



AGENDA

JUNE 20, 2023

REGULAR MEETING CITY COUNCIL CITY OF YUBA CITY

**5:00 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
JUNE 20, 2023
5:00 P.M. CLOSED SESSION
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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_PcybFQMAT9-uwkvPf0zTMw. 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. Conference with Legal Counsel – Pending Litigation (Pursuant to Government Code Section 54956.9(d)(2))
(Lopez v. Maple Yuba, et al.; Claim No. NCGA08878A1; premises liability claim)
- B. Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.)
Agency designated representatives: Diana Langley, City Manager, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Ben Moody, Public Works and Development Services Director, Brian Baker, Police Chief, Jesse Alexander, Fire Chief, Michael Jarvis, LCW, Katie Kaneko, Koff & Associates
Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters

Local 3793; Yuba City Fire Management; First Level Managers, Mid Managers, Police Sworn Mid Managers; and Public Employees Local No. 1
Unrepresented employees: Confidential Employees, Executive Services Employees

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. **Outgoing Youth Commissioners Recognition**
2. **Permit Planner Presentation by Ashley Potocnik**
3. **Senate Bill 403 - Discrimination On The Basis of Caste**

Public Communication

4. 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.

5. Minutes of the June 6, 2023 meeting

Recommendation: Approve the June 6, 2023 minutes

6. Firefighters' Local 3793 Memorandum of Understanding

Recommendation: Adopt a Resolution:

A. Approving the Memorandum of Understanding with the Firefighters' Local 3793 group

B. Authorizing the Finance Director to amend the salary schedule

7. Citywide Phone System Upgrade

Recommendation: Adopt a Resolution awarding the purchase to Zoom Video Communications, Inc. for the procurement of a Voice over Internet Protocol (VoIP) phone system in the amount of \$95,068 and \$47,687 for the purchase of phone hardware utilizing the NASPO ValuePoint contract for a total project cost of \$142,755 with the finding that it is in the best interest of the City

8. Water Treatment Plant West Flow Meter Project

Recommendation: Adopt a Resolution with the following actions:

A. Award a construction contract to Koch & Koch, Inc., of Grass Valley, CA in the amount of their total bid of \$395,320.00 and authorize the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

B. Award a Professional Services Agreement to Inferrera Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$46,428.00 and authorize the City Manager to execute the contract on behalf of the City, subject to material terms, subject to review and approval as to legal form by the City Attorney, and with the finding that it is in the best interest of the City

9. Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area) Resolution of Intent

Recommendation: A. Adopt a Resolution Approving Engineer's Reports and Declaring Intention to Levy for Yuba City Residential Street Light Maintenance Districts, to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982

B. Set a Public Hearing for July 18, 2023 at 6:00 PM to establish assessments for Fiscal Year (FY) 2023-24

10. Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway Area) Resolution of Intent

Recommendation: A. Adopt the following Resolutions to continue the Maintenance District, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving the Engineer's Report, Yuba City Landscape Maintenance District No. 1
- Resolution of Intention to Order Improvements, Yuba City Landscape Maintenance District No. 1

B. Set a Public Hearing for July 18 at 6:00 PM to establish assessments for FY 2023-24

11. Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5 (Town Center and 69 Subdivisions throughout Yuba City), and Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District) Resolution of Intent

Recommendation:

A. Adopt the following Resolutions to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving Engineer's Reports, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6
- Resolution of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6

B. Set a Public Hearing for July 18, 2023 at 6:00 PM to establish assessments for Fiscal Year (FY) 2023-24

Business Items

12. FY2023-24 Citywide Sole Source and Professional Services

Recommendation: Adopt a Resolution pre-authorizing the City Manager or designee to enter into citywide sole source and professional service purchases from July 1, 2023 through June 30, 2024, for specified items based on each purchase recommendation being in the best interest of the City

13. Planned Development 18 (PD 18) Zoning District associated with Tentative Subdivision Map (TSM) 23-01, West Walton Village.

Recommendation: A. Conduct a Public Hearing; then

B. Introduce an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 23-02 by adopting a Mitigated Negative Declaration prepared for Planned Development (PD) 18 and SM 23-01 and rezoning Assessor's Parcel 58-020-001 to add Planned Development (PD) 18 located on the west side of Walton Avenue approximately 670 feet north of Franklin Road; Assessor's Parcel Number (APN) 58-020-001, and waive the first reading

14. 2023 Community Development Block Grant - Annual Action Plan

Recommendation: A. Conduct a Public Hearing to receive comments on the 2023 Annual Action Plan Amendment and after consideration;

B. Adopt a Resolution approving the proposed 2023 Annual Action Plan Amendment and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing;

C. Authorize the Finance Director to add budget appropriations for the grant revenue and expenditures

Future Agenda Items

15. Future Agenda Items

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

Reports and Communications

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

16. City Manager's Report

17. City Council Reports

Adjournment



Youth Commission Recognition

The Youth Commission acts in an advisory capacity to the City Council, City Manager, and Parks and Recreation Department. This Commission is often referred to as the “City Council” for youth. The Commission recommends general policies involving recreation programs for our youth, foster involvement of youth in municipal government, and evaluates and seeks solutions to problems, activities and concerns of youth. The Youth Commission also puts on many events throughout the year that benefit youth in our community.

Congratulations to the following Youth Commissioners!
Thank you for your service to better the community of the City of Yuba City!

Greta Hartridge Gundershaug - 1 year

Alejandro Macias - 1 year

Sonia Jawanda - 2 years

Ashleigh Skarshaug - 1 year

***The Youth Commission meets the 3rd Wednesday of every month at 6:00 pm in
the Sutter Room at City Hall***

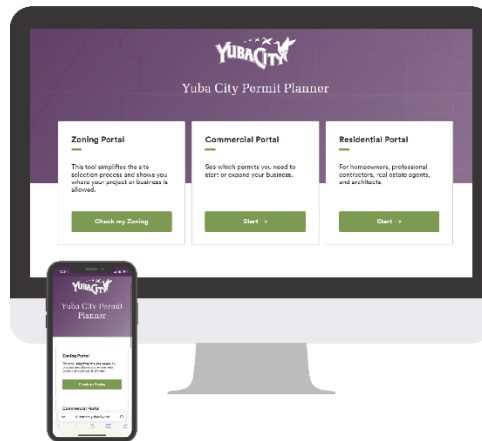


Ashley Potočník, Development Liaison, will present on the Permit Planner,
apotočník@yubacity.net | 530-822-5195

YUBA CITY Permit Planner

Ready to start a new
development project?
Looking to explore a new
venture?
Eager to start or expand
your business?

Brainstorm zoning,
required permits,
licenses, and fee
estimates to help you
build your next project.



 permits.yubacity.net





For Residents

See which permits you may need to build or renovate your home or build an Accessory Dwelling Unit (ADU).

For Businesses

Explore your business location and the possibilities of what may be allowed and what permits are needed.

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

SB 403

Presentation on opposition of SB 403

By: Satnam Singh and others

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: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes of the June 6, 2023 meeting
Recommendation: Approve the June 6, 2023 minutes
Fiscal Impact: None

Attachments:

1. 06.06.2023 - Regular Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
JUNE 6, 2023
5:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

Call to Order

The Closed Session Meeting of the City Council was called to order by Mayor Kirchner at 5:00 PM

Roll Call

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

Absent: None

Closed Session

Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.) Agency designated representatives: Diana Langley, City Manager, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Ben Moody, Public Works and Development Services Director, Brian Baker, Police Chief, Jesse Alexander, Fire Chief, Michael Jarvis, LCS Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters Local 3793; Yuba City Fire Management; First Level Managers, Mid Managers, Police Sworn Mid Managers; and Public Employees Local No. 1
Unrepresented employees: Confidential Employees, Executive Services Employees

No public comment received

Regular Meeting

Call to Order

The Regular Meeting of the City Council called to order by Mayor Kirchner at 6:09 PM

Roll Call

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

Absent: None

Invocation/Inspiration

Invocation led by Mayor Kirchner

Pledge of Allegiance to the Flag

Pledge led by Pastor Ciociola

City Attorney's Report on Closed Session Items

No reportable action

Agenda Modifications/Approval of Agenda

Due to recusals, items 11 and 12 were pulled from the Consent Calendar and voted on separately

Special Presentation: Councilmember Pasquale received Yuba City pin

Ceremonial Presentations

1. Grateful Nation Remembers Proclamation

Mayor Kirchner presented a proclamation to Pastor Michael Ciociola, from the Calvary Christian Center

2. Officer Mike Stout Retirement Proclamation

Mayor Kirchner presented a proclamation to Officer Mike Stout

3. Yuba Sutter Transit Executive Director Retirement, Keith Martin – Proclamation

Mayor Kirchner presented a proclamation to Keith Martin, Yuba Sutter Transit Executive Director

Laura Nicholson presented on behalf of Senator Niello/Assemblyman Gallagher

David Morgan presented on behalf of Congressman LaMalfa

4. Regional Waste Management Authority New Executive Director, Scott Scholz

Scott Scholz, new Executive Director of Regional Waste Management Authority introduced himself to Council

Public Communication

5. Appearance of Interested Citizens

- Satnam Singh
- Palwinder Mahi

Consent Calendar

Public Comment received from Sharon Foote on Item 14

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to approve Consent Calendar items 6-10 and 13-16. Items 11 and 12 were pulled from the Consent Calendar and voted on separately:

6. Minutes of the May 16 and 23, 2023 meetings

Approved the minutes of the May 16 and 23, 2023 meetings

7. Wastewater Treatment Facility Lift Station 2 Rehabilitation Project

Adopt **Resolution 23-062** with the following actions:

A. Award a construction contract to W. M. Lyles Co., of Fresno, CA in the amount of their total bid of \$347,600.00 and authorize the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

B. Award a Professional Services Agreement to Inferrera Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$39,500.00 and authorize the City Manager to execute the contract on behalf of the City, subject to material terms, subject to review and approval as to legal form by the City Attorney, and with the finding that it is in the best interest of the City

8. Wastewater Treatment Facility RAS/WAS Pumps Replacement Project

Adopt **Resolution 23-063** adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications for the WWTF RAS/WAS Pumps Replacement Project and authorizing advertisement for bids on the project

9. Wastewater Treatment Facility Polymer Budget Adjustment

A. Adopt **Resolution 23-064** awarding the purchase of bulk polymer for the Wastewater Treatment Facility to Polydyne, Inc. of Riceboro, GA in the amount of an estimated additional \$80,000, for a total fiscal year award of \$580,000, with the finding that it is in the best interest of the City

B. Authorize the Finance Director to make a supplemental appropriation and related transfers in the amount of \$50,000 from Account No. 8120-62701 (WWTF Professional Services) to Account No. 8120-63733 (WWTF Polymers) for the remaining polymer purchases for Fiscal Year 22/23

10. Designation of City's Agents for Signing Disaster Recovery Applications

Adopt **Resolution 23-065** authorizing City representatives to sign CalOES documents in the process of obtaining state and federal disaster assistance through claims and grants

11. [Item was voted on separately]

~~**Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway Area) Annual Levy Initiation**~~

~~Adopt a Resolution describing improvements and ordering the Engineer of Work to file a report~~

~~with regard to Yuba City Landscape Maintenance District No. 1, to continue the Maintenance District, pursuant to the Landscaping and Lighting Act of 1972~~

12. [Item was voted on separately]

~~**Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5 (Town Center and Various Subdivisions throughout Yuba City), and Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District) Initiation**~~

~~Adopt a Resolution describing improvements and ordering the Engineer of Work to file reports with regard to Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, and 6, to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972~~

13. Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area) Initiation

Adopt **Resolution 23-068** describing improvements and ordering the Engineer of Work to file a report with regard to Yuba City Residential Street Light Maintenance Districts, to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982

14. AB 481 Annual Military Equipment Report

Adopt **Resolution 23-069** that allows YCPD the continued use of military equipment outlined in YCPD Policy 707, reviews the City's Military Equipment ordinance, and accepts the annual reporting of the equipment

15. Organized Retail Theft Program Grant Application

Adopt **Resolution 23-070** for the Organized Retail Theft Grant application designating and authorizing the Chief of Police to:

A. Sign, submit, and file an application for the grant agreement with the State of California Board of State and Community Corrections to purchase and utilize equipment to deter and prevent organized retail theft and motor vehicle theft

B. Provide assurances, certifications, and commitment required for the financial assistance application, including executing all documents in furtherance thereof, including but not limited to a grant or cooperative agreement and any amendments or changes thereto

C. Represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the city and compliance with applicable state and federal laws

16. Adopt an Ordinance regulating Trespassing on Private Property and Public Nudity

Adopt Ordinance 008-23 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 second reading

The motion was passed with a unanimous vote for Consent Calendar items 6-10 and 13-16.

Consent Calendar (continued)...

11. Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway Area) Annual Levy Initiation

Recusals (2): Councilmember Boomgaarden and Councilmember Pasquale

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

Adopt **Resolution 23-066** describing improvements and ordering the Engineer of Work to file a report with regard to Yuba City Landscape Maintenance District No. 1, to continue the Maintenance District, pursuant to the Landscaping and Lighting Act of 1972

The motion was passed with three (3) votes

12. Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5 (Town Center and Various Subdivisions throughout Yuba City), and Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District) Initiation

Recusals (3): Vice-Mayor Harris, Councilmember Shaw, and Councilmember Pasquale. City Attorney advised on voting procedures without a quorum. In order to follow the Rule of Necessity (Gov. Code 87101), a coin toss was officiated by City Clerk Administrator. Disqualified member, Vice Mayor Harris, was allowed to participate so that a quorum could be reached.

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

Adopt **Resolution 23-067** describing improvements and ordering the Engineer of Work to file reports with regard to Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, and 6, to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972

The motion was passed with three votes

Business Items

17. FY 23-24 Chemical Bid Award and Sole Source Agreement

Councilmember Boomgaarden moved and Councilmember Pasquale seconded the motion to:

Adopt **Resolution 23-071** of the City Council of the City of Yuba City:

- A. Awarding bulk chemical contracts to Bay Area Chemical Consortium awardees;
- B. Awarding Formal Bid 23-02 to Atlas Carbon, LLC, and Matheson Tri-Gas, Inc.;
- C. Authorizing a sole source agreement with Lhoist North America of Arizona, Inc.; and
- D. Authorizing the City Manager to amend any current agreements with the awardees to adjust unit prices as approved, etc

The motion was passed with a unanimous vote

18. SB 1 Road Maintenance and Rehabilitation Account Project List 2023-24

Public Comment received from Sharon Foote

Councilmember Pasquale moved and Councilmember Shaw seconded the motion to:

Adopt **Resolution 23-072** adopting a list of projects for Fiscal Year 2023-24 to be funded by Senate Bill 1: Road Repair and Accountability Act of 2017

The motion was passed with a unanimous vote

19. Adoption of the City of Yuba City's Fiscal Year 2023-2024 Operating and Capital Budgets and Fiscal Year 2023-2024 Appropriations Limit

Public Comment received from Sharon Foote

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

A. Adopt **Resolution 23-073** approving the proposed Fiscal Year 2023-2024 Operating Budget

B. Adopt **Resolution 23-074** approving the Fiscal Year 2023-2024 Capital Improvement Program Project Summaries by Funding Source are attached to the Resolution

C. Adopt **Resolution 23-075** approving the City's Appropriations Limit for Fiscal Year 2023-2024

The motion was passed with a unanimous vote

20. Citywide Governance Resolution

Councilmember Shaw moved and Councilmember Pasquale seconded the motion to:

Adopt **Resolution 23-076** approving and establishing a Citywide Governance policy for elected officials

The motion was passed with a unanimous vote

Future Agenda Items

21. Future Agenda Items

No suggestions

Reports and Communications

22. City Manager's Report

23. City Council Reports

- Councilmember Boomgaarden
- Councilmember Pasquale

- Councilmember Shaw
- Vice Mayor Harris
- Mayor Kirchner

Adjournment

Mayor Kirchner adjourned the Regular Meeting of the City Council at 8:44 PM

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Human Resources Department
Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: Firefighters' Local 3793 Memorandum of Understanding

Recommendation: Adopt a Resolution:

A. Approving the Memorandum of Understanding with the Firefighters' Local 3793 group

B. Authorizing the Finance Director to amend the salary schedule

Fiscal Impact: The proposed changes will result in a net increase in cost from \$79,000 to \$99,000 depending on the special team assignments for FY 23/24. The City and Local 3793 will be meeting to discuss wage reopener that was previously agreed for FY 23/24.

Purpose:

To approve the Yuba City Firefighters' Local 3793 four-year Memorandum of Understanding (MOU).

Council's Strategic Goals:

This Memorandum of Understanding addresses the City Council's Strategic Goal of Public Safety.

Background:

Local 3793 Memorandum of Understanding (MOU) was extended via side letter through December 31, 2023. The MOU extension side letter included a wage reopener that agreed to discuss a wage reopener no later than the end of May 2023. The City and Local 3793 have not begun meeting to discuss the wage reopener and this will be occurring for FY 23/24. Local 3793 and the City negotiations team mutually decided to reopen the MOU for discussion and have come to an agreement on a four-year MOU.

Analysis:

The Yuba City Firefighters' Local 3793 have agreed to a four-year Memorandum of Understanding that includes the following items:

1. Administrative cleanup language to the following articles: bilingual pay, notice of meet and

confer, vacation accrual, retirement, recognition, full understanding, shift trades, certifications, and union rights.

2. Eliminate the following items: mileage restriction for certification classes, promotional testing, drug and alcohol policy, living restrictions, NCCSIF driving standards, information sheet, American Disabilities Act (ADA) compliance, and interest-based problem solving. The ADA proposal was passed in October 2022 and has been removed from other MOUs. The ADA is federal law and the removal does not impact the City following the law.
3. The provisions under Article 5 include changes to the following items:
 - Wage reopener to discuss the City's financial position no later than the end of May in each year of this Agreement.
 - Supervisor Premium for employees routinely and consistently assigned by the Fire Chief or designees to supervise a shift in the absence of a Fire Captain or Battalion Chief receive seven and a half percent (7.5%) of their base hourly rate for those hours worked as a supervisor.
 - Fire Apparatus Operator Premium for firefighters routinely and consistently assigned by the Fire Chief or Designee to operate the Fire Apparatus in the absence of a Fire Apparatus Operator receive seven and half (7.5%) of their base hourly rate for those hours operating the Fire Apparatus.
 - Fire Protection Employees are subject to a FLSA work period that is 28 days in length with a FLSA overtime threshold of 212 hours, provide smoothing of paychecks, eliminate the ability to earn compensatory time off, and allow all paid time to count as time worked towards the calculation of overtime at the rate of one and a half (1-1/2) times their regular rate of pay.
 - Fire Safety Inspectors who work in excess of forty (40) hours in the designated 7-day work period will receive overtime.
4. Includes the addition of special assignment pay for employees who are routinely and consistently assigned to the Hazmat Team, Tactical EMS, and Technical Rescue Team shall receive an additional 2.5% of their base hourly rate of pay.
5. Includes the addition of callback pay.

The practice of "working down," where an employee's compensation is reduced when working in a lower classification, will be discontinued effective the date of the successor MOU begins. Employees "working down" will now receive their current rate of pay when working in a lower classification.

The complete Memorandum of Understanding including all new terms and language is attached to the proposed resolution accompanying this staff report.

Fiscal Impact:

The proposed changes will result in a net increase in cost from \$79,000 to \$99,000 depending on the special team assignments for FY 23/24. The City and Local 3793 will be meeting to discuss wage reopener that was previously agreed for FY 23/24.

Alternatives:

Do not approve Firefighters' Local 3793 Memorandum of Understanding and provide staff direction.

Recommendation:

Adopt a Resolution:

- A) Approving the Memorandum of Understanding with the Firefighters' Local 3793 group.
- B) Authorizing the Finance Director to amend the salary schedule.

Attachments:

1. Resolution
2. Salary Schedule
3. MOU

Prepared By:

Sheleen Loza
Administrative Analyst

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING THE YUBA CITY FIREFIGHTERS, LOCAL 3793 MEMORANDUM OF UNDERSTANDING JULY 1, 2023 – JUNE 30, 2027

WHEREAS, the City recognizes the Local 3793's commitment to the City and its citizens while providing outstanding and dedicated service to all and;

WHEREAS, City staff and Local 3793 have negotiated a tentative four-year Memorandum of Understanding and;

WHEREAS, the City appreciates the efforts and energy the Local 3793 have put forth to negotiate this Memorandum of Understanding.

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

Approve the attached Local 3793 Memorandum of Understanding, which includes the following terms:

1. Administrative cleanup language to the following articles: bilingual pay, notice of meet and confer, vacation accrual, retirement, recognition, full understanding, shift trades, certifications, and union rights.
2. Eliminate the following items: mileage restriction for certification classes, promotional testing, drug and alcohol policy, living restrictions, NCCSIF driving standards, information sheet, American Disabilities Act compliance, and interest-based problem solving. The ADA proposal was passed in October 2022 and has been removed from other MOUs. The ADA is federal law and the removal does not impact the City following the law.
3. The provisions under Article 5 include changes to the following items:
 - a. Wage reopener to discuss the City's financial position no later than the end of May in each year of this Agreement.
 - b. Supervisor Premium for employees routinely and consistently assigned by the Fire Chief or designees to supervise a shift in the absence of a Fire Captain or Battalion Chief receive seven and a half percent (7.5%) of their base hourly rate for those hours worked as a supervisor.
 - c. Fire Apparatus Operator Premium for firefighters routinely and consistently assigned by the Fire Chief or Designee to operate the Fire Apparatus in the absence of a Fire Apparatus Operator receive seven and half (7.5%) of their base hourly rate for those hours operating the Fire Apparatus.
 - d. Fire Protection Employees are subject to a FLSA work period that is 28 days in length with a FLSA overtime threshold of 212 hours, provide smoothing of paychecks, eliminate the ability to earn compensatory time off, and allow all paid time to count as time worked towards the calculation of overtime.
 - e. Fire Safety Inspectors who work in excess of 40 hours in the designated 7-day work period will receive overtime at the rate of one and half (1-1/2) times their regular rate of pay.
4. Includes the addition of special assignment pay for employees who are routinely and consistently assigned to the Hazmat Team, Tactical EMS, and Technical Rescue Team shall receive an additional 2.5% of their base hourly rate of pay.
5. Includes the addition of callback pay.

The practice of "working down," where an employee's compensation is reduced when working in a lower classification, will be discontinued effective the date of the successor MOU begins. Employees "working down" will now receive their current rate of pay when working in a lower classification.

In addition, staff is authorized to make any necessary clarifying language changes as long as the changes do not modify the MOU's 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 of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 20th day of June 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

ATTACHMENT 2

**CITY OF YUBA CITY
SALARY SCHEDULE AND GENERAL COMPENSATION PLAN
EFFECTIVE JULY 1, 2023**

Fire Association

JCN	CLASSIFICATION	Bargaining Group	SALARY STEPS					
			1	2	3	4	5	
3110**	FIRE RECRUIT	FIRE	-	-	-	-	4,950	Monthly
			-	-	-	-	20.40	Hourly
3120**	FIREFIGHTER I	FIRE	-	-	-	-	5,491	Monthly
			-	-	-	-	22.63	Hourly
3130**	FIREFIGHTER II	FIRE	-	-	-	-	8,382	Monthly
			-	-	-	-	34.54	Hourly
3140**	FIRE APPARATUS OPERATOR	FIRE	-	-	-	8,790	9,230	Monthly
			-	-	-	36.22	38.04	Hourly
3150**	FIRE CAPTAIN	FIRE	8,694	9,129	9,585	10,064	10,567	Monthly
			35.83	37.62	39.50	41.47	43.54	Hourly
3160	FIRE SAFETY INSPECTOR I	FIRE	5,843	6,135	6,442	6,764	7,102	Monthly
			33.71	35.39	37.17	39.02	40.97	Hourly
3170	FIRE SAFETY INSPECTOR II	FIRE	6,518	6,844	7,186	7,545	7,922	Monthly
			37.60	39.48	41.46	43.53	45.70	Hourly

FIRE DEPARTMENT CLASSIFICATIONS CALCULATED ON A 40 HOUR WORK WEEK:

JCN	CLASSIFICATION	Bargaining Group	SALARY STEPS				
			1	2	3	4	5
3250	FIRE CAPTAIN	FIRE	8,694	9,129	9,585	10,064	10,567
3210	FIRE RECRUIT	FIRE	50.16	52.67	55.30	58.06	60.96
3220	FIREFIGHTER I	FIRE					4,950
3230	FIREFIGHTER II	FIRE					28.56
3240	FIRE - APPARATUS OPERATOR	FIRE				8,790	5,491
						50.71	31.68
							8,382
							48.36
							9,230
							53.25

Fire employees who are certified as bilingual will receive a bilingual pay incentive of \$100.00 per month:

** Indicates classifications whose hourly rates are computed on the basis of an average 56 hour duty week.

MOU Article 17 - Special Assignments

Employees who are routinely and consistently assigned to Special Assignments will receive an additional percentage of their base hourly rate.

Hazmat Team 2.5%

Tactical EMS 2.5%

Technical Rescue Team 2.5%

ATTACHMENT 3

**Memorandum of understanding
Between
The City of Yuba City
And
The Yuba City Firefighters' Local 3793**



July 1, 2023, through June 25, 2027

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PREAMBLE

This Agreement between the City of Yuba City (City) and the Yuba City Firefighters' Local 3793 (Union), has as its purpose, the promotion of harmonious labor relations between the City and the Union and the establishment of rates of pay, hours of work, and other terms and conditions of employment.

ARTICLE 1. RECOGNITION

The City recognizes the Union as the exclusive representative and bargaining agent for all regular permanent Fire Department employees in the Firefighter, Fire Inspector, Apparatus Operator., and Fire Captain classifications and all limited-term SAFER Grant employees in the classifications of Fire Recruit and Firefighter I. The City agrees to meet and confer with the designated representatives of the Union on all matters subject to meet and confer pursuant to the Meyers-Milias-Brown Act (Government. Code section 3500 *et seq.*).

ARTICLE 2. FULL UNDERSTANDING

This Agreement represents the full and complete understanding between the parties, that may not be modified unless by mutual consent in writing.

ARTICLE 3. MANAGEMENT RIGHTS

The exclusive rights to determine the mission of its constituent departments, commissions, boards; set standards of service; determine the procedures and standards of selection for employment and promotions; direct its employees; establish and enforce dress and grooming standards; determine the methods and means to relieve its employees from duty because of lack of work or other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content and intent of job classifications; determine methods of financing; determine style and/or types of City-issued wearing apparel, equipment or technology to be used; determine and/or change the facilities, methods, technology, means organizational structure and size composition of the work force and allocate and assign work by which the City operations are to be conducted; determine and change the number of locations, relocations and types of operations, processes and materials to be used in carrying out all of the City functions including, but not limited to, the right to contract for, or subcontract and work, or operations of the City; to assign work to and schedule employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments upon reasonable notice; establish and modify productivity and performance programs and standards; discharge, suspend, demote, reprimand, withhold salary increases and benefits, or otherwise discipline employees for cause; establish reasonable employee performance standards including, but not limited to, quality and quantity standards; and to require compliance therewith; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work. The City Council, on its own behalf and on behalf of the City, hereby retain and reserve unto itself all

rights, power, authority, duty, responsibility, and obligations confirmed on and vested in it by the laws and Constitution of the State of California and the United States of America.

ARTICLE 4. UNION RIGHTS

Employee representatives of Local 3793 are provided reasonable time off without loss of compensation or other benefits when formally meeting with representatives of the public agency on matters within the scope of representation.

The Union has access to interoffice mail, existing bulletin boards, e-mail, and computers in the department employee work areas, for the purpose of posting, transmitting, or distributing notices or announcements that pertain to Union office business. Such permission is given with the understanding that no political inflammatory or derogative information will be distributed. All usage shall be subject to the City Computer and E-mail Usage Policy.

ARTICLE 5. WAGES

5.1 Wage Reopener

The parties agree to a reopener to discuss the City's financial position no later than the end of May in each year of this Agreement on the issue of base wages, to determine if an agreement can be reached on wage increases only with any changes to be effective the first full pay period in July of that year, unless otherwise agreed. If the parties cannot agree on a wage increase during a reopener, there will be no salary adjustment for that year.

5.2 Salary Progression

All represented classifications (regular-permanent and limited-term employees) follow the salary step progression and salary schedule for each bargaining unit classification (Exhibit A) regardless of position status, i.e. regular-permanent or limited-term. This provision does not limit the City's ability to hire limited-term employees.

5.3 Fire Prevention

Fire Captains who are routinely and consistently assigned to Fire Prevention will receive Fire Prevention Assignment Premium of five percent (5.0%) of their base hourly rate.

5.4 Supervisor Premium

Employees routinely and consistently assigned by the Fire Chief or Designee to supervise a shift in the absence of a Fire Captain or Battalion Chief receive Supervisor Premium of seven and a half percent (7.5%) of their base hourly rate of pay for those hours worked as a supervisor.

5.5 Fire Apparatus Operator Premium

Firefighters routinely and consistently assigned by the Fire Chief or Designee to operate the Fire Apparatus in the absence of a Fire Apparatus Operator receive Special Equipment Operator Premium of seven and a half percent (7.5%) of their base hourly rate of pay for those hours operating the Fire Apparatus.

5.6 Fire Protection Employees

a. FLSA Work Period

All eligible fire protection employees, regardless of rank, are subject to an FLSA work period that is twenty-eight (28) days in length with an FLSA overtime threshold of 212 hours, pursuant to 29 U.S.C. section 207(k).

b. Salary Smoothing

Eligible fire protection employees will receive their normal annual salary paid evenly over twenty-six (26) pay periods. Therefore, employees will be paid for one hundred and twelve (112) hours at their straight-time hourly rate of pay on each paycheck and six (6) hours at half (1/2) their FLSA regular rate of pay on each paycheck of the FLSA work period.

c. Work Schedule

The normal work day begins at 8:00 a.m. and shall consist of twenty-four (24) consecutive hours. Employees work a "48/96" schedule, meaning two (2) days on duty, followed by four (4) days off-duty.

d. Overtime

Overtime refers to hours worked that exceed two hundred and twelve (212) hours in the 28-day work period. Overtime hours are paid at a premium rate of time and one-half the FLSA regular rate of pay. All paid time counts towards the calculation of overtime. Overtime must be authorized in advance by the Fire Chief or designee.

5.7 Fire Safety Inspectors

Employees who work in excess of forty (40) hours in the designated 7-day work period will receive overtime at the rate of one and a half (1-1/2) times their regular rate of pay. The employee may choose to receive a cash payment or Compensatory Time Off (CTO). An employee may accrue a maximum of one hundred twenty (120) hours of CTO. Upon separation, the employee will receive payment for their remaining CTO hours at their current regular rate of pay.

5.8 Bilingual Pay

Employees proficient in speaking a foreign language receive one hundred dollars (\$100.00) per month for bilingual pay. The method of certifying proficiency and determination of which languages are covered is determined by the City.

ARTICLE 6. VACATION

Employees accrue vacation as follows:

For 56-hour employees:

<u>Months of Service</u>	<u>Bi-weekly Accrual</u>	<u>Max Accrual</u>
0 to 60	6.5 hours	370 hours
60 to 120	8.6 hours	458 hours
120 to 180	10.2 hours	528 hours
180+	11.1 hours	596 hours

For 40-hour employees:

<u>Months of Service</u>	<u>Bi-weekly Accrual</u>	<u>Max Accrual</u>
0 to 60	4.6 hours	264 hours
60 to 120	6.1 hours	327 hours
120 to 180	7.3 hours	377 hours
180+	7.9 hours	425 hours

ARTICLE 7. HEALTH, DENTAL, VISION AND LIFE INSURANCE

7.1 Health Plans

a. Health Plan Contributions

The City pays 80% of the total premium

The maximum City contribution is based on the lowest cost health plan (as measured by premium cost) available to the majority of City employees.

b. Employee Contributions

Employee contributions are on a pre-tax basis.

c. Cash-in-Lieu

In accordance with the City's current Cash-in-Lieu program, Cash-in-Lieu payments when an employee reduces the level of health care coverage rather than entire coverage as follows:

Employee, who reduces the level of health care coverage to that they are entitled, i.e., from full family coverage to employee plus one, or employee only coverage, or from employee plus one to employee only coverage, are entitled to a Cash-in-Lieu benefit based upon the lowest cost health plan available to the majority of City Employees.

The employee making the election covered above, receives the difference between the Cash-in-Lieu benefit to which they would have been entitled had they waived coverage at their present coverage level and Cash-in-Lieu benefit for the lower level elected.

The Cash-in-Lieu medical insurance payment employees electing to forego health insurance coverage will be based on the below percentage of the current lowest cost health plan available to the majority of City employees:

Employee only: 25%
Employee plus one dependent: 25%
Family Coverage: 30%

7.2 Dental and Vision Plans

For calendar year 2023, the City pays for enhanced dental/vision benefits. The enhanced dental/vision are as follows: annual deductible is \$25 (individual) and \$75 (family), calendar year maximum benefit increased to \$2,000, basic coverage increased to 90% coverage, major coverage increased to 60% coverage, and vision allowance increased to \$800 in a 24-month period.

For each following year, not to exceed a total of five (5) years, the City will annually evaluate the dental and vision fund excess reserve. The City will make a discretionary determination, which shall not be subject to bargaining requirements or the grievance process, and then communicate the determination in writing to each bargaining unit as to whether the City will pay for the enhanced dental/vision benefits set forth above for the coming calendar year. In any year when enhanced benefits are not able to be funded, benefit levels will automatically revert to the levels set forth in the unit's MOU. After calendar year 2027, dental and vision benefits will be provided at the level in the unit's MOU subject to the typical negotiation processes.

7.3 Claims Administrator

At the City's option, and after consultation with the Union, the City may change the Dental and Vision Plan claims administrator at any time.

7.4 Life Insurance

The City provides a life insurance benefit of five thousand dollars (\$5,000) for employees covered by this MOU. Dependent life insurance is available to employees. Payment for dependent life insurance is the responsibility of the employee.

7.5 Employee Assistance Program

The City provides employees with an EAP for employees and their dependents. Eligible individuals may use up to three (3) sessions per six (6) month period, for a total of six (6) sessions per year.

7.6 Post Employment Health Benefits

Employees contribute to an RHS plan as determined by the Union.

7.7 Tuition Reimbursement

Eligible employees receive tuition reimbursement as outlined in the Rules and Regulations, except as modified herein, will pay for college/university tuition and books based on the following criteria:

- Up to full community and/or state college/university tuition for job-related courses successfully completed.
- Tuition will be paid to a maximum of five thousand dollars (\$5,000) per fiscal year.
- Advance approval of courses before enrollment is required.
- Determination of course eligibility will be made by the Department Head and Human Resources Director. Courses which may be part of a degree program but are not City service related will be considered for reimbursement at fifty percent (50%). Non-City service related courses must be approved in advance by the Human Resources Director as part of a pre-approved plan where the employee must declare a degree objective. Work experience courses shall not be eligible for reimbursement.
- Textbooks related to approved college courses will be paid up to a maximum of one hundred fifty dollars (\$150) per fiscal year.

ARTICLE 8. MEDICAL EXAMINATION AND WELLNESS STANDARD PROGRAMS

The specific components of the Fire Employee Fitness Program are outlined in the Departmental Policies and Procedures manual. Any injury while exercising off-duty will not be assumed to be job related.

ARTICLE 9. CERTIFICATIONS

The City pays the costs associated with obtaining and maintaining special certificates that are required by the City to obtain and maintain as a condition of employment.

The City pays for the California State Fire Marshal Fire Prevention I and the Driver Operator 1A and 1B course. Classes must be scheduled with and approved by the Fire Chief. No overnight travel or lodging is permitted without prior approval by the Fire Chief.

ARTICLE 10. LEAVE DONATION PROGRAM

The City Rules and Regulations on Catastrophic Illness & Injury Prevention Program effective June 24, 1995 (Exhibit B) remains in effect.

ARTICLE 11. COUNSELING MEMORANDUM

The policy on Counseling Memos (Exhibit C) remains in effect.

ARTICLE 12. FLOATING HOLIDAYS

Fire Safety Inspectors I/II receive sixteen (16) hours of floating holiday per fiscal year, these hours must be used during the fiscal year or they will be forfeited.

ARTICLE 13. VACATION LEAVE

Vacation must be scheduled in accordance with the department policy and operations manual, and in accordance with the City's Rules and Regulations. Once an employee has selected their first round of vacation days pursuant to the department's policy, the time period of that vacation will be honored regardless of future movements of that employee between shifts, even if this necessitates multiple personnel from the same rank being on vacation on the same day.

ARTICLE 14. PERSONAL LEAVE

Two (2) unscheduled vacation days can be requested outside of the yearly vacation bids in accordance with the Fire Department Standard Operating Guidelines, Section 1.04 for unscheduled vacation.

ARTICLE 15. SHIFT TRADES

Employees may trade shifts with the prior approval of the Fire Chief or designee, when the exchange does not interfere with established training schedules or the operation of the department. Employees trading shifts must accept a Shift Trade Agreement.

If the Employee agreeing to work the shift calls in sick, those hours will be deducted from the employee's sick leave. Use of sick leave must be in accordance with City Rules. Employees seeking approval for a shift trade must have sufficient sick leave hours available to fulfill the obligation in this Article should they call in sick.

ARTICLE 16. SHIFT BIDDING

Employees may bid for Station Assignments within their shifts during the second quarter of each calendar year. This process must be completed prior to April 15th of each year. The bidding process is by seniority and by rank on a rotating basis beginning year 2018. Employees wishing to transfer to a different shift may do so provided they: 1. Find a member of equal rank on another shift that agrees to the transfer. 2. Obtain concurrence from their immediate Battalion Chief and approval from the Fire Chief or designee.

Administrative Staff reserves the right to place employees in specific billets, which will enhance the mission of the department.

ARTICLE 17.SPECIAL ASSIGNMENTS

Hazmat Team – Employees who are routinely and consistently assigned to the Hazmat Team will receive an additional two and a half percent (2.5%) of their base hourly rate of pay.

Tactical EMS – Employees who are routinely and consistently assigned to Tactical EMS will receive an additional two and a half percent (2.5%) of their base hourly rate of pay.

Technical Rescue Team – Employees who are routinely and consistently assigned to the Technical Rescue Team will receive an additional two and a half percent (2.5%) of their base hourly rate of pay.

ARTICLE 18. RETIREMENT

18.1 Retirement Terminology

Employees receive retirement benefits from the California Public Employees' Retirement System (CalPERS).

The term "New Member" is defined by CalPERS and the Public Employee Pension Reform Act of 2013 (PEPRA).

A "New Member" is defined in Government Code section 7522.04(f) as any of the following:

- a. An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and has no prior membership in any other qualifying public retirement system; or
- b. An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and is not eligible for reciprocity with another qualifying public retirement system; or
- c. An individual who established prior membership in a retirement system and after a break in service of more than six months, returns to active membership in that system with a new employer.

18.2 Fire Safety Member Retirement Formulas

- a. Employees hired before July 1, 2012, shall receive the 3% at 50 safety CalPERS formula with the three (3) year final average compensation period. These members pay the nine percent (9%) employee contribution on a pre-tax basis.

- b. Employees hired after June 30, 2012, who are not classified as a new member, shall receive the 3% at 55 safety CalPERS formula with the three (3) year final average compensation period. These members pay the nine percent (9%) employee contribution on a pre-tax basis.
- c. Employees hired after December 31, 2012, who are classified as a new member shall receive the 2.7% at 57 safety CalPERS formula with the three (3) year final average compensation period. These employees pay one half (1/2) the total normal cost as determined annually by CalPERS on a pre-tax basis.
- d. All retirement plans have the following optional CalPERS retirement benefits:
 - Sick Leave Service Credit
 - Non-Industrial Disability Standard
 - Industrial Disability Standard
 - Pre-Retirement Death Benefits:
 - o Optional Settlement 2
 - o 1959 Survivor Benefit Level Indexed
 - o Special
 - Post-Retirement Death Benefits \$500 lump sum
 - Survivor Allowance (PRSA)
 - 3% Retirement COLA

ARTICLE 19. ANNUAL HEALTH ASSESSMENTS

The Annual Health assessment will at a minimum include, but not necessarily be limited to, the medical tests included in (Exhibit D) to this Agreement. These medical tests shall remain applicable for the duration of this Agreement.

ARTICLE 20. TEMPORARY EMPLOYEES

The City may use Acting Fire Captains; Acting FAO's and replace additional Firefighters with Temporary Firefighters due to a qualifying event as outlined in Section 2.09 (M) of the City of Yuba City Personnel Rules and Regulations or for a Worker's Compensation injury at any time if the absence is anticipated to be or continues for 30 calendar days or more. Temporary Firefighters cannot exceed one (1) per shift or no more than three (3) Temporary Firefighters total (one (1) temporary firefighter per shift). Personnel can work in an "acting position" for a vacant position only for a maximum period of 960 hours.

ARTICLE 21. LEAVE CONVERSION RATES

The parties agree to the following terms related to the conversion of leave hours by employees when they are placed in temporary and permanent assignments (in excess of the first full pay period) within the department.

- a. Conversion from 56-hour to 40-hour work week assignments. Employees temporarily or permanently assigned to staff positions on a 40-hour work week schedule shall have all leave usage banks converted using a division factor of 1.4 for each hour available in the leave bank. As an example, a 56-hour employee with 100 hours of annual leave would see their annual leave bank adjusted to 71.43 hours with the employee assigned to a 40-hour work week assignment.

Conversion from 40-hour to 56-hour work week assignments. Employees temporarily or permanently assigned to line positions on a 56-hour work week schedule shall have all leave usage banks converted using a multiplier factor of 1.4 for each hour of available in the leave bank. As an example, a 40-hour employee with 71.43 hours of annual leave would see their annual leave bank adjusted to 100 hours when the employee is assigned to a 56-hour work week assignment.

- b. Leave accrual and usage rates shall be applied at the hourly rate used by the employee during the temporary or permanent assignment.
- c. Leave conversion rates shall be applied to all leave accrual banks provided to the employee by the City.

ARTICLE 22. REVIEW OF PERFORMANCE EVALUATION

In general, performance related issues, which have been previously documented in a performance evaluation, but which have not been repeated in subsequent evaluation periods, should not be included in later performance evaluation reports. However, review of overall performance during the entire probationary period may include such items in making a final recommendation to pass or fail an employee on probationary status. In no event shall any matter of performance evaluation, including reference to this section, be subject to appeal of the given procedure. However, employees may request the Director of Human Resources to review a performance evaluation which contains reference to performance related issues which the employee believes are inconsistent with this section.

ARTICLE 23. GRIEVANCE PROCEDURE

Grievances involving the application or interpretation of existing Fire Department policies, procedures and rules relating to Emergency Call Back, Overtime, Compensatory Time Off and Unscheduled Vacation may not be pursued beyond the City Manager level. The City Manager's review shall be considered the final step in the grievance process involving those matters.

ARTICLE 24. NOTICE OF MEET AND CONFER

The City will provide notice to Local 3793 regarding changes in job classifications or policies that fall within the scope of representation under the MMBA. The Union has fifteen (15) days to request a meet and confer.

ARTICLE 25.DMV LICENSE EXAMINATION

Physical examinations for Union members who are required to maintain a Class A or B California Driver's License as a job requirement shall have the expense paid by the City. Employees may elect to go to their own personal physician or to the medical center designated by the City. Employees electing to go to their own personal physician shall be reimbursed upon submission of an itemized receipt to the Human Resources Department. The maximum amount eligible for reimbursement is the amount the City has contracted for with the designated medical center.

ARTICLE 26.REDUCTION IN PAY

It is agreed that for classifications with a single pay rate (no salary steps) that reductions in pay for disciplinary purposes shall be made in five percent (5%) increments from the pay rate for the classification. Such reduction will be administered through the payroll system without adjustment to the salary schedule.

ARTICLE 27. CALLBACK

Employees called back to work will receive either a minimum of two (2) hours at their overtime rate, or if the hours are contiguous to their work shift the actual hours worked at the applicable rate of pay.

ARTICLE 28. LIMITATION ON CONSECUTIVE HOURS WORKED

Employees shall not work more than ninety-six (96) hours consecutively. Exceptions may be made on a case-by-case basis by the Fire Chief or designee.

ARTICLE 29.TERM OF AGREEMENT

This Memorandum of Understanding is effective July 1, 2023, and remains in full force and effect through June 25, 2027.

[SIGNATURES ON NEXT PAGE]

Date: _____

City of Yuba City

Diana Langley, City Manager

Michael W. Jarvis,
Liebert Cassidy Whitmore

Date: 6/14/23

Local 3793

Kevin Kennedy, President

Brett Geyer

Zach Jones

John Coburn,
Mastagni Holstedt

Exhibit A – Salary schedule

**CITY OF YUBA CITY
SALARY SCHEDULE AND GENERAL COMPENSATION PLAN
EFFECTIVE JULY 1, 2023**

Fire Association

JCN	CLASSIFICATION	Bargaining Group	SALARY STEPS					
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FIRE DEPARTMENT CLASSIFICATIONS CALCULATED ON A 40 HOUR WORK WEEK:

JCN	CLASSIFICATION	Bargaining Group	SALARY STEPS				
			1	2	3	4	5
3250	FIRE CAPTAIN	FIRE	8,694	9,129	9,585	10,064	10,567
3210	FIRE RECRUIT	FIRE	50.16	52.67	55.30	58.06	60.96
3220	FIREFIGHTER I	FIRE					4,950
3230	FIREFIGHTER II	FIRE					28.56
3240	FIRE - APPARATUS OPERATOR	FIRE				8,790	5,491
						50.71	31.68
							8,382
							48.36
							9,230
							53.25

Fire employees who are certified as bilingual will receive a bilingual pay incentive of \$100.00 per month:

** Indicates classifications whose hourly rates are computed on the basis of an average 56 hour duty week.

MOU Article 17 - Special Assignments

Employees who are routinely and consistently assigned to Special Assignments will receive an additional percentage of their base hourly rate.

Hazmat Team 2.5%

Tactical EMS 2.5%

Technical Rescue Team 2.5%

Exhibit B – Catastrophic Illness and Injury Donation Plan

Purpose

To assist employees confronting personal or family catastrophic illness or injury who need the support of City employees to avoid financial hardship.

Plan Guidelines

1. Regular and probationary employees who are on an approved leave of absence (in accordance with Human Resources Rules 2.11 (B) or (D)) may receive donated hours of vacation, sick leave, or compensatory time off (CTO) from other employees.
2. Employees seeking donations of time shall submit a written request to the Human Resources Department stating the reason(s) for the request. The Director of Human Resources shall review requests. Each request shall be evaluated solely on its merits. If approved, the Director of Human Resources will initiate efforts to notify City employees of the request for the donation of hours. The name of the employee will be identified but the City will not release confidential medical information.

If disapproved, the requesting employee may seek review of the decision by the joint labor-management committee consisting of one representative from each of the following groups:

- A) Yuba City Employees Association
- B) Firefighters' Association
- C) Police Officers' Association
- D) Middle Managers Group
- E) First Level Managers Group
- F) Human Resources Department

In the event the Committee reaches a tie decision, the decision shall be made in favor of the employee.

The decision of the labor-management committee shall be final and binding, and shall not be subject to the grievance procedure.

3. To be eligible for donated leave hours, the employee must be on an approved leave of absence for their critical illness or injury or to provide required care for a family member (spouse, child, parent) who is critically ill or injured. The guidelines of the Family Care Leave (Human Resources Rule 2.11 (D)) shall be used to determine whether the critical illness or injury qualifies for *the* donation of leave hours. Verification of need via physician statements will normally be required. The employee must have exhausted, or is reasonably expected to exhaust, all accumulated leave hours (vacation, sick leave, CTO) in order to receive leave.

Exhibit C – Counseling Memo Policy

When a department head becomes aware of employee conduct, which requires documentation but does not warrant formal disciplinary action, a counseling memorandum may be issued to the employee. The purpose of a counseling memo is to provide notice to the employee of a deficiency or problem observed, document infractions, and modify behavior.

Counseling memos shall be issued on a standard form used by the City. A copy of the counseling memo shall be given to the employee and a copy shall be maintained in the employee's personnel file for a period of two years. At the conclusion of two years, the employee can ask that the counseling memo be removed from the personnel file. At that time or any time thereafter that it is discovered that a counseling memo exists in the personnel file after two years, all copies shall be removed from any file maintained by the City, including the department or supervisor, and given to the employee. No future reference to the counseling memo will be made in a subsequent disciplinary process or performance evaluation. However, should an employee receive a subsequent counseling memo, or other disciplinary action within the two year period, a counseling memo shall not be discarded until a two year period has passed in which no counseling memo or disciplinary action has been issued.

During the two-year period the counseling memo may be used by a supervisor to support disciplinary action. The fact that a counseling memo has been issued shall not be referenced in a performance evaluation, however the substance of the counseling memo may be referenced in a performance evaluation if the supervisor deems it necessary.

Counseling memos used prior to the adoption of this Memorandum of Understanding are subject to this policy.

Exhibit D – Medical Tests

YC Firefighter PE components		Frequency
Respiratory Protection Questionnaire		Annual
Asbestos Questionnaire		Annual
Latex Allergy Screening Questionnaire		Annual
TB Questionnaire	*only if prior positive PPD	Annual
Ancillary Testing		Annual
	Complete Blood Count	Annual
	Chemistry Panel	Annual
	Urinalysis dipstick)	Annual
	TB screening (PPD)	Annual
	Quantiferon Gold	if current PPD +
	Cholinesterase (Plasma & RBC)	Annual
Pulmonary Function Testing		
	Spirometry (PFT)	Annual
Immunizations/Vaccines		
	Tetanus (TDaP)	10 Year Boosters
	Flu Vaccine	Annual
	Hepatitis B Vaccine-each (series of 3)	Once if no immunity
	Hepatitis A Vaccine	Once if no immunity
	MMR Vaccine	Once if no immunity
Titers for Immunity		
	Hepatitis A/B Titers	Once
	MMR & Varicella Titers	Once
Medical Examination		
Medical History Questionnaire		Annual
Provider Exam with test review		Annual
Vision Testing		Annual
Hearing Testing		Annual
Stress Treadmill (HazMat)		3 Years

Exhibit E –Allocation of Specified Accrued but Unused Leave

The Employer will make mandatory contributions of accrued leave as follows:

One time only, at time of separation from employment ONLY.

The City agrees to provide the PERS Sick Leave Conversion benefit which allows employees to convert their remaining sick leave accrual balance to additional PERS retirement service credit.

Upon retirement from City service, an employee's unused sick leave balance shall be converted to CalPERS service credit in accordance with PERS policy and subject to the following terms:

- The amount of eligible sick leave balance shall be determined in accordance with applicable MOU and City Rules and Regulations.
- Classic Members: If the conversion of a classic member's eligible unused sick leave to CalPERS service credit would result in service credit in excess of the 90% ceiling for local safety members, only the amount of unused sick leave needed to reach the 90% ceiling will be certified to CalPERS.
- PEPRAs Members: The amount of unused sick leave balance converted to CalPERS service credit for each PEPRAs member shall be limited to the lesser of: (i) his or her balance of unused sick leave, or (ii) the equivalent of one year of CalPERS service credit.

After the allocation to CalPERS service credit or, in the case of an employee that does not retire from City service, upon separation from employment, 50% of the eligible and remaining sick leave balance (determined in accordance with City Rules and Regulations, applicable MOU and based upon length of service) shall be converted into a contribution to the City's RHS plan. The eligible and remaining sick leave balance (determined in accordance with City Rules and Regulations, applicable MOU and based upon length of service) after the mandatory allocation to the RHS Plan shall be contributed on a mandatory basis for the benefit of the employee to the City's 457(b) plan by the City subject to the annual limitations on contributions to such plan, including catch up contribution limits if applicable. The eligible and remaining sick leave balance (determined in accordance with City Rules and Regulations, applicable MOU and based upon length of service) after the mandatory allocation to the RHS plan and the 457(b) plan, shall be paid out to the employee in taxable compensation; provided that the total amount allocated to the RHS plan, 457(b) plan and paid as taxable compensation does not exceed the applicable limits as set forth in the MOU.

All other leave including vacation time, administrative leave and/or comp time ("Other Leave") is ineligible for conversion to CalPERS service credit. Upon separation from employment, including retirement, 50% of eligible Other Leave (determined in accordance with City Rules and Regulations, applicable MOU and based upon length of service) shall

be converted into a contribution to the City's RHS plan. The eligible and remaining Other Leave (determined in accordance with City Rules and Regulations, applicable MOU and based upon length of service) after the mandatory allocation to the RHS Plan shall be contributed on a mandatory basis for the benefit of the employee to the City's 457(b) plan by the City subject to the annual limitations on contributions to such plan, including catch up contribution limits if applicable. The eligible and remaining sick leave balance (determined in accordance with City Rules and Regulations, applicable MOU and based upon length of service) after the mandatory allocation to the RHS plan and the 457(b) plan, shall be paid out to the employee in taxable compensation; provided that the total amount allocated to the RHS plan, 457(b) and paid as taxable compensation does not exceed the applicable limits as set forth in the MOU.

Example 1: An employee classified as a "classic member" has 2200 hours of accrued sick leave and 300 hours of accrued vacation hours and needs only one year of CalPERS service credit (2000 hours) to reach the 90% ceiling for local safety members. In this case, 2000 hours will be certified to CalPERS by the City for conversion to CalPERS service credit. This would leave 200 hours from the original balance. If the employee is subject to the **50%** limit of total accrued sick leave based on their MOU and length of service, the employee would only have 1100 sick leave hours eligible for allocation subject to a lesser amount remaining after the mandatory conversion to CalPERS service credit. In this case, the lesser figure is the 200 sick leave hours remaining after the mandatory conversion to CalPERS service credit. As such, only 200 sick leave hours are considered "eligible and remaining". Of these 200 sick leave hours, 50% or 100 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 100 hours would be contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

The 300 hours of remaining vacation would also be subject to this provision. The employee is eligible for 100% of their vacation hours. Their "eligible and remaining" vacation time for distribution would be 300 hours. 50% or 150 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 150 hours would be contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

Example 2: An employee classified as a "classic member" has 4000 hours of accrued sick leave and 300 hours of accrued vacation hours and needs only one year of CalPERS service credit (2000 hours) to reach the 90% ceiling for local safety members. In this case, 2000 hours will be certified to CalPERS by the City for conversion to CalPERS service credit. This would leave 2000 hours from the original balance. If the employee is subject to the **30%** limit of total accrued sick leave based on their MOU and length of service, the employee would only have 1200 sick leave hours eligible for allocation subject to a lesser amount remaining after the mandatory conversion to CalPERS service credit. In this case, the lesser figure is the 1200 sick leave hours resulting from application of the 30% limit. As such, only 1200 sick leave hours are considered "eligible and remaining". Of these 1200 sick leave hours, 50% or 600 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 600 hours would be

contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

The 300 hours of remaining vacation would also be subject to this provision. The employee is eligible for 100% of their vacation hours. Their "eligible and remaining" vacation time for distribution would be 300 hours. 50% or 150 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 150 hours would be contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

Example 3: An employee classified as a "classic member" has 2000 hours of accrued sick leave and 300 hours of accrued vacation hours and needs only one year of CalPERS service credit (2000 hours) to reach the 90% ceiling for local safety members. In this case, 2000 hours will be certified to CalPERS by the City for conversion to CalPERS service credit. Since all accrued sick leave has been used, no further allocations are made.

The 300 hours of remaining vacation would also be subject to this provision. The employee is eligible for 100% of their vacation hours. Their "eligible and remaining" vacation time for distribution would be 300 hours. 50% or 150 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 150 hours would be contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

Example 4: An employee (classic or PEPRA) has 2500 hours of accrued sick leave and 300 hours of accrued vacation hours but is separating from service to work for another agency rather than retiring from City service. This employee is not eligible for the sick leave conversion benefit because he or she is not retiring from City service. If the employee is subject to the **50%** limit of total accrued sick leave based on their MOU and length of service, the employee would only have 1250 sick leave hours eligible for allocation. As such, only 1250 sick leave hours are considered "eligible and remaining". Of these 1250 sick leave hours, 50% or 625 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 625 hours would be contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

The 300 hours of remaining vacation would also be subject to this provision. The employee is eligible for 100% of their vacation hours. Their "eligible and remaining" vacation time for distribution would be 300 hours. 50% or 150 hours would be subject to a mandatory allocation to the employee's account with the City's RHS plan. The remaining 150 hours would be contributed to the City's 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

Example 5: An employee classified as a "PEPRA member" has 2500 hours of accrued sick leave and 300 hours of accrued vacation hours. In this case, 2000 hours (the

equivalent of one year of service credit) will be certified to CalPERS by the City for conversion to CalPERS service credit. This would leave 500 hours from the original balance. If the employee is subject to the **30%** limit of total accrued sick leave based on their MOU and length of service, the employee would only have 750 sick leave hours eligible for allocation subject to a lesser amount remaining after the mandatory conversion to CalPERS service credit. In this case, the lesser figure is the 500 sick leave hours remaining after the allocation to CalPERS service credit. As such, only 500 sick leave hours are considered “eligible and remaining”. Of these 500 sick leave hours, 50% or 250 hours would be subject to a mandatory allocation to the employee’s account with the City’s RHS plan. The remaining 250 hours would be contributed to the City’s 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

The 300 hours of remaining vacation would also be subject to this provision. The employee is eligible for 100% of their vacation hours. Their “eligible and remaining” vacation time for distribution would be 300 hours. 50% or 150 hours would be subject to a mandatory allocation to the employee’s account with the City’s RHS plan. The remaining 150 hours would be contributed to the City’s 457(b) plan, subject to the applicable contribution limits, and any remaining hours would be paid out as taxable compensation.

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Brian Hansen, IT Manager

Summary

Subject: Citywide Phone System Upgrade
Recommendation: Adopt a Resolution awarding the purchase to Zoom Video Communications, Inc. for the procurement of a Voice over Internet Protocol (VoIP) phone system in the amount of \$95,068 and \$47,687 for the purchase of phone hardware utilizing the NASPO ValuePoint contract for a total project cost of \$142,755 with the finding that it is in the best interest of the City
Fiscal Impact: \$142,755 - Account No. 6630-69201 (Technology Replacement-ISF, Equipment)

Purpose:

To purchase and deploy a new Voice over Internet Protocol (VoIP) phone system for all departments within the City.

Council's Strategic Goal:

This item addresses City Council's Strategic Goal of fiscal responsibility by modernizing the City's phone system, allowing staff to be more productive and better communicate with the public as well as internally with staff. In the long term, this new phone system will be more cost effective than the existing phone systems while adding more functionality.

Background:

The City has always used an on-premise phone system. Dial tone is provided by AT&T and the phone system functionality was either provided by AT&T or by an internal phone switch (PBX). Over time, as the City built or acquired new facilities, different phone systems were installed. Each phone system has different features and is managed in different ways. These differences mean there is a lack of interoperability between sites and a lot more overhead involved in managing these systems. All of these systems are also very rigid and do not allow for remote work/hybrid environments. Existing phone systems do provide the features or interoperability required by City staff for effective operations.

Analysis:

City staff has identified the need to modernize our phone systems and standardize on a single system to improve interoperability and improve communication. Staff looked at the shortcomings of our current

systems and concluded a cloud-based voice over internet protocol (VoIP) phone system was going to be the best fit for the City. In order to quickly and thoroughly evaluate the numerous cloud phone systems, staff utilized the services of PacketFusion out of Pleasanton, CA. PacketFusion specializes in cloud consulting and assisting agencies in finding the best solutions for their needs.

PacketFusion looked at the City's needs and put together a list of potential solutions that would provide the services and features the City needs while meeting our budget. Staff, with the help of PacketFusion, chose the top three vendors that staff wanted to look at closer. PacketFusion arranged meetings and demos with Zoom, RingCentral and CallTower, which uses the Microsoft Teams environment. One of the most important users of the phone system is Customer Service within Finance. Customer Service receives the largest volume of calls, so the main focus of the demos was to review the Call Center capabilities of the three vendors to see what best meets the requirements of this department. The vendors were evaluated on ease of use for the end user, ease of administration by IT staff, functionality of phone system and contact center, reporting capabilities, real time statistics, hardware compatibility, vision and ability to quickly develop new features, and cost. Of the three vendors evaluated, Zoom proved to be the best fit for the City.

Staff analyzed the costs associated with our existing phone systems and determined that Zoom would represent a 30% decrease citywide in the amount spent year-over-year while adding features and improving productivity. Zoom operates under a direct sales model. The contract for licenses as well as professional services for installation and configuration will be to Zoom directly. However, Zoom does not sell hardware. Staff will work with PacketFusion to purchase the hardware off of the NASPO ValuePoint contract. NASPO ValuePoint is a portfolio of state contracts with leading hardware and service providers to insure municipalities are getting the best prices by leveraging the buying power of the states who negotiate the contracts.

Fiscal Impact:

Additional appropriations are not being requested nor are they necessary. Sufficient budget funds are currently available as requested as part of FY 2022/2023 adopted budget. Costs will come out of account 6630-69201, Technology Replacement ISF, Equipment.

Alternatives:

1. Direct staff to purchase the second highest evaluated phone system, RingCentral.
2. Direct staff to go back and re-evaluate phone system options.
3. Do nothing.

Recommendation:

Adopt a Resolution awarding the purchase to Zoom Video Communications, Inc. for the procurement of a Voice over Internet Protocol (VoIP) phone system in the amount of \$95,068 and \$47,687 for the purchase of phone hardware utilizing the NASPO ValuePoint contract for a total project cost of \$142,755 with the finding that it is in the best interest of the City.

Attachments:

1. Citywide Phone System Upgrade - Resolution

Prepared By:

Brian Hansen
Information Technology Manager

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AWARDING THE PURCHASE TO ZOOM VIDEO COMMUNICATIONS, INC. FOR THE
PROCUREMENT OF A VOICE OVER INTERNET PROTOCOL (VOIP) PHONE SYSTEM IN
THE AMOUNT OF \$95,068 AND \$47,687 FOR THE PURCHASE OF PHONE HARDWARE
UTILIZING THE NASPO VALUEPOINT CONTRACT FOR A TOTAL PROJECT COST OF
\$142,755**

WHEREAS, the City of Yuba City desires to purchase and deploy a new Voice over Internet Protocol (VoIP) phone system for all departments within the City; and

WHEREAS, the existing phone systems are aging and lack the features and the interoperability of modern phone systems; and

WHEREAS, Zoom Video Communications, Inc. has provided a proposal for the purchase and configuration of a Voice over Internet Protocol (VoIP) phone system; and

WHEREAS, the City desires to award the purchase to Zoom Video Communications, Inc. for the procurement of a Voice over Internet Protocol (VoIP) phone system in the amount of \$95,068 and \$47,687 for the purchase of phone hardware utilizing the NASPO ValuePoint contract for a total project cost of \$142,755 with the finding that it is in the best interest of the City.

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

1. The City Council hereby awards, in the amount of \$95,068, to Zoom Video Communication, Inc. of San Jose, CA for the purchase and configuration of a Voice over Internet Protocol (VoIP) phone system, and finds that the award is in the best interest of the City. In addition, The City Council authorizes, in the amount of \$47,687, the purchase of phone system hardware utilizing the NASPO ValuePoint contract. The City Council further authorizes the City Manager, or designee, to enter into an agreement with Zoom Video Communications, Inc. for the purchase and configuration of a Voice over Internet Protocol (VoIP) phone system consistent with the terms of this Resolution and the material terms of the proposal attached hereto, and subject to approval of the agreement as to legal form by the City Attorney.
2. This Resolution shall become effective immediately.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 27th day of June, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit(s):

A. Proposal from Zoom Video Communications, Inc.

EXHIBIT A



Order Form Number: Q2130292
Valid Until: 07/02/2023

Zoom Video Communications Inc. ('Zoom')
55 Almaden Blvd, 6th Floor
San Jose, CA

Billed To Customer: City of Yuba City Account Legal Name: City of Yuba City Contact Name: Brian Hansen 1201 Civic Center Blvd. Yuba City, California 95993, United States Email Address: bhansen@yubacity.net Phone: 530-822-4785	Sold To Customer: City of Yuba City Account Legal Name: City of Yuba City Contact Name: Brian Hansen 1201 Civic Center Blvd. Yuba City, California 95993, United States Email Address: bhansen@yubacity.net Phone: 530-822-4785
Auto Renew: Yes Initial Paid Subscription Term: 60 Month Renewal Subscription Term: 60 Month Paid Period Start Date: 06/02/2023	Billing Method: Email Currency: USD Payment Term: Net 30

This Zoom Order Form and any other Order Forms that reference this Order Form are governed by the Zoom Terms of Service found at <http://www.zoom.us/terms> (unless Customer and Zoom have entered a written governing Master Subscription Agreement, in which case such written agreement will govern).

SERVICE	BILLING PERIOD	QUANTITY	PRICE	TOTAL
Zoom One Business Plus US/Canada Annual	Annual	245	USD 216.00	USD 52,920.00
Zoom Phone Monthly Usage - overage fee	Month	NA	NA	NA
Zoom Phone Pay As You Go	Month	1	USD 0.00	USD 0.00
Webinar 500 Annual	Annual	1	USD 690.00	USD 690.00
Zoom Rooms Annual	Annual	11	USD 350.00	USD 3,850.00
Zoom Phone Common Area Annual	Annual	25	USD 41.04	USD 1,026.00
Zoom Phone Power Pack Annual	Annual	2	USD 270.00	USD 540.00
Zoom Phone US/Canada Metered Calling Named User Annual	Annual	52	USD 91.83	USD 4,775.00
Zoom Phone US/Canada Phone Numbers Annual	Annual	75	USD 20.00	USD 1,500.00
Zoom Contact Center Package Annual	Annual	6	USD 690.00	USD 4,140.00
Zoom Contact Center Monthly Usage - overage fee	Month	NA	USD 1.00	NA
Zoom Contact Center Annual Prepay Monthly Usage	Annual	1	USD 1,200.00	USD 1,200.00
Zoom Contact Center Cloud Storage 1TB - overage fee	Month	NA	USD 0.50	NA
Zoom Contact Center Cloud Storage Annual Prepay 1TB Monthly Usage	Annual	1	USD 1,200.00	USD 1,200.00
Zoom US/Canada Virtual Service Phone Number Annual	Annual	1	USD 60.00	USD 60.00

(Before Taxes)

Annual Payment:

USD 71,901.00

Payment Schedule Summary (Before Taxes)

First Payment: USD 71,901.00

Annual Recurring Payment: USD 71,901.00 (At the beginning of the Second Year)

Other Terms & Notes

Special Notes:

Contact Center Named User means a licensed user of the Contact Center Service. A Contact Center Named User license may not be shared or used by anyone other than the individual to whom the license is assigned. Customer may re-assign licenses as needed within their account.

Virtual Service Numbers. Virtual Service Numbers are phone numbers that are suitable for receiving high-volume, concurrent incoming calls. Virtual Service Numbers have limited outbound calling capabilities. Customer acknowledges and accepts that Virtual Service Numbers may not support calls to emergency service providers by default, and Customer may need to make additional arrangements to access emergency services. Zoom will charge Customer at the contracted per minute rates below, and Customer agrees to pay for all inbound and outbound calls associated with each Virtual Service Number.

'Whiteboard Named Host' means a user of Zoom Whiteboard, licensed hereunder. A Whiteboard Named Host license may not be shared or used by anyone other than the individual to whom the Whiteboard Named Host license is assigned. Customer may reassign licenses as needed within their account. A Whiteboard Named Host may be the owner of an unlimited number of concurrent whiteboard files, with the ability to edit all such files, subject to Customer's cloud storage capacity limits.

- Committed monthly minutes not utilized by the customer during that month are not carried forward into the next month. Any usage over the commit amount is billed monthly in arrears.

Other:

Named Host - means any subscribed host who may host an unlimited number of meetings during the Term using the Service. Any meeting will have at least one Named Host. Unless Customer has purchased an extended capacity, the number of participants (participants do not require a subscription) will not exceed 200 per meeting. Named Host subscription may not be shared or used by anyone other than the individual to whom the Named Host subscription is assigned.

Zoom One Business Plus: Zoom One Business Plus Named Host Plan includes 300 meeting capacity, unlimited whiteboards, Zoom Phone Pro, Translations and Unlimited Regional Calling, and Workspace Reservation.

Country or region availability for Zoom Phone is listed on Zoom's website and is subject to change (see <https://explore.zoom.us/docs/en-us/zoomphone/global-coverage.html>).

Fees - The fees for the Services, if any, are described in the Order Form. The actual fees may also include overage amounts or per use charges for audio and/or cloud recording in addition to the fees in the Order, if such use is higher than the amounts described in the Order, and you agree to pay these amounts or charges if you incur them. Invoicing for Services begins on the first day that the service is available for use by the Customer and monthly thereafter for the duration Term, except for annual pre-pay option which is invoiced once in the first month of the annual term. Amendment orders will co-term with the existing subscription term end date. Invoices are pro-rated from paid period start date to base subscription end date. Purchase order, if any, issued in connection with this order should reference the above order form number. Commitments not utilized by the Customer during the month for which they are committed may not be carried forward into any subsequent month or term.

All prices shown for Zoom and Zoom Phone services are exclusive of taxes. The term 'taxes' referred herein should encompass: US state and local taxes, VAT, GST, HST (or any other consumption taxes), Digital Service Taxes and Withholding Taxes that may apply upon making payments to Zoom. Regulatory telecommunications fees, such as USF or any similar foreign fee, will apply to Zoom Phone services and details of taxes and fees will be included in issued invoices.

Professional Services, if purchased, will be presented in a separate Order Form.

