



AGENDA

SEPTEMBER 19, 2023

****AMENDED****

REGULAR MEETING OF THE HOUSING SUCCESSOR AGENCY AND 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.*

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CITY COUNCIL - CITY OF YUBA CITY
SEPTEMBER 19, 2023
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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://yubacity-net.zoom.us/webinar/register/WN_my3Kp2HZRWW8unjyQ6oVQg. Emailed comments sent to cityclerk@yubacity.net at least 24 hours before the meeting will be distributed to the City Council prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

Public Comment:

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

Closed Session

- A. Confer with Real Property Negotiator (Government Code § 54956.8)
Property: APN 52-411-016, located at 825 Jones Street, Yuba City, California; and APN 51-095-020, located at 1483 Gray Avenue, Yuba City, California
Negotiator: Diana Langley, City Manager/Executive Director
Negotiating parties: TBD
Under negotiation: Whether to sell the properties, and if so, the price and terms of payment
- B. Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.)
Agency designated representatives: Diana Langley, City Manager, Natalie Springer, Human

Resources Director, Ann Gillen, 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
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. **Tortilleria Flores Retirement Proclamation**
2. **Introduction of Dr. Pan, Chancellor for Yuba Community College District**
3. **Zoning Audits Presentation by Jamin Kimmell from Cascadia Partners**

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. Successor Housing Agency Sale of 847 Chestnut Street to Chy Eaton and Robert Eaton

Recommendation: Adopt a Resolution that:

A. Authorizes the City Manager, as the Executive Director on behalf of the Successor Housing Agency to the Yuba City

Redevelopment Agency, to execute an Agreement for Purchase and Sale of Real Property located at 847 Chestnut Street (APN 52-161-036), and all other necessary documents, in the amount of \$348,500 to Chy Eaton and Robert Eaton, subject to approval of the City Attorney as to material terms

B. Authorizes the Finance Director to place sale proceeds in the Successor Agency Low and Moderate Income Housing Asset Fund

6. DWR 2022 Urban Community Drought Relief Grant Award

Recommendation: A. Adopt a Resolution authorizing the Public Works and Development Services Director or designee to apply, accept, and execute all documents associated with Department of Water Resources 2022 Urban Community Drought Relief Grant Program for the City-owned Property Turf Replacement Project on behalf of the City

B. Adopt a Resolution authorizing the Public Works and Development Services Director or designee to apply, accept, and execute all documents associated with Department of Water Resources 2022 Urban Community Drought Relief Grant Program for the Commercial Property Turf Replacement Rebate Program on behalf of the City

C. Adopt a Resolution awarding a Professional Services Agreement to Blais & Associates of Little Elm, TX and Irvine, CA for grant management services in the amount of \$60,090 plus a contingency of \$12,000, with the finding that it is in the best interest of the City

D. Adopt a Resolution authorizing the Finance Director to appropriate \$3,415,152 in state grant funds to administer project funding in a new Capital Improvement Program account and authorizing the Finance Director to make necessary supplemental appropriations and related transfers

7. Easement Purchase for the Wastewater Treatment Facility Effluent Discharge Outfall Diffuser Project – Yoshimi Yokohari Revocable Trust

Recommendation: Adopt a Resolution approving an Agreement for Purchase and Sale of Fee Interest and Easements, Pipeline Easement Agreement, Right of Entry/Temporary Construction Easement Agreement, and Grant Deed for the Wastewater Outfall Diffuser Project between Garden Highway and the Feather River west levee approximately 2,600 feet south of Barry Road (APN 23-180-006)

8. Anneka Lane Sewer Replacement Project

Recommendation: Adopt a Resolution awarding a construction contract to Santos Excavating, Inc., of Chico, CA in the amount of their total bid of \$267,676.00 and authorizing the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

9. Establishing Rules and Regulations for the Use of the City Seal, City Logo, and City Council Pins

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City establishing rules and regulations for the use of the City Seal, City Logo, and City Council Pins, by title only and waive the second reading

Business Items

10. Shanghai Garden Park Playground Equipment

Recommendation: Receive options for the playground equipment at Shanghai Garden Park and provide direction to staff

11. Consideration of Development Plan 23-02: Merriment Village Apartments

Recommendation: A. Conduct a Public Hearing and after consideration;

B. Adopt a Resolution of the City Council of the City of Yuba City to determine that the project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4., and approve Development Plan 23-02, Merriment Village Apartments, subject to the Conditions of Approval, for the development of a 218-unit income-based (affordable) apartment complex, located on a 7.7-acre parcel at 428 North Walton Avenue (Assessor's Parcel Number 58-120-001)

12. Consideration of General Plan Amendment (GPA) 22-01 and Rezone (RZ) 22-02 associated with Tentative Parcel Map (TPM) 22-01 for the Ratliff Duplex Development

Recommendation: A. Conduct a Public Hearing, and;

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment 22-04, a Mitigated Negative Declaration, and contingently approving General Plan Amendment 22-01 for the Ratliff Duplex Development located on approximately 0.31 acres at the southwest corner of Cooper Avenue and Frederick Street (Assessor's Parcel Numbers 52-283-012 and -013); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-02 for the Ratliff Duplex Development located on approximately 0.31 acres at the southwest corner of Cooper Avenue and Frederick Street (Assessor's Parcel Numbers 52-283-012 and -013).

13. Consideration of General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02 for the Bains – Bridge Street project

Recommendation: A. Conduct a Public Hearing and after consideration;

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment 23-04, a Mitigated Negative Declaration, and contingently approving General Plan Amendment 23-02 re-designating 0.68 acre from Office and

Office Park (O) land use designation to Medium-High Density Residential (HDR) for the Bains – Bridge Street project, located on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Numbers 58-080-005); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 23-02 for the Bains – Bridge Street project located on approximately 0.68 acres on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Numbers 58-080-005)

14. General Plan Amendment No. 3 of 2023

Recommendation: Adopt a Resolution of the City Council of the City of Yuba City approving General Plan Amendment No. 3 of 2023

15. CDBG 2022 Consolidated Annual Performance and Evaluation Report

Recommendation: A. Conduct a Public Hearing and after consideration;

B. Approve the 2022 CAPER and adopt a Resolution authorizing staff to submit all necessary documents to the U.S. Department of Housing and Urban Development (HUD)

16. Burned/Damaged Building Abatement

Recommendation: A. Implement policy to initiate Vacant Building Plan provision of the City's Public Nuisance Ordinance within 30-days of receipt of notification of a burned building; and

B. Direct staff to annually apply for the use of Community Development Block Grant (CDBG) funding for the abatement of blighted buildings in low-moderate income areas; and

C. Direct staff to review and recommend funding options through the 2024-2025 budget cycle for the potential abatement of blighted buildings

17. Consideration of ARCO AM/PM Public Convenience or Necessity Request

Recommendation: Adopt a Resolution making a finding of public convenience or necessity for the issuance of a Type 21 (off-sale general) Alcoholic Beverage Control (ABC) License at the northwest corner of State Highway 20 and Harter Parkway (ARCO AM/PM with fuel facility)

Future Agenda Items

18. 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

19. City Manager's Report

20. City Council Reports

Adjournment



Proclamation

of the City Council

Jose and Maria Flores Tortilleria Flores

Congratulations on Retirement and 41 years in business

WHEREAS, in 1982, Jose and Maria Flores established a tortilla manufacturing business and bakery called Tortilleria Flores located at 120 Percy Avenue; and

WHEREAS, wanting more for their family, Jose and Maria slowly started incorporating the restaurant portion of the business along with the Mexican market with the items that were hard to find in the area; and

WHEREAS, with the success of the business there was a need for expansion at Tortilleria Flores, so in 1990 the outside patio dining area along with the additional seating was established; and

WHEREAS, throughout the years many family members worked in the business whether it was cooking, taking orders, managing the register. They always had about 8-10 employees including themselves, and as soon as the children could count change they were working the register and helping out in the business; and



WHEREAS, Tortilleria Flores supported many community events along with countless donations to schools, sports, churches and always to those who may have needed a helping hand; and

WHEREAS, over the years Tortilleria Flores not only provided great authentic Mexican food and products they also catered weddings, parties, holiday socials and even an event at the State Capital. The largest catering event they ever catered for was 500 people.

NOW, THEREFORE, BE IT RESOLVED, I, Wade Kirchner, Mayor of the City of Yuba City and on behalf of the entire City Council, do hereby congratulate Jose and Maria Flores on their retirement from Tortilleria Flores as of August 20, 2023 and wish them the very best and thank them for being strong community members for the last 41 years.

Done this 19th day of September 2023, at the City of Yuba City, County of Sutter, State of California.



Introduction of
Yuba Community College District

Chancellor

Dr. Shouan Pan

YCCD
3301 E. Onstott Road
Yuba City, CA 95991
530-741-8949



Presentation on key findings of the Zoning Code Audit

by

Cascadia Partners

Jamin Kimmell, AICP

Partner

To contact Jamin Kimmell directly:

612-940-9087

email jamin@cascadia-partners.com

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: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Successor Housing Agency Sale of 847 Chestnut Street to Chy Eaton and Robert Eaton

Recommendation: Adopt a Resolution that:

A. Authorizes the City Manager, as the Executive Director on behalf of the Successor Housing Agency to the Yuba City Redevelopment Agency, to execute an Agreement for Purchase and Sale of Real Property located at 847 Chestnut Street (APN 52-161-036), and all other necessary documents, in the amount of \$348,500 to Chy Eaton and Robert Eaton, subject to approval of the City Attorney as to material terms

B. Authorizes the Finance Director to place sale proceeds in the Successor Agency Low and Moderate Income Housing Asset Fund

Fiscal Impact: Sale Price - \$348,500
Estimated Net Proceeds - \$314,000

Purpose:

To sell 847 Chestnut Street which has been deemed a surplus property by the Successor Housing Agency to the Yuba City Redevelopment Agency.

Council's Strategic Goal:

This item supports the Council's goal of fiscal responsibility as the disposition of the property will generate funds to place in the City's Low-Moderate Housing Fund, which can be used to support affordable housing projects.

Background:

On November 15, 2022, the City Council as the Directors of the Successor Housing Agency to the Yuba City Redevelopment Agency (Successor Housing Agency) declared 847 Chestnut Street to be a surplus property. Per the Surplus Land Act (SLA), staff issued a notice of availability and did not receive any interest from any housing sponsors. The Department of Housing and Community Development (HCD) has determined that staff met all of the requirements under the SLA and the

Successor Housing Agency is permitted to proceed with the sale or lease of the property.

Analysis:

847 Chestnut Street was placed on the market in July. The property was listed at \$374,000 and multiple offers were received, including an offer from Chy Eaton and Robert Eaton, in the amount of \$348,500. Based on the condition of the house and the current housing market, staff recommends that the City Council as the Directors to the Successor Housing Agency accept the offer and authorize the City Manager to execute an Agreement for Purchase and Sale and all necessary paperwork to sell the property to Chy Eaton and Robert Eaton.

The Successor Housing Agency is required to place the sale proceeds in a separate Low and Moderate Income Housing Asset Fund, and use those funds for affordable housing purposes in accordance with the law.

Fiscal Impact:

With a sales price of \$348,500, the estimated net proceeds is \$314,000.

Alternatives:

1. Do not sell and take the property off the market.
2. Do not accept the offer and place the property back on the market.

Recommendation:

Adopt a Resolution that:

A. Authorizes the City Manager, as Executive Director on behalf of the Successor Housing Agency to the Yuba City Redevelopment Agency, to execute an Agreement for Purchase and Sale of Real Property located at 847 Chestnut Street (APN 52-161-036), and all other necessary documents, in the amount of \$348,500 to Chy Eaton and Robert Eaton, subject to approval of the City Attorney as to material terms.

B. Authorizes the Finance Director to place sale proceeds in the Successor Agency Low and Moderate Income Housing Asset Fund.

Attachments:

1. Resolution - 847 Chestnut Street
2. Exhibit A - PSA 847 Chestnut

Prepared By:

Diana Langley
City Manager/Executive Director

Submitted By:

Diana Langley
City Manager/Executive Director

ATTACHMENT 1

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING THE CITY MANAGER, AS THE EXECUTIVE DIRECTOR ON BEHALF OF
THE SUCCESSOR HOUSING AGENCY TO THE YUBA CITY REDEVELOPMENT AGENCY,
TO EXECUTE AN AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY
LOCATED AT 847 CHESTNUT STREET (APN 52-161-036), AND ALL OTHER NECESSARY
DOCUMENTS, IN THE AMOUNT OF \$348,500 TO CHY EATON AND ROBERT EATON,
AUTHORIZE THE FINANCE DIRECTOR TO PLACE SALE PROCEEDS IN THE
SUCCESSOR AGENCY LOW AND MODERATE INCOME HOUSING ASSET FUND**

WHEREAS, on November 15, 2022, the City Council as the Directors of the Successor Housing Agency to the Yuba City Redevelopment Agency (Successor Housing Agency) declared 825 Jones Street to be a surplus property; and

WHEREAS, in accordance with the Surplus Land Act, staff issued a notice of availability and did not receive any interest from any housing sponsors; and

WHEREAS, the Department of Housing and Community Development has determined that staff met all of the requirements under the Surplus Land Act and the Successor Housing Agency is permitted to proceed with the sale or lease of the property; and

WHEREAS, 847 Chestnut Street was placed on the real estate market in July, multiple offers were received, including an offer from Chy Eaton and Robert Eaton in the amount of \$348,500; and

WHEREAS, staff recommends that the City Council as the Directors to the Successor Housing Agency accept the offer and authorize the City Manager, as the Executive Director on behalf of the Successor Housing Agency, to execute an Agreement for Purchase and Sale; and

WHEREAS, the Successor Housing Agency is required to place the sale proceeds in a separate Low and Moderate Income Housing Asset Fund.

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

1. The City Manager, as Executive Director on behalf of the Successor Housing Agency to the Yuba City Redevelopment Agency, is authorized to execute an Agreement for Purchase and Sale of Real Property located at 847 Chestnut Street (APN 52-161-036), and all other necessary documents, in the amount of \$348,500 to Chy Eaton and Robert Eaton.
2. The Finance Director is authorized to place sale proceeds in the Successor Agency Low and Moderate Income Housing Asset Fund.

The forgoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 19th day of September, 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

Exhibit A: Purchase and Sale Agreement

EXHIBIT A

**AGREEMENT FOR PURCHASE AND SALE
OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS**

THIS AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS ("**Agreement**") is made this 19th day of September, 2023 ("**Agreement Date**") by and among Chy Eaton and Robert Eaton (jointly and severally the "**Buyer**"), City of Yuba City as Successor Agency to the former Redevelopment Agency of the City of Yuba City, a public agency ("**Seller**") and FIDELITY NATIONAL TITLE COMPANY, a corporation ("**Escrow Holder**" and "**Title Company**").

RECITALS:

A. Seller owns that certain residential real property located at 847 Chestnut Street in Yuba City, State of California (APN 052-161-036-000) legally described as set forth on **Exhibit A** ("**Property**").

B. Buyer is willing to purchase the Property in AS-IS condition pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and incorporating the recitals above, the parties hereto agree as follows:

TERMS AND CONDITIONS:

1. PURCHASE AND SALE OF PROPERTY. Buyer hereby agrees to purchase from Seller, and Seller agrees to sell to Buyer, the Property in AS-IS condition.

2. OPENING OF ESCROW. Within five (5) days after the execution of this Agreement by both Buyer and Seller, the parties shall open an escrow ("**Escrow**") with Fidelity National Title Company (Escrow Holder) by causing an executed copy of this Agreement to be deposited with Lisa Furr, escrow officer ("**Escrow Officer**") at Fidelity National Title Company, 471 Century Park Drive, Suite C, Yuba City lisa.furr@fnf.com (530) 645-6678 ("**Escrow**") together with the Deposit (as defined in Section 3.2(a)) ("**Opening of Escrow**").

3. PURCHASE PRICE.

3.1 Purchase Price. The Purchase Price for the Property is Three Hundred Forty-Eight Thousand Five Hundred Dollars (\$348,500) ("**Purchase Price**").

3.2 Payment of Purchase Price. The Purchase Price shall be paid as follows:

(a) **Deposit.** At Opening of Escrow, Buyer shall deposit the sum of Three Thousand Four Hundred Dollars (\$3,400) with Escrow Holder ("**Deposit**").

(b) **Balance of Funds.** At least one (1) business day prior to the Closing, Buyer shall deposit balance of the Purchase Price with Escrow Holder in Good Funds (as defined below).

3.3 Disbursement of Seller's Net Proceeds. At the Closing, the net proceeds (as

determined by the Seller settlement statement) shall be disbursed to Seller.

3.4 Good Funds. All funds deposited in Escrow shall be in “**Good Funds**” which means a wire transfer of funds, cashier's or certified check drawn on or issued by the offices of a financial institution located in the State of California.

4. ADDITIONAL FUNDS AND DOCUMENTS REQUIRED FROM BUYER AND SELLER.

4.1 Seller. Seller agrees that on or before 12:00 noon on the day preceding the Closing Date, Seller will deposit with Escrow Holder such funds and other items and instruments (executed and acknowledged, if appropriate) as may be necessary in order for the Escrow Holder to comply with this Agreement, including without limitation:

- a. Executed and acknowledged grant deed in the form of Exhibit B (“**Grant Deed**”).
- b. A Non-Foreign Affidavit as required by federal law.
- c. Such funds and other items and instruments as may be necessary in order for Escrow Holder and the Title Company to comply with this Agreement.

4.2 Buyer. Buyer agrees that on or before 12:00 noon on the date preceding the Closing Date, Buyer will deposit with Escrow Holder all additional funds and/or documents (executed and acknowledged, if appropriate) which are necessary to comply with the terms of this Agreement, including without limitation:

- a. A Preliminary Change of Ownership Statement completed in the manner required in Sutter County.
- b. Such funds and other items and instruments as may be necessary in order for Escrow Holder and the Title Company to comply with this Agreement.

4.3 Recordation, Completion and Distribution of Documents. Escrow Holder will cause Grant Deed to be recorded when it can issue the Owner's Title Policy in accordance with Section 6, and holds for the account of Buyer and Seller, respectively, the funds and items described above to be delivered to Buyer and Seller, respectively, through Escrow, less costs, expenses and disbursements chargeable to Seller pursuant to the terms hereof.

5. CLOSING DATE; TIME IS OF ESSENCE.

5.1 Closing Date. Escrow shall close within twenty-one (21) days after Buyer has provided the Buyer's Due Diligence Approval Notice by the Outside Due Diligence Date (pursuant to Section 7), but no later than thirty (30) days after the Opening of Escrow (“**Closing Date**”) unless extended as evidenced by a writing signed by both parties. The terms “**Close of Escrow**” and/or “**Closing**” are used herein to mean the time Grant Deed is filed for recording by the Escrow Holder in the Office of the County Recorder of Sutter County, California.

5.2 Possession. Upon the Close of Escrow, exclusive possession and occupancy of the Property shall be delivered to Buyer free and clear of all claims of possession and all debris.

5.3 Time is of Essence. Buyer and Seller specifically agree that time is of the essence.

5.4 Executive Director's Authority. Seller by its execution of this Agreement hereby agrees that its Executive Director or designee (who has been designated by Executive Director's written notice delivered to Buyer and Escrow Holder) shall, in Executive Director's sole and exclusive discretion, have authority:

(i) to execute documents on behalf of Seller including, but not limited to, issuing approvals, disapprovals and extensions. Any such approval, disapproval or extension executed by the Executive Director or their designee shall be binding on Seller.

(ii) make minor modifications to this Agreement in order to fulfill the direction of the Successor Agency Board, provided that such minor modifications are approved by the Agency's legal counsel.

6. TITLE POLICY.

6.1 Approval of Title.

(a) Promptly following execution of this Agreement but in no event later than five (5) days following Opening of Escrow, a preliminary title report shall be issued by Fidelity National Title Company ("**Title Company**"), describing the state of title of the Property, together with copies of all exceptions specified therein and a map plotting all easements specified therein ("**Preliminary Title Report**"). Within five (5) days after Buyer's receipt of the Preliminary Title Report, Buyer shall notify Seller in writing ("**Buyer's Title Notice**") of Buyer's disapproval of any matters contained in the Preliminary Title Report ("**Disapproved Exceptions**").

(b) In the event Buyer delivers Buyer's Title Notice within said period, Seller shall have a period of five (5) days after receipt of Buyer's Title Notice in which to notify Buyer of Seller's election to either (i) agree to attempt to remove the Disapproved Exceptions prior to the Close of Escrow; or (ii) decline to remove any such Disapproved Exceptions ("**Seller's Notice**"). If Seller notifies Buyer of its election to decline to remove the Disapproved Exceptions, or if Seller is unable to remove the Disapproved Exceptions, Buyer may elect either to terminate this Agreement and the Escrow or to accept title to the Property subject to the Disapproved Exception(s). Buyer shall exercise such election by delivery of written notice to Seller and Escrow Holder within five (5) days following the earlier of (i) the date of written advice from Seller that such Disapproved Exception(s) cannot be removed; or (ii) the date Seller declines to remove such Disapproved Exception(s).

(c) Upon the issuance of any amendment or supplement to the Preliminary Title Report which adds additional exceptions, the foregoing right of review and approval shall also apply to said amendment or supplement, provided, however, that Buyer's initial period of review and approval or disapproval of any such additional exceptions shall be limited to ten (10) days following receipt of notice of such additional exceptions.

(d) Nothing to the contrary herein withstanding, Buyer shall be deemed to have automatically objected to all leases, deeds of trust, mortgages, judgment liens, federal and state income tax liens, delinquent general and special real property taxes and assessments and similar monetary encumbrances affecting the Property, and Seller shall discharge any such non-permitted title matter of record prior to or concurrently with the Close of Escrow.

6.2 Title Policy. At the Close of Escrow, Escrow Holder shall furnish Buyer with an ALTA/CLTA Homeowner's Owner's Policy of title insurance ("**Owner's Title Policy**") insuring

title to the Property vested in Buyer in the amount of the Purchase Price, containing only exceptions approved or waived by Buyer in accordance with this Section. The cost of the Owner's Title Policy to Seller shall be paid by Buyer.

7. TRANSFER DISCLOSURE STATEMENT, STATUTORY DISCLOSURES & DUE DILIGENCE.

7.1 Transfer Disclosure Statement. Within two (2) days after the Opening of Escrow, Seller shall provide a completed and executed Transfer Disclosure Statement (as specified in Civil Code Section 1102) ("**TDS**") for Buyer's review and approval. If Buyer disapproves the completed TDS, Buyer shall notify Seller with a copy to Escrow Holder within the Due Diligence Period (as defined in Section 7.6). If Buyer does not disapprove the TDS within the Due Diligence Period, Buyer shall be deemed to have approved it. Buyer and any Buyer's agent shall execute the TDS and deliver a copy to Seller.

7.2 Natural Hazard Disclosure Report with Tax Disclosures. Within two (2) days after the Opening of Escrow, Escrow Holder shall order and deliver to Buyer a comprehensive natural hazard disclosure and tax report from Disclosure Source ("**NHD Report**") for Buyer's review and approval. If Buyer disapproves the NHD Report, Buyer shall notify Seller with a copy to Escrow Holder within the Due Diligence Period. If Buyer does not disapprove the NHD Report within the Due Diligence Period, Buyer shall be deemed to have approved it. Buyer shall execute the acknowledgement statement that accompanies the NHD Report and deliver a copy to Seller.

7.3 Lead-Based Paint Disclosures. Within two (2) days of Opening of Escrow, Seller shall deliver to Buyer the statutory Lead-Based Paint Disclosure and pamphlet as required by federal law ("**Lead Paint Disclosure**") for Buyer's review and approval. If Buyer disapproves the Lead Paint Disclosure, Buyer shall notify Seller with a copy to Escrow Holder within the Due Diligence Period. If Buyer does not disapprove the Lead Paint Disclosure within the Due Diligence Period, Buyer shall be deemed to have approved it. Waiver of the Lead Paint Disclosure is prohibited by law. Buyer shall execute the Lead Paint Disclosure and deliver same to Seller.

7.4 Material Facts & Insurance Claims. Within two (2) days of the Opening of Escrow, Seller shall disclose to Buyer in writing all known material facts and defects including known insurance claims within the last five (5) years preceding the Agreement Date

7.5 Other Statutory Disclosures. Within two (2) days of Opening of Escrow, Seller shall deliver to Buyer all other applicable statutory disclosures (including, but not limited to, notice or actual knowledge of release of illegal controlled substance, etc.) as required by law for Buyer's review and approval. If Buyer disapproves any such disclosures, Buyer shall notify Seller with a copy to Escrow Holder within the Due Diligence Period. If Buyer does not disapprove a statutory disclosure within the Due Diligence Period, Buyer shall be deemed to have approved it and Buyer shall execute any documents reasonably required by Seller to evidence same and deliver same to Seller.

7.6 Due Diligence. For a period of up to thirty (30) days following the Opening of Escrow ("**Due Diligence Period**"), Buyer shall have the right to review and inspect the Property and conduct such tests as reasonably determined by Buyer. Buyer shall make reasonable efforts to expediate any and all investigations provide same does not involve additional cost to Seller. Seller grants to Buyer, its agents and employees, upon reasonable notice to Seller, a limited

license to enter the Property for the purpose of conducting such due diligence as reasonably required by Buyer at Buyer's sole cost and expense. As a condition to Buyer's entry and inspection, Buyer shall keep the Property free and clear of all materialmen's liens, lis pendens or any other liens arising out of the entry and any work performed under this Agreement. Buyer shall notify Seller in writing ("**Buyer's Due Diligence Notice**") on or before the expiration of the Due Diligence Period of Buyer's approval of the condition of the Property as well as the TDS, NHD Report, Lead Paint Disclosure and all other disclosures and notices delivered to Buyer under this Agreement, which approval may be withheld in Buyer's sole discretion. Failure of Seller to provide access to the Property to make inspect the Property at a day and time requested by Buyer shall be a material breach of this Agreement and Buyer shall have the right to immediately terminate this Agreement and the escrow.

7.7 Indemnity: Buyer agrees to defend and indemnify Seller for any claims that arise out of Buyer's inspection or testing of the Property.

7.8 Statutory Disclosures. As required by law, Seller makes the following disclosures to Buyer:

- a. **No HOA.** The Property is subject to certain covenants, conditions and restrictions. However, there is no homeowner association and there are no HOA assessments to which the Property is subject.
- b. **Megan's Law.** "Notice: Pursuant to Section 290.46 of the Penal Code information about specified registered sex offenders is made available to the public via an internet website maintained by the Department of Justice at www.meganslaw.ca.gov. Depending on a sex offender's criminal history, this information will include either an address at which the offender resides or the community of residence and ZIP code in which he or she resides. (Neither Seller or Broker are required to check this website)."
- c. **Gas and Hazardous Liquid Transmission Pipelines.** "This notice is being provided simply to inform you that information about the general location of gas and hazardous liquid transmission pipelines is available to the public at the National Pipeline Mapping System (NPMS) Internet Web site maintained by the United States Department of Transportation at <http://www.npms.phmsa.dot.gov/>. To seek further information about possible transmission lines near the Property, you may contact your local gas utility or other pipeline operators in the area. Contact information for pipeline operators is searchable by ZIP code and county on the NPMS Internet Web site."

8. CONDITIONS PRECEDENT TO CLOSE OF ESCROW.

8.1 Conditions to Buyer's Obligations. The obligations of Buyer under this Agreement are subject to the satisfaction or written waiver, in whole or in part, by Buyer of each of the following conditions precedent ("**Buyer's Conditions Precedent**"):

- (a) Title Company will issue the Owner's Title Policy as specified in Section 6.2.
- (b) Escrow Holder holds and will deliver to Buyer the instruments accruing to Buyer pursuant to this Agreement.

- (c) Seller is not in default of its obligations under this Agreement.

8.2 Conditions to Seller's Obligations. The obligations of Seller under this Agreement are subject to the satisfaction or written waiver, in whole or in part, by Seller of the following conditions precedent:

- (a) Escrow Holder holds and will deliver to Seller the instruments and funds accruing to Seller pursuant to this Agreement.
- (b) Buyer shall have executed all documents required under this Agreement and delivered same to Seller.
- (c) Buyer is not in default of its obligations under this Agreement.

9. LIMITED REPRESENTATIONS AND WARRANTIES.

9.1 Limited Representations and Warranties. Seller hereby makes the following representations and warranties to Buyer to the best of its knowledge and without the duty to investigate, each of which is true in all respects as of the Agreement Date and the Opening of Escrow and shall be true in all respects on the date of Close of Escrow on the Property:

a. Seller has received no notice and/or has no knowledge that any governmental authority or any employee or agent thereof considers the present or proposed operation, use or ownership of the Property to violate or have violated any ordinance, rule, law, regulation or order of any government or agency, body or subdivision thereof, or that any investigation has been commenced or is contemplated respecting such possible violations.

b. There are no pending or threatened lawsuits or claims which would affect the Property.

c. The Property is not subject to a homeowner's association nor any such association assessments.

d. The Property is not in violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to the environmental conditions on, under or about the Property including, but not limited to, soil and ground water conditions.

e. Seller has received no written notice from any third parties, prior owners of the Property, or any federal, state or local governmental agency indicating that any hazardous waste remedial or clean-up work will be required on the Property. There are no environmental, health or safety hazards on, under or about the Property, including but not limited to soil and groundwater conditions.

f. There are no contracts, leases, claims or rights affecting the Property and no agreements entered into by or under Seller that shall survive the Close of Escrow.

g. Until the Closing, Seller shall not do anything which would impair Seller's title to any of the Property.

h. Seller is not, and as of the Close of Escrow will not be, a foreign person within the meaning of Internal Revenue Code Section 1445 or an out-of-state seller under California

Revenue and Tax Code Section 18805 and that it will deliver to Buyer through Escrow a non-foreign affidavit on Escrow Holder's standard form pursuant to Internal Revenue Code Section 1445(b)(2) and the Regulations promulgated thereunder and a California Form 590-RE ("Non-foreign Affidavit").

i. Until the Closing, if Seller learns of any fact or condition which would cause any of the warranties and representations in this Section not to be true as of the Closing, Seller shall immediately give written notice of such fact or condition to Buyer.

j. No construction or repair work has been done on the Property within the six (6) months prior to the Opening of Escrow.

9.2 Breach; Indemnification. If a breach of a representation, warranty or covenants occurs before Closing and Buyer is aware that such a breach has occurred, the breach shall be grounds to terminate this Agreement in Buyer's sole discretion. If Buyer does not elect to terminate this Agreement, Buyer shall be deemed to have waived any such breach.

10. ESCROW PROVISIONS.

10.1 Escrow Instructions. Sections 1; 2 through 6 inclusive, 8, 10, 12 and 13 constitute the escrow instructions to Escrow Holder. If required by Escrow Holder, Buyer and Seller agree to execute Escrow Holder's standard escrow instructions, provided that the same are consistent with and do not conflict with the provisions of this Agreement. In the event of any such conflict, the provisions of this Agreement shall prevail. The terms and conditions in sections of this Agreement not specifically referenced above are additional matters for information of Escrow Holder, but about which Escrow Holder need not be concerned. Buyer and Seller will receive Escrow Holder's general provisions directly from Escrow Holder and will execute such provision upon Escrow Holder's request. To the extent that the general provisions are inconsistent or conflict with this Agreement, the general provisions will control as to the duties and obligations of Escrow Holder only. Buyer and Seller agree to execute additional instructions, documents and forms provide by Escrow Holder that are reasonably necessary to close Escrow.

10.2 General Escrow Provisions. Escrow Holder shall deliver the Owner's Title Policy to Buyer and instruct the Sutter County Recorder to mail the Grant Deed to Buyer at the address set forth in Section 12 after recordation. All funds received in this Escrow shall be deposited in one or more general escrow accounts of the Escrow Holder with any bank doing business in Sutter County, California, and may be disbursed to any other general escrow account or accounts. All disbursements shall be according to that party's instructions.

10.3 Utilities. Buyer and Seller shall cause all utilities which are in the name of Seller to be transferred to the name of Buyer as of the Close of Escrow or as soon thereafter as practicable. Utilities shall be prorated to the Close of Escrow. In the event final amounts with respect to said prorations are not available as of Close of Escrow, the proration shall be done on an estimated basis and the parties shall prepare a final proration within sixty (60) days following Close of Escrow. Any party who is obligated to pay net amounts based on said final proration shall reimburse the other party said amount within thirty (30) days after completion of the final proration.

10.4 Real Property Taxes. Seller is a public agency and exempt from real property taxes so no prorations will be required at Closing.

10.5 Payment of Costs.

- a. **Cost Allocation.** Seller shall pay the costs for the Owner's Title Policy, one-half of escrow costs and recording fees ("**Buyer's Charges**"). Seller shall pay the cost of the NHD Report, documentary transfer taxes, one-half of the escrow costs and any fees and costs charged by any lender to obtain releases or consents or otherwise put title in the condition described in Section 6 ("**Seller's Charges**"). All other costs of Escrow not otherwise specifically allocated by this Agreement shall be apportioned between the parties in a manner consistent with the custom and usage of Escrow Holder.
- b. **Closing Statement.** At least three (3) business days prior to the Closing Date, Escrow Holder shall furnish Buyer and Seller with a preliminary Escrow closing statement which shall include each party's respective shares of costs. The preliminary closing statement shall be approved in writing by the parties. As soon as reasonably possible following the Close of Escrow, Escrow Holder shall deliver a copy of the final Escrow closing statement to the Parties.

10.6 Termination and Cancellation of Escrow. If Escrow fails to close as provided above, either party may elect to cancel this Escrow upon written notice to the other party and Escrow Holder. Upon cancellation, Escrow Holder is instructed to return all funds and documents then in Escrow to the respective depositor of the same with Escrow Holder. Cancellation of Escrow, as provided herein, shall be without prejudice to whatever legal rights Buyer or Seller may have against each other arising from the Escrow or this Agreement.

10.7 Information Report. Escrow Holder shall file and Buyer and Seller agree to cooperate with Escrow Holder and with each other in completing any report ("**Information Report**") and/or other information required to be delivered to the Internal Revenue Service pursuant to Internal Revenue Code § 6045(e) regarding the real estate sales transaction contemplated by this Agreement, including without limitation, Internal Revenue Service Form 1099-B as such may be hereinafter modified or amended by the Internal Revenue Service, or as may be required pursuant to any regulation now or hereinafter promulgated by the Treasury Department with respect thereto. Buyer and Seller also agree that Buyer and Seller, their respective employees and attorneys, and escrow Holder and its employees, may disclose to the Internal Revenue Service, whether pursuant to such Information Report or otherwise, any information regarding this Agreement or the transactions contemplated herein as such party reasonably deems to be required to be disclosed to the Internal Revenue Service by such party pursuant to Internal Revenue Code Section 6045(e), and further agree that neither Buyer nor Seller shall seek to hold any such party liable for the disclosure to the Internal Revenue Service of any such information.

10.8 No Withholding as Foreign Seller. Seller represents and warrants to Buyer that Seller is not, and as of the Close of Escrow will not be, a foreign person within the meaning of Internal Revenue Code § 1445 or an out-of-state seller under California Revenue and Tax Code § 18805 and that it will deliver to Buyer on or before the Close of Escrow a non-foreign affidavit on Escrow Holder's standard form pursuant to Internal Revenue Code §1445(b)(2) and the Regulations promulgated thereunder and a California Form 590-RE.

10.9 Brokerage Commissions. Both parties are represented by a broker. Buyer and Seller each agree to indemnify and hold the other parties harmless from and against all liabilities, costs, damages and expenses, including, without limitation, attorneys' fees, resulting

from any claims or fees or commissions, based upon agreements by it, if any, to pay a broker's commission and/or finder's fee except as specified above.

11. LIQUIDATED DAMAGES.

IF BUYER SHOULD MATERIALLY DEFAULT UNDER THIS AGREEMENT, BUYER AND SELLER AGREE THAT SELLER WILL INCUR DAMAGES BY REASON OF SUCH DEFAULT WHICH DAMAGES SHALL BE IMPRACTICAL AND EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO ASCERTAIN. THEREFORE, BUYER AND SELLER, IN A REASONABLE EFFORT TO ASCERTAIN WHAT SELLER'S DAMAGES WOULD BE IN THE EVENT OF SUCH DEFAULT BY BUYER HAVE AGREED BY PLACING THEIR INITIALS BELOW THAT THE DEPOSIT SHALL CONSTITUTE A REASONABLE ESTIMATE OF SELLER'S DAMAGES UNDER THE PROVISIONS OF SECTIONS 1671 AND 1677 OF THE CALIFORNIA CODE OF CIVIL PROCEDURE FOR A BREACH PRIOR TO THE CLOSING. IF BUYER FAILS TO PROMPTLY DELIVER THE SUM SPECIFIED ABOVE TO SELLER, SUCH FAILURE SHALL CONSTITUTE A MATERIAL BREACH OF THIS PROVISION AND SELLER MAY ELECT TO SUE BUYER UNDER THIS PROVISION OR TO WAIVE THIS PROVISION AND PROCEED AGAINST BUYER FOR ALL APPLICABLE DAMAGES RESULTING FROM BUYER'S DEFAULT.

Seller's Initials

Buyer's Initials

12. NOTICES. Any notices, demands or communications under this Agreement between the parties shall be in writing, and may be given by (i) personal service, (ii) overnight delivery, or (iii) mailing via United States mail, certified mail, postage prepaid, return receipt requested ("**US Mail**"), addressed to each party as set forth below or such other address as may be furnished in writing by a party, and such notice or communication shall, if properly addressed, be deemed to have been given (a) as of the date so delivered under delivery methods (i) or (ii) above, or (b) three (3) business days after deposit into the U.S. Mail.

