



AGENDA

MAY 16, 2023

REGULAR MEETING CITY COUNCIL CITY OF YUBA CITY

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

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

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

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. Please visit [yubacity.net ADA & Accessibility Resources page](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.

AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
MAY 16, 2023
5:30 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

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

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

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link: https://us06web.zoom.us/webinar/register/WN_VuRYNFYLR0ShcfPxfFcKHA. Emailed comments sent to cityclerk@yubacity.net at least 24 hours before the meeting will be distributed to the City Council prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

Public Comment:

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

Closed Session

- A. Confer with Real Property Negotiator (Government Code § 54956.8)
Property: Public Utility Easement on APN 23-180-005 & 23-180-006 located on the east side of Garden Highway at the terminus of Oswald Road, 4107 Garden Highway, Yuba City, California 95991
Negotiator: Diana Langley, City Manager
Negotiating parties: Yoshimi Yokohari
Under negotiation: Price and terms of payment

Regular Meeting

Call to Order

Roll Call

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

Invocation/Inspiration

Pledge of Allegiance to the Flag

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

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. **Police Officer of the Year - Scott Rounds Proclamation**
2. **National Police Week Proclamation**
3. **National Public Works Week Proclamation**
4. **Purple Heart Trail Proclamation**

Public Communication

5. Appearance of Interested Citizens

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

Consent Calendar

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

6. Minutes of the May 2, 3, and 4, 2023 meetings

Recommendation: Approve the minutes of May 2, 3, and 4, 2023 meetings

7. Yuba City Police Officers' Association, Police First Level Managers, and First Level Managers Side Letters

Recommendation: Adopt a Resolution:

- A. Approving a side letter with the Police Officers' Association
- B. Approving a side letter with the Police First Level Managers
- C. Approving a side letter with the First Level Managers

8. Recology Biosolids Budget Adjustments

Recommendation: Authorize the Finance Director to make a supplemental

appropriation and related transfers in the amount of \$200,000 from Wastewater Treatment Facility salary and benefits funds to Account No. 8120-62759 (Specialty Contract Services) for the remaining wastewater biosolids hauling for Fiscal Year 22/23

9. ADA Ramp and Sidewalk Improvements Project (Plans & Specifications)

Recommendation: Adopt a Resolution approving the Plans and Specifications for the ADA Ramp and Sidewalk Improvements Project, and authorizing advertisement for bids on the project

10. Housing Element GPA/Rezone Project

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City approving Rezone 22-04 for the Implementing Policies of the 2021-2029 Housing Element project for approximately 68.54 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, 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 second reading

11. Sewer System Management Plan Update Adoption

Recommendation: Adopt a Resolution adopting the City of Yuba City Sewer System Management Plan Update subject to minor editorial modifications

12. Letters in Support for H.R. 1586 and S. 796 - Forest Protection and Wildland Firefighter Safety Act of 2023

Recommendation: Submit letters of support for H.R. 1586 and S. 796 - Forest Protection and Wildland Firefighter Safety Act of 2023

13. Presentation of Investment Report – Quarter Ended March 31, 2023

Recommendation: Note & File Quarterly Investment Report

14. Plumas Street Improvements - Water Tower Abatement

Recommendation: Adopt a Resolution of the City Council of the City of Yuba City awarding a standard agreement to JM Environmental, Inc., in the amount of \$175,829 for the abatement services on the Plumas Street water tower, and adopt a CEQA Class 1 Exemption (Existing Facilities) for the project

Business Items

15. Introduce an Ordinance regulating Trespassing on Private Property and Public Nudity

Recommendation: A. Hold a Public Hearing; then

B. Introduce an Ordinance of the City Council of Yuba City regulating trespassing and public nudity by amending Title 5 (Public Welfare, Morals, and Conduct) of the City of Yuba City Municipal Code by adding Chapter 25, sections 5-25.010 through 5-25.030 (Trespass on Private Property) and Chapter 26,

sections 5-26.010 through 5-26.040 (Public Nudity Prohibited), by title only and waive the first reading

16. Montna Bocce Ball Courts (Plans and Specifications)

Recommendation: Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications and authorizing advertisement for bids for the Montna Bocce Ball Courts Project

Future Agenda Items

17. Future Agenda Items

Reports and Communications

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

18. City Manager's Report

19. City Council Reports

Adjournment



Proclamation

of the City Council

Detective Scott Rounds

In Recognition of your Selection as the 2022 Yuba City Police Department Officer of the Year

WHEREAS, Scott Rounds began his career in law enforcement in 1999 as a Deputy for the Yuba County Sheriff's Office; and

WHEREAS, Scott was hired as a Police Officer by the City of Yuba City on May 10, 2014 after a very competitive and comprehensive testing process; and

WHEREAS, in 2015, Scott was assigned to the Investigation Unit, where he has demonstrated compassion for victims and a deep desire to bring offenders to justice. He is well respected by his peers and all that he comes in contact with. Detective Rounds has worked tirelessly on some of the most difficult cases including homicides and human trafficking; and

WHEREAS, Detective Rounds serves as a mentor and teacher to officers and investigators by passing on the knowledge and skills he has acquired throughout his law enforcement career; and

WHEREAS, Detective Rounds has a passion for human trafficking investigations and is the departments subject matter expert. He has participated in small group and conference presentations along with other subject matter experts to discuss the complexity of human trafficking and promote advocacy for its victims; and

WHEREAS, Detective Rounds' hard work and dedication to his duties bring great credit to the Yuba City Police Department and to the law enforcement profession; and

WHEREAS, he was recognized in 2022 as the Yuba City Police Department's Officer of the Year for his selfless dedication to his peers and the citizens of Yuba City.

NOW, THEREFORE, LET IT BE RESOLVED, that I, Wade Kirchner, Mayor of the City of Yuba City, on behalf of the entire City Council and citizens we serve, do hereby congratulate Detective Scott Rounds on the occasion of his selection as the 2022 Yuba City Police Department Officer of the Year.

Done on this 16th day of May, 2023 in the City of Yuba City, County of Sutter, State of California.



Proclamation

of the City Council

Yuba City Police Department ***National Police Week*** *May 14 - 20, 2023*

WHEREAS, in 1962 President John F. Kennedy signed a proclamation designating May 15th as Peace Officers' Memorial Day, an annual observance to honor the nation's fallen law enforcement officers as "men and women of courage, judgement and dedication;" and

WHEREAS, the calendar week in which it falls has been designated as National Police Week, a time of reflection and appreciation for the ultimate sacrifices made by the exceptionally dedicated men and women of law enforcement who were killed or disabled in the line of duty; and

WHEREAS, it is important that all citizens understand the challenges, duties and responsibilities of their police department and that the members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deceptions and the weak against oppression or intimidation; and

WHEREAS, the City of Yuba City is grateful for the day-to-day heroism of our officers, both past and present, as well as their families, who have given so much of their lives in service to our community; and

NOW, THEREFORE BE IT RESOLVED, that I, Wade Kirchner, Mayor of the City of Yuba City, on behalf of the entire Council and the citizens we serve, do hereby recognize and honor the men and women whose diligence and professionalism keep our city and citizens safe.

FURTHER, the City Council of the City of Yuba City wishes to honor all the police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. May we always remember their tremendous sacrifice and the loved ones they left behind.

Done on this 16th day of May, 2023 in the City of Yuba City, County of Sutter, State of California.



Proclamation

of the City Council

National Public Works Week

May 21-27, 2023

WHEREAS, the City of Yuba City Public Works Department is proud to create and maintain the vital infrastructure of the City, including construction and maintenance of transportation facilities, water treatment and supply, wastewater treatment and collection, and public facility development and stewardship; and

WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's infrastructure essential for our citizens; and,

WHEREAS, the American Public Works Association established an annual commemoration of a National Public Works Week in 1960 to recognize, educate, and celebrate the role of public works in the community; and

WHEREAS, the 2023 APWA theme of "Connecting the World Through Public Works" recognizes how public works connects us all through infrastructure and service, enhancing the quality of life for the communities these professionals serve; and

WHEREAS, each Public Works Department employee performs an essential role in the strength of the Department and the health and welfare of our City through their dedication to their industry and the lives that their work impacts.

NOW, THEREFORE, BE IT RESOLVED, that I, Wade Kirchner, Mayor of the City of Yuba City and on behalf of the entire City Council of the City of Yuba City, do hereby proclaim the week of May 21-27, 2023 as **Public Works Week**, and ask that citizens and civic organizations alike acquaint themselves with the issues involved in providing public works services and recognize the contributions that the men and women of Public Works make in our daily lives.

Done on this 16th day of May, 2023 in the City of Yuba City, County of Sutter, State of California.



Proclamation

of the City Council

City of Yuba City Proclamation Supporting the Purple Heart Trail

WHEREAS, The National Purple Heart Trail was established in 1992 for the purpose of commemorating and honoring men and women who have been wounded or killed in combat while serving in the United States Armed Forces; and

WHEREAS, The National Purple Heart Trail courses its way across the vast majority of the United States; and

WHEREAS, In 2001, pursuant to the Senate Concurrent Resolution 14, the Legislature designated portions of Interstate Highway Routes 5 and 80 as California's selections for inclusion in the National Purple Heart Trail; and

WHEREAS, In 2009, pursuant to Assembly Concurrent Resolution 12, the Legislature designated a certain portion of State Highway Route 101 in the Counties of Monterey, San Luis Obispo and Santa Barbara for inclusion in the National Purple Heart Trail, and pursuant to Senate Concurrent Resolution 105, the Legislature designated a certain portion of State Highway Route 223 in the County of Kern for inclusion in the National Purple Heart Trail; and

WHEREAS, In 2013, pursuant to Senate Concurrent Resolution 27, the Legislature designated certain portions of Santa Barbara and Venture for inclusion in the National Purple Heart Trail; and

WHEREAS, The Yuba City American Legion Post 705 wishes to continue the Purple Heart Trail Program, with in the City limits of the City of Yuba City for State Highway 20 and 99.

NOW, THEREFORE BE IT RESOLVED, that the City of Yuba City does support the endeavor of Vice Commander, Brock A. Bowen, who has taken the lead for the Yuba City American Legion to bring the Purple Heart Trail through the City of Yuba City, California.

Done on this 16th day of May, 2023 in 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 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes of the May 2, 3, and 4, 2023 meetings
Recommendation: Approve the minutes of May 2, 3, and 4, 2023 meetings
Fiscal Impact: None

Attachments:

1. 05-02-2023 Regular Meeting Minutes (DRAFT)
2. 05-03-2023 - Special Meeting Minutes YCHS (DRAFT)
3. 05-04-2023 - Special Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

**MINUTES
CITY COUNCIL - CITY OF YUBA CITY
MAY 2, 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, Shaw, and Pasquale

Absent: Councilmember Harris

Invocation/Inspiration

Pastor Greg Mansur, Adventure Church Yuba City

Pledge of Allegiance to the Flag

Councilmember Marc Boomgaarden

Agenda Modifications/Approval of Agenda

No changes were made

Ceremonial Presentations

1. May is Older Americans Month Proclamation

Mayor Kirchner presented a proclamation to members of our Senior Commission:

Tanna Thomas, Chairperson
Anthony Kurlan, Vice Chairperson
John Boyer, Commissioner
Michael McFarlane, Commissioner

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

Mayor Kirchner presented proclamations to:

G Stan Kearby Insurance
Carolyn Kearby, Chamber Board Chair

Jillian Justice Farmer Insurance - Chamber Business of the Year
Jillian Justice-Childs, Chamber Board Co-Chair

Public Communication

3. Appearance of Interested Citizens

Mike Smith spoke

Consent Calendar

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to approve Consent Calendar items 4, 5, and 7. Item 6 was moved to the first Business item

4. Minutes of the April 18th meeting

Approve the minutes of the April 18th meeting

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

Adopt **Resolution 23-053** 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]

[Item 6 moved to Business Items]

6. ~~Thiara Estates Subdivision~~

~~Adopt Ordinance 005-23 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~~

7. Update of Safe and Sane Fireworks Regulations

Adopt **Ordinance 006-23** 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

The motion was passed with four (4) votes

Business Items

[Item 6 moved from Consent Calendar]

6. Thiara Estates Subdivision

Mike Smith spoke

Virginia Smith spoke

Rhonda (Last Name Unknown) spoke
Dennis Miller spoke

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

Adopt **Ordinance 005-23** 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

The motion was passed with four (4) votes

8. Plumas Street Improvements Design Award

Sandee Drown spoke

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

Adopt **Resolution 23-054** 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

The motion was passed with four (4) votes

9. Housing Element GPA/Rezone Project

Mayor Kirchner opened a Public Hearing

No public comment

Mayor Kirchner closed the Public Hearing

Councilmember Shaw moved and Councilmember Boomgaarden seconded the motion to:

B. Adopt Resolution **23-055** 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 68.54 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 68.54 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

The motion was passed with four (4) votes

10. Merriment Village Apartments - Homekey 3.0 Grant Application Submittal

Councilmember Boomgaarden moved and Councilmember Shaw seconded the motion to:

A. Adopt **Resolution 23-056** 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

The motion was passed with three (3) votes *[Pasquale opposed]*

Future Agenda Items

11. Future Agenda Items

No suggestions were made

Reports and Communications

12. City Manager's Report

13. City Council Reports

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

Adjournment

Mayor Kirchner adjourned the Regular Meeting of the City Council at 7:49 PM

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 2

MINUTES (DRAFT)
CITY COUNCIL - CITY OF YUBA CITY
MAY 3, 2023
1:45 P.M. SPECIAL MEETING
YUBA CITY HIGH SCHOOL
SOUTH GYM
850 B STREET, YUBA CITY

Special Meeting

Call to Order

The Special Meeting of the City Council was called to order by Mayor Kirchner at 1:50 PM

Roll Call

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

Absent: None

Pledge of Allegiance to the Flag

Pledge was led by Mr. Cy Olsen, YCHS Principal

Ceremonial Presentations

1. Centennial Anniversary for Yuba City High School Proclamation

Mayor Kirchner presented a proclamation to Mr. Cy Olsen, YCHS Principal

[Congressman LaMalfa presented a certificate to Mr. Cy Olsen, YCHS Principal]

2. Youth Commission Presentation

Justin Douthwit and Dylan Brown from the Community Services Department and representatives from our Youth Commission gave a presentation

Public Communication

3. Appearance of Interested Citizens

YCHS student spoke

Reports and Communications

4. City Council Reports

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

Adjournment

Mayor Kirchner adjourned the Regular Meeting of the City Council at 2:30 PM

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 3

MINUTES (DRAFT)
SPECIAL MEETING
CITY COUNCIL - CITY OF YUBA CITY
MAY 4, 2023
8:30 A.M. YUBA CITY POLICE DEPT
1545 POOLE BLVD

Special Meeting

Call to Order

The Special Meeting of the City Council called to order by Mayor Kirchner at 8:30 AM

Roll Call

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

Absent: None

Pledge of Allegiance to the Flag

Public Communication on Items on the Agenda

1. **Members of the public may address the City Council concerning any item that has been described in the notice of this meeting.**

No public comment

Business from the City Council

2. **City Council Team Building and Training Workshop, facilitated by Juan Lopez, Amistad and Associates**

No public comment

Adjournment

Mayor Kirchner adjourned the Special Meeting of the City Council at 12:17 PM

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Human Resources Department
Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: Yuba City Police Officers' Association, Police First Level Managers, and First Level Managers Side Letters

Recommendation: Adopt a Resolution:

- A. Approving a side letter with the Police Officers' Association
- B. Approving a side letter with the Police First Level Managers
- C. Approving a side letter with the First Level Managers

Fiscal Impact: The proposed changes have a potential increase cost to the City of \$7,000 annually.

Purpose:

To approve side letters which clarifies the language to administer Public Safety Dispatcher POST and education pay, ensure current and past language complies with CalPERS law, and update the language for Police First Level Managers to include pay for the POST Dispatch Supervisor Certificate.

Council's Strategic Goal:

This item supports the City Council's goal of Public Safety.

Background:

Upon review of the Public Safety Dispatcher POST and education pay, it was determined that clarification was needed to ensure proper administration of POST and education pay for employees. In response to the identified issues, the City's negotiator met with the Police Officer's Association negotiator to find a resolution for both parties.

The Police Officers' Association side letter addresses non-sworn employees' cumulative maximum for any combination of POST and education incentive pay of seven and a half percent (7.5%) of base hourly rate. Additionally, the updated side letter removes the field of degree requirement for all employees.

While discussing POST and education pay for Police First Level Managers, the POST Dispatcher Supervisor was identified as the appropriate certification for the position of Communication Center

Supervisor. This side letter addresses non-sworn employees' cumulative maximum for any combination of POST and education incentive pay of ten percent (10%) of base hourly rate. The side letter also includes the POST Dispatch Supervisor Certificate incentive pay.

When the Communication Center Supervisor was part of the First Level Manager's bargaining unit, the past language requires clarification to make certain of CalPERS compliance.

Analysis:

Police Officer's Association

The following is the proposed clarification in table format.

POST Certification and Education Pay	Percentage of Base Hourly Rate
POST Public Safety Dispatch Intermediate Certificate	2.5%
POST Public Safety Dispatch Advance Certificate	2.5%
Associate's Degree	2.5%
Bachelor's Degree	5%

Cumulative maximum for any combination is 7.5%

Police First Level Managers

The following in the proposed clarification language in table format.

POST Certification and Education Pay	Percentage of base Hourly Rate
POST Public Safety Dispatch Advanced Certificate	2.5%
POST Public Safety Dispatch Supervisor Certificate	2.5%
Associate's Degree	2.5%
Bachelor's Degree	5%

Cumulative maximum for any combination is 10%

First Level Managers

This side letter is necessary to ensure that the previous POST certification and education incentive pay for the Communication Center Supervisor is in compliance with CalPERS so there is no dispute with CalPERS on past POST certification and education incentive pay.

Staff has been in communication with the impacted bargaining units and the bargaining units are in agreement with the side letters.

Fiscal Impact:

The proposed changes have a potential increase cost to the City of \$7,000 annually.

Alternatives:

1. Do not approve the Police Officers' Association side letter resulting in loss of pay for staff and provide direction.
2. Do not approve Police First Level Managers side letter resulting in a loss of pay for staff and provide

staff direction.

3. Do not approve First Level Managers side letter resulting in possible CalPERS compliance issues for an employee and provide staff direction.

Recommendation:

Adopt a Resolution:

- A) Approving a side letter with the Yuba City Police Officer's Association
- B) Approving a side letter with Police First Level Managers
- C) Approving a side letter with the First Level Managers

Attachments:

- 1. Education Incentive Pay Resolution Final
- 2. Yuba City POA Side Letter
- 3. Yuba City PFLM Side Letter
- 4. Yuba City FLM Side Letter

Prepared By:

Natalie Springer
Human Resources Director

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF YUBA CITY
APPROVING THE YUBA CITY POLICE OFFICERS' ASSOCIATION, POLICE
FIRST LEVEL MANAGERS, AND FIRST LEVEL MANAGERS SIDE LETTERS TO
CLARIFY INCENTIVE PAY PROVISIONS**

WHEREAS, the City recognizes the Yuba City Police Officers' Association, Police First Level Managers, and First Level Managers commitment to the City and its citizens while providing outstanding and dedicated service to all;

WHEREAS, City staff and impacted bargaining units have determined further clarification is need to administer the Public Safety Dispatcher POST Certificate and education incentive pay;

WHEREAS, the First Level Managers Side Letter is to memorialize similar clarifications to ensure that previous the POST certificate and education incentive pay relating to the Communication Center Supervisor (when that classification was in the FLM unit) is in compliance with CalPERS requirements.

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

1. Approve the attached Police Officers' Association Side Letter to clarify the Dispatcher Incentive Pay language includes POST Public Safety Dispatch Intermediate Certificate at 2.5% of base hourly rate, POST Public Safety Dispatch Advance Certificate at 2.5% of base hourly rate, Associate's Degree at 2.5% base hourly rate, and Bachelor's Degree at 5% of base hourly rate. The cumulative maximum for any combination is 7.5%.
2. Approve the attached Police First Level Managers Side Letter to clarify the Dispatcher Incentive Pay language includes POST Public Safety Dispatch Advance Certificate at 2.5% of base hourly rate, POST Public Safety Dispatch Supervisor Certificate at 2.5% of base hourly rate, Associate's Degree at 2.5% base hourly rate, and Bachelor's Degree at 5% of base hourly rate. The cumulative maximum for any combination is 10%.
3. Approve the attached First Level Managers Side Letter to ensure that the previous POST certification and education incentive pay for the Communication Center Supervisor is in compliance with CalPERS.

Authorize staff to make any necessary clarifying language changes to the language in the above Side Letters as long as the changes do not modify the Side Letters substantive terms or past practice.

The director of Finance is hereby authorized to make the necessary budget adjustments to implement the provisions of this resolution.

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 16th day of May 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Stacey Sheston, Special Counsel
Best Best & Krieger, LLP

Yuba City and Yuba City Police Officers' Association (POA)
Side Letter of Agreement to the
2021-2023 POA MOU

The City of Yuba City (City) and Yuba City Police Officers' Association (POA) have met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act to amend provisions of their Memorandum of Understanding (MOU), including applicable side letters, with a current term of July 1, 2021, through June 30, 2023. This side letter of Agreement describes the Parties' full and complete agreement to amend that MOU. This Side letter replaces Article 3 Section 6 Education Incentive as follows:

6. Educational Incentive

6.1 Sworn employees receive educational incentives as follows:

- AA or AS degree 2.5%
- BA or BS degree 7.5%
- POST Intermediate Certificate 2.5%
- POST Advanced Certificate 7.5%

Education incentive pay for all sworn personnel who possess an Advanced POST certificate shall receive 5% incentive pay, and the cap for employees with an Advanced POST certificate shall be increased to 10%. Degrees must be from a regionally accredited institution.

6.2 Non-sworn employees' educational incentives

Employees who possess an Associate's degree receive two and a half percent (2.5%) of their base hourly rate of pay.

or

Employees who possess a Bachelor's degree receive five percent (5%) of their base hourly rate of pay.

Degrees must be from a regionally accredited institution.

6.3 Dispatch POST Incentives:

Dispatchers who possess a POST Public Safety Dispatch Intermediate Certificate receive POST Certificate pay of two and a half percent (2.5%) of their base hourly rate of pay.

Dispatchers who possess a POST Public Safety Dispatch Advanced receive a POST Certificate pay of two and a half percent (2.5%) of their base hourly rate of pay.

The cumulative maximum for any combination of POST and education incentive pay under this Section is seven and a half percent (7.5%) of base hourly rate.

The above sections and language revisions are the only amendments to the current Memorandum of Understanding (MOU). This Side Letter Agreement does not change, modify, or otherwise alter any other terms or conditions of the current MOU between the City of Yuba City and the Yuba City Police Officers' Association (POA).

Date: _____

Date: May 9, 2023

City of Yuba City

POA

Diana Langley, City Manager



Michael Gwinnup, President

Michael W. Jarvis, LCW

Timothy K Talbot

Timothy K. Talbot, RLS

**Yuba City and Yuba City Police Officers' Association (POA)
Side Letter of Agreement to the
2021-2023 PFLM MOU**

The City of Yuba City (City) and Yuba City Police Officers' Association (POA) have met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act to amend provisions of their Memorandum of Understanding (MOU), including applicable side letters, with a current term of July 1, 2021, through June 30, 2023. This side letter of Agreement describes the Parties' full and complete agreement to amend that MOU. This Side letter replaces Article 3 Section 4 Education Incentives as follows:

4. Non-sworn educational incentives

Dispatchers who possess a POST Public Safety Dispatch Advanced Certificate receive POST Certificate pay of two and a half percent (2.5%) of their base hourly rate of pay.

Dispatchers who possess a POST Dispatch Supervisor Certificate receive a POST Certificate pay of two and a half percent (2.5%) of their base hourly rate of pay.

Employees who possess an Associate's degree receive two and a half percent (2.5%) of their base hourly rate of pay.

Or

Employees who possess a Bachelor's degree receive five percent (5.0%) of their base hourly rate of pay.

The cumulative maximum for any combination of POST and education incentive pay under this Section is ten percent (10%) of base hourly rate. Degrees must be from a regionally accredited institution.

The above sections and language revisions are the only amendments to the current Memorandum of Understanding (MOU). This Side Letter Agreement does not change, modify, or otherwise alter any other terms or conditions of the current MOU between the City of Yuba City and the Yuba City Police Officers' Association (POA).

Date: _____

City of Yuba City

Diana Langley, City Manager

Michael W. Jarvis

Date: May 9, 2023

POA



Brian Thornton, PFLM Representative



Timothy K. Talbot

The City of Yuba City and the First Level Managers
Side Letter of Agreement

The City of Yuba City (City) and the First Level Managers (FLM) have met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act to this side letter amending their Memorandum of Understandings (MOU), between June 9, 2018, through 2022.

This Side Letter aims to clarify the parties' intent regarding education pay for Dispatch Supervisors. The MOU language did not correctly articulate the negotiated benefit nor match the implementation of the benefit. The revised language below is the parties' intent and practice between June 9, 2018, through 2022.

Dispatchers receive educational incentives as follows:

Dispatchers who possess a POST Public Safety Dispatch Intermediate Certificate receive POST Certificate pay of two and a half percent (2.5%) of their base hourly rate of pay.

Dispatchers who possess a POST Public Safety Dispatch Advanced receive a POST Certificate pay of two and a half percent (2.5%) of their base hourly rate of pay.

Dispatchers who possess an Associate's degree receive two and a half percent (2.5%) of their base hourly rate of pay.

Or

Dispatchers who possess a Bachelor's degree receive five percent (5.0%) of their base hourly rate of pay.

The cumulative maximum for any combination of POST and education incentive pay is seven and a half percent (7.5%) of base hourly rate. Degrees must be from a regionally accredited institution.

All other provisions of the MOUs between the City and FLM remain unchanged.

Date: _____

CITY OF YUBA CITY

Diana Langley, City Manager

Ben Moody, PWs/Dev. Services Director

Date: 05/09/2023

FIRST LEVEL MANAGERS

Josh Wolffe, Board Member/Secretary

Katrina Woods, Board Member

Nathan McCready, Board Member

Ernesto Hernandez, Board Member

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Recology Biosolids Budget Adjustments
Recommendation: Authorize the Finance Director to make a supplemental appropriation and related transfers in the amount of \$200,000 from Wastewater Treatment Facility salary and benefits funds to Account No. 8120-62759 (Specialty Contract Services) for the remaining wastewater biosolids hauling for Fiscal Year 22/23
Fiscal Impact: \$200,000 – Account No. 8120-62759 (Specialty Contract Services)

Purpose:

To provide the necessary additional funding for hauling and disposal services for the residual biosolids resulting from the wastewater treatment process.

Council's Strategic Goal:

This item addresses Council's strategic goals of *Fiscal Responsibility* and *Infrastructure* by providing the necessary funding to support the operations of the Wastewater Treatment Facility.

Background:

The Wastewater Treatment Facility process results in treated water that is discharged into the Feather River and compacted waste, known as biosolids, which requires off-site disposal. Recology Yuba-Sutter hauls the biosolids from the facility and utilizes them to cover their landfills.

The biosolids disposal and associated costs are negotiated as part of the City's Collection Services Franchise Agreement. Amendment No. 2 to the Franchise Agreement was approved by Council on April 19, 2022. One of the City's requests in Amendment No. 2 stabilized the volumetric rate for biosolids hauling, as the rate as calculated per the Franchise Agreement was projected to increase dramatically in October 2022 and would have drastically impacted the wastewater operating budget. Rather than increasing from \$61 per ton to \$76 per ton, the rate was reduced to \$63 per ton for the 2022-2023 contract year.

Analysis:

Though staff calculated the estimated need in Account No. 8120-62759 (Specialty Contract Services) as part of the annual budget process based on the per-ton rate provided in Amendment No. 2, the

estimate did not appropriately account for the increase in the per-load hauling fee. The hauling fee is still subject to the original increase formula in the Franchise Agreement, which is based on the Consumer Price Index (Water and Sewer and Trash Collection Services).

Additionally, staff projected a reduction in biosolids due to placing the new screw presses into service, which were installed as part of the Wastewater Treatment Facility Improvements Project. While the screw presses are performing well as expected, resulting in drier, denser biosolids, the overall improvements to the facility through the project have also increased the efficiency of the wastewater treatment process. The facility now produces more biosolids over the same period, resulting in approximately the same volume and number of loads overall.

Fiscal Impact:

In order to encumber additional funds and process the remaining invoices from Recology for Fiscal Year 22/23, Public Works is requesting authorization to transfer \$200,000 from salary and benefits savings to fund the remaining three (3) months of biosolids disposal. There are sufficient funds in the Wastewater Treatment Facility's salary and benefits accounts due to vacant and underfilled positions during the fiscal year.

Staff has projected the rates and fees for next fiscal year and requested an increase of \$200,000 to Account No. 8120-62759, for a line item total of \$575,000, as part of the operating budget process. The City's upcoming Utilities Rate Study 2024 will evaluate the long-term fiscal impact of biosolids hauling and disposal costs on the operating budget as part of the process to determine rate recommendations for future years.

Alternatives:

There are no alternatives for biosolids disposal at this time due to the current Franchise Agreement.

Recommendation:

Authorize the Finance Director to make a supplemental appropriation and related transfers in the amount of \$200,000 from Wastewater Treatment Facility salary and benefits funds to Account No. 8120-62759 (Specialty Contract Services) for the remaining wastewater biosolids hauling for Fiscal Year 22/23.

Attachments:

None

Prepared By:
Scarlett O. Harris
Administrative Analyst II

Submitted By:
Diana Langley
City Manager

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: ADA Ramp and Sidewalk Improvements Project (Plans & Specifications)
Recommendation: Adopt a Resolution approving the Plans and Specifications for the ADA Ramp and Sidewalk Improvements Project, and authorizing advertisement for bids on the project
Fiscal Impact: Engineer's Estimate \$400,000 – Account No. 1220 (ADA Public Facilities Sidewalk Improvements)

Purpose:

To promote full participation, self-sufficiency, equal opportunity, access, and safety by constructing Americans with Disabilities Act (ADA)-compliant improvements in accordance with the City's ADA Self Evaluation & Transition Plan for the Public Right-of-Way.

Council's Strategic Goal:

This project advances the Council's Strategic Goals for Infrastructure and Public Safety by improving the City's sidewalks to increase mobility for all pedestrians.

Background:

On July 17, 2012, the City adopted the *ADA Self-Evaluation & Transition Plan for the Public Right of Way* (Transition Plan). This Transition Plan identifies physical obstacles in Yuba City's public right-of-way facilities that limit accessibility of activities to individuals with disabilities. In addition, the Transition Plan describes methods to achieve ADA compliance and identifies priorities for implementation.

Using the priorities noted in the Transition Plan, as well as complaints logged through the City's YC311 system and directly with the Public Works Department, the ADA Ramp and Sidewalk Improvements Project scope of work includes the upgrade of 25 pedestrian access ramps and 123 linear feet of sidewalk at locations shown on Attachment 2. This is also a part of the general repairs necessary to the upkeep of the City's sidewalk, curbs, and gutters.

Analysis:

Public Works has prepared the project plans, specifications, and cost estimate for the ADA Ramp and Sidewalk Improvements Project. The focus of this project is to remove access barriers. With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Advertise for Bid:	May 2023
Award Contract:	July 2023
Start of Construction:	August 2023
Completion:	October 2023

The plans and specifications for the project are on file in the Public Works Department at City Hall and at <http://www.yubacity.net/publicworksplans>.

Construction management and inspection will be administered by the City's Public Works Department staff.

Fiscal Impact:

The estimated total project cost is \$400,000. This estimate includes contingency and construction management costs. CIP Account No. 1220 (ADA Public Facilities Sidewalk Improvements) has adequate funding programmed for this project.

A detailed fiscal impact and any necessary fiscal appropriations will be presented to Council at the time of award based on the actual bid amounts.

Environmental:

City staff completed all necessary environmental documents required by the U.S. Department of Housing and Urban Development and has determined that the project is categorically excluded under 24 CFR 50.20(a)(1), special projects directed to the removal of material and architectural barriers that restrict the mobility of accessibility to elderly and persons with disabilities.

Staff has also performed a preliminary environmental assessment of this project relative to California Environmental Quality Act (CEQA) requirements and determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as concrete replacement and utility alignment adjustments within existing City facilities is defined as repairs, maintenance, or minor alterations of existing public facilities, involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project.

Alternatives:

- A. Provide staff with alternative direction regarding priority locations.
- B. Delay or cancel proposed project.

Recommendation:

Adopt a Resolution approving the plans and specifications for the ADA Ramp and Sidewalk Improvements Project, and authorizing advertisement for bids on the project.

Attachments:

1. Resolution – Approval of Plans and Specifications
2. Project Location Map

Prepared By:

Fabiola Vazquez
Assistant Engineer

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE PLANS AND SPECIFICATIONS FOR THE ADA RAMP AND
SIDEWALK IMPROVEMENTS PROJECT, AND AUTHORIZING
ADVERTISEMENT FOR BIDS ON THE PROJECT**

WHEREAS, the Public Works Department intends to solicit bids for construction of the ADA Ramp and Sidewalk Improvements Project.

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

1. City staff completed all necessary environmental documents required by the U.S. Department of Housing and Urban Development and has determined that the project is categorically excluded under 24 CFR 50.20(a)(1), special projects directed to the removal of material and architectural barriers that restrict the mobility of accessibility to elderly and persons with disabilities.

Additionally, the City has performed a preliminary environmental assessment of this project relative to California Environmental Quality Act (CEQA) requirements and the City Council finds and determines that the project falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the concrete replacement and utility alignment adjustments within existing City facilities are qualifying repairs, maintenance, or minor alterations of existing public facilities involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project.

2. The plans and specifications for the ADA Ramp and Sidewalk Improvements Project be approved.
3. The Public Works Department is hereby authorized and directed to advertise for bids for the ADA Ramps and Sidewalk Improvements Project.

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 16th day of May 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

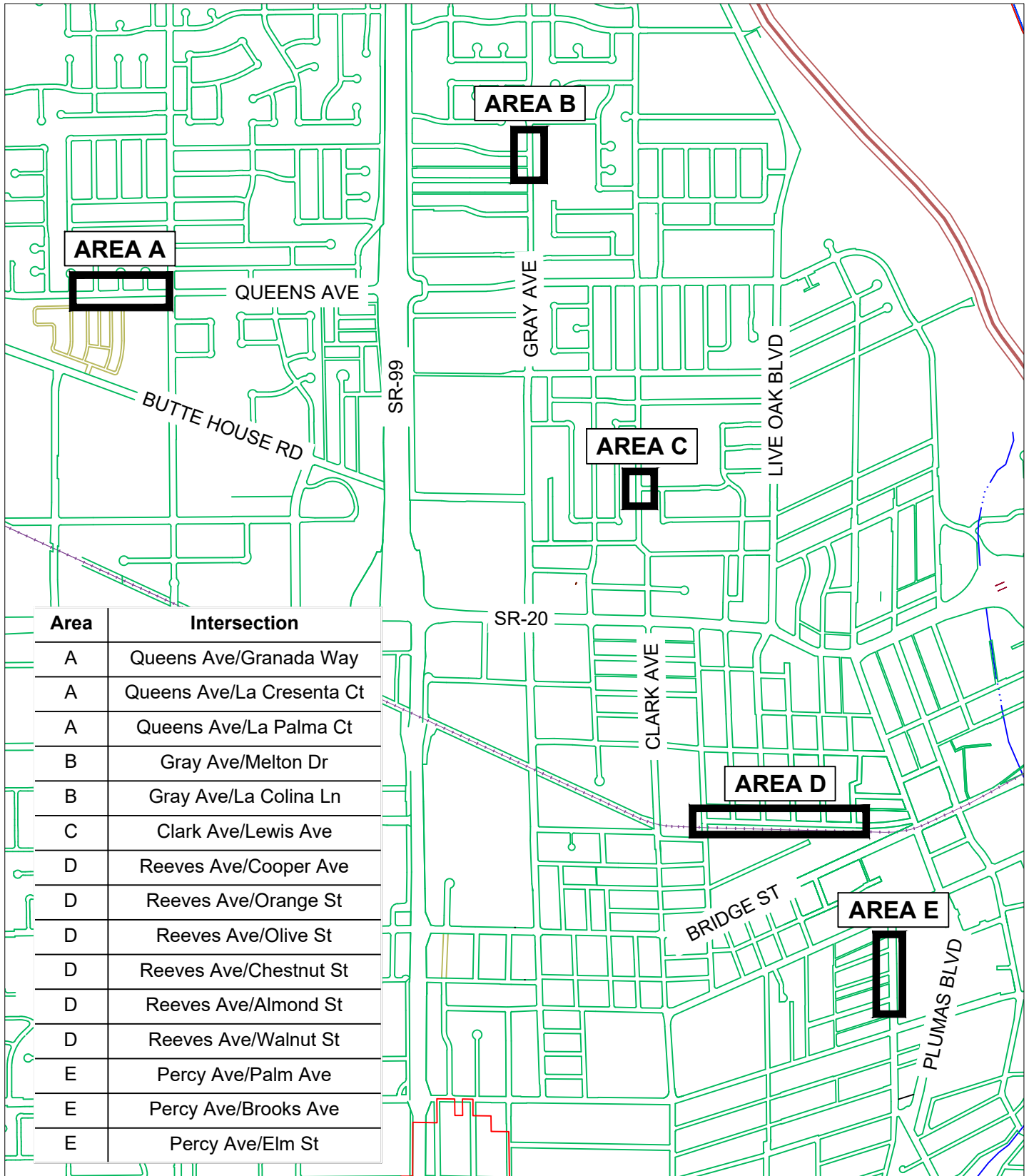
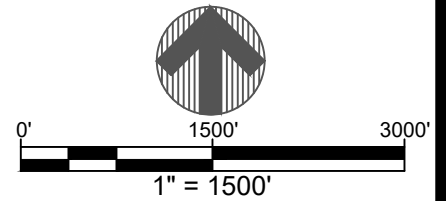
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

ADA RAMP & SIDEWALK IMPROVEMENTS PROJECT LOCATION MAP



CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 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: Adopt an Ordinance of the City Council of the City of Yuba City approving Rezone 22-04 for the Implementing Policies of the 2021-2029 Housing Element project for approximately 68.54 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, 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 second reading

Fiscal Impact: Staff time for processing the project application.

Purpose:

To adopt an ordinance approving Rezone 22-04 with Combining Zone District X29, consistent with General Plan Amendment 22-03 that was approved on May 2, 2023, to implement the 2021-2029 Housing Element.

Council's Strategic Goal:

This item meets the City Council's strategic goal of providing high quality infrastructure and quality of life.

Background:

At the May 2, 2023, regular City Council meeting, the City Council approved General Plan Amendment 22-03 and Environmental Assessment (EA) 22-07 and introduced an ordinance to rezone certain properties consistent with the adopted General Plan Amendment. At this meeting, the City Council removed Assessor Parcel 61-120-004 from the project because written property owner confirmation of support had not been provided. Additionally, a revised ordinance exhibit map was provided for the Regional Housing Authority area clarifying that Assessor's Parcel 53-4760-081, which is currently developed with a solar array, will be rezoned from M-2 (Industrial District) to R-3 (Multiple-Family Residence District) to be consistent with the Regional Housing Authority's purpose and operations.

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 involve 34 parcels that implement 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 68.54 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 34 parcels from; Medium/Low Density Residential (28 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. General Plan Amendment 22-03 was approved by the City Council on May 2, 2023.
- **Rezone 22-04:** The proposal will rezone eleven 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, five 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 34 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 68.54 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 7.25 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 being incorporated 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 the 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 consists 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 1 provides the location and details for all properties involved in this rezoning.

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 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 environmental assessment (EA) 22-07 that was approved by the City Council as part of General Plan Amendment 22-03 and the list of identified mitigation measures, it was determined there is no evidence in the record that the project may have a significant effect on the environment and a mitigated negative declaration was adopted by the City Council on May 2, 2023, covering both the General Plan Amendment and Rezoning. 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 and no additional environmental review is necessary.

Fiscal Impact:

Staff time for processing the project application.

Alternatives:

1. Since General Plan Amendment 22-03 and Environmental Assessment 22-07 were approved by the City Council on May 2, 2023, by adoption of a resolution, no viable options exist because State law requires consistency between the General Plan and site zoning.
2. Provide staff with alternate direction.

Recommendations:

Adopt 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 68.54 acres, which includes an X29 Combining District on 14.95 acres, located throughout the City (Assessor's Parcel Numbers 59-020-017, 59-020-015, 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 waive the second reading

Attachments:

1. City Council Ordinance
2. Planning Commission Staff Report Packet

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 TO ADOPT REZONE 22-04 FOR THE IMPLEMENTING POLICIES OF THE 2021-2029 HOUSING ELEMENT PROJECT FOR APPROXIMATELY 68.54 ACRES, WHICH INCLUDES AN X29 COMBINING DISTRICT ON 14.95 ACRES, LOCATED THROUGHOUT THE CITY (ASSESSOR'S PARCEL NUMBERS 59-020-017, 59-020-015, 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 34 sites totaling 68.54 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 approved General Plan Amendment 22-03 and Environmental Assessment 22-07 on May 2, 2023; and

WHEREAS, the City Council desires to 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 approved EA 22-07 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 16th day of May 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

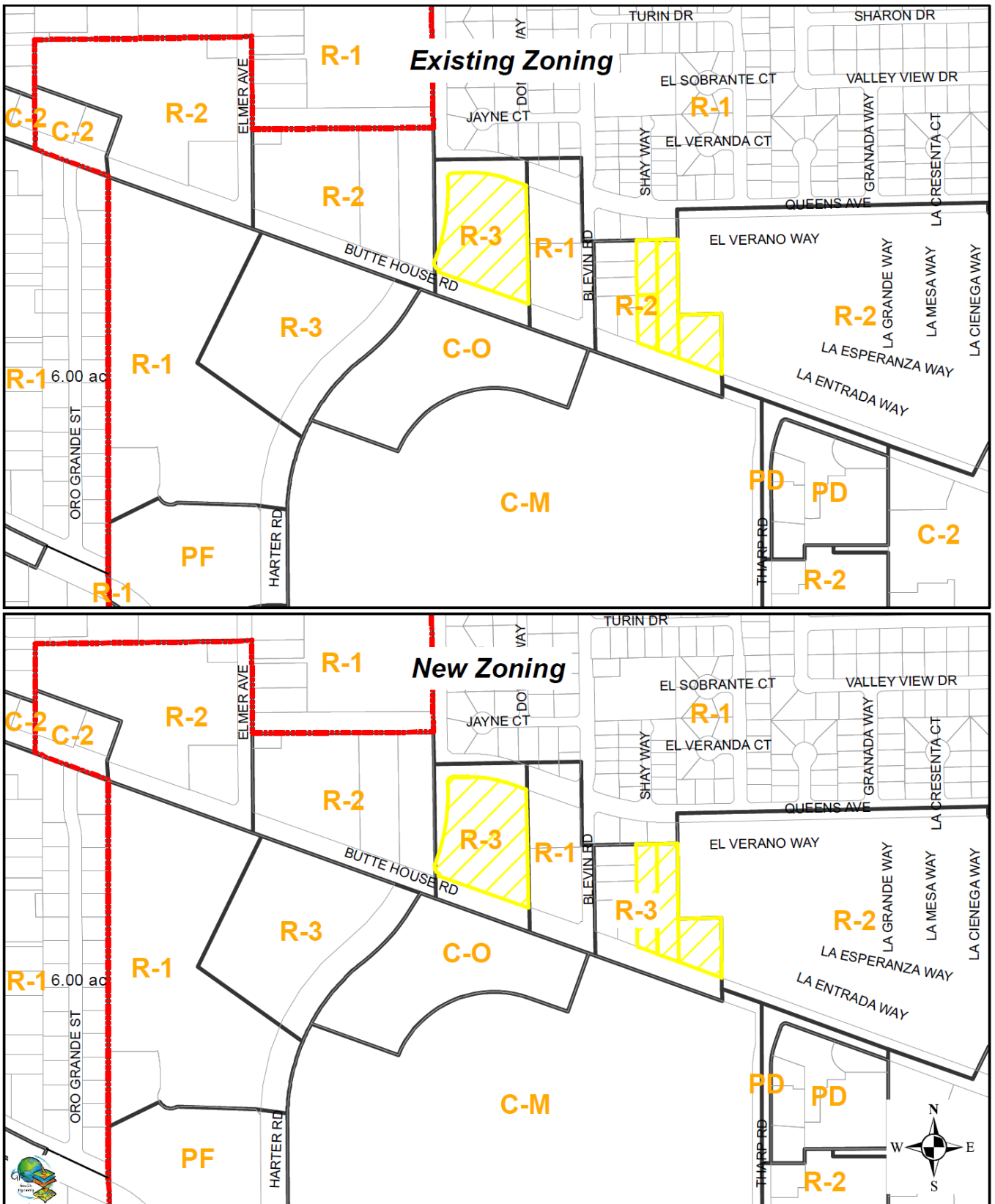
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

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

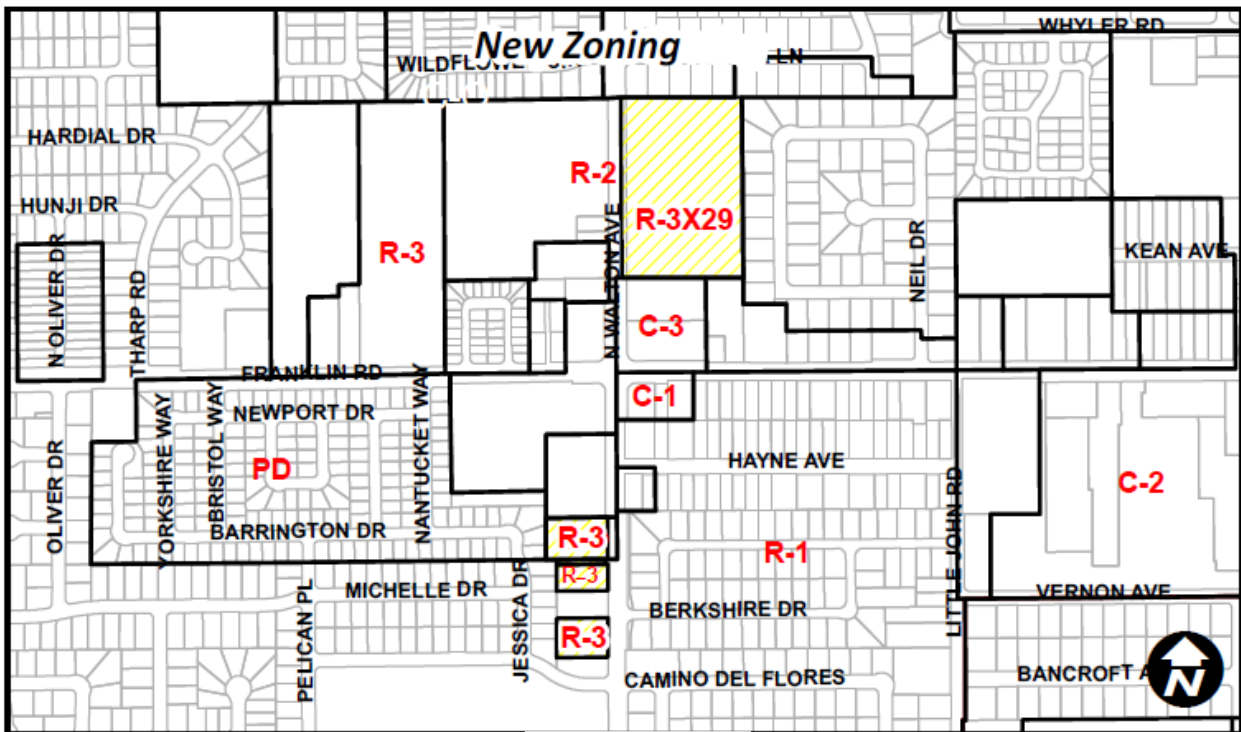
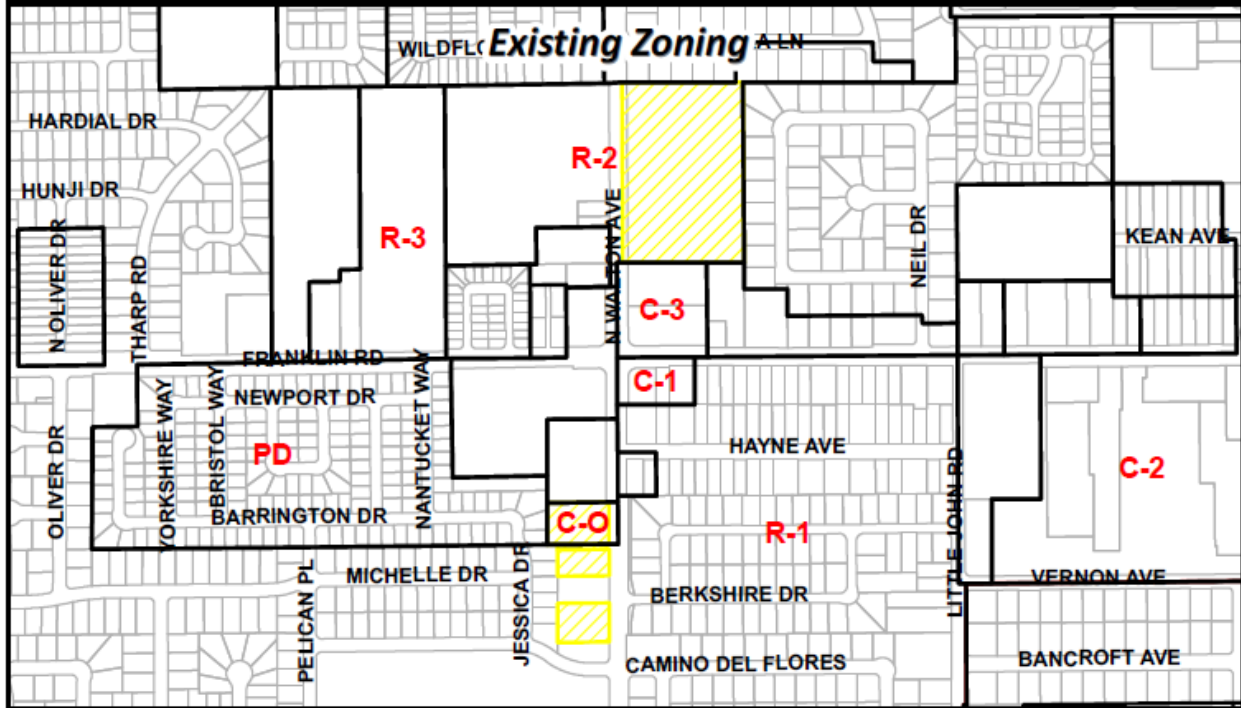
Butte House Corridor