Zoom Phone Rates

Zoom Phone Table Format: Country | Landline Rate | Mobile Rate | Enabled Status

Y means Zoom Phone for country is Enabled upon provisioning

N means Zoom Phone for country is Not Enabled upon provisioning

Toll-Free				Callout			
Country Landline Rate Mobile Rate Enabled Status				Country Landline Rate Mobile Rate Enabled Status			
Not Applicable				ANTIGUA AND BARBUDA 1.0218 \$ 1.0486 \$ Y			
				ARGENTINA 0.1156 \$ 0.5623 \$ Y			
				AUSTRIA 0.0501 \$ 0.23 \$ Y			
				BULGARIA 0.1186 \$ 0.8406 \$ Y			
				BOLIVIA (PLURINATIONAL STATE OF) 0.5155 \$ 0.8003 \$ Y			
				BONAIRE, SINT EUSTATIUS AND SABA 0.7028 \$ 0.7028 \$ Y			
				BOTSWANA 0.436 \$ 0.9398 \$ Y			
				COCOS (KEELING) ISLANDS 0.4552 \$ 0 \$ Y			
				SWITZERLAND 0.3694 \$ 0.7011 \$ Y			
				CURAÇAO 0.2813 \$ 0.7028 \$ Y			
				CHRISTMAS ISLAND 0.4552 \$ 0 \$ Y			
				CYPRUS 0.0953 \$ 0.2861 \$ Y			
				GERMANY 0.0353 \$ 0.1434 \$ Y			
				DOMINICAN REPUBLIC 0.1716 \$ 0.3824 \$ Y			
				ALGERIA 0.3773 \$ 2.1167 \$ Y			
				ECUADOR 0.5392 \$ 0.7572 \$ Y			
				WESTERN SAHARA 0.5182 \$ 0 \$ Y			
				SPAIN 0.0381 \$ 0.1832 \$ Y			
				FINLAND 0.8584 \$ 0.864 \$ Y			
				GRENADA 1.0196 \$ 1.2758 \$ Y			
				GREECE 0.0911 \$ 0.3357 \$ Y			
				HONG KONG SAR 0.0863 \$ 0.1333 \$ Y			
				INDONESIA 0.1486 \$ 0.2407 \$ Y			
				ISRAEL 0.0639 \$ 0.1161 \$ Y			
				INDIA 0.0915 \$ 0.0837 \$ Y			
				JORDAN 0.6552 \$ 0.8567 \$ Y			
				KENYA 0.9342 \$ 0.7235 \$ Y			
				CAYMAN ISLANDS 0.7259 \$ 0.4934 \$ Y			
				KAZAKHSTAN 0.3587 \$ 0.6853 \$ Y			
				SAINT LUCIA 0.9581 \$ 0.5276 \$ Y			
				MALAYSIA 0.1001 \$ 0.0918 \$ Y			
				NETHERLANDS 0.0913 \$ 0.4453 \$ Y			
				NEW ZEALAND 0.0567 \$ 0.2556 \$ Y			
				OMAN 0.5335 \$ 1.1352 \$ Y			
				PANAMA 0.0485 \$ 0.994 \$ Y			
				PHILIPPINES 0.5808 \$ 0.7074 \$ Y			
				POLAND 0.137 \$ 0.3728 \$ Y			
				PORTUGAL 0.026 \$ 0.1545 \$ Y			
				Réunion 0.3569 \$ 0.6072 \$ Y			
				ROMANIA 0.0812 \$ 0.2815 \$ Y			
				RUSSIAN FEDERATION 0.1054 \$ 0.8892 \$ Y			
				SINGAPORE 0.0329 \$ 0.0335 \$ Y			
				SLOVENIA 0.1855 \$ 1.1228 \$ Y			
				UKRAINE 0.5868 \$ 1.0755 \$ Y			
				URUGUAY 0.2285 \$ 0.8432 \$ Y			
				HOLY SEE (VATICAN CITY) 0.0082 \$ 0 \$ Y			
				VENEZUELA (BOLIVARIAN REPUBLIC OF) 0.0518 \$ 0.2809 \$ Y			
				VIRGIN ISLANDS (U.S.) 0.9646 \$ 1.5308 \$ Y			
				ASCENSION ISLAND 1.8943 \$ 1.065 \$ Y			
				ANDORRA 0.1589 \$ 0.348 \$ Y			
				UNITED ARAB EMIRATES 0.6535 \$ 0.6535 \$ Y			
				AFGHANISTAN 0.3124 \$ 0.3766 \$ Y			
				ANGUILLA 1.0442 \$ 1.0442 \$ Y			
				ALBANIA 0.2534 \$ 0.7026 \$ Y			
				ARMENIA 0.3098 \$ 0.3455 \$ Y			
				NETHERLANDS ANTILLES 0.1956 \$ 0.15 \$ Y			
				ANGOLA 0.6882 \$ 0.5871 \$ Y			
				AMERICAN SAMOA 0.3267 \$ 0.3267 \$ Y			
				AUSTRALIA 0.0443 \$ 0.182 \$ Y			
				ARUBA 0.1557 \$ 0.3294 \$ Y			
				AZERBAIJAN 0.434 \$ 0.5256 \$ Y			
				BOSNIA AND HERZEGOVINA 0.6177 \$ 1.313 \$ Y			
				BARBADOS 0.972 \$ 1.0238 \$ Y			
				BANGLADESH 0.1703 \$ 0.1697 \$ Y			
				BELGIUM 0.308 \$ 0.5272 \$ Y			
				BURKINA FASO 0.5944 \$ 0.6532 \$ Y			
				BAHRAIN 0.4356 \$ 0.5154 \$ Y			
				BURUNDI 0.788 \$ 0.8907 \$ Y			

BENIN | 0.602 \$ | 0.5223 \$ | Y
 BERMUDA | 0.3216 \$ | 0.3216 \$ | Y
 BRUNEI DARUSSALAM | 0.1424 \$ | 0.0558 \$ | Y
 BRAZIL | 0.0524 \$ | 0.2582 \$ | Y
 BAHAMAS | 0.6278 \$ | 0.6278 \$ | Y
 BHUTAN | 0.1257 \$ | 0.1025 \$ | Y
 BELARUS | 0.6629 \$ | 0.6641 \$ | Y
 BELIZE | 1.533 \$ | 1.533 \$ | Y
 CANADA | 0.0355 \$ | 0.0355 \$ | Y
 CONGO, DEMOCRATIC REPUBLIC OF THE | 0.867 \$ | 0.7109 \$ | Y
 CENTRAL AFRICAN REPUBLIC | 1.0972 \$ | 0.8121 \$ | Y
 COTE D'IVOIRE | 0.67 \$ | 0.7129 \$ | Y
 COOK ISLANDS | 1.5994 \$ | 1.3205 \$ | Y
 CHILE | 0.1132 \$ | 0.5309 \$ | Y
 CAMEROON | 0.4107 \$ | 0.5179 \$ | Y
 CHINA | 0.0395 \$ | 0.0395 \$ | Y
 COLOMBIA | 0.117 \$ | 0.1003 \$ | Y
 COSTA RICA | 0.1231 \$ | 0.3139 \$ | Y
 CABO VERDE | 0.5317 \$ | 0.3612 \$ | Y
 CZECHIA | 0.113 \$ | 0.2348 \$ | Y
 DIEGO GARCIA | 0.435 \$ | 0.435 \$ | Y
 DJIBOUTI | 0.7215 \$ | 0.5718 \$ | Y
 DENMARK | 0.0327 \$ | 0.1404 \$ | Y
 DOMINICA | 1.0227 \$ | 0.7727 \$ | Y
 ESTONIA | 2.1381 \$ | 2.0891 \$ | Y
 EGYPT | 0.4326 \$ | 0.6226 \$ | Y
 ERITREA | 0.7029 \$ | 0.4078 \$ | Y
 ETHIOPIA | 0.4027 \$ | 0.3803 \$ | Y
 FIJI | 1.5038 \$ | 0.7631 \$ | Y
 FALKLAND ISLANDS (MALVINAS) | 1.9702 \$ | 1.9702 \$ | Y
 MICRONESIA (FEDERATED STATES OF) | 0.8686 \$ | 0.8308 \$ | Y
 FAROE ISLANDS | 0.1524 \$ | 0.0288 \$ | Y
 FRANCE | 0.0329 \$ | 0.126 \$ | Y
 GABON | 0.6246 \$ | 0.6921 \$ | Y
 UNITED KINGDOM | 0.0233 \$ | 0.0682 \$ | Y
 GEORGIA | 0.8426 \$ | 1.1833 \$ | Y
 FRENCH GUIANA | 0.2043 \$ | 0.1204 \$ | Y
 GUERNSEY | 0.0233 \$ | 0.0682 \$ | Y
 GHANA | 1.1366 \$ | 1.1366 \$ | Y
 GIBRALTAR | 0.2334 \$ | 0.9396 \$ | Y
 GREENLAND | 1.125 \$ | 0.3228 \$ | Y
 GAMBIA | 0.6642 \$ | 0.801 \$ | Y
 GUINEA | 1.1618 \$ | 0.9137 \$ | Y
 GUADELOUPE | 0.0265 \$ | 0.1017 \$ | Y
 EQUATORIAL GUINEA | 2.7398 \$ | 2.7398 \$ | Y
 GUATEMALA | 0.625 \$ | 0.7812 \$ | Y
 GUAM | 0.0409 \$ | 0.0409 \$ | Y
 GUINEA-BISSAU | 0.8951 \$ | 0.9941 \$ | Y
 GUYANA | 0.333 \$ | 0.3282 \$ | Y
 HONDURAS | 0.1846 \$ | 0.2305 \$ | Y
 CROATIA | 0.458 \$ | 1.251 \$ | Y
 HAITI | 0.3532 \$ | 0.4437 \$ | Y
 HUNGARY | 0.1209 \$ | 0.2156 \$ | Y
 IRELAND | 0.0256 \$ | 0.1784 \$ | Y
 ISLE OF MAN | 0.0233 \$ | 0.0682 \$ | Y
 IRAQ | 0.2409 \$ | 0.2955 \$ | Y
 ICELAND | 0.2305 \$ | 0.1054 \$ | Y
 ITALY | 0.0338 \$ | 0.2172 \$ | Y
 JERSEY | 0.0233 \$ | 0.0682 \$ | Y
 JAMAICA | 1.0442 \$ | 1.0442 \$ | Y
 JAPAN | 0.0601 \$ | 0.137 \$ | Y
 KYRGYZSTAN | 0.2141 \$ | 0.3367 \$ | Y
 CAMBODIA | 0.3497 \$ | 0.3497 \$ | Y
 KIRIBATI | 1.9284 \$ | 2.1749 \$ | Y
 COMOROS | 0.6617 \$ | 0.7148 \$ | Y
 SAINT KITTS AND NEVIS | 0.9292 \$ | 0.9292 \$ | Y
 KOREA, REPUBLIC OF | 0.1029 \$ | 0.1029 \$ | Y
 KUWAIT | 0.3625 \$ | 0.3625 \$ | Y
 LAO PEOPLE'S DEMOCRATIC REPUBLIC | 0.2884 \$ | 0.1503 \$ | Y
 LEBANON | 0.1964 \$ | 0.2401 \$ | Y
 LIECHTENSTEIN | 0.4236 \$ | 0.213 \$ | Y
 SRI LANKA | 0.6953 \$ | 0.6953 \$ | Y
 LIBERIA | 0.7744 \$ | 0.7668 \$ | Y
 LESOTHO | 0.7845 \$ | 1.153 \$ | Y
 LITHUANIA | 1.8394 \$ | 1.479 \$ | Y
 LUXEMBOURG | 0.3562 \$ | 0.3832 \$ | Y
 LATVIA | 2.1202 \$ | 2.4842 \$ | Y
 LIBYA | 0.6169 \$ | 0.4497 \$ | Y
 MOROCCO | 0.5183 \$ | 2.132 \$ | Y

MONACO | 0.8023 \$ | 2.1247 \$ | Y
 MOLDOVA, REPUBLIC OF | 0.4672 \$ | 0.4992 \$ | Y
 MONTENEGRO | 0.3536 \$ | 0.8558 \$ | Y
 MADAGASCAR | 1.0043 \$ | 1.0901 \$ | Y
 MARSHALL ISLANDS | 0.4046 \$ | 0.4046 \$ | Y
 NORTH MACEDONIA | 0.6601 \$ | 1.5052 \$ | Y
 MALI | 0.5561 \$ | 0.6258 \$ | Y
 MYANMAR | 0.2574 \$ | 0.355 \$ | Y
 MONGOLIA | 0.0699 \$ | 0.05 \$ | Y
 MACAU SAR | 0.4726 \$ | 0.4726 \$ | Y
 NORTHERN MARIANA ISLANDS | 0.0343 \$ | 0.0343 \$ | Y
 MARTINIQUE | 0.0465 \$ | 0.1033 \$ | Y
 MAURITANIA | 0.8688 \$ | 1.0065 \$ | Y
 MONTSERRAT | 1.2006 \$ | 1.2006 \$ | Y
 MALTA | 0.3331 \$ | 0.6612 \$ | Y
 MAURITIUS | 0.717 \$ | 0.6363 \$ | Y
 MALDIVES | 5.702 \$ | 5.702 \$ | Y
 MALAWI | 0.7964 \$ | 0.677 \$ | Y
 MEXICO | 0.0501 \$ | 0.1711 \$ | Y
 MOZAMBIQUE | 0.2722 \$ | 0.4588 \$ | Y
 NAMIBIA | 0.2139 \$ | 0.1839 \$ | Y
 NEW CALEDONIA | 0.975 \$ | 0.4491 \$ | Y
 NIGER | 0.7102 \$ | 0.5895 \$ | Y
 NORFOLK ISLAND | 2.1209 \$ | 1.065 \$ | Y
 NIGERIA | 0.6428 \$ | 0.6428 \$ | Y
 NICARAGUA | 0.1902 \$ | 0.3507 \$ | Y
 NORWAY | 0.0338 \$ | 0.1522 \$ | Y
 NEPAL | 0.5329 \$ | 0.5329 \$ | Y
 NAURU | 1.8562 \$ | 2.026 \$ | Y
 NIUE | 1.7966 \$ | 1.3181 \$ | Y
 PERU | 0.0487 \$ | 0.1476 \$ | Y
 FRENCH POLYNESIA | 0.411 \$ | 0.5337 \$ | Y
 PAPUA NEW GUINEA | 0.9428 \$ | 1.3329 \$ | Y
 PAKISTAN | 0.5737 \$ | 0.5737 \$ | Y
 SAINT PIERRE AND MIQUELON | 0.5816 \$ | 0.5816 \$ | Y
 PUERTO RICO | 0.0242 \$ | 0.0242 \$ | Y
 PALESTINE, STATE OF | 0.2667 \$ | 0.3118 \$ | Y
 PALAU | 0.4532 \$ | 0.4417 \$ | Y
 PARAGUAY | 0.1531 \$ | 0.2971 \$ | Y
 QATAR | 0.8432 \$ | 0.8784 \$ | Y
 SERBIA | 0.2929 \$ | 0.4437 \$ | Y
 RWANDA | 1.103 \$ | 1.2498 \$ | Y
 SAUDI ARABIA | 0.3749 \$ | 0.5608 \$ | Y
 SOLOMON ISLANDS | 0.975 \$ | 1.9255 \$ | Y
 SEYCHELLES | 1.1088 \$ | 1.0784 \$ | Y
 SWEDEN | 0.0234 \$ | 0.0956 \$ | Y
 SAINT HELENA, ASCENSION AND TRISTAN DA CUNHA |
 2.4267 \$ | 2.3385 \$ | Y
 SLOVAKIA | 0.0701 \$ | 0.4768 \$ | Y
 SIERRA LEONE | 0.8439 \$ | 0.7772 \$ | Y
 SAN MARINO | 0.8929 \$ | 0.3148 \$ | Y
 SENEGAL | 0.7273 \$ | 0.8951 \$ | Y
 SOMALIA | 0.7888 \$ | 0.7763 \$ | Y
 SURINAME | 0.1996 \$ | 0.4533 \$ | Y
 SOUTH SUDAN | 0.6542 \$ | 0.7173 \$ | Y
 SAO TOME AND PRINCIPE | 1.5976 \$ | 1.574 \$ | Y
 EL SALVADOR | 0.8294 \$ | 0.6228 \$ | Y
 SINT MAARTEN (DUTCH PART) | 0.4137 \$ | 0.4678 \$ | Y
 ESWATINI | 0.2293 \$ | 0.2666 \$ | Y
 TURKS AND CAICOS ISLANDS | 1.411 \$ | 1.6546 \$ | Y
 CHAD | 0.83 \$ | 0.8565 \$ | Y
 FRENCH SOUTHERN TERRITORIES | 0.023 \$ | 0.1601 \$ | Y
 TOGO | 0.5079 \$ | 0.4711 \$ | Y
 THAILAND | 0.1271 \$ | 0.1271 \$ | Y
 TAJIKISTAN | 0.2603 \$ | 0.2817 \$ | Y
 TOKELAU | 0.975 \$ | 2.4545 \$ | Y
 TIMOR-LESTE | 0.975 \$ | 0.9269 \$ | Y
 TURKMENISTAN | 0.435 \$ | 0.435 \$ | Y
 TUNISIA | 1.2254 \$ | 1.2586 \$ | Y
 TONGA | 1.4663 \$ | 1.513 \$ | Y
 TURKEY | 0.2271 \$ | 0.5803 \$ | Y
 TRINIDAD AND TOBAGO | 0.5075 \$ | 0.6433 \$ | Y
 TAIWAN, CHINA | 0.0741 \$ | 0.4129 \$ | Y
 TANZANIA, UNITED REPUBLIC OF | 1.6103 \$ | 1.6103 \$ | Y
 UGANDA | 1.6086 \$ | 1.6086 \$ | Y
 UNITED STATES MINOR OUTLYING ISLANDS | 0.0343 \$ |
 0.0343 \$ | Y
 UNITED STATES OF AMERICA | 0.0318 \$ | 0.0318 \$ | Y
 UZBEKISTAN | 0.3047 \$ | 0.3047 \$ | Y
 SAINT VINCENT AND THE GRENADINES | 0.9717 \$ | 0.5279 \$ |
 Y
 VIRGIN ISLANDS (BRITISH) | 0.4557 \$ | 0.4557 \$ | Y

VIET NAM | 0.3142 \$ | 0.3142 \$ | Y
VANUATU | 1.326 \$ | 1.4891 \$ | Y
WALLIS AND FUTUNA | 0.975 \$ | 0.975 \$ | Y
SAMOA | 0.3329 \$ | 0.9589 \$ | Y
YEMEN | 0.2885 \$ | 0.2296 \$ | Y
MAYOTTE | 0.2471 \$ | 0.4199 \$ | Y
SOUTH AFRICA | 0.3844 \$ | 0.6876 \$ | Y
ZAMBIA | 0.747 \$ | 0.7075 \$ | Y
ZIMBABWE | 0.3413 \$ | 0.6389 \$ | Y

Zoom Contact Center Rates

Zoom Contact Center Table Format: Country | Landline Rate | Mobile Rate | Enabled Status

Y means audio for country is Enabled upon provisioning

N means audio for country is Not Enabled upon provisioning

Toll-Free				Virtual Service Phone Number Call-In				Callout			
Country Landline Rate Mobile Rate Enabled Status				Country Landline Rate Mobile Rate Enabled Status				Country Landline Rate Mobile Rate Special Rate Enabled Status			
Not Applicable				AUSTRIA 0.0075 \$ 0.0075 \$ Y				ASCENSION ISLAND 1.8943 \$ 1.065 \$ 3.2044 \$ Y			
				AUSTRALIA 0.0075 \$ 0.0075 \$ Y				ANDORRA 0.1589 \$ 0.348 \$ 0.705 \$ Y			
				BELGIUM 0.0075 \$ 0.0075 \$ Y				UNITED ARAB EMIRATES 0.6535 \$ 0.6535 \$ Y			
				CANADA 0.0075 \$ 0.0075 \$ Y				AFGHANISTAN 0.3124 \$ 0.3766 \$ Y			
				SWITZERLAND 0.0075 \$ 0.0075 \$ Y				ANTIGUA AND BARBUDA 1.0218 \$ 1.0486 \$ Y			
				CZECHIA 0.0075 \$ 0.0075 \$ Y				ANGUILLA 1.0442 \$ 1.0442 \$ Y			
				GERMANY 0.0075 \$ 0.0075 \$ Y				ALBANIA 0.2534 \$ 0.7026 \$ 1.2132 \$ Y			
				DENMARK 0.0075 \$ 0.0075 \$ Y				ARMENIA 0.3098 \$ 0.3455 \$ 0.51 \$ Y			
				ESTONIA 0.0075 \$ 0.0075 \$ Y				NETHERLANDS ANTILLES 0.1956 \$ 0.15 \$ 0.5001 \$ Y			
				SPAIN 0.0075 \$ 0.0075 \$ Y				ANGOLA 0.6882 \$ 0.5871 \$ Y			
				FINLAND 0.0075 \$ 0.0075 \$ Y				ARGENTINA 0.1156 \$ 0.5623 \$ Y			
				FRANCE 0.0075 \$ 0.0075 \$ Y				AMERICAN SAMOA 0.3267 \$ 0.3267 \$ Y			
				UNITED KINGDOM 0.0075 \$ 0.0075 \$ Y				AUSTRIA 0.0501 \$ 0.23 \$ 1.0235 \$ Y			
				GREECE 0.0075 \$ 0.0075 \$ Y				AUSTRALIA 0.0443 \$ 0.182 \$ Y			
				CROATIA 0.0075 \$ 0.0075 \$ Y				ARUBA 0.1557 \$ 0.3294 \$ 0.975 \$ Y			
				HUNGARY 0.0075 \$ 0.0075 \$ Y				AZERBAIJAN 0.434 \$ 0.5256 \$ 0.6301 \$ Y			
				IRELAND 0.0075 \$ 0.0075 \$ Y				BOSNIA AND HERZEGOVINA 0.6177 \$ 1.313 \$ Y			
				ITALY 0.0075 \$ 0.0075 \$ Y				BARBADOS 0.972 \$ 1.0238 \$ Y			
				LITHUANIA 0.0075 \$ 0.0075 \$ Y				BANGLADESH 0.1703 \$ 0.1697 \$ Y			
				LUXEMBOURG 0.0075 \$ 0.0075 \$ Y				BELGIUM 0.308 \$ 0.5272 \$ 1.3329 \$ Y			
				NETHERLANDS 0.0075 \$ 0.0075 \$ Y				BURKINA FASO 0.5944 \$ 0.6532 \$ Y			
				NORWAY 0.0075 \$ 0.0075 \$ Y				BULGARIA 0.1186 \$ 0.8406 \$ Y			
				NEW ZEALAND 0.0075 \$ 0.0075 \$ Y				BAHRAIN 0.4356 \$ 0.5154 \$ Y			
				POLAND 0.0075 \$ 0.0075 \$ Y				BURUNDI 0.788 \$ 0.8907 \$ 1.139 \$ Y			
				PORTUGAL 0.0075 \$ 0.0075 \$ Y				BENIN 0.602 \$ 0.5223 \$ Y			
				ROMANIA 0.0075 \$ 0.0075 \$ Y				BERMUDA 0.3216 \$ 0.3216 \$ Y			
				SWEDEN 0.0075 \$ 0.0075 \$ Y				BRUNEI DARUSSALAM 0.1424 \$ 0.0558 \$ 0.51 \$ Y			
				SLOVENIA 0.0075 \$ 0.0075 \$ Y				BOLIVIA (PLURINATIONAL STATE OF) 0.5155 \$ 0.8003 \$ Y			
				SLOVAKIA 0.0075 \$ 0.0075 \$ Y				BRAZIL 0.0524 \$ 0.2582 \$ Y			
				UNITED STATES OF AMERICA 0.0075 \$ 0.0075 \$ Y				BAHAMAS 0.6278 \$ 0.6278 \$ Y			
								BHUTAN 0.1257 \$ 0.1025 \$ 0.51 \$ Y			
								BOTSWANA 0.436 \$ 0.9398 \$ Y			
								BELARUS 0.6629 \$ 0.6641 \$ 1.6666 \$ Y			
								BELIZE 1.533 \$ 1.533 \$ Y			
								CANADA 0.0355 \$ 0.0355 \$ Y			
								CONGO, DEMOCRATIC REPUBLIC OF THE 0.867 \$ 0.7109 \$ 3.3357 \$ Y			
								CENTRAL AFRICAN REPUBLIC 1.0972 \$ 0.8121 \$ Y			
								SWITZERLAND 0.3694 \$ 0.7011 \$ 1.0331 \$ Y			
								COTE D'IVOIRE 0.67 \$ 0.7129 \$ 2.2679 \$ Y			
								COOK ISLANDS 1.5994 \$ 1.3205 \$ Y			
				CHILE 0.1132 \$ 0.5309 \$ Y							
				CAMEROON 0.4107 \$ 0.5179 \$ 3.1224 \$ Y							
				CHINA 0.0395 \$ 0.0395 \$ Y							
				COLOMBIA 0.117 \$ 0.1003 \$ Y							
				COSTA RICA 0.1231 \$ 0.3139 \$ Y							
				CABO VERDE 0.5317 \$ 0.3612 \$ 1.065 \$ Y							
				CYPRUS 0.0953 \$ 0.2861 \$ Y							
				CZECHIA 0.113 \$ 0.2348 \$ Y							
				GERMANY 0.0353 \$ 0.1434 \$ 0.7211 \$ Y							
				DIEGO GARCIA 0.435 \$ 0.435 \$ 0.51 \$ Y							
				DJIBOUTI 0.7215 \$ 0.5718 \$ 1.065 \$ Y							
				DENMARK 0.0327 \$ 0.1404 \$ 0.5737 \$ Y							
				DOMINICA 1.0227 \$ 0.7727 \$ Y							
				DOMINICAN REPUBLIC 0.1716 \$ 0.3824 \$ Y							
				ALGERIA 0.3773 \$ 2.1167 \$ Y							
				ECUADOR 0.5392 \$ 0.7572 \$ Y							
				ESTONIA 2.1381 \$ 2.0891 \$ Y							
				EGYPT 0.4326 \$ 0.6226 \$ Y							
				ERITREA 0.7029 \$ 0.4078 \$ 1.065 \$ Y							
				SPAIN 0.0381 \$ 0.1832 \$ 0.6374 \$ Y							

ETHIOPIA | 0.4027 \$ | 0.3803 \$ | 1.02 \$ | Y
 FINLAND | 0.8584 \$ | 0.864 \$ | Y
 FIJI | 1.5038 \$ | 0.7631 \$ | Y
 FALKLAND ISLANDS (MALVINAS) | 1.9702 \$ | 1.9702 \$ | Y
 MICRONESIA (FEDERATED STATES OF) | 0.8686 \$ | 0.8308 \$ | Y
 FAROE ISLANDS | 0.1524 \$ | 0.0288 \$ | 0.915 \$ | Y
 FRANCE | 0.0329 \$ | 0.126 \$ | 0.8651 \$ | Y
 GABON | 0.6246 \$ | 0.6921 \$ | Y
 UNITED KINGDOM | 0.0233 \$ | 0.0682 \$ | Y
 GRENADA | 1.0196 \$ | 1.2758 \$ | Y
 GEORGIA | 0.8426 \$ | 1.1833 \$ | Y
 FRENCH GUIANA | 0.2043 \$ | 0.1204 \$ | 0.2666 \$ | Y
 GUERNSEY | 0.0233 \$ | 0.0682 \$ | Y
 GHANA | 1.1366 \$ | 1.1366 \$ | Y
 GIBRALTAR | 0.2334 \$ | 0.9396 \$ | Y
 GREENLAND | 1.125 \$ | 0.3228 \$ | Y
 GAMBIA | 0.6642 \$ | 0.801 \$ | Y
 GUINEA | 1.1618 \$ | 0.9137 \$ | 1.6155 \$ | Y
 GUADELOUPE | 0.0265 \$ | 0.1017 \$ | 0.8025 \$ | Y
 EQUATORIAL GUINEA | 2.7398 \$ | 2.7398 \$ | Y
 GREECE | 0.0911 \$ | 0.3357 \$ | Y
 GUATEMALA | 0.625 \$ | 0.7812 \$ | Y
 GUAM | 0.0409 \$ | 0.0409 \$ | Y
 GUINEA-BISSAU | 0.8951 \$ | 0.9941 \$ | Y
 GUYANA | 0.333 \$ | 0.3282 \$ | 0.494 \$ | Y
 HONG KONG SAR | 0.0863 \$ | 0.1333 \$ | Y
 HONDURAS | 0.1846 \$ | 0.2305 \$ | 0.4249 \$ | Y
 CROATIA | 0.458 \$ | 1.251 \$ | Y
 HAITI | 0.3532 \$ | 0.4437 \$ | 1.3823 \$ | Y
 HUNGARY | 0.1209 \$ | 0.2156 \$ | Y
 INDONESIA | 0.1486 \$ | 0.2407 \$ | Y
 IRELAND | 0.0256 \$ | 0.1784 \$ | Y
 ISRAEL | 0.0639 \$ | 0.1161 \$ | Y
 ISLE OF MAN | 0.0233 \$ | 0.0682 \$ | Y
 INDIA | 0.0915 \$ | 0.0837 \$ | Y
 IRAQ | 0.2409 \$ | 0.2955 \$ | 0.7962 \$ | Y
 ICELAND | 0.2305 \$ | 0.1054 \$ | Y
 ITALY | 0.0338 \$ | 0.2172 \$ | 0.5736 \$ | Y
 JERSEY | 0.0233 \$ | 0.0682 \$ | Y
 JAMAICA | 1.0442 \$ | 1.0442 \$ | Y
 JORDAN | 0.6552 \$ | 0.8567 \$ | Y
 JAPAN | 0.0601 \$ | 0.137 \$ | Y
 KENYA | 0.9342 \$ | 0.7235 \$ | Y
 KYRGYZSTAN | 0.2141 \$ | 0.3367 \$ | 1.075 \$ | Y
 CAMBODIA | 0.3497 \$ | 0.3497 \$ | Y
 KIRIBATI | 1.9284 \$ | 2.1749 \$ | Y
 COMOROS | 0.6617 \$ | 0.7148 \$ | Y
 SAINT KITTS AND NEVIS | 0.9292 \$ | 0.9292 \$ | Y
 KOREA, REPUBLIC OF | 0.1029 \$ | 0.1029 \$ | Y
 KUWAIT | 0.3625 \$ | 0.3625 \$ | Y
 CAYMAN ISLANDS | 0.7259 \$ | 0.4934 \$ | Y
 KAZAKHSTAN | 0.3587 \$ | 0.6853 \$ | Y
 LAO PEOPLE'S DEMOCRATIC REPUBLIC | 0.2884 \$ | 0.1503 \$ | 0.51 \$ | Y
 LEBANON | 0.1964 \$ | 0.2401 \$ | 0.3433 \$ | Y
 SAINT LUCIA | 0.9581 \$ | 0.5276 \$ | Y
 LIECHTENSTEIN | 0.4236 \$ | 0.213 \$ | 1.0276 \$ | Y
 SRI LANKA | 0.6953 \$ | 0.6953 \$ | Y
 LIBERIA | 0.7744 \$ | 0.7668 \$ | 1.4157 \$ | Y
 LESOTHO | 0.7845 \$ | 1.153 \$ | 3.5865 \$ | Y
 LITHUANIA | 1.8394 \$ | 1.479 \$ | Y
 LUXEMBOURG | 0.3562 \$ | 0.3832 \$ | Y
 LATVIA | 2.1202 \$ | 2.4842 \$ | Y
 LIBYA | 0.6169 \$ | 0.4497 \$ | 1.065 \$ | Y
 MOROCCO | 0.5183 \$ | 2.132 \$ | Y
 MONACO | 0.8023 \$ | 2.1247 \$ | Y
 MOLDOVA, REPUBLIC OF | 0.4672 \$ | 0.4992 \$ | 1.0698 \$ | Y
 MONTENEGRO | 0.3536 \$ | 0.8558 \$ | 0.8513 \$ | Y
 MADAGASCAR | 1.0043 \$ | 1.0901 \$ | 1.512 \$ | Y
 MARSHALL ISLANDS | 0.4046 \$ | 0.4046 \$ | 1.065 \$ | Y
 NORTH MACEDONIA | 0.6601 \$ | 1.5052 \$ | Y
 MALI | 0.5561 \$ | 0.6258 \$ | 1.065 \$ | Y
 MYANMAR | 0.2574 \$ | 0.355 \$ | Y
 MONGOLIA | 0.0699 \$ | 0.05 \$ | 0.2615 \$ | Y
 MACAU SAR | 0.4726 \$ | 0.4726 \$ | Y
 NORTHERN MARIANA ISLANDS | 0.0343 \$ | 0.0343 \$ | Y
 MARTINIQUE | 0.0465 \$ | 0.1033 \$ | 0.6329 \$ | Y
 MAURITANIA | 0.8688 \$ | 1.0065 \$ | 1.2753 \$ | Y
 MONTSERRAT | 1.2006 \$ | 1.2006 \$ | Y
 MALTA | 0.3331 \$ | 0.6612 \$ | Y
 MAURITIUS | 0.717 \$ | 0.6363 \$ | Y
 MALDIVES | 5.702 \$ | 5.702 \$ | Y

MALAWI | 0.7964 \$ | 0.677 \$ | 1.065 \$ | Y
MEXICO | 0.0501 \$ | 0.1711 \$ | Y
MALAYSIA | 0.1001 \$ | 0.0918 \$ | Y
MOZAMBIQUE | 0.2722 \$ | 0.4588 \$ | 1.1937 \$ | Y
NAMIBIA | 0.2139 \$ | 0.1839 \$ | 0.765 \$ | Y
NEW CALEDONIA | 0.975 \$ | 0.4491 \$ | 1.065 \$ | Y
NIGER | 0.7102 \$ | 0.5895 \$ | 2.4956 \$ | Y
NORFOLK ISLAND | 2.1209 \$ | 1.065 \$ | Y
NIGERIA | 0.6428 \$ | 0.6428 \$ | Y
NICARAGUA | 0.1902 \$ | 0.3507 \$ | 0.5568 \$ | Y
NETHERLANDS | 0.0913 \$ | 0.4453 \$ | 1.3658 \$ | Y
NORWAY | 0.0338 \$ | 0.1522 \$ | Y
NEPAL | 0.5329 \$ | 0.5329 \$ | Y
NAURU | 1.8562 \$ | 2.026 \$ | Y
NIUE | 1.7966 \$ | 1.3181 \$ | Y
NEW ZEALAND | 0.0567 \$ | 0.2556 \$ | Y
OMAN | 0.5335 \$ | 1.1352 \$ | Y
PANAMA | 0.0485 \$ | 0.994 \$ | Y
PERU | 0.0487 \$ | 0.1476 \$ | Y
FRENCH POLYNESIA | 0.411 \$ | 0.5337 \$ | 2.2146 \$ | Y
PAPUA NEW GUINEA | 0.9428 \$ | 1.3329 \$ | Y
PHILIPPINES | 0.5808 \$ | 0.7074 \$ | Y
PAKISTAN | 0.5737 \$ | 0.5737 \$ | Y
POLAND | 0.137 \$ | 0.3728 \$ | Y
SAINT PIERRE AND MIQUELON | 0.5816 \$ | 0.5816 \$ | 1.125 \$ | Y
PUERTO RICO | 0.0242 \$ | 0.0242 \$ | Y
PALESTINE, STATE OF | 0.2667 \$ | 0.3118 \$ | Y
PORTUGAL | 0.026 \$ | 0.1545 \$ | 0.6336 \$ | Y
PALAU | 0.4532 \$ | 0.4417 \$ | Y
PARAGUAY | 0.1531 \$ | 0.2971 \$ | Y
QATAR | 0.8432 \$ | 0.8784 \$ | Y
ROMANIA | 0.0812 \$ | 0.2815 \$ | Y
SERBIA | 0.2929 \$ | 0.4437 \$ | 0.7008 \$ | Y
RUSSIAN FEDERATION | 0.1054 \$ | 0.8892 \$ | Y
RWANDA | 1.103 \$ | 1.2498 \$ | Y
SAUDI ARABIA | 0.3749 \$ | 0.5608 \$ | Y
SOLOMON ISLANDS | 0.975 \$ | 1.9255 \$ | Y
SEYCHELLES | 1.1088 \$ | 1.0784 \$ | 2.0642 \$ | Y
SWEDEN | 0.0234 \$ | 0.0956 \$ | 0.6136 \$ | Y
SINGAPORE | 0.0329 \$ | 0.0335 \$ | Y
SAINT HELENA, ASCENSION AND TRISTAN DA CUNHA | 2.4267 \$ | 2.3385 \$ | Y
SLOVENIA | 0.1855 \$ | 1.1228 \$ | Y
SLOVAKIA | 0.0701 \$ | 0.4768 \$ | Y
SIERRA LEONE | 0.8439 \$ | 0.7772 \$ | 0.9874 \$ | Y
SAN MARINO | 0.8929 \$ | 0.3148 \$ | Y
SENEGAL | 0.7273 \$ | 0.8951 \$ | 1.5893 \$ | Y
SOMALIA | 0.7888 \$ | 0.7763 \$ | 1.0729 \$ | Y
SURINAME | 0.1996 \$ | 0.4533 \$ | 0.8502 \$ | Y
SOUTH SUDAN | 0.6542 \$ | 0.7173 \$ | Y
SAO TOME AND PRINCIPE | 1.5976 \$ | 1.574 \$ | Y
EL SALVADOR | 0.8294 \$ | 0.6228 \$ | Y
SINT MAARTEN (DUTCH PART) | 0.4137 \$ | 0.4678 \$ | Y
ESWATINI | 0.2293 \$ | 0.2666 \$ | 0.4107 \$ | Y
TURKS AND CAICOS ISLANDS | 1.411 \$ | 1.6546 \$ | Y
CHAD | 0.83 \$ | 0.8565 \$ | 1.0957 \$ | Y
FRENCH SOUTHERN TERRITORIES | 0.023 \$ | 0.1601 \$ | Y
TOGO | 0.5079 \$ | 0.4711 \$ | Y
THAILAND | 0.1271 \$ | 0.1271 \$ | Y
TAJIKISTAN | 0.2603 \$ | 0.2817 \$ | 2.2887 \$ | Y
TOKELAU | 0.975 \$ | 2.4545 \$ | Y
TIMOR-LESTE | 0.975 \$ | 0.9269 \$ | Y
TURKMENISTAN | 0.435 \$ | 0.435 \$ | 0.51 \$ | Y
TUNISIA | 1.2254 \$ | 1.2586 \$ | 3.8999 \$ | Y
TONGA | 1.4663 \$ | 1.513 \$ | Y
TURKEY | 0.2271 \$ | 0.5803 \$ | Y
TRINIDAD AND TOBAGO | 0.5075 \$ | 0.6433 \$ | Y
TAIWAN, CHINA | 0.0741 \$ | 0.4129 \$ | Y
TANZANIA, UNITED REPUBLIC OF | 1.6103 \$ | 1.6103 \$ | Y
UKRAINE | 0.5868 \$ | 1.0755 \$ | Y
UGANDA | 1.6086 \$ | 1.6086 \$ | Y
UNITED STATES MINOR OUTLYING ISLANDS | 0.0343 \$ | 0.0343 \$ | Y
UNITED STATES OF AMERICA | 0.0318 \$ | 0.0318 \$ | Y
URUGUAY | 0.2285 \$ | 0.8432 \$ | Y
UZBEKISTAN | 0.3047 \$ | 0.3047 \$ | Y
SAINT VINCENT AND THE GRENADINES | 0.9717 \$ | 0.5279 \$ | Y
VENEZUELA (BOLIVARIAN REPUBLIC OF) | 0.0518 \$ | 0.2809 \$ | Y

		VIRGIN ISLANDS (BRITISH) 0.4557 \$ 0.4557 \$ Y VIRGIN ISLANDS (U.S.) 0.9646 \$ 1.5308 \$ Y VIET NAM 0.3142 \$ 0.3142 \$ Y VANUATU 1.326 \$ 1.4891 \$ Y WALLIS AND FUTUNA 0.975 \$ 0.975 \$ 0.9768 \$ Y SAMOA 0.3329 \$ 0.9589 \$ Y YEMEN 0.2885 \$ 0.2296 \$ Y MAYOTTE 0.2471 \$ 0.4199 \$ 1.065 \$ Y SOUTH AFRICA 0.3844 \$ 0.6876 \$ Y ZAMBIA 0.747 \$ 0.7075 \$ Y ZIMBABWE 0.3413 \$ 0.6389 \$ Y
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Zoom Contact Center SMS/MMS Rates

Zoom Contact Centre SMS/MMS can only be used for US and Canada phone numbers. Usage is based on the number of messages sent and charged based on the below rates for each supported country.

Table Format: Country | Rate | Enabled Status

Y means International SMS/MMS for country is Enabled upon provisioning

N means International SMS/MMS for country is Not Enabled upon provisioning

Zoom Contact Centre Call-In SMS/MMS Rates Country Rate Enabled Status	Zoom Contact Centre Call-Out SMS/MMS Rates Country Rate Enabled Status
CANADA VN SMSINBOUND 0.007 \$ Y CANADA TF SMSINBOUND 0.007 \$ Y UNITED STATES OF AMERICA VN SMSINBOUND 0.007 \$ Y UNITED STATES OF AMERICA TF SMSINBOUND 0.007 \$ Y	AMERICAN SAMOA VN SMSOUTBOUND 0.02 \$ Y ANGUILLA VN SMSOUTBOUND 0.004 \$ Y ANTIGUA AND BARBUDA VN SMSOUTBOUND 0.004 \$ Y ARGENTINA VN SMSOUTBOUND 0.004 \$ Y AUSTRALIA VN SMSOUTBOUND 0.1 \$ Y AUSTRIA VN SMSOUTBOUND 0.1 \$ Y BAHAMAS VN SMSOUTBOUND 0.004 \$ Y BARBADOS VN SMSOUTBOUND 0.004 \$ Y BELGIUM VN SMSOUTBOUND 0.1 \$ Y BELIZE VN SMSOUTBOUND 0.004 \$ Y BERMUDA VN SMSOUTBOUND 0.004 \$ Y BOLIVIA (PLURINATIONAL STATE OF) VN SMSOUTBOUND 0.004 \$ Y BRAZIL VN SMSOUTBOUND 0.004 \$ Y CANADA VN SMSOUTBOUND 0.007 \$ Y CANADA TF SMSOUTBOUND 0.007 \$ Y CAYMAN ISLANDS VN SMSOUTBOUND 0.004 \$ Y CHILE VN SMSOUTBOUND 0.004 \$ Y CHINA VN SMSOUTBOUND 0.02 \$ Y COLOMBIA VN SMSOUTBOUND 0.04 \$ Y COSTA RICA VN SMSOUTBOUND 0.04 \$ Y CZECHIA VN SMSOUTBOUND 0.1 \$ Y DENMARK VN SMSOUTBOUND 0.1 \$ Y DOMINICA VN SMSOUTBOUND 0.004 \$ Y DOMINICAN REPUBLIC VN SMSOUTBOUND 0.12 \$ Y ECUADOR VN SMSOUTBOUND 0.004 \$ Y EL SALVADOR VN SMSOUTBOUND 0.004 \$ Y ESTONIA VN SMSOUTBOUND 0.02 \$ Y FINLAND VN SMSOUTBOUND 0.1 \$ Y FRANCE VN SMSOUTBOUND 0.1 \$ Y FRENCH GUIANA VN SMSOUTBOUND 0.1 \$ Y GERMANY VN SMSOUTBOUND 0.1 \$ Y GREECE VN SMSOUTBOUND 0.02 \$ Y GREENLAND VN SMSOUTBOUND 0.1 \$ Y GRENADA VN SMSOUTBOUND 0.004 \$ Y GUAM VN SMSOUTBOUND 0.02 \$ Y GUATEMALA VN SMSOUTBOUND 0.02 \$ Y GUYANA VN SMSOUTBOUND 0.004 \$ Y HAITI VN SMSOUTBOUND 0.12 \$ Y HONDURAS VN SMSOUTBOUND 0.004 \$ Y HONG KONG SAR VN SMSOUTBOUND 0.12 \$ Y HUNGARY VN SMSOUTBOUND 0.02 \$ Y INDIA VN SMSOUTBOUND 0.02 \$ Y IRELAND VN SMSOUTBOUND 0.1 \$ Y ISRAEL VN SMSOUTBOUND 0.1 \$ Y ITALY VN SMSOUTBOUND 0.1 \$ Y JAMAICA VN SMSOUTBOUND 0.004 \$ Y JAPAN VN SMSOUTBOUND 0.12 \$ Y KOREA, REPUBLIC OF VN SMSOUTBOUND 0.14 \$ Y MEXICO VN SMSOUTBOUND 0.004 \$ Y MONTSERRAT VN SMSOUTBOUND 0.02 \$ Y NEPAL VN SMSOUTBOUND 0.02 \$ Y NETHERLANDS VN SMSOUTBOUND 0.1 \$ Y NETHERLANDS ANTILLES VN SMSOUTBOUND 0.004 \$ Y NEW ZEALAND VN SMSOUTBOUND 0.1 \$ Y NICARAGUA VN SMSOUTBOUND 0.004 \$ Y NORWAY VN SMSOUTBOUND 0.1 \$ Y PANAMA VN SMSOUTBOUND 0.004 \$ Y PARAGUAY VN SMSOUTBOUND 0.004 \$ Y PERU VN SMSOUTBOUND 0.004 \$ Y PHILIPPINES VN SMSOUTBOUND 0.02 \$ Y POLAND VN SMSOUTBOUND 0.1 \$ Y PORTUGAL VN SMSOUTBOUND 0.1 \$ Y PUERTO RICO VN SMSOUTBOUND 0.02 \$ Y

ROMANIA | VN | SMSOUTBOUND | 0.2 \$ | Y
 RUSSIAN FEDERATION | VN | SMSOUTBOUND | 0.1 \$ | Y
 SAINT KITTS AND NEVIS | VN | SMSOUTBOUND | 0.004 \$ | Y
 SAINT LUCIA | VN | SMSOUTBOUND | 0.004 \$ | Y
 SAINT VINCENT AND THE GRENADINES | VN | SMSOUTBOUND | 0.12 \$ | Y
 SINGAPORE | VN | SMSOUTBOUND | 0.14 \$ | Y
 SOUTH AFRICA | VN | SMSOUTBOUND | 0.1 \$ | Y
 SPAIN | VN | SMSOUTBOUND | 0.1 \$ | Y
 SURINAME | VN | SMSOUTBOUND | 0.02 \$ | Y
 SWEDEN | VN | SMSOUTBOUND | 0.1 \$ | Y
 SWITZERLAND | VN | SMSOUTBOUND | 0.1 \$ | Y
 TAIWAN, CHINA | VN | SMSOUTBOUND | 0.14 \$ | Y
 THAILAND | VN | SMSOUTBOUND | 0.02 \$ | Y
 TIMOR-LESTE | VN | SMSOUTBOUND | 0.02 \$ | Y
 TURKEY | VN | SMSOUTBOUND | 0.02 \$ | Y
 TURKS AND CAICOS ISLANDS | VN | SMSOUTBOUND | 0.004 \$ | Y
 UNITED KINGDOM | VN | SMSOUTBOUND | 0.1 \$ | Y
 UNITED STATES OF AMERICA | VN | SMSOUTBOUND | 0.007 \$ | Y
 UNITED STATES OF AMERICA | TF | SMSOUTBOUND | 0.007 \$ | Y
 URUGUAY | VN | SMSOUTBOUND | 0.004 \$ | Y
 VENEZUELA (BOLIVARIAN REPUBLIC OF) | VN | SMSOUTBOUND | 0.02 \$ | Y
 VIET NAM | VN | SMSOUTBOUND | 0.02 \$ | Y
 VIRGIN ISLANDS (BRITISH) | VN | SMSOUTBOUND | 0.004 \$ | Y
 VIRGIN ISLANDS (U.S.) | VN | SMSOUTBOUND | 0.02 \$ | Y

Accepted and agreed as of the date specified below by the authorized representative of Customer

Signature:
Print Name:
Date:
Zoom Service Effective Date: 06/02/2023
PO # (If Applicable):
VAT # (If Applicable):
TAN # (If Applicable):
CIN # (If Applicable):

The Services will be activated within 48 hours of order signature or Zoom Service Effective Date, whichever is later.

Zoom reserves the right at its sole discretion to accept Order Forms received after the Valid Until date.

If a PO# is required for processing the invoice related to this order, please provide a PO with this order. If issuance of PO is delayed, please provide a PO within 5 days of the service effective date via email to purchase-orders@zoomus.zendesk.com. Notwithstanding the foregoing, the period for payment shall commence as of the applicable invoice date. Such payment period shall not restart based on any delays in issuing a Purchase Order or any procurement process.

Zoom Phone services provided by Zoom Voice Communications, Inc. Rates, terms and conditions for Zoom Phone services are set by Zoom Voice Communications, Inc.



Order Form Number: Q2130292

Zoom Video Communications Inc. ("Zoom")

55 Almaden Boulevard, 6th Floor

San Jose, CA 95113

Email: john.mensik@zoom.us

Tax Preview	
Billed To	Sold To
Contact Name: Brian Hansen Address: 1201 Civic Center Blvd., Yuba City, California 95993, United States Email Address: bhansen@yubacity.net Phone: 530-822-4785	Contact Name: Brian Hansen Address: 1201 Civic Center Blvd., Yuba City, California 95993, United States Email Address: bhansen@yubacity.net Phone: 530-822-4785
Paid Period Start Date: June 2, 2023 Currency: USD Payment Term: Net 30 Tax estimates based on California 95993, United States and generated on 2023-06-05.	

The following tables are estimates and are subject to change.

Tax Summary			
Charge Description	Sub Total	Estimated Taxes & Fees	Total
Webinar 500 Annual Quantity : 1.0 Effective Price : \$ 690.00	\$ 690.00	\$ 0.00	\$ 690.00
Zoom Contact Center Annual Prepay Monthly Usage Quantity : 1.0 Effective Price : \$ 1,200.00	\$ 1,200.00	\$ 179.22	\$ 1,379.22
Zoom Contact Center Cloud Storage Annual Prepay 1TB Monthly Usage Quantity : 1.0 Effective Price : \$ 1,200.00	\$ 1,200.00	\$ 0.00	\$ 1,200.00
Zoom Contact Center Package Annual Quantity : 6.0 Effective Price : \$ 690.00	\$ 4,140.00	\$ 0.00	\$ 4,140.00
Zoom One Business Plus US/Canada Annual Quantity : 245.0 Effective Price : \$ 216.00	\$ 52,920.00	\$ 1,975.90	\$ 54,895.90
Zoom Phone Common Area Annual Quantity : 25.0 Effective Price : \$ 41.04	\$ 1,026.00	\$ 0.00	\$ 1,026.00
Zoom Phone Pay As You Go Quantity : 1.0 Effective Price : \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Zoom Phone Power Pack Annual Quantity : 2.0 Effective Price : \$ 270.00	\$ 540.00	\$ 0.00	\$ 540.00
Zoom Phone US/Canada Metered Calling Named User Annual Quantity : 52.0 Effective Price : \$ 91.83	\$ 4,775.00	\$ 142.63	\$ 4,917.63
Zoom Phone US/Canada Phone Numbers Annual Quantity : 75.0 Effective Price : \$ 20.00	\$ 1,500.00	\$ 224.02	\$ 1,724.02
Zoom Rooms Annual Quantity : 11.0 Effective Price : \$ 350.00	\$ 3,850.00	\$ 0.00	\$ 3,850.00
Zoom US/Canada Virtual Service Phone Number Annual Quantity : 1.0 Effective Price : \$ 60.00	\$ 60.00	\$ 0.00	\$ 60.00

Tax Summary Totals	
Sub Total :	\$ 71,901.00
Estimated Total (including taxes & fees) :	\$ 74,422.77

Tax Details				
Charge Name	Tax Name	Jurisdiction	Total Charge Amount	Estimated Taxes & Fees
Webinar 500 Annual			\$ 690.00	\$ 0.00
Zoom Contact Center Annual Prepay Monthly Usage	FUSF (VoIP)	Federal	\$ 1,200.00	\$ 179.22
Zoom Contact Center Cloud Storage Annual Prepay 1TB Monthly Usage			\$ 1,200.00	\$ 0.00
Zoom Contact Center Package Annual			\$ 4,140.00	\$ 0.00
Zoom One Business Plus US/Canada Annual	FUSF (VoIP)	Federal	\$ 52,920.00	\$ 1,975.90
Zoom Phone Common Area Annual			\$ 1,026.00	\$ 0.00
Zoom Phone Pay As You Go	FUSF (VoIP)	Federal	\$ 0.00	\$ 0.00
Zoom Phone Power Pack Annual			\$ 540.00	\$ 0.00
Zoom Phone US/Canada Metered Calling Named User Annual	FUSF (VoIP)	Federal	\$ 4,775.00	\$ 142.63
Zoom Phone US/Canada Phone Numbers Annual	FUSF (VoIP)	Federal	\$ 1,500.00	\$ 224.02
Zoom Rooms Annual			\$ 3,850.00	\$ 0.00
Zoom US/Canada Virtual Service Phone Number Annual			\$ 60.00	\$ 0.00



Professional Services

*Statement of Work for Standard Deployment Services

This Statement of Work for Professional Services ("SOW") between Zoom Video Communications, Inc. ("Zoom") and **City of Yuba City** ("Customer") is effective on date of the latest signature on this SOW ("Effective Date") and is governed by the governed by the Zoom Terms of Service found at <http://www.zoom.us/terms> (unless Customer and Zoom have entered a written Master Subscription Agreement, in which case such written agreement will govern). Customer's purchase of Professional Services pursuant to this SOW is also governed by the Zoom Professional Services Terms and Conditions available at: <https://zoom.us/professional-services-terms>. Any capitalized terms used but not defined herein shall have the meaning ascribed to them in the Zoom Terms of Service (or Master Subscription Agreement, as applicable) or Zoom Professional Services Terms and Conditions.

Bill To:	Sold To:
City of Yuba City 1201 Civic Center Blvd Yuba City, CA 95993 USA	City of Yuba City 1201 Civic Center Blvd Yuba City, CA 95993 <COUNTRY>
Contact: Brian Hansen Phone: 530-822-4785 Email: bhansen@yubacity.net	Contact: Brian Hansen Phone: 530-822-4785 Email: bhansen@yubacity.net
SOW Generated/ Revised:	June 8, 2023 Valid 30 days from the generation date.
SOW Number:	PSO-026551
Total SOW Amount:	\$20,645
Zoom Account Executive:	John Mensik
Zoom Phone PSO Rep:	Michael Cisneros

Project:

	Scope	Value	Completion Criteria
Project Scope	Each location, function, and feature as identified in Section 1.	As identified in Appendix A (excluding any applicable taxes and expense actuals).	Completion of all Professional Services described in this SOW, for each location identified.

1. Service Scope and Locations

Zoom will perform the tasks listed in this SOW remotely, for the following Zoom Phone user/license count(s), features, functions, and locations:



Professional Services

Standard Service Scope:

Standard Service Scope:			
Existing PBX:		Mitel	Phone Source: Purchasing New Phones
Total Users to Deploy:		322	Location Demographics:
User/ Devices with DID's: Includes 270 DID's		270	# Locations 1 to 25 Users: 10
Users/ Devices with NO DID:		52	# Locations 26 – 50 Users: 2
			# Locations over 50 Users: 2
Virtual Desktop Infrastructure (VDI) in Use?:			No
DID's, Porting, and Site Count:			
DID's to be used:		270	Total Number of Locations: 14
Additional DID's to be parked:		75	# Native Locations: 14
Toll-Free Numbers:		0	# BYOC Locations: 0
			# Carrier Peering: 0
			# Direct Connect: 0
Queues and Auto-Receptionists:			
Auto-Receptionists/ Queues Included up to:		50	Additional AR's: 0
			Additional Queues: 0
Emergency Services (E911):		Nomadic	
Optional Services:			
Bulk Phone Reprovisioning:		Not Included	
# BYOC Required:		Not Included	
Carrier Peering:		Not Included	
Direct Connect:		Not Included	
SSO Configuration Assistance:		Not Included	
SIP Paging:		Not Included	
Contact Center Integration:		Not Included	
Analog Requirements:		Yes	
# Small ATA (Up to 4 ports):		12	
# Medium ATA (5 to 24 ports):		0	
# Large ATA (25 to 48 Ports)*		0	
Premise Peering:		Not Included	
On-Site Services:		Not Included	
Zoom Phone Local Survivability:		Not Included	

Project Assumptions:

- 1) Only those Zoom Phone features and functions Generally Available at the time of SOW execution shall be included in this project scope.
- 2) 3 ATAs will be Algo for paging connected to Bogen

Locations:

Qty	Country	Default Deployment Type	Qty Native	Qty BYOC	Qty Direct Connect	Qty Carrier Peering	# sites 1-25 users	# sites 26-50 users	# sites 50+ users
14	United States	Native	14	0	0	0	10	2	2

2. General

- 2.1. Selection and assignment of a designated Technical Project Manager (“TPM”) and Project Engineer (“PE”) by Zoom. The Zoom TPM will act as a single point of contact for the delivery of all Professional Deployment Services under this SOW, following Zoom’s proven deployment best practices.
- 2.2. Project Management
 - 2.2.1. The Zoom TPM will be responsible for the following activities in connection with this SOW:
 - 2.2.2. Alignment of project goals and scope with Customer expectations during project initiation/ kick-off.
 - 2.2.3. Internal and external project kick-off sessions.
 - 2.2.4. Creation and management of project governance, including but not limited to:
 - 2.2.4.1. Mutually agreed upon Master Project plan and schedule.
 - 2.2.4.2. Roll Out Communication plan, project resource requirements, escalation process, change control, and test plan.
 - 2.2.4.3. Project Action and risk register.
- 2.3. Completion of resource assignments and scheduling in alignment with the master project schedule.
- 2.4. Management of project documentation.
- 2.5. Management of project timelines in alignment and via consensus with the Customer designated internal project manager or single point of contact.
- 2.6. Identification, communication, and mitigation of project risks and issues.
- 2.7. Development, review, authoring, implementation, and managing any mutually agreed upon Change Orders and interventions to achieve project outputs.
- 2.8. Facilitating and leading regular status update meetings, organize planning sessions and Customer steering committees, as applicable.
- 2.9. Completing scoped migration and go live support; and
- 2.10. Performing closure procedures at the conclusion of project activities.

3. Zoom Phone Discovery

- 3.1. The Zoom TPM and/or Zoom PE will partner with the Customer to schedule high-level Discovery session(s) with Customer’s point of contact(s). The location(s) and number of users involved in the Discovery process are set forth in Section 1 of this SOW. The Zoom Project Teamwork with the Customer to complete the preliminary Discovery document(s).

3.2. Preliminary Discovery

- 3.2.1. Customer’s implementation strategy.
- 3.2.2. Identify Customer project team members and responsibilities.
- 3.2.3. Identify and document all locations and addresses to be deployed.
- 3.2.4. Identify and document total users (licensed and basic) and Common Area Phones to be deployed at each location.
- 3.2.5. Develop high-level project timeline for location deployments and cut overs.
- 3.2.6. Document risk-factors that may impact cut-over schedule.
- 3.2.7. Document Zoom Portal company settings and standards.
- 3.2.8. Document location persona’s, (type of location), and document desired Zoom Portal location standards for each persona.

3.3. Location-specific Discovery

- 3.3.1. Review and documentation of Customer’s current call flow.

- 3.3.2. Work with customer to compile a list of all locations, users, devices, and common area desktop phones.
- 3.3.3. Compile listing of all Direct Inward Dial (DID) numbers
- 3.3.4. Compile listing of all Toll-Free numbers.
- 3.3.5. Work with the customer to assemble documentation for porting (e.g., phone bills, additional information as required such as utility bills, country management information, etc.)
- 3.3.6. User and Device Information.
- 3.3.7. Porting data/information (Direct Inward Dial "DID" and Toll-Free Numbers).
- 3.3.8. Call flow(s).
- 3.3.9. Dial plan requirements (as needed).
- 3.3.10. Premise Peering (PSTN/PBX) Requirements.
- 3.3.11. Zoom Phone SSO if required
- 3.3.12. Roles and Permissions.

3.4. Zoom Phone Readiness Review

- 3.4.1. Zoom Phone Readiness Review will be conducted for each location/location(s) identified in Section 1 of this SOW to include:
 - 3.4.1.1. Wired Network test results
 - 3.4.1.2. Wireless Network test results
- 3.4.2. The Zoom Phone Readiness review shall contain statistics and metrics on the Customer's current network environment to ensure Customer's network is configured for optimal Zoom performance.
- 3.4.3. Zoom Project Engineer will provide recommendations, as needed, to resolve network connectivity issues.
- 3.4.4. Additional network reviews or consultations are available to the Customer via a separate, executed SOW and will result in additional fees.
- 3.5. Go-Live Readiness requirements.
- 3.6. All Discovery documents, Preliminary and Location-Specific, are reviewed and approved by Customer and Zoom Project Team prior to moving to deployment.
- 3.7. Delay in completing and returning any Zoom requested documentation may result in an adjustment of the project timeline.

4. Data Requirements and Preparation

- 4.1. Zoom will provide the Customer templates for collecting required data for implementation. Items which may be identified and documented are the following:
 - 4.1.1. User List.
 - 4.1.2. Location information.
 - 4.1.3. Direct Inward Dial (DID) Phone numbers.
 - 4.1.4. Current extensions.
 - 4.1.5. Desktop Phone information.
 - 4.1.6. Call Queues (hunt groups) including call distribution methodology (simultaneous ring, sequential ring, rotating ring, etc.).
 - 4.1.7. IVR/Auto Receptionist.
 - 4.1.8. Multi-line appearance (typically used by Administrative Assistants).
 - 4.1.9. Additional items as specified in Section 1 of this SOW:
 - 4.1.9.1. Required information for configuring the Zoom's BYOC Trunk Group if Premise Peering PSTN (a.k.a. Bring Your Own Carrier, "BYOC").
 - 4.1.9.2. Zoom certified analog gateway ("ATA") devices.

- 4.1.9.3. Zoom certified paging systems.
- 4.1.9.4. Premise peering.
- 4.2. Customer will provide the required information utilizing the Zoom provided templates with the data requested above to Zoom.
- 4.3. Zoom will enter and configure the data provided into the Zoom Phone System.

5. Zoom Deployment Services

- 5.1. Zoom Professional Services typically performs all services remotely. Remote delivery/deployment services include:
 - 5.1.1. Creation of:
 - 5.1.1.1. Location information.
 - 5.1.1.2. Auto-receptionists.
 - 5.1.1.3. Queues.
 - 5.1.1.4. Call flow(s).
 - 5.1.1.5. User creation and provisioning.
 - 5.1.1.6. Perform Network Readiness Review per Project Plan Schedule.
 - 5.1.2. Porting of DID numbers identified and documented in the Location Discovery exercise.
 - 5.1.3. Configuration of Zoom supported desktop phones in Zoom Portal.
 - 5.1.4. Recommendations for handset placement and testing.
 - 5.1.5. Provisioning of Zoom certified desktop phones via the Zoom Portal.
 - 5.1.6. Coordination of end-user training sessions delivered by Zoom Customer Success Manager.
 - 5.1.7. Perform coordinated testing with the customer.
 - 5.1.8. Provide Customer with basic template for Customer-specific testing plan.
- 5.2. Alpha testing.
- 5.3. Guidance and standard template(s) for customer conducted beta testing.
- 5.4. Cut-over preparation.
- 5.5. Hypercare which provides port-implementation support for a period of ten (10 Business says).
 - 5.5.1. Non implementation related support will be provided by Zoom Technical Support in accordance with the level of support the Customer is entitled to receive.
- 5.6. Document open issues and enhancement requests in a project log.
- 5.7. Perform formal project closure processes.
- 5.8. Transition the customer from deployment to sustaining services (e.g., Zoom Technical Support and Customer Success Manager services).
- 5.9. The following services below will be performed if indicated in Section 1 of the SOW:
 - 5.9.1. **Premise Peering PSTN (BYOC)** as identified in Section 1 of this SOW.
 - 5.9.1.1. Connect to existing carrier.
 - 5.9.1.2. Provide the customer with specifications required for a BYOC connection.
 - 5.9.1.3. Complete Zoom portal configuration once SBC device(s) are installed and configured by the customer on their network.
 - 5.9.1.4. Zoom complete the provisioning of the SIP trunk between Zoom and the Customers SBCs or through the Carrier Exchange (Carrier Peering).
 - 5.9.1.5. Coordinated testing between Zoom and the Customer to verify that the trunk is established.
 - 5.9.1.6. Provide cut-over support.
 - 5.9.2. **Premise Peering PBX (BYOP)** as identified in Section 1 of this SOW.

- 5.9.2.1. Provide the customer with specifications required for a Premise Peering PBX connection.
- 5.9.2.2. Complete Zoom Portal configuration once SBC device is installed and configured by the customer on their network.
- 5.9.2.3. Zoom will complete the provisioning of the SIP trunk between Zoom and the customer's SBC(s).
- 5.9.2.4. Provide cut-over support.
- 5.9.3. Analog Telephone Adapter/Gateway** as identified in Section 1 of this SOW.
 - 5.9.3.1. Complete Zoom Portal configuration once the Adapter/Gateway is installed and configured by the Customer.
 - 5.9.3.2. Coordinate testing between Zoom and the Customer.
 - 5.9.3.3. Provide cut-over support.
- 5.9.4. Paging** as identified in Section 1 of this SOW.
 - 5.9.4.1. Complete Zoom Portal configuration of Zoom supported paging devices once devices are installed and configured by the customer.
 - 5.9.4.2. Coordinated testing between Zoom and the Customer
 - 5.9.4.3. Provide cut-over support.
- 5.9.5. Zoom Phone Local Survivability (ZPLS)** as identified in Appendix B.
 - 5.9.5.1. Provide the customer with specifications required for a ZPLS.
 - 5.9.5.2. Register Zoom Node to Zoom Cloud.
 - 5.9.5.3. Perform configuration for local survivability within the Zoom Admin Portal.
 - 5.9.5.4. Perform initial alpha testing.
 - 5.9.5.5. Provide cut-over assistance.
- 5.10. Standard Remote Service Hours: Unless otherwise specified, pricing is based on performing the Services between the hours of 8:00 AM to 5:00 PM local location time, Monday-Friday, excluding Zoom observed holidays ("Standard Service Hours"). Work performed outside Standard Service Hours may be subject to additional "off hours" charges, via a separately executed SOW or Change Order.

6. Customer Responsibilities and SOW Exclusions

- 6.1. The Customer is responsible for all aspects not specifically included in this SOW. Out of scope and Customer Responsibility items include, without limitation:
 - 6.1.1. Install, provision, configure, and ensure users are proficient on the Zoom Meeting client.
 - 6.1.2. Purchase required Zoom Phone licenses and Calling Plan(s).
 - 6.1.3. Provide all necessary information and data for DID porting and deployment, including but not limited to:
 - 6.1.3.1. Listing of all users with usernames, email addresses, DID's, Extensions, and location, all pages of all current applicable phone bills for all locations requiring porting services, procure Customer Service Reports ("CSR") from existing carrier(s) for all locations and accounts requiring porting services, service addresses and Authorized Contacts for each phone bill/ carrier account; and BTN for each phone bill/ carrier account.
 - 6.1.4. Customer shall use Zoom provided templates for all data compilation exercises.
 - 6.1.5. Customer understands and agrees that they are responsible for gathering and assembling all data from any legacy systems.

- 6.2. Order and procure desktop phones, headsets, and conference room audio devices as required, and other equipment.
- 6.3. LAN/WAN infrastructure:
 - 6.3.1. Network requirements for Zoom products as identified on the Zoom support website and/or network modifications as recommended by Zoom PSO.
- 6.4. Configuration and software installation on customer PCs.
- 6.5. Customizations on individual User endpoints, or phone settings.
- 6.6. Phones or devices being deployed by Customer that are not defined on Zoom's Supported Device Listing on Zoom's support website at: <https://support.zoom.us/hc/en-us/articles/360001299063-Certified-Zoom-Phone-devicesHeadsets>.
- 6.7. Customer-side premise trunk configuration, diagnostics, and/or troubleshooting.
- 6.8. Customer mobile device configuration, diagnostics, and/or troubleshooting.
- 6.9. Post-Deployment End-user support.
- 6.10. Post-Deployment Moves, Adds, and Change activities (MACD).
- 6.11. Unless otherwise specified, Customer is responsible for:
 - 6.11.1. Third Party software and/or hardware integration configuration, decommissioning, and/or troubleshooting, including but not limited to other telephony systems, network equipment, and software applications. Configuration, deployment, support, and troubleshooting of any desk phones, devices, headsets, and equipment that are not supported by Zoom Phone.
- 6.12. New or existing SBC installation, configuration
- 6.13. New or existing installation and configuration of Analog Gateways and analog devices (e.g., fax, doorbells, paging, emergency phones, etc.)
- 6.14. Development of customized user guides, documentation, references, training materials, etc.
- 6.15. Customer to provide all pre-recorded greetings and prompts.
- 6.16. Cross-location coordination and gathering of required information.

7. Customer's Telephone Number Porting

- 7.1. The Customer is responsible for authorizing the telephone number porting by Zoom via the approval and signature of the standard Zoom Letter of Authority (LOA). Zoom shall provide guidance on porting data collection and shall assist with submission of porting request(s). This effort pertains to those locations identified in Section 1. The parties acknowledge and agree that Zoom is not responsible for and does not control the portability of any individual number or group of numbers, and the Professional Services completion shall not be withheld by Customer for any delays arising from or relating to the porting of the numbers.
- 7.2. Customer agrees to the porting process and timelines as detailed in the Zoom Support Article: Common Issues and Questions for Porting at <https://support.zoom.us/hc/en-us/articles/360036099112-Common-issues-and-questions-for-porting>.
- 7.3. Notwithstanding paragraph 6.1 above, the Zoom Project Team and Customer will jointly own the porting responsibility by performing the following tasks for each location together:
 - 7.3.1. The Zoom TPM shall manage initial submission of port requests and any subsequent LOA modifications and submissions.
 - 7.3.2. Customer shall endorse all appropriate Letters of Authorization ("LOA"s) as requested by Zoom using the then current Letter of Authorization form provided to Customer by Zoom



Professional Services

7.3.3. Customer shall provide to Zoom as requested:

- 7.3.3.1. All pages of all recent phone bills for those locations requiring the porting of DID's.
- 7.3.3.2. Customer Service Reports and/or Requests for Information from current carriers and authorized signer for each location.
- 7.3.3.3. Porting submissions will include numbers mapped to correct location as "company" numbers or Direct Dial phone numbers.

8. Delays and Changes

- 8.1. No changes to this SOW, and no changes or additions to the services described herein, will be effective unless it is in writing (via a Change Order or separate SOW) and signed by both parties. Any Change Order will detail the requested change and the effect of such change on the Professional Services, the fees, and the timeline. A Change Order is not effective unless it is in writing and signed by both parties.
- 8.2. Any delays in the performance of consulting services or delivery of deliverables caused by Customer, including without limitation delays in completing and returning Customer documentation required during the Assessment and Design or completing the Needs Assessment, may result in an adjustment of project timeline and additional fees.

9. Project Acknowledgement

- 9.1. This SOW describes the objectives, Deliverables, locations, fees, and other components that are included in this project. Customer acknowledges that the delivery, installation, testing, and payment for the Professional Services rendered under this for any specific location is not dependent on the delivery, installation, testing, and payment for the Professional Services for any other location or location(s).

Agreement

This SOW is entered into as of the effective date specified above between Zoom Video Communications, Inc. and City of Yuba City.

Zoom Video Communications, Inc.

City of Yuba City

By: _____

By: _____

Date: _____

Date: _____

PO Number:
(If applicable) _____



Professional Services

Appendix A: Pricing for Professional Services

Service	Description	Pricing
Zoom PS	Remote Zoom Professional Services Organization: Assessment, Design, Project Management, and Deployment. Locations and deployment type as indicated in Section 1 of this SOW.	\$20,645
Total Remote Services:		\$20,645
¹ Prices quoted are USD.		

Special Terms and Notes

Any Special Terms & Notes set forth below shall take precedence over any conflicting terms contained in the Zoom Professional Services Terms and Conditions or Customer's Master Subscription Agreement, as applicable.

Locations are limited to those identified within Section 1 of this SOW.

The SOW will be fully completed within six months or less unless otherwise specified in the Customer-specific published Zoom Phone Deployment Project plan developed following Customer project kick-off meeting and Preliminary Discovery and Planning. Invoices will be issued as follows:

1. 30% of the total value of this Statement of Work as identified in Appendix A shall be invoiced upon completion of company and location(s) preliminary discovery, design, and planning in the mutually agreed upon project plan as identified in Section 2.2 above. An email notification will be sent to the customer at the completion of such phase.
0. Remaining Statement of Work value shall be invoiced upon the completion for each location based on the number of Zoom licenses, devices, users, features (e.g., paging, BYOC, BYOP, etc.) deployed at each location or location. An email notification will be sent to the customer at the completion of each location or group of locations.