To Seller: City of Yuba City as Successor Agency
1201 Civic Center Boulevard
Yuba City, CA 95993
Attn: Diana Langley, Acting Executive Director

With a Copy to: Aleshire & Wynder, LLP
2440 Tulare Street Suite 410
Fresno, CA 93721
Attn: Shannon Chaffin, Agency Counsel

To Buyer: Chy Eaton &
Robert Eaton

To Escrow Holder: Fidelity National Title Company
471 Century Park Drive, Suite C
Yuba City, CA 95991
Lisa Furr, Escrow Officer

13. GENERAL PROVISIONS.

13.1 Assignment. Neither party shall have the right to assign this Agreement or any interest or right hereunder or under the Escrow without the prior written consent of the other party. Subject to the foregoing, this Agreement shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective heirs, personal representatives, successors and assigns.

13.2 Attorney's Fees. In any action between the parties hereto, seeking enforcement of any of the terms and provisions of this Agreement or the Escrow, or in connection with the Property, the prevailing party in such action shall be entitled, to have and to recover from the other party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding, in addition to its recoverable court costs.

13.3 Interpretation; Governing Law. This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

13.4 No Waiver. No delay or omission by either party in exercising any right or power accruing upon the compliance or failure of performance by the other party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by either party of a breach of any of the covenants, conditions or agreements hereof to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof.

13.5 Modifications. Any alteration, change or modification of or to this Agreement, in order to become effective, shall be made by written instrument or endorsement thereon and in each such instance executed on behalf of each party hereto.

13.6 Severability. If any term, provision, condition or covenant of this Agreement or the application thereof to any party or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this instrument, or the application of such term, provisions, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13.7 Merger. This Agreement and other documents incorporated herein by reference contain the entire understanding between the parties relating to the transaction contemplated hereby and all prior to contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein and shall be of no further force or effect.

13.8 Execution in Counterparts. This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on all parties hereto, notwithstanding that all parties are not signatories to the original or the same counterpart.

13.9 Exhibits. Exhibits A and B attached hereto are incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for Purchase and Sale of Real Property and Escrow Instructions as of the date set forth above.

Note: Section 11 need to be separately initialed by the parties.

BUYER:

Chy Eaton

Robert Eaton

Accepted and agreed to:

ESCROW HOLDER:

FIDELITY NATIONAL TITLE COMPANY

By: _____
Lisa Furr, Escrow Officer

Dated: _____, 2023

SELLER:

CITY OF YUBA CITY AS SUCCESSOR
AGENCY

By: _____
Diana Langley, Acting Executive Director
_____, 2023

ATTEST:

Jackie Sillman, Agency Secretary

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon Chaffin, Agency Counsel

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

That certain real property in the City of Yuba City, County of Sutter, State of California legally described as follows:

Commencing at the northeast corner of Lot 60, as said lot is shown on that certain map entitled "Plat of Sutter Court", which map was filed in the Office of the County Recorder of Sutter County, California, on June 14, 1928, in Book of Surveys, Page 69; thence from said point of beginning, south along the west line of said Lot 60, a distance of 52 feet to the southwest corner of said lot; thence easterly along the south line of said Lot 60, a distance of 138 feet, more or less, to the easterly line of Lot 31, as said lot is shown on that certain map entitled, "Map of the Alta Addition of Yuba City, Sutter County, California", filed in the Office of the County Recorder of Sutter County, California, on September 5, 1906, in Book 1 of Surveys, Page 42; thence from said point run north along the east line of said Lot 31, a distance of 52 feet to a point that is easterly in a direct line from the point of beginning; thence westerly in a direct line to the point of beginning.

EXHIBIT B
GRANT DEED

FREE RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Chy Eaton & Robert Eaton
847 Chestnut Street
Yuba City, CA 95991

APN 052-161-036-000

THE UNDERSIGNED GRANTOR DECLARES:
Documentary Transfer Tax is: \$____

(Space Above This Line for Recorder's Office Use Only)
(Exempt from Recording Fee per Gov. Code §6103)

GRANT DEED

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, CITY OF YUBA CITY AS SUCCESSOR AGENCY to the former Redevelopment Agency of City of Yuba City, a public agency ("**Grantor**"), hereby grants to Chy Eaton and Robert Eaton as _____ ("**Grantee**"), that certain real property in the City of Yuba City, County of Sutter, State of California, legally described on Exhibit A attached hereto and incorporated herein by reference ("**Property**").

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its respective officers or agents hereunto as of the date below.

GRANTOR:

CITY OF YUBA CITY AS SUCCESSOR
AGENCY to the former Redevelopment
Agency of the City of Yuba City, a public
agency

Not to be executed until closing

By: _____
Diana Langley,
Acting Executive Director

ATTEST:

Jackie Sillman, Agency Secretary

EXHIBIT A TO GRANT DEED

LEGAL DESCRIPTION OF PROPERTY

That certain real property in the City of Yuba City, County of Sutter, State of California legally described as follows:

Commencing at the northeast corner of Lot 60, as said lot is shown on that certain map entitled "Plat of Sutter Court", which map was filed in the Office of the County Recorder of Sutter County, California, on June 14, 1928, in Book of Surveys, Page 69; thence from said point of beginning, south along the west line of said Lot 60, a distance of 52 feet to the southwest corner of said lot; thence easterly along the south line of said Lot 60, a distance of 138 feet, more or less, to the easterly line of Lot 31, as said lot is shown on that certain map entitled, "Map of the Alta Addition of Yuba City, Sutter County, California", filed in the Office of the County Recorder of Sutter County, California, on September 5, 1906, in Book 1 of Surveys, Page 42; thence from said point run north along the east line of said Lot 31, a distance of 52 feet to a point that is easterly in a direct line from the point of beginning; thence westerly in a direct line to the point of beginning.

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

[illegible]

On _____, 2023 before me, _____, a notary public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

SEAL:

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: DWR 2022 Urban Community Drought Relief Grant Award

Recommendation: A. Adopt a Resolution authorizing the Public Works and Development Services Director or designee to apply, accept, and execute all documents associated with Department of Water Resources 2022 Urban Community Drought Relief Grant Program for the City-owned Property Turf Replacement Project on behalf of the City

B. Adopt a Resolution authorizing the Public Works and Development Services Director or designee to apply, accept, and execute all documents associated with Department of Water Resources 2022 Urban Community Drought Relief Grant Program for the Commercial Property Turf Replacement Rebate Program on behalf of the City

C. Adopt a Resolution awarding a Professional Services Agreement to Blais & Associates of Little Elm, TX and Irvine, CA for grant management services in the amount of \$60,090 plus a contingency of \$12,000, with the finding that it is in the best interest of the City

D. Adopt a Resolution authorizing the Finance Director to appropriate \$3,415,152 in state grant funds to administer project funding in a new Capital Improvement Program account and authorizing the Finance Director to make necessary supplemental appropriations and related transfers

Fiscal Impact: \$3,415,152 from CIP expense account no. 951330-65501 (Turf Replacement Grant Project) and the same amount to revenue account no. 507-43432

Purpose:

To accept grant funds from the Department of Water Resources (DWR) for City-owned and commercial businesses to replace non-functional turf.

Council's Strategic Goal:

This item addresses Council's Strategic Goals of *Business Friendly* and *Fiscal Responsibility* by utilizing alternative funding sources to support the City and commercial businesses in mitigating short- and long-term drought impacts.

Background:

Recent, ongoing, and anticipated droughts across California have required California water suppliers to focus on “Making Water Conservation a California Way of Life.” Subsequently, current and anticipated legislation has restricted “non-functional turf” for Commercial, Industrial, and Institutional (CII) customers, which includes both the City and our commercial water customers. To support and reduce the financial burden of these efforts, DWR has created multiple grant programs for local agencies.

On February 21, 2023, Council authorized staff to apply for the 2022 Urban Community Drought Relief Grant Program. DWR has decided to award the City a total of \$3.4 million as follows:

- \$2.8 million – City-owned Property Turf Replacement Project
- \$575,000 – Commercial Property Turf Replacement Rebate Program
- \$90,000 – Grant Administration

DWR staff also confirmed that the City qualifies for a waiver of the normal 25% local match requirement due to its status as a qualifying Disadvantaged Community.

Analysis:

As part of the February Council action, the City Council adopted Resolutions granting authority to the Public Works Director to execute the necessary documents associated with the grant program; however, DWR has requested that the City modify the Resolutions to reflect the Director’s current full title of “Director of Public Works and Development Services” (Attachments 1 and 2). The updated Resolutions will allow the Public Works and Development Services Director to execute the grant agreement as well as any future documents to move the projects forward and receive the appropriate funding.

Per the draft DWR grant agreement, all turf replacement projects must be completed by June 30, 2026 and state funds will expire on June 30, 2027. Staff proposes the following estimated timeline based on the grant requirements, staff capacity, and project needs:

Timeline	Commercial Property Turf Replacement Rebate Program	City-Owned Property Turf Replacement Projects
Early 2024	Public outreach and program implementation	Preliminary design and planning
Mid 2024	Provide guidance and assistance to commercial property owners as needed	Complete design, engineering, environmental documentation
Mid 2024 – Mid 2026	Construction	Construction
June 2026	Complete construction	Complete construction

Staff recommends contracting the City’s grant consultant, Blais & Associates, to administer the grant in order to best manage the grant funding (Attachment 3). Blais & Associates has provided a proposal for grant management services through June 2026 in the amount of \$60,090, a total of 33 months at \$1,821/month. Staff also recommends a contingency in the amount of \$12,000, for a contract total of \$72,090. These services will be funded by the grant under administration costs.

Public Works and Community Services staff will collaborate with a landscape design firm to develop plans for the City-owned turf replacement project at qualifying locations that are also in alignment with City needs and goals. Staff will return to Council for approval of the plans and specifications prior to issuing a bid for construction.

The commercial property turf replacement rebate program will be administered by Public Works Department staff to assist CILs with the rebate process and ensure compliance with the funding requirements and the City's direction on water conservation landscape requirements. The proposed rebate is up to \$5 per square foot on a first-come, first-served basis. Rebate guidelines for commercial customers will be brought before Council for approval prior to implementation of the program.

Fiscal Impact:

DWR has awarded \$3,415,152 to the City (507-43432) to be used for turf replacement for City-owned properties and for commercial turf replacement rebate programs (951330-65501), with no requirement for local match. Staff time will be required for grant administration, which will be billed to the grant as appropriate. A limited term position is proposed to administer the rebate program and manage the city-owned property projects, using funding available through the grant.

Alternatives:

Do not move forward with the grant award and cancel the project.

Recommendation:

- A. Adopt a Resolution authorizing the Public Works and Development Services Director or designee to apply, accept, and execute all documents associated with Department of Water Resources 2022 Urban Community Drought Relief Grant Program for the City-owned Property Turf Replacement Project on behalf of the City.
- B. Adopt a Resolution authorizing the Public Works and Development Services Director or designee to apply, accept, and execute all documents associated with Department of Water Resources 2022 Urban Community Drought Relief Grant Program for the Commercial Property Turf Replacement Rebate Program on behalf of the City.
- C. Adopt a Resolution awarding a Professional Services Agreement to Blais & Associates of Little Elm, TX and Irvine, CA for grant management services in the amount of \$60,090 plus a contingency of \$12,000, with the finding that it is in the best interest of the City.
- D. Adopt a Resolution authorizing the Finance Director to appropriate \$3,415,152 in state grant funds to administer project funding in a new Capital Improvement Program account and authorizing the Finance Director to make necessary supplemental appropriations and related transfers.

Attachments:

- 1. Resolution - City-Owned Property Turf Replacement Project
- 2. Resolution - Commercial Turf Replacement Rebate Program
- 3. Resolution - Award Grant Management Services
- 4. Exhibit 3A - Blais & Associates Proposal
- 5. Resolution - Finance Director Authority

Prepared By:

Submitted By:

Katherine Willis
Environmental Compliance Manager

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE
CITY-OWNED PROPERTY TURF REPLACEMENT PROJECT**

WHEREAS, the City of Yuba City proposes to construct the City-owned Property Turf Replacement Project; and

WHEREAS, the City-owned Property Turf Replacement Project is being constructed in response to a drought scenario, as defined by Water Code Section 13198(a), and is intended to: (1) address immediate impacts on human health and safety; (2) address immediate impacts on fish and wildlife resources; and/or (3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies; and

WHEREAS, the City of Yuba City has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the City of Yuba City intends to apply for grant funding from the California Department of Water Resources for the City-owned Property Turf Replacement Project.

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

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021, the City of Yuba City Director of Public Works and Development Services or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources and take such other actions as necessary or appropriate to obtain grant funding.
2. The City of Yuba City Director of Public Works and Development Services or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. The City of Yuba City Director of Public Works and Development Services or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

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 19th day of September, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney

ATTACHMENT 2

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE
COMMERCIAL PROPERTY TURF REPLACEMENT REBATE PROGRAM**

WHEREAS, the City of Yuba City proposes to implement the Commercial Property Turf Replacement Rebate Program; and

WHEREAS, the Commercial Property Turf Replacement Rebate Program is being implemented in response to a drought scenario, as defined by Water Code Section 13198(a), and is intended to: (1) address immediate impacts on human health and safety; (2) address immediate impacts on fish and wildlife resources; and/or (3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies; and

WHEREAS, the City of Yuba City has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the City of Yuba City intends to apply for grant funding from the California Department of Water Resources for the Commercial Property Turf Replacement Rebate Program Project.

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

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021, the City of Yuba City Director of Public Works and Development Services or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources and take such other actions as necessary or appropriate to obtain grant funding.
2. The City of Yuba City Director of Public Works and Development Services or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. The City of Yuba City Public Works Director or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

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 19th day of September, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney

ATTACHMENT 3

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING THE PUBLIC WORKS AND DEVELOPMENT SERVICES DIRECTOR TO
EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BLAIS & ASSOCIATES OF
LITTLE ELM, TX AND IRVINE, CA FOR GRANT MANAGEMENT SERVICES IN THE
AMOUNT OF \$60,090 PLUS A CONTINGENCY OF \$12,000**

WHEREAS, the City of Yuba City provides treated water to a population of approximately 70,000 residents, businesses, and industrial facilities; and

WHEREAS, recent, ongoing, and anticipated droughts across California have required California water suppliers to focus on "Making Water Conservation a California Way of Life," and

WHEREAS, California Department of Water Resources has awarded 2022 Urban Community Drought Relief Grant Program funding in the amount of \$3.4 million for turf replacement projects including City-owned properties and commercial properties, including allocations for grant administration and project administration, and

WHEREAS, the City Council approved Blais & Associates of Little Elm, TX and Irvine, CA as the City's Fiscal Year 23/24 grant monitoring and support services consultant at the City Council meeting of June 20, 2023; and

WHEREAS, City Public Works Department staff has reviewed Blais & Associates' proposal and determined it to be fair, reasonable, and appropriate for grant management services for the 2022 Urban Community Drought Relief Grant Program-funded projects; and

WHEREAS, the City desires to award a contract for grant management services to Blais & Associates of Little Elm, TX and Irvine, CA in the amount of \$60,090 plus a contingency of \$12,000.

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

1. The Recitals are incorporated herein as if set forth in full.
2. The City Council finds that the Blais & Associates proposal is fair, reasonable, and appropriate for grant management services for the 2022 Urban Community Drought Relief Grant Program-funded projects.
3. The City Council hereby awards to Blais & Associates of Little Elm, TX and Irvine, CA, an agreement for grant management and related services and finds that the award is in the best interest of the City. The City Council authorizes the City Manager, or designee, to enter into the agreement in the amount of \$60,090 plus a contingency of \$12,000 with Blais & Associates for grant management services consistent with the terms of this Resolution and the material terms of the Grant Management Quote attached hereto, and subject to approval of the agreement as to legal form by the City Attorney. The award shall be contingent upon the City receiving the grant funding.
4. This Resolution shall take effect immediately.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 19th day of September, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit:

A. Blais & Associates Proposal

EXHIBIT 3A

Grant Management Quote

Client Name	City of Yuba City
Client Contact(s)	Katherine Willis, <i>Environmental Compliance Manager</i>
Grant Program / Funding Agency	California Department of Water Resources Urban Community Drought Relief Grant
Project Name	City-Owned Property Turf Replacement Project and Commercial Property Turf Replacement Rebate Program
Date Prepared	August 17, 2023
Grant Award Amount	\$3,415,152
Other Funds (in-kind and cash match)	\$30,000
Grant Management Cost	\$60,090
Performance Period for B&A Grant Management Services	October 2023 through June 2026 (33 months)
Performance Period of Grant	July 1, 2022 through March 31, 2026
Grant Agreement No.	(Draft: 46000XXXXX)

Activity	
File Maintenance, Organization, Retention, Grant Management Software (BGAPS). Includes: 1) Review of grant application, post-award documents, and other pertinent information related to grant award. 2) Review of Grant Agreement to understand compliance requirements and required project deliverable deadlines. 3) Maintaining files and documentation to withstand a federal, state, and/or Single Audit. 4) Maintaining grant, grant compliance, and document project schedule and scope of work using the Blais Grant and Project Management Solutions system (proprietary software system that can be shared with Client for viewing, reports, filing data, and documenting call and email notes, etc.). 5) Updating and maintaining BGAPS throughout the life of the project. 6) Includes a one-time set up fee to input all data into BGAPS which will maintain the grant and project in a Cloud-based sharing software system that the Client can view for the life of the project and throughout the required retention period.	
General Grant and Project Management. 1) Interim check-in calls to assess project progress, answer questions, liaison with funding agency, as needed. 2) Assistance to client to ensure grant compliance/regulatory requirements are followed. 3) Budget and scope amendments, troubleshooting, and attending to any unexpected issues regarding grant and project management.	
Financial Reports, Quarterly Performance Reports, Project Completion Reports, and Grant Completion Report. 1) Collect backup and support documentation to complete Financial Reports and Quarterly Performance Reports (submit as draft first and then as final). 2) Complete funding drawdown requests in GRanTS portal. 3) Assist client with development and submission of Project Completion Reports (submit as draft first and then as final). A Completion Report is due for each component of the Project and must contain an Executive Summary, Reports and/or Products, Cost & Disposition of Funds, and any other pertinent additional information. This grant contains two projects. 4) Assist client with development and submission of Grant Completion Report (submit as draft first and then as final).	
SUBTOTAL	

\$60,090

Direct Costs (charged at cost, no mark-up)	
None.	\$0
SUBTOTAL	\$0

GRAND TOTAL	\$60,090
--------------------	-----------------

Quote Prepared By:
Janet M. Musolf
330-301-3184
jmusolf@blaisassoc.com

www.blaisassoc.com

Notes and Assumptions

- 1) To best serve you, B&A has reserved staff time for this project until the response date requested in the transmittal e-mail.
- 2) The rates quoted above are based on the assumption that the project will be completed by the original due date listed. In the event of a project extension beyond the current due date, B&A reserves the right to adjust rates for work beyond the original due date.
- 3) This quote is for 33 months of grant management services to help Client with the set-up of files, organization, grant compliance, and project management as it relates to schedule and budget. If services are needed beyond 33 months of service a grant management change order will be requested from the Client for review and approval.
- 4) Project management is the responsibility of the Client. B&A will help ensure compliance with grant/awarding agency rules and regulations but completion of the grant-funded project is the responsibility of the Client.

Please note that this quote is fixed fee for service based on current conditions and understandings. Many factors may change during the development of a project, including Client requests, that may increase the amount of work required to successfully perform services. During the course of work, if there is a material change in scope, B&A will notify the point of contact and mutually agree to a change order or discuss alternatives.

Signature Approving Costs and Authorizing Notice to Proceed

Date

Printed Name

ATTACHMENT 4

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE
FINANCE DIRECTOR TO APPROPRIATE \$3,415,152 IN STATE GRANT FUNDS TO
ADMINISTER PROJECT FUNDING IN A NEW CAPITAL IMPROVEMENT PROGRAM
ACCOUNT AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY
SUPPLEMENTAL APPROPRIATIONS AND RELATED TRANSFERS**

WHEREAS, California Department of Water Resources has awarded 2022 Urban Community Drought Relief Grant Program funding in the amount of \$3,415,152 for turf replacement projects including City-owned properties and commercial properties, including allocations for grant administration and project administration, and

WHEREAS, the City desires to accept the award of \$3,415,152 for turf replacement projects on City-owned properties and commercial properties,

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

1. The City Council authorizes the Finance Director to appropriate \$3,415,152 in state grant funds to administer project funding in a new Capital Improvement Program account.
2. The City Council authorizes the Finance Director to make necessary supplemental appropriations and related transfers.
3. 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 19th day of September, 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

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Easement Purchase for the Wastewater Treatment Facility Effluent Discharge Outfall Diffuser Project – Yoshimi Yokohari Revocable Trust

Recommendation: Adopt a Resolution approving an Agreement for Purchase and Sale of Fee Interest and Easements, Pipeline Easement Agreement, Right of Entry/Temporary Construction Easement Agreement, and Grant Deed for the Wastewater Outfall Diffuser Project between Garden Highway and the Feather River west levee approximately 2,600 feet south of Barry Road (APN 23-180-006)

Fiscal Impact: \$106,892 – Account No. 981156 (New Outfall and River Levee Crossing Replacement)

Purpose:

To obtain the necessary right of way that will facilitate construction of the Wastewater Treatment Facility Outfall and Diffuser Project.

Council's Strategic Goal:

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

Background:

The City of Yuba City Wastewater Treatment Facility (WWTF) treats wastewater from the City's collection system and disposes of the treated effluent. Operation of the WWTF and discharge of treated effluent to the Feather River is regulated by the Central Valley Regional Water Quality Control Board (CVRWQCB) through amended Order No. R5-2019-0017-01 and National Pollution Discharge Elimination System (NPDES) Permit No. CA0079260 (WWTF Permit).

Historically, the WWTF has had two options to dispose of treated effluent: (1) discharge directly into the Feather River via an outfall diffuser pipe located upstream of Shanghai Falls; or (2) discharge into percolation/evaporation ponds located on the east side of the main river channel just downstream of Shanghai Falls (Attachment 2). Use of the outfall diffuser pipe is only permitted whenever river depths are sufficient to allow the treated effluent to adequately mix with river water to meet NPDES permit dilution requirements.

In 2011, the bed of the Feather River scoured in close proximity to the existing outfall diffuser pipe, cutting a deep channel to the east. This redirected a large portion of the river flow to the newly formed channel, leaving the outfall diffuser pipe exposed under normal river flows. The outfall diffuser pipe is currently unavailable for use at river flows of less than approximately 10,000 cubic feet per second (cfs), effectively rendering it unable to meet permit requirements except during substantial flood events.

Currently, the City's only option to reliably discharge treated effluent has been to the effluent disposal ponds. These ponds are limited in capacity for continuous use and require routine monitoring and maintenance. Additionally, the ponds are vulnerable to damage during times of high water and can subsequently become unavailable to use for an extended period of time.

Since the scour event in 2011, the City has actively been studying potential replacement options for the outfall diffuser pipe, including assessment studies performed by the City's consultant, Environmental Science Associates, in 2013 and 2017, and CH2M Hill Engineers (now Jacobs) since 2018.

Analysis:

Jacobs has completed the final design for a new Outfall Pipeline, pending receipt of several State and federal permits that are in various stages of regulatory review. The new Outfall Pipeline will cross the Feather River west levee approximately 2,600 feet south of Barry Road in Sutter County, traversing an existing walnut orchard owned by the Yoshimi Yokohari Revocable Trust (Yokohari) (see Attachment 1). The City needs to acquire from Yokohari a fee interest in the property for a vacuum primer system building, a non-exclusive easement for the new Outfall Pipeline, and a temporary construction easement to provide staging for the contractor during construction.

Jacobs subcontracted with a professional right-of-way acquisition firm, Bender Rosenthal of Sacramento, to perform an appraisal and negotiate the terms of the property and easement acquisitions. The Seller has agreed to the terms and conditions, including a purchase price equal to the appraised value determined by Bender Rosenthal. The City will gain right of entry for a period of 48 months upon depositing funds into escrow.

Staff is recommending Council adopt a Resolution to authorize the Mayor to sign an Agreement for Purchase and Sale of Fee Interest and Easements, a Pipeline Easement Agreement, Right of Entry/Temporary Construction Easement Agreement, and Grant Deed to facilitate the acquisition from Yokohari.

Fiscal Impact:

The total purchase price of the acquisitions is \$105,200, including the fee interest acquisition, the non-exclusive easement acquisition, the temporary construction easement acquisition, the orchard improvements purchase, and the cost to cure damages to the existing irrigation system for the orchard. Escrow and title fees total approximately \$1,700. There will be minimal staff time involved in executing and recording the easement acquisition documents. Staff recommends utilizing Capital Improvement Program Account No. 1156 (New Outfall/River Levee Crossing). There is approximately \$120,000 available in this account.

Staff will return to Council at a later date to authorize any necessary supplemental appropriations or budget transfers upon receipt of a State Revolving Fund loan finance agreement for the project.

Alternatives:

Do not authorize this acquisition until the finance agreement has been received or other construction

funding has been secured. It is unknown how delaying the acquisition might impact the final terms and conditions.

Recommendation:

Adopt a Resolution approving an Agreement for Purchase and Sale of Fee Interest and Easements, Pipeline Easement Agreement, Right of Entry/Temporary Construction Easement Agreement, and Grant Deed for the Wastewater Outfall Diffuser Project between Garden Highway and the Feather River west levee approximately 2,600 feet south of Barry Road (APN 23-180-006).

Attachments:

1. Resolution - WWTF Outfall Diffuser Easement Acquisition-Yokohari with Exhibits A-D
2. New Outfall - Location Map

Prepared By:

Kevin Bradford
Deputy Public Works Director – Engineering

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PURCHASE AND SALE
OF FEE INTEREST AND EASEMENTS, PIPELINE EASEMENT AGREEMENT, RIGHT OF
ENTRY/TEMPORARY CONSTRUCTION EASEMENT, AND GRANT DEED WITH THE
YOSHIMI YOKOHARI REVOCABLE TRUST FOR THE WASTEWATER OUTFALL DIFFUSER
PROJECT BETWEEN GARDEN HIGHWAY AND THE FEATHER RIVER WEST LEVEE
APPROXIMATELY 2,600 FEET SOUTH OF BARRY ROAD**

WHEREAS, the City, through its consultant contract with CH2M Hill Engineers Inc., now a Jacobs Engineering Group, Inc. company (Jacobs), has completed the final design for its Wastewater Treatment Facility Effluent Outfall Diffuser Relocation Project (Project); and

WHEREAS, the final design of the Project requires a new pipeline to be installed crossing the Feather River west levee approximately 2,600 feet south of Barry Road in Sutter County; and

WHEREAS, the Yoshimi Yokohari Revocable Trust (Yokohari) is the fee owner of certain real property that Project facilities must be located and that Project pipeline must cross; and

WHEREAS, the City desires to acquire a fee interest, a non-exclusive easement, and a temporary construction easement for installation of the Project facilities, pipeline and related appurtenances across of portion of that property owned by Yokohari; and

WHEREAS, Yokohari is willing to sell to City the desired fee interest and easements for a purchase price of One Hundred Five Thousand, Two Hundred Dollars (\$105,200.00).

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

1. The City Council of the City of Yuba City authorizes the Mayor to execute an Agreement for Purchase and Sale of Fee Interest and Easements, Pipeline Easement Agreement, Right of Entry/Temporary Construction Easement Agreement, and Grant Deed with the Yoshimi Yokohari Revocable Trust for the Wastewater Outfall Diffuser Project between Garden Highway and the Feather River west levee approximately 2,600 feet south of Barry Road.

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 19th day of September, 2023.

AYES:

NOES:

ABSENT:

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit "A" – Agreement for Purchase and Sale of Fee Interest and Easements
Exhibit "B" – Pipeline Easement Agreement
Exhibit "C" – Right of Entry/Temporary Construction Easement Agreement
Exhibit "D" – Grant Deed

EXHIBIT A

**AGREEMENT FOR PURCHASE AND SALE
OF FEE INTEREST AND EASEMENTS AND JOINT ESCROW INSTRUCTIONS**

This AGREEMENT FOR THE PURCHASE AND SALE OF FEE INTEREST AND EASEMENTS AND JOINT ESCROW INSTRUCTIONS ("**Agreement**") is made this ____ day of _____, 2023 ("**Agreement Date**") by and between the CITY OF YUBA CITY, a municipal corporation ("**Buyer**") and Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012 ("**Seller**").

RECITALS

A. Seller is the fee owner of that certain real property located at 4107 Garden Highway, Yuba City, County of Sutter, State of California (APN 23-180-006) as legally described on Exhibit A attached hereto ("**Property**").

B. Buyer is connecting to an existing wastewater treatment plant owned by Buyer ("**Project**").

C. Buyer desires to acquire:

(i) fee interest for the Vacuum Primer System Building ("**FEE**") across the Property as depicted on Exhibit B pursuant to the terms of that certain Grant Deed attached as Exhibit C ("**Grant Deed**") to construct and maintain the Vacuum Primer System Building.

(ii) a non-exclusive easement for a wastewater pipeline ("**Pipeline**") across the Property as depicted on Exhibit D ("**Easement Area**") pursuant to the terms of that certain Easement Deed attached as Exhibit E ("**Pipeline Easement**").

(iii) a temporary exclusive construction easement for the installation of the Pipeline across the Property as depicted on Exhibit F ("**Temporary Construction Easement Area**") pursuant to the terms of the Right of Entry, Temporary Construction Easement Agreement in the form attached as Exhibit G ("**TCE Easement**").

The Pipeline Easement and Temporary Construction Easement are sometimes jointly referred to herein as the "**Easements**."

D. Seller is willing to sell to Buyer the Fee Interest and Easements under the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and incorporating the Recitals, the parties hereto agree as follows:

TERMS AND CONDITIONS:

1. PURCHASE AND SALE OF FEE INTEREST AND EASEMENTS. Buyer agrees to purchase from Seller, and Seller agrees to sell to Buyer, the Fee Interest and Easements upon the terms and conditions in this Agreement.

1.1 Seller agrees that no water well shall be dug, installed, or operated within one hundred (100) feet of the Pipeline Easement Area. Seller acknowledges that this restriction is required for the operation of the Pipeline.

1.2 Seller agrees that in the event fencing is installed around the subject easement area the Seller shall install and maintain a 16-foot-wide gate in the fencing for Buyers access to the Pipeline Easement. Buyer shall not remove the gate nor the fence or otherwise impair Seller's access to the Easement Area.

1.3 The surface of the ground shall be restored to existing grade at the completion of construction. No further surface restoration will be provided.

1.4 Upon completion of construction, the pipeline will have a minimum cover of four feet.

1.5 All existing walnut trees and irrigation piping and ancillary appurtenances within the fee area, easement area and temporary construction easement areas will be removed from the site and will become the property of the construction contractor.

1.6 The Buyer will have the right to construct a roadway for access to the Vacuum Primer System Building.

2. EFFECTIVE DATE; OPENING OF ESCROW.

2.1 **Effective Date.** This Agreement shall be deemed effective upon execution of this Agreement by City on behalf of Seller after its approval by the City Council ("**Effective Date**"). Prior to the City Council meeting where approval of this Agreement is on the agenda, Buyer shall deliver three (3) executed copies of this Agreement to Seller.

2.2 **Opening of Escrow.** Within five (5) days of the Effective Date, the parties shall open an escrow with Escrow Holder by causing an executed copy of this Agreement to be deposited with Fidelity National Title Insurance Company, (National Commercial Division) at 8525 Madison Avenue, Suite 110, Fair Oaks, CA 95628 with Audra Meyer as escrow officer (916) 646-6018 audra.meyer@fnf.com ("**Escrow Holder**") which shall sign and accept and provide copies thereof to each party. Escrow shall be deemed opened upon Escrow Holder's receipt and acceptance of an executed copy of this Agreement by Buyer ("**Opening of Escrow**").

3. PURCHASE PRICE; PAYMENT OF PURCHASE PRICE.

3.1 **Purchase Price.** The purchase price for the Fee Interest and Easements is One Hundred Five Thousand Two Hundred Dollars (\$105,200.00) determined as follows:

- (a) The purchase price for the fee interest is Thirty-Five Thousand Three Hundred Fifty Dollars (\$35,350.00) ("**Fee Purchase Price**")
- (b) The purchase price for the Pipeline Easement is Seven Thousand Nine Hundred Thirty Dollars (\$7,930.00) ("**Pipeline Easement Purchase Price**").
- (c) The purchase price for the TCE is Fourteen Thousand Seven Hundred Forty Six Dollars (\$14,746.00) ("**TCE Purchase Price**").
- (d) The purchase price for the Tree improvements located in the TCE area is Forty-Three Thousand Five Hundred Twenty Dollars (\$43,520.00) ("**Tree Improvements Purchase Price**").

- (e) The purchase price for the Cost to Cure Damages is Three Thousand Five Hundred Sixty Dollars (\$3,560.00) ("**Cost to Cure**")

The "Cost to Cure Damages" is payment in full to compensate the Seller for the expense of performing the following work on the Remainder Property:

- Establish a new 30' wide (0.18± acres) Turn Row on the remainder property.
- Reconnect and reconfigure the impacted 8 micro sprinkler lines.

3.2 Payment of Purchase Price. At least one (1) business day prior to the Closing, Buyer shall deposit with Escrow Holder the Purchase Price.

3.3 Good Funds. All funds deposited into Escrow shall be in "**Good Funds**" which means a wire transfer of funds, cashier's or certified check drawn on or issued by the offices of a financial institution located in the State of California.

4. FUNDS AND DOCUMENTS REQUIRED FROM BUYER AND SELLER.

4.1 Seller. Seller agrees that on or before 12:00 noon at least one (1) business day prior to the Closing Date, Seller will deposit with Escrow Holder such funds and other items and instruments (executed and acknowledged, if appropriate) as may be necessary in order for the Escrow Holder to comply with this Agreement, including without limitation:

- i. Two (2) copies of the Grant Deed shall be executed and acknowledged by Seller.
- ii. Two (2) copies of the Pipeline Easement shall be executed and acknowledged by Seller.
- iii. Two (2) copies of the Temporary Construction Easement shall be executed and acknowledged by Seller.
- iv. Any documents reasonably required by the Title Company to issue the Title Policy.
- v. A Non-Foreign Affidavit as required by federal law.
- vi. Such funds and other items and instruments as may be necessary in order for Escrow Holder to comply with this Agreement.

4.2 Buyer. Buyer agrees that on or before 12:00 noon at least one (1) business day prior to the Closing Date, Buyer will deposit with Escrow Holder all additional funds and/or documents (executed and acknowledged, if appropriate) which are necessary to comply with the terms of this Agreement, including without limitation:

- i. A Preliminary Change of Ownership Statement completed in the manner required by Sutter County if required ("**PCOR**").
- ii. Two (2) copies of the Certificate of Acceptance for the Grant Deed executed by Buyer which is to be attached to the Grant Deed prior to recordation.
- iii. Two (2) copies of the Certificate of Acceptance for the Pipeline Easement executed by Buyer which is to be attached to the Pipeline Easement prior to recordation.
- iv. Two (2) copies of the Temporary Construction Easement which shall be executed and

acknowledged by Buyer.

- v. Such funds and other items and instruments as may be necessary in order for Escrow Holder to comply with this Agreement.

5. CLOSING DATE; TIME IS OF ESSENCE.

5.1 Closing Date. Escrow shall close not later than one hundred and twenty days (120) days after Opening of Escrow ("**Closing Date**"). The terms "**Close of Escrow**" and/or "**Closing**" are used herein to mean the time the Fee Interest and Easements (with the Certificate of Acceptance attached to the Grant Deed and Pipeline Easement) are filed for recording by the Escrow Holder in the Office of the County Recorder of Sutter County, California.

5.2 Option to Extend. Provided Buyer is not in default under this Agreement, Buyer shall have one (1) option to extend the Closing Date for a period of thirty (30) days ("**Option to Extend**") by providing written notice to Seller and Escrow Holder of its exercise of this option to extend.

5.3 Time is of Essence. Buyer and Seller specifically agree that time is of the essence under this Agreement.

5.4 City Manager's Authority. By its execution of this Agreement, Buyer authorizes the City Manager or his/her designee (who has been designated by Executive Director's written notice delivered to Buyer and Escrow Holder) shall have the authority to execute documents on behalf of Buyer including, but not limited to, issuing approvals, disapprovals and extensions. Any such approval, disapproval or extension executed by the City Manager or his/her designee shall be binding on Buyer.

6. TITLE POLICY.

6.1 Approval of Title. Within ten (10) days Escrow Holder shall deliver to Buyer a preliminary title report issued by Fidelity National Title Insurance Company ("**Title Company**") with copies of all exceptions listed therein and a map plotting the easements ("**Preliminary Title Report**"). Within thirty (30) days after Opening of Escrow, Buyer shall notify Seller in writing ("**Buyer's Title Notice**") of Buyer's disapproval of any matters contained in the Preliminary Title Report which shall include any deeds of trusts or liens on the Property unless such items are subordinated to the Easement Agreements ("**Disapproved Exceptions**").

In the event Buyer delivers Buyer's Title Notice within said period, Seller shall have a period of ten (10) days after receipt of Buyer's Title Notice in which to notify Buyer of Seller's election to either (i) agree to attempt to remove the Disapproved Exceptions prior to the Close of Escrow; or (ii) decline to remove any such Disapproved Exceptions ("**Seller's Notice**"). If Seller notifies Buyer of its election to decline to remove the Disapproved Exceptions, or if Seller is unable to remove the Disapproved Exceptions, Buyer may elect either to terminate this Agreement and the Escrow and the Deposit shall be returned to Buyer or to accept title to the Property subject to the Disapproved Exception(s). Buyer shall exercise such election by delivery of written notice to Seller and Escrow Holder within five (5) days following the earlier of (i) the date of written advice from Seller that such Disapproved Exception(s) cannot be removed; or (ii) the date Seller declines to remove such Disapproved Exception(s).