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



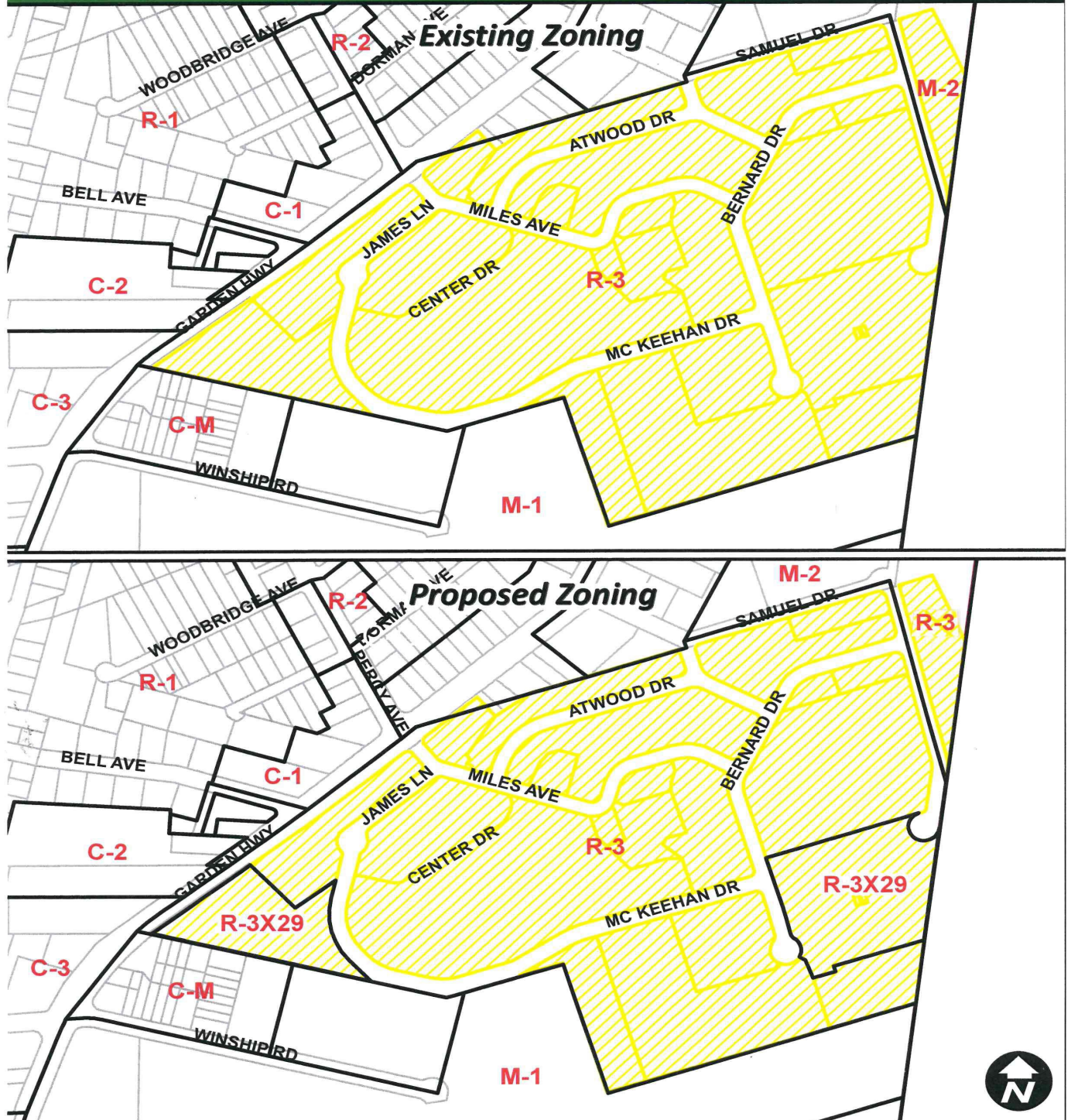
Walton Avenue Corridor

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

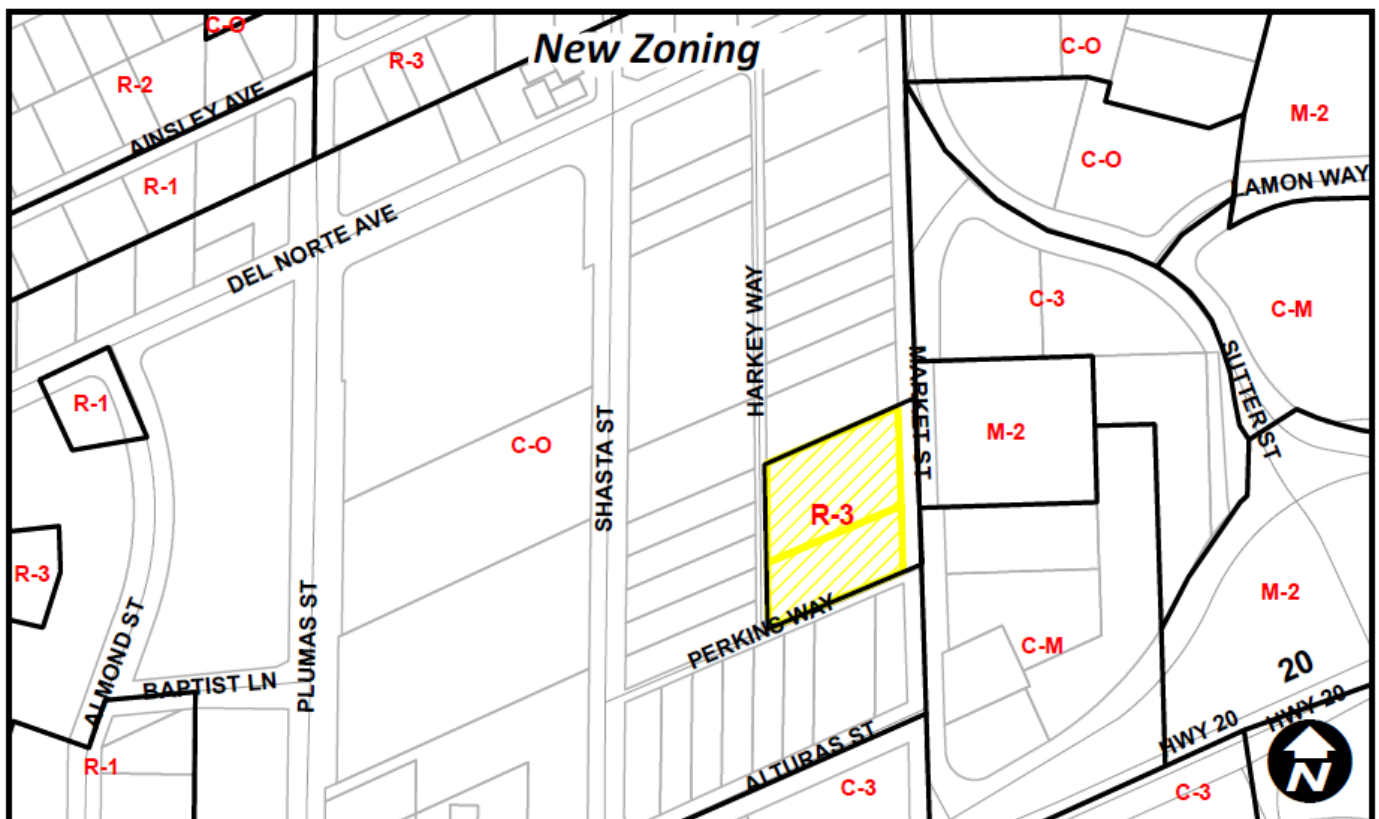
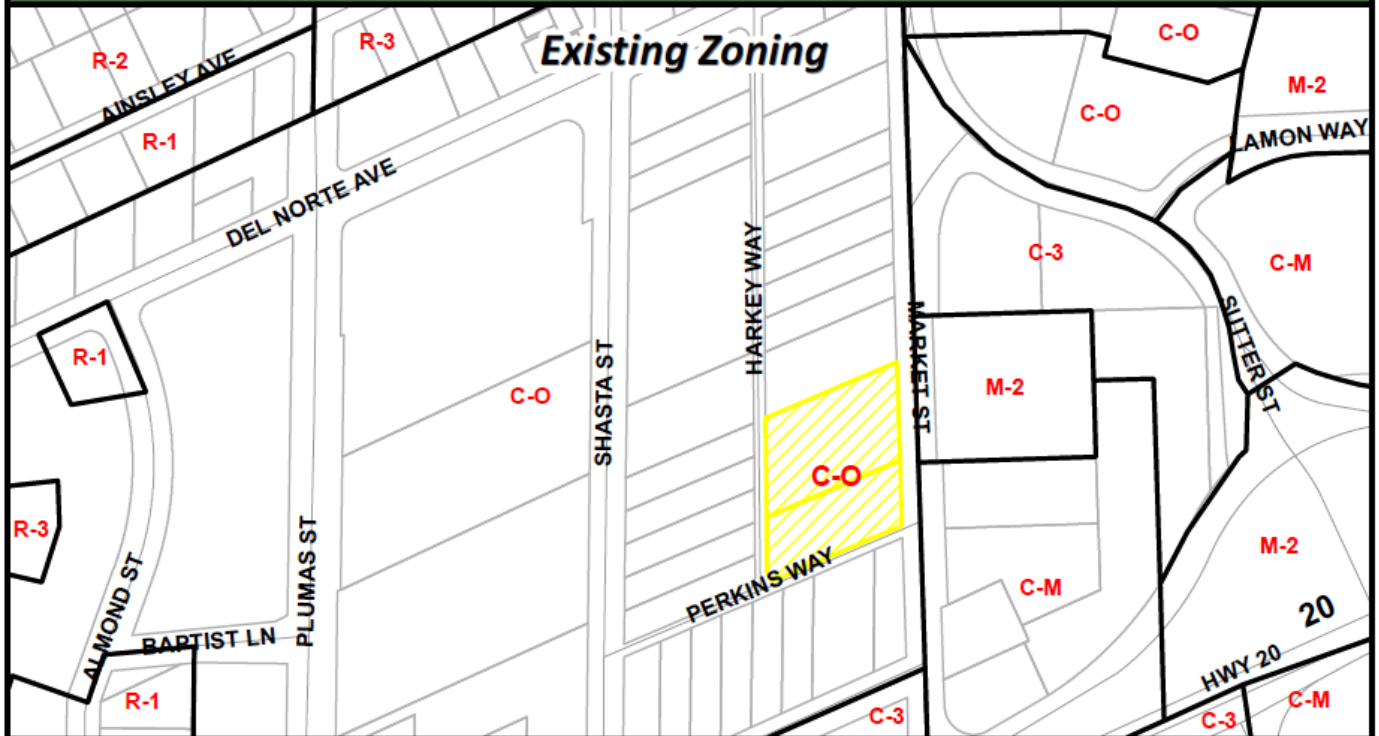


EXHIBIT B



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 2



**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

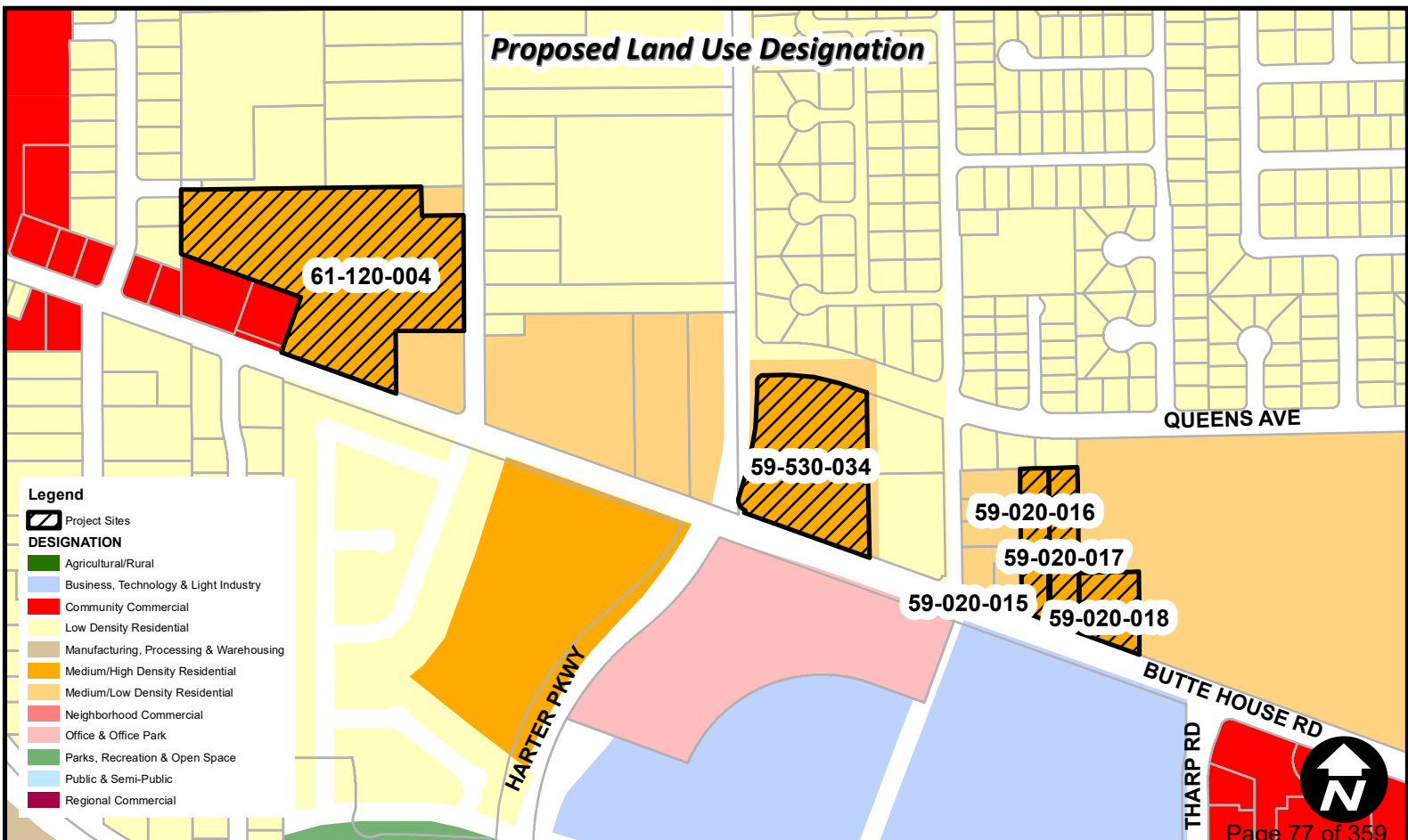
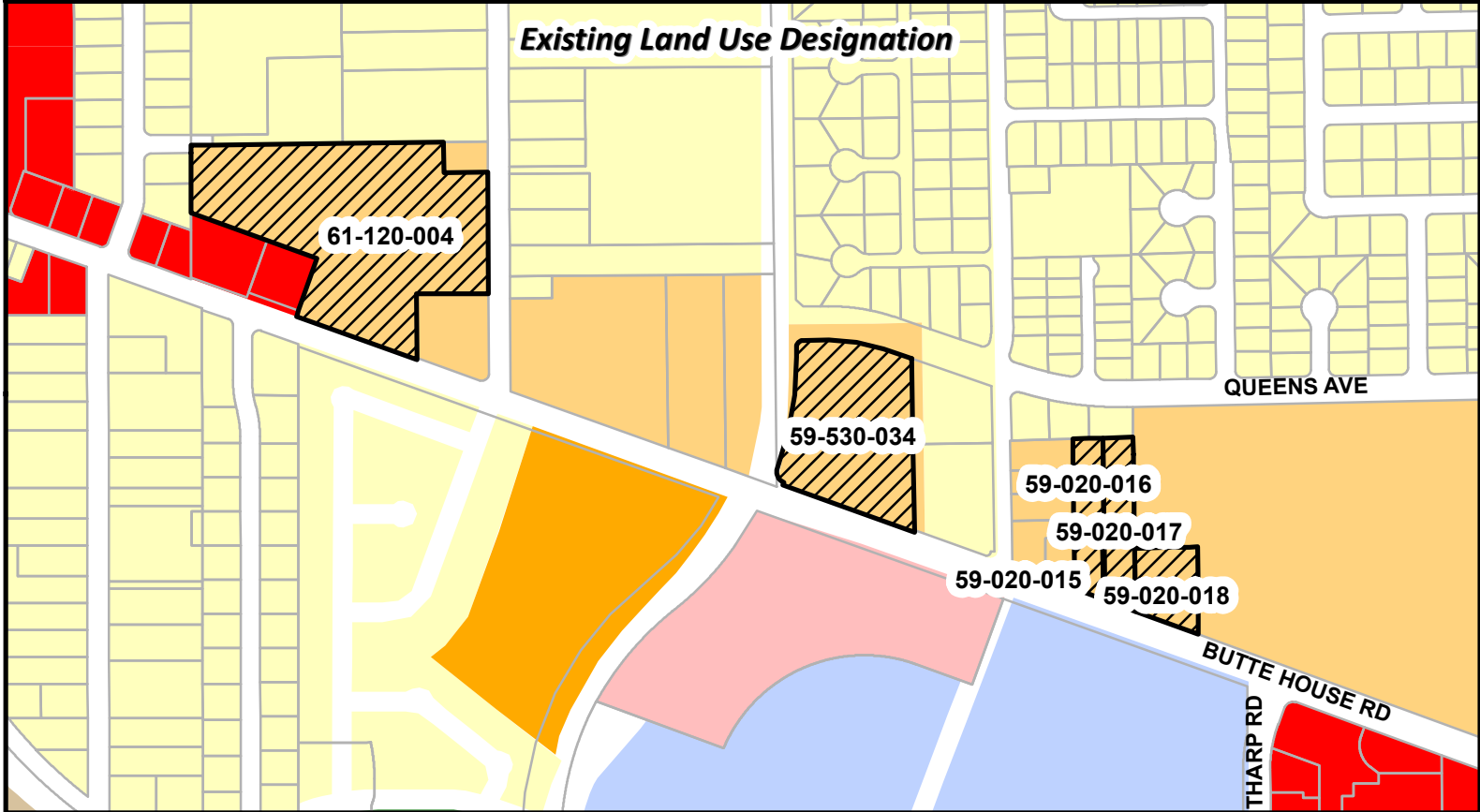
Attachments:

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



Legend

Project Sites

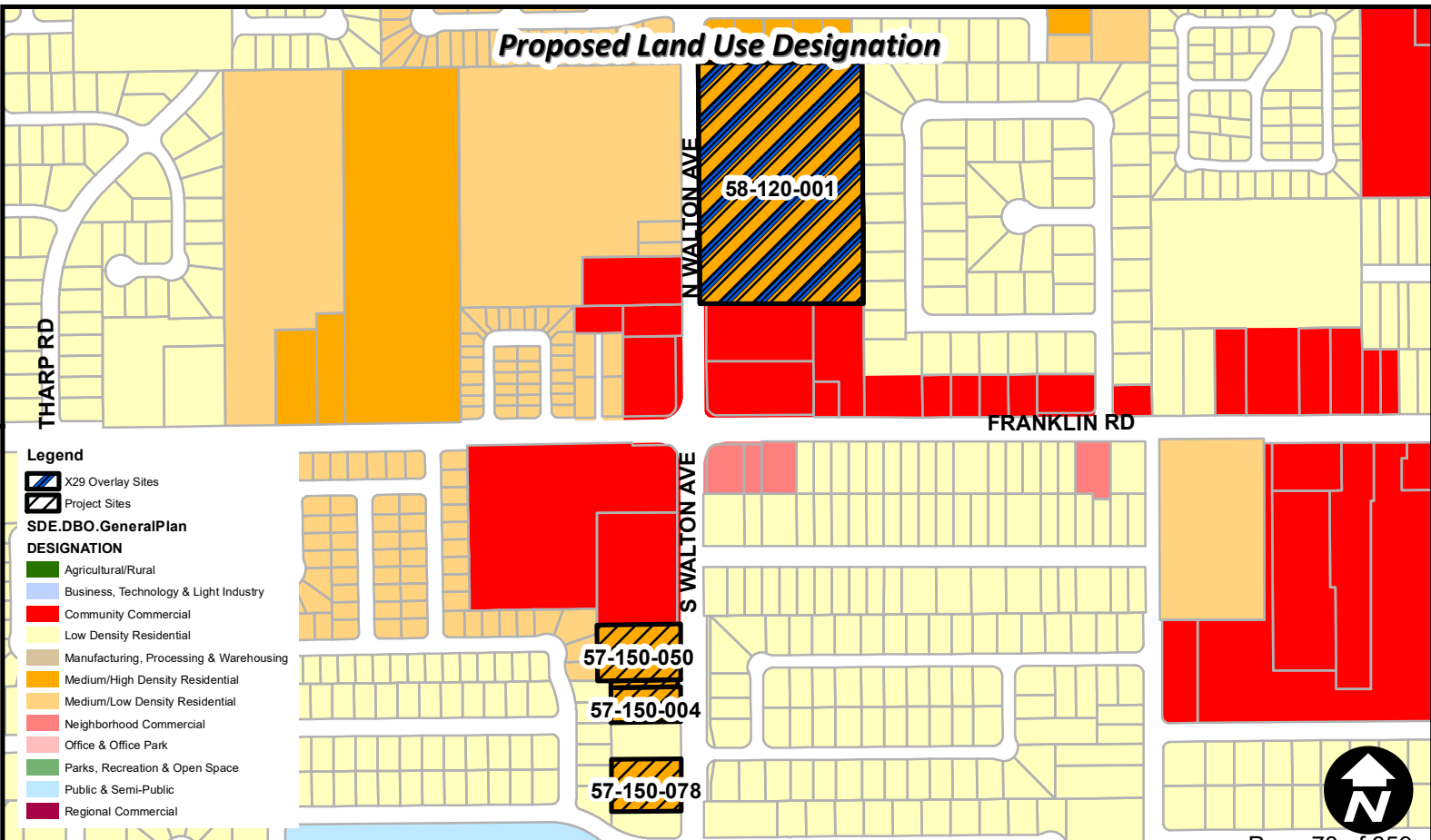
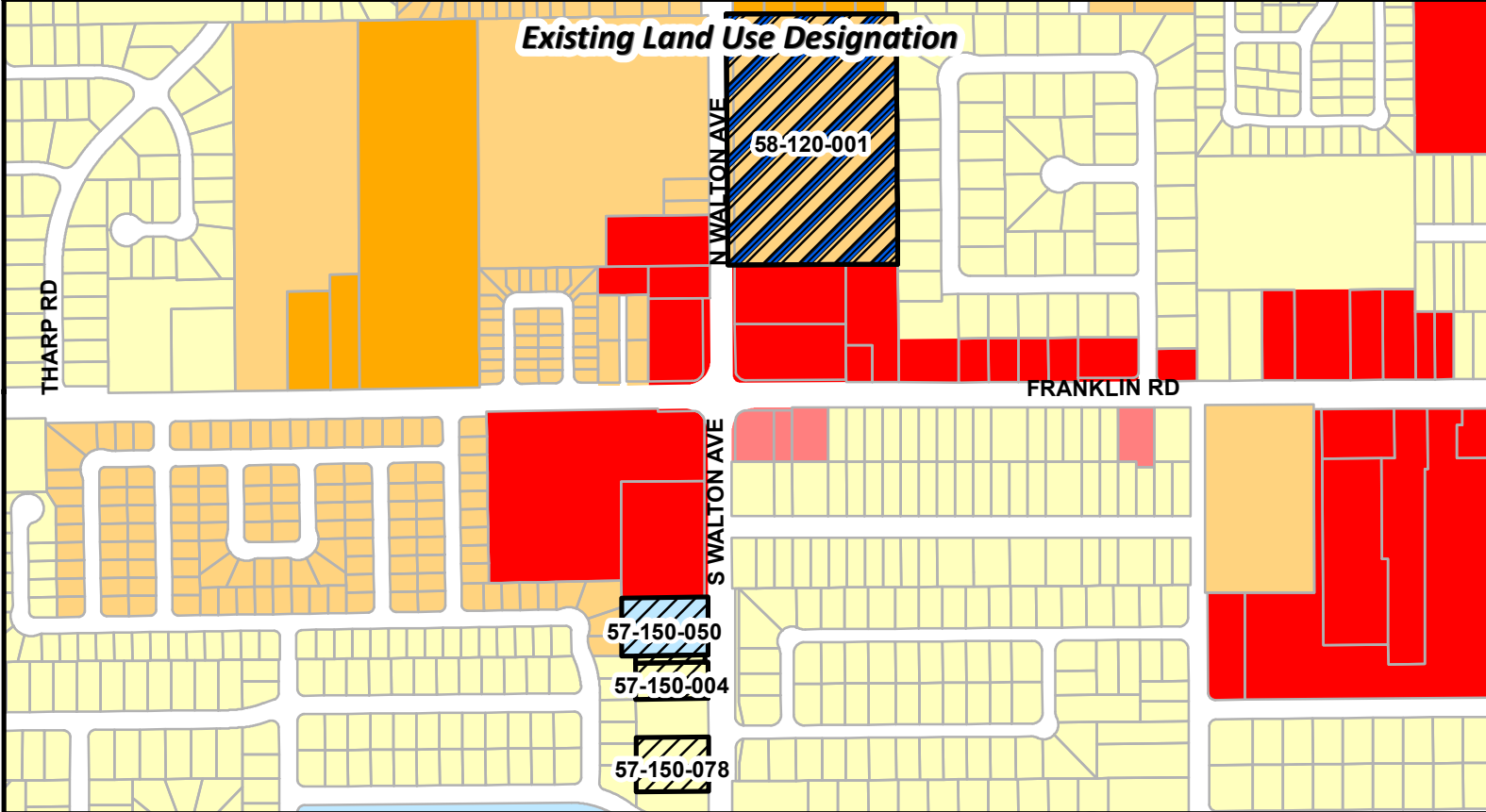
DESIGNATION

- Agricultural/Rural
- Business, Technology & Light Industry
- Community Commercial
- Low Density Residential
- Manufacturing, Processing & Warehousing
- Medium/High Density Residential
- Medium/Low Density Residential
- Neighborhood Commercial
- Office & Office Park
- Parks, Recreation & Open Space
- Public & Semi-Public
- Regional Commercial



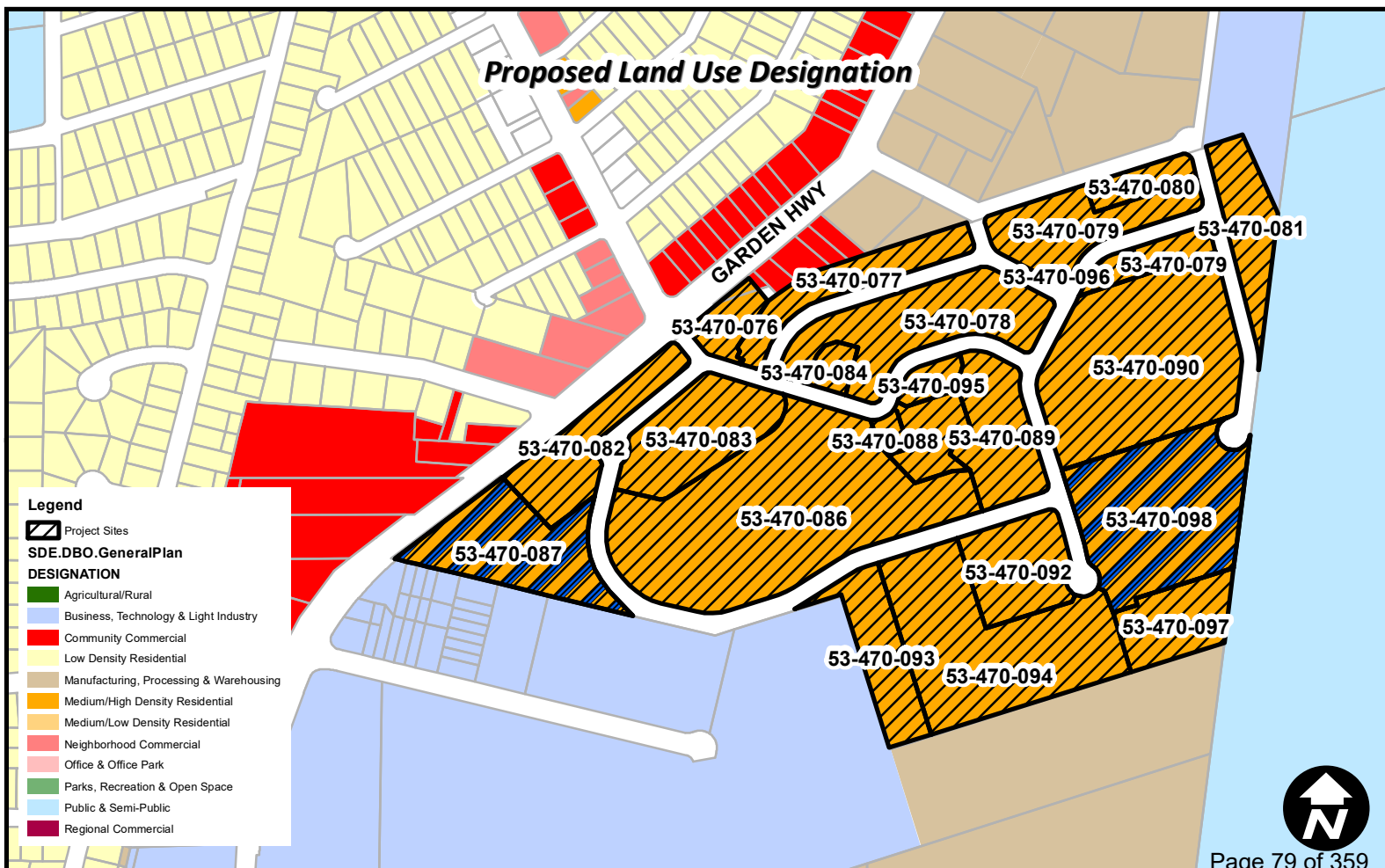
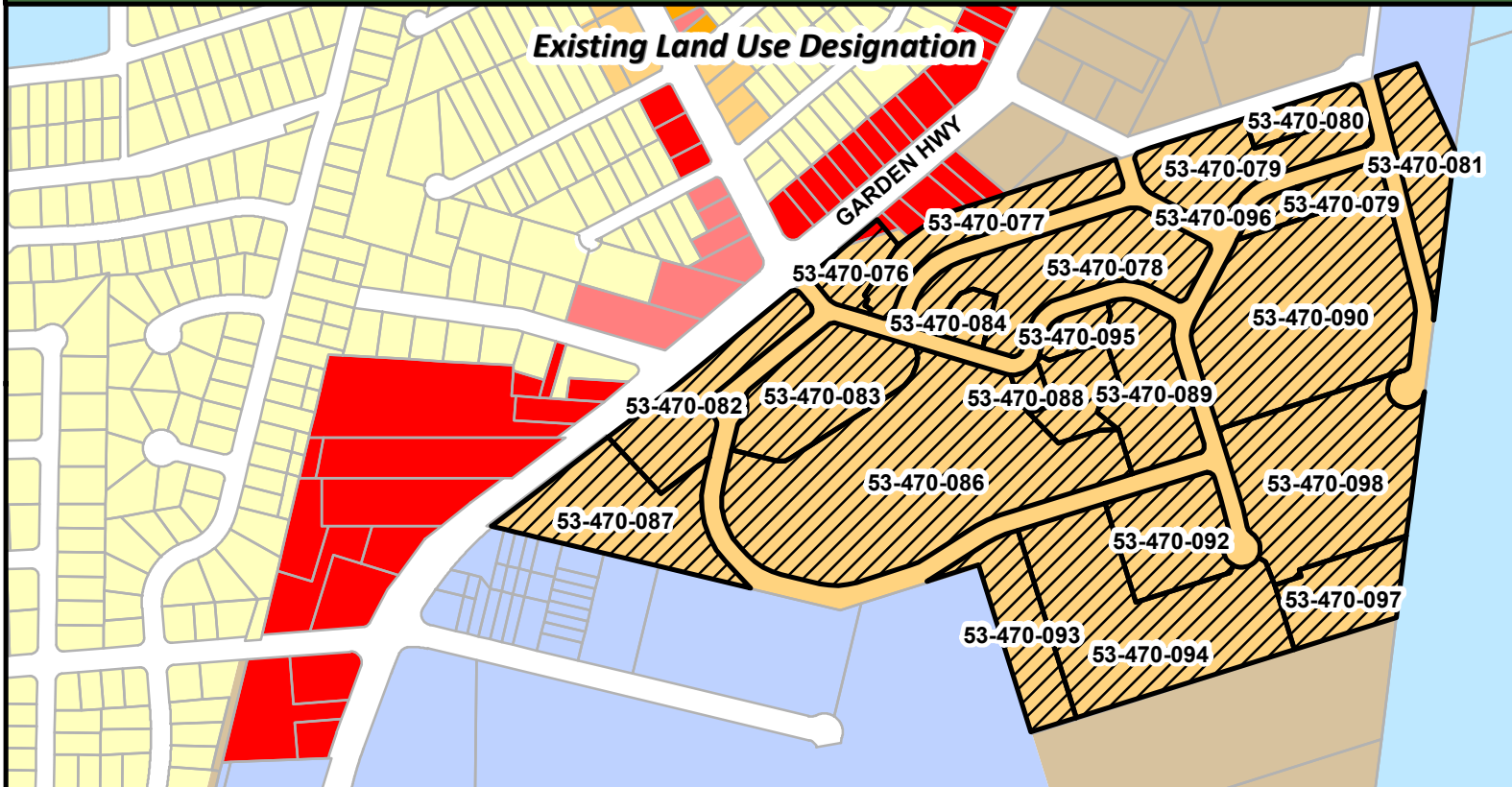
Walton Avenue Corridor

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

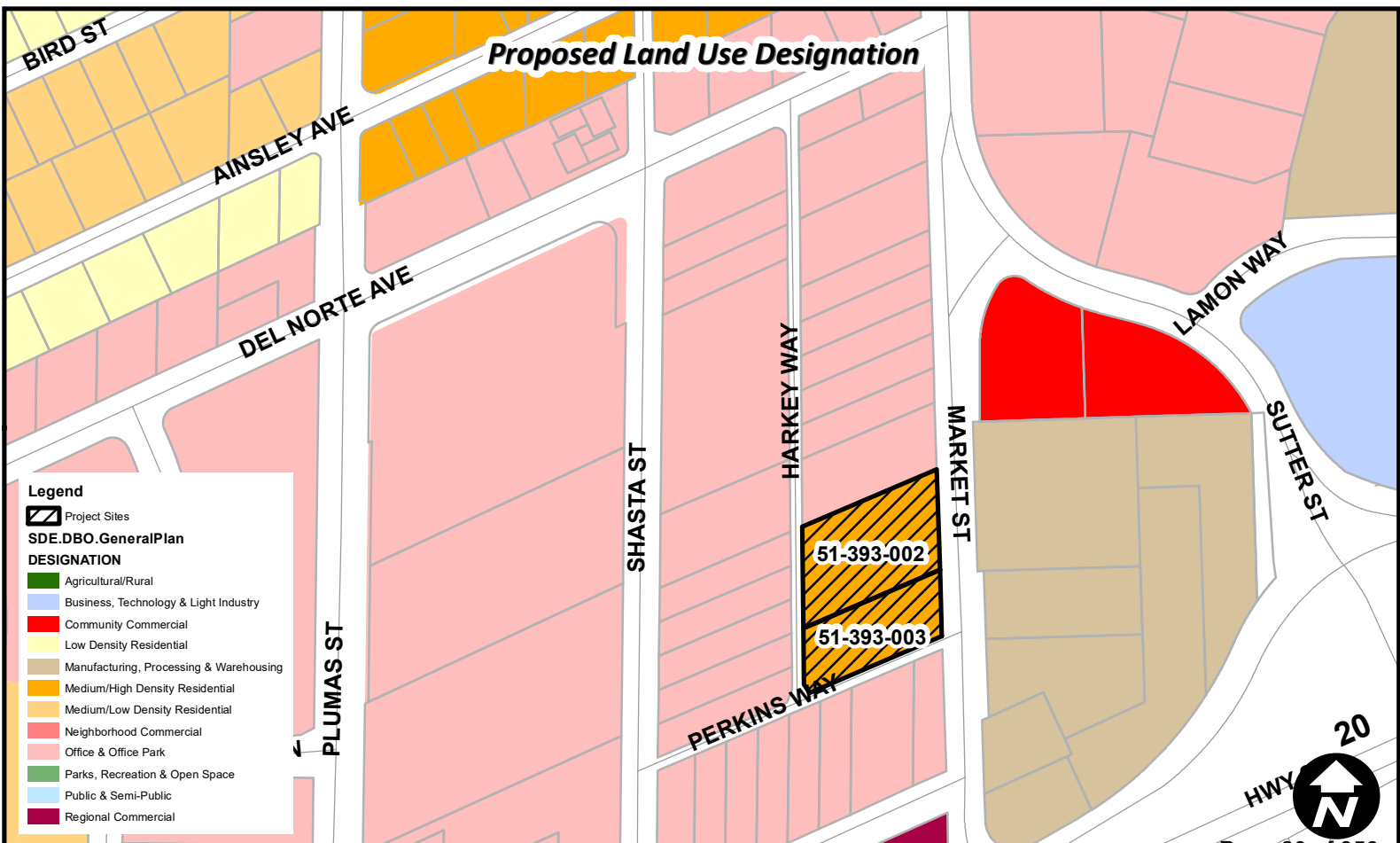
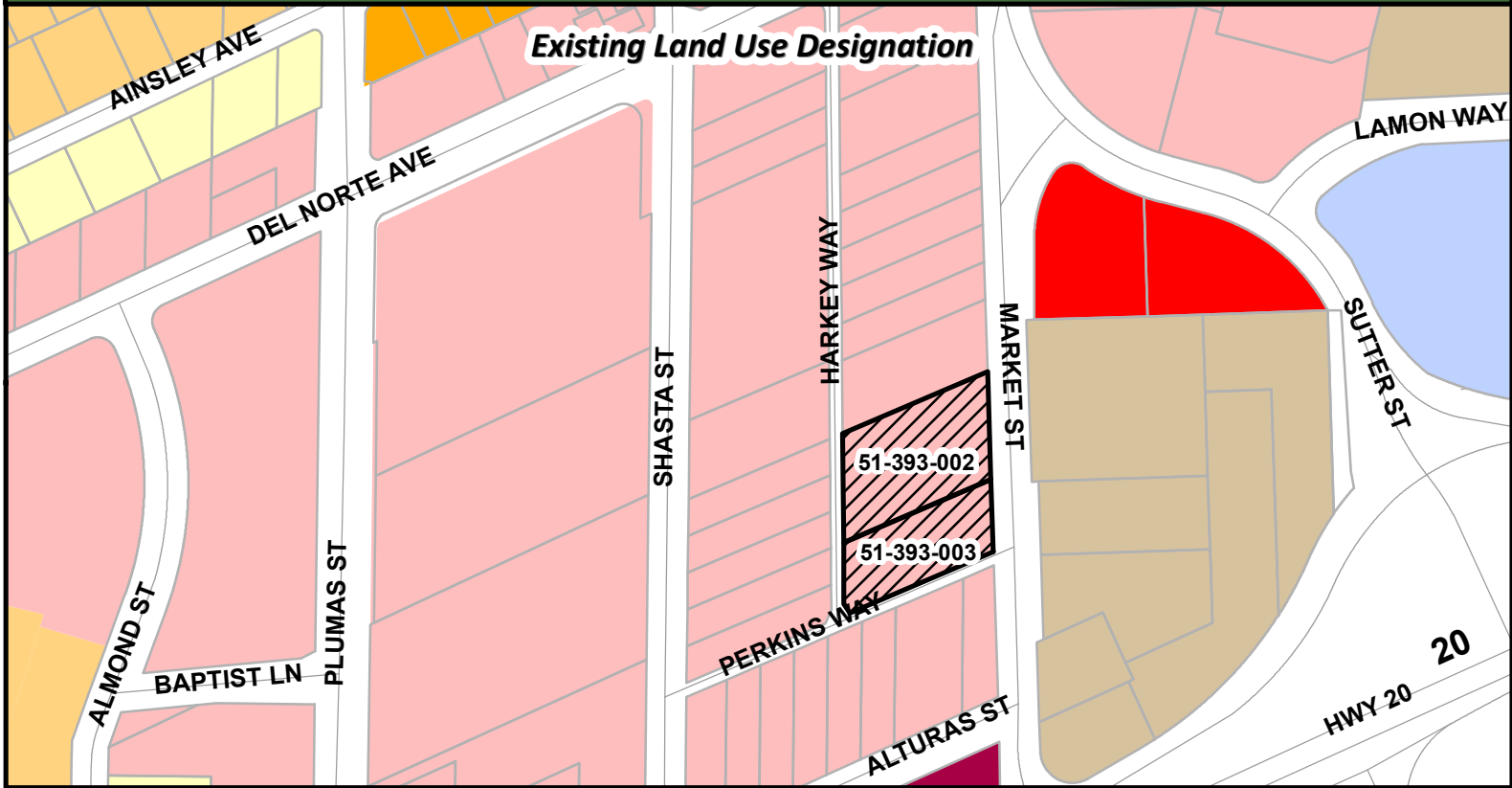
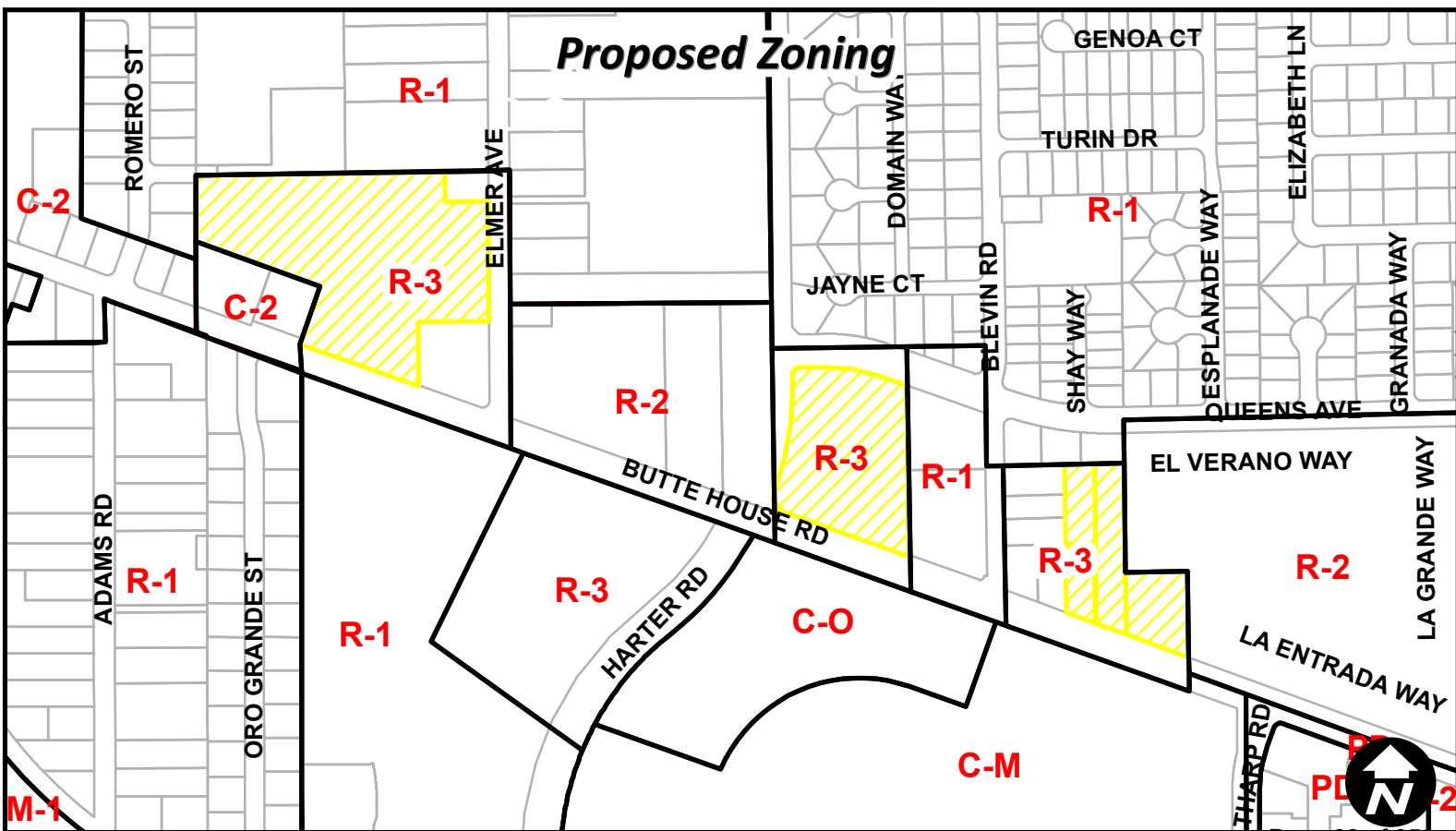
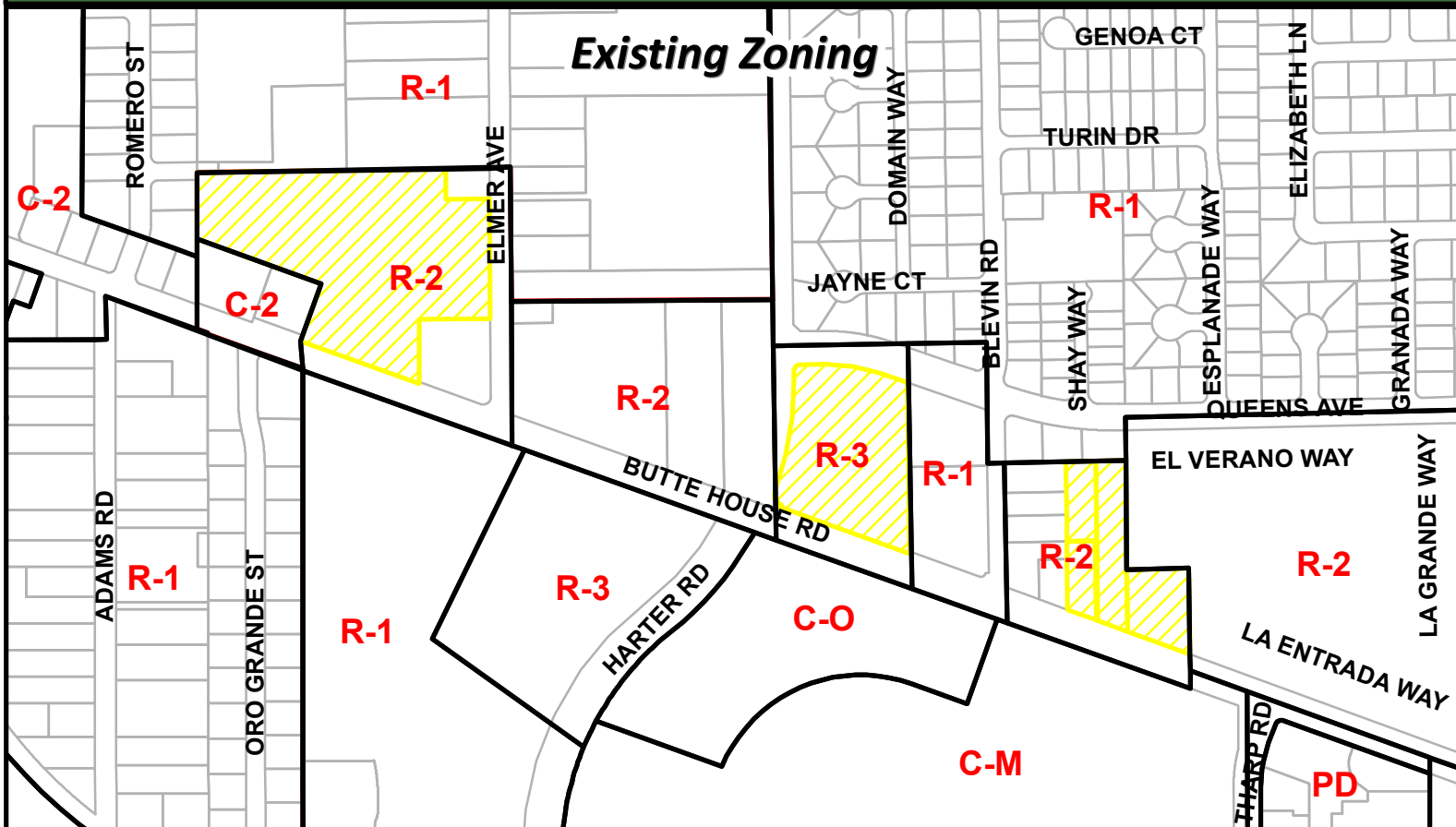