Refer to Section 1 for the number of units included by each location or group of Locations. In the event that this SOW is not fully completed within six months or the agreed upon completion date post signature, Zoom has the right to invoice a non-refundable fee for any remaining unused SOW balance.

QUOTE



Quote Date: 2023-06-09T19:16:04.810Z
Quote Name: YeaLink Zoom phones 6-9-2023
Quote Number: QUO-03461-K2L6W5

City of Yuba City
ATTN: Brian Hansen
1201 Civic Center Boulevard
Yuba City, CA 95993
(530) 822-4785

PFI SKU	DESCRIPTION	QTY	PRICE	EXT PRICE
999999	MP54- ZOOM-Audio Phone for Zoom	215.00	\$ 239.00	\$ 51,385.00
999999	W56H -Yealink DECT Cordless Handset Exceptional Handsfree Talking 2.4" 240 x 320 Color Screen with Intuitive User Interface Headset Connection via 3.5 mm Jack Up to 30 Hours Talk Time Elegant Keypad Des	1.00	\$ 110.00	\$ 110.00
999999	W76P -Yealink DECT IP Phone system (W56H Handset and W70B Base Unit Package)	4.00	\$ 189.00	\$ 756.00
999999	CP925 -Yealink Touch Sensitive IP Conference Phone with 6 built in Microphones and built in Bluetooth and Wi-Fi - includes power adapter	6.00	\$ 599.00	\$ 3,594.00
999999	WH62-MONO-UC Yealink DECT Wireless Headset - Monaural Headset USB Connection Seamless integration with Yealink IP phones	9.00	\$ 0.00	\$ 0.00
999999	UH34- MONO-UC -Yealink USB Wired Headset - Monaural - Plug and Play USB connectivity to Yealink IP phones	10.00	\$ 49.00	\$ 490.00
999999	OBi 302 - Universal Voice Adapter with USB 2 FXS Ports SIP	3.00	\$ 121.95	\$ 365.85

PREMIUM PARTNER SUPPORT (PRO-RATED):	\$ 0.00
SUBTOTAL:	\$ 56,700.85
PFI DISCOUNT:	(\$ 9,013.60)
EST. SALES TAX (Not included in total):	\$ 3,457.33
PFI ESTIMATED LABOR:	\$ 0.00
TOTAL:	\$ 47,687.25

* The above quote does not include taxes and shipping charges.

4301 Hacienda Drive, Suite 400, Pleasanton, Ca 94588
jghyselinck@packetfusion.com +1 925-701-2022
www.packetfusion.com

QUOTE

** Packet Fusion Services for this Scope of Work will be provided on a time and materials basis, based on the actual number of hours incurred by Packet Fusion for all work performed during regular business hours. Work performed after hours and weekends will be at a 1.5x the standard billing rate. Travel time will be billed at .5x the standard billing rate and out of pocket expenses will be billed at cost. The following estimates are based on our discussions with the Company and the business requirements communicated to Packet Fusion to date. These estimates are subject to change, and this should not be considered a fixed fee bid.

*** Quote Expires 60 days from quote date.

CUSTOMER REFERENCE

Drop ship to customer.

Please email PO if required

Customer PO Number	Customer Signature	Date
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CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Water Treatment Plant West Flow Meter Project

Recommendation: Adopt a Resolution with the following actions:

A. Award a construction contract to Koch & Koch, Inc., of Grass Valley, CA in the amount of their total bid of \$395,320.00 and authorize the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

B. Award a Professional Services Agreement to Inferrera Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$46,428.00 and authorize the City Manager to execute the contract on behalf of the City, subject to material terms, subject to review and approval as to legal form by the City Attorney, and with the finding that it is in the best interest of the City

Fiscal Impact: \$530,812.00 – Total Project Cost
\$500,000.00 – CIP Account No. TBD (West Flow Meter Replacement)
\$30,812.00 – CIP Account No. 1227 (Recurring WTP & Water Storage Improvements)

\$530,812.00 – Total Construction Cost
\$395,320.00 - Contract Award Amount
\$79,064.00 - (20%) Construction Contingency
\$46,428.00 - (11.7%) Construction Management
\$10,000.00 - (2.5%) City Administration

Purpose:

To maintain the City's Water Treatment Plant (WTP) operational effectiveness through proactive rehabilitation and major maintenance.

Council's Strategic Goal:

This project addresses the City Council's Strategic Goal to maintain and improve the City's infrastructure.

Background:

The initial construction of the City's WTP was performed in 1969. At that time, treated water was discharged through a single 30-inch diameter transmission pipeline towards Clark Avenue to enter the City's distribution system. To measure the amount of treated water delivered to the City's distribution system, a Dall tube flow meter was installed on this pipeline below ground in a metering vault.

In 2000, the City installed a second pipeline exiting the WTP towards the east, on Northgate Drive, to enter the City's distribution system on Live Oak Boulevard. To measure the amount of treated water delivered through this pipeline, a Badger M2000 Electromagnetic Flow Meter was installed in the above-ground piping. This electromagnetic flow meter is referred to as the East Flow Meter and the original Dall tube flow meter is now referred to as the West Flow Meter.

The West Flow Meter is currently a modified Venturi tube that is fully contained within the host pipe and cannot be isolated. Without the ability to isolate the existing meter, and because the meter is below ground in a vault, it is extremely difficult for staff to perform routine maintenance on it. By routing the west pipeline above ground and installing a new Badger M2000 Electromagnetic Flow Meter (Badger Meter), WTP staff will be able to maintain a consistent meter accounting and inspection of piping and fittings that allow for efficient maintenance and integration into the WTP's flow monitoring and reporting requirements.

In order to isolate the West Flow Meter and minimize disruptions to the distribution system, staff modified the design to include replacement of the 36" butterfly valve at the WTP pump station and line stopping the 30-inch transmission pipeline. Line stopping is a method used to temporarily isolate a pipe segment to provide a shut off where no valve exists. Line stopping is performed by specialized teams utilizing proprietary systems.

Analysis:

Construction Contract:

The WTP West Flow Meter Project was advertised for bids beginning May 16, 2023. Plans and specifications were posted on publicpurchase.com and provided to local builder/contractor exchanges. On June 8, 2023, six (6) bids were received and opened by the City Clerk. A list of the bids received and the Engineer's Estimate are shown below.

<u>Company</u>	<u>Total Bid</u>
Koch & Koch, Inc. of Grass Valley, CA	\$395,320.00
BWD Construction, Inc. of Lincoln, CA	\$414,800.00
Auburn Constructors of Sacramento, CA	\$437,300.00
C&D Contractors, Inc. of Nevada City, CA	\$553,650.00
TCB Industrial Contractors of Modesto, CA	\$572,443.00
West Valley Construction of San Jose, CA	\$582,990.00
 <i>Engineer's Estimate</i>	 <i>\$360,000.00</i>

Koch & Koch, Inc. is the low, responsible, and responsive bidder.

Construction Management and Inspection:

Installation of above ground piping, replacement of the 36" valve, and line stopping the existing 30-inch transmission pipeline, will require time sensitive and complex construction activities that will require full-time construction management and inspection to minimize WTP operational disruptions, and represent

the City against potential construction claims. The inspection needs of this project exceed current City staffing levels.

On May 25, 2023, staff requested a proposal from Inferrera Construction Management Group, Inc. (ICM) to provide construction management and inspection services for the WTP West Flow Meter Project. On June 7, 2023, ICM submitted their proposal for review. ICM is highly qualified and has a proven track record of providing construction management and inspection services on large and complex municipal water & wastewater projects, including the City's WWTF Improvements Project and Garden Highway Trunk Line Rehabilitation Project. Additionally, ICM is extremely familiar with the City's water infrastructure, has been the selected consultant through traditional request for proposal process in the past, and billing rates are competitive with the industry.

Staff recommends entering into a Professional Services Agreement with ICM in the amount of \$46,428.00 which includes a 20% contingency to account for potential extra work due to time sensitive work requiring overtime. The City will be billed for actual costs.

Contract administration will be performed by Public Works Department staff.

Project construction is expected to begin in November 2023 during WTP low demand.

Fiscal Impact:

The estimated total project cost is approximately \$530,812.00 which consists of the following components:

Construction Contract	\$395,320.00
Construction Contingency (20%)	\$79,064.00
Construction Management (11.7%)	\$46,428.00
City Administration (2.5%)	\$10,000.00
Total	\$530,812.00

Staff is proposing a \$79,064.00 construction contingency which equates to approximately 20% in contingency funds. The complicated nature of isolating the West Flow Meter presents the risk of unforeseen construction conditions.

This project comprises of major maintenance of a water distribution line and WTP improvements. Staff proposes utilizing West Flow Meter Replacement CIP Account and CIP Account No. 1227 (Recurring WTP & Water Storage Improvements). The project is proposed to be funded as follows:

CIP Account (West Flow Meter Replacement)	\$500,000.00
CIP Account No. 1227 (Recurring WTP & Water Storage Improvements)	\$30,812.00
Total	\$530,812.00

The West Flow Meter Replacement CIP Account was approved in the FY 23/24 budget with \$500,000.00 programmed for funding and will be assigned a CIP Account Number in the final budget. CIP Account No. 1227 has approximately \$485,000.00 available for use.

Environmental:

On October 18, 2022 City Council adopted a California Environmental Quality Act (CEQA) Class 1 Categorical Exemption. There has not been any substantial new information acquired nor changes to

the project since it was evaluated, and no further evaluation for this portion of the project is required under CEQA.

Alternatives:

Reject the bids and delay or cancel the project.

Recommendation:

Adopt a Resolution with the following actions:

1. Award a construction contract to Koch & Koch, Inc., of Grass Valley, CA in the amount of their total bid of \$395,320.00 and authorize the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

2. Award a Professional Services Agreement to Infrerra Construction Management Group, Inc. of Shingle Springs, CA for Construction Management and Inspection Services in the amount of \$46,428.00 and authorize the City Manager to execute the contract on behalf of the City, subject to material terms, subject to review and approval as to legal form by the City Attorney, and with the finding that it is in the best interest of the City.

Attachments:

1. Item 6 - Attachment 1 - RESOLUTION - WTP West Flow Meter
2. Item 6 - Exhibit A - (Draft) 22-13 WTP West Flow Meter Contract
3. Item 6 - Exhibit B - (Draft) Professional Services Agreement - ICM

Prepared By:

Nick Menezes
Assistant Engineer

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING A CONSTRUCTION CONTRACT TO KOCH & KOCH, INC. IN THE AMOUNT OF THEIR TOTAL BID OF \$395,320.00, AND AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES TO INFERRERA CONSTRUCTION MANAGEMENT GROUP, INC. IN THE AMOUNT OF \$46,428.00.

WHEREAS, the City of Yuba City (City) advertised for bids for the City's Water Treatment Plant West Flow Meter Project (Project); and,

WHEREAS, in response to the advertisement, the City received six (6) bids for the Project in the following bid amounts:

Koch & Koch, Inc. of Grass Valley, CA	\$395,320.00
BWD Construction, Inc. of Lincoln, CA	\$414,800.00
Auburn Constructors of Sacramento, CA	\$437,300.00
C&D Contractors, Inc. of Nevada City, CA	\$553,650.00
TCB Industrial Contractors of Modesto, CA	\$572,443.00
West Valley Construction of San Jose, CA	\$582,990.00; and

WHEREAS, the City Public Works Department reviewed the six (6) bids, and examined Koch & Koch, Inc. and its bid response, found it to be both the lowest qualified responsive and responsible bidder, and has recommended it for award of this project; and,

WHEREAS, the City desires to award the bid to Koch & Koch, Inc. of Grass Valley, CA and enter into an agreement with Koch & Koch, Inc. to construct the Project; and,

WHEREAS, Inferrera Construction Management Group, Inc. (ICM) is highly qualified, with proven track record of providing excellent construction management and inspection services on large and complex City water projects at competitive rates; and

WHEREAS, the City Council adopted a Class 1 Categorical Exemption under CEQA Guidelines Section 15301. There has not been any substantial new information acquired nor changes to the project since it was evaluated, and no further evaluation for this portion of the project is required under CEQA.

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

1. The City Council of the City of Yuba City does hereby accept the six (6) bids received as noted above, finds that Koch & Koch, Inc. is the lowest responsive and responsible bidder, and awards the construction contract to Koch & Koch, Inc., in the total amount bid of \$395,320.00 for the Water Treatment Plant West Flow Meter Project. Said contract agreement shall substantially comply with the terms and conditions presented in the draft agreement attached to this Resolution, shall be subjected to review and approval as to legal form by the City Attorney, and the City Manager shall be authorized to execute the same on behalf of the City of Yuba City.

2. The City Council of the City of Yuba City awards a professional services agreement for construction and inspection services to Inferrera Construction Management Group, Inc. of Shingle Springs, CA in the amount of \$46,428.00. Said agreement shall substantially comply with the terms and conditions presented in the draft agreement attached to this Resolution, shall be subjected to review and approval as to legal form by the City Attorney, and the City Manager shall be authorized to execute the same on behalf of the City of Yuba City, and with the finding that it is in the best interest of the City.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 20th day of June, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit(s):

- A. (Draft) Agreement – Koch & Koch, Inc. Contract No. 22-13
- B. (Draft) Professional Services Agreement – Inferrera Construction Management Group

ATTACHMENT 2

**EXHIBIT A
CITY OF YUBA CITY
DEPARTMENT OF PUBLIC WORKS**

CONTRACT AGREEMENT

**WATER TREATMENT PLANT WEST FLOW METER PROJECT
CONTRACT NO. 22-13**

THIS AGREEMENT, made and concluded this ____ day of _____, 2023, between the City of Yuba City, party of the first part, and _____, Contractor, party of the second part.

ARTICLE I. – WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned to be made and performed by the said party of the first part under the conditions expressed in the two bonds bearing even date with these presents and hereunto annexed, the said party of the second part agrees with the said party of the first part, at his own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by said party of the first part, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of the Department of Public Works, construction on various roads, all in accordance with the Special Provisions hereto annexed and also in accordance with the Standard Specifications of the State of California Department of Transportation dated May 2010, the Standard Plans dated May 2010, the “Labor Surcharge” and “Equipment Rental Rates” in effect on the date the work is accomplished, and the “General Prevailing Wage Rates” of the State of California Department of Transportation, which said Special Provisions, Standard Plans, Standard Specifications are hereby specially referred to and by such reference made a part hereof.

The Special Provisions and the project plans for the work to be done are entitled:

**WATER TREATMENT PLANT WEST FLOW METER PROJECT
CONTRACT NO. 22-13**

Which are hereby made part of this contract.

ARTICLE II. – The said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City of Yuba City and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications and the requirements of the Engineer under them, to wit.

ARTICLE III. – The said party of the first part hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the prices hereinafter set forth, and hereby contracts to pay the same at the time, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE IV. – By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. – It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VI. – The City of Yuba City hereby employs Contractor to provide material and to do the work according to the terms and conditions herein contained and referred to for the following prices to be paid at the time, in the manner and upon the conditions hereinafter set forth.

ARTICLE VII. – The improvement contemplated in the performance of this contract is an improvement over which the City of Yuba City shall exercise general supervision.

ARTICLE VIII. – The statement of prevailing wages appearing in the General Prevailing Wage Rates is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed, by and between the terms of this instrument and the bid or proposal of said Contractor, that this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

**WATER TREATMENT PLANT WEST FLOW METER PROJECT
CONTRACT NO. 22-13**

Item No.	Item Description	Unit of Measure	Est. Qty.	Item Price	Total Amount
1	Mobilization/Demobilization	LS	1	\$15,093.00	\$15,093.00
2	Demolition	LS	1	\$32,843.00	\$32,843.00
3	Mechanical (Includes furnishing, fabrication, and installation of all steel and ductile iron pipe, fittings, flanges, meter, coatings)	LS	1	\$219,723.00	\$219,723.00

4	Dewatering & Isolation Plan (Includes line stop & implementation as required to complete project)	LS	1	\$66,425.00	\$66,425.00
5	Electrical (Includes furnishing, fabrication, and installation of all electrical conduit, boxes, and racks)	LS	1	\$33,424.00	\$33,424.00
6	Site & Earth Work (Includes site restoration and landscaping)	LS	1	\$8,488.00	\$8,488.00
7	Startup & System Testing (Includes system flush, pressure test, and disinfection)	LS	1	\$19,324.00	\$19,324.00
Bid Total: 395,320.00					

Approved as to form:

City Attorney
City of Yuba City

CITY OF YUBA CITY

Diana Langley
City Manager

Date

CONTRACTOR

Company Name

By and Title (signature)

Date

By and Title (printed)

Address

Telephone Number

ATTACHMENT 3

EXHIBIT B
PROFESSIONAL SERVICES AGREEMENT
Water Treatment Plant West Flow Meter Project
Construction Management & Inspection

This Agreement is made and entered into as of _____, 2023, by and between the City of Yuba City, a municipal corporation ("City") and Inferrera Construction Management Group, Inc. (ICM) ("Consultant").

RECITALS

- A. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and
- B. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein; and
- C. City desires to retain Consultant to render professional services as set forth in this Agreement.

AGREEMENT

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

See Attached Scope of Services
(Exhibit A)

- 2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is completed and approved by the City. Finalization shall be completed at the direction of the City of Yuba City.
- 3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit A, which is attached hereto and incorporated herein by reference. In no event shall Consultant's compensation exceed **Forty-Six Thousand, Four Hundred Twenty-Eight Dollars (\$46,428.00)** without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.
- 4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's invoices shall include a brief description of the services performed, the date the services were

performed, the number of hours spent and by whom, and a description of any reimbursable expenses. City shall pay Consultant not later than 30 days after approval of the monthly invoice by City staff. When payments made by the City equal 90% of the maximum fee provided for in this Agreement, no further payments shall be made until the final work under this Agreement has been accepted by City.

5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from City.
6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination. Such compensation is subject to the conditions of Section 4 of this agreement.
7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees, agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon request.
- * Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). Consultant shall require all subcontractors to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regards to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the City. City shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

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

8. Consultant's Books and Records:

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

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

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

- a. Will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and
- b. Possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(B)(2).)

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

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

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

13. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature, which are legally required of Consultant to practice its profession. Consultant

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

14. Indemnity. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs, including attorney fees and expenses in connection therein), arising out of the performance of this Agreement in whole or in part by any negligent act or omission of the Consultant, or anyone directly or indirectly employed by the Consultant or anyone for whose acts the Consultant may be liable, or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising out of the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.
15. Insurance Requirements. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the contract, necessary insurance policies as described in Exhibit B.
16. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City	Benjamin Moody Public Works & Development Services Director City of Yuba City 1201 Civic Center Blvd Yuba City, CA 95993 (530) 822-4626
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If to Consultant:	Jeffrey Inferrera Principal Inferrera Construction Management Group, Inc. 7040 Settlers Trail Shingle Springs, CA 95682 (916) 792-9871
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17. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

18. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
19. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under the Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.
20. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
21. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
22. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Sutter.
23. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
24. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS and thereafter the mediator remaining shall hear

the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.

25. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
26. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.
27. Prohibited Interest. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising there from.
28. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non- discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of City's Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

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

CITY OF YUBA CITY:

CONSULTANT:

By:_____

**Diana Langley
City Manager**

By:_____

**Jeffrey Inferrera
Principal
Inferrera Construction Management Group, Inc.**

Attachments: Exhibit A – Scope of Services
 Exhibit B – Insurance Requirements

Exhibit A
Scope of Services

Exhibit B
Professional Services Agreement
Insurance Requirements

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

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

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

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

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

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Yuba City Residential Street Light Maintenance Districts (Walton Area and Tierra Buena Area) Resolution of Intent

Recommendation: A. Adopt a Resolution Approving Engineer's Reports and Declaring Intention to Levy for Yuba City Residential Street Light Maintenance Districts, to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982

B. Set a Public Hearing for July 18, 2023 at 6:00 PM to establish assessments for Fiscal Year (FY) 2023-24

Fiscal Impact: Receipt of assessments and expenditures of funds associated with lighting maintenance districts throughout the City.

Purpose:

To continue to provide lighting throughout the Residential Street Light Maintenance Districts, pursuant to the provisions of the Benefit Assessment Act of 1982 and Article XIID of the California Constitution.

Council Strategic Goal:

Levying Yuba City Residential Street Light Maintenance Districts (RSLMDs) addresses the City Council's Strategic Goal of maintaining infrastructure, as the levy of the RSLMDs will ensure that street lighting is in operation.

Background:

The City annually levies and collects special assessments in order to maintain and service streetlights in the Walton Avenue Area and Tierra Buena Area (Attachment 1, Exhibit A). The Districts were formed while the areas were under the County's jurisdiction, and the City took over the administration of the Districts when they were annexed into the City. Prior to 2009, the Districts were historically charged the maximum levy which allowed the reserves to build up.

Analysis:

The Engineer's Annual Levy Reports (Reports) have been prepared and are on file in the City Clerk's Office. They describe each District, the improvements therein, the method of assessment, and the

proposed assessment for each parcel. The Resolution approving the Reports and the Resolution of Intention to order improvements are required by State law to continue the Residential Street Light Maintenance Districts. The action proposed in the Reports set a Public Hearing for the Council meeting to be held on July 18, 2023 to establish assessments for the coming year.

Fiscal Impact:

Annual levies will remain unchanged for both Districts. The proposed levy amounts for each District are shown in Attachment 2.

The projected revenue, expenditures, and cash balance for the Districts are as follows:

<u>District</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Projected Reserve Fund Balance as of 7/1/2024</u>
Tierra Buena Area	\$23,491	\$19,394	\$127,034
Walton Area	\$81,677	\$77,630	(\$22,044)

Operating costs for the Walton area have neared or exceeded the maximum levy for the district multiple times over the past ten years. Additionally, operating costs for Walton have increased while operating costs for Tierra Buena have decreased after FY 2015-16. The City believes that there is an error within PG&E's billing system. The City previously performed an internal audit to determine the cause of the discrepancy, and were not able to find the cause. If desired, Council may direct City staff to perform another internal audit, inclusive of site visits, to determine the cause of the discrepancy and correct any billing issues moving forward.

Alternatives:

1. Council may direct the modification of the assessment amounts which will affect future revenue and expenditure amounts in FY 2023-24, or cancel the District and find alternative funding sources to operate the streetlights.
2. Council may direct City staff to follow legal procedures in order to modify the Residential Street Light Maintenance Districts to include Cost of Living Adjustment (COLA) provisions.

Recommendation:

A. Adopt a Resolution Approving Engineer's Reports and Declaring Intention to Levy for Yuba City Residential Street Light Maintenance Districts, to continue the Residential Street Light Maintenance Districts, pursuant to the Benefits Assessment Act of 1982:

B. Set a Public Hearing for July 18, 2023 at 6:00 PM to establish assessments for Fiscal Year (FY) 2023-24.

Attachments:

1. Attachment 1 - Resolution RSLMDs Intent
2. Exhibit A - District Maps RSLMDs
3. Attachment 2 - Proposed Assessments - RSLMDs
4. Attachment 3 - Engineer's Reports

Prepared By:
Josh Wolfe
Associate Civil Engineer

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE ENGINEER'S REPORTS AND DECLARING ITS INTENTION TO LEVY
THE ANNUAL ASSESSMENT FOR FISCAL YEAR 2023-24 FOR THE YUBA CITY
RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (WALTON AREA) AND YUBA
CITY RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (TIERRA BUENA AREA)**

WHEREAS, the County of Sutter previously formed Yuba City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) ("Districts"), pursuant to the provisions of the Benefit Assessment Act of 1982, California Government Code Division 2, Chapter 6.6, Section 54703 et seq. (hereafter referred to as the "Act"); and

WHEREAS, a Report (hereafter referred to as the "Formation Report") was prepared, filed and approved by the County Board of Supervisors in connection with each of the Districts and the levy of said assessments, pursuant to Section 54716 of said Act; and

WHEREAS, the City of Yuba City annexed the areas in which the Districts existed, and as a result became responsible for the administration of the Districts; and

WHEREAS, the City Council conducted property owner protest proceedings relating to the improvements and services described in the Formation Report and the levy and collection of annual assessments and an assessment range formula related thereto for each of the Districts in accordance with the provisions of the California Constitution Article XIID and Proposition 218; and

WHEREAS, the Council directed and authorized the City Engineer to assist with the calculation and establishment of the assessments and to prepare and file a budget report(s) (hereafter referred to as the "Engineer's Report") with the City Clerk, generally describing how the Districts were formed, the improvements and services within the Districts, the method of apportionment and dispensation of the benefits, and the budget containing the costs and proposed levy amounts for funding the benefits and the assessment roll; and

WHEREAS, the City Engineer has prepared the Engineer's Reports for the Districts, and has filed them with the City Clerk; and

WHEREAS, the City Council desires to approve said Engineer's Reports, declare its intention to levy the annual assessment for Fiscal Year 2023-24 for the Districts, and appoint a time and place for public hearing on these matters.

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

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.
2. The City Council hereby (1) finds that the public interest and convenience requires, and (2) declares its intention to order, the levy and collection of an annual assessment against the assessable lots and parcels of property within existing assessment districts designated Yuba

City Residential Street Light Maintenance District (Walton Area) and Yuba City Residential Street Light Maintenance District (Tierra Buena Area) ("Districts"), pursuant to the provisions of the Act, for the fiscal year commencing July 1, 2023 and ending June 30, 2024, to pay for the costs and expenses of the improvements described below in Section 4 of this Resolution.

3. The boundaries of the District are generally located and depicted in "Exhibit A" attached hereto.

4. The proposed improvements are briefly described as follows: the operation of residential street lights.

5. The assessments to be levied and collected against the assessable lots and parcels of property within the District for Fiscal Year 2023-24 are proposed to be remain the same as previously approved as compared to the assessments levied and collected for Fiscal Year 2022-23.

6. By previous resolution, the City Council directed the City Engineer to prepare and to file Engineer's Reports pursuant to the provisions of the Act. The Engineer has prepared and filed written reports with the City Clerk that are titled "City of Yuba City, Residential Street Light Maintenance District No. 1, (Walton Area), 2023/2024 Engineer's Annual Levy Report," and "City of Yuba City, Residential Street Light Maintenance District No. 1, (Tierra Buena), 2023/2024 Engineer's Annual Levy Report" . Reference is made to the Engineer's Reports on file in the Office of the City Clerk and open to public inspection for a full and detailed description of the improvements, the boundaries of the Districts, and the proposed assessments upon assessable lots and parcels of land within the Districts. The Office of the City Clerk is located at 1201 Civic Center Boulevard, Yuba City, CA 95993.

7. Notice is hereby given that the City Council designates July 18, 2023, at 6:00 p.m., in the City Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA, as the date, time, and place for the hearing of protests or objections to the levy of the proposed assessments in connection with the Districts. All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 1201 Civic Center Boulevard, Yuba City, CA 95993. Any written protest that is mailed must be received at City Hall at or prior to 4:30 p.m. on July 18, 2023.

8. The City Clerk shall give notice of the aforesaid date, time, and place of the hearing by giving notice once a week, for two successive weeks, with at least five days in between each publication.

9. 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 20th day of June, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, City Clerk Administrator

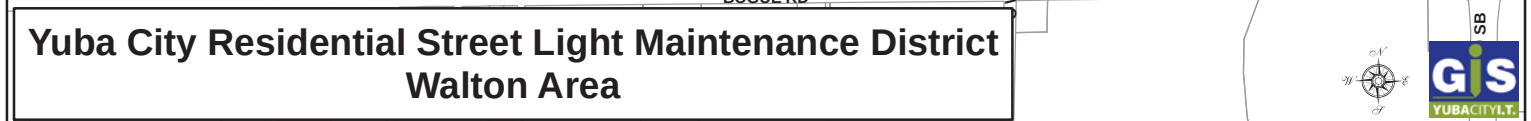
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

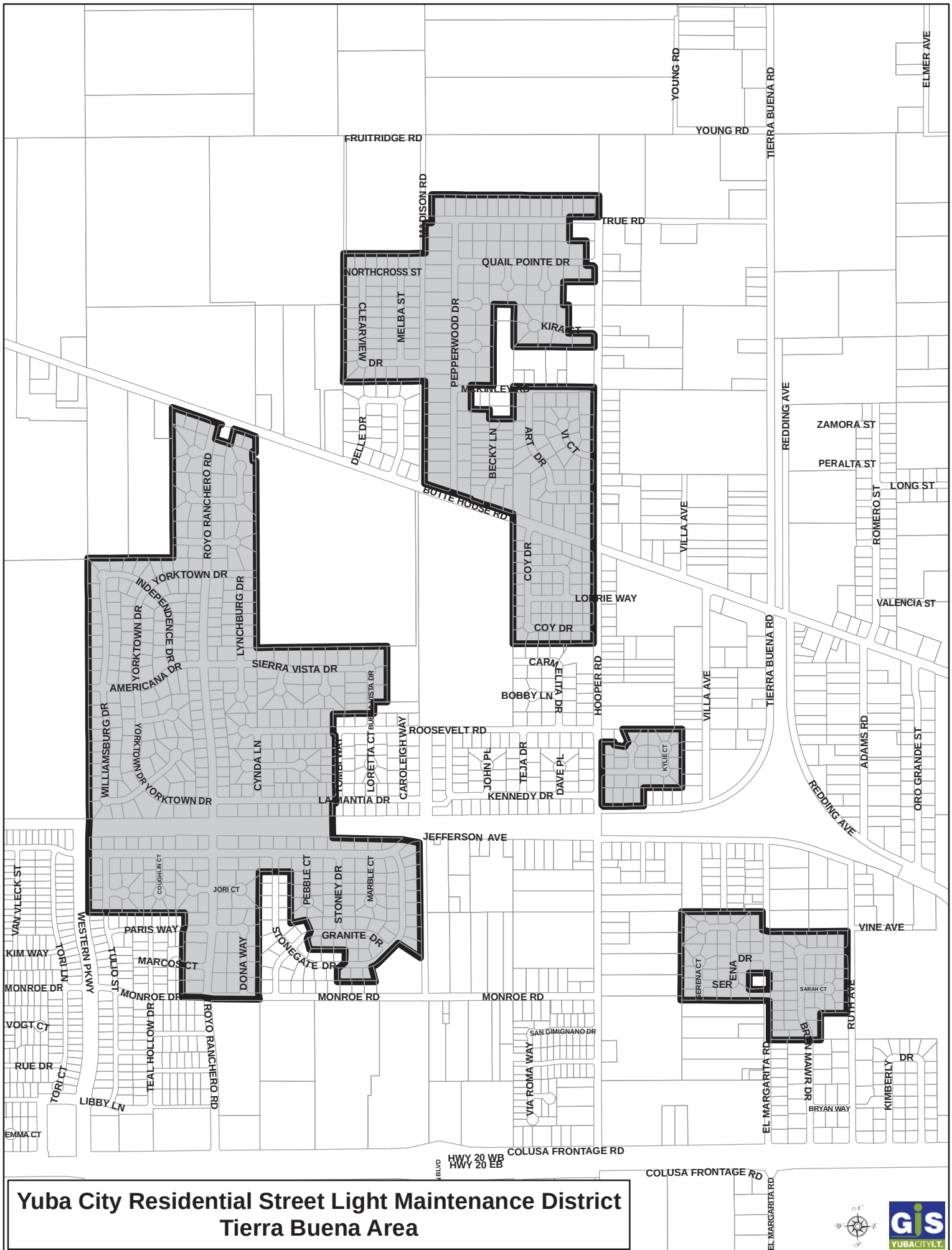
Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

Exhibit A – District Maps

EXHIBIT A





**Yuba City Residential Street Light Maintenance District
Tierra Buena Area**

ATTACHMENT 2

PROPOSED ASSESSMENTS**WALTON RESIDENTIAL STREET LIGHT DISTRICT**

Affected Subdivision	Proposed Assessment (per single unit - \$)	Change From Previous Year (\$)	Maximum Levy Allowed (\$)
Bogue Ranch	\$37.00	\$0.00	\$37.00
Bogue Ranch II	\$59.40	\$0.00	\$59.40
Cypress	\$41.74	\$0.00	\$41.74
Hampton Estates I	\$45.58	\$0.00	\$45.58
Hampton Estates II	\$41.80	\$0.00	\$41.80
Kushlia Village	\$62.00	\$0.00	\$62.00
Lincoln Park II	\$52.56	\$0.00	\$52.56
Lincoln Pointe	\$51.48	\$0.00	\$51.48
Lincoln Village I	\$61.44	\$0.00	\$61.44
Lincoln Village II	\$50.78	\$0.00	\$50.78
Meadowood I	\$73.12	\$0.00	\$73.12
Meadowood II	\$111.88	\$0.00	\$111.88
Orchard II	\$62.92	\$0.00	\$62.92
Orchard III	\$34.60	\$0.00	\$34.60
Ravenwood I	\$54.06	\$0.00	\$54.06
Ravenwood II	\$67.28	\$0.00	\$67.28
Ravenwood III	\$40.40	\$0.00	\$40.40
Sanborn Estates	\$63.58	\$0.00	\$63.58
Sandpiper I, II, III	\$46.32	\$0.00	\$46.32
Sun Valley II	\$51.48	\$0.00	\$51.48
Sunrise Village	\$58.56	\$0.00	\$58.56
W Ranch Meadowood	\$67.06	\$0.00	\$67.06
Walton Park Estates	\$38.00	\$0.00	\$38.00
Walton Ranch	\$60.06	\$0.00	\$60.06
Woodside Village II	\$67.56	\$0.00	\$67.56

TIERRA BUENA RESIDENTIAL STREET LIGHT DISTRICT

Affected Subdivision	Proposed Assessment (per single unit)	Change From Previous Year	Maximum Levy Allowed
Bryn Mawr Estates III	\$25.38	\$0.00	\$61.22
Bryn Mawr Estates IV	\$27.16	\$0.00	\$65.52
Buena Vista I	\$14.94	\$0.00	\$36.04
Buena Vista II	\$34.78	\$0.00	\$83.90
Butte Rancho	\$27.93	\$0.00	\$67.38
Butte View Estates	\$36.94	\$0.00	\$89.10
Country Aire	\$32.22	\$0.00	\$77.72
Kira Estates	\$33.20	\$0.00	\$80.08
Loma Vista	\$34.14	\$0.00	\$82.36
Quail Pointe Estates	\$37.10	\$0.00	\$89.50
Ranchero II & III	\$45.15	\$0.00	\$108.90
Ranchero IV & VI	\$20.13	\$0.00	\$48.54
Ranchero Estates I	\$26.72	\$0.00	\$64.46
Ranchero Estates V	\$24.90	\$0.00	\$60.06
Rancho De Royo I Ph I	\$52.42	\$0.00	\$126.44
Rancho De Royo II Ph II	\$27.18	\$0.00	\$65.56
Skyview Place	\$33.95	\$0.00	\$81.90
Stonegate Village Unit I	\$24.59	\$0.00	\$59.32
Stonegate Village Unit II	\$21.52	\$0.00	\$51.90
Stonegate Village Unit III	\$17.24	\$0.00	\$41.58
Suburban Acres	\$20.31	\$0.00	\$49.00
Tara Estates	\$21.09	\$0.00	\$50.86
Teja IV	\$29.73	\$0.00	\$71.72
Walnut Acres	\$21.69	\$0.00	\$52.32

ATTACHMENT 3



City of Yuba City

Residential Street Light Maintenance District No. 1 (Tierra Buena)

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023

Intent Meeting: June 20, 2023

Public Hearing: July 18, 2023

27368 Via Industria
Suite 200
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ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

YUBA CITY RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (TIERRA BUENA)

This Report describes the Yuba City Residential Street Light Maintenance District (Tierra Buena) including the maintenance services, budget, parcels, and maximum assessments to be levied for the fiscal year 2023/2024 as they existed at the time of the passage of the resolution of intention, and annually thereafter as Assessor Parcel Numbers are issued for new land development. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. INTRODUCTION

The City of Yuba City (the “City”) annually levies and collects special assessments in order to provide and maintain the improvements within the Yuba City Urban Area Street Light Maintenance District (the “District”). In Fiscal Year 2004/2005, the District assessments were presented to the property owners and approved through a protest ballot proceeding in compliance with the provisions of Proposition 218. The District assessments described in this report are prepared and levied annually pursuant to the *Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5* of the Government Code of the State of California commencing with section 54703 (the “1982 Act”).

Pursuant to the 1982 Act, the City Council previously caused an Engineer’s Report to be prepared in connection with the formation and the levy of assessments for the District. The Engineer’s Report (the “Original Report”) described the proposed services and improvements, identified the properties to be assessed and the amount of the proposed assessments by parcel, and fixed the maximum amount of future annual installments for the District.

Pursuant to the 1982 Act, the City Council conducted the required public hearings necessary to accept property owner protests, public comments and testimony regarding the formation of the District and the proposed annual levy of assessments. In conjunction with the required 1982 Act formation proceedings (public hearing), the City conducted property owner protest ballot proceedings for the annual assessments and assessment range formula described in the Original Report in compliance with the substantive and procedural requirements of the California Constitution Article XIIID (the “Article”). The proposed formations and annual assessments for each District were approved and established at the public hearing for the District, and pursuant to the 1982 Act, the City Council may annually determine the cost of the services that are financed by the assessments and by ordinance or resolution order the levy of the annual assessments. However, in accordance with the provisions of the Article, no annual assessment shall exceed the maximum assessment amount established in the Original Report without additional approval of the affected property owners.

This document provides a summary of the District and the proposed budgets and assessments for Fiscal Year 2023/2024. The budget and assessments are based on the City’s estimate of the costs and funds necessary to maintain and service the improvements that provide a special benefit to properties within the District.

II. DESCRIPTION OF THE DISTRICT AND SERVICES

The District was formed for the maintenance of streetlights benefiting twenty-four subdivisions, or zones of benefit, within the City. These zones of benefit include: Bryn Mawr Estates #3; Bryn Mawr Estates #4; Buena Vista #1; Buena Vista #2; Butte Rancho; Butte View Estates; Country Aire; Kira Estates; Loma Vista; Quail Pointe Estates; Rancho #2 & #3; Rancho #4 & #6; Rancho Estates #1; Rancho Estates #5; Rancho De Royo #2 Ph 1; Rancho De Royo #2 Ph 2; Skyview Place; Stonegate Village Unit 1; Stonegate Village Unit 2; Stonegate Village Unit 3; Suburban Acres; Tara Estates; Teja #4; Walnut Acres.

III. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original development. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.

- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and to aid police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record

between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

⁽¹⁾ SCI Consulting Group (September 2015). City of Yuba City Residential Street Light Maintenance District No. 1, Tierra Buena Engineer's Report, Fiscal Year 2015-16. pgs 17-19.

IV. ASSESSMENT FORMULA

The method of assessment for each zone of benefit within the District is based on the determination that each single family residential lot or parcel within the zone receives the same level of benefit from the zone service. Therefore, the annual estimated service costs for each zone are apportioned equally to each assessable single family residential lot or parcel within the zone.

The District does not have an approved formula for increasing the maximum assessment rates on an annual basis. Therefore, there has been no change to the maximum assessment rates for FY 2023/2024 from the prior year.

V. DISTRICT BUDGET FY 2023/2024 – TIERRA BUENA

BUDGET ITEM	AMOUNT
DIRECT COSTS	
Heat/Power Utility	\$0.00
Street Lights Power Utility	12,472.00
Professional Services	0.00
Water Utility	0.00
Materials & Supplies	0.00
LMD Lights	0.00
Landscape Labor	0.00
Direct Costs Subtotal	\$12,472.00
ADMINISTRATION COSTS	
City Administration Costs	\$3,526.00
Willdan Financial Services Administration Fees	3,162.00
County Administration Fee	234.30
Miscellaneous Administration Expenses	0.00
Administrative Costs Subtotal	\$6,922.30
LEVY BREAKDOWN	
Total Direct and Admin. Costs	\$19,394.30
Operating Reserve Collection	6,504.70
Capital Reserve Collection	0.00
Levy Breakdown Subtotal	\$25,899.00
LEVY ADJUSTMENTS	
Operating Reserve Contribution	\$0.00
Capital Reserve Contribution	0.00
Additional City Contribution	0.00
Estimated Interest Earnings	(2,406.00)
Rounding Adjustment	(1.78)
Levy Adjustments Subtotal	(\$2,407.78)
BALANCE TO LEVY	\$23,491.22
OPERATING RESERVE	
Estimated Balance at June 30, 2023	\$27,296.00
FY2023/2024 Collection/(Contribution)	6,504.70
Transfer from Capital Improvement Reserve	93,000.00
Estimated Balance at June 30, 2024	\$126,800.70
CAPITAL IMPROVEMENT RESERVE	
Estimated Balance at June 30, 2023	\$93,000.00
FY2023/2024 Collection/(Contribution)	0.00
Transfer to Operating Reserve	(93,000.00)
Estimated Balance at June 30, 2024	\$0.00
DISTRICT STATISTICS	
Total Parcels	781
Total Parcels Levied	781
Total EBU	781.00
Maximum Levy Amount - 2022/2023	\$53,068.00
Maximum Levy Amount - 2023/2024	\$53,068.00

District Budget by Subdivision

Subdivision	Assessment (Per/Single Unit)	Total Units	Total Annual Maintenance Cost
DIRECT COSTS			
Subdivision			
Bryn Mawr Estates #3	\$27.10	42	\$1,138.20
Bryn Mawr Estates #4	\$29.00	33	957.00
Buena Vista #1	\$15.94	19	302.86
Buena Vista #2	\$37.14	16	594.24
Butte Rancho	\$29.82	29	864.78
Butte View Estates	\$39.44	14	552.16
Country Aire	\$34.42	50	1,721.00
Kira Estates	\$35.44	9	318.96
Loma Vista	\$36.46	35	1,276.10
Quail Pointe Estates	\$39.62	51	2,020.62
Ranchero #2 & #3	\$48.22	41	1,977.02
Ranchero #4 & #6	\$21.50	111	2,386.50
Ranchero Estates #1	\$28.52	40	1,140.80
Ranchero Estates #5	\$26.58	32	850.56
Rancho De Royo #2 Ph 1	\$55.98	19	1,063.62
Rancho De Royo #2 Ph 2	\$29.02	18	522.36
Skyview Place	\$36.26	44	1,595.44
Stonegate Village Unit 1	\$26.26	21	551.46
Stonegate Village Unit 2	\$22.96	28	642.88
Stonegate Village Unit 3	\$18.38	25	459.50
Suburban Acres	\$21.68	45	975.60
Tara Estates	\$22.52	15	337.80
Teja #4	\$31.74	26	825.24
Walnut Acres	\$23.14	18	416.52
Direct Cost Subtotal		781	\$23,491.22

APPENDIX A – DISTRICT BOUNDARY MAP

The boundary map for the District has been submitted to the City Clerk in the format required under the Act and is, by reference, hereby made part of this Report. The boundary maps are available for inspection at the office of the City Clerk during normal business hours.

The following is a reproduction of the County Assessor's Parcel Map associated with this District.

YUBA CITY RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (TIERRA BUENA)



APPENDIX B – 2023/2024 ASSESSMENT ROLL

Each lot or parcel within the District shall be identified by the parcel as shown on the County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within the District, along with their corresponding assessment amount, is on the following pages.



City of Yuba City

Residential Street Light Maintenance District No. 1 (Walton Area)

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023

Intent Meeting: June 20, 2023

Public Hearing: July 18, 2023

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ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

YUBA CITY RESIDENTIAL STREET LIGHT MAINTENANCE DISTRICT (WALTON AREA)

This Report describes the Yuba City Residential Street Light Maintenance District (Walton Area) including the maintenance services, budget, parcels, and maximum assessments to be levied for the fiscal year 2023/2024 as they existed at the time of the passage of the resolution of intention, and annually thereafter as Assessor Parcel Numbers are issued for new land development. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. INTRODUCTION

The City of Yuba City (the “City”) annually levies and collects special assessments in order to provide and maintain the improvements within the Yuba City Residential Street Light Maintenance District (Walton Area) (the “District”). In Fiscal Year 2004/2005, the District assessments were presented to the property owners and approved through a protest ballot proceeding in compliance with the provisions of Proposition 218. The District assessments described in this report are prepared and levied annually pursuant to the *Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5* of the Government Code of the State of California commencing with section 54703 (the “1982 Act”).

Pursuant to the 1982 Act, the City Council previously caused an Engineer’s Report to be prepared in connection with the formation and the levy of assessments for the District. The Engineer’s Report (the “Original Report”) described the proposed services and improvements, identified the properties to be assessed and the amount of the proposed assessments by parcel, and fixed the maximum amount of future annual installments for the District.

Pursuant to the 1982 Act, the City Council conducted the required public hearings necessary to accept property owner protests, public comments and testimony regarding the formation of the District and the proposed annual levy of assessments. In conjunction with the required 1982 Act formation proceedings (public hearing), the City conducted property owner protest ballot proceedings for the annual assessments and assessment range formula described in the Original Report in compliance with the substantive and procedural requirements of the California Constitution Article XIID (the “Article”). The proposed formations and annual assessments for each District were approved and established at the public hearing for the District, and pursuant to the 1982 Act, the City Council may annually determine the cost of the services that are financed by the assessments and by ordinance or resolution order the levy of the annual assessments. However, in accordance with the provisions of the Article, no annual assessment shall exceed the maximum assessment amount established in the Original Report without additional approval of the affected property owners.

This document provides a summary of the District and the proposed budgets and assessments for Fiscal Year 2023/2024. The budget and assessments are based on the City’s estimate of the costs and funds necessary to maintain and service the improvements that provide a special benefit to properties within the District.

II. DESCRIPTION OF THE DISTRICT AND SERVICES

The Services to be provided in the District by the assessments are the maintenance and operation of City streetlights. The specific District as described in this Report shall be known and designated as: “Yuba City Residential Street Light Maintenance (Walton Area).”

The District has been formed for the maintenance of street lights in the following subdivisions or zones of benefit: Bogue Ranch; Bogue Ranch II; Cypress; Hampton Estates I; Hampton Estates II; Kushlia Village; Lincoln Park 2; Lincoln Pointe; Lincoln Village 1; Lincoln Village 2; Meadowood 1; Meadowood 2; Orchard 2; Orchard 3; Ravenwood 1; Ravenwood 2; Ravenwood 3; Sanborn Estates; Sandpiper 1, 2, and 3; Sunrise Village; Sun Valley 2; Walton Park Estates; Walton Ranch; West Ranch & Meadowood 3; and Woodside Village 2.

III. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original development. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.

- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and to aid police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

⁽¹⁾ *SCI Consulting Group (September 2015). City of Yuba City Residential Street Light Maintenance District No. 1, Walton Area Engineer's Report, Fiscal Year 2015/2016. pgs. 12-14.*

IV. ASSESSMENT FORMULA

The method of assessment for each zone of benefit within the District is based on the determination that each lot or parcel within each zone of benefit receives the same level of benefit from the zone service. Therefore, the annual estimated service costs for each zone of benefit are apportioned equally to each assessable lot or parcel within the zone.

The District does not have an approved formula for increasing the maximum assessment rates on an annual basis. Therefore, there has been no change to the maximum assessment rates for FY 2023/2024 from the prior year.

V. DISTRICT BUDGET FY 2023/2024 – WALTON AREA

BUDGET ITEM	AMOUNT
DIRECT COSTS	
Heat/Power Utility	\$0.00
Street Lights Power Utility	66,114.00
Professional Services	0.00
Water Utility	0.00
Materials & Supplies	0.00
LMD Lights	0.00
Landscape Labor	0.00
Direct Costs Subtotal	\$66,114.00
ADMINISTRATION COSTS	
City Administration Costs	\$7,167.00
Willdan Financial Services Administration Fees	3,873.00
County Administration Fee	476.10
Miscellaneous Administration Expenses	0.00
Administrative Costs Subtotal	\$11,516.10
LEVY BREAKDOWN	
Total Direct and Admin. Costs	\$77,630.10
Operating Reserve Collection	7,304.66
Capital Reserve Collection	0.00
Levy Breakdown Subtotal	\$84,934.76
LEVY ADJUSTMENTS	
Operating Reserve Contribution	(\$3,257.28)
Capital Reserve Contribution	0.00
Additional City Contribution	0.00
Estimated Interest Earnings	0.00
Rounding Adjustment	0.00
Levy Adjustments Subtotal	(\$3,257.28)
BALANCE TO LEVY	\$81,677.48
OPERATING RESERVE	
Estimated Balance at June 30, 2023	(\$26,091.00)
FY2023/2024 Collection/(Contribution)	4,047.38
GF Gateway Maintenance Transfer	0.00
Estimated Balance at June 30, 2024	(\$22,043.62)
CAPITAL IMPROVEMENT RESERVE	
Estimated Balance at June 30, 2023	\$0.00
FY2023/2024 Collection/(Contribution)	0.00
Estimated Balance at June 30, 2024	\$0.00
DISTRICT STATISTICS	
Total Parcels	1587
Total Parcels Levied	1587
Total EBU	1587.00
Maximum Levy Amount - 2022/2023	\$81,677.48
Maximum Levy Amount - 2023/2024	\$81,677.48

District Budget by Subdivision

	Assessment (Per/Single Unit)	Total Units	Total Annual Maintenance Cost
Subdivision			
Bogue Ranch	\$37.00	157	\$5,809.00
Bogue Ranch II	\$59.40	82	4,870.80
Cypress	\$41.74	319	13,315.06
Hampton Estates 1	\$45.58	41	1,868.78
Hampton Estates 2	\$41.80	45	1,881.00
Kushlia Village	\$62.00	31	1,922.00
Lincoln Park 2	\$52.56	63	3,311.28
Lincoln Pointe	\$51.48	22	1,132.56
Lincoln Village 1	\$61.44	86	5,283.84
Lincoln Village 2	\$50.78	101	5,128.78
Meadowood 1	\$73.12	23	1,681.76
Meadowood 2	\$111.88	32	3,580.16
Orchard 2	\$62.92	84	5,285.28
Orchard 3	\$34.60	25	865.00
Ravenwood 1	\$54.06	40	2,162.40
Ravenwood 2	\$67.28	25	1,682.00
Ravenwood 3	\$40.40	31	1,252.40
Sanborn Estates	\$63.58	34	2,161.72
Sandpiper 1, 2, 3	\$46.32	83	3,844.56
Sun Valley 2	\$51.48	44	2,265.12
Sunrise Village	\$58.56	39	2,283.84
W Ranch & Meadowood 3	\$67.06	55	3,688.30
Walton Park Estates	\$38.00	61	2,318.00
Walton Ranch	\$60.06	32	1,921.92
Woodside Village 2	\$67.56	32	2,161.92
		1587	\$81,677.48

APPENDIX A – DISTRICT BOUNDARY MAP

The boundary map for the District has been submitted to the City Clerk in the format required under the Act and is, by reference, hereby made part of this Report. The boundary maps are available for inspection at the office of the City Clerk during normal business hours.

The following is a reproduction of the County Assessor's Parcel Map associated with this District.



APPENDIX B – 2023/2024 ASSESSMENT ROLL

Each lot or parcel within the District shall be identified by the parcel as shown on the County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within the District, along with their corresponding assessment amount, is on the following pages.

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Yuba City Landscape Maintenance District No. 1 (Stabler Lane/Garden Highway Area) Resolution of Intent

Recommendation: A. Adopt the following Resolutions to continue the Maintenance District, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving the Engineer's Report, Yuba City Landscape Maintenance District No. 1
- Resolution of Intention to Order Improvements, Yuba City Landscape Maintenance District No. 1

B. Set a Public Hearing for July 18 at 6:00 PM to establish assessments for FY 2023-24

Fiscal Impact: Receipt of assessments and expenditures of funds for Landscape Maintenance District No. 1

Purpose:

To continue to recover costs to provide lighting and landscape maintenance throughout the City pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution.

Council Strategic Goal:

Levying Yuba City Landscape Maintenance District No. 1 (LLMD No. 1) addresses the City Council's Strategic Goal of maintaining infrastructure and fiscal responsibility.

Background:

The City annually levies and collects a special assessment in order to maintain and service landscaping that provides special benefit to the parcels identified in Landscape Maintenance District 1 (Attachment 1, Exhibit A). The assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed.

District 1 includes the Stabler Lane area (A) and Garden Highway area (B, B_1, and B_2). Zones A and B do not have provisions for a cost of living adjustment (COLA) and have historically been charged

the maximum levy allowed in order to cover the expenses. Zones B_1 and B_2 do have provisions for a COLA which is based on the Consumer Price Index from January to January.

In previous years, the expenditures in District No. 1 exceeded the revenue due to increasing costs and the lack of COLA provisions, creating negative Reserve Fund Balances. With recent aggressive cost-cutting measures that have reduced professional services, water, and administration expenses, the revenues have exceeded the expenditures in District No. 1.

The City previously attempted to modify District No. 1 to include the COLA provisions, but residents within the District opposed the modification. In order to restore higher maintenance levels, additional funding sources and/or a new Proposition 218 process will need to be approved.

Analysis:

The Engineer's Annual Report has been prepared and is on file in the City Clerk's office. The report describes the District, the improvements therein, the method of assessment, and the proposed assessment for each parcel. The Resolution approving the Annual Report and the Resolution of Intention to order improvements are required by state law to continue the District. The proposed action in this report sets a public hearing for the Council meeting to be held on July 18, 2023 to establish assessments for the coming year.

Fiscal Impact:

The proposed assessments for Fiscal Year 23/24 are shown in Attachment 3.

The projected revenue, expenditures, and cash balance, which include capital reserve, for the Districts are as follows:

<u>District – Zone of Benefit</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Projected Reserve Fund Balance as of 7/1/24*</u>
1 - A	\$22,007	\$18,609	\$79
1 – B**	\$66,315	\$65,186	\$13,952

*The Projected Reserve Fund Balance is the total of the Capital Replacement Reserve plus the Operating Reserve.

**Dollar amounts for both Zones of Benefit B, B_1, and B_2 are included within "1-B" row of table.

The reserve balance in Zone of Benefit B consists of General Fund transfers that were unspent from previous years. Staff recommends maintaining this reserve balance to cover unforeseen expenses that may come up throughout the year. Moving forward, the City may be required to reduce maintenance levels in District No. 1, or utilize General Fund Gateway Maintenance Transfer funds to maintain previous years' level of maintenance.

Alternatives:

1. Council may reduce the assessment amounts which will affect future revenue and expenditure amounts in FY 2023-24, or cancel the District and find alternative funding sources to maintain the landscaping.
2. Council may direct City staff to follow legal procedures in order to modify District No. 1 to include an adjustment to match current expenditures with COLA provisions to avoid revenue shortfalls in the future.

3. Council may direct other fund sources to supplement the District revenues based on previous Fiscal Year expenditures. In previous fiscal years, the average expenditure dollar amount in Zone of Benefit B was approximately \$100,000 with revenues being approximately \$65,000.

Recommendation:

A. Adopt the following Resolutions to continue the Maintenance District, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving the Engineer's Report, Yuba City Landscape Maintenance District No. 1
- Resolution of Intention to Order Improvements, Yuba City Landscape Maintenance District No. 1

B. Set a Public Hearing for July 18 at 6:00 PM to establish assessments for FY 2023-24

Attachments:

1. Attachment 1 - Resolution LLMD 1 Approve Engineer's Report
2. Attachment 2 - Resolution LLMD 1 Set Public Hearing Date
3. Exhibit A - District Maps LLMD 1
4. Attachment 3 - Proposed Assessments
5. Attachment 4 - Engineer's Report District 1

Prepared By:
Josh Wolfe
Associate Civil Engineer

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE ENGINEER'S REPORT FOR THE YUBA CITY
LANDSCAPE MAINTENANCE DISTRICT NO. 1 (STABLER LANE/GARDEN
HIGHWAY AREA)**

WHEREAS, the City Council of the City of Yuba City previously formed Landscape Maintenance District No. 1 ("District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"); and

WHEREAS, on June 6, 2023, pursuant to the provisions of the Act, the City Council initiated proceedings by adopting a Resolution describing improvements and ordering the City Engineer to file a report with regard to the District for the 2023-24 Fiscal Year; and

WHEREAS, the City Engineer has prepared and filed a written report with the City Clerk entitled "City of Yuba City, Landscape Maintenance District No. 1, Zone of Benefit A, Zone of Benefit B, Zone of Benefit B_1, Zone of Benefit B_2, 2023/2024 Engineer's Annual Levy Report" (the "Engineer's Report") as called for in said Resolution and under and pursuant to said Act, which report has been presented to this City Council for consideration; and

WHEREAS, said City Council has duly considered said Engineer's Report and each and every part thereof, and finds that each and every part of said report is sufficient, and that no portion of the report requires or should be modified in any respect.

WHEREAS, the City Council desires to formally approve the Engineer's Report, as filed, pursuant to Section 22623 of the Act.

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

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.
2. The City Council finds that the Engineer's estimate prepared by the City Engineer of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said Engineer's Report be, and each of them are hereby, preliminarily approved and confirmed.
3. The City Council finds that the diagram showing the District referred to and described in said Engineer's Report, the boundaries of the subdivisions of the land within said District, is the same as existed at the time of passage of said Resolution and is hereby preliminarily approved and confirmed.
4. The City Council finds that the proposed assessment upon the subdivisions of land in said District is in proportion to the estimated benefit to be received by said subdivisions, respectively, from the work and incidental expenses as contained and detailed in the Engineer's Report, which is hereby preliminarily approved and confirmed.

5. The City Council hereby approves the "City of Yuba City, Landscape Maintenance District No. 1, Zone of Benefit A, Zone of Benefit B, Zone of Benefit B_1, Zone of Benefit B_2, 2023/2024 Engineer's Annual Levy Report." Said report shall serve as the Engineer's Report for the purposes of subsequent proceedings for Landscape Maintenance District No. 1.
6. 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 20th day of June, 2023

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

ATTACHMENT 2

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS
WITHIN YUBA CITY LANDSCAPE MAINTENANCE DISTRICT NO. 1
(STABLER LANE/GARDEN HIGHWAY AREA) PURSUANT TO THE
LANDSCAPING AND LIGHTING ACT OF 1973, PART 2 OF DIVISION 15 OF
THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND APPOINTING A
TIME AND PLACE FOR HEARING OBJECTIONS THERETO**

WHEREAS, the City of Yuba City is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of California; and

WHEREAS, the Landscaping and Lighting Act of 1972 ("Act") requires the review of annual assessment of existing Districts; and

WHEREAS, the City Council of the City of Yuba City previously formed Yuba City Landscape Maintenance District No. 1 ("District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"); and

WHEREAS, assessments levied within the District provide revenue for the purposes of the servicing, operation, maintenance, repair, and replacement of the designated turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting structures, masonry walls or other fencing, entryway monuments, and associated appurtenant facilities located within the streetscape (perimeter landscaping) surrounding the developments; and

WHEREAS, on June 6, 2023, pursuant to the provisions of the Act, the City Council initiated proceedings by adopting a Resolution describing improvements and ordering the City Engineer to file a report with regard to the District for the 2023-2024 Fiscal Year; and

WHEREAS, in accordance with Article 4 of Chapter 1 of the Act, the Engineer prepared and filed such report (the "Engineer's Report" with the City Clerk, and the City Clerk has presented the Engineer's Report to the City Council; and

WHEREAS, on June 20, 2023, the City Council adopted a Resolution approving the Engineer's Report as filed, pursuant to Section 22623 of the Act; and

WHEREAS, in accordance with Section 22624 of the Act, the City Council now desires to declare its intention to levy and collect the assessments within the District for Fiscal Year 2023-24, and to call a public hearing thereto.

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

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.
2. The City Council hereby (1) finds that the public interest and convenience requires, and (2) declares its intention to order, the levy of and collection of assessments against the assessable lots and parcels of property within an existing assessment district designated Yuba City Landscape Maintenance District No. 1 ("District"), pursuant to the provisions of the Act, for the fiscal year commencing July 1, 2023 and ending June 30, 2024, to pay for the costs and expenses of the improvements described below in Section 4 of this Resolution.
3. The boundaries of the District are generally located and depicted in "Exhibit A" attached hereto.
4. The proposed improvements are briefly described as follows: the servicing, operation, maintenance, repair, and replacement of the designated turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting structures, masonry walls or other fencing, entryway monuments, and associated appurtenant facilities located within the streetscape (perimeter landscaping) surrounding the developments.
5. The assessments to be levied and collected against the assessable lots and parcels of property within the District for Fiscal Year 2023-24 are proposed to increase from the assessments levied and collected for Fiscal Year 2022-23.
6. By previous resolution, the City Council directed the City Engineer to prepare and to file an Engineer's Report pursuant to the provisions of the Act. The Engineer has prepared and filed a written report with the City Clerk that is titled "City of Yuba City, Landscape Maintenance District No. 1, Zone of Benefit A, Zone of Benefit B, Zone of Benefit B_1, Zone of Benefit B_2, 2023/2024 Engineer's Annual Levy Report" and by previous resolution the City Council approved the Engineer's Report as filed. Reference is made to the Engineer's Report on file in the Office of the City Clerk and open to public inspection for a full and detailed description of the improvements, the boundaries of the District, and the proposed assessments upon assessable lots and parcels of land within the District. The Office of the City Clerk is located at 1201 Civic Center Boulevard, Yuba City, CA 95993.
7. Notice is hereby given that the City Council designates July 18, 2023 at 6:00 p.m., in the City Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA, as the date, time, and place for the hearing of protests or objections to the levy of the proposed assessments in connection with the District. All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at

City Hall, 1201 Civic Center Boulevard, Yuba City, CA 95993. Any written protest that is mailed must be received at City Hall at or prior to 4:30 p.m. on July 18, 2023

- 8. The City Clerk shall give notice of the aforesaid date, time, and place of the hearing in accordance with law.

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 20th day of June, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, City Clerk Administrator

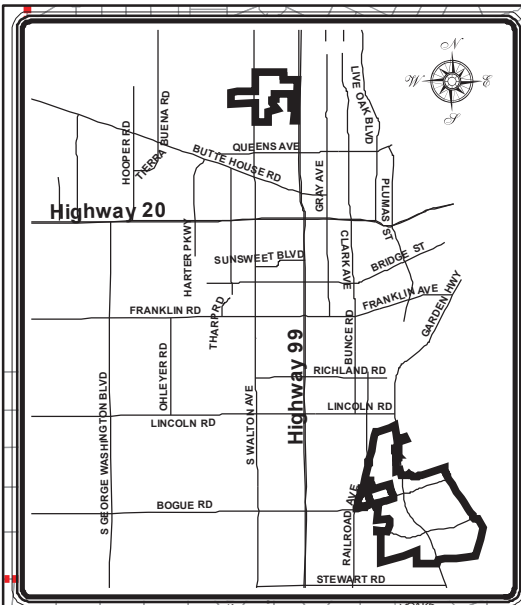
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

Attachment(s):

Exhibit A – District Map

EXHIBIT A



Legend



Maintenance Districts

City Limits

1A

**Lighting & Landscape
Maintenance District No. 1
Zones of Benefit**

99 SB QUEENS AVE OFF

QUEENS AVE 99 NB ON

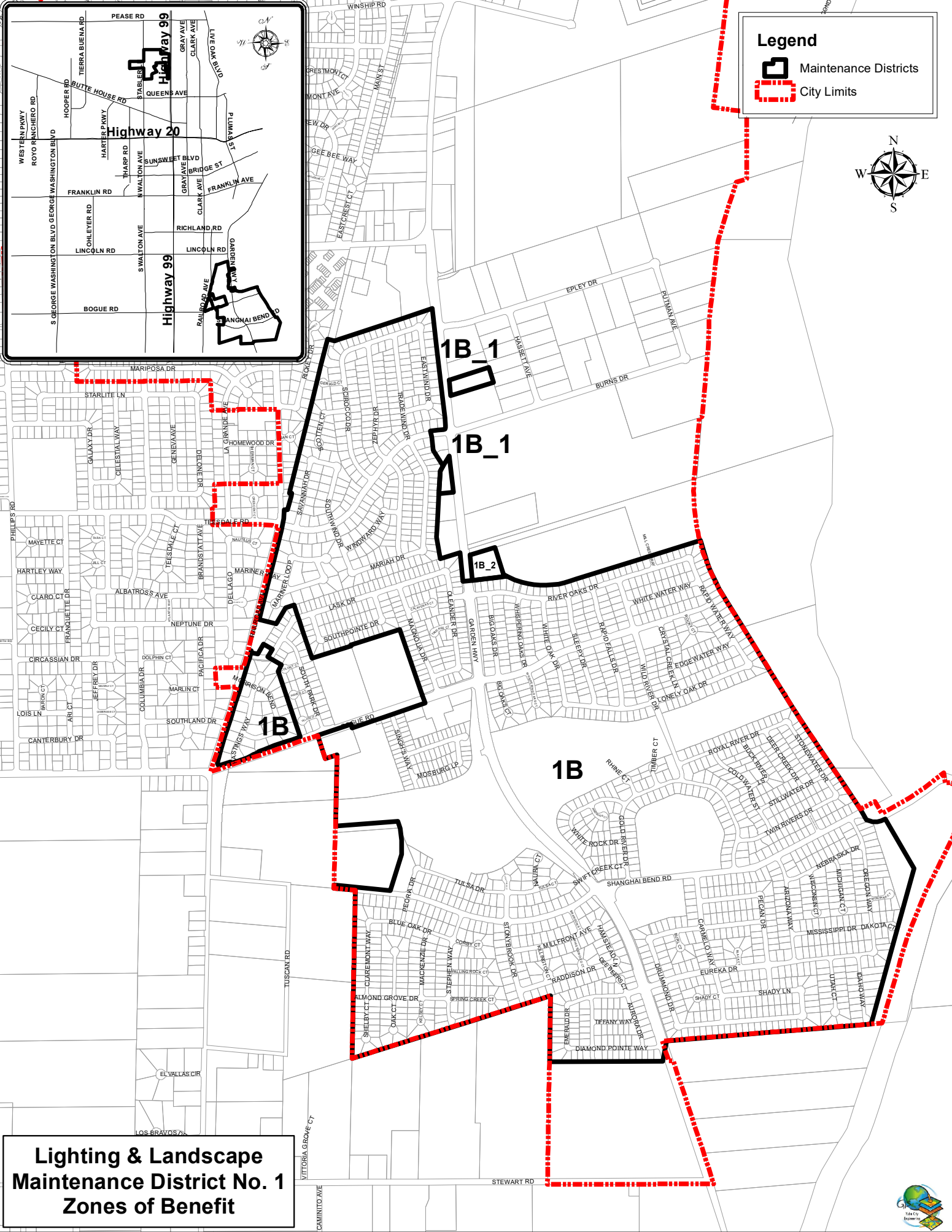
HWY 99

99 SB QUEENS AVE OFF



Legend

- Maintenance Districts
- City Limits



**Lighting & Landscape
Maintenance District No. 1
Zones of Benefit**



ATTACHMENT 3

DISTRICT 1 PROPOSED ASSESSMENTS

District	Zone of Benefit	FY 2023-24 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
1	A	\$56.72	\$0.00	\$56.72
	B	\$29.50	\$0.00	\$29.50
	B_1	\$38.92	\$2.69	\$38.93
	B_2	\$356.26	\$24.68	\$356.27

ATTACHMENT 4



City of Yuba City

Landscape Maintenance District No. 1

**Zone of Benefit A
Zone of Benefit B
Zone of Benefit B_1
Zone of Benefit B_2**

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023
Intent Meeting: June 20, 2023
Public Hearing: July 18, 2023

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ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

Yuba City Landscape Maintenance District No. 1

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2023/2024, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. OVERVIEW

A. INTRODUCTION

The City of Yuba City (“City”) annually levies and collects special assessments to maintain and service landscape improvements that provide special benefit to the Yuba City Lighting and Landscape Maintenance District (“District”). The District is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”). The District assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed in compliance with the substantive and procedural requirements of the California Constitution Article XIID (“Article XIID”).

This Engineer’s Annual Levy Report (“Report”) has been prepared in accordance with the provisions of Chapter 3, Section 22622 of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2023/2024. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel’s special benefits.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor Parcel Number (“APN”) by the County of Sutter (“County”) Assessor’s Office. The County Auditor/Controller uses APNs and specific fund numbers to identify properties assessed for special district benefit assessments on the tax roll.

Pursuant to Chapter 3, beginning with Section 22620 of the 1972 Act, the City Council shall conduct a noticed annual public hearing to consider all public comments and written protests regarding the District. Following the annual public hearing and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments contained therein, the City Council will by resolution: order the improvements to be made and confirm the levy and collection of assessments pursuant to Chapter 4, Article 1, beginning with Section 22640 of the 1972 Act. The assessment rates and method of apportionment described in this Report define the assessments to be applied to each parcel within the District for Fiscal Year 2023/2024.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid APN for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

B. COMPLIANCE WITH CURRENT LEGISLATION

On November 6, 1996, California voters approved Proposition 218 by a margin of 56.5% to 43.5%. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIID (Proposition 218).

Pursuant to the California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, the City determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts are exempt from the procedural requirements Article XIID Section 4.

The District has been formed pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Pursuant to the 1972 Act, an annual Public Hearing is conducted by the City Council to accept property owner and public comments, to review the Engineer's Annual Levy Report prior to approving the annual assessments to be levied on the County tax rolls. The assessments described in this Report have been prepared in accordance with the Act.

The City affirms that the assessments contained in this report for Zones A and B, were imposed in accordance with a consent and waiver by 100% of the property owners as part of the original development approval for the properties within the District. Therefore, the City has determined that pursuant to Article XIID Section 5(b) the maximum assessment previously approved and levied for these Zones prior to the passage of Proposition 218 are considered exempt, provided the assessments are not increased above these previously approved maximum assessment rates.

The proposed annual levy of assessments for fiscal year commencing July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023/2024) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for Fiscal Year 2023/2024 do not exceed the maximum assessment rates authorized and are therefore in compliance with the provisions of the California Constitution Article XIID.

II. PLANS AND SPECIFICATIONS

A. DESCRIPTION OF THE DISTRICT

The District is comprised of four benefit areas: Zone of Benefit A (North Stabler Lane Area), Zone of Benefit B (South Yuba City Area), Zone of Benefit B-1 (Clark Pest Control and 1441 Garden Highway) and Zone of Benefit B-2 (Dollar General).

The Zone of Benefit A ("Zone A") benefits parcels consisting of 79 residential lots in the Greenwood Acres Unit 1 and Unit 4 subdivisions, 66 residential lots in Oak Tree Estates, 172 residential lots in the Pheasant Pointe Subdivision and 71 residential lots in the Greenwood Estates Unit 7 subdivision.

The Zone of Benefit B ("Zone B") benefits parcels consisting of 319 residential lots in the Southwind and Southland Village Subdivisions, 101 lots in the River Bend Subdivision, 31 present and future residential lots in River Pointe Subdivision, 757 present and future equivalent dwelling units in the River Run Subdivisions, 618 present residential lots in the River Oaks subdivisions, 420 present and future residential lots in the Walnut Glen Subdivisions, 75 lots in Diamond Point Subdivision and 64 present and future residential lots in the Southpointe Subdivision. The River Run Subdivision has 194 equivalent dwelling units of R-3 and 276 equivalent units of Commercial based on 20 equivalent dwelling units per acre.