Upon the issuance of any amendment or supplement to the Preliminary Title Report which adds additional exceptions, the foregoing right of review and approval shall also apply to said amendment or supplement, provided, however, that Buyer's initial period of review and approval or

disapproval of any such additional exceptions shall be limited to five (5) days following receipt of notice of such additional exceptions. Also, notwithstanding the foregoing, if Seller adds or approves any new exceptions to title Seller, at its sole cost and expense, shall cause such new exceptions to be removed from title prior to the Close of Escrow.

6.2 Title Policy. At the Close of Escrow, Escrow Holder shall furnish Buyer with an ALTA owner's standard (non-extended) coverage Policy of Title Insurance insuring title to the Easements vested in Buyer with coverage in the amount of the Purchase Price, containing only to (i) non delinquent real property taxes; and (ii) the exceptions to such title ("**Permitted Exceptions**") which have been approved or waived by Buyer in accordance with Section 6.1 ("**Title Policy**"). The cost of the Title Policy shall be paid by Buyer.

6.3 Subordination Agreements. Buyer will be responsible to obtain executed subordination agreements in a form satisfactory to the Title Company from any lienholders of record subordinating their lien to each of the Easements which shall be recorded with the Easements at the Closing.

7. RIGHT TO ENTER THE PROPERTY. Commencing with the Effective Date, Seller grants Buyer, its agents and employees a limited license to enter upon the Property for the purpose of conducting engineering surveys, soil tests, investigations or other studies reasonably necessary to evaluate the condition of the Property and Fee Interest Areas and Easement Areas, which studies, surveys, reports, investigations and tests shall be done at Buyer's sole cost and expense.

7.1 Possession. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the Buyer, including the right to remove and dispose of improvements and start construction, shall commence when funds are deposited into escrow, and that the amount shown in Clause 3 herein includes, but is not limited to, full payment for such possessions and use, including damages, if any, from said date.

Prior to entry onto the Fee Interest area and Easement Areas of the Property, Buyer shall (i) notify Seller the date and purpose of each intended entry; (ii) conduct all studies in a diligent, expeditious and safe manner and not allow any dangerous or hazardous conditions to occur on the Property during or after such investigation; (iii) comply with all applicable laws and governmental regulations; (iv) keep the Property free and clear of all materialmen's liens, lis pendens and other liens arising out of the entry and work performed under this provision; and (vi) maintain an all-risk public liability insurance policy written on a per occurrence and not claims made basis in a combined single limit of not less than TWO MILLION DOLLARS (\$2,000,000).

Buyer agrees to indemnify, and hold Seller free and harmless from and against any and all losses, damages, liabilities, claims, causes of action, judgments, court costs and legal or other expenses (including reasonable attorneys' fees) which Seller may suffer or incur as a consequence of Buyer's exercise of the license granted pursuant to this Section to the extent such claims arise out of the negligence or misconduct of Seller. Buyer's obligations under this Section shall survive termination of this Agreement for any reason.

8. CONDITIONS PRECEDENT TO CLOSE OF ESCROW.

8.1 Conditions to Buyer's Obligations. The obligations of Buyer under this Agreement are subject to the satisfaction or written waiver, in whole or in part, by Buyer of each of the following conditions precedent ("**Buyer's Conditions Precedent**"):

- i. Title Company will issue the Title Policy as specified in Section 6.2.
- ii. Escrow Holder holds and will deliver to Buyer the instruments and funds, if any, accruing to Buyer pursuant to this Agreement.
- iii. Seller is not in default of its obligations under this Agreement.

8.2 Conditions to Seller's Obligations. The obligations of Seller under this Agreement are subject to the satisfaction or written waiver, in whole or in part, by Seller of the following conditions precedent:

- i. Escrow Holder will deliver the Purchase Price to Buyer at Closing.
- ii. Escrow Holder holds and will deliver to Seller the instruments and funds accruing to Seller pursuant to this Agreement.
- iii. Buyer is not in default of its obligations under this Agreement.

9. LIQUIDATED DAMAGES.

IF BUYER SHOULD MATERIALLY DEFAULT UNDER THIS AGREEMENT, BUYER AND SELLER AGREE THAT SELLER WILL INCUR DAMAGES BY REASON OF SUCH DEFAULT WHICH DAMAGES SHALL BE IMPRACTICAL AND EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO ASCERTAIN. THEREFORE, BUYER AND SELLER, IN A REASONABLE EFFORT TO ASCERTAIN WHAT SELLER'S DAMAGES WOULD BE IN THE EVENT OF SUCH DEFAULT BY BUYER HAVE AGREED BY PLACING THEIR INITIALS BELOW THAT THE SUM OF \$1,000 SHALL CONSTITUTE A REASONABLE ESTIMATE OF SELLER'S DAMAGES UNDER THE PROVISIONS OF SECTIONS 1671 AND 1677 OF THE CALIFORNIA CODE OF CIVIL PROCEDURE FOR A BREACH PRIOR TO THE CLOSING.

Y Z
Seller's Initials

Buyer's Initials

10. REPRESENTATIONS AND WARRANTIES.

10.1 Representations and Warranties. Seller makes the following representations and warranties to Buyer, each of which is true in all respects as of the Opening of Escrow and shall be true in all respects on the date of Close of Escrow with respect to the Property:

(a) To the best of Seller's knowledge, there are no natural or environmental hazards located in the Fee Interest Area and Easement Areas that would limit its marketability, merchantability, or suitability for development or impede its use in any way.

(b) Seller has not received any written notice from any third parties, prior owners of the Property, or any federal, state or local governmental agency, indicating that any hazardous waste remedial or clean-up work will be required on the Fee Interest Area and Easements.

(c) To the best of Seller's knowledge, the Property is not in violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to the environmental conditions on, under or about the Property including, but not limited to, soil and ground water conditions.

(d) There are no contracts, leases, claims or any rights affecting the Easements

and there are no agreements entered into by or under Seller which shall survive the Close of Escrow that would adversely affect Buyer's rights with respect to the Easements.

(e) Seller has no knowledge of and has not received any notice relating to (i) any uncured violation of any pollution, health, safety, fire, environmental, sewerage, zoning, or other federal, state or local law, code, ordinance, regulation, rule, requirement, order or permit, of any covenants, conditions or restrictions, affecting or relating to the Property; (ii) any pending condemnation proceeding or any threatened notice of any such proceeding; or (iii) the need or advisability of special flood insurance;

(f) There are no pending actions, lawsuits, suits or claims against the Property.

(g) All copies of documents delivered by Seller to Buyer are, to the best of Seller's knowledge, true, genuine, complete and correct copies of the original executed documents which they purport to be.

Until the Closing, if Seller learns of any fact or condition which would cause any of the warranties and representations in this Section not to be true as of the Closing, Seller shall immediately give written notice of such fact or condition to Buyer.

10.2 Survival of Representations and Warranties. The representations and warranties set forth in this Section 9 shall not be deemed to be merged into or waived by the transaction documents, but shall survive the Closing. Neither party shall have any liability after the Closing for the breach of a representation or warranty hereunder of which the other party hereto had knowledge as of the Closing. The provisions of this Section 9 shall survive the Closing.

11. ESCROW PROVISIONS.

11.1 Escrow Instructions. Sections 1 through 7, inclusive, 10, 11 and 12 constitute the escrow instructions to Escrow Holder. If required by Escrow Holder, Buyer and Seller agree to execute Escrow Holder's standard escrow instructions, provided that the same are consistent with and do not conflict with the provisions of this Agreement. In the event of any such conflict, the provisions of this Agreement shall prevail. The terms and conditions in sections of this Agreement not specifically referenced above are additional matters for information of Escrow Holder, but about which Escrow Holder need not be concerned. Buyer and Seller will receive Escrow Holder's general provisions directly from Escrow Holder and will execute such provision upon Escrow Holder's request. To the extent that the general provisions are inconsistent or conflict with this Agreement, the general provisions will control as to the duties and obligations of Escrow Holder only. Buyer and Seller agree to execute additional instructions, documents and forms provide by Escrow Holder that are reasonably necessary to close Escrow.

11.2 General Escrow Provisions. Escrow Holder shall deliver the Title Policy to the Buyer and instruct the Sutter County Recorder to mail the Grant Deed and Easement Deeds to Buyer at the address set forth in Section 13 after recordation. All funds received in this Escrow shall be deposited in one or more general escrow accounts of the Escrow Holder with any bank doing business in California may be disbursed to any other general escrow account or accounts. All disbursements shall be according to that party's instructions.

11.3 Payment of Costs.

- a. **Cost Allocation.** Seller shall pay the costs for the Title Policy, the escrow fees ("**Seller's Charges**"). Buyer shall pay the cost of items which it must obtain in order to comply with the terms of this Agreement ("**Buyer's Charges**").

NOTE TO ESCROW: There shall be no recording charges for the Grant Deed and Easements as the City is exempt under Government Code Section 27383. No documentary transfer taxes are applicable pursuant to R&T 11922.

- b. **Closing Statement.** At least three (3) business days prior to the Closing Date, Escrow Holder shall furnish Buyer and Seller with a preliminary Escrow closing statement which shall include each party's respective shares of costs. The preliminary closing statement shall be approved in writing by the parties. As soon as reasonably possible following the Close of Escrow, Escrow Holder shall deliver a copy of the final Escrow closing statement to the parties.

11.4 Termination and Cancellation of Escrow. If Escrow fails to close due to a failure of a condition precedent, then the party in whose favor the condition precedent runs may elect to cancel this Escrow upon written notice to the other party and Escrow Holder. Upon cancellation, Escrow Holder is instructed to return all documents then in Escrow to the respective depositor of same and disburse the funds pursuant to Section 11.4, as provided herein, shall be without prejudice to whatever legal rights Buyer or Seller may have against each other arising from the Escrow or this Agreement however Seller's remedies against Buyer are limited by Section 9.

11.5 Documents. Upon recordation of the Grant Deed and Easements, Escrow Holder will deliver a conformed copy of the Grant Deed and Easements to each party.

11.6 Information Report. Escrow Holder shall file and Buyer and Seller agree to cooperate with Escrow Holder and with each other in completing any report ("**Information Report**") and/or other information required to be delivered to the Internal Revenue Service pursuant to Internal Revenue Code Section 6045 regarding the real estate sales transaction contemplated by this Agreement, including without limitation, Internal Revenue Service Form 1099-B as such may be hereinafter modified or amended by the Internal Revenue Service, or as may be required pursuant to any regulation now or hereinafter promulgated by the Treasury Department with respect thereto. Buyer and Seller also agree that Buyer and Seller, their respective employees and attorneys, and escrow Holder and its employees, may disclose to the Internal Revenue Service, whether pursuant to such Information Report or otherwise, any information regarding this Agreement or the transactions contemplated herein as such party reasonably deems to be required to be disclosed to the Internal Revenue Service by such party pursuant to Internal Revenue Code Section 6045, and further agree that neither Buyer nor Seller shall seek to hold any such party liable for the disclosure to the Internal Revenue Service of any such information.

11.7 No Withholding as Foreign Seller. Seller represents and warrants to Buyer that Seller is not, and as of the Close of Escrow will not be, a foreign person within the meaning of Internal Revenue Code Section 1445 or an out-of-state seller under California Revenue and Tax Code Section 18805 and that it will deliver to Buyer on or before the Close of Escrow a non-foreign affidavit on Escrow Holder's standard form pursuant to Internal Revenue Code Section 1445(b)(2) and the Regulations promulgated thereunder and a California Form 590-RE.

11.8 Brokerage Commission. Neither Buyer nor Seller is represented by a broker. Buyer and Seller each represent and warrant to the other that no third party is entitled to a broker's commission and/or finder's fee with respect to the transaction contemplated by this Agreement. Buyer and Seller each agree to indemnify and hold the other parties harmless from and against all liabilities, costs, damages and expenses, including, without limitation, attorneys' fees, resulting from any claims or fees or commissions, based upon agreements by it, if any, to pay a broker's commission and/or finder's fee except as specified above.

11. NOTICES. Any notice which either party may desire to give to the other party or to the Escrow Holder must be in writing and may be given (i) by personal delivery (including reputable overnight courier (such as Federal Express, UPS or DHL) which will be deemed received the following day, or (ii) by mailing the same by registered or certified mail, return receipt requested which will be deemed delivered three (3) days after depositing same in the mail, addressed to the party to whom the notice is directed as set forth below, or such other address and to such other persons as the parties may hereafter designate:

To Buyer: City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
Attention: City Manager

With a Copy to: Aleshire & Wynder, LLP
2440 Tulare Street Suite 410
Fresno, CA 93721
Attention: Shannon Chaffin, Esq.

To Seller: Yoshimi Yokohari, Trustee of the Yoshimi Yokohari
Revocable Trust dated January 25, 2012
4107 Garden Highway
Yuba City, CA 95991

12. GENERAL PROVISIONS.

12.1 Assignment. Buyer shall not assign this Agreement without the prior written consent of Seller in its reasonable discretion. In the event Seller shall consent to an assignment in writing, original Buyer shall not be released of liability under this Agreement. This Agreement shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective heirs, personal representatives, successors and assigns.

12.2 Attorney's Fees. In any action between the parties hereto, seeking enforcement of any of the terms and provisions of this Agreement or the Escrow, or in connection with the Property, including any defense of any such action, the prevailing party in such action shall be entitled, to have and to recover from the other party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding, in addition to its recoverable court costs.

12.3 Interpretation; Governing Law; Venue. This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. The venue for any dispute shall be Sutter County.

12.4 No Waiver. No delay or omission by either party in exercising any right or power accruing upon the compliance or failure of performance by the other party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by either party of a breach of any of the covenants, conditions or agreements hereof to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof.

12.5 Modifications. Any alteration, change or modification of or to this Agreement, in order to become effective, shall be made by written instrument or endorsement thereon and in each such instance executed on behalf of each party hereto.

12.6 Severability. If any term, provision, condition or covenant of this Agreement or the application thereof to any party or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this instrument, or the application of such term, provisions, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

12.7 Merger. This Agreement and other documents incorporated herein by reference contain the entire understanding between the parties relating to the transaction contemplated hereby and all prior to contemporaneous agreements, understandings, representations and statements, oral or written are merged herein and shall be of no further force or effect.

12.8 Construction. In determining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this Agreement, no uncertainty or ambiguity shall be construed or resolved against a party under any rule of construction, including the party primarily responsible for the drafting and preparation of this Agreement. Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent. As used in this Agreement, masculine, feminine or neutral gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

12.9 Qualification and Authority. Each individual executing this Agreement on behalf of Seller represents, warrants and covenants to Buyer that (a) such person is duly authorized to execute and deliver this Agreement on behalf of Seller in accordance with authority granted under the organizational documents of such entity, and (b) Seller is bound under the terms of this Agreement.

12.10 No Third-Party Beneficiaries. This Agreement is only between the parties and is not intended to be nor shall it be construed as being for the benefit of any third party.

12.11 Execution in Counterparts. This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on all parties hereto, notwithstanding that all parties are not signatories to the original or the same counterpart.

12.12 Exhibits. Exhibits A, B, C, D, E, F and G attached hereto and incorporated herein by reference.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for Purchase and Sale of Fee Interest and Easements and Joint Escrow Instructions as of the date set forth above.

NOTE:

Section 8 must also be initialed by each party.

SELLER: Yoshimi Yokohari, Trustee of
the Yoshimi Yokohari Revocable Trust
dated January 25, 2012

Yoshimi Yokohari
Yoshimi Yokohari, Trustee

Date: 8/3, 2023

BUYER:

CITY OF YUBA CITY, a charter city

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

ACCEPTED BY ESCROW HOLDER:

FIDELITY NATIONAL TITLE
INSURANCE COMPANY, a California
corporation

By: _____
Audra Meyer
Escrow Officer

Date: _____, 2023

Jackie Sillman, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon Chaffin, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The real property located in the City of Yuba City, County of Sutter, State of California described as follows:

PARCEL NO. 1:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD WITH

THE SOUTH LINE OF THE TRACT OF LAND KNOWN AS "SUBDIVISION OF A PORTION OF THE EAST HALF SECTION 15 OF TOWNSHIP 14 N., RANGE 3 EAST" FILED IN THE OFFICE OF THE COUNTY RECORDER OF

THE SAID COUNTY OF SUTTER ON THE 5TH DAY OF MARCH, 1906 AND RECORDED IN [BOOK 1 OF SURVEYS, PAGE 34](#), PRODUCED NORTH 88° 30' EAST TO SAID CENTER LINE OF SAID ROAD; RUNNING THENCE FROM SAID POINT OF BEGINNING, NORTH 88° 30' EAST 447 FEET TO THE SOUTHWEST CORNER

OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE OF SUTTER COUNTY BY DEED DATED June 10, 1940 AND RECORDED July 3, 1940 IN [BOOK 151 OF OFFICIAL RECORDS, AT PAGE 23](#), SUTTER COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL NORTH 12° 50' 321.6 FEET; NORTH 18° 09' EAST 420 FEET; NORTH 26°

10' EAST 1358.7 FEET AND NORTH 15° 58' EAST 842.4 FEET TO THE WESTERLY LINE OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE

SUTTER COUNTY BY DEED DATED September 20, 1938, AND RECORDED September 26, 1938 IN [BOOK 114](#)

[OF OFFICIAL RECORDS, AT PAGE 311](#), SUTTER COUNTY RECORDS; THENCE ALONG SAID LINE SOUTH 87° 46' WEST 320 FEET TO THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE OF SAID ROAD TO THE POINT OF BEGINNING.

[APN: 23-180-006](#)

EXHIBIT B
FEE Plat and Legal

EXHIBIT A
LEGAL DESCRIPTION
YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY FEE PARCEL

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South 81° 15' 43" West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said P.O.C., along the west line of said SBFCA Parcel, South 06° 50' 44" West, a distance of 13.68 feet, more or less; thence South 10° 34' 20" West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records and the **Point of Beginning** of herein described parcel, thence leaving said west line, along said Garden Highway easterly line, South 22° 39' 58" West, a distance of 186.14 feet; thence leaving said easterly line, parallel with said SBFCA Parcel west line, South 10° 34' 20" West, a distance of 787.66 feet; thence South 28° 32' 22" West, a distance of 106.72 feet; thence South 14° 21' 39" West, a distance of 71.00 feet; thence South 75° 38' 21" East, a distance of 53.00 feet to the westerly line of the easement deeded to SBFCA on March 07, 2017 filed in document number 2017-0002964, Sutter County Official Records; thence northerly, along said SBFCA Easement west line, North 15° 12' 44" East, a distance of 35.00 feet; thence easterly, South 75° 38' 21" East, a distance of 10.00 feet to the east line of said SBFCA Easement and west line of said SBFCA Parcel; thence northerly, along said SBFCA parcel west line, North 15° 12' 44" East, a distance of 134.92 feet; thence continuing along said west line, North 10° 34' 20" East, a distance of 976.82 feet to the point of beginning. Containing 1.01 acres more or less.

See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



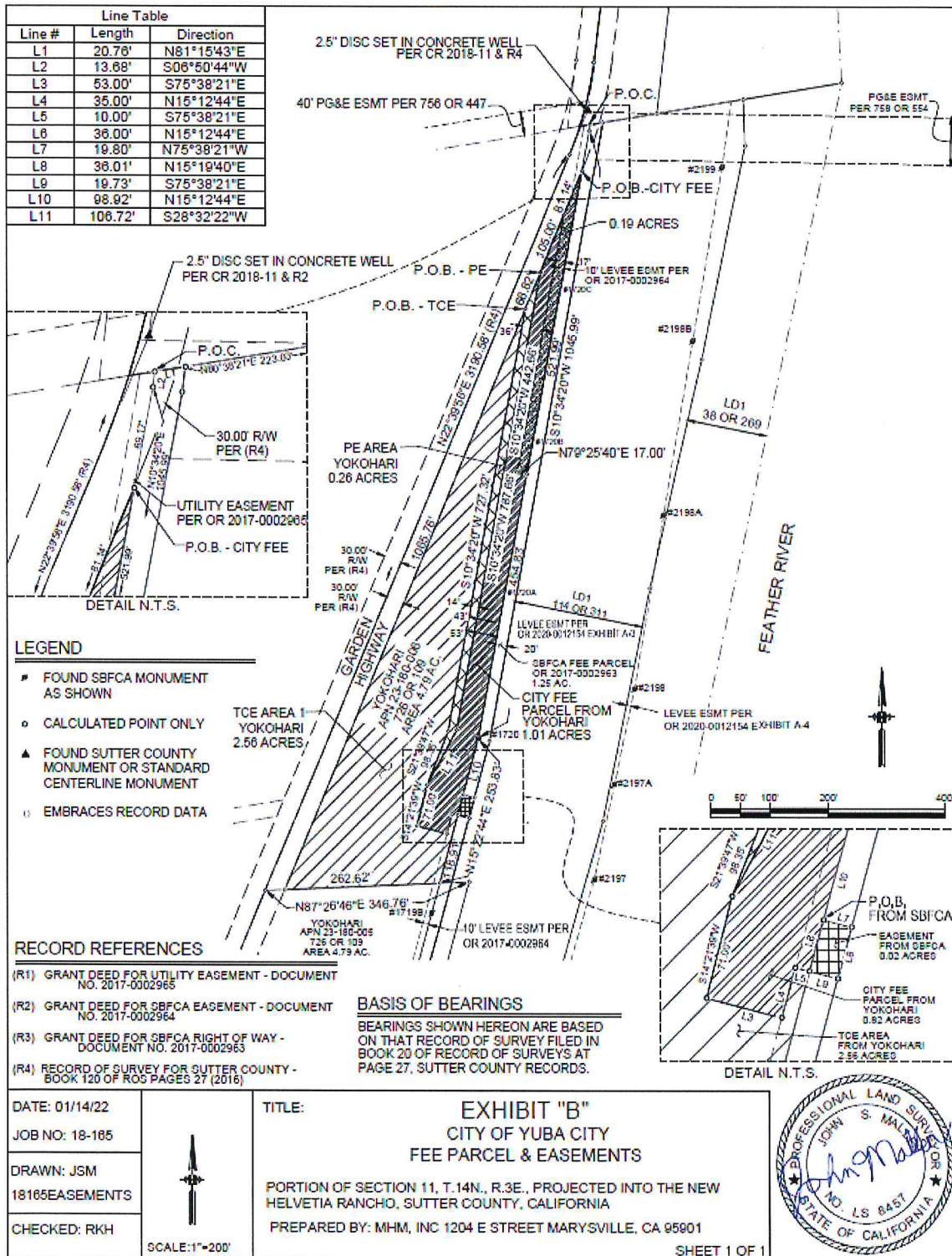


EXHIBIT C

Grant Deed

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY OF YUBA CITY
1201 Civic Center Blvd
Yuba City, CA 95993
Attn: City Manager

APN: 23-180-006

Space above reserved for Recorder's Use

Grantor declare that no documentary
transfer tax is due per R&T Code Section 11922.

Exempt from recording fees per Govt Code 27383

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX is \$0

CITY TAX is \$0

☐ computed on the full value of the property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at the time of
sale, or

☒ There is no Documentary transfer tax due, government agency acquiring title (R & T
11922).

☒ Unincorporated area of Sutter County ☐ City/Town of _____

FOR CONSIDERATION, receipt of which is hereby acknowledged, I

**Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated
January 25, 2012 ("Grantor")**

Hereby GRANT(S) to:

CITY OF YUBA CITY, a municipal corporation ("Grantee"), all of the following:

All that real property in the County of Sutter, State of California, described as"

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" AND PLAT MAP, SEE EXHIBIT "B"
ATTACHED HERETO AND MADE A PART HEREOF**

[Signature page to follow]

IN WITNESS WHEREOF, the Parties have caused this Grant Deed to be executed the day and year first above written.

SELLER: Yoshimi Yokohari, Trustee
of the Yoshimi Yokohari Revocable
Trust dated January 25, 2012

Yoshimi Yokohari, Trustee

Date: _____, 2023

ACCEPTED BY ESCROW HOLDER:
FIDELITY NATIONAL TITLE
INSURANCE COMPANY, a California
corporation

By: _____
Audra Meyer
Escrow Officer

Date: _____, 2023

BUYER:

CITY OF YUBA CITY, a charter city

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

Jackie Sillman, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

BY: _____
Shannon Chaffin, City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)

County of _____)

On _____ before me, _____,
Date Here Insert Name and Title of the Officerpersonally appeared _____
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

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EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY FEE PARCEL

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said Point of Commencement (P.O.C.) also being 20.00 feet westerly of the existing landside toe of levee, South 81° 15' 43" West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said P.O.C., along the west line of said SBFCA Parcel, South 06° 50' 44" West, a distance of 13.68 feet, more or less; thence South 10° 34' 20" West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records and the Point of Beginning of herein described parcel, thence leaving said west line, along said Garden Highway easterly line, South 22° 39' 58" West, a distance of 186.14 feet; thence leaving said easterly line, parallel with said SBFCA Parcel west line, South 10° 34' 20" West, a distance of 787.66 feet; thence South 28° 32' 22" West, a distance of 106.72 feet; thence South 14° 21' 39" West, a distance of 71.00 feet; thence South 75° 38' 21" East, a distance of 53.00 feet to the westerly line of the easement deeded to SBFCA on March 07, 2017 filed in document number 2017-0002964, Sutter County Official Records; thence northerly, along said SBFCA Easement west line, North 15° 12' 44" East, a distance of 35.00 feet; thence easterly, South 75° 38' 21" East, a distance of 10.00 feet to the east line of said SBFCA Easement and west line of said SBFCA Parcel; thence northerly, along said SBFCA parcel west line, North 15° 12' 44" East, a distance of 134.92 feet; thence continuing along said west line, North 10° 34' 20" East, a distance of 976.82 feet to the point of beginning. Containing 1.01 acres more or less.

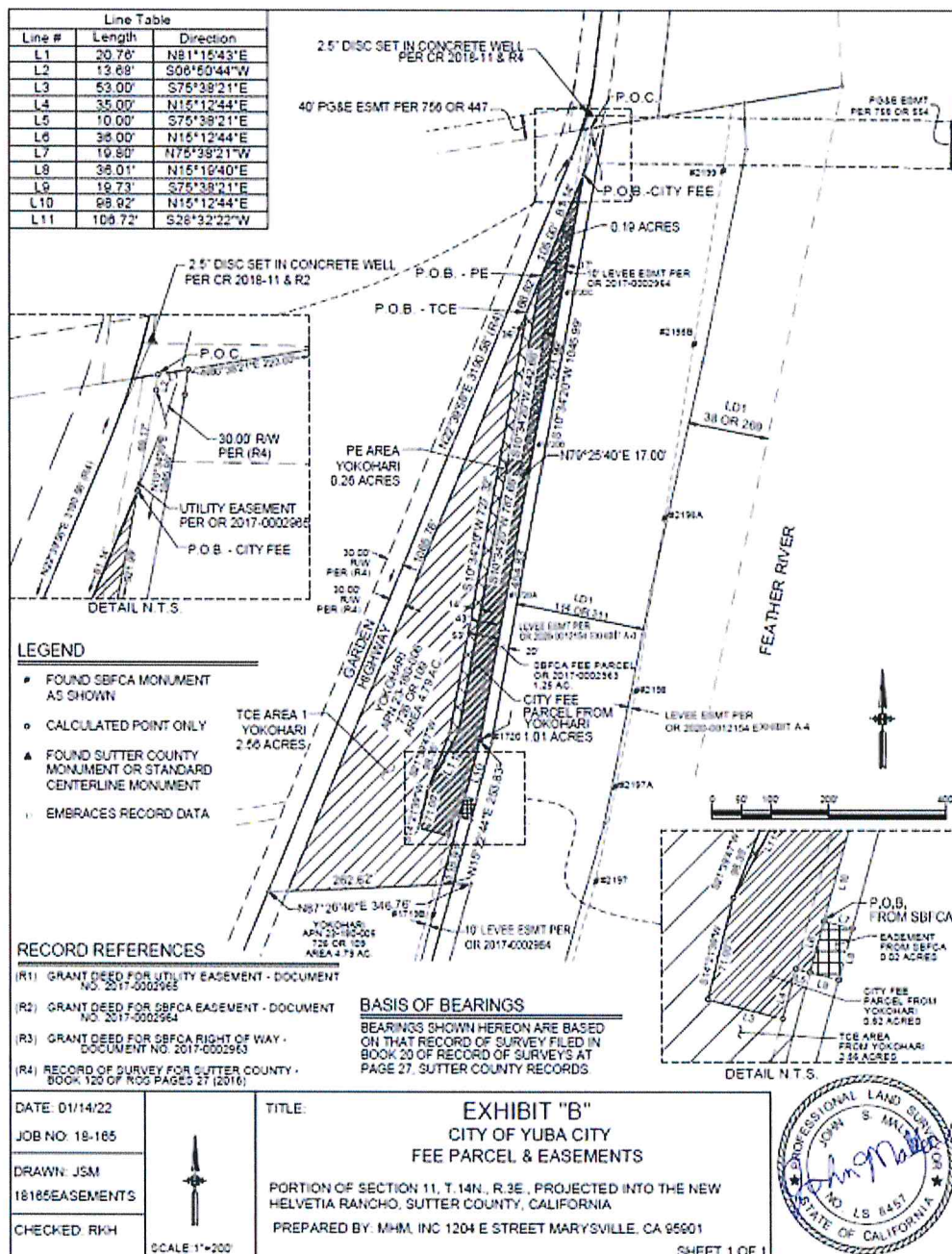
See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



EXHIBIT B



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed, dated _____ from Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012, to the City of Yuba City, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Yuba City pursuant to authority conferred by Resolution _____ adopted _____ by the City of Yuba City council and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____ By: _____

EXHIBIT D

Pipeline Easement Plat and Legal

EXHIBIT A

LEGAL DESCRIPTION

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY PIPELINE EASEMENT

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South $81^{\circ} 15' 43''$ West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said P.O.C., along the west line of said SBFCA Parcel, South $06^{\circ} 50' 44''$ West, a distance of 13.68 feet, more or less; thence South $10^{\circ} 34' 20''$ West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records, thence leaving said west line, along said Garden Highway easterly line, South $22^{\circ} 39' 58''$ West, a distance of 186.14 feet and the **Point of Beginning** of herein described parcel; thence continuing southerly along said easterly line, South $22^{\circ} 39' 58''$ West, a distance of 66.82 feet; thence leaving said easterly line, parallel with said SBFCA Parcel west line, South $10^{\circ} 34' 20''$ West, a distance of 727.32 feet; thence South $21^{\circ} 39' 47''$ West, a distance of 98.35 feet; thence North $28^{\circ} 32' 22''$ East, a distance of 106.72 feet; thence North $10^{\circ} 34' 20''$ East, a distance of 787.66 feet to the point of beginning. Containing 0.26 acres more or less.

See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



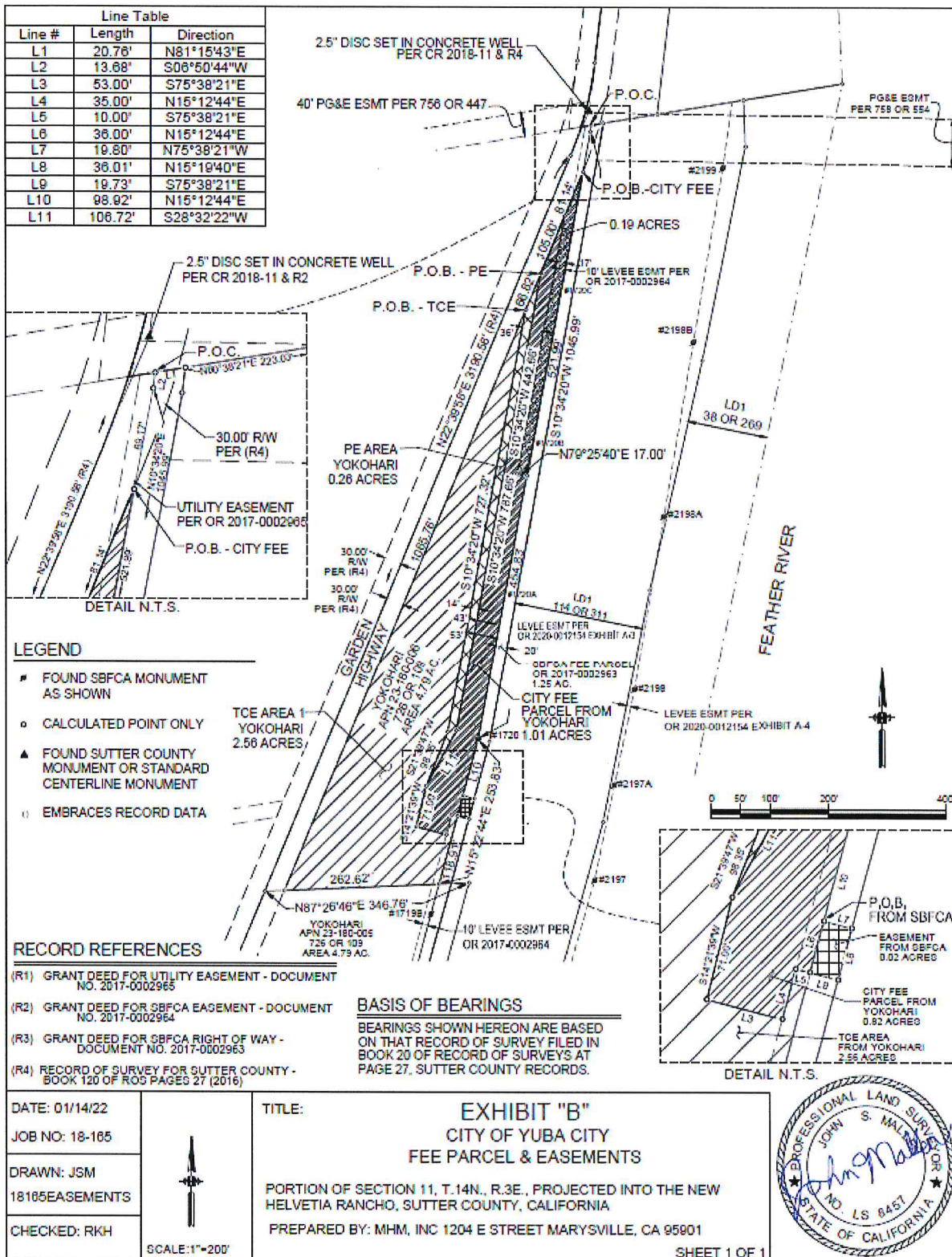


EXHIBIT E
Easement Deed

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY OF YUBA CITY
1201 Civic Center Blvd
Yuba City, CA 95993
Attn: City Manager

APN: 23-180-006
Grantor declare that no documentary
transfer tax is due per R&T Code Section 11922.

Space above reserved for Recorder's Use
Exempt from recording fees per Govt Code 27383

PIPELINE EASEMENT AGREEMENT

This **PIPELINE EASEMENT AGREEMENT** ("**Agreement**") is hereby made this ____ day of _____, 2023 by and between the City of Yuba City, a California municipal corporation ("**Grantee**"), and Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012 ("**Grantor**"). Grantee and Grantor are individually referred to as "**Party**" and are collectively referred to as the "**Parties**".

RECITALS

A. Grantor owns certain real property located at 4107 Garden Highway in the City of Yuba City, Sutter County, state of California which is legally described on Exhibit 2-A attached hereto (APN 23-180-006) ("**Property**").

B. Grantee desires to obtain from Grantor (i) a permanent easement for the installation and operation of a wastewater pipeline ("**Pipeline**") across that portion of the Property as legally described on Exhibit 2-B and shown on the map attached as Exhibit 2-C ("**Easement Area**").

AGREEMENT

NOW, THEREFORE, in consideration of performance by the Parties of the promises, covenants, and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Pipeline Easement.** Grantor hereby grants to Grantee a permanent non-exclusive easement in the Easement Area for all purposes necessary to facilitate and accomplish the construction and to construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge access, inspect, clean, traverse and/or pipe and to flow and conduct water through said pipes, pipelines and conduits over, under and across the Easement Area ("**Pipeline Easement**"). Grantor agrees that in the event fencing is installed around the subject easement area the Grantor shall install and maintain a 16-foot-wide gate in the fencing for Grantee's access to the Pipeline Easement. Grantee shall not remove the gate nor the fence or otherwise impair Grantor's access to the Easement Area. No structures or other improvements shall be constructed, nor trees planted over the Easement Area.

2. **Covenant.** Grantor agrees that no water well shall be dug, installed, or operated within one hundred (100) feet of the Pipeline Easement Area. Grantor acknowledges that this restriction is required for the operation of the Pipeline.
3. **Indemnification.** To the extent permitted by law, Grantee (or its contractor or successors or assigns) shall indemnify, defend and hold harmless Grantor from all losses, liabilities, costs, damages, expenses, causes of action, suits, claims or judgments, including attorney's fees and costs, (collectively, "**Claims**") arising directly out of or in connection with any act or omission of Grantee, its employees, representatives, agents, contractors, suppliers or subcontractors, pursuant to this Agreement or otherwise, provided, however, that the foregoing duty to defend, indemnify and hold harmless the Grantor from and against any Claims shall not apply to any Claims arising from the negligence or intentional misconduct of Grantor, its successors, assigns, invitees, employees, agents or contractors.
4. **Hazardous Materials.** Nothing herein shall release Grantor of any liability with respect to hazardous materials located on or under the Property, and Grantor shall retain all liability and responsibility for any hazardous materials located on Property, including, without limitation any such hazardous materials discovered on the Property, excluding any hazardous materials placed on the Property by Grantee or its contractors, agents or employees.
5. **Notice.** Any notice to be given or other document or documents to be delivered to either party by the other hereunder may be delivered in person or may be deposited in the United States Mail in the State of California, duly registered or certified, with postage prepaid, and addressed as follows:

To Grantee: City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
Attention: City Manager

With a Copy to: Aleshire & Wynder, LLP
2440 Tulare Street Suite 410
Fresno, CA 93721
Attention: Shannon Chaffin, Esq.