EXHIBIT B

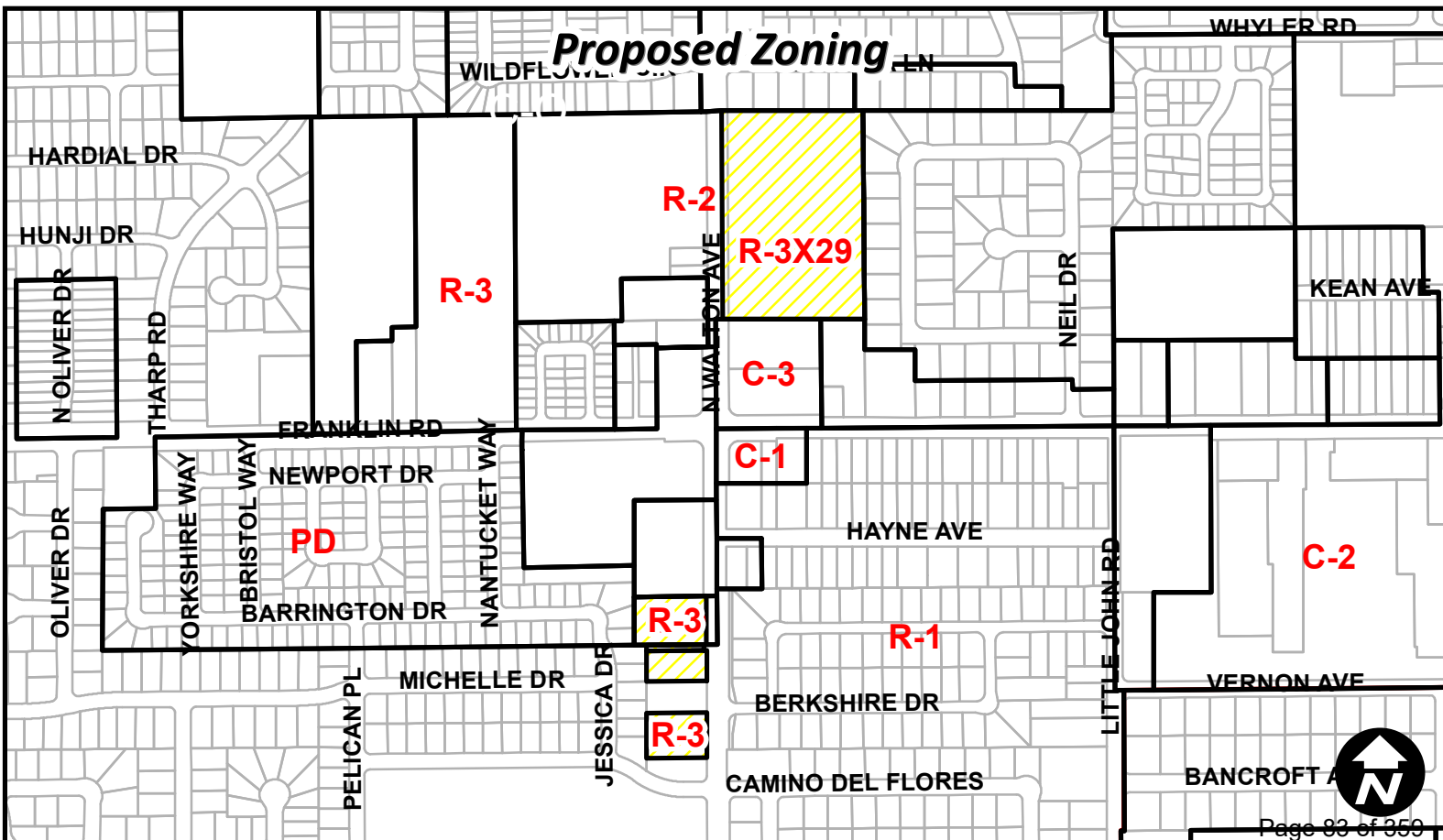
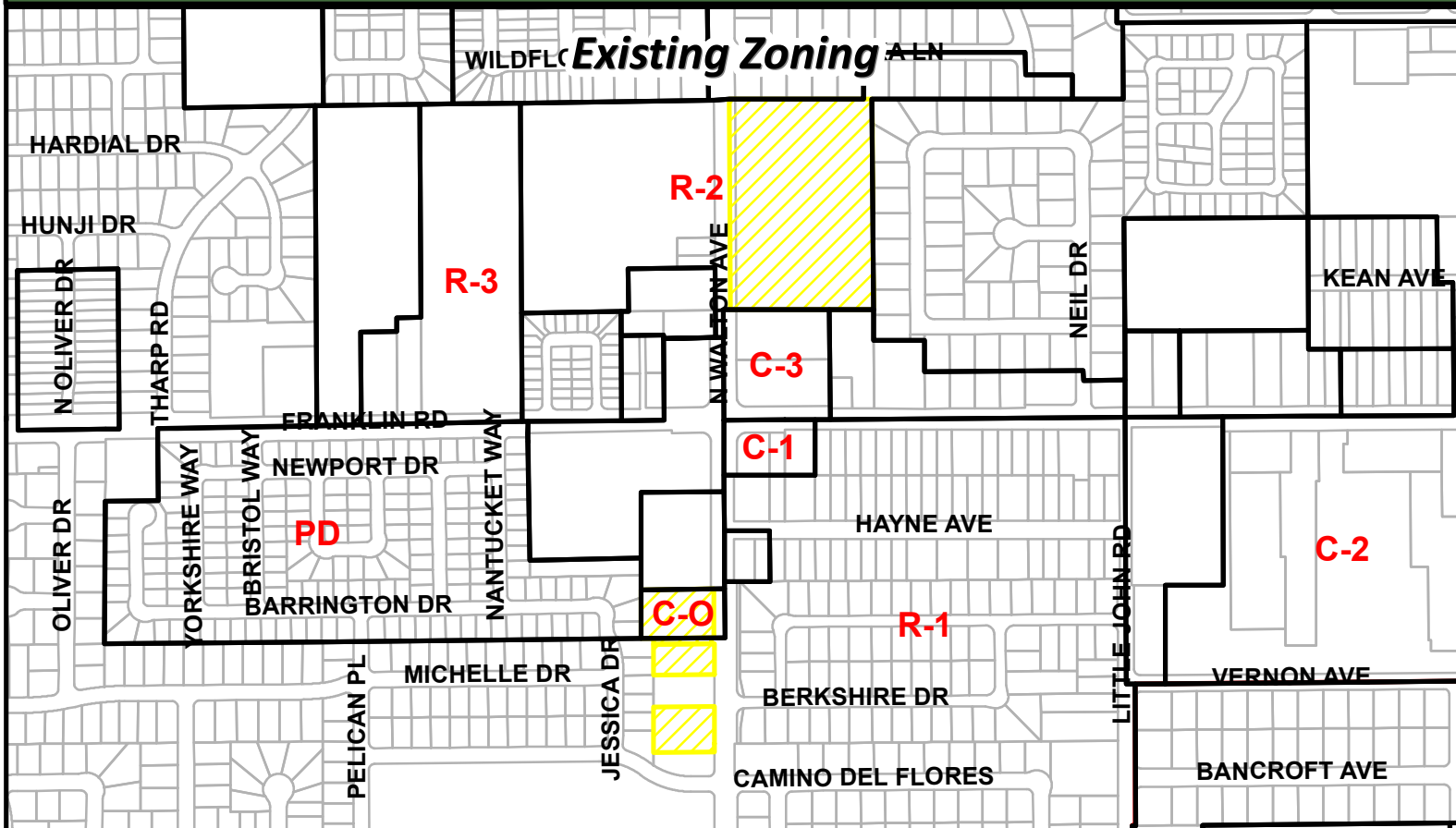
Butte House Corridor

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



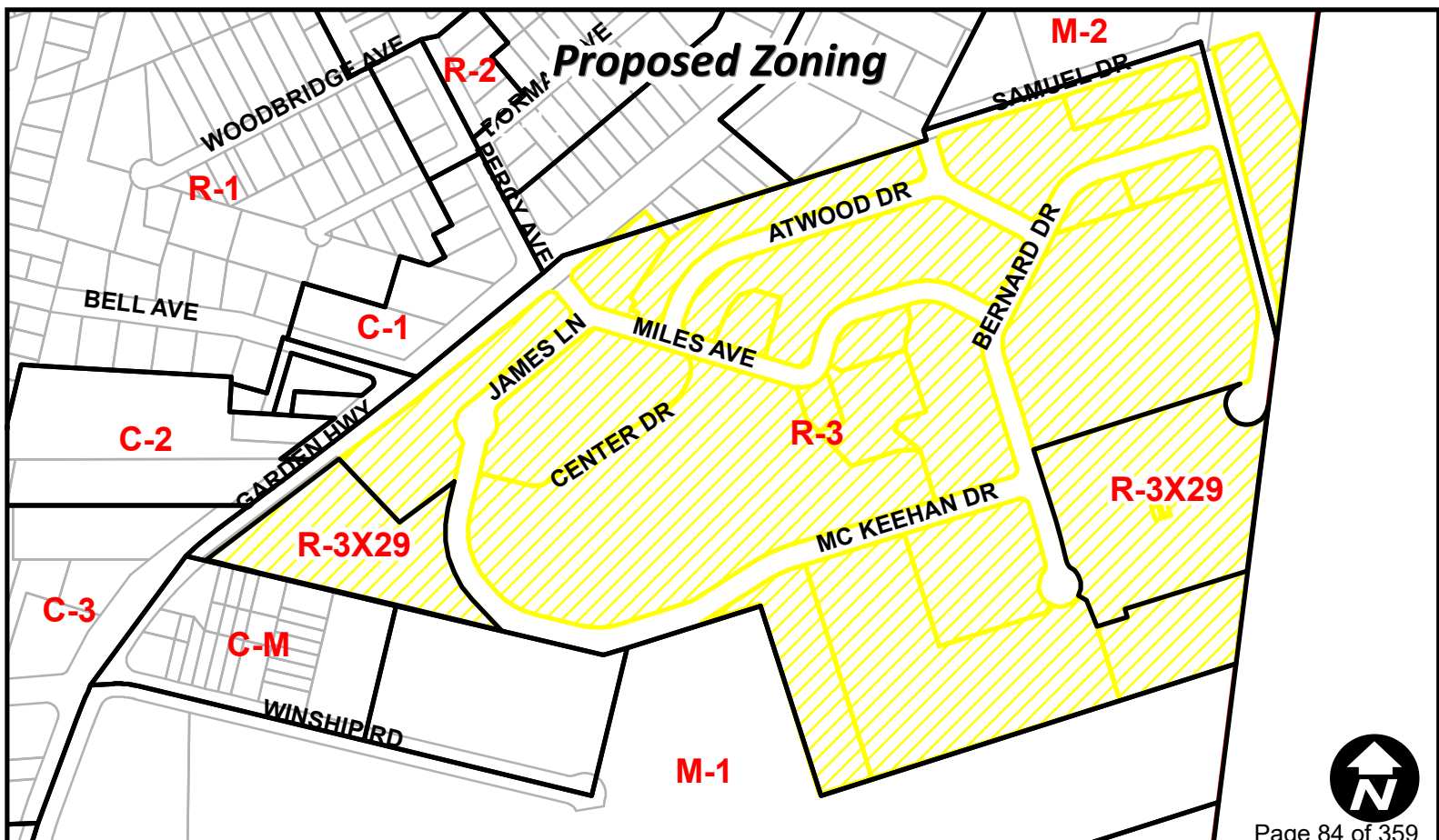
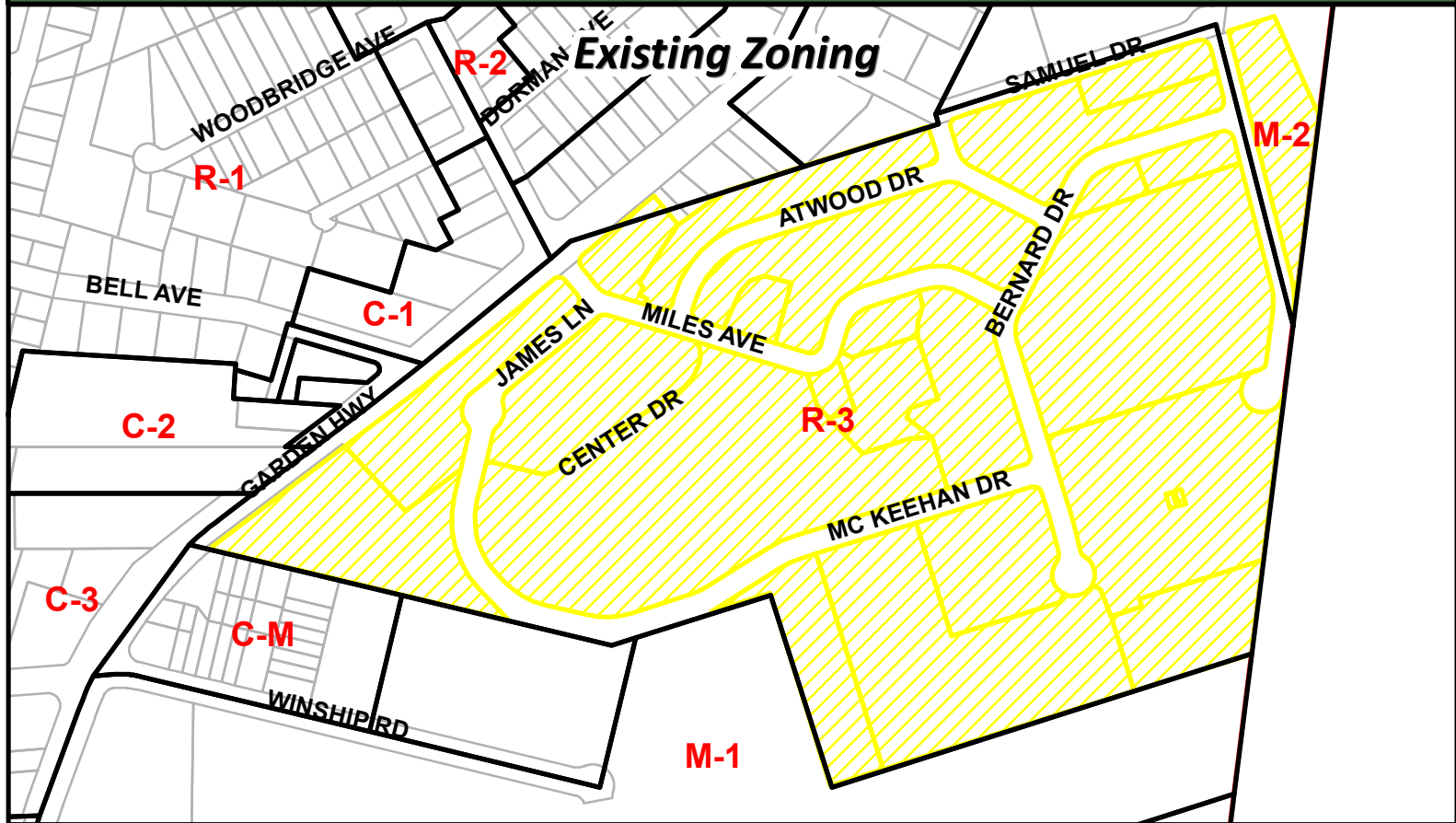
Walton Avenue Corridor

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

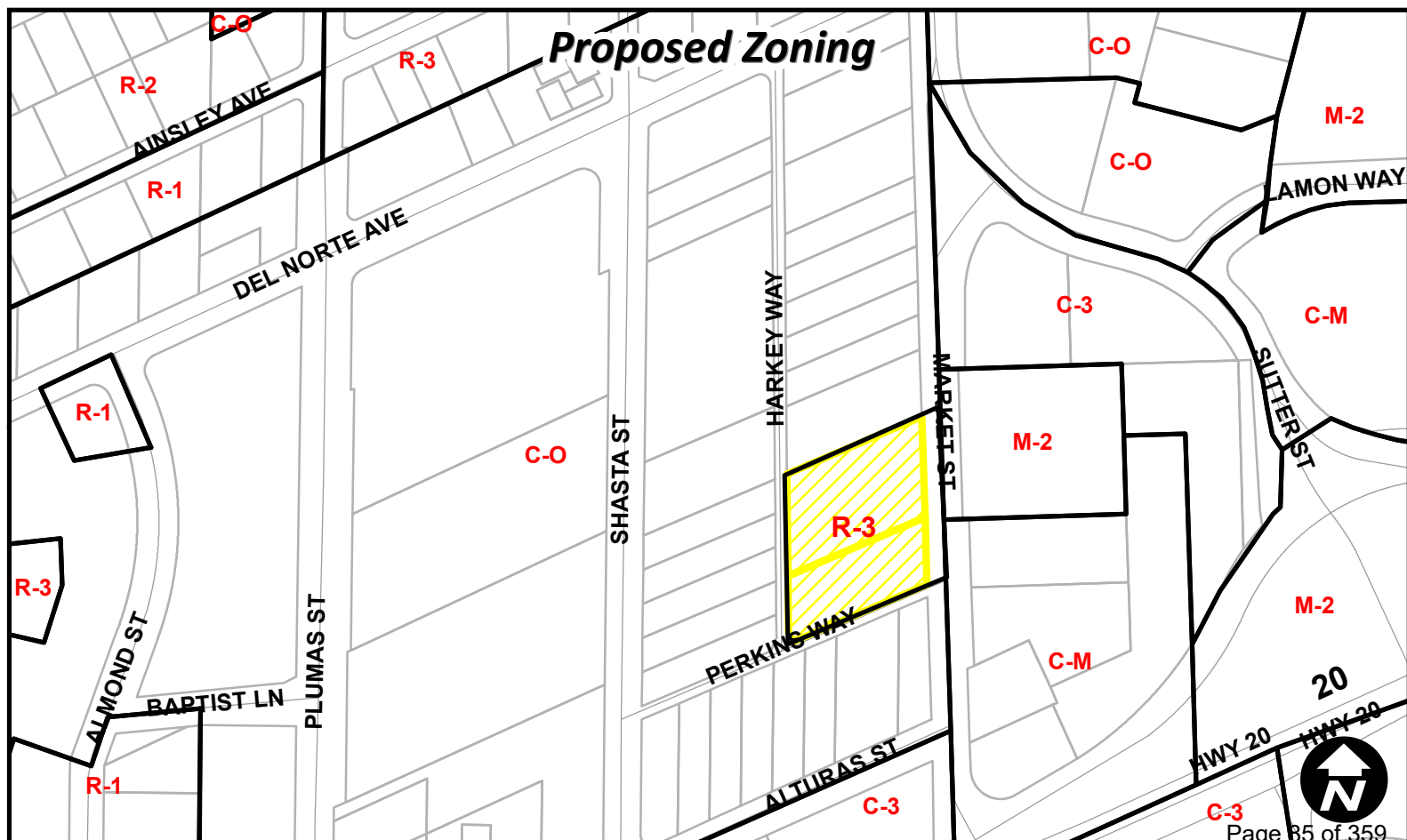
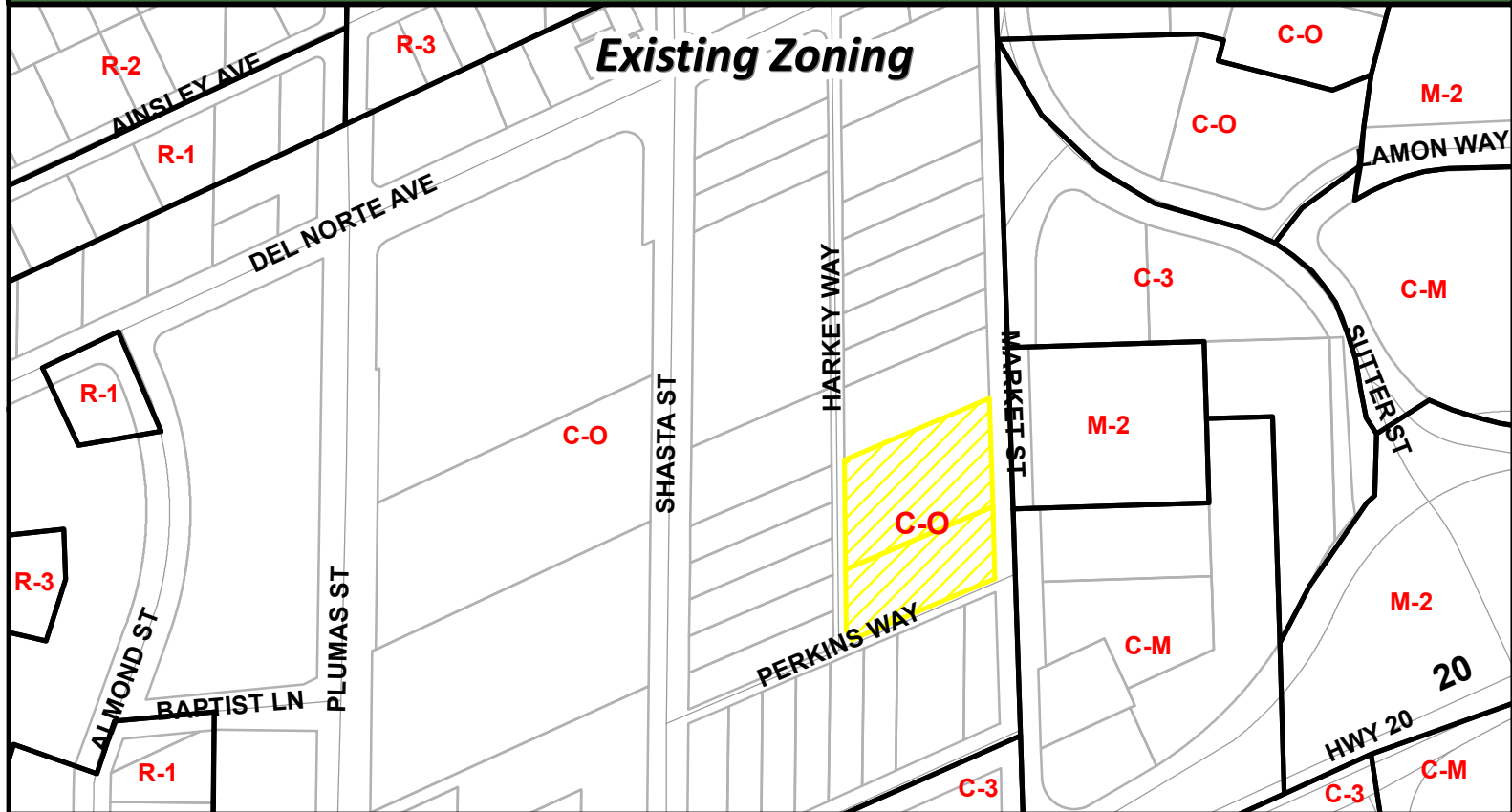


EXHIBIT C



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.

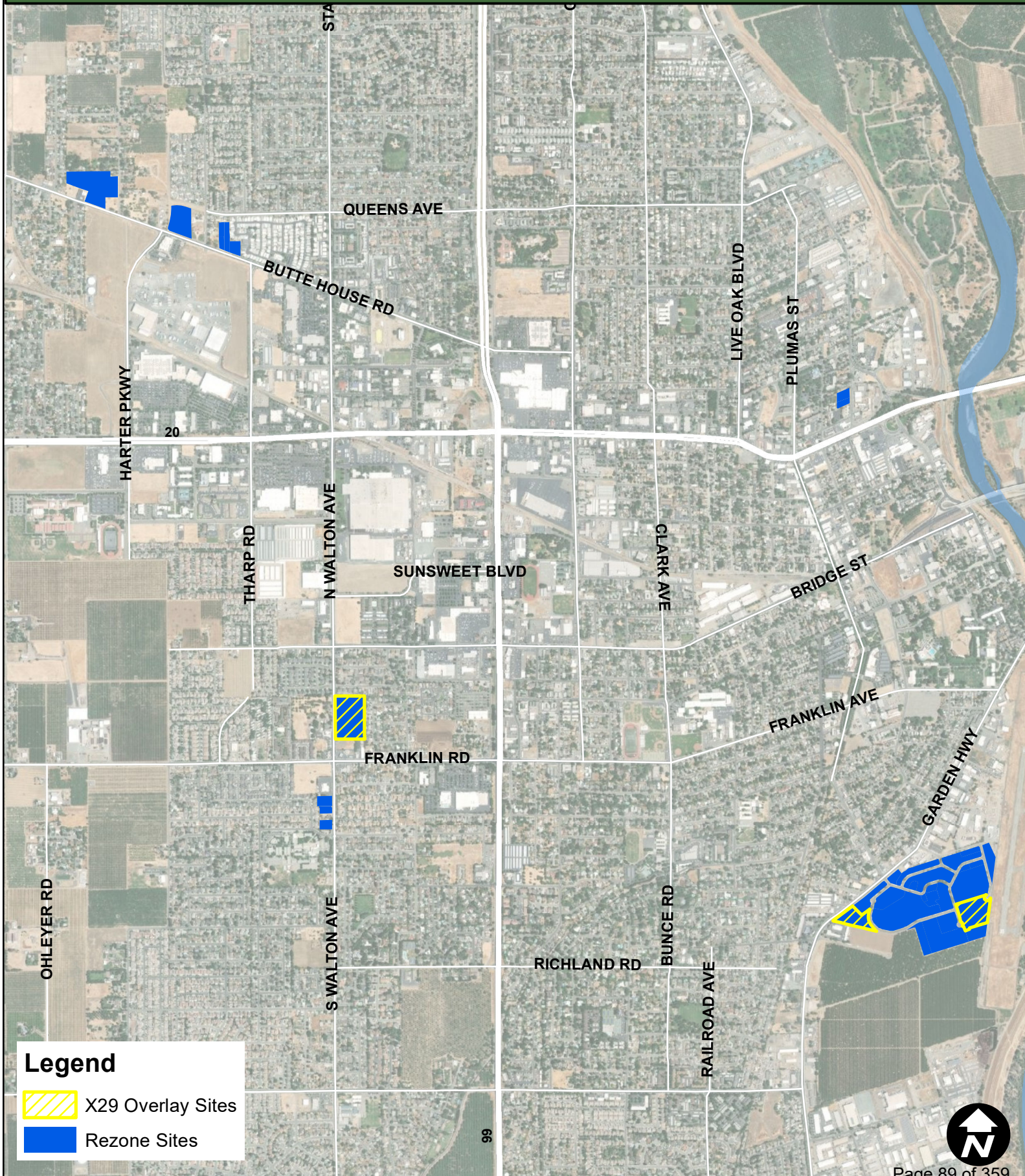
Criteria for Development

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				

*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.

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

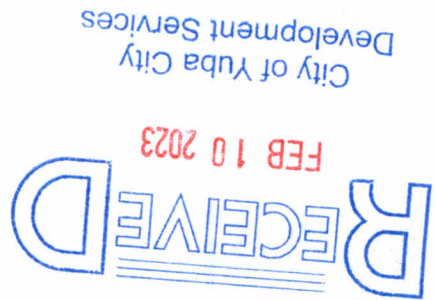
Owner: Parminster S. Bains & Sharninder Bains
Hardeep S Dhadli & Jaswinder K Dhadli

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,

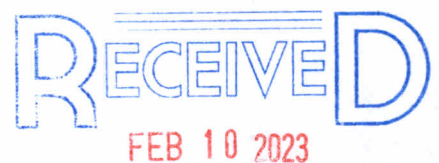
Owner Signature: _____

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

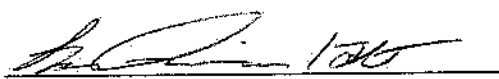
Subject: Housing Element General Plan Amendment Rezone Property Owner Support

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, Josuella 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

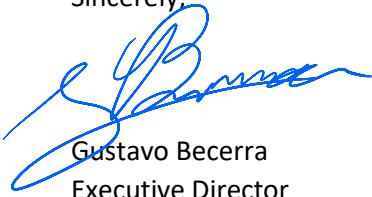
Mr. Moody,

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

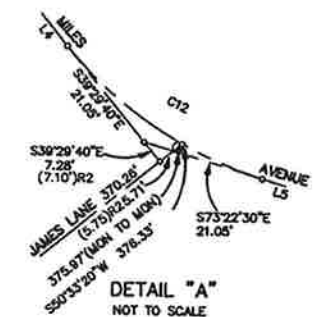
18 RS 163-170



SCALE: 1" = 200'



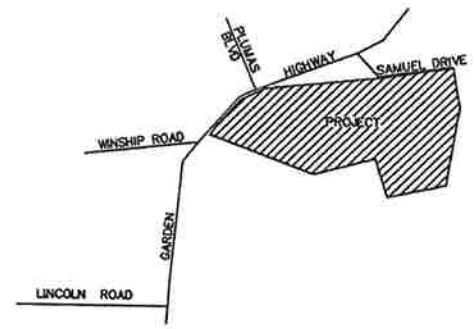
DETAIL "D"
NOT TO SCALE



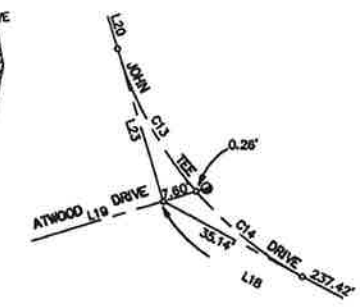
DETAIL "A"
NOT TO SCALE

LEGEND

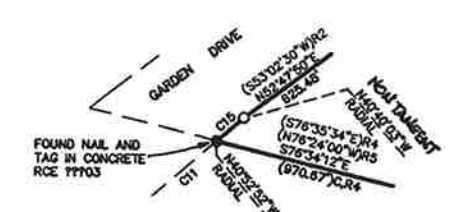
- FOUND MONUMENT AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK PER R2 OR AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK LS 3649 PER R4
- SET 3/4" IRON PIPE OR 1/2" REBAR AND CAP TAGGED LS 5616
- CALCULATED POINT NOTHING FOUND OR SET
- M INDICATES MEASURED DATA THAT MATCHES RECORD DATA
- C INDICATES 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 S17°20'34"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.

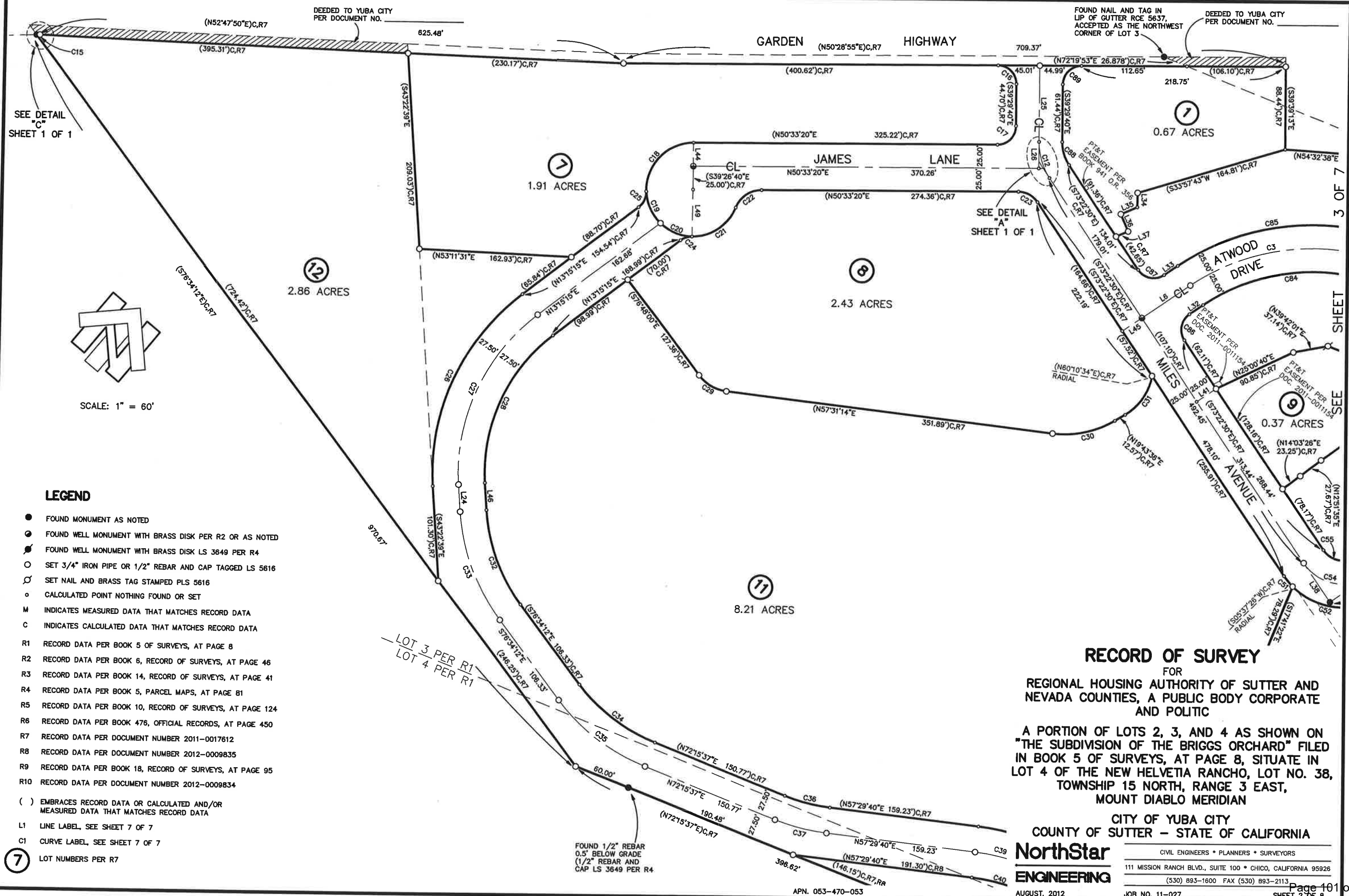
RECORD OF SURVEY

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



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

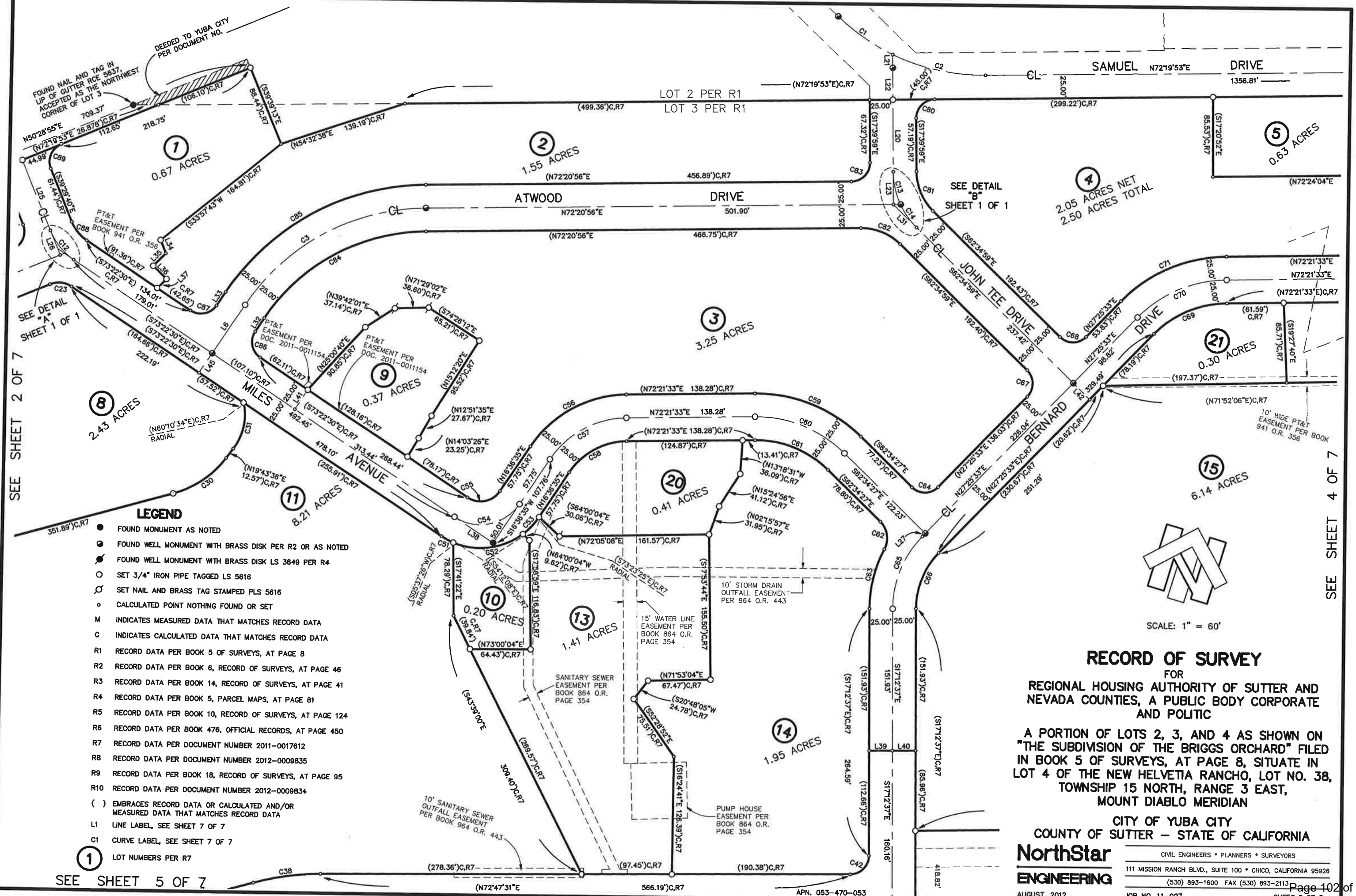
CITY OF YUBA CITY
COUNTY OF SUTTER - STATE OF CALIFORNIA

NorthStar
ENGINEERING

CIVIL ENGINEERS • PLANNERS • SURVEYORS

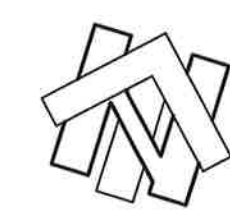
111 MISSION RANCH BLVD., SUITE 100 • CHICO, CALIFORNIA 95926

(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

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ENGINEERING

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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

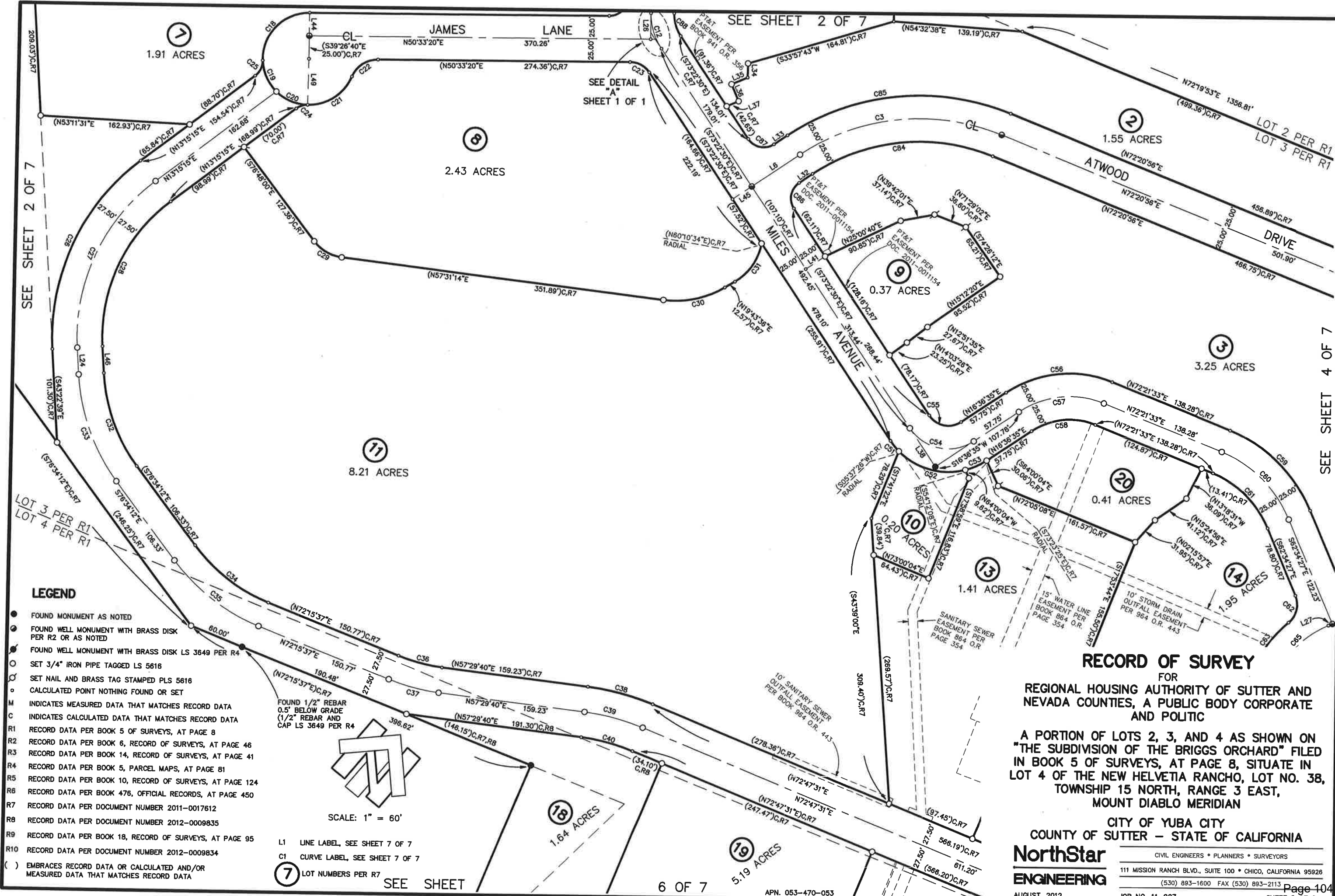
SEE SHEET 5 OF 7

SEE SHEET 4 OF 7

SEE SHEET 2 OF 7

SEE SHEET 2 OF 7

SEE SHEET 4 OF 7

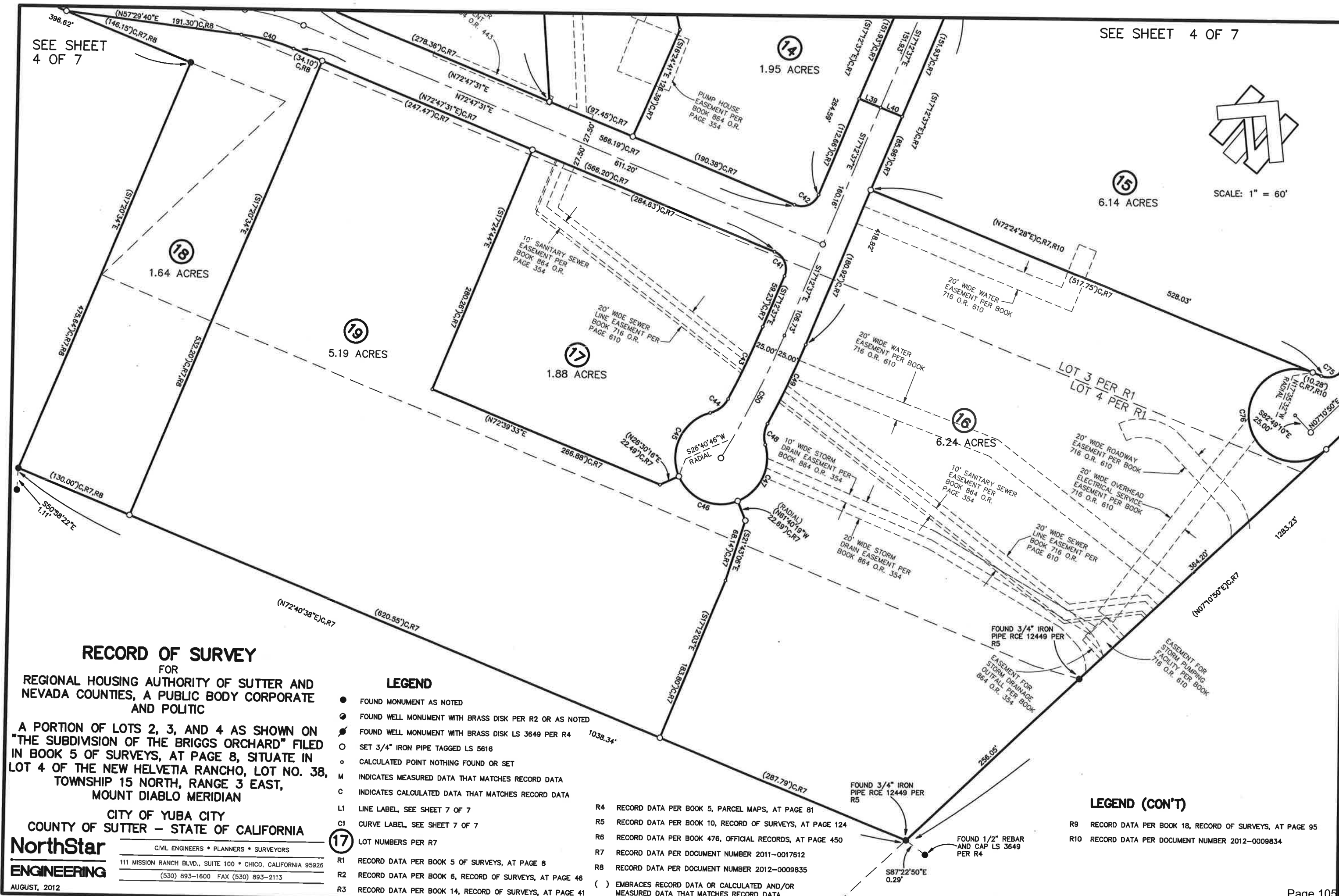


SEE SHEET
4 OF 7

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

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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
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- () 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

APN. 053-470-053

JOB NO. 11-027

Page 105 of 359
SHEET 6 OF 8

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

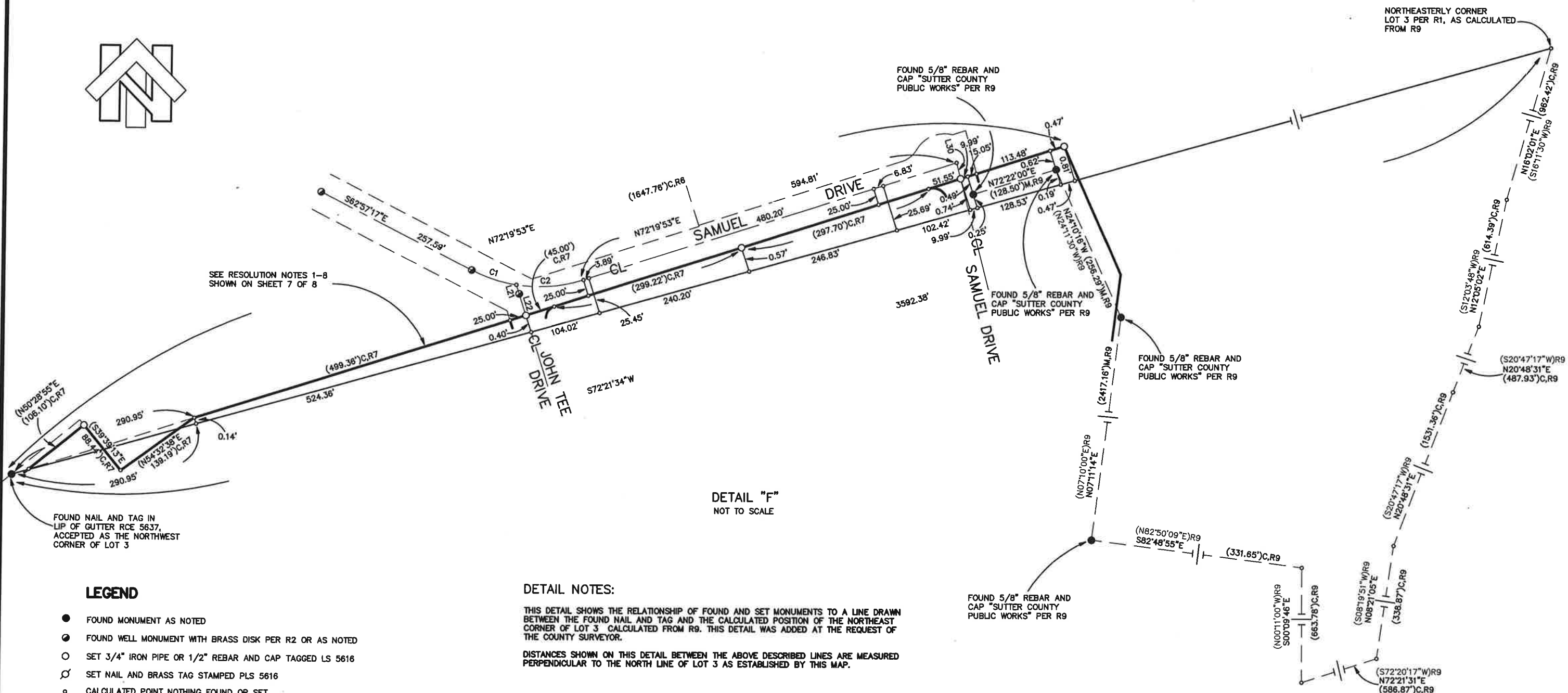
FOR
REGIONAL HOUSING AUTHORITY OF SUTTER AND
NEVADA COUNTIES, A PUBLIC BODY CORPORATE
AND POLITIC

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

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(530) 893-1600 FAX (530) 893-2113
SHEET 7 OF 8



- FOUND MONUMENT AS NOTED
- FOUND WELL MONUMENT WITH BRASS DISK PER R2 OR AS NOTED
- SET 3/4" IRON PIPE OR 1/2" REBAR AND CAP 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

THIS DETAIL SHOWS THE RELATIONSHIP OF FOUND AND SET MONUMENTS TO A LINE DRAWN BETWEEN THE FOUND NAIL AND TAG AND THE CALCULATED POSITION OF THE NORTHEAST CORNER OF LOT 3 CALCULATED FROM R9. THIS DETAIL WAS ADDED AT THE REQUEST OF THE COUNTY SURVEYOR.