The Zone of Benefit B-1 ("Zone B-1") benefits four commercial parcels located at 1288 Garden Highway and 1441 Garden Highway.

The Zone of Benefit B-2 ("Zone B-2") benefits two commercial parcels located at 1500 and 1510 Garden Highway.

B. DESCRIPTION OF THE IMPROVEMENTS

The District improvements provide for the ongoing maintenance and servicing of landscaping improvement areas adjacent to Zone A, Zone B, Zone B-1 and Zone B-2 as shown on the Assessment Diagrams on file with the City Clerk. Maintenance improvements may include but are not limited to: turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting structures, masonry walls or other fencing, entryway monuments, and associated appurtenant facilities located within the streetscape (perimeter landscaping)

surrounding the developments. Servicing improvements may include, but are not limited to: electricity, water for irrigation of any landscaping, and the operation of fountains.

The annual cost and expenses of providing the landscape maintenance and servicing in Zone A, Zone B, Zone B-1 and Zone B-2 are estimated separately and are apportioned equally to all lots, developed or undeveloped, within each Zone.

III. METHOD OF APPORTIONMENT

A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to the Article XIIID Section 4, a parcel’s assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable and the District must separate the general benefits from the special benefits.

B. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — the method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District

receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of landscaped improvements installed as part of the original development. The desirability of properties within the District is enhanced by the presence of well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The

contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

C. ASSESSMENT METHODOLOGY

For each of the zones of benefit, the level of special benefit received by each parcel in the zone is considered to be the same. Therefore, the estimated annual cost of the improvements for Zone A, Zone B, Zone B-1 and B-2 are determined separately and are apportioned equally to all parcels, developed or undeveloped, within each Zone.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County), dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways, utility rights-of-ways, common areas, landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and therefore are not assessed.

D. ASSESSMENT RANGE FORMULA

Any new or increased assessments require voting, certain noticing, and meeting requirements. Article XIID added specific requirements including an assessment ballot and weighted tabulation of the ballots to determine if majority protest exists at the Public Hearing. In Fiscal Year 1993/1994, the Brown Act (*Government Code Section 54954.6(o)*) changed the definition of the term “*new or increased assessment*” to exclude certain conditions.

⁽¹⁾ *SCI Consulting Group (September 2015). City of Yuba City Landscape Maintenance Assessment District No. 1 Engineer’s Report, Fiscal Year 2015-16. pgs 13-16.*

These conditions included “*any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency and approved by the voters in the area where the assessment is imposed.*” This definition for a new or increased assessment was also addressed in Senate Bill 919 (the Proposition 218 implementation statutes).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

The District does not have an approved formula for increasing the assessment rates on an annual basis for Zone A or Zone B. Therefore, there has been no change to the assessment rates for FY 2023/2024 from the prior year for Zone A and Zone B. However, the District does have an approved formula for increasing the assessment rates on an annual basis for Zone B-1 and Zone B-2.

Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equals to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the following criteria:

- 1) Each fiscal year, the Maximum Assessment will be recalculated.
- 2) The new adjusted Maximum Assessment for the year represents the prior year’s Maximum Assessment adjusted by the percentage change from the previous year to the current year based on the “All Urban Consumers” Consumer Price Index, US City Average (CPI), as compiled by the United States Department of Labor Statistics. Effective Fiscal Year 2017/2018, the CPI month for annual adjustment has changed to January.
- 3) The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District’s annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer’s Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIID Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

IV. DISTRICT BUDGET FY 2023/2024

The following provides the proposed budget and associated maximum assessment for Zone A and Zone B, and the increased maximum assessment for Zone B-1 and Zone B-2 commencing in fiscal year 2023/2024. This budget includes the City's estimate of anticipated expenditures, deficits, surpluses, revenues, and reserve fund balances associated with providing appropriate and adequate annual maintenance and operation of the improvements associated with each zone. The resulting maximum assessment rate established for each zone is based on the budget information presented herein and shall be used to calculate each parcel's proportional assessment obligation in accordance with the method of apportionment outlined in this Report.

Based on the budget information on the following page, the maximum assessment rate for Zone A and Zone B shall remain unchanged from the prior year at \$56.72 and \$29.50 per EBU, respectively. The maximum assessment rate for Zone B-1 will be \$38.93 per EBU for Fiscal Year 2023/2024 and the maximum assessment rate for Zone B-2 will be \$356.27 per EBU for Fiscal Year 2023/2024.

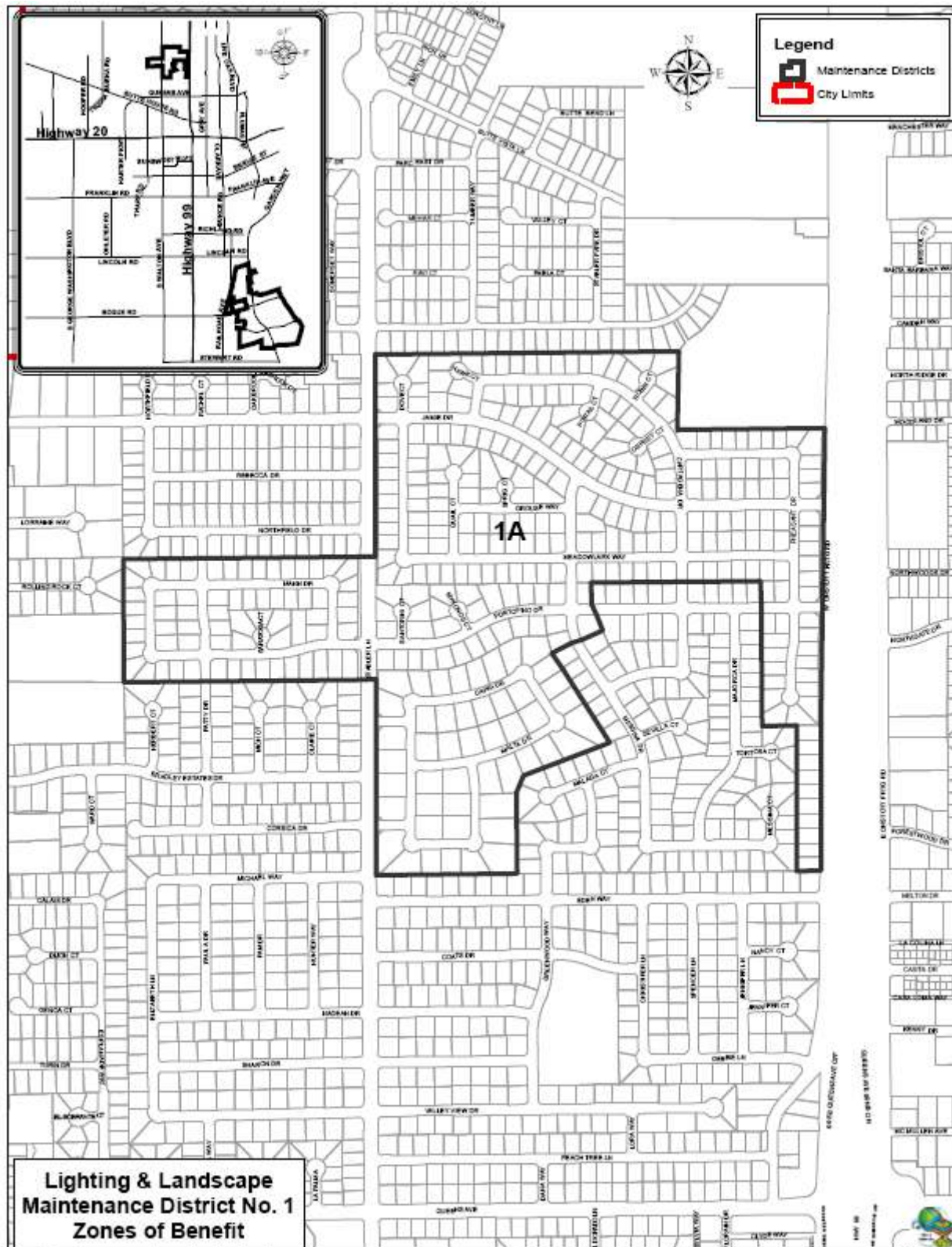
BUDGET ITEM	Zone 1A	Zone 1B	Zone 1B1	Zone 1B2	Zone B Total	Total
DIRECT COSTS						
Heat/Power Utility	\$117.00	\$426.68	\$1.01	\$2.31	\$430.00	\$547.00
Street Lights Power Utility	0.00	0.00	0.00	0.00	0.00	0.00
Professional Services	10,992.00	36,789.75	87.06	199.19	37,076.00	48,068.00
Water Utility	4,886.00	20,218.68	47.85	109.47	20,376.00	25,262.00
Materials & Supplies	1,357.00	875.19	2.07	4.74	882.00	2,239.00
LMD Lights	0.00	0.00	0.00	0.00	0.00	0.00
Landscape Labor	0.00	0.00	0.00	0.00	0.00	0.00
Direct Costs Subtotal	\$17,352.00	\$58,310.31	\$137.99	\$315.70	\$58,764.00	\$76,116.00
ADMINISTRATION COSTS						
City Administration Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Willdan Financial Services Administration Fees	1,141.00	5,782.01	13.68	\$31.31	5,827.00	6,968.00
County Administration Fee	116.40	590.60	1.40	\$3.20	595.20	711.60
Miscellaneous Administration Expenses	0.00	0.00	0.00	\$0.00	0.00	0.00
Administrative Costs Subtotal	\$1,257.40	\$6,372.62	\$15.08	\$34.50	\$6,422.20	\$7,679.60
CAPITAL IMPROVEMENT EXPENSES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LEVY BREAKDOWN						
Total Direct and Admin. Costs	\$18,609.40	\$64,682.92	\$153.07	\$350.21	\$65,186.20	\$83,795.60
Operating Reserve Collection	3,397.96	1,368.84	3.24	7.41	1,379.49	4,777.45
Capital Reserve Collection	0.00	0.00	0.00	0.00	0.00	0.00
Levy Breakdown Subtotal	\$22,007.36	\$66,051.76	\$156.31	\$357.62	\$66,565.69	\$88,573.05
LEVY ADJUSTMENTS						
Operating Reserve Contribution	\$0.00	0.00	0.00	0.00	\$0.00	\$0.00
Capital Reserve Contribution	0.00	0.00	0.00	0.00	0.00	0.00
Additional City Contribution	0.00	0.00	0.00	0.00	0.00	0.00
Estimated Interest Earnings	0.00	(249.06)	(0.59)	(1.35)	(251.00)	(251.00)
Rounding Adjustment	0.00	0.00	(0.04)	(0.01)	(0.05)	(0.05)
Levy Adjustments Subtotal	\$0.00	(\$249.06)	(\$0.63)	(\$1.36)	(\$251.05)	(\$251.05)
BALANCE TO LEVY	\$22,007.36	\$65,802.70	\$155.68	\$356.26	\$66,314.64	\$88,322.00
OPERATING RESERVE						
Estimated Balance at June 30, 2023	(\$3,319.00)	\$8,506.81	\$20.13	\$46.06	\$8,573.00	\$5,254.00
FY2023/2024 Collection/(Contribution)	3,397.96	1,368.84	3.24	7.41	1,379.49	4,777.45
Transfer from Capital Improvement Reserve	0.00	(9,922.79)	(23.48)	(53.72)	(10,000.00)	(10,000.00)
Estimated Balance at June 30, 2024	\$78.96	(\$47.14)	(\$0.11)	(\$0.26)	(\$47.51)	\$31.45
CAPITAL IMPROVEMENT RESERVE						
Estimated Balance at June 30, 2023	\$0.00	\$3,969.12	\$9.39	\$21.49	\$4,000.00	\$4,000.00
FY2023/2024 Collection/(Contribution)	0.00	0.00	0.00	0.00	0.00	0.00
Transfer to Operating Reserve	0.00	9,922.79	23.48	53.72	10,000.00	10,000.00
Estimated Balance at June 30, 2024	\$0.00	\$13,891.91	\$32.87	\$75.21	\$14,000.00	\$14,000.00
DISTRICT STATISTICS						
Total Parcels	388	1,980	4	2	1,986	2,374
Total Parcels Levied	388	1,980	4	2	1,986	2,374
Total EBU	388.00	2,230.60	4.00	1.00	2,235.60	2,623.60
Levy per EBU (2023/2024)	\$56.72	\$29.50	\$38.92	\$356.26		
Maximum Levy per EBU - 2022/2023	\$56.72	\$29.50	\$36.59	\$334.81		
CPI Increase per EBU (6.41%)	N/A	N/A	\$2.34	\$21.46		
Maximum Levy per EBU - 2023/2024	\$56.72	\$29.50	\$38.93	\$356.27		
Maximum Levy Amount - 2023/2024	\$22,007.36	\$65,802.70	\$155.72	\$356.27	\$66,314.69	\$88,322.05

Appendix A - DISTRICT BOUNDARY MAPS

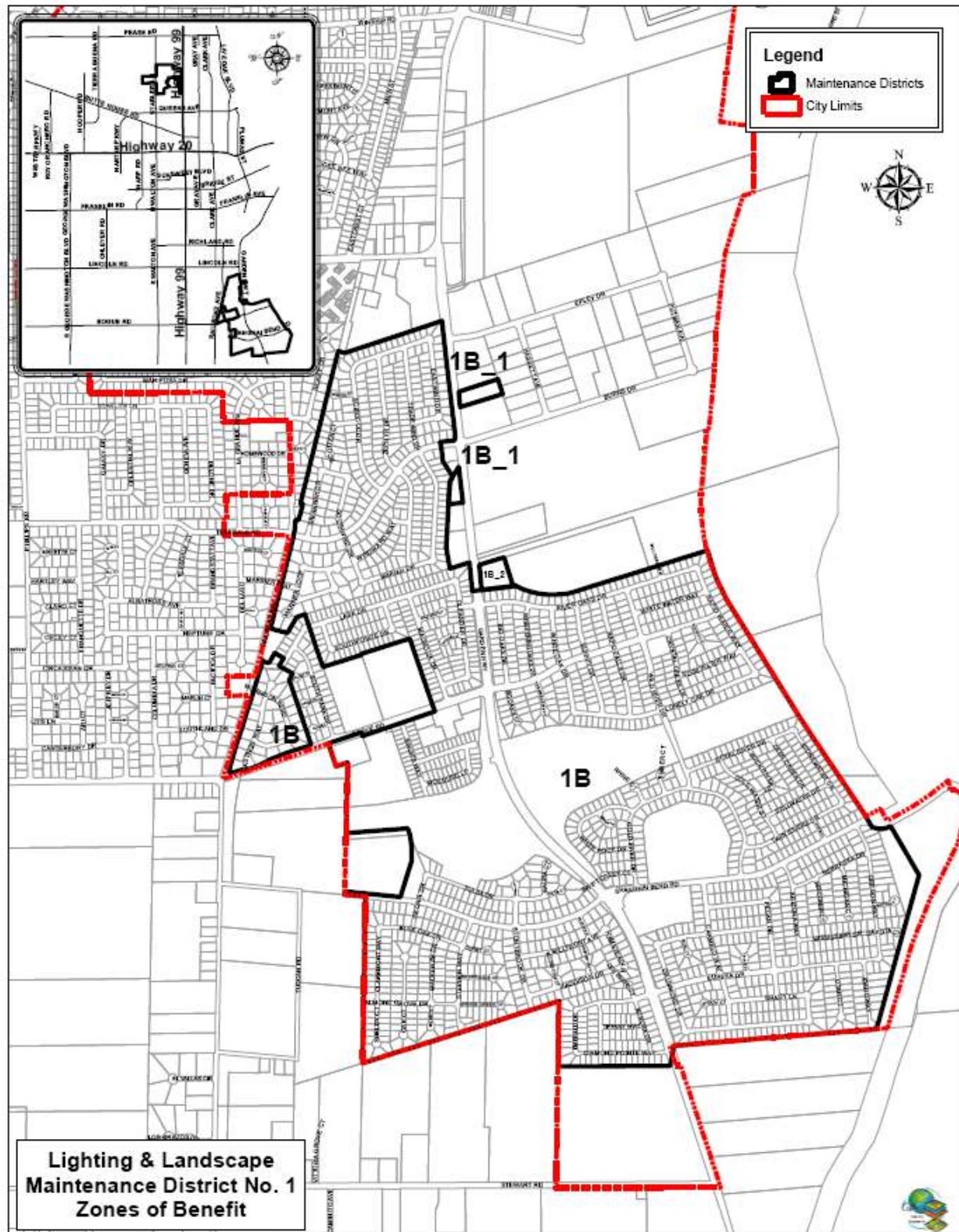
The original assessment diagrams including the diagrams for the zones of benefit for the District were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The following is a reproduction of the County Assessor's Parcel Map associated with each subdivision and Zone.

Yuba City Landscape Maintenance District No. 1 Zone of Benefit A



Yuba City Landscape Maintenance District No. 1 Zone of Benefit B



Appendix B - 2023/2024 ASSESSMENT ROLL

The parcel identification for each lot or parcel within the District shall be the assessor's parcel number (APN) as shown on the Sutter County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following page. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County), dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways, utility rights-of-ways, common areas, landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore are not assessed.

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Joshua Wolffe, Associate Engineer

Summary

Subject: Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5 (Town Center and 69 Subdivisions throughout Yuba City), and Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District) Resolution of Intent

Recommendation: A. Adopt the following Resolutions to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving Engineer's Reports, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6
- Resolution of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6

B. Set a Public Hearing for July 18, 2023 at 6:00 PM to establish assessments for Fiscal Year (FY) 2023-24

Fiscal Impact: Receipt of assessments and expenditures of funds for lighting and landscape maintenance districts throughout the City

Purpose:

To continue to provide lighting and landscape maintenance throughout the City pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution.

Council Strategic Goal:

Levying Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5, and Yuba City Lighting and Landscape Maintenance District No. 6 (LLMD Nos. 2-6) addresses the City Council's Strategic Goal of maintaining infrastructure, as levying (LLMD Nos. 2-6) will ensure that street lighting, landscaping and associated items, block walls, detention ponds, and street-end barricades are maintained and in operation.

Background:

The City annually levies and collects special assessments in order to maintain and service landscaping and lighting improvements that provide special benefit to the parcels identified in Lighting and Landscape Maintenance Districts 2-6 (Attachment 2, Exhibit A). The assessments were approved by

the property owners of record through a protest-ballot proceeding at the time the Districts were formed.

District Nos. 2 (Town Square Area); 3, 4, and 5 (69 subdivisions located throughout the City); and 6 (several commercial areas throughout the City) have provisions for a Cost of Living Adjustment (COLA), which is based on the Consumer Price Index from January to January.

Analysis:

The Engineer's Annual Reports have been prepared and are on file in the City Clerk's office. They describe each District, the improvements therein, the method of assessment, and the proposed assessment for each parcel. The Resolution of Intention to order improvements is required by state law to continue the Districts. The proposed action in these reports set a public hearing for the Council meeting to be held on July 18, 2023 to establish assessments for the coming year.

District Nos. 2, 3, 4, District 5 Zones of Benefit A, C, E, G, H, and L, and District 6 Zones of Benefit A_1 - A_3, B_4, B_5, and B_8 - B_13 will see increases in their annual levies, while District 5 Zones of Benefit B, D, F, I, J, and K, and District 6 Zones of Benefit B_1 - B_3, B_6, B_7, B_14, B_15 and C_1 will see decreases in their annual levies. The levies were raised in response to inflation, while certain Zones of Benefit in Districts 5 and 6 were decreased due to sufficient reserves and revenues which exceeded expenditures.

Fiscal Impact:

The proposed assessments for FY 2023-24 are shown in Attachment 3.

The projected revenue, expenditures, and cash balance, which include capital reserve, for the Districts are as follows:

<u>District</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Projected Reserve Fund Balance as of 7/1/24*</u>
2	\$86,200	\$35,770	\$167,795
3	\$17,241	\$17,039	\$2,574
4	\$174,995	\$129,023	\$197,186
5	\$582,084	\$514,423	\$344,241
6	\$38,371	\$14,768	\$185,755

*The Projected Reserve Fund Balance is the total of the Capital Replacement Reserve plus the Operating Reserve.

Alternatives:

1. Council may direct the modification of the assessment amounts which will affect future revenue and expenditure amounts in FY 2023-24, or cancel the Districts and find alternative funding sources to maintain the lighting and landscaping.

Recommendation:

A. Adopt the following Resolutions to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving Engineer's Reports, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6
- Resolution of Intention to Order Improvements, Yuba City Lighting and Landscape

Maintenance District Nos. 2, 3, 4, 5 and 6

B. Set a Public Hearing for July 18, 2023 at 6:00 PM to establish assessments for Fiscal Year (FY) 2023-24

Attachments:

1. Resolution LLMDs 2-6 Approve Engineer's Report
2. Resolution LLMDs 2-6 Set Public Hearing Date
3. Exhibit A - District Maps 2-6
4. Proposed Assessments - LLMDs 2-6 Intent
5. Engineer's Reports LLMDs 2-6

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
APPROVING THE ENGINEER'S REPORTS FOR THE YUBA CITY LIGHTING AND
LANDSCAPE MAINTENANCE DISTRICT NOS. 2, 3, 4, & 5 (TOWN CENTER AND 69
SUBDIVISIONS THROUGHOUT YUBA CITY) AND YUBA CITY LIGHTING AND
LANDSCAPE MAINTENANCE DISTRICT NO. 6 (COMMERCIAL DISTRICT)**

WHEREAS, the City Council of the City of Yuba City previously formed Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 & 6 ("Districts"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"); and

WHEREAS, on June 6, 2023, pursuant to the provisions of the Act, the City Council initiated proceedings by adopting a Resolution describing improvements and ordering the City Engineer to file a report with regard to the Districts for the 2023-24 Fiscal Year; and

WHEREAS, the City Engineer has prepared and filed written reports with the City Clerk entitled "City of Yuba City, Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Town Center), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 3, Zone of Benefit A, (Palisades Subdivision), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 4, Zones of Benefit A, B, C, & D, (Butte Vista Neighborhood), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 5, Zones of Benefit A-L, 2023/2024 Engineer's Annual Levy Report," and "City of Yuba City, Lighting and Landscape Maintenance District No. 6, (Zones of Benefit A_1, A_2, & A_3 and, Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8, B_9, B_10, B_12, B_13, B_14, & B_15, and Zone of Benefit C_1, 2023/2024 Engineer's Annual Levy Report", (the "Engineer's Reports") as called for in said Resolution and under and pursuant to said Act, which report has been presented to this City Council for consideration; and

WHEREAS, said City Council has duly considered said Engineer's Reports and each and every part thereof, and finds that each and every part of said reports is sufficient, and that no portion of the reports require or should be modified in any respect.

WHEREAS, the City Council desires to formally approve the Engineer's Reports, as filed, pursuant to Section 22623 of the Act.

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

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.
2. The City Council finds that the Engineer's estimates prepared by the City Engineer of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said Engineer's Reports be, and each of them are hereby, preliminarily approved and confirmed.
3. The City Council finds that the diagram showing the Districts referred to and described in said Engineer's Reports, the boundaries of the subdivisions of the

land within said Districts, is the same as existed at the time of passage of said Resolution and is hereby preliminarily approved and confirmed.

4. The City Council finds that the proposed assessment upon the subdivisions of land in said Districts is in proportion to the estimated benefit to be received by said subdivisions, respectively, from the work and incidental expenses as contained and detailed in the Engineer's Report, which is hereby preliminarily approved and confirmed.
5. The City Council hereby approves the "City of Yuba City, Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Town Center), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 3, Zone of Benefit A, (Palisades Subdivision), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 4, Zones of Benefit A, B, C, & D, (Butte Vista Neighborhood), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 5, Zones of Benefit A-L, 2023/2024 Engineer's Annual Levy Report," and "City of Yuba City, Lighting and Landscape Maintenance District No. 6, (Zones of Benefit A_1, A_2, & A_3 and, Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8, B_9, B_10, B_12, B_13, B_14, & B_15, and Zone of Benefit C_1, 2023/2024 Engineer's Annual Levy Report." Said reports shall serve as the Engineer's Reports for the purposes of subsequent proceedings for Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, and 6.
6. 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 20th day of June, 2023.

AYES:

NOES:

ABSENT:

ATTEST:

Ciara Wakefield, City Clerk Administrator

Wade Kirchner, Mayor

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

ATTACHMENT 2

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NOS. 2, 3, 4, & 5
(TOWN CENTER AND 69 SUBDIVISIONS THROUGHOUT YUBA CITY) AND YUBA CITY
LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 6 (COMMERCIAL DISTRICT)
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1973, PART 2 OF DIVISION
15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND APPOINTING A TIME
AND PLACE FOR HEARING OBJECTIONS THERETO**

WHEREAS, the City of Yuba City is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of California; and

WHEREAS, the Landscaping and Lighting Act of 1972 ("Act") requires the review of annual assessment of existing Districts; and

WHEREAS, the City Council of the City of Yuba City previously formed Landscape Maintenance District Nos. 2, 3, 4, 5 & 6 ("Districts"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"); and

WHEREAS, assessments levied within the Districts provide revenue for the purposes of the servicing, operation, maintenance, repair, and replacement of the street lights, walls, landscape strip, planters, landscape material, irrigation systems, median landscaping, street trees, detention pond, and detention pond landscape strip surrounding the developments; and

WHEREAS, on June 6, 2023, pursuant to the provisions of the Act, the City Council initiated proceedings by adopting a Resolution describing improvements and ordering the City Engineer to file a report with regard to the District for the 2023-24 Fiscal Year; and

WHEREAS, in accordance with Article 4 of Chapter 1 of the Act, the Engineer prepared and filed such report (the "Engineer's Report" with the City Clerk, and the City Clerk has presented the Engineer's Report to the City Council; and

WHEREAS, on June 20, 2023, the City Council adopted a Resolution approving the Engineer's Report as filed, pursuant to Section 22623 of the Act; and

WHEREAS, in accordance with Section 22624 of the Act, the City Council now desires to declare its intention to levy and collect the assessments within the District for Fiscal Year 2023-24, and to call a public hearing thereto.

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

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.
2. The City Council hereby (1) finds that the public interest and convenience requires, and (2) declares its intention to order, the levy of and collection of assessments against the assessable lots and parcels of property within existing assessment districts designated Landscape Maintenance District Nos. 2, 3, 4, 5 & 6 ("Districts"), pursuant to the provisions of the Act, for the fiscal year commencing July 1, 2023 and ending June 30, 2024, to pay for the costs and expenses of the improvements described below in Section 4 of this Resolution.
3. The boundaries of the Districts are generally located and depicted in "Exhibit A" attached hereto.
4. The proposed improvements are briefly described as follows: the servicing, operation, maintenance, repair, and replacement of the street lights, walls, landscape strip, planters, landscape material, irrigation systems, median landscaping, street trees, detention pond, and detention pond landscape strip surrounding the developments.
5. The assessments to be levied and collected against the assessable lots and parcels of property within the Districts for Fiscal Year 2023-24 are to be modified as follows: assessments for District No. 5 Zones of Benefit "B", "D", "F", "I", "J" and "K" and District No. 6 Zones of Benefit "B_1", "B_2", "B_3", "B_6", "B_7", "B_14", "B_15", and "C_1" for Fiscal Year 2023-24 are proposed to be reduced as compared to the previous year as described in the Engineer's Report. The assessments for District Nos. 2, 3, 4, 5, (except Zones of Benefit "B", "D", "F", "I", "J" and "K"), and 6 (except Zones of Benefit "B_1", "B_2", "B_3", "B_6", "B_7", "B_14", "B_15", and "C_1") for Fiscal Year 2023-24 are proposed to increase from the previous year as described in the Engineer's Report, but are still within or less than the amount approved for said Districts at the time of the Districts' respective formations.
6. By previous resolution, the City Council directed the City Engineer to prepare and to file Engineer's Reports pursuant to the provisions of the Act. The Engineer has prepared and filed written reports with the City Clerk that are titled "City of Yuba City, Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Town Center), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 3, Zone of Benefit A, (Palisades Subdivision), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 4, Zones of Benefit A, B, C, & D, (Butte Vista Neighborhood), 2023/2024 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 5, Zones of Benefit A-L, 2023/2024 Engineer's Annual Levy Report," and "City of Yuba City, Lighting and Landscape Maintenance District No. 6, (Zones of Benefit A_1, A_2, & A_3 and, Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8, B_9, B_10, B_12,

B_13, B_14, & B_15, and Zone of Benefit C_1, 2023/2024 Engineer's Annual Levy Report" and by previous resolution the City Council approved the Engineer's Reports as filed. Reference is made to the Engineer's Reports on file in the Office of the City Clerk and open to public inspection for a full and detailed description of the improvements, the boundaries of the Districts, and the proposed assessments upon assessable lots and parcels of land within the Districts. The Office of the City Clerk is located at 1201 Civic Center Boulevard, Yuba City, CA 95993.

7. Notice is hereby given that the City Council designates July 18, 2023, at 6:00 p.m., in the City Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA, as the date, time, and place for the hearing of protests or objections to the levy of the proposed assessments in connection with the Districts. All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 1201 Civic Center Boulevard, Yuba City, CA 95993. Any written protest that is mailed must be received at City Hall at or prior to 4:30 p.m. on July 18, 2023.
8. The City Clerk shall give notice of the aforesaid date, time, and place of the hearing in accordance with law.

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 20th day of June, 2023.

AYES:

NOES:

ABSENT:

ATTEST:

Ciara Wakefield, City Clerk Administrator

Wade Kirchner, Mayor

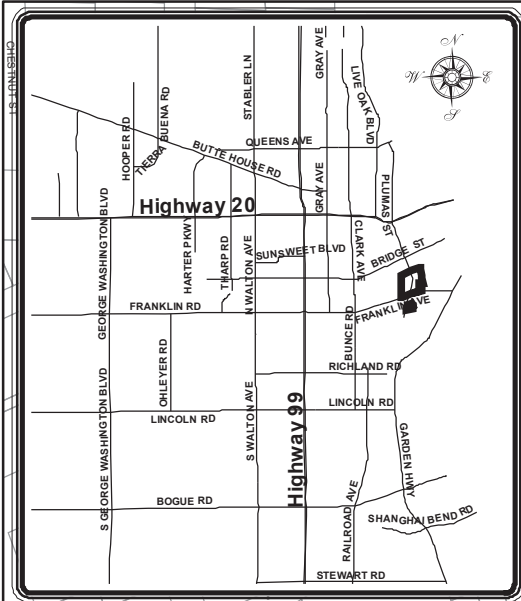
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney

Attachment(s):

Exhibit A – District Maps

EXHIBIT A



Legend



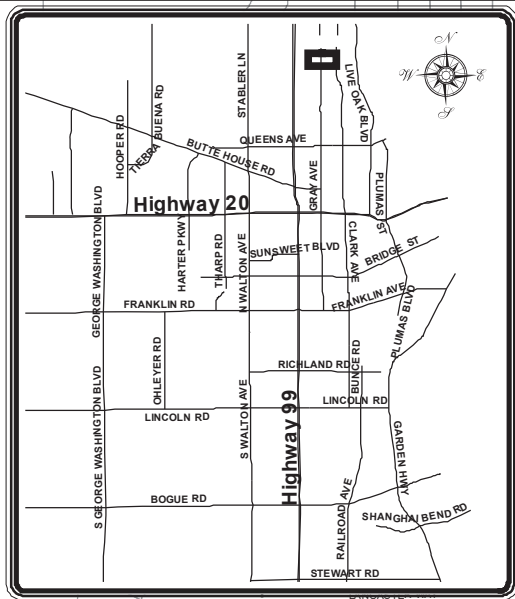
Maintenance Districts

City Limits

2A

2A

Lighting & Landscape
Maintenance District No. 2
Zones of Benefit

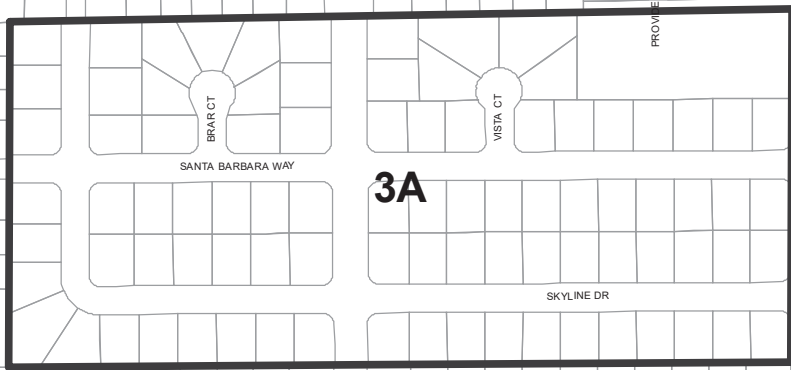


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- Maintenance Districts
- City Limits



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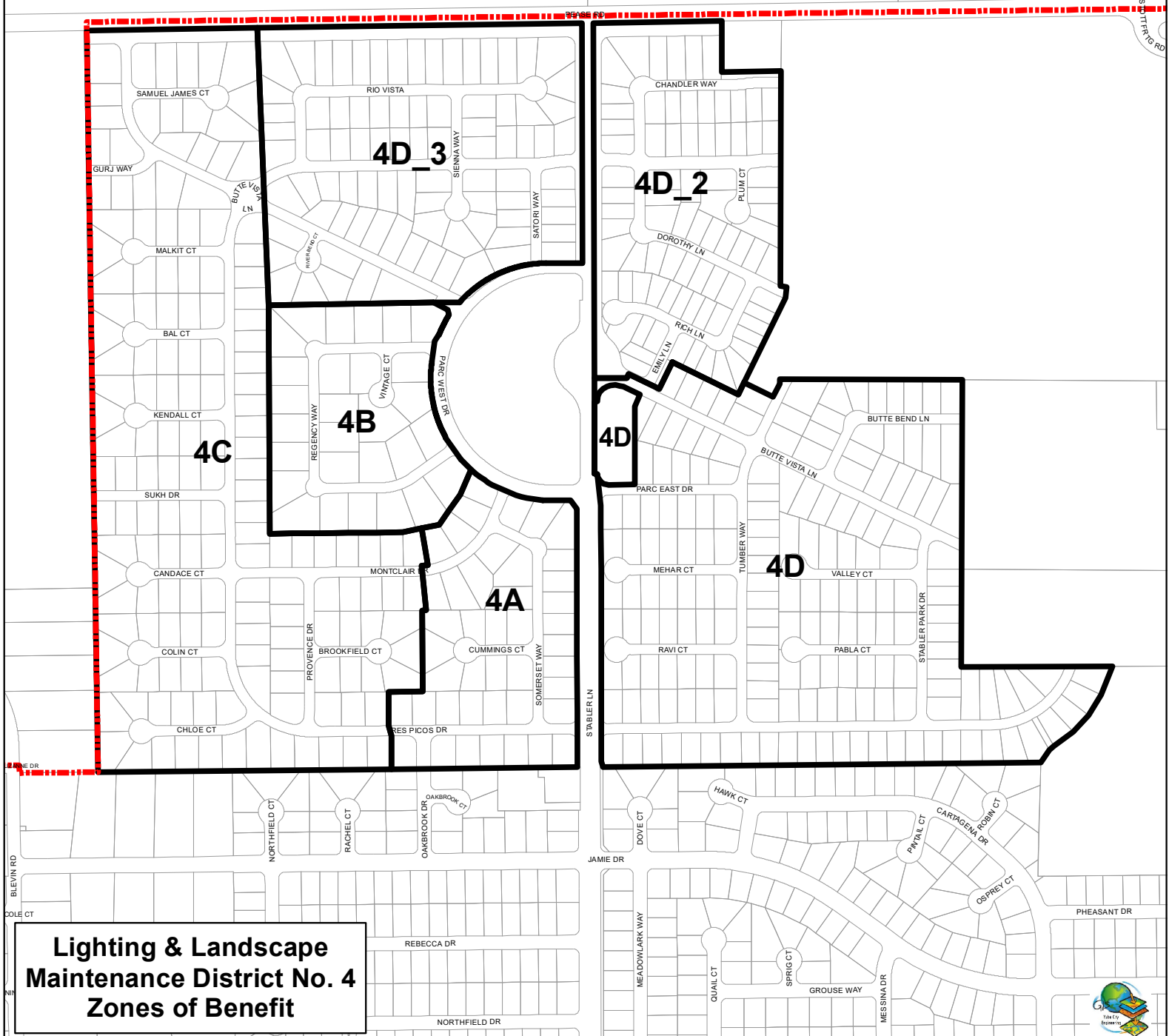
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Maintenance District No. 3
Zones of Benefit**

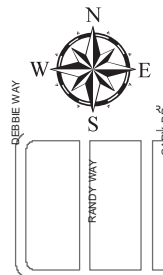
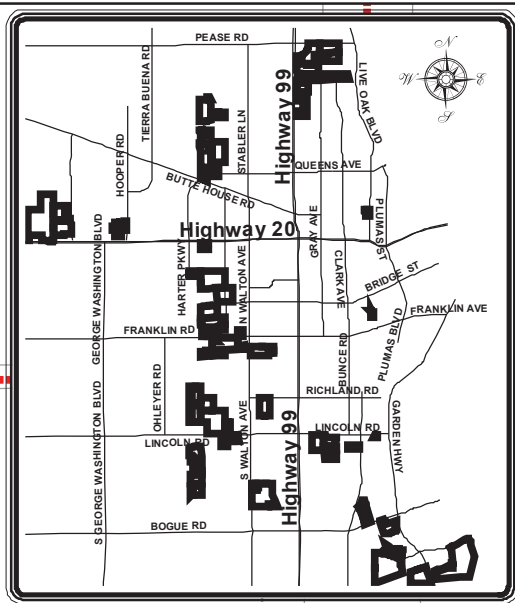




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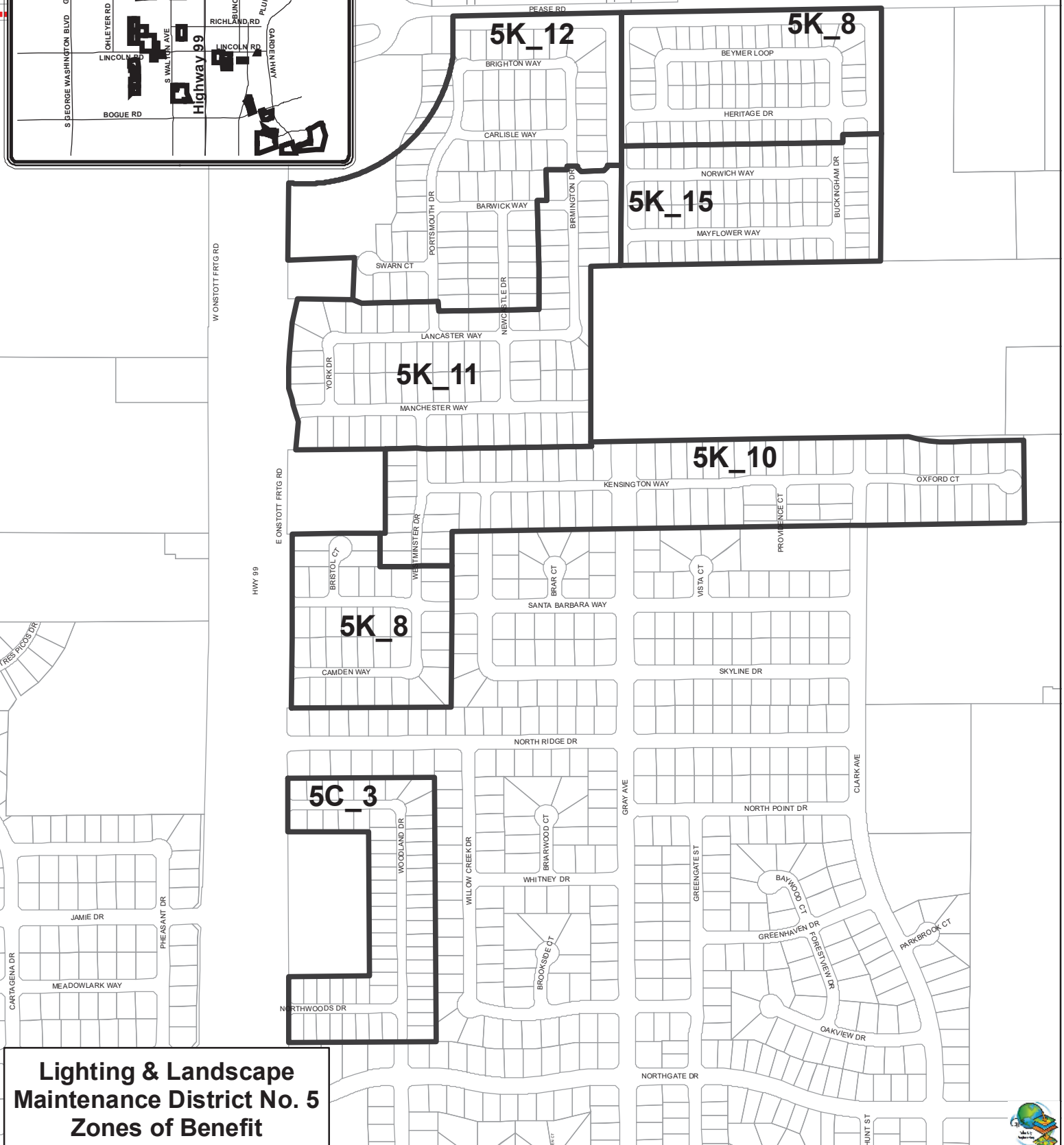
- Maintenance Districts
- City Limits



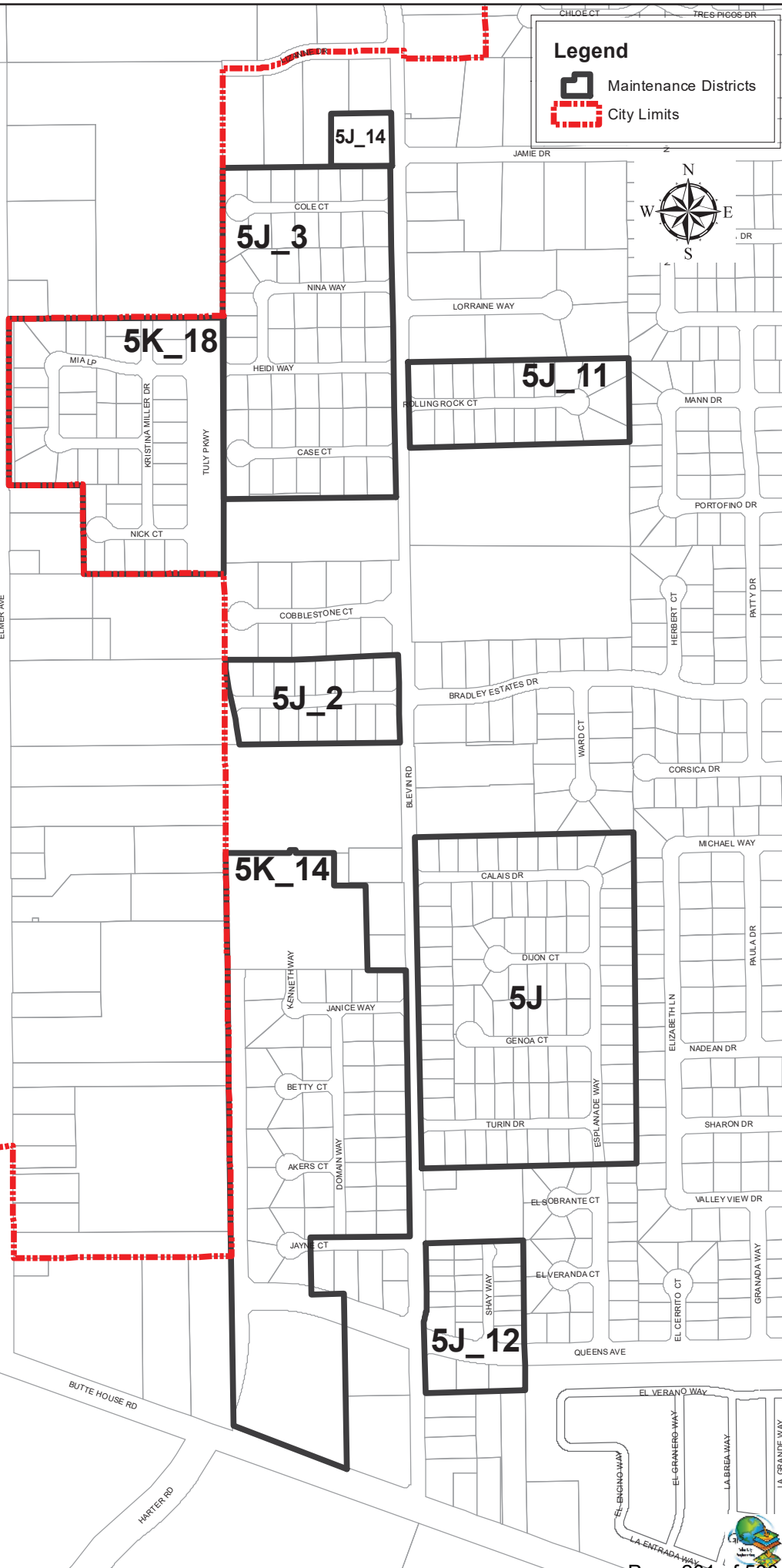


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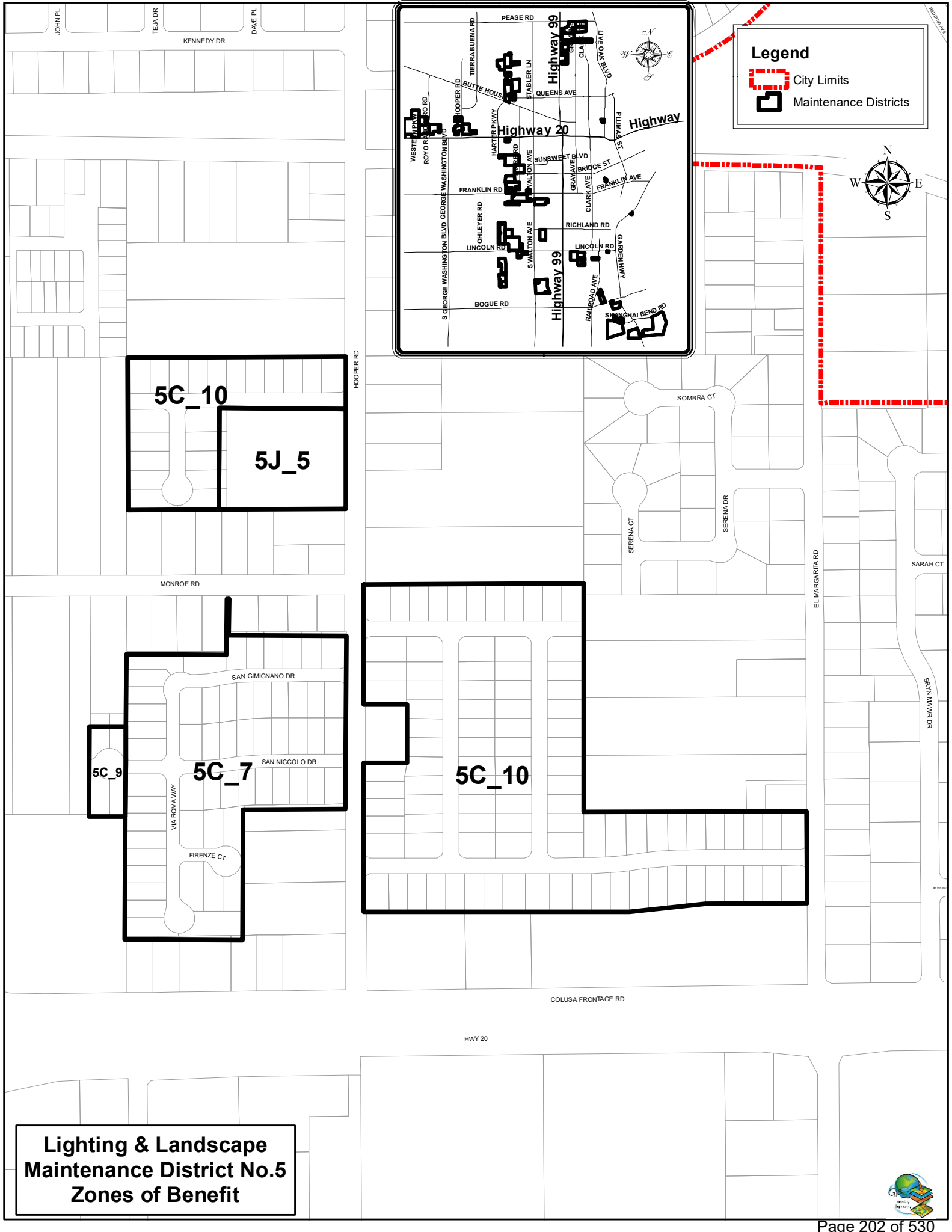
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- City Limits

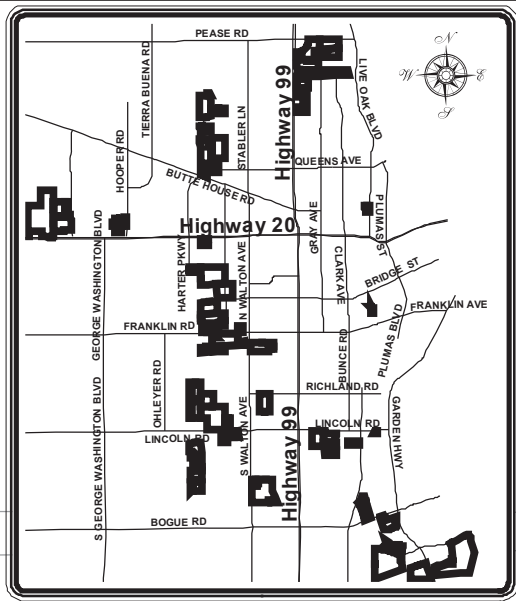


**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**



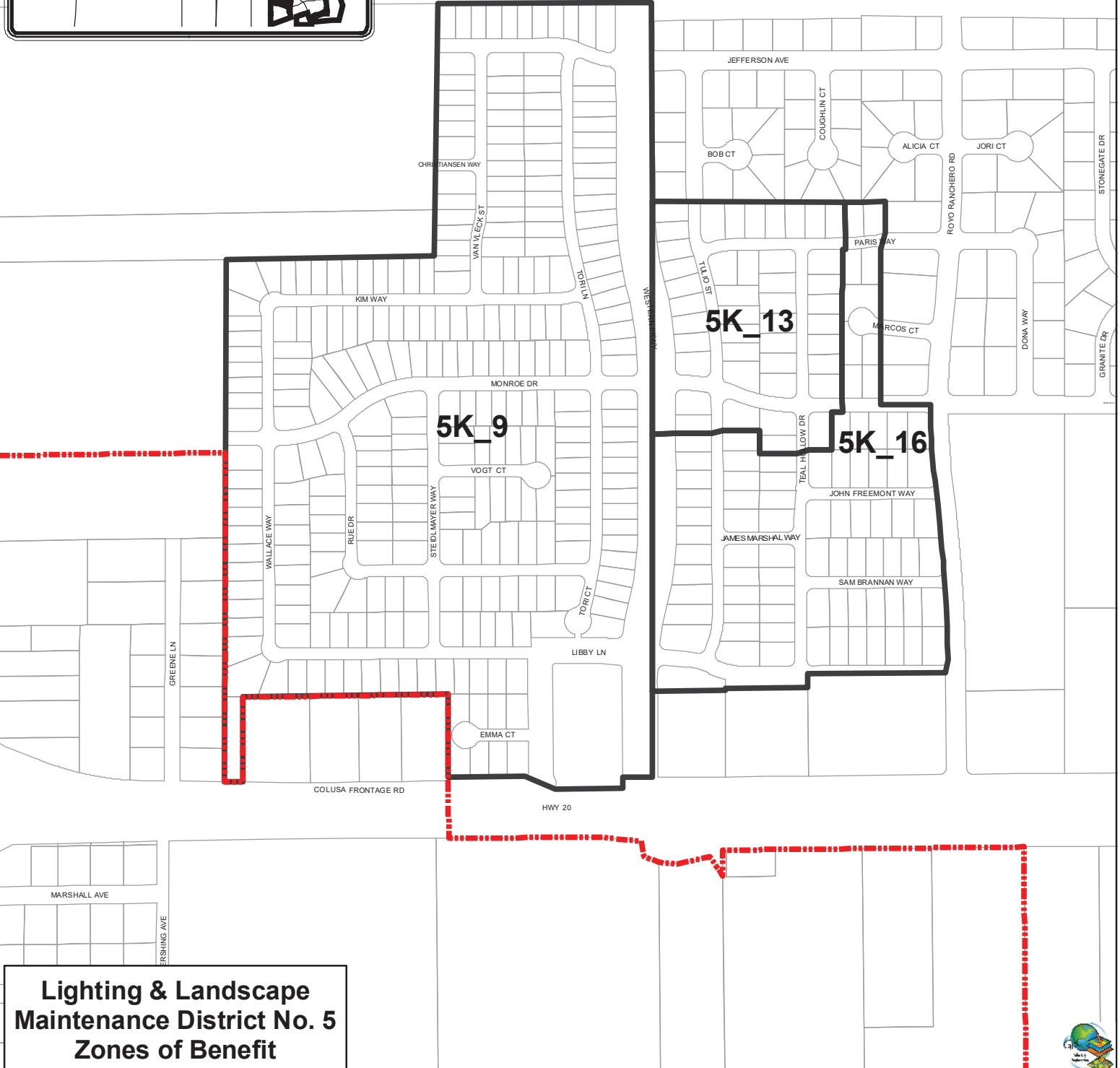
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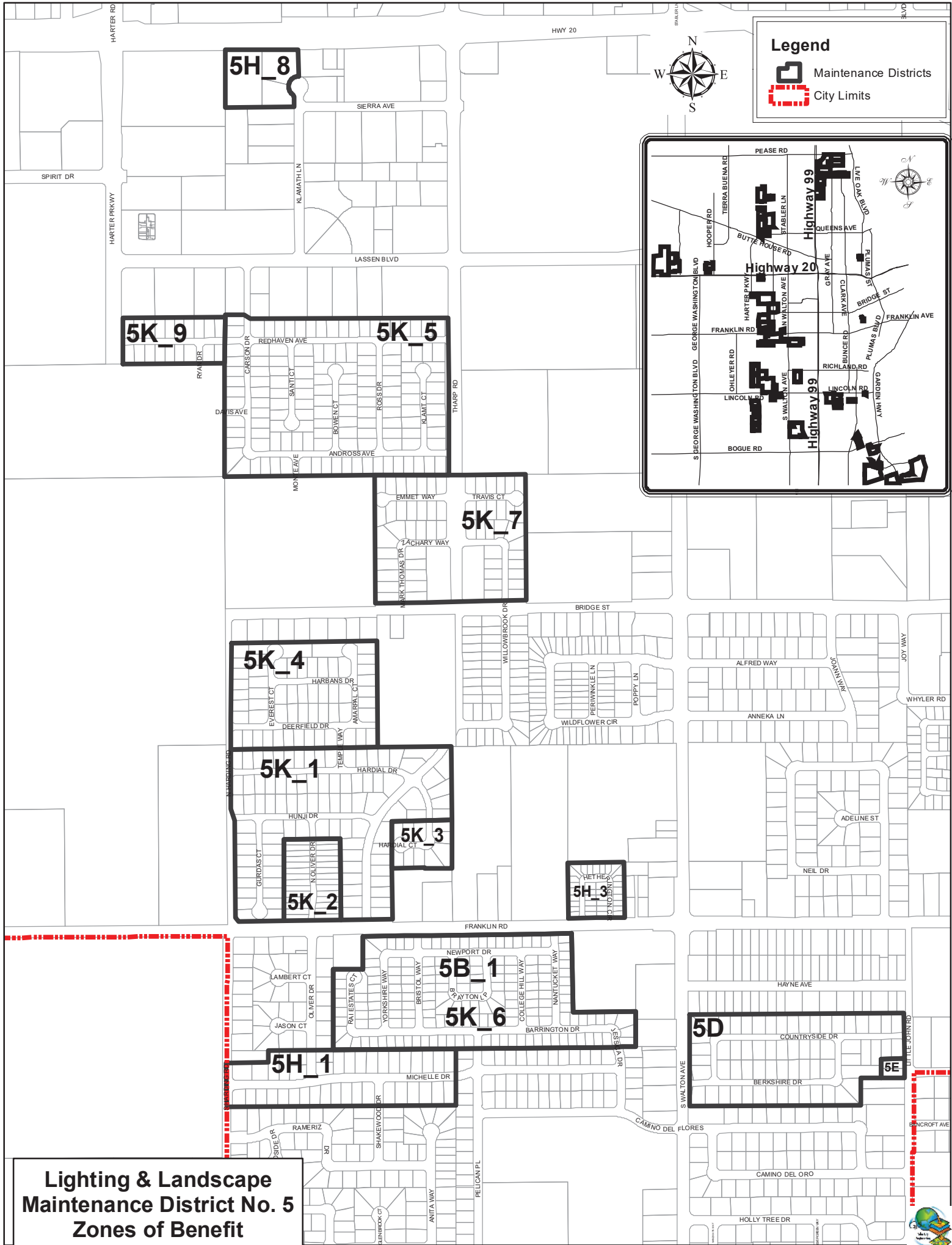


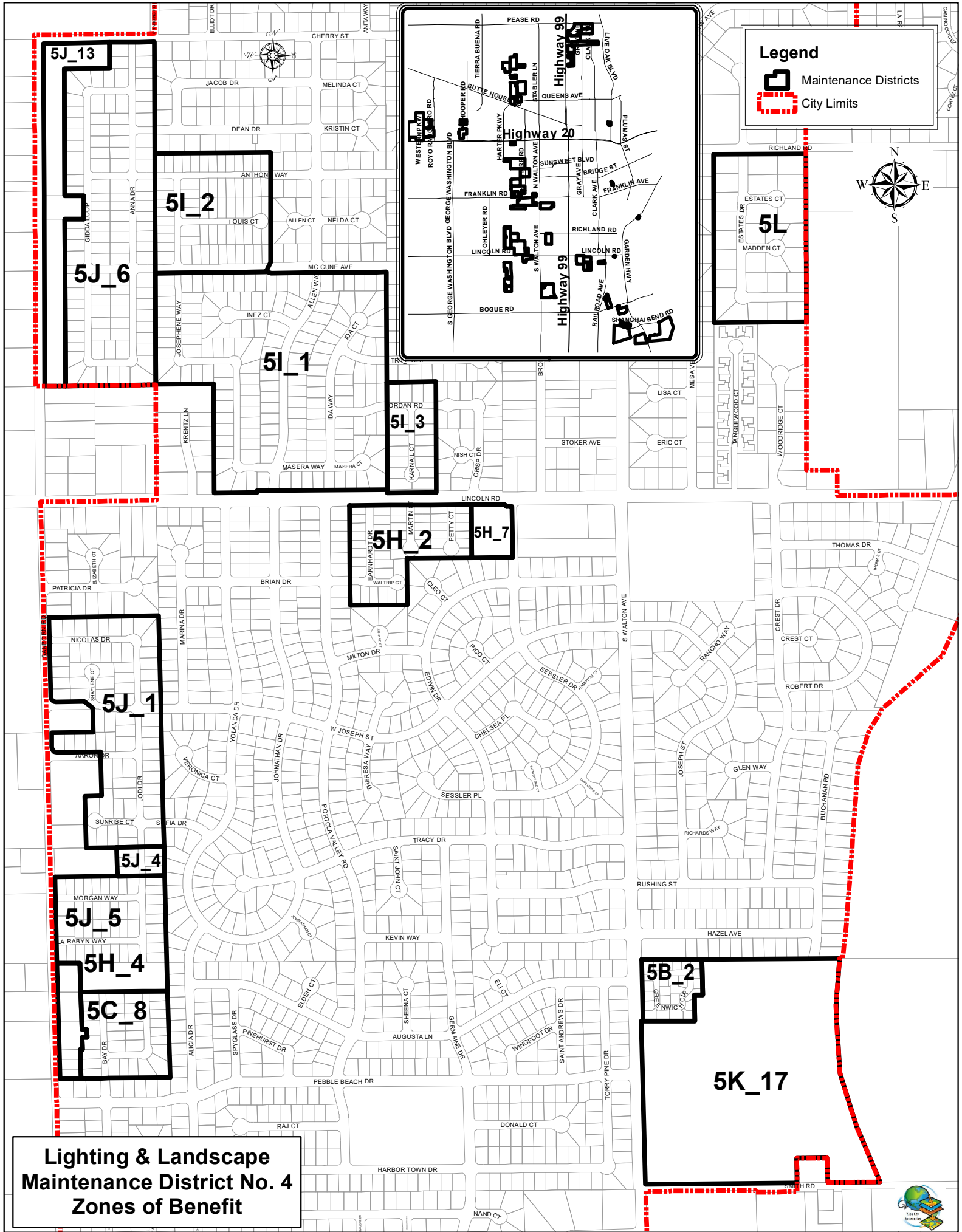
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 Maintenance Districts
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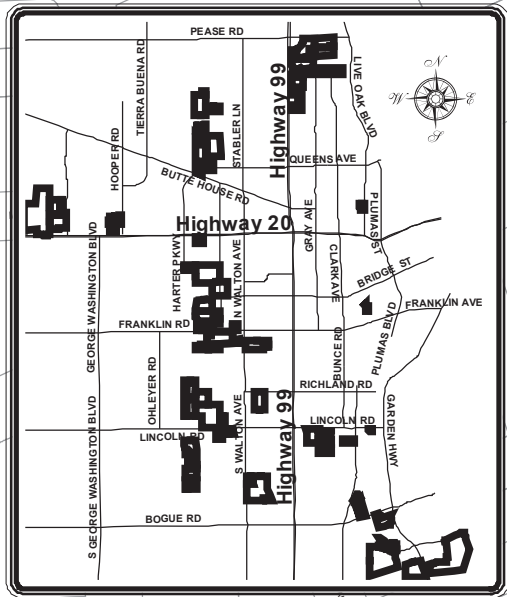
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Lighting & Landscape
 Maintenance District No. 5
 Zones of Benefit





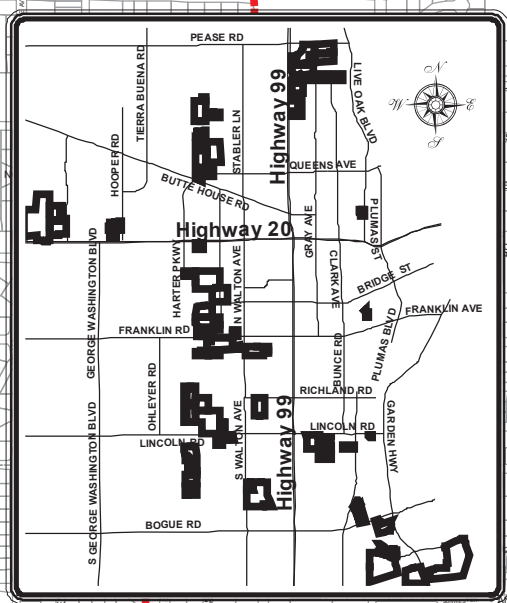


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-  Maintenance Districts
-  City Limits

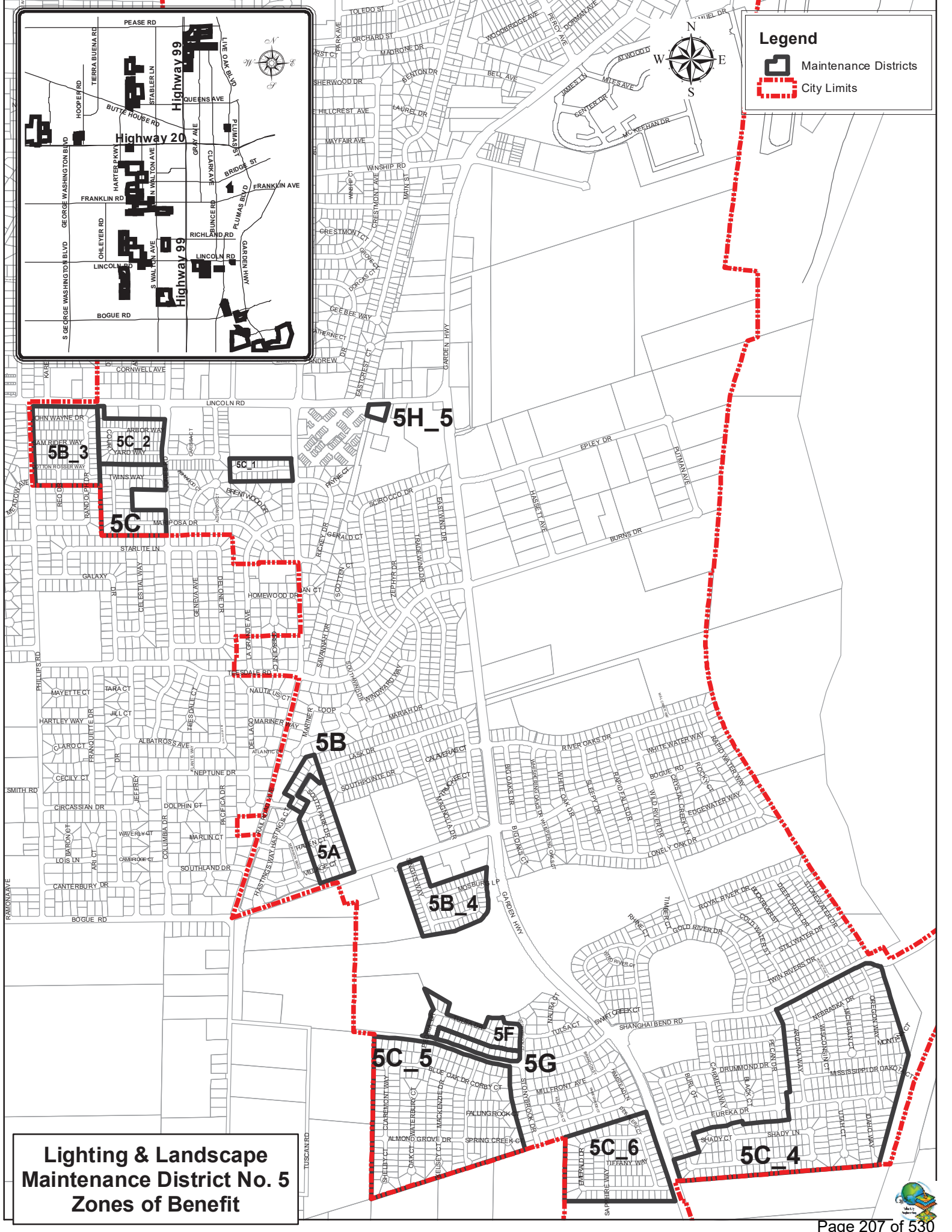


**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**

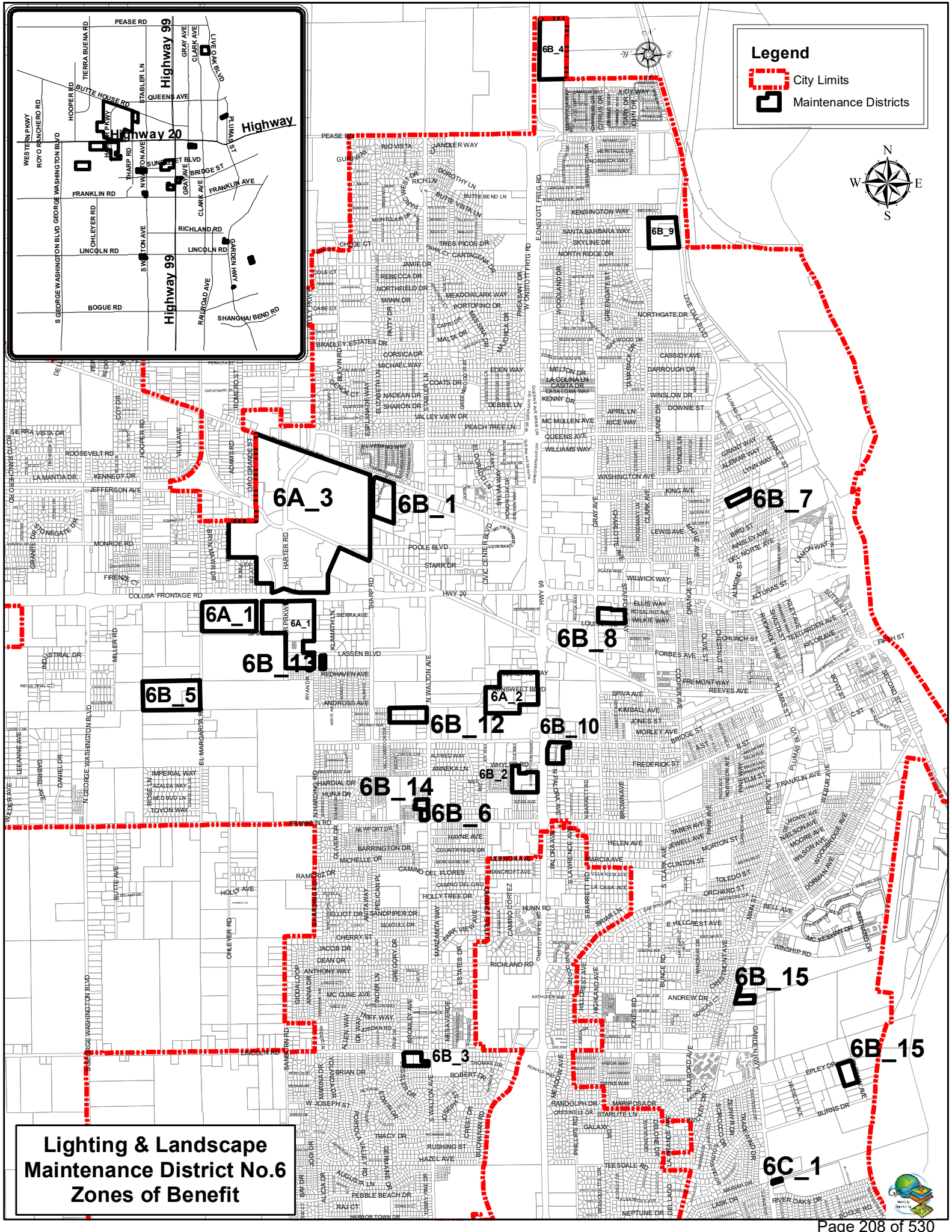


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- Maintenance Districts
- City Limits



**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**



**Lighting & Landscape
Maintenance District No.6
Zones of Benefit**

ATTACHMENT 3

DISTRICT 2-6 PROPOSED ASSESSMENTS

District	Zone of Benefit	FY 2023-24 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
2	A	\$618.14	\$20.28	\$689.04
3	A	\$195.92	\$74.76	\$195.93
4	A	\$302.76	\$37.70	\$513.02
	B	\$302.76	\$37.70	\$694.77
	C	\$302.76	\$37.70	\$421.56
	D	\$302.76	\$37.70	\$377.70
5	A	\$214.74	\$58.48	\$249.97
	B	\$76.05	(\$0.23)	\$83.91
	C_1-9	\$181.16	\$10.90	\$181.17
	C_10	\$117.35	\$7.07	\$117.35
	D	\$145.16	(\$14.36)	\$248.78
	E	\$102.74	\$6.18	\$102.74
	F	\$117.38	(\$11.64)	\$202.14
	G	\$63.18	\$3.80	\$63.19
	H_1-8	\$40.60	\$2.44	\$40.60
	H_9	\$89.60	\$5.38	\$89.61
	I	\$77.10	(\$2.92)	\$85.16
	J	\$146.20	(\$8.32)	\$228.16
	K 1-17	\$229.72	(\$10.44)	\$322.81
	K_18	\$240.80	(\$10.02)	\$425.93
	L	\$150.46	\$9.06	\$150.46
6	A_1	\$347.90	\$42.75	\$347.90
	A_2	\$347.89	\$42.74	\$347.90
	A_3	\$347.88	\$42.72	\$347.90
	B_1	\$526.06	(\$0.21)	\$559.51
	B_2	\$483.36	(\$0.20)	\$514.09

District	Zone of Benefit	FY 2021-22 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
6	B_3	\$332.52	(\$0.14)	\$353.66
	B_4	\$1,755.00	\$2.92	\$1,866.56
	B_5	\$0.00	\$0.00	\$533.30
	B_6	\$96.68	(\$0.05)	\$102.83
	B_7	\$96.68	(\$0.05)	\$102.83
	B_8	\$221.06	\$0.36	\$235.12
	B_9	\$437.66	\$0.73	\$465.49
	B_10	\$144.70	\$0.23	\$153.91
	B_12	\$166.78	\$0.27	\$177.38
	B_13	\$151.46	\$0.26	\$161.09
	B_14	\$171.12	(\$0.07)	\$182.00
	B_15	\$57.02	(\$0.03)	\$60.66
	C_1	\$530.50	(\$5.16)	\$570.00

ATTACHMENT 4



City of Yuba City

Lighting and Landscape Maintenance District No. 2 Zone of Benefit A (Town Center and Yuba City KFC)

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023

Intent Meeting: June 20, 2023

Public Hearing: July 18, 2023

27368 Via Industria
Suite 200
Temecula, CA 92590
T 951.587.3500 | 800.755.6864
F 951.587.3510

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ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

Yuba City Lighting and Landscape Maintenance District No. 2 Zone of Benefit A (Town Center and Yuba City KFC)

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2023/2024, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. OVERVIEW

A. INTRODUCTION

The City of Yuba City (“City”) annually levies and collects special assessments in order to maintain and service landscape improvements that provide special benefit to the Yuba City Lighting and Landscape Maintenance District (“District”). The District is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”). The District assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed in compliance with the substantive and procedural requirements of the California Constitution Article XIID (“Article XIID”).