To Grantor: Yoshimi Yokohari, Trustee of the Yoshimi Yokohari
Revocable Trust dated January 25, 2012
4107 Garden Highway
Yuba City, CA 95991

6. **Representation by Grantor.** Grantors hereby warrants that they are the owners of the Property and that they have the right to grant the Easements without the consent of any third party or lender.

7. **Compensation.** This Agreement is the result of negotiations between the Parties as reflected in that certain Purchase and Sale Agreement for Fee Interest and Easements and Joint Escrow Instructions ("**PSA**") pursuant to which Grantee compensated Grantor for this Agreement. This Agreement is intended by the Parties as a final expression of their understanding with respect to the matters herein, and is a complete and exclusive statement of the terms and conditions thereof. This Agreement supersede any and all other prior agreements or understandings, oral or written, in connection with the Easement granted herein.
8. **Amendment or Modification.** This Agreement shall not be changed, modified, or amended except upon the written consent of the Parties and recorded in the Official Records of Sutter County.
9. **Binding on Successors.** Grantors, their assigns and successors in interest, shall be bound by all the terms and conditions contained in this Agreement.
10. **Attorney's Fees.** In any action between the Parties hereto, seeking enforcement of any of the terms and provisions of this Agreement, or in connection with the Property, including any defense of any such action, the prevailing Party in such action shall be entitled, to have and to recover from the other Party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding, in addition to its recoverable court costs.
11. **Interpretation; Governing Law; Venue.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neutral gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. The venue for any dispute shall be Sutter County.
12. **Execution in Counterparts.** This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on both Parties hereto, notwithstanding that both Parties are not signatories to the original or the same counterpart.
13. **Recitals.** The recitals are incorporated into this Agreement.
14. **Exhibits Incorporated.** Exhibits 2-A, 2-B and 2-C attached hereto are incorporated herein by reference.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year first above written.

GRANTOR: Yoshimi Yokohari, Trustee
of the Yoshimi Yokohari Revocable Trust
dated January 25, 2012

Yoshimi Yokohari, Trustee

Date: _____, 2023

GRANTEE:

CITY OF YUBA CITY, a municipal
corporation

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

Jackie ~~Sillman~~, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon Chaffin, City Attorney

Exhibit 2-A
Legal Description of the Property

That certain real property in the City of Yuba City, Sutter County, State of California legally described as follows:

PARCEL NO. 1:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD WITH THE SOUTH LINE OF THE TRACT OF LAND KNOWN AS "SUBDIVISION OF A PORTION OF THE EAST HALF SECTION 15 OF TOWNSHIP 14 N., RANGE 3 EAST" FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF SUTTER ON THE 5TH DAY OF MARCH, 1906 AND RECORDED IN [BOOK 1 OF SURVEYS, PAGE 34](#), PRODUCED NORTH 88° 30' EAST TO SAID CENTER LINE OF SAID ROAD; RUNNING THENCE FROM SAID POINT OF BEGINNING, NORTH 88° 30' EAST 447 FEET TO THE SOUTHWEST CORNER OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE OF SUTTER COUNTY BY DEED DATED June 10, 1940 AND RECORDED July 3, 1940 IN [BOOK 151 OF OFFICIAL RECORDS, AT PAGE 23](#), SUTTER COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL NORTH 12° 50' 32.6 FEET; NORTH 18° 09' EAST 420 FEET; NORTH 26° 10' EAST 1358.7 FEET AND NORTH 15° 58' EAST 842.4 FEET TO THE WESTERLY LINE OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE SUTTER COUNTY BY DEED DATED September 20, 1938, AND RECORDED September 26, 1938 IN [BOOK 114 OF OFFICIAL RECORDS, AT PAGE 311](#), SUTTER COUNTY RECORDS; THENCE ALONG SAID LINE SOUTH 87° 46' WEST 320 FEET TO THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE OF SAID ROAD TO THE POINT OF BEGINNING.

[APN: 23-180-006](#)

Exhibit 2-B

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY PIPELINE EASEMENT

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said Point of Commencement (P.O.C.) also being 20.00 feet westerly of the existing landside toe of levee, South 81° 15' 43" West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said P.O.C., along the west line of said SBFCA Parcel, South 06° 50' 44" West, a distance of 13.68 feet, more or less; thence South 10° 34' 20" West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records, thence leaving said west line, along said Garden Highway easterly line, South 22° 39' 58" West, a distance of 186.14 feet and the Point of Beginning of herein described parcel; thence continuing southerly along said easterly line, South 22° 39' 58" West, a distance of 66.82 feet; thence leaving said easterly line, parallel with said SBFCA Parcel west line, South 10° 34' 20" West, a distance of 727.32 feet; thence South 21° 39' 47" West, a distance of 98.35 feet; thence North 28° 32' 22" East, a distance of 106.72 feet; thence North 10° 34' 20" East, a distance of 787.66 feet to the point of beginning. Containing 0.26 acres more or less.

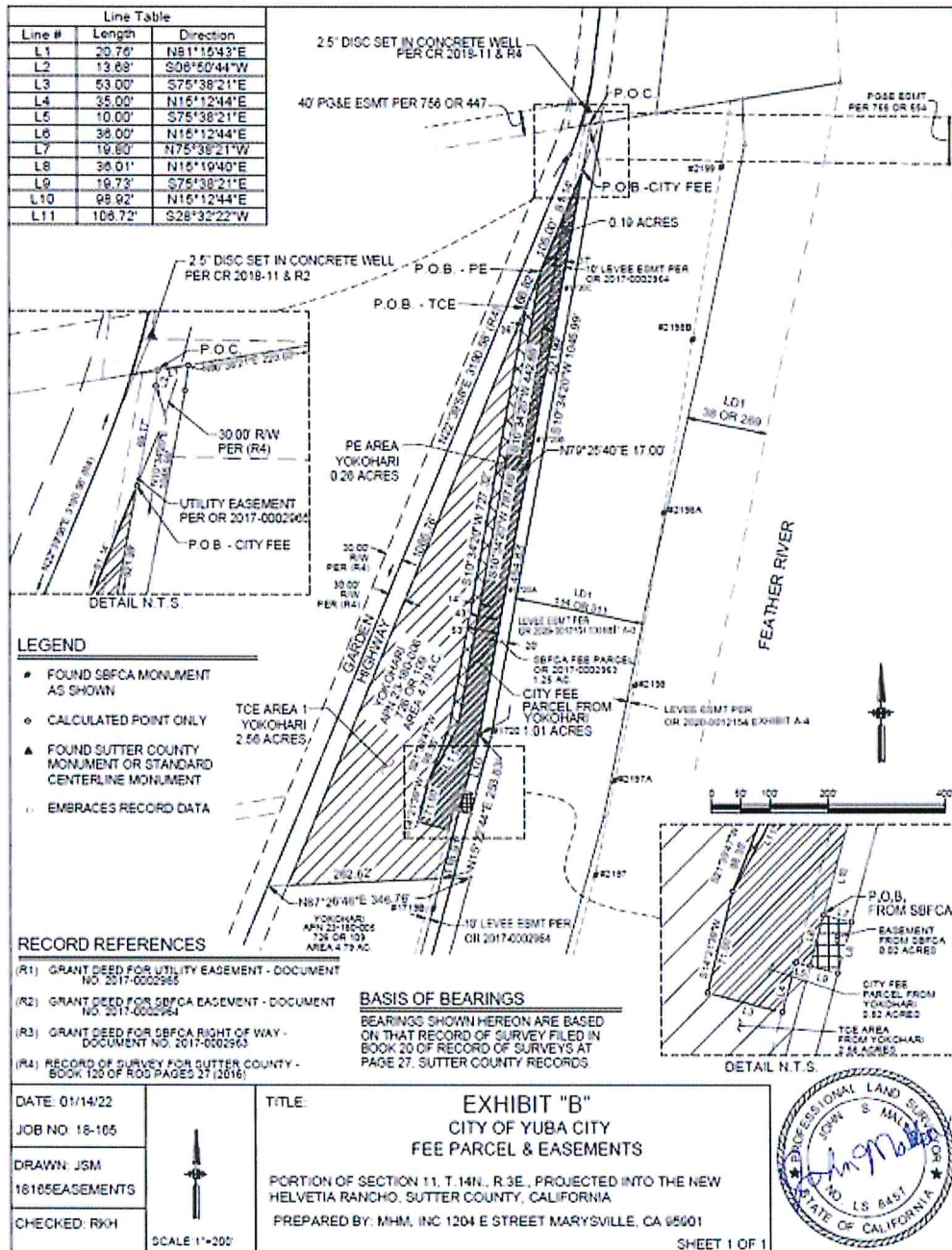
See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



Exhibit 2-C Easement Area



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

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

State of California)

County of _____)

On _____ before me, _____
Date Here Insert Name and Title of the Officerpersonally appeared _____
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Pipeline Easement Agreement, dated _____ from Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012, to the City of Yuba City, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Yuba City pursuant to authority conferred by Resolution _____ adopted _____ by the City of Yuba City council and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____ By: _____

EXHIBIT F
TCE Plat and Legal

EXHIBIT A
LEGAL DESCRIPTION

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY TEMPORARY CONSTRUCTION EASEMENT

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South 81° 15' 43" West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said **P.O.C.**, along the west line of said SBFCA Parcel, South 06° 50' 44" West, a distance of 13.68 feet, more or less; thence South 10° 34' 20" West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records, thence leaving said west line, along said Garden Highway easterly line, South 22° 39' 58" West, a distance of 252.96 feet and the **Point of Beginning** of herein described easement; thence continuing southerly along said easterly line; South 22° 39' 58" West, a distance of 1065.76 feet to the south line of said Parcel No. 2; thence easterly along said south line, North 87° 26' 46" East, a distance of 262.62 feet to the west line of said SBFCA Parcel; thence northerly, along said SBFCA Parcel west line, North 15° 12' 44" East, a distance of 118.91 feet; thence westerly, North 75° 38' 21" West, a distance of 10.00 feet to the west line of the easement deeded to SBFCA on March 07, 2017 filed in document number 2017-0002964, Sutter County Official Records; thence southerly, along said SBFCA Easement west line, South 15° 12' 44" West, a distance of 35.00 feet; thence leaving said west line, North 75° 38' 21" West, a distance of 53.00 feet; thence North 14° 21' 39" East, a distance of 71.00 feet; thence North 21° 39' 47" East, a distance of 98.35 feet; thence parallel with said SBFCA Parcel west line, North 10° 34' 20" East, a distance of 727.32 feet to the point of beginning. Containing 2.56 acres more or less.

See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



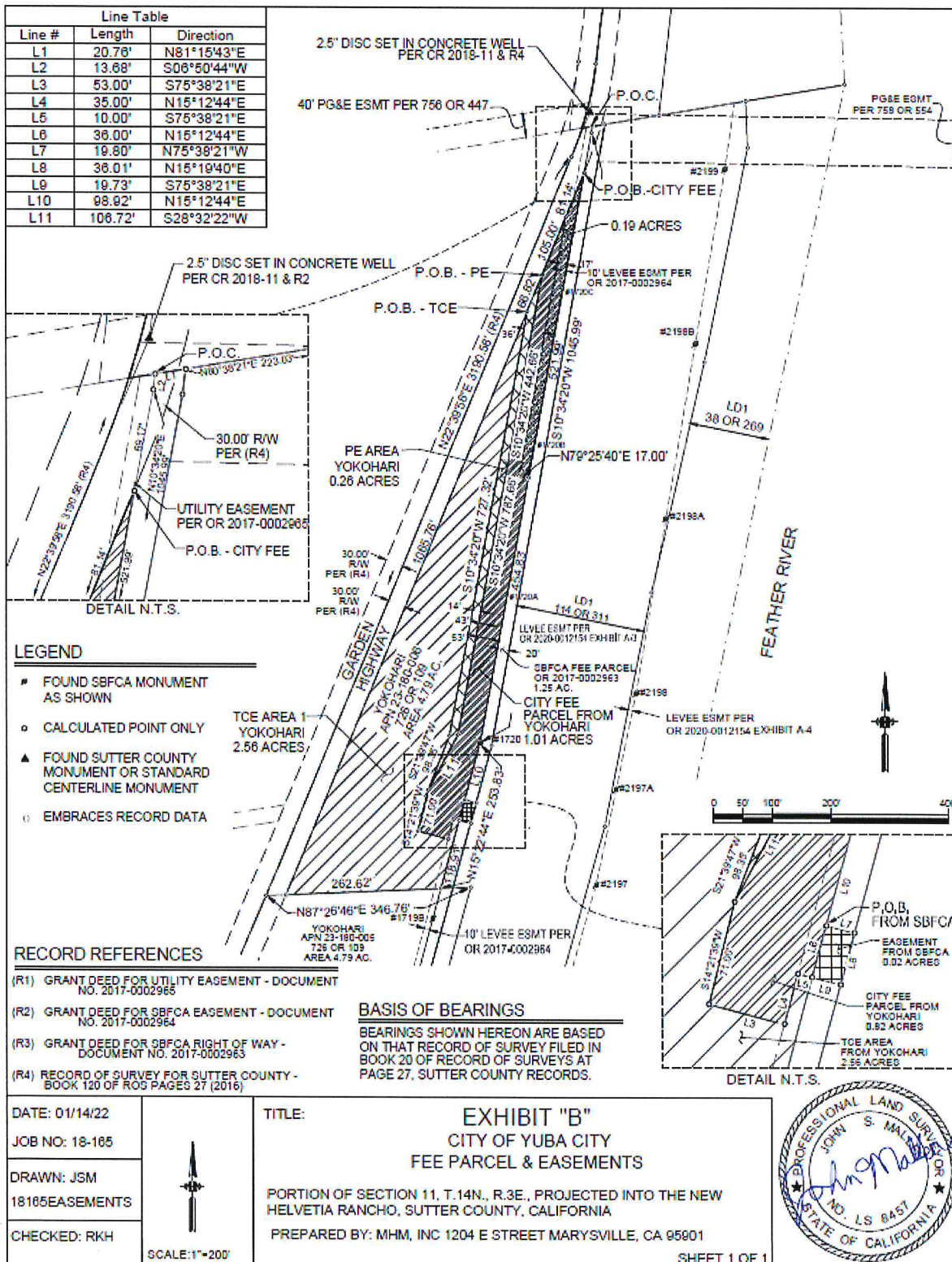


EXHIBIT G

TCE Deed

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY OF YUBA CITY
1201 Civic Center Blvd
Yuba City, CA 95993
Attn: City Manager

APN: 23-180-006
Buyer declares that no documentary
transfer tax is due per R&T Code Section 11922.

Space above reserved for Recorder's Use
Exempt from recording fees per Govt Code 27383

RIGHT OF ENTRY, TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

This **RIGHT OF ENTRY, TEMPORARY CONSTRUCTION EASEMENT AGREEMENT** ("**Agreement**") is hereby made this ____ day of _____, 2023 by and between the City of Yuba City, a California municipal corporation ("**Buyer**"), and Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012 ("**Seller**"). Buyer and Seller are individually referred to as "**Party**" and are collectively referred to as the "**Parties**".

RECITALS

A. Seller owns certain real property located at 2700 Garden Highway in the City of Yuba City, Sutter County, state of California which is legally described on Exhibit 3-A attached hereto (APN 23-180-006) ("**Property**").

B. Buyer desires to obtain from Seller a temporary construction easement over a portion of the Property, and Seller agrees to authorize Buyer to enter, for a limited duration and term subject to the conditions herein in this Agreement, a portion of the Property as legally described on Exhibit 3-B and shown on the map attached as Exhibit 3-C ("**Easement Area**").

C. Concurrently with the recordation of this Agreement, the Parties executed and recorded that certain Easement Deed granting to Buyer a permanent easement ("**Pipeline Easement**") for a wastewater pipeline and related improvements to be used in conjunction with the existing wastewater plant ("**Pipeline**").

D. In conjunction with the Pipeline Easement, the Parties desire by this Agreement to provide the terms and conditions for the Buyer's acquisition from Seller of a temporary construction easement over the Easement Area in order to install the pipeline under the Pipeline Easement.

AGREEMENT

NOW, THEREFORE, in consideration of performance by the Parties of the promises, covenants, and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Temporary Construction Easement.** Seller hereby grants to Buyer the right to enter upon the Property and use the Easement Area for all purposes necessary to facilitate and accomplish the construction and installation of the Pipeline ("**Temporary Construction Easement**") including but not limited to use for access to the work area for construction of the levee ramp, Vacuum Primer System Building, pipeline levee crossing and for the construction contractor's use for staging management trailers, storage facilities, stockpiling soil and materials and for parking.
2. **Notice Prior to Construction Commencement.** Buyer shall provide written notice to Seller not less than thirty (30) days prior to commencing construction ("**Construction Commencement Notice**").
3. **Construction Period.** A Temporary Construction Easement is needed to facilitate construction activities for the Project. Said easement shall be for a period beginning August 1, 2023 and ending July 31, 2027 of forty (48) months ("Construction Period") and shall commence when funds are deposited into escrow. Permission is hereby granted to the Buyer or its authorized agent to enter upon Seller's land where necessary within that certain area identified as a temporary construction easement for the purpose described. It is agreed and confirmed by the parties hereto permission is hereby granted to the Buyer, or it's authorized agent, the right of possession and use of the subject property by the Buyer, including the right to remove and dispose of improvements and start construction.
4. **Temporary Fencing.** As material consideration for this Agreement, Buyer agrees that it will construct a temporary fence to protect the Easement Areas during the Construction Period and, upon completion of construction of the Pipeline Buyer will remove the temporary fencing and restore the area to as good or better condition as before.
5. **Assignment.** The Parties acknowledge that Grantee may assign this Agreement and the rights granted herein to the construction contractor constructing the Pipeline. As such, the rights granted herein include the right to enter upon and to pass and repass over and along the Easement Area, and to deposit tools, implements and other materials thereon by Buyer, or its successors and assigns, its officers, agents and employees, and by persons or entities under contract with Buyer, its successors and assigns, wherever and whenever necessary for the purpose of completing the Pipeline in accordance with applicable laws. Buyer's activities may include, but are not limited to, surveying, staking, excavation, grading, and other related uses that are reasonably required to construct the Pipeline.
6. **Debris Removal.** At the termination of the period of use of Seller's land by Buyer, but before its relinquishment to Seller, debris generated by Buyer's use will be removed and the surface will be graded, if applicable, and left in a neat condition.
7. **Termination of Easement.** Upon the Buyer's completion of the Pipeline, this Agreement shall be automatically terminated and upon written request from Seller, Buyer will execute and acknowledge a formal termination of this Agreement which shall be recorded in the Official Records. This Agreement shall terminate no later than

July 31, 2027, unless Buyer notifies Seller in writing requesting an extension which extension shall not be unreasonably withheld and the parties shall execute an amendment to this Agreement providing the details of the extension and recorded in accordance with Section 13.

8. **Indemnification.** To the extent permitted by law, Buyer (or its contractor or successors or assigns) shall indemnify, defend and hold harmless Seller from all losses, liabilities, costs, damages, expenses, causes of action, suits, claims or judgments, including attorney's fees and costs, (collectively, "**Claims**") arising directly out of or in connection with any act or omission of Grantee, its employees, representatives, agents, contractors, suppliers or subcontractors, pursuant to this Agreement or otherwise, provided, however, that the foregoing duty to defend, indemnify and hold harmless the Seller from and against any Claims shall not apply to any Claims arising from the negligence or intentional misconduct of Seller, its successors, assigns, invitees, employees, agents or contractors.
9. **Hazardous Materials.** Nothing herein shall release Seller of any liability with respect to hazardous materials located on or under the Property, and Seller shall retain all liability and responsibility for any hazardous materials located on Property, including, without limitation any such hazardous materials discovered on the Property after the Effective Date, excluding any hazardous materials placed on the Property by Buyer or its contractors, agents or employees.
10. **Notice.** Any notice to be given or other document or documents to be delivered to either party by the other hereunder may be delivered in person or may be deposited in the United States Mail in the State of California, duly registered or certified, with postage prepaid, and addressed as follows:

To Grantee: City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
Attention: City Manager

With a Copy to: Aleshire & Wynder, LLP
2440 Tulare Street Suite 410
Fresno, CA 93721
Attention: Shannon Chaffin, Esq.

To Buyer: Yoshimi Yokohari, Trustee of the Yoshimi Yokohari
Revocable Trust dated January 25, 2012
4107 Garden Highway
Yuba City, CA 95991

11. **Representation by Seller.** Sellers represent and warrant that they are the owners of the Property described above and that they have the right to grant the Easements without the consent of any third party or lender.

12. **Compensation.** This Agreement is the result of negotiations between the Parties as reflected in that certain Purchase and Sale Agreement for Fee Interest and Easements and Joint Escrow Instructions ("**PSA**") pursuant to which Buyer compensated Seller for this Agreement. This Agreement is intended by the Parties as a final expression of their understanding with respect to the matters herein, and is a complete and exclusive statement of the terms and conditions thereof. This Agreement supersedes any and all other prior agreements or understandings, oral or written, in connection with the Easement granted herein.
13. **Amendment or Modification.** This Agreement shall not be changed, modified, or amended except upon the written consent of the Parties and recorded in the Official Records of Sutter County.
14. **Binding on Successors.** Sellers, their assigns and successors in interest, shall be bound by all the terms and conditions contained in this Agreement.
15. **Attorney's Fees.** In any action between the Parties hereto, seeking enforcement of any of the terms and provisions of this Agreement, or in connection with the Property, including any defense of any such action, the prevailing Party in such action shall be entitled, to have and to recover from the other Party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding, in addition to its recoverable court costs.
16. **Interpretation; Governing Law; Venue.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. The venue for any dispute shall be Sutter County.
17. **Execution in Counterparts.** This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on both Parties hereto, notwithstanding that both Parties are not signatories to the original or the same counterpart.
18. **Recitals.** The recitals are incorporated into this Agreement.
19. **Exhibits Incorporated.** Exhibits 3-A, 3-B and 3-C attached hereto are incorporated herein by reference.

Signature page to Follow

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year first above written.

SELLOR: Yoshimi Yokohari, Trustee of the
Yoshimi Yokohari Revocable Trust dated
January 25, 2012

Yoshimi Yokohari, Trustee

Date: _____, 2023

GRANTEE:

CITY OF YUBA CITY, a municipal
corporation

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

Jackie Sillman, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon Chaffin, City Attorney

Exhibit 3-A
Legal Description of the Property

That certain real property in the City of Yuba City, Sutter County, State of California legally described as follows:

PARCEL NO. 1:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD WITH THE SOUTH LINE OF THE TRACT OF LAND KNOWN AS "SUBDIVISION OF A PORTION OF THE EAST HALF SECTION 15 OF TOWNSHIP 14 N., RANGE 3 EAST" FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF SUTTER ON THE 5TH DAY OF MARCH, 1906 AND RECORDED IN [BOOK 1 OF SURVEYS, PAGE 34](#), PRODUCED NORTH 88° 30' EAST TO SAID CENTER LINE OF SAID ROAD; RUNNING THENCE FROM SAID POINT OF BEGINNING, NORTH 88° 30' EAST 447 FEET TO THE SOUTHWEST CORNER OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE OF SUTTER COUNTY BY DEED DATED June 10, 1940 AND RECORDED July 3, 1940 IN [BOOK 151 OF OFFICIAL RECORDS, AT PAGE 23](#), SUTTER COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL NORTH 12° 50' 321.6 FEET; NORTH 18° 09' EAST 420 FEET; NORTH 26° 10' EAST 1358.7 FEET AND NORTH 15° 58' EAST 842.4 FEET TO THE WESTERLY LINE OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE SUTTER COUNTY BY DEED DATED September 20, 1938, AND RECORDED September 26, 1938 IN [BOOK 114 OF OFFICIAL RECORDS, AT PAGE 311](#), SUTTER COUNTY RECORDS; THENCE ALONG SAID LINE SOUTH 87° 46' WEST 320 FEET TO THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE OF SAID ROAD TO THE POINT OF BEGINNING.

[APN: 23-180-006](#)

**Exhibit 3-B
Temporary Construction Easement Legal Description**

**EXHIBIT A
LEGAL DESCRIPTION**

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY TEMPORARY CONSTRUCTION EASEMENT

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South 81° 15' 43" West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said **P.O.C.**, along the west line of said SBFCA Parcel, South 06° 50' 44" West, a distance of 13.68 feet, more or less; thence South 10° 34' 20" West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records, thence leaving said west line, along said Garden Highway easterly line, South 22° 39' 58" West, a distance of 252.96 feet and the **Point of Beginning** of herein described easement; thence continuing southerly along said easterly line; South 22° 39' 58" West, a distance of 1065.76 feet to the south line of said Parcel No. 2; thence easterly along said south line, North 87° 26' 46" East, a distance of 262.62 feet to the west line of said SBFCA Parcel; thence northerly, along said SBFCA Parcel west line, North 15° 12' 44" East, a distance of 118.91 feet; thence westerly, North 75° 38' 21" West, a distance of 10.00 feet to the west line of the easement deeded to SBFCA on March 07, 2017 filed in document number 2017-0002964, Sutter County Official Records; thence southerly, along said SBFCA Easement west line, South 15° 12' 44" West, a distance of 35.00 feet; thence leaving said west line, North 75° 38' 21" West, a distance of 53.00 feet; thence North 14° 21' 39" East, a distance of 71.00 feet; thence North 21° 39' 47" East, a distance of 98.35 feet; thence parallel with said SBFCA Parcel west line, North 10° 34' 20" East, a distance of 727.32 feet to the point of beginning. Containing 2.56 acres more or less.

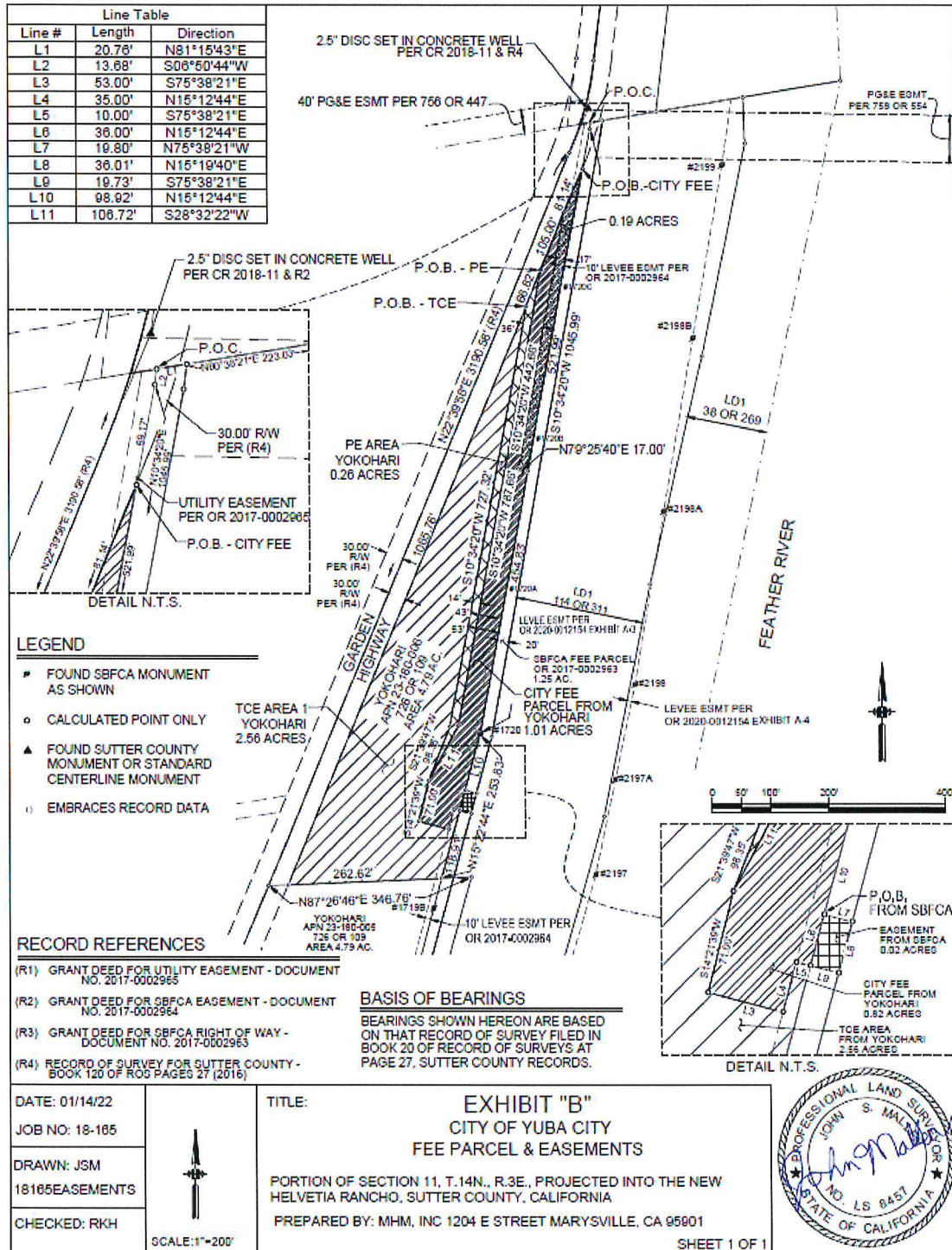
See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



Exhibit 3-C **Map Depiction of Easement Areas**



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)

County of _____)

On _____ before me, _____,
Date Here Insert Name and Title of the Officerpersonally appeared _____
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Right of Entry and Temporary Construction Easement Agreement, dated _____ from Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012, to the City of Yuba City, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Yuba City pursuant to authority conferred by Resolution _____ adopted _____ by the City of Yuba City council and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____ By: _____

EXHIBIT B

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF YUBA CITY
1201 Civic Center Blvd
Yuba City, CA 95993
Attn: City Manager

APN: 23-180-006
Grantor declare that no documentary
transfer tax is due per R&T Code Section 11922.

Space above reserved for Recorder's Use
Exempt from recording fees per Govt Code 27383

PIPELINE EASEMENT AGREEMENT

This **PIPELINE EASEMENT AGREEMENT** ("**Agreement**") is hereby made this ____ day of _____, 2023 by and between the City of Yuba City, a California municipal corporation ("**Grantee**"), and Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012 ("**Grantor**"). Grantee and Grantor are individually referred to as "**Party**" and are collectively referred to as the "**Parties**".

RECITALS

A. Grantor owns certain real property located at 4107 Garden Highway in the City of Yuba City, Sutter County, state of California which is legally described on Exhibit 2-A attached hereto (APN 23-180-006) ("**Property**").

B. Grantee desires to obtain from Grantor (i) a permanent easement for the installation and operation of a wastewater pipeline ("**Pipeline**") across that portion of the Property as legally described on Exhibit 2-B and shown on the map attached as Exhibit 2-C ("**Easement Area**").

AGREEMENT

NOW, THEREFORE, in consideration of performance by the Parties of the promises, covenants, and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Pipeline Easement.** Grantor hereby grants to Grantee a permanent non-exclusive easement in the Easement Area for all purposes necessary to facilitate and accomplish the construction and to construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge access, inspect, clean, traverse and/or pipe and to flow and conduct water through said pipes, pipelines and conduits over, under and across the Easement Area ("**Pipeline Easement**"). Grantor agrees that in the event fencing is installed around the subject easement area the Grantor shall install and maintain a 16-foot-wide gate in the fencing for Grantee's access to the Pipeline Easement. Grantee shall not remove the gate nor the fence or otherwise impair Grantor's access to the Easement Area. No structures or other improvements shall be constructed, nor trees planted over the Easement Area.

2. **Covenant.** Grantor agrees that no water well shall be dug, installed, or operated within one hundred (100) feet of the Pipeline Easement Area. Grantor acknowledges that this restriction is required for the operation of the Pipeline.
3. **Indemnification.** To the extent permitted by law, Grantee (or its contractor or successors or assigns) shall indemnify, defend and hold harmless Grantor from all losses, liabilities, costs, damages, expenses, causes of action, suits, claims or judgments, including attorney's fees and costs, (collectively, "**Claims**") arising directly out of or in connection with any act or omission of Grantee, its employees, representatives, agents, contractors, suppliers or subcontractors, pursuant to this Agreement or otherwise, provided, however, that the foregoing duty to defend, indemnify and hold harmless the Grantor from and against any Claims shall not apply to any Claims arising from the negligence or intentional misconduct of Grantor, its successors, assigns, invitees, employees, agents or contractors.
4. **Hazardous Materials.** Nothing herein shall release Grantor of any liability with respect to hazardous materials located on or under the Property, and Grantor shall retain all liability and responsibility for any hazardous materials located on Property, including, without limitation any such hazardous materials discovered on the Property, excluding any hazardous materials placed on the Property by Grantee or its contractors, agents or employees.
5. **Notice.** Any notice to be given or other document or documents to be delivered to either party by the other hereunder may be delivered in person or may be deposited in the United States Mail in the State of California, duly registered or certified, with postage prepaid, and addressed as follows:

To Grantee: City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
Attention: City Manager

With a Copy to: Aleshire & Wynder, LLP
2440 Tulare Street Suite 410
Fresno, CA 93721
Attention: Shannon Chaffin, Esq.

To Grantor: Yoshimi Yokohari, Trustee of the Yoshimi Yokohari
Revocable Trust dated January 25, 2012
4107 Garden Highway
Yuba City, CA 95991

6. **Representation by Grantor.** Grantors hereby warrants that they are the owners of the Property and that they have the right to grant the Easements without the consent of any third party or lender.

7. **Compensation.** This Agreement is the result of negotiations between the Parties as reflected in that certain Purchase and Sale Agreement for Fee Interest and Easements and Joint Escrow Instructions ("**PSA**") pursuant to which Grantee compensated Grantor for this Agreement. This Agreement is intended by the Parties as a final expression of their understanding with respect to the matters herein, and is a complete and exclusive statement of the terms and conditions thereof. This Agreement supersede any and all other prior agreements or understandings, oral or written, in connection with the Easement granted herein.
8. **Amendment or Modification.** This Agreement shall not be changed, modified, or amended except upon the written consent of the Parties and recorded in the Official Records of Sutter County.
9. **Binding on Successors.** Grantors, their assigns and successors in interest, shall be bound by all the terms and conditions contained in this Agreement.
10. **Attorney's Fees.** In any action between the Parties hereto, seeking enforcement of any of the terms and provisions of this Agreement, or in connection with the Property, including any defense of any such action, the prevailing Party in such action shall be entitled, to have and to recover from the other Party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding, in addition to its recoverable court costs.
11. **Interpretation; Governing Law; Venue.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neutral gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. The venue for any dispute shall be Sutter County.
12. **Execution in Counterparts.** This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on both Parties hereto, notwithstanding that both Parties are not signatories to the original or the same counterpart.
13. **Recitals.** The recitals are incorporated into this Agreement.
14. **Exhibits Incorporated.** Exhibits 2-A, 2-B and 2-C attached hereto are incorporated herein by reference.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year first above written.

GRANTOR: Yoshimi Yokohari, Trustee
of the Yoshimi Yokohari Revocable Trust
dated January 25, 2012



Yoshimi Yokohari, Trustee

Date: August 3, 2023

GRANTEE:

CITY OF YUBA CITY, a municipal
corporation

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

Jackie Sillman, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon Chaffin, City Attorney

Exhibit 2-A
Legal Description of the Property

That certain real property in the City of Yuba City, Sutter County, State of California legally described as follows:

PARCEL NO. 1:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD WITH THE SOUTH LINE OF THE TRACT OF LAND KNOWN AS "SUBDIVISION OF A PORTION OF THE EAST HALF SECTION 15 OF TOWNSHIP 14 N., RANGE 3 EAST" FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF SUTTER ON THE 5TH DAY OF MARCH, 1906 AND RECORDED IN [BOOK 1 OF SURVEYS, PAGE 34](#), PRODUCED NORTH 88° 30' EAST TO SAID CENTER LINE OF SAID ROAD; RUNNING THENCE FROM SAID POINT OF BEGINNING, NORTH 88° 30' EAST 447 FEET TO THE SOUTHWEST CORNER OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE OF SUTTER COUNTY BY DEED DATED June 10, 1940 AND RECORDED July 3, 1940 IN [BOOK 151 OF OFFICIAL RECORDS, AT PAGE 23](#), SUTTER COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL NORTH 12° 50' 321.6 FEET; NORTH 18° 09' EAST 420 FEET; NORTH 26° 10' EAST 1358.7 FEET AND NORTH 15° 58' EAST 842.4 FEET TO THE WESTERLY LINE OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE SUTTER COUNTY BY DEED DATED September 20, 1938, AND RECORDED September 26, 1938 IN [BOOK 114 OF OFFICIAL RECORDS, AT PAGE 311](#), SUTTER COUNTY RECORDS; THENCE ALONG SAID LINE SOUTH 87° 46' WEST 320 FEET TO THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE OF SAID ROAD TO THE POINT OF BEGINNING.

[APN: 23-180-006](#)

Exhibit 2-B

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY PIPELINE EASEMENT

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South $81^{\circ} 15' 43''$ West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said P.O.C., along the west line of said SBFCA Parcel, South $06^{\circ} 50' 44''$ West, a distance of 13.68 feet, more or less; thence South $10^{\circ} 34' 20''$ West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records, thence leaving said west line, along said Garden Highway easterly line, South $22^{\circ} 39' 58''$ West, a distance of 186.14 feet and the **Point of Beginning** of herein described parcel; thence continuing southerly along said easterly line, South $22^{\circ} 39' 58''$ West, a distance of 66.82 feet; thence leaving said easterly line, parallel with said SBFCA Parcel west line, South $10^{\circ} 34' 20''$ West, a distance of 727.32 feet; thence South $21^{\circ} 39' 47''$ West, a distance of 98.35 feet; thence North $28^{\circ} 32' 22''$ East, a distance of 106.72 feet; thence North $10^{\circ} 34' 20''$ East, a distance of 787.66 feet to the point of beginning. Containing 0.26 acres more or less.

