AT PAGE 46
- R3 RECORD DATA PER BOOK 14, RECORD OF SURVEYS, AT PAGE 41
- R4 RECORD DATA PER BOOK 5, PARCEL MAPS, AT PAGE 81
- R5 RECORD DATA PER BOOK 10, RECORD OF SURVEYS, AT PAGE 124
- R6 RECORD DATA PER BOOK 476, OFFICIAL RECORDS, AT PAGE 450
- R7 RECORD DATA PER DOCUMENT NUMBER 2011-0017612
- R8 RECORD DATA PER DOCUMENT NUMBER 2012-0009835
- R9 RECORD DATA PER BOOK 18, RECORD OF SURVEYS, AT PAGE 95
- R10 RECORD DATA PER DOCUMENT NUMBER 2012-0009834
- () EMBRACES RECORD DATA OR CALCULATED AND/OR MEASURED DATA THAT MATCHES RECORD DATA
- L1 LINE LABEL, SEE SHEET 7 OF 7
- C1 CURVE LABEL, SEE SHEET 7 OF 7
- ① LOT NUMBERS PER R7



SCALE: 1" = 60'

RECORD OF SURVEY

FOR
REGIONAL HOUSING AUTHORITY OF SUTTER AND
NEVADA COUNTIES, A PUBLIC BODY CORPORATE
AND POLITIC

A PORTION OF LOTS 2, 3, AND 4 AS SHOWN ON
"THE SUBDIVISION OF THE BRIGGS ORCHARD" FILED
IN BOOK 5 OF SURVEYS, AT PAGE 8, SITUATE IN
LOT 4 OF THE NEW HELVETIA RANCHO, LOT NO. 38,
TOWNSHIP 15 NORTH, RANGE 3 EAST,
MOUNT DIABLO MERIDIAN

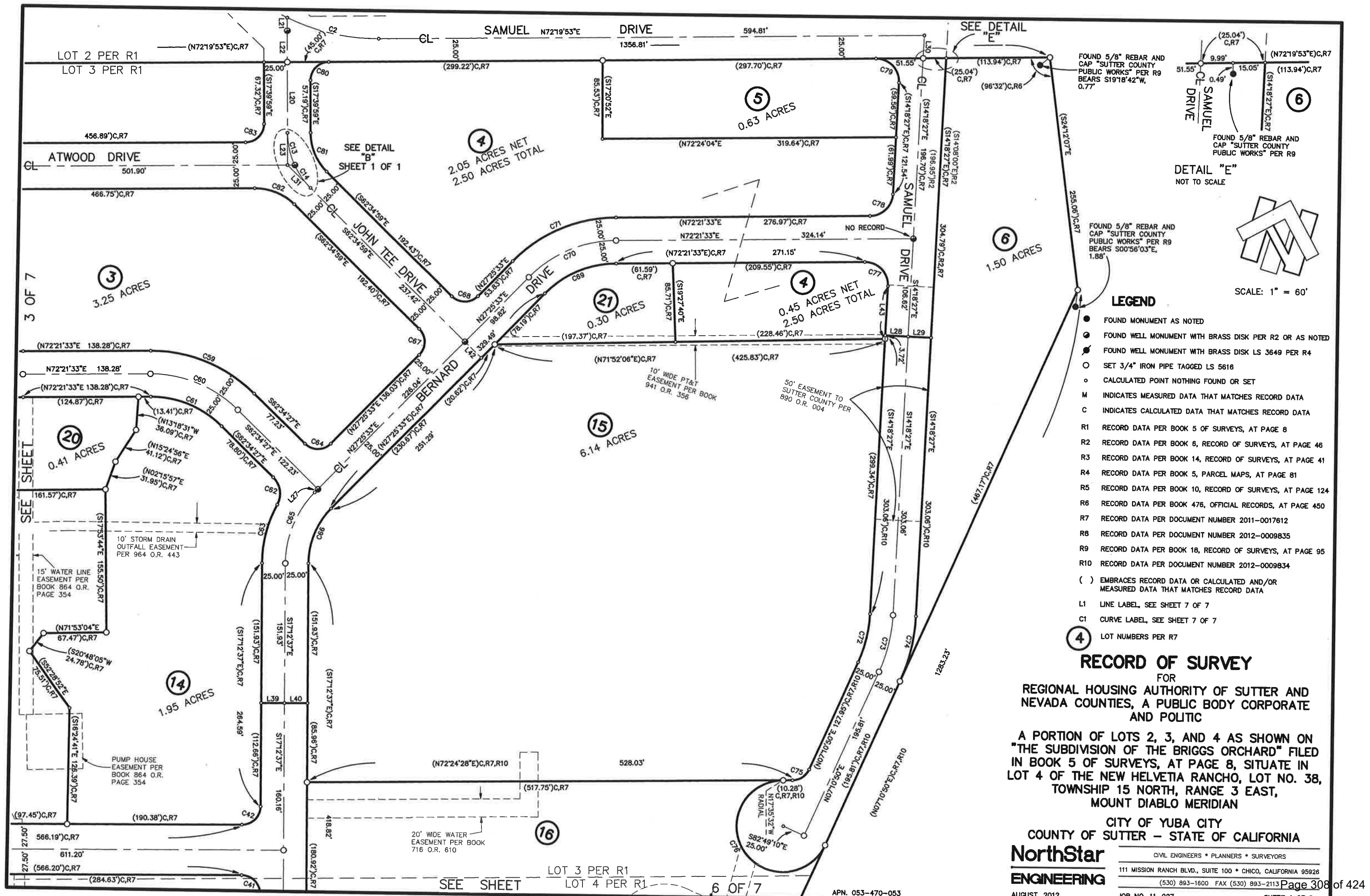
CITY OF YUBA CITY
COUNTY OF SUTTER - STATE OF CALIFORNIA

NorthStar
ENGINEERING

CIVIL ENGINEERS • PLANNERS • SURVEYORS
111 MISSION RANCH BLVD., SUITE 100 • CHICO, CALIFORNIA 95926
(530) 893-1600 FAX (530) 893-2113
AUGUST, 2012
JOB NO. 11-027
SHEET 3 OF 8

SEE SHEET 5 OF 7

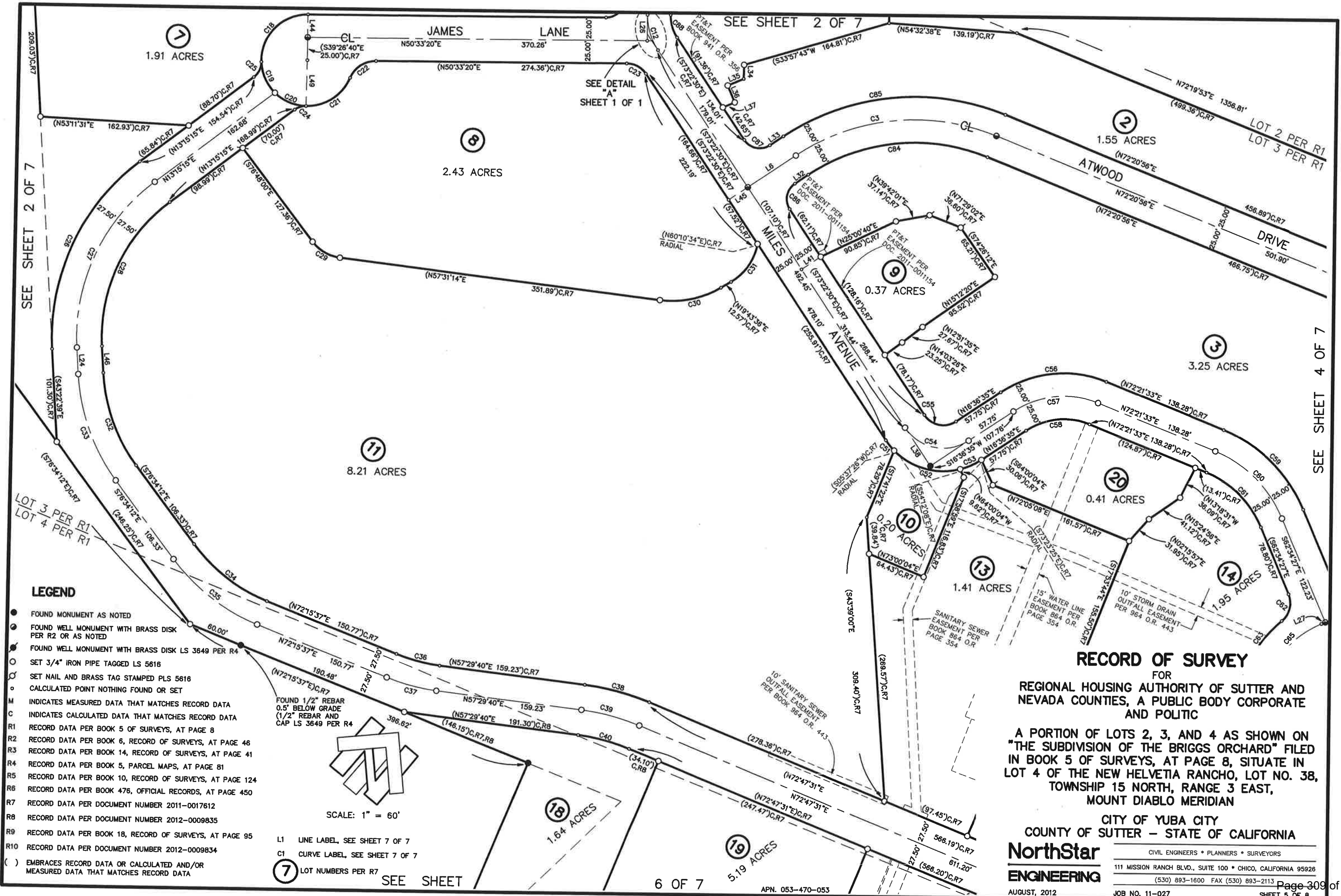
SEE SHEET 4 OF 7



SEE SHEET 2 OF 7

SEE SHEET 2 OF 7

SEE SHEET 4 OF 7

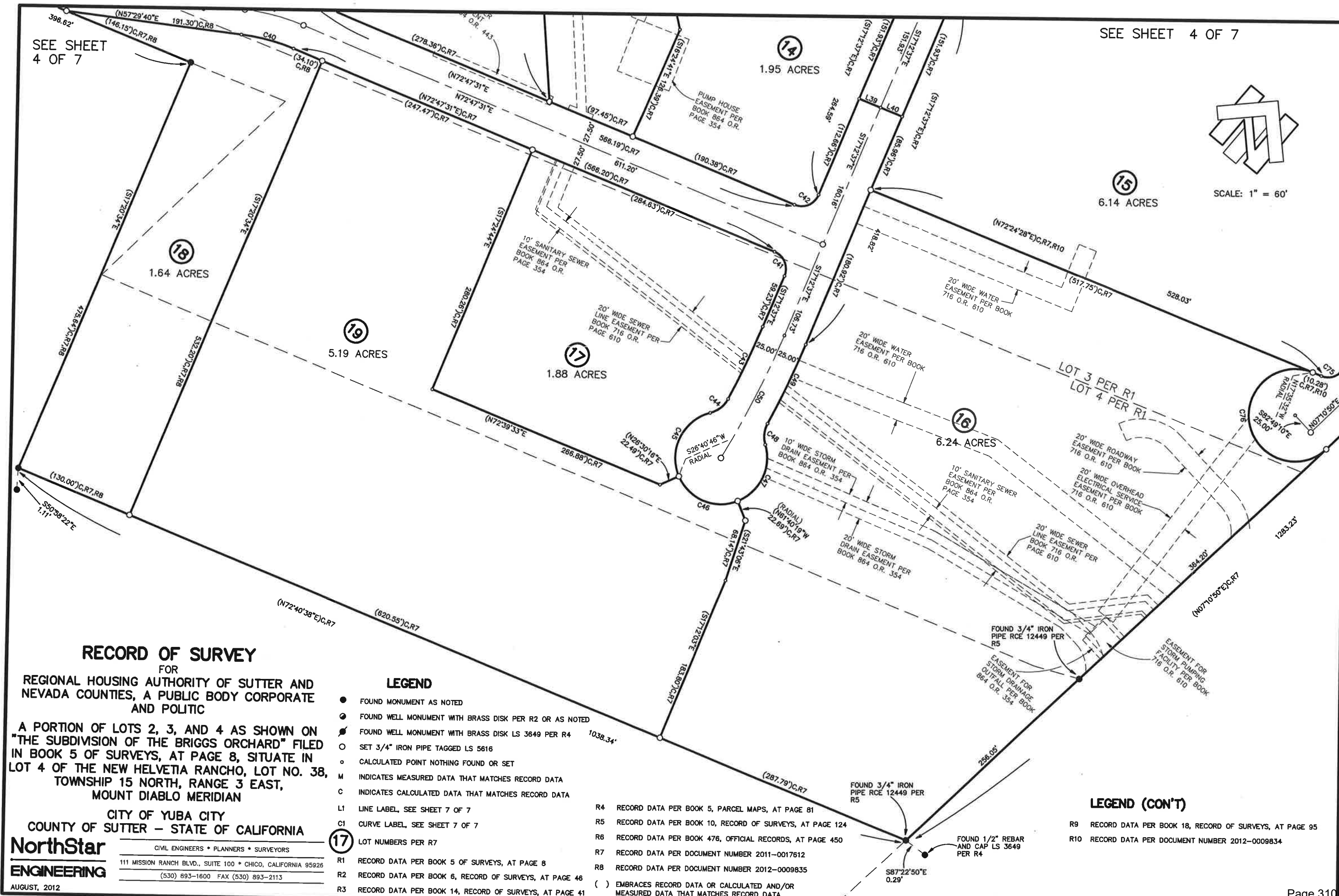


SEE SHEET
4 OF 7

SEE SHEET 4 OF 7



SCALE: 1" = 60'



RECORD OF SURVEY

FOR
REGIONAL HOUSING AUTHORITY OF SUTTER AND
NEVADA COUNTIES, A PUBLIC BODY CORPORATE
AND POLITIC

A PORTION OF LOTS 2, 3, AND 4 AS SHOWN ON
"THE SUBDIVISION OF THE BRIGGS ORCHARD" FILED
IN BOOK 5 OF SURVEYS, AT PAGE 8, SITUATE IN
LOT 4 OF THE NEW HELVETIA RANCHO, LOT NO. 38,
TOWNSHIP 15 NORTH, RANGE 3 EAST,
MOUNT DIABLO MERIDIAN