This Engineer’s Annual Levy Report (“Report”) has been prepared in accordance with the provisions of Chapter 3, Section 22622 of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2023/2024. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel’s special benefits.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor Parcel Number (“APN”) by the County of Sutter (“County”) Assessor’s Office. The County Auditor/Controller uses APNs and specific fund numbers to identify properties assessed for special district benefit assessments on the tax roll.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid APN for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

B. COMPLIANCE WITH CURRENT LEGISLATION

On November 6, 1996, California voters approved Proposition 218 by a margin of 56.5% to 43.5%. All assessments described in this Report and approved by the City Council are prepared in accordance with the Act and are in compliance with the provisions of the California Constitution Article XIID (Proposition 218).

Pursuant to the California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, the City determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts are exempt from the procedural requirements Article XIID Section 4.

The District has been formed pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Pursuant to the 1972 Act, an annual Public Hearing is conducted by the City Council to accept property owner and public comments, to review the Engineer's Annual Levy Report prior to approving the annual assessments to be levied on the County tax rolls. The assessments described in this Report have been prepared in accordance with the 1972 Act.

The City affirms that the assessments contained in this report were imposed in accordance with a consent and waiver by 100% of the property owners as part of the original development approval for the properties within the District. Therefore, the City has determined that pursuant to Article XIID Section 5(b) the maximum assessment previously approved and levied for this District prior to the passage of Proposition 218 are considered exempt, provided the assessments are not increased above these previously approved maximum assessment rates.

The proposed annual levy of assessments for fiscal year commencing July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023/2024) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for fiscal year 2023/2024 do not exceed the maximum assessment rates authorized and are therefore in compliance with the provisions of the California Constitution Article XIID.

II. PLANS AND SPECIFICATIONS

Yuba City Lighting and Landscape Maintenance District No. 2 is comprised of one benefit area, known as Zone of Benefit A (Town Center and Yuba City KFC).

The Zone of Benefit A ("Zone A") consists of 14 commercial lots: 13 lots in the Town Center area and the Yuba City Kentucky Fried Chicken (KFC). The Town Center Area is located along the frontage of Plumas Street (including median), C Street, Percy Avenue, B Street and Franklin Avenue. The Yuba City KFC is located south of Bridge Street, west of Shasta Street, east of Plumas Street and north of A Street.

A. DESCRIPTION OF THE IMPROVEMENTS

The District improvements provide for the ongoing maintenance and servicing of landscaping material, irrigation systems, and street lighting in the Town Center Area along the frontage of Plumas Street (including median), C Street, Percy Avenue, B Street and Franklin Avenue.

Provisions of the 1972 Act

As generally defined, the improvements and the associated assessments for any District formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual

maintenance, operation, and servicing of any improvement, including, but not limited to:

- a) Repair, removal, or replacement of all or any part of any improvements.
 - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
 - d) The removal of trimmings, rubbish, debris, and other solid waste.
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
 - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices.
 - c) Compensation payable to the County for collection of assessments.
 - d) Compensation of any engineer or attorney employed to render services.
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

III. METHOD OF APPORTIONMENT

A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to the Article XIID Section 4, a parcel’s assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable and the District must separate the general benefits from the special benefits.

B. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — the method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of landscaped improvements installed as part of the original development. The desirability of properties within the District is enhanced by the presence of well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well

as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The

contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

C. ASSESSMENT METHODOLOGY

The level of special benefit received by each parcel in the zone is considered to be equal. Therefore, the estimated annual costs of the improvements are apportioned equally to all parcels within the zone, developed or undeveloped.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and therefore are not assessed.

D. ASSESSMENT RANGE FORMULA

Any new or increased assessments require voting, certain noticing, and meeting requirements. Article XIID added specific requirements including an assessment ballot and weighted tabulation of the ballots to determine if majority protest exists at the Public Hearing. In Fiscal Year 1993/1994 the Brown Act (*Government Code Section 54954.6(o)*) changed the definition of the term “*new or increased assessment*” to exclude certain conditions. These conditions included “*any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency and approved by the voters in the area where the assessment is imposed.*” This definition for a new or increased assessment was also addressed in Senate Bill 919 (the Proposition 218 implementation statutes).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

⁽¹⁾ *SCI Consulting Group (September 2015). City of Yuba City Landscape Maintenance Assessment District No. 2 Engineer’s Report, Fiscal Year 2015/2016. pgs 13-16.*

Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equals to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the Assessment approved by property owners adjusted annually by the following criteria:

- 1) Each fiscal year, the Maximum Assessment will be recalculated.
- 2) The new adjusted Maximum Assessment for the year represents the prior year’s Maximum Assessment adjusted by the percentage change from the previous year to the current year based on the “All Urban Consumers” Consumer Price Index, US City Average (CPI), as compiled by the United States Department of Labor Statistics. Effective Fiscal Year 2017/2018, the CPI month for annual adjustment has changed to January.
- 3) The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District’s annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer’s Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIID Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

IV. DISTRICT BUDGET FY 2023/2024

The following provides the proposed budget and associated increased maximum assessment commencing in Fiscal Year 2023/2024. This budget includes the City's estimate of anticipated expenditures, deficits, surpluses, revenues, and reserve fund balances associated with providing appropriate and adequate annual maintenance and operation of the improvements associated with each zone. The resulting maximum assessment rate established for each zone is based on the budget information presented herein and shall be used to calculate each parcel's proportional assessment obligation in accordance with the method of apportionment outlined in this Report.

Based on the budget information on the following page, the maximum assessment rate for Zone A will be \$689.04 per EBU for Fiscal Year 2023/2024.

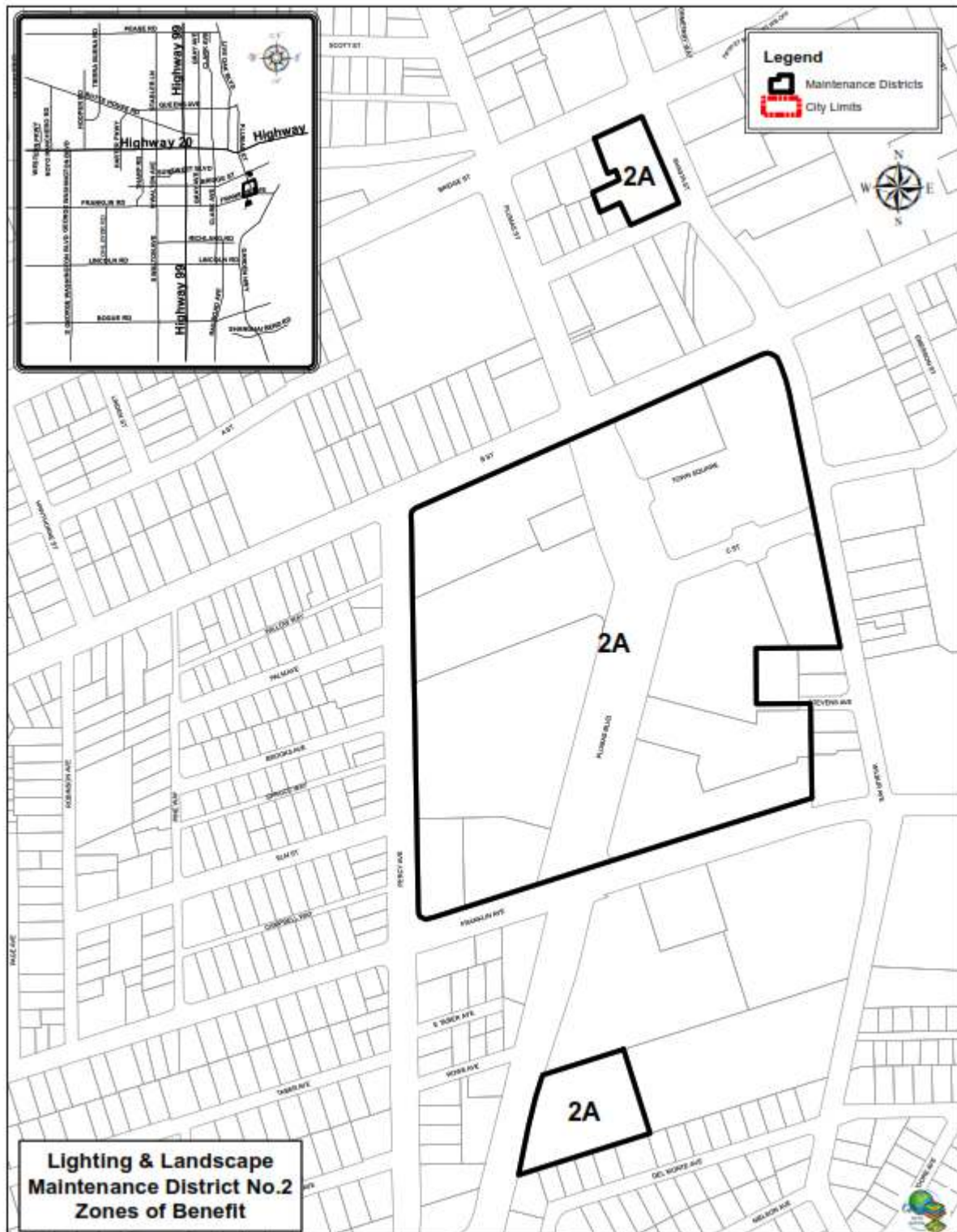
BUDGET ITEM	Zone 2A
DIRECT COSTS	
Heat/Power Utility	\$6,674.00
Street Lights Power Utility	0.00
Professional Services	21,616.00
Water Utility	843.00
Materials & Supplies	304.00
LMD Lights	0.00
Landscape Labor	4,782.00
Direct Costs Subtotal	\$34,219.00
ADMINISTRATION COSTS	
City Administration Costs	\$0.00
Willdan Financial Services Administration Fees	1,547.00
County Administration Fee	4.20
Miscellaneous Administration Expenses	0.00
Administrative Costs Subtotal	\$1,551.20
CAPITAL IMPROVEMENT EXPENSES	\$0.00
LEVY BREAKDOWN	
Total Direct and Admin. Costs	\$35,770.20
Operating Reserve Collection	0.00
Capital Reserve Collection	52,730.80
Levy Breakdown Subtotal	\$88,501.00
LEVY ADJUSTMENTS	
Operating Reserve Contribution	\$0.00
Capital Reserve Contribution	0.00
Additional City Contribution	0.00
Estimated Interest Earnings	(2,301.00)
Rounding Adjustment	(0.46)
Levy Adjustments Subtotal	(\$2,301.46)
BALANCE TO LEVY	\$86,199.54
OPERATING RESERVE	
Estimated Balance at June 30, 2023	\$115,064.00
FY2023/2024 Collection/(Contribution)	0.00
Transfer to Capital Improvement Reserve	(97,269.20)
Estimated Balance at June 30, 2024	\$17,794.80
CAPITAL IMPROVEMENT RESERVE	
Estimated Balance at June 30, 2023	\$0.00
FY2023/2024 Collection/(Contribution)	52,730.80
Transfer from Operating Reserve	97,269.20
Estimated Balance at June 30, 2024	\$150,000.00
DISTRICT STATISTICS	
Total Parcels	14
Total Parcels Levied	14
Total EBU	139.45
Levy per EBU (2023/2024)	\$618.14
Maximum Levy per EBU - 2022/2023	\$647.54
CPI Increase per EBU (6.41%)	\$41.50
Maximum Levy per EBU - 2023/2024	\$689.04
Maximum Levy Amount - 2023/2024	\$96,086.63

Appendix A - DISTRICT BOUNDARY MAPS

The original District assessment diagrams including the diagram for Zone of Benefit A were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The following is a reproduction of the County Assessor's Parcel Map associated with this District.

Yuba City Landscape Maintenance District No. 2



Appendix B - 2023/2024 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Sutter County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following page. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.



City of Yuba City

Lighting and Landscape Maintenance District No. 3 Zone of Benefit A (Palisades Subdivision)

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023

Intent Meeting: June 20, 2023

Public Hearing: July 18, 2023

27368 Via Industria
Suite 200
Temecula, CA 92590
T 951.587.3500 | 800.755.6864
F 951.587.3510

www.willdan.com



ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

Yuba City Lighting and Landscape Maintenance District No. 3 Zone of Benefit A (Palisades Subdivision)

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2023/2024, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Senior Project Manager
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. OVERVIEW

A. INTRODUCTION

The City of Yuba City (“City”) annually levies and collects special assessments in order to maintain and service landscape improvements that provide special benefit to the Yuba City Lighting and Landscape Maintenance District (“District”). The District is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”). The District assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed in compliance with the substantive and procedural requirements of the California Constitution Article XIID (“Article XIID”).

This Engineer’s Annual Levy Report (“Report”) has been prepared in accordance with the provisions of Chapter 3, Section 22622 of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2023/2024. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel’s special benefits.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor Parcel Number (“APN”) by the County of Sutter (“County”) Assessor’s Office. The County Auditor/Controller uses APNs and specific fund numbers to identify properties assessed for special district benefit assessments on the tax roll.

Pursuant to Chapter 3, beginning with Section 22620 of the 1972 Act, the City Council shall conduct a noticed annual public hearing to consider all public comments and written protests regarding the District. Following the annual public hearing and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments contained therein, the City Council will by resolution: order the improvements to be made and confirm the levy and collection of assessments pursuant to Chapter 4, Article 1, beginning with Section 22640 of the 1972 Act. The assessment rate and method of apportionment described in this Report as approved or modified by the City Council defines the assessments to be applied to each parcel within the District for Fiscal Year 2023/2024.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

B. COMPLIANCE WITH CURRENT LEGISLATION

On November 6, 1996, California voters approved Proposition 218 by a margin of 56.5% to 43.5%. All assessments described in this Report and approved by the City Council are prepared in accordance with the Act and are in compliance with the provisions of the California Constitution Article XIID (Proposition 218).

Pursuant to the California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, the City determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts are exempt from the procedural requirements Article XIID Section 4.

The District has been formed pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Pursuant to the Act, an annual Public Hearing is conducted by the City Council to accept property owner and public comments, to review the Engineer's Annual Levy Report prior to approving the annual assessments to be levied on the County tax rolls. The assessments described in this Report have been prepared in accordance with the Act.

The City affirms that the assessments contained in this report were imposed in accordance with a consent and waiver by 100% of the property owners as part of the original development approval for the properties within the District. Therefore, the City has determined that pursuant to Article XIID Section 5(b) the maximum assessment previously approved and levied for this District prior to the passage of Proposition 218 are considered exempt, provided the assessments are not increased above these previously approved maximum assessment rates.

The proposed annual levy of assessments for fiscal year commencing July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023/2024) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for fiscal year 2023/2024 do not exceed the maximum assessment rates authorized and are therefore in compliance with the provisions of the California Constitution Article XIID.

II. PLANS AND SPECIFICATIONS

A. DESCRIPTION OF THE DISTRICT

The District Zone of Benefit A ("Zone A") is comprised of 88 residential lots in the Palisades Subdivision.

B. DESCRIPTION OF THE IMPROVEMENTS

The District improvements provide for the ongoing maintenance and servicing of a detention pond, street trees and a pond landscape strip, and twelve street lights, which benefit parcels in Phases 1 and 2.

Provisions of the 1972 Act

As generally defined, the improvements and the associated assessments for any District formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts and public restrooms.

- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements.
 - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
 - d) The removal of trimmings, rubbish, debris, and other solid waste.
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
 - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
 - a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices.
 - c) Compensation payable to the County for collection of assessments.
 - d) Compensation of any engineer or attorney employed to render services.
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

III. METHOD OF APPORTIONMENT

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to the Article XIID Section 4, a parcel’s assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable, and the District must separate the general benefits from the special benefits.

A. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — the method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of landscaped improvements installed as part of the original development. The desirability of properties within the District is enhanced by the presence of well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.

- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and to aid police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding

properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

B. ASSESSMENT METHODOLOGY

The cost of annual operation and maintenance of the pond and the street trees and pond landscape strip has been apportioned equally to all 88 lots, developed or undeveloped, within the District. The cost of annual maintenance of the twelve street lights will be spread equally over all 88 lots in Phases 1 and 2.

C. ASSESSMENT RANGE FORMULA

Any new or increased assessments require voting, certain noticing, and meeting requirements. Article XIID added specific requirements including an assessment ballot and weighted tabulation of the ballots to determine if majority protest exists at the Public Hearing.

⁽¹⁾ *SCI Consulting Group (September 2015). City of Yuba City Landscape Maintenance Assessment District No. 3 Engineer's Report, Fiscal Year 2015-16. pgs 13-16.*

In Fiscal Year 1993/1994 the Brown Act (*Government Code Section 54954.6(o)*) changed the definition of the term “*new or increased assessment*” to exclude certain conditions. These conditions included “*any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency and approved by the voters in the area where the assessment is imposed.*” This definition for a new or increased assessment was also addressed in Senate Bill 919 (the Proposition 218 implementation statutes).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equals to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the Assessment approved by property owners adjusted annually by the following criteria:

- 1) Each fiscal year, the Maximum Assessment will be recalculated.
- 2) The new adjusted Maximum Assessment for the year represents the prior year’s Maximum Assessment adjusted by the percentage change from the previous year to the current year based on the “All Urban Consumers” Consumer Price Index, US City Average (CPI), as compiled by the United States Department of Labor Statistics. Effective Fiscal Year 2017/2018, the CPI month for annual adjustment has changed to January.
- 3) The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District’s annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer’s Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District

assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIID Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

IV. DISTRICT BUDGET FY 2023/2024

The following provides the proposed budget and associated increased maximum assessment commencing in Fiscal Year 2023/2024. This budget includes the City's estimate of anticipated expenditures, deficits, surpluses, revenues, and reserve fund balances associated with providing appropriate and adequate annual maintenance and operation of the improvements associated with each zone. The resulting maximum assessment rate established for each zone is based on the budget information presented herein and shall be used to calculate each parcel's proportional assessment obligation in accordance with the method of apportionment outlined in this Report.

Based on the budget information on the following page, the maximum assessment rate for Zone A will be \$195.93 per EBU for Fiscal Year 2023/2024.

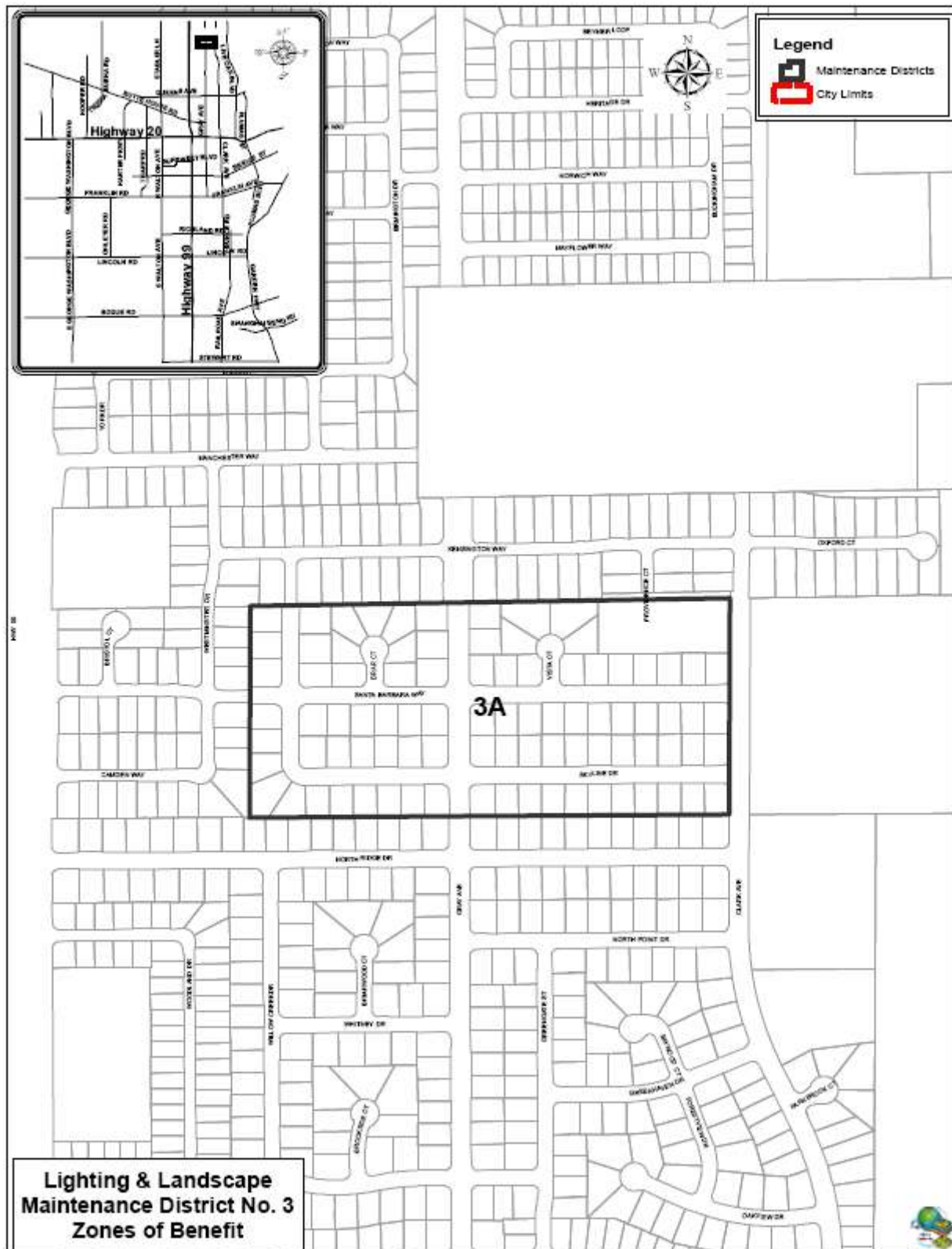
BUDGET ITEM	Zone 3A
DIRECT COSTS	
Heat/Power Utility	\$56.00
Street Lights Power Utility	0.00
Professional Services	15,627.00
Water Utility	0.00
Materials & Supplies	473.00
LMD Lights	0.00
Landscape Labor	0.00
Direct Costs Subtotal	\$16,156.00
ADMINISTRATION COSTS	
City Administration Costs	\$0.00
Willdan Financial Services Administration Fees	857.00
County Administration Fee	26.40
Miscellaneous Administration Expenses	0.00
Administrative Costs Subtotal	\$883.40
CAPITAL IMPROVEMENT EXPENSES	\$0.00
LEVY BREAKDOWN	
Total Direct and Admin. Costs	\$17,039.40
Operating Reserve Collection	249.44
Capital Reserve Collection	0.00
Levy Breakdown Subtotal	\$17,288.84
LEVY ADJUSTMENTS	
Operating Reserve Contribution	\$0.00
Capital Reserve Contribution	0.00
Additional City Contribution	0.00
Estimated Interest Earnings	(47.00)
Rounding Adjustment	(0.88)
Levy Adjustments Subtotal	(\$47.88)
BALANCE TO LEVY	\$17,240.96
OPERATING RESERVE	
Estimated Balance at June 30, 2023	(\$15,675.00)
FY2023/2024 Collection/(Contribution)	249.44
Transfer from Capital Improvement Reserve	18,000.00
Estimated Balance at June 30, 2024	\$2,574.44
CAPITAL IMPROVEMENT RESERVE	
Estimated Balance at June 30, 2023	\$18,000.00
FY2023/2024 Collection/(Contribution)	0.00
Transfer to Operating Reserve	(18,000.00)
Estimated Balance at June 30, 2024	\$0.00
DISTRICT STATISTICS	
Total Parcels	88
Total Parcels Levied	88
Total EBU	88.00
Levy per EBU (2023/2024)	\$195.92
Maximum Levy per EBU - 2022/2023	\$184.13
CPI Increase per EBU (6.41%)	\$11.80
Maximum Levy per EBU - 2023/2024	\$195.93
Maximum Levy Amount - 2023/2024	\$17,241.84

Appendix A - DISTRICT BOUNDARY MAPS

The original assessment diagrams and tract maps for the District were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The following is a reproduction of the County Assessor's Parcel Map associated with this District.

Yuba City Landscape Maintenance District No. 3



Appendix B - 2023/2024 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Sutter County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following pages. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.



City of Yuba City

Lighting and Landscape Maintenance District No. 4 Zones of Benefit A, B, C & D (Butte Vista Neighborhood)

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023

Intent Meeting: June 20, 2023

Public Hearing: July 18, 2023

27368 Via Industria
Suite 200
Temecula, CA 92590
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ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

Yuba City Lighting and Landscape Maintenance District No. 4

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2023/2024, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. OVERVIEW

A. INTRODUCTION

The City of Yuba City (“City”) annually levies and collects special assessments in order to maintain and service landscape improvements that provide special benefit to the Yuba City Lighting and Landscape Maintenance District (“District”). The District is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”). The District assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed in compliance with the substantive and procedural requirements of the California Constitution Article XIID (“Article XIID”).

This Engineer’s Annual Levy Report (“Report”) has been prepared in accordance with the provisions of Chapter 3, Section 22622 of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2023/2024. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel’s special benefits.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor Parcel Number (“APN”) by the County of Sutter (“County”) Assessor’s Office. The County Auditor/Controller uses APNs and specific fund numbers to identify properties assessed for special district benefit assessments on the tax roll.

Pursuant to Chapter 3, beginning with Section 22620 of the 1972 Act, the City Council shall conduct a noticed annual public hearing to consider all public comments and written protests regarding the District. Following the annual public hearing and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments contained therein, the City Council will by resolution: order the improvements to be made and confirm the levy and collection of assessments pursuant to Chapter 4, Article 1, beginning with Section 22640 of the 1972 Act. The assessment rate and method of apportionment described in this Report as approved or modified by the City Council defines the assessments to be applied to each parcel within the District for Fiscal Year 2023/2024.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

B. COMPLIANCE WITH CURRENT LEGISLATION

On November 6, 1996, California voters approved Proposition 218 by a margin of 56.5% to 43.5%. All assessments described in this Report and approved by the City Council are prepared in accordance with the Act and are in compliance with the provisions of the California Constitution Article XIID (Proposition 218).

Pursuant to the California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, the City determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts are exempt from the procedural requirements Article XIID Section 4.

The District has been formed pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Pursuant to the Act, an annual Public Hearing is conducted by the City Council to accept property owner and public comments, to review the Engineer's Annual Levy Report prior to approving the annual assessments to be levied on the County tax rolls. The assessments described in this Report have been prepared in accordance with the Act.

The City affirms that the assessments contained in this report were imposed in accordance with a consent and waiver by 100% of the property owners as part of the original development approval for the properties within the District. Therefore, the City has determined that pursuant to Article XIID Section 5(b) the maximum assessment previously approved and levied for this District prior to the passage of Proposition 218 are considered exempt, provided the assessments are not increased above these previously approved maximum assessment rates.

The proposed annual levy of assessments for fiscal year commencing July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023/2024) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for Fiscal Year 2023/2024 do not exceed the maximum assessment rates authorized and are therefore in compliance with the provisions of the California Constitution Article XIID.

II. PLANS AND SPECIFICATIONS

A. DESCRIPTION OF THE DISTRICT

The District was formed to ensure the ongoing maintenance and servicing of local street lighting and landscaping improvements providing special benefit to the Butte Vista Neighborhood in the subdivisions in zones of benefit as shown on the Assessment Diagrams on file with the City Clerk. District Zone of Benefit A ("Zone A") is comprised of 43 residential lots on a total of 14 acres in the Regency Park Estates Unit No. 1 area. District Zone of Benefit B ("Zone B") is comprised of 28 residential lots on a total of 12 acres in the Regency Park Estates, Unit No. 2 area. District Zone of Benefit C ("Zone C") is comprised of 160 residential lots on a total of 46.86 acres in the Regency Park Estates, Unit No. 3 and Butte Vista West Estates Units 1, 2 & 3. District Zone of Benefit D ("Zone D") is comprised of 347 residential lots in the Butte Vista Estates-Units No. 1 & 2 and Stabler Park Estates-Units 1 & 2, Tres Picos Estates and Tres Picos West Estates.

B. DESCRIPTION OF THE IMPROVEMENTS

The District improvements include the annual maintenance and servicing of both neighborhood street lighting and landscaping facilities as well as local street lighting and landscaping facilities within the Benefit Zones A, B, C & D.

Neighborhood Lighting and Landscaping

Neighborhood street lighting facilities are all 100-watt street lights and include thirteen (13) lights on the south half of Pease Road, fourteen (14) lights on both sides of Stabler Lane, and eight (8) lights on Onstott Frontage Road. Neighborhood landscaping facilities include a detention pond, landscape medians on Pease Road, Stabler Lane and Buttes Vista, the landscape areas between the perimeter walls and the curb and gutter along Stabler Lane, Pease road and Onstott Frontage Road. The maintenance and servicing of these facilities comprise the Neighborhood Lighting and Landscaping improvements. Each new subdivision added to the district will be based on this design standard.

Each zone of benefit will share in the annual costs of the Neighborhood Lighting and Landscaping improvements based on the proportion that each zones subdivision area, as shown on each final map, is to the total 240 acres of the Butte Vista Neighborhood Plan.

Local (Zone) Lighting and Landscaping

Zone A provides the maintenance and servicing of 70-watt street lights, interior street trees, and a 410' by 16' landscape strip on Parc West Drive. Zone B provides the maintenance and servicing of 70-watt street lights, interior street trees, and a 480' by 16' landscape strip on Parc West Drive. Zone C provides the maintenance and servicing of 70-watt street lights, and interior street trees. Zone D provides the maintenance and servicing of 70-watt street lights, and interior street trees.

Provisions of the 1972 Act

As generally defined, the improvements and the associated assessments for any District formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements.

- b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
 - d) The removal of trimmings, rubbish, debris, and other solid waste.
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
 - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices.
 - c) Compensation payable to the County for collection of assessments.
 - d) Compensation of any engineer or attorney employed to render services.
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

III. METHOD OF APPORTIONMENT

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to the Article XIID Section 4, a parcel’s assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable and the District must separate the general benefits from the special benefits.

A. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original development. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.

- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and to aid police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record

between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

B. ASSESSMENT METHODOLOGY

For each of the zones of benefit, the level of special benefit received by each parcel in the zone is considered to be equal. Therefore, the estimated annual costs of the improvements for each zone of benefit are determined separately and are apportioned equally to all parcels, developed or undeveloped, within each zone of benefit.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and therefore are not assessed.

⁽¹⁾ SCI Consulting Group (September 2015). City of Yuba City Landscape Maintenance Assessment District No. 4 Engineer's Report, Fiscal Year 2015-16. pgs 13-16.

C. ASSESSMENT RANGE FORMULA

Any new or increase in assessments require certain noticing and meeting requirements by law. Prior to the passage of Proposition 218, legislative changes in the Brown Act defined the definition of “new or increased assessment” to exclude certain conditions. These conditions included “any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed.” This definition and conditions were later confirmed through SB919 (Proposition 218 implementation statutes).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equals to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the following criteria:

- 1) Each fiscal year, the Maximum Assessment will be recalculated.
- 2) The new adjusted Maximum Assessment for the year represents the prior year’s Maximum Assessment adjusted by the percentage change from the previous year to the current year based on the “All Urban Consumers” Consumer Price Index, US City Average (CPI), as compiled by the United States Department of Labor Statistics. Effective Fiscal Year 2017/2018, the CPI month for annual adjustment has changed to January.
- 3) The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District’s annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer’s Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIID Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

IV. DISTRICT BUDGET FY 2023/2024

The following provides the proposed budget and associated increased maximum assessment commencing in fiscal year 2023/2024. This budget includes the City's estimate of anticipated expenditures, deficits, surpluses, revenues, and reserve fund balances associated with providing appropriate and adequate annual maintenance and operation of the improvements associated with each zone. The resulting maximum assessment rate established for each zone is based on the budget information presented herein and shall be used to calculate each parcel's proportional assessment obligation in accordance with the method of apportionment outlined in this Report.

Based on the budget information on the following page, the maximum assessment rate for Zone A will be \$513.02 per EBU, Zone B will be \$694.77 per EBU, Zone C will be \$421.56 per EBU, and Zone D will be \$377.70 per EBU for fiscal year 2023/2024.

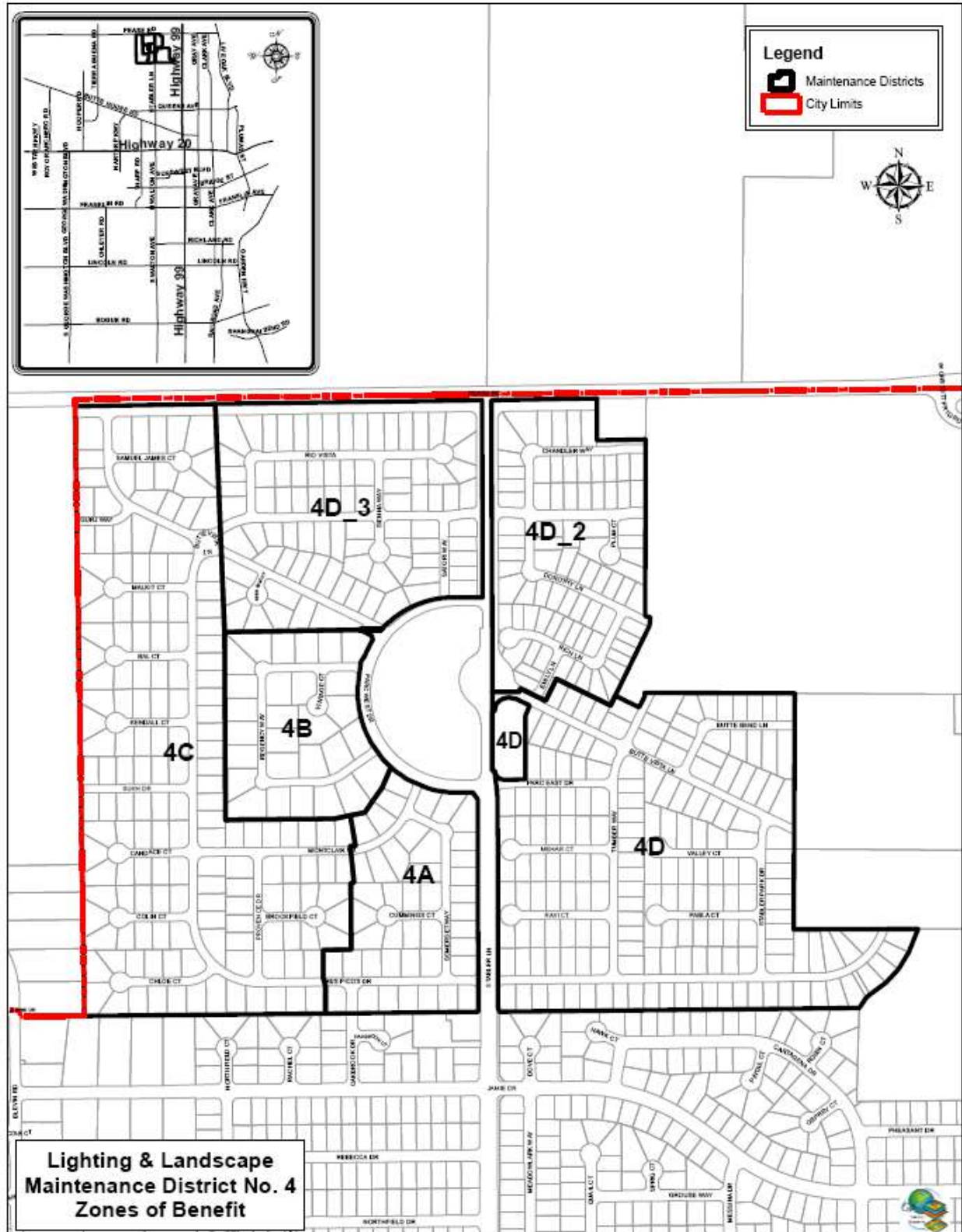
BUDGET ITEM	Zone 4A	Zone 4B	Zone 4C	Zone 4D	Total
DIRECT COSTS					
Heat/Power Utility	\$34.15	\$22.24	\$127.06	\$275.56	\$459.00
Street Lights Power Utility	454.18	295.74	1,689.97	3,665.11	6,105.00
Professional Services	3,760.57	2,448.74	13,992.80	30,346.89	50,549.00
Water Utility	1,178.33	767.29	4,384.50	9,508.88	15,839.00
Materials & Supplies	84.07	54.74	312.80	678.39	1,130.00
LMD Lights	1,225.72	798.15	4,560.83	9,891.30	16,476.00
Landscape Labor	1,573.15	1,024.37	5,853.56	12,694.92	21,146.00
Direct Costs Subtotal	\$8,310.16	\$5,411.27	\$30,921.52	\$67,061.05	\$111,704.00
ADMINISTRATION COSTS					
City Administration Costs	\$642.10	\$418.11	\$2,389.20	\$5,181.59	\$8,631.00
Willdan Financial Services Administration Fees	633.47	412.49	2,357.09	5,111.95	8,515.00
County Administration Fee	12.90	8.40	48.00	104.10	173.40
Miscellaneous Administration Expenses	0.00	0.00	0.00	0.00	0.00
Administrative Costs Subtotal	\$1,288.47	\$839.00	\$4,794.30	\$10,397.63	\$17,319.40
CAPITAL IMPROVEMENT EXPENSES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LEVY BREAKDOWN					
Total Direct and Admin. Costs	\$9,598.63	\$6,250.27	\$35,715.82	\$77,458.68	\$129,023.40
Operating Reserve Collection	3,640.98	2,370.87	13,547.85	29,381.89	48,941.60
Capital Reserve Collection	0.00	0.00	0.00	0.00	0.00
Levy Breakdown Subtotal	\$13,239.61	\$8,621.14	\$49,263.67	\$106,840.58	\$177,965.00
LEVY ADJUSTMENTS					
Operating Reserve Contribution	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Reserve Contribution	0.00	0.00	0.00	0.00	0.00
Additional City Contribution	0.00	0.00	0.00	0.00	0.00
Estimated Interest Earnings	(220.58)	(143.63)	(820.76)	(1,780.03)	(2,965.00)
Rounding Adjustment	(0.35)	(0.23)	(1.31)	(2.83)	(4.72)
Levy Adjustments Subtotal	(\$220.93)	(\$143.86)	(\$822.07)	(\$1,782.86)	(\$2,969.72)
BALANCE TO LEVY	\$13,018.68	\$8,477.28	\$48,441.60	\$105,057.72	\$174,995.28
OPERATING RESERVE					
Estimated Balance at June 30, 2023	\$6,192.89	\$4,032.58	\$23,043.32	\$49,975.20	\$83,244.00
FY2023/2024 Collection/(Contribution)	3,640.98	2,370.87	13,547.85	29,381.89	48,941.60
Transfer to Capital Improvement Reserve	(\$162.60)	(\$105.88)	(\$605.01)	(\$1,312.12)	(2,185.60)
Estimated Balance at June 30, 2024	\$9,671.28	\$6,297.58	\$35,986.16	\$78,044.98	\$130,000.00
CAPITAL IMPROVEMENT RESERVE					
Estimated Balance at June 30, 2023	\$4,835.64	\$3,148.79	\$17,993.08	\$39,022.49	\$65,000.00
FY2023/2024 Collection/(Contribution)	0.00	0.00	0.00	0.00	0.00
Transfer from Operating Reserve	\$162.60	\$105.88	\$605.01	\$1,312.12	2,185.60
Estimated Balance at June 30, 2024	\$4,998.24	\$3,254.67	\$18,598.09	\$40,334.61	\$67,185.60
DISTRICT STATISTICS					
Total Parcels	43	28	160	347	578
Total Parcels Levied	43	28	160	347	578
Total EBU	43.00	28.00	160.00	347.00	578.00
Levy per EBU (2023/2024)	\$302.76	\$302.76	\$302.76	\$302.76	
Maximum Levy per EBU - 2022/2023	\$482.12	\$652.92	\$396.17	\$354.95	
CPI Increase per EBU (6.41%)	\$30.90	\$41.85	\$25.40	\$22.75	
Maximum Levy per EBU - 2023/2024	\$513.02	\$694.77	\$421.56	\$377.70	
Maximum Levy Amount - 2023/2024	\$22,060.06	\$19,453.56	\$67,449.60	\$131,062.88	\$240,026.10

Appendix A - DISTRICT BOUNDARY MAPS

The original assessment diagrams and tract maps for the District were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The following are reproductions of the County Assessor's Parcel Map associated with each subdivision and Zone.

Yuba City Landscape Maintenance District No. 4



Appendix B - 2023/2024 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Sutter County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following pages. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.



City of Yuba City

Lighting and Landscape Maintenance District No. 5 Zones of Benefit A - L

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023
Intent Meeting: June 20, 2023
Public Hearing: July 18, 2023

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ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

Yuba City Lighting and Landscape Maintenance District No. 5

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2023/2024, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. OVERVIEW

A. INTRODUCTION

The City of Yuba City (“City”) annually levies and collects special assessments in order to maintain and service landscape improvements that provide special benefit to the Yuba City Lighting and Landscape Maintenance District (“District”). The District is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”). The District assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed in compliance with the substantive and procedural requirements of the California Constitution Article XIID (“Article XIID”).

This Engineer’s Annual Levy Report (“Report”) has been prepared in accordance with the provisions of Chapter 3, Section 22622 of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2023/2024. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel’s special benefits.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor Parcel Number (“APN”) by the County of Sutter (“County”) Assessor’s Office. The County Auditor/Controller uses APNs and specific fund numbers to identify properties assessed for special district benefit assessments on the tax roll.

Pursuant to Chapter 3, beginning with Section 22620 of the 1972 Act, the City Council shall conduct a noticed annual public hearing to consider all public comments and written protests regarding the District. Following the annual public hearing and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments contained therein, the City Council will by resolution: order the improvements to be made and confirm the levy and collection of assessments pursuant to Chapter 4, Article 1, beginning with Section 22640 of the 1972 Act. The assessment rate and method of apportionment described in this Report as approved or modified by the City Council defines the assessments to be applied to each parcel within the District for Fiscal Year 2023/2024.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

B. COMPLIANCE WITH CURRENT LEGISLATION

On November 6, 1996, California voters approved Proposition 218 by a margin of 56.5% to 43.5%. All assessments described in this Report and approved by the City Council are prepared in accordance with the Act and are in compliance with the provisions of the California Constitution Article XIID (Proposition 218).

Pursuant to the California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, the City determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts are exempt from the procedural requirements Article XIID Section 4.

The District has been formed pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Pursuant to the Act, an annual Public Hearing is conducted by the City Council to accept property owner and public comments, to review the Engineer's Annual Levy Report prior to approving the annual assessments to be levied on the County tax rolls. The assessments described in this Report have been prepared in accordance with the Act.

The City affirms that the assessments contained in this report were imposed in accordance with a consent and waiver by 100% of the property owners as part of the original development approval for the properties within the District. Therefore, the City has determined that pursuant to Article XIID Section 5(b) the maximum assessment previously approved and levied for this District prior to the passage of Proposition 218 are considered exempt, provided the assessments are not increased above these previously approved maximum assessment rates.

The proposed annual levy of assessments for fiscal year commencing July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023/2024) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for Fiscal Year 2023/2024 do not exceed the maximum assessment rates authorized and are therefore in compliance with the provisions of the California Constitution Article XIID.

II. PLANS AND SPECIFICATIONS

A. DESCRIPTION OF THE DISTRICT

The District is comprised of twelve distinct zones within the City, as shown on the Assessment Diagrams on file with the City Clerk, each receiving different levels of benefit from the District improvements. The primary distinction between zones of benefit in the same subdivision is whether or not the zone lots or parcels are in close enough proximity to receive special benefit from street trees.

The Zone of Benefit A ("Zone A") is comprised of 32 assessable lots located in South Park Village. The Zone of Benefit B ("Zone B") is comprised of 350 assessable lots located in South Park Village, Rai Estates, Sutter Cottages, Phillips Estates, Garden Gate Estates and Fletcher Place. The Zone of Benefit C ("Zone C") is comprised of 672 assessable lots located in Wheeler Estates, Graystone Manor, Hillcrest Courtyard, Onstott Estates, Walnut Glen Units 1 & 2, Almond Grove Units 1, 2 & 3, Diamond Pointe, Bay Drive Estates 2, Siena and Siena Estates West, Hooper Ranch Estates Phase 2 and Henson Ranch, Phase 1. The Zone of Benefit D ("Zone D") is comprised of 62 assessable lots located in Walton Station. The Zone of Benefit E ("Zone E") is comprised of 2 assessable lots located in Walton Station. The Zone of Benefit F ("Zone F") is comprised of 23 assessable lots located in Park Vista. The Zone of Benefit G ("Zone G") is comprised of 14 assessable lots located in Park Vista. The Zone of Benefit H ("Zone H") is comprised of 152 assessable lots located in Phalla Estates, Daytona Estates, Hetherington Place, Hampton Court, Sanborn Parcel Map, New Haven Apartments and Faith Court Subdivision. The Zone of Benefit I ("Zone I") is comprised of 237 assessable lots located in Masera Ranch Subdivision No. 2, and Shankar Village. The Zone of Benefit J ("Zone J") is comprised of 437 assessable lots located in Sutter Butte Estates, Units 1 & 2, North/South Butte Village, Signature Estates, Summerhill Estates, East Sanborn Estates, Inglerock Estates, Westbrook, Rollingrock Estates, Westside Estates, Karnegis Estates 2 and Hooper Ranch Estates 1. The Zone of Benefit K ("Zone K") is comprised of 1,283 assessable lots located in Hunji Village 1 & 2, Franklin Road Estates, Canterbury Estates 2, 3 & 4, Teal Hollow 1, Domain Estates, Temple Village, Del Monte Ranch, Bridge Street, Canterbury and North Canterbury Estates, Walnut Park, River Valley, North Canterbury Estates 2, Valencia Estates, Dunn Ranch

Estates, Unit 1 and Domain Estates, Unit 3. The Zone of Benefit L (“Zone L”) is comprised of 27 assessable lots located in Richland Ranch.

B. DESCRIPTION OF THE IMPROVEMENTS

The Lighting and Landscaping design standard, for all new subdivisions in the district, for each zone of benefit is as follows:

Zone A & B improvements include the ongoing maintenance and servicing of eight (8) 70-watt street lights, and the wall and landscape strip along Bogue Road. In addition, the Zone A parcels have front footage on streets with street trees and therefore provide for the maintenance of 63 interior street trees.

Zone C improvements include the ongoing maintenance and servicing of five (5) 70-watt street lights, two (2) 100-watt street lights, three (3) 35-watt street lights and 78 street trees. Also funded by Zone C is the maintenance and servicing to landscaping strips, planters, and irrigation systems, street end barricades and associated chain link fencing, detention ponds and associated slide gates, and any related appurtenances for the foregoing items.

Zone D and E improvements include the ongoing maintenance and servicing of fifteen (15) 70-watt street lights, two (2) 100-watt street lights, and the wall and landscape strip along Walton Avenue. In addition, the Zone D parcels have front footage on streets with street trees and therefore provide for the maintenance of 102 interior street trees.

Zone F and G improvements include the ongoing maintenance and servicing of eight (8) 70-watt street lights, and one (1) 100-watt street light. In addition, the Zone F parcels have front footage on streets with street trees and therefore provide for the maintenance of 36 interior street trees.

Zone H improvements include the ongoing maintenance and servicing of seven (7) 70-watt street lights.

Zone I improvements include the ongoing maintenance and servicing of thirty-seven (37) 70-watt street lights, one (1) 100-watt street light, twelve (12) trees and the wall and landscape strip along Lincoln Road.

Zone J improvements include the ongoing maintenance and servicing of twenty (20) 70-watt street lights, two (2) 100-watt street lights and 172 street trees.

Zone K improvements include the ongoing maintenance and servicing of forty-seven (47) 70-watt street lights, four (4) 100-watt street lights, 334 street trees, the wall and landscape strip along Franklin and Harding Road and Tuly Parkway, and the landscape strips and planters along Elmer Road. Also funded by Zone K is the maintenance and replacement of barricades and associated chain link fencing.

Zone L improvements include the ongoing maintenance and servicing of nine (9) 100-watt street lights, the landscape entrance to Richland Ranch, and the wall and landscape strip for Richland Ranch.

Provisions of the 1972 Act

As generally defined, the improvements and the associated assessments for any District formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements.
 - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
 - d) The removal of trimmings, rubbish, debris, and other solid waste.
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
 - a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices.
 - c) Compensation payable to the County for collection of assessments.
 - d) Compensation of any engineer or attorney employed to render services.
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

III. METHOD OF APPORTIONMENT

A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to Article XIID Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable and the District must separate the general benefits from the special benefits.

B. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original development. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and to aid police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more

than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extension of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

C. ASSESSMENT METHODOLOGY

For each of the zones of benefit, the level of special benefit received by each parcel in the zone is considered to be equal. Therefore, the estimated annual costs of the improvements for each zone of benefit are determined separately and are apportioned equally to all parcels, developed or undeveloped, within each zone of benefit.

D. ASSESSMENT RANGE FORMULA

Any new or increase in assessments require certain noticing and meeting requirements by law. Prior to the passage of Proposition 218, legislative changes in the Brown Act defined the definition of “new or increased assessment” to exclude certain conditions. These conditions included “any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed.” This definition and conditions were later confirmed through SB919 (Proposition 218 implementation statutes).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equal to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the following criteria:

- 1) Each fiscal year, the Maximum Assessment will be recalculated.
- 2) The new adjusted Maximum Assessment for the year represents the prior year’s Maximum Assessment adjusted by the percentage change from the previous year to the current year based on the “All Urban Consumers” Consumer Price Index, US City Average (CPI), as compiled by the United

⁽¹⁾ *SCI Consulting Group (September 2015). City of Yuba City Landscape Maintenance Assessment District No. 5 Engineer’s Report, Fiscal Year 2015/2016. pgs 22-25.*

States Department of Labor Statistics. Effective Fiscal Year 2017/2018, the CPI month for annual adjustment has changed to January.

- 3) The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District's annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer's Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIID Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

IV. DISTRICT BUDGET FY 2023/2024

The following provides the proposed budget and associated increased maximum assessment commencing in Fiscal Year 2023/2024. This budget includes the City's estimate of anticipated expenditures, deficits, surpluses, revenues, and reserve fund balances associated with providing appropriate and adequate annual maintenance and operation of the improvements associated with each zone. The resulting maximum assessment rate established for each zone is based on the budget information presented herein and shall be used to calculate each parcel's proportional assessment obligation in accordance with the method of apportionment outlined in this Report.

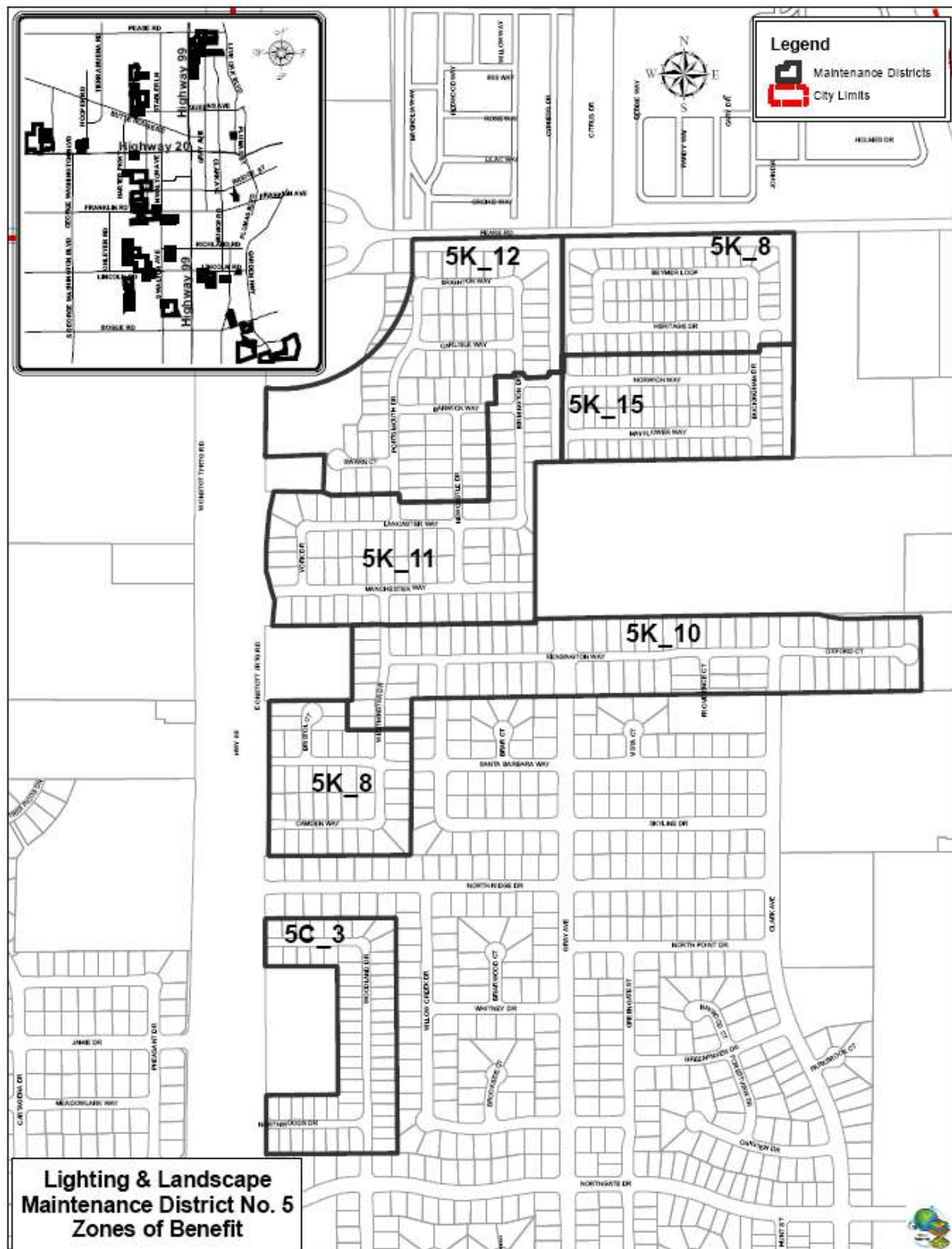
BUDGET ITEM	Zone 5A	Zone 5B	Zone 5C_1-9	Zone 5C_10	Zone 5D	Zone 5E	Zone 5F	Zone 5G	Zone 5H_1-8	Zone 5H_9	Zone 5I	Zone 5J	Total Zone 5C-5J	Zone 5K_1-17	Zone 5K_18	Zone 5L	Total
DIRECT COSTS																	
Heat/Power Utility	\$221.00	\$145.00	\$93.20	\$16.80	\$90.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$149.00	\$0.00	\$352.00	\$1,042.18	\$41.82	\$0.00	\$1,802.00
Street Lights Power Utility	0.00	2,683.00	21,256.87	3,832.13	787.00	25.00	132.00	80.00	\$1,496.05	\$19.95	1,143.00	5,795.93	34,567.93	10,592.97	425.03	0.00	48,268.93
Professional Services	1,275.00	9,591.00	22,927.66	4,133.34	1,738.00	56.00	0.00	0.00	\$0.00	\$0.00	3,723.00	19,176.00	51,754.00	100,602.48	4,036.52	3,889.00	171,148.00
Water Utility	357.00	1,644.00	727.80	131.20	416.00	13.00	0.00	0.00	0.00	0.00	1,718.00	542.00	3,548.00	35,491.94	1,424.06	884.00	43,349.00
Materials & Supplies	0.00	0.00	12,912.22	2,327.78	1,047.00	14.00	916.00	174.00	0.00	0.00	1,260.00	8,799.00	27,450.00	7,941.36	318.64	0.00	35,710.00
LMD Lights	857.00	3,857.00	13,071.50	2,356.50	1,143.00	95.00	571.00	381.00	2,819.41	37.59	3,143.00	11,714.00	35,332.00	32,504.80	1,304.20	667.00	74,522.00
Landscape Labor	0.00	3,946.00	25,114.44	4,527.56	1,648.00	-	859.00	-	0.00	0.00	4,480.00	17,084.00	53,713.00	60,388.99	2,423.01	0.00	120,471.00
Direct Costs Subtotal	\$2,710.00	\$21,866.00	\$96,103.68	\$17,325.32	\$6,869.00	\$206.00	\$2,478.00	\$635.00	\$4,315.46	\$57.54	\$15,616.00	\$63,110.93	\$206,716.93	\$248,564.72	\$9,973.28	\$5,440.00	\$495,270.93
ADMINISTRATION COSTS																	
City Administration Costs	\$150.00	\$0.00	\$2,483.31	\$447.69	\$280.00	\$9.00	\$104.00	\$63.00	\$561.51	\$7.49	\$1,070.00	\$1,901.00	\$6,927.00	\$5,383.98	\$216.02	\$122.00	\$12,799.00
Willdan Financial Services Administration Fees	56.00	614.00	1,100.02	38.98	109.00	4.00	25.00	15.00	218.09	2.91	416.00	735.00	2,664.00	1,886.31	75.69	47.00	5,343.00
County Administration Fee	9.60	105.00	194.70	6.90	18.60	0.60	6.90	4.20	45.00	0.60	71.10	134.40	483.00	388.80	15.60	8.10	1,010.10
Miscellaneous Administration Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Administrative Costs Subtotal	\$215.60	\$719.00	\$3,778.03	\$493.57	\$407.60	\$13.60	\$135.90	\$82.20	\$824.61	\$10.99	\$1,557.10	\$2,770.40	\$10,074.00	\$7,659.09	\$307.31	\$177.10	\$19,152.10
LEVY BREAKDOWN																	
Total Direct and Admin. Costs	\$2,925.60	\$22,585.00	\$99,881.71	\$17,818.89	\$7,276.60	\$219.60	\$2,613.90	\$717.20	\$5,140.07	\$68.53	\$17,173.10	\$65,881.33	\$216,790.93	\$256,223.81	\$10,280.59	\$5,617.10	\$514,423.03
Operating Reserve Collection	1,474.40	1,341.00	18,043.30	0.00	1,762.40	0.00	100.10	176.46	1,190.29	111.73	1,249.90	0.00	22,634.18	44,923.33	\$2,378.27	0.00	72,751.18
Capital Reserve Collection	3,000.00	3,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,000.00
Levy Breakdown Subtotal	\$7,400.00	\$26,926.00	\$117,925.01	\$17,818.89	\$9,039.00	\$219.60	\$2,714.00	\$893.66	\$6,330.36	\$180.26	\$18,423.00	\$65,881.33	\$239,425.11	\$301,147.14	\$12,658.86	\$5,617.10	\$593,174.21
LEVY ADJUSTMENTS																	
Operating Reserve Contribution	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$13.12)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$116.33)	(\$129.45)	0.00	\$0.00	(\$20.96)	(\$150.41)
Capital Reserve Contribution	0.00	0.00	0.00	(4,026.62)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(4,026.62)	0.00	0.00	(1,466.72)	(5,493.34)
Additional City Contribution	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Estimated Interest Earnings	(528.00)	(308.00)	(345.68)	(62.32)	(39.00)	(1.00)	(14.00)	(9.00)	(77.96)	(1.04)	(149.00)	(265.00)	(964.00)	(3,417.86)	(137.14)	(67.00)	(5,422.00)
Rounding Adjustment	(0.32)	(0.50)	(6.49)	(0.23)	(0.08)	0.00	(0.26)	(0.14)	0.00	(0.02)	(1.30)	(2.40)	(10.92)	(12.16)	(0.12)	0.00	(24.02)
Levy Adjustments Subtotal	(\$528.32)	(\$308.50)	(\$352.17)	(\$4,089.17)	(\$39.08)	(\$14.12)	(\$14.26)	(\$9.14)	(\$77.96)	(\$1.06)	(\$150.30)	(\$383.73)	(\$5,130.99)	(\$3,430.02)	(\$137.26)	(\$1,554.68)	(\$11,089.77)
BALANCE TO LEVY	\$6,871.68	\$26,617.50	\$117,572.84	\$13,729.72	\$8,999.92	\$205.48	\$2,699.74	\$884.52	\$6,252.40	\$179.20	\$18,272.70	\$65,497.60	\$234,294.12	\$297,717.12	\$12,521.60	\$4,062.42	\$582,084.44
OPERATING RESERVE																	
Estimated Balance at June 30, 2023	\$10,392.00	\$15,425.00	\$19,431.70	\$688.64	\$1,856.34	\$59.88	\$688.64	\$419.17	\$4,491.15	\$59.88	\$7,096.02	\$13,413.57	\$48,205.00	\$78,761.00		\$351.00	\$153,134.00
FY2023/2024 Collection/(Contribution)	1,474.40	1,341.00	18,043.30	0.00	1,762.40	(13.12)	100.10	176.46	1,190.29	111.73	1,249.90	(116.33)	22,504.73	47,301.60		(20.96)	72,600.77
Estimated Balance at June 30, 2024	\$11,866.40	\$16,766.00	\$37,475.00	\$688.64	\$3,618.74	\$46.76	\$788.74	\$595.63	\$5,681.44	\$171.61	\$8,345.92	\$13,297.24	\$70,709.73	\$126,062.60		\$330.04	\$225,734.77
CAPITAL IMPROVEMENT RESERVE																	
Estimated Balance at June 30, 2023	\$16,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$99,000.00		\$3,000.00	\$118,000.00
FY2023/2024 Collection/(Contribution)	3,000.00	3,000.00	0.00	(4,026.62)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(4,026.62)	0.00		(1,466.72)	506.66
Estimated Balance at June 30, 2024	\$19,000.00	\$3,000.00	\$0.00	(\$4,026.62)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$4,026.62)	\$99,000.00		\$1,533.28	\$118,506.66
DISTRICT STATISTICS																	
Total Parcels	32	350	649	23	62	2	23	14	150	2	237	448	1,610	1,296	52	27	3,367
Total Parcels Levied	32	350	649	23	62	2	23	14	150	2	237	448	1,610	1,296	52	27	3,367
Total EBU	32.00	350.00	649.00	117.00	62.00	2.00	23.00	14.00	154.00	2.00	237.00	448.00	1,708.00	1,296.00	52.00	27.00	3,465.00
Levy per EBU (2023/2024)	\$214.74	\$76.05	\$181.16	\$117.35	\$145.16	\$102.74	\$117.38	\$63.18	\$40.60	\$89.60	\$77.10	\$146.20		\$229.72	\$240.80	\$150.46	
Maximum Levy per EBU - 2022/2023	\$234.92	\$78.86	\$170.26	\$110.29	\$233.80	\$96.56	\$189.97	\$59.39	\$38.16	\$84.22	\$80.03	\$214.42		\$303.37	\$400.28	\$141.40	
CPI Increase per EBU (6.41%)	\$15.05	\$5.05	\$10.91	\$7.06	\$14.98	\$6.18	\$12.17	\$3.80	\$2.44	\$5.39	\$5.13	\$13.74		\$19.44	\$25.65	\$9.06	
Maximum Levy per EBU - 2023/2024	\$249.97	\$83.91	\$181.17	\$117.35	\$248.78	\$102.74	\$202.14	\$63.19	\$40.60	\$89.61	\$85.16	\$228.16		\$322.81	\$425.93	\$150.46	
Maximum Levy Amount - 2023/2024	\$7,999.04	\$29,368.50	\$117,579.33	\$13,729.95	\$15,424.36	\$205.48	\$4,649.22	\$884.66	\$6,252.40	\$179.22	\$20,182.92	\$102,215.68	\$281,303.22	\$418,361.76	\$22,148.36	\$4,062.42	\$763,243.30

Appendix A - DISTRICT BOUNDARY MAPS

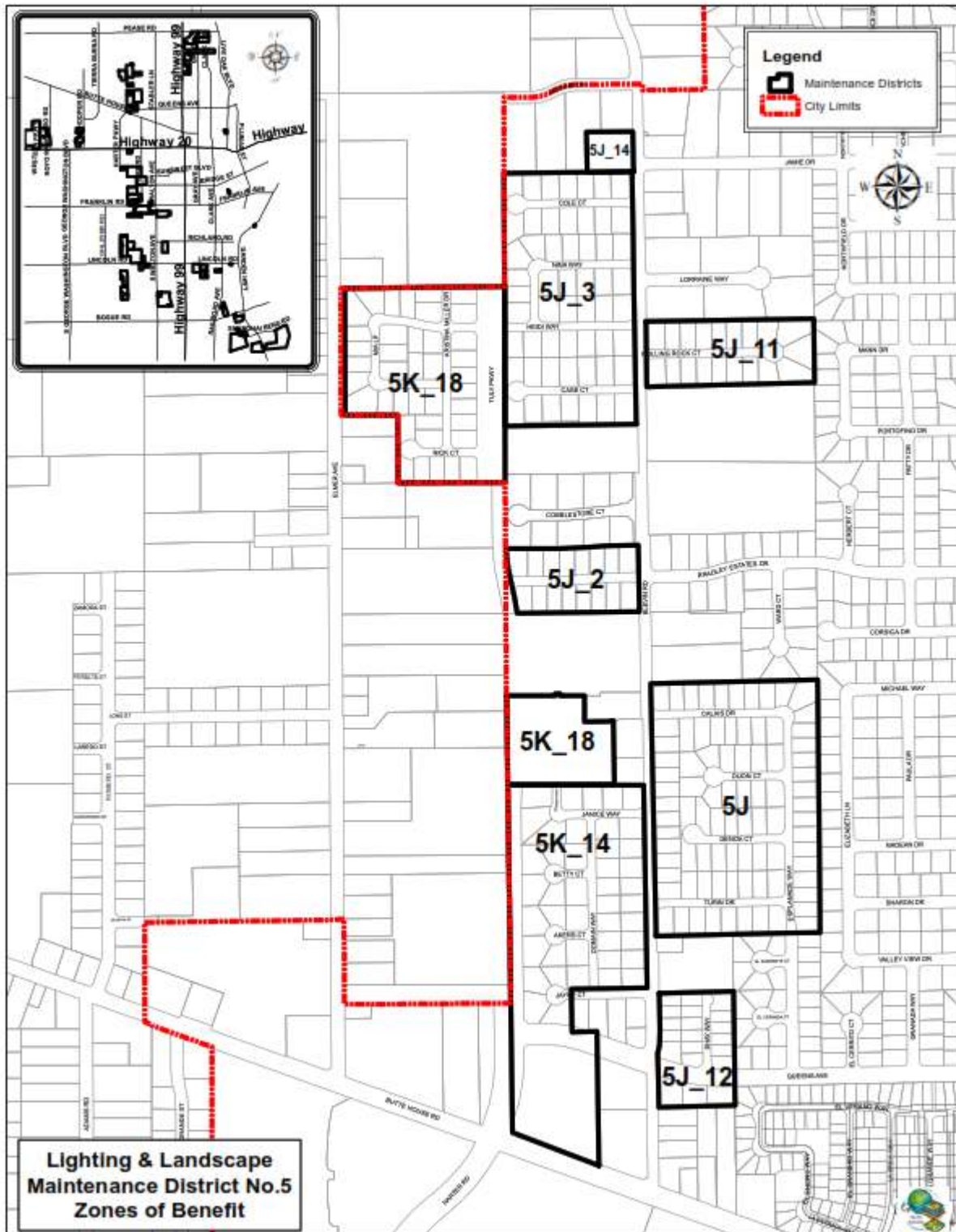
The original assessment diagrams and tract maps for the District were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The following are reproductions of the County Assessor's Parcel Map associated with each subdivision and Zone.