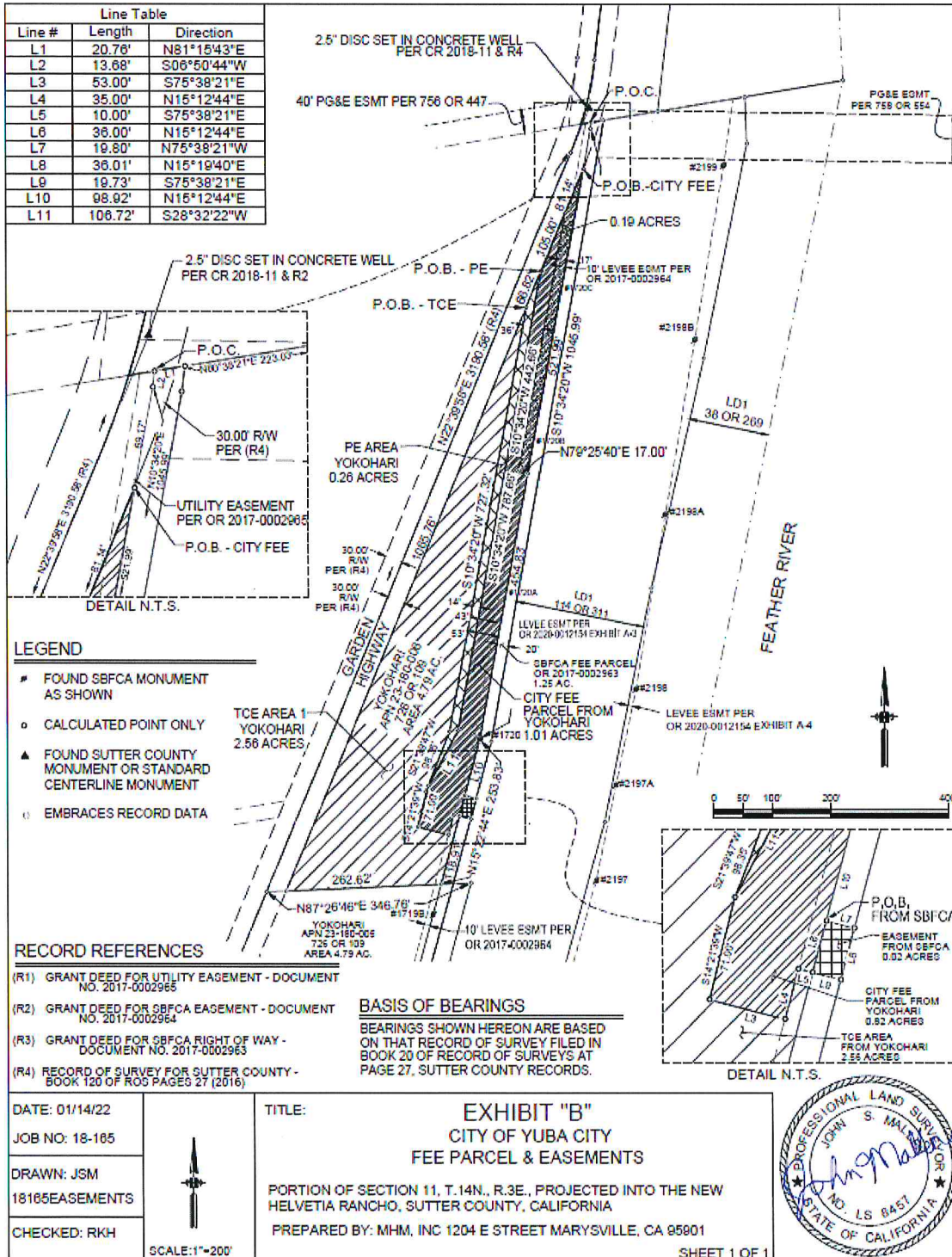
See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



Exhibit 2-C Easement Area



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

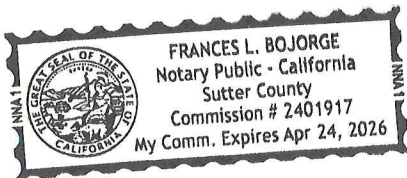
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sutter)
On August 3, 2023 before me, Frances L. Bojorge, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Yoshinori Yokonari
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Frances L. Bojorge, Notary Public
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Pipeline Easement Agreement, dated _____ from Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012, to the City of Yuba City, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Yuba City pursuant to authority conferred by Resolution _____ adopted _____ by the City of Yuba City council and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____ By: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)
County of _____)

On _____ before me, _____
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

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EXHIBIT C

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF YUBA CITY
1201 Civic Center Blvd
Yuba City, CA 95993
Attn: City Manager

APN: 23-180-006
Buyer declare that no documentary
transfer tax is due per R&T Code Section 11922.

Space above reserved for Recorder's Use
Exempt from recording fees per Govt Code 27383

RIGHT OF ENTRY, TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

This **RIGHT OF ENTRY, TEMPORARY CONSTRUCTION EASEMENT AGREEMENT** ("**Agreement**") is hereby made this ____ day of _____, 2023 by and between the City of Yuba City, a California municipal corporation ("**Buyer**"), and Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012 ("**Seller**"). Buyer and Seller are individually referred to as "**Party**" and are collectively referred to as the "**Parties**".

RECITALS

A. Seller owns certain real property located at 2700 Garden Highway in the City of Yuba City, Sutter County, state of California which is legally described on Exhibit 3-A attached hereto (APN 23-180-006) ("**Property**").

B. Buyer desires to obtain from Seller a temporary construction easement over a portion of the Property, and Seller agrees to authorize Buyer to enter, for a limited duration and term subject to the conditions herein in this Agreement, a portion of the Property as legally described on Exhibit 3-B and shown on the map attached as Exhibit 3-C ("**Easement Area**").

C. Concurrently with the recordation of this Agreement, the Parties executed and recorded that certain Easement Deed granting to Buyer a permanent easement ("**Pipeline Easement**") for a wastewater pipeline and related improvements to be used in conjunction with the existing wastewater plant ("**Pipeline**").

D. In conjunction with the Pipeline Easement, the Parties desire by this Agreement to provide the terms and conditions for the Buyer's acquisition from Seller of a temporary construction easement over the Easement Area in order to install the pipeline under the Pipeline Easement.

AGREEMENT

NOW, THEREFORE, in consideration of performance by the Parties of the promises, covenants, and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Temporary Construction Easement.** Seller hereby grants to Buyer the right to enter upon the Property and use the Easement Area for all purposes necessary to facilitate and accomplish the construction and installation of the Pipeline ("**Temporary Construction Easement**") including but not limited to use for access to the work area for construction of the levee ramp, Vacuum Primer System Building, pipeline levee crossing and for the construction contractor's use for staging management trailers, storage facilities, stockpiling soil and materials and for parking.
2. **Notice Prior to Construction Commencement.** Buyer shall provide written notice to Seller not less than thirty (30) days prior to commencing construction ("**Construction Commencement Notice**").
3. **Construction Period.** A Temporary Construction Easement is needed to facilitate construction activities for the Project. Said easement shall be for a period beginning August 1, 2023 and ending July 31, 2027 of forty (48) months ("**Construction Period**") and shall commence when funds are deposited into escrow. Permission is hereby granted to the Buyer or its authorized agent to enter upon Seller's land where necessary within that certain area identified as a temporary construction easement for the purpose described. It is agreed and confirmed by the parties hereto permission is hereby granted to the Buyer, or its authorized agent, the right of possession and use of the subject property by the Buyer, including the right to remove and dispose of improvements and start construction.
4. **Temporary Fencing.** As material consideration for this Agreement, Buyer agrees that it will construct a temporary fence to protect the Easement Areas during the Construction Period and, upon completion of construction of the Pipeline Buyer will remove the temporary fencing and restore the area to as good or better condition as before.
5. **Assignment.** The Parties acknowledge that Grantee may assign this Agreement and the rights granted herein to the construction contractor constructing the Pipeline. As such, the rights granted herein include the right to enter upon and to pass and repass over and along the Easement Area, and to deposit tools, implements and other materials thereon by Buyer, or its successors and assigns, its officers, agents and employees, and by persons or entities under contract with Buyer, its successors and assigns, wherever and whenever necessary for the purpose of completing the Pipeline in accordance with applicable laws. Buyer's activities may include, but are not limited to, surveying, staking, excavation, grading, and other related uses that are reasonably required to construct the Pipeline.
6. **Debris Removal.** At the termination of the period of use of Seller's land by Buyer, but before its relinquishment to Seller, debris generated by Buyer's use will be removed and the surface will be graded, if applicable, and left in a neat condition.
7. **Termination of Easement.** Upon the Buyer's completion of the Pipeline, this Agreement shall be automatically terminated and upon written request from Seller, Buyer will execute and acknowledge a formal termination of this Agreement which shall be recorded in the Official Records. This Agreement shall terminate no later than

July 31, 2027, unless Buyer notifies Seller in writing requesting an extension which extension shall not be unreasonably withheld and the parties shall execute an amendment to this Agreement providing the details of the extension and recorded in accordance with Section 13.

8. **Indemnification.** To the extent permitted by law, Buyer (or its contractor or successors or assigns) shall indemnify, defend and hold harmless Seller from all losses, liabilities, costs, damages, expenses, causes of action, suits, claims or judgments, including attorney's fees and costs, (collectively, "**Claims**") arising directly out of or in connection with any act or omission of Grantee, its employees, representatives, agents, contractors, suppliers or subcontractors, pursuant to this Agreement or otherwise, provided, however, that the foregoing duty to defend, indemnify and hold harmless the Seller from and against any Claims shall not apply to any Claims arising from the negligence or intentional misconduct of Seller, its successors, assigns, invitees, employees, agents or contractors.
9. **Hazardous Materials.** Nothing herein shall release Seller of any liability with respect to hazardous materials located on or under the Property, and Seller shall retain all liability and responsibility for any hazardous materials located on Property, including, without limitation any such hazardous materials discovered on the Property after the Effective Date, excluding any hazardous materials placed on the Property by Buyer or its contractors, agents or employees.
10. **Notice.** Any notice to be given or other document or documents to be delivered to either party by the other hereunder may be delivered in person or may be deposited in the United States Mail in the State of California, duly registered or certified, with postage prepaid, and addressed as follows:

To Grantee: City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993
Attention: City Manager

With a Copy to: Aleshire & Wynder, LLP
2440 Tulare Street Suite 410
Fresno, CA 93721
Attention: Shannon Chaffin, Esq.

To Buyer: Yoshimi Yokohari, Trustee of the Yoshimi Yokohari
Revocable Trust dated January 25, 2012
4107 Garden Highway
Yuba City, CA 95991

11. **Representation by Seller.** Sellers represent and warrant that they are the owners of the Property described above and that they have the right to grant the Easements without the consent of any third party or lender.

12. **Compensation.** This Agreement is the result of negotiations between the Parties as reflected in that certain Purchase and Sale Agreement for Fee Interest and Easements and Joint Escrow Instructions ("**PSA**") pursuant to which Buyer compensated Seller for this Agreement. This Agreement is intended by the Parties as a final expression of their understanding with respect to the matters herein, and is a complete and exclusive statement of the terms and conditions thereof. This Agreement supersede any and all other prior agreements or understandings, oral or written, in connection with the Easement granted herein.
13. **Amendment or Modification.** This Agreement shall not be changed, modified, or amended except upon the written consent of the Parties and recorded in the Official Records of Sutter County.
14. **Binding on Successors.** Sellers, their assigns and successors in interest, shall be bound by all the terms and conditions contained in this Agreement.
15. **Attorney's Fees.** In any action between the Parties hereto, seeking enforcement of any of the terms and provisions of this Agreement, or in connection with the Property, including any defense of any such action, the prevailing Party in such action shall be entitled, to have and to recover from the other Party its reasonable attorneys' fees and other reasonable expenses in connection with such action or proceeding, in addition to its recoverable court costs.
16. **Interpretation; Governing Law; Venue.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. The venue for any dispute shall be Sutter County.
17. **Execution in Counterparts.** This Agreement may be executed in several counterparts, and all so executed shall constitute one agreement binding on both Parties hereto, notwithstanding that both Parties are not signatories to the original or the same counterpart.
18. **Recitals.** The recitals are incorporated into this Agreement.
19. **Exhibits Incorporated.** Exhibits 3-A, 3-B and 3-C attached hereto are incorporated herein by reference.

Signature page to Follow

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year first above written.

SELLOR: Yoshimi Yokohari, Trustee of the
Yoshimi Yokohari Revocable Trust dated
January 25, 2012



Yoshimi Yokohari, Trustee

Date: August 3, 2023

GRANTEE:

CITY OF YUBA CITY, a municipal
corporation

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

Jackie Sillman, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Shannon Chaffin, City Attorney

Exhibit 3-A
Legal Description of the Property

That certain real property in the City of Yuba City, Sutter County, State of California legally described as follows:

PARCEL NO. 1:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD WITH THE SOUTH LINE OF THE TRACT OF LAND KNOWN AS "SUBDIVISION OF A PORTION OF THE EAST HALF SECTION 15 OF TOWNSHIP 14 N., RANGE 3 EAST" FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF SUTTER ON THE 5TH DAY OF MARCH, 1906 AND RECORDED IN [BOOK 1 OF SURVEYS, PAGE 34](#), PRODUCED NORTH 88° 30' EAST TO SAID CENTER LINE OF SAID ROAD; RUNNING THENCE FROM SAID POINT OF BEGINNING, NORTH 88° 30' EAST 447 FEET TO THE SOUTHWEST CORNER OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE OF SUTTER COUNTY BY DEED DATED June 10, 1940 AND RECORDED July 3, 1940 IN [BOOK 151 OF OFFICIAL RECORDS, AT PAGE 23](#), SUTTER COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL NORTH 12° 50' 321.6 FEET; NORTH 18° 09' EAST 420 FEET; NORTH 26° 10' EAST 1358.7 FEET AND NORTH 15° 58' EAST 842.4 FEET TO THE WESTERLY LINE OF THE PARCEL CONVEYED BY GROVER C. SHANNON AND DOLLY A. SHANNON, HIS WIFE, TO LEVEE DISTRICT NO. ONE SUTTER COUNTY BY DEED DATED September 20, 1938, AND RECORDED September 26, 1938 IN [BOOK 114 OF OFFICIAL RECORDS, AT PAGE 311](#), SUTTER COUNTY RECORDS; THENCE ALONG SAID LINE SOUTH 87° 46' WEST 320 FEET TO THE CENTER LINE OF THE YUBA CITY AND NICOLAUS ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE OF SAID ROAD TO THE POINT OF BEGINNING.

[APN: 23-180-006](#)

**Exhibit 3-B
Temporary Construction Easement Legal Description**

**EXHIBIT A
LEGAL DESCRIPTION**

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY TEMPORARY CONSTRUCTION EASEMENT

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South $81^{\circ} 15' 43''$ West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said **P.O.C.**, along the west line of said SBFCA Parcel, South $06^{\circ} 50' 44''$ West, a distance of 13.68 feet, more or less; thence South $10^{\circ} 34' 20''$ West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records, thence leaving said west line, along said Garden Highway easterly line, South $22^{\circ} 39' 58''$ West, a distance of 252.96 feet and the **Point of Beginning** of herein described easement; thence continuing southerly along said easterly line; South $22^{\circ} 39' 58''$ West, a distance of 1065.76 feet to the south line of said Parcel No. 2; thence easterly along said south line, North $87^{\circ} 26' 46''$ East, a distance of 262.62 feet to the west line of said SBFCA Parcel; thence northerly, along said SBFCA Parcel west line, North $15^{\circ} 12' 44''$ East, a distance of 118.91 feet; thence westerly, North $75^{\circ} 38' 21''$ West, a distance of 10.00 feet to the west line of the easement deeded to SBFCA on March 07, 2017 filed in document number 2017-0002964, Sutter County Official Records; thence southerly, along said SBFCA Easement west line, South $15^{\circ} 12' 44''$ West, a distance of 35.00 feet; thence leaving said west line, North $75^{\circ} 38' 21''$ West, a distance of 53.00 feet; thence North $14^{\circ} 21' 39''$ East, a distance of 71.00 feet; thence North $21^{\circ} 39' 47''$ East, a distance of 98.35 feet; thence parallel with said SBFCA Parcel west line, North $10^{\circ} 34' 20''$ East, a distance of 727.32 feet to the point of beginning. Containing 2.56 acres more or less.

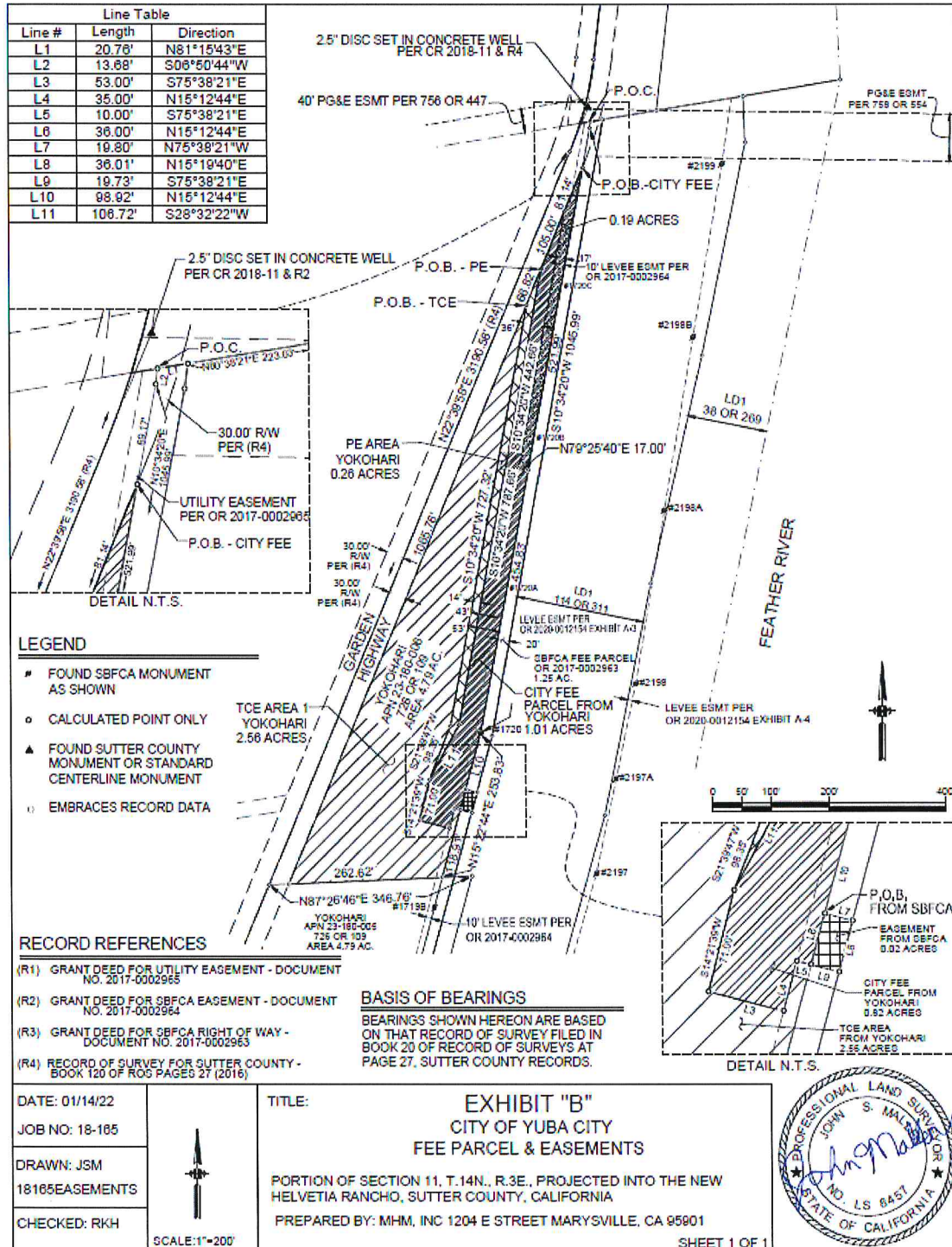
See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



Exhibit 3-C **Map Depiction of Easement Areas**



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

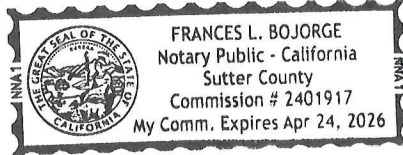
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Sutter)
 On August 3, 2023 before me, Frances L. Bojorge, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Yoshimi Yokohari
 Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Frances L. Bojorge, Notary Public
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
 Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Right of Entry and Temporary Construction Easement Agreement, dated _____ from Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012, to the City of Yuba City, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Yuba City pursuant to authority conferred by Resolution _____ adopted _____ by the City of Yuba City council and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____ By: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)

County of _____)

On _____ before me, _____
Date Here Insert Name and Title of the Officerpersonally appeared _____
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

EXHIBIT D

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF YUBA CITY
1201 Civic Center Blvd
Yuba City, CA 95993
Attn: City Manager

APN: 23-180-006

Grantor declare that no documentary
transfer tax is due per R&T Code Section 11922.

Space above reserved for Recorder's Use

Exempt from recording fees per Govt Code 27383

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX is \$0

CITY TAX is \$0

☐ computed on the full value of the property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at the time of
sale, or

☒ There is no Documentary transfer tax due, government agency acquiring title (R & T
11922).

☒ Unincorporated area of Sutter County

☐ City/Town of _____

FOR CONSIDERATION, receipt of which is hereby acknowledged, I

**Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated
January 25, 2012 ("Grantor")**

Hereby GRANT(S) to:

CITY OF YUBA CITY, a municipal corporation ("Grantee"), all of the following:

All that real property in the County of Sutter, State of California, described as"

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" AND PLAT MAP, SEE EXHIBIT "B"
ATTACHED HERETO AND MADE A PART HEREOF**

[Signature page to follow]

IN WITNESS WHEREOF, the Parties have caused this Grant Deed to be executed the day and year first above written.

SELLER: Yoshimi Yokohari, Trustee
of the Yoshimi Yokohari Revocable
Trust dated January 25, 2012

Yoshimi Yokohari
Yoshimi Yokohari, Trustee

Date: *August 3*, 2023

ACCEPTED BY ESCROW HOLDER:
FIDELITY NATIONAL TITLE
INSURANCE COMPANY, a California
corporation

By: _____
Audra Meyer
Escrow Officer

Date: _____, 2023

BUYER:

CITY OF YUBA CITY, a charter city

By: _____
Wade Kirchner, Mayor

Date: _____, 2023

ATTEST:

Jackie Sillman, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

BY: _____
Shannon Chaffin, City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

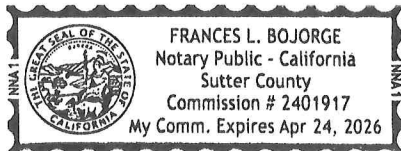
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Sutter)
 On August 3, 2023 before me, Frances L. Bojorge, Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Yoshimi Yokihara
Name(s) of Signer(s)

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Frances L. Bojorge, Notary Public
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
 Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION

YOKOHARI APN - 23-180-006 – CITY OF YUBA CITY FEE PARCEL

All that certain real property situate in City of Yuba City, County of Sutter, State of California, being a portion of Section 11, Township 14 North, Range 3 East, M.D.B. & M., projected into the New Helvetia Rancho, also being a portion of the lands of Yokohari, described as Parcel No. 2 in the Individual Grant Deed recorded in Book 726 of Official Records, at Page 109, Sutter County Recorder, more particularly described as follows:

Commencing at the northwest corner of the Parcel deeded to Sutter Butte Flood Control Agency (SBFCA) on March 07, 2017 filed in document number 2017-0002963, Sutter County Official Records, said **Point of Commencement (P.O.C.)** also being 20.00 feet westerly of the existing landside toe of levee, South 81° 15' 43" West, a distance of 20.76 feet, more or less, from the northeast corner of said Parcel No. 2 on the north line of said Parcel No. 2, also being the south line of the Lands or Levee District No. 1, as described in the Indenture recorded in Book 114 of Official Records, at Page 241, said County Records; thence leaving said P.O.C., along the west line of said SBFCA Parcel, South 06° 50' 44" West, a distance of 13.68 feet, more or less; thence South 10° 34' 20" West, a distance of 69.17 feet more or less to the intersection with the easterly line of the 60 foot right-of-way of Garden Highway as shown on the Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records and the **Point of Beginning** of herein described parcel, thence leaving said west line, along said Garden Highway easterly line, South 22° 39' 58" West, a distance of 186.14 feet; thence leaving said easterly line, parallel with said SBFCA Parcel west line, South 10° 34' 20" West, a distance of 787.66 feet; thence South 28° 32' 22" West, a distance of 106.72 feet; thence South 14° 21' 39" West, a distance of 71.00 feet; thence South 75° 38' 21" East, a distance of 53.00 feet to the westerly line of the easement deeded to SBFCA on March 07, 2017 filed in document number 2017-0002964, Sutter County Official Records; thence northerly, along said SBFCA Easement west line, North 15° 12' 44" East, a distance of 35.00 feet; thence easterly, South 75° 38' 21" East, a distance of 10.00 feet to the east line of said SBFCA Easement and west line of said SBFCA Parcel; thence northerly, along said SBFCA parcel west line, North 15° 12' 44" East, a distance of 134.92 feet; thence continuing along said west line, North 10° 34' 20" East, a distance of 976.82 feet to the point of beginning. Containing 1.01 acres more or less.

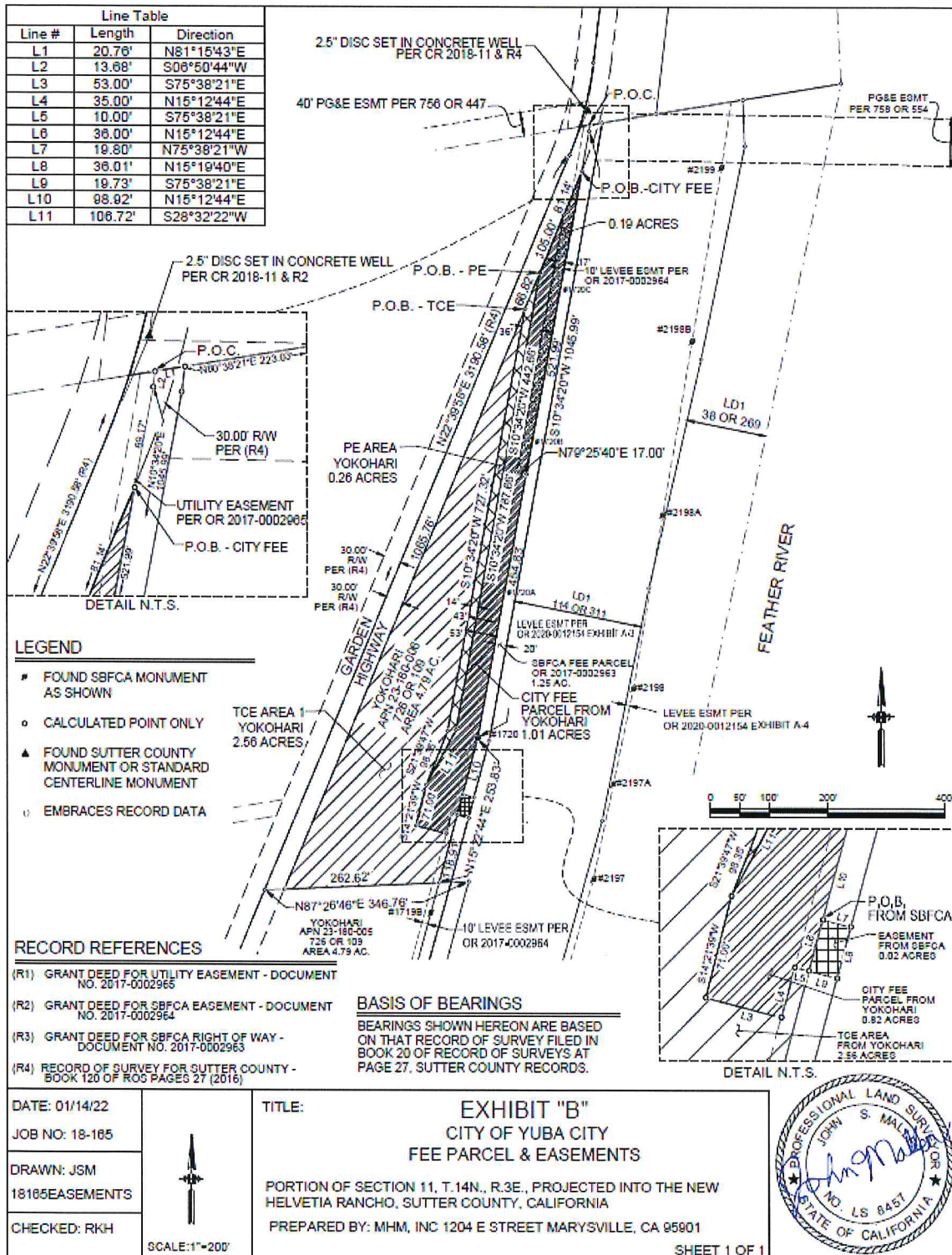
See Exhibit B attached hereto and made a part of this description.

The Basis of Bearings for this description is the same as shown on Record of Survey for Sutter County filed in Book 20 of Records of Survey at Page 27, Sutter County Records.

END OF DESCRIPTION



EXHIBIT B



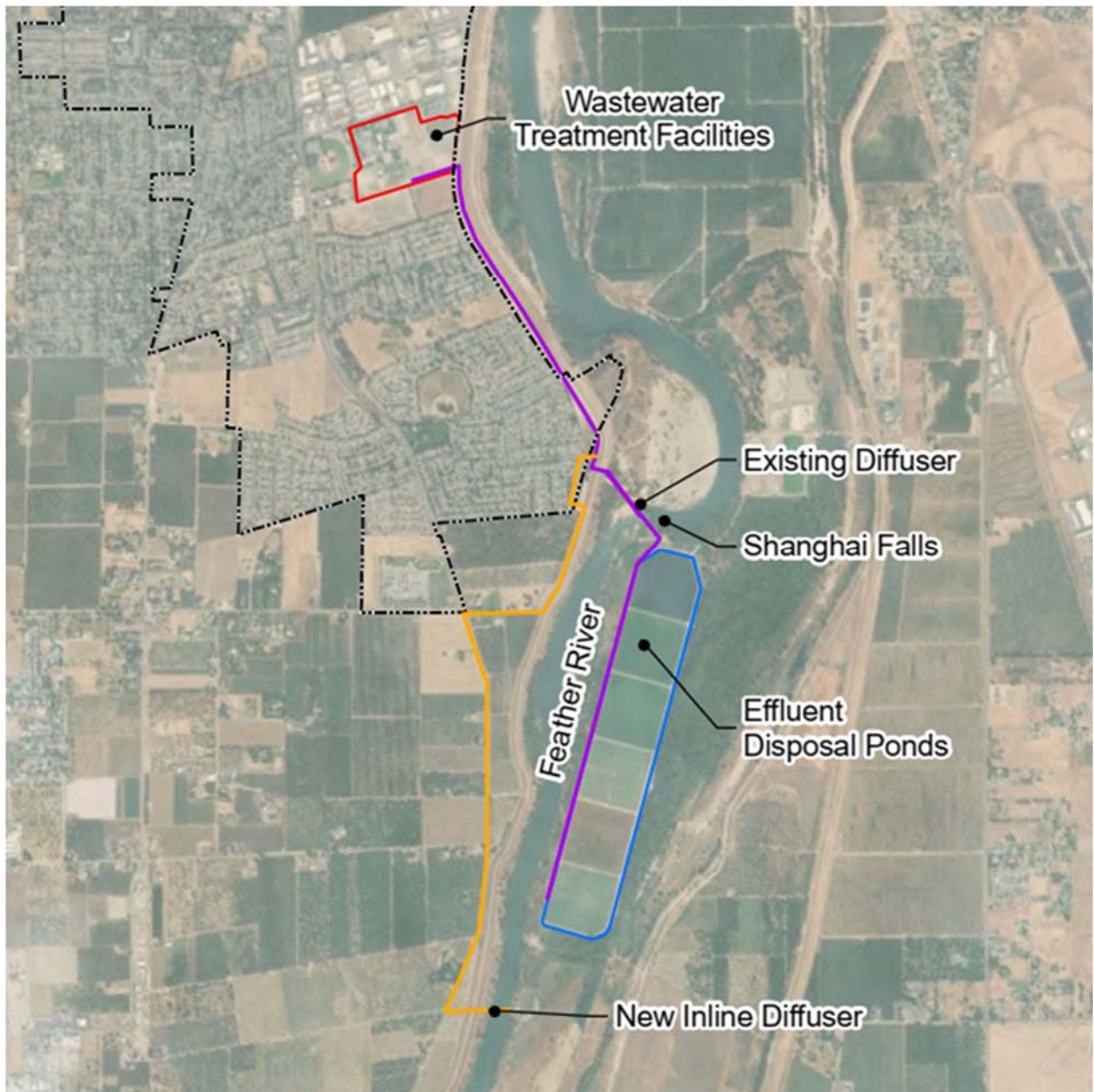
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed, dated _____ from Yoshimi Yokohari, Trustee of the Yoshimi Yokohari Revocable Trust dated January 25, 2012, to the City of Yuba City, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the City of Yuba City pursuant to authority conferred by Resolution _____ adopted _____ by the City of Yuba City council and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____ By: _____

ATTACHMENT 2

LOCATION MAP



**Wastewater Treatment Facility
Outfall and Diffuser Project**

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Anneka Lane Sewer Replacement Project
Recommendation: Adopt a Resolution awarding a construction contract to Santos Excavating, Inc., of Chico, CA in the amount of their total bid of \$267,676.00 and authorizing the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney
Fiscal Impact: \$334,595.00 – CIP Account No. 1104 (Recurring Collection or Rehabilitation System Projects)

\$267,676.00 - Contract Award Amount
\$53,535.20 - (20%) Construction Contingency
\$13,383.80 - (5%) City Administration

Purpose:

To maintain the City's wastewater collection system operational effectiveness through proactive rehabilitation and major maintenance.

Council's Strategic Goal:

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

Background:

The existing wastewater collection system in Yuba City is aging. In some cases, pipelines are beyond their service life and at or near failure. In an ongoing effort to replace failing sewer pipelines, a list of priority locations has been developed. This list combines pipeline segments highlighted on the 2020 Wastewater Master Plan and pipeline segments actively monitored by the City's maintenance crews.

Public Works maintenance crews utilize a Closed-Circuit Television (CCTV) truck to perform Television Inspections (TVI) of pipelines. Prior to performing TVI, the pipeline is cleaned via a process known as Hydro-cleaning which uses highly pressurized air and water jets to spray the pipe interior to remove debris.

Through ongoing maintenance of the sewer pipeline on Anneka Lane, Public Works Staff discovered the existing Vitrified Clay Pipe (VCP) segment contains large sections of pipe that are missing, cracked, sagging, and/or deteriorated to a point that further maintenance activity is impossible.

The proposed project would replace approximately 340 linear feet (LF) of VCP sewer pipe on Anneka Lane and install new manholes where appropriate.

Analysis:

The Anneka Lane Sewer Replacement Project was advertised for bids beginning August 16, 2023. Plans and specifications were posted on publicpurchase.com and provided to local builder/contractor exchanges. On September 6, 2023, four (4) 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>
Santos Excavating, Inc.	\$267,676.00
Newland Entities, Inc.	\$311,005.00
R&R Horn Contractors, Inc.	\$323,714.00
Mitchell Johnson Construction, Inc.	\$571,839.00
<i>Engineer's Estimate</i>	<i>\$355,000.00</i>

Santos Excavating, Inc. is the low, responsible, and responsive bidder.

The City's Public Works Department will perform construction management and inspection.

Fiscal Impact:

The estimated total project cost is approximately \$334,595.00 which consists of the following components:

Construction Contract	\$267,676.00
Construction Contingency (20%)	\$53,535.20
City Administration (5%)	\$13,383.80
Total	\$334,595.00

Staff is proposing a 20% construction contingency (\$53,535.20) to account for unforeseen construction conditions related to performing underground excavations.

The project will be funded through CIP Account No. 1104 (Recurring Collection or Rehabilitation System Projects). There is approximately \$807,000 in this account.

Environmental:

On July 18, 2023 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/cancel the project.

Recommendation:

Adopt a Resolution awarding a construction contract to Santos Excavating, Inc., of Chico, CA in the amount of their total bid of \$267,676.00 and authorizing the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney.

Attachments:

1. Resolution - Anneka Sewer Replacement with Exhibit A (Draft) Agreement - Contract No. 23-06

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 SANTOS EXCAVATING, INC. IN THE AMOUNT
OF THEIR TOTAL BID OF \$267,676.00 (ANNEKA LANE SEWER REPLACEMENT
PROJECT)**

WHEREAS, the City of Yuba City (City) advertised for bids for the City's Anneka Lane Sewer Replacement Project (Project); and,

WHEREAS, in response to the advertisement, the City received four (4) bids for the Project in the following bid amounts:

Santos Excavating, Inc.	\$267,676.00
Newland Entities, Inc.	\$311,005.00
R&R Horn Contractors, Inc.	\$323,714.00
Mitchell Johnson Construction, Inc.	\$571,839.00; and

WHEREAS, the City Public Works Department reviewed the four (4) bids, and examined Santos Excavating, 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 Santos Excavating, Inc. of Chico, CA and enter into an agreement with Santos Excavating, Inc. to construct the Project; and,

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 four (4) bids received as noted above, finds that Santos Excavating, Inc. is the lowest responsive and responsible bidder, and awards the construction contract to Santos Excavating, Inc. in the total amount bid of \$267,676.00 for the Anneka Lane Sewer Replacement 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 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.