DISTANCES SHOWN ON THIS DETAIL BETWEEN THE ABOVE DESCRIBED LINES ARE MEASURED PERPENDICULAR TO THE NORTH LINE OF LOT 3 AS ESTABLISHED BY THIS MAP.

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JOB NO. 11-027

Page 10
SHEET 8 OF 8

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

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CITY OF YUBA CITY

Development Services Department
Planning Division

1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts 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

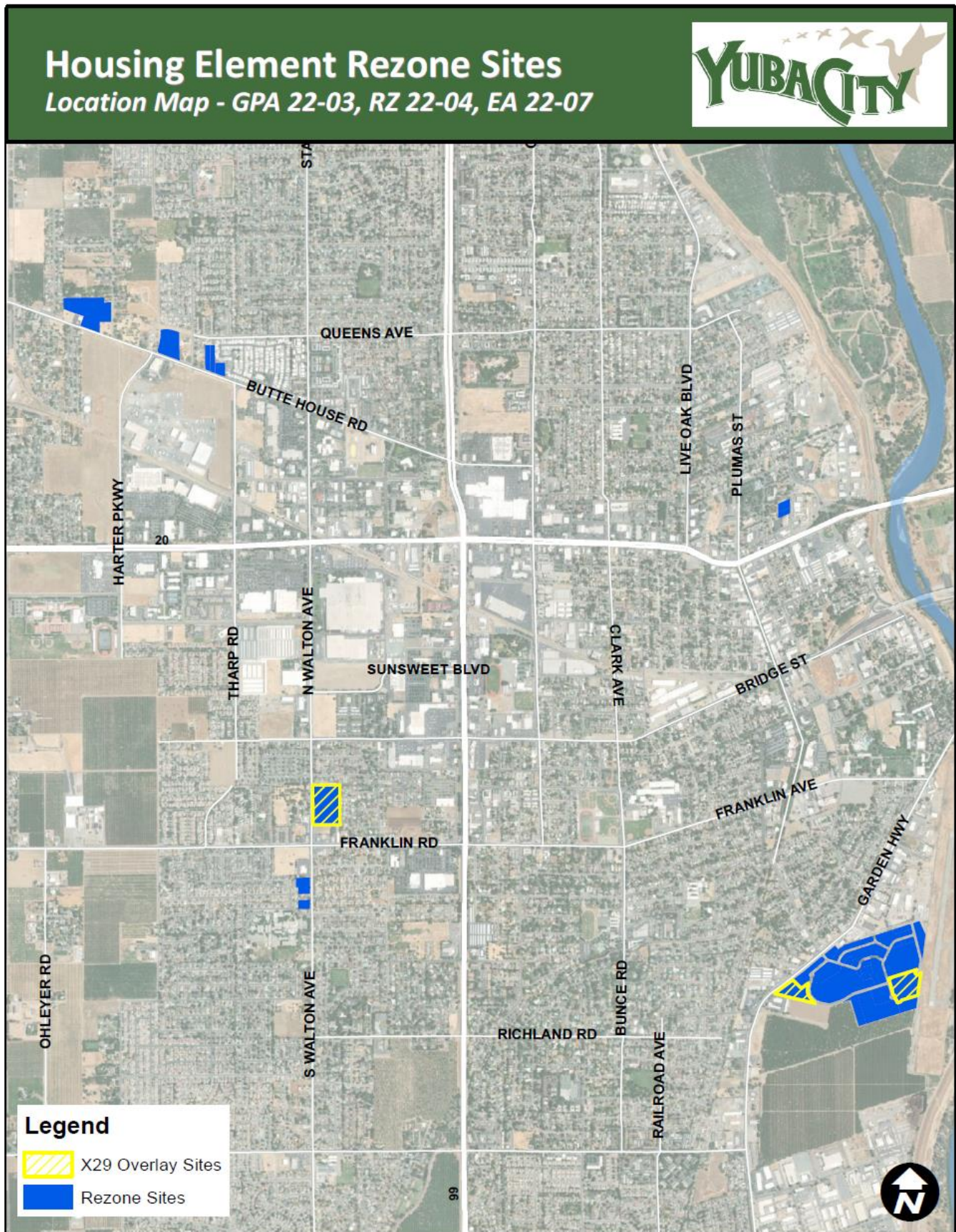


Table 2: Project Site List

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

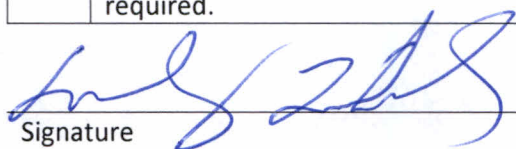
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

	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 (16 U.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.

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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 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Sewer System Management Plan Update Adoption
Recommendation: Adopt a Resolution adopting the City of Yuba City Sewer System Management Plan Update subject to minor editorial modifications
Fiscal Impact: Staff time associated with implementing new state requirements reflected in the Sewer System Management Plan Update. Compliance with state regulations preserves the City's eligibility for various funding opportunities and minimizes potential fines

Purpose:

To comply with new Waste Discharge Requirements for sanitary sewer systems adopted by the State Water Resources Control Board.

Council's Strategic Goal:

This item addresses Council's Strategic Goal of *Infrastructure* by adopting a Sewer System Management Plan Update in compliance with state requirements.

Background:

The Sewer System Management Plan Update (SSMP) documents the City's program to properly operate and maintain its sanitary sewer system.

In 2006, the State issued the first order requiring systems to develop SSMPs and systematically report sewage spills to the state.

Since 2008, the City has dramatically reduced the number and volume of sewage spills to the environment. This is a result of the City's investment in rehabilitating and improving sewer infrastructure, acquisition of equipment and technology, and continual improvement in operational practices over time.

The State Water Resources Control Board issued an updated Sanitary Sewer Systems General Order in December 2022.

Analysis:

The reissued Order increases the focus on system resilience to minimize the number and volume of sewage spills contaminating the environment. The regulations require local agencies to maintain resilience through condition assessments, identification of operational changes, prioritization of capital improvements, and addressing high-priority rehabilitation and repairs.

The new regulation also requires systems to submit certified audit reports on their program compliance to the State every two years.

Staff worked with the consulting firm Holmes International to develop the SSMP. The plan must be updated every five (5) years.

Fiscal Impact:

Staff time associated with implementing new state requirements reflected in the Sewer System Management Plan Update. New regulations focus on increasing system resilience through prioritization of capital improvements and schedules to address high-priority rehabilitation and repairs. Compliance with state regulations preserves the City's eligibility for various funding opportunities and minimizes potential fines.

Alternatives:

Provide staff direction regarding changes to the plan. Each Governing Board is required to approve a plan to meet the WDR requirements, therefore, there is no alternative without accepting regulatory noncompliance and associated fines.

Recommendation:

Adopt a Resolution adopting the City of Yuba City Sewer System Management Plan Update subject to minor editorial modifications.

Attachments:

1. Resolution - Sewer System Management Plan Update
2. Exhibit A - Sewer System Management Plan Update

Prepared By:
Katherine Willis
Environmental Compliance Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ____
**A RESOLUTION OF THE CITY COUNCIL OF YUBA CITY ADOPTING THE SEWER
SYSTEM MANAGEMENT PLAN UPDATE SUBJECT TO MINOR EDITORIAL
MODIFICATIONS**

WHEREAS, the City Council of Yuba City recognizes the value of managing its wastewater collection system in a manner protective of the health of the community; and

WHEREAS, the City of Yuba City is committed to ensuring the long-term sustainability of the sewer infrastructure; and

WHEREAS, the City of Yuba City has the authority to construct, operate, and maintain the wastewater collection system and is responsible for providing reliable wastewater conveyance to the community; and

WHEREAS, the State Water Resources Control Board has adopted Order No. 2022-0103-DWQ, Statewide Waste Discharge Requirements, General Order for Sanitary Sewer Systems; and

WHEREAS, an adopted Sewer System Management Plan Update is required to maintain compliance with the State Water Resources Control Board order effective June 5, 2023.

NOW THEREFORE, be it resolved and ordered by the City Council of the City of Yuba City that the City Council adopts the City of Yuba City Sewer System Management Plan Update subject to minor editorial modifications.

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 16th 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

Attachment(s):

- A. Exhibit A – Sewer System Management Plan Update

EXHIBIT A



City of Yuba City

Sewer System Management Plan Update
May 2023

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Introduction

The City of Yuba City, incorporated on January 23, 1908, is a full-service General Law City located in the northern part of the Sacramento Valley. Yuba City operates under the Council-Manager form of government, with each of the five Council members elected by district and serving four-year, staggered terms. From among its members, every year the Council selects the City's Mayor and Vice Mayor. The City Council appoints a full-time City Manager whose job is to carry out the Council's policy directives and coordinate, control and direct City operations, functions, and projects.

In making its policy determinations, the Council works with advisory committees made up of citizens appointed by the Council and receives other citizen input from the public at its regular and special meetings. The Council's business meetings are scheduled for the first and third Tuesday of each month in the Council Chambers at the City Hall. Other special or study session meetings are scheduled as needed and are open to the public.

Service Area and Relevant Statistics

Figure 4-1 illustrates the boundary of Yuba City's service area. Statistics provided in this SSMP as of 2020 and are subject to change over time. Statistics subject to change will be updated periodically as needed in the appendices.

The City's service area is approximately 15 square miles. The City's wastewater collection system serves a population of approximately 57,100. The wastewater is conveyed to the City's Wastewater Treatment Facility for treatment and disposal.

Wastewater Collection System

The public wastewater collection system consists of approximately 173 miles of gravity pipeline ranging from 4-inches to 54-inches in diameter and 17 lift stations to lift the wastewater from deep sewers to shallower sewers. Most of the wastewater collection system is constructed of smaller pipelines to collect the wastewater from the homes and businesses. These pipelines discharge to larger pipelines that convey the wastewater to the Wastewater Treatment Facility.

Section 1 Goals

This section identifies the goals for the management, operation and maintenance of the sewer system and discusses the role of the Sanitary Sewer Management Plan (SSMP) in supporting these goals. These goals provide focus for City staff to continue high-quality work and to implement improvements in the management of the City's sanitary sewer system (Collection System).

1.0 Regulatory Requirements

The goal of the SSMP, as defined by the State, is to provide a plan and schedule to:

- 1) Properly manage, operate, and maintain all parts of the sanitary sewer system
- 2) Reduce and prevent spills
- 3) Contain and mitigate spills that do occur

1.1 Yuba City Goals

The Public Works Department has established eight goals to guide the development, implementation and success of Yuba City's SSMP. These goals are designed to facilitate the management, operation and maintenance of the sanitary sewer collection system. The goals are also developed to achieve compliance with the State Water Resources Control Board's General Waste Discharge Requirement for Sanitary Sewer Systems. These goals are:

- 1) To create and update a Sanitary Sewer Management Plan (SSMP).
- 2) To properly manage, operate, and maintain all portions of the City's wastewater collection system.
- 3) To provide adequate capacity to convey peak wastewater flows.
- 4) To minimize the frequency and volume of SSOs.
- 5) To contain SSOs to the extent feasible.
- 6) To minimize public contact with SSOs.
- 7) To mitigate the impacts that are associated with all SSOs that may occur.
- 8) To comply with all applicable regulatory notification and reporting requirements.

1.2 Sewer System Management Plan Update Schedule

The SWRCB has designated the following schedule for updating the SSMP and conducting audits for the City of Yuba City and its satellite system, Stonegate Village:

System Name	WDID Number	Required Plan Update Due	End of Required Audit Period	Audit Due Date
Yuba City CS	5SSO11100	8/2/2025	8/2/2024	2/2/2025
Stonegate Village CS	5SSO11060	8/2/2025	8/2/2024	2/2/2025

City staff will conduct an annual review of sewer system performance for each calendar year in February of the following year. This will include setting milestones for incorporation of activities addressing prevention of sewer spills.

Section 2 Organizational Structure

This section identifies city staff who are responsible for implementing the SSMP, responding to SSOs, and meeting the SSO reporting requirements. This section also includes the designation of the Legally Responsible Official who has the authority to ensure the sanitary sewer system complies with the December 2022 General Order for Sanitary Sewer Systems, and the authorized Data Submitters for reporting of spill data to meet the SWRCB requirements for completing and certifying spill reports.

2.0 Regulatory Requirements

The SSMP must identify:

- a. The name of the agency's responsible or authorized representative.*
- b. The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with narrative explanation.*
- c. The chain of communication for reporting SSOs from receipt of a complaint or other information, including the person responsible for reporting SSOs to the State Water Resources Control Board and Regional Water Quality Control Board and other agencies if applicable, such as the County Health Officer, County Environmental Health Agency, and California Office of Emergency Services (Cal OES).*

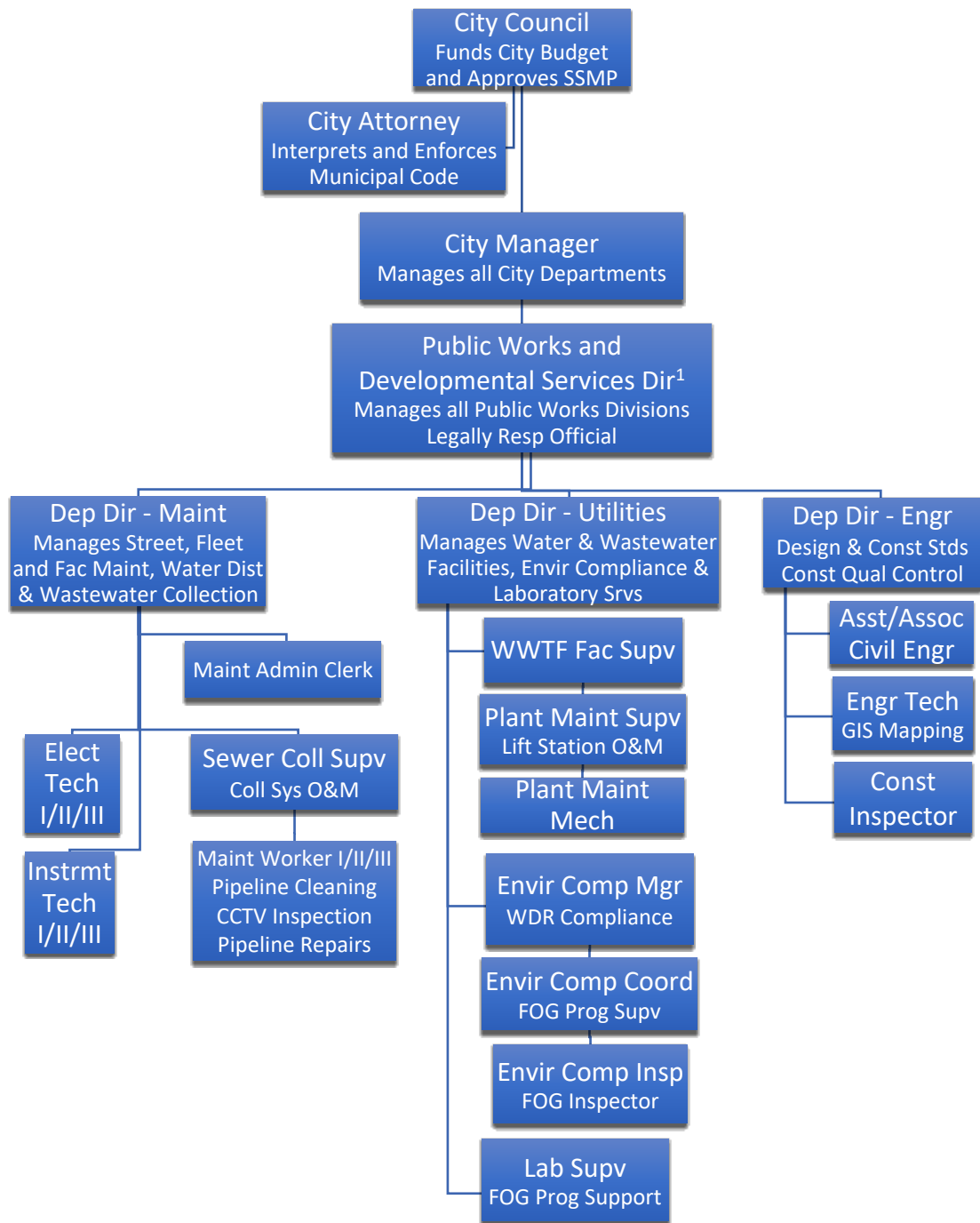
2.1 Yuba City's Legally Responsible Official

The City's Legally Responsible Official (LRO) is the Public Works and Development Services Director. The name of this responsible official is included in Appendix A.

2.2 SSMP Implementation Organization Chart

This section discusses the organizational staffing responsible and integral for implementing the SSMP. The organization chart for the management, administration, operations, and maintenance of the City's sanitary sewer collection system identifying lines of authority is presented in Figure 2-1.

**Figure 2-1
SSMP Organizational Chart**



Notes:

- ^{1.} Only City Divisions and Departments responsible for portions of the Sewer System Management Plan are shown. Not all responsibilities listed for various positions shown.

2.1 Organizational Lines of Authority

City Council: Funds City Budget and approves SSMP and major changes.

City Attorney: Interprets and enforces Municipal Code.

City Manager: Manages all city departments.

Public Works and Development Services Director: Legally Responsible Official for ensuring the City complies with the 2023 Sewer System Management Plan. Directs, plans, organizes, and supervises the public works activities of the City. Advises the City Manager and City Council on engineering and public works matters including those involving collection system improvements, maintenance, and operation. Prepares and controls department budget.

Deputy Public Works Director – Maintenance: Plans, organizes, and supervises the maintenance, operations, and repair of public works infrastructure, including sanitary sewer/collection system. Controls budget expenditures within the Sewer Collections Division.

Deputy Public Works Director – Utilities: Plans, organizes, and supervises the maintenance, operations and repair of Water and Wastewater Treatment Facilities. Controls budget expenditures within the Utilities division.

Maintenance Administrative Clerk: Assists with data entry and report development using the City's maintenance management system. Keeps track of training requirements and employee training histories.

Sewer Collections Supervisor: Recommends and assists in the implementation of goals and objectives. Oversees daily activities of sewer collections crews. Prepares various reports on operations and activities, including reporting sanitary sewer overflows and other regulated issues. Recommends improvements and modifications. Supervises work in areas such as installation, repair, and cleaning of the wastewater collection system. Trains crew members in specific tasks, as needed, including collection system preventive maintenance and SSO response. Ensures the collection system is being maintained in accordance with the City's SSMP.

Public Works Maintenance Worker I/II/III: Cleans sewer pipelines, conducts preventative maintenance, and repairs collection system sewer mains. Conduct Closed Circuit Television (CCTV) inspections. Enter data regarding work completed into the City's maintenance management

system.

Electrical and Instrumentation Technicians, Maintenance Mechanics and Workers: Maintain the lift stations. Respond to lift station failures and lift station SSOs.

Wastewater Treatment Facility Supervisor: Manages wastewater treatment facility operations under the direction of the Deputy Public Works Director – Utilities. Coordinates with the other team members for the planning, design and construction of facilities identified by the 2020 Wastewater Treatment Facility and Collections System Master Plan (Wastewater Master Plan). Controls budget expenditures within the maintenance and operations of the wastewater treatment facility and sanitary sewer lift stations.

Wastewater Treatment Facility Plant Maintenance Supervisor: Manages day to day operation of the plant maintenance mechanics. Schedules work assignments associated with lift station maintenance and repairs. Estimates needed equipment and equipment maintenance.

WWTF Plant Maintenance Mechanics: Repair and replace lift station pumps and valves. Conduct preventative maintenance at lift stations. Respond to lift station emergency calls.

Environmental Compliance Manager: Monitors legislative process and regulatory rulemaking to prepare for future regulatory compliance and reporting requirements. Assists in the development of procedures, documents, and practices to facilitate regulatory compliance. Develops recommendations for capital expenditures and long-term planning to improve the resiliency of the City's operations and maintenance of the collections system. Supervises the Wastewater Pretreatment and the Fats, Oils, and Grease (FOG) programs.

Environmental Compliance Coordinator: Responsible for the Pretreatment and FOG Control Program.

Environmental Compliance Inspector: Responsible for inspecting Food Service Establishments and other facilities with grease interceptors. Works with business owners and operators to ensure compliance with City regulations regarding FOG handling.

Wastewater Treatment Facility Operators: Monitor daily operation of lift stations using SCADA. Respond to lift station alarms, SmartCover alarms, and other lift station operational issues.

Lab Supervisor: Manages Laboratory and laboratory staff.

Deputy Public Works Director - Engineering: Works under the policy guidance and direction of the Public Works Director. Assists the Public Works Director in development of department plans and programs, including the Capital Improvement Program. Maintains and updates the Design and Construction Standards. Develops and implements the Capital Improvement Program Updates of the Wastewater Master Plan.

Senior/Associate/Assistant Civil Engineer: Acts as project engineer/manager on wastewater infrastructure projects. Prepares and/or coordinates with engineering consultants to prepare plans, specifications, and preliminary cost estimates. Coordinates with other sanitary sewer management team members on wastewater infrastructure issues. Confers with contractors, consultants on engineering and construction matters. Prepares reports on wastewater infrastructure projects.

Engineering Technician GIS: Produces maps with sewer lines, manhole locations, and pumping facilities as needed by the collections management and crews.

Construction Inspector: Reviews plans and specifications for proposed construction projects. Inspects sewer line installations along with associated facilities to ensure construction is in conformance with approved plans and specifications.

Wastewater Treatment Facility Chief Operator: Oversees the Wastewater Treatment Facility (WWTF) operational staff. Ensures plant operators effectively monitor lift station operations and respond as needed to Lift Station and SmartCover alarms.

Wastewater Treatment Facility Operators: Responsible for daily monitoring of lift stations using SCADA. Respond to lift station alarms, SmartCover alarms, and other lift station operational issues. Conduct weekly lift station inspections.

Authorized Representatives

Data Submitter: The Sewer Collections Supervisor is authorized to certify electronic spill reports reported to the SWRCB through the California Integrated Water Quality System.

Data Submitter: The Environmental Compliance Manager is also a

authorized to certify electronic spill reports submitted to the SWRCB.

Responsibility for SSMP Implementation

Legally Responsible Official: The Public Works and Development Services Director is LRO regarding implementation and maintaining all elements of this SSMP.

2.3 SSO Reporting Chain of Communication

The Sewer Collections Supervisor and the Deputy Public Works Director-Maintenance are the lead response coordinators in the event of an SSO.

Table 2-1 lists contact phone numbers for the parties included in the chain of communication.

Figure 2-2 shows a flowchart depicting the chain of communication for responding to and reporting SSOs, from observation of an SSO to reporting the SSO to the appropriate regulatory agencies.

Table 2-1: Contact Numbers for SSO Chain of Communication

Contact	Telephone Number
Public Works Department	(530) 822-4626
Police Department Dispatch Center	(530) 822-4660
Sewer Collections Supervisor	(530) 822-4834
Deputy Public Works Director – Maintenance	(530) 822-3241
Wastewater Treatment Facility Supervisor	(530) 822-3264 x 3302
Wastewater Treatment Facility Operations Center	(530) 822-3264 x 3306
Wastewater Treatment Facility Ops 1 (24-hr mobile)	(530) 713-8732

```

graph TD
    Public[Public] -.->|After hours  
Evenings / Weekends / Holidays| PD[Police Department  
Dispatch Center]
    Public --> PWD[Public Works Dept]
    PWD --> SCCS[Sewer Collections Supervisor]
    OWWTP[Operations Center  
Wastewater Treatment Plant] <-->|SCADA  
Monitoring &  
Control| SSL[Sanitary Sewer  
Lift Stations]
    OWWTP --> SCCS
    PD --> OCPWS[On Call Public  
Works Sewer Staff]
    OCPWS --> SCCS
    OCPWS -->|If hazardous  
substances  
are involved| FD[Fire Department]
    FD -.->|If Sewer Collections  
Supervisor cannot be  
reached| DPM[Deputy Public Works  
Director - Maintenance]
    SCCS --> APRN[Assess Problem &  
Reporting Needs]
    DPM -.-> APRN
    APRN --> Spill{Spill}
    Spill -- No --> SB[Sewer Blockage]
    Spill -- Yes --> MS[Mainline Sewer]
    SB -- No --> DR1[Document Response]
    SB -- Yes --> MS2[Mainline Sewer]
    MS2 -- No --> CPO1[Contact Property Owner]
    MS2 -- Yes --> CFC1[Call Field Crew]
    CFC1 --> FP1[Fix Problem]
    FP1 --> DR2[Document Response]
    MS --> CFC2[Call Field Crew]
    CFC2 --> CSP[Contain Spill, Fix  
Problem, Clean-up]
    CPO1 --> CSP
    CSP --> ASDC[Assess Spill &  
Document Clean-up]
    ASDC --> RS[Report Spill]
    SB -.->|See 2  
Hour  
Rule| RS
    RS --> SSON[SSO Notification and Reporting to  
Appropriate Agencies]
    SSON --> RWQCB[RWQCB]
    SSON --> CalEMA[Cal EMA]
    SSON --> CHD[County Health  
Department]
    SSON --> SWRCB[SWRCB  
CIWQS]
    OCPWS --> DPM2[Deputy Public Works  
Director - Maintenance]
    DPM2 --> PWD2[Public Works Director]
  
```

Section 3 Legal Authority

3.0 Regulatory Requirements

Each enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- (a) Prevent illicit discharges into its sanitary sewer system (examples may include inflow and infiltration, stormwater, chemical dumping, unauthorized debris and cut roots, etc.)*
- (b) Require that sewers and connections be properly designed and constructed*
- (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency*
- (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and*
- (e) Enforce any violation of its sewer ordinances*

3.1 Methods to Prevent Illicit Discharges

City Sewer Ordinance – The City of Yuba City’s Sewer Ordinance prohibits illicit discharges into the sanitary sewer system.

Supporting Documents

- Chapter 5 (Wastewater Collection and Treatment) of Title 6 of the Yuba City Municipal Code

3.2 Methods to Ensure Proper Design and Construction Services

QA/QC Process for Design and Construction

The City of Yuba City ensures that sewers and connections are properly designed and constructed by using various quality control mechanisms as described in Table 1 below.

Table 1: QA/QC Process for Design and Construction

Component	QA/QC of Design Process	QA/QC of Construction Process
Sewer Pipes And Service Connections	- Use of City Standard Specifications and Details - Project design reviewed by Licensed Professional Engineer of the appropriate branch of Engineering and approved by Public Works Director (or authorized representative)	- Use of City of Yuba City Standard Specifications - Inspection by the City's Construction Inspectors - Special Construction inspection by consultant hired by the Public Works Department.
Sewer Laterals	The City does not own or maintain laterals. However, the City inspects sewer lateral installation during construction.	

Supporting Documents

- City of Yuba City Standard Specifications
- City of Yuba City Standard Details
- City of Yuba City Sewer Ordinance
- Chapter 5 (Wastewater Collection and Treatment) of Title 6 of the Yuba City Municipal Code

3.3 Access Maintenance, Inspection, and Repairs

The City of Yuba City does not own or maintain laterals and therefore, this requirement is not applicable.

3.4 Methods to Limit the Discharge of FOG and other Debris into the Sewer System

The City of Yuba City's Sewer Ordinance regulates and limits the discharge of FOG and other debris into the sewer system.

Supporting Documents

- Chapter 5 (Wastewater Collection and Treatment) of Title 6 of the Yuba City Municipal Code

Section 4 Operations and Maintenance Program

4.0 Regulatory Requirements

The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:

(a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities.

(b) Describe routine preventive operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewer system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance (PM) program should have a system to document scheduled and conducted activities, such as work orders.

(c) Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the capital improvement plan.

(d) Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be appropriately trained; and

(e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

4.1 Overview

The City of Yuba City (City) sanitary sewer collection system consists of approximately 173 miles of gravity sewer lines ranging from 4 inches to 54 inches in diameter, approximately 3.3 miles of force-main ranging from 4 inches to 20 inches in diameter and 17 pumping stations or lift stations.

Information about the collection system, the distribution of the gravity pipelines sizes, material of construction, and age as presented by the decade(s) that the pipelines were installed is presented in Tables 4.1, 4.2, and 4.3 below.

The distribution of the various sizes of the gravity pipelines are summarized in Table 4-1. What's notable is that approximately 70 percent of the collection system gravity mains are 6-inch and 8-inch diameter lines. This has a direct impact on the sewer pipeline maintenance activities and the equipment needed to maintain the collection system.

Table 4-1 - Gravity Mains by Diameter¹			
Diameter, inches	Length, feet	Length, miles	Percent of System, %
4	1,960	0.37	0.21
6	249,899	47.33	27.40
8	405,352	76.77	44.44
10	57,922	10.97	6.35
12	80,881	15.32	8.87
14	5,223	0.99	0.57
15	20,611	3.90	2.26
16	3,041	0.58	0.33
18	34,634	6.56	3.80
20	295	0.06	0.03
21	5,749	1.09	0.63
24	13,562	2.57	1.49
27	8,925	1.69	0.98
30	1,892	0.36	0.21
33	7,525	1.43	0.82
36	11,613	2.20	1.27
42	3,089	0.59	0.34
Total	912,174	172.76	100
(a) All existing GIS information is subject to confirmation, per City staff.			

The pipe materials used to construct the gravity sanitary sewer pipelines are summarized in Table 4-2. The gravity mains in the collection system are composed of ten different materials. Again, what's notable is that approximately 83 percent of the system by length is composed of vitrified clay pipe (VCP) and approximately 10 percent is asbestos cement (AC) pipe.

¹ From City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020

Table 4-2. Gravity Mains by Material²

Pipe Material	Length, feet	Length, miles	Percent of System
Asbestos Cement (AC)	92,150	17.45	10.10
Cast Iron Pipe (CI)	1,464	0.28	0.16
Concrete (CONC)	38,998	7.39	4.28
Ductile Iron Pipe (DIP)	12,444	2.36	1.36
High-Density Polyethylene (HDPE)	291	0.06	0.03
Heavy-Walled Centrifugal Pipe (HWCP)	1,192	0.23	0.13
Polyvinyl Chloride (PVC)	377	0.07	0.04
Reinforced Concrete Pipe (RCP)	1,354	0.26	0.15
Reinforced Plastic Mortar (RPM)	9,454	1.79	1.04
Vitrified Clay Pipe (VCP)	754,449	142.89	82.71
Total	912,174	172.76	100

(a) All existing GIS information is subject to confirmation, per City staff.

The relative ages of the gravity mains can be inferred from the decade(s) in which they were installed. For example, if we assume that the middle of decade is at the 5 year mark for each decade, then the mid-point of 1990s decade would be 1995. This data is summarized in Table 4.3.

Table 4.3 – Approximate Age of Gravity Mains³

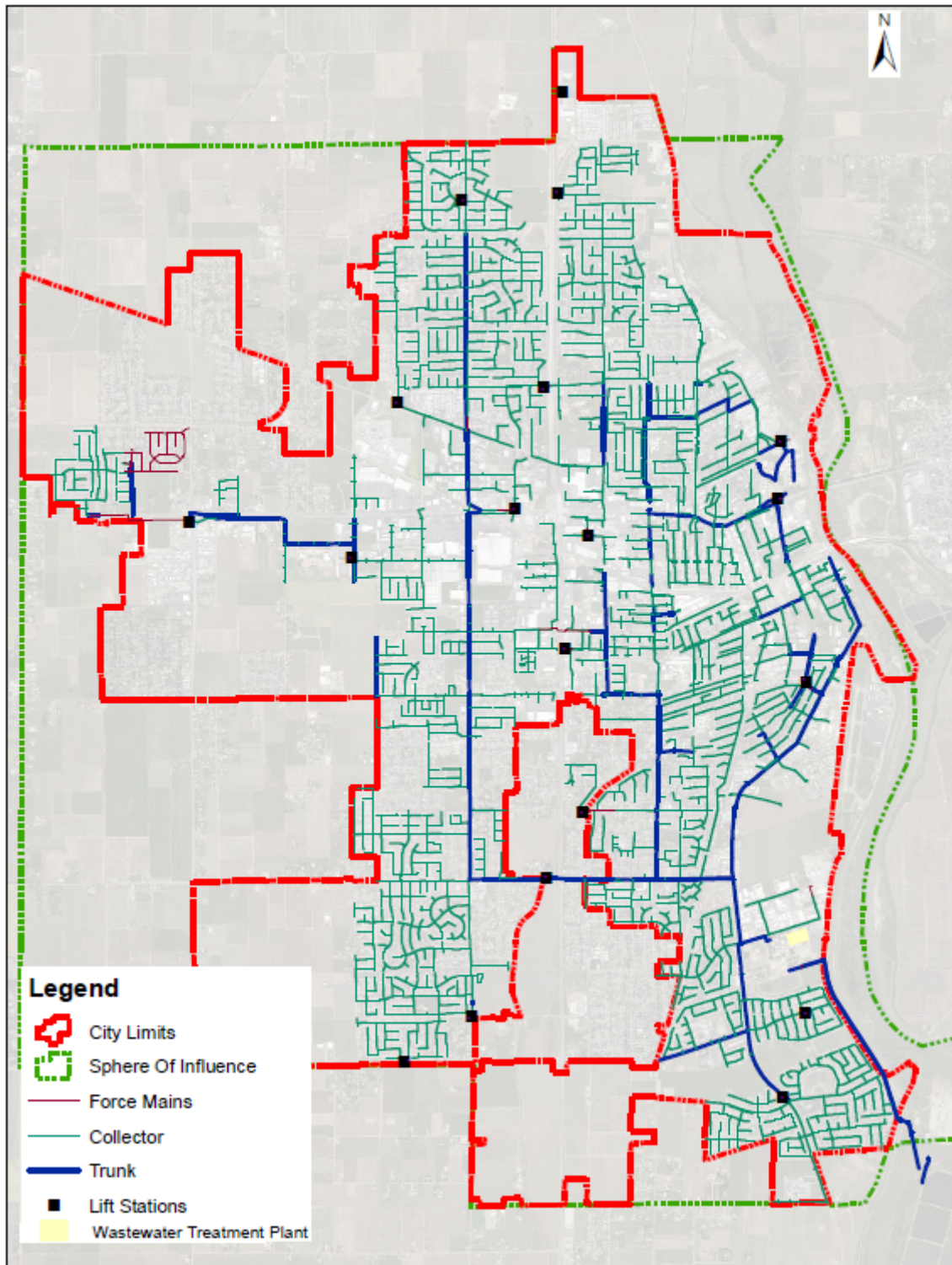
Installation Decade	Approx Age, Yrs	Length, feet	Length, miles	Percent of System
Pre-1950s	80+	51,371	9.73	5.63
1950s	70	20,812	3.94	2.28
1960s	60	14,445	2.74	1.58
1970s	50	71,294	13.50	7.82
1980s	40	142,410	26.97	15.61
1990s	30	216,549	41.01	23.74
2000s and later	20 or Less	208,202	39.43	22.82
Unknown	Unknown	187,089	35.43	20.51
Total	-	912,174	172.76	100

Figure 4.1 shows the existing collection system service area, existing City limits, the Sphere of Influence, the gravity sewer system, the locations of the lift stations, and the force mains.

² From City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020

³ From City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020, Modified to add Approx age column

Figure 4.1 – Existing Wastewater Collection System and Lift Stations



4.2 Updated Maps

The City uses a Geographic Information System (GIS) and associated databases that show locations and list attributes of gravity pipelines, maintenance structures (manholes), pressure lines and valves, pumping facilities, and applicable stormwater conveyance systems.

The mapping system includes a sanitary sewer collection system grid map for preventative maintenance activities. There are a total of 144 grids covering the entire sewer collection system.

Gilsizer Slough and Live Oak Canal, which are located close to major collection trunk lines, are also shown on the GIS maps.

The mapping system allows city staff to locate the collection system components and relevant features electronically (e.g., city streets, highways, critical structures, local waterways, city limits, addresses, and property tax roll data).

The city's Information Technology department maintains the city GIS system including sanitary sewer collection system maps. As-built elements of the collection system are periodically added to the GIS system.

The GIS maps are available to the sewer maintenance field staff at the Corp Yard electronically. The GIS data and maps are also accessible on the computers used on the high-pressure hydraulic jet cleaning and combination vacuum trucks and the CCTV truck.

The maps serve as an aid to engineers in planning improvements and for the maintenance crews in locating various items in the field.

4.3 Routine Preventive Operation and Maintenance Activities

The routine preventive operation and maintenance (O&M) activities are performed by a sewer maintenance staff consisting of 5 journey level (greater than 2 years of experience) people and one entry level person under the direction of the Wastewater Collections Supervisor. The major equipment for routine preventive O&M activities includes:

- 2 Combination Jet-Vacuum Trucks
- Easement Jetter
- 1 CCTV Truck
- Mini-Excavator,
- Dump Trailer

Regular Maintenance and Cleaning.

Pipeline cleaning of the sanitary sewer system is routinely accomplished on a grid basis. A grid is selected and cleaned by one of the sewer maintenance crews with the city-owned combination jet cleaning and vacuum truck. The work is scheduled and documented through IWorQ computer maintenance management system (CMMS) sewer software.

The cleaning is performed from top to bottom of a grid, moving downstream from the upper reaches of the grid down to the collector sewers and trunk pipelines in a top-to-bottom approach. Once a crew is assigned a grid, they continue working in the assigned grid until all the pipelines are cleaned.

Progress slows down when the crews get into the older areas of the community which require much more work. Progress was also less during 2020 due to COVID-19 staff reductions and the needed on-the-job training for the new employees. The goal is to clean the whole collection system once every 3 years.

Computer based software (GraniteNet/GNET) is used by the crews through laptop computers used by combination cleaning truck and through the onboard computer in the CCTV inspection truck. The videos from the CCTV truck computer are stored on a dedicated computer drive for record-keeping purposes and for evaluations of rehabilitation work.

The collections crew have been averaging about 3,000 linear feet per day (LF/day) for the past several years. Production was off during the 2020 COVID-19 pandemic due to the crews working a schedule of one week on / one week off to maintain service during the pandemic.

All crew members are National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP) trained and certified operators.

The CCTV work follows behind the cleaning trucks, inspecting the pipelines that have been recently cleaned. Thus, all the pipeline cleaning work is inspected. Through this approach, if the CCTV crew encounters a pipeline where additional cleaning is needed, the CCTV crew calls the cleaning crew and has them complete the pipeline cleaning before they move on.

The pipeline cleaning, inspection, and maintenance crews also serve as a first responders to collection system blockages and/or SSO's.

High-Frequency Cleaning

In addition to the routine PM activities, higher frequency cleaning and inspection is scheduled for pre-selected pipelines where history has shown that grease or debris will cause sewer backups or SSOs unless these pipelines are cleaned at a higher frequency. A list of these pipelines is shown in Table 4.1. These pipelines are scheduled to be cleaned once every two months. They are also scheduled to be inspected once every year.

**Table 4.1
High-Frequency Cleaning Pipelines**

Num	Suff	Pipe ID	Location	Address	Reason on List
1		E9161	Anneka Ln@ Walton Ave	1590 Anneka Ln	Apartments
2		C12167	Rickey Dr @ Railroad	1160 Rickey Dr	Residential
3		D4100	Forestwood Dr @ E Onstott Rd	1299 Forestwood Dr	Apartments
4		D5122	Peachtree Ln @ W Onstott Rd	1331 Peachtree Ln	Residential
5		C9153	University Ave @ B St	807 B St	
6		C9137	Park Ave @ B St	505 Park Ave	
7		E11120	Richland Dr @ Walton Ave	633 Walton Ave	Residential
8	A	D7116	Rocca Way into Foodmaxx Parking Lot	1272 Colusa Ave #J	FSE
8	B	D7100	Rocca Way into Foodmaxx Parking Lot	940 Colusa Ave	FSE
9	A	C7124	The Mall (Front & Back)	1215 Colusa Ave	FSE
9	B	D7138	The Mall (Front & Back)	1215 Colusa Ave	FSE
9	C	D7139	The Mall (Front & Back)	1215 Colusa Ave	FSE
9	D	D7140	The Mall (Front & Back)	1215 Colusa Ave	FSE
9	E	D6121	The Mall (Front & Back)	1215 Colusa Ave	FSE
9	F	D6123	The Mall (Front & Back)	1215 Colusa Ave	FSE
10	A	C4123	Gray Ave From Casita Dr to Melton Dr	1630 Gray Ave	Residential & FSE
10	B	C4137	Gray Ave From Casita Dr to Melton Dr	1630 Gray Ave	Residential & FSE
11		C4174	Gray Ave From Kenny Dr to Casita Dr	1579 Gray Ave	Residential & FSE
12		A8111	B St @ Boyd St	311 B St	
13	A	C5234	Gray Ave - Washington Ave to Charlotte Ave	1339 Gray Ave	FSE
13	B	C6156	Gray Ave - Washington Ave to Charlotte Ave	1339 Gray Ave	FSE
14	A	E4129	Stabler Dr, Nadean Dr to Coats Dr	1591 Nadean Dr	St Dr Crowns
14	B	E4194	Stabler Dr, Nadean Dr to Coats Dr	1591 Nadean Dr	St Dr Crowns
15		B9208	Rowe Ave @ Percy Ave	301 Percy Ave	Apartments
16		C10106	Park Ave @ Orchard St	143 Orchard St	Pipe Conn
17		D8127	Joy @ Bridge St	1483 Bridge St	Apartments
18		B6160	Plumas St, Bird St to 1200 Palms Apts	1105 Plumas St	Apartments
19		B6159	Ainsley Ave to Bird St	401 Aimsley Ave	Flat slope

Legend

FSE

Food service establishments

St Dr Crowns

Storm drain crowns

Pipe Conn

Poor alignment of connecting pipe in manhole

The majority of the problems with these pipelines are believed to be related to sags or “flat bellies” that can be scheduled for repair or replacement in the relatively near term.

4.4 Closed-Circuit Television Inspection

The Sewer Collections team's goal is to conduct CCTV inspections of the entire system over a five-year period.

The City conducts its CCTV inspections using a truck outfitted with GraniteNet/GNET software purchased for collecting data with the. The system is NASSCO Pipeline Assessment Certification Program compliant. A pipe condition rating system is included with GraniteNet/GNET. The Engineering Division has a version of GraniteNet/GNET as well.

When the CCTV truck comes into the Corp Yard at the end of the shift, the data is uploaded as the truck drives into the bay where the truck is parked. The data is then transferred to the Engineering Division where the data is reviewed.

If a significant defect or possible sewer failure is found during an inspection, the crew will either contact the Sewer Collections Supervisor and have him review the data in the truck or download an electronic copy on a flash drive for viewing.

4.4 Root Control

Root control is contracted out to a firm that specializes in root control in sanitary sewer systems. This is another key piece of the City's efforts to minimize or eliminate problems that could lead to a sewer blockage or spill. The City has been contracting out about 3 miles/year of sewer pipeline with Duke's Root Control. Duke's applies Razorooter II diquat-based herbicide into the sewer pipelines that are experiencing root intrusion with a foam that covers the roots with the herbicide. Duke's has about 40 years of experience with controlling roots in sanitary sewer systems and has a one-year warranty period where they guarantee that their treatment will remove the roots in the pipelines where the herbicide is applied. Duke's crews will come back and re-apply when that occurs and sometimes will re-apply in recently treated areas that are out of the warranty period. The City has Duke's crews apply the herbicide in the April to May time period. After the application, the City will use the CCTV inspection truck and equipment inspect the treated line multiple times after treatment to confirm that the herbicide was effective in killing the roots.

In Yuba City most root problems are located in backyard easements. The City tries to avoid jetting the lines that have been foamed to minimize damage to pipes, but will do so on occasion if needed. The City's experience has been that the worst root intrusion conditions will occur after

a wet winter followed by a hot summer. The City crews use RootX for isolated root intrusion problems.

4.5 SmartCover Monitoring Systems

A key component of the City's efforts to minimize or eliminate sewer blockage or spill problems is the use of SmartCover Monitoring and Alarm Systems. SmartCovers provide real time satellite manhole monitoring and alerts of rising water levels which allows managers and operators to dispatch sewer crews to address problems before spills occur.

Eighteen SmartCovers have been installed at strategic locations throughout the collections system. Eight of those also have flow-measurement capacities. The SmartCovers have allowed sewer crews to identify and clear many sewer blockages before they resulted in SSOs.

4.6 Lift Stations

In addition to the gravity pipeline network, the City's owns, operates, and maintains 17 sewer lift or pumping stations. These pumping stations lift the wastewater flowing in deeper sewers to higher pipelines so that the sewers do not get excessively deep. Deep sewers are harder to maintain and are more costly to construct.

Table 4.2 summarizes the available information regarding the location, construction history, and operating characteristics of each station.

Lift Stations #1, #2, #3, #4, #5, #6, #10, #14, #15, #16, and #17 have full SCADA control from the Wastewater Treatment Facilities (WWTF) through radio communications. The SCADA system at the WWTF is monitored 24/7 and operational adjustments can be made from the WWTF for each of the lift stations that are currently monitored. Five of the City's stormwater detention basins are also connected to the WWTF's SCADA system which is monitored during storm events.

Cellular communications have been installed in five of the 17 lift stations: Lift Stations #7, #9, #10, #11, and #13. Four of these previously had no direct communication capability. The cellular communications provide information on wet well levels, pump run status, and operational setpoints. The City is currently working to install cellular communications at all lift stations, then plans to incorporate the SCADA system onto the cellular communications system.

No remote monitoring or control features are installed at Lift Stations #8 and #12. These lift stations are solely reliant on SmartCovers from

manholes upstream of the lift stations to alert City staff of potential alarm conditions. Cellular communications are planned for these lift station in the near future.

Following a large sanitary sewer spill occurred in 2014, the City installed SmartCovers upstream of all the lift stations which were not monitored by the SCADA system at that time. The City now has SCADA monitoring at most lift stations and has continued to increase the number of SmartCover monitoring sites as a backup alarm system and for flow monitoring at some sites.

The two main lift stations, Lift Stations #2 and #10, had historical issues with odors and problems with Fats, Oil and Grease (FOG) building up in the wet wells. Approximately 5 years ago the City installed ozone units that sprays out a mist on top of the scum and FOG blanket which helps keep FOG from building up in the wet wells, minimizes odor problems, and lowers chemical costs at the City's wastewater treatment Facility (WWTF).