CITY OF YUBA CITY
COUNTY OF SUTTER - STATE OF CALIFORNIA

NorthStar
ENGINEERING

CIVIL ENGINEERS • PLANNERS • SURVEYORS

111 MISSION RANCH BLVD., SUITE 100 • CHICO, CALIFORNIA 95926

(530) 893-1800 FAX (530) 893-2113

AUGUST, 2012

LEGEND

- FOUND MONUMENT AS NOTED
- ⊙ FOUND WELL MONUMENT WITH BRASS DISK PER R2 OR AS NOTED
- ⊙ FOUND WELL MONUMENT WITH BRASS DISK LS 3649 PER R4
- SET 3/4" IRON PIPE TAGGED LS 5616
- CALCULATED POINT NOTHING FOUND OR SET
- M INDICATES MEASURED DATA THAT MATCHES RECORD DATA
- C INDICATES CALCULATED DATA THAT MATCHES RECORD DATA
- L1 LINE LABEL, SEE SHEET 7 OF 7
- C1 CURVE LABEL, SEE SHEET 7 OF 7
- 17 LOT NUMBERS PER R7
- R1 RECORD DATA PER BOOK 5 OF SURVEYS, AT PAGE 8
- R2 RECORD DATA PER BOOK 6, RECORD OF SURVEYS, AT PAGE 46
- R3 RECORD DATA PER BOOK 14, RECORD OF SURVEYS, AT PAGE 41

- R4 RECORD DATA PER BOOK 5, PARCEL MAPS, AT PAGE 81
- R5 RECORD DATA PER BOOK 10, RECORD OF SURVEYS, AT PAGE 124
- R6 RECORD DATA PER BOOK 476, OFFICIAL RECORDS, AT PAGE 450
- R7 RECORD DATA PER DOCUMENT NUMBER 2011-0017612
- R8 RECORD DATA PER DOCUMENT NUMBER 2012-0009835
- () EMBRACES RECORD DATA OR CALCULATED AND/OR MEASURED DATA THAT MATCHES RECORD DATA

LEGEND (CON'T)

- R9 RECORD DATA PER BOOK 18, RECORD OF SURVEYS, AT PAGE 95
- R10 RECORD DATA PER DOCUMENT NUMBER 2012-0009834

RESOLUTION NOTES

THE NORTHERLY LINE OF LOT 3 WAS ESTABLISHED AS FOLLOWS:

1. THE ORIGINAL LOT 3 WAS CREATED BY BOOK 5, SURVEYS, PAGE 8 BY EDWARD VON GELDREN RCE 3366 IN 1923.
2. IN 1964 THE LINE WAS REESTABLISHED BY B.T. BERNDTSON, RCE 5637 ON BOOK 6, SURVEYS, PAGE 46.
3. IN 1969 THE NORTH LINE OF SAMUEL DRIVE (WHICH IS 50 FEET NORTH OF THE NORTH LINE OF LOT 3) WAS ESTABLISHED BY EDWARD VON GELDERN RCE 3366 ON BOOK 1 PARCEL MAPS, PAGE 17. THERE WAS A 1" IRON PIPE AND A BOAT SPIKE INDICATED AS FOUND ON THE NORTH LINE OF SAMUEL DRIVE ON THIS MAP.
4. IN 1979 AN ADDITIONAL SECTION OF THE NORTH LINE OF SAMUEL DRIVE WAS ESTABLISHED BY VON GELDERN ENGINEERING CO. ON BOOK 3 PARCEL MAPS, PAGE 65 UTILIZING THE FOUND BOAT SPIKE.
5. IN 1992 SAMUEL DRIVE WAS REESTABLISHED BY THE CITY OF YUBA CITY ON BOOK 14 RECORD OF SURVEYS, PAGE 41. THIS SURVEY RECOVERED BOTH THE 1" IRON PIPE AND THE BOAT SPIKE SHOWN ON THE PREVIOUS MAPS.
6. THIS SURVEYOR UTILIZED MONUMENTS FOUND ON BOOK 14 RS, PAGE 41 TO REESTABLISH THE NORTH LINE OF SAMUEL DRIVE. I THEN OFFSET THAT LINE 50 FEET TO ESTABLISH THE NORTH LINE OF LOT 3. I THEN PROJECTED THAT LINE WESTERLY AND FOUND IT TO AGREE WITH A FOUND NAIL AND TAG RCE 5637 AT THE NORTHWESTERLY CORNER OF LOT 3. THE ENGINEER SETTING THIS TAG IS THE ENGINEER THAT PREPARED BOOK 6 SURVEYS, PAGE 46.
7. THE POSITION OF THE NORTH LINE OF LOT 3 SHOWN HEREON IS THE RESULT OF ACCEPTING THE POSITIONS SHOWN ON THE ABOVE MAPS WHICH PROVIDE A LONG HISTORIC PEDIGREE FOR THIS POSITION.
8. THE POSITION OF THE NORTHERLY LINE OF LOT 3 HELD ON THIS MAP DISAGREES WITH THE CALCULATED POSITION SHOWN ON BOOK 18 RECORD OF SURVEYS, PAGE 95. THE PREPONDERANCE OF EVIDENCE INDICATED ABOVE INDICATES THAT THE POSITION OF THE NORTHERLY LINE OF LOT 3 SHOWN HEREON IS THE BEST POSITION FOR THIS LINE.
- THE NORTHEASTERLY CORNER OF THE PROPERTY SHOWN HEREON WAS ESTABLISHED AS FOLLOWS:
9. OFFICIAL RECORD BOOK 476, PAGE 450 BEGINS AT THE NORTHWEST CORNER OF LOT 3 AND GOES ALONG THE NORTHERLY LINE OF LOT 3 A DISTANCE OF 1647.76 FEET TO THE NORTHWESTERLY CORNER OF OFFICIAL RECORD BOOK 222, PAGE 268.
10. OFFICIAL RECORD BOOK 222, PAGE 268 BEGINS AT A POINT ON THE NORTH LINE OF LOT 3 BEARING NORTH 72°32' EAST, 1647.77 FEET FROM THE NORTHWESTERLY CORNER OF LOT 3.
11. THE NORTHEASTERLY CORNER OF THE PROPERTY SHOWN HEREON WAS ESTABLISHED AT 1647.76 FEET ALONG THE NORTHERLY LINE OF LOT 3, AS ESTABLISHED HEREON, FROM THE NORTHWESTERLY CORNER OF LOT 3 BEING MARKED BY A NAIL AND TAG, RCE 5637 AS INDICATED IN 6 ABOVE.
12. THE RECORD ANGLE FROM THE DEEDS WAS TURNED TO ESTABLISH THE LINE RUNNING SOUTHEASTERLY FROM HERE AND INTERSECTED WITH THE LINE ESTABLISHED FROM MONUMENTS SHOWN HEREON AS FOUND ALONG THE EASTERLY LINE OF THE PROPERTY. THIS INTERSECTION POINT WAS USED AS THE ANGLE POINT IN THE EASTERLY LINE OF THE PROPERTY SHOWN HEREON. THE LINE RUNNING SOUTHEASTERLY FROM THE NORTHEASTERLY CORNER AS ESTABLISHED ABOVE AGREES VERY WELL WITH EXISTING FENCES IN THE AREA. THIS POSITION ALSO DISAGREES WITH THE POSITION SHOWN ON BOOK 18 RECORD OF SURVEYS, PAGE 95.

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	225.00'	18°17'21"	71.82'
C2	225.00'	26°25'29"	103.77'
C3	235.00'	55°43'32"	228.56'
C4	50.00'	90°00'55"	78.55'
C5	100.00'	55°44'58"	97.30'
C6	135.00'	45°04'00"	106.19'
C7	110.00'	44°38'10"	85.70'
C8	135.00'	44°56'00"	105.87'
C9	232.00'	2°28'38"	10.03'
C10	30.00'	110°38'00"	57.93'
C11	958.00'	17°22'25"	290.49'
C12	69.11')C,R2	33°52'50")C,R2	40.87'
C13	85.00'	24°25'03"	36.22'
C14	85.00'	20°29'56"	30.41'
C15	958.00'	0°12'49"	3.57'
C16	20.00'	90°01'25"	31.42'
C17	20.00'	90°03'00"	31.43'
C18	50.00'	92°36'20"	80.81'
C19	(50.00')C,R7	43°30'07"	37.96'
C20	(50.00')C,R7	43°11'08"	37.69'
C21	50.00'	68°40'57"	59.94'
C22	30.00'	67°58'33"	35.59'
C23	25.00'	56°04'10"	24.46'
C24	20.00'	38°00'29"	13.27'
C25	20.00'	55°18'15"	19.30'
C26	237.50'	56°37'54"	234.75'
C27	210.00'	56°37'55"	207.57'
C28	182.50'	56°37'54"	180.38'
C29	44.00'	45°40'46"	35.08'
C30	105.00'	37°47'38"	69.26'
C31	60.00'	49°33'02"	51.89'
C32	187.50'	33°11'33"	108.62'
C33	215.00'	33°11'33"	124.55'
C34	187.50'	31°10'11"	102.00'
C35	215.00'	31°10'12"	116.96'
C36	192.50'	14°45'57"	49.61'
C37	220.00'	14°45'57"	56.70'
C38	272.50'	15°17'51"	72.76'
C39	245.00'	15°17'51"	65.41'
C40	217.50'	15°17'51"	58.07'
C41	20.00'	89°59'52"	31.42'
C42	20.00'	90°00'08"	31.42'
C43	930.00'	5°19'54"	86.54'
C44	30.00'	48°23'22"	25.34'
C45	(50.00')C,R7	99°49'53"	87.12'
C46	(50.00')C,R7	88°21'05"	77.10'
C47	(50.00')C,R7	84°54'06"	74.09'
C48	30.00'	44°53'46"	23.51'
C49	980.00'	5°31'58"	94.63'
C50	955.00'	8°55'21"	148.72'
C51	75.00'	11°00'04"	14.40'
C52	75.00'	59°49'34"	78.31'
C53	75.00'	19°11'17"	25.12'
C54	50.00'	90°00'55"	78.55'
C55	25.00'	90°00'55"	39.28'
C56	125.00'	55°44'58"	121.63'
C57	100.00'	55°44'58"	97.30'
C58	75.00'	55°44'58"	72.98'
C59	160.00'	45°04'00"	125.85'
C60	135.00'	45°04'00"	106.19'
C61	110.00'	45°04'00"	86.52'
C62	25.00'	73°31'38"	32.08'
C63	135.00'	28°09'48"	66.36'
C64	20.00'	90°00'00"	31.42'
C65	110.00'	44°38'10"	85.70'
C66	85.00'	44°38'10"	66.22'
C67	20.00'	90°00'32"	31.42'
C68	20.00'	89°59'28"	31.41'
C69	110.00'	44°56'00"	86.27'
C70	135.00'	44°56'00"	105.87'
C71	160.00'	44°56'00"	125.48'
C72	145.00'	21°29'17"	54.38'
C73	170.00'	21°29'17"	63.76'
C74	195.00'	21°29'17"	73.13'
C75	20.00'	65°13'38"	22.77'
C76	50.00'	245°13'38"	214.00'
C77	25.00'	93°20'00"	40.72'
C78	25.00'	86°40'00"	37.82'
C79	25.00'	93°21'40"	40.74'
C80	20.00'	89°59'52"	31.42'
C81	60.00'	44°55'00"	47.04'
C82	59.72'	45°04'05"	46.97'
C83	20.00'	90°00'55"	31.42'
C84	210.00'	55°43'31"	204.24'
C85	260.00'	55°43'31"	252.87'
C86	20.00'	89°59'55"	31.42'
C87	20.00'	90°00'05"	31.42'
C88	44.11'	33°52'50"	26.08'
C89	20.00'	89°58'35"	31.41'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S54°32'38"W	139.19'
L2	N39°39'13"W	88.44'
L3	N39°26'40"W	25.00'
L4	S39°29'40"E	81.43'
L5	S73°22'30"E	179.01'
L6	N16°37'25"E	62.64'
L7	S73°22'30"E	(363.45')C,R2
L8	N27°25'33"E	98.84'
L9	N72°21'33"E	324.14'
L10	S27°25'33"W	226.01'
L11	S62°34'27"E	(122.23')C,R2
L12	S17°12'37"E	(151.93')C,R2
L13	N72°21'33"E	138.28'
L14	N16°36'35"E	(57.74')C,R2
L15	S14°18'27"E	106.15'
L16	S14°18'27"E	196.70'
L17	S14°18'27"E	25.04'
L18	S62°34'38"E	272.56'
L19	S72°20'56"W	501.90'
L20	S17°39'59"E	77.19'
L21	S17°39'59"E	(14.23')C,R3
L22	S17°39'59"E	34.28'
L23	N17°39'59"W	35.14'
L24	S43°22'39"E	29.03'
L25	S39°29'40"E	81.43'
L26	S39°29'40"E	28.33'
L27	N27°25'33"E	4.63'
L28	(N75°41'33"E)C,R10	25.00'
L29	(N75°41'33"E)C,R10	25.00'
L30	S14°18'27"E	25.04'
L31	S62°34'59"E	35.14'
L32	N16°37'25"E	17.64'
L33	N16°37'25"E	17.63'
L34	S38°36'19"E	15.33'
L35	S27°24'11"W	18.91'
L36	S62°35'49"E	20.00'
L37	S27°24'11"W	13.92'
L38	S73°22'30"E	50.01'
L39	(N72°47'23"E)C,R7	25.00'
L40	(N72°47'23"E)C,R7	25.00'
L41	N16°37'30"E	25.00'
L42	S62°34'59"E	25.00'
L43	N14°18'27"W	57.35'
L44	N39°26'40"W	25.00'
L45	S16°37'25"W	25.00'
L46	S43°22'39"E	29.03'
L47	N56°00'35"E	32.82'
L48	N43°10'07"E	55.91'
L49	S38°44'16"E	50.00'
L50	N50°33'20"E	370.26'