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 19th day of September, 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 – Contract No. 23-06

EXHIBIT A

**CITY OF YUBA CITY
PUBLIC WORKS DEPARTMENT**

CONTRACT AGREEMENT

**ANNEKA LANE SEWER REPLACEMENT PROJECT
CONTRACT NO. 23-06**

THIS AGREEMENT, made and concluded this ____ day of _____, 20____, 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 Public Works Department, 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 2018, the Standard Plans dated 2018, 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:

ANNEKA LANE SEWER REPLACEMENT PROJECT

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.

**ANNEKA LANE SEWER REPLACEMENT PROJECT
CONTRACT NO. 23-06**

Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
1	Mobilization/Demobilization	1	LS	\$35,000.00	\$35,000.00
2	Traffic Control	1	LS	\$30,000.00	\$30,000.00
3	Abandon Existing 8" Concrete Pipe (Includes Concrete Plugs)	1	LS	\$1,000.00	\$1,000.00
4	8-Inch VCP or SDR-26 Sanitary Sewer (Furnish & Install)	342	LF	\$192.00	\$65,664.00

5	4-Inch Sanitary Sewer Lateral (Includes extensions and connection to proposed 8-inch pipeline)	8	EA	\$3,200.00	\$25,600.00
6	Sanitary Sewer Manhole (Includes inside drops and reconnections as required)	2	EA	\$32,150.00	\$64,300.00
7	Manhole Bench & Channel Reconstruction (Existing Manhole on Anneka lane)	1	LS	\$1,500.00	\$1,500.00
8	Type A Trench Restoration	342	LF	\$33.50	\$11,457.00
9	2" Road Inlay (Includes 2-inch grinding)	3,230	SF	\$8.50	\$27,455.00
10	Sewer Flow Control	1	LS	\$500.00	\$500.00
11	Postconstruction CCTV	1	LS	\$5,200.00	\$5,200.00

Total Bid = 276,676.00

Approved as to legal 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

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Establishing Rules and Regulations for the Use of the City Seal, City Logo, and City Council Pins
Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City establishing rules and regulations for the use of the City Seal, City Logo, and City Council Pins, by title only and waive the second reading
Fiscal Impact: None

Purpose:

To establish rules and regulations for the use of the City Seal, City Logos, and City Council Pins, to ensure they are used only as authorized in appropriate circumstances, and to safeguard against use that may be deceptive, misleading, or fraudulent.

Council's Strategic Goal:

While this Ordinance does not directly speak to Council's Strategic Goals, establishing and protecting the City brand is critical and is important to the City Council.

Background:

The City Seal is used as an official symbol to mark, authenticate and confirm City Government business. Logos, and Council Pins are key elements used to identify City officials and/or City sponsored events. Because these marks represent the City, it is essential that authorized use is defined and limited.

Analysis:

Although the City of Yuba City has worked hard over the years to maintain a solid brand image, no formal rules and regulations have been incorporated into the Municipal Code. Establishing guidelines regarding the use of the City Logo/Seal/Pins are key to maintaining a consistent brand identity and outline clear a path should they be used fraudulently.

The proposed Ordinance is intended to provide clarity and encourage compliance in order to preserve the integrity of the City brand and reputation. Below are the rules and regulations outlined for use of the City Seal, City Logo, and City Council Pins:

(a) The City Clerk has charge of the City seal and City logos, and will affix the City seal to all certificates and documents as may be required by law, by the code, or by ordinance of the City.

(b) All other uses of the City seal, City logos, and other City logos are restricted to official City business and such other appropriate uses that further the operation of the City as may be authorized as otherwise specifically permitted in this code or City policy.

(c) Except where authorized by law, no person may make or use the City seal, City logos, and other City logos, or any cut, facsimile, or reproduction thereof, or to make or use any seal, logo, or any design which is an imitation of, in the design of, or which may be mistaken for the City seal, City logos, or other City logos, or the design, without the written authorization of the City Manager or the City Manager's designee, and consistent with any adopted City policy.

(d) City officials, City employees, and members of the City Council, and members of the City boards and commissions, may use stationery, printed materials and other articles with the City logos, or facsimiles of the City logos, and other City logos while acting within the scope of their office or employment or City elected or appointed position.

(e) No person, including any elected officer of the City, may use the City seal or City logos, in any correspondence or other materials distributed in favor of or against any ballot measure, as part of any political campaign, or in favor of or against any candidate for public office.

(f) City logos may be requested to be used by outside entities or agencies for events co-hosted or supported by the City consistent with adopted guidelines approved by resolution.

(g) The City Council pin depicted above shall be worn only by current and former members of the City Council, who were presented the pin while in office, to recognize and identify their active service, and may be worn at any time. Notwithstanding, the Council may adopt guidelines by resolution to provide for use of the City Council pin by former members of the Council on ceremonial and other specified occasions. Additionally, nothing herein shall preclude the use of a City Council pin by its original creator or other person who may be authorized by law.

It shall be unlawful for any person to make or use the City seal, City logos, or City Council pin deceptively, fraudulently, or without express written permission from the City. Unauthorized use of the City seal, City logos, or City Council pin is guilty of a misdemeanor. Such unauthorized use is also declared a public nuisance and the City can abate or enjoin such use pursuant to this code.

Fiscal Impact:

None

Alternatives:

1. City Council may request that staff modify the terms of authorized logo/seal/pin use.
2. City Council may request that staff modify the violations and/or penalties for unauthorized use.
3. City Council may choose to take no action.

Recommendation:

Adopt an Ordinance of the City Council of the City of Yuba City establishing rules and regulations for the use of the City Seal, City Logo, and City Council Pins, by title only and waive the second reading.

Attachments:

1. DRAFT - Ordinance for Use of City Seal 09.05.23

Prepared By:

Ciara Wakefield
City Clerk Administrator

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, ESTABLISHING RULES AND REGULATIONS FOR THE USE OF THE CITY SEAL, CITY LOGO, AND CITY COUNCIL PINS

WHEREAS, the City Council desires to establish rules and regulations for the use of the City Seal, City Logo, and City Council Pins, to ensure they are used only as authorized in appropriate circumstances, and to ensure that unauthorized, deceptive, misleading, or fraudulent use is prohibited.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 4 of Title 2 of the Yuba City Municipal Code is hereby added to read in its entirety as follows:

Chapter 4. - CITY SEAL, CITY LOGOS, and CITY COUNCIL PINS

Sec. 2-4.01 Purpose and Objectives.

The purpose of this chapter is to establish rules and regulations for the use of the City seal, City logos, and City Council pins, to ensure they are used only as authorized in appropriate circumstances, and to ensure that they are not used in a way that may be deceptive, misleading, or fraudulent.

Sec. 2-4.02 City Seal.



The City seal above, is property of the City and hereby officially adopted by City Council; all prior seal(s) are no longer in effect as of the effective date of this ordinance. An official digital copy of the City seal is on file with the City Clerk.

Sec. 2-4.02 City Logo.

The City may adopt City logos by resolution from time to time. Any official digital copy of the adopted City logos is on file with the City Clerk.

Sec. 2-4.03 City Council Pins.

The City Council pins, both for members of the Council and mayor, have been created and donated to the City for its use. An official digital copy of the adopted City Council pin is on file with the City Clerk. The City may adopt other City Council pins by resolution from time to time.

Sec. 2-4.04 Use of City Seal, City Logo, or City Council Pin.

- (a) The City Clerk has charge of the City seal and City logos, and will affix the City seal to all certificates and documents as may be required by law, by the code, or by ordinance of the City.
- (b) All other uses of the City seal, City logos, and other City logos are restricted to official City business and such other appropriate uses that further the operations of the City as may be authorized as otherwise specifically permitted in this code or City policy.
- (c) Except where authorized by law, no person may make or use the City seal, City logos, and other City logos, or any cut, facsimile, or reproduction thereof, or to make or use any seal, logo, or any design which is an imitation of, in the design of, or which may be mistaken for the City seal, City logos, or other City logos, or the design, without the written authorization of the City Manager or the City Manager's designee, and consistent with any adopted City policy.
- (d) City officials, City employees, and members of the City Council, and members of the City boards and commissions, may use stationery, printed materials and other articles with the City logos, or facsimile of the City logos, and other City logos while acting within the scope of their office or employment or City elected or appointed position.
- (e) No person, including any elected officer of the City, may use the City seal or City logos, in any correspondence or other materials distributed in favor of or against any ballot measure, as part of any political campaign, or in favor of or against any candidate for public office.
- (f) City logos may be requested to be used by outside entities or agencies for events co-hosted or supported by the City consistent with adopted guidelines approved by resolution.



- (g) The City Council pin depicted above shall be worn only by current and former members of the City Council, who were presented the pin while in office, to recognize and identify their active service, and may be worn at any time. Notwithstanding, the Council may adopt guidelines by resolution to provide for use of the City Council pin by former members of the Council on ceremonial and other specified occasions. Additionally, nothing herein shall preclude the use of a City Council pin by its original creator or other person who may be authorized by law.

Sec. 2-4.05 Violations; Penalty.

It shall be unlawful for any person to make or use the City seal, City logos, or City Council pin deceptively, fraudulently, or without express written permission from the City. Unauthorized use of the City seal, City logos, or City Council pin is guilty of a misdemeanor. Such unauthorized use is also declared a public nuisance and the City can abate or enjoin such use pursuant to this code.

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 3. Effective Date and Publication. This ordinance shall take effect 30 days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 5th day of September, 2023, and passed and adopted at a regular meeting held on the 19th day of September, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

Wade Kirchner, Mayor
City of Yuba City

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Community Services Department
Presentation By: Ann Gillen, Community Services Director

Summary

Subject: Shanghai Garden Park Playground Equipment
Recommendation: Receive options for the playground equipment at Shanghai Garden Park and provide direction to staff
Fiscal Impact: The fiscal impact ranges from no impact up to \$260,000, depending on Council direction. There is currently approximately \$260,000 available, broken down as follows:
\$130,000 - Account No. 1222 (Annual Playground Replacement)
\$25,000 - Account No. 5115-63690 (Special O&M - Playground)
\$105,000 - Funds remaining from Didar S. Bains Park

Purpose:

To maintain and enhance the City's quality of life through safe parks and promote healthy opportunities for residents of all ages.

Council's Strategic Goal:

Improving infrastructure, and improving the quality of life for our community.

Background:

As part of the comprehensive operation and maintenance of the City's recreation facilities, staff routinely inspect and evaluate the safety and functionality of the equipment at each of the City's 16 parks that have play structures. Recommendation for equipment replacement is based on age, condition, industry standards, and regulatory compliance. The playground equipment at Shanghai Garden Park has been identified for replacement based on these areas of evaluation. The lifespan of play equipment is typically 15-20 years. The Shanghai Garden Park playground is currently 24 years old. However, there are currently not sufficient funds programmed to replace the equipment.

At the August 15, 2023 City Council Meeting, two residents from the Shanghai Park neighborhood spoke about how multiple pieces of playground equipment are damaged, worn out and are unsafe. Staff was directed to develop options and bring them to Council for consideration.

Analysis:

Staff inspected and evaluated the playground equipment at Shanghai Garden Park in order to identify the current safety and risk factors. Based on the extent of damage, staff came up with options to provide a safer environment for the residents utilizing the equipment.

Option #1:

Remove the children aged 5-12 playset, which has the most significant issues. Refurbish the children aged 2-5 playset and leave swing bays, as they are in operable condition. Program funds as available to replace both playsets.

Option #2:

Use existing funds from the annual playground replacement account (\$130,000) to order and replace the most worn playground parts. This will extend the life of the children aged 5-12 playset by a few years. The lead time for replacement playground parts is 3-6 weeks. Staff recommends closing off the children aged 5-12 playset in the interim due to the current safety and risk factors. Then, program funds as available to replace both playsets. If this option is selected, staff will follow up with a quote. In 2017, staff retro-fitted Northridge Park. This cost over \$40,000 and the playground still needs to be replaced.

Option #3:

Reprogram funds from Parks' operational account (Account NO. 5115-63690) and unspent funds from Didar S. Bains Park to the Annual Playground Replacement CIP Account (Account No. 1222), totaling \$260,000, and work with the neighborhood to select new playground equipment for children aged 2-5 and 5-12. The lead time on new playground equipment is 4-9 months. Staff recommends removing the children aged 5-12 playset in the interim due to the current safety and risk factors.

After reviewing all of the options, staff recommends option #3. Upon approval of this option, staff will conduct a neighborhood meeting for playground structure ideas. Staff will then get a quote and bring back to Council for approval. The estimated cost for total replacement is \$260,000.

Fiscal Impact:

Total - \$260,000

\$130,000 – CIP Account No. 1222 (Annual Playground Replacement)

\$25,000 – Account No. 5115-63690 (SPEC O&M - PLAGROUND)

\$105,000 – Unspent funds from Didar S. Bains Park

Alternatives:

Leave playground equipment as is and risk injuries to those utilizing it.

Recommendation:

Receive options for the playground equipment at Shanghai Garden Park and provide direction to staff.

Attachments:

1. Attachment A - Park Photos

Prepared By:

Ann Gillen
Community Services Director

Submitted By:

Diana Langley
City Manager

ATTACHMENT A









CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ashley Potocnik, Assistant Planner

Summary

Subject: Consideration of Development Plan 23-02: Merriment Village Apartments

Recommendation: A. Conduct a Public Hearing and after consideration;

B. Adopt a Resolution of the City Council of the City of Yuba City to determine that the project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4., and approve Development Plan 23-02, Merriment Village Apartments, subject to the Conditions of Approval, for the development of a 218-unit income-based (affordable) apartment complex, located on a 7.7-acre parcel at 428 North Walton Avenue (Assessor's Parcel Number 58-120-001)

Fiscal Impact: The City Council approved a Funding Commitment letter of May 2, 2023 to contribute \$1,787,922 toward City of Yuba City development fees and \$155,000 annually of Permanent Local Housing Allocation (PLHA) Funding for ongoing annual operation costs.

Purpose:

To consider Development Plan 23-02 for the proposed Merriment Village Apartments development.

Council's Strategic Goal:

This item meets the City Council's strategic goals of quality infrastructure (housing), business friendly, and quality of life.

Background:

After multi month coordination with the City regarding the proposed development, the applicant, Habitat for Humanity, filed an application for DP 23-02 to construct a 218-unit income-based apartment complex at 428 North Walton Avenue.

On August 23, 2023, the Yuba City Planning Commission conducted a public hearing, and the Planning Commission unanimously voted to adopt Resolution PC 23-20 recommending approval of DP 23-02 to the City Council together with the environmental determination.

Analysis:

The Merriment Village Apartments project proposes to develop a 218-unit income-based (affordable) apartment complex on 7.7 acres, which will include five multifamily buildings, a facility building, a clubhouse, and a fitness/multipurpose building. The project density is approximately 28 dwelling units per acre, and is proposed to be developed in two phases.

Due to the project exceeding 100 dwelling units, final approval by the City Council is required pursuant to Municipal Code Section 8-5.7001 (a).

General Plan Consistency

An analysis of this project's consistency with the General Plan concludes that the project is consistent with the General Plan. This is reflected in the Resolution prepared for the project.

Compatibility with neighboring uses:

TABLE 1: BORDERING LAND USES	
North:	Multifamily housing units (duplex and fourplex)
South:	A vacant commercial lot is located directly south of the proposal with a Chevron fuel station and Mini Mart south of the vacant parcel.
East:	Single Family residences
West:	North Walton Avenue is directly west of the property, west of the street is a vacant parcel with an approved Tentative Subdivision Map (TSM 23-01), West Walton Village. The tentative map proposes duplex and half-plex development.

The project is located on the east side of North Walton Avenue, between Bridge Street and Franklin Road. There are several existing housing units (single family and multifamily) on the north and east sides of the proposed development. Along the south side of the proposal there is a vacant commercial parcel (1.3-acres), with a Chevron fuel station and Mini Mart farther south at the northeast corner of North Walton Avenue and Franklin Road.

There is often a perception from residents of single-family homes to not be near apartments for perceived issues of crime and economics (property values). However, from a land use planning perspective, apartments near single-family residences (homes adjacent to homes) is not a compatibility issue.

Design Review

The primary view of the project is from North Walton Avenue. The proposal will place the buildings along street frontages with parking on the sides and in the rear, which offers passersby a view of the nicely designed buildings instead of a parking lot. This is enhanced with street trees along North Walton Avenue, behind the sidewalk, at a minimum of 30' on center which will further soften the views of the apartment complex. The amenities including a community building, offices, play structure, swimming pool, outdoor patio areas, etc. are centrally located. The architectural design is of a high quality and, with the incorporated Conditions of Approval, comply with the Yuba City Municipal Code Development Standards and Design Guidelines.

Traffic

The proposed development is bounded by existing development. In addition, the location is identified by Sacramento Area Council of Governments (SACOG) as being in an area having a 50 percent or more Vehicle Miles Traveled (VMT) reduction and is compliant with Senate Bill 743, meaning VMT is not identified as an impact due to the project's location within the City.

Ingress and egress to the project is provided from Walton Avenue. 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 provide pedestrian and bicycle improvements to access Walton Avenue.

North Walton Avenue, Franklin Road and Bridge Street are existing arterial roadways, built for high traffic volumes, that will be impacted by the proposed development. The Public Works Department reviewed the proposal and found that combined with the on-site road improvements to North Walton Avenue, adequate levels of service will be maintained.

Parking

The proposed project includes a minimum of one parking space per residential unit. The California Density Bonus Law states that local governments are no longer allowed to impose any parking requirements for 100% affordable housing projects located within ½ mile from an accessible major transit stop. The developer has included 243 off-street parking spaces including ADA and EV spaces. The Yuba City Municipal Code would require 281 off-street parking spaces for this development if the California Density Bonus Law did not apply.

Noise

The Municipal Code requires the construction of a 6-foot-tall masonry wall to help mitigate potential noise between multifamily development and single-family residences. As discussed, this proposal includes a perimeter wall on the north, east, and south sides of the project. Additionally, construction will be required to comply with existing City standards regarding time of construction, noise mitigations, etc.

Availability of City services:

City water and wastewater collection are available to the property. A stormwater drainage system is nearby that will be operated and maintained by the City and which drains to the Gilsizer Slough.

Environmental Considerations:

Staff performed a preliminary Environmental Assessment of this project and determined this project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4. The Health and Safety Code specifies requirements that must be adhered with to qualify for this exemption and the applicant has demonstrated the project as proposed qualifies for this statutory exemption that is designed to facilitate the development of affordable housing in communities.

Fiscal Impact:

The City Council approved a Funding Commitment letter of May 2, 2023 to contribute \$1,787,922 toward City of Yuba City development fees and \$155,000 annually of Permanent Local Housing

Allocation (PLHA) Funding for ongoing annual operation costs.

Alternatives:

1. Deny the application to approve Development Plan 23-02.
2. Provide staff with alternate direction.

Recommendations:

- A. Conduct a Public Hearing, and;
- B. Adopt a Resolution of the City Council of the City of Yuba City to determine that the project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4., and approve Development Plan 23-02, Merriment Village Apartments, subject to the Conditions of Approval, for the development of a 218-unit income-based (affordable) apartment complex, located on a 7.7-acre parcel at 428 North Walton Avenue (Assessor's Parcel Number 58-120-001).

Attachments:

1. City Council Resolution
2. Planning Commission Staff Report Packet, dated August 23, 2023

Prepared By:

Ashley Potočník
Development Liaison

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO DETERMINE THAT THE PROJECT IS STATUTORILY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO ASSEMBLY BILL 140 AS REFLECTED IN HEALTH AND SAFETY CODE SECTION 50675.1.4., AND APPROVE DEVELOPMENT PLAN 23-02, MERRIMENT VILLAGE APARTMENTS, SUBJECT TO THE CONDITIONS OF APPROVAL, FOR THE DEVELOPMENT OF A 218-UNIT INCOME-BASED (AFFORDABLE) APARTMENT COMPLEX, LOCATED ON A 7.7-ACRE PARCEL AT 428 NORTH WALTON AVENUE (ASSESSOR'S PARCEL NUMBER 58-120-001).

WHEREAS, the City received an application in April 2023 for Development Plan (DP) 23-02, to construct a 218-unit income-based (affordable) apartment complex on 7.7 acres, located at 428 North Walton Avenue; 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, a Statutory Exemption pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4. has been prepared for the proposed project in accordance with CEQA, Public Resources Code Section 21000 et. seq.; and

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

WHEREAS, on August 23, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Development Plan 23-02 and the associated Statutory Exemption, at which time it received input from City Staff, public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the project, including those related to the application and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission unanimously recommended the City Council of the City of Yuba City adopt a resolution approving DP 23-02 and the associated environmental determination.

WHEREAS, on September 19, 2023, the City Council conducted a Public Hearing to consider the DP 23-02, and received both oral testimony and written information presented at the hearing regarding the same; 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 determination, the City Council now desires to approve the project; and

WHEREAS, the City Council of the City of Yuba City now desires approve DP 23-02 and the associated environmental determination..

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

1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Finding. A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The City Council finds and determines that the project is exempt pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4. because none of the units were acquired by eminent domain; the units will be in decent, safe and sanitary condition at time of occupancy; all contractors and subcontractors performing work on the project shall pay prevailing wages and will be documented by an enforceable commitment from all contractors and subcontractor; this project has a letter of support from Yuba City; the project will be paid for in part by state public funds; tenants shall be households that are experiencing or at risk of experiencing homelessness; there shall be a 55-year affordability restriction on all units; any increase to the project's footprint shall be exclusively to support the provision of housing to households experiencing or at risk of homelessness; and the project has an enforceable commitment that all contractors and subcontractors performing work on the project will use a skilled and trained workforce per Public Contract Code Section 2600 et seq. As such, the City Council adopts a Statutory Exemption for the project pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4.
3. Development Plan 23-02 Findings: The City Council finds the following required findings of Section 8-5.7001(C) of the Municipal Code that must be made prior to approving the project (*the required findings are in italics*):
 - a. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.*

Evidence. The site is of adequate size to accommodate the project. The proposed residential density of 28 residences per acre is within the Medium High Density Residential (HDR) permitted density range of 12-36 residences per acre. Adequate public access is provided from two access points on North Walton Avenue. The apartment project will provide 243 off-street vehicle parking spaces, which greatly exceeds the requirements under the California Density Bonus Law (Assembly Bill 2345) for parking spaces of 100% affordable housing projects. Landscaping and open space/recreation area standards are also met. All City services are available to the site.

- b. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

Evidence. North Walton Avenue, Franklin Road and Bridge Street are existing arterial roadways, built for high traffic volumes, that will be impacted by the proposed development. The Public Works Department reviewed the proposal and found that combined with the on-site road improvements to North Walton Avenue, and the payment of the development impact fees for roads, the nearby streets will maintain adequate levels of service.

- c. *The site design, design of the buildings, and the scale of the project will complement neighboring facilities.*

Evidence. Based on the analysis provided in the staff report and the conditions of approval,

the site design of the project adequately considered the impacts on neighboring properties. The project's design provides adequate building setbacks from the property lines, and there is adequate perimeter landscaping that improves the project's exterior appearance.

The proposed building design includes various materials, including stucco and stone accents. Combined with the landscaping which includes trees planted along the perimeter and throughout the site that will ensure that to the extent feasible the facility will be compatible with neighboring properties.

d. The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.

Evidence. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the "Local Flood Management Agency" for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

4. Approval of the Development Plan 23-02: Based on the information provided above, the City Council of the City of Yuba City approves DP 23-02, subject to the Conditions of Approval attached hereto as Exhibit 'A'.
5. Effective: 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 19th day of September, 2023.

AYES:

NOES:

ABSENT:

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: Conditions of Approval

EXHIBIT A

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
DEVELOPMENT PLAN 23-02
SEPTEMBER 19, 2023**

**MERRIMENT VILLAGE APARTMENTS
APN: 058-120-001-000**

NOTICE TO PROJECT APPLICANT

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval of this development plan shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this development plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this development plan, the zoning ordinance, and all City standards and specifications. This development plan is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this development plan. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised development plan is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the development plan or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the development plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this development plan or subsequent amendments or revisions. These conditions are conditions imposed solely upon the development plan, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not

preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this development plan, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this development plan.

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. The site design shall be designed in conformance with the Site Plan, dated April 14, 2023, as appropriate, and as approved by the Planning Commission.
3. Approval of Development Plan (DP) 23-02 shall be null and void without further action if either 1) the project has not been substantially commenced within two years of the approval date of Development Plan 23-02; or 2) that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code has not been submitted to the City.
4. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
 - a. The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public right of way.
5. The Developer shall, prior to the issuance of the first certificate of occupancy of the first building, construct a 6-foot-high masonry wall along all interior property lines in accordance with Yuba City Municipal Code Sec. 8-5. 5905.
6. The Developer shall, prior to the issuance of the first certificate of occupancy of the first building, install landscaping along North Walton Avenue, on all sides of Building 4, and in the parking area for the area required with the development of Phase One, or as approved by the Development Services Director.
7. All exterior lighting shall be decorative in nature. No wall packs are permitted.
8. Decorative window treatment shall be installed, such as an inset of three inches or adding framing or trim around the windows, as approved by the Development Services Director.
9. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
10. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
11. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
12. Storage of construction material is not allowed in the travel way.
 - a. This project is statutorily exempt from CEQA per Health and Safety Code section 50675.1.4(1), which requires "The project proponent obtains an enforceable commitment that all contractors and subcontractors performing work on the project will use a skilled and trained workforce for any proposed rehabilitation, construction, or major alterations in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code."

Applicant/property owner shall comply with Health and Safety Code section 50675.1.4(1) and establish evidence of the same with the Development Services Director prior to commencing construction.

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 drainage runoff resulting from the development of the property flow onto the adjacent lands or impede the drainage from those lands. At first submittal of the improvement plans, provide existing / proposed grades at the perimeter of the proposed development, and existing grades at the adjacent lands. If retaining walls are required they shall be constructed of concrete or masonry block.

PRIOR TO APPROVAL OF THE IMPROVEMENT/BUILDING PLANS

14. The plans shall indicate the locations of all septic and leach field areas, and all wells. All existing facilities shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments.
15. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:
 - a. Grading and drainage plan showing the proposed drainage conveyance and storage system.
 - b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume. The calculation analysis shall meet the requirements of the Yuba City Basin Drainage Study.
 - c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.
 - d. Street Flow- The street system shall be designed to convey the 100-year, 24-hour runoff while maintaining a water surface at least 1 foot below the adjacent building pad elevations (or alternatively, the building pad elevations shall be at least 1 foot above the 100-year water level). The grading plan shall ensure that the 100-year, 24-hour runoff can be conveyed through the development and to the receiving drainage facility.
 - e. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.
 - f. 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.
 - g. The drainage analysis shall be completed and stamped by a Professional Engineer and determined by the City Engineer, if necessary, to be comprehensive, accurate, and adequate.

16. 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
17. All development shall be designed to local, state, and federal flood standards.
18. Developer is to construct street lights along the east side of North Walton Avenue. Placement of the street lights shall be approximately 250 feet apart, or as approved by the Public Works Director.
19. Any street lighting is a public improvement which shall meet the City Standard Details and be included in the Improvement Plans and Specifications for the development when the improvement plans are submitted for the first improvement plan check.
20. The existing power poles along the property on North Walton Avenue shall be placed underground, or addressed in accordance with the City's Overhead Utility Policy adopted March 17, 2020, or as otherwise determined by the Public Works Director. The total lineal foot length of overhead lines along North Walton Avenue is determined to be 693 lineal feet.
21. Any proposed drive gates, and associated hardware locks, shall comply with Municipal Code Section 4-5.02 – Revisions to the 2021 International Fire Code; *Security Gates*; and be approved by the Fire Department. Said drive gates shall be placed at a distance from North Walton Avenue that allows for safe ingress/egress, as approved by the Public Works Director.
22. 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 CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." 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."
- 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 ISSUANCE OF A BUILDING PERMIT

- 23. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Maintenance District for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
- 24. All applicable fees associated with using the Gilsizer District drainage system shall be paid, or as otherwise determined by the Public Works Director.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- 25. All street lighting shall be constructed in accordance with the improvement plans, dedicated to the City of Yuba City, and energized prior to the issuance of any certificate of occupancy, unless otherwise approved by the Public Works Director.
- 26. 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.
- 27. 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.

ATTACHMENT 2



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

Date: August 23, 2023
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation by: Doug Libby, Deputy Development Services Director

Subject: **Development Plan (DP) 23-02: Merriment Village Apartments**

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 adopt a Resolution to determine that the project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4., and approve Development Plan 23-02, Merriment Village Apartments, subject to the Conditions of Approval, for the development of a 218-unit income-based (affordable) apartment complex, located on a 7.7-acre parcel at 428 North Walton Avenue (Assessor's Parcel Number 58-120-001).

Applicant/Owner: Habitat for Humanity Yuba Sutter / Crowne Development Inc
Project Location: The 7.7-acre parcel is located at 428 North Walton Avenue. Assessor's Parcel Number 58-120-001 (see Attachment 1).
General Plan: Medium High Density Residential
Zoning: Multiple-Family Residential (R-3 X29) Zone District

Purpose:

Consideration of a recommendation to City Council for Development Plan 23-02 and associated environmental determination for the proposed Merriment Village Apartment project.

Project Description:

The Merriment Village Apartments project proposes to develop a 218-unit income-based (affordable) apartment complex on 7.7 acres, which will include five multifamily buildings, a facility building, a clubhouse, and a fitness/multipurpose building. The project density is approximately 28 dwelling units per acre.

The applicant has expressed interest to apply for Affordable Housing and Sustainable Communities (AHSC) grant funding and has applied for the State Homekey 3.0 grant. The Homekey 3.0 application was submitted by Habitat for Humanity on May 15, 2023 for Phase One of Development Plan 23-02. Award announcements are typically made within 60 to 90 days of receipt of a complete and accurate application.

The project is proposed to be developed in two phases as outlined below:

- **Phase One** is proposed to include construction of Building 4 (79 units), which is the four-story building along North Walton Avenue, all site improvements including roadways, parking, curb/gutter, utilities, and four trash enclosures.
- **Phase Two** is proposed to include the remaining buildings (Buildings 1A, 1B, 2, 3, 5, and 6), landscaping, and the community outdoor features (pool and tot lot).

In order to align with Municipal Code development standards, a condition has been added that clarifies the required landscaping and border wall shall be completed in Phase One. Access will be provided by two gated ingress/egress driveways off of North Walton Avenue that will need to be constructed at final locations that comply with Public Works and Fire requirements.

Due to the project exceeding 100 dwelling units, final approval by the City Council is required pursuant to Municipal Code Section 8-5.7001 (a).

Background:

Since at least the adoption of the General Plan in 2004 the subject property has been designated for Medium Low Density Residential (R-2) development. In May 2023, the property land use designation and Zone District were changed as a part of a larger project to implement the 2021-2029 Housing Element (Policy H-C-7). As a result of that project, the land use and Zone District were changed to Medium High Density Residential with an X29 Combining District (R-3 X29). The X29 Combining District requires that new residential development occur at a minimum of 20 dwelling units per acre, as opposed to the standard R-3 zoned properties that could be developed at a minimum of 12 dwelling units per acre. The project is proposing a residential development density of 28 dwelling units per acre, which complies with the R-3 X29 Zone District.

In early 2023, Habitat for Humanity reached out to the City regarding the possibility of developing a new 100% affordable, Homekey funded project at 428 North Walton. During the coming months, staff worked closely with the Habitat for Humanity team to outline development requirements, discuss proposed funding options, and develop a strategy for entitlements, funding applications, etc. During this time several community meetings were held as outlined below:

- **February 28, 2023:** A community workshop was held to obtain community feedback on the proposed project. Approximately 20 individuals plus City staff and the Habitat for Humanity project team attended the workshop.
- **March 21, 2023:** Habitat for Humanity presented a proposed Merrimont Village Apartment project to City Council, and the Council directed staff to bring the item back for further consideration.
- **April 18, 2023:** The City Council authorized the City Manager to continue to work with Habitat for Humanity to apply for Homekey 3.0 funds through the State Department of

Housing and Community Development for Phase One of the proposed Merriment Village Apartment project.

- **May 2, 2023:** The City Council voted in approval to authorize a joint application with Habitat for Humanity Yuba/Sutter, Inc. to apply for Homekey 3.0 funds, and authorized the Mayor to submit a Funding Commitment letter for the City to contribute \$1,787,992 in development fee waivers and \$155,000 annually of Permanent Local Housing Allocation (PLHA) funds, provided that the City continues to receive PLHA funds. (Attachment 3).

Analysis

General Plan Consistency

An analysis of this project's consistency with the General Plan concludes that the project is consistent with the General Plan. This is reflected in the Resolution prepared for the project. It is noteworthy that the 2021-2029 General Plan Housing Element implements state policies encouraging construction of different housing options beyond the traditional single-family home. This project will create additional housing options for residents at a lower price point due to the project's higher density and income-based affordability as proposed. The importance in the General Plan of providing a variety of housing types and affordable housing is reflected in the following four Housing Element policies:

- *General Plan Housing Element Policy H-A-3 (Facilitate a Variety of Housing Types):* This policy encourages a variety of housing types but particularly emphasizes the use of the Medium High Density (HDR) Land Use Designation as the higher densities typically results in more affordable housing. The proposed apartment complex will result in approximately 28 affordable dwelling units per acre.
- *General Plan Housing Element Policy H-C-1 (Regional Approach to Affordable Housing):* This policy encourages the City to coordinate with Sutter County and local affordable housing developers to assist in additional affordable housing development. The proposed apartment complex represents City coordination with Habitat for Humanity through preliminary review, community meetings, Council approval of funding, and collaboration on relevant funding applications.
- *General Plan Housing Element Policy H-C-7 (Regional Housing Needs):* This policy requires the City to add more HDR designated land. As stated above, the proposed site for this apartment complex was included in a City-wide Rezone/General Plan Amendment project to implement this policy.
- *General Plan Housing Element Policy H-D-1 (Partner with Housing Advocates):* This policy requires the City to continue and expand partnerships with for-profit or nonprofit housing organizations to provide affordable housing for special-needs groups. As discussed above, this proposal represents extensive City collaboration and partnership with Habitat for Humanity.

Compatibility with neighboring uses:

TABLE 1: BORDERING LAND USES	
North:	Multifamily housing units (duplex and fourplex)
South:	A vacant commercial lot is located directly south of the proposal with a Chevron fuel station and Mini Mart south of the vacant parcel.
East:	Single Family residences
West:	North Walton Avenue is directly west of the property, west of the street is a vacant parcel with an approved Tentative Subdivision Map (TSM 23-01), West Walton Village. The tentative map proposes duplex and half plex development.

The project is located on the east side of North Walton Avenue, between Bridge Street and Franklin Road. There are several existing housing units (single family and multifamily) on the north and east sides of the proposed development. Along the south side of the proposal there is a vacant commercial parcel (1.3-acres), with a Chevron fuel station and Mini Mart farther south at the northeast corner of North Walton Avenue and Franklin Road.

To serve as a buffer between the neighboring uses, a 6-foot-high perimeter wall is proposed along the north, east, and south property lines as required by the Municipal Code. Additionally, the Municipal Code requires setbacks from lower density residential uses based on the proposed building height. Sec. 8-5.703 in the Yuba City Municipal Code states:

Maximum building height	4 stories not to exceed 48 ft. – except if within 25 ft. of an R-1 District, then 2 stories not to exceed 30 ft., within 35 ft. of an R-1 District, then 3 stories not to exceed 40 ft. and within 45 ft. of an R-1 District, then 4 stories not to exceed 48 ft. - except as provided in Article 56.
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The proposal includes five residential buildings with a community building and a facility building. Four of the five residential buildings are proposed to be three stories and are more than the required 35 feet setback from the neighboring R-1 Zone District. The remaining residential building along North Walton Avenue is proposed to be four stories, which complies with the required setbacks. The distance between the uses due to building setbacks, a perimeter wall, and the required landscaping will minimize any potential visual impacts.

Along the west side of the project, across North Walton Avenue, there are two residences, with additional residential development proposed. The vacant area directly west of the proposal, was approved in June 2023 for the subdivision and development of a duplex/half plex subdivision, known as West Walton Village. The distance between the uses due to the street, building setbacks, and the required landscaping will minimize any potential visual impacts.

There is often a perception from residents of single-family homes to not be near apartments for perceived issues of crime and economics (property values). But from a land use planning perspective, apartments near residences is not a compatibility issue.

Design Review

The primary view of the project is from North Walton Avenue. Due to the high visibility of the proposal, the quality of site and building design was of key importance.

Site Design: The proposal will place the buildings along street frontages with parking on the sides and in the rear, which offers passersby a view of the nicely designed buildings instead of a parking lot. This is enhanced with street trees along North Walton Avenue, behind the sidewalk, at a minimum of 30' on center which will further soften the views of the apartment complex. The amenities including a community building, offices, play structure, swimming pool, outdoor patio areas, etc. are centrally located.

Building Design: As previously discussed, four of the five residential buildings will be three story. Building 4, along North Walton Avenue, is proposed to be four stories, and the community building/facilities building will be single story. The buildings are cohesive in design, but still provide elements of uniqueness to provide interest in the design. The rooflines include vertical articulation and parapets to screen roof mounted mechanical equipment. Balconies aren't proposed for individual units, but several community open spaces are provided to comply with the Municipal Code requirement for open space. The Material and Color Board included in the plan set outlines three potential color schemes for the development. Regardless of the color scheme that is ultimately selected, there will be combination of building materials utilized for the building siding including differing shades of stucco and stone accent. Window trim along top of windows is proposed, but the specific framing is not clear. A condition is added that the windows must be recessed or have a trim effect that is different from the wall siding. It is staff's opinion that with the condition added for the window trim, the buildings are nicely designed and meet the City's design standards and intended to be long lasting to minimize maintenance costs.