City wastewater maintenance staff conducts an on-site physical inspection of each lift station every week. City staff also undertake an assessment of lift station maintenance needs once/month. As needed, the crew removes grease ring buildup and vacuum up debris. Six or seven of the lift stations have occasional grease ring buildup of 5 to 6 inches per month. The crews remove grease off walls with high pressure jet spray and clean the remaining wet wells to remove grease rings once per month. Permanent emergency generators are currently installed at Lift Stations #1, #2 and #10. Two new standby permanent generators have been purchased and are now on-site at Lift Stations #3 and #14 and will be connected soon.

Portable emergency generators are available for power failures at other lift stations.

Lift station bypass systems have been identified for each lift station. In some cases, bypass fittings and valves have been installed to make bypass pumping easier to set up.

Table 4.2 summarizes the available information regarding the location, construction history, and operating characteristics of each station.

Table 4.2 Wastewater Collection System Lift Station Summary⁴

Station Name	Location	Pump Manufacturer	Year Installed (a)	No. of Pumps (b)	Firm Capacity (gpm)	Total Dynamic Head	Power (HP)	Variable Frequency Drive
LS 1	Del Monte Avenue and Woodbridge Avenue	Flygt	1994	3	1,450	18	5	No
LS 2	Market St. and Bird St.	WEMCO	1992	3	4,500	40	5	Yes ^(c)
LS 3	Lassen Blvd. and Harter Parkway	Flygt	2004	3	1,960	30.6	10	No
LS 4	Butte House and Blevin Road	Flygt	2002	2	702	16.4	5	No
LS 5	Palora Avenue and Wyler Road	Flygt	1998	2	325	25	5	No
LS 6	Queens Avenue and Hwy 99	Flygt	1998	2	450	25	5	No
LS 7	Richland Road and Glenwood Drive	Flygt	1989	2	350	32.5	5	No
LS 8	Louise Avenue and Rocca Way	Flygt	1995	2	275	22.5	3	No
LS 9	Walton Avenue and Smith Road	Flygt	1995	2	300	22.5	3	No
LS 10	Lincoln Avenue and Hwy 99	Flygt	2002	3	4,200	24	30	Yes
LS 11	Garden Hwy. and Shanghai Bend	Flygt	1991	2	1,000	18	10	No
LS 12	Bogue Road and Falls Drive	Flygt	1992	2	180	16	3	No
LS 13	Bogue Road and Wild River Drive	Flygt	1993	2	300	22	3	No
LS 14	Parc West Drive and Stabler Lane	Flygt	2000	2	700	20	5	No
LS 15	George Washington Blvd. and South Colusa Frontage Road	Flygt	2006	2	1,008	35.5	12	No
LS 16	East Onstott Frontage Road and Manchester Way	Flygt	2005	2	324	25.1	5	No
LS 17	3301 East Onstott Frontage Road	Flygt	2011	2	Unknown	Unknown	Unknown	No

(a) Pumps are being replaced and rehabilitated by WWTF's Maintenance Division on as needed basis.

(b) Capacity with the largest pump out of service.

(c) Only two of the three pumps are equipped with a VFD.

⁴ From City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020

4.7 Stonegate Village

The City operates and maintains a satellite sewer collection system known as Stonegate Village northeast of Monroe Drive and Royo Ranchero Drive. These homes are served by septic tank effluent pumping (STEP) systems. The STEP systems pump into common force mains along the streets in the neighborhood until they join the gravity main system at the intersection of Monroe Drive and Royo Ranchero Drive.

Maintenance crews conduct routine maintenance replacing critical components at each of the 112 services a minimum of once every three years.

The City eventually plans to install gravity sewer lines to replace the STEP system infrastructure.

Supporting Documents

- Wastewater Collection System Maps
- GIS Maps
- Sewer Map hard copies located at the City Hall, the Wastewater Treatment Facility and the Corp Yard
- Sewer Collection System as-built drawings located at City Hall
- Collection system grid map
- Lift station cleaning logs and schedule
- GraniteNet/GNET computer program data records
- Line inspection videos

4.8 Rehabilitation and Replacement Plan

The Wastewater Master Plan provides the foundation for prioritizing the funding needed to repair or replace components of the system to maintain the City's infrastructure.

Table 4.3 shows the Capital Improvement Program Budgets and Expenditures from 2012 through 2021 for recurring collection or rehabilitation system projects and lift station improvements and projects. This table shows that the City has undertaken \$2.4 million for recurring collection or rehabilitation system projects and approximately \$470,00 for improvements or upgrades to the lift stations. In addition to these funds, starting in 2012 the City initiated Downtown Area Wastewater Collection System Rehabilitation and Replacement Project which had a final cost of \$10.66 million utilizing a low interest Clean Water State Revolving Fund (CWSRF) loan with principal forgiveness and Wastewater Service Charges.

Table 4.3 Capital Improvement Program Budgets and Expenditures

2012 through 2021 Year	Recurring Collection or Rehabilitation System Projects			Lift Station Improvements			Downtown Area Collection System Rehab/Replacement		
	Current Funding	Adopted FY	Actual Charges	Current Funding	Adopted FY	Actual Charges	Prior Years Expenditures	Current Funding	Adopted FY
2012	613,000		267,497	100,000	100,000	71,628			8,200,000
2013			159,731			104,496			
2014	246,000		207,499	58,000	200,000	62,354	10,663,000	393,000	438,000
2015	111,000	210,000	58,029	165,000	150,000	51,602			
2016	75,000	210,000	9,505	165,000	150,000	67,983			
2017	361,000	150,000	100,138	379,000	150,000	5,162			
2018	494,000	150,000	438,983	516,000	150,000	555			
2019	104,569	1,000,000	548,043	666,608	150,000	16,751			
2020	720,000	150,000	393,098	790,000	150,000	67,166			
2021	656,088	250,000	248,699	884,418	100,000	19,164			
Total			2,431,222			466,861			

A synopsis of work completed during the past 10 years includes the following:

- **Downtown Area Collection System Rehab/Replacement**

- Over \$10 million was invested to replace and rehabilitate sewer mains in the Yuba City downtown core district from 2012 through 2014. Many segments of the City's collection system dated back to the early 1900s. The majority of the sewer pipelines in this project area were constructed in 1926.

These sewer lines had been experiencing multiple failures. Most of the sewer lines in the project area were back lot mains located in the rear of customers' properties and very difficult to access, maintain and repair.

The project involved construction of approximately 12,600 lineal feet of sewer mains in the street to replace backyard sewer mains, the removal and replacement of approximately 6,200 lineal feet of sewer mains already located in the street that was in too poor of condition for rehabilitate, and the rehabilitation of approximately 9,500 lineal feet of sewer mains.

- **SmartCover Monitoring**

- The City started installing SmartCover System sensors in manholes beginning in 2014. Currently the City has 18 monitoring sites to detect

water levels throughout the sewer system. Six of the 18 monitoring sites also include flow monitoring capabilities.

- **SCADA**

- SCADA communications have been extended to 15 of the 17 sewer lift stations.

- **Lift Station #2 Upgrade**

- In 2017, a permanent standby generator was installed at Lift Station #2.
- In 2020, the City replaced the obsolete odor control system in Lift Station #2 with a Titus Twister ozone odor control system.

- **Sewer Main Lining Project**

- In 2021, relined approximately 2,590 linear feet of 42-inch Techite pipe trunk line from Lincoln Road and the Garden Highway to the WWTF. The 2020 Wastewater Master Plan recommended the removal or rehabilitation of 9,420 feet of Techite reinforced plastic mortar pipe in the City's wastewater collection system due to its high failure rate.

- **Lift Station #10 Odor Control**

- Installed Vapex ozone odor control system in 2018.

- **Operations and Maintenance Projects and Initiatives**

Overall, City has focused on improving its operations and maintenance program as follows:

- Conducting preventative maintenance at each sewer lift station on an annual basis.
- Sewer jetting and conducting CCTV inspections systematically throughout the collection system.
- Upgrading SCADA controls and communications networks at lift stations.

The 2020 Wastewater Master Plan identified wastewater collection system near- and long-term needs. West Yost and Associates recommended that the City resolve condition-related issues for the sanitary sewer system. The Wastewater Master Plan recommended projects to address gravity main and manhole condition-related improvements issues with

- 1) Rehabilitation or replacement of sewer lines along Gilsizer Slough
- 2) Techite pipe replacement
- 3) Manholes of brick construction
- 4) Backyard sewers
- 5) Sewers prone to inflow and infiltration
- 6) Deteriorated pipe linings

7) Crescent Court sewer facilities (which are prone to settlement), and 8) pipe bellies (sags).

The Wastewater Master Plan also recommended projects to address Lift Station Condition/Capacity-Related Improvements to the collection system. The project costs for these improvements and timing for implementing the projects are shown in Table 4.4. The projects were also staged in 5-year increments to prioritize projects based on need. Table 4.5 shows the same information for only collection system components.

Table 4.4 - CIP Project Costs^(a) to Accommodate Existing Service Area Population⁵				
Facility	Capital Costs, million dollars ^(b)			
	1–5 Year	6–10 Year	11–20 Year	Total
Gravity Main and Manhole Condition-Related Improvements	18.8	13.0	17.9	49.7
Lift Station Condition/Capacity-Related Improvements	18.1	12.5	1.9	32.5
WWTF Capacity Improvements	1.3	–	–	1.3
WWTF Condition-Related Improvements	16.7	35.7	12.6	65.0
WWTF Outfall Pipeline and Diffuser ^(c)	35.0	–	–	35.0
Total	\$90.0	\$61.2	\$32.4	\$183.5
(a) Costs shown are based on the October 2019 20-Cities ENR CCI of 11,326. (b) Construction costs include an estimating contingency of 25 percent. Capital costs include a construction contingency of 5 percent and an implementation factor of 30 percent, both applied to the construction cost. (c) Based on 30 percent design cost estimate prepared by others.				

Table 4.5 - CIP Project Costs^(a) to Accommodate Collection System Needs for the Existing Service Area Population⁵				
Facility	Capital Costs, million dollars ^(b)			
	1–5 Year	6–10 Year	11–20 Year	Total
Gravity Main and Manhole Condition-Related Improvements	18.8	13.0	17.9	49.7
Lift Station Condition/Capacity-Related Improvements	18.1	12.5	1.9	32.5
Total	\$36.9	\$25.5	\$19.8	\$82.2
(a) Costs shown are based on the October 2019 20-Cities ENR CCI of 11,326. (b) Construction costs include an estimating contingency of 25 percent. Capital costs include a construction contingency of 5 percent and an implementation factor of 30 percent, both applied to the construction cost. (c) Based on 30 percent design cost estimate prepared by others.				

⁵ From City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020

The adopted Capital Improvement Project Budget for FY 2022-2027 shows the following for 1) Recurring Collection or Rehabilitation System Projects and 2) Lift Station Improvements for the rehabilitation and replacement projects needed to address proper management and protection of the City's existing wastewater collection system.

Project Name	Current Funding	Adopted 2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	Project Funding
Recurring Collection or Rehab System Project	183,000	850,000	750,000	250,000	250,000	250,000	2,533,000
Lift Station Improvements	1,154,000	100,000	100,000	100,000	100,000	100,000	1,654,000

This demonstrates through the recently updated Wastewater Master Plan and the City's adopted CIP Project Budget that the City has near- and long-term plans to implement and finance needed improvements.

4.9 Training

The City of Yuba City staff is trained to monitor, maintain, and operate the collection system during normal flow events and during high-flow events in order to manage the sanitary flows and avoid SSOs. The current City training program consists of both formal and informal elements described below.

The City's Sewer Maintenance Team is responsible for the sewer collection system maintenance and operations and consists of:

Position	Staff Count
Deputy PW Director - Maintenance	1
Sewer Supervisor	1
Collections Maintenance Worker III	2
Collections Maintenance Worker II	3

The City's Wastewater Treatment Facility Operations Team is responsible for monitoring sewer lift station operations and alarms on SCADA in addition to the other duties, the WWTF team consists of the following:

Position	Staff Count
WWTF Chief Plant Operator	1
WWTF Operator III	6
WWTF Operator II	1
WWTF Plant Supervisor	1
WWTF Plant Maintenance Supervisor	1
Mechanic Senior	1
Mechanic	3
Electrical Technicians	2
Instrumentation Technician	1

On-the-Job Training and Craft Skills

The majority of on-the-job training and craft or skill related training occurs when new employees work closely with more experienced staff to become familiar with the City facilities and their mechanical, electrical, and control systems. City staff also attend training sessions, on a regular basis, certified by the State Water Resources Control Board and provided by the California Water Environment Association. The City typically uses a 1-year probationary period to evaluate employee development.

Operational Training

Sewer Collections Supervisor directs the O&M activities for the sewer collection system (excluding lift stations) during normal and high-flow events and the Wastewater Treatment Facility Plant Maintenance Supervisor directs O&M activities for lift stations during normal and high-flow events. Current operational training for supervisors occurs through one-on-one mentoring at the supervisory level. The City staff attends the CWEA training sessions and other similar training opportunities on a regular basis.

Safety Training

The City provides safety training to the O&M staff that meets California Occupational Health and Safety Administration (Cal/OSHA) personnel safety and awareness requirements (e.g., confined space entries, lockout/tagout, etc.) on a continuous basis.

The O&M staff receive training provided by equipment suppliers and vendors when new facilities are constructed.

Training Documentation

Training sessions are documented using a training matrix and records are maintained using a training software program. The Training materials are stored at the Wastewater Treatment Facility and at the Corp Yard depending on the type of equipment/facility.

Training for Contractors

The City has all the resources and staff available to operate and maintain the collection system. However, the City uses local private contractors' help as needed for backup support in case of equipment failure. Trained City staff are responsible for coordinating and directing the contractors during an SSO event, and for following all appropriate procedures. The City does not allow private Contractors to work on their own without the presence of City staff. Therefore, this requirement is not applicable.

Supporting Documents:

1. Safety Manuals located at WWTF and Corp Yard;
2. Weekly Safety meeting logs (Corp Yard) & WWTF;
3. Cal/OSHA Training Matrix – WWTF; and
4. Cal/OSHA Training matrix – Corp Yard.

4.10 Equipment and Replacement Part Inventory

The required sewer line repair parts (such as manhole covers, pipe repair parts etc.). are stored at the Corp Yard and lift station parts (such as pumps, electrical parts, etc.) are stored at the WWTF.

Criticality

The inventory of replacement parts is controlled by the assigned criticality of the part. The parts with high criticality have a higher stocking priority and inventory backlog to appropriately respond to an emergency. Three lift stations, Lift Stations #1, #2, and #10, have permanent on-site generators. The onsite permanent generators supply power to these lift stations during a power outage. Two more permanent onsite generators have been purchased and delivered and will soon be functional for Lift

Stations #3 and #14. Portable generators are stored at both the Corp Yard and the WWTF to be available to provide temporary power at all other lift stations.

Replacement and Spare Parts

The City purchases replacement and spare parts in advance and tracks these items in its inventory. The Sewer Collections Supervisor and WWTF Plant Maintenance Supervisor determine which parts need to be stored at their respective facilities. As these items are used, replacement parts are ordered.

The following reviews where different major items like pumps and generators are located or stored. It also discusses where replacement and repair parts are located and how inventories are kept up.

Corp Yard – Sewer mains and Stonegate system

Pipe and fittings for sewer line repairs and all replacement and repair parts associated with the Stonegate Septic Tank Effluent Pump (STEP) systems are stored at the Corp Yard.

Sewer crews maintain sewer mains and respond to emergencies throughout the City as scheduled and as needed. Sewer crews replace the pumps, valves, bio baskets, and inspect the associated electrical and mechanical equipment for each home in the Stonegate area on a three-year rotation and respond to emergencies as needed.

The following are the minimum quantities of pipe, fittings and supplies stored at the Corp Yard. The Sewer System Supervisor tracks the inventory and ensures equipment and supplies are ordered as needed to maintain adequate inventories.

Corp Yard – General Inventory List

- 8-inch SDR 26 pipe
- 6-inch SDR 26 pipe
- 4-inch SDR pipe
- 4-inch ABS pipe
- 4-inch plastic-to-plastic Fernco
- 4-inch 90's ABS fittings
- 4-inch 45's ABS fittings

- 4-inch ABS couplings
- 6-inch Fernco couplings clay-to-clay
- 6-inch Fernco couplings concrete-to-clay
- 8-inch Fernco couplings clay-to-clay
- 8-inch Fernco couplings concrete-to-clay

Corp Yard – Stonegate supplies

Note: All 100-plus Stonegate systems use identical parts. Larger systems have additional tanks and use the same parts.

- 12 pumps
- 20 check valves
- 35 float trees
- 12 bio baskets
- 2 bio containers
- 8 lids/ bolt kits
- 12 valves on/off
- 6 alarm switches
- 2 panel boxes

SSO Response Equipment

Most equipment for responding to Sanitary Sewer Overflows is stored at the Corp Yard. Additional equipment is stored at the Wastewater Treatment Facility.

SSO Response Equipment Stored at Corp Yard

- Two 25 kW portable generators
- 150 kW portable generator
- One 6-inch portable trash pump
- Two Combination Vactor/Hydro-Jet trucks
- Off Roader Hydro-Jet
- One 3-inch portable submersible pump
- One CCTV Truck
- One mini-excavator

SSO Response Equipment Stored at WWTF

- Two 25-kW generators
- One 180 kW generator
- One 6-inch portable trash pump

WWTF – Lift Stations

Lift Station equipment and parts are stored at the WWTF Maintenance shop and warehouse. At least one spare pump is on hand for emergency replacement of any Flygt pump in the 16 lift stations running on Flygt pumps. Rebuild kits are also kept on hand for these pumps.

Normal practice is to rebuild or replace any pump immediately when a pump is taken out of service for repair. Rebuild kits are also ordered whenever a kit is used for a pump rebuild. Pump and parts inventories are updated and reported to Finance every year.

The Maintenance Supervisor and Lead Mechanic are responsible for tracking inventory over the course of the year and making sure the spare pumps, rebuild kits, and various repair parts are replaced as needed.

Lift Station #2 has three 30 HP Wemco pumps installed, which are scheduled for replacement with Flygt pumps in FY 2023/2024. There is not a spare pump in storage for this lift station. The station normally operates on one pump, with an occasional need for a second to run to keep up with flow. Therefore, a third pump is available if any pump needs to be taken out of service.

Lift Station #10 has three 30 HP pumps installed and is never allowed to run more than two at any time. There is no 30 HP Flygt pump in storage for this lift station. If one pump needs to be taken out of service, normal practice is to run on the remaining two. A spare 10 HP pump is available for temporary operation if needed.

Table 4.6 - Inventory – Lift Station Pumps and Generators

LS	Location	Pumps	Model	Volts	Generator	Inventory notes
1	Del Monte Ave & Woodbridge Ave	3 each 5 HP	Flygt NP3102	460	Has a Standby	1 spare for all Flygt NP3102 pumps
2	Market St. & Ainsley Ave	3 each 30 HP	Wemco	460	Has a Standby	No Wemco spares on the shelf. Scheduled for replacement with Flygt pumps. Station normally operates on one pump out of three, so a "spare" is effectively available in case of mechanical issue.
3	Lassen Ave & Harter Rd	3 each 10 HP	Flygt NP3127	460	No Generator/25 kVA Standby coming	1 spare for all Flygt NP3127 pumps
4	Blevin Rd & Butte House Rd	3 each 5 HP	Flygt NP3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
5	Palora Ave & Whyler Rd	2 each 5 HP	Flygt CS3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
6	Queens Rd & HWY 99	2 each 7.5 HP	Flygt CP3127	230	No Generator/ 25 kVA	1 spare for all Flygt NP3127 pumps
7	Richland Rd & Glenwood Dr	2 each 5 HP	Flygt CP3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
8	Louise Ave & Rocca Way	2 each 5 HP	Flygt NP3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
9	Smith Rd & Walton Ave	2 each 5 HP	Flygt NP3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
10	Lincoln Rd Gilsizer & Hwy 99	3 each 30 HP	Flygt CP3201	460	Has a Standby	Station normally operates on two of the three pumps. One spare on the shelf. Also, can use spare Flygt NP3085 (10 HP) if needed.
11	Garden Hwy & Shanghai Bend Rd	2 each 10 HP	Flygt NP3127	230	No Generator/ 25 kVA	1 spare for all Flygt NP3127 pumps
12	Bogue Rd & Falls Dr	2 each 5 HP	Flygt CO3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
13	Bogue Rd & Wild River Dr	2 each 3 HP	Flygt NP3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
14	Stabler Ln & Parc West Dr	2 each 5 HP	Flygt NP3127	230	No Generator/ 25 kVA Standby coming	1 spare for all Flygt NP3127 pumps
15	George Wash Blvd & Hwy 20	2 each 12 HP	Flygt NP3085	460	No Generator/ 25 kVA	No spares on the shelf. Can use spare Flygt NP3085 (10 HP) if needed. Rebuild kit in stock in warehouse.
16	E Onstott Rd & Manchester Ave	2 each 5 HP	Flygt NP3102	230	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps
17	3301 E Onstott Rd	2 each 5 HP	Flygt NP3102	460	No Generator/ 25 kVA	1 spare for all Flygt NP3102 pumps

WWTF Warehouse Lift Station Repair Parts Inventory

Part Description	Quantity July 2022	Priority
Lift Station Spare Pumps		
Flygt NP3102, 5 HP, 460 amps	1	Critical
Flygt CS3102, 5 HP, 230 amps	1	Critical
Flygt NP3127, 10 HP, 460 amps	1	Critical
Flygt CP3201, 30 HP, 460 amps	1	Critical
Other Lift Station Spart Parts		
Flygt Basic Repair Kit 3127.090/180	2	
Handle, Lifting, Steel, Flygt Pump	2	
Wemco guide rail bracket	1	
Flygt pump Guide Rail Bracket	1	
Flygt pump O-ring kit	2	
Flygt # 3068 Cutter Wheel #638 81 00	2	
Flygt #3068 Cutter Ring #638 82 00	2	
Flygt #3068 Impeller #638 84 04	2	
Flygt basic repair kit 3102	3	Critical
Flygt basic repair kit 3127	3	Critical
Flygt basic repair kit 3068	1	
Flygt basic repair kit 3085	3	Critical
Flygt basic repair kit 3170	2	
Flygt basic repair kit 3153	1	
Flygt basic repair kit 3300	1	

4.11 Collection System Performance History

Table 4.7 lists the number of total spills that the City has experienced since 2008, the first full year of reporting, through 2022, the last complete year of reporting. The table also lists the causes of the spills throughout this same interval. A notable observation from this table is that the number of spills dropped off significantly after 2008, dropping from 15 spills to approximately 5 to 7 through 2016. After 2016 the City limited the number of spills to three or less.

Looking at the later data from 2016 through 2022, it is notable that the causes of the spills vary from year to year while the total number of spills stays low. This demonstrates the value of tracking all categories of spills and staying on top of the work needed to keep the number of spills low. If the City had not been so vigilant in working to minimize spills in all categories, the total number of spills per year would not have dropped to the low range seen. This shows how the City's efforts to improve in

multiple categories has improved the resilience and has been beneficial in keeping the total number of spills low in all categories.

Table 4.7 -Total Spill Count by Cause – 2008 through 2022

Yr	FOG	Roots	Debris	Pipe Failure	PS Failure	Other	Total Spills
2008	10	2	1	0	0	2	15
2009	3	0	3	1	0	0	7
2010	2	0	2	0	0	2	6
2011	4	0	1	0	0	1	6
2012	3	0	4	1	0	1	9
2013	1	0	2	0	0	2	5
2014	0	0	1	1	1	2	5
2015	2	0	0	0	0	5	7
2016	0	2	3	0	0	0	5
2017	0	1	0	0	0	0	1
2018	1	0	0	0	0	0	1
2019	0	0	1	0	0	0	1
2020	1	0	1	0	0	1	3
2021	1	2	0	0	0	0	3
2022	0	0	0	0	0	0	0
Total	28	7	19	3	1	16	74

Table 4.8 builds on the same spill count data in Table 4.6, adding in the total volume of the various spills (SSO Vol) along with the volume recovered and returned to the collection system (Vol Rcvd) and the volume of water that reached a surface water. What this expanded table shows is that there was one year where a very large amount of water spilled to a surface water (Gilsizer Slough) which technically is a surface water conveyance channel. Fortunately for the City, there was no water flowing through the slough so the sewer maintenance crews could construct temporary dams in the channel, capture all of the water, and return it to the sanitary sewer system. There were two large spills that year that spilled about 86,000 gallons during the first spill. The was caused by a control problem in one of the City's main lift stations. The other was caused by a broken pipe.

Table 4.8 -Total Spill Count by Cause with Spill Volumes – 2008 through 2022

Yr	SSOs	FOG	Roots	Debris	Pipe Failure	PS Failure	Other	Total Spills	SSO Vol	Vol Rcvd	Vol Surf
2008	15	10	2	1	0	0	2	15	4,300	3,700	0
2009	7	3	0	3	1	0	0	7	886	836	0
2010	6	2	0	2	0	0	2	6	804	804	0
2011	6	4	0	1	0	0	1	6	79	79	1
2012	9	3	0	4	1	0	1	9	366	356	0
2013	5	1	0	2	0	0	2	5	248	208	0
2014	5	0	0	1	1	1	2	5	95,621	95,601	86,335
2015	7	2	0	0	0	0	5	7	573	573	0
2016	5	0	2	3	0	0	0	5	55	53	0
2017	1	0	1	0	0	0	0	1	5	5	0
2018	1	1	0	0	0	0	0	1	10	10	0
2019	1	0	0	1	0	0	0	1	30	30	0
2020	3	1	0	1	0	0	1	3	748	715	100
2021	3	1	2	0	0	0	0	3	645	503	142
2022	0	0	0	0	0	0	0	0	0	0	0
	74	28	7	19	3	1	16	74	104,370	103,473	86,578

In response to the two large spills in 2014, the City took steps to prevent similar occurrences in the future.

Following the first spill, City staff determined measures for providing a higher level of redundant systems to address potential spills resulting from lift station operational failures. The City enhanced the Citywide SCADA system, increased the inventory of critical parts for the lift stations, provided a higher level of redundancy for power to keep the lift stations working all the time, and increased the service level of staff to physically visit each lift station once per week.

Following the second spill, the City improved its monitoring of water levels in strategic locations of the collection system through the installation of the SmartCovers. Both of these incidents caused the City to make improvements to reduce the risk of a major spill elsewhere in the collection system and improve resilience.

Section 5 Design and Performance Provisions

5.0 Regulatory Requirements

- (a) *Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and*
- (b) *Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.*

5.1 Standards for Installation, Rehabilitation and Repair of Sanitary Sewer Systems

The City of Yuba City manages the installation, rehabilitation, and repair of its sanitary sewer systems using the documents listed below.

- City of Yuba City Standard Specifications & Details (SSDs)
- City of Yuba City Special Provisions (SPs)

The SSDs include the specifications and details for sanitary sewer manholes, service connections and cleanouts and the SPs include the requirements for work during construction (new installations, rehabilitation, and repair of sanitary sewer systems). The SPs and SSDs are used to define the project requirements to bid on a construction project. These documents (SSDs and SPs) function as guidelines and are used by City staff and consultants who perform design and construction services for the sanitary sewer system. In addition, the City uses the Standard Specifications of the California Department of Transportation as the City's Standard Specifications for the Construction Projects.

Article 3 of the City's existing sewer ordinance describes the requirements related to sanitary sewer design and construction. The City requires that the work related to sanitary sewer system design and construction must follow the City's standard specifications, details, and special provisions. In addition, the City requires design plans, profiles, and specifications to be prepared by a California Registered Civil Engineer. The City's Public Works Department and Utilities Department staff check the design plans, profiles, and specifications to ensure their compliance

with the City's design standards before approving the plans, profiles, and specifications for construction. The City staff modifies and/or adds additional requirements to the design and specifications based on the project needs and site conditions.

Per Section 6-5.303 of the City's existing sewer ordinance, the City's Public Works and Development Services Director reviews the design parameters of all the pump stations before the detailed design begins. Each pumping station is unique based on the location and design flows, which require the Public Works and Development Services Director's input before detailed design.

The SSDs and SPs are typically updated when changes in the pipeline design and construction industry occur and/or when City policies change.

5.2 Inspection and Testing Standards for New, Rehabilitation, and Repaired Facilities

Per Section 6-5.304 of the City's existing sewer ordinance, the City's Construction Inspector conducts the inspections for all the sewer system construction work to ensure compliance with City requirements. The City will not accept any construction work which is covered/buried before inspection and approval has occurred. Typically, the City assigns a Construction Inspector to specific construction project(s). The Construction Inspector coordinates with the City's Resident Engineer and Construction Manager to resolve issues related to the construction during the construction period.

Section 15.7 of the SPs include the requirements for testing; in general, these requirements apply to the new, rehabilitation and repair of sanitary sewer facilities. However, the City Engineer and staff may modify these requirements based on the specific project needs. Generally, the testing includes a water pressure test, an air test, and CCTV inspection. The City accepts the completed work only if all the required testing is completed to the satisfaction of the Resident Engineer and in conformance with the industry standards. Pump stations are also tested before final acceptance. The City requires a 1-year warranty to correct any defective construction work.

Supporting Documents

- City of Yuba City Sewer Ordinance
- City of Yuba City Standard Specifications & Details (SSDs)
- Standard Specification of the California Department of Transportation
- City of Yuba City Special Provisions (SPs).

Section 6 Spill Emergency Response Plan

6.0 Regulatory Requirements

Each Enrollee shall develop and implement a spill emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner*
- (b) A program to ensure an appropriate response to all overflows*
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification*
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained; Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities*
- (e) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge*

6.1 Notification Procedures to Primary Responders and Verbal Notification to regulatory Agencies

The City of Yuba City's Spill Emergency Response Plan (SERP) includes sections that define the proper notification protocols to be followed when the City experiences an interceptor overflow so that primary responders and regulatory agencies are informed in a timely manner.

The City generally receives notification of an SSO or sewer backup from the City customer(s), general public, or from the City staff. SERP

summarizes the chain of communication for the overflow and/or backup response and identifies the communication responsibilities of the SSO response team during and after the overflow event.

Typically, SSOs and sewer backups resulting from the City sewer mains are handled by the Sewer Collections Division, and sewer lift station problems are handled by several teams within the Public Works Department.

A simple chain of communication and proper training among the City staff ensures proper notification to the primary responders in a timely manner.

City staff is responsible for primary response reports regarding all SSOs and/or sewer-backups to the Wastewater Treatment Operations Manager/Chief Plant Operator or his/her designee 24 hours per day, 7 days a week.

The Sewer Collections Supervisor or his/her designee is fully informed and trained in the proper notification of the SSOs to the regulatory agencies in a timely manner including any verbal notifications.

The reporting procedures are clearly described in the SERP.

6.2 SSO Response Program

The SERP includes a standardized course of action for the City staff responsible for the SSO response and regulatory compliance in the event of an SSO and/or sewer backup. The SERP identifies the staff that will generally respond to SSOs and sewer backups and explains the procedures for SSO and sewer backup mitigation and documentation associated with mobilizing for, and responding to, an SSO or a sewer backup event.

The summary of the primary roles and responsibilities for the SERP is given below.

- *Field Crew* - First priorities are to ensure public safety, contain the overflow, and make every effort to keep it from reaching a waterway. Once the SSO is contained, field crews will be responsible for mitigating the SSO, perform the initial cleanup activities, coordinate additional resources for response activities, and complete follow-up remediation activities.
- *SSO Response - Sewer Collections Supervisor/ Deputy Public Works Director-Maintenance*. Perform initial background investigation; determine best containment procedures; coordinate resources for traffic and crowd control; determine receiving water contamination, collect samples (if necessary) for follow-up analysis, assess the need

for posting warning signs and take pictures and gather documentation necessary to determine spill quantities, cause, and duration.

Sewer Collections Supervisor/Environmental Compliance Manager.
Follow regulatory reporting procedures, notify impacted agencies, and prepare all written reports.

6.3 Notification Procedures to Impacted Entities and Reporting Program

- *Notification to the general public*
When an SSO to surface waters or public area has been confirmed, the SSO response crew will immediately inform the Sewer Collections Supervisor or Deputy Public Works Director – Maintenance. Following the consultation (specifically in case of public health threat) with the local health departments, Sewer Collections Supervisor or Deputy Public Works Director – Maintenance may consult with the Public Works Director and/or City Manager to issue a press release. The press release will identify:
 - The problem;
 - The cause(s)
 - Actions being taken to resolve the issue

- *Notification to Regulatory Agencies and Impacted Entities*
In order to protect public safety the City will conduct the 2-hour verbal notification to Sutter County Environmental Health Department, OES, California Department of Fish and Game Spill Prevention and Response, Central Valley Regional Water Quality Control Board. The City will also inform the Gilsizer Drainage District if a spill enters Gilsizer channels/drainage pipe(s). The SERP includes a list of additional agencies that will be notified if there is an SSO in the City's area of service that may impact their facilities and/or regular operations.

The Sewer Collections Supervisor or Environmental Compliance Manager or his/her designee shall be responsible for the CIWQS Electronic Reporting. The City has developed Standard Operating Procedures (SOP) for the CIWQS Electronic Reporting Program in order to clearly define roles and responsibilities and ensure appropriate QA/QC of the reporting process.

Section 7 Fats, Oils and Grease (FOG) Control Program

7.0 Regulatory Requirements

Each Enrollee shall evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG

is found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:

- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;*
- (b) A plan and schedule for the disposal of FOG generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sanitary sewer system service area;*
- (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG;*
- (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;*
- (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;*
- (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and*
- (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.*

7.1 Background

Ten of the 15 SSOs in Yuba City during calendar years 2008 resulted from grease blockages, five times more than from any other single

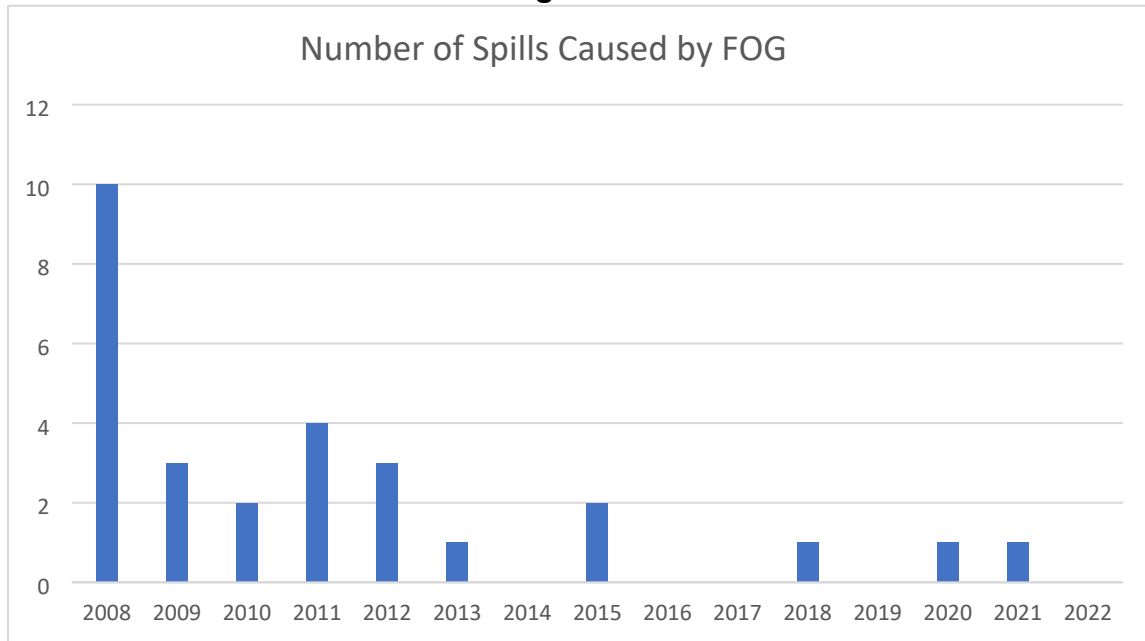
source. Since FOG is a significant component of the wastewater generated by food service establishments (FSEs), they are an obvious target for source control measures to reduce SSOs. The City has had a FOG program for FSEs in place since 2008 and has encouraged the installation and proper maintenance of grease removal devices wherever feasible. As of this document's publication date, a total of 205 FSEs are included in the program. 88% of those FSEs are known to have grease removal devices in operation. Through increased outreach, inspection, and enforcement, it is the City's goal to minimize discharges of FOG to the sanitary sewer system through the implementation of best management practices (BMPs) by FSEs and cooperation from the City residents.

As Table 7.1 shows, the City has worked to reduce the number of SSOs caused by Fats, Oils and Grease (FOG) to a point where there have been no spills or only one spill during the entire calendar year since 2015. The progress that the City has made in reducing FOG caused spills is also shown on Figure 7.1.

Table 7.1
Number of Sanitary Sewer System Spills by Cause
2008 Through Year 2022

Yr	FOG	Roots	Debris	Pipe Failure	PS Failure	Other	Total Spills
2008	10	2	1	0	0	2	15
2009	3	0	3	1	0	0	7
2010	2	0	2	0	0	2	6
2011	4	0	1	0	0	1	6
2012	3	0	4	1	0	1	9
2013	1	0	2	0	0	2	5
2014	0	0	1	1	1	2	5
2015	2	0	0	0	0	5	7
2016	0	2	3	0	0	0	5
2017	0	1	0	0	0	0	1
2018	1	0	0	0	0	0	1
2019	0	0	1	0	0	0	1
2020	1	0	1	0	0	1	3
2021	1	2	0	0	0	0	3
2022	0	0	0	0	0	0	0
Total	28	7	19	3	1	16	74

Figure 7.1



In addition to reducing the number of spills to one or none for the last 7 years, Table 7.2 shows how the City has been successful in containing these spills and returning almost all of the water spilled to the sanitary sewer system, minimizing safety concerns and helping to protect the environment. Table 7.2 also shows reducing the number of spills has also helped to reduce the total volume of FOG caused SSOs over time.

This progress has been made by:

- Outreach efforts
- Encouragement of the community and food service establishments (FSEs) to not discharge FOG into the sanitary sewer system
- Enforcement of the City's Sewer Use Ordinance (SUO)
- Emphasis on fast response to sewer system spill callouts and diligent work to contain, return, and clean up the spills that have occurred to help meet the City's goals.
- Increasing inspection frequency for FSEs since 2019.

Table 7.2
Volume of Water Reaching a Surface Water Vs Total Volumes Spilled
for FOG Cause Spills - 2008 through 2022

Year	FOG		
	SSO Vol	Vol Recovered and Returned to the Sanitary Sewer System	Vol Reaching a Surface Water
2008	3,300	2,900	0
2009	721	721	0
2010	700	700	0
2011	53	53	1
2012	280	280	0
2013	40	0	0
2014	0	0	0
2015	315	315	0
2016	0	0	0
2017	0	0	0
2018	10	10	0
2019	0	0	0
2020	100	100	100
2021	103	103	0
2022	0	0	0
Total	5,622	5,182	101

7.2 Public Education Outreach Program

The Public Works Department participates in various public outreach events each year; including posting videos on social media and attending the Yuba Sutter County Fair where Department staff hand out various educational brochures and promotional items. The County Fair occurs in the month of June.

- FOG educational materials are distributed at these events including literature aimed at our residential customers on the proper disposal of fats, oils and grease.
- Pan scrapers are distributed to remove food, oils, and grease from cooking pans and dishes before cleansing and washing.
- Lid covers are distributed to encourage residents to pour their oil and grease into a can to cool it before disposing of it in the trash.

The Public Works Department outreach program includes developing new educational brochures. The department has several brochures that target FSEs and commercial businesses. The next goal of the Department is to create educational door hangers for the City's residents. Department staff will target residential neighborhoods where there are known FOG high frequency cleaning pipelines in the collection system.

FOG generated in the collection system is currently removed by the Sewer Collections crew during routine maintenance of pipes and lift stations. The grease removed from the collection system is disposed of at the City's wastewater treatment facility.

FOG generated by FSEs is collected in grease interceptors or grease traps and is maintained by the FSEs. The FOG that is accumulated is pumped out by licensed grease haulers hired by the FSEs at a frequency the City's SUO requires. The FOG pumped out of the grease interceptors or grease traps is taken by the hired grease haulers to a location that accepts inedible kitchen grease. The City's Environmental Compliance Coordinator monitors the frequency of pump outs by using LinkoFOG software. The licensed grease haulers provide monthly pump out records to the City.

7.3 Legal Authority

Article 12. Fats, Oils, and Grease Discharge from Food Service Establishment in the City's sewer use ordinance was established to provide the City the legal authority to enforce the City's FOG program. Particularly, Section 6-5.1202.b states "No FSE shall discharge FOG or cause FOG to be discharged into the public sewer that causes an SSO, exceeds a concentration level set forth in Section 6-5.208, or that may accumulate and/or cause or contribute to blockages in the public sewer."

The Sewer Collections Division utilizes a CCTV truck which allows the City to video inspect the collection system. Video inspection of the collection system affords the City the ability to readily identify the cause and helps prevent SSOs.

7.4 FOG Control Program Requirements

The Public Works Department updated and revised the City's Sewer Use Ordinance (SUO). One of the revisions to the SUO included the addition of a FOG Control Program which addresses all of the requirements of section 7.0 (d) of the FOG Control Program requirements of the WDR. The SUO was adopted by City Council on July 19, 2011. The most recent SUO was adopted by City Council on January 18, 2022.

Section 6-5.1201 through 6-5.1209, of the SUO, requires the installation of grease interceptors or grease traps, design standards as set forth in the most recent California Plumbing Code, maintenance requirements, best management practices requirements, record keeping, and reporting requirements.

In addition, the Environmental Compliance Coordinator reviews the development plans for all new construction and remodeling of food service establishments prior to issuance of a building permit to ensure that the installation of a grease removal device is incorporated into the construction of the facility and that the City's requirements and design standards are being met.

7.5 FOG Compliance Inspection

Section 6-5.1206.a (Inspection and Sampling Conditions) of the City's Sewer Use Ordinance provides the authority for the Public Works Director or designee to inspect or order the inspection and sample of the wastewater discharges of any FSE to ascertain whether the intent of this chapter is being met and the FSE is complying with all requirements. The FSE shall allow the City access to the FSE premises during normal business hours for purposes of inspecting the FSE's grease removal devices and reviewing the manifests, receipts, and invoices relating to the cleaning, maintenance, and inspection of the grease removal device. In addition, Section 6-5.1204 Sewer system overflows, public nuisance, abatement orders, and cleanup cost notes that any excessive sewer maintenance expenses can be charged to the offending discharger by the City and any refusal to pay can constitute a violation of the ordinance.

Sec. 6-5.1209 (Enforcement of FOG program) of the City's Municipal Code states the following for Noncompliance. "Failure on the part of any FSE to maintain continued compliance with any of the requirements set forth in Sections 6-5.1201 through Sections 6-5.1208 may result in the initiation of enforcement action, as outlined in Sections 6-5.1001-Sections 6-5.1003. Such enforcement action may include, but is not limited to, the issuance of a verbal warning, written warning, notice of violation (NOV), administrative order, administrative civil liability, and/or imposition of administrative fines and/or penalties." (Ord. No. 001-22 , § 3, 1-18-2022)

The City's SUO contains Enforcement Response Plan (ERP) procedures, Section Sec. 6-5.1003, which detail the procedures that shall be undertaken to mitigate any violation of the City's Ordinance. The Enforcement Response Guide lists actions ranging from a range of Administrative actions to Judicial enforcement to criminal prosecution.

Table 7.4 lists the number of Food Service Establishments (FSEs) that have been inspected since 2016 and the number of enforcement actions taken.

Table 7.4: Inspections Completed and Enforcement Actions Taken

	2016	2017	2018	2019	2020	2021	2022
FSE inspections	10	32	3	372	129	124	144
All enforcement actions ¹	0	2	2	95	32	32	26

¹Enforcement actions include any letters, warning letters, or notice of violations sent.

In fiscal year 2010/11 the Public Works Department transferred management of the FOG Program to the City's Pretreatment Coordinator. The City purchased FOG management software allowing staff to easily manage and inspect Food Service Establishments (FSEs) and enforce the City's FOG Control Program. The software streamlined management of the FOG Control Program. The City has purchased additional software and hardware to facilitate web-based FSE inspections, which enables staff to complete onsite inspection reports. In the years from 2016 to 2019, the City did not have staff performing FOG inspections on a regular basis. In FY 2020 and 2021, the City had an employee from the collections crew performing FSE inspections part-time. A full-time employee was hired as the Environmental Compliance Inspector to conduct FSE inspections on a full-time basis in May 2022.

7.6 FOG Related Problem Areas

Higher frequency cleaning and inspection is scheduled for pipelines where history has shown that grease or debris will cause sewer backups or SSOs unless these pipelines are cleaned at a higher frequency. A list of these pipelines was shown earlier in Table 4.1. These pipelines are scheduled to be cleaned once every other month. They are also scheduled to be internally inspected with closed-circuit television equipment once every year.

Some of the pipelines are on the high-frequency cleaning cycle due to sags or bellies in the pipelines. These pipelines must be rodded or cleaned using chain flails attached to the rotating high-pressure jet nozzles on the cleaning machines.

The majority of the pipelines on the high-frequency cleaning list are located in residential areas that do not have any restaurants located in the same

area. In these areas, the City has conducted outreach focused on FOG disposal practices in apartment complexes, multiplexes and single-family homes.

When there is a blockage or spill near a restaurant that is suspected of causing the blockage or spill, the City's Wastewater Collections maintenance crews work with the Environmental Compliance Inspector to determine the source of the grease. If the source can be linked to an FSE, the Environmental Compliance Inspector will investigate and start the enforcement process to bring the FSE into compliance with the City's FOG program. Until the solution has been implemented, the Wastewater Collections Supervisor will put the pipeline on the high-frequency cleaning cycle list to prevent another blockage or spill until a solution has been put into place.

The Public Works Department has contracted for repairs on some of the pipelines on the high frequency maintenance list and has set a goal to eliminate the need for the high-frequency cleaning cycle list within five years.

7.7 Source Control

The Public Works Department's source control measures are directed at FSEs. The Environmental Compliance Division employs an inspector that is tasked with inspecting, monitoring compliance, and educating FSEs related to FOG discharge. The Environmental Compliance Division has staff to review plans for new development and tenant improvements to ensure that FSEs have grease control devices that are appropriately designed and sized. The Public Works Department will develop new outreach material targeting residential neighborhoods to encourage proper disposal of fats, oils, and grease in order to reduce FOG in the City's collection system. In addition, see section (7.1) and (7.3) above for additional detail on source control measures for commercial and residential customers.

Supporting Documents

- City of Yuba City Sewer Use Ordinance
- Public Educational Outreach Handouts

Section 8 System Evaluation and Capacity Assurance Plan

8.0 Regulatory Requirements

The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:

- (a) **Evaluation:** *Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events.*
- (b) **Design Criteria:** *Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria; and*
- (c) **Capacity Enhancement Measures:** *The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.*
- (d) **Schedule:** *The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a)-(c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D. 14.*

8.1 Capacity Evaluation

The City hired West Yost Associates to develop the 2020 Wastewater Treatment Facility and Collection System Master Plan (Wastewater Master Plan) which projected dry and wet weather scenarios with a hydraulic model using Innovyze® InfoSewer™ software that allows for a time-varying flow analysis of dry weather and peak wet weather conditions. While the 2006 hydraulic model analyzed trunk sewer lines that were 12" in diameter or larger, small diameter gravity mains that were not previously included in

the hydraulic model were added to the new model as part of the 2020 model update. The City's GIS database was used to populate the model with the previously unmodeled lines.

The gravity line analysis found that 44 modeled manhole-to-manhole segments totaling approximately 11,000 lineal-feet of pipe ranging from 8-inches to 36-inches in diameter exceeded the performance criteria developed for existing peak hourly wet weather flow conditions (PHWWF) design conditions. However, the model results indicate that the exceedances in question all produced minimal surcharging (<1 foot). It was therefore concluded that no capacity improvements to existing gravity mains were required and that no sanitary sewer spills were expected in the near future. The hydraulic model also determined that of the existing collection system lift stations, only LS 9 and LS 10 have insufficient firm capacity to convey existing modeled peak flows. Due to the different options being considered for expanding the capacity of the collection system, it was recommended that any capacity improvements to these lift stations be evaluated within the context of future development.

While not included as part of the Wastewater Master Plan, the numerous extreme storms that pummeled Northern California during the 2022 – 2023 wet season did not result in any wet weather sewer overflows in Yuba City. This seemed to confirm the results of the existing conditions modeling. Presented earlier in Section 4 as Table 4.5, Table 8.1 lists the capital costs to accommodate collection system needs for the existing service area population.

Table 8.1 - CIP Project Costs^(a) to Accommodate Collection System Needs for the Existing Service Area Population⁶				
Facility	Capital Costs, million dollars ^(b)			
	1–5 Year	6–10 Year	11–20 Year	Total
Gravity Main and Manhole Condition-Related Improvements	18.8	13.0	17.9	49.7
Lift Station Condition/Capacity-Related Improvements	18.1	12.5	1.9	32.5
Total	\$36.9	\$25.5	\$19.8	\$82.2
(a) Costs shown are based on the October 2019 20-Cities ENR CCI of 11,326.				
(b) Construction costs include an estimating contingency of 25 percent. Capital costs include a construction contingency of 5 percent and an implementation factor of 30 percent, both applied to the construction cost.				
(c) Based on 30 percent design cost estimate prepared by others.				