RECORD OF SURVEY

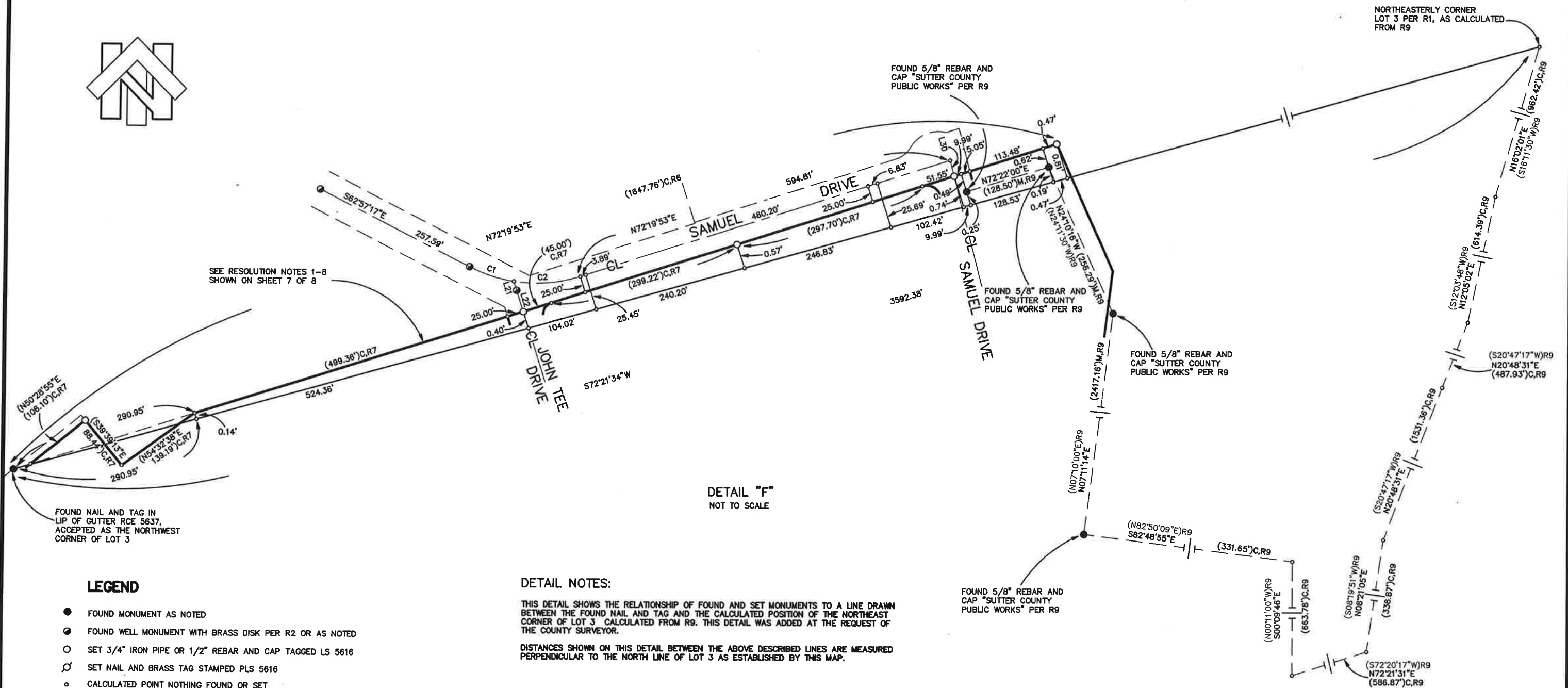
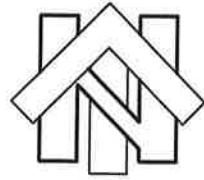
FOR
REGIONAL HOUSING AUTHORITY OF SUTTER AND
NEVADA COUNTIES, A PUBLIC BODY CORPORATE
AND POLITIC

A PORTION OF LOTS 2, 3, AND 4 AS SHOWN ON
"THE SUBDIVISION OF THE BRIGGS ORCHARD" FILED
IN BOOK 5 OF SURVEYS, AT PAGE 8, SITUATE IN
LOT 4 OF THE NEW HELVETIA RANCHO, LOT NO. 38,
TOWNSHIP 15 NORTH, RANGE 3 EAST,
MOUNT DIABLO MERIDIAN

CITY OF YUBA CITY
COUNTY OF SUTTER – STATE OF CALIFORNIA

NorthStar
ENGINEERING

CIVIL ENGINEERS • PLANNERS • SURVEYORS
111 MISSION RANCH BLVD., SUITE 100 • CHICO, CALIFORNIA 95926
(530) 893-1600 FAX (530) 893-2113
SHEET 7 OF 8



RECORD OF SURVEY

FOR
REGIONAL HOUSING AUTHORITY OF SUTTER AND
NEVADA COUNTIES, A PUBLIC BODY CORPORATE
AND POLITIC

A PORTION OF LOTS 2, 3, AND 4 AS SHOWN ON
"THE SUBDIVISION OF THE BRIGGS ORCHARD" FILED
IN BOOK 5 OF SURVEYS, AT PAGE 8, SITUATE IN
LOT 4 OF THE NEW HELVETIA RANCHO, LOT NO. 38,
TOWNSHIP 15 NORTH, RANGE 3 EAST,
MOUNT DIABLO MERIDIAN

CITY OF YUBA CITY

COUNTY OF SUTTER - STATE OF CALIFORNIA

NorthStar
ENGINEERING

CIVIL ENGINEERS * PLANNERS * SURVEYORS

111 MISSION RANCH BLVD., SUITE 100 * CHICO, CALIFORNIA 95926

(530) 893-1600 FAX (530) 893-2113

AUGUST, 2012

JOB NO. 11-027

SHEET 8 OF 8

APN. 053-470-053

Page 312 of 424

ATTACHMENT 4



Environmental Assessment 22-07

Initial Study and Mitigated Negative Declaration for General Plan Amendment 22-03 and Rezone 22-04: Implementing Policies of the 2021-2029 Housing Element

Prepared for:

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

Prepared By:

Brian Millar & Robby Thacker, Contract Planners
and

City of Yuba City
Development Services Department
Planning Division

Updated by:

Denis Cook
Land Use Planning Consultant

February 2023

This page intentionally left blank.

Table of Contents

1. Introduction	6
1.1. Introduction.....	6
1.2. Regulatory Information	7
1.3. Document Format	7
1.4. Purpose of Document.....	8
1.5. Intended Uses of this Document	8
2. Project Description	9
2.1. Project Title	9
2.2. Lead Agency Name and Address	9
2.3. Contact Person and Phone Number	9
2.4. Project Location/Existing Use	9
2.5. Project Applicant.....	9
2.6. Property Owner	10
2.7. General Plan/Specific Plan Designations	10
2.8. Zoning.....	10
2.9. Project Description.....	11
2.10. Surrounding Land Uses & Setting	14
2.11. Other Public Agencies Whose Approval May be Required.....	15
2.12. Environmental Factors Potentially Affected	15
2.13. Evaluation of Environmental Impacts.....	16
2.14. 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.?	17
3. Environmental Checklist and Impact Evaluation	18
3.1. Aesthetics	18
3.1.1. Environmental Setting/Affected Environment.....	18
3.1.2. Federal Regulatory Setting	18
3.1.3. State Regulatory Setting.....	19
3.1.4. Impact Assessment/Environmental Consequences:	19
3.2. Agricultural and Forestry Resources.....	22
3.2.1. Environmental Setting/Affected Environment.....	22
3.2.2. Federal Regulatory Setting	22
3.2.3. State Regulatory Setting.....	23
3.2.4. Impact Assessment/Environmental Consequences:	25

3.3. Air Quality	26
3.3.1. Environmental Setting/Affected Environment	26
3.3.2. Federal Regulatory Setting	29
3.3.3. State Regulatory Setting	29
3.3.4. Regional Regulatory Setting	30
3.3.5. Impact Assessment/Environmental Consequences:	32
3.3.6. Air Quality Mitigation Measure	33
3.4. Biological Resources	34
3.4.1. Environmental Setting/Affected Environment	34
3.4.2. Federal & State Regulatory Setting	35
3.4.3. Local Regulatory Setting	36
3.4.4. Impact Assessment/Environmental Consequences:	37
3.5. Cultural Resources	39
3.5.1. Federal Regulatory Setting	39
3.5.2. State Regulatory Setting	39
3.5.3. Native American Consultation	40
3.5.4. Impact Assessment/Environmental Consequences:	41
3.6. Energy	42
3.6.1 State Regulatory Setting	42
3.6.2 Impact Assessment/Environmental Consequences	43
3.7. Geology and Soils	44
3.7.1. Environmental Setting/Affected Environment	45
3.7.2. Federal Regulatory Setting	47
3.7.3. State Regulatory Setting	48
3.7.4. Impact Assessment/Environmental Consequences:	48
3.8. Greenhouse Gas Emissions	50
3.8.1. Federal Regulatory Setting	50
3.8.2. State & Local Regulatory Setting	51
3.8.3. Impact Assessment/Environmental Consequences:	51
3.9. Hazards and Hazardous Materials	53
3.9.1. Federal Regulatory Setting	53
3.9.2. State Regulatory Setting	55
3.9.3. Local Regulatory Setting	56
3.9.4. Impact Assessment/Environmental Consequences:	56
3.10. Hydrology and Water Quality	59
3.10.1. Federal Regulatory Setting	59
3.10.2. State Regulatory Setting	60
3.10.3. Local Regulatory Setting	61
3.10.4. Impact Assessment/Environmental Consequences:	61
3.11. Land Use and Planning	63
3.11.1. Environmental Setting/Affected Environment	63
3.11.2. Federal Regulatory Setting	63
3.11.3. Local Regulatory Setting	64
3.11.4. Impact Assessment/Environmental Consequences:	64
3.12. Mineral Resources.....	65
3.12.1. Federal Regulatory Setting	65
3.12.2. State Regulatory Setting	65

3.12.3.	Impact Assessment/Environmental Consequences:	66
3.13.	Noise	67
3.13.1.	Environmental Setting/Affected Environment for Noise	67
3.12.2.	Environmental Setting/Affected Environment for Groundbourne Vibration	68
3.12.3.	Federal Regulatory Setting	68
3.12.4.	State Regulatory Setting	68
3.12.5.	Local Regulatory Setting	69
3.12.6.	Impact Assessment/Environmental Consequences:	70
3.14.	Population and Housing	72
3.14.1.	Environmental Setting/Affected Environment	72
3.14.2.	Federal Regulatory Setting	72
3.14.3.	State Regulatory Setting	72
3.14.4.	Regional Regulatory Setting	72
3.14.5.	Local Regulatory Setting	73
3.14.6.	Impact Assessment/Environmental Consequences:	73
3.15.	Public Services	74
3.15.1.	Environmental Setting/Affected Environment	74
3.15.2.	Federal Regulatory Setting	74
3.15.3.	State Regulatory Setting	74
3.15.4.	Local Regulatory Setting	75
3.15.5.	Impact Assessment/Environmental Consequences:	75
3.16.	Recreation	76
3.16.1.	Environmental Setting/Affected Environment	76
3.16.2.	Federal Regulatory Setting	76
3.16.3.	State Regulatory Setting	76
3.16.4.	Local Regulatory Setting	76
3.16.5.	Impact Assessment/Environmental Consequences:	77
3.17.	Transportation	78
3.17.1.	Federal Regulatory Setting	78
3.17.2.	State Regulatory Setting	78
3.17.3.	Local Regulatory Setting	79
3.17.4.	Impact Assessment/Environmental Consequences:	79
3.18.	Tribal Cultural Resources	81
3.18.1	Environmental Setting/Affected Environment	81
3.18.2.	Federal Regulatory Setting	81
3.18.3.	State Regulatory Setting	82
3.18.4.	Cultural Setting	83
3.18.5.	Summary of Native American Consultation	84
3.18.6.	Thresholds of Significance	84
3.18.7.	Impact Assessment/Environmental Consequences:	85
3.19.	Utilities and Service Systems	86
3.19.1.	Environmental Setting/Affected Environment	86
3.19.2.	Federal Regulatory Setting	87
3.19.3.	State Regulatory Setting	87
3.19.4.	Local Regulatory Setting	88
3.19.5.	Impact Assessment/Environmental Consequences:	88
3.20.	Wildfire.....	89
3.20.1.	Environmental Setting/Affected Environment	89

3.20.2.	Impact Assessment/ Environmental Consequences	90
3.21.	Mandatory Findings of Significance.....	91
3.21.1.	Impact Assessment/Environmental Consequences:	91
4.	Section References and/or Incorporated by Reference	93



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 from General Plan Amendment (GPA) 22-03 and Rezone (RZ) 22-04 consisting of 35 parcels ("Project") to implement the requirements of Program H-C-7 of the 2021-2029 Housing Element that was adopted March 1, 2022. This program established the lower income Regional Housing Needs Allocation (RHNA), in which the City is required to provide land for the development of at least 1,544 lower income residences. The City's vacant land inventory identified capacity to accommodate only 1,336 dwelling units, resulting in a shortfall of 208 units. This GPA and RZ is intended to add land to the available housing inventory at densities favorable to accommodating the additional 208 lower income housing units.

This General Plan Amendment and Rezoning of 35 parcels, covering 75.89 acres, implements the requirements of the 2021-2029 Housing Element by increasing minimum residential densities to 12 residences per acre for new development. The rezoning will also include an X₂₉ Combining Zone District for three of the 35 parcels, totaling 14.95 acres. This will require new residential construction on these properties to be a minimum of 20 residences per acre.

More specifically:

The Project will **amend the General Plan** Land Use Element by re-designating the 35 parcels from Medium/Low Density Residential (29 parcels), Low Density Residential (3 parcels), Office and Office Park (2 parcels), and Public Facility (1 parcel), all to a Medium/High Density Residential (HDR) General Plan Designation.

The Project also **Rezones** some of those same properties to be consistent with the GPA discussed above. This includes three parcels currently in a One-Family Residential (R-1) Zone District, six parcels in a Two-Family Residence (R-2) Zone District, and three parcels in a Commercial Office (C-0) Zone District, all of which would be rezoned to a Multiple-Family (R-3) Zone District which is consistent with the HDR General Plan designation described above. Twenty-three of the properties were previously zoned R-3, so are not in need of a rezoning. Three of the 35 properties, totaling 14.95, acres will also have an X₂₉ Combining Zone District added to the R-3 Zone District. The X₂₉ Combining Zone District requires new residential development to be a minimum of 20 dwellings per acre (vs. a minimum of 12 dwellings per acre for the other parcels).

No physical development is proposed as part of this application, as this Project is strictly an amendment to the existing General Plan and Zoning.

This GPA/RZ is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The Project requires review and recommendation by the Planning Commission of the City of Yuba City and review and approval by the 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 Project. 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 mitigated negative declaration may be prepared if the lead agency finds that, with mitigation measures, there is no substantial evidence, in light of the whole record that the project will have a significant effect on the environment. A mitigated 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 (or mitigated 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

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 Development Services Department has analyzed the potential environmental impacts which may be created by this Project, and a mitigated negative declaration has been prepared.