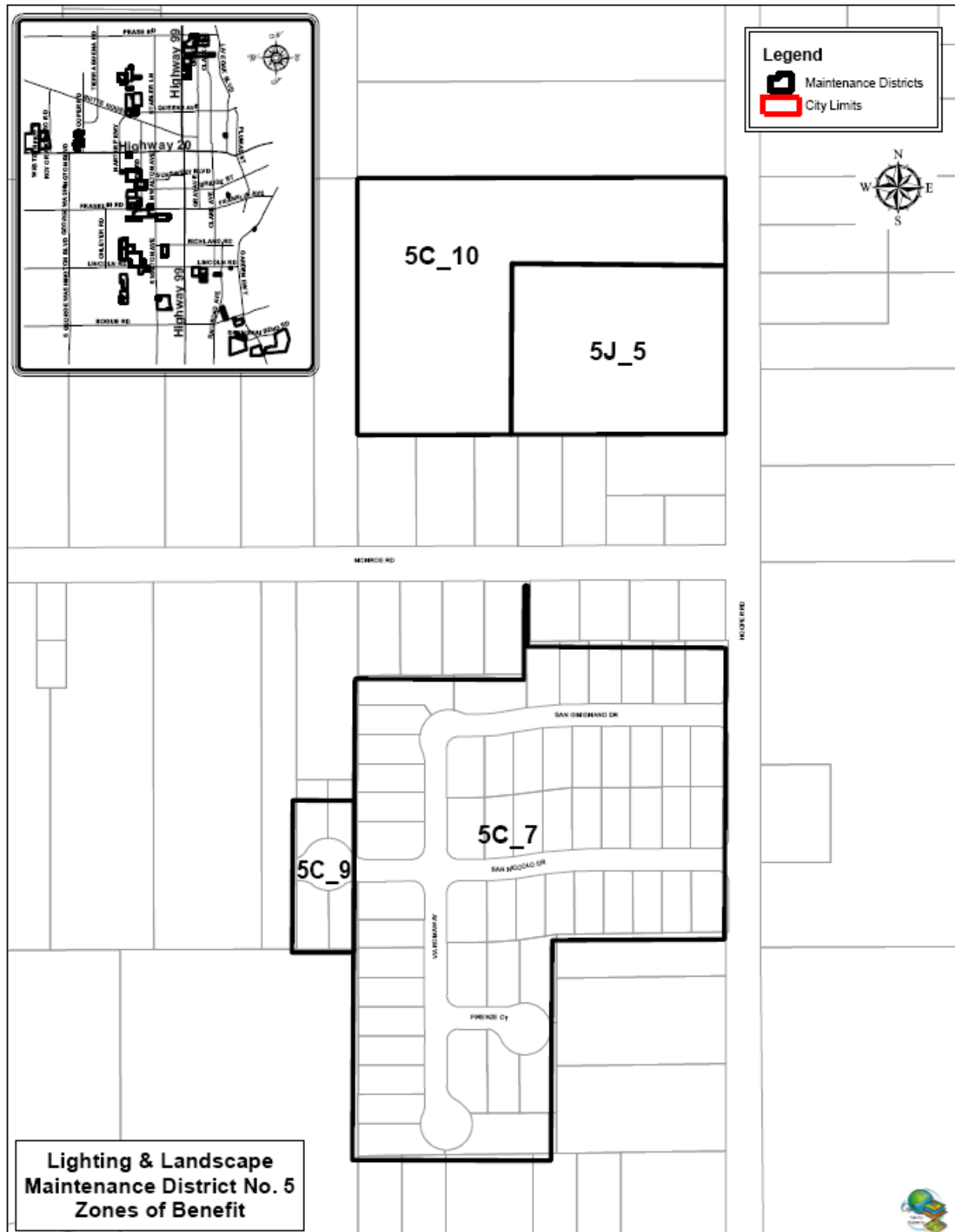
Yuba City Landscape Maintenance District No. 5



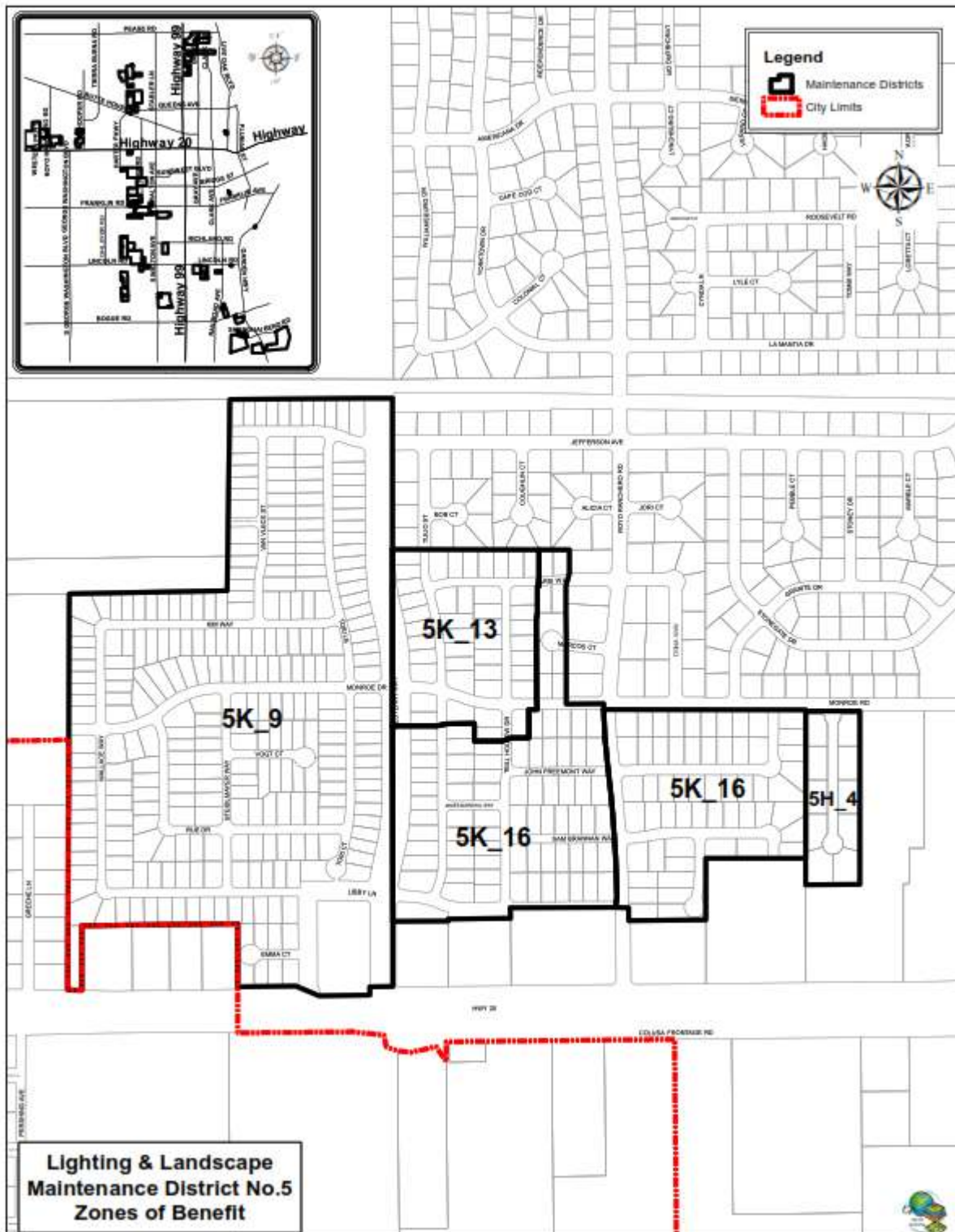
Yuba City Landscape Maintenance District No. 5



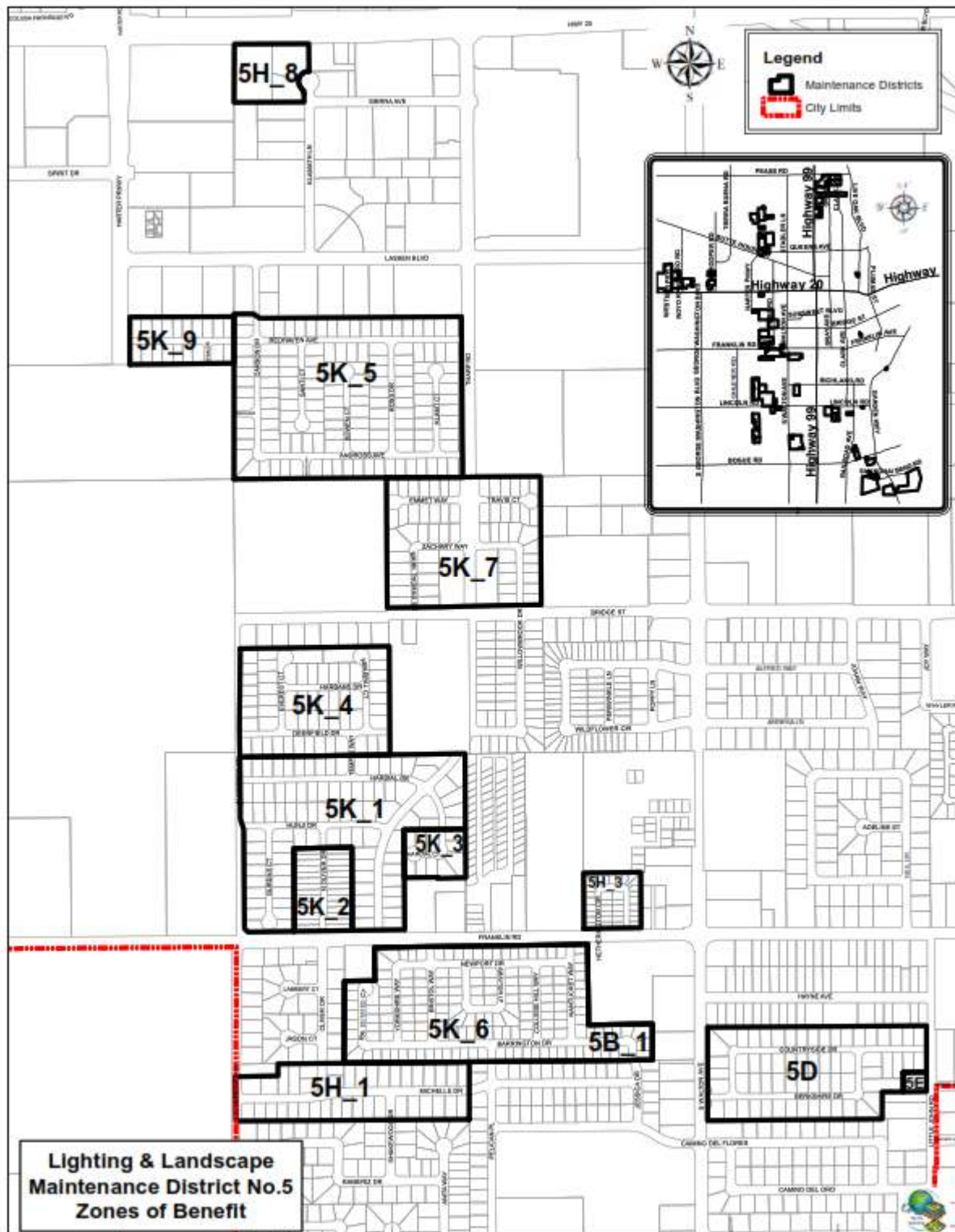
Yuba City Landscape Maintenance District No. 5



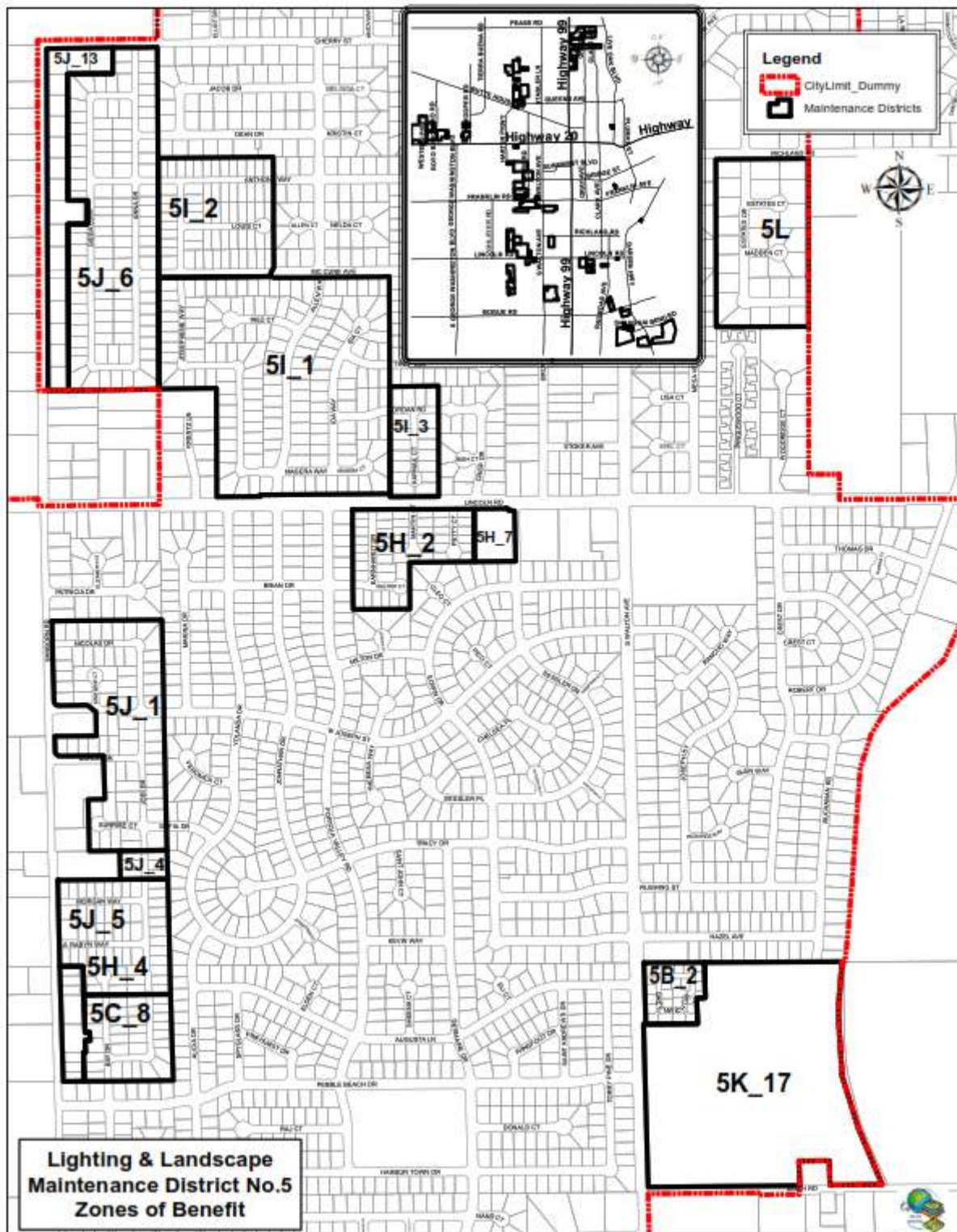
Yuba City Landscape Maintenance District No. 5



Yuba City Landscape Maintenance District No. 5



Yuba City Landscape Maintenance District No. 5



Yuba City Landscape Maintenance District No. 5



Yuba City Landscape Maintenance District No. 5



Appendix B - 2023/2024 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Sutter County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following pages. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.



City of Yuba City

Lighting and Landscape Maintenance District No. 6

(Zones of Benefit A_1, A_2 & A_3
and
Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8,
B_9, B_10, B_12, B_13, B_14, B_15
and
Zone of Benefit C_1)

2023/2024 ENGINEER'S ANNUAL LEVY REPORT

Initiation Meeting: June 6, 2023

Intent Meeting: June 20, 2023

Public Hearing: July 18, 2023

27368 Via Industria
Suite 200
Temecula, CA 92590
T 951.587.3500 | 800.755.6864
F 951.587.3510

www.willdan.com



ENGINEER'S REPORT AFFIDAVIT

City of Yuba City
Sutter County, State of California

Yuba City Lighting and Landscape Maintenance District No. 6

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2023/2024, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Sutter County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District.

The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2023.

Willdan Financial Services
Assessment Engineer

By: _____

Tony Thrasher
Principal Consultant
District Administration Services

By: _____

Tyrone Peter
PE # C 81888

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I. OVERVIEW

A. INTRODUCTION

The City of Yuba City (“City”) annually levies and collects special assessments in order to maintain the lighting and landscape areas adjacent to the subdivisions in the zones of benefit as shown on the assessment diagrams for the Yuba City Lighting and Landscape Maintenance District No. 6 (“District”) on file with the City Clerk. The District is annually levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”). The District assessments were approved by the property owners of record through a protest ballot proceeding at the time the District was formed in compliance with the substantive and procedural requirements of the *California Constitution Article XIID* (“Article XIID”).

This Engineer’s Annual Levy Report (“Report”) has been prepared in accordance with the provisions of Chapter 3, Section 22622 of the 1972 Act. This Report describes the District, the improvements therein, any annexations or other modifications to the District including any substantial changes to the improvements, the method of apportionment, the boundaries of the District, and financial information including the district budgets and proposed annual assessments for Fiscal Year 2023/2024. The proposed assessments are based on the historic and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District. The costs of improvements and the annual levy including all expenditures, deficits, surpluses, revenues, and reserves are assessed to each parcel within the District proportionate to the parcel’s special benefits.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor Parcel Number (“APN”) by the County of Sutter (“County”) Assessor’s Office. The County Auditor/Controller uses APNs and specific fund numbers to identify properties assessed for special district benefit assessments on the tax roll.

Pursuant to Chapter 3, beginning with Section 22620 of the 1972 Act, the City Council shall conduct a noticed annual public hearing to consider all public comments and written protests regarding the District. Following the annual public hearing and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments contained therein, the City Council will by resolution: order the improvements to be made and confirm the levy and collection of assessments pursuant to Chapter 4, Article 1, beginning with Section 22640 of the 1972 Act. The assessment rate and method of apportionment described in this Report as approved or modified by the City Council defines the assessments to be applied to each parcel within the District for Fiscal Year 2023/2024.

The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel within the District. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate contained in this Report as approved by the City Council.

B. COMPLIANCE WITH CURRENT LEGISLATION

On November 6, 1996, California voters approved Proposition 218 by a margin of 56.5% to 43.5%. All assessments described in this Report and approved by the City Council are prepared in accordance with the Act and are in compliance with the provisions of the California Constitution Article XIID (Proposition 218).

Pursuant to the California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, the City determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts are exempt from the procedural requirements Article XIID Section 4.

The District has been formed pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Pursuant to the Act, an annual Public Hearing is conducted by the City Council to accept property owner and public comments, to review the Engineer's Annual Levy Report prior to approving the annual assessments to be levied on the County tax rolls. The assessments described in this Report have been prepared in accordance with the Act.

The City affirms that the assessments contained in this report were imposed in accordance with a consent and waiver by 100% of the property owners as part of the original development approval for the properties within the District. Therefore, the City has determined that pursuant to Article XIID Section 5(b) the maximum assessment previously approved and levied for this District prior to the passage of Proposition 218 are considered exempt, provided the assessments are not increased above these previously approved maximum assessment rates.

The proposed annual levy of assessments for fiscal year commencing July 1, 2023 and ending June 30, 2024 (Fiscal Year 2023/2024) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for Fiscal Year 2023/2024 do not exceed the maximum assessment rates authorized and are therefore in compliance with the provisions of the California Constitution Article XIID.

II. PLANS AND SPECIFICATIONS

A. DESCRIPTION OF THE DISTRICT

The District is comprised of eighteen (18) distinct zones within the City, as shown on the Assessment Diagrams on file with the City clerk.

The Zone of Benefit A_1 ("Zone A_1") is comprised of twelve (12) parcels, approximately 46.49 acres. Located in the River Valley and Spirit Drive Commercial areas. The Zone of Benefit A_2 ("Zone A_2") is comprised of nine (9) parcels, approximately 18.30 acres. It is located in the Sunsweet Boulevard Area. The Zone of Benefit A_3 ("Zone A_3") is comprised of sixteen (16) parcels, approximately 166.50 acres. Zone A_3 is known as the Harter Specific Plan Located south of Butte House Road between Ruth Ave and Tharp Road.

The Zone of Benefit B_1 ("Zone B_1") is comprised of eight (8) parcels located on Tharp Road and Butte House Road. The Zone of Benefit B_2 ("Zone B_2") is comprised of two (2) parcels with the current address of 1410 Whyler Road. The Zone of Benefit B_3 ("Zone B_3") is comprised of three (3) parcels located on Lincoln Road and Walton Avenue.

On December 7, 2010, Zone of Benefit B_4 ("Zone B_4") was annexed into the District to provide funding for the operation and maintenance of the street lighting system for Yuba Community College – Sutter County site located at 3301 East Onstott Frontage Road. Zone B_4 is comprised of one (1) parcel.

On January 3, 2011, Zone of Benefit B_5 ("Zone B_5") was annexed into the District to provide funding for the operation and maintenance of the street lighting system for the Unity Estates development located along the west side of El Margarita Road. Zone B_5 is comprised of two (2) parcels.

The fiscal year 2013/2014 included the formation of two additional Zones of Benefit for District No. 6 known as Zone of Benefit B_6 and Zone of Benefit B_7. Zone of Benefit B_6 includes Parcel Number 058-020-024-000, and Zone of Benefit B_7 includes Parcel Numbers 051-540-131-000 and 051-540-132-000. The new district zone formations resulted from agreements or conditions of approval between the City and the property owners, whereby the City and property owners agreed inclusion of the Parcels into the District to enhance benefit to parcels that are

shared by parcels within the Assessment District. Following the February 19, 2013 City Resolutions calling for an assessment ballot proceeding, along with the Engineer's Reports, the City conducted a public hearing on the proposed formations on April 16, 2013, where, upon approval of the ballots, the City submitted levies on the parcels to the County Auditor/Controller for the inclusion on the property tax roll beginning with Fiscal Year 2013/2014 and continued in future years. The ballot proceeding was pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code and Article XIID of the California Constitution.

The Fiscal Year 2014/2015 included the formation of one additional Zone of Benefit for District No. 6 known as Zone of Benefit B_8. Zone of Benefit B_8 includes Parcel Numbers 052-020-028-000, 052-020-029-000, 052-020-030-000, and 052-020-031-000. The new district zone formation resulted from agreements or conditions of approval between the City and the property owners, whereby the City and property owners agreed inclusion of the Parcels into the District to enhance benefit to parcels that are shared by parcels within the Assessment District. Following the City Resolution calling for an assessment ballot proceeding, along with the Engineer's Reports, the City conducted a public hearing on the proposed formations on March 17, 2015, where, upon approval of the ballots, the City received authorization to submit levies on the parcels to the County Auditor/Controller for the inclusion on the property tax roll beginning with Fiscal Year 2015/2016. The ballot proceeding was pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code and Article XIID of the California Constitution.

On July 19, 2016, Zone of Benefit B_9 ("Zone B_9") was annexed into the District to provide funding for the operation and maintenance of the street lighting system adjacent to parcel number 051-580-023-000, located at 2510 Live Oak Boulevard. Zone B_9 is comprised of one (1) parcel.

On May 21, 2019, three Zones of Benefit were annexed into the District. They are known as Zone of Benefit B_10 ("Zone B_10"), Zone of Benefit B_12 ("Zone B_12") and Zone of Benefit B_13 ("Zone B_13"). Zone B_10 is to provide funding for the operation and maintenance of the street lighting system adjacent to parcel numbers 052-130-048-000 (1240 Bridge St.), 052-130-047-000 (1250 Bridge St.), 052-130-046-000 (1260 Bridge St.), 052-130-045-000 (1270 Bridge St.), and 052-130-043-000 (1280 Bridge St.), located south of Bridge Street, west of North Lawrence Avenue, and east of State Route 99. Zone B_10 is comprised of five (5) parcels. Zone B_12 is to provide funding for the operation and maintenance of the street lighting system adjacent to 770 North Walton Avenue, located north of Bridge Street, west of North Walton Avenue, and south of Sunsweet Boulevard. Zone B_12 is comprised of seven (7) parcels. Zone B_13 is to provide funding for the operation and maintenance of the street lighting system adjacent to parcel numbers 053-050-087-000, and 053-050-088-000, located south of Lassen Boulevard, and east of Carson Drive.

On August 28, 2019, Zone of Benefit B_14 ("Zone B_14") was annexed into the District to provide funding for the operation and maintenance of the street lighting system adjacent to parcel number 058-020-022-000, located at 362 North Walton Avenue. Zone B_14 is comprised of one (1) parcel.

On September 17, 2019, Zone of Benefit B_15 ("Zone B_15") was annexed into the District to provide funding for the operation and maintenance of the street lighting system adjacent to parcel numbers 053-400-080-000 and 054-083-026-000, located at 769 Garden Highway and 140 Epley Drive, respectively. Zone B_15 is comprised of two (2) parcels.

On December 9, 2020, Zone of Benefit C-1 ("Zone C_1") was annexed into the District to provide funding for the ongoing maintenance of the shared driveway associated with the Dollar General Development at 1500 and 1510 Garden Highway (parcel numbers 054-010-057-000 and 054-010-058-000, respectively). Zone C_1 is located north of River Oaks Drive, south of Burns Drive, and east of Garden Highway. Zone C_1 is comprised of two (2) parcels.

B. DESCRIPTION OF THE IMPROVEMENTS

Improvements for Zone A include the ongoing maintenance and servicing of sixty-eight (68) street lights, five-hundred (500) street trees and median landscaping approximately 2000' x 11' x .23' in size.

Since the Assessment District was initially formed, the City replaced the street light facilities with LED lights. 70 Watt High Pressure Sodium lamps were converted to 52 Watt LED fixtures, and 100 Watt High Pressure Sodium lamps were converted to 52 Watt LED fixtures. However, the standard for commercial areas has been updated since the conversion project was implemented, and the previous LED fixture is now obsolete. Therefore, the new standard for commercial areas is a 70 Watt LED fixture, effective for Zone 6B_8.

Improvements for Zone C_1 include the shared driveway located north of River Oaks Drive, south of Burns Drive and east of Garden Highway.

Provisions of the 1972 Act

As generally defined, the improvements and the associated assessments for any District formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.

- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements.
 - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
 - d) The removal of trimmings, rubbish, debris, and other solid waste.
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
 - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
 - a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices.
 - c) Compensation payable to the County for collection of assessments.

- d) Compensation of any engineer or attorney employed to render services.
- e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
- f) Costs associated with any elections held for the approval of a new or increased assessment.

III. METHOD OF APPORTIONMENT

A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to the Article XIID Section 4, a parcel’s assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and provides that only special benefits are assessable and the District must separate the general benefits from the special benefits.

B. BENEFIT ANALYSIS

Each of the improvements and the associated costs has been carefully reviewed and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements was part of the conditions of property development. The property owners approved the corresponding assessments for the ongoing maintenance and servicing of the improvements through a property owner protest ballot.

Special Benefits — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments.

Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original development. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and to aid police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits - the improvements to be provided and maintained by the District are a direct result of property development within the District and would otherwise not be required or necessary. Developers typically install local improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties outside the District boundaries. Although local development improvements (by virtue of their location) may be visible to surrounding properties, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit. Furthermore, most developments within the City typically have various landscaping and lighting improvements specifically associated with their development and these improvements are funded by properties within those developments.

At the time of formation of the Assessment District, the majority of the benefit was special, and there was a small general benefit. The engineer of record between Fiscal Year 2012/2013 and Fiscal Year 2015/2016, further quantified this small general benefit.

The specific language from the most recent Engineer's Report used to describe General Benefit is as follows:

The maintenance and servicing of these improvements is also partially refunded, directly and indirectly from other sources including Yuba City, Sutter County and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

The General Benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Extention of recreation area	2	10%	0.2
Proximity to improved parks and recreation facilities	2	10%	0.2
Access to improved parks, open space and rec areas	2	10%	0.2
Improved views	2	10%	0.2
Improved nighttime visibility and safety from streetlights	2	20%	0.4
Totals	100		1.2
Total Calculated General Benefit			1.2%

As a result, Yuba City will contribute at least 1.2% of the total budget from sources other than the assessment. This contribution offsets any general benefits from the Assessment Services.

This general benefit contribution is the sum of the following components:

Yuba City owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation and replacement of the curb and gutter is conservatively estimated to be 1%.

Yuba City owns and maintains a storm drainage system along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 1%.

Yuba City owns and maintains local public streets along the border of the Assessment District improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit is conservatively quantified at 1.2%, which is more than offset by the total non-assessment contribution towards general benefit of 28%. ⁽¹⁾

⁽¹⁾ SCI Consulting Group (September 2015). City of Yuba City Landscape Maintenance Assessment District No. 6 Engineer's Report, Fiscal Year 2015-16. pgs 15-17.

C. ASSESSMENT METHODOLOGY

For each of the zones of benefit, the level of special benefit received by each parcel in the zone is considered to be equal. Therefore, the estimated annual costs of the improvements for each zone of benefit is determined separately and are apportioned equally to all parcels, developed or undeveloped, within each zone of benefit.

D. ASSESSMENT RANGE FORMULA

Any new or increase in assessments require certain noticing and meeting requirements by law. Prior to the passage of Proposition 218, legislative changes in the Brown Act defined the definition of “new or increased assessment” to exclude certain conditions. These conditions included “any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed.” This definition and conditions were later confirmed through SB919 (Proposition 218 implementation statutes).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments.

Generally, if the proposed annual assessment (levy per unit or rate) for the current fiscal year is less than or equals to the “Maximum Assessment” (or “Adjusted Maximum Assessment”), then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment approved by property owners adjusted annually by the following criteria:

- 1) Each fiscal year, the Maximum Assessment will be recalculated.
- 2) The new adjusted Maximum Assessment for the year represents the prior year’s Maximum Assessment adjusted by the percentage change from the previous year to the current year based on the “All Urban Consumers” Consumer Price Index, US City Average (CPI), as compiled by the United States Department of Labor Statistics. Effective Fiscal Year 2017/2018, the CPI month for annual adjustment has changed to January.
- 3) The Maximum Assessment is adjusted each year independently from the annual assessment. While the actual amount assessed may fluctuate each year, the maximum will continue to be increased and in any given year, the assessment may be applied at the Maximum Assessment.

The Maximum Assessment is adjusted annually and is calculated independently of the District’s annual budget and proposed annual assessment. Any proposed annual assessment (rate per equivalent dwelling unit) less than or equal to this

Maximum Assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year. The City Council may reduce or freeze the Maximum Assessment at any time by amending the Engineer's Annual Report.

Although the Maximum Assessment will normally increase each year, the actual District assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on District assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessments for the fiscal year does not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment. To impose an increased assessment, the City Council must comply with the provisions of Article XIID Section 4(c) of the California Constitution, which requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for the District. If the proposed assessment is not approved, the City Council may not levy an assessment greater than the adjusted Maximum Assessment previously established for the District.

IV. DISTRICT BUDGET FY 2023/2024

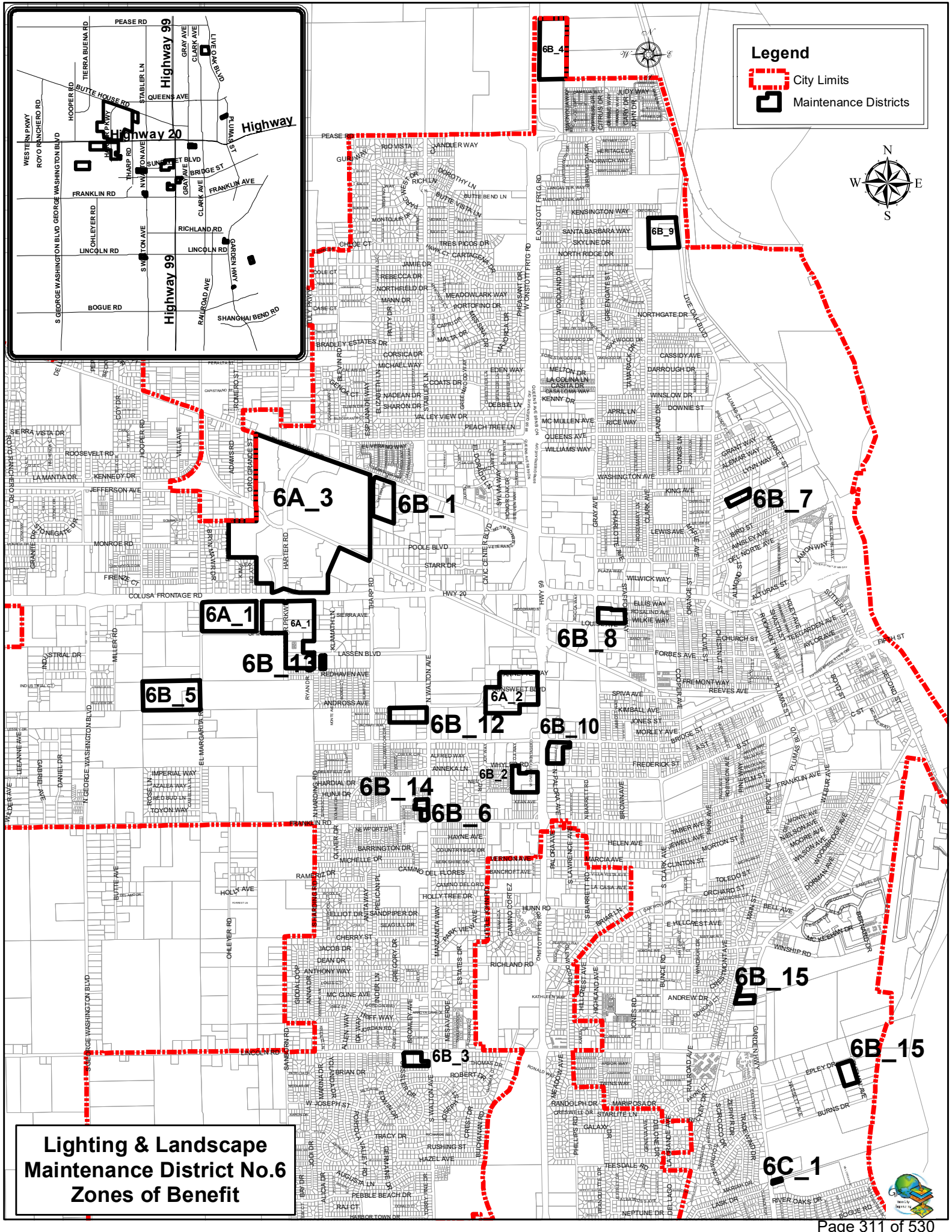
The following provides the proposed budget and associated increased maximum assessment commencing in fiscal year 2023/2024. This budget includes the City's estimate of anticipated expenditures, deficits, surpluses, revenues, and reserve fund balances associated with providing appropriate and adequate annual maintenance and operation of the improvements associated with each zone. The resulting maximum assessment rate established for each zone is based on the budget information presented herein and shall be used to calculate each parcel's proportional assessment obligation in accordance with the method of apportionment outlined in this Report.

	Zone 6A1	Zone 6A2	Zone 6A3	6A Total	Zone 6B1	Zone 6B2	Zone 6B3	Zone 6B4	Zone 6B5	Zone 6B6	Zone 6B7	Zone 6B8	Zone 6B9	Zone 6B10	Zone 6B12	Zone 6B13	Zone 6B14	Zone 6B15	6B Total	6C1	Total
DIRECT COSTS																					
Heat/Power Utility	\$35.97	\$13.72	\$6.31	\$56.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56.00
Street Lights Power Utility	326.34	124.46	57.21	508.00	234.14	53.78	55.50	97.64	0.00	5.38	10.76	49.19	24.35	40.25	64.95	16.85	9.52	12.69	675.00	\$0.00	1,183.00
Professional Services	1,478.79	563.97	259.24	2,302.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	2,302.00
Water Utility	1,445.38	551.23	253.39	2,250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	2,250.00
Materials & Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	0.00
LMD Lights	1,774.29	676.67	311.04	2,762.00	660.78	151.79	156.63	275.55	0.00	15.18	30.36	138.84	68.72	113.61	183.30	47.56	26.87	35.82	1,905.00	\$0.00	4,667.00
Landscape Labor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	0.00
Direct Costs Subtotal	\$5,060.77	\$1,930.04	\$887.19	\$7,878.00	\$894.92	\$205.57	\$212.13	\$373.19	\$0.00	\$20.56	\$41.12	\$188.03	\$93.07	\$153.86	\$248.25	\$64.41	\$36.39	\$48.51	\$2,580.00	\$0.00	\$10,458.00
ADMINISTRATION COSTS																					
City Administration Costs	\$578.15	\$220.49	\$101.35	\$900.00	\$83.25	\$19.12	\$19.73	\$34.72	\$0.00	\$1.91	\$3.82	\$17.49	\$8.66	\$14.31	\$23.09	\$5.99	\$3.38	\$4.51	\$240.00	\$0.00	\$1,140.00
Willdan Financial Services Administration Fees	1,612.75	615.06	282.73	2,510.53	202.39	46.49	47.97	84.40	0.00	4.65	9.30	42.52	21.05	34.80	56.14	14.57	8.23	10.97	583.47	52.48	3,146.48
County Administration Fee	3.60	2.70	4.80	11.10	2.40	0.60	0.90	0.30	0.00	0.30	0.60	1.20	0.30	1.50	2.10	0.60	0.30	0.60	11.70	0.60	23.40
Miscellaneous Administration Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Administrative Costs Subtotal	\$2,194.50	\$838.25	\$388.88	\$3,421.63	\$288.03	\$66.21	\$68.60	\$119.41	\$0.00	\$6.86	\$13.72	\$61.22	\$30.00	\$50.61	\$81.33	\$21.16	\$11.91	\$16.08	\$835.17	\$53.08	\$4,309.88
LEVY BREAKDOWN																					
Total Direct and Admin. Costs	\$7,255.28	\$2,768.29	\$1,276.07	\$11,299.63	\$1,182.95	\$271.78	\$280.73	\$492.60	\$0.00	\$27.42	\$54.84	\$249.25	\$123.07	\$204.47	\$329.58	\$85.57	\$48.30	\$64.60	\$3,415.17	\$53.08	\$14,767.88
Operating Reserve Collection	10,005.52	3,814.50	1,749.86	15,569.89	3,502.19	804.42	829.80	1,461.14	0.00	80.21	160.42	735.16	364.16	601.03	970.07	251.65	142.20	189.38	10,091.83	207.92	25,869.64
Capital Reserve Collection	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	800.00	800.00
Levy Breakdown Subtotal	\$17,260.80	\$6,582.79	\$3,025.93	\$26,869.52	\$4,685.14	\$1,076.20	\$1,110.53	\$1,953.74	\$0.00	\$107.63	\$215.27	\$984.41	\$487.23	\$805.49	\$1,299.65	\$337.23	\$190.50	\$253.97	\$13,507.00	\$1,061.00	\$41,437.52
LEVY ADJUSTMENTS																					
Operating Reserve Contribution	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Reserve Contribution	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Additional City Contribution	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Estimated Interest Earnings	(1,086.93)	(414.52)	(190.55)	(1,692.00)	(476.60)	(109.48)	(112.97)	(198.74)	0.00	(10.95)	(21.90)	(100.14)	(49.56)	(81.94)	(132.21)	(34.30)	(19.38)	(25.84)	(1,374.00)	0.00	(3,066.00)
Rounding Adjustment	(0.05)	(0.09)	(0.15)	(0.29)	(0.06)	(0.01)	(0.01)	0.00	0.00	0.00	(0.01)	(0.03)	(0.01)	(0.05)	0.01	0.00	0.00	(0.06)	(0.23)	0.00	(0.52)
Levy Adjustments Subtotal	(\$1,086.98)	(\$414.61)	(\$190.70)	(\$1,692.29)	(\$476.66)	(\$109.49)	(\$112.98)	(\$198.74)	\$0.00	(\$10.95)	(\$21.91)	(\$100.17)	(\$49.57)	(\$81.99)	(\$132.20)	(\$34.30)	(\$19.38)	(\$25.90)	(\$1,374.23)	\$0.00	(\$3,066.52)
BALANCE TO LEVY	\$16,173.82	\$6,168.18	\$2,835.24	\$25,177.23	\$4,208.48	\$966.72	\$997.56	\$1,755.00	\$0.00	\$96.68	\$193.36	\$884.24	\$437.66	\$723.50	\$1,167.46	\$302.92	\$171.12	\$228.08	\$12,132.77	\$1,061.00	\$38,371.02
OPERATING RESERVE																					
Estimated Balance at June 30, 2023	\$11,318.97	\$4,316.74	\$1,984.29	\$17,620.00	\$1,637.22	\$376.08	\$388.07	\$682.73	\$0.00	\$37.61	\$75.22	\$344.00	\$170.26	\$281.48	\$454.16	\$117.84	\$66.57	\$88.75	\$4,720.00	\$5,745.00	\$28,085.00
FY2023/2024 Collection/(Contribution)	10,005.52	3,814.50	1,749.86	15,569.89	3,502.19	804.42	829.80	1,461.14	0.00	80.21	160.42	735.16	364.16	601.03	970.07	251.65	142.20	189.38	10,091.83	207.92	25,869.64
Estimated Balance at June 30, 2024	\$21,324.49	\$8,131.25	\$3,734.15	\$33,189.89	\$5,139.40	\$1,180.50	\$1,217.88	\$2,143.87	\$0.00	\$117.82	\$235.65	\$1,079.16	\$534.42	\$882.50	\$1,424.23	\$369.50	\$208.77	\$278.13	\$14,811.83	\$5,952.92	\$53,954.64
CAPITAL IMPROVEMENT RESERVE																					
Estimated Balance at June 30, 2023	\$43,040.35	\$16,414.40	\$7,545.25	\$67,000.00	\$22,199.53	\$5,099.35	\$5,262.03	\$9,257.37	\$0.00	\$509.99	\$1,019.99	\$4,664.40	\$2,308.64	\$3,816.65	\$6,158.13	\$1,597.88	\$902.65	\$1,203.40	\$64,000.00	\$0.00	\$131,000.00
FY2023/2024 Collection/(Contribution)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	800.00	800.00
Estimated Balance at June 30, 2024	\$43,040.35	\$16,414.40	\$7,545.25	\$67,000.00	\$22,199.53	\$5,099.35	\$5,262.03	\$9,257.37	\$0.00	\$509.99	\$1,019.99	\$4,664.40	\$2,308.64	\$3,816.65	\$6,158.13	\$1,597.88	\$902.65	\$1,203.40	\$64,000.00	\$800.00	\$131,800.00
DISTRICT STATISTICS																					
Total Parcels	12	9	16	37	8	2	3	1	2	1	2	4	1	5	7	2	1	2	41	2	80
Total Parcels Levied	12	9	16	37	8	2	3	1	0	1	2	4	1	5	7	2	1	2	39	2	78
Total EBU	46.49	17.73	8.15	72.37	8.00	2.00	3.00	1.00	0.00	1.00	2.00	4.00	1.00	5.00	7.00	2.00	1.00	4.00	41.00	2.00	115.37
Levy per EBU (2023/2024)	\$347.90	\$347.90	\$347.90		\$526.06	\$483.36	\$332.52	\$1,755.00	\$0.00	\$96.68	\$96.68	\$221.06	\$437.66	\$144.70	\$166.78	\$151.46	\$171.12	\$57.02		\$530.50	
Maximum Levy per EBU - 2022/2023	\$327.02	\$327.02	\$327.02		\$525.81	\$483.13	\$332.36	\$1,754.12	\$501.18	\$96.64	\$96.64	\$220.96	\$437.45	\$144.64	\$166.70	\$151.39	\$171.04	\$57.01		\$535.67	
CPI Increase per EBU (6.41%)	\$20.88	\$20.88	\$20.88		\$33.70	\$30.96	\$21.30	\$112.44	\$32.12	\$6.19	\$6.19	\$14.16	\$28.04	\$9.27	\$10.68	\$9.70	\$10.96	\$3.65		\$34.33	
Maximum Levy per EBU - 2023/2024	\$347.90	\$347.90	\$347.90		\$559.51	\$514.09	\$353.66	\$1,866.56	\$533.30	\$102.83	\$102.83	\$235.12	\$465.49	\$153.91	\$177.38	\$161.09	\$182.00	\$60.66		\$570.00	
Maximum Levy Amount - 2023/2024	\$16,173.87	\$6,168.27	\$2,835.39	\$25,177.52	\$4,476.08	\$1,028.18	\$1,060.98	\$1,866.56	\$0.00	\$102.83	\$205.66	\$940.48	\$465.49	\$769.55	\$1,241.66	\$322.18	\$182.00	\$242.64	\$12,904.29	\$1,140.00	\$39,221.81

Appendix A - DISTRICT BOUNDARY MAPS

The original assessment diagrams and tract maps for the District were previously approved and submitted to the City in the format required by the 1972 Act. These diagrams are on file in the Office of the City Clerk and by reference are made part of this Report.

The following are reproductions of the County Assessor's Parcel Map associated with each subdivision and Zone.



**Lighting & Landscape
Maintenance District No.6
Zones of Benefit**

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Sutter County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within this District, along with the assessment amounts, is included on the following pages. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: FY2023-24 Citywide Sole Source and Professional Services
Recommendation: Adopt a Resolution pre-authorizing the City Manager or designee to enter into citywide sole source and professional service purchases from July 1, 2023 through June 30, 2024, for specified items based on each purchase recommendation being in the best interest of the City
Fiscal Impact: The listed purchases throughout the fiscal year 2023-2024, which must conform to the currently approved budget and purchasing policies, represent up to an estimated \$9,787,000 in existing or planned sole source agreements, professional service agreements and other frequently used vendors

Purpose:

Approve known future and reoccurring sole source and professional service purchases in the 2023-2024 fiscal year.

Council's Strategic Goal:

This item supports the City Council's priority of fiscal responsibility.

Background:

The purpose of this staff report is to consolidate known future and mostly reoccurring sole source and professional service purchases in the fiscal year 2023-2024. This approach streamlines purchases during the year and allows City Council to have a broader knowledge of the upcoming sole source and professional service purchases. In 2008, the City Manager sought to improve efficiency and streamline routine large purchases by placing all known, professional service and sole source purchases required to go before City Council due to exceeding the City Manager's purchasing authority onto one agenda item that serves to streamline the agendas. To continue to improve the process, all multi-year professional service and sole source purchases are included in the staff report to provide the most transparency, even though the current Council, or a previous Council, had awarded the contract on a previous agenda.

The City adopted an updated purchasing policy on February 1, 2022, effective March 2, 2022. The updated policy now authorizes the City Manager to enter into purchase agreements up to \$100,000

without City Council approval. Therefore, vendors appearing in the analysis section attached include those providing support, maintenance, or upgrades for proprietary equipment, those which are annually successful in the three quotes process with enough work for the City of Yuba City to potentially bring them above the \$100,000 threshold in a fiscal year, and those which are continuing in a multiple year agreement that totals over \$100,000 over the entire contract, which may have been competitively selected and awarded by Council already. Additionally, some purchases appear which are subject to the Public Contract Code wherein the threshold is \$60,000, but are included for public, City Council, and staff information.

Analysis:

All such contracts and purchasing will continue to follow the Purchasing Policy, as adopted by City Council, sections 9-1 through 10-8. Additionally, formal bid purchases will continue to go through the formal bid process outlined in the City's Purchasing Policies and Procedures, along with any sole source, professional services, and commodity purchases that are not in this report.

A sole source purchase is appropriate when:

- An integral repair part or accessory compatible with existing equipment is only available from one vendor, or
- A product has a unique design/performance specification or quality requirements essential to department operations, or
- This is only one known manufacturer or is the only authorized seller/servicer of the product in the region, or
- Staff have specialized training or expertise with a product and retraining is substantial, or
- Upgrading existing software, making emergency purchases, or special situations as they arise, or
- An emergency purchase arises, or
- A public project procurement under the established requirement established by Public Contract Code Section 22032(a), or
- Special situations as they arise.

If there is a change in circumstances such that any sole source, professional services or commodity purchases would not be warranted under the Purchasing Policy, staff will return to the City Council for approval as to another vendor, etc., as appropriate.

With City Council approval of staff's recommendation, the departments will still be required to work within their approved budgets for the fiscal year 2023-2024 and comply with the adopted Purchasing Policy when making purchases. The items in Attachment 2 were considered by departments when building their budgets and are expected to not affect budget reduction scenarios.

Fiscal Impact:

The listed purchases throughout the fiscal year 2023-2024, which must conform to the currently approved budget and purchasing policies, represent up to an estimated \$9,787,000 in existing or planned sole source agreements, professional service agreements and other frequently used vendors.

Alternatives:

Direct staff to formally bid on some or all of the attached sole source purchases and solicit proposals for the professional services agreements.

Recommendation:

Adopt a Resolution pre-authorizing the City Manager or designee to enter into citywide sole source and professional service purchases from July 1, 2023 through June 30, 2024, for specified items based on each purchase recommendation being in the best interest of the City.

Attachments:

1. Citywide Purchases Resolution
2. FY 23-24 Citywide Purchases Vendor List
3. Purchasing Policy Excerpt
4. Public Contract Code 22032

Prepared By:

Amarjit Kaur
Administrative Analyst II

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
PRE-AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO
CITYWIDE SOLE SOURCE AND PROFESSIONAL SERVICES PURCHASES
FROM JULY 1, 2023 THROUGH JUNE 30, 2024**

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

WHEREAS, the City of Yuba City is a public entity established under the laws of the State of California, and

WHEREAS, the City of Yuba City has a City Council adopted Purchasing Policy that provides direction to staff on all professional service and sole source agreements, and

WHEREAS, the City Council of the City of Yuba City has the intent to keep the approval of routine and annual purchases through negotiated professional service and sole source agreements with well-vetted and competent vendors efficient while maintaining transparency, and

WHEREAS, such a process promotes the efficient use of public resources, and is in the best interests of the City; and

WHEREAS, the City Council desires to authorize the City Manager, or designee, to enter into contracts with the vendors on the attached list, to be updated and brought before City Council annually.

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

1. From July 1, 2023 through June 30, 2024, the City Council pre-authorizes the City Manager, or designee, to enter into agreements with vendors, service providers, etc., as identified in Attachment 2, and in the amounts not to exceed those identified therein. The City Manager, or designee, shall otherwise have discretion as to the terms of said agreements, subject to review and approval of the City Attorney as to legal form. The actual selection and award of such contracts and purchasing items will continue to comply the City's adopted Purchasing Policy as may be amended. If there are circumstances such that an award of any sole source, professional service or commodity purchase to a pre-authorized business or person would not otherwise be warranted under the Purchasing Policy, then the award shall not be made to that pre-authorized person or business. Instead, the City Manager or designee will return to the City Council to obtain approval as to another person or business who would be appropriately awarded the bid or agreement consistent with the Purchasing Policy, unless the City Manager was otherwise authorized to make such an award under the Purchasing Policy or other authority previously granted by the City Council.
2. The City Council finds that the pre-authorization as provided for herein promotes the efficient use of public resources, and is in the best interests of the City.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 20th day of June, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNCIL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

Citywide Purchases:

BEST BEST & KRIEGER, LLP of Sacramento, CA

Professional services agreement in the estimated amount of **\$185,000** for personnel and other matters.

COP SHOP INSTALLATIONS of Yuba City, CA

Sole source purchases in the estimated amount of **\$150,000** for the purchase and installation of emergency vehicle accessories for Police and Fire Department vehicles such as light bars, decals, sirens, scanners, opticoms, etc.

LANDSCAPES BY STENTZEL of Live Oak, CA

Professional services agreement in the estimated amount of **\$225,000** for maintenance of Landscape Maintenance Districts and unfunded City street trees.

LIEBERT, CASSIDY & WHITMORE, INC of Los Angeles, CA

Professional services agreement in the estimated amount of **\$150,000** for labor relations consulting services.

SIERRA PACIFIC TURF SUPPLY of Campbell, CA

Sole source purchases in the estimated amount of **\$225,000** for purchasing fertilizer and pesticides for City facilities and parks throughout the City.

Development Services Purchases:

DENIS COOK, LAND USE PLANNING CONSULTING of Thousand Oaks, CA

Professional services agreement in the estimated amount of **\$105,000** for assistance on an as-needed basis in the processing of land use entitlement applications including but not limited to General Plan Amendments, Specific Plans, Rezoning Tentative Subdivision and Parcel Maps, Use Permits, Variances and other entitlements or studies. Work may also include preparation of staff reports, ordinances, resolutions, legal notices and other items as needed. Includes preparation of environmental documentation for compliance with the California Environmental Quality Act (CEQA). Assistance may include other Planning or Local Agency Formation Commission (LAFCO) related items.

ECORP CONSULTING INC of Rocklin, CA

Professional services agreement in the estimated amount of **\$105,000** for assistance on an as-needed basis for tribal consultation in the processing of land-use applications for compliance with AB 52 and SB 18, including but not limited to providing technical support in determining whether or not Tribal Cultural Resources will be significantly impacted by a project, document the consultation process and comments received and advise the City on Tribal Consultation matters.

TRUE POINT SOFTWARE of Loomis, CA

Professional services agreement in the estimated amount of **\$105,000** for implementation, training, and setup for Accela software. True Point is the local Accela certified firm and employs a team with an average of 16 years of experience providing public sector IT services.

OPEN COUNTER of Boston, MA

Professional services agreement in the estimated amount of **\$105,000** for interactive software implementation for building application processes. The software provides 24/7 step-by-step instructions, specific to the applicants' projects, that will allow applicants to further understand permit requirements, zoning, municipal codes, etc.

PLACEWORKS of Santa Ana, CA

Professional services agreement in the estimated amount of **\$350,000** for general plan updates, zoning code updates, and associated environmental work.

Finance/IT Purchases:

SPILLMAN TECHNOLOGIES of Logan, UT

Sole source in the estimated amount of **\$150,000** for the annual maintenance agreement of the City's Police CAD/RMS System. This system is a collection of software modules that integrate to form a single system. Spillman is the developer and sole distributor of their software.

CENTRAL SQUARE TECHNOLOGIES of Lake Mary, FL.

Sole source in the estimated amount of **\$160,000** for the City's financial system annual maintenance agreement. This system is a collection of software modules that integrate to form a single system. Pentamation is the developer and sole distributor of their software.

LENOVO GLOBAL TECHNOLOGY of Morrisville, NC

Sole source computer purchases in the estimate amount of **\$200,000** for fiscal year 23-24 at prices not to exceed the California Multiple Award Schedule (CMAS) contract price for Lenovo Global Technology.

SOFTWARE ONE of Waukesha, WI

Sole source in the estimated amount of **\$150,000** for the City's Microsoft Enterprise Agreement annual maintenance. This agreement provides software for desktops, servers and applications including Office, email and databases. Software One is the designated reseller in our state by Microsoft and is the only authorized reseller for all organizations in the State of California.

SUTTER BUTTES COMMUNICATION of Yuba City, CA

Sole source in the estimated amount of **\$140,000** for parts, installation, radio service and warranty for patrol vehicles, fire vehicles, and the communication center. Sutter Buttes has been providing services for the City for many years and is very familiar with the parts and installation that are needed to keep our radio communications working.

MOTOROLA SOLUTIONS, INC of Schaumburg, IL

Sole source in the estimated amount of **\$140,000** for portable radios and accessories for personnel and vehicles.

AXON of Scottsdale, AZ

Sole source in the estimated amount of **\$140,000** for the annual maintenance agreement of the Police Department's in-car and body camera equipment, as well as the cloud storage for video recordings.

Fire Purchases:

ALLSTAR FIRE EQUIPMENT OF HAYWARD, CA

Sole source contract in the estimated amount of **\$192,000** for Fire Department purchases of Phos-Check Class A and Angus AR-AFFF Class B concentrated firefighting foam, structural firefighting helmets, hose, and Lyon structural firefighter turnouts.

LN CURTIS & SONS of Oakland, CA

Sole source contract in the estimated amount of **\$200,000** for Fire personal protective equipment, hose and apparatus equipment, and vehicle extrication equipment. LN Curtis & Sons has exclusive contracts with many manufacturers of Fire Equipment used by the Yuba City Fire Department. Standardization of equipment for all fire units is necessary for efficient use in emergencies.

Public Works Purchases:

Professional Services:

BLAIS & ASSOCIATES of Little Elm, TX and Irvine, CA

Grant monitoring and support services in the estimated amount of **\$200,000** per calendar year.

CALTEST of Napa, CA

Professional services in the estimated amount of **\$180,000** for contracted laboratory and stormwater testing services.

COASTLAND CIVIL ENGINEERING of Auburn, CA

Professional services in the estimated amount of **\$200,000** for engineering, design, document preparation and staff support.

DU-ALL SAFETY of Fremont, CA

Sole source in the estimated amount of **\$150,000** for the continued development and implementation of safety programs, employee training, and compliance services.

HERWIT ENGINEERING of Clayton, CA

Professional services in the estimated amount of **\$150,000** to provide process engineering support for wastewater treatment.

JACOBS of Sacramento, CA

Professional services in the estimated amount of **\$200,000** for engineering support of the water and wastewater systems.

LARRY WALKER ASSOCIATES of Davis, CA

Professional services in the estimated amount of **\$200,000** for consulting services related to the WWTF NPDES permit renewal, storm-water management, and Utilities CIP projects.

MHM, INC. of Marysville, CA

Professional services in the estimated amount of **\$300,000** for on-call engineering, surveying, and design services on a time-and-materials basis to support miscellaneous Engineering, CIP, water, and wastewater projects.

SOMACH SIMMONS & DUNN of Sacramento, CA

Professional services in the estimated amount of **\$150,000** for legal services for water rights and supply issues.

TESCO of Sacramento, CA

Professional services in the estimated amount of **\$105,000** for instrumentation system support, preventative maintenance services, and proprietary materials and parts at the Water Treatment Facility, Wastewater Treatment Facility, Corp Yard, and other city facilities.

TJC AND ASSOCIATES of Sacramento, CA

Professional services in the estimated amount of **\$200,000** for support of the structural design, electrical, SCADA, and instrumentation systems at the Water and Wastewater Treatment Facilities.

TM PROCESS & CONTROLS, INC. of Elk Grove, CA

Professional services in the estimated amount of **\$150,000** for support of the electrical, SCADA, and instrumentation systems at the Water and Wastewater Treatment Facilities.

WEST YOST ASSOCIATES of Davis, CA

Professional services in the estimated amount of **\$200,000** for engineering support services for the water and wastewater systems.

WOODARD & CURRAN of Walnut Creek, CA

Professional services in the estimated amount of **\$200,000** for engineering support services for the water and wastewater systems.

ZANJERO of Sacramento, CA

Professional services in the estimated amount of **\$150,000** for water planning and supply consultant services.

On-call Services:

ALL-AMERICAN CONSTRUCTION, INC. of Live Oak, CA

Sole source in the estimated amount of **\$120,000** for on-call construction services on a time-and-materials basis for public works projects up to \$60,000 or less in accordance with Public Contract Code Section 22032(a).

BIG S ASPHALT CO. of Yuba City, CA

Sole source in the estimated amount of **\$120,000** for on-call construction services on a time-and-materials basis for public works projects up to \$60,000 or less in accordance with Public Contract Code Section 22032(a).

COMMERCIAL PUMP & MECHANICAL, INC. of Chico, CA

Sole source in the estimated amount of **\$325,000** for on-call mechanical, pump repair, upgrades, and full installation services on a time-and-materials basis for the City's infrastructure maintenance.

DOS RIOS of Yuba City, CA

Sole source in the estimated amount of **\$175,000** for construction services to be provided for the Water Treatment Plant.

H & H TRENCHING of Arboga, CA

Sole source in the estimated amount of **\$120,000** for on-call construction services on a time-and-materials basis for public works projects up to \$60,000 or less in accordance with Public Contract Code Section 22032(a).

KINNEY ELECTRIC & POWER TRANSMISSION, INC. of Yuba City, CA

Sole source in the estimated amount of **\$175,000** for on-call services and parts on a time-and-materials basis for the water and wastewater systems.

MICHELS CORPORATION DBA MICHELS PIPELINE CONSTRUCTION of Salem, OR

Sole source in the estimated amount of **\$200,000** for water infiltration, manhole rehabilitation, storm drainage system, and related on-call services for the sewer collection system.

NEWLAND ENTITIES of Marysville, CA

Sole source in the estimated amount of **\$120,000** for on-call construction services on a time-and-materials basis for public works projects of \$60,000 or less in accordance with Public Contract Code Section 22032(a).

NORTH STAR CONSTRUCTION AND ENGINEERING, INC. of Yuba City, CA

Sole source in the estimated amount of **\$180,000** for on-call construction and engineering services on a time-and-materials basis for public works projects of \$60,000 or less in accordance with Public Contract Code Section 22032(a).

RICHALL ELECTRIC CO. of Yuba City, CA

Sole source in the estimated amount of **\$175,000** for on-call electrical services on a time-and-materials basis, including emergency and afterhours work, for all City facilities.

ROBERT FARLEY CONSTRUCTION of Yuba City, CA

Sole source in the estimated amount of **\$120,000** for on-call construction services on a time-and-materials basis for public works projects up to \$60,000 or less in accordance with Public Contract Code Section 22032(a).

S & S AG AND CONSTRUCTION SERVICES INC of Gridley, CA

Sole source in the estimated amount of **\$175,000** for on-call scraping, excavation, hauling, and deep ripping of Water and Wastewater Treatment Facilities and other related services.

TELSTAR INSTRUMENTS of Sacramento, CA

Sole Source in the estimated amount of **\$110,000** for on-call instrumentation system support, annual flowmeter calibration, and preventative maintenance.

Sole Source Purchases:

BADGER METER of Santa Rosa, CA

Sole source in the estimated amount of **\$150,000** for the continued provisions of the water meter reading system, such as software support and water meter equipment and repair parts.

FRANK OLSEN COMPANY of Livermore, CA

Sole source in the estimated amount of **\$200,000** for purchasing valves and actuators for the Water Treatment Plant and Wastewater Treatment Plant's conventional filters.

JAM SERVICES of Livermore, CA

Sole source in the estimated amount of **\$105,000** for the City's customized illuminated street name signs and replacement parts and miscellaneous electrical parts and equipment.

POLYDYNE, INC. of Riceboro, GA

Sole source in the estimated amount of **\$650,000** for polymer for the wastewater treatment process.

REXEL USA, INC. of Yuba City, CA

Sole source in the estimated amount of **\$250,000** for electrical parts, supplies, and services for the Water and Wastewater Treatment Facilities.

NAPA AUTO PARTS of Yuba City, CA

Sole source in the estimated amount of **\$105,000** for general minor parts and supplies for citywide purchases.

SHAPE INCORPORATED of Pleasanton, CA

Sole source in the estimated amount of **\$150,000** for pump parts, repairs, and service for Flygt-brand equipment.

XYLEM WATER SOLUTIONS USA, INC. of Rye Brook, NY and Fairfield, CA

Sole source in the estimated amount of **\$150,000** for specialty pumps, parts, and supplies for the Water and Wastewater Treatment Facilities.

ATTACHMENT 3

SECTION 9: SPECIAL PROCUREMENT CIRCUMSTANCES

9-1. Finance Department Procurements

The Finance Department is charged with the duty to contract for purchase of the following equipment, materials, and services:

1. New or replacement vehicles or equipment
2. Items purchased from state contracts
3. Computer hardware and software (through the Information Technology Division)
4. Other items as may be determined in the future
5. When it is in the best interest of the City to negotiate an extension of an existing contract for supplies or technical services, based on satisfactory performance. Such negotiated price must be fair and reasonable. This shall also apply to products or services purchased through prior recent bidding.

9-2. CDBG and Other Applicable Federal Grants:

In compliance with the City's Community Development Block Grant, HOME funds, and other applicable federal funds administered by the United States Department of Housing and Urban Development (HUD), procurement procedures shall comply with federal regulations (24 CFR 85.36). The City will follow the Office of Management and Budget Guidance 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

9-3. Sole Source Purchases:

When competitive quotations for goods and services are not possible, such purchases shall be made through negotiated procurement. Sole source purchases may require City Manager or City Council approval, based upon procurement limits and Municipal Code requirements.

A sole source justification form must be signed by the requestor's Department Head and City Manager (if applicable), then forwarded to the Finance Department and filed to justify the sole source purchase. Sole-source specifications should be avoided whenever possible as they minimize or eliminate competition.

When the use of said sole-source vendor is expected to be repeated or ongoing, the operating department may indicate that it is a "recurring" sole source on the sole source justification form. The sole source justification shall then be valid for three years from date of approval by the Department Head.

9-3.1. Sole Source is Appropriate When:

1. The requested product is an integral repair part or accessory compatible with existing equipment and is only available from one vendor.
2. The requested product has unique design/performance specifications or quality requirements which are essential to department operations and are not available in comparable products.
3. Only known manufacturer of this product.
4. The requested product is one with which department staff have specialized training and/or extensive expertise. Retraining would incur substantial cost in time and/or money.
5. Only vendor authorized to sell/service this product in our region.
6. Upgrade to existing software. Available only from the producer of this software who sells on a direct basis only.
7. Emergency purchase.
8. Public project procurements under the requirements established by Public Contract Code Section 22032(a).
9. Special situations as they arise.

9-3.2. City Manager Approval:

Sole source requests between \$50,000.01 and \$100,000 require the approval of the City Manager.

9-3.3. City Council Approval:

Sole source requests over \$100,000 require the approval of the City Council.

9-4. Emergency Purchases up to \$100,000 (Not for Public Projects):

Emergency purchases may be made without the benefit of competitive bidding when time is of the essence. Emergency purchases should be made only for the following reasons: (1) to preserve life, health, or property; (2) upon a natural disaster; (3) to correct or forestall a shutdown to maintain essential public services; or (4) other unforeseeable events (as authorized by the City Manager). Emergency purchases are not valid for contrived urgencies resulting from lack of planning and organization. Since emergency orders do not normally provide the City an opportunity to obtain competitive quotes, nor properly encumber funds, such orders should be kept to an absolute minimum. Emergency purchases shall be approved by the Department Head or designee.

9-5. Emergencies Over \$100,000 (Not for Public Projects):

Emergency purchases over \$100,000 require the approval/signature of the City Manager. The City Manager shall provide a report after any emergency purchase over \$100,000 at the next City Council meeting following the emergency purchase.

9-6. Emergency Public Projects:

Public projects shall be completed according to Public Contract Code 22050 and the City's Municipal Code Section 2-6.15.

9-7. Cooperative Purchases:

The City may participate in purchases and contracts conducted by other political jurisdictions, provided that the cooperative agreement is established following a competitive bid process. In a cooperative purchase, one agency represents several agencies by soliciting bids including the needs of the other agencies in the bid specifications. This higher product volume may result in lower unit cost for all agencies, and also reduces the time and cost of the City administering its own bid process.

Needed documentation includes:

1. Copy of the other jurisdiction's bid document(s)
2. Any Board or Council action awarding the contract
3. The contract documents

The City Manager may authorize the award of cooperative purchase agreements for amounts not more than \$100,000; City Council approval is required for the award of any cooperative purchase exceeding \$100,000.

9-8. Piggyback onto Existing Contract:

“Piggybacking” is the use of an existing contract for goods between another government agency and a vendor for the purchase of those same goods. When piggybacking onto a contract, the City must use the terms of the contract and price of the item must be as specified in the contract or awarding document. The contract for consideration must have been awarded through a competitive bidding process prepared and awarded by another local, state, or federal government agency.

Needed documentation includes:

1. Copy of the other jurisdiction's bid document(s)
2. Any Board or Council action awarding the contract
3. The contract documents

The City Manager may authorize the award of piggyback purchases for amounts not more than \$100,000; City Council approval is required for the award of any piggyback purchase exceeding \$100,000.

9-9. Exemptions from Obtaining a Purchase Order:

The Finance Department shall maintain an approved direct pay list for which no purchase order is required due to unique purchasing circumstances, such as invoices from government agencies, utility providers, and subscription services.

The following is a non-inclusive list of the direct pay categories and/or vendors at the time of policy adoption:

The following is a non-inclusive list of the direct pay categories and/or vendors at the time of policy adoption:

- Actuarial studies
- Advertising
- Assessment district administration costs
- Attorney services
- Bond issuance costs (bond counsel, rating agency fees, and trustee fees)
- Cafeteria plan administration
- CDBG and Home Rehabilitation Loans
- Claim settlements (for liability claims)
- Conference or seminar registration
- Copy machine maintenance and leasing under contract
- Debt service payments
- Department of Health Services
- Department of Water Resources
- Deposit refunds
- Document destruction
- Downtown Business Improvement District remittance of cash receipts
- Employment Development Department
- Family Intervention Team program expenditures
- Feather River Air Quality Management District
- Fingerprinting (Department of Justice)
- Fingerprinting (Sutter County – Live Scan)
- Fire Department stipend checks
- Fuel for storage tanks
- General Liability insurance premiums
- Gilsizer Drainage District
- Housing consultant
- Land/property
- Lobbying activities
- Meals (per diem or travel reimbursement)
- Membership dues
- MuniFinancial
- Net 5 purchases (Secretary, City of Marysville)
- Office equipment O&M
- Office supplies (consumable only)
- Parking Citation Hearing Officer
- Payroll deduction remittances
- Petty cash reimbursements
- Postage & freight
- Pre-employment physicals, medical blood, DATCO (substance abuse testing)

- Refunds
- Retirement administration: Phase II Systems for PARS trust administration
- State Board of Equalization (diesel fuel tax, sales and use tax)
- State Division of Administrative Services (seismic fees)
- State Water Resources Control Board
- Subdivision Agreement reimbursements
- Subscriptions
- Supplies or refreshments reimbursement
- Sutter-Yuba Mosquito Vector Control District
- Teambuilding (Amistad Associates)
- Telephone
- Temporary help (personnel agency)
- Training programs
- Travel & meetings
- Trustee fees
- Tuition reimbursements
- Uniform rental and cleaning (under contract)
- Utilities
- Vehicle allowance
- Water delivery service
- Yuba-Sutter Economic Development Corporation

An authorized signature and appropriate budget number(s) should be provided by the purchaser to Accounts Payable for invoices up to \$5,000. Invoices above \$5,000 should be accompanied by a check request form, approved by the Department Head.

SECTION 10: PROFESSIONAL SERVICES

10-1. Definition:

Those services by independent consultants such as legal, engineering, programming, planning, environmental, economic, financial, testing, specialized temporary employee services, medical, dental, accounting, surveying, landscape architecture, advertising, design, etc., are considered to be “professional services”. This may also include services requiring peculiar or specialized abilities which by state law do not require competitive bidding.

10-2. Operating Department Responsibilities:

1. Prepare specifications or scope of work.
2. Solicit, review, and select qualified consultant/firm.
3. Provide written documentation justifying selection of the successful consultant/firm. Staff may utilize the Professional Services Justification form on CityNet.
4. Prepare a City Professional Services Agreement and obtain consultant's signature.
5. Compile all exhibits/attachments described or referenced in the contract.
6. Secure and review required insurance documents for conformance to City contract requirements.
7. Submit the contract to the City Attorney for review and approval, if applicable.
8. If between \$50,000 and \$100,000, obtain City Manager approval.
9. If over \$100,000, obtain Council approval.
10. Submit requisition to Finance to issue a purchase order.
11. Submit original signed contract, complete with exhibits, attachments, and insurance, to the City Clerk.
12. Provide the consulting firm a signed copy of the contract.

10-3. Decentralized:

Due to the specialized and technical nature of professional services, contracting for professional services is decentralized and shall be the responsibility of each applicable Department Head.

10-4. Solicitation of Proposals:

Solicitation of professional service proposals is the responsibility of the operating departments. The Finance Department may be contacted to assist and support the formal request for proposal process.

10-5. Selection of Consultant:

Contracts negotiated by the City for professional services will be based on demonstrated competence, professional qualifications for the services required, availability, fair and reasonable cost, and other relevant factors as determined by the operating department. Competitive bidding is encouraged whenever possible; however, it is not mandatory.

10-6. City Attorney Review and Approval:

The City shall, whenever possible, use the City's Professional Services Agreement form, which as been approved as to form by the City Attorney and is available on CityNet. Should another agreement be considered for professional services, review and approval as to form by the City Attorney is required prior to execution by the City.

The City Attorney shall review and approve as to form all Professional Service Agreements prior to City Council approval for contracts over \$100,000.

10-7. Procurement Limits — Professional/Consultant Services:

Specified procurement limits are tabulated per consultant firm per fiscal year and are not to be split to circumvent the determined limits. No professional services consultant shall be paid more than \$100,000 per fiscal year for the City as a whole without prior Council authorization.