⁶ From City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020

Modeling for the future considered buildout capacity needs first, as these needs influence what is required for near-term development. While different scenarios were analyzed, the hydraulic evaluation of four different buildout flow scenarios concluded that there were no significant differences among the collection system modeling results.

Table 8-2 summarizes capital improvements identified for the collection system to meet flows anticipated for the near-term and buildout conditions.

Table 8-2. Recommended Wastewater Collection System Capital Improvement Program for Future Growth⁷				
CIP ID	Improvement Description	Location	Construction Cost, dollars^(c)	Capital Cost, dollars^(d)
Near-Term Capital Improvement Trunk Main Projects				
GS-NT-01	Construct 7,800 feet of new 18-inch force main ^(a)	Bogue Road between Highway 99 and Intersection of Garden Highway and Burns Drive	4,660,000	6,280,000
GS-NT-02	Construct 7,080 feet of new 10-inch pipe; Construct 16,870 feet of new 12-inch pipe; Construct 1,190 feet of new 18-inch pipe	South of Bogue Road	13,100,000	17,690,000
GS-NT-03	Construct 2,660 feet of new 27-inch pipe; Construct 3,320 feet of new 30-inch pipe; Construct 5,270 feet of new 33-inch pipe; Construct 3,950 feet of new 48-inch pipe	Sanborn Road between Bogue Road and Franklin Avenue	21,160,000	28,560,000
GS-NT-04	Construct 10,560 feet of new 15-inch pipe; Construct 2,710 feet of new 24-inch pipe; Construct 170 feet of new 27-inch pipe	Sanborn Road between Franklin Avenue and Lassen Boulevard	9,310,000	12,570,000
Subtotal			48,230,000	65,100,000
Near-Term Capital Improvement Lift Station Projects				
LS-NT-01	Construct a new 17.7 mgd Lift Station ^(b)	Highway 99 and Bogue Road	10,250,000	13,840,000
LS-NT-02	Construct a new 5.4 mgd Lift Station	Sanborn Road and Lincoln Road	4,610,000	6,230,000
Subtotal			14,860,000	20,070,000
Total Near-Term Capital Improvement Projects			63,090,000	85,170,000
Buildout Capital Improvement Trunk Main Projects				
GS-NT-01	Construct 7,800 feet of new 18-inch force main ^(a)	Bogue Road between Highway 99 and Intersection of Garden Highway and Burns Drive	4,650,000	6,280,000
GS-BO-01	Construct 11,770 feet of new 15-inch pipe	Between Bogue Road and Franklin Avenue	7,260,000	9,810,000
GS-BO-02	Construct 16,910 feet of new 15-inch pipe; Construct 12,510 feet of new 33-inch pipe	George Washington Avenue between Bogue Road and Franklin Avenue	26,800,000	36,180,000
GS-BO-03	Construct 3,860 feet of new 15-inch pipe; Construct 2,710 feet of new 30-inch pipe; Construct 5,290 feet of new 33-inch pipe	George Washington Boulevard between Franklin Avenue and Highway 20	12,530,000	16,920,000
GS-BO-04	Construct 6,170 feet of new 15-inch pipe; Construct 13,320 feet of new 18-inch pipe; Construct 2,760 feet of new 27-inch pipe; Construct 2,450 feet of new 30-inch pipe	North of Highway 20	19,830,000	26,780,000
GS-BO-05	Construct 8,840 feet of new 18-inch pipe	Harter Parkway and Elmer Avenue	6,470,000	8,740,000
Subtotal			77,540,000	104,710,000
Buildout Capital Improvement Lift Station Projects				
LS-BO-01	Construct a new 5.5 mgd Lift Station	George Washington Boulevard and Highway 20	4,670,000	6,300,000

⁷ Modified from City of Yuba City Wastewater Master Plan, West Yost & Associates, August 2020

LS-BO-02	Construct a new 8.4 mgd Lift Station	George Washington Boulevard and Lincoln Road	6,180,000	8,340,000
Subtotal			10,850,000	14,640,000
Total Buildout Capital Improvement Projects			88,390,000	119,350,000
Total Future Growth Capital Improvement Projects			151,480,000	204,520,000
^(a) This improvement includes three force main projects described in Chapter 6. Two of the force mains are included in Near-Term, with the third force main included in Buildout. ^(b) Initial cost may be reduced by installing smaller pumps and electrical equipment. A future cost to upsize would be added. ^(c) Costs include mark-ups equal to 25 percent (Estimating Contingency). ^(d) Capital Costs include an Estimating Contingency of 25 percent, a Construction Contingency of 5 percent, and an Implementation Multiplier of 30 percent, as described in this chapter.				

8.2 Design Criteria

The Wastewater Master Plan includes the typical design criteria for new sanitary sewer system design. The Capacity analysis of the existing system was conducted using typical design criteria. The flow assumptions in the design criteria include an allowance for development density, flow per unit, and I&I contributions. The design criteria and the flow assumptions will be refined through future flow monitoring as needed.

8.3 Capacity Enhancement Measures

The City of Yuba City relies on the Wastewater Master Plan to plan for future growth, secure needed funding, and prioritize projects based on the City's development needs. The Wastewater Master Plan identified alternatives to expand the City's sewer collection system (including lift stations) to accommodate the new growth. The City updates the Hydraulic Model on a regular basis as needed. As stated previously, the City has not identified any portions of the sewer collection system that are currently experiencing or contributing to an SSO discharge caused by the hydraulic deficiency.

The capacity enhancement projects are completed through the short term (5 year) CIP and use the Wastewater Master Plan as a road map for longer term planning for intervals up to 20 years. As part of the Capital Improvement Program, projections are prepared to determine the future funding requirements.

The CIP projects are prioritized based on the latest master plan, hydraulic modeling results, and operational maintenance issues. The CIP projects are evaluated on an annual basis, and the evaluation process considers the latest issues, needs, and risks. I/I reduction measures are also implemented through the CIP projects.

The adopted Capital Improvement Project Budget for FY 2022-2027 shows the following for 1) Recurring Collection or Rehabilitation System Projects and 2) Lift Station Improvements for the rehabilitation and replacement

projects needed to address proper management and protection of the City's existing wastewater collection system.

Project Name	Current Funding	Adopted 2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	Project Funding
Recurring Collection or Rehab Sys Proj	183,000	850,000	750,000	250,000	250,000	250,000	2,533,000
Lift Station Improvements	1,154,000	100,000	100,000	100,000	100,000	100,000	1,654,000

Technical evaluations were prepared to ensure that the project met the design standards, City's needs and other related requirements. The CIP projects were finalized based on the technical evaluations and are scheduled for design and construction.

The CIP list shows the project start and completion dates by fiscal year. Typically, the projects are funded using the City's CIP project reserves, existing rates, SRF loans and bond financing. New customers pay for CIP projects through the current connection fee. The CIP project list splits the cost of each individual project among existing and new customers based on the project benefits to existing and new customers.

8.4 CIP Schedule

The City prepared a comprehensive list of CIP projects over 20 years and this CIP project list and schedule are updated on an annual basis. The CIP project list shows the start and completion dates for each individual project by the fiscal year.

Supporting Materials

- 2020 Wastewater Master Plan
- Hydraulic Model
- 5 Year CIP List
- City's CIP budget

Section 9 Monitoring, Measurement and Program Modifications

9.0 Regulatory Requirements

The Enrollee shall:

- a. Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities.*
- b. Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP.*
- c. Assess the success of the preventative maintenance program.*
- d. Update program elements, as appropriate, based on monitoring or performance evaluations.*
- e. Identify and illustrate SSO trends, including frequency, location, and volume.*

9.1 Maintenance Of Relevant Data

The City tracks relevant information that is used to establish and prioritize appropriate SSMP activities. Field data such as pipe cleaning and inspection frequencies, food service establishments inspections, and SSOs are tracked in the CMMS and/or other systems.

9.2 Monitoring and Assessment

The City has selected certain performance indicators to assess the effectiveness of the SSMP and the Utilities Maintenance Division of the sanitary sewer collection system. These indicators were selected because they are straightforward, quantitative, and focused on results. Changes in the indicators over time can be used to assess the overall success of the SSMP or, conversely, to identify underlying conditions that inhibit success and necessary program revisions and changes to fully implement the SSMP.

The two categories of performance indicators are listed below:

Data Regarding Implementation of SSMP Measures

- Feet of sewer main cleaned/year
- Feet of sewer main inspected with CCTV/year
- Feet of sewer main treated for root control

- Feet of sewer main rehabilitated
- Number of FSEs inspected
- Number of FOG inspections
- Number of GCD inspections
- Number of Grease Investigations
- Average response time for SSO event (time between City becoming aware of potential SSO and first responder arriving on site).

Data Regarding Success of Preventative Maintenance

- SSO Rate (SSOs/100 miles/year);
- Number of SSOs per year,
- Number of SSOs for each cause (roots, grease, debris, pipe failure, lift station failure, and other causes
- SSO volume spilled (gallons);
- SSO volume recovered;
- SSO volume reaching surface water;
- Percentage of SSOs greater than 100 gallons; and
- Response time to SSOs (time from call received to first responder arriving on site),
- Record of pump station maintenance work orders completed annually.

The City will analyze the monitoring data and trends to measure the effectiveness of each element of the SSMP. The City will maintain a priority list of improvement opportunities that the City believes will improve the success of the SSMP. The City will update this list every two years as part of the SSMP Audits Program or as the City becomes aware of possible improvements or deficiencies.

9.3 Assess the Success of Preventive Maintenance Program

The City's preventative maintenance program was prepared to minimize corrective and emergency maintenance and equipment failures. The City will assess the success of the preventative maintenance program by retaining and analyzing Operations and Maintenance records and equipment failures. The preventative maintenance schedule will be adjusted (if needed) based on analysis of the operations and maintenance records, equipment failures, and equipment performance.

9.4 Update Program Elements based on Monitoring /Performance Evaluations

The City will modify or update the SSMP elements based on the review of the monitoring data through the SSMP Program Audits (SSMP – Section 10).

9.5 Identify and Illustrate SSO Trends

The SSO frequency, causes, volumes, locations, and other SSO relevant details are tracked by the City. The tracked data related to the SSO will be analyzed by City staff to prevent similar SSO occurrences through the implementation of the SSMP program elements.

Section 10 SSMP Program Audits

10.0 Regulatory Requirements

As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every three years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the Enrollee's compliance with the SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them.

10.1 SSMP Program Audits

a. Audit Procedures, Roles and Responsibilities

The Sewer Collections Division will perform periodic internal audits to determine the effectiveness of each element of the SSMP.

The Sewer Collections Division will generate the following information and system metrics on annual basis for the purpose of tracking, monitoring and adjusting the performance of the SSMP activities.

- System Information
- Sewer Maintenance
- Performance Measures

The primary focus in the evaluation of system metrics will be the elimination of preventable SSO and reduction of the impact of those SSOs that do occur.

The City will conduct audits every three years after the adoption and approval of this SSMP beginning with the due dates outlined in Section 1.2. The audit program will include a review of relevant data and trends maintained as part of the SSMP Monitoring and Measurements Program. A list of priority improvement opportunities will be prepared and updated as part of the audit program. Improvement opportunities will be used to prioritize and develop program modifications and will be initiated based on the priority and the available funding. An overview of SSMP related work completed between audits will be included in the program audits.

The City will review the SSOs from the previous years and provide details in the Audit on the causes of the SSOs and what actions were taken to prevent similar SSOs from occurring in the future.

The program audit will include a final report reviewing the City's

performance and identifying findings. The report will be kept on file.

This SSMP will be updated every six years from the date of adoption and approval and will include all significant program changes that have occurred following the last City Council certification/approval.

b. SSMP Program Modification/Update Process

The Sewer Collections Division will monitor and review sewer performance metrics on a monthly basis and the status of each element of the SSMP on an annual basis for the first three years beginning in 2024. The Public Works and Community Services Director will initiate/direct corrective action to be taken when and if SSMP deficiencies are identified between/during periodic internal audits.

When significant changes are made to the SSMP that require re-certification, the Legally Responsible Official (LRO) or his or her designee will enter the data in the online SSO database and the LRO will certify the information in the online SSO database.

Section 11 Communication Program

11.0 Regulatory Requirements

The Enrollee shall communicate on a regular basis with the public on the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed and implemented.

The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer system.

11.1 Communications with the Public

The City has created an SSMP page on its public website to inform the public regarding the development of the SSMP. This web page included the summary of the SSMP elements being developed and their schedule for public review and comments. The City plans to maintain the SSMP webpage on its website to facilitate questions and comments with regards to its WDR compliance. In addition, the City plans to communicate with the public at the Yuba-Sutter county fair (held annually in the month of July/August) regarding the implementation of the SSMP.

11.2 Communication with Satellite Agencies

As of May 2023, the City operates and maintains one satellite sewer collection system, called Stonegate Village. The City's wastewater maintenance staff maintains and operates this satellite sewer collection system. The City will use the same approach to communicate with the satellite collection system residents as described in section 11.1 above.

Appendix A Organization Documents

Appendix A includes the following:

Contact List of City Representatives and Employees

Appendix B Regulatory Requirements

Appendix B includes the following:

State Water Resources Control Board Order WQ 2022-0103-DWQ
Statewide Waste Discharge Requirements, General Order for Sanitary Sewer
Systems

Adopted by the State Water Resources Control Board on December 6, 2022

Appendix C City Council Approval

Appendix C includes the following:

Resolution adopting the City of Yuba City Sewer System Management Plan on May 16, 2023

Appendix D SSMP Program Audit Form

Appendix D includes the following:

SSMP Program Audit Form

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Letters in Support for H.R. 1586 and S. 796 - Forest Protection and Wildland Firefighter Safety Act of 2023
Recommendation: Submit letters of support for H.R. 1586 and S. 796 - Forest Protection and Wildland Firefighter Safety Act of 2023
Fiscal Impact: None

Purpose:

To ensure that fire retardant remains a readily accessible and viable option for Federal, State, Local and Tribal entities when used in connection with fire suppression, control, and prevention.

Council's Strategic Goal:

This supports Council's goal of Public Safety.

Background:

On March 14, 2023, Congressman LaMalfa introduced H.R. 1586 and Senator Lummis introduced S. 796, otherwise known as the Forest Protection and Wildland Firefighter Safety Act of 2023, to create a Clean Water Act exemption for federal, state, local and tribal firefighting agencies to use fire retardant to fight wildfires. These bills were introduced because the Forest Service Employees for Environmental Ethics (FSEEE) group is suing the United States Forest Service (Forest Service) under the Clean Water Act to require a National Pollutant Discharge Elimination System (NPDES) permit to use fire retardant. FSEEE has requested an injunction on the use of fire retardant until the Forest Service receives the permit, which could take years. Currently, the Forest Service and other agencies are operating under the assumption that a NPDES permit is not required. If the injunction is granted, fire retardant would not be available for use on wildfires.

Analysis:

At a time when California, in recent years, has experienced some of the largest wildfires on record, it is imperative to provide firefighters with the tools necessary for fire suppression, control, and prevention. As Yuba City sends firefighters on strike teams to battle wildfires within California, and there is the potential for wildfires around Yuba City, this issue is relevant locally, in addition to the state and

national level.

As of this writing, H.R. 1586 has bi-partisan support with 30 cosponsors (27 Republican and 3 Democrat) and has been referred to three committees: House Transportation and Infrastructure, House Natural Resources, and House Agriculture. The companion bill sponsored by Senator Lummis, S. 796, has five cosponsors and has been referred to one committee: Environment and Public Works.

Congressman LaMalfa has requested letters of support from the City Council for H.R. 1586 and S. 796, with the support letter for S. 796 urging Senators Feinstein and Padilla to join in the effort. Attached are support letters for Council's consideration.

Fiscal Impact:

None.

Alternatives:

1. Do not submit a support letter for H.R. 1586 - Forest Protection and Wildland Firefighter Safety Act of 2023.
2. Modify the support letter.

Recommendation:

Submit letters of support for H.R. 1586 and S. 796 - Forest Protection and Wildland Firefighter Safety Act of 2023.

Attachments:

1. ATTACHMENT A - Support Letters

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT A

City Council



May 16, 2023

Congressman Doug LaMalfa
408 Cannon House Office Building
Washington, DC 20515

Re: **SUPPORT** – H.R. 1586 Forest Protection and Wildland Firefighter Safety Act of 2023

Dear Congressman LaMalfa:

The City Council of the City of Yuba City supports H.R. 1586, the Forest Protection and Wildland Firefighter Safety Act of 2023, and appreciates your leadership on this issue.

At a time when California, in recent years, has experienced some of the largest wildfires on record, it is imperative to provide firefighters with the tools necessary for fire suppression, control, and prevention. As the City of Yuba City sends firefighters on strike teams to battle wildfires within California, and there is the potential for wildfires around Yuba City, this issue is relevant locally, in addition to the state and national level.

The use of retardant is a vital tool for firefighters, and providing a Clean Water Act exemption so that firefighting agencies can continue to use fire retardant is critical to an effective wildfire response. H.R. 1586, and the companion bill in the U.S. Senate, S. 796, serve an essential role by clarifying that fire retardant remains a readily accessible and viable option for firefighting agencies.

For these reasons, the City Council of the City of Yuba City supports H.R. 1586 and S. 796, and urge you and your colleagues to support this important piece of legislation.

Thank you for your consideration,

Wade Kirchner
Mayor

Shon Harris
Vice Mayor

Marc Boomgaarden
Councilmember

Michael Pasquale
Councilmember

Dave Shaw
Councilmember

City Council



May 16, 2023

Senator Cynthia Lummis
127A Russell Senate Office Building
Washington, DC 20515

Re: **SUPPORT** – S. 796 - Forest Protection and Wildland Firefighter Safety Act of 2023

Dear Senator Lummis:

The City Council of the City of Yuba City supports S. 796, the Forest Protection and Wildland Firefighter Safety Act of 2023, and appreciates your leadership on this issue.

At a time when California, in recent years, has experienced some of the largest wildfires on record, it is imperative to provide firefighters with the tools necessary for fire suppression, control, and prevention. As the City of Yuba City sends firefighters on strike teams to battle wildfires within California, and there is the potential for wildfires around Yuba City, this issue is relevant locally, in addition to the state and national level.

The use of retardant is a vital tool for firefighters, and providing a Clean Water Act exemption so that firefighting agencies can continue to use fire retardant is critical to an effective wildfire response. S. 796 and the companion bill in the House of Representatives, H.R. 1586, serve an essential role by clarifying that fire retardant remains a readily accessible and viable option for firefighting agencies.

For these reasons, the City Council of the City of Yuba City supports S. 796 and H.R. 1586, and urge you and your colleagues to support this important piece of legislation.

Thank you for your consideration,

Wade Kirchner
Mayor

Shon Harris
Vice Mayor

Marc Boomgaarden
Councilmember

Michael Pasquale
Councilmember

Dave Shaw
Councilmember

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Presentation of Investment Report – Quarter Ended March 31, 2023
Recommendation: Note & File Quarterly Investment Report
Fiscal Impact: Informational item only

Purpose:

To provide information regarding the investment of City funds.

Council's Strategic Goal:

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

Background:

In accordance with the City's adopted Investment Policies, staff prepared the attached investment report for City Council review for the previous quarter (January, February, and March 2023).

Analysis:

Portfolio Highlights:

- As of March 31, 2023, the City's overall investment portfolio (estimated market value) totaled \$133,199,069, an increase of \$115,814 from the previous quarter.
- Notable transactions during the quarter that affected cash flow included:
 - Sales tax receipts, \$4.3 million;
 - Property tax and fee receipts, \$9.5 million;
 - Smart Meter SRF loan proceeds, \$2.0 million
 - SBFCA receipts, \$7.8 million and expenses, \$2.9 million;
 - Debt service payments, various funds, \$2.26 million;
- The portfolio shows a “paper loss” of \$2,684,829 as of March 31st 2023. This represents the amount of value that the City would lose if it were to liquidate its entire portfolio at the end of the

reporting period. However, such losses will not be realized if the investments are held until maturity (which is the City's general investment strategy).

- The City's portfolio is beginning to replace lower-yield instruments with higher yields with each maturing bond in this weak fixed income market, and the overall portfolio yield increased compared to past quarters due to a reduced cash position. The portfolio remains positioned for caution by keeping the maturity dates of our purchases to a more neutral position, currently 1.17 weighted average years to maturity, while remaining watchful for signs of an economic shift. For the quarter ended 3/31/23, 16 investments matured or sold, partially or in whole, with an average yield of 1.30%. These funds, along with LAIF holdings, were invested in 12 instruments with an average yield of 4.36%. The Weighted Average Yield to Maturity of the City's total investment portfolio increased from 2.02% to 2.40% for the quarter.
- The City's cash flow needs will be met by roughly \$56.5 million in liquid assets as of March 31st (approximately 43.4% of the City Held Investments portfolio value) that is currently invested in LAIF, CAMP, First American money management funds, and in the City's Wells Fargo checking account.

Outlook: Aside from debt ceiling, CPI continues to be the big financial news each month as the Fed's efforts to pull inflation down to around 2% continue to be ineffective, possibly until summer. For now, we expect the Fed will continue to adopt a cautious tone, particularly given excellent labor market data released each month. The Fed also faces a communication challenge to keep financial conditions tight enough to reduce inflation in the services categories. As such, we expect the Fed to continue to guide towards more rate hiking activity.

Summary Overview: The City's investment portfolio continues to remain safe and stable. Each investment continues to be in compliance with state law and the City's formal Investment Policies. Our three primary objectives for the City's portfolio are safety, liquidity, and then yield. With this in mind, staff continues to conservatively look for opportunities in today's marketplace while remaining focused on our primary objectives.

Fiscal Impact:

Informational item only.

Recommendation:

Note and file the Quarterly Investment Report for the period ending March 31, 2023.

Attachments:

1. Investment Report

Prepared By:
Spencer Morrison
City Treasurer

Submitted By:
Spencer Morrison
City Treasurer

ATTACHMENT 1



City of Yuba City

Treasurer's Quarterly Investment Report

AS PRESCRIBED BY CALIFORNIA GOVERNMENT CODE SECTION 53646

March 31, 2023

City of Yuba City – Month-By-Month Comparison Report
March 31, 2023

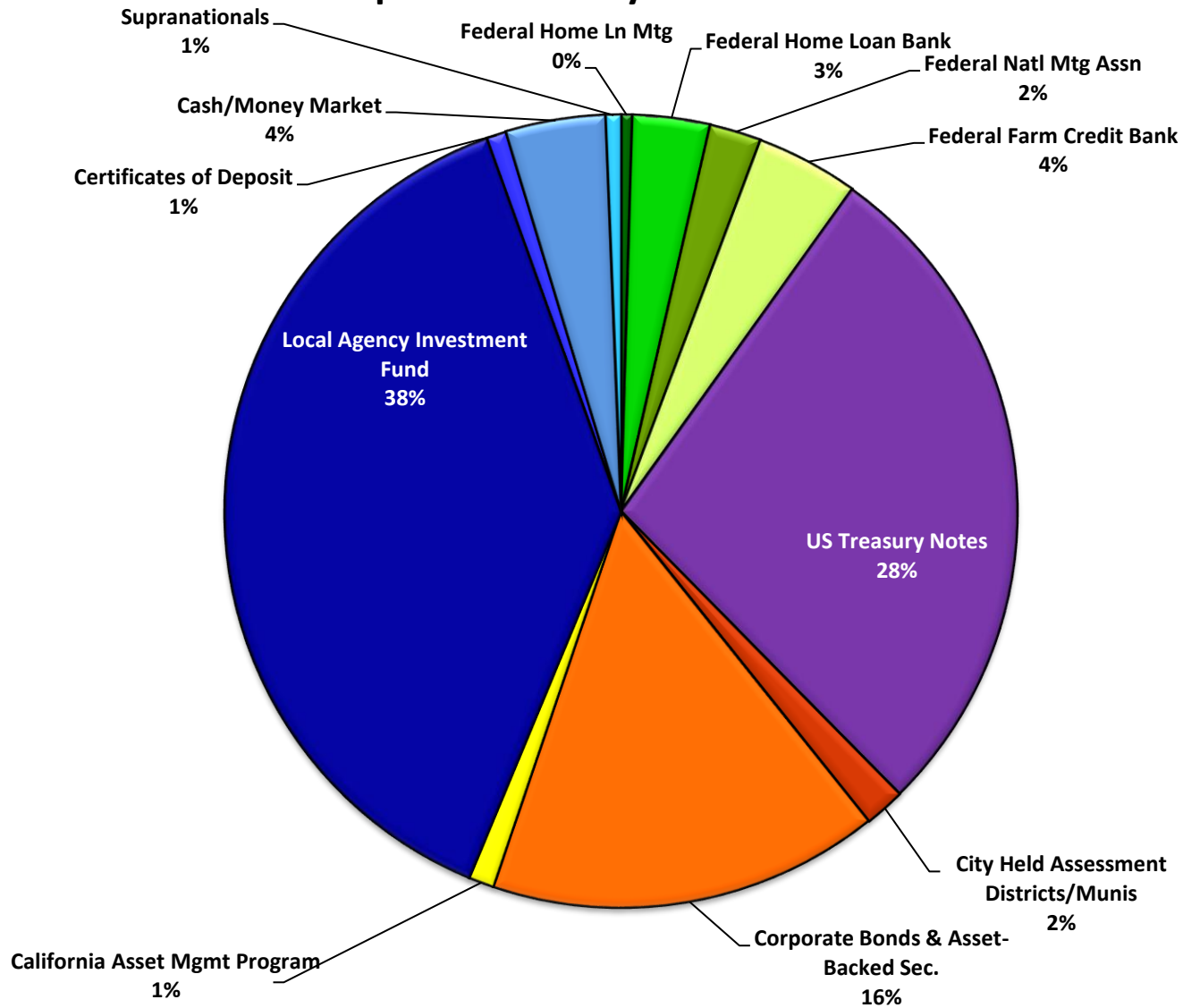
The following table provides a comparison of the portfolio for the quarter ended December, and the previous quarters ended June, September, and December 2022.

Portfolio Comparison				
	6/30/2022	9/30/2022	12/31/22	3/31/23
Cost Basis	\$153,903,521	\$144,678,104	\$136,994,697	135,883,897
Estimated Market Value	150,937,026	140,676,200	133,083,255	133,199,069
Unrealized Gains/(Losses) ⁽¹⁾	(2,966,495)	(4,001,904)	(3,911,442)	(2,684,829)
Liquidity	62.76%	51.49%	44.14%	43.38%
Weighted Average Years: Maturity of City Held Funds	0.95 years	1.06 years	1.17 years	1.24 years
LAIF Interest Rate	0.750%	1.630%	2.070%	2.074%
CAMP Interest Rate	1.140%	2.610%	4.300%	4.800%
Portfolio: Weighted Average Yield to Maturity at Market	0.70%	1.68%	2.02%	2.40%
CPI (Annualized)	9.1%	8.2%	6.5%	5.0%

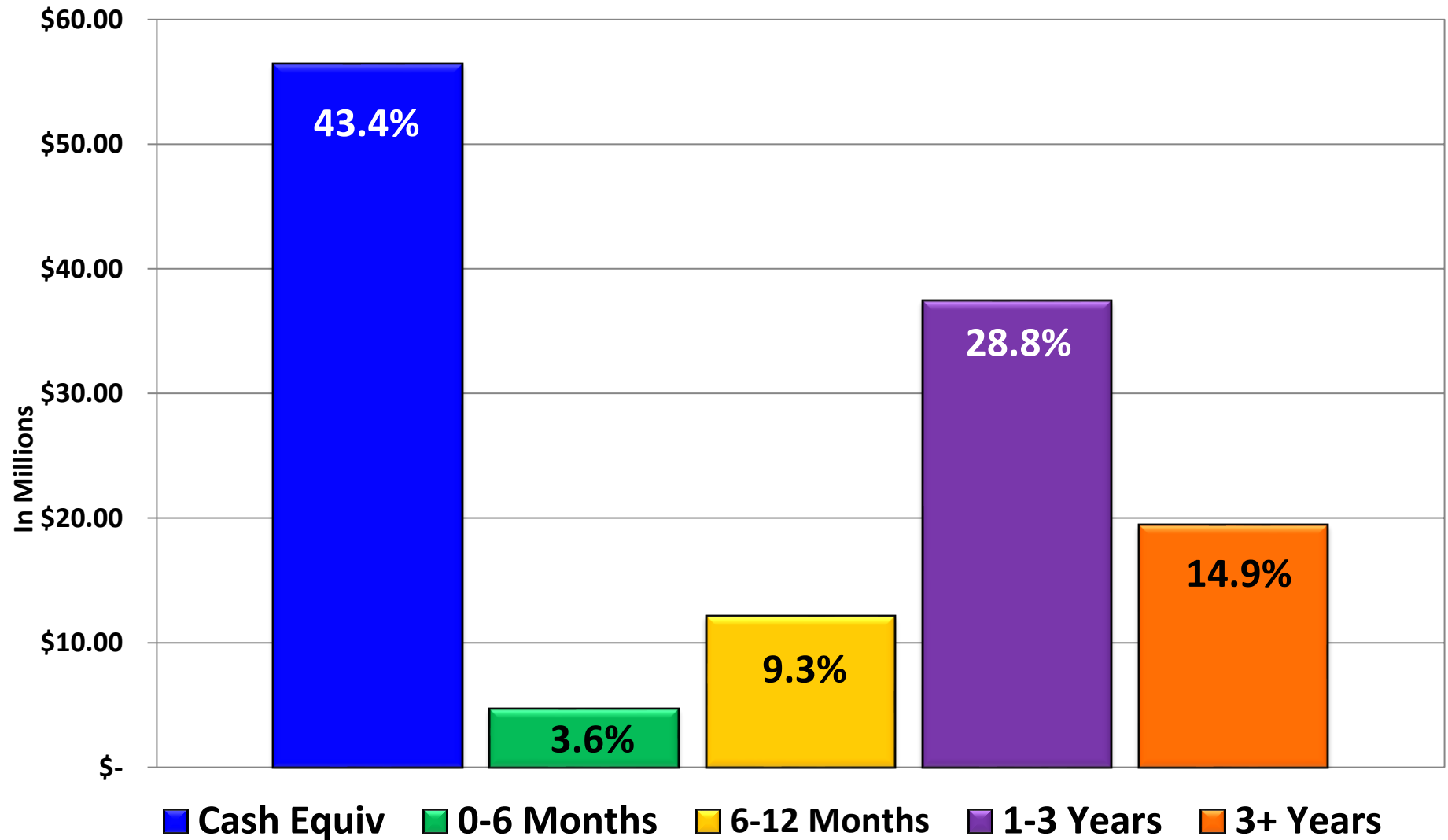
Note: (1) This represents the amount of money that the City would gain (or lose) if it were to liquidate its entire portfolio at the end of the reporting period. However, such gains (or losses) will not be realized if the investments are held until maturity (which is the City's historical investment strategy).

City of Yuba City – Quarterly Investment Report
March 31, 2022

Composition of City Held Investments



City Held Investment Portfolio Maturity Distribution



City of Yuba City
Monthly Investment Statement
City Held Investments

March, 2023

No.	Description of Security	CUSIP NO.	Maturity Date	Coupon Rate	Yield to Maturity	Cost Basis	Estimated Market Value	Unrealized Gain/(Loss)
	U.S. Consumer Price Index (Inflation)		03/31/23		5.000%			
1	Local Agency Investment Fund (LAIF)	N/A	Daily	2.740%	2.740%	\$ 50,465,560	\$ 49,784,796	\$ (680,764)
2	Calif. Asset Management Program (CAMP)	N/A	Daily	4.800%	4.800%	1,363,732	1,363,732	-
3	Wells Fargo Money Market & Checking Accts.	N/A	Daily (Sweep)	0.010%	0.010%	5,023,922	5,023,922	-
4	First American Institutional Prime	26200630S	Daily	2.140%	2.140%	273,870	273,870	-
5	American Honda Finance	02665WDH1	05/10/23	1.950%	1.770%	502,780	498,370	(4,410)
6	US Treasury Notes	912828R69	05/31/23	1.625%	1.870%	247,695	248,760	1,065
7	Federal Home Loan Bank	3133834G3	06/09/23	2.125%	1.796%	1,012,500	994,580	(17,920)
8	US Treasury Notes	91282CCN9	07/31/23	0.125%	1.009%	671,077	669,718	(1,359)
9	Federal Home Ln Mtg	3137EAEW5	09/08/23	0.250%	0.234%	600,222	588,108	(12,114)
10	Plumas Bank CD	269101799	09/17/23	0.000%	0.000%	1,046,940	1,046,940	-
11	US Treasury Notes	912828T26	09/30/23	1.375%	1.742%	640,227	639,490	(737)
12	Federal Farm Credit Bank	3133EMCQ3	10/13/23	0.280%	0.314%	999,000	974,820	(24,180)
13	US Treasury Notes	912828T91	10/31/23	1.625%	1.433%	302,273	294,702	(7,571)
14	Federal Farm Credit Bank	3133EHN25	11/01/23	2.200%	1.842%	1,014,870	982,200	(32,670)
15	US Treasury Notes	9128285P1	11/30/23	2.875%	0.615%	1,044,925	988,010	(56,915)
16	US Treasury Notes	91282CBE0	01/15/24	1.250%	0.443%	695,026	675,283	(19,743)
17	US Bancorp MTNS Bank Notes	91159HHV5	02/05/24	3.375%	2.075%	1,049,040	980,920	(68,120)
18	US Bancorp MTNS Bank Notes	91159HHV5	02/05/24	3.375%	3.190%	453,848	441,414	(12,434)
19	Federal National Mortgage Assn Notes (Fannie Mae)	3135G0V34	02/05/24	2.500%	2.600%	1,393,700	1,373,372	(20,328)
20	US Treasury Notes	912828B66	02/15/24	2.750%	4.270%	2,351,906	2,361,330	9,424
21	US Treasury Notes	912828B66	02/15/24	2.750%	4.640%	1,271,563	1,276,658	5,095
22	Schwab Charles Corp	808513BN4	03/18/24	0.000%	0.770%	84,958	80,911	(4,047)
23	Federal Farm Credit Bank	3133EMBE1	03/28/24	0.300%	0.322%	1,099,175	1,052,293	(46,882)
24	US Treasury Notes	912828W71	03/31/24	2.125%	1.673%	662,444	634,361	(28,083)
25	Federal Home Loan Bank	3130AMQQ8	04/23/24	0.350%	0.350%	1,500,000	1,431,780	(68,220)
26	US Treasury Notes	912828X70	04/30/24	2.000%	1.591%	509,004	486,270	(22,734)
27	IBM Corporate Notes	459200JY8	05/15/24	3.000%	0.538%	540,180	492,931	(47,249)
28	IBM Corporate Notes	459200JY8	05/15/24	3.000%	0.715%	535,390	488,559	(46,831)
29	Caterpillar Mtn	14913R2L0	05/17/24	0.450%	0.497%	998,750	954,480	(44,270)
30	American Honda Finance Corp Med Term Notes	02665WCZ2	06/27/24	2.400%	2.430%	249,603	242,578	(7,025)
31	US Treasury Notes	912828XX3	06/30/24	2.000%	1.653%	761,191	720,547	(40,645)
32	US Treasury Notes	912828XX3	06/30/24	2.000%	1.419%	1,127,113	1,066,930	(60,184)
33	US Treasury Notes	912828XX3	06/30/24	2.000%	0.672%	422,578	400,014	(22,564)
34	US Treasury Notes	912828XX3	06/30/24	2.000%	1.566%	815,500	771,955	(43,545)
35	US Treasury Notes	91282CEX5	06/30/24	3.000%	3.410%	796,813	790,486	(6,326)
36	US Treasury Notes	91282CEX5	06/30/24	3.000%	3.200%	2,192,008	2,174,604	(17,404)
37	US Treasury Notes	91282CEX5	06/30/24	3.000%	3.410%	1,092,094	1,083,423	(8,671)
38	US Treasury Notes	91282CEX5	06/30/24	3.000%	3.490%	2,181,266	2,163,947	(17,318)

**City of Yuba City
Monthly Investment Statement
City Held Investments**

March, 2023

No.	Description of Security	CUSIP NO.	Maturity Date	Coupon Rate	Yield to Maturity	Cost Basis	Estimated Market Value	Unrealized Gain/(Loss)
39	US Treasury Notes	91282CEX5	06/30/24	3.000%	4.260%	2,251,215	2,233,341	(17,874)
40	US Treasury Notes	91282CCL3	07/15/24	0.375%	0.409%	649,367	617,396	(31,971)
41	US Treasury Notes	91282CCT6	08/15/24	0.375%	0.410%	1,198,922	1,136,532	(62,390)
42	Walt Disney Co Corporate Bonds	254687FK7	08/30/24	1.750%	1.836%	273,878	264,693	(9,185)
43	Darrough Drive AD		09/02/24	6.000%	6.000%	23,798	23,798	-
44	Deere John Mtn	24422EVU0	09/10/24	0.625%	0.650%	89,942	85,187	(4,755)
45	Caterpillar Finl Mtn	14913R2P1	09/13/24	0.600%	0.650%	224,694	212,688	(12,006)
46	Toyota Motor Credit Corp	89236TJN6	09/13/24	0.625%	2.770%	522,550	519,668	(2,882)
47	Inter Amer Bk Mtn	4581X0DZ8	09/23/24	0.500%	0.520%	584,567	553,053	(31,514)
48	US Treasury Notes	912828YH7	09/30/24	1.500%	0.474%	154,764	143,924	(10,840)
49	Federal Farm Credit Bank	3133EMCN0	10/15/24	0.400%	0.432%	948,813	893,086	(55,727)
50	MBART 2021-B A3	58769KAD6	11/15/24	0.400%	0.400%	118,630	115,968	(2,662)
51	Toyota Auto Recv TR 2019-C A-4	89238UAE0	11/15/24	1.880%	0.920%	173,661	168,469	(5,191)
52	California St Dept Wtr Res Cent	13067WPG1	12/01/24	2.751%	1.486%	179,348	165,606	(13,743)
53	US Treasury Notes	912828YY0	12/31/24	1.750%	0.326%	1,224,795	1,111,746	(113,049)
54	US Treasury Notes	912828YY0	12/31/24	1.750%	0.180%	961,945	873,158	(88,788)
55	US Treasury Notes	912828YY0	12/31/24	1.750%	0.270%	1,092,426	991,595	(100,831)
56	US Treasury Notes	912828YY0	12/31/24	1.750%	0.280%	955,793	867,573	(88,220)
57	US Treasury Notes	912828YY0	12/31/24	1.750%	0.290%	424,031	384,893	(39,138)
58	US Treasury Notes	912828YY0	12/31/24	1.750%	2.940%	387,875	352,074	(35,801)
59	BMWLT 2021-2 A4	09690AAD5	01/27/25	0.430%	0.431%	369,986	355,600	(14,386)
60	US Treasury Notes	91282CDZ1	02/15/25	1.500%	2.840%	337,928	333,431	(4,497)
61	American Express Co Corp Note	025816CQ0	03/04/25	2.250%	2.290%	79,919	76,198	(3,721)
62	John Deere Med Term Notes	24422EWB1	03/07/25	2.125%	3.030%	975,850	954,610	(21,240)
63	Roche Holdings Inc. (Callable) Corporate	771196BT8	03/10/25	2.130%	2.130%	365,000	348,312	(16,688)
64	Home Depot Inc Corporate Notes	437076CM2	04/15/25	2.700%	2.760%	24,956	24,173	(783)
65	Bank of New York Mellon	06406RAN7	04/24/25	1.600%	0.841%	437,402	395,025	(42,377)
66	US Treasury Notes	912828ZL7	04/30/25	0.375%	2.710%	838,409	834,750	(3,659)
67	Cintas Corporation	17252MAP5	05/01/25	3.450%	3.460%	59,987	58,543	(1,444)
68	USAA Capital Corp	90327QD89	05/01/25	3.375%	3.490%	214,297	207,587	(6,710)
69	Chevron Corp New Notes	166764BW9	05/11/25	1.554%	3.200%	572,040	565,806	(6,234)
70	Apple Inc.	037833BG4	05/13/25	3.200%	0.814%	436,332	392,340	(43,992)
71	The Goldman Sachs Group	38148LAE6	05/22/25	3.750%	1.026%	222,856	194,224	(28,632)
72	National Australia	63254ABD9	06/09/25	3.500%	3.500%	250,000	242,040	(7,960)
73	National Rural Med Term Notes	63743HFE7	06/15/25	3.450%	3.460%	44,988	43,814	(1,174)
74	US Treasury Notes	912828ZW3	06/30/25	0.250%	0.360%	760,884	714,302	(46,582)
75	US Treasury Notes	912828ZW3	06/30/25	0.250%	3.030%	551,627	553,008	1,381
76	JP Morgan Chase & Co	46625HMN7	07/15/25	3.900%	1.024%	450,500	393,588	(56,912)
77	GMALT 2021-3 A4	36262XAD6	07/21/25	0.500%	0.501%	69,997	67,214	(2,783)

**City of Yuba City
Monthly Investment Statement
City Held Investments**

March, 2023

No.	Description of Security	CUSIP NO.	Maturity Date	Coupon Rate	Yield to Maturity	Cost Basis	Estimated Market Value	Unrealized Gain/(Loss)
78	IBM Corporate Notes	459200KS9	07/27/25	4.000%	4.000%	200,000	197,742	(2,258)
79	Federal National Mortgage (Fannie Mae)	3135G05X7	08/25/25	0.375%	0.410%	499,070	457,770	(41,300)
80	Federal National Mortgage (Fannie Mae)	3135G05X7	08/25/25	0.375%	3.050%	918,880	915,540	(3,340)
81	Buttes Vista 2000-1 AD, 2013 Refunding		09/02/25	2.730%	2.730%	143,453	143,453	-
82	Walmart Inc. Corporate Notes	931142EW9	09/09/25	3.900%	3.920%	164,885	164,956	71
83	Walmart Inc. Corporate Notes	931142EW9	09/09/25	3.900%	4.070%	398,160	398,332	172
84	Federal Farm Credit Bank	3133ENP95	09/30/25	4.250%	4.191%	1,101,808	1,105,005	3,197
85	United Health Group	91324PEN8	10/15/25	5.150%	5.150%	69,994	71,320	1,327
86	National Rural Mtn	63743HFF4	10/30/25	5.450%	5.500%	64,913	66,201	1,288
87	Citigroup Inc. Corporate Notes (Callable)	172967ND9	11/03/25	1.281%	1.281%	135,000	126,101	(8,899)
88	HAROT 2021-3 A3	43815EAC8	11/18/25	0.410%	0.410%	129,998	125,165	(4,833)
89	Amazon	023135CN4	12/01/25	4.600%	4.600%	624,963	630,100	5,138
90	Bank of America Corp Notes (Callable)	06051GKE8	12/06/25	1.530%	1.530%	225,000	210,359	(14,641)
91	US Treasury Notes	91282CBC4	12/31/25	0.380%	0.728%	368,965	341,805	(27,160)
92	Hyundai Auto Rec TR	44934KAC8	01/15/26	0.590%	0.390%	178,745	172,661	(6,084)
93	HAROT 2021-4 A3	43815GAC3	01/21/26	0.880%	0.885%	129,973	124,163	(5,810)
94	Bank of America Corp F/R	06051GGZ6	01/23/26	3.366%	1.326%	219,558	192,348	(27,210)
95	Morgan Stanley	61746BDZ6	01/27/26	3.875%	1.270%	224,686	195,172	(29,514)
96	State Street Corp	857477BR3	02/06/26	1.746%	1.750%	65,000	61,026	(3,974)
97	HART 2021-C A3	44935FAD6	05/15/26	0.740%	0.745%	99,978	95,402	(4,576)
98	TAOT 2022 A3	89239KAC5	06/15/26	0.000%	1.230%	174,970	166,985	(7,985)
99	MBART 2021-1 A3	58772WAC7	06/15/26	0.460%	0.463%	214,972	206,419	(8,553)
100	Carmx 2021-3 A3	14317DAC4	06/15/26	0.550%	0.550%	182,591	174,863	(7,728)
101	GM Fin Cons Auto Rec TR 2021 A-3	380140AC7	06/16/26	0.580%	0.480%	114,361	109,712	(4,649)
102	Toyota Motor Credit Corp	89236TJK2	06/18/26	1.125%	1.204%	224,145	202,896	(21,249)
103	VALET 2021-1 A3	92868KAC7	06/22/26	1.020%	1.021%	169,993	162,522	(7,472)
104	COMET 2021-A1	14041NFW6	07/15/26	0.550%	0.550%	279,989	265,124	(14,865)
105	US Treasury Notes	91282CCP4	07/31/26	0.625%	3.030%	910,781	913,220	2,438
106	US Treasury Notes	91282CCP4	07/31/26	0.625%	3.040%	1,274,984	1,278,398	3,414
107	US Treasury Notes	91282CCP4	07/31/26	0.625%	3.330%	405,545	406,631	1,086
108	US Treasury Notes	91282CCP4	07/31/26	0.625%	3.460%	807,785	809,948	2,163
109	US Treasury Notes	91282CCP4	07/31/26	0.625%	3.930%	1,998,633	2,003,984	5,351
110	COPAR 2021-1 A3	14044CAC6	09/15/26	0.770%	0.770%	129,998	123,267	(6,730)
111	TAOT 2022-B A3	89238FAD5	09/15/26	2.931%	2.931%	89,998	87,319	(2,679)
112	GM Fin Cons Auto Rec TR 2021-4 A-3	362554AC1	09/16/26	0.680%	0.681%	109,997	104,350	(5,647)
113	Citigroup Inc. Corporate Notes	172967NX5	09/29/26	5.610%	5.610%	150,000	151,118	1,118
114	WOART 2021-D A3	98163KAC6	10/15/26	0.810%	0.813%	154,979	147,811	(7,168)
115	US Treasury Notes	912828U24	11/15/26	2.000%	4.060%	857,648	869,935	12,286
116	COMET 2021-A3 A3	14041NFY2	11/16/26	1.040%	1.043%	324,955	305,890	(19,065)
117	Federal Home Loan Bank	3130AQF65	12/21/26	1.250%	4.122%	625,591	637,476	11,885

**City of Yuba City
Monthly Investment Statement
City Held Investments**

March, 2023

No.	Description of Security	CUSIP NO.	Maturity Date	Coupon Rate	Yield to Maturity	Cost Basis	Estimated Market Value	Unrealized Gain/(Loss)
118	Target Corporation	87612EBM7	01/15/27	1.950%	1.990%	39,932	36,976	(2,956)
119	Microsoft Corp	594918BY9	02/06/27	3.300%	4.360%	673,813	686,707	12,894
120	Berkshire Hathaway Financial Notes	084664CZ2	03/15/27	2.300%	2.690%	417,261	402,382	(14,879)
121	CARMAX 2022-3 A3	14318MAD1	04/15/27	0.000%	3.970%	209,995	205,962	(4,033)
122	US Treasury Notes	91282CEN7	04/15/27	2.750%	3.730%	841,572	843,316	1,744
123	UnitedHealth Group	91324PEG3	05/15/27	3.700%	3.710%	39,978	39,126	(853)
124	NAROT 2022-B A3	65480JAC4	05/17/27	4.580%	4.460%	174,964	173,801	(1,163)
125	Mercedes Benz Auto	58768PAC8	08/16/27	5.210%	5.210%	349,931	353,549	3,618
126	Buttes Vista 2002-1 AD, 2013 Refunding		09/02/27	2.730%	2.730%	222,720	222,720	-
127	Apple Inc	037833DB3	09/12/27	2.900%	4.135%	473,730	478,580	4,850
128	Apple Inc	037833DB3	09/12/27	2.900%	3.940%	286,863	287,148	285
129	Discover Card	254683CX1	10/15/27	0.001%	5.030%	239,969	243,106	3,136
130	Pepsico	713448DY1	10/15/27	3.000%	4.238%	711,060	718,418	7,358
131	Federal Farm Credit Bank	3133EN5N6	01/06/28	4.000%	3.891%	433,099	434,569	1,470
132	Bristol Myers Squibb	110122DE5	02/20/28	3.900%	4.930%	334,380	343,291	8,911
133	Astrazeneca Finance	04636NAF0	03/03/28	4.875%	4.920%	324,344	334,360	10,017
134	Mastercard	57636QAW4	03/09/28	4.875%	4.900%	324,685	335,023	10,338
135	Federal Home Loan Bank	3130ATS57	03/10/28	4.500%	4.114%	1,017,260	1,032,280	15,020
136	Nestle Holdings, Inc	641062BF0	03/14/28	5.000%	5.010%	674,825	701,771	26,946
137	Home Depot Inc Corporate Notes	437076CE0	03/15/28	0.900%	4.193%	511,974	512,580	606
138	DCENT 2021-A1 A1	254683CP8	09/15/28	0.580%	0.584%	249,946	234,900	(15,046)
139	Staple/Ashley/Cornwell AD		09/02/30	6.000%	6.000%	77,099	77,099	-
140	WWTP Solar System (DS, June 30)		06/30/33	4.000%	4.000%	1,518,318	1,518,318	-
								-
								-
Total City Held Investments						\$ 132,809,371	\$ 130,124,543	\$ (2,684,829)

City of Yuba City Investment Report
Investments Held By Trustees
March, 2023

No.	Description of Debt Issuance	Account Type	Description of Security	Maturity Date	Coupon Rate	Yield to Maturity	Cost Basis	Estimated Market Value	Unrealized Gain/(Loss)
141	2013 Water Rev COP	Debt Service	Blackrock T-Fund	Daily	4.690%	4.690%	\$ 361	361	-
142		Interest	Blackrock T-Fund	Daily	5.000%	5.000%	0	0	-
142	TABs Refunding - 2015	Debt Service	Blackrock T-Fund	Daily	4.690%	4.690%	572	572	-
143		Interest	Blackrock T-Fund	Daily	4.690%	4.690%	8,268	8,268	-
144		Interest	Blackrock T-Fund	Daily	0.000%	0.000%	-	-	-
145		Principal	Blackrock T-Fund	Daily	4.860%	4.860%	1	1	-
146		Reserve	Blackrock T-Fund	Daily	4.650%	4.650%	0	0	-
147		Reserve	Assured Guaranty	Daily	0.000%	0.000%	1,870,568	1,870,568	-
148		Reserve	Blackrock T-Fund	Daily	4.690%	4.690%	480,062	480,062	-
149	Gauche Park Refunding - 2015	Debt Service	Blackrock T-Fund	Daily	4.690%	4.690%	162	162	-
150		Debt Service	Blackrock T-Fund	Daily	0.000%	0.000%	-	-	-
151		Reserve	Assured Guaranty	Daily	0.000%	0.000%	650,031	650,031	-
152	CFD Refund 2015	Debt Service	Blackrock T-Fund	Daily	4.690%	4.690%	838	838	-
153		Reserve	Blackrock T-Fund	Daily	4.690%	4.690%	42,777	42,777	-
154		I-Bank Paymnt	Blackrock T-Fund	Daily	4.690%	4.690%	103	103	-
155	Wastewater Revenue Bonds (CREBS) - 2017	Bond	Blackrock T-Fund	Daily	4.690%	4.690%	177	177	-
156		Project	Blackrock T-Fund	Daily	0.000%	0.000%	-	-	-
157	Authority 2018 Wastewater Revenue Bonds	Bond	Blackrock T-Fund	Daily	0.000%	0.000%	-	-	-
158	Authority 2018 Wastewater Revenue Bonds	Bond	Blackrock T-Fund	Daily	4.400%	4.400%	574	574	-
159		Project	First Am Treas Obl	Daily	4.400%	4.400%	20,030	20,030	-
Total Trustee-Held Investments							\$ 3,074,526	\$ 3,074,526	\$ -

TOTAL CITY & TRUSTEE-HELD INVESTMENTS	\$ 135,883,897	\$ 133,199,069	\$ (2,684,829)
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I certify to the best of my knowledge: (i) That this statement reflecting all City investments is accurate and complete; (ii) That each investment conforms with the City's investment policies, as well as California's Government Code; and (iii) That sufficient cash flow liquidity is available to meet the next six months of estimated disbursements.