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/MND 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, CA 95993). The 30-day review period will commence on February 21, 2023, and end on March 22, 2023 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
Attn: Doug Libby, Deputy Development Services Director
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95991
E-mail: developmentservices@yubacity.net
Phone: (530) 822-3231

2. Project Description

2.1. Project Title

General Plan Amendment 22-03 and Rezone 22-04 to implement Program H-C-7 of the 2021-2029 Housing Element.

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Boulevard
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, Deputy Director of Development Services
Ph: (530) 822-3231
developmentservices@yubacity.net

2.4. Project Location/Existing Use

The Project includes 35 sites all of which are within the incorporated city limits of Yuba City, have been previously disturbed, and are currently vacant or under-utilized. The parcels are located in four general areas of the City:

Butte House Road corridor – several parcels consisting of approximately 14.6 acres along the north side of Butte House Road between Tharpe Road and Romero Street.

Walton Avenue corridor – These are five infill type properties consisting of about 9.73 acres fronting along Walton Avenue on both sides of Franklin Road.

Regional Housing Authority (RHA) – Twenty-two of the properties consisting of approximately 50.34 acres are located within the properties owned and managed by the Regional Housing Authority located east of Garden Highway along Miles Avenue.

Market Street area – There are two adjoining properties, consisting of approximately 1.22 acres on Market Street just north of downtown.

2.5. Project Applicant

City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993
(530) 822-3231

2.6. Property Owner

Various property owners

2.7. General Plan/Specific Plan Designations

Existing: The properties are in various general plan designations:

Low-Medium Density Residential (MDR): 29 of the 35 parcels (72.32 acres). Approximately 95 percent of the area being considered are currently designated MDR, which provides for a residential density range of 6 to 14 residences per acre.

Low Density Residential (LDR): Three of the parcels (1.35 acres). Approximately 1.8 percent of the area is designated LDR, which provides for a residential density range of 2 to 8 residences per acre.

Office and Office Park (O): Two parcels (1.22 acres). Approximately 1.6 percent of the area is designated O. This designation does not provide for a residential use except when in conjunction with an office development.

Public & Semipublic (P): One parcel (1 acre). Approximately 1.3 percent of the area is designated P. This designation does not provide for residential development.

None of the properties are located within a specific plan.

Proposed:

Medium-High Density Residential (HDR): All 35 properties (75.89 acres) are proposed to be re-designated HDR. This designation provides for a residential density of 12 to 36 residences per acre.

2.8. Zoning

Existing:

One-Family Residence (R-1): Three parcels (1.35 acres). Approximately 2 percent of the area is zoned R-1.

Two-Family Residential (R-2): Six parcels (18 acres). Approximately 23.7 percent of the Project area is zoned R-2.

Multiple-Family Residence (R-3): Twenty-three parcels (54.32 acres). Almost 72 percent of the properties are zoned R-3. These properties do not need rezoning, even though the corresponding general plan designation is being modified.

Office Commercial (C-O): Three parcels (2.22 acres). Approximately 3 percent of the Project area is zoned C-O.

Proposed:

Multiple-Family (R-3): The 12 parcels (21.57 acres) currently zoned R-1, R-2, and C-O are proposed to be rezoned to an R-3 Zone District. The other 23 parcels are already zoned R-3.

and

X₂₉ Combining Zone District: There are three properties (14.95 acres) proposed to have an X₂₉ Combining Zone District added to the R-3 zoning. The X₂₉ District will require any residential development to be built to a minimum of 20 residences/acre, as compared with the standard R-3 zoned properties within the HDR General Plan designation could be developed at a minimum of 12 residences/acre.

2.9. Project Description

General Plan Amendment (GPA) 22-03 and Rezone (RZ) 22-04, involving 35 parcels (“Project”) is proposed to implement the requirements of Program H-C-7 of the 2021-2029 Housing Element that was adopted by the City Council March 1, 2022. This program established the lower income Regional Housing Needs Allocation (RHNA), in which the City is required to provide properly planned and zoned land for at least 1,544 lower income residences. The City’s vacant land inventory identified capacity for existing properly planned and zoned land to accommodate only 1,336 dwelling units, resulting in a shortfall of 208 units. This GPA and RZ is intended to make available adequate land capable of accommodating the additional 208 needed lower income housing units in compliance with RHNA and State Housing law.

This General Plan Amendment and Rezoning of the 35 parcels, covering 75.89 acres, implements the 2021-2029 Housing Element by increasing the minimum residential development densities to 12 residences per acre. The rezoning will also include an X₂₉ Combining Zone District for three of the 35 parcels, totaling 14.95 acres which will require new residential construction to be a minimum of 20 residences per acre. More specifically:

- The Project will amend the General Plan Land Use Element by re-designating the 35 parcels from Medium/Low Density Residential, (29 parcels) Low Density Residential (3 parcels), Office and Office Park (2 parcels), and Public Facility (1 parcel), all to a Medium/High Density Residential (HDR) General Plan Designation.
- This Project will rezone some of those same properties to be consistent with the GPA discussed above. This includes three parcels currently in a One-Family Residential (R-1) Zone District, six parcels in a Two-Family Residence (R-2) Zone District, and three parcels in a Commercial Office (C-0) Zone District. All are proposed to be rezoned to a Multiple-Family (R-3) Zone District which is consistent with the HDR General Plan designation described above. Twenty-three of the properties were previously zoned R-3, and a rezoning is not required. Also, three of the 35 properties, totaling 14.95, acres will have an X₂₉ Combining Zone District added to the R-3 Zone District. The X₂₉ Combining Zone District requires new residential development to be a minimum of 20 residences per acre (vs. a minimum of 12 dwellings per acre for the other HDR designated properties). No physical development is proposed as part of this Project.

The sites are or can be served by City water, sewer, and storm drainage systems.

Figure 1 on the following page along with Table 1 that follows provide the location and detail about the properties involved.

Figure 1: Location Map

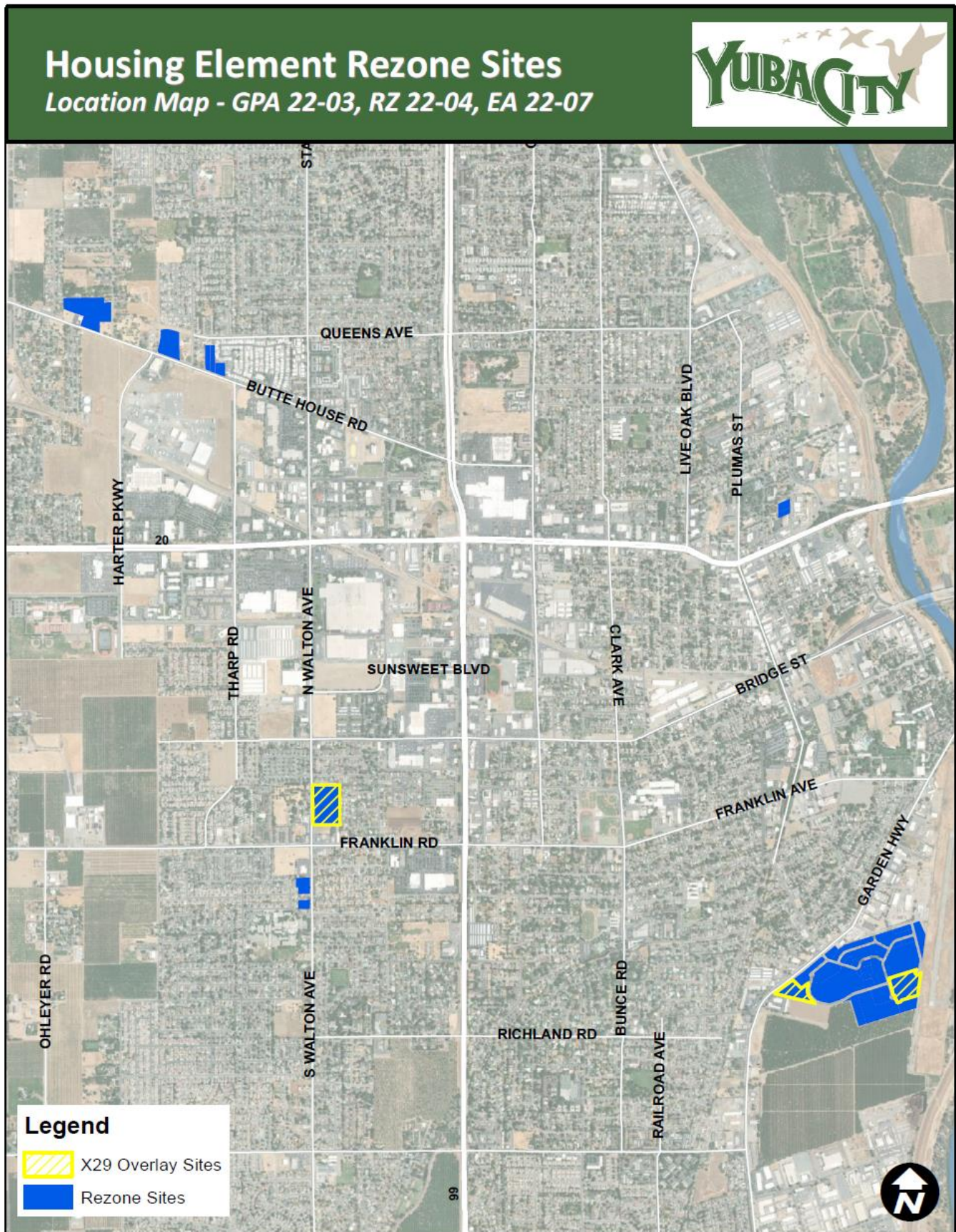


Table 2: Project Site List

Housing Element General Plan Amendment Rezone Sites						
GPA 22-03, RZ 22-04, EA 22-07						
Site	APN	Address	Acreage	Current Zoning	Proposed Zoning	Current General Plan Land Use Designation Proposed General Plan Land Use Designation
1	59-020-017	1835 BUTTE HOUSE RD	0.9	R-2	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
2	59-020-015	1851 BUTTE HOUSE RD	0.39	R-2	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
3	61-120-004	0 BUTTE HOUSE RD	7.88	R-2 x20	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
4	59-530-034	0 BUTTE HOUSE RD	3.98	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
5	59-020-018	1821 BUTTE HOUSE RD	1	R-2	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
6	59-020-016	1851 BUTTE HOUSE RD	0.45	R-2	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
7	51-393-003	0 MARKET ST	0.48	C-O	R-3	Office and Office Park (O&OP) Medium-High Density Residential (MHDR)
8	51-393-002	0 MARKET ST	0.74	C-O	R-3	Office and Office Park (O&OP) Medium-High Density Residential (MHDR)
9	57-150-078	247 S WALTON AVE	0.77	R-1	R-3	Low Density Residential (LDR) Medium-High Density Residential (MHDR)
10	57-150-004	217 S WALTON AVE	0.47	R-1	R-3	Low Density Residential (LDR) Medium-High Density Residential (MHDR)
11	57-150-050	211 S WALTON AVE	1	C-O	R-3	Public and Semi-Public (P&SP) Medium-High Density Residential (MHDR)
12	58-120-001	428 N WALTON AVE	7.38	R-2	R-3 X29	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
13	57-220-065	0 WALTON AVE	0.11	R-1	R-3	Low Density Residential (LDR) Medium-High Density Residential (MHDR)
14	53-470-088	0 MILES AVE	1.41	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
15	53-470-079	344 SAMUEL DR	2.05	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
16	53-470-083	0 JAMES LN	2.43	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
17	53-470-087	0 MC KEEHAN	2.86	R-3	R-3 X29	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
18	53-470-076	448 GARDEN HWY	0.67	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
19	53-470-085	0 MILES AVE	0.2	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
20	53-470-078	363 MILES AVE	3.25	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
21	53-470-077	363 ATWOOD DR	1.55	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
22	53-470-081	0 SAMUEL DR	1.05	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
23	53-470-086	420 MILES AVE	8.21	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
24	53-470-095	0 MILES AVE	0.41	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
25	53-470-082	456 GARDEN HWY	1.91	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
26	53-470-092	380 MC KEEHAN DR	1.88	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
27	53-470-080	334 SAMUEL DR	0.63	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
28	53-470-090	352 BERNARD DR	6.14	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
29	53-470-096	479 BERNARD DR	0.3	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
30	53-470-089	0 BERNARD DR	1.95	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
31	53-470-093	0 MC KEEHAN DR	1.64	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
32	53-470-084	415 MILES AVE	0.37	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
33	53-470-094	479 BERNARD DR	5.19	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
34	53-470-098	470 BERNARD DR	4.71	R-3	R-3 X29	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
35	53-470-097	470 BERNARD DR	1.53	R-3	R-3	Medium-Low Density Residential (MLDR) Medium-High Density Residential (MHDR)
TOTAL ACREAGE			75.89			
TOTAL X29 OVERLAY ACREAGE			14.95			

*X29 District Overlay Zone requires a minimum density of 20 dwelling units per acre.

The City of Yuba City Housing Element currently allows a density range of 12 – 36 dwelling units per acre (DUA) for the Medium/High Density Residential Zone. The Housing Element certified by the State requires that 10.4 acres of land is to be rezoned with a minimum density of 20 DUA. This proposal will include an X-Overlay zone for parcels one and two to account for that requirement.

General Property Characteristics

The proposed sites have been previously disturbed and do not contain any environmental constraints such as riparian habitat, water features, sensitive natural communities, or hazardous materials. The sites have adequate access and roadway segments as well as utility infrastructure necessary to support multi-family development. The areas surrounding the 35 sites contain urban levels of development with low density residential, commercial, office, and light industrial uses that, with proper design of the new residences, are generally compatible with a potential use of multi-family residential. There are existing water, sewer, drainage, and dry utilities to serve future development of the sites.

The 35 properties are generally located within four areas of the City:

Butte House Road corridor – There are several infill parcels consisting of approximately 14.6 acres on the north side of Butte House Road between Tharpe Road and Romero Street. This side of Butte House Road is primarily a residential area that is transitioning between homes on larger lots that were built prior to the area incorporating into the City to larger properties developing into more urban and suburban type development. Butte House Road is designated in the General Plan Circulation Element as a four-lane major arterial, designed to accommodate high traffic volumes from urban development, such as is proposed.