10-7.1. Contracts of \$50,000 or Less:

Contacting three (3) firms, although encouraged, is not required for contracts \$50,000 or less. Department Heads are authorized to sign Professional Service Agreements totaling \$50,000 or less.

10-7.2. Contracts \$50,000.01 up to \$100,000:

Operating departments should, whenever possible, contact three (3) consultants/firms and select the most qualified firm. The City Manager is authorized to sign Professional Service Agreements totaling \$100,000 or less.

10-7.3. Contracts Over \$100,000:

Operating departments shall solicit written proposals and negotiate with a minimum of three (3) consultants/firms, whenever possible. Professional Service Agreements over \$100,000 require City Council approval. If the contract is a multiple year agreement, information regarding multiple years must be presented to Council in the staff report at the time of approval.

10-8. Changes to and Cancellation of Purchase Orders:

The operating department will notify Finance when initiating changes which alter the purchase order. Purchase orders that need to be canceled or closed must be forwarded to Accounts Payable. The last payment against a purchase order that does not increase the purchase order total by 10% can be processed without obtaining a purchase order change order.

The City Manager will approve any change orders that have the purchase order total amount exceed \$50,000, up to \$100,000. Change orders cannot be requested that exceed Council-approved appropriations or Council contract award amounts without additional Council authorization.

ATTACHMENT 4

State of California

PUBLIC CONTRACT CODE

Section 22032

22032. (a) Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(b) Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

(Amended by Stats. 2018, Ch. 169, Sec. 2. (AB 2249) Effective January 1, 2019.)

CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Summary

Subject: Planned Development 18 (PD 18) Zoning District associated with Tentative Subdivision Map (TSM) 23-01, West Walton Village.

Recommendation: A. Conduct a Public Hearing; then
B. Introduce an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 23-02 by adopting a Mitigated Negative Declaration prepared for Planned Development (PD) 18 and SM 23-01 and rezoning Assessor's Parcel 58-020-001 to add Planned Development (PD) 18 located on the west side of Walton Avenue approximately 670 feet north of Franklin Road; Assessor's Parcel Number (APN) 58-020-001, and waive the first reading

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

Purpose:

To establish Planned Development (PD) 18 associated with the West Walton Village subdivision (SM 23-01).

Council's Strategic Goal:

This item meets the City Council's strategic goal of business friendly. Establishing PD 18 provides modified development standards to facilitate the development of West Walton Village subdivision.

Background:

The applicant, Capital Farm and Management Company, filed applications Planned Development (PD) 18 and Tentative Subdivision Map SM 23-01, West Walton Village.

On May 31, 2023, the Yuba City Planning Commission conducted a public hearing, and the Planning Commission unanimously:

1. Adopted Resolution PC 23-12 recommending approval of Planned Development (PD) 18 to the City Council together with Environmental Assessment 23-04; and

2. Adopted Resolution PC 23-13 contingently approving SM 23-01;

Analysis:

The proposed PD rezone will rezone the property from a Two-Family (R-2) Zone District to the Planned Development (PD 18) Zone District. Rezoning to a PD District will amend the development standards providing for the subdivision (TSM 23-01) of the 9.16-acre property into 66 half-plex (a duplex, with the units divided by a property line) lots, and six single-family residential lots for a total of 72 new residences. The project also proposes four Accessory Dwelling Unit (ADU) residences which are not discussed any further as they are a permitted use on all residential lots (ADU's are small second residences that are in addition to the primary residence on a lot that are permitted on all residential lots in the state).

Summary of the Planned Development (PD) Zone District:

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

PD 18 Development & Design Standards		
Minimum Lot Size	Single-family residential lot – 5,000 square feet.	
	Half-plex residential lot – 3,000 square feet for interior lots, 3,500 square feet for corner lots.	
Maximum Percentage Lot Coverage	Single-family residential lot – 45%.	
	Half-plex lot – 60% for single-story, 40% for two story.	
Minimum Lot Width	Single-family lot – 45 feet, except cul de sac lots and lots on an outside curve shall be 45 feet at the rear of the front yard.	
	Half-plex lots – 30 feet.	
Minimum Lot Depth	85 feet.	
Minimum Yards	Front - 15 feet, except garages must be 20 feet, except Lot 34 a garage may be 18.5 feet.	
	Interior Side:	Single-family residence – 5 feet Half-plex – 3 feet, except it is a zero yard between attached residences.
	Street side	10 feet
	Rear	25 feet or 20% of the total lot depth, whichever is less.
Lot length to width ratio	For half-plex lots it shall be a maximum of 3.5/1.	
Landscaping	Each lot shall have completed front yard landscaping that is approved by the Development Services Director, prior to issuance of a certificate of occupancy.	

The PD 18 Zone District is needed instead of the R-2 District because the R-2 District was designed for duplexes and did not provide for half-plexes. That is, the R-2 was designed for duplexes which are two residences on a single lot. The R-2 District's minimum lot size is 6,000 square feet for two attached residences under one ownership. Half-plexes function and look like a duplex but have a property line between the attached residences. The proposed 3,000 square foot minimum lot size is for one of the attached residences and is essentially the same density and look as a duplex but provides homeownership opportunities.

Compatibility with Neighboring Uses:

This project is within a long planned residential area of the City, with existing homes being developed west of the project site. Proposed residential densities are consistent with what was analyzed in both the City's 2004 Comprehensive General Plan Update and its accompanying Environmental Impact Report (EIR). Accordingly, this project is compatible and consistent with existing and future planned uses.

BORDERING LAND USES	
North:	Duplexes.
South:	Retail center and small lot single-family residences.
East:	The southern portion of the east side of the Project has the rear of a retail center backing onto it; the north half fronts onto Walton Avenue with a vacant multiple-family residential designated property across the street.
West:	Multiple-family residences (apartments).

The site abuts a mix of existing multiple-family, duplex and single-family residential uses and commercial uses. The 2004 General Plan and zoning have planned this property for duplex/half-plex development for the last 19 years. Duplexes or half-plexes are not out of place within this eclectic area as this level of development is between single-family and multiple family uses. The close proximity of several commercial uses adds to the viability of the area as residents do not need to travel far (enhanced walkability) for the commercial activities that are offered by the nearby businesses, as well as the commercial uses benefiting from additional nearby residences. Land use compatibility is not expected to be an issue.

Traffic:

The proposed subdivision is within an existing suburban area, much of which is already built out. The sole ingress and egress to this property is Walton Avenue. There was formerly a mobile home park on this property which generated traffic onto Walton Avenue when it was built-out. Staff does not anticipate any increase in vehicle traffic to be significant due to preliminary screening where the proposed development is consistent with the existing General Plan density and the proposed peak hour trips are less than 50 trips. Walton Avenue and the nearest intersections, Walton Avenue/Bridge Street and Walton Avenue/Franklin Road intersections are within acceptable City adopted level of service standards and are not expected to deteriorate from the traffic generated by this project. This project will also provide pedestrian and bicycle improvements on Walton Avenue along the property frontage.

Availability of City services:

All City services are available to the property.

Environmental Considerations:

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

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. The findings of the mitigated negative declaration are that, with the proposed mitigations for Cultural Resources, Geology /Soils, Greenhouse Gas Emissions, and Tribal Cultural Resources, the proposed

PD/TSM will not create any significant impacts to the neighborhood or vicinity. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA.

Fiscal Impact:

The cost for processing land use entitlements is funded by the project applicant fees as adopted by the City Council.

Alternatives:

1. Deny the application to establish PD 18.
2. Provide staff with alternate direction.

Recommendations:

- A. Conduct a public hearing; then
- B. Introduce an Ordinance of the City Council of the City of Yuba City approving Environmental Assessment (EA) 23-02 by adopting a Mitigated Negative Declaration prepared for Planned Development (PD) 18 and SM 23-01 and rezoning Assessor's Parcel 58-020-001 to add Planned Development (PD) 18 located on the west side of Walton Avenue approximately 670 feet north of Franklin Road; Assessor's Parcel Number (APN) 58-020-001, and waive the first reading.

Attachments:

1. City Council Ordinance approving Environmental Assessment 23-02 and Planned Development No. 18
2. West Walton Village Subdivision Planning Commission Staff Report Packet, May 31, 2023

Prepared By:
Doug Libby, AICP
Deputy Director of Development Services

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT (EA) 23-02 BY ADOPTING A MITIGATED NEGATIVE DECLARATION PREPARED FOR PLANNED DEVELOPMENT (PD) 18 AND SM 23-01 AND REZONING ASSESSOR'S PARCEL 58-020-001 TO ADD PLANNED DEVELOPMENT (PD) 18 LOCATED ON THE WEST SIDE OF WALTON AVENUE APPROXIMATELY 670 FEET NORTH OF FRANKLIN ROAD; ASSESSOR'S PARCEL NUMBER (APN) 58-020-001.

WHEREAS, the City received an application for Tentative Subdivision Map (TSM) 23-01 and PD 18 to divide 9.16 acres into 66 half-plex residential lots and six single-family residential lots and to develop the property at an overall project density of approximately 8 residences per acre;

WHEREAS, PD 18 will modify certain development standards in the R-2 District in an effort to reduce minimum parcel sizes and other standards. Proposed development standard modifications include allowing for reduced minimum lot sizes of 3,000 square feet and 3,500 square feet for corner lots, reducing minimum required lot widths, yard setbacks, garage setbacks and minimum required distances between buildings on the same lot. The purpose of these modifications is to accommodate a more compact project design as further shown in the PD 18 Zone District (Exhibit A); and

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

- *Planned Development (PD) 18*: which proposes to amend the zone district from Two-Family Residence (R-2) to Planned Development (PD 18)
- *Tentative Subdivision Map (TSM) 23-01*: which proposes to divide 9.16 acres into 66 half-plex residential lots and six single-family residential lots
- *Environmental Assessment (EA) 23-02*

(collectively "Project"); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 23-02) for the Project; and

WHEREAS, on May 31, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on application TSM 23-01 and PD 18, at which time it received input from City Staff, the applicant; the public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the Project, including those related to application TSM 23-01 and PD 18, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission contingently approved the West Walton Subdivision Map (TSM 23-01) by adopting

Resolution PC 23-13 and recommended the City Council of the City of Yuba City adopt an ordinance approving Environmental Assessment EA 23-02, Planned Development 18, with a map included herein as Exhibit B and development standards reflected herein as Exhibit A, by adopting Resolution PC 23-12; and

WHEREAS, on June 20, 2023, the Yuba City Council conducted a duly noticed public hearing on the project, at which time it received input from City Staff; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council, after which public testimony was closed and this ordinance introduced; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council desires to approve PD 18 as refined and the associated Environmental Assessment (EA) 23-02 adopting a Mitigated Negative Declaration for the project.

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

1. Recitals. The City Council finds that the recitals are true and correct and incorporates the same herein as if set forth in full.
2. CEQA Findings: The City Council of the City of Yuba City finds that an Environmental Assessment/ Initial Study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, based on its independent judgement and analysis the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council of the City of Yuba City adopts the Mitigated Negative Declaration prepared for the project, including the associated Mitigation Monitoring and Reporting Program as updated, as the project will not result in any significant, adverse environmental impacts with the mitigations proposed. The Yuba City Development Services Department is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and is recommended to be designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The City Council authorize the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.
4. Planned Development Findings. Yuba City Municipal Code Section 8-5.2706 requires that the City make the following findings in order to approve a Planned Development (the required findings are in italics).

a. The proposal is consistent with the General Plan.

Evidence. The proposed subdivision creating 66 half-plex lots and six single-family residential lots is consistent with General Plan Policy 3.5-I-1, the lot sizes proposed are consistent with the Medium Density Residential General Plan Land Use Designation that provides for a density range of 6-14 dwellings per acre.

The proposed project's overall density of approximately eight residences per acre is within the established density range. The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed subdivision will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community.

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

Evidence. The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed map will will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community.

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

Evidence. The site is level and will be served by the full range of City services, or in the case of stormwater drainage, stormwater runoff will be collected by the City's stormwater system and conveyed to the Gilsizer County Drainage District and ultimately transported to the Feather River. The site will accommodate the proposed density with a circulation pattern that is suitable for the existing street network and surrounding uses and will construct public street improvements to City standards. The environmental document prepared for the project did not find any inadequacies of the property that would provide concerns for the development of the property.

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

Evidence. As discussed in item a) above, this project is consistent with the City's General Plan goals and policies including the established density range for MDR designated land. The project is conditioned to meet all City development and improvement standards including water, wastewater, stormwater drainage systems, street cross-sections, streetscape landscaping, and park facilities or applicable in-lieu fees. The proposed project will be subject to compliance with the R-2 development standards as amended by the proposed PD 18 Zone District.

5. Approval of Planned Development 18. The City Council hereby approves Planned Development 18 for the West Walton Subdivision, rezoning approximately 9.16 acres located on the west side of Walton Avenue approximately 670 feet north of Franklin Road. Assessor's Parcel Number (APN) 58-020-001, to add the "PD 18" designation as set forth in Exhibit B, and subject to the development standards as set forth in Exhibit A.

6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of

this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.
8. Effective Date of Resolution. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 20th day of June 2023, and adopted the Ordinance after the second reading at a regular meeting held on the _____ day of _____ 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: Planned Development 18
Exhibit B: Zoning Map

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

Tentative Subdivision Map 23-01

West Walton Village Planned Development (PD 18) Zone District

Purpose:

To provide specific land use and development standards for West Walton Village (Tentative Subdivision Map 23-01). This zone district is consistent with the Low-Medium Density Residential (MDR) General Plan Designation.

Applicability:

This PD₁₈ Zone District shall apply to the 9.16-acre property located on the west side of Walton Avenue approximately 670 feet north of Franklin Road. Assessor's Parcel Number (APN) 058-020-001, as modified by TSM 23-01.

Permitted Uses.

Tentative Subdivision Map Lots 15, 16, 33, 34, and 47 of Village 1 and Lot 7 of Village 2: A single-family residence, and related accessory uses permitted by the R-1 Zone District, as amended are permitted uses, and uses permitted with an approved use permit as described in the R-1 Zone District are permitted if a use permit is first approved. A revision to this PD Zone District must be found consistent with the General Plan.

All other lots: A half-plex (two attached residences divided by a property line through the building) on each of two adjoining lots and related accessory uses permitted in the R-2 Zone District are permitted uses, as amended, and uses permitted with an approved use permit as described in the R-1 Zone District, as amended, are permitted if a use permit is first approved.

Development and Design Standards.

Prior to sale or occupancy of half plex units, the property owner/developer shall record a master covenant, running with the land, regarding the adjoined half plexes that provides for use of common walls and maintenance, including provisions to allow for reasonable access to the adjoining half plex for repairs or for termite, structure, and other inspections required for transfer or refinancing of property. Additionally, the covenant shall specify the requirement that any exterior repairs or exterior maintenance of a half plex shall be visually consistent and match with the adjoining half plex; inconsistent or different material styles or colors for exterior siding material, paints, treatments, or roofing types are prohibited. Any modifications to the covenant shall first be approved by the City.

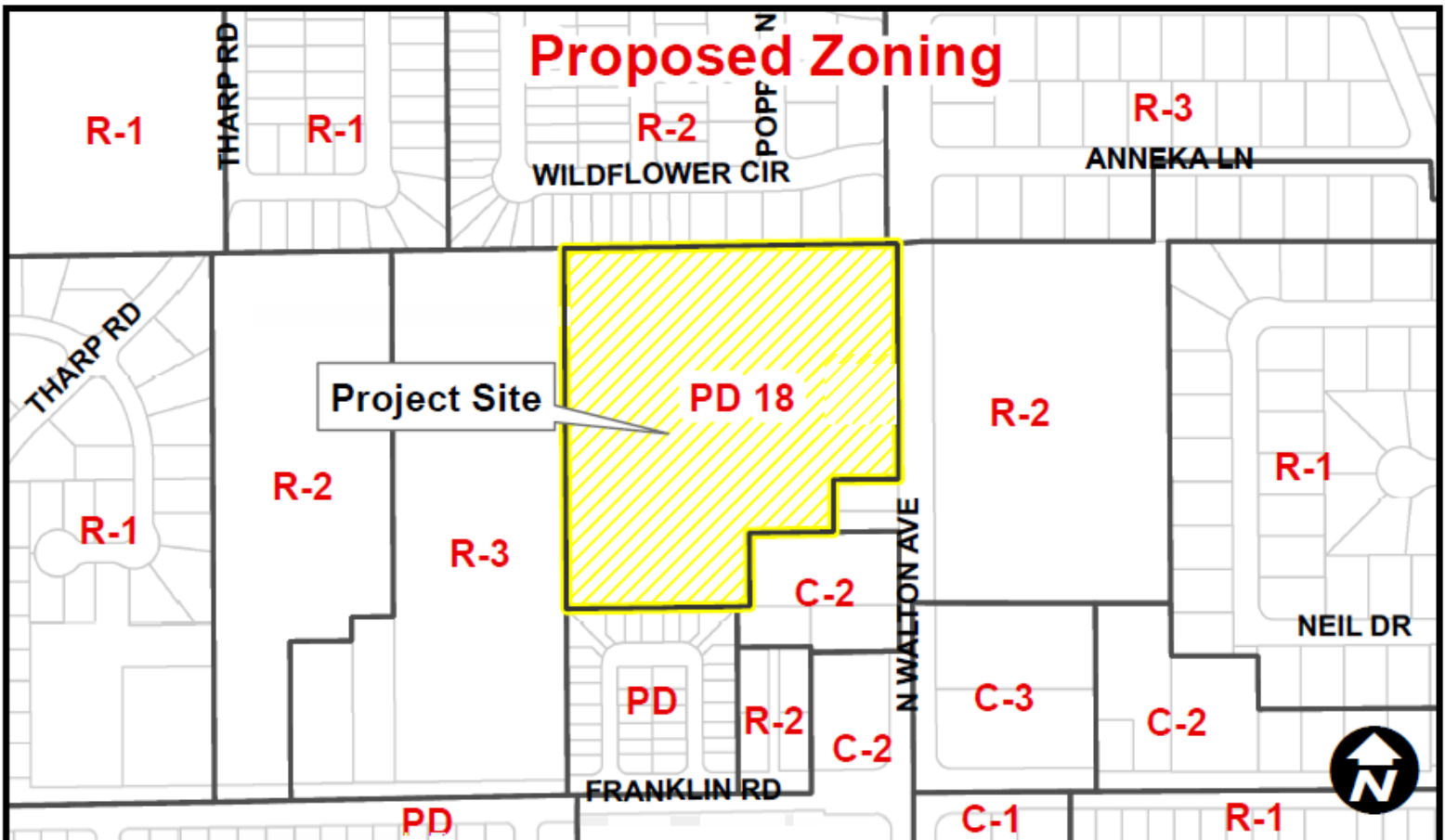
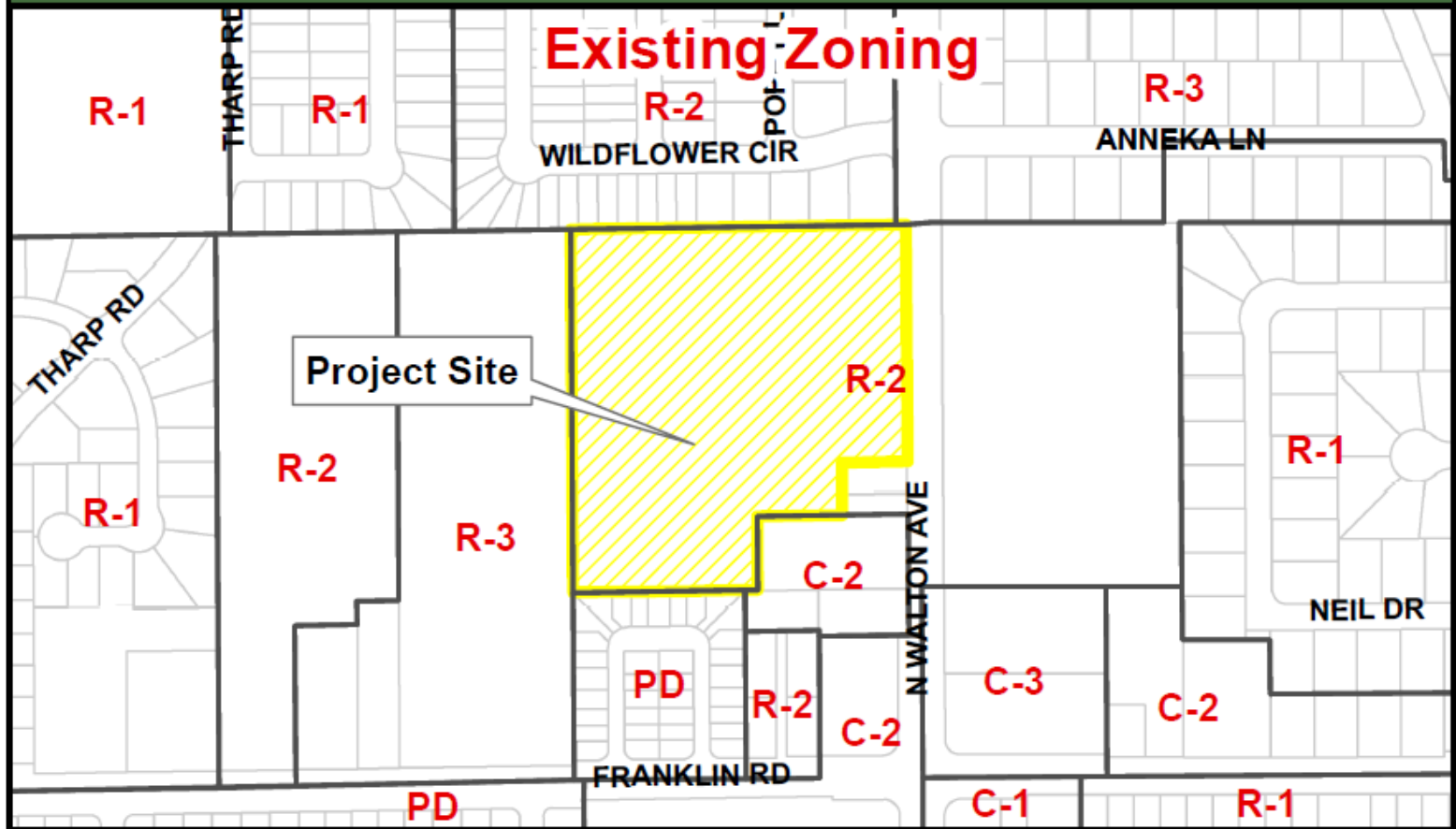
All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

Development & Design Standards		
Minimum Lot Size	Single-family residential lot – 5,000 square feet.	
	Half-plex residential lot – 3,000 square feet for interior lots, 3,500 square feet for corner lots.	
Maximum Percentage Lot Coverage	Single-family residential lot – 45%.	
	Half-plex lot – 60% for single-story, 40% for two story.	
Minimum Lot Width	Single-family lot – 45 feet, accept cul de sac lots and lots on an outside curve shall be 45 feet at the rear of the front yard.	
	Half-plex lots – 30 feet.	
Minimum Lot Depth	85 feet.	
Minimum Yards	Front - 15 feet, except garages must be 20 feet, except Lot 34 a garage may be 18.5 feet.	
	Interior Side:	Single-family residence – 5 feet
		Half-plex – 3 feet, except it is a zero yard between attached residences.
	Street side	10 feet
	Rear	25 feet or 20% of the total lot depth, whichever is less.
Lot length to width ratio	For half-plex lots it shall be a maximum of 3.5/1.	
Landscaping	Each lot shall have a completed front yard landscaping that is approved by the Development Services Director, prior to issuance of a certificate of occupancy.	

EXHIBIT B

West Walton Village

Zoning Map | TSM 23-01, PD 18



ATTACHMENT 2



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

Date: May 31, 2023
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation by: Doug Libby, AICP, Deputy Development Services Director

Subject: **Planned Development 18 (PD 18) and Tentative Subdivision Map (TSM) 23-01, West Walton Village.**

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 23-02 by adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, for Tentative Subdivision Map (TSM) 23-01 and approve Planned Development (PD) 18 Zone District Located on the West Side of Walton Avenue approximately 670 Feet North of Franklin Road; Assessor's Parcel Number (APN) 58-020-001; and
- C. Adopt a Resolution contingently approving Tentative Subdivision Map TSM 23-01, West Walton Village, subject to the Conditions of Approval and Mitigation Measures, creating 66 half-plex lots and six Single-Family Residential lots on approximately 9.16 acres, located on the west side of Walton Avenue approximately 670 feet north of Franklin Road (Assessor's Parcel Number 058-020-001).

Applicant/Owner: Capital Farm and Management Company, 1227 Bridge Street

Project Location: The 9.16 acres are located on the west side of Walton Avenue approximately 670 feet north of Franklin Road. Assessor's Parcel Number (APN) 58-020-001.

General Plan: The project is within the Medium-Low Density Residential (MDR) land use designation. This designation provides for a residential density of 6 to 14 residences per acre. The proposal will be approximately 8 residences per acre.

Zoning:

Existing: The project is within the Two -Family Residential (R-2) Zone District.

Proposed: Planned Development (PD) 18 Zone District

Purpose:

Consideration of Tentative Subdivision Map (TSM) 23-01 and Planned Development (PD) 18 for the proposed West Walton Village Subdivision.

Project Description:

The proposed rezoning will be from a Two-Family (R-2) Zone District to the Planned Development (PD 18) Zone District. The rezoning to a PD District will amend the development standards providing for the subdivision (TSM 23-01) of the 9.16-acre property into 66 half-plex (a duplex, with the units divided by a property line) lots, and six single-family residential lots for a total of 72 new residences. The project also proposes four Accessory Dwelling Unit (ADU) residences which are not discussed any further as they are a permitted use on all residential lots (ADU's are small second residences that are in addition to the primary residence on a lot that are permitted on all residential lots in the state).

Summary of the Planned Development (PD) Zone District:

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

PD 18 Development & Design Standards		
Minimum Lot Size	Single-family residential lot – 5,000 square feet.	
	Half-plex residential lot – 3,000 square feet for interior lots, 3,500 square feet for corner lots.	
Maximum Percentage Lot Coverage	Single-family residential lot – 45%.	
	Half-plex lot – 60% for single-story, 40% for two story.	
Minimum Lot Width	Single-family lot – 45 feet, except cul de sac lots and lots on an outside curve shall be 45 feet at the rear of the front yard.	
	Half-plex lots – 30 feet.	
Minimum Lot Depth	85 feet.	
Minimum Yards	Front - 15 feet, except garages must be 20 feet, except Lot 34 a garage may be 18.5 feet.	
	Interior Side:	Single-family residence – 5 feet Half-plex – 3 feet, except it is a zero yard between attached residences.
	Street side	10 feet
	Rear	25 feet or 20% of the total lot depth, whichever is less.
Lot length to width ratio	For half-plex lots it shall be a maximum of 3.5/1.	
Landscaping	Each lot shall have completed front yard landscaping that is approved by the Development Services Director, prior to issuance of a certificate of occupancy.	

Background:

Since at least the adoption of the 2004 General Plan, this 9.16-acre site has been designated for medium density residential development, which provides for a residential density range of 6-14 residences per acre. The property was previously utilized as a mobile home park, but the property has since been cleared of all structures and vegetation. This subdivision to create half-plex lots will be of a similar density to a mobile home park. As this is an infill project that is surrounded by urban development, all City services are available to this property.

Analysis

PD Zone District:

The PD 18 Zone District is needed instead of the R-2 Zone District because the R-2 District was designed for duplexes and did not provide for half-plexes. That is, the R-2 was designed for duplexes which are two residences on a single lot. The R-2 minimum lot size is 6,000 square feet for two attached residences. Half-plexes function and look the same as a duplex but there is a property line between the attached residences, so the proposal for minimum 3,000 square foot lot sizes is for one of the attached residences. This is essentially the same density and look as duplexes in the R-2 Zone District, but provides more homeownership opportunities.

Compatibility with neighboring uses:

TABLE 1: BORDERING LAND USES	
North:	Duplexes.
South:	Retail center and small lot single-family residences.
East:	The southern portion of the east side of the Project has the rear of a retail center backing onto it; the north half fronts onto Walton Avenue with a vacant multiple-family residential designated property across the street.
West:	Multiple-family residences (apartments).

The site abuts a mix of multiple-family, duplex and single-family residential uses and commercial uses. The 2004 General Plan and zoning have planned this property for duplex/half-plex development for the last 19 years. Duplexes or halfplexes are not out of place within this eclectic area as their level impacts due to their density and use is between single-family and multiple-family uses. The close proximity of several commercial uses adds to the viability of the area as residents do not need to travel far (enhanced walkability) for the commercial activities that are offered by the nearby businesses, as well as the commercial uses benefiting from additional nearby residences. Land use compatibility is not expected to be an issue.

Traffic:

The proposed subdivision is within an existing suburban area, much of which is already built out. The sole ingress and egress to this property is Walton Avenue. There was formerly a mobile home park on this property which generated similar amounts of traffic onto Walton Avenue. As such, any increase in auto traffic will not be significant. Walton Avenue and the

nearest intersections, Walton Avenue/Bridge Street and Walton Avenue/Franklin Road intersections are within acceptable City adopted level of service standards which is not expected to deteriorate from the traffic generated by this proposal. This Project will also be providing all pedestrian and bicycle improvements onto Walton Avenue.

Availability of City services:

All City services are available to the property.

Environmental Considerations:

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

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

Recommended Actions:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a Resolution recommending the City Council of the City of Yuba City approve Environmental Assessment 23-02 by adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, for Tentative Subdivision Map (TSM) 23-01 and approve Planned Development (PD) 18 Zone District Located on the West Side of Walton Avenue approximately 670 Feet North of Franklin Road; Assessor's Parcel Number (APN) 58-020-001; and
- C. Adopt a Resolution contingently approving Tentative Subdivision Map TSM 23-01, West Walton Village, subject to the Conditions of Approval and Mitigation Measures, creating 66 half-plex lots and six Single-Family Residential lots on approximately 9.16 acres, located on the west side of Walton Avenue approximately 670 feet north of Franklin Road (Assessor's Parcel Number 058-020-001).

Attachments:

- 1. Planning Commission Resolution (PD 18)
 - Exhibit A: Planned Development 18
 - Exhibit B: Planned Development 18 Zoning Map
- 2. Planning Commission Resolution (TSM 23-01)
 - Exhibit A: Proposed Tentative Subdivision Map 23-01

Exhibit B: Conditions of Approval and Mitigation Measures

3. Location Map – West Walton Village
4. Environmental Assessment 23-02, and the Mitigation Monitoring and Reporting Program

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) RECOMMENDING THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVE ENVIRONMENTAL ASSESSEMENT 23-02 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES, FOR TENTATIVE SUBDIVISION MAP (TSM) 23-01 AND APPROVE PLANNED DEVELOPMENT (PD 18) ZONE DISTRICT LOCATED ON THE WEST SIDE OF WALTON AVENUE APPROXIMATELY 670 FEET NORTH OF FRANKLIN ROAD; ASSESSOR'S PARCEL NUMBER (APN) 58-020-001.

WHEREAS, Interwest Homes Corporation has filed application TSM 23-01 and PD 18 to divide 9.16 acres into 66 half-plex residential lots and six single-family residential lots and to develop the property at an overall project density of approximately 8 residences per acre; and

WHEREAS, PD 18 will modify certain development standards in the R-2 District in an effort to reduce minimum parcel sizes and other standards. Proposed development standard modifications include allowing for reduced minimum lot sizes of 3,000 square feet and 3,500 square feet for corner lots, reducing minimum required lot widths, yard setbacks, garage setbacks and minimum required distances between buildings on the same lot. The purpose of these modifications is to accommodate a more compact project design as further shown in the PD 18 Zone District (Exhibit A); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 23-02) for the Project; and

WHEREAS, on May 31, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on application TSM 23-01 and PD 18, at which time it received input from City Staff, the applicant; the public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the Project, including those related to application TSM 23-01 and PD₁₈, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommends the City Council of the City of Yuba City approve EA 23-02 and adopt an ordinance approving PD 18.

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

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA Findings. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that Planned Development (PD) 18 may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment EA 23-02. Additionally, the Planning Commission recommends that the City Council find and determine as follows:

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

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

4. Planned Development Findings. Yuba City Municipal Code Section 8-5.2706 requires that the City make the following findings in order to approve a Planned Development (the required findings are in italics). The Planning Commission recommends that the City Council make the following findings:

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

Evidence. The proposed subdivision creating 66 half-plex lots and six single-family residential lots is consistent with General Plan Policy 3.5-I-1, the lot sizes proposed are consistent with the Medium Density Residential General Plan Land Use Designation that provides for a density range of 6-14 dwellings per acre.

The proposed project's overall density of approximately eight residences per acre is

within the established density range. The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed subdivision will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community.

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

Evidence. The proposed lot configurations and layout will integrate into the existing street network and surrounding land uses. The proposed map will will construct pedestrian facilities that will serve the neighborhood and facilitate a walkable community.

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

Evidence. The site is level and will be served by the full range of City services, or in the case of stormwater drainage, stormwater runoff will be collected by the City's stormwater system and conveyed to the Gilsizer County Drainage District and ultimately transported to the Feather River. The site will accommodate the proposed density with a circulation pattern that is suitable for the existing street network and surrounding uses and will construct public street improvements to City standards. The environmental document prepared for the project did not find any inadequacies of the property that would provide concerns for the development of the property.

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

Evidence. As discussed in item a) above, this project is consistent with the City's General Plan goals and policies including the established density range for MDR designated land. The project is conditioned to meet all City development and improvement standards including water, wastewater, stormwater drainage systems, street cross-sections, streetscape landscaping, and park facilities or applicable in-lieu fees. The proposed project will be subject to compliance with the R-2 development standards as amended by the proposed PD 18 Zone District.

5. Recommendation of Approval of Planned Development 18. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of an ordinance approving PD 18 Zone District, as provided in **Exhibits A and B** made a part hereof by this reference.

6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 31, 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: Planned Development 18
Exhibit B: Planned Development 18 Zoning Map

EXHIBIT A

Tentative Subdivision Map 23-01

West Walton Village Planned Development (PD 18) Zone District

Purpose:

To provide specific land use and development standards for West Walton Village (Tentative Subdivision Map 23-01). This zone district is consistent with the Low-Medium Density Residential (MDR) General Plan Designation.

Applicability:

This PD₁₈ Zone District shall apply to the 9.16-acre property located on the west side of Walton Avenue approximately 670 feet north of Franklin Road. Assessor's Parcel Number (APN) 058-020-001, as modified by TSM 23-01.

Permitted Uses.

Tentative Subdivision Map Lots 15, 16, 33, 34, and 47 of Village 1 and Lot 7 of Village 2: A single-family residence, and related accessory uses permitted by the R-1 Zone District, as amended are permitted uses, and uses permitted with an approved use permit as described in the R-1 Zone District are permitted if a use permit is first approved. A revision to this PD Zone District must be found consistent with the General Plan.

All other lots: A half-plex (two attached residences divided by a property line through the building) on each of two adjoining lots and related accessory uses permitted in the R-2 Zone District are permitted uses, as amended, and uses permitted with an approved use permit as described in the R-1 Zone District, as amended, are permitted if a use permit is first approved.

Development and Design Standards.

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

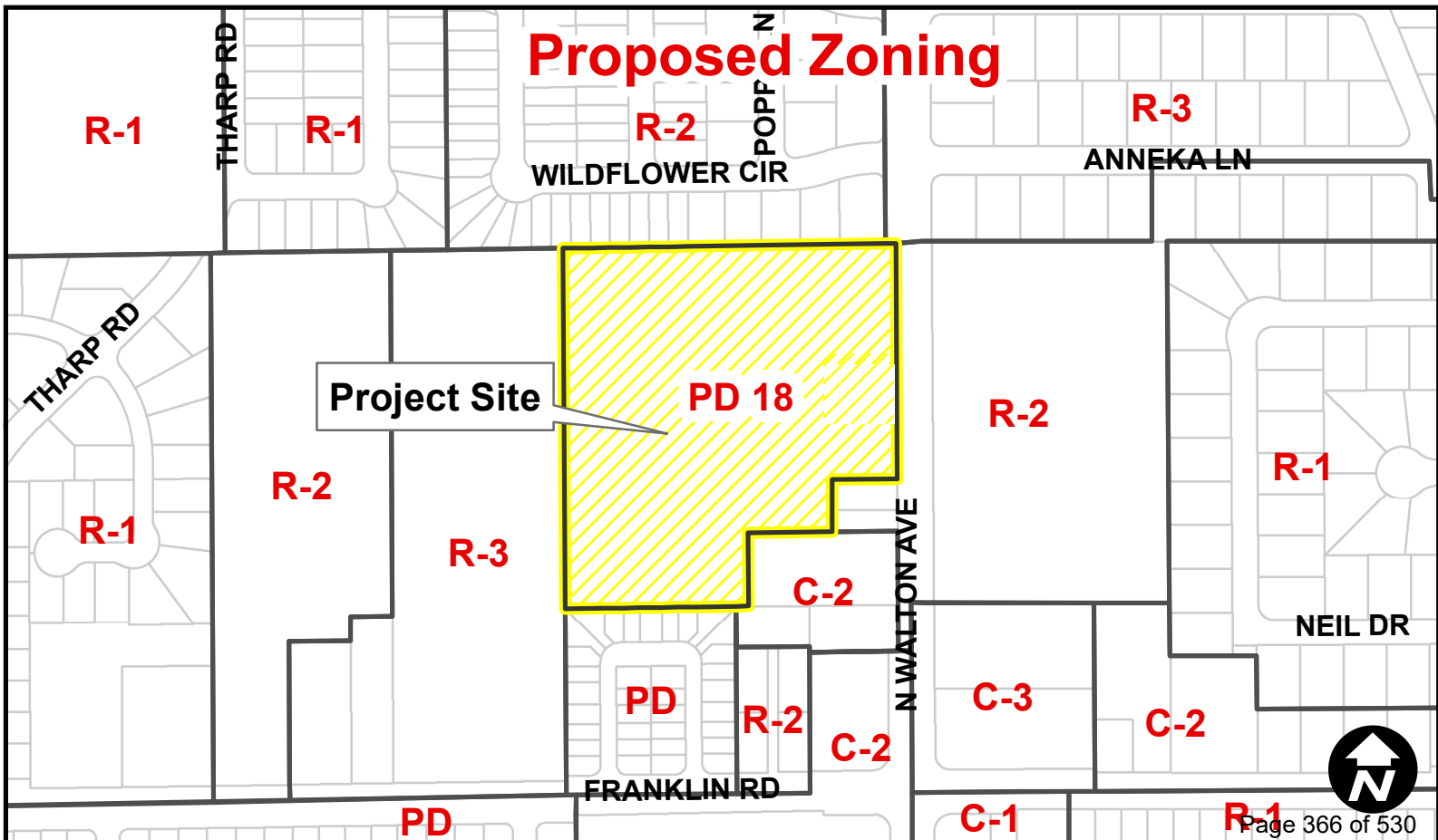
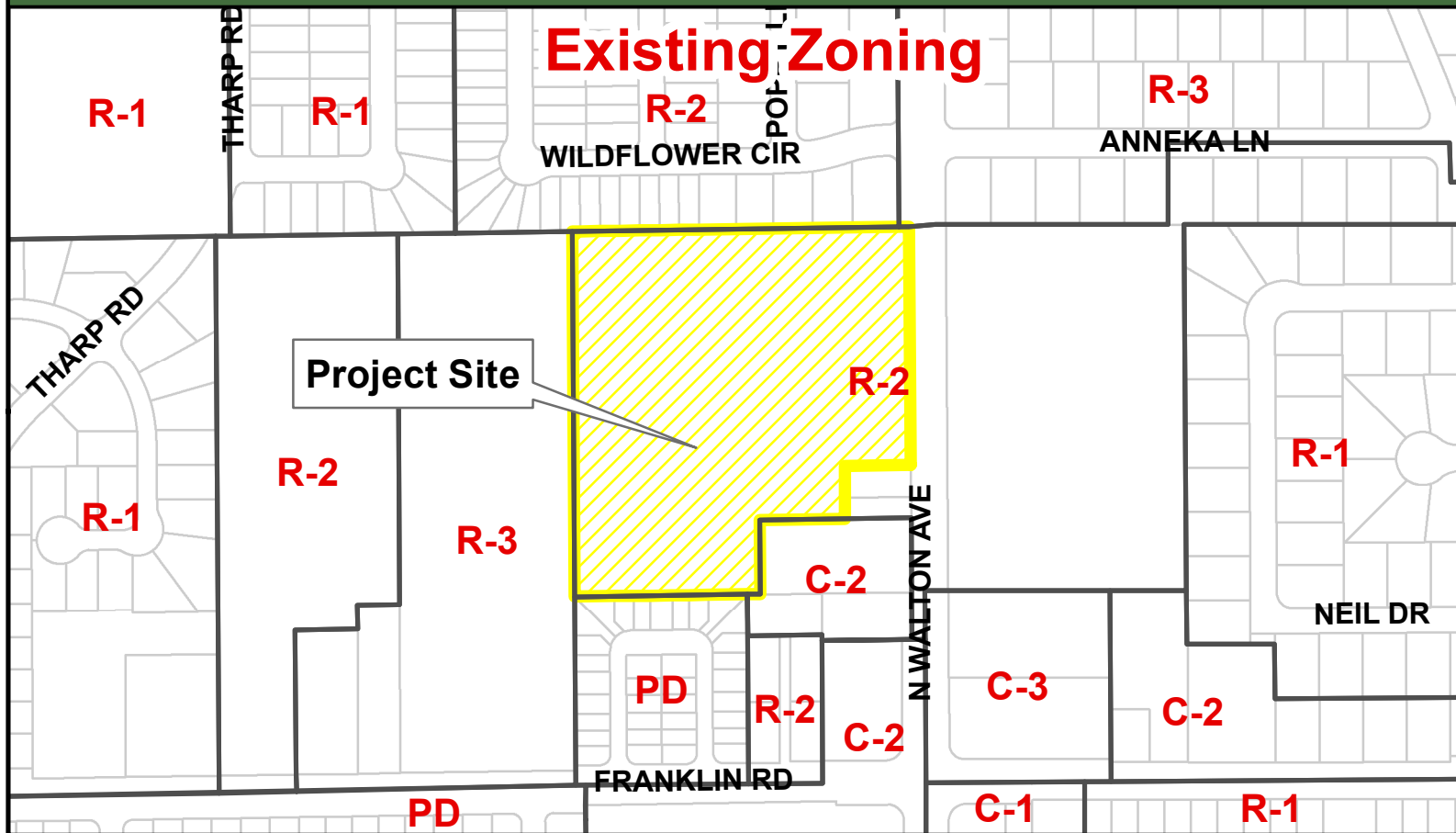
Development & Design Standards	
Minimum Lot Size	Single-family residential lot – 5,000 square feet.
	Half-plex residential lot – 3,000 square feet for interior lots, 3,500 square feet for corner lots.
Maximum Percentage Lot Coverage	Single-family residential lot – 45%.
	Half-plex lot – 60% for single-story, 40% for two story.
Minimum Lot Width	Single-family lot – 45 feet, accept cul de sac lots and lots on an outside curve shall be 45 feet at the rear of the front yard.
	Half-plex lots – 30 feet.
Minimum Lot Depth	85 feet.

Minimum Yards	Front - 15 feet, except garages must be 20 feet, except Lot 34 a garage may be 18.5 feet.	
	Interior Side:	Single-family residence – 5 feet
		Half-plex – 3 feet, except it is a zero yard between attached residences.
	Street side	10 feet
	Rear	25 feet or 20% of the total lot depth, whichever is less.
Lot length to width ratio	For half-plex lots it shall be a maximum of 3.5/1.	
Landscaping	Each lot shall have a completed front yard landscaping that is approved by the Development Services Director, prior to issuance of a certificate of occupancy.	

EXHIBIT B

West Walton Village

Zoning Map | TSM 23-01, PD 18



ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. PC 23-13

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) CONTINGENTLY APPROVING TENTATIVE SUBDIVISION MAP (TSM) 23-01, WEST WALTON VILLAGE, SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES, CREATING 66 HALF-PLEX LOTS AND SIX SINGLE-FAMILY RESIDENTIAL LOTS ON APPROXIMATELY 9.16 ACRES, LOCATED ON THE WEST SIDE OF WALTON AVENUE APPROXIMATELY 670 FEET NORTH OF FRANKLIN ROAD (ASSESSOR'S PARCEL NUMBER 058-020-001).

WHEREAS, the City received an application for this property in January 2023 for TSM 23-01, West Walton Village, to subdivide the 9.16-acre parcel into 66 half-plex lots and six single-family residential lots, totaling 72 new residences, as well as a rezoning to a Planned Development (PD 18) Zone District. The new development will be provided full City services; and

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

WHEREAS, there is also a rezoning to Planned Development Zone District that is needed since the existing R-2 Zone District does not provide appropriate minimum lot sizes for half-plexes, which must be approved by the City Council in order for this subdivision to be approved; and

WHEREAS, the Planning Commission reviewed related Environmental Assessment 23-02 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigations that reduce significant impacts to less than significant; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed PD/TSM is consistent with the elements of the General Plan and the Zoning Regulations, provided the PD is approved; and

WHEREAS, the City on May 11, 2023, published a legal notice and a public hearing notice was mailed to each property owner within at least 300 feet of the project site in compliance with State law concerning the Planning Commission's consideration on May 31, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 31, 2023 and considered all of the project and environmental information presented by staff, public testimony, and all of the background information; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve TSM 23-01 such that no decision of approval of TSM 23-01 becomes final and effective until immediately after the City Council adopts the MND (EA 23-02) and approves Planned Development 18; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that TSM 23-01 be set for further consideration and a final decision by the Planning Commission.

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

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

2. CEQA Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared a Mitigated Negative Declaration (MND) to evaluate the environmental effects of the Project, including the development of the West Walton Village. The Planning Commission has fully considered the MND and has concurrently recommended it to the City Council for adoption. The Planning Commission finds that TSM 23-01 is consistent with, and have been fully assessed by, the MND, and that TSM 23-01 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND.

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

- i. The proposed tentative subdivision map is not consistent with the applicable general plan and specific plan.*

Evidence: The property is designated in the General Plan as Medium-Low Density Residential. This designation provides for a gross residential density range of 6 to 14 residences per acre. This proposal will have a residential density of approximately 8 residences per acre, which is well within the General Plan density range provided in the Land Use Element.

Walton Avenue is designated in the General Plan as a major arterial. With the traffic generated by this subdivision, Walton Avenue will remain within an acceptable level of service and meets City roadway and intersection standards.

The proposed 72 new residential lots are consistent with the Housing Element's call for more housing. The project is not within a specific plan.

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

- ii. The design and improvement of the tentative subdivision map is not consistent with applicable general and specific plans or adopted City standards.*

Evidence: As discussed above, this half-plex and single-family residential land division meets all General Plan consistency requirements. Further, the project is conditioned to meet all City development and improvement standards including water, wastewater and the stormwater drainage system, street cross-sections, streetscape landscaping, and parks. Each new residential lot meets the minimum lot size requirements of the PD₁₈ Zone District applied to the property.

- iii. That the site is not physically suited for the density of development.*

Evidence: The site is flat and has all City services available to it. The environmental document prepared for the project did not find any environmental concerns that could not be mitigated to below a level of significance or were there inadequacies of the property that would provide concerns for its proposed development.

iv. That the site is not physically suited for the type of development.

Evidence: The site is suited for this development. The proposed residential land division is located on vacant flat ground with all City services available to it and it has good access from Walton Avenue. The property is designated by the General Plan for half-plex and single-family residential development, which is what is proposed.

v. That the design of the subdivision map or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

vi. That the design of the subdivision maps or the type of improvements is likely to cause serious public health problems.

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

vii. None of the findings in Section 6-9.601 of the Municipal Code is satisfied.

Evidence: This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

viii. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Evidence: The subdivision will be served by Walton Avenue which is a public street dedicated for public use. There are no known existing easements that will be adversely affected by this subdivision.

4. Approval of TSM 23-01 with Conditions. Based on the aforementioned findings, the Planning Commission hereby approves Tentative Subdivision Map 23-01, West Walton Village, as shown in **Exhibit A**, subject to the conditions of approval and mitigation measures set forth in **Exhibit B**, attached hereto, contingent upon the following:

- a. The approval TSM 23-01 shall become final and effective immediately only after the City Council of Yuba City i) adopts the Mitigated Negative Declaration (EA 23-02) and ii) approves Planned Development 18 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then TSM 23-01 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission hearing, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then TSM 23-01 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective 10 days after, and only upon, the Council Approvals including the MND and adoption of the Planned Development unless within such 10 days an appeal is filed with the City Clerk in accordance with the provisions of the Yuba City Zoning Ordinance.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 31, 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: Tentative Subdivision Map 23-01
Exhibit B: Conditions of Approval and Mitigation Measures

EXHIBIT A

OWNER
CAPITAL FARM & MANAGEMENT CO.
1227 BRIDGE STREET
YUBA CITY, CA 95993
CONTACT: SARBJIT THIARA
PHONE: (530) 682-5861

APPLICANT
CAPITAL FARM & MANAGEMENT CO.
1227 BRIDGE STREET
YUBA CITY, CA 95993
CONTACT: SARBJIT THIARA
PHONE: (530) 682-5861

ENGINEER/SURVEYOR
MHM INCORPORATED
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
CONTACT: SEAN MINARD, P.E., P.L.S.
PHONE: (530) 742-6485

ASSESSOR'S PARCEL NO.
APN 058-020-001 (9.16 AC)

AREA OF TENTATIVE MAP
9.16 GROSS ACRE

GENERAL NOTES:

- SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT. THIS PROJECT COULD BE 1 TO 3 PHASES.
- A 12.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED PROVIDED ON ALL STREETS WITH 10 FEET BEHIND SIDEWALK AND 2.0 FEET LOCATED UNDER SIDEWALK. ADJACENT TO CUL-DE-SAC BULBS THE PUBLIC UTILITY EASEMENT SHALL BE 10 FEET BEHIND SIDEWALK UNLESS OTHERWISE DIRECTED BY THE CITY ENGINEER.
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY, ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
- THIS IS AN APPLICATION FOR A TENTATIVE SUBDIVISION MAP AND PLANNED UNIT DEVELOPMENT (PUD).
- VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE. TWO POTENTIAL PHASES ARE SHOWN BUT DEVELOPER RESERVES RIGHT TO RECORD WITH MORE OR LESS.
- ALL EXISTING STRUCTURES, SEPTIC TANKS, AND WELLS TO BE REMOVED OR DESTROYED PRIOR TO CONSTRUCTION.
- STREET TREES SHALL BE PLANTED PURSUANT TO CITY OF YUBA CITY STANDARDS. ADDITIONAL DETAIL SHALL BE PROVIDED ON THE IMPROVEMENT PLANS.
- THE TENTATIVE MAP INCLUDES 66 HALF-PLEX LOTS. THE DEVELOPER RESERVES THE RIGHT TO RECORD A FINAL MAP WITH 66 HALF-PLEX LOTS OR 33 THE DUPLEX LOTS OR ANY COMBINATION. THERE WOULD STILL BE 4 ADU MINIMUM.
- VILLAGE 1 LOT 34 SHALL HAVE ATTACHED SIDEWALK. THE HOUSE CAN FACE EITHER NORTH WALTON AVENUE OR TAHOE DRIVE BUT SHALL NOT HAVE DRIVEWAY ONTO WALTON AVENUE.
- A STORMCEPTOR OR EQUAL WILL BE USED AT THE LAST MANHOLE PRIOR TO CONNECTING TO EXISTING STORM DRAIN.
- OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT. MHM INC, SEAN MINARD, IS THE ENGINEER AND SURVEYOR OF RECORD FOR THE TENTATIVE MAP.

EXISTING USE
ABANDONED MOBILE HOME PARK AND HOME

EXISTING GENERAL PLAN DESIGNATION
LOW-MEDIUM DENSITY RESIDENTIAL

PROPOSED GENERAL PLAN DESIGNATION
LOW-MEDIUM DENSITY RESIDENTIAL

EXISTING ZONING
R-2

PROPOSED ZONING
R-2 PD

LEVEE PROTECTION
LEVEE DISTRICT NO. 9 OF SUTTER COUNTY

ELEMENTARTY SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

HIGH SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

IRRIGATION DISTRICT
NONE - INDIVIDUAL WATER WELLS

FIRE PROTECTION
SERVICE AREA G - CITY OF YUBA CITY
FIRE DEPARTMENT

LAW ENFORCEMENT
CITY OF YUBA CITY POLICE

SANITARY SEWER
CITY OF YUBA CITY PUBLIC WORKS

DOMESTIC WATER
CITY OF YUBA CITY PUBLIC WORKS

STORM DRAINAGE
CITY OF YUBA CITY PUBLIC WORKS
AND GILSIZER DRAINAGE DISTRICT

ELECTRICITY
PACIFIC GAS AND ELECTRIC

NATURAL GAS (OPTIONAL)
PACIFIC GAS AND ELECTRIC

COMMUNICATION
AT&T AND COMCAST

CABLE (OPTIONAL)
COMCAST

LOCATION MAP

LAND USE SUMMARY				
LOT SUMMARY*				
VILLAGE NO. 1 =	59 LOTS + 3 ADU	7.26 AC	8.54 DU/AC	
VILLAGE NO. 2 =	13 LOTS + 2 ADU	1.64 AC	9.15 DU/AC	
SUBTOTAL =	72 LOTS + 5 ADU	8.90 AC	8.65 DU/AC	
(RESIDENTIAL)				
NORTH WALTON AVENUE		0.61 AC		
SUBTOTAL =		0.61 AC		
(ROADWAY)				
TOTAL =		9.51 AC		
* VILLAGE NO. 1 HAS 54 HALF-PLEX (OR 27 DUPLEX) LOTS PLUS 3 ADU AND 5 SINGLE FAMILY DETACHED HOMES FOR A TOTAL OF 62 DWELLING UNITS. A PLANNED UNIT DEVELOPMENT.				
* VILLAGE NO. 2 HAS 12 HALF-PLEX (OR 6 DUPLEX) LOTS PLUS 2 ADU AND 1 SINGLE FAMILY DETACHED HOMES FOR TOTAL OF 15 DWELLING UNITS. A PLANNED UNIT DEVELOPMENT.				

CITY OF YUBA CITY APPROVAL:
THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 23-00X APPROVING TENTATIVE SUBDIVISION MAP NO. 2023-001 DURING THE PLANNING COMMISSION MEETING ON _____, 2023.

CITY OF YUBA CITY _____ DATE: _____

LEGAL DESCRIPTION (EXISTING PARCELS):

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

A PORTION OF LOT 7 AS SHOWN ON THAT CERTAIN MAP ENTITLED, "THE SUB. OF THE SW 1/4 OF SEC 21, T. 15 N., R. 3 E., M.D.M.", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SUTTER COUNTY, CALIFORNIA, ON DECEMBER 1, 1913, IN BOOK 3 OF SURVEYS, PAGE 4, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID LOT 7, A DISTANCE OF 601.6 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID LOT, 150 FEET; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID LOT, 100 FEET TO A POINT IN THE NORTH LINE OF THE LANDS OF CHARLOTTE B. WHITE AS DESCRIBED IN THE DEED FROM ROSS T. HURST, ET UX, DATED MAY 4, 1938, AND RECORDED MAY 5, 1938, IN BOOK 114 OF OFFICIAL RECORDS, PAGE 179; THENCE WEST ALONG THE NORTH LINE OF THE WHITE LANDS, 161 FEET TO THE NORTHWEST CORNER OF THE WHITE LANDS AS DESCRIBED IN THE ABOVE MENTIONED DEED; THENCE SOUTH ALONG THE WEST LINE OF SAID WHITE LANDS AND PARALLEL WITH THE EAST LINE OF SAID LOT 7, A DISTANCE OF 140 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH 5/12 ACRES OF LOT 7; SAID NORTH LINE BEING 361.8 FEET NORTH OF THE SOUTH LINE OF SAID LOT; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTH 5/12 ACRES AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 35.575 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID LOT 7; THENCE NORTH ALONG THE WEST LINE OF SAID LOT, 490.55 FEET, MORE OR LESS, TO THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF SAID LOT, 662.275 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT, 450.55 FEET TO THE POINT OF BEGINNING.

SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY PLACER TITLE COMPANY ORDER NUMBER P-580404 DATED NOVEMBER 4, 2022.

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

TENTATIVE SUBDIVISION MAP
WEST WALTON VILLAGE - SM 23-001
YUBA CITY, CALIFORNIA
JANUARY 2, 2023 REVISED MAY 19, 2023

LOT LIST:

- KAHLON TR 058-110-019
- SINGH 058-110-018
- BLUMHAGEN 058-110-017
- BENNETT 058-110-016
- SCHADEL 058-110-015
- JEBRINI 058-110-035
- SEAGRAVES 058-110-036
- CATLEDGE 058-110-037
- FLORES 058-110-038
- JOSE 058-110-039
- GONZALEZ 058-110-040
- LAKHANPAL 058-110-041
- MANN REV TR 058-110-042

STREETS:

- MOHINDER DRIVE
- MOHAN DRIVE
- JUNIOR SARB WAY
- HARMON COURT
- NORTH WALTON AVENUE
- CROWN DEV 058-120-001
- BAINS 058-020-022
- BAINS 058-020-023
- SANDERS 058-020-002
- ZAMORA 058-020-003
- KAUR 058-200-015
- SOHAL 058-200-014
- SOHAL 058-200-013
- SINGH 058-200-012
- CERVANTES 058-200-011
- KUMAR 058-200-010
- HARTMANN 058-200-009

ADDITIONAL LOTS:

- 10 ADU* 058-020-022
- 9
- 8 ADU*
- 27 ADU*
- 28
- 29 ADU*
- 30
- 31 ADU*
- 32
- 33
- 34
- 35
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SCALE: 1" = 30'

2 INDICATES PROPOSED PHASE

MINOR RESIDENTIAL - 38.0' R/W (DETACHED)

MAJOR COLLECTOR - 117.0' R/W

Page 373 of 530

EXHIBIT B

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
TENTATIVE SUBDIVISION MAP 23-01
May 31, 2023**

**West Walton Village
APN: 058-020-001**

NOTICE TO PROJECT APPLICANT

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures,

damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. **Standard Cultural Resource:** The following cultural resource COA are applicable to all approved applications associated with TSM 23-01.

- **Prior to and during construction of each phase or individual construction activity** undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken:
- **Prior to excavation and construction on the project site**, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric

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

Responsibility: Project Applicant, Prime Construction Contractor, Subcontractors

Timing: Prior to excavation and construction

Funding: Project Applicant

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

Responsibility: Project Applicant, City

Timing: Prior to any demolition, excavation or construction.

Funding: Project Applicant

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

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

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

Funding: Project Applicant

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

Responsibility: Project Archaeologist, City

Timing: After Report and Analyses is completed

Funding: Project Applicant

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

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

Responsibility: Project Contract, Project Applicant, City

Timing: In Event of Discovery or Recognition of any Human Remains

Funding: Project Applicant

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

Responsibility: Project Applicant, NAHC, MLD, City

Timing: After Discovery of Human Remains

Funding: Project Applicant

3. The lot design on the subdivision maps shall be designed in conformance with the TSM 23-01, as appropriate, and as approved by the Planning Commission.
4. The development and operation of the project shall comply with all CEQA mitigation measures identified in Environmental Assessment 23-02 dated April 2023.
5. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
 - a. The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.

6. To limit visibility, provide privacy and to minimize conflicting views of adjacent properties, the Tentative Map dated May 19, 2023 (filed with the City on January 4, 2023) is restricted as follows:
 - a. Village 1 - Lots 33 and 34 are to be restricted to single story construction or any back-facing window sills on the upper floor of a two-story residence are to be a minimum of 6.0 feet above the floor, and additionally, shall not establish second floor balconies facing single-story homes, or as otherwise approved by the Development Services Director.
7. Lots 1, 59, 35, and 34 along Walton Avenue shall be constructed with six-foot high solid wall (i.e. masonry, concrete, proto II, Brick).
8. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
9. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
10. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to assure compliance.
11. Storage of construction material is not allowed in the travel way.
12. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to recordation of map, or prior to approval of the Improvement Plans, whichever comes first.

PRIOR TO ISSUANCE OF A GRADING PERMIT

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

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS

15. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of the Improvement Plans, the Developer shall provide

evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

16. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
17. The plans shall indicate the locations of all septic and leach field areas, and all wells. Any septic areas and wells that are to be destroyed shall be demolished in accordance with Sutter County Environmental Health Department requirements.
18. The Developer shall dedicate right-of-way to the City as follows, or as approved by the Public Works Director:
 - a. North Walton Avenue:
 - i. North boundary to Mohan Drive: On the **west** side, shall have right-of-way dedicated to a width of 53.5 feet (centerline to back of new 6.0-foot-high solid wall), including a 12.0-foot PUE.
 - ii. Mohan Drive to south boundary: On the **west** side, shall have right-of-way dedicated to a width of 42.0 feet (centerline to 0.5 feet behind new minimum 5.0-foot wide sidewalk) together with a 12.0-foot PUE (2.0-feet of which is located under the sidewalk) behind the right-of-way.
 - b. Interior residential streets (Mohinder Drive, Junior Sarb Way, Mohan Drive, and Harmon Court):
 - i. *Detached sidewalk* -- Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PSE behind the right-of-way. A 12.0-foot wide PUE shall be dedicated along the sidewalk with 2.0-foot located underneath the sidewalk along each side of the roadway.
 - c. All necessary right of way and easements are to be dedicated with the recordation of the Final Map.
19. The Developer shall construct frontage improvements to City standards as follows, or as approved by the Public Works Director:
 - a. North Walton Avenue:
 - i. 34.0-footwide asphalt road section – centerline of North Walton Avenue to west lip of gutter
 - ii. 2.5-foot wide barrier curb and gutter
 - iii. 5.0-foot minimum width attached sidewalk
 - iv. landscaping and irrigation between the sidewalk and block wall north of Mohan Drive
 - v. 6.0-foot high solid wall (i.e. masonry, concrete, proto II, Brick) north of Mohan Drive
 - vi. streetlights
 - vii. fire hydrants
 - viii. storm drainage facilities
 - ix. roadway striping
 - x. roadway signage
 - b. Interior residential streets (Mohinder Drive, Junior Sarb Way, Mohan Drive, and Harmon Court):
 - i. *Detached sidewalk* -- Streets shall be designed/constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Frontage improvements shall include street section, curb, gutter, 6.0-foot wide landscape parkway strip (measured from back of curb), 4.0-foot wide sidewalk, street trees, and streetlights.
 1. The landscape plan for the front yard, including the area between the sidewalk and curb, shall be handled by each

individual lot improvement. The irrigation system shall be designed to accommodate the street tree and shall meet the City's Model Water Efficient Landscape Ordinance.

2. The landscaping in the parkway strip is to have a coordinated theme referenced on the public improvement plans, or as approved by the Development Services Director.
3. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18" wide strips to accommodate the wheel path of vehicles unless authorized/approved by the Public Works Director.

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

- a. Grading and drainage plan showing the proposed drainage conveyance and storage system.
- b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume. The calculation analysis shall meet the requirements of the North Yuba City Drainage Area Master Drainage Plan.
- c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.
- d. Street Flow - The street system shall be designed to convey the 100-year, 24-hour runoff while maintaining a water surface at least 1 foot below the adjacent building pad elevations (or alternatively, the building pad elevations shall be at least 1 foot above the 100-year water level). The grading plan shall ensure that the 100-year, 24-hour runoff can be conveyed through the development and to the receiving drainage facility.
- e. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.
- f. Water Quality – Water quality basin(s) shall meet State Water Resource Board requirements for water quality. The water quality basin can be incorporated into a detention pond, designed as an individual pond, included in a water quality manhole system, or as approved by the Public Works Director.
- g. Detention Basins - A 100-year, 4-day storm shall be used for sizing detention storage facilities. The detention basin release rate from a 100-year, 24-hour storm after development must be equal to or lower than the runoff rate from the detention basin's tributary area before development.
- h. The Drainage Study shall be completed and stamped by a Professional Engineer and determined by the City Engineer and the Sutter County Water Agency Engineer to be comprehensive, accurate, and adequate.

21. Should a detention basin be necessary it is to include, but not be limited to, a vehicle pull out area, a solid wall adjacent to residential parcels and North Walton Avenue, decorative perimeter fencing with accessible sized gate, landscaping, and access to the inlet and outlet in the basin as approved by the Public Works Director. Maintenance costs associated with the basin are to be included in the applicable Lighting and Landscape Maintenance District. The Developer, or his Engineer, shall provide calculations indicating that the detention pond has sufficient capacity to accommodate runoff from the proposed development.
22. The development shall comply with Yuba City's stormwater requirements and Post-Construction Standards Plan. The Post Construction information can be found here: https://www.yubacity.net/city_hall/departments/public_works/engineering/stormwater_management
23. All development shall be designed to local, state, and federal flood standards.
24. The structural section of all road improvements shall be designed using the Caltrans empirical R-value method. A geotechnical investigation shall determine the R-value of the existing soil in accordance with the Caltrans Highway Design Manual. The structural section shall be designed to the following standards:
 - a. Use 3" minimum for residential, 4" minimum for collectors and 5" minimum for arterials, of 'Type A' asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)
 - b. Use a traffic index of 6 for residential streets
 - c. Use a traffic index of 7 for collector streets
 - d. Use a traffic index of 10 for arterial streetsA copy of the geotechnical investigation, including R-value determination, test locations and structural section calculations, shall be submitted with the first improvement plan check.
25. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department. All required speed limit signs shall be shown on the Improvement Plans.
26. The street trees and street lighting are public improvements which shall meet the Parks Division Planting Standards and City Standard Details and be included in the Improvement Plans and Specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
27. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the PUE. Developer shall provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.
28. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the "California Manual of Uniform Traffic Control Devices, latest edition." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."
- f. "Where an excavation for a trench and/or structure is five (5) feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department, prior to beginning construction."
- g. "Should any field conditions, conflicts, errors, and/or omissions be overlooked during the design review process, or during construction of the development, then any additional work identified during construction shall be implemented by the Developer at the Developer's expense."

PRIOR TO ACCEPTANCE OF THE PUBLIC IMPROVEMENTS

29. All existing well(s), septic field(s), and gas/electrical service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. Connections shall be made to public sewer and water. The Developer shall pay all applicable fees.
30. Street lights shall be provided on all interior streets and along the west side of North Walton Avenue. The street lights shall be approximately 250 feet apart or as approved by the Public Works Director.
31. Prior to backfilling, the Developer shall vacuum test all manholes to ensure no leakage will occur.
32. Prior to final paving, and/or as directed by the Public Works Director, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, and at the Public

Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.

33. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (Civil 3D version 2017 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.
34. The existing power poles, and all appurtenances, on the property shall be removed per PG&E requirements/guidelines. The development shall be serviced with underground electrical. No overhead electrical will be allowed. Joint trench conduit for electric, cable, and telephone shall be extended across the entirety of Lot 34 to the south boundary of the development to accommodate future service to APN 058-020-002 and 058-020-003.
35. The developer shall install 5-foot wide attached sidewalk adjacent to existing curb and gutter across the frontage of the adjacent properties to the south (APN 058-020-002, and 058-020-003) to provide a continuous sidewalk connection along the west side of North Walton Avenue, contingent upon the City acquiring any necessary right-of-way or easement to facilitate the work. Reimbursement fee credits for qualifying work will be determined in the applicable subdivision/improvement agreement with Developer prior to construction. The sidewalk called for by this condition does not requiring bonding and completion is not a condition of City acceptance of the subdivision improvements.
36. All public street lighting shall be dedicated to the City of Yuba City.

PRIOR TO FINAL MAP RECORDATION

37. The development shall pay for operations and/or maintenance for police, fire, parks, drainage, and ongoing street maintenance costs. This condition may be satisfied through participation in a Mello-Roos CFD, by payment of cash in an amount agreed to by the City, by another secure funding mechanism acceptable to the City, or by some combination of those mechanisms. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district. The property shall annex in to an existing CFD.
38. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Landscaping Maintenance District for the purpose of maintaining; street trees planted in the landscape planters, street lights, fencing and/or barricades, block walls, and any detention / water quality basin(s) or devices. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
39. The Post Construction Statement of Responsibility shall be recorded at the Sutter County Recorder's Office.
40. Should a detention pond or water quality basin be utilized, the basin parcel(s) shall be dedicated to the City of Yuba City.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

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

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

42. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
43. All street lighting shall be constructed per the Improvement Plans and energized prior to the issuance of any certificate of occupancy or as approved by the Development Services Director.
44. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed in accordance with City requirements.

MITIGATION MEASURES

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.7 Geology and Soils	Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows: 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research	Developer	Public Works Dept., Development Services Dept.	During construction phase

	investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.5. Cultural Resources; 3.18. Tribal Cultural Resources	Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or	Developer	Public Works Dept., Development Services Dept	During construction phase

	an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a			
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	Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 52 has been satisfied.			
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ATTACHMENT 3

West Walton Village

TSM 23-01/ Location Map



ATTACHMENT 4



Environmental Assessment 23-02

Initial Study and Mitigated Negative Declaration for Rezoning PD₁₈ And Tentative Subdivision Map 23-01, West Walton Village. The proposal will create a Planned Development Zone District to allow for the subdivision of a 9.16-acre property into 66 half-plex residential lots and six single-family residential lots.

Prepared for:

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

Prepared By:

Denis Cook
Land Use Planning Consultant

and

City of Yuba City
Development Services Department
Planning Division

April 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 in the City of Yuba City, California (City) from proposed Rezoning (RZ) PD₁₈ and Tentative Subdivision Map (TSM) 23-01, West Walton Village (Project):

RZ PD₁₈ proposes to rezone 9.16 acres from the Two-Family Residential (R-2) Zone District to the Planned Development (PD-18) Zone District. The rezoning will amend the development standards for the reduction of minimum lot sizes of the R-2 Zone District that would allow for TSM 23-01.

TSM 23-01 proposes to subdivide the same 9.16-acre property into 66 half-plex lots (two half-plexes is the same as a duplex, but with the attached residences divided by a property line), and six single-family residential lots, for a total of 72 new residences. The Project also proposes four Accessory Dwelling Units (ADU – second residences on a property) which are not discussed any further as they are a permitted use on all residential lots. The site was previously utilized as a mobile home park but has been cleared of all buildings and vegetation.

The property is located on the West Side of Walton Avenue approximately 670 feet north of Franklin Road. All access to the property is from Walton Avenue. The Project proposes an internal looped street with two Walton Avenue connections. The property has full City services available to it.

The RZ/TSM is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the Project. The Project requires discretionary review by the City of Yuba City Planning Commission and City Council due to the rezoning.

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 rezoning and tentative subdivision map and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

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

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

- a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The IS identified potentially significant effects, but:
 - a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
 - b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

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

1.4. Purpose of Document

The proposed RZ/TSM will undergo a public review process by the Planning Commission that will result in a recommendation to the City Council and a decision by the City Council that, if approved, could ultimately result in 72 new residences being established on the property. This public review process is needed to assure that the Project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the Project.

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

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

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

In reviewing all of the available information for the above referenced Project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this Project and a mitigated negative declaration has been prepared.