Signed: /s/ Spencer Morrison
Spencer Morrison, City Treasurer

Date: 5/3/2023

City of Yuba City - Quarterly Investment Transaction Report
March 2023 - Market Value Summary

Account Types	Balance 12/31/2022	Balance 3/31/2023	Period Activity
City Held Investments			
Local Agency Investment Fund	\$ 50,704,781	\$ 49,784,796	\$ (919,984)
California Asset Management Program	1,353,591	1,363,732	10,141
Cash/Money Market	5,253,086	5,297,792	44,706
Federal Agency Securities	13,281,805	12,872,878	(408,927)
US Treasuries	37,867,388	36,061,447	(1,805,941)
Certificates of Deposit	1,046,940	1,046,940	0
Corporate Bonds and Asset Backed Sec.	17,567,891	20,750,870	3,182,979
City-held Assessment Districts & Municipals	2,149,412	2,150,993	1,581
Supranationals	787,328	795,093	7,765
Total City Held Investments	\$ 129,848,198	\$ 130,124,543	\$ 112,320
Trustee Held Investments			
Water Refunding 2013	\$ 357	\$ 361	\$ 4
TABs Refunding - 2015	2,486,495	2,359,472	(127,023)
Gauche Park Refunding	650,192	650,193	2
Sunsweet CFD Refund	43,559	43,718	159
Wastewater Revenue Bonds - 2017	176	177	2
Wastewater Revenue Bonds - 2018	54,279	20,605	(33,674)
Total Trustee Held Investments	\$ 3,235,057	3,074,526	\$ (160,531)
Total	\$ 133,083,255	\$ 133,199,069	\$ 115,813

Investment Activity
January, February, March 2023

Description of Security	Broker	Settlement Date	Maturity Date	Trade Date	Activity Type	Coupon Rate	Yield to Maturity	Cost Basis
SALES/REDEMPTIONS								
Farm Federal Credit Bank		02/08/23	02/08/23	02/08/23	Maturity	2.250%	1.842%	1,000,000.00
Federal Home Loan Bank		03/10/23	03/10/23	03/10/23	Maturity	2.125%	1.795%	1,000,000.00
US Treasury Notes	Bank of Montreal	01/06/23	05/31/23	01/05/23	Sale	1.625%	1.870%	857,376.96
US Treasury Notes	Bank of Montreal	03/03/23	05/31/23	02/28/23	Sale	1.625%	2.340%	247,695.31
US Treasury Notes	Bank of Montreal	02/06/23	10/31/23	02/03/23	Sale	1.625%	1.433%	856,441.40
JP Morgan Chase		03/16/23	03/16/24	03/16/23	Call	0.697%	0.479%	600,000.00
Mercedes Benz Auto Loans		02/15/23	11/15/24	02/15/23	Sale	0.400%	0.400%	2,766.18
Mercedes Benz Auto Loans		03/15/23	11/15/24	03/15/23	Sale	0.400%	0.400%	8,594.44
US Treasury Notes	JP Morgan Securities, LLC	03/14/23	06/30/25	03/07/23	Sale	0.250%	0.360%	746,103.52
US Treasury Notes	HSBC Securities Inc	03/09/23	12/31/25	03/06/23	Sale	0.375%	0.728%	319,769.53
Hyundai Auto Receivables		03/15/23	01/15/26	03/15/23	Sale	0.380%	0.380%	6,214.19
Carmax Auto Owner		03/15/23	06/15/26	03/15/23	Sale	0.550%	0.550%	2,378.46
GM Financial Consolidated Auto		03/16/23	06/16/26	03/16/23	Sale	0.480%	0.480%	632.01
US Treasury Notes	HSBC Securities Inc	03/13/23	07/31/26	03/09/23	Sale	0.625%	3.330%	364,796.88
US Treasury Notes	HSBC Securities Inc	03/17/23	07/31/26	03/14/23	Sale	0.625%	0.346%	638,297.85
US Treasury Notes	Bank of Montreal	01/23/23	11/15/26	01/19/23	Sale	2.000%	4.060%	231,796.87
Total Sales/Redemptions								\$ 6,882,864
PURCHASES								
US Treasury Notes	BNP Paribas Securities Corp	01/06/23	11/15/26	01/05/23	Buy	2.000%	4.060%	857,648.44
Microsoft Corp	Marketaxess Corp	03/17/23	02/06/27	03/14/23	Buy	3.300%	4.360%	673,813.00
US Treasury Notes	BNP Paribas Securities Corp	02/06/23	04/30/27	02/03/23	Buy	2.750%	3.730%	841,572.27
Apple Inc.	TD Securities	01/23/23	09/12/27	01/19/23	Buy	2.900%	3.940%	286,863.00
Pepsico	BofA Securities, NY	02/09/23	10/15/27	02/07/23	Buy	3.000%	4.238%	711,060.00
Farm Federal Credit Bank	Cantor Fitzgerald & Co.	02/08/23	01/06/28	02/07/23	Buy	4.000%	3.891%	433,098.97
Bristol Myers Squibb	Marketaxess Corp	03/13/23	02/20/28	03/09/23	Buy	3.900%	4.930%	334,379.50
Astrazeneca Finance	BofA Securities	03/03/23	03/03/28	02/28/23	Buy	4.875%	4.920%	324,343.50
Mastercard	JP Morgan Securities LLC	03/09/23	03/09/28	03/06/23	Buy	4.875%	4.900%	324,684.75
Federal Home Loan Bank	Wells Fargo Charlotte, NC	03/13/23	03/10/28	03/10/23	Buy	4.500%	4.114%	1,017,260.00
Nestle Holdings, Inc	JP Morgan Securities LLC	03/14/23	03/14/28	03/07/23	Buy	5.000%	5.010%	674,824.50
Home Depot	Goldman Sachs, NY	03/21/23	03/15/28	03/17/23	Buy	0.900%	4.193%	511,974.00
Total Purchases								\$ 6,991,522

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Plumas Street Improvements - Water Tower Abatement
Recommendation: Adopt a Resolution of the City Council of the City of Yuba City awarding a standard agreement to JM Environmental, Inc., in the amount of \$175,829 for the abatement services on the Plumas Street water tower, and adopt a CEQA Class 1 Exemption (Existing Facilities) for the project
Fiscal Impact: \$193,411.90 – CIP Account No. 1268 (Plumas Water Tower Maintenance)

\$193,411.90 – Total Abatement Cost
\$175,829.00 – Construction Amount
\$ 17,582.90 – 10% Contingency

Purpose:

To award construction contracts to begin the Plumas Street water tower portion 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

Analysis:

Since 2008, the City has solicited Requests for Proposals (RFPs) multiple times for the abatement, re-painting, logo installation, and lighting retrofit of the City's iconic structure. Due to previous budget constraints, the City has not been able to fund the project. Additionally, the water tower is 125 feet-tall, which narrows the pool of contractors that are able to perform the work with the necessary certifications to work at these heights.

Through the previous RFP advertisements, JM Environmental, Inc. (JM), was the only remediation contractor, certified to work at this height, that responded to said RFPs. JM is highly respected in their industry for their work, and staff is confident that they will successfully complete the water tower abatement.

Staff has conferred with Caltrans, and received approval to perform sole-source contracts for the water tower work due to the previous RFP history and the limited availability of contractors that are certified to perform the work. Staff has prepared the Sole Source Justifications for JM.

Fiscal Impact:

JM's abatement contract is \$175,829, and staff is also requesting a construction contingency of \$17,582.90 which equates to 10% of the construction cost. This equates to a total construction cost of \$193,411.90. The project is proposed to be funded through CIP Account No. 1268 (Plumas Street Improvements Project). The account currently has a balance of \$2,134,328. Any of the construction and/or contingency funds that are not used on this project will revert back to the CIP Account to increase funding for other portions of the project.

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.

Environmental:

Staff has performed a preliminary environmental assessment of this project relative to California Environmental Quality Act (CEQA) requirements and determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the abatement of lead paint on the existing City facility is defined as a repair, maintenance, or minor alteration of the existing public facility, involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project.

Alternatives:

Do not award the contract to JM and issue another request for proposals. This may result in delays that could jeopardize project funding.

Recommendation:

Adopt a Resolution which makes the following recommendations:

- A. Award a Standard Agreement to JM Environmental, Inc. of Granite Bay, CA for the abatement of hazardous materials on the Plumas Street water tower in the amount of \$175,829
- B. Authorize the City Manager to execute the contracts on behalf of the City, subject to review and approval as to legal form by the City Attorney

Attachments:

- 1. Attachment 1 - Resolution - JM and Yesco 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 STANDARD AGREEMENT TO JM ENVIRONMENTAL, INC. IN THE AMOUNT OF \$175,829 FOR THE ABATEMENT SERVICES ON THE PLUMAS STREET WATER TOWER, AWARDING A STANDARD AGREEMENT TO YESCO ADMINISTRATION, LLC IN THE AMOUNT OF \$390,875.37 FOR THE PAINTING AND LIGHTING SERVICES ON THE PLUMAS STREET WATER TOWER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS 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 has solicited numerous Requests for Proposals since 2008 for the Plumas Street Water Tower's lead abatement, re-painting, and lighting retrofit; and,

WHEREAS, due to the height of the water tower, contractors performing work on the tower are required to have certain certifications to perform work at heights; and,

WHEREAS, JM Environmental, Inc. and YESCO have been found to be responsive, and responsible proposers in the past, and have all of the certifications necessary to perform their respective work; and,

WHEREAS, staff recommends awarding a Standard Agreement to JM Environmental, Inc. for water tower abatement services; and,

WHEREAS, staff recommends awarding a Standard Agreement to YESCO Administration, LLC for water tower painting, logo installation, and lighting retrofit services; 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 JM Environmental, Inc. and YESCO Administration LLC are the most qualified contractors, and have demonstrated competence. The City Council finds that JM Environmental, Inc. and YESCO Administration LLC have the professional qualifications for the services required, availability, and can provide the services at a fair and reasonable cost. The City Council approves the "Standard Agreements" attached as Exhibit "A" with JM Environmental, Inc. and Exhibit "B" with YESCO Administration LLC, subject to their 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 agreements 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 16th 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) Standard Agreement – JM Environmental
Exhibit B – (Draft) Standard Agreement – YESCO

EXHIBIT A



STANDARD AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2023 in the State of California, County of Sutter, City of Yuba City, by and between the City of Yuba City, hereafter referred to as the City, and JM Environmental, hereafter referred to as the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements and stipulations of the City hereinafter expressed, does hereby agree to furnish to the City services and materials, as follows: JM Environmental will remove and dispose of age and weather compromised chipping and peeling/flaking lead containing paint in preparation for renovation. JM Environmental cost is not to exceed the amount of One Hundred Seventy-Five Thousand, Eight Hundred Twenty-Nine Dollars (\$175,829.00) without prior city authorization.

The provisions of Exhibit A attached constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

**CITY OF YUBA CITY, A
MUNICIPAL CORPORATION**

CONTRACTOR

By: _____

Name: _____

Title: _____

Address: _____

By: _____

Title: _____

License No. 693564

City of Yuba City
1201 Civic Center Blvd. • Yuba City, CA 95991

TERMS AND CONDITIONS

1. The contractor detailed on the front side of this order will hereinafter be referred to as Contractor. The City of Yuba City will hereinafter be referred to as The City.
2. The contractor shall indemnify, defend and save harmless the City, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialpeople, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Contractor in the performance of this contract.
3. The Contractor, and the agents and employees of Contractor, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of the City.
4. The City may terminate this agreement and be relieved of the payment of any consideration to Contractor should Contractor fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination the City may proceed with the work in any manner deemed proper by the City. The cost to the City shall be deducted from any sum due the Contractor under this agreement, and the balance, if any, shall be paid the Contractor upon demand.
5. Without the written consent of the City, this agreement is not assignable by Contractor either in whole or in part.
6. Time is of the essence in this agreement.
7. No alteration or variation of the terms or specification of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
8. The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.
9. All equipment, supplies and services sold to the City shall conform to the general safety orders of the State of California.
10. The City reserves the right to withhold payment until orders completed and/or accepted by the City.
11. Sections 1771 through 1775 of the Labor Code are hereby made part of this agreement as if written in its entirety herein.
12. The Contractor and any subcontractor must be registered with the State of California Department of Industrial Relations in accordance with SB 854 and shall remain in good standing throughout the duration of the agreement. No contractor or subcontractor may be listed on a bid proposal or awarded a contract for any public works project unless registered with the Department of Industrial Relations, pursuant to Labor Code Section 1725.5. The City reserves the right to terminate this agreement or to replace the unregistered contractor for failure to maintain registered status. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Please provide registration number to ensure compliance _____.

INSURANCE REQUIREMENTS FOR MOST CONTRACTS

(Not for Professional Services or Construction Contracts)

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors. Contractor shall require each subcontractor to similarly maintain Workers' Compensation Insurance and Employer's Liability Insurance in accordance with the laws of the State of California for all of the subcontractor's employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Covering any auto, or if Contractor has no owned autos, hired, and non-owned autos, with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. If Contractor has no employees for the purposes of this Agreement, Contractor shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit C.
4. **Professional Liability (Errors and Omissions):** Insurance appropriate to the Contractor's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.
(If applicable – see footnote next page)

If the contractor maintains higher limits than the minimums shown above, the Entity requires and shall be entitled to coverage for the higher limits maintained by the contractor.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The Entity, its officers, officials, employees, and volunteers are to be covered as insured on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the

Contractor's insurance at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used.

Primary Coverage

For any claims related to this contract, the Contractor's insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the Entity.

Waiver of Subrogation

Contractor hereby grants to Entity a waiver of any right to subrogation which any insurer of said Contractor may acquire against the Entity by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Entity. The Entity may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the Entity.

Verification of Coverage

Contractor shall furnish the Entity with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Entity before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The Entity reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

Entity reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

***Note:** Professional liability insurance coverage is normally required if the Contractor is providing a professional service regulated by the state. (Examples of service providers regulated by the state are insurance agents, professional architects and engineers, doctors, certified public accountants, lawyers, etc.). However, other professional Contractors, such as computer or software designers, and services providers such as claims administrators, should also have professional liability. If in doubt, consult with your risk management or insurance advisor.*

Exhibit C

**Certificate of Exemption From
Workers' Compensation Insurance**

I hereby certify that in the performance of the work for which the Agreement is entered into, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of the State of California.

Executed on this _____ day of _____, 20__, at Yuba City, California.

By: _____ Title: _____

[Add Consultant's name and title]

EXHIBIT A



JM Environmental, Inc.
Lic. #693564 DOSH #578

Lead Paint Abatement
Surface Preparation
City of Yuba City
Plumas Street Water Tower

Proposal

Date	Proposal #
4/1/2023	E26001

To:
City of Yuba City Claire Shawver 1201 Civic Center Blvd. Yuba City, CA 95993 530-822-4818 O 530-822-4694 F

Job Site:
City of Yuba City Plumas Street Water Tower Corner of Plumas Street & Bridge Street Yuba City, CA 95991

Claim #/P.O. #	Terms	PM	Loss	Project
N/A	Net 30	A	Renovation	Lead Abatement
Scope of Work:				Total
Remove and dispose of age and weather compromised chipping and peeling/flaky lead containing paint in preparation for renovation, tasks as follows: WORK AREAS: At Heights - Water Tower 1.) Mobilize manpower and equipment to complete the project in a professional and timely manner complying with all local, state and federal regulations adhering to OSHA, EPA and Air Quality Management District guidelines. 2.) Supply personal protective equipment (respirators, FR suits, gloves, FR long sleeves, boots, hard hats, safety vests, fall protection, etc.) for CDPH certified supervisor and cross trained and certified employees throughout the duration of the project. JM Environmental, Inc. to provide copies of all applicable licenses and crew certifications including physicals, blood work, etc. per CDPH (title 17, CCR Division 1) to include written respirator program, copies of fit tests and company lead work plan (site specific). 3.) Install critical barriers/engineering controls to isolate work areas: barriers, cones, caution tape, signage, ground drops, etc. Note: JM Environmental, Inc. to install demarcation/exclusion zone barriers and signage at a 40' perimeter around tank support structure. 4.) Identify and verify that all utilities wet and dry have been abandoned, locked out and tagged out as necessary prior to any removal (to be performed by others prior to JM Environmental, Inc. mobilization).				
By signing this proposal, customer acknowledges and agrees that he/she: (1) is entering into an agreement with JM Environmental, Inc. in accordance with this proposal; and (2) has read and is agreeing to be bound by the general terms and conditions provided herewith.			Total	
Proposal accepted by:			Date:	



JM Environmental, Inc.
Lic. #693564 DOSH #578

Lead Paint Abatement
Surface Preparation
City of Yuba City
Plumas Street Water Tower

Proposal

Date	Proposal #
4/1/2023	E26001

To:
City of Yuba City Claire Shawver 1201 Civic Center Blvd. Yuba City, CA 95993 530-822-4818 O 530-822-4694 F

Job Site:
City of Yuba City Plumas Street Water Tower Corner of Plumas Street & Bridge Street Yuba City, CA 95991

Claim #/P.O. #	Terms	PM	Loss	Project
N/A	Net 30	A	Renovation	Lead Abatement
Scope of Work:				Total
ABATEMENT: 5.) JM Environmental, Inc. technicians to remove/abate lead-based paint (LBP) / lead containing paint (LCP) as identified, hand scrape wet method age and weather compromised chipping and peeling paint in preparation for renovation/new paint/surface coating. Note 1: Identified areas only per Entek Environmental report. Note 2: Additional means and method will be pneumatic powered media blasting using ECOQUIP2 EQP vapor abrasive blast water injection media blasting units, installing Harsco Black Beauty abrasive glass media AND/OR HEPA GRINDING. Note 3: Roof atop of tank will be stripped to clean white metal or like as to provide a surface competent for prime and paint. Eliminating this procedure from reoccurring in the near future. 6.) LEAD IN CONSTRUCTION REGULATORY COMPLIANCE: Personnel impacting paints with detectable lead must have lead training sufficient to meet the requirements of Cal/OSHA, 8 CCR 1532.1. The workers must use lead-safe work practices when handling paints with any detectable amount of lead as required by CCR 1532.1. To comply with California Department of Public Health (CDPH) requirements, a containment area must be used to prevent the buildup of lead dust on surfaces to remain in place. To comply with California department of Toxic Substances Control and Title 22 requirements, all waste streams created as part of the project must be profiled or characterized prior to the disposal and packaged as applicable.				
By signing this proposal, customer acknowledges and agrees that he/she: (1) is entering into an agreement with JM Environmental, Inc. in accordance with this proposal; and (2) has read and is agreeing to be bound by the general terms and conditions provided herewith.			Total	
Proposal accepted by:			Date:	



JM Environmental, Inc.
Lic. #693564 DOSH #578

Lead Paint Abatement
Surface Preparation
City of Yuba City
Plumas Street Water Tower

Proposal

Date	Proposal #
4/1/2023	E26001

To:
City of Yuba City Claire Shawver 1201 Civic Center Blvd. Yuba City, CA 95993 530-822-4818 O 530-822-4694 F

Job Site:
City of Yuba City Plumas Street Water Tower Corner of Plumas Street & Bridge Street Yuba City, CA 95991

Claim #/P.O. #	Terms	PM	Loss	Project
N/A	Net 30	A	Renovation	Lead Abatement
Scope of Work:				Total
7.) Package all waste and place in 6 mil poly bags prior to leaving work area, then place bagged material in hazardous waste drums/barrels for final manifesting and disposal as applicable.				
8.) TCLP sample acquisition, packaging and laboratory coordination and results complying with EPA waste profiling.				
9.) Load, transport and dispose of all generated debris to an accredited waste facility including waste profiling and manifesting as applicable, adhering to EPA and DOT regulations.				
10.) JM Environmental, Inc. to provide temporary fencing, sanitary facilities, power and water to complete project.				
11.) JM Environmental, Inc. to provide good housekeeping practices throughout project, keep site free of trash, debris, etc.				
12.) JM Environmental, Inc. shall not be responsible for damages due to necessary abatement procedures. JM Environmental, Inc. shall make all reasonable effort to prevent such damage.				
13.) Proposal includes all applicable fees, OSHA notifications, labor, supplies, etc. necessary to complete this project.				
14.) All work done in accordance with applicable Local, State, and Federal Regulations.				
By signing this proposal, customer acknowledges and agrees that he/she: (1) is entering into an agreement with JM Environmental, Inc. in accordance with this proposal; and (2) has read and is agreeing to be bound by the general terms and conditions provided herewith.			Total	
Proposal accepted by:			Date:	



JM Environmental, Inc.
Lic. #693564 DOSH #578

Lead Paint Abatement
Surface Preparation
City of Yuba City
Plumas Street Water Tower

Proposal

Date	Proposal #
4/1/2023	E26001

To:
City of Yuba City Claire Shawver 1201 Civic Center Blvd. Yuba City, CA 95993 530-822-4818 O 530-822-4694 F

Job Site:
City of Yuba City Plumas Street Water Tower Corner of Plumas Street & Bridge Street Yuba City, CA 95991

Claim #/P.O. #	Terms	PM	Loss	Project
N/A	Net 30	A	Renovation	Lead Abatement
Scope of Work:				Total
15.) Repair or replacement of impacted structural, architectural, mechanical, or electrical items is excluded. 16.) Cal-OSHA, EPA, DTSC and Air Quality Management District notifications and coordination included as applicable. JM Environmental, Inc. to sign manifest as Agent for Owner. 17.) JM Environmental, Inc. to provide complete close-out package upon project completion including notifications, clearance, waste manifests, etc. as applicable to site. 18.) JM Environmental, Inc. is licensed and insured for this project as follows: (A-General Engineering), (B-General Building), (C21-Demolition), (C22-Selective Demolition), (ASB-Asbestos), (HAZ-Hazardous Materials). Contractor's License Number: 693564. 19.) Proposal includes General Liability Insurance (coverage up to \$5,000,000.00), Workman's Compensation Insurance, Auto Insurance, mobilization, demobilization, equipment decontamination fees, equipment wear and tear, warehousing, and administration fees. 20.) JM Environmental, Inc. to comply with the following regulations as they apply: a. Title 22 Waste Characterization and Federal RCRA Regulations b. Cal/OSHA 8 CCR 1532.1 Lead in Construction Industry Standard c. Cal/OSHA 8 CCR 5155 Airborne Contaminants d. Cal/OSHA Title 8 5194 Hazard Communication Standard				
By signing this proposal, customer acknowledges and agrees that he/she: (1) is entering into an agreement with JM Environmental, Inc. in accordance with this proposal; and (2) has read and is agreeing to be bound by the general terms and conditions provided herewith.			Total	
Proposal accepted by:			Date:	



JM Environmental, Inc.
Lic. #693564 DOSH #578

Lead Paint Abatement
Surface Preparation
City of Yuba City
Plumas Street Water Tower

Proposal

Date	Proposal #
4/1/2023	E26001

To:
City of Yuba City Claire Shawver 1201 Civic Center Blvd. Yuba City, CA 95993 530-822-4818 O 530-822-4694 F

Job Site:
City of Yuba City Plumas Street Water Tower Corner of Plumas Street & Bridge Street Yuba City, CA 95991

Claim #/P.O. #	Terms	PM	Loss	Project
N/A	Net 30	A	Renovation	Lead Abatement
Scope of Work:				Total
21.) METHOD OF PROCEDURE AT HEIGHTS: JM Environmental, Inc. technicians to access roof work area with the assistance of a crane and man basket due to the difficulty in securing competently anchors for lanyards and safety harnesses to the rooftop. The catwalk will be accessed using a knuckle boom with man basket. The legs will be accessed using a rough terrain scissor lift. Note 1: The boom lift will also be used to access the high points of the legs during the stripping to clean white metal of the roofing coating system. One technician will be media blasting and another will be high volume, wet vacuuming the material as it is released from the substrate. Note 2: Material that is released during the abatement that is not captured in the high volume will be captured at grade atop of the ground containment. Note 3: Activities will not be able to be performed if the winds are above 10 mph. ***COST SUMMARY*** Mobilization & Demobilization: 24,600.00 Consumables: 18,400.00 Rental Equipment: 71,500.00 Labor: 61,327.00				
By signing this proposal, customer acknowledges and agrees that he/she: (1) is entering into an agreement with JM Environmental, Inc. in accordance with this proposal; and (2) has read and is agreeing to be bound by the general terms and conditions provided herewith.			Total	\$175,827.00
Proposal accepted by:		Date:		

EXHIBIT B



STANDARD AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2023 in the State of California, County of Sutter, City of Yuba City, by and between the City of Yuba City, hereafter referred to as the City, and YESCO, hereafter referred to as the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements and stipulations of the City hereinafter expressed, does hereby agree to furnish to the City services and materials, as follows: YESCO will prime and paint the Plumas Street Water Tower and install graphics on two sides of the tank and supply and install LED lighting. YESCO cost is not to exceed the amount of Three Hundred Ninety Thousand, Eight Hundred Seventy-Five Dollars and Thirty-Seven Cents (\$390,875.37) without prior city authorization.

The provisions of Exhibit A attached constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

**CITY OF YUBA CITY, A
MUNICIPAL CORPORATION**

CONTRACTOR

By: _____

Name: _____

Title: _____

Address: _____

By: _____

Title: _____

License No. _____

TERMS AND CONDITIONS

1. The contractor detailed on the front side of this order will hereinafter be referred to as Contractor. The City of Yuba City will hereinafter be referred to as The City.
2. The contractor shall indemnify, defend and save harmless the City, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialpeople, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Contractor in the performance of this contract.
3. The Contractor, and the agents and employees of Contractor, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of the City.
4. The City may terminate this agreement and be relieved of the payment of any consideration to Contractor should Contractor fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination the City may proceed with the work in any manner deemed proper by the City. The cost to the City shall be deducted from any sum due the Contractor under this agreement, and the balance, if any, shall be paid the Contractor upon demand.
5. Without the written consent of the City, this agreement is not assignable by Contractor either in whole or in part.
6. Time is of the essence in this agreement.
7. No alteration or variation of the terms or specification of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
8. The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.
9. All equipment, supplies and services sold to the City shall conform to the general safety orders of the State of California.
10. The City reserves the right to withhold payment until orders completed and/or accepted by the City.
11. Sections 1771 through 1775 of the Labor Code are hereby made part of this agreement as if written in its entirety herein.
12. The Contractor and any subcontractor must be registered with the State of California Department of Industrial Relations in accordance with SB 854 and shall remain in good standing throughout the duration of the agreement. No contractor or subcontractor may be listed on a bid proposal or awarded a contract for any public works project unless registered with the Department of Industrial Relations, pursuant to Labor Code Section 1725.5. The City reserves the right to terminate this agreement or to replace the unregistered contractor for failure to maintain registered status. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Please provide registration number to ensure compliance _____.

INSURANCE REQUIREMENTS FOR MOST CONTRACTS

(Not for Professional Services or Construction Contracts)

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors. Contractor shall require each subcontractor to similarly maintain Workers' Compensation Insurance and Employer's Liability Insurance in accordance with the laws of the State of California for all of the subcontractor's employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Covering any auto, or if Contractor has no owned autos, hired, and non-owned autos, with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. If Contractor has no employees for the purposes of this Agreement, Contractor shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit C.
4. **Professional Liability (Errors and Omissions):** Insurance appropriate to the Contractor's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.
(If applicable – see footnote next page)

If the contractor maintains higher limits than the minimums shown above, the Entity requires and shall be entitled to coverage for the higher limits maintained by the contractor.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The Entity, its officers, officials, employees, and volunteers are to be covered as insured on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the

Contractor's insurance at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used.

Primary Coverage

For any claims related to this contract, the Contractor's insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the Entity.

Waiver of Subrogation

Contractor hereby grants to Entity a waiver of any right to subrogation which any insurer of said Contractor may acquire against the Entity by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Entity. The Entity may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the Entity.

Verification of Coverage

Contractor shall furnish the Entity with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Entity before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The Entity reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

Entity reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

***Note:** Professional liability insurance coverage is normally required if the Contractor is providing a professional service regulated by the state. (Examples of service providers regulated by the state are insurance agents, professional architects and engineers, doctors, certified public accountants, lawyers, etc.). However, other professional Contractors, such as computer or software designers, and services providers such as claims administrators, should also have professional liability. If in doubt, consult with your risk management or insurance advisor.*

Exhibit C

**Certificate of Exemption From
Workers' Compensation Insurance**

I hereby certify that in the performance of the work for which the Agreement is entered into, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of the State of California.

Executed on this _____ day of _____, 20__, at Yuba City, California.

By: _____ Title: _____

[Add Consultant's name and title]

EXHIBIT A



Agreement

For Work At

Yuba City Public Works Dept
611 Plumas St
Yuba City CA 95991-4419
US

Billing Address

Yuba City Public Works Dept
611 Plumas Street
Yuba City CA 95991-4419
United States

Account Executive

005997 Scott Zufelt
szufelt@yesco.com
916-993-7108
CA - Sacramento
4119 S Market Court #10
Sacramento CA 95834
United States

Date	Project Number	Project Description	Terms	Pricing Valid Until	Deposit
04/21/2023	PRY-00519	Plumas Street Water Tower - LED retro and graphics	Net 30	06/30/2023	\$97,718.84

Item	Amount
------	--------

California Sign Sales

Abatement to be performed by "Others"

\$215,442.00

Prime and Paint -

1- The cleaner/degreaser, Prep88, can be applied with a garden sprayer but needs pressure washing to completely rid the surface of any deposits that would contribute to failure of coatings over it, and the pressure washing will disturb the surface and may lead to abatement needing to be done anyway

2- The primer/sealer, Amerlock Sealer, is a two-component product that does have a very strong surface tension hop on curing and that can lead to contracting in the previous coatings and can then lead to delamination if the previous coating and lead to an abatement being needed anyway.

Although the system we have is as minimal surface disrupting as it can be to get the color retention and longevity you are looking for this project, there are at least these two and possibly many more options to disrupt and expose the lead during prep, application or possible failure of the previous coating once application is completed.

Although the testing says it is not officially abatement level, any contamination of the surrounding area would most likely lead to that, therefore I think an abatement team should be sent in prior to prep and painting to take care of this for this and current projects down the road. This scope is not included in this proposal and YESCO could coordinate if the city so chooses.

Prevailing Wage Rates included in the proposal.

City to remove an obstacles (trees, benches, wood, anything deemed in the way of work area).

City to issue all necessary permits and lane closures without expense to YESCO

One Year Labor Warranty included

Paint Manufactures Warranty will be provided.

California Sign Sales

\$166,211.00

Remove existing signage and LED's from current water tower.

Install new graphics to Water Tower (after paint has cured) Install LED fixtures / color changing to the bottom of the tower.

All call outs per YESCO design # 571767R1

Site survey will be required to validate this proposal.

Prevailing Wage Rates included in the proposal.

City to remove an obstacles (trees, benches, wood, anything deemed in the way of work area).

City to issue all necessary permits and lane closures without expense to YESCO.

City to provide power to LED locations and YESCO will coordinate final hook up.

One Year Labor Warranty included

Lighting Manufactures Warranty will be provided.

Item	Amount
Permits - WIP	\$0.00

"Customer hereby acknowledges that the costs for obtaining permits are excluded from the price of this agreement. Charges for procurement, design, engineering and inspection, required by the permitting process will be billed to customer on a time and material basis. Permit fees will be billed to customer at cost."

Clauses

RIGHT TO REVIEW. In submitting this (proposal/RFP/bid), YESCO hereby reserves the right to review and negotiate any terms and conditions contained in any Agreement and/or Purchase Order it may be required to enter into, including General Conditions and Special Conditions, as well as any documents incorporated therein by reference, upon the acceptance of such (proposal/RFP/bid).

Clauses:

STANDARD: All work to be performed is based on a standard work shift, Monday through Friday, 5:00 a.m. to 1:30 p.m. All other time is considered overtime and is not included in the agreement. All materials are to be of the highest quality. All work is to be completed according to standard practices. Any alteration from specifications must be in writing and/or with charges adjusted. All agreements are subject to strikes, delays, and accidents beyond our control. Our workmen are fully covered by workmen's compensation insurance.

ELECTRICAL: YESCO to establish electrical requirements and owner to provide primary power, switch gear, transformer, feeder lines to YESCO load center panels located at or within the sign. If the required power is not provided to the site before time of signage installation, an additional charge for hook-up will be assessed.

REPAIRS: YESCO shall not be responsible for any repairs of sidewalk, curbing, asphalt, sprinkling pipes, underground pipelines, landscape or site repair.

WORK AREA: Price based on Owner providing large enough work area in the construction area.

INSTALLATION: This quote is based on standard installation practices. In the event installation process or access are hindered by landscaping or unusual structural circumstances, extra expenses to complete the installation will be charged to the customer.

PRICE EXCLUDES:

Pedestrian walkways, lane closure fees and related costs due to construction and install of the display.
Relocation of existing underground utilities power, gas or other utility company fees.

Subtotal	\$381,653.00
Tax Total (%)	\$9,222.37
Total	\$390,875.37

Agreement Acceptance

YESCO's Standard Terms and Conditions, available below and at www.yesco.com/terms/standardtermsandconditions.pdf, are an integral part of this agreement and are incorporated by reference. Yuba City Public Works Dept acknowledges that it has accessed and reviewed the Standard Terms and Conditions. Upon acceptance by an authorized agent of YESCO LLC, this agreement becomes effective as of the last date signed below. This document is a complete integration and final expression of the agreement between the parties, and may not be amended, supplemented, or otherwise modified except by written agreement executed by authorized representatives of each.

Yuba City Public Works Dept

YESCO LLC

Signature

Signature

Title

Title

Name

Name

Date Signed

Date Signed

Standard Terms and Conditions

1. Terms: The terms and conditions described in this document are incorporated by reference into a written estimate, quotation, proposal, agreement, order, or other transaction form ("Transaction Document") (together with these YESCO Standard Terms and Conditions, the "Agreement"), and pertain to the manufacturing, repair, service, installation, or other goods or services provided by YESCO (the "Work", "goods", and/or "services") as requested by you, the Customer, as further described in the Transaction Document. YESCO refers to the entity providing the Work, as identified in the applicable Transaction Document, or in the absence thereof, YESCO LLC, a Utah limited liability company, doing business in California as YESCO Signs LLC.

2. Pricing Exclusions: YESCO's pricing does not include sales and use taxes, tariffs, customs fees, duties, or other charges levied by customs or taxing authorities, including any material cost increases due to the escalation of any of these costs ("Assessments"). Assessments may be noted in the Transaction Document; however, they are only estimates. You agree to pay the actual cost for these Assessments as invoiced by YESCO. You agree to bear the risk of Assessment increases in excess of the amounts included in the Transaction Document, including increases due to changes in sales tax rates, tariff increases, or similar occurrences.

3. Payment: In the absence of specified payment terms in the Transaction Document, you agree to pay 50% of the purchase price upon signing this Agreement and to pay the remaining balance upon completion of the Work. You agree to pay monthly payments, if any, on the first business day of each month in advance. If you choose to make payment(s) by credit card, you agree to pay a 2% surcharge on the total amount of such payment(s).

4. Inspection: You must carefully inspect the Work within ten calendar days after delivery. If the Work does not meet the written requirements as described in the Transaction Document, or if the Work has any defect in manufacture, installation, or operation, you must give YESCO written notice of the nonconformance or defect claimed within five calendar days. ABSENCE OF SUCH WRITTEN NOTICE SHALL BE CONCLUSIVE EVIDENCE THAT THE WORK IS ACCEPTABLE TO YOU AS DELIVERED. If a third-party carrier delivers any goods, you must inspect the goods and promptly notify YESCO and the carrier if any damage exists before moving the goods from the place of delivery. If damage exists, you must retain the packing materials and otherwise comply with all requirements necessary to preserve all claims against the carrier. If you or your agent moves the goods before inspecting the goods, accept the goods in a damaged condition, or otherwise fail to comply with the requirements of this paragraph, YESCO shall have no responsibility for defects notwithstanding the warranty set forth below.

5. Installation: If the Work involves installation of goods, additional work beyond that contemplated in the Agreement will be required if YESCO encounters subsurface or concealed conditions which are extraordinary or unexpected such as subsurface water, caliche, rock, utilities, or pipelines. You must compensate YESCO for such additional work on a time and materials basis at YESCO's standard rates. Further, YESCO shall not be responsible for damage to underground pipes, sewer lines, sprinkling systems, or any other underground obstructions unless notified of them in writing prior to commencement of the Work. Absent such written notification, you agree to pay for any resulting damage. YESCO is not an Exterior Insulation and Finish System ("EIFS") contractor, and if YESCO's responsibilities hereunder involve penetrations of EIFS, YESCO will seal such penetrations with products and procedures that are common in the sign industry—but which may not meet EIFS warranty requirements. YESCO shall thereafter have no responsibility for damage resulting from the penetrations.

6. Limited Warranty:

New Signs, Lighting, and other Manufactured Products. YESCO warrants that goods and services provided by YESCO (other than electronic displays and digitally-controlled lighting products) will be free from material defects in workmanship and materials for a period of one year from the date of delivery. This includes materials and factory labor. On-site labor is included only where YESCO performs the installation. Upon expiration of the one-year warranty, the goods are warranted solely in accordance with the manufacturer's separate warranty, if any. Electronic displays and digitally-controlled lighting products, related controllers, and similar components are warranted solely in accordance with the manufacturer's warranty, if any. B. Service and Retrofit Services. YESCO warrants that service, repair and/or lighting retrofit services will be free from material defects in workmanship for a period of 90 days from the completion of the repair, maintenance, and or retrofit. This includes on-site labor only; any goods are warranted solely in accordance with the manufacturer's warranty, if any. YESCO's warranties exclude damage caused by ordinary wear and tear, accident, abuse, misuse, misapplication of electricity, extreme winds or rain, hail, wildlife or rodent damage, or other casualty, unless the same is caused solely by YESCO. YESCO SPECIFICALLY DISCLAIMS ANY AND ALL OTHER WARRANTIES OF ANY TYPE, WHETHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF NON-INFRINGEMENT, MERCHANTABILITY OR FITNESS FOR PURPOSE. YESCO will either repair or replace, at YESCO's election, any part of the goods or services that prove to be materially defective during the warranty period, in accordance with the terms of the above warranties.

7. Extended Warranty: If the Work expressly includes an extended warranty for the recurring maintenance, service, or repair of goods over a term for a one-time, up-front payment or periodic payments over term, the provisions of this paragraph will apply. So long as your payment obligations are current, and you are not in default to YESCO or any YESCO affiliate under any agreement (e.g., a lease agreement), including this Agreement, YESCO agrees to service the goods only as described in the Work. When the goods require service, you agree to notify YESCO in writing, and YESCO shall, if practicable (e.g., parts are immediately available) and unless otherwise provided in this Agreement, acknowledge the request within five business days. YESCO's extended warranty obligations are inapplicable to damage for the same exclusions set forth in the limited warranty above, unless and to the extent the same is caused by YESCO. In the event that parts or materials become unavailable or in the event the goods or any components are or become unusually difficult or unsafe to access, YESCO may cancel its extended warranty obligations with respect to the affected goods or components and your exclusive remedy is for YESCO to proportionately credit any up-front payment or proportionately credit your periodic payment for the same. In the event that service is performed by a third party without the authorization of YESCO, YESCO may, at its option, suspend or terminate its extended warranty or service obligations without any credit to any up-front payment or reduction to any periodic payment upon written notice to you.

8. Risk of Loss, Damage or Destruction; Insurance: Except to the extent of damage caused by the negligent or otherwise wrongful acts of YESCO, you bear all risk of loss or damage to any goods, including, without limitation, loss or damage caused by seizure, casualty, vandalism, terrorism, accident, theft, riot, strike, insurrection, war, fire, and acts of God. Any shipments are FOB YESCO. Until your obligations are fully satisfied, at your sole cost and expense, you must insure any goods against loss or damage at least in the amount owed to YESCO for the Work, and you must name YESCO as loss payee with respect to such insurance.

9. Liens and Taxes: Until your obligations are fully satisfied, at your sole cost and expense you must maintain the Work free and clear of all levies, liens, and encumbrances. You must declare as required, and pay when due all taxes, fees, assessments, charges, and all associated penalties and interest (collectively "Assessments"). If YESCO, at its option, pays any Assessments, you must immediately reimburse YESCO for the same.

10. Security Interest: Until your obligations are fully satisfied, you agree that the Work and related goods are YESCO's property, free of any ownership claim by you, the owner of any adjacent realty, or the creditors of either. To secure the performance of your obligations, including, without limitation your payment obligations, you grant to YESCO a security interest in the goods and permission to perfect, assign, amend, continue, and terminate the security interest in any way allowed by applicable law, both as to personal property and as to fixtures.

11. Default: If you default in the payment of any amount when due, or fail to perform any other obligation in this Agreement after delivery of the Work or after YESCO is ready to perform the Work, whichever first occurs, or if at any time bankruptcy, receivership, or other insolvency proceedings are commenced by or against you or any guarantor, you will, without notice, become obligated to immediately pay to YESCO an amount equal to the sum of 1) all previously billed but unpaid amounts, and 2) all unbilled remaining amounts and other payments owed to YESCO pursuant to

any other agreement between you and YESCO or any of YESCO's affiliates. In addition, YESCO has the right to stop the Work, including, without limitation, suspending warranty obligations until YESCO is paid in full. You agree that these remedies for default are fair and reasonable compensation for the damage to YESCO resulting from your breach, and are not a penalty. YESCO's acceptance of a late payment(s) or forbearance of any other event of default shall not operate as a waiver of YESCO's rights as to any subsequent late payment(s) or any other event of default.

12. Repossession: If you fail to make any payment when due or otherwise default in any of your obligations in this Agreement, YESCO may terminate this Agreement and may (but has no obligation to) repossess the goods or any component(s) thereof, without resort to judicial process, and without liability for trespass. YESCO's right of repossession includes the right to remove the goods, and also to disconnect or otherwise render the goods unusable. Repossession is not an acceptance of your surrender of the goods, and shall not require patching painting, touch up, etc. afterwards. YESCO's rights of termination and repossession shall be in addition to and not as an alternative to YESCO's right to its other remedies in this Agreement and any other remedy available at law or in equity.

13. Indemnification: Except to the extent of YESCO's negligence or willful misconduct, you agree to indemnify, defend, and hold harmless YESCO and its officers, directors, employees, agents, and subcontractors from any and all claims, costs, expenses (including reasonable attorney's fees), damages, and liabilities, at law or in equity arising out of or related to the Work. The provisions of this paragraph shall survive the completion of the Work and/or the termination of the Agreement.

14. Disputes: The parties agree to use good faith efforts to resolve any claims or disputes that may arise. If unsuccessful for any reason, at YESCO's sole option and upon YESCO's written notice to you, such claims or disputes may be submitted to formal mediation, with each party to pay one-half of the costs. In the event of litigation, venue of any action shall be in Salt Lake County, State of Utah. This Agreement shall be governed and construed in accordance with Utah law, without regard to its conflict of laws provisions. YESCO shall not be liable for special, indirect, incidental or consequential damages, including lost profits, irrespective of cause or theory. If YESCO places this Agreement with a collection agency or an attorney for collection or enforcement, you must pay all costs and expenses resulting therefrom, including reasonable attorneys' fees.

15. Possession, Transfers, and Assignment: Until your obligations herein are fully satisfied, you must keep any goods in your sole possession and control, and will not allow the goods to be modified, relocated, removed, or otherwise tampered with in any way without YESCO's prior written consent. If you determine to sell or otherwise transfer ownership (or other rights) to your business assets, the Work, or the real property on which any goods are located, you agree to deliver to YESCO written notice of such intention at least 30 days prior to closing. At the time of closing and with proceeds therefrom, you agree to pay to YESCO all amounts then outstanding and all unbilled remaining amounts owed to YESCO, unless YESCO has previously agreed in writing to your assignment of this Agreement. All the terms and conditions hereof shall be binding upon and inure to the benefit of the successors, assigns, and legal representatives of the respective parties, including, if applicable, successors to your interest in the Work, the real property upon which any goods are located, and any successor owners of interests in any of your business assets. You may transfer your interests, rights, and obligations in this Agreement only upon the prior written consent of YESCO. YESCO may assign its interests, rights, and obligations in this Agreement as may be expedient to perform the Work.

16. Your Special Duties: You agree to warrant and obtain and maintain all necessary access rights (including computer access, if necessary) for YESCO to safely perform the Work on the premises for which the Work is ordered, and to disconnect, render unusable, and/or remove the Work, or any component or part thereof, free and clear of lien, encumbrance, or claim of trespass. You agree to indemnify YESCO against and hold YESCO harmless from damage or expense resulting from a breach of this provision. The Work excludes primary-side electrical and communication wiring, service, controllers (e.g., timers and photo cells), circuit breakers, and fuses. At your own expense, you agree to furnish and maintain power lines, controllers, and data service as necessary for the performance of the goods and compliance with applicable law, and agree to install the same as designated by YESCO ready and in place for connection to the goods at the intended time of installation. For Work in Colorado, connection of the goods to electrical power is excluded from the Work unless specifically described in the Agreement as an inclusion. You agree to provide all necessary reinforcements to any previously existing building, pole, base, or any other object or surface on which the goods will be installed, or which will be utilized by YESCO in the installation or access thereof, if applicable. You agree to advise YESCO in writing of all cellular antennas, microwave, and other equipment or hazards that may be dangerous to workers. YESCO's performance is subject to you properly securing or otherwise rendering safe all such dangers whenever YESCO's employees will be in the area.

You agree to bear all permitting and other compliance costs and risks pertaining to federal, state, or local laws, regulations, and ordinances or authoritative interpretations that relate to the placement, configuration, operation, and use of the goods and services. You acknowledge that outdoor advertising laws generally prohibit advertisements that are not the principal business, products, services, or activities where the advertisement is located. You agree to be solely responsible for the procurement of outdoor advertising permits (if desired) and compliance with outdoor advertising laws. You acknowledge and agree that your rights, whether arising under contract, permit from a land use authority, or otherwise, to install or operate the Work may be or become subject to revocation, limitation, suspension, condemnation, modification, restriction, or adverse interpretation by judicial, governmental agency, or other third party action. Upon the occurrence and during the pendency of any such event, you will not be released from your payment obligations under this Agreement.