Landscape Design: There is adequate landscaping proposed which includes a variety of tree species. Given time for growth the property will have shading throughout, which includes around the perimeter of the property which will have a row planting of trees. All landscaping and parking lot shading standards are met.

Lighting: At this stage of conceptual design, the exterior lighting isn't clearly defined. A condition has been added to ensure that all exterior lighting is decorative in nature and complies with City standards.

Open Space/Recreation: The amount of open space exceeds the area required by the zoning standards (200 sq. ft. per unit), which includes landscaped areas around and between buildings, a swimming pool and decking with a covered outdoor seating area alongside an approximately 9,000 square foot community building that includes a lounge, fitness area, multipurpose room, mail room and offices.

Pedestrian Travel: Pedestrian walkways are provided throughout the complex that will have decorative pedestrian level lighting and benches.

Traffic

The proposed development is bounded by existing development. In addition, the location is identified by Sacramento Area Council of Governments (SACOG) as being in an area having a

50 percent or more Vehicle Miles Traveled (VMT) reduction and is compliant with Senate Bill 743, meaning VMT is not identified as an impact.

The sole ingress and egress to this property is Walton Avenue. 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 provide pedestrian and bicycle improvements to access Walton Avenue.

North Walton Avenue, Franklin Road and Bridge Street are existing arterial roadways, built for high traffic volumes, that will be impacted by the proposed development. The Public Works Department reviewed the proposal and found that combined with the on-site road improvements to North Walton Avenue, and the payment of the development impact fees for roads, the nearby streets will maintain adequate levels of service.

Transit

Bus stops are located near the project site. With the application for AHSC funding the project developer is to further coordinate to provide multimodal transit options for the future residents.

Parking

The proposed project includes a minimum of one parking space per residential unit. The California Density Bonus Law states that local governments are no longer allowed to impose any parking requirements for 100% affordable housing projects located within ½ mile from an accessible major transit stop. Although under the California Density Bonus Law parking spaces aren't required for this proposal, the developer has included 243 off-street parking spaces including ADA and EV spaces. The Yuba City Municipal Code would require 281 off-street parking spaces for this development if the California Density Bonus Law did not apply.

Noise

The Municipal Code requires the construction of a 6-foot-tall masonry wall to help mitigate potential noise between multifamily development and single-family residences. As discussed, this proposal includes a perimeter wall on the north, east, and south sides of the project. Additionally, construction will be required to comply with existing City standards regarding time of construction, noise mitigations, etc.

Availability of City services:

City water and wastewater collection are available to the property. A stormwater drainage system is nearby that will be operated and maintained by the City and which drains to the Gilsizer Slough.

Environmental Determination:

Staff performed a preliminary Environmental Assessment of this project and determined this project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4. The Health and Safety Code specifies requirements that must be adhered with to qualify for this exemption and the applicant has

demonstrated the project as proposed qualifies for this statutory exemption that is designed to facilitate the development of affordable housing in communities.

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 adopt a Resolution to determine that the project is statutorily exempt from environmental review pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4., and approve Development Plan 23-02, Merriment Village Apartments, subject to the Conditions of Approval, for the development of a 218-unit income-based (affordable) apartment complex, located on a 7.7-acre parcel at 428 North Walton Avenue (Assessor's Parcel Number 58-120-001).

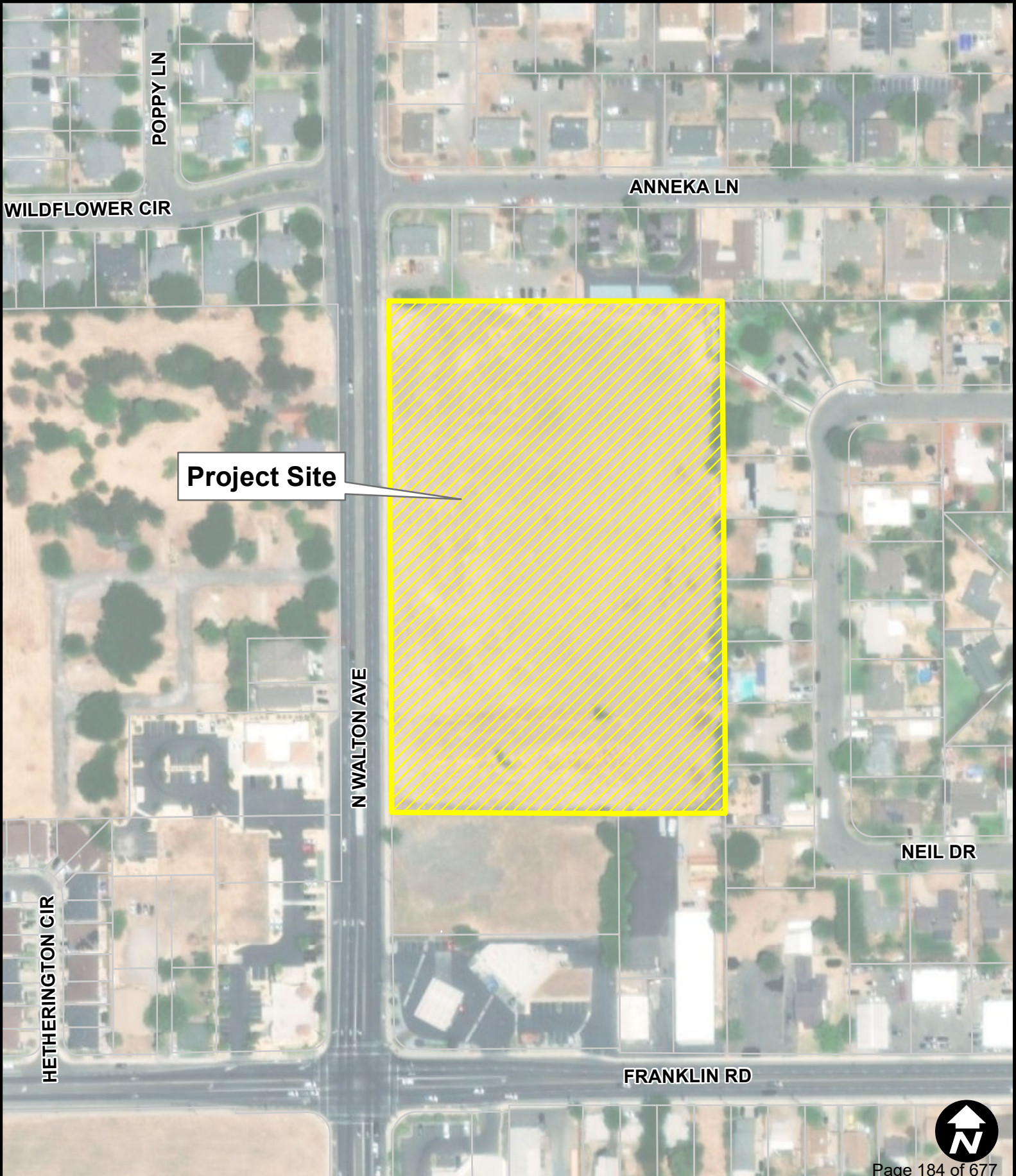
Attachments:

- 1. Merriment Village Apartments Location Map
- 2. Planning Commission Resolution
 - Exhibit A: Development Plan 23-02
 - Exhibit B: Conditions of Approval
- 3. City Council Funding Commitment Letter, dated May 2, 2023

ATTACHMENT 1

Merriment Village Apartments

Location Map / DP 23-02



Project Site



ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. PC 23-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) RECOMMENDING THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPT A RESOLUTION TO DETERMINE THAT THE PROJECT IS STATUTORILY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO ASSEMBLY BILL 140 AS REFLECTED IN HEALTH AND SAFETY CODE SECTION 50675.1.4., AND APPROVE DEVELOPMENT PLAN 23-02, MERRIMENT VILLAGE APARTMENTS, SUBJECT TO THE CONDITIONS OF APPROVAL, FOR THE DEVELOPMENT OF A 218-UNIT INCOME-BASED (AFFORDABLE) APARTMENT COMPLEX, LOCATED ON A 7.7-ACRE PARCEL AT 428 NORTH WALTON AVENUE (ASSESSOR'S PARCEL NUMBER 58-120-001).

WHEREAS, the City received an application in April 2023 for Development Plan (DP) 23-02, to construct a 218-unit income-based (affordable) apartment complex on 7.7 acres, located at 428 North Walton Avenue; 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, a Statutory Exemption pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4. has been prepared for the proposed project in accordance with CEQA, Public Resources Code Section 21000 et. seq.; and

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

WHEREAS, on August 23, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Development Plan 23-02 and the associated Statutory Exemption, at which time it received input from City Staff, public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the project, including those related to the application 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 adopt a Resolution approving the Statutory Exemption for the project, and approving Development Plan 23-01, subject to the Conditions of Approval, to allow the development of a new 218-unit income-based (affordable) apartment complex which includes five multifamily buildings, a facility building, a clubhouse, and a fitness/multipurpose building, located at 428 North Walton Avenue, APN: 58-120-001.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission resolves and orders 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: A preliminary environmental assessment was prepared for this project in

accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds, and recommends that the City Council find and determine that the project is exempt pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4. because none of the units were acquired by eminent domain; the units will be in decent, safe and sanitary condition at time of occupancy; all contractors and subcontractors performing work on the project shall pay prevailing wages and will be documented by an enforceable commitment from all contractors and subcontractor; this project has a letter of support from Yuba City; the project will be paid for in part by state public funds; tenants shall be households that are experiencing or at risk of experiencing homelessness; there shall be a 55-year affordability restriction on all units; any increase to the project's footprint shall be exclusively to support the provision of housing to households experiencing or at risk of homelessness. As such, the Planning Commission recommends that the City Council approve a finding of a Statutory Exemption pursuant to Assembly Bill 140 as reflected in Health and Safety Code Section 50675.1.4.

3. Development Plan 23-02 Findings: The Planning Commission finds, and recommends that the City Council find the following required findings of Section 8-5.7001(C) of the Municipal Code that must be made prior to approving the project (*the required findings are in italics*):

- a. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this chapter.*

Evidence. The site is of adequate size to accommodate the project. The proposed residential density of 28 residences per acre is within the Medium High Density Residential (HDR) permitted density range of 12-36 residences per acre. Adequate public access is provided from two access points on North Walton Avenue. The apartment project will provide 243 off-street vehicle parking spaces, which greatly exceeds the requirements under the California Density Bonus Law (Assembly Bill 2345) for parking spaces of 100% affordable housing projects. Landscaping and open space/recreation area standards are also met. All City services are available to the site.

- b. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

Evidence. North Walton Avenue, Franklin Road and Bridge Street are existing arterial roadways, built for high traffic volumes, that will be impacted by the proposed development. The Public Works Department reviewed the proposal and found that combined with the on-site road improvements to North Walton Avenue, and the payment of the development impact fees for roads, the nearby streets will maintain adequate levels of service.

- c. *The site design, design of the buildings, and the scale of the project will complement neighboring facilities.*

Evidence. Based on the analysis provided in the staff report and the conditions of approval, the site design of the project adequately considered the impacts on neighboring properties. The project's design provides adequate building setbacks from the property lines, and there is adequate perimeter landscaping that improves the project's exterior appearance.

The proposed building design includes various materials, including stucco and stone accents. Combined with the landscaping which includes trees planted along the perimeter and

throughout the site that will ensure that to the extent feasible the facility will be compatible with neighboring properties.

d. The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.

Evidence. This project complies with this finding as the Sutter Butte Flood Control Agency (SBFCA) is the “Local Flood Management Agency” for the Sutter-Butte Basin and as such, has the responsibility to prepare an annual report demonstrating adequate progress as defined in California Government Code Section 645007 (a). SBFCA has prepared Adequate Progress Report Updates for ULOP and transmitted them to the Central Valley Flood Protection Board. As such this site has adequate flood protection. Additionally, the City has imposed conditions on the Development Plan that will protect property within the area to the urban level in urban areas and urbanizing areas.

4. Recommendation of Approval of the Development Plan 23-02: Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of a Resolution approving DP 23-02, as depicted in Exhibit A, subject to the Conditions of Approval, included in Exhibit B.
5. Effective Date of Resolution: This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission at a regular meeting thereof held on August 23, 2023, 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: Development Plan 23-02

Exhibit B: Conditions of Approval

EXHIBIT A

Merriment Village Apartments

YUBA CITY, CA



SHEET INDEX

- A-0.0 COVER SHEET/SHEET INDEX
- A-0.1 CONCEPT SITE PLAN
- A-0.2 PROJECT DATA
 - A0.02-1 PHASING PLAN - PHASE 1
 - A0.02-2 PHASING PLAN - PHASE 2
- A-0.3 SITE AERIAL VIEWS
- A-0.4 SITE VIGNETTES
- A-0.5 SITE VIGNETTES

- G-01 PRELIMINARY GRADING PLAN

- L-1 CONCEPTUAL SITE PLAN
- L-2 CONCEPTUAL SITE PLAN
- L-3 CONCEPTUAL SITE PLAN
- L-4 CONCEPTUAL WALL PLAN

- A-1.0 BUILDING A - EXTERIOR ELEVATIONS - 36 PLEX
- A-1.1 BUILDING A - EXTERIOR ELEVATIONS - 36 PLEX
- A-1.2 BUILDING A - LEVEL 1 FLOOR PLAN - 36 PLEX
- A-1.3 BUILDING A - LEVEL 2 & 3 FLOOR PLAN - 36 PLEX
- A-1.4 BUILDING A - BUILDING SECTIONS

- A-2.0 BUILDING B - EXTERIOR ELEVATIONS - 24 PLEX
- A-2.1 BUILDING B - EXTERIOR ELEVATIONS - 24 PLEX
- A-2.2 BUILDING B - LEVEL 1 FLOOR PLAN - 24 PLEX
- A-2.3 BUILDING B - LEVEL 2 & 3 FLOOR PLAN - 24 PLEX
- A-2.4 BUILDING B - BUILDING SECTIONS

- A-3.0 BUILDING D - EXTERIOR ELEVATIONS - 44 PLEX
- A-3.1 BUILDING D - EXTERIOR ELEVATIONS - 44 PLEX
- A-3.2 BUILDING D - LEVEL 1 FLOOR PLAN - 44 PLEX
- A-3.3 BUILDING D - LEVEL 2 & 3 FLOOR PLAN - 44 PLEX
- A-3.4 BUILDING D - BUILDING SECTIONS

- A-4.0 BUILDING E - EXTERIOR ELEVATIONS - 79 PLEX
- A-4.1 BUILDING E - EXTERIOR ELEVATIONS - 79 PLEX
- A-4.2 BUILDING E - COMPOSITE BUILDING PLAN - 79 PLEX
- A-4.3 BUILDING E - LEVEL 1 FLOOR PLAN - PART PLAN 1
- A-4.4 BUILDING E - LEVEL 1 FLOOR PLAN - PART PLAN 2
- A-4.5 BUILDING E - LEVEL 2 to LEVEL 4 FLOOR PLAN - PART PLAN 1
- A-4.6 BUILDING E - LEVEL 2 to LEVEL 4 FLOOR PLAN - PART PLAN 2
- A-4.7 BUILDING E - BUILDING SECTIONS

- A-5.0 UNIT PLAN

- A-6.0 FACILITIES BUILDING - EXTERIOR ELEVATIONS
- A-6.1 FACILITIES BUILDING - EXTERIOR ELEVATIONS
- A-6.2 FACILITIES BUILDING - FLOOR PLAN

- A-7.0 COMMUNITY CENTER - EXTERIOR ELEVATIONS
- A-7.1 COMMUNITY CENTER - EXTERIOR ELEVATIONS
- A-7.2 COMMUNITY CENTER - FLOOR PLAN
- A-7.3 COMMUNITY CENTER - BUILDING SECTIONS

- A-8.0 TRASH ENCLOSURE - PLAN & ELEVATIONS

- A-9.0 MATERIAL AND COLOR BOARD

- MECHANICAL SCREENING DIAGRAM



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APRIL 14 , 2023| MR220585.00



MERRIMENT VILLAGE APARTMENTS

2/2/2023

PARCEL SUMMARY		
APN		
GENERAL PLAN		
ZONING		
GROSS LAND AREA	7.7 ACRES	335,412 SF
TOTAL UNITS	218	
DENSITY (DU / Gross Acre)	28.31	
SITE COVERAGE	17%	

BUILDING TYPE / UNIT MIX						
BLDG TYPE		STUDIO	1 BD / 1 BA	2 BD / 1 BA	3 BD / 2 BA	TOTAL / BLDG
	MULTIPLIER (# OF BLDGS)					
BLDG A	2	70	0	0	0	70
BLDG B	1	0	24	0	0	24
BLDG D	1	0	44	0	1	45
BLDG E	1	0	0	79	0	79
TOTAL		70	68	79	1	218
% OF MIX		32.1%	31.2%	36.2%	0.5%	100.0%

UNIT MIX DETAIL					
UNIT TYPE	FLOOR PLAN	QUANTITY	NRSF (EA UNIT)	GSF (EA UNIT)	BALCONY / PATIO
STUDIO	S1	70	448	496	0
1 BD / 1 BA	A2	68	693	530	0
2 BD / 1 BA	B1	79	787	848	0
3 BD / 2 BA	C1	1	1,000	1,003	0
TOTALS		218			

BUILDING AREA SUMMARY							
		Conditioned Area					Ground Floor Site Area
BLDG TYPE	MULTIPLIER	NRSF AREA	GSF AREA	Circulation	Misc.	Utilities	
CLUBHOUSE/SUPPORTIVE	1		9,100				9,100
BLDG A	2	18,000	21,400	3,400	0	500	7,450
BLDG B	1	13,030	16,450	3,420	0	310	5,750
BLDG D - MIXED USE	1	28,930	31,200	4,570	2,300	200	11,300
BLDG E	1	54,380	94,500	21,270	950	210	17,900
FACULTIES BLDG	1	5,650	5,800	460			5,800
RESIDENTIAL		119,990	169,350	32,660	3,250	1,220	48,200
CLUBHOUSE/SUPPORTIVE			9,100				9,100
TOTAL SITE AREAS		114,340	178,450	32,660	3,250	1,220	57,300

PARKING SUMMARY			
REQUIRED PARKING			
	REQ. RATIO	UNIT COUNT / TYPE	SPACES REQUIRED
STUDIO	1	70	70
1 BED	1	68	68
2 BED	1	79	79
3 BED	1	1	1
TOTAL			218

	OVERALL	SURFACE (UNCOVERED)	GARAGE (DETACHED)	CARPORTS
PROVIDED	243	205	0	0
HC STALLS		37		
HC VAN		1		
TOTAL		243		0
PARKING RATIO	1.11	1.11		0.00

ELECTRIC VEHICLE PARKING (PER CALGREEN 2022)				
PARKING PROVIDED				
	REQ. %	SURFACE (UNCOVERED)	GARAGE (DETACHED)	TOTAL
EV CAPABLE	10%	25	0	25
EV READY	25%	62	0	62
INSTALLED EV (EVSE)	5%	13	0	13
ACCESSIBLE EVSE				1
ACCESSIBLE VAN EVSE				1



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A-0.2
PROJECT DATA
Merriment Village Apartments
YUBA CITY, CA

APRIL 14 , 2023| MR220585.00



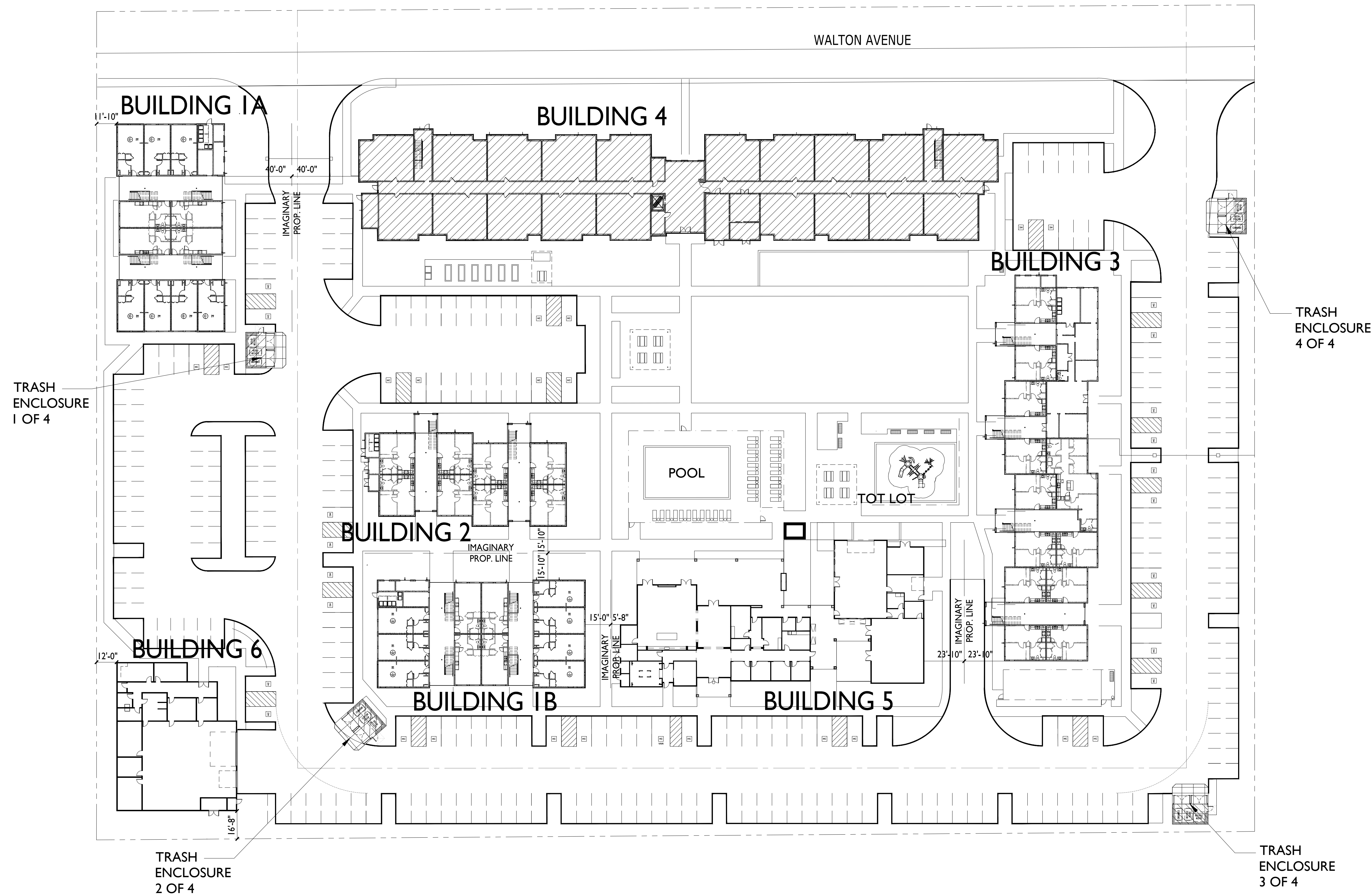
- PHASE I:
- BUILDING 4
 - ALL ROADS AND CURBS
 - ALL UNDERGROUND UTILITIES
 - (4) TRASH ENCLOSURES

ACCESSIBLE UNIT CALCULATIONS

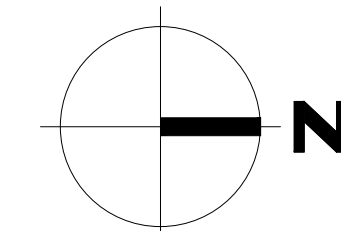
TOTAL UNITS = 182
NOTE: (110) UNITS LOCATED AT GROUND LEVEL OF BREEZEWAY BUILDINGS OR IN ELEVATOR BUILDING. (72) UNITS LOCATED AT UPPER LEVEL OF BREEZEWAY BUILDINGS WITH NO ELEVATOR.

REQUIREMENTS PER 2022 CALIFORNIA BUILDING CODE CHAPTER 11A AND 11B FOR PUBLIC HOUSING.

1. (100) TYPE 11A - DWELLING UNIT(S) WITH ADAPTABLE FEATURES.
2. (10) TYPE 11B - (5%) OF DWELLING UNIT(S) WITH MOBILITY FEATURES.
3. (4) TYPE 11B - (2%) OF DWELLING UNIT(S) WITH COMMUNICATIONS FEATURES. (REFER TO ELECTRICAL SHEETS FOR LOCATION OF UNITS)



1 ARCHITECTURAL SITE PLAN
SCALE: 1/32" = 1'-0"



ISSUE DATE: 2023-06-09
REVISIONS



MERRIMENT VILLAGE
WALTON AVENUE AND ANNEKA LANE
YUBA CITY, CA

2023-06-09 ISSUED FOR DESIGN DEVELOPMENT

JOB NO. - PROJ MGR:
DRAWN - CHECKED:
ARCHITECTURAL SITE PLAN

PHASE 2:

- BUILDINGS 1A, 1B, 2, 3, 5, 6
- LANDSCAPING / POOL / TOT LOT

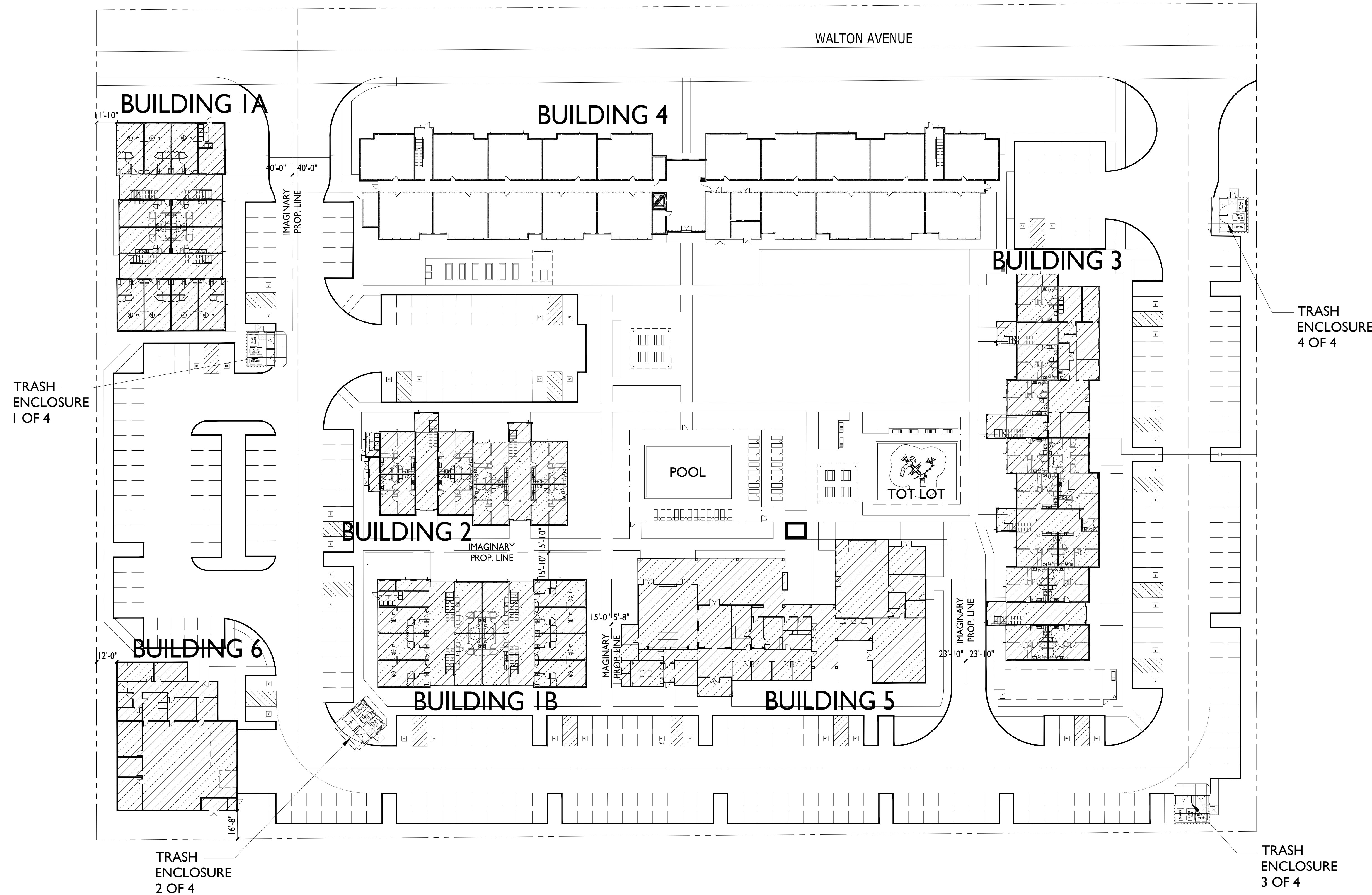
ACCESSIBLE UNIT CALCULATIONS

TOTAL UNITS = 182

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NORTH - EAST



NORTH - WEST



SOUTH - EAST



SOUTH - WEST



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A-0.3
SITE AERIAL VIEWS
Merriment Village Apartments
YUBA CITY, CA

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A-0.4
SITE VIGNETTES
Merriment Village Apartments
YUBA CITY, CA

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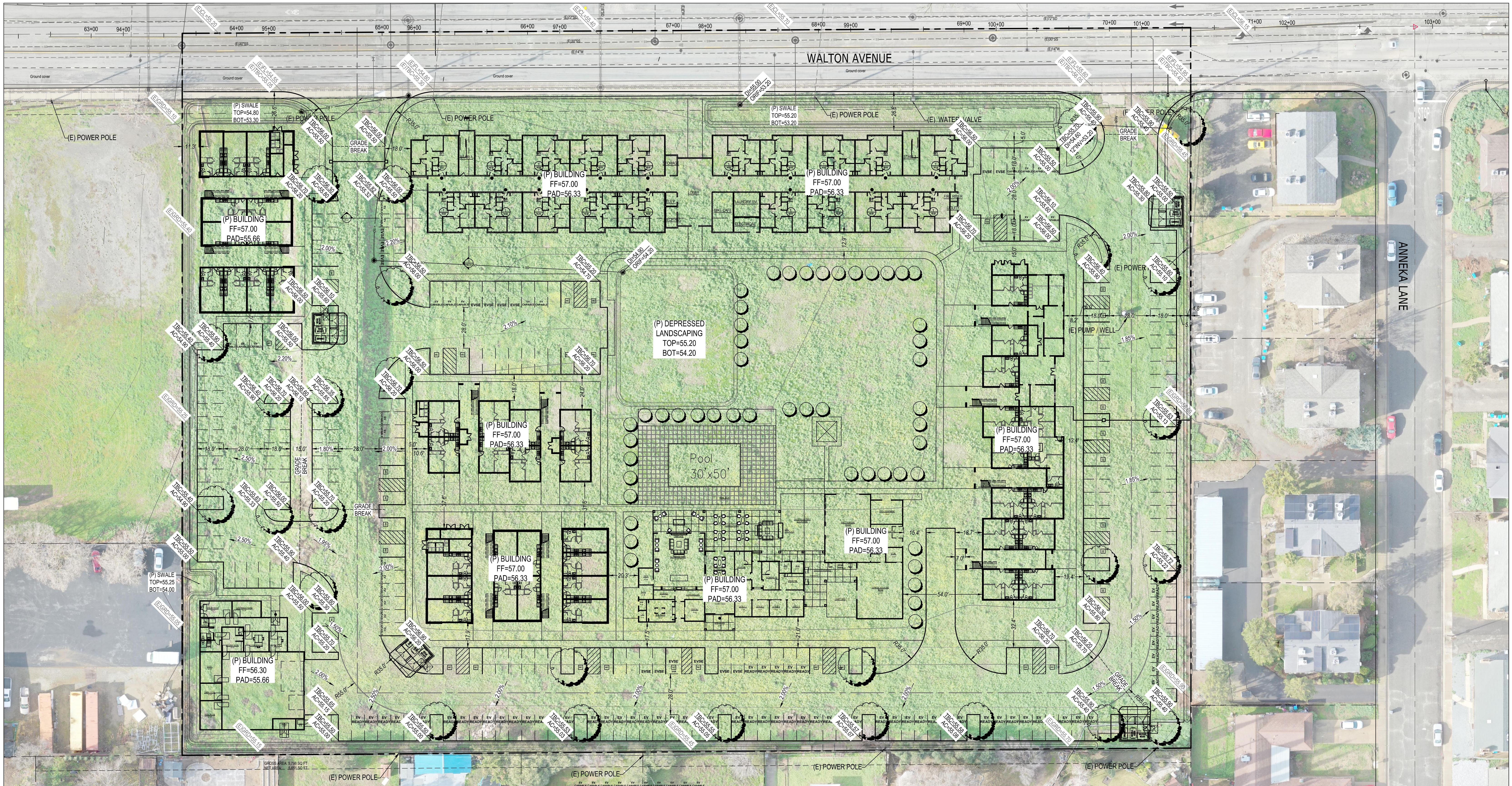


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A-0.5
SITE VIGNETTES
Merriment Village Apartments
YUBA CITY, CA

APRIL 14 , 2023| MR220585.00



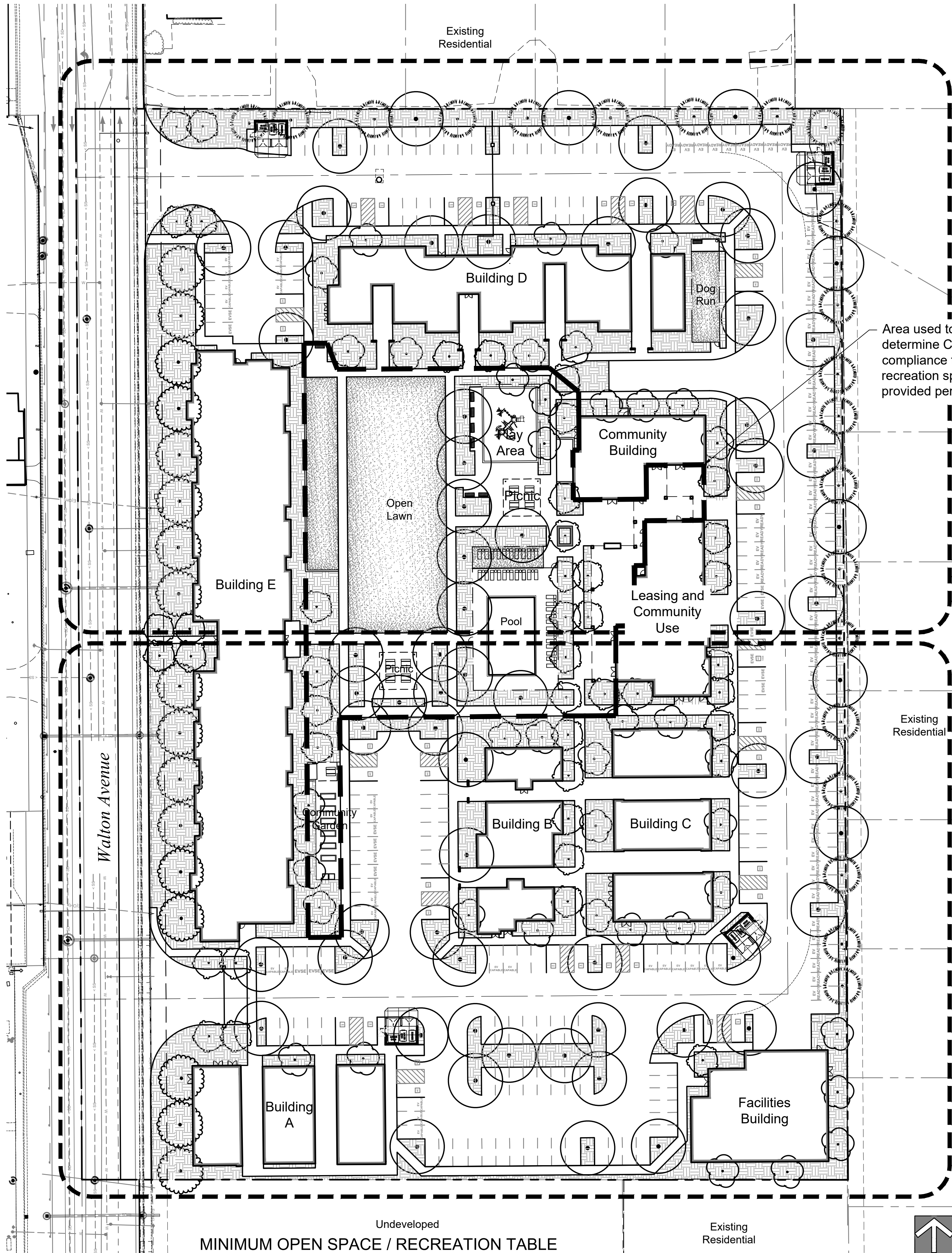


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G-01
PRELIMINARY GRADING PLAN
Merriment Village Apartments
YUBA CITY, CA

APRIL 4, 2023 | MR000000.00





MINIMUM OPEN SPACE / RECREATION TABLE

Calculations to show compliance with YCMC Sec. 8-5.703. Area included in calculations includes the central amenity area, see outline above. Additional recreational areas, such as private balconies and recreation room(s) are not included in this calculation.