Walton Avenue corridor – These are five infill properties consisting of about 9.73 acres fronting along Walton Avenue on both sides of Franklin Road. This is primarily a single-family residential area with some smaller local commercial uses. The sites all front on Walton Avenue, so impacts on single-family residences are anticipated to be minimal. Walton Avenue is designated as a four-lane major arterial, having capacity to accommodate traffic from urban development. One of the properties (7.38 acres) to be rezoned to the X₂₉ combining Zone District is located within this area.

Regional Housing Authority (RHA) – Twenty-two of the properties, consisting of approximately 50.34 acres, are located within the Regional Housing Authority owned and managed complex. The developed portion of the RHA properties primarily consist of multiple-family development. As such any new multiple-family development would be compatible with the existing uses. Two of the properties (7.57 acres) that will be combined with the X₂₉ Zone District are within this area.

Market Street area – There are two adjoining properties, consisting of approximately 1.22 acres on Market Street just north of downtown. The vacant site is located at the northwest corner of Perkins Way and Market Street. The properties exhibit flat topography that was previously disturbed. Historical aerials indicate the site was previously used as a vehicle and material storage yard.

2.10. Surrounding Land Uses & Setting

Table 2: Bordering Uses - Butte House Road corridor properties

North:	Low Density Single-Family Residential
South:	Vacant/Office
East:	Low Density Single-Family Residential
West:	Low Density Single-Family Residential

Table 3: Bordering Uses - Walton Avenue corridor properties

North:	Quasi-public, Low Density Single-Family Residential
South:	Vacant commercial property and single-family residential
East:	Low Density Single-Family Residential
West:	K-8 school, single-family residential

Table 4: Bordering Uses - Regional Housing Authority properties

North:	Light Industrial
South:	Vacant, Light industrial
East:	Airport
West:	Commercial

Table 5: Bordering Uses -Market Street properties

North:	Office
South:	Office
East:	Light Industrial
West:	Office

2.11. Other Public Agencies Whose Approval May be Required

None.

2.12. Environmental Factors Potentially Affected

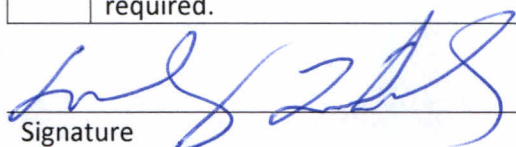
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources	X	Air Quality
	Biological Resources		Cultural Resources		Energy
	Geology/Soils		Greenhouse Gas Emissions		Hazard & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
	Noise		Population/Housing		Public Services
	Recreation		Transportation		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.
X	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

February 21, 2023

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 and state where earlier analysis is available for review.

Impacts Adequately Addressed. The IS/MND should 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,” the IS/MND should 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 is attached, and other sources used, or individuals contacted are cited in the discussion.

2.14. 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.

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				
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 public 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 9 miles northwest of the City, are visibly prominent throughout and can be seen from multiple locations in Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible on a clear day from the majority of the City, except in areas where trees or intervening structures block views of the mountain range.

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 view shed of the project site.

California Building Code Title 24 Outdoor Lighting Standards: Requirements vary according to which "Lighting Zone" the equipment is located within. 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 vistas within the vicinity of the Project sites, nor is any new physical development proposed as part of the proposed project. Future development of the housing sites could lead to the construction of several multi-story residential buildings that would have the potential of obscuring views of the horizon from adjacent public views. The aesthetics associated with new development that may result from this Project 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 from various perspectives from several of the Project parcels. If and when future development occurs, the height of the new buildings will be limited by the R-3 zoning standard of four stories not to exceed 48 feet, however any buildings within 35 feet of an R-1 zone are limited to 40 feet and if within 25 feet buildings are limited to 30 feet in height. Layout and configuration of multi-story residential buildings will determine the extent to which views of these resources would be obscured. Realistic build-out of the parcels will likely be limited to two or three-story residential buildings with surface parking and landscaping improvements throughout the site including amenity areas. This form of development would likely allow partial visibility to the Sutter Buttes to continue with respect to all candidate sites. The likely impact on the view of the Sutter Buttes will be less than significant.

The City's existing adopted 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 during subsequent design review entitlement processing in the form of Development Permits. These reviews will include proposed architectural styles, building massing, and 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?

The sites are not located near a designated state scenic highway. The candidate sites do not contain any scenic resources such as significant trees, rock outcroppings, or historic buildings. The vacant sites contain flat topography and lack any unique scenic resources onsite. Some sites contain some level of tree coverage however none of the sites contain unique, character defining examples that, with removal, would cause damage to a scenic resource.

While some sites contain existing structures, none of them have been determined to be historically significant nor are any of them recognized in the General Plan EIR as historically significant. Therefore, their demolition to accommodate future development envisioned with the proposed GPA/RZ is considered a less than significant impact. Properties in the general vicinity of the proposed sites are mostly developed with residential and commercial/office and light industrial uses. Moreover, there is not a designated scenic highway near the sites. Therefore, there will be a less than significant impact on scenic resources within a state scenic highway.

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.

As noted above, the Project is not anticipated to result in degradation of the visual quality or character of the areas in which they are located. New residential development, built consistent with the City's existing adopted development standards of the R-3 Zone District and the Yuba City Design Guidelines, will be compatible in terms of character and scale of surrounding development located along the candidate site street frontages including the Butte House Road, Walton Avenue corridors and the Regional Housing Authority and Market Street properties. Further, no development is currently proposed as part of this Project and any future development is required to comply with the development standards of the R-3

Zone District and Yuba City Design Guidelines. Future development of the vacant or underutilized parcels may even improve the visual quality of the sites from public viewpoints given the infill nature of the sites and the likelihood future development would create a cohesive plan that employs best design practices of building siting, architecture, and landscaping treatments. Therefore, this GPA/RZ will not result in negative visual impacts to any of the sites from public perspectives; and any future development such as high-density residential development is not anticipated to degrade the existing visual quality of public views to the sites. Distant views to the Sutter Buttes will not be adversely impacted and would continue to be preserved resulting in a less than significant impact.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Existing adopted City standards are in place to minimize potential impacts with respect to the creation of new light and glare impacts. Future development of multi-family residential on the subject sites will likely include the use of a combination of public street lighting, building and pole mounted onsite private lighting fixtures, or pedestrian level lighting (bollards). Any new public street lighting will be required to be shielded. New onsite lighting associated with new development, including multi-family residential buildings and associated improvements, would be evaluated against the City's adopted development and design standards as part of the building permit process, including use of shielded lighting and limited height of light poles. Such lighting will not be allowed to create a public nuisance to surrounding properties due to light intensities. Further, multi-family residential development within the urban area is not typically a source of heavy light emittance or glare when mixed with neighboring urban uses. All multi-family development is required to establish a solid wall between it and adjacent to single-family residential uses and this will minimize light and glare from autos in parking areas and onsite lighting. Therefore, any impacts from new outdoor lighting are expected to be less than significant with respect to the proposed re-designation of the sites.

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, 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 in an urban area and has been designated for urban uses for several 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 procure 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, 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 Project properties are located within the Yuba City urbanized area, adjoining a mix of residential, commercial/office, and light industrial development. None of the candidate sites are designated prime or unique farmland or farmland of statewide importance. The proposed rezoning to a R-3 Zone District would still permit agricultural use of the sites. However, based on the small size and urban locations of the candidate sites, future agricultural use of any of the sites is unlikely. The properties have been planned for and designated by the City for urban uses, as provided in the General Plan and for which overriding considerations regarding the loss of agricultural land were previously made in the City’s certification of the General Plan EIR. Therefore, the impact on agriculture land loss is considered a less than significant impact.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The candidate sites currently comprise four individual zoning districts and including the R-1, R-2, R-3, and C-O Zone Districts, which are not agricultural zone districts nor are the properties in agricultural use nor are they under Williamson contracts. There also are no nearby properties that are zoned for agricultural use or under a Williamson Act contract. There will therefore be no impact related to agricultural zoning or Williamson Act contracts. See discussion above under item 3.2.4.a. Therefore, any conflicts with agricultural uses or zoning are less than significant, and there is no impact on any properties under a Williamson Act contract.

- 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 candidate sites are located in the Sacramento Valley in a relatively flat area for which most of the properties were formerly used for agriculture but designated years ago for urban use. There are no forests or timberlands located on the Project sites or within the vicinity. Even though the Project will redesignate and rezone the land use for more intensive residential development, this action will not impact any existing forestland zoning 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 forestland on any of the Project sites nor within the vicinity of the sites; therefore, there will be no impact.

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?

While the underlying soils of the properties have agriculture qualities, the area has been planned for and designated by the City for urban development as part of the General Plan, and which were previously addressed in the City's certification of the General Plan EIR. There are no nearby agricultural uses that are anticipated to be adversely impacted by this Project. The Project sites consist of lands surrounded by previously developed residential and commercial uses, or vacant lands planned for urban use. As there is no actual development proposed, the Project does not propose any changes to the existing public infrastructure such as utilities or roadways that would potentially impact any existing agricultural lands. The intended development of multiple-family residential associated with the proposed redesignation and rezoning will not cause any surrounding farmlands or forestlands to be converted. The Project will not impact roadway segments or modify infrastructure that would result in the conversion of these lands in the vicinity of the Project. There are no forestlands on any Project sites or in their vicinity. No properties within the areas are within the Williamson Act. For these reasons, there should be no significant impacts.

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 range, 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 (NO_x), 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 (NO_x): 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 NO_x 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 (PM_{2.5}): 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 a 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 PM_{2.5}), 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 of Sutter

and Yuba Counties. Attainment is achieved when monitored ambient air quality data is following 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 (NO_x) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NO_x 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, having begun 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?

Standards set by FRAQMD, CARB, and Federal agencies will apply to the Project. Prior to the initiation of ground disturbance (such as grading) of any future development that may result from this proposed GPA and Rezone, 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. FRAQMD's 2010 Screening Criteria for Air Quality Operational Impacts indicates that the threshold for significant daily emissions of criteria pollutants for multi-family residential projects is 25-lbs/day or a project size exceeding 160 units.

This GPA/RZ does not propose physical development on any of the 35 Project parcels. However, it is expected that the subject sites will eventually develop with multiple-family residential uses. Therefore, individual development of multi-family residential units of one or more of the proposed sites could result in a potential significant effect for criteria pollutant emissions. Because of this the mitigation measure provided below shall be implemented to reduce the potential impact of criteria pollutant emissions to a less than significant level.

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 development of multiple-family housing proximate to other existing residential uses will not likely expose nearby sensitive receptors (adjacent residential) to substantial pollutant concentrations because multiple-family housing typically does not emit significant amounts of said pollutants. But to assure that development of housing does not create significant amounts of criteria pollutants they will be required to receive approval by FRAQMD of a Fugitive Dust Control Plan through the development process. As a result, the impacts for this section are considered 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. The sensitive receptor located adjacent or within 1,000 feet to the proposed Project is Andros Karperos Middle School. The impacts would typically occur during construction of the multiple-family residences, as ongoing residential uses typically do not generate significant pollutants. 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." Best Management Practices (BMPs) will be addressed as a project condition of approval, and used to reduce the potential impacts to sensitive receptors from off-road diesel equipment, and can include:

- Install diesel particulate filters or implement other ARB-verified 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.

Any development that could result from this GPA/RZ would result in the limited generation of criteria pollutants during construction and maintenance. However, due to the relatively temporary nature of construction, the criteria provided above, and the proposed mitigation measures, sensitive receptors in the vicinity of a development that could result from this GPA/RZ would not be subjected to long-term exposure to diesel particulate matter. As such 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?

The proposed Project will allow high density residential development and other related, compatible uses as defined by the R-3 Zone District. It is not anticipated that any of these uses will create any objectionable odors for surrounding residents. Future proposed development will be reviewed and analyzed for potential odor emissions that would be subject to additional review and mitigation if necessary. As such, the impact of the Project creating local offensive odors would be less than significant.

3.3.6 Air Quality Mitigation Measure

- AQ 1:** For any development project on the Project parcels that would involve excavation, grading, or site preparation that would expose soil, the Developer shall comply with all applicable Rules of the Feather River Air Quality Management District (FRAQMD) and shall include the required FRAQMD Basic Construction Emission Control Practices on all grading or improvement plans.
- AQ 2:** Compliance with FRAQMD standards related to a Fugitive Dust Control Plan and permit requirements relative to the operation of facility heaters, fumigation, and boiler processes shall be adhered to pursuant to established regulations.
- AQ 3:** Prior to individual project entitlement approval for any future development project, each multi-family residential project shall be screened for construction emissions based on the then-current screening criteria established by the FRAQMD.

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 Project sites are located within urbanized areas of the City and are generally vacant or underutilized lands. No demolition is proposed as part of the Project, however future multiple-family development would likely require demolition of remaining structures.

Biological resources were evaluated in the General Plan EIR addressing plant communities, wildlife habitats, and special-status (i.e., rare, threatened, or endangered) species. Wildlife species associated land such as the subject property are, by and large, opportunistic species that have adapted to exploiting resources associated with anthropogenic (human-caused) activities within the local environment. The special-status plant species generated by the CNDDDB, USFWS, and CNPS electronic inventories occur in habitats not present anywhere within the Project sites.

No wetland features or “other waters” of the U.S. were identified within the Project boundaries during reconnaissance-level surveys. A review of aerial photographs of areas not accessible in the field also did not identify any wetland resources. The entire urban area has historically been used for agricultural crop production, and it is unlikely that seasonal wetlands would occur in these areas due to the intensive land use activities and more recent residential development.

Swainson's hawk (*Buteo swainsoni*) is a California Threatened species and federal species of concern found throughout the Central Valley where suitable nesting and foraging habitat is available. Swainson's hawks often nest within, or on the edge of riparian areas adjacent to suitable foraging habitat, as well as in single or stands of trees in agricultural fields. They are open-country birds that forage in large, open grasslands and agricultural fields, especially after the fields have been disked or harvested. Swainson's hawks can forage as much as 10 miles from the nest.

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., sec. 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 that could be relevant to this project:

- 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?

All of the proposed sites are surrounded by urban development and contain some improvements or otherwise have had prior site disturbances that have reduced suitability for these species. Some of the properties owned by the Regional Housing Authority have several large trees located on them. Prior to any specific project being constructed a biological inventory of the sites should be conducted with the results incorporated into the project. With that exception, per the General Plan EIR, there are no sensitive habitat or riparian areas located on the Project sites. A less than significant impact would occur with respect to candidate, sensitive, or special status species.