17. Miscellaneous Provisions:

A. No statement made by YESCO's account executive(s) will be binding on YESCO unless incorporated in this Agreement in writing. Although the Agreement may be signed by YESCO's account executive(s), the Agreement shall not be binding upon YESCO for any purpose until an executive officer or another authorized agent of YESCO accepts this Agreement by providing a written signature evidencing such acceptance on the applicable Transaction Document.

B. Time is of the essence. All past due amounts shall bear an annual interest rate of the lesser of 18% percent or the maximum rate allowed by law.

C. Performance by YESCO shall be subject to delay due to strike, labor dispute, breakage, fire, unforeseen commercial delays, infectious disease, epidemic, pandemic, insurrection, war, acts of terror, acts of God, governmental regulation, or other causes beyond YESCO's reasonable control.

D. YESCO shall not be responsible for radio or television interference, nor for the replacement of light emitting diodes, neon tubing or other tubing because of color change or reduction of brilliance.

E. YESCO's listing of contractor's licenses available on the Internet at <http://www.yesco.com/licenses.html> is incorporated by reference herein.

F. If any part of this Agreement is found invalid or unenforceable, that part will be amended to achieve as nearly as possible the intent and economic effect of the original provision to the fullest extent permitted by law, and the remaining provisions shall continue in full force and effect.

G. Except for original works created by you or your agents, all designs, animations, or other advertising content (collectively, "Content") provided by YESCO is the sole property of YESCO. You warrant that you have the full legal right to use any original works created by you and delivered to YESCO by you for your use. You are granted a non-exclusive, non-transferable license to use the YESCO-owned Content for so long as you operate your business. You agree to not create derivative works of the YESCO-owned Content. YESCO may reject any request for Content that YESCO determines may reflect adversely on the character, integrity, or standing of any person or business.

This Agreement is a complete integration and final expression of the agreement between the parties, and may not be amended, supplemented, or otherwise modified except by written agreement executed by authorized representatives of each.



Invoice

Bill To

Yuba City Public Works Dept
611 Plumas Street
Yuba City CA 95991-4419
United States

Ship To

Yuba City Public Works Dept
611 Plumas St
Yuba City CA 95991-4419
US

Remit To

CA - Sacramento
4119 S Market Court #10
Sacramento CA 95834
United States

Project Number / Invoice #

PRY-00519

Terms

DUE UPON ACCEPTANCE

Account Executive

005997 Scott Zufelt

Item	Amount
Down Payment Invoice for 25% (Prefunding)	\$97,718.84
Total	\$97,718.84

ACH Payment Authorization

By completing your ACH information below, you authorize YESCO to withdraw all payment(s) pursuant to the Agreement on the applicable due date (s) from Customer's depository account as described below. Written revocation of this authorization must be received by YESCO with at least 30 days prior notice.

Name on Bank Account

Name of Bank

Checking

Savings

Bank Account Number

Routing Number

Bank City and State

E-mail Address for Receipt

Phone

Authorized Signature

Date

**SACRAMENTO
BRANCH**

4119 S. Market Court
Suite F / 10
Sacramento, CA 95834
(916) 419-8101
CA CONTRACTOR LICENSE NO.
980698

Notice to the Customer

©2017 by YESCO
All rights reserved

Note: The color depicted on this rendering may not match the actual color used on the actual finished product.

Please refer to the actual drawing for the approved color specifications.

Note: The cost of providing electrical wiring to the top wires of required terminals and the cost of providing the required number of all special inspection are not included in this sign process.

Note: The proportion of signs shown in building and landscape area photos is an approximate representation.

FROM NAME LOCATION ADDRESS



Water Tower

ADDRESS:
PLUMAS ST & FREMONT WAY

YUBA CITY, CA 95991
CITY:

SCOTT ZUFELT
ACCOUNT EXECUTIVE

DESIGNER	DATE
----------	------

Kerry	03/28/17
R1 Kerry	04/26/17

APPROVAL

CUSTOMER	DATE
----------	------

LANDLORD	DATE
----------	------

SALES	DATE
-------	------

ESTIMATING	DATE
------------	------

SURVEY	DATE
--------	------

DESIGN NUMBER
571767 R1

WATER TOWER	ARCHIVE NUMBER
1	1
2	2
3	3
4	4
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SHEET
CV 1 of 1



Water Tower

NEW EXTERNALLY ILLUMINATED GRAPHICS NEW LED FLOOD FIXTURES

Plumas Street & Fremont Way, Yuba City, CA 95991

SHEET INDEX

CV - Cover Page
SP 1.0 - Site Map
Design Page S1.0
Design Page S1.1


YESCO.
SACRAMENTO BRANCH
 4119 S. Market Court
 Suite F / 10
 Sacramento, CA 95834
 (916) 419-8101
 CA CONTRACTOR LICENSE NO.
 980898

Notice to the Customer
 In the drawing, the word "EXISTING" is used to indicate the location of existing equipment. The word "NEW" is used to indicate the location of new equipment. The word "REPLACE" is used to indicate the location of equipment to be replaced. The word "REMOVE" is used to indicate the location of equipment to be removed. The word "INSTALL" is used to indicate the location of equipment to be installed. The word "UPGRADE" is used to indicate the location of equipment to be upgraded. The word "REPAIR" is used to indicate the location of equipment to be repaired. The word "MAINTAIN" is used to indicate the location of equipment to be maintained. The word "TEST" is used to indicate the location of equipment to be tested. The word "INSPECT" is used to indicate the location of equipment to be inspected. The word "CLEAN" is used to indicate the location of equipment to be cleaned. The word "PAINT" is used to indicate the location of equipment to be painted. The word "POLISH" is used to indicate the location of equipment to be polished. The word "WAX" is used to indicate the location of equipment to be waxed. The word "SEAL" is used to indicate the location of equipment to be sealed. The word "TUNE" is used to indicate the location of equipment to be tuned. The word "ALIGN" is used to indicate the location of equipment to be aligned. The word "CALIBRATE" is used to indicate the location of equipment to be calibrated. The word "REPROGRAM" is used to indicate the location of equipment to be reprogrammed. The word "UPDATE" is used to indicate the location of equipment to be updated. The word "REPAIR" is used to indicate the location of equipment to be repaired. The word "MAINTAIN" is used to indicate the location of equipment to be maintained. The word "TEST" is used to indicate the location of equipment to be tested. The word "INSPECT" is used to indicate the location of equipment to be inspected. The word "CLEAN" is used to indicate the location of equipment to be cleaned. The word "PAINT" is used to indicate the location of equipment to be painted. The word "POLISH" is used to indicate the location of equipment to be polished. The word "WAX" is used to indicate the location of equipment to be waxed. The word "SEAL" is used to indicate the location of equipment to be sealed. The word "TUNE" is used to indicate the location of equipment to be tuned. The word "ALIGN" is used to indicate the location of equipment to be aligned. The word "CALIBRATE" is used to indicate the location of equipment to be calibrated. The word "REPROGRAM" is used to indicate the location of equipment to be reprogrammed. The word "UPDATE" is used to indicate the location of equipment to be updated.

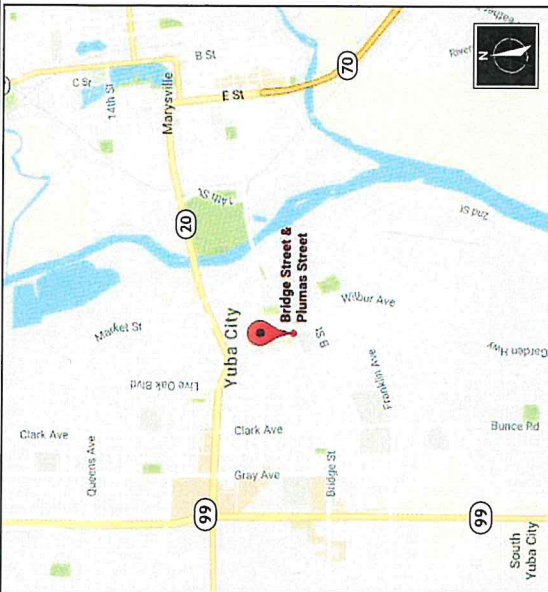
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 All rights reserved

Note: This work is to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

YubaCity
Water Tower
 PLUMAS ST & FREMONT WAY
 ADDRESS:
 YUBA CITY, CA 95991
 CITY:
 ACCOUNT EXECUTIVE:
 SCOTT ZUPELT
 DESIGNED: DATE:
 R1 Kerry 04/26/17
 R1 Kerry 04/26/17

APPROVAL
 CUSTOMER DATE
 LANDLORD DATE
 SALES DATE
 ESTIMATING DATE
 SURVEY DATE

ORDER NUMBER
571767 R1
 WATER TOWER
 ARCHIVE NUMBER
 SHEET
 SP 1.0



VICINITY MAP

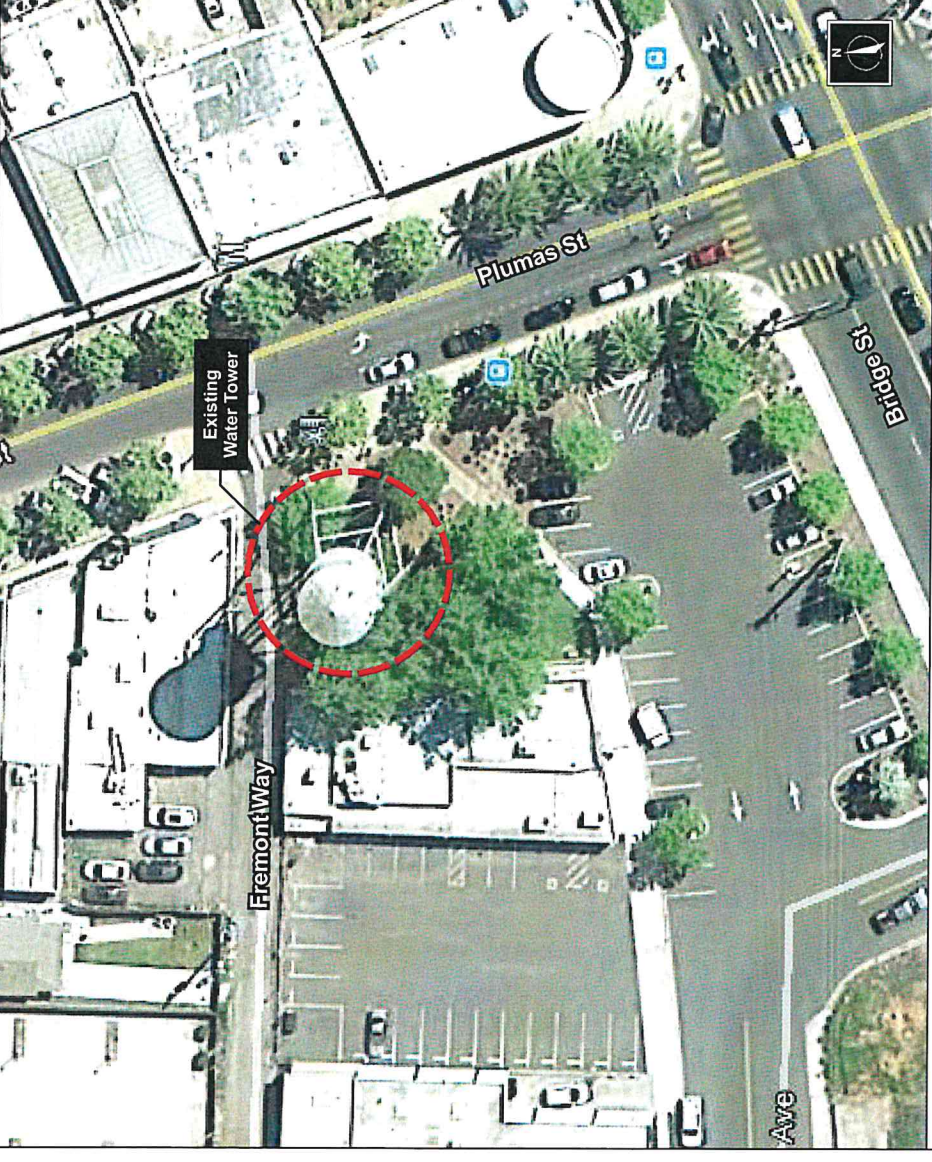
Not to Scale

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



GENERAL NOTES:
 All work shall comply with 2013 Edition of CCR Title 24 which adopts and amends the 2012 IBC to 2013 California Building Code, 2013 UMC to 2013 California Mechanical Code, 2013 UPC to 2013 California Plumbing Code, 2008 NEC to 2013 California Electrical Code, 2013 IFC to 2013 California Fire Code and the 2013 Title 24 Energy Efficiency Standards. CBC 1.8.3, LMMC 14.10.010.

NOTE: CUSTOMER TO PROVIDE TITLE 24 COMPLIANT SIGN LIGHTING CONTROLS (AUTOMATIC TIME SWITCH / PHOTO CELL) CUSTOMER TO PROVIDE PRIMARY POWER TO SIGN LOCATION



SITE PLAN

Not to Scale

ELEVATION	PROJECT	ELECT. LOAD	SQ. FT.
EAST	NEW Single Face Externally Illuminated Vinyl Graphic Logo on Existing Water Tower	N/A	
WEST	NEW Single Face Externally Illuminated Vinyl Graphic Logo on Existing Water Tower	N/A	
	EXTERNAL COLOR CHANGING LED LIGHT FIXTURES - To Be Determined	T.B.D.	
	TOTAL	T.B.D.	

YESCO.

**SACRAMENTO
BRANCH**

4119 S. Market Court
 Suite F / 110
 Sacramento, CA 95834
 (916) 419-8101
 CA. CONTRACTOR LICENSE NO.
 980698

Notice to the Customer

This document was created to assist you in understanding the terms and conditions of the YESCO contract. It is not intended to be a contract. It is a document that provides information to you. It is not a contract. It is a document that provides information to you. It is not a contract. It is a document that provides information to you.

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Water Tower
 PLUMAS ST & FREMONT WAY
 ADDRESS:
 YUBA CITY, CA 95991
 CITY:

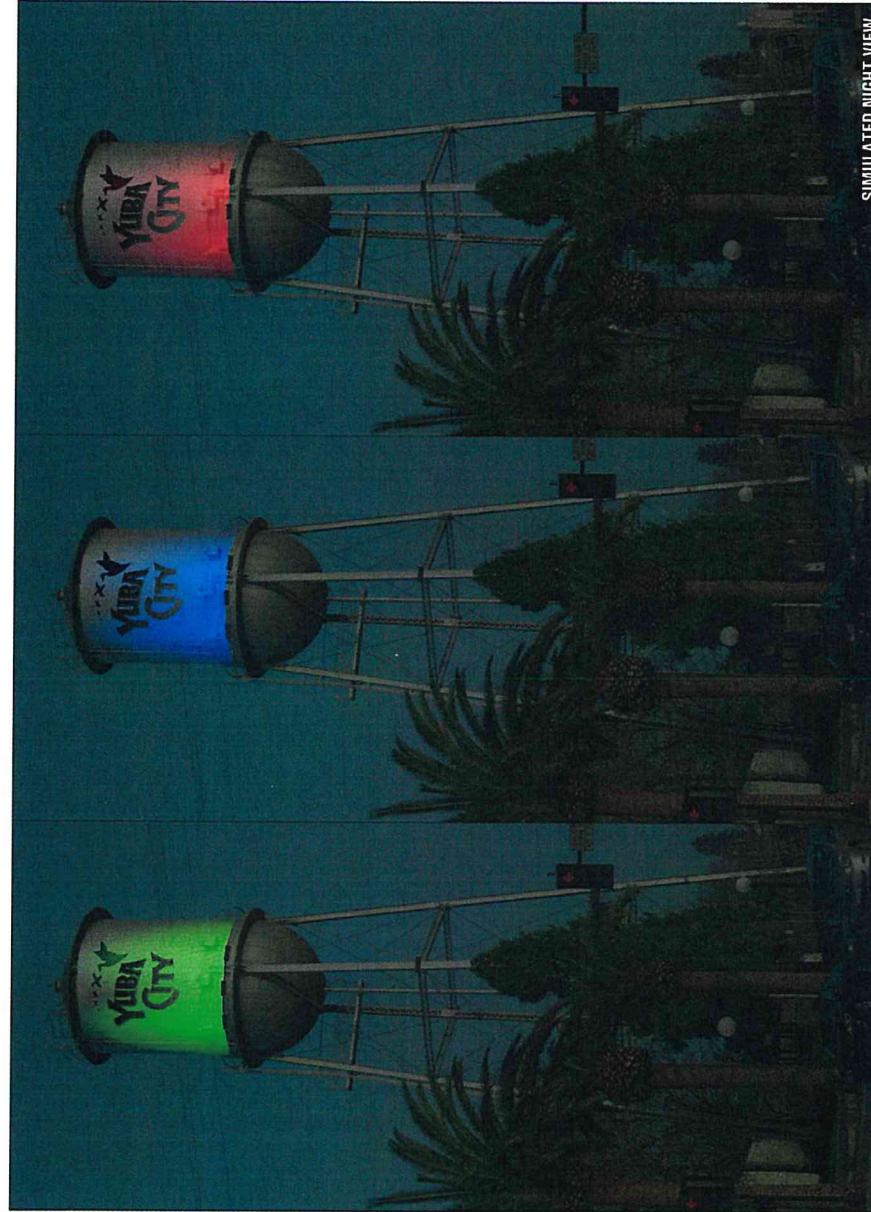
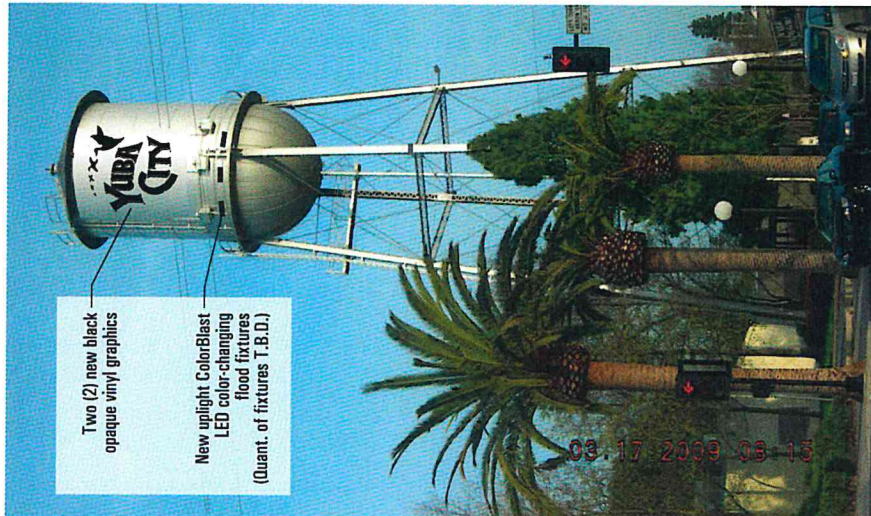
SCOTT ZUFELT
 ACCOUNT EXECUTIVE
 DESIGNER
 DATE: 03/28/17
 R1 Kerry 04/26/17

APPROVAL

CUSTOMER	DATE
LANDLORD	DATE
SALES	DATE
ESTIMATING	DATE
SURVEY	DATE

DESIGN NUMBER
571767 R1
 WATER TOWER
 ARCHIVE NUMBER

SHEET **S 1.0**



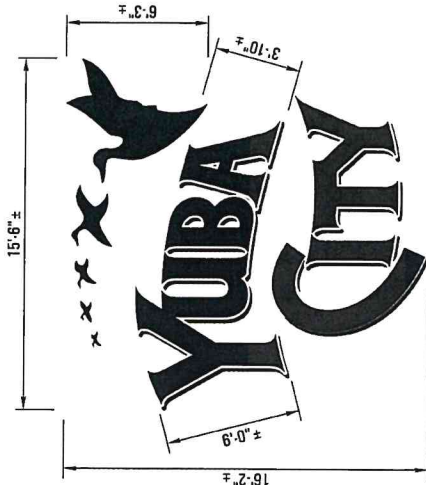
SIMULATED NIGHT VIEW

NEW GRAPHICS AND COLOR-CHANGING LIGHTING FOR EXISTING WATER TOWER

QUANTITY: One (1) Existing Water Tower, Provide and Install New Graphics and External Color-Changing LED Light Fixtures

Not to Scale

FIELD SURVEY REQUIRED FOR ACTUAL DIMENSIONS



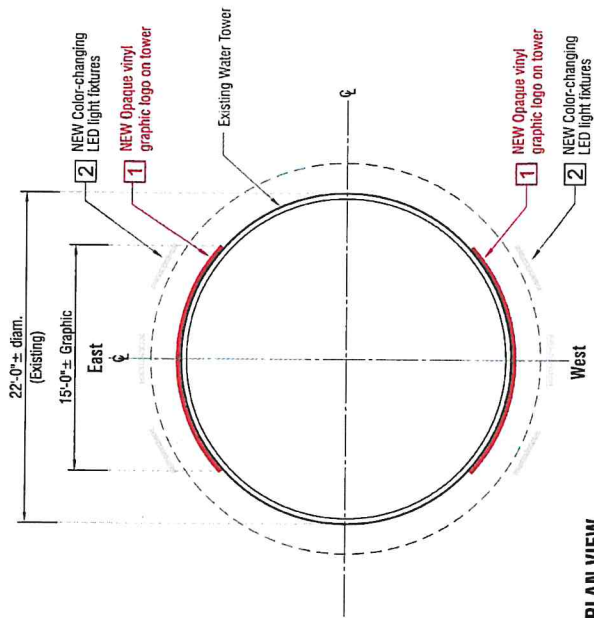
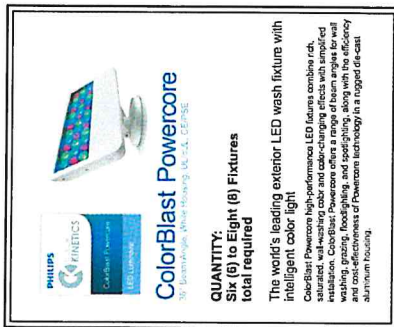
1
NEW GRAPHIC
(Externally Illuminated)
Two (2)

NEW GRAPHICS AND LIGHTING FOR EXISTING WATER TOWER

QUANTITY: One (1) Existing Water Tower, Provide and Install New Graphics and External Light Fixtures

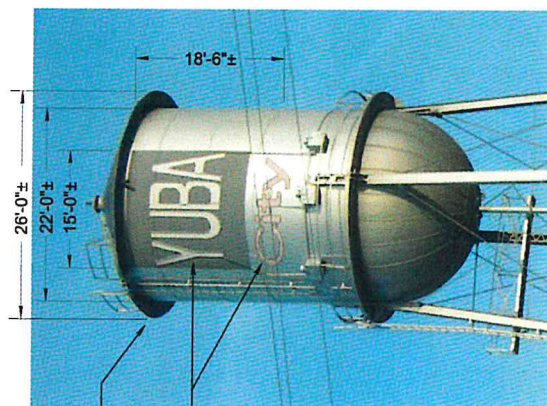
2
NEW LIGHTING
Color-changing LED light fixtures
(exact number of fixtures to be determined)

Scale: 3/16" = 1'-0"

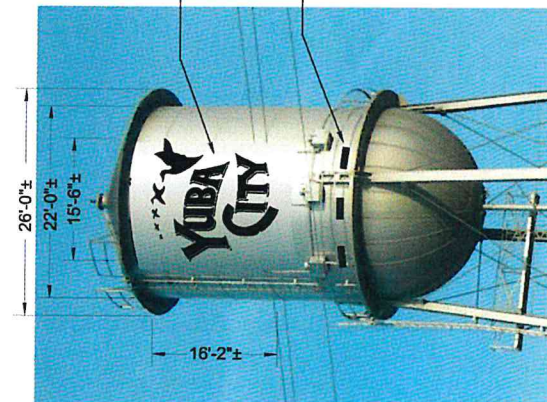


PLAN VIEW

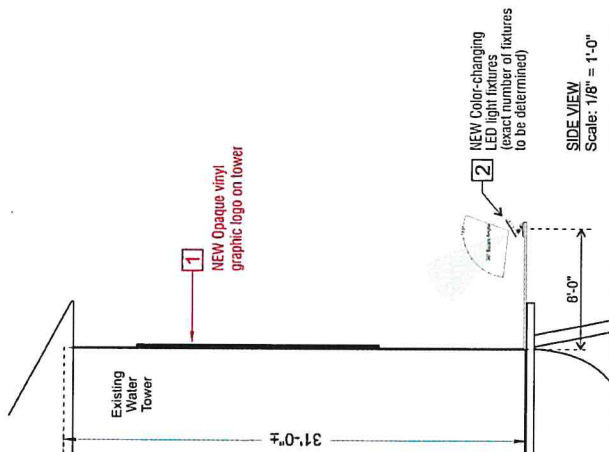
Scale: 1/8" = 1'-0"



EXISTING WATER TOWER



PROPOSED WATER TOWER



SIDE VIEW

Scale: 1/8" = 1'-0"

YESCO. SACRAMENTO BRANCH 4119 S. Market Court Suite F / 10 Sacramento, CA 95834 (916) 419-8101 CA CONTRACTOR LICENSE NO. 908638		Notice to the Customer The following was prepared in the office of YESCO, Inc. and is intended to be a preliminary drawing. It is not to be used for construction purposes without agreement with YESCO. ©2017 by YESCO All rights reserved. Note: The color of the lighting fixture is not shown. The color of the lighting fixture is to be determined by the customer. The color of the lighting fixture is to be determined by the customer. The color of the lighting fixture is to be determined by the customer.	
PROJECT INFORMATION PROJECT NAME / LOCATION ADDRESS Water Tower PLUMAS ST & FREMONT WAY ADDRESS: YUBA CITY, CA 95991 CITY:		ACCOUNT EXECUTIVE SCOTT ZUFELT DESIGNER KERRY DATE 03/28/17 R1 Kerry 04/26/17	
APPROVAL CUSTOMER DATE LANDLORD DATE SALES DATE ESTIMATING DATE		SURVEY DATE 571767 R1 WATER TOWER ARCHIVE NUMBER SHEET S 1.1	

CITY OF YUBA CITY
STAFF REPORT

Date: May 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Police Department
Presentation By: Stephan Thornton, Police Lieutenant

Summary

Subject: Introduce an Ordinance regulating Trespassing on Private Property and Public Nudity

Recommendation: A. Hold a Public Hearing; then

B. Introduce an Ordinance of the City Council of Yuba City regulating trespassing and public nudity by amending Title 5 (Public Welfare, Morals, and Conduct) of the City of Yuba City Municipal Code by adding Chapter 25, sections 5-25.010 through 5-25.030 (Trespass on Private Property) and Chapter 26, sections 5-26.010 through 5-26.040 (Public Nudity Prohibited), by title only and waive the first reading

Fiscal Impact: No negative fiscal Impact. Small revenue increase due to issued citations

Purpose:

Help support property-owner rights, reduce the number of calls for service to the Police Department, and provide a path of enforcement for people who consistently trespass on private property and disrupt local businesses, as well as addressing those who expose themselves while in public view. The ability to take enforcement action will reduce the number of calls to the Police Department by reducing the number of follow-up calls received and help raise the quality of life within our community.

Background:

Local property owners, including businesses, are experiencing numerous individuals who are coming onto private property without permission. These trespassers are obstructing businesses or otherwise disrupting the lawful use of the property. Many trespassers become belligerent and aggressive when asked to leave the property. Additionally, the community has also experienced individuals who choose to physically expose themselves in public places.

California does have certain laws in place designed to address this behavior. However, these trespassing and public nudity laws are designated as "specific intent" crimes. This means that to obtain a successful prosecution for trespassing under current state law, the Police Department and District Attorney's office must show the suspect entered and remained on private property, open to the public, with the specific intent of disrupting the business. As a practical matter, it is difficult to prove the specific intent that these individuals intended to trespass or disrupt the lawful use of the property.

Likewise, in cases of public nudity, law enforcement and the prosecuting District Attorney must show the act was done with the intent of self-sexual gratification. However, during the past several years, the Police Department has seen an increase in indecent exposure reports. These reports consist of individuals exposing their breasts and genitalia to passing motorists as well as members of the community on private property open to the public, such as shopping centers and stores. A strong percentage of these incidences are not related to self-sexual gratification, but instead appear to be designed to shock the senses, etc.

During 2022 the Yuba City Police Department responded to 312 trespassing calls for service that generated 124 reports. During this same time period, the police department responded to 86 reported indecent exposures, which generated 8 reports. Since January 1, 2023, the Yuba City Police Department has responded to 114 reported trespassing calls (44% were at local businesses) and wrote 49 reports. During this same time period, the police department has responded to 18 calls for indecent exposure and written 5 reports.

To address these issues, staff are proposing an update to the City's Municipal Code to provide additional enforcement options for exposure and to allow removal of trespassers who are on property without the owner's permission. If adopted, these updates close what is essentially an existing loophole under State by providing an additional enforcement option to remove persons from private property that is open to the public. The updates also act as a deterrent by imposing citations and associated fines.

Analysis:

The purpose of these ordinances is to help provide a peaceful and safe environment for community members to shop and enjoy a higher quality of life within the City of Yuba City. These ordinances also provide a legal means for removing trespassers from private property, including property otherwise open to the public, as well as public exposure.

Fiscal Impact:

No negative fiscal Impact. Small revenue increase due to issued citations.

Recommendation:

A. Hold a public hearing; then

B. Introduce an Ordinance of the City Council of Yuba City regulating trespassing and public nudity by amending Title 5 (Public Welfare, Morals, and Conduct) of the City of Yuba City Municipal Code by adding Chapter 25, sections 5-25.010 through 5-25.030 (Trespass on Private Property) and Chapter 26, sections 5-26.010 through 5-26.040 (Public Nudity Prohibited), by title only and waive the first reading.

Attachments:

1. Trespassing and Nudity Ordinance (Proposed)

Prepared By:
Stephan Thornton
Police Lieutenant

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
YUBA CITY, CALIFORNIA, PROHIBITING TRESPASS ON
PRIVATE PROPERTY; PROHIBITING NUDITY IN PUBLIC
PLACES**

WHEREAS, the City has experienced a sudden increase of trespass upon private property where private property owners have requested that trespassing individuals leave, but such individuals refuse to leave; and

WHEREAS, the City currently does not have prohibitions against trespass onto private property in order to address trespass upon private property as described above; and

WHEREAS, the City currently does not have prohibitions against nudity in public places; and

WHEREAS, a person's public exposure of his or her private parts

(1) invades the privacy of members of the public who are unwillingly or unexpectedly exposed to such conduct and unreasonably interferes with the rights of all persons to use and enjoy the public streets, sidewalks, street medians, parklets, plazas, public rights-of-way, transit vehicles, stations, platforms, and transit system stops,

(2) creates a public safety hazard by creating distractions, obstructions, and crowds that interfere with the safety and free flow of pedestrian and vehicular traffic, and

(3) discourages members of the public from visiting or living in areas where such conduct occurs.

WHEREAS, based upon the forgoing, the City Council desire to enact this Ordinance for the purpose of securing and promoting the public health, safety, and general welfare of all persons in the City; and

WHEREAS, therefore, the City Council desires to adopt this Ordinance for the forgoing reasons.

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

SECTION 1. Recitals. The recitals set forth above are incorporated herein by this reference.

SECTION 2. Trespass on Private Property. Chapter 25 is hereby added to Title 5 of the Yuba City Municipal Code as follows:

Chapter 25 – Trespass on Private Property Prohibited

Section 5-25.010 – Definitions.

The following words and phrases shall have the following meanings when used in this Chapter 5.25:

- (a) “Owner” means the actual owner of the private property, a lessee, or other person in charge of the private property or business premises.
- (b) “Agent” means any person or organization expressly authorized by the owner of the private property or business premises to serve the notice of trespass.
- (c) “Person” shall have the same definition as provided in Yuba City Municipal Code Section 1-313(m).
- (d) “Private Property” shall mean private property or business premises of the owner and property that is not owned by a public entity (e.g., the City of Yuba City).
- (e) “Notice of Trespass” means the verbal or written notice by the owner or agent to a person who is on private property indicating that such person is no longer permitted to be on the property. The record of notice of trespass shall be documented with the Yuba City Police Department as provided in this Chapter 5.25. The notice of trespass must contain the following:
 - 1) The address of the private property or business premises;
 - 2) The date and time such notice of trespass was given;
 - 3) The name of the owner or agent serving the notice of trespass; and
 - 4) The name and date of birth of the person being given the notice of trespass.

Section 5-25.020 – Trespass on Private Property Prohibited; Violations.

- (a) Except as provided under Section 5.25.030, it is unlawful for any person to enter or remain upon any private property or business premises after having received a notice of trespass from the owner or agent of private

property to keep off or keep away therefrom. Such notification shall be served by the owner or agent to the person and shall be in the form of a notice of trespass.

(b) Prior to any enforcement of this Chapter 5.25 against any person receiving a notice of trespass, the notice of trespass shall be documented with the Yuba Police Department in the manner as prescribed by the Chief of Police. The Yuba Police Department may coordinate with the owner or agent of private property to deliver the notice of trespass.

(c) In addition to any other remedy or punishment available by any law, any person who violates this Chapter 5.25 is guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Further, violations of this Chapter 5.25 may also be enforced pursuant to Chapter 2 of Title 1 of the Yuba City Municipal Code.

Section 5-25.030 – Exceptions.

This Chapter 5.25 shall not apply in the following circumstances:

(a) Where the owner or agent rescinds a notice of trespass by the giving of written permission to enter or remain upon the private property or business premises, and, further, documenting such rescission with the Yuba Police Department in the manner prescribed by the Chief of Police. Such permission shall void the existing notice of trespass, and should the owner or agent want to exclude the person at a later time, that person shall be re-noticed pursuant to Section 5-25.020.

(b) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of age, ancestry, color, disability, genetic information, gender (including gender identity and gender expression), marital status, medical condition, national origin, race, religion, sex, or sexual orientation.

(c) Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers.

(d) Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities.

(e) Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech including, but not limited to, peaceful expressions of political or religious opinions not involving offensive personal conduct.

Ordinance XXXX
Trespass and Nudity Ordinance

(f) Where the person who is upon another's private property or business premises is there under claim of legal right. This exception is applicable, but not limited to, to the following types of situations involving disputes where the participants have available to them practical and effective civil remedies:

- (1) Marital and post-marital disputes;
- (2) Child custody or visitation disputes;
- (3) Disputes regarding title to or rights in real property;
- (4) Landlord-tenant disputes;

(5) Disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute;

- (6) Employer-employee disputes;
- (7) Business-type disputes such as those between partners;
- (8) Debtor-creditor disputes;

(9) Instances wherein the person claims rights to be present pursuant to order, decree or process of a court.

(g) Circumstances in which Chapter 23 of Title 5 of the Yuba City Municipal Code is applicable.

(h) Circumstances in which enforcement of this Chapter 5.25 is not permitted by applicable federal, state, or local law.

SECTION 3. Public Nudity. Chapter 26 is hereby added to Title 5 of the Yuba City Municipal Code as follows:

Chapter 26 – Public Nudity Prohibited

Section 5-26.010 – Purpose and Findings.

The City Council finds that a person's public exposure of his or her private parts

(a) invades the privacy of members of the public who are unwillingly or unexpectedly exposed to such conduct and unreasonably interferes with the rights of all persons to use and enjoy the public streets, sidewalks, street medians, parklets, plazas, public rights-of-way, transit vehicles, stations, platforms, transit system stops and private properties open to the public;

Ordinance XXXX
Trespass and Nudity Ordinance

- (b) creates a public safety hazard by creating distractions, obstructions, and crowds that interfere with the safety and free flow of pedestrian and vehicular traffic;
- (c) discourages members of the public from visiting or living in areas where such conduct occurs; and
- (d) the City Council has therefore enacted the provisions of this Chapter 5.26 for the purpose of securing and promoting the public health, safety, and general welfare of all persons in the City of Yuba City.

Section 5-26.020 – Definitions.

For the purposes of this Chapter 5.26, the following words and phrases are defined as follows:

- (a) “Owner” means the actual owner of the private property, a lessee, or other person in charge of the private property or business premises.
- (b) “Agent” means any person or organization expressly authorized by the owner of the private property or business premises to permit a person to be nude thereon.
- (c) “Nude” or “nudity” means exposure of the breasts, genitals, perineum, or anal region.
- (d) “Person” shall have the same definition as provided in Yuba City Municipal Code Section 1-313(m).
- (e) “Private Property” shall mean private property or business premises of the owner and property that is not owned by a public entity (e.g., the City of Yuba City).
- (f) “Public property” means any property owned or controlled by the City of Yuba City, including, but not limited to, any building, street, sidewalk, bike path, alley, parking lot, plaza, park, playground, pool, beach or adjacent waters, public right-of-way, or other place open to the public.

Section 5-26.030 – Public Nudity Prohibited.

Except as provided by Section 5.26.040, no person shall be nude upon public property, upon any portion of private property that is visible from public property, or on private property open to the public.

Section 5-26.040 – Exceptions.

This Chapter 5.26 shall not apply to the following:

Ordinance XXXX
Trespass and Nudity Ordinance

- (a) Children under the age of ten (10) years;
- (b) The exposure of a breast while breastfeeding a nursing child;
- (c) Theatrical performances in a theater, concert hall, or other similar establishment;
- (d) Nudity within a fully enclosed structure intended to allow brief nudity, such as a bathroom, locker room, dressing room, or changing room;
- (e) Any permitted parade, fair, or festival held under a City or other government issued permit; and
- (f) Any act that is expressly permitted or prohibited by any law of the state of California or any other applicable law.
- (g) In the case of private property that is open to the public, where the owner or agent of private property permits a person to be nude thereon and nudity is permitted on the private property pursuant to the Yuba City Municipal Code or applicable law, including, without limitation, Title 8 of the Yuba City Municipal Code.
- (h) Residential private property where the owner, agent, or tenant of the private party permits nudity to occur thereon.

Section 5-26.040 – Violations.

- (a) In addition to any other remedy or punishment available by any law, any person who violates this Chapter 5.26 is guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Further, violations of this Chapter 5.25 may also be enforced pursuant to Chapter 2 of Title 1 of the Yuba City Municipal Code.
- (b) In addition to any other remedy or punishment available by any law, violations of this Chapter 5.26 is hereby declared a public nuisance and may be abated pursuant to Chapter 8 of the Yuba City Municipal Code.

SECTION 4. Severability. If any section, subsection, subdivision, 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, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

Ordinance XXXX
Trespass and Nudity Ordinance

SECTION 5. Effective Date and Publication. This ordinance shall take effect 30 days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced and read at a ____ meeting of the City Council of the City of Yuba City on the ____ day of ____, 2023, and passed and adopted at a regular meeting held on the ____th 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 16, 2023
To: Honorable Mayor & Members of the City Council;
From: Community Services Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Montna Bocce Ball Courts (Plans and Specifications)
Recommendation: Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications and authorizing advertisement for bids for the Montna Bocce Ball Courts Project
Fiscal Impact: Engineer's Estimate \$301,010.00 – Account No. 1305 (Bocce Ball Courts Sam Brannan Park)

Purpose:

To provide additional recreational opportunities for our community, including individuals with special needs.

Council Strategic Goal:

This project addresses the City Council's Strategic Goal of improving the City's infrastructure, as it will allow the City to expand recreational infrastructure at Sam Brannan Park, ultimately improving the quality of life for the community.

Background:

The Yuba/Sutter Special Olympics is an active member of the Special Olympics Northern California Inc. The Yuba/Sutter Special Olympics was created in 1968 by four families which had children with disabilities. One of the four founding families was the Montna family, which included father Larry, mother Norma, and their son, Butchie. Larry and Norma donated funds to build Butchie's Pool back in 1980, which was in service from 1980 to 2016. Larry passed away in 2020 and Norma passed away in 2017. Their estate plan included a \$300,000 donation to the Yuba/Sutter Special Olympics.

In the Fall of 2021, Mr. T.J. Fetters, the Area Director for Yuba/Sutter Special Olympics, approached City staff requesting the City construct new bocce ball courts at Sam Brannan Park. For the past seven years, the Yuba/Sutter Special Olympic teams have utilized the two bocce courts at Kingwood Park. Due to the high usage of the courts at Kingwood Park and the desire to facilitate tournaments and increase participation, it was determined that Sam Brannan Park was the best location for new courts.

At the September 6, 2022 City Council meeting, Council adopted a Resolution which Authorized the City Manager to execute a Donation and Facility Use Agreement between the City of Yuba City and Special Olympics Northern California Inc. This would allow the City to accept a \$300,000 donation for the construction of a new bocce court facility at GAP. The proposed facility includes the construction of four bocce courts with a concrete structure and artificial turf, an ADA-compliant concrete path to the

courts, perimeter court walkways, six-foot-long steel benches, decomposed granite hardscaping, a gateway arch, and various amenities for the bocce courts.

Analysis:

Through the design process, the location of the courts has been reviewed for both Sam Brannan Park and Gauche Aquatic Park (GAP). Ultimately, staff determined that Sam Brannan Park would be the best location for the courts due to cost and constructability. The cost for installation at Sam Brannan is significantly less than GAP because the Sam Brannan location does not require soil import or security fencing, and is much more accessible for contractors to mobilize and perform work. Additionally, the location will be much more visible to the public, being in direct sight from Gray Avenue, which may increase the public's awareness and usage of the facility. Lastly, these improvements to Sam Brannan coupled with the upcoming restroom improvements, and other recent park construction will likely make Sam Brannan's daily usage increase, which may help mitigate vandalism and other existing issues at the park.

Public Works staff has prepared the project plans, specifications, and cost estimate for the project. With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Advertise for Bid:	May 2023
Award Contract:	June 2023
Start of Construction:	July 2023
Completion:	September 2023

The plans and specifications for the project are on file in the Public Works Department at City Hall and at <http://www.yubacity.net/publicworksplans>. Construction management and inspection will be administered by the City's Public Works Department staff.

Fiscal Impact:

The engineer's estimate for the construction of base bid schedule items is \$301,010.00. The base bid sets the bocce courts' 4' perimeter concrete paths and benches as add-alternate bid items. Staff is proposing this option to stay within budget and to allow for future phased improvements. The project will be funded through CIP Account No. 1305 (Bocce Ball Courts Sam Brannan Park). Currently, Account No. 1305 has a balance of \$292,460. At the time of award, staff will propose funding recommendations to address potential funding shortfalls, based on actual bid prices.

Environmental:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the installation of new bocce courts within existing City facilities is a minor alteration of an existing public facility involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project.

Alternatives:

Instruct staff to modify the plans and specifications. The project delivery schedule will be impacted.

Recommendation:

Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications and authorizing advertisement for bids for the Montna Bocce Ball Courts Project.

Attachments:

1. Attachment 1 - Resolution
2. Attachment 2 - Project Exhibit

Prepared By:
Brad McIntire
Community Services Director

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ADOPTING A CEQA CLASS 1 CATEGORICAL EXEMPTION,
APPROVING THE PLANS AND SPECIFICATIONS, AND
AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MONTNA
BOCCE BALL COURTS PROJECT**

WHEREAS, the Public Works Department intends to solicit bids for construction of the Montna Bocce Ball Courts Project.

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

Section 1. The City has performed a preliminary environmental assessment of this project relative to California Environmental Quality Act (CEQA) requirements and the City Council finds and determines that the project falls within Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the installation of new bocce courts within existing City facilities is a minor alteration of existing public facility involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project.

Section 2. The plans and specifications for the Montna Bocce Ball Courts Project be approved.

Section 3. The Public Works Department is hereby authorized and directed to advertise for bids for the Montna Bocce Ball Courts Project.

Section 4. This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 16th day of May, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

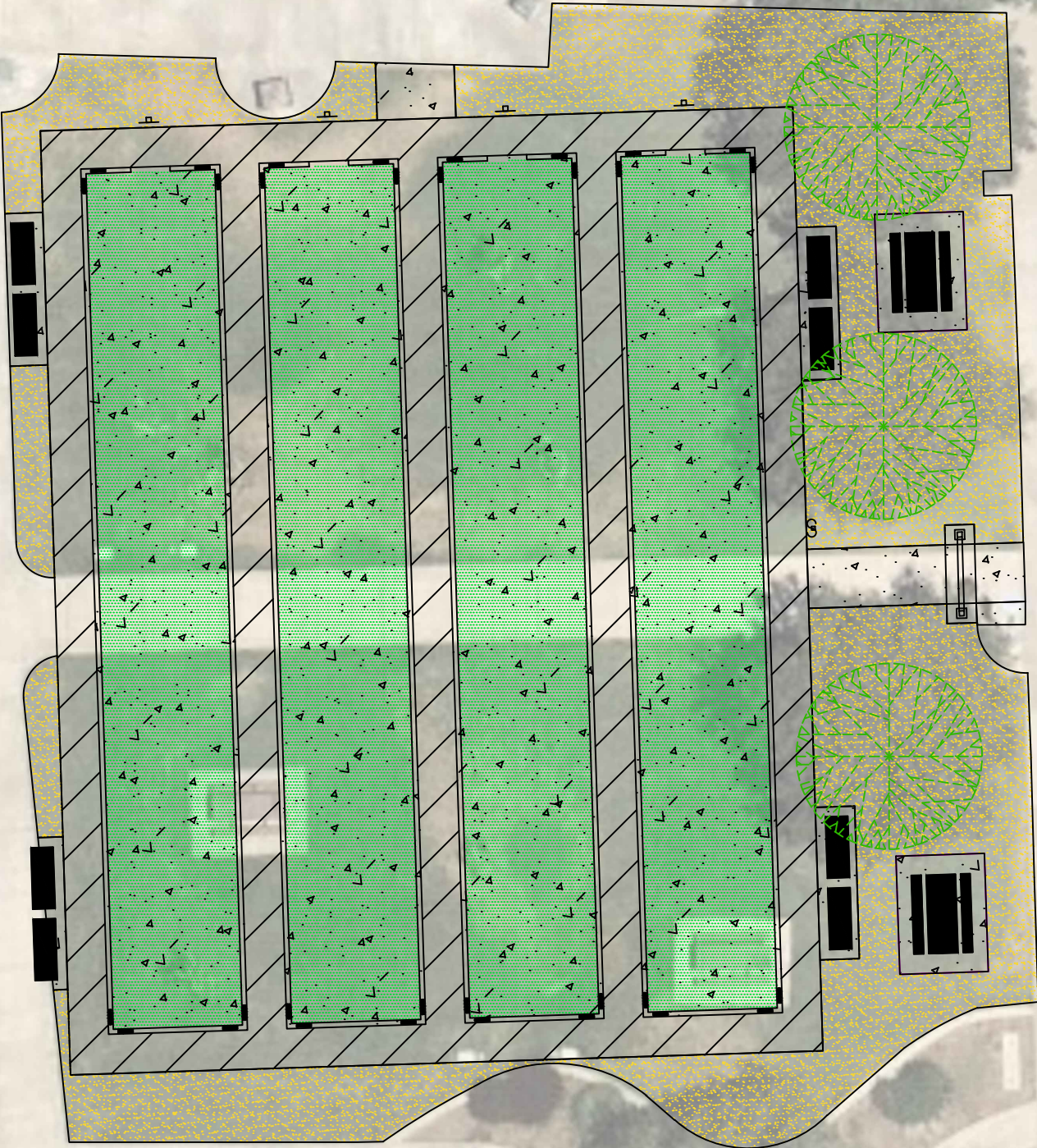
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

ATTACHMENT 2

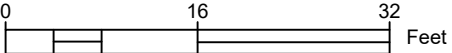
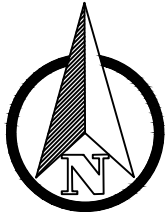
SAM BRANNAN PARK

810 GRAY AVENUE



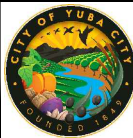
LAYOUT LEGEND:

-  ADA-COMPLIANT CONCRETE WALKWAY
-  TURF BOCCE COURTS WITH CONCRETE BASE
-  4' PERIMETER WALKWAY (ADD ALTERNATE ITEM)
-  STABILIZED DECOMPOSED GRANITE GOLD/ORANGE.
-  STEEL GATEWAY ARCH
-  6' STEEL BENCH (ADD ALTERNATE ITEM)
-  RELOCATE EXISTING PICNIC BENCHES



CITY OF YUBA CITY

MONTNA BOCCE BALL COURTS
PROJECT EXHIBIT



SUBMITTED BY: J. WOLFFE	DESIGN BY: JGW	DRAWING NO. 5563-B
1201 CIVIC CENTER BLVD. YUBA CITY, CA 95993 (530) 822-3288	DRAWN BY: JGW CHECKED BY: STAFF DATE OF PLANS: 03/22/2023	SHEET ## OF ## SHEETS

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

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City Council Reports

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

Adjournment