Total number of units:	217
Required Min. Open Space (200 sf/unit):	43,400 sf
Provided Open Space Area:	48,988 sf. (226 sf/unit)

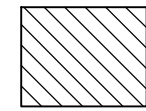


Planter area - see enlarged plans included this plan set for planting detail



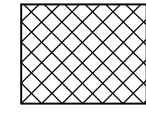
BIO-FILTRATION PLANTING
Grasses and grasslike plants suitable for use in areas of potential inundation. Plant species shall conform to any local guidelines of plant lists for these types of facilities.
Carex tumulicola / Foothill Sedge
Juncus patens 'Carman's Grey' / Spreading Rush
Muhlenbergia rigens / Deer Grass

5,623 sf



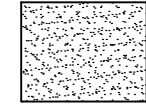
SPREADING GROUND COVER
Low ground cover, 6"-24", for mass planting
Arctostaphylos x 'Emerald Carpet' / Emerald Carpet Manzanita
Baccharis pilularis 'Twin Peaks#2' / Twin Peaks #2 Coyote Brush
Coprosma petriei 'Verde Vista' / Verde Vista Mirror Plant
Cotoneaster dammeri 'Lowfast' / Lowfast Bearberry Cotoneaster
Juniperus horizontalis 'Blue Chip' / Blue Chip Juniper
Myoporum parvifolium 'Prostratum' / Prostrate Trailing Myoporum
Rosmarinus officinalis 'Huntington Carpet' / Huntington Carpet Rosemary

18,087 sf



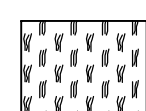
ACCENT GROUND COVER
Low planting, 6"-30", with interesting form, texture or flowers.
Hemerocallis spp. / Daylily species
Lomandra longifolia 'Breeze' TM / Breeze Mat Rush
Trachelospermum jasminoides / Chinese Star Jasmine
Verbena x hybrida / Verbena

12,655 sf



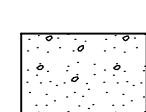
LAWN
Natural turf/sod for passive recreation

14,870 sf



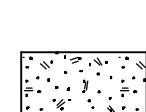
SYNTHETIC TURF
SynLawn or equal

288 sf



DECOMPOSED GRANITE
May include stabilizer, min. 3" depth

1,277 sf



MULCH
Bark mulch area, for ease of maintenance and lessening of water demand, used at low visibility areas/back of building

1,769 sf

LANDSCAPE AREA CALCULATIONS

Total Site Area:	343,592 sf
Total Landscape Area:	94,713 sf
Irrigated planter:	70,155 sf
Bio-swale:	6,354 sf
Lawn:	14,870 sf
Inert:	3,334 sf

Percentage of Total Site as Landscape: 28 %

PRELIMINARY WELO CALCULATIONS

The calculations provided below are an initial estimate of water usage for the planting and irrigation design being proposed with this plan. Hydrozones are approximated and may change with the final design, but the overall intent will remain and compliance with WELO will be achieved.

City (ETo): Yuba City (46.5)

Plant Type	Water Use (per WUCOLS)	Type of Irrigation (IE)	Plant Factor	Hydrozone Area (sf)	ETWU (gal.)
Shrubs	Moderate	Drip (0.81)	0.5	10,938 sf	194,656
Shrubs	Low	Drip (0.81)	0.3	59,217 sf	632,306
Bio-swale	Low	Drip (0.81)	0.3	6,354 sf	67,847
SLA (lawn)				14,870 sf	428,702

Total: 91,379 sf 1,323,511

Estimated Total Water Use (ETWU): 1,316,859 gal.

Maximum Applied Water Allowance (MAWA): 1,464,545 gal.

Estimated Average ETAF: 0.39

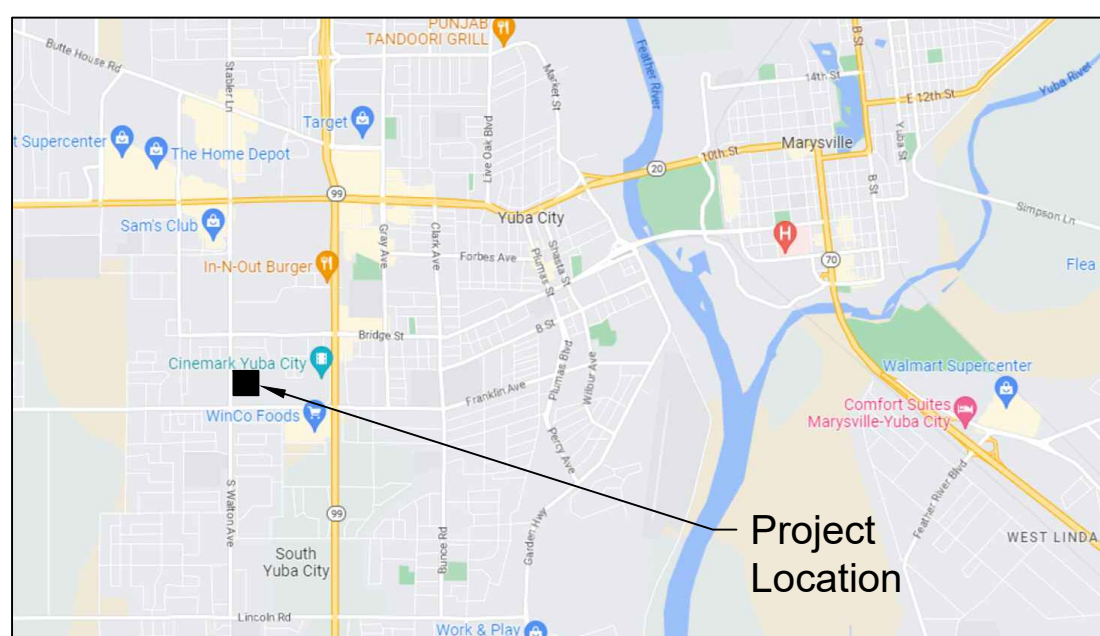
Maximum Allowable ETAF: 0.45

PARKING LOT SHADE CALCULATIONS

Shade area on plans is identified with the hatch symbol shown here and conforms to the municipality's guidelines. Tree diameters per species is based on published City documentation or the Sunset Western Garden Book.

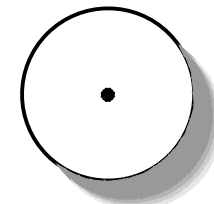
Tree Type	Area at 100% (sf)	100%		75%		50%		25%		Subtotal	
		sf	qty.	sf	qty.	sf	qty.	sf	qty.		
Parking Lot Shade Tree	962	16354	17	4329	6	14911	31	0	0	35594	sf
Evergreen / Screen Tree	706	0	0	0	0	6707	19	530	3	7237	sf
Total shade provided:										42831	sf
Parking area:										83945	sf
Percentage of shade provided (0.5 min. req'd):										0.51	

VICINITY MAP



CONCEPT PLANT SCHEDULE

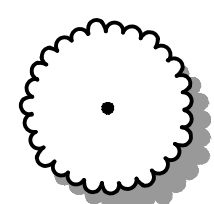
Note: hatch symbols in legend are at 20-scale; trees and shrub symbols are not to scale



SHADE TREE
Trees in pedestrian and parking areas to provide shade
Acer rubrum 'Autumn Flame' / Autumn Flame Red Maple
Cinnamomum camphora / Camphor Tree
Pistacia chinensis 'Keith Davey' / Keith Davey Chinese Pistache
Quercus shumardii / Shumard Oak
Ulmus parvifolia 'Allee' TM / Allee Lacebark Elm

67

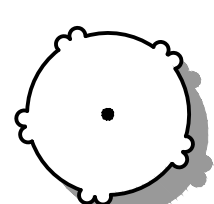
15 gal.
15 gal.
15 gal.
15 gal.
15 gal.



STREET TREE
Match existing species for continuity
Ginkgo biloba 'Autumn Gold' TM / Autumn Gold Maidenhair Tree
Platanus x acerifolia / London Plane Tree
Quercus suber / Cork Oak
Zelkova serrata 'Village Green' / Village Green Sawleaf Zelkova

17

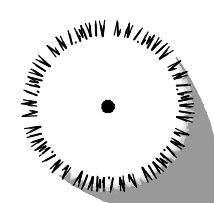
15 gal.
15 gal.
15 gal.
15 gal.



ACCENT TREE
Tree with interesting form or flowers
Acer palmatum / Japanese Maple
Cercis occidentalis / Western Redbud
Lagerstremia indica / Crape Myrtle
Prunus cerasifera 'Krauter Vesuvius' / Krauter Vesuvius Purple-leaf Plum
Pyrus calleryana 'Chanticleer' / Chanticleer Callery Pear

42

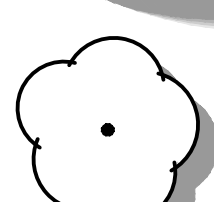
15 gal.
15 gal.
15 gal.
15 gal.



EVERGREEN/SCREEN TREE
Broadleaf and coniferous evergreen trees to provide screening and year around green trees
Laurus x 'Saratoga' / Saratoga Hybrid Laurel
Podocarpus gracilior / Fern Pine

21

15 gal.
15 gal.



NARROW UPRIGHT TREE
Tree with upright growth habit for use in narrow spaces and against buildings
Brachychiton populneus / Kurrajong
Quercus x 'Crimschmidt' / Crimson Spire™ Oak

40

15 gal.
15 gal.



UPRIGHT EVERGREEN
Evergreen with narrow, upright form to accentuate the building facade
Cupressus sempervirens 'Monshel' TM / Tiny Tower Italian Cypress
Juniperus virginiana 'Skyrocket' / Skyrocket Eastern Redcedar
Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae

193

15 gal.
15 gal.
15 gal.



EVERGREEN SHRUB / HEDGE
Small to medium hedge, 30"-42" high, may be informal or formal (sheared) hedge, depending on space and location
Ligustrum japonicum 'Texanum' / Texanum Privet
Olea europaea 'Little Ollie' TM / Little Ollie Olive
Raphiolepis umbellata 'Minor' / Yedda Hawthorn

795

5 gal.
5 gal.
5 gal.



ACCENT SHRUB
Shrub with interesting form, texture or flowers, 30-42" tall.
Hesperaloe parviflora / Red Yucca
Perovskia atriplicifolia / Russian Sage
Phorium tenax spp. / New Zealand Flax, med/sm varieties
Rosa x 'Noaschnee' TM / Flower Carpet White Groundcover Rose
Salvia leucantha / Mexican Bush Sage

146

5 gal.
5 gal.
5 gal.
5 gal.



INFILL SHRUB
Evergreen shrub, 30-42" high, for mid ground and mass planting.
Callistemon viminalis 'Little John' / Little John Weeping Bottlebrush
Cistus x purpureus / Orchid Rockrose
Dietes iridioides / Fortnight Lily
Nandina domestica 'Gulf Stream' TM / Gulf Stream Heavenly Bamboo
Pittosporum tobira 'Wheeler's Dwarf' / Wheeler's Dwarf Pittosporum
Raphiolepis indica / Indian Hawthorn

546

5 gal.
5 gal.
5 gal.
5 gal.



SMALL ACCENT SHRUBS
Small shrub with interesting texture or flowers, for mass planting and borders at high visibility locations and entries
Dianella revoluta 'DR5000' TM / Little Rev Flax Lily
Dianella revoluta 'Variegated' / Variegated Flax Lily
Liriope muscari 'Majestic' / Majestic Lilyturf
Liriope muscari 'Silver Sunproof' / Silver Sunproof Lilyturf
Salvia microphylla / Graham Sage
Zauschneria californica / California Fuchsia

427

1 gal.
1 gal.
1 gal.
1 gal.
1 gal.
1 gal.



VINE
Climbing vine at walls to provide screening and deter graffiti
Ficus pumila / Creeping Fig
Parthenocissus tricuspidata / Boston Ivy

9

5 gal.
5 gal.



ORNAMENTAL GRASS
Bouteloua gracilis / Blue Grama Grass
Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass
Carex tumulicola / Foothill Sedge
Chondropetalum tectorum / Cape Rush
Muhlenbergia capillaris / Pink Muhly Grass
Muhlenbergia dubia / Pine Muhly
Muhlenbergia rigens / Deer Grass

3,931 sf

1 gal.
5 gal.
1 gal.
5 gal.
5 gal.
1 gal.
5 gal.

WELO COMPLIANCE

This project has been designed to conform with the State's Model Water Efficient Landscape Ordinance (MWELI).

IRRIGATION DESIGN

The irrigation on the site will use drip irrigation, will meet the City's requirements, and will comply with the requirements of WELO. Equipment will include dedicated irrigation meter, smart controller, weather sensor, and efficient irrigation emitters, nozzles, and other equipment.

PLANTING DESIGN

The landscape design uses water-wise plant species suitable for this region and that are low maintenance and durable, uses trees to shade paved areas, and plants have been grouped into hydro-zones. References used for the landscape design include published information from the local jurisdiction, Sunset Western Garden Book and WUCOLS.

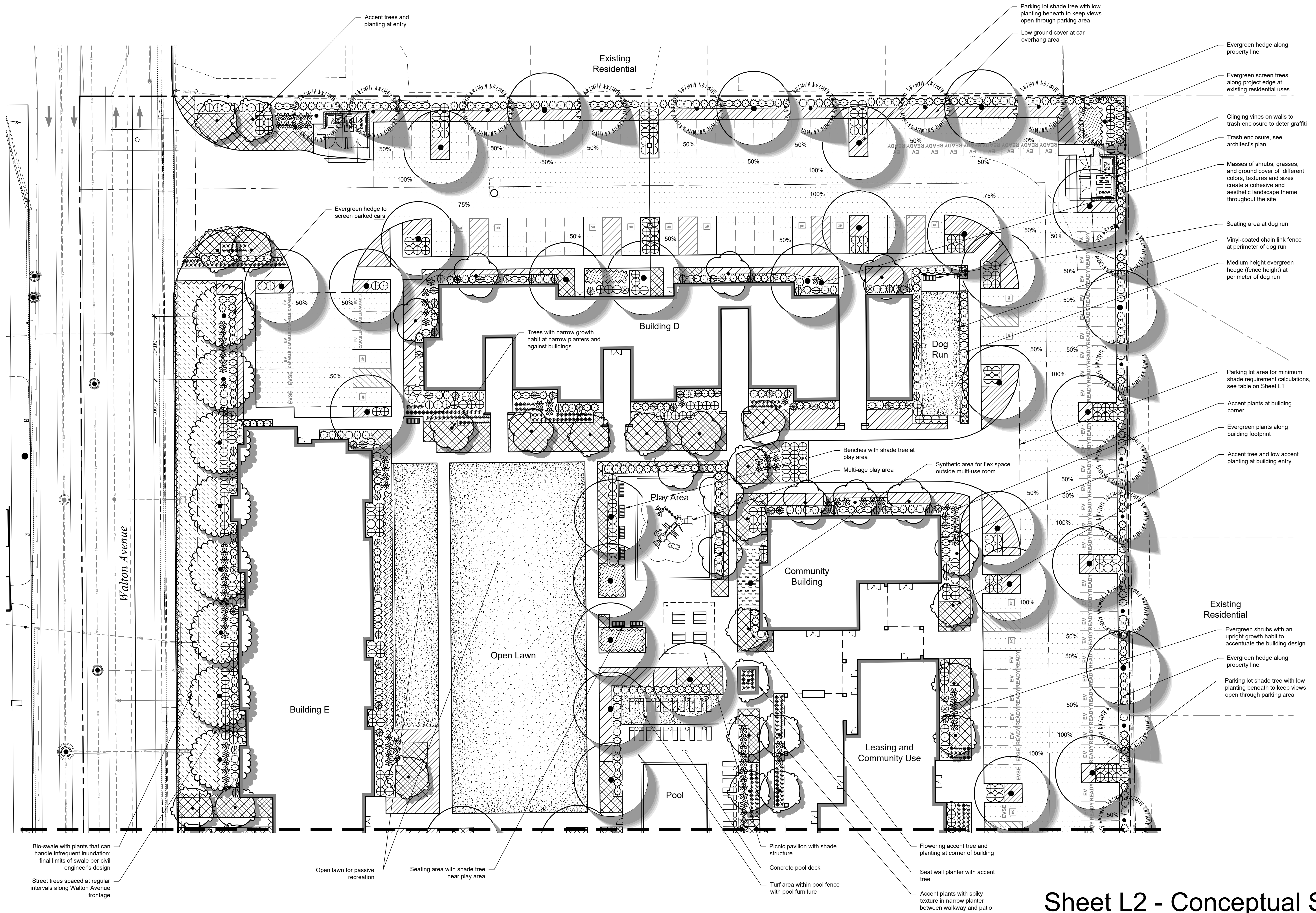


Sam Harned Landscape Architecture
P.O. Box 2275
Oakdale, CA 95361
209-380-7376 www.harnedlla.com

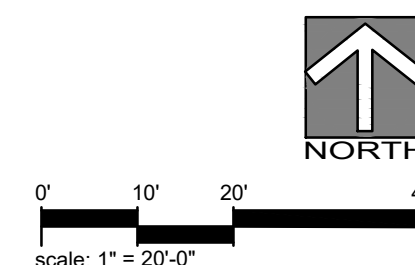
Sheet L1 - Conceptual Site Plan

25 May 2023

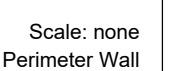
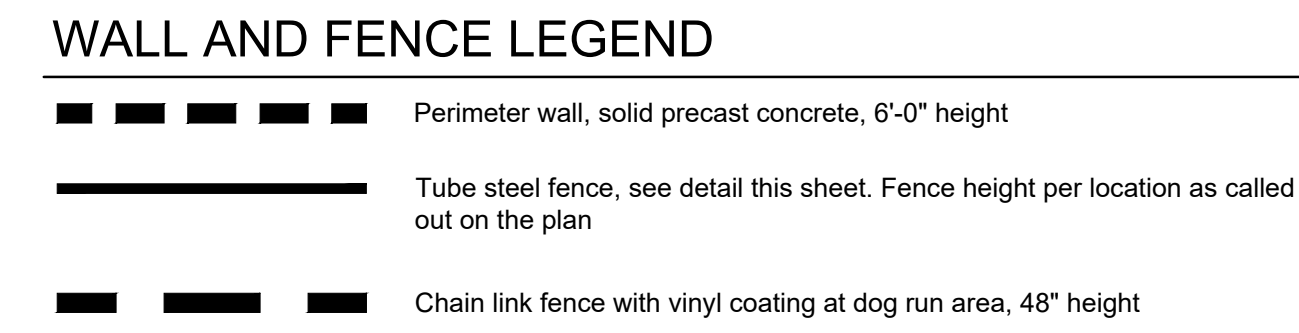
Merriment Apartments - Yuba City, CA



Sheet L2 - Conceptual Site Plan



Page 201 of 677



Perimeter Wall	
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REAR ELEVATION



RIGHT ELEVATION



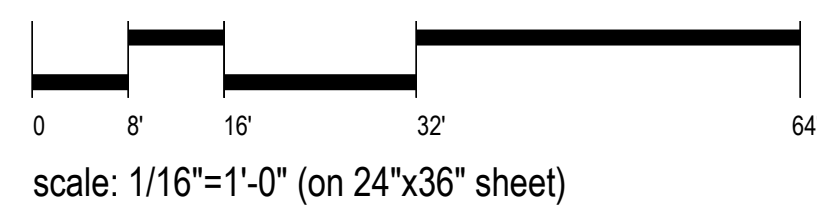
LEFT ELEVATION



NORTH ELEVATION



Yuba City, California



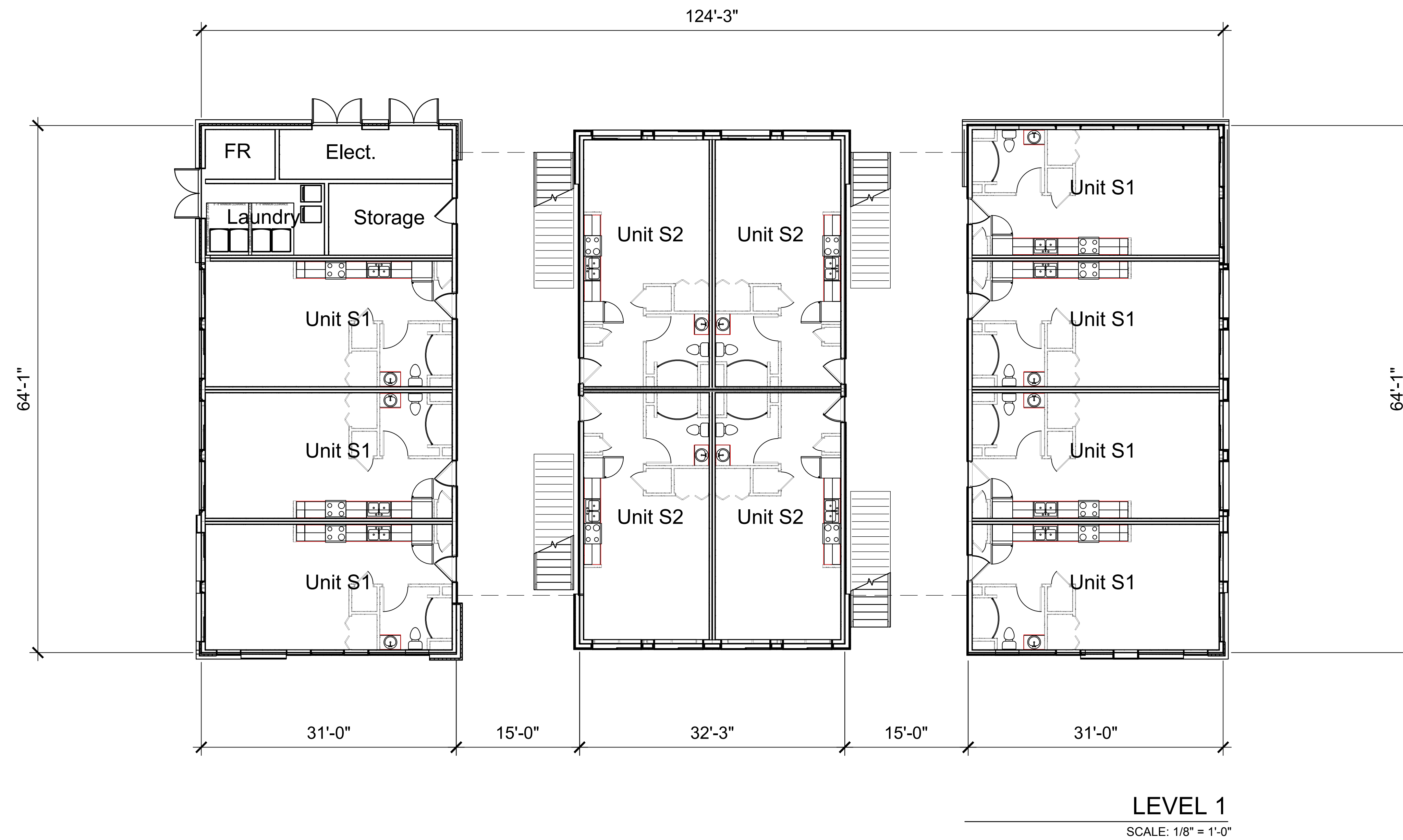
A1.00

EXTERIOR ELEVATIONS - APARTMENT 'A' - 35 PLEX

Merriment Village Apartments

Yuba City, CA





BUILDING A - 36 PLEX

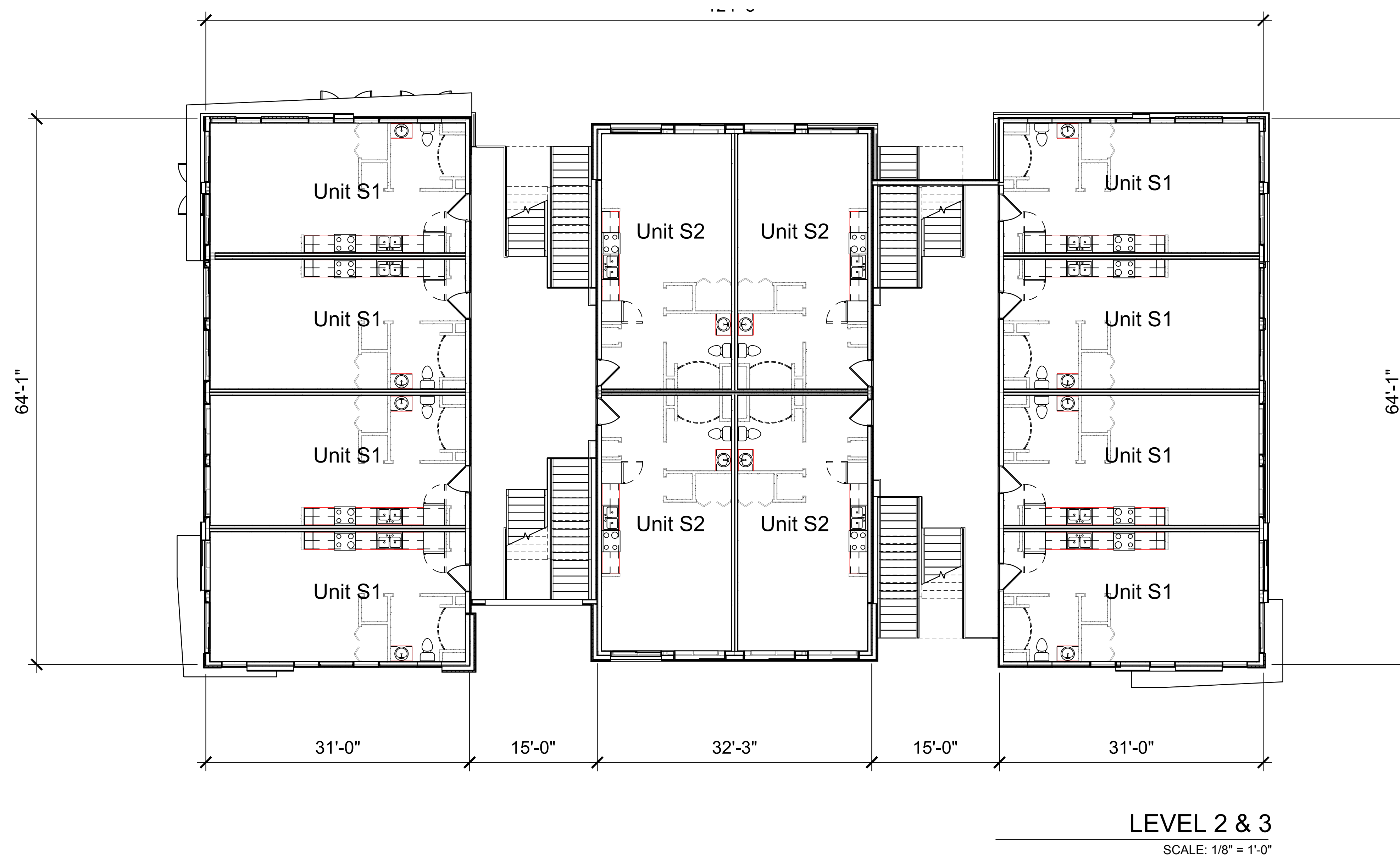
A-1.2
FLOOR PLAN
Merriment Village Apartments
YUBA CITY, CA



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BUILDING A - 36 PLEX

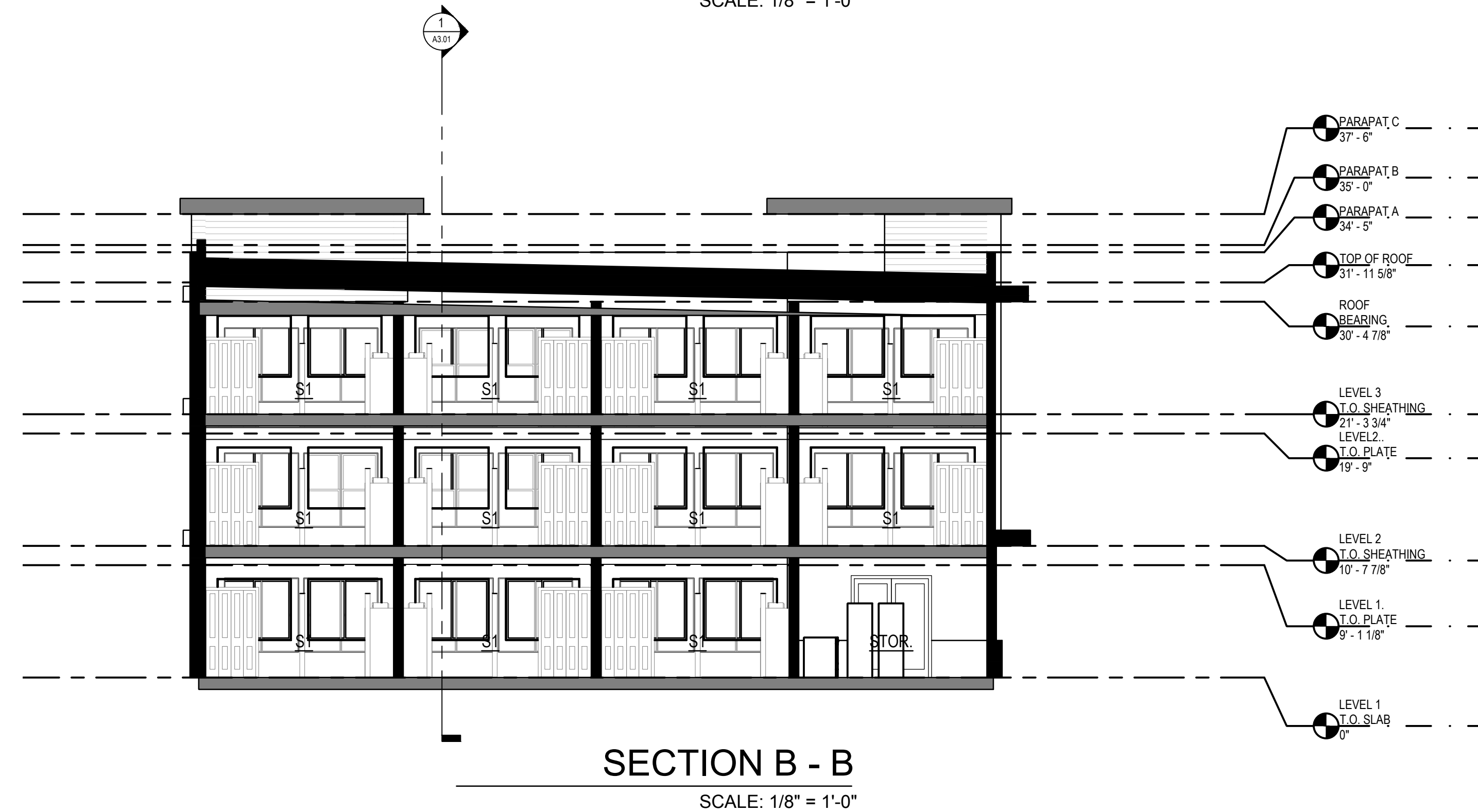
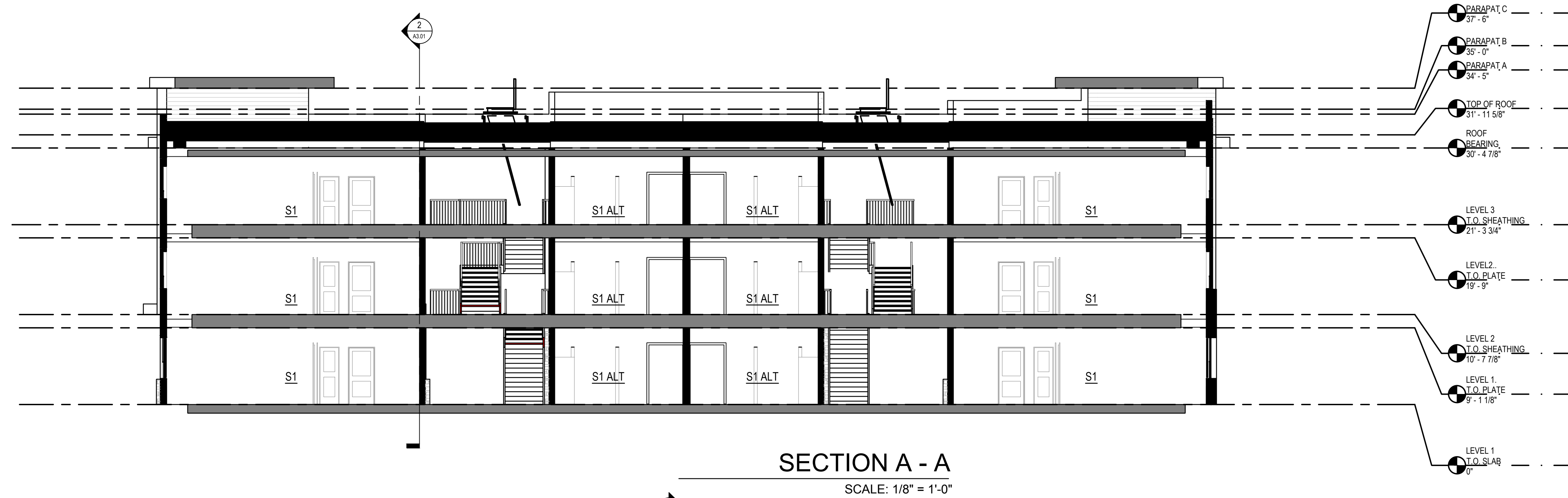
A-1.3
FLOOR PLAN
Merriment Village Apartments
YUBA CITY, CA



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BUILDING A - 36 PLEX

A-1.4 BUILDING SECTIONS Merriment Village Apartments YUBA CITY, CA



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PERSPECTIVE - FRONT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

0 4' 8' 16' 32'
 scale: 1/8"=1'-0" (on 24"x36" sheet)

HILBERS
 INCORPORATED
 CONTRACTORS & ENGINEERS

Habitat
 for Humanity
 Yuba/Sutter
 Yuba City, California

A2.00
 EXTERIOR ELEVATIONS - APARTMENT 'B' - 24 PLEX
Merriment Village Apartments
 Yuba City, CA

BSB
 DESIGN
 BSBDESIGN.COM



PERSPECTIVE - REAR ELEVATION



LEFT ELEVATION



REAR ELEVATION

0 4" 8 16 32'
scale: 1/8"=1'-0" (on 24"x36" sheet)

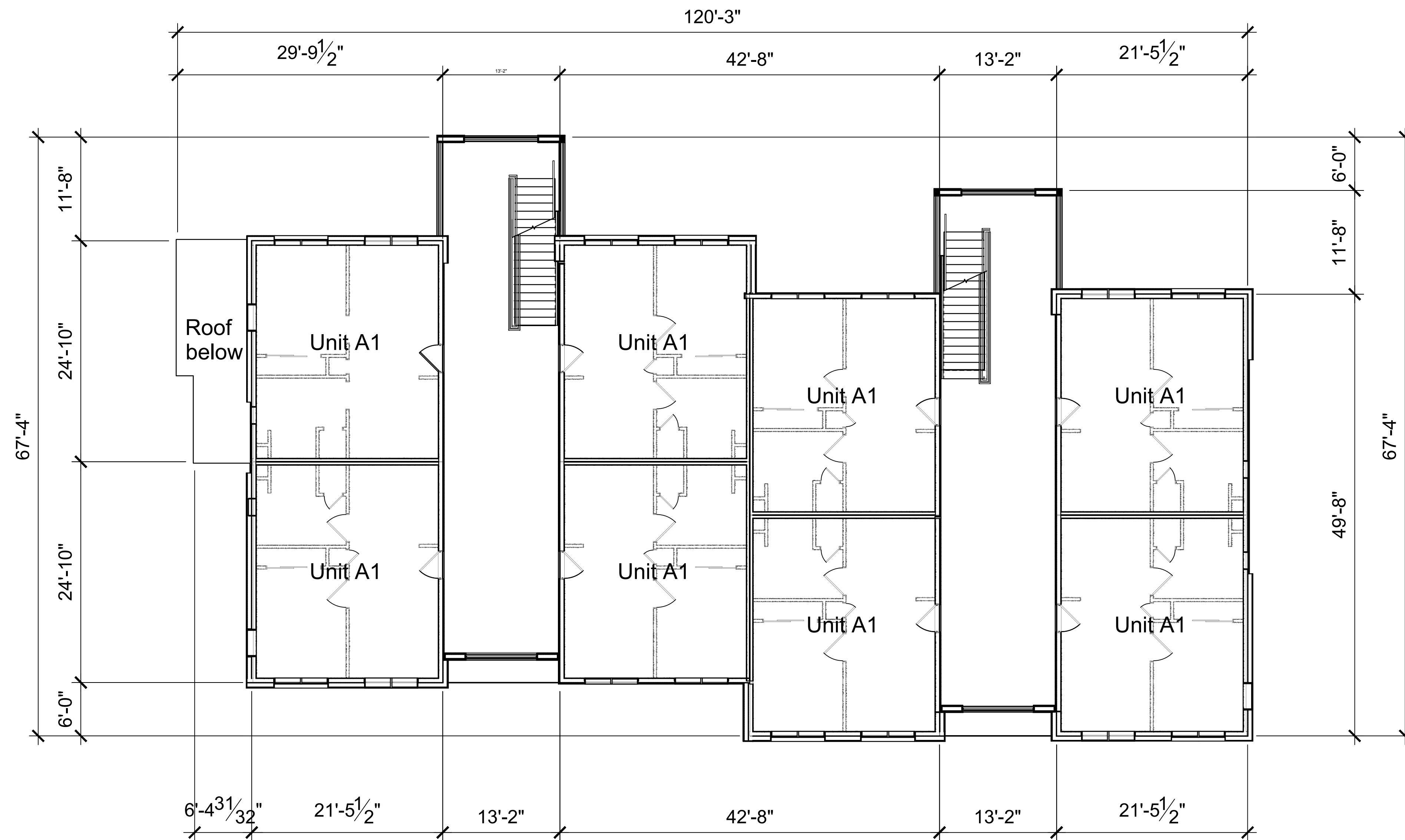


Yuba City, California

A2.01
EXTERIOR ELEVATIONS - APARTMENT 'B' - 24 PLEX
Merriment Village Apartments
Yuba City, CA







LEVEL 2 & 3

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

BUILDING B - 24 PLEX

A-2.3
FLOOR PLAN