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 non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this particular species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. As the Project sites do not fall within this area, there would be a less than significant impact to special status species as a result of this project.

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?

See section a) above.

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?

Per the General Plan EIR no wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project sites or in the general vicinity, and development that could result from the proposed Project would not disturb any waterways falling under this category. No impact would occur.

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?

There are no known wildlife movement corridors associated with the Project sites nor resident wildlife populations. Further, the Project sites are located within an urban area and surrounded by existing

residential, commercial/office or light industrial development. This would be a less than significant impact.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Section 8.4 (Biological Resources) of the Yuba City General Plan contains guiding measures and implementing policies with regard to biological resources. The Project sites are not located within an area identified in the General Plan as being habitat for special-status species for Hartweg's Golden Sunburst. Other relevant implementing policies identified in the General Plan include the requirement for biological assessment for any proposed development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species and the preservation of oak trees and other native trees that are of a significant size by requiring development to minimize impact to these resources. The sites are not adjacent to any creeks or other sensitive habitat area and no oak trees are present. This would be a less than significant impact.

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 affecting the Project sites or in the vicinity. There would be no impact.

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 as defined in §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 dedicated 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])

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).

Senate Bill 18, which became effective March 2005, 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 encompass the AB 52 review process for purposes of this document.

In response to AB 52, and SB 18 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
- Lone Band of Miwok 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 as defined in §15064.5?

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])

A review of aerial photography for the 35 properties indicate that all of the sites have been previously disturbed. Most of the properties are vacant. The exceptions are two residences on a Butte House Road corridor property and on a Walton Avenue property, and several trailers, abandoned vehicles and trash on the easterly Regional Housing Authority properties. None of these appear to have any historical significance nor did the General Plan EIR identify any of them as having historical significance. Therefore, the potential for impacts on any historical resources are less than significant.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?

According to Chapter 8.3 (Historic and Archaeological Resources) of the Yuba City General Plan, the region within which Yuba City lies is part of a valley that was formerly composed of extensive wetlands and broad, shallow lakes. Because of this location and availability of resources, it is believed that different tribes occupied the area on a year-round basis, for about ten thousand years. However, due to siltation of the area over the years, prehistoric sites have been buried at such depths that very little, if any, evidence remains at the surface. Original land clearing and a hundred years of farming have further diminished any likely archaeological sites.

As new development occurs within the Planning Area, there is the potential to uncover archeological sites. But this proposal involves only a general plan amendment and rezoning, with no physical development proposed. As such, this Project will not impact any archeological resources that may exist on any of the 35 parcels included in this review. Therefore, there will be no impact on archeological resources from this Project.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it is premature and speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including archeological resources, a review of cultural resource impacts will be conducted at the time a development project is proposed.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

No formal cemeteries or other places of human internment are known to exist on the Project sites. Due to previous site disturbance from various uses, no evidence of human remains at the Project sites have been documented, and it is unlikely that buried human remains are present. However, there still remains the potential for previously unknown sub-surface resources to be present. But this proposal involves only a general plan amendment and rezoning, and there is no physical development proposed. As such, this Project will not directly impact any cultural resources that may exist on any of the 35 parcels included in this review. Therefore, this Project will have no impact any cultural resources.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it would be premature and too speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including cultural resources, a review of cultural resource impacts will be conducted at the time a development project is proposed.

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?

As with air pollutant emissions, the main sources of energy consumption would be construction activities for any development that may occur as a result of this GPA/RZ and ongoing operations from that development.

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 allow future development to occur at a higher density than the current General Plan designations for the properties, therefore, build-out and operation of the Project sites would result in a slightly higher demand for natural gas and electricity to serve future development. However, this increase would represent a minimal increase compared to existing demand and supply. Additional long-term energy usage increases in vehicle transportation fuels would result from an increase in density of development of the sites. However, the anticipated multi-family residential development that would potentially occur in the future would result in nominal increases in fuel usage compared to a slightly lower density product.

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, as there is no actual development proposed.

Overall, Project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary. As such, Project 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?

All future high-density residential development that would occur as a result of the GPA and Rezone would be required to be consistent with the energy efficiency goals of CALGreen and Title 24, and similar measures (see Section 3.8, Greenhouse Gas Emissions) and all applicable state and local plans to increase energy efficiency. No physical construction is proposed as part of this Project and the future residential development that could result from the Project would not create undue energy consumption with compliance with local and State requirements. A less than significant impact would occur.

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 cause 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 Table 18-1-B of the California 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 waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological 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.

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.

3.7.2. 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 most 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.

3.7.4 Impact Assessment/Environmental Consequences:

- a) *Directly or indirectly cause 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. The Project is only a request for a General Plan Amendment and Rezone and does not include a specific development proposal at this time. Therefore, potential impact from an earthquake is considered to be 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 residential structures including new multi-family residential construction will be 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 City adopted Building Codes reduce the potential impacts to a less than significant level.

iii) Seismic-related ground failure, including liquefaction?

The proposed Project sites are 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 significant risk in the City limits or within the City's Sphere of Influence, nor at or adjacent to the Project sites due to the flat terrain. There are no circumstances surrounding the Project site that would likely result in a risk of property damage or loss of life due to a landslide event. There would no impact.

b) Result in substantial soil erosion or the loss of topsoil?

Per Chapter 9.2 (Seismic and Geologic Hazards) of the Yuba City General Plan, potential erosion within the City is considered minimal as land within the region is general flat, with moderate annual precipitation averages (between 15 -21 inches), and generally low wind velocities. Future development of the Project sites resulting from the proposed GPA/RZ would result in the need for mass grading and site disturbance across the majority of the parcels for the installation of infrastructure, creation of building pads, and proper site drainage. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. However, as part of any future construction of the candidate sites, 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 that will be attached to any future project specific approval, the impacts would be 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?

There have not been any identified geological soil units considered to be unstable, or that would become unstable from development that may result of this Project. Even though the Project does not propose any physical development, future development that could result from the Project would be required to submit a geotechnical report as part of the building permit process to verify suitable site conditions for construction of multi-family dwellings and associated structures (amenity building, storage, detached garages, carports). This potential impact is therefore considered to be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code creating substantial 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?

Future multiple-family development resulting from this GPA/RZ will be required to connect to the City's wastewater collection system per the established permitting system in place. No septic systems will be utilized. Impacts with respect to this item are considered to be less than significant.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Although there have been prior ground disturbances for agriculture and other uses, it is possible that paleontological resources exist on any of these 35 parcels. This Project involves only a general plan amendment and rezoning, and there is no physical development proposed. As such, this Project will not directly result in the disturbance of any potential paleontological resource sites that may exist. Therefore, there will be no impacts on paleontological resources from this Project.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it would be premature and too speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including paleontological resources, a review of tribal paleontological resource impacts will be conducted at the time a development project is proposed.

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 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 the 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 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 multiple-family residences or other uses that could result from this GPA/RZ would create GHG emissions due to the use of motorized construction equipment. Once completed, vehicle traffic generated by auto use will contribute GHG gases. This project involves only a general plan amendment and rezoning. No physical development proposed. As such, this Project will not directly result in the generation of any GHG emissions. As such there will be no impact from increased GHG emissions.

Although actual development projects may result from this action, it is not possible to know which properties and what types and sizes of projects may be proposed. As such, it is premature and speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including GHG emissions, a review of GHG impacts will be conducted at the time a development project is proposed.

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?

The Project will allow for increased density of multiple-family residential uses and other uses that could develop on the proposed candidate sites. There will be standard hazardous materials such as gasoline and diesel fuels in use during the development, that may result from this Project. However, existing regulations are in place on several levels (Federal, State, and local) which directly address potential threats associated with this item. Assuming Federal, state, and local regulations are complied with, 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?

The presence of hazardous materials anticipated with development that could result from this GPA/RZ are primarily related to construction and grading equipment which includes solvents, oil, and fuel. However, regulations are in place on several levels (Federal, State, and local) which directly address potential threats associated with these materials. Assuming Federal, state, and local regulations are complied with, this potential impact is considered less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Some proposed sites are located within a quarter mile of a school (Andros Karperos Middle School). The proposed Project is a General Plan Amendment and Rezone that will allow higher density residential development to occur on the Project sites, though no specific development project is currently proposed. It is anticipated that future residential development would use household items that could 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 could adversely impact the school. However, the amount of materials used or stored associated with multiple-family construction (primarily fuel, oil and lubricants for equipment use) would be small. Since the use of such materials would be extremely limited and expected to be used according to manufacturers' instructions, the impact on nearby schools will be less than significant.

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?

The sites are not on any listings of sites that are contaminated by hazardous wastes, including any wastes that may relate to historic agricultural use. No impact is 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 for people residing or working in the project area?

The Regional Housing Authority owned properties are located within the boundary of the Sutter County Airport Compatibility Land Use Plan (Sutter County Airport CLUP). The Sutter County Airport CLUP provides policies regulating land uses near the airport. Regarding building height, any multiple-family residential development that may result from this GPA/RZ will be subject to the R-3 Zone District four story, 48-foot height limit which 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 RHA portion of the Project is outside of the Clear Zone, which is the area within 200 feet of the end of the runway. It is also outside of the Approach and Departure Zone which is the area extending in a cone pattern 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. The Overflight Zone limits the type of acceptable uses, but multiple-family residences are considered to be compatible in the Overflight Zone.

The proposed GPA/RZ is in conformance with the Sutter Airport CLUP and therefore is not a potential for significant impacts on future residents of the multi-family residences 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 currently provided emergency services to the Project sites. The Project would result in a residential density increase that may result from the potential construction of multiple-family residences. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. As such there would be a less than significant impact.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project sites are located in planned urban areas that are surrounded by a variety of land uses, including residential, commercial/office, and light industrial uses. There are no wildlands on the subject sites or in the immediate vicinity that would result in a potential risk of wildfire. There would be a less than significant impact.

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 deplete 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 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?			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 make up 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. Local Regulatory Setting

The City requires demonstration of a viable water supply, storm water treatment planning and drainage controls as part of all new development.

3.10.4. Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Due to the increase in density from lower density residential uses or planned office uses to high density residential development that would result from the Project, it is anticipated that once properties are developed there will be an increase in water consumption. 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 recent drought conditions, the plant also sometimes utilizes a well in addition

to surface water supplies. The Project will have no impact on the quality of City water, as the expected uses stemming from the GPA/RZ will be connected to the City's wastewater disposal system which are not expected to violate any waste discharge standards.

Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. However, as part of future development of the Project sites, the developers will be 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 deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

While water consumption will increase from residential development that could result from the Project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water in its system, resulting in a less than significant impact.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site 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?

No physical development is proposed on the sites as part of this Project. However, future multiple-family development that may result from this action will likely require the extension or enhancement of existing stormwater drainage infrastructure to convey storm water runoff from the sites into the City's storm water drainage system. Future development will be required to meet City standards for underground utility infrastructure.

According to the Federal Emergency Management Agency, the Project sites are outside of the 100- year flood plain. These areas are classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. The west Feather River levee has been improved in recent years due to work completed by the Sutter Buttes Flood Control Agency (SBFCA). Levee improvements have established 200-year flood protection for all sites being considered by this Project. Drainage system improvements from development that may occur as a result of this GPA/RZ will provide stormwater relief to this area. Therefore, development that may result from this GPA/RZ will not result in placement of structures in a floodway or result in redirection of flood flows. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the Project.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The City is not in proximity to the ocean or any large lakes, such that a seiche or tsunami is unlikely to happen in or near the City. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the Project area. Thus, it is unlikely that the Project sites would be subject to inundation by a seiche, tsunami, mudflow, or landslide. Additionally, the anticipated multi-family residential development planned for the sites would not contain, store, or otherwise involve any large amounts of potential pollutants. Therefore, the increased risk from the release of pollutants is less than a significant impact.

e) Conflict with, or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

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 City's 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. Since the Project sites will only receive water through the City system, it is unlikely that the Project could impact the water quality in the City system. There would be a less than significant impact.

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 includes 35 parcels located generally in four areas within the City. The sites are infill parcels that are intended for urban development per the Yuba City General Plan. The sites are surrounded by a variety of uses including single-family residential, commercial, and light industrial 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

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?

The Project will not physically divide an established community. The sites are located throughout the City, and are surrounded by a variety of existing uses, including single-family residential, commercial, office, and light industrial. The Project amends land use designations for all 35 parcels to Medium/High Density Residential to allow for high density residential development. Infill development with multi-family residential structures and associated improvements will not divide the community. The development of the sites will improve public roadways and pedestrian connections and will facilitate a higher degree of connectivity within the community. The planned uses are compatible with the surrounding land uses, roadway network, and existing infrastructure serving the sites. Generally speaking, multi-family residential is a compatible land use with adjacent residential and commercial development with appropriate site design considerations implemented with a specific development proposal. The sites would have direct access to public roads and would not require a connection to an existing single-family neighborhood that would impact traffic on a roadway currently experiencing low traffic volumes. The sites are sized to accommodate multi-family development including necessary site improvements such as private driveways, pedestrian connectivity, onsite parking spaces, landscaping, and recreational amenities such as clubhouses, pools, or play equipment. Building orientations of multi-family buildings can also be designed to minimize intrusion to adjacent uses such as height reduction, locating buildings closer to public street frontage, landscape buffering, placement of solid waste enclosures, balconies, and lighting considerations. Additional City review and permitting will be required for any subsequent development proposals for the Project sites to ensure design compatibility with the existing neighboring uses. There would be a less than significant impact.

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 proposed GPA/RZ is consistent with the guiding goals and policies contained within the City of Yuba City General Plan. The Project supports and forwards the following highlighted goals contained within the General Plan:

- 3.4-I-5:** Provide a variety of housing in all neighborhoods and reserve sites, where appropriate, for housing types that ensures that Yuba City remains an inclusive, affordable community.
- 2.5-G-7:** Enhance aspects of the community that help economic development and draw residents to Yuba City, including small-town ambience, educational, cultural, environmental, and recreational resources, and affordable housing.
- 3.4-I-7:** Promote infill development that maintains the scale and character of established neighborhoods.
- 3.5-G-6:** Encourage and provide incentives for infill development, including affordable housing for low and very low-income residents, within existing residential areas at a density not less than

surrounding development, subject to appropriate standards to ensure compatibility with adjacent uses.

The Project will allow for future development of multi-family housing within the urbanized area of the City on underutilized or vacant infill sites. The sites are appropriately located along major transportation corridors within the City that provide an appropriate transition area from low density residential development to higher intensity uses such as multiple-family residential.