1.5. Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed Project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed Project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at <http://www.yubacity.net>. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20-day review period will commence on May 4, 2023 and end on May 24, 2023 at the conclusion of the Planning Commission hearing.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993
e-mail: developmentservices@yubacity.net
Phone: 530.822.4700

2. Project Description

2.1. Project Title

Rezoning (RZ) PD₁₈ and Tentative Subdivision Map (TPM) 23-01: West Walton Village.

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, AICP
Deputy Director of Development Services
(530) 822-3231, developmentservices@yubacity.net

2.4. Project Location

The 9.16 acres are located on the west side of Walton Avenue approximately 670 feet north of Franklin Road. Assessor's Parcel Number (APN) 058-020-001.

2.5. Project Applicant

Capital Farm and Management Company
1227 Bridge Street
Yuba City, CA 95993

2.6. Property Owner

Capital Farm and Management Company
1227 Bridge Street
Yuba City, CA 95993

2.7. General Plan Designation

The Project is within the Low-Medium Density (MDR) land use designation, which provides for a density range of 6 to 14 residences per acre. The proposed Project will be approximately 8 residences per acre.

2.8. Zoning

Existing: The Project is within the Two-Family Residential (R-2) Zone District.
Proposed: Planned Development (PD₁₈) Zone District.

2.9. Project Description

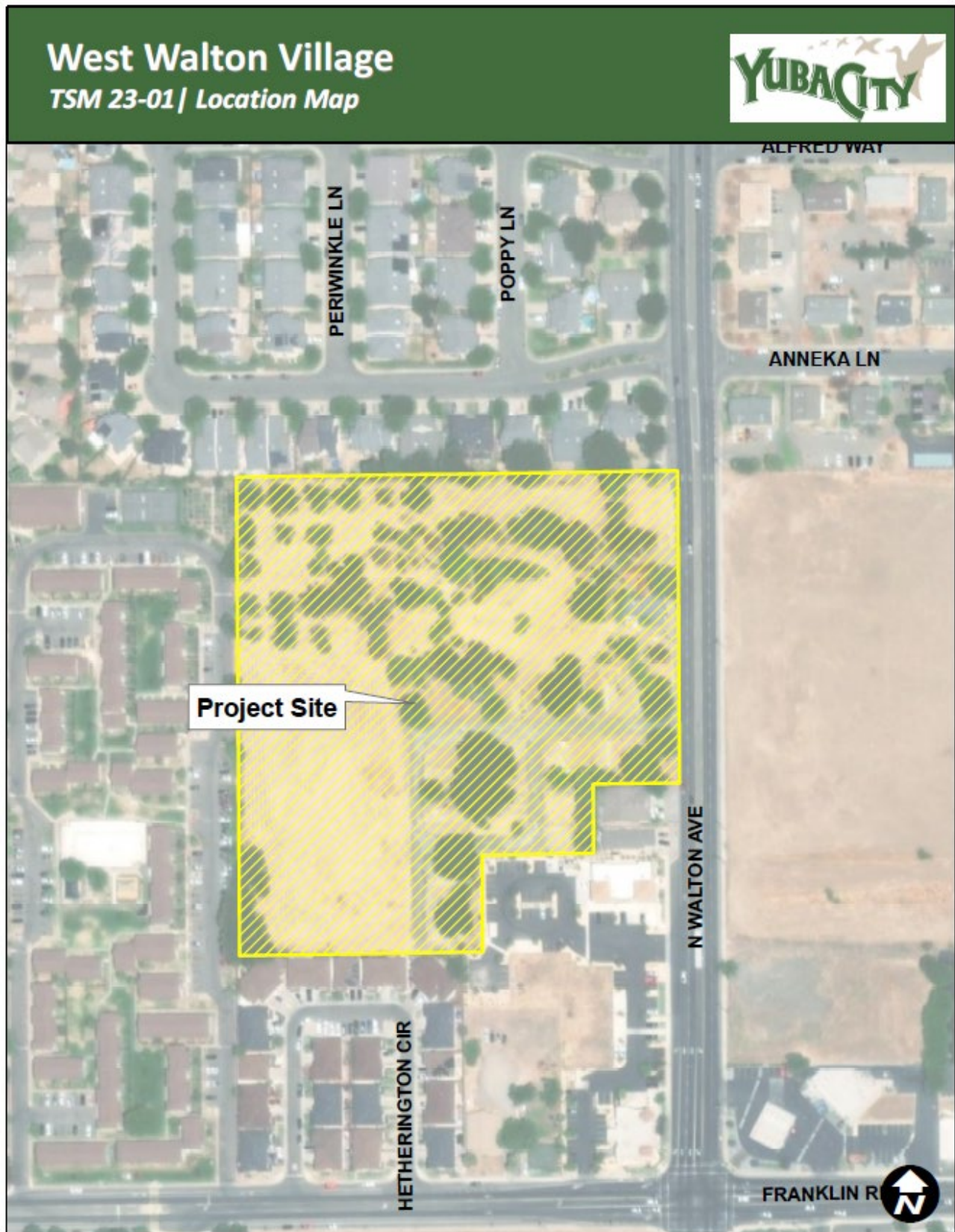
Rezoning (RZ) PD₁₈ and Tentative Subdivision Map (TSM) 23-01 (Project):

RZ PD₁₈ proposes to rezone 9.16 acres from the Two-Family Residential (R-2) Zone District to the Planned Development (PD-18) Zone District. The rezoning will amend the development standards for the reduction of minimum lot sizes of the R-2 Zone District to accommodate TSM 23-01.

TSM 23-01 proposes to subdivide the same 9.16-acre property into 66 half-plex lots (two half-plexes is the same as a duplex, but with the attached residences divided by a property line), and six single-family residential lots, for a total of 72 new residences. The Project also proposes four Accessory Dwelling Units (ADU – second residences on a property) which are not discussed any further as they are a permitted use on all residential lots. The site was previously utilized as a mobile home park but has been cleared of all buildings and vegetation.

All access to the property is from Walton Avenue. The Project proposes an internal looped street with two Walton Avenue connections. The property has full City services available to it. Assessor's Parcel Number (APN) 058-020-001.

Figure 1: Location Map



01248.0005/876584.1

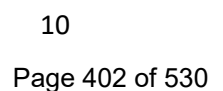


Figure 3: Rezoning: Existing and proposed zoning maps.

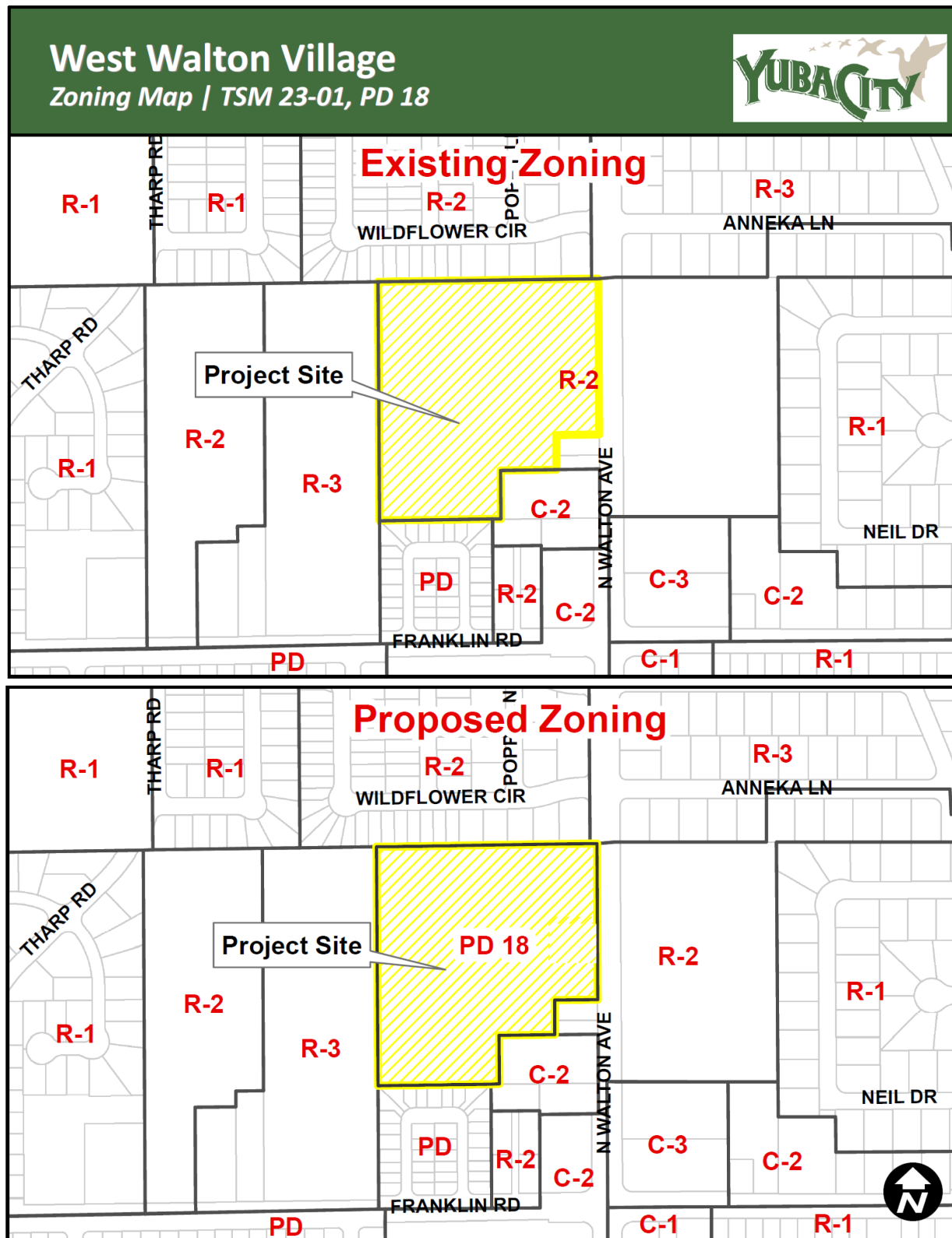


Figure 4: Proposed PD₁₈ Zone District

Tentative Subdivision Map 23-01 West Walton Village Planned Development (PD₁₈) Zone District

Purpose:

To provide specific land use and development standards for West Walton Village (Tentative Subdivision Map 23-01). This zone district is consistent with the Low-Medium Density Residential (MDR) General Plan Designation.

Applicability:

This PD₁₈ Zone District shall apply to the 9.16-acre property located on the west side of Walton Avenue approximately 670 feet north of Franklin Road. Assessor's Parcel Number (APN) 058-020-001, as modified by TSM 23-01.

Permitted Uses.

Tentative Subdivision Map Lots 15, 16, 33, 34, and 47 of Village 1 and Lot 7 of Village 2: A single-family residence, and related accessory uses permitted by the R-1 Zone District, as amended are permitted uses, and uses permitted with an approved use permit as described in the R-1 Zone District are permitted if a use permit is first approved. A revision to this PD Zone District must be found consistent with the General Plan.

All other lots: A half-plex (one of two attached residences divided by a property line through the building) on each of two adjoining lots and related accessory uses permitted in the R-2 Zone District are permitted uses, as amended, and uses permitted with an approved use permit as described in the R-2 Zone District, as amended, are permitted if a use permit is first approved.

Development Standards.

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

Development & Design Standards	
Minimum Lot Size	Single-family residential lot – 5,000 square feet.
	Half-plex residential lot – 3,000 square feet for interior lots, 3,500 square feet for corner lots.
Maximum Percentage Lot Coverage	Single-family residential lot – 45%.
	Half-plex lot – 60% for single-story, 40% for two story.
Minimum Lot Width	Single-family lot – 45 feet, accept cul de sac lots and lots on an outside curve shall be 45 feet at the rear of the front yard.
	Half-plex lots – 30 feet.

Minimum Lot Depth	85 feet.	
Minimum Yards	Front - 15 feet, except garages must be 20 feet, except Lot 34 a garage may be 18.5 feet.	
	Interior Side:	Single-family residence – 5 feet
		Half-plex – 3 feet, except it is a zero yard between attached residences.
	Street side	10 feet
	Rear	25 feet or 20% of the total lot depth, whichever is less.
Lot length to width ratio	For half-plex lots it shall be a maximum of 3.5/1.	
Landscaping	Each lot shall have a completed front yard landscaping that is approved by the Development Services Director, prior to issuance of a certificate of occupancy.	

2.10. Surrounding Land Uses and Setting

Setting: The 9.16-acre flat property formerly contained a mobile home park but has been cleared of all residences and vegetation prior to the application being filed.

Table 1: Bordering Uses	
North:	Duplexes.
South:	Retail center and small lot single-family residences.
East:	The southern portion of the east side of the Project has the rear of a retail center backing onto it; the north half fronts onto Walton Avenue with a vacant multiple-family residential designated property across the street.
West:	Multiple-family residences (apartments).

2.11. Other Public Agencies Whose Approval May be Required

Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
Central Valley Regional Water Quality Control Board.

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

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

2.13 Environmental Factors Potentially Affected:

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

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

Determination: On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Doug Libby
Signature
Doug Libby, AICP, Deputy Director of Development Services

April 26, 2023
Date

2.14 Evaluation of Environmental Impacts:

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

“Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3-1: Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located approximately 7 miles northwest of the Project site, are visible from much of Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. The goal of the City's Design Guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. The Design Guidelines however do not apply to duplex/half-plex facilities but do apply to the design of the subdivision.

3.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

3.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official designation of state scenic highways. There are no designated state scenic highways in the vicinity of the Project site.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

3.1.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect on a scenic vista?

There are no designated scenic areas within the vicinity, so there would not be impacts on a designated scenic area.

The primary view of the subdivision will be from the Walton Avenue passersby. Within the urban area such as this, views of the Sutter Buttes are limited due to other development and trees. As such any views of the Buttes would be only coincidental where there are breaks in the developments. Once the Project is completed the view from Walton Avenue will be of the property frontage, which will be tree lined landscaping with a decorative masonry wall in back of that, which would be typical of other wall lined and landscaped subdivisions within the City. This is consistent with the City's adopted subdivision design guidelines; thus, the impacts would 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?

There are no state or locally recognized scenic highways nearby. The property was cleared of buildings and vegetation prior to this review. There are no rock outcroppings, trees, or historic buildings on the property. There would be no impact on scenic resources.

c) In non-urbanized areas, substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The site is within the urbanized area. The proposed half-plexes will meet all General Plan and Zoning standards with the addition of the PD₁₈ Zone District. Thus, the impacts will be less than significant.

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

The site is within the urban area where street lighting and exterior building lighting is prevalent. Development of these properties will add residential lighting and potentially a new streetlight to this area. As the new lighting will be similar to what already exists in the vicinity, the impacts from Project lighting will be less than significant.

There will also be a six-foot masonry wall, trees, and landscaping along the frontage that will minimize the interior lighting visible from Walton Avenue traffic. Also, any new street lighting would be consistent with other nearby street lighting.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3-2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties,

with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, *Compact Cities: Energy-Saving Strategies for the Eighties* indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procure to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the Project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Farmland of Statewide Importance.* Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland.* Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- *Farmland of Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year

the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as “Super Williamson Act Contracts.” Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The proposed Project site is approximately 9.16-acres, much of which was utilized as a mobile home park that has since been removed. The 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as “Urban and Built Up Land.” The Project site is not considered to have Prime Farmland, Farmland of Statewide Importance or Unique Farmland. The site is within the boundaries of the Yuba City urban area, surrounded by residential and commercial uses. Due to the property’s non-agricultural designation by the state and because it is designated by the General Plan for urban uses, and because it has been previously developed as a mobile home park, the property is not considered agricultural land so there will be no impact from the loss of agricultural land.

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

The proposed Project site and surrounding area is currently zoned for urban type uses and is not under a Williamson Act contract. There will therefore be no impact related to 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 proposed Project is located in the Sacramento Valley in a relatively flat area that was likely utilized for agriculture in the past. Many years ago, a mobile home park was constructed on the site, but has since been removed. The site has been designated for urban uses by the City for many years. There is no

timberland located on the Project site or within the vicinity of the Project. There will be no impact on existing zoning of forestland and the proposed Project will not cause the rezoning of any forestlands.

d) Result in the loss of forestland or conversion of forest land to non-forest use?

There is no forested land on the Project site or within the vicinity of the Project; therefore, there will be no impact on forest land.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed Project is within the urban area and previously developed as a mobile home park, which has since been removed. There are no forestlands on the Project site or in the vicinity. See Part a) above for discussion on the loss of agricultural land.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the

SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution “hot spots” near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north-south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as “attainment” for that pollutant. If an area exceeds the standard, the area is classified as “non-attainment” for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated “unclassified.”

Ambient Air Quality Standards: Both the federal and State government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and State ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O₃): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NOX): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NOX are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM₁₀) and Fine Particulate Matter (PM_{2.5}): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO₂): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people.

There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO₂, and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NO_x) and toxic particulate matter from diesel engines. CARB is currently developing a

control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and

Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Development of the site will include site grading and construction of 66 half-plexes and six single-family residences. As such, grading the site would briefly create equipment exhaust and fugitive dust from this activity. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from the new residences. Standards set by FRAQMD, CARB, and Federal agencies relating to the proposed Project will apply to this Project. Prior to the initiation of construction, a Fugitive Dust Control Plan would be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction.

Since the developer(s) of the Project must prepare an air quality analysis and incorporate the resulting conditions into the Project, and that a fugitive dust control plan be submitted prior to beginning work on the subdivision, any potential significant environmental impacts should be reduced to less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Any development that would result from this RZ/TSM would generate some criteria pollutants during its construction and from vehicle traffic generated by the new development. However, FRAQMD did not comment that the standards would be exceeded by this Project to the extent of being cumulatively significant. Therefore, the cumulative impacts are considered to be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment.

There are no sensitive receptors within 1,000 feet of the Project. However, the Best Management Practices (BMPs) that will be used to reduce the impact from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings.

Due to the temporary nature of construction, and assuming all FRAQMD criteria is met as required, and that there are no nearby sensitive receptors, air quality impacts would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Construction of residences typically do not generate objectionable odors. As such, the impact of the Project creating local offensive odors would be less than significant

3.4 Biological Resources

Table 3.4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

3.4.1. Environmental Setting/Affected Environment

The 9.16 acres is vacant, haven previously been cleared of the mobile home park and all vegetation, and it is within the urbanized area. The property is surrounded by both residential and commercial urban uses. There are no riparian areas or known critical habitat areas on-site or in the vicinity.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal “endangered species” legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as

“species of special status.” Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the “take” of a listed species. “Take” is defined by the state of California as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (California Fish and Game Code, Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered “Waters of the United States” subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by “ordinary high-water marks” on opposing channel banks. All activities that involve the discharge of dredge or fill material into

Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define “endangered” and “rare” as specified in CEQA Guidelines section 15380(b).

3.4.3. Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources within the project area:

- 8.4-G-1 Protect special status species, in accordance with State regulatory requirements.
- 8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.
- 8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.
- 8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities
- 8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
- 8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.
- 8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4. Impact Assessment/Environmental Consequences:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Please see the response for b) below for this item.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

There are no nearby waterways or other water bodies or riparian areas on this property or nearby. Additionally, the property was cleared of trees and other vegetation prior to this review and is

substantially surrounded by existing urban development. Therefore, the impact on biological resources by this project is considered to be a less than significant impact.

c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. There would be no impact on any wetland areas or waterways.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The proposed Project would not disturb any waterways, as the nearest waterway is the Feather River, being several miles to the east. Therefore, migratory fish would not be affected. Nor are there any trees remaining on the property. As such there would be no significant impacts on fish or wildlife habitat.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No native trees or other biological resources that would be protected by local policies or ordinances exist on the Project site. The EIR prepared for the General Plan did not identify any critical species in the vicinity. As such, the impacts on biological resources caused by this Project will be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.5. Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.			X	
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of 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])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

No tribal comments were received.

3.5.4. Impact Assessment/Environmental Consequences:

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

There are no remaining structures on the property. Therefore, the potential 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.

See c) below.

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

The property previously was used as a mobile home park, but the approximately 9.16-acre property has been cleared of all buildings and structures. No dedicated cemeteries or other places of human internment are likely to exist on the Project site. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, a mitigation measure is provided in Section 3.18 to ensure impacts on any remaining historical resources or Native American cultural resources are less than significant.

3.6 Energy

Table 3-6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2 Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Site preparation, grading and construction would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant and GHG emissions. This electrical consumption would be consistent with construction activities of a similar character; therefore, the use of electricity in construction activities would not be considered wasteful, inefficient, or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The Project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of Project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified. Overall, project construction would typically not consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Following construction of the duplexes and single-family residences, the main sources of energy consumption would be ongoing residential activities and vehicle usage. However, as FRAQMD did not comment on this Project, the impacts from the new uses and associated vehicle traffic would be less than significant.

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?

Development that could result from this Project would be required to be consistent with applicable state and local plans for increased energy efficiency. Thus, the Project's impacts would be less than significant.

3.7 Geology and Soils

Table 3.7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			X	
d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?		X		

3.7.1 Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the

north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the County. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters into the County. Both Faults are listed as non-active faults but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar,

but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and

Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2 Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings, and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.3 State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

3.7.4 Impact Assessment/Environmental Consequences:

- a) *Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Considering that the Building Code incorporates construction standards for minimizing earthquake damage to buildings, and the low potential for a significant earthquake activity in the vicinity, the potential for adverse impacts from an earthquake is less than significant.

- ii. *Strong seismic ground shaking?*

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the building codes reduce the potential impacts to less than significant.

- iii. *Seismic-related ground failure, including liquefaction?*

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design,

construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the City's Sphere of Influence and as a result, no impacts are anticipated for this application.

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

Development of the site that could result from this RZ/TSM would result in all of the site being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Sutter County drainage system. However, as part of the grading and construction, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion will 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?

See b) above.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The 72 new residences that will result from this RZ/TSM will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new impacts from septic systems.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Due to prior ground disturbances for agricultural and residential uses it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered:

3.7.5 Paleontological Mitigation Measures

Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-5145.

Mitigation shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey in the vicinity that potential paleontological resource was found, as determined by the paleontologist;
2. Assess effects on identified sites;
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted;
4. Obtain comments from the researchers;
5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.

In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

3.8 Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not propose regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- **Local Control:** The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

See b) below.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of

climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The site preparation, grading, and construction of the halfpexes/duplexes and five single-family residences will generate GHG emissions due to the use of motorized construction equipment. The emissions will be from construction equipment during the construction of the subdivision. Once completed, vehicle traffic generated by auto use from the new residences will contribute GHG gases. Due to the small size of the Project, it is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the Project to incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

3.8.4 Greenhouse Mitigation Measure

Greenhouse Gas Mitigation Measure 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9 Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.			X	

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting, and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery

Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable

quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

See b) below.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The primary hazardous materials associated with the proposed subdivision will be those materials associated with grading and construction equipment, which typically includes solvents, oil, and fuel. Provided that these materials are legally and properly used and stored, the proposed Project will not create a significant hazard to the public or the environment. On an ongoing basis the only anticipated hazardous waste would be household hazardous waste. Assuming proper and legal disposal of those wastes there should not be a significant impact from hazardous materials.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

There is not a school within one-quarter mile of the proposed subdivision. Therefore, there is not a potential for any impacts on a school from hazardous materials.

- 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 property is not on any listings of sites that are contaminated by hazardous wastes. Therefore, there is not a potential for significant impacts from a known hazardous materials site.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The Project is not located within the Sutter County Airport Comprehensive Land Use Plan, nor is it within two miles of a public use airport.

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

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. Accordingly, the impacts on emergency response or emergency evacuations plans will be less than significant.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The Project site is located within the Yuba City urban area and the Yuba City urban area is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate vicinity. Accordingly, impacts from exposure to potential wildland fires will be less than significant.

3.10 Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			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 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a groundwater well in addition to surface water supplies due to recent drought conditions. Since the new residences that will be constructed will only receive water through the City system, it is unlikely that the Project could impact the water quality in the City system.

All of the wastewater generated by the Project will flow into the City wastewater treatment facility which is in compliance with all state water discharge standards. As such, wastewater is not expected to generate any unique type of waste that would cause the system to become out of compliance with state standards.

All storm water runoff associated with the project will drain into the Live Oak Canal and ultimately into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

With the level of oversight on the City's water supply, and enforcement of Best Management Practices at construction sites, potential impacts on the City's water and waste-water systems or storm water drainage system from this RZ/TPM is less than significant.

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

All of the proposed 72 new residences will be connected to the City's water system. While consumer consumption of City water will increase with the Project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water supplies in its system.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site?

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

There will be an increased amount of stormwater drainage caused by new impermeable surfaces created by the new subdivision which will ultimately drain into the Feather River. The Project will be required to construct the local collection facilities and pay the appropriate fees to Yuba City for its fair share of improvements and expansion to the existing drainage system that it will be connected too. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met impacts from additional storm water drainage from the site will be less than significant.

iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, the Project's impacts on high-water flows within the Feather River levee system will be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any big lakes so a seiche is unlikely to happen in or

near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunamis. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely that the Project site would be subject to inundation by a seiche, tsunami, or mudflow or landslide. Therefore, there is no potential for significant impacts from any of these types of events.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Regarding impacts on a groundwater management plan, the City primarily utilizes surface water from the Feather River for its water supply, so any impact on groundwater would be less than significant. Regarding water quality, as noted in Part a) above, all new construction is required to utilize of Best Management Practices. Assuming all required standards are met the impacts to stormwater runoff water from this subdivision will be less than significant. The City primarily utilizes surface water for its water source so there will be no significant impacts on groundwater.

3.11 Land Use and Planning

Table 3:11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

3.11.1 Environmental Setting/Affected Environment

The property was previously utilized as a mobile home park but was previously cleared of all development and vegetation. The area abuts a mix of multiple-family and single-family residential uses and commercial uses. The General Plan and zoning have planned this property for duplex/half-plex development since its adoption in 2004, potentially longer. Half-plexes are not out of place within this eclectic area as their impacts due to their density and use is between single-family and multiple-family uses.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how

lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

This is an infill development that is consistent with the General Plan and the use fits the zoning applied to the property (The rezoning is more to resolve a technical problem of duplexes vs. half-plexes). As the previous use of this site was a mobile home park, the proposed half-plexes are of a similar density. The half-plexes are expected to be compatible with the neighboring duplexes and multiple-family residential uses and are likely beneficial to the nearby commercial activities (more shoppers). As a result, there are no impacts anticipated by this proposed project regarding dividing an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The Project is consistent with the General Plan and the uses allowed by the zoning. The proposed PD zoning is intended to allow half-plexes instead of duplexes, but the Project will still be at a lower density than the neighboring apartments. The subdivision will also meet all City design and development standards. As such there are no conflicts with policies or programs that would cause any environmental impacts.

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?

See b) below.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City limits, and no mineral extraction facilities currently exist within the City. Additionally, the site has nearby residential uses, which generally is considered incompatible with mineral extraction facilities. As such the Project will not have an impact on mineral resources.

3.13 Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

3.13.1 Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a

day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

3.13.2 Environmental Setting/Affected Environment for Groundborne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV), or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

3.13.3 Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage. The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.13.4 State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached

single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings. Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.13.5 Local Regulatory Setting

The **City of Yuba City General Plan** presents the vision for the future of Yuba City and outlines several guiding policies and policies relevant to noise.

The following goals and policies from the City of Yuba City General Plan are relevant to noise.

Guiding Policies

- 9.1-G-1: Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2: Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.

Implementing Policies

- 9.1-I-1: Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
 - Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment,
 - Increase setbacks for noise sources from adjacent dwellings,
 - Retain fences, walls, and landscaping that serve as noise buffers,
 - Use soundproofing materials and double-glazed windows, and
 - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3: In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4: Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5: Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6: Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7: Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

Figure 1: Noise Exposure

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)													
	50		55		60		65		70		75		80	
Residential – Low Density Single Family, Duplex, Mobile Home														
Residential – Multi-Family														
Transient Lodging – Motel/Hotel														
Schools, Libraries, Churches, Hospitals, Nursing Homes														
Auditorium, Concert Hall, Amphitheaters														
Sports Arena, Outdoor Spectator Sports														
Playgrounds, Neighborhood Parks														
Golf Courses, Riding Stables, Water Recreation, Cemeteries														
Office Buildings, Business, Commercial and Professional														
Industrial, Manufacturing, Utilities, Agriculture														
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.													
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.													
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.													
	Clearly Unacceptable: New construction or development generally should not be undertaken.													
Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.														

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

3.13.6 Impact Assessment/Environmental Consequences:

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies established in the local general plan or noise ordinance, or applicable standards of other agencies?*

A temporary increase in noise will occur during construction of the subdivision followed by noise from the construction of the residences. All of this will primarily occur during daylight hours, Monday through Saturday. Noise from construction activities would contribute to the noise environment in the immediate Project vicinity. This could have an impact on existing nearby residences. Activities involved in construction could generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the limited duration of the construction activities, that the construction will occur during the less sensitive daylight hours, the noise effects from this activity are expected to be less than significant.

Table 2: Noise Levels of Typical Construction Equipment		
Type of Equipment ⁽¹⁾	dBA at 50 ft.	
	Without Feasible Noise Control ⁽²⁾	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75
⁽¹⁾ US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.		
⁽²⁾ Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications		

Once constructed the residences are generally not considered to be significant noise generators. As such the new residences are not expected in any significant way to raise the ambient noise levels in the surrounding residential neighborhood.

For these reasons, the noise impacts from adding new residences to a residential area is expected to be less than significant.

- b) *Generation of excessive ground borne vibration or ground borne noise levels?*

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 3 describes the typical construction equipment vibration levels.

Table 3: Typical Construction Vibration Levels	
Equipment ⁽¹⁾	VdB at 25 ft ²
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
⁽¹⁾ US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.	

Vibration levels of construction equipment in Table 3 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the Project, the approximate reduction of 6 VdB for every doubling of distance from the source, and consideration of the distance to the nearest existing residences, the temporary impact to any uses in the vicinity of the project will be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The Project is not within an airport land use plan. There are no public or private airports or airfields located in this vicinity. Therefore, this impact is not applicable to the Project.

3.14 Population and Housing

Table 4-14: Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The property was previously utilized as a mobile home park but has been cleared of all development and vegetation. The area abuts a mix of multiple-family and single-family residential uses and commercial uses. The General Plan and zoning have planned this property for residential densities consistent with duplex/half-plex development. Half-plexes are not out of place within the exiting eclectic area as their level impacts due to their density and use is between single-family and multiple-family uses.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementations of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2013.

3.14.4 Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households

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 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 General Plan designates this property for this type of residential use and density, and all City services are available to the property. Further, the proposed use is compatible with neighboring development. Therefore, there will not be unplanned growth resulting from this Project and no impacts are anticipated.

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

There was a mobile home park on this site that was removed prior to this Project proposal. As such there will not be any residences lost as a result of this Project.

3.15 Public Services

Table 3.15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement for the proposed new development will be provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services that may be utilized by new residents, including streets, water, sewer stormwater drainage will also be provided by Yuba City. The nearby Tierra Buena School and River Valley High School are part of the Yuba City Unified School District.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire

apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- i. **Fire Protection:** The Fire Department reviewed the proposal and did not express concerns. Since all new housing development pays development impact fees intended to offset the cost of additional fire facilities and equipment costs resulting from this growth, the impacts on fire services will be less than significant.
- ii. **Police Protection:** The Police Department reviewed the proposal and did not express concerns. Since all new housing development pays impact fees that intended to offset the cost of additional police facilities and equipment resulting from this growth the impacts on police services will be less than significant.
- iii. **Schools:** New residences will pay the Yuba City Unified School District adopted school impact fees that are intended to provide the new resident's fair share for expanded or new educational facilities needed to accommodate this new growth. Therefore, the impact on schools will be less than significant.
- iv. **Parks:** The City charges a park impact fee for each new residence that is utilized to purchase parkland and construct new parks. Therefore, the impact on parks from this project will be less than significant.
- v. **Other Public Facilities:** The Project will be connected to City water and wastewater systems. Each new residential connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects impact fees for County services that are provided to the new residences, such as the library system and justice system. Therefore, the impact on other public facilities will be less than significant.

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) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

See b) below.

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?*

This Project's 72 new residences will have access to the City's park system, thus increasing park usage. The City, however, charges a park impact fee for each new residence, to be utilized to purchase parkland and construct new parks in proportion to growth of the community. This fee is intended to offset the impact on parks as it provides for expansion of the City's park system. There will be a development agreement accompanying this subdivision that, if approved, will provide additional funding for neighborhood parks. Therefore, due to the park fees the impact on parks from this Project will be less than significant.

3.17 Transportation/Traffic

Table 4-17: Transportation Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

3.17.1 Federal Regulatory Setting

Federal Highway Administration: FHWA is the agency of the U.S. Department of Transportation (DOT) responsible for the Federally funded roadway system, including the interstate highway network and portions of the primary State highway network. FHWA funding is provided through the Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU can be used to fund local transportation improvement projects, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, and transit system upgrades.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

3.17.2. State Regulatory Setting

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled ...". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

3.17.3. Impact Assessment/Environmental Consequences:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The proposed subdivision is within an existing suburban area, much of which is already built out. The sole ingress and egress to this property is Walton Avenue. There was formerly a mobilehome park on this property which generated similar amounts of traffic onto Walton Avenue. As such, any increase in auto traffic will be minimal. Walton Avenue and the nearest intersections, Walton Avenue/Bridge Street and Walton Avenue/Franklin Road are within acceptable City level of service standards and are not expected to deteriorate below these standards by the traffic generated by this proposal. This Project will also be providing all pedestrian and bicycle improvements onto Walton Avenue. Since the traffic generated by this Project meets all City standards, traffic impacts on Walton Avenue and neighboring intersections will be less than significant.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts

are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. The Project will exceed this criterion, so it is not considered any further in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

- Less than 50% of regional average
- 50-85% of regional average
- 85-100% of the regional average
- 115-150% of the regional average
- More than 150% of the regional average

Per the SACOG maps for the Project area, the estimated average vehicle distance traveled per residence is in the 50-85% range of the norm. In other words, per the SACOG regional screening maps this subdivision is located in an area that meets the 15 percent vehicle trip reduction criteria. Thus, the transportation impacts from this subdivision are consistent with CEQA Guidelines Section 15063.4(b) and it follows that the traffic impacts generated by this project are considered to be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As this Project will replace a mobile home park on the property the quantity of traffic will not be significantly different. The Public Works review of the Project did not indicate that there are any street design issues on nearby streets. Therefore, any increase in street hazards generated by this Project are less than significant.

d) Result in inadequate emergency access?

The Fire and Police Departments have reviewed the Project plans and did not express concerns about emergency access to the property. Therefore, the impacts on emergency services will be less than significant.

3.18 Tribal Cultural Resources

Table 3-18: Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or		X		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis

- Ethnographic overview of the Nisenan culture.
- Environmental Impact Report for the City of Yuba City General Plan (2004).
- Consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley (Wilson and Towne 1978:389–390).

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson

and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.4 Summary of Native American Consultation

AB 52 now requires lead agencies to analyze project impacts on “tribal cultural resources” separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3). In response to AB 52, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan’yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;

- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
 - A cultural landscape with a geographically defined boundary;
 - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
 - A unique archaeological resource as defined in Section 21083.2; and/or
 - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

See b) below.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52 to which no tribes responded. No known TCRs have been identified (as defined in Section 21074) within the proposed project area. Given the level of previous disturbance within the Project area, it is not expected that any TCRs would remain. However, during grading and excavation activities, there is a potential to encounter native soils, which may contain undiscovered TCRs. In the unlikely event resources are discovered during ground disturbing activities that are associated with Native American culture, compliance with the TCR Mitigation Measures provided below would reduce the potential impacts to a less than significant level.

3.18.8 Tribal Cultural Mitigation Measure

Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated

with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.

3.19 Utilities and Service Systems

Table 3-19: Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Water: The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with approximately 18,045 connections. City policy only allows areas within the City limits to be served by the surface water system.

Wastewater: Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Reuse and Recycling: Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. As of June 2021,

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

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the “Non-Chapter 15 (Non 15) Program”) regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB) 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In

California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

See b) below.

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

The Project will connect to both the City's water and wastewater treatment systems. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate this Project. The WTP uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment facilities provides a total WTP capacity of 36 mgd. The City is permitted to draw 30 mgd from the Feather River. The current maximum day use is 26 mgd. The City also has an on-site water well at the water plant that supplements the surface water when needed.

For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City.

The ongoing expansions of those plants to accommodate growth beyond this Project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

Stormwater drainage in this area is provided by Yuba City. A drainage analysis was prepared for this Project and reviewed by Public Works Dept., determining that the stormwater drainage system was adequate for this Project, and also that the developer must pay fees for their fair share of future improvements to the system. As such, the impacts on the stormwater drainage system will be less than significant.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their services

to this Project site. With these considerations the impact on these facilities are expected to be less than significant.

c) *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?*

See Parts a) and b), above.

d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.*

See e) below.

e) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Recology Yuba-Sutter provides solid waste disposal for the area as well as for all of Sutter and Yuba Counties. There is adequate collection and landfill capacity to accommodate the proposed development.

3.20 Wildfire

Table 3-20: Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

As discussed in Section 3.17 of this Initial Study, this Project is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Therefore, the impacts of the project related to emergency response or evacuations would be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project site is within the Yuba City urban area with no, native vegetation remaining, and the Yuba City urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires. In light of this, the exposure of new residents to wildfire is less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As discussed above, the site is not near any wildland areas and the Project itself will not create any improvements that potentially could generate wildfire conditions. As such the Project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the Project will not create any potential significant impacts that could result from these types of improvements.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the project related to these issues would be less than significant.

3.21 Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	
b) 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)			X	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?*

The land was stripped many years ago of native vegetation and more recently a mobilehome park was removed from the property. The property is currently vacant of buildings and vegetation and there are no waterways or nearby riparian areas. Therefore, this Project will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

The traffic generated by the development is within what was anticipated in the General Plan which considered anticipated future growth of the area. The City has adequate water and wastewater capacity, and the Project will be extending those services to the site. Stormwater drainage will also meet all City standards. As this Project is within the urban area there will not be a loss of agricultural land. The school district has not indicated that they lack capacity to provide proper educational facilities to the new students. The FRAQMD also did not comment that the project would create any significant cumulative impacts on air quality. Therefore, there are no impacts that will be individually limited but that will create significant cumulative impacts.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

The proposed Project in and of itself will not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed Project with its mitigation measures will not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

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Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

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Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

“Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination,” prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. “Fault Zone Activity Map.” Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at <http://www.envirostor.dtsc.ca.gov/public/>

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16 livability/scenic_highways/index.htm

Appendix A

MITIGATION MEASURES AND MONITORING PLAN

West Walton Village

Initial Study and Mitigated Negative Declaration EA 23-02
For Tentative subdivision Map 23-01 and Rezoning PD18

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
West Walton Village

Initial Study and Mitigated Negative Declaration EA 23-02
For Tentative subdivision Map 23-01 and Rezoning PD₁₈

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.7 Geology and Soils	Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows: 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan	Developer	Public Works Dept., Development Services Dept.	During construction phase

	policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.5. Cultural Resources; 3.18. Tribal Cultural Resources	Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.	Developer	Public Works Dept., Development Services Dept	During construction phase

	The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 52 has been satisfied.			
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CITY OF YUBA CITY
STAFF REPORT

Date: June 20, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: 2023 Community Development Block Grant - Annual Action Plan
Recommendation: A. Conduct a Public Hearing to receive comments on the 2023 Annual Action Plan Amendment and after consideration;
 B. Adopt a Resolution approving the proposed 2023 Annual Action Plan Amendment and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing;
 C. Authorize the Finance Director to add budget appropriations for the grant revenue and expenditures
Fiscal Impact: \$567,759 received from the U.S. Department of Housing and Urban Development (HUD) for the 2023 CDBG program year

Purpose:

To hold a Public Hearing to receive comments on and consider approval of the 2023 Community Development Block Grant Annual Action Plan

Council's Strategic Goal:

This project addresses the priorities of Public Safety, Infrastructure, and Fiscal Responsibility.

Background:

The City of Yuba City is an entitlement jurisdiction of the Community Development Block Grant (CDBG) program and receives an annual allocation of funds from the Department of Housing and Urban Development (HUD). The purpose of the CDBG program is to develop viable urban communities by providing decent housing, a suitable living environment, and by expanding economic opportunities. Funds are required to be used to meet at least one of the program's following priority objectives:

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

Analysis:

The Draft 2023-2024 Annual Action Plan (AAP) details the funding recommendations for CDBG Projects and activities within the City. The City has been allocated \$567,759 in CDBG funding for the 2023-2024 program year. In accordance with HUD regulations, a maximum of twenty percent (\$113,552) of the allocation can be used for administration, and a maximum of fifteen percent (\$85,164) can be allocated to Public Services. Public Services include activities such as; homeless services, job-training, recreation programs, healthcare, etc., and salaries associated with approved services.

Citizen Participation and Consultation

A public workshop was held on March 24, 2023, and detailed the CDBG program guidelines, application information, and allowed attendees to ask questions and/or provide comments. The workshop and application opportunity were advertised in the Appeal Democrat, on the City's website and social media pages, and emailed to local agencies and organizations. The application period began on March 24, 2023, and ended on April 21, 2023. The required 30-day public comment period on the draft Annual Action Plan began on May 31, 2023 and will end on July 1, 2023. The AAP is available on the City's website, hard copies are available at City Hall, and a copy is available for view at the local library. At this time, no public comments have been received. The City received 11 applications totaling approximately \$1,005,000 in funding requests. Recommendations are based on available allocation, applications received, and proposed programs/projects.

Below are the recommended funding allocation for the 2023 CDBG program year:

Agency/Project	Recommended Funding	Description
Program Administration (15%)	\$ 85,163.85	General administration, oversight and management of Community Development Block Grant program. Funding covers salary cost for staff and consultant services
Sutter-Yuba Homeless Consortium	\$ 45,000	The Sutter-Yuba Homeless Consortium, in collaboration with Hands of Hope, Bridges to Housing, The Salvation Army, Central Valley Homeless Veterans Assistance Program and Sutter County Homeless Shelter provide services to the homeless population in Sutter and Yuba Counties. In addition, it will be acting as the lead agency and fiscal agent in providing services and programs, in conjunction with other non-profit agencies, to the City's homeless population.
City of Yuba City Senior Center – Kitchen Update	\$ 150,000	Update senior center kitchen to code so that it could provide a space for prep/cook/delivery site for organizations providing meals to seniors in the area.
Habitat for Humanity – Housing Preservation Program	\$ 60,000	Provides preventative home maintenance or critical home repair services to low-income, elderly, disabled, and/or veterans
FREED Center for Independent Living – Home Repairs/Modifications	\$ 25,000	Provides accessibility improvements and minor home repairs for low-income disabled and senior residents
Yuba Sutter Gleaner's Foodbank – Senior Home Delivery	\$ 14,163.85	Deliver 2 weekly pre-made meals and a 20lb box of groceries to seniors 65+ that lack resources to acquire healthy, nourishing food.

Camp Rockin U Foster Youth Camp – Septic Replacement	\$ 41,000	Fund project portion for Yuba City foster youth to repair septic system and bring up to current code.
City of Yuba City - ADA Sidewalk and Public Facility Improvements	\$ 162,431.30	Provide sidewalk and curb ramp improvements to meet ADA accessibility requirements throughout the City
Sutter County – Pilot Pathway to Work Program	\$ 26,000	Provide job training, skills, and stipends to homeless individuals for work including; cleanup/landscaping local businesses

Fiscal Impact:

The City will receive \$567,759 from HUD to implement the 2023 CDBG program year. The City receives the funding on a reimbursable basis.

Alternatives:

Do not approve the 2023 CDBG Annual Action plan, and direct staff to modify funding recommendations. Changes will require staff to re-notice the plan and present to City Council for approval at a later date.

Recommendations:

- A. Conduct a Public Hearing to receive comments on the 2023 Annual Action Plan Amendment and after consideration;
- B. Adopt a Resolution approving the proposed 2023 Annual Action Plan Amendment and authorize staff to submit the required documents to the Department of Housing and Urban Development (HUD) for processing;
- C. Authorize the Finance Director to add budget appropriations for the grant revenue and expenditures.

Attachments:

- 1. Attachment 1 - Resolution to Approve the 2023 CDBG Annual Action Plan
- 2. Attachment 2 - 2023 CDBG Annual Action Plan

Prepared By:

Shannon Sardo
Administrative Analyst

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2023-2024
ANNUAL ACTION PLAN CERTIFYING COMPLIANCE WITH THE REQUIREMENTS OF THE
CDBG PROGRAM, AND AUTHORIZING STAFF TO SUBMIT ALL APPROVED DOCUMENTS
TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the Department of Housing and Urban Development has determined that the City of Yuba City will receive \$567,759 under program year 2023 of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City of Yuba City held a public meeting on March 24, 2023, as well as a public hearing on June 20, 2023, to consider public comments and proposals regarding the 2023-2024 Annual Action Plan, the community development objectives and the projected use of CDBG funds contained therein; and

WHEREAS, the City of Yuba City has provided the citizens with an opportunity to review and comment on concerns involving the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other important program requirements, and provided citizens with adequate opportunity to participate in the development of the 2023-2024 Annual Action Plan, including any revisions, changes or amendments thereto for a 30-day period commencing on June 1, 2023 and ending on July 1, 2023

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City that the 2023-2024 Annual Action Plan is hereby approved, that the City Manager is authorized to execute all documents related thereto, that the Finance Director is authorized to make budget allocations for the implementation of, and that staff is authorized to submit all documents to the United States Department of Housing and Urban Development.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on June 20, 2023, by the following vote:

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

CITY OF Yuba City

2023 *Annual DRAFT* Action Plan

COMMUNITY DEVELOPMENT BLOCK GRANT



Development Services Department

Executive Summary

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

1. Introduction

The City of Yuba City is an entitlement jurisdiction for Community Development Block Grant (CDBG) funds, one of several Department of Housing and Urban Development (HUD) formula entitlement programs. As an entitlement jurisdiction, HUD requires the City to complete and submit an Annual Action Plan (Action Plan) in order to receive CDBG funds annually. The Draft 2023 Action Plan is the fourth Action Plan covered by the 2020 Consolidated Plan (Con Plan).

The format of the Draft 2023 Action Plan is required and consistent with HUD's Integrated and Disbursement Information System (IDIS).

The Draft 2023 Action Plan consists of five (5) sections including: 1) Executive Summary; 2) Expected Resources; 3) Annual Goals and Objectives; 4) Affordable Housing; and, 5) Program Specific Requirements.

Yuba City's Development Services Department is the lead agency responsible for developing the Draft 2023 Action Plan and is responsible for the administration of CDBG funds, including implementation of projects and programs and monitoring projects and programs to ensure compliance with HUD requirements and regulations.

2. Summarize the objectives and outcomes identified in the Plan

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

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

3. Evaluation of past performance

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

In addition, annually the City is required, at the conclusion of the Program Year (PY), to complete and submit to HUD a Consolidated Annual Performance and Evaluation Report (CAPER) reporting on the

Action Plan Goal outcomes and expenditures. Subsequently to the submittal of the CAPER, HUD assesses the City's management of CDBG program funds.

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

4. Summary of Citizen Participation Process and consultation process

The Citizen Participation process included a variety of efforts to encourage public participation, especially from lower income residents and service providers, in the development of the Draft 2023 Action Plan. Two meetings were held during the Action Plan development process to solicit public input. The first public meeting was held via Zoom on March 24, 2023 to solicit input and request participation in the development of the Draft 2023 Action Plan. The Public Hearing will be held on June 20, 2023 and will be published in the Appeal-Democrat for a 30-day comment period, in accordance with the City's Citizen Participation Plan. A 30-day public review and comment period will commence on May 31, 2023 and will end on July 1, 2023.

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

A summary of the Draft 2023 Action Plan will be published on May 31, 2023 in the Appeal Democrat, noting that a Public Hearing will be held on June 20, 2023 to solicit public comment on the Draft 2023 Action Plan. The Draft 2023 Action Plan will be made available on the City's website and in hard copy at both City Hall and the Public Library.

5. Summary of public comments

Reserved for public comments.

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

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

7. Summary

The Draft 2023 Action Plan identifies the activities the City will undertake during the 2023 Program Year to address the goals identified in the 2020 Con Plan. The Draft 2023 Action Plan identifies the following activities the City and/or its Sub-Recipients will undertake with the CDBG funds.

- **Public service activities that address homeless needs, including:**
 1. Sutter-Yuba Homeless Consortium – Homeless Services Consolidation:
 - 1.1. Bridges to Housing – Rapid Rehousing Assistance
 - 1.2. Central Valley Homeless Veterans – Rapid Rehousing
 - 1.3. Hands of Hope – Coordinated Front Desk Staff
 - 1.4. The Salvation Army – Rapid Rehousing
 - 1.5. Regional Emergency Shelter Team (REST) – Emergency Shelter
 2. Yuba-Sutter Senior Gleaners Foodbank – Senior Home Delivery Program
 3. Sutter County – Pathway to Work Program

- **Housing activities, including:**
 1. FREED Center for Independent Living – Home Repair and Modifications Program
 2. Habitat for Humanity – Home Repair Program

- **Public Facilities and Improvements, including Removal of Architectural Barrier activities:**
 1. Yuba City Public Works Department – ADA Sidewalk and Curb Improvements
 2. Yuba City Community Services Department – Senior Center Kitchen Update

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

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

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

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

Table 1 – Responsible Agencies

Narrative

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

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

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

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

Consolidated Plan Public Contact Information

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

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

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

1. Introduction

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

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

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

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

The City works in cooperation with the SYHC to address the needs of homelessness in the community. The SYHC consists of over 50 members, including the City of Yuba City, that utilize the Continuum of Care planning process to address homeless needs in the City of Yuba City and throughout the region. The SYHC allows for maximizing funding resources, helps to avoid duplication of services and provides for a comprehensive approach to homelessness. During the Draft 2023 Action Plan process, the City consulted members of the SYHC in order to meet the Action Plan requirements.

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

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

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

Agencies representing the homeless, non-homeless and housing providers participated in the annual CDBG Community Needs Workshop. The agencies were encouraged to apply for CDBG funding. The agencies were asked to review and comment on the Draft 2023 Action Plan. Public service agency consultations assist the City to prioritize funding and to identify trends in housing and human service needs.

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

Table 2 – Agencies, groups, organizations who participated

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

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

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

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Sutter-Yuba Homeless Consortium	The goals contained in the 2020 Con Plan and Draft 2023 Action Plan are consistent with the Continuum of Care. The City will work within the framework of the Sutter-Yuba Homeless Consortium to address homeless needs.
Yuba City Housing Element	City of Yuba City	The goals contained in the 2020 Con Plan and Draft 2023 Action Plan are consistent with the Programs outlined in the 2021-2029 Housing Element.
Yuba City Economic Development Strategic Work Plan	City of Yuba City	The goals contained in the 2020 Con Plan and Draft 2023 Action Plan are consistent with the initiatives outlined in the Economic Development Strategy.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
PHA 5-Year Plan	Regional Housing Authority	The goals contained in the 2020 Con Plan and Draft 2023 Action Plan are consistent with the needs, goals and objectives outlined in the PHA 5-year Plan.

Table 3 – Other local / regional / federal planning efforts

Narrative

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

AP-12 Participation – 91.105, 91.200(c)

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

The City followed requirements for citizen participation outlined in the City's Citizen Participation Plan. The City encouraged citizens, along with local and regional organizations, to participate during the preparation of the Draft 2023 Action Plan. Regional and local service agencies, non-profit organizations, City staff, City Council and City Commissions were invited to two (2) public meetings held to discuss the Draft 2023 Action Plan update and solicit comments. The first virtual meeting was held on March 24, 2023 at 10:00 a.m. The second meeting, a Public Hearing, will be held on June 20, 2023.

The Draft 2023 Action Plan will be made available for public review and comment during a 30-day period, May 31, 2023 through July 1, 2023. A Public Hearing will be held on June 20, 2023 at 6:00 p.m., at City Hall in Yuba City before the City Council to solicit public comment regarding the Draft 2023 Action Plan. The Draft 2023 Action Plan will also be made available during the 30-day comment period on the City's website and copies made available at City Hall. The City's website also included notification of the development of the Draft 2023 Action Plan and encouraged citizens to provide input.

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

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-targeted/broad community	The City hosted a virtual public meeting on March 24, 2023 to provide information on the consultation and planning process, review the application process and encourage public participation and comment in the development of the Draft 2023 Action Plan.	Reserved for public comments.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	https://www.youtube.com/watch?v=r4HdRWj78xe0
2	City Website	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Announcement that the City is developing its Draft 2023 Action Plan, encouraged public input and participation. Identified meeting dates and the availability of the Draft 2023 Action Plan for public review and comment.	Reserved for public comments.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	https://www.yuba-city.net/city_hall/departments/development_services/housing_cd_b_g/cd_bg

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Newspaper Ad	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public Notice of the June 20, 2023 Public Hearing was posted in the Appeal Democrat on May 31, 2023.	Reserved for public comments.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	
4	Public Hearing	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	The City will hold a Public Hearing on June 20, 2023 to request approval and authorization for the submission of the Draft 2023 Annual Action Plan to HUD.	Reserved for public comments.	The City has not intentionally excluded or avoided consulting any agency type or organization during the consultation and planning process.	www.yubacity.net

Table 4 – Citizen Participation Outreach

Expected Resources

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

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of Con Plan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$567,759	\$111,786.23	\$1,136,919.30	\$1,816,464.53	\$600,000	Expected amount available remainder of Con Plan based on \$600,000 annual allocation for 1 year.

Table 5 - Expected Resources – Priority Table

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

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

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

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

Discussion

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

The City will aggressively pursue, or support applications by other entities for, Federal and State funding over the 2023 Program Year to address priority needs; however, other funding sources available to the City or its partners will be through a competitive application process. The City cannot be assured an application(s) will be successful based on the rating and ranking criteria. Due to limited funding availability, the City will struggle to meet future matching requirements should the City be successful in applying for other Federal or State funding sources and matching funds be required.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2023	2024	Affordable Housing	Citywide	Preservation of existing units	CDBG: \$85,000	Homeowner Housing Rehabilitated; FREED – Home Repair and Modifications; Habitat for Humanity, Home Repair Program: 56 Households
2	Non-Homeless Supportive Services	2023	2024	Non-Homeless Special Needs	Citywide	Housing and Supportive Services for Special Needs Program Administration	CDBG: \$14,164	Public service activities other than Low/Moderate Income Housing Benefit: 74 Persons Assisted
3	Homeless Assistance	2023	2024	Homeless	Citywide	Homeless Housing and Supportive Services	CDBG: \$71,000	Public service activities other than Low/Moderate Income Housing Benefit: 583 Persons Assisted
4	Infrastructure Improvements/ADA Modifications	2023	2024	Non-Housing Community Development	Citywide	Public Improvements and Infrastructure	CDBG: \$162,431	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 12,936 Persons Assisted
5	Public Facilities Construction/Rehabilitation	2023	2024	Non-Housing Community Development	Citywide	Public Facilities	CDBG: \$191,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2,750 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Housing Rehabilitation
	Goal Description	Activities include Habitat for Humanity Home Repair Program, FREED – Home Repair and Modifications
2	Goal Name	Non-Homeless Supportive Services
	Goal Description	Utilizing Community Development Block Grant funds provide assistance to non-profit organizations for provision of supportive services targeted to non-homeless special needs population (disabled, seniors, families, domestic violence victims)
3	Goal Name	Homeless Assistance
	Goal Description	Activities include Sutter-Yuba Homeless Consortium-Consulting Services, Bridges to Housing – Rapid Rehousing Assistance, Central Valley Homeless Veterans – Rapid Rehousing, Hands of Hope – Coordinated Front Desk Staff, Regional Emergency Shelter Team (REST) – Emergency Shelter, and The Salvation Army – Rapid Rehousing. In addition, the SYHC will be acting as the lead agency and fiscal agent in providing services and programs, in conjunction with five (5) other non-profit agencies, to the City’s homeless. Sutter County: Pathway to Work Program – Provide job training and stipends to homeless individuals for work including cleanup/landscaping for local businesses.
4	Goal Name	Infrastructure Improvements/ADA Modifications
	Goal Description	Activities include installation of ADA accessible sidewalks and curb cuts improvements.
5	Goal Name	Public Facilities Construction/Rehabilitation

	Goal Description	Activities include Senior Center kitchen update and Camp Rockin' U Foster Youth Camp – Septic Replacement.
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Projects

AP-35 Projects – 91.220(d)

Introduction

The activities recommended for funding for the 2023 PY are consistent with the priority needs identified in the Strategic Plan. Lack of funding is the greatest obstacle to addressing underserved needs. The City has \$567,759 in CDBG funds available for the PY.

In addition, there's a total of \$111,786.23 of combined Program Income and Revolving Loan funds.

Projects

#	Project Name
1	Program Administration; 21A – General Program Administration
2	Sutter-Yuba Homeless Consortium, Homeless Services Coordination; LMC, 05 – Public Services
3	Sutter County – Pathway to Work Program; MC, 05 – Public Services
4	Yuba-Sutter Gleaners Foodbank Senior Home Delivery Program; LMC, 05A – Senior Services
5	FREED Home Repair and Modifications; LMH, 14A - Rehab; Single-Unit Residential
6	Habitat for Humanity – Home Repair Program; LMH, 14A - Rehab; Single-Unit Residential
7	City of Yuba City - ADA Sidewalk and Curb Improvements; LMC, 03L - Sidewalks
8	City of Yuba City - Senior Center Kitchen Update; LMC, 03A – Senior Centers
9	Camp Rockin U Foster Youth Camp – Septic Replacement; LMC – 03F, Parks, Recreational Facilities

Table 7 - Project Information

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

The City received slightly over \$785,000 in funding requests. In addition, the City is limited on the amount of funds that can be spent on Public Services and Program Administration & Planning in accordance to HUD regulations. As a result, the City is limited from spending more than 15% of its annual allocation, plus Program Income, on Public Service activities; therefore, some activities are not funded completely and some are partially funded based on the amount requested.

AP-38 Project Summary

Project Summary Information

1	Project Name	Program Administration
	Target Area	Citywide
	Goals Supported	Housing Rehabilitation Non-Homeless Supportive Services Homeless Assistance Infrastructure Improvements/ADA Modifications Public Facilities Construction/Rehabilitation
	Needs Addressed	Program Administration
	Funding	CDBG: \$85,164
	Description	General administration, oversight and management of Community Development Block Grant Program.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
	Location Description	1201 Civic Center Blvd., Yuba City, CA
	Planned Activities	Administration, management, implementation and monitoring of activities funded by Community Development Block Grant funds.
2	Project Name	Sutter-Yuba Homeless Consortium – Homeless Services
	Target Area	Citywide
	Goals Supported	Homeless Assistance

	Needs Addressed	Homeless Housing and Supportive Services
	Funding	CDBG: \$45,000
	Description	The Sutter-Yuba Homeless Consortium, (SYHC), in collaboration with Hands of Hope, Bridges to Housing, The Salvation Army, Central Valley Homeless Veterans Assistance Program, Regional Emergency Shelter Team (REST) and the Sutter County Homeless Shelter provide services to the homeless population in Sutter and Yuba Counties. In addition, the SYHC will be acting as the lead agency and fiscal agent in providing services and programs, in conjunction with five (5) other non-profit agencies, to the City's homeless population.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	A combined total of 577 Low-Income Homeless Persons
	Location Description	Citywide
	Planned Activities	Continuum of Care Homeless Coordinator Salary; One-time security deposit assistance for homeless re-housing; assistance for homeless veterans to secure permanent housing; assistance for day shelter for homeless families; and rental assistance and supportive services provided by The Salvation Army. Additional services provided by Hands of Hope include showers, laundry facilities, clothes closet, computer access and assists in the operation of the Coordinated Entry System (CES), the Regional Emergency Shelter Team, (REST), provides seasonal emergency shelter services to single males and females and day-to-day operational services provided by the Sutter County Homeless Shelter.

3	Project Name	Habitat for Humanity - Home Repair Program
	Target Area	Citywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Preservation of existing units
	Funding	CDBG: \$60,000
	Description	Provide exterior repairs and accessibility modifications to qualified low-income homeowners to preserve their homes, increasing their safety and accessibility, and improving their overall quality of life.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	16 Low-Income Homeowners
	Location Description	Citywide
4	Planned Activities	Volunteer teams will participate in a variety of work including: roofing, siding, painting, landscaping, replacing doors and windows and performing exteriors repairs at minimal costs to homeowners who would be unable to complete home repairs on their own.
	Project Name	FREED Home Repair and Modifications
	Target Area	Citywide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Preservation of existing units
	Funding	CDBG: \$25,000

	Description	Provide minor health and safety related accessibility modifications for low-income disabled and senior homeowners.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	40 Low-Income Homeowners
	Location Description	Citywide
	Planned Activities	The Program will provide health and safety related home accessibility modifications to low-income disabled and elderly homeowners that will allow them to remain living safely and independently in their home.
5	Project Name	Yuba-Sutter Gleaners Foodbank – Senior Home Delivery Program
	Target Area	Citywide
	Goals Supported	Non-Homeless Supportive Services
	Needs Addressed	Housing and Supportive Services for Special Needs Program Administration
	Funding	CDBG: \$14,164
	Description	Deliver 2 weekly pre-made meals and a 20-lb box of groceries to seniors that lack resources to acquire healthy, nourishing food.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	74 Low-Income Seniors

	Location Description	Citywide
	Planned Activities	Provide food deliveries low-income senior residents that are 65+ of age, with the goals of reducing hunger, and providing nourishing prepared meals and groceries.
6	Project Name	Sutter County – Pathway to Work Program
	Target Area	Citywide
	Goals Supported	Homeless Services
	Needs Addressed	Homeless Housing and Supportive Services
	Funding	CDBG: \$26,000
	Description	Provide job training and stipends to homeless individuals for work including; cleanup/landscaping for local businesses.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	6 Low-Income Homeless Persons
	Location Description	Citywide
	Planned Activities	
7	Project Name	ADA Sidewalk and Public Facility Improvements
	Target Area	Qualified Low/Mod Census Tracts
	Goals Supported	Infrastructure Improvements/ADA Modifications
	Needs Addressed	Public Improvements and Infrastructure
	Funding	CDBG: \$162,431

	Description	Provide sidewalks and improvements to public facilities allowing ADA accessibility.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	12,736 Low-Income Persons
	Location Description	Qualified Low/Mod Census Tracts
	Planned Activities	The project will serve the general public with specific emphasis on individuals with physical disabilities by removing obstacles within the public right-of-way that prohibit or limit accessibility.
8	Project Name	Camp Rockin U Foster Youth Camp - Septic Replacement
	Target Area	Qualified Low/Mod Census Tracts
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	CDBG: \$41,000
	Description	Providing portion of funding for Yuba City foster youth for repairing septic tank at facility
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	100 Low/Mod-Income Youth
	Location Description	13919 Lake Francis Road, Dobbins, CA 95935

	Planned Activities	Offers outdoor recreation opportunities to families of all sizes; offering camping sites and cabins and a variety of inexpensive to free recreation opportunities, including lake and pool swimming access, a large sports field and a small arcade.
9	Project Name	City of Yuba City, Community Services – Senior Center Kitchen Update
	Target Area	Qualified Low/Mod Census Tract
	Goals Supported	Public Facilities Construction/Rehabilitation
	Needs Addressed	Public Facilities
	Funding	CDBG: \$150,000
	Description	Improve and update the restrooms of the Yuba City Senior Center
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	700 Low-Income Seniors
	Location Description	777 Ainsley Avenue, Yuba City
	Planned Activities	Update the kitchen to allow an organization such as Area 4 Agency on Aging to use it as a cooking/prepping/deliver site for meal delivery programs to senior, (Meals on Wheels)..

AP-50 Geographic Distribution – 91.220(f)

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

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

Geographic Distribution

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

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

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

Discussion:

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

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

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

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

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	56
Special-Needs	0
Total	56

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

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	56
Acquisition of Existing Units	0
Total	56

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

Discussion

The housing units and households anticipated to be assisted during the 2023 Program Year will be provide by the following Housing Programs: FREED Minor Home Modification/Repairs and Habitat for Humanity's Exterior Home Repairs.

AP-60 Public Housing – 91.220(h)

Introduction

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

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

As noted above, the City does not own or operate any Public Housing in the City; the RHA serves the City. During the 2023 Program Year, the City will continue its close working relationship with the RHA to expand housing opportunities for the City's residents. Funding from the Permanent Local Housing Allocation grant is being looked at by the City and the RHA to be used for Public Housing needs.

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

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

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

The RHA is not designated as troubled.

Discussion

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

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

Introduction

This section identifies the actions the City will take during the 2023 Program Year, (2023 PY), to address homelessness. The City's goals are to address chronic homelessness by assisting Transitional Housing Programs that provide on-going supportive services such as case management, education and job training to help ensure that people do not return to homelessness. The City will also provide assistance to homeless persons and low-income families at risk of becoming homeless.

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

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

The City works in partnership with the Sutter-Yuba Homeless Consortium (SYHC) to address homelessness. Annually the SYHC conducts a Point-in-Time (PIT) count. The PIT provides valuable information, including demographic and living situation information that allows service providers and the community to better identify and evaluate the homeless population and their needs. During the 2023 PY the City will provide CDBG funds to the SYHC and its efforts to address homeless needs.

Addressing the emergency shelter and transitional housing needs of homeless persons

During the 2023 PY the City will allocate a portion of CDBG funds under the Public Service Category to organizations that provide emergency shelter and transitional housing services to the homeless. The City will provide CDBG funding to the SYHC who is acting as the lead agency for all six (6) non-profit agencies to address the needs and provide services to the homeless population. Funding for two of the service providers are for the Sutter County Homeless Shelter for day-to-day operational services and to Hands of Hope for that provides showers, laundry facilities, clothes closet, computer access as well as referral and advocacy services.

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

The City will provide CDBG funding for several organizations that serve the homeless, including families with children and veterans. In conjunction with the SYHC, organizations that will be assisted during the 2023 PY are: 1) Bridges to Housing – provides financial assistance to homeless or at-risk individuals who are in need of deposit and rental assistance. They will also provide assistance to help pay for past due

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

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

The City's efforts during the 2023 PY to prevent homelessness will include Affordable Housing Programs that maintain the existing affordable housing stock or increase the number of affordable housing units available to low-income households. As noted above, the City will also support housing programs that address the underlying reasons for homelessness and provide on-going support services for formerly homeless families and programs that provide assistance to low-income families at risk of becoming homeless, such as the Bridges to Housing Program.

Discussion

In addition to resources available to and controlled by the City, organizations within the community for which their mission is to provide services to the homeless may receive funds from a variety of federal, state and local sources. These funding sources include Emergency Solutions Grant (ESG), California Emergency Solutions and Housing (CESH), Homeless Emergency Aid Program, (HEAP), Community Services Block Grant (CSBG), Homeless Housing and Prevention Program (HHAP) and Continuum of Care Program Competition, as well as charitable organizations and private donations. Throughout the 2023PY the City will work closely and support the efforts of the SYHC to address the housing and supportive needs of the homeless.

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

Introduction:

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

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

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

Governmental Constraints:

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

Land Use Regulations:

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

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

Permits and Fees:

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

Infrastructure:

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

Development Review Process:

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

Building Code and Enforcement:

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

Reasonable Accommodation and Housing for Persons with Disabilities:

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

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

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

equal access to housing.

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

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

Conservation of Existing Housing

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

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

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

- **Farmworker Housing.** – Continue to work with Sutter County, the farm industry, and neighborhoods where housing projects are proposed to facilitate the provision of farmworker housing. Assist in meeting the housing needs of farmworkers in and around Yuba City.
- **Facilitate Construction of Special-Needs Housing.** – The City will remove barriers for special-needs groups by amending the zoning code to address the following:
 -
 - Transitional and Supportive Housing
 - Reasonable Accommodation
 - Employee Housing
 - Single-Room Occupancy Units
 - Low-Barrier Navigation Centers
- **Residential Care Facilities.** – Continue to offer specific incentives for development of individual or group-care housing affordable to the City’s senior and special-needs populations through City-specific density bonuses (in addition to state requirements), reduced parking requirements, and development fee reductions for projects at infill localities.
- **Housing for Special Needs Groups.** – The City will work with housing providers to ensure that special housing needs and the needs of lower-income households are addressed for seniors, large families, female-headed households, female-headed households with children, persons with disabilities and developmental disabilities, extremely low-income households, and homeless individuals and families.
- **Assistance for Persons with Developmental Disabilities.** – The City will work with the Alta California Regional Center to implement an outreach program that informs families within Yuba City about housing and services available for persons with developmental disabilities.
- **Affirmatively Furthering Fair Housing.** – Implement the City’s Analysis of Impediments to Fair Housing Choice (AI), adopted in 2020, to address disparities in housing needs and in access to opportunity for all persons regardless of race, color, religion, sex, national origin, familial status, disability, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, veteran or military status, source of income, and genetic information as protected categories by the California Fair Employment and Housing Act (Part 2.8 [commencing with Section 12900] of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

AP-85 Other Actions – 91.220(k)

Introduction:

This section addresses the City's planned actions during the 2023 Program Year, (2023 PY), to carry out strategies covered in the Consolidated Plan including, fostering and maintaining affordable housing, evaluation and reduction of lead-based paint hazards, reduce the number of families within the poverty level and develop the institutional structure and enhancing coordination between public and private agencies that serve low-income and special needs populations.

Actions planned to address obstacles to meeting underserved needs

The greatest obstacle to meeting underserved needs in the City is the lack of funding. During the 2023 PY and the duration of the 2020 Con Plan period the City will continue its efforts to identify funding sources, support funding applications by developers and service providers that expand the availability of affordable housing and support applications for homeless assistance and supportive service funds. The City will also implement zoning and land use policies that encourage the development of affordable housing. The City will continue to participate and encourage partnerships between local agencies and organizations so underserved needs may be better met by collaborative use of resources. Additionally, the applications received by the City often do not address some of the greater issues such as acquisition or development of new affordable housing units and economic development activities.

Actions planned to foster and maintain affordable housing

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

Actions planned to reduce lead-based paint hazards

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

Actions planned to reduce the number of poverty-level families

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

opportunities requiring varying levels of skills and training.

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

Actions planned to develop institutional structure

The City's Development Services Department is the City Department responsible for the administration of the City's Housing Programs, including the Community Development Block Grant (CDBG) Program. The Development Services Department also oversees the City's Community Development activities. As an entitlement jurisdiction, the City receives an annual CDBG allocation through the Department of Housing and Urban Development (HUD). Both internal City Departments and external Sub-Recipient agencies implement the programs and projects identified in the Draft 2023 Annual Action Plan. The Development Services Department will continue to collaborate with other City Departments, the City Council, City Commissions, as well as local agencies and organizations and residents to develop programs and activities that serve low and moderate-income individuals and families within the jurisdiction.

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

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

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

Discussion:

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

Program Specific Requirements

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

Introduction:

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

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

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

Other CDBG Requirements

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

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

CITY OF YUBA CITY

Future Agenda Items

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

CITY OF YUBA CITY

Reports and Communications

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

City Manager's Report

CITY OF YUBA CITY

Reports and Communications

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

City Council Reports

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

Adjournment