The proposed GPA/RZ will amend the current land use designations to allow higher density residential development that enables the City to meet the lower income unit requirements as required by Program H-C-7 contained within the adopted the 2021-2029 Housing Element. No development is proposed as part of this Project as it is strictly an amendment to the existing General Plan land use designations and zoning of the sites. The proposed HDR designation and R-3 zoning is compatible with the surrounding residential, commercial, and office uses, and the subject parcels are appropriately situated along major roadways (Butte House Road, Walton Avenue and Garden Highway) that will support the anticipated traffic, pedestrian connectivity, and other infrastructure requirements associated with multiple-family development. While no physical development is proposed as part of this Project, it will result in the long-term construction of additional housing units within the City on the identified sites as envisioned by the General Plan for long term buildout of infill sites. The Project would therefore 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?

The 35 properties contain no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zones within the Project properties, and no mineral extraction facilities currently exist within the City. Additionally, the site is surrounded by uses that are generally considered incompatible with mineral extraction facilities. There would be no impact.

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?

See a) above.

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.

3.12.2. Environmental Setting/Affected Environment for Groundborne 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.

3.12.3. 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. The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.12.4. 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 aid 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.

3.12.5. Local Regulatory Setting

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.

Figure 2: 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												

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 7 describes the typical construction equipment vibration levels.

Table 7: Typical Construction Vibration 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.	

The Project will allow for future multiple-family development on the Project sites. However, no construction is proposed as part of this Project. The construction noise associated with the development of multi-family residential uses that could result from this action is anticipated to be similar to the construction of a low-density residential subdivision. Vibration levels of construction equipment in Table 7 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 relatively short duration of grading activities associated with the Project, 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?

A portion of the Project, some of the properties owned by the Regional Housing Authority, are located within boundary of the Sutter County Airport Compatibility Land Use Plan (Sutter County Airport CLUP) and therefore subject to Sutter County Airport CLUP policies regarding its noise restrictions. The Sutter County Airport Land Use Compatibility Guidelines for Noise provide that multiple-family uses outside of the 65 db (CNEL) are compatible with airport noise. Per the Sutter County Airport CLUP the properties are outside of the airport's 65 db (CNEL) noise level. Because the sites are compatible with Sutter County Airport noise, the impact from airport noise is less than significant.

All of the other sites are outside the boundaries of the Sutter County Airport CLUP. There are no private airports or airfields located within 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. Therefore, there would be a less than significant impact from airport noise.

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 proposed Project sites are located within the urbanized area of the City and are surrounded by other types of urban uses. The Yuba City General Plan and the implementing zoning regulate the uses and development standards for these properties.

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 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.

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.

3.14.5. Local Regulatory Setting

The City's adopted Housing Element regulates Citywide housing goals and objectives.

3.14.6. 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 Project sites are located within areas that are designated for various types of land uses and are intended by the General Plan to be built out within an urban environment supporting a mix of land uses, including residential development. The adopted Housing Element calls for creation of new housing opportunities to meet projected residential growth in the City as part of the City's Regional Housing Need Allocation. This Project helps to achieve this regional housing goal through designation of 35 parcels for high-density residential development, including densities projected to be over 12 residences/acre, or in some cases, over 20 residences per acre. Assuming that development of the sites complies with City development standards and criteria, as required by law, and utilize the existing roadway and utility infrastructure, the impact from unplanned growth would be considered a less than significant impact.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed project will not result in any immediate displacement of substantial numbers of existing people or housing. If approved, development of the proposed sites could involve removal of several existing residences; however, new multiple-family development will significantly increase the density of the site and provide a larger net increase in dwelling units, potentially including lower income units consistent with Program H-C-7 of the Housing Element. Future development could also potentially be designed to retain the existing dwellings on the site, therefore not displacing any residents. As such, only a minimal amount of housing, if any, would be removed, and replaced with ultimately more housing units than exist today. Thus, the impact on the housing supply is considered a less than significant impact.

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 serving the various new uses is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban facilities that may be utilized by new residents are also provided by the Yuba City Recreation Department.

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. Local Regulatory Setting

The General Plan addresses the need for new development to be able to be serviced by the City with all essential services, including Police and Fire, before new development can be approved.

3.15.5. 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 all new housing 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 are considered a less than significant impact.

Police Protection: The Police Department reviewed the proposal sites and did not express concerns. Since all new housing will pay development impact fees intended to offset the cost of additional police facilities and equipment resulting from this growth, the impacts on police services are considered a less than significant impact.

Schools: New residences will pay the Yuba City Unified School District adopted school impact fee that is 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 is considered a less than significant impact.

Parks: The City charges a park impact fee for each new residence that is utilized to purchase parkland and construct and equip new City parks. Further, many multiple-family developments provide on-site recreational facilities, further reducing impacts on the public park system. Therefore, the impact on parks from this Project is considered a less than significant impact.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new residential connection to those systems is required to 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 4 community parks, 15 neighborhood parks, and 3 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?*

The Project sites are located throughout the City and are often located in near proximity to existing parks. While no physical development is proposed as part of this Project, the proposed General Plan Amendment and Rezone would potentially result in a higher local population density than previously analyzed by the General Plan. This population increase would result in higher use of neighborhood and regional parks or other recreational facilities in the vicinity of the Project sites. The City's development impact fee program requires collection of fees for new residential development and allocates fees to the acquisition and planned development and maintenance of open space/park areas in the City. Further, multiple-family residential development often provides on-site recreational/open space amenities for residents which may partially offset usage of public recreational facilities. Given this system, this 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?*

The Project does not propose physical development of the sites as the Project is strictly an amendment to the existing General Plan land use designations and rezoning to accommodate high density residential development. But multiple-family residential development that could result from this Project often provides on-site recreational/open space amenities for residents which may partially offset usage of public recreational facilities. It would, however, be too speculative to anticipate where and what those recreation facilities may be. Instead, the City individual project review process will make that evaluation on an individual project basis. Given this system, which is already in place, this potential impact from this Project is considered to be less than significant.

3.17. Transportation

Table 3-17: Transportation				
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.
- Title 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.
- **Federal Aviation Administration:** The Federal Aviation Administration (FAA) regulates aviation at regional, public, and private airports. The FAA regulates objects affecting navigable airspace.

3.17.2. State Regulatory Setting

State of California Transportation Department Transportation Concept Reports: Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in

Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

3.17.3. Local Regulatory Setting

The City's General Plan Circulation Element contains a wide range of policies regulating new residential development, including provision of adequate roadways and circulation systems, provided at developer expense, to ensure safe and adequate vehicular, bicycle and pedestrian access is available.

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.

The Project does not include a specific development proposal so it will not directly result in any construction or occupation of any residential units and the resultant generation of vehicle trips.

Therefore, there will be a less than significant impact with regard to conflicts with a program, plan, or policy addressing the circulation system from the proposed General Plan Amendment and Rezone. However, future development of the Project sites will result in construction of multiple-family residences that will result in vehicle trips being generated. When development is proposed the densities could range from 12 to 36 residences per acre. As compared to the existing general plan designations of these properties of which 23 of the 35 parcels are already zoned R-3, and others are zoned for offices, duplexes, etc. the vehicle traffic would likely increase at buildout, but the amount would be too speculative to estimate. But considering that the roadways serving the 35 sites are (1) planned for urban growth, and (2) front on major arterials and major transportation corridors (Butte House Road, Walton Avenue, and Garden Highway), and (3) that all of these roadways are within the General Plan policy Level of Service (LOS) D or better, this GPA/RZ is consistent with General Plan policies.

Regarding conflicts with City adopted programs, street standards for auto, bicycle, pedestrian, and bus activities, future development would be reviewed for compliance with City Standards and conditioned to construct required improvements and/or payment of applicable traffic mitigation fees or fair share of public improvements. The projects would include new driveways connecting to public streets and an internal circulation network that would be reviewed for design adequacy based on the anticipated traffic and parking demands of the specific project design. Additionally, the projects would be reviewed and required to improve public street frontages and other facilities such as pedestrian infrastructure, public transportation improvements, and traffic signals as part of the entitlement review. This review would ensure site design is adequate to serve the projects and handle the anticipated traffic volumes produced from the development. Further, future residential development projects will be conditioned to contribute their fair share to the cost of circulation improvements via the existing citywide traffic impact fees that would be assessed. As such, the proposed re-designation and rezone of the Project sites does not create a conflict with City programs, ordinances, or policies addressing the circulation system.

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. Although the Project will not directly generate any vehicle trips, multiple-family development that could result 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 all of the various Project sites, the estimated average vehicle distance traveled is in the 50-85% range of the norm. In other words, per the SACOG regional screening maps this Project is located in an area that meets the 15 percent vehicle trip reduction criteria. Thus, the transportation impacts for VMT from development of the various sites are consistent with CEQA Guidelines Section 15063.4(b) and therefore considered a less than significant impact.

c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project sites are primarily located on Butte House Road, Walton Avenue, and Garden Highway, all of which are major arterials designed to accommodate significant amounts of traffic. Both the Public Works Department and the Police Department have reviewed the Project and did not express concerns. The Project does not propose any physical development at this time; however, it has been determined that the existing arterial streets fronting the Project sites or are very nearby will adequately support high-density residential development on each of the Project sites. There are no dangerous curves in the vicinity of any of the sites, and it is anticipated there will be no conflict with uses such as farm equipment. This is considered to be a less than significant impact.

d) Result in inadequate emergency access?

The Fire Department and Police Departments have reviewed the proposed General Plan Amendment and Rezone and did not express concerns about emergency access to the properties with the intended increase in residential density. Roadways will be built to City standards, ensuring emergency vehicle access is available. As such, impacts on emergency access are considered to be less than significant.

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 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.

3.18.3. 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 March 2005, this law 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 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.

3.18.4. 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.

3.18.5. Summary of Native American Consultation

In response to AB 52 and SB 18 the City supplied the following Native American tribes with a project description and map of the proposed Project areas 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
- Lone Band of Miwok Indians

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 listings on the California Register of Historical Resources (as defined in Section 21074) within the proposed Project areas. It is not known if there remain sites within the 35 parcels that are part of this Project, but this proposal involves only a general plan amendment and rezoning, and there is no physical development proposed. As such, this Project will not directly result in the disturbance of any potential tribal cultural resource sites. Therefore, there will be impacts on Tribal cultural resources from this Project.

Although actual development projects may result from this action, it is not possible to know which properties and what types of projects may be proposed. As such, it is premature and speculative at this time to determine what the impacts would be. Since the City's review process of actual development proposals would likely trigger its own CEQA review, including tribal cultural resources, a review of tribal cultural resource impacts will be conducted at the time a development project is proposed.

- 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.*

Of the tribes that were contacted by the City, the United Auburn Indian Community responded verifying that no actual construction was permitted under this Project, but if and when any construction did occur, they may request consultation. Of particular concern to the Native American community was the properties owned by the Regional Housing Authority near the Feather River, as that is considered to be a sensitive area. As discussed in Part i) above, the City has a process in place to notify the Tribes of any potential construction activities. If and when a development project is proposed on these properties, this process will be triggered (either by the City discretionary review process or the use of federal or state money, or both).

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 over 18,000 connections. City policy only allows areas annexed within the city limits to be served by the surface water system. The site is served by the City's 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. As of June 2021, the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; and has a remaining capacity of 21,297,000 tons; and remaining landfill service life is 53 years.

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 Storm water 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.

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. Local Regulatory Setting

The City's General Plan Public Utilities Element, along with various infrastructure Master Plans, address provision of water and wastewater services within the City.

3.19.5. 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 demand for treated water from developments that may occur as a result of this GPA/RZ is not anticipated by the Public Works Department to exceed the capacity of the water treatment plant and distribution system. In addition, City policies provide for adequate water treatment, storage, and distribution infrastructure for new development. Additionally, new development will pay service connection fees for wastewater and potable water to offset potential impacts to these systems. Finally, existing in-place utility systems of Pacific Gas and Electric Company for electric power and natural gas and telecommunications (AT&T), are sufficient to serve the proposed project because the Project sites are located adjacent to existing in-place infrastructure. As a result, the impact is considered to be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Water supplies have been determined by the City Public Works Department to be adequate to serve the Project sites in multiple dry year conditions. The City's Urban Water Management Plan identifies adequate supplies to meet anticipated existing and planned demand for multiple years. This potential impact is considered to be less-than-significant impact.

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?

The City's Wastewater Treatment Plan has been identified by the City as having adequate capacity to treat wastewater generated by the proposed project. This impact is anticipated to be less than significant.

The additional impermeable surface that will be created by future development associated with the General Plan Amendment and Rezone will generate additional storm water drainage, but not likely more than existing general Plan designations for these properties, since the percentage of impermeable surface generated by either will likely be similar. Future development will be subject to appropriate storm water drainage system impact fees which cover the Project's fair share of the impact on the storm water collection system. This impact would be considered less than significant.

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?*

As of June 25, 2021, the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; Remaining Net Refuse Capacity is 21,297,000 tons; and Remaining Landfill Service Life is 53 years. The impact would be considered less than significant.

e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Transportation and disposal of all waste due to future development of the subject sites would be facilitated in accordance with all applicable federal, state, and local statutes and regulations. There would be a less than significant impact.

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 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.

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, future construction associated with the proposed sites 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. Impacts 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 sites are not within a State Responsibility Area and therefore have not been placed in a Fire Hazard Severity Zone. But as noted in Section 3.11 of this Initial Study, the Project sites are within a planned urbanized area, and the urbanized area is surrounded by irrigated agricultural land, which typically is not subject to wildland fire. Impacts of the revised project related to wildland fire hazards are anticipated to be 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?

No physical development is proposed as part of this Project. Future development that may result will require the installation of expanded or new roadways, and the utilization of existing utilities adjacent to or near the sites. The installation of these facilities is not expected to exacerbate the wildfire risk on any of the Project sites, as explained in b) above. Impacts of the Project would be less than significant.

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?

As noted in Section 3.7 of this document, the Project sites are located in a topographically flat area. There are no streams or other channels that cross the sites. 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 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, 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, 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 Project sites are located on previously disturbed areas or have been previously developed with urban uses. All are within the urbanized area. As such there is little plant or animal habitat value as the sites have been disturbed by historical agricultural operations, residential, and commercial uses. There are no wetlands or similar habitat on the Project sites. Therefore, the future anticipated development of the 35 sites 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 Tribal Cultural Resources and for greenhouse gas emissions. With these mitigations, impacts are expected to be less than significant.

- 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.

Development associated with the Project will generate new traffic with each individual site development. As the Project sites are located on or near major transportation corridors that are within General Plan policy levels of service, traffic from the future multi-family developments will not adversely impact the level of service on streets and intersections in this vicinity. New construction will be required to pay transportation impact fees that offset any impacts the Project may have on City streets. Therefore, there are no significant cumulative traffic impacts.

Pertaining to potential cumulative impacts associated with GHG emissions, the site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan. The additional paving area may create some minor air quality and greenhouse gas, noise, and hazardous material cumulative impacts, however those impacts have been found to be considered less than significant for the Project sites. Additionally, formal development proposals of each of the sites will require additional greenhouse gas screening or modeling to determine any project specific mitigation that may be necessary.

- 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. For development that may result from this action, construction-related air quality, noise, and hazardous materials exposure impacts would occur for a relatively short period and only be a minor impact during that time period. Therefore, the proposed Project would not have any direct or indirect adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an MND 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.

Airport Land Use Commission. 1994. Sutter County Airport Comprehensive Land Use Plan. April 1994.

Airport Land Use Commission. 2011. Yuba County Airport Land Use Compatibility Plan. Adopted March 17, 2011

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.

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.

City of Yuba City Wastewater Master Plan.

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

Attachment 1:

MITIGATION MEASURES AND MONITORING PLAN

Implementation of the 2021-2029 Housing Element:

Initial Study and Mitigated Negative Declaration EA 22-07

For General Plan Amendment 22-03 and Rezoning 22-04

City of Yuba City

MITIGATION MEASURES AND MONITORING PLAN

Implementation of the 2021-2029 Housing Element:

Initial Study and Mitigated Negative Declaration EA 22-07

For General Plan Amendment 22-03 and Rezoning 22-04

Impact	Mitigation Measure	Implementing Party	Monitoring Party	Timing
3.3 Air Quality	AQ 1: For any development project on the Project parcels that would involve excavation, grading, or site preparation that would expose soil, the Developer shall comply with all applicable Rules of the Feather River Air Quality Management District (FRAQMD) and shall include the required FRAQMD Basic Construction Emission Control Practices on all grading or improvement plans. AQ 2: Compliance with FRAQMD standards related to a Fugitive Dust Control Plan and permit requirements relative to the operation of facility heaters, fumigation, and boiler processes shall be adhered to pursuant to established regulations. AQ 3: Prior to individual project entitlement approval for any future development project, each multi-family residential project shall be screened for construction emissions based on the then-current screening criteria established by the FRAQMD.	Developer	Development Services Department	Prior to issuance of any grading or building permits

CITY OF YUBA CITY
STAFF REPORT

Date: May 2, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Merriment Village Apartments - Homekey 3.0 Grant Application Submittal

Recommendation: A. Adopt a Resolution authorizing a joint application with Habitat for Humanity Yuba/Sutter, Inc, to apply for Homekey 3.0 funds through the State Department of Housing and Community Development for a 79-unit affordable housing project located at 428 North Walton Avenue, which is Phase 1 of the proposed 217-unit Merriment Village Apartments

B. Authorize the Mayor to submit a Funding Commitment letter for the City to contribute \$1,787,922 in development fee waivers and \$155,000 annually of Permanent Local Housing Allocation (PLHA) funds, provided that the City continues to receive PLHA funds

Fiscal Impact: Habitat for Humanity is requesting a contribution of \$1,787,922 from the City toward City of Yuba City development fees and \$155,000 annually of Permanent Local Housing Allocation (PLHA) Funding for ongoing annual operation costs.

Purpose:

To provide affordable housing options through the development of Habitat for Humanity's proposed Merriment Village Apartment Project, a 217-unit apartment complex located on the east side of Walton Avenue, north of Franklin Road. The project will be broken into multiple phases, with Phase 1 including a 79-unit apartment building and the site work for the entire project.

Council's Strategic Goal:

This proposed project addresses Council's goals of Public Safety, Fiscal Responsibility, and the overarching goal of Quality of Life.

Background:

For approximately the last year, Vice Mayor Harris and Councilmember Boomgaarden have worked on a committee with Habitat for Humanity to explore opportunities to provide affordable housing options within Yuba City utilizing the California Department of Housing and Community Development's (HCD) Homekey funding. Through the process, the team evaluated existing hotel/motel sites for the potential to convert to affordable housing. In evaluating these sites, the owners were either unwilling to sell,

were asking too much for the property, or the sites were not a good fit for conversion to affordable housing. Once it was determined that an existing site was not an option, consideration was turned to vacant properties for new construction.

The committee looked at a couple of vacant properties that were large enough to accommodate a sizable project, and landed on a 7.47-acre property located on the east side of Walton Avenue, north of Franklin Road, identified as 428 North Walton Avenue, APN 58-120-001. Habitat for Humanity brought their design team together, consisting of Hilbers, Inc. of Yuba City and BSB Design of Sacramento to develop a site plan for a proposed 217-unit apartment complex titled Merriment Village Apartments.

Homekey is a statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness. Homekey requires lead applicants to be cities, counties, cities and counties, and all other state, regional, and local public entities, which is why Habitat for Humanity is requesting the City's participation in the project. Homekey funding requires a 55-year commitment for the use of the property to be affordable permanent housing. There is an option that the City would be able to sell the property should it not be feasible. However, the use would still be required to meet Homekey standards and must be approved by HCD. Habitat for Humanity will be the owner and property manager for the site, and multiple agencies will provide support services to residents.

On March 29th, HCD issued a Notice of Funding Availability (NOFA) for Round 3 of Homekey and noted \$736 million available statewide. For the Sacramento region, which includes the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba, there is a total of \$37,158,338 available. Funding available through Homekey 3.0 will not be enough to fund the entire project, which is estimated at close to \$75 million, so Habitat for Humanity is proposing to split the project into multiple phases and evaluate other funding programs, such as the Affordable Housing and Sustainable Communities (AHSC) Program, for the remaining phases.

The ASHC Program is also administered by HCD and funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas emissions. The AHSC Program is provided from the State's Greenhouse Gas Reduction Fund, which is an account established to receive Cap-and-Trade auction proceeds. The most recent round of the AHSC Program recently closed, so Habitat for Humanity will be looking to apply during the next round anticipated in 2024.

Also in regard to funding, in July 2020, the City applied for the Permanent Local Housing Allocation (PLHA) grant under HCD. The City was awarded approximately \$310,000 on an annual basis. The City was required to submit a plan to allocate the PLHA funding with the grant application and the City committed to utilizing 50% for the predevelopment, development, acquisition, rehabilitation, and preservation of affordable, multi-family rental housing projects in collaboration with the Regional Housing Authority and other affordable housing developers. The remaining 50% is to be used for supportive services and programs for the local homeless population in collaboration with Sutter County, Sutter Yuba Homeless Consortium, and other qualified homeless service providers. Over the five years covered by the current Notice of Funding Availability under the PLHA program, the City is projected to receive a total of \$1,866,000.

The scope for the entire proposed Merriment Village Apartments includes the following:

- 70 Studio Units
- 67 1 Bedroom/1 Bathroom Units
- 79 2 Bedroom/1 Bathroom Units
- 1 3 Bedroom/2 Bathroom Unit
- Club house/Supportive Services

- Facilities Building

On March 21, 2023, the City Council received a presentation on Merriment Village from Habitat for Humanity, which included a request that the City Council consider waiving fees that would be owed the City, totaling \$4,500,000, as well as contribute \$155,000 of PLHA funding toward the annual ongoing operation of the project. Overall, Council expressed support for the project but had concerns regarding the fee waiver request and contribution of ongoing funding. Council directed staff to bring back the project for formal consideration.

On April 18, 2023, the City Council received an updated presentation on Merriment Village. HCD released the Notice of Funding Availability for Homekey 3.0 and only \$37,158,338 is available for the Sacramento region. With an estimated project cost close to \$75 million, it is not possible for the entire proposed Merriment Village Project to be funded through the Homekey program. Habitat for Humanity is proposing to split the project into multiple phases, with Phase 1 including the 4-story, 79-unit building comprised of 2 bedroom/1 bathroom units fronting Walton Avenue, and the site work for the remainder of the site. If approved by Council, the City and Habitat for Humanity will be applying for up to \$19 million for Phase 1. With the project being split into phases, at this time Habitat for Humanity is requesting a contribution of \$1,787,922 from the City towards City of Yuba City development fees and \$155,000 annually of PLHA Funding for ongoing annual operation costs. Council voted 4-1 to authorize the City Manager to continue working with Habitat for Humanity to apply for Homekey 3.0 funds.

Analysis:

The application for Homekey 3.0 was released on April 24th by HCD, and requires that the City adopt a resolution authorizing a joint application with Habitat for Humanity and provide a funding commitment letter. Habitat for Humanity is preparing the application package and intends to submit within the next few days, pending Council's authorization to proceed. Once the application is submitted, there is a 40-90 day approval process from HCD.

For the remaining portion of the project, Habitat for Humanity is looking ahead to the next release of AHSC Program funding, which is anticipated in 2024. There is no guarantee as to availability of funding or timeline for the remainder of the project. It is possible that Phase I could be constructed and the remainder of the site remain undeveloped for an extended period of time. Also, it is likely that Habitat for Humanity will request a City contribution toward future phases as well.

Fiscal Impact:

Habitat for Humanity is requesting that the City Council consider waiving fees that would be owed to the City, totaling \$1,787,922 as well as contribute \$155,000 of Permanent Local Housing Allocation (PLHA) funding toward the annual ongoing operation of the project. Projected City fees for the development of the project are as follows:

City Fee	Fee Estimate
Development Impact Fees	\$780,147.91
Building Permit Fees	\$199,594.72
Sewer Connection & Extension Fees	\$495,956.07
Water Connection Fees	\$312,223.08
Total Estimated City Fees:	\$1,787,921.78

An outright waiver of the fees would typically require them to be paid or offset from another source. Instead, options available to address the fees include:

- Execute a loan for the fees that would then be paid by a combination of PLHA funds and other funding sources available to the City for affordable housing. There is approximately \$1,474,000 of Low-Mod Housing Asset Funds available, although \$1M is currently committed to the Richland Village Affordable Housing Development project through January 19, 2025. Should the Richland Village project not proceed, the \$1M would be available for Merriment Village or other affordable housing projects.
- Direct all or a portion of the proceeds from the sale of the nine (9) Housing Successor agency homes toward the fees for Merriment Village. The Regional Housing Authority is interested in utilizing at least a portion of the proceeds for their proposed senior housing project on Garden Highway. However, the City has not committed those funds to the Regional Housing Authority at this time.
- Direct all or a portion of the proceeds from the sale of City-owned surplus properties toward the fees for Merriment Village.
- Request that Habitat for Humanity include a portion or all of the fees in their grant applications.

In regard to the request for \$155,000 of the City's PLHA funds for the ongoing operation of the project, it cannot be assumed that HCD will continue to provide the funding for the 55-year duration required by Homekey funding. Should the PLHA program be discontinued, the City would need the ability to discontinue contributing toward the ongoing operation of the project, or identify alternative funding sources. In addition, there are several demands for the PLHA funding, including the City's contribution to Sutter County for the ongoing operation of the Second Street homeless campground, estimated to be approximately \$90,000 annually.

If the application is approved by HCD, staff will prepare a formal proposal for repayment of the development fees for Council consideration.

Alternatives:

1. Deny the request to partner with Habitat for Humanity to submit an application under Homekey 3.0 to HCD.
2. Modify the City's contribution toward the project.
3. Modify the Commitment Letter to place a minimum or maximum time limit, or other conditions, on the contribution of PLHA funds.

Recommendation:

A. Adopt a Resolution authorizing a joint application with Habitat for Humanity Yuba/Sutter, Inc, to apply for Homekey 3.0 funds through the State Department of Housing and Community Development for a 79-unit affordable housing project located at 428 North Walton Avenue, which is Phase 1 of the proposed 217-unit Merriment Village Apartments.

B. Authorize the Mayor to submit a Funding Commitment letter for the City to contribute \$1,787,922 in development fee waivers and \$155,000 annually of Permanent Local Housing Allocation (PLHA) funds, provided that the City continues to receive PLHA funds.

Attachments:

1. Resolution - Joint Application with Habitat for Humanity
2. Funding Commitment Letter

Prepared By:
Diana Langley

Submitted By:
Diana Langley

City Manager

City Manager

ATTACHMENT 1

AUTHORIZING RESOLUTION

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE HOMEKEY PROGRAM

WHEREAS:

- A. The Department of Housing and Community Development ("**Department**") has issued a Notice of Funding Availability, dated March 29, 2023 ("**NOFA**"), for the Homekey Program ("**Homekey**" or "**Program**"). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.).
- B. The City of Yuba City ("**Co-Applicant**") desires to jointly apply for Homekey grant funds with Habitat for Humanity Yuba/Sutter, Inc. ("**Corporation**"). Therefore, Co-Applicant is joining Corporation in the submittal of an application for Homekey funds ("**Application**") to the Department for review and consideration.
- C. The Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement ("**Standard Agreement**"), and all other legal requirements of the Homekey Program.

THEREFORE, IT IS RESOLVED THAT:

- 1. Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed **\$25,000,000**.
- 2. If the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed **\$25,000,000**, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the "**Homekey Documents**").
- 3. Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities

identified in the Standard Agreement.

4. The City Manager is authorized to execute the Application and the Homekey Documents on behalf of Co-Applicant for participation in the Homekey Program.

I HEREBY CERTIFY that the foregoing resolution was introduced and read at a Regular Meeting of the City Council of the City of Yuba City on the 2ND day of May, 2023, and was duly adopted at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

City Council



May 2, 2023

Homekey Round 3 Application – Merriment Village
City of Yuba City
Yuba City, CA

SUBJECT: FUNDING COMMITMENT LETTER FOR MERRIMENT VILLAGE

This letter is intended to indicate that the City of Yuba City will commit funding to the development of Merriment Village, located at 428 North Walton Ave, Yuba City, CA.

See all committed funding sources detailed below:

- Development Fee Waivers – \$1,787,922
- Permanent Local Housing Allocation (PLHA) Funds - \$155,000 annually, provided that the City continues to receive PLHA funds.

If you have any further questions, please feel free to contact the City Manager, Diana Langley, at 530-822-4792 or by email at dlangley@yubacity.net.

Thank you,

Wade Kirchner
Mayor

CITY OF YUBA CITY

Future Agenda Items

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

CITY OF YUBA CITY

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

CITY OF YUBA CITY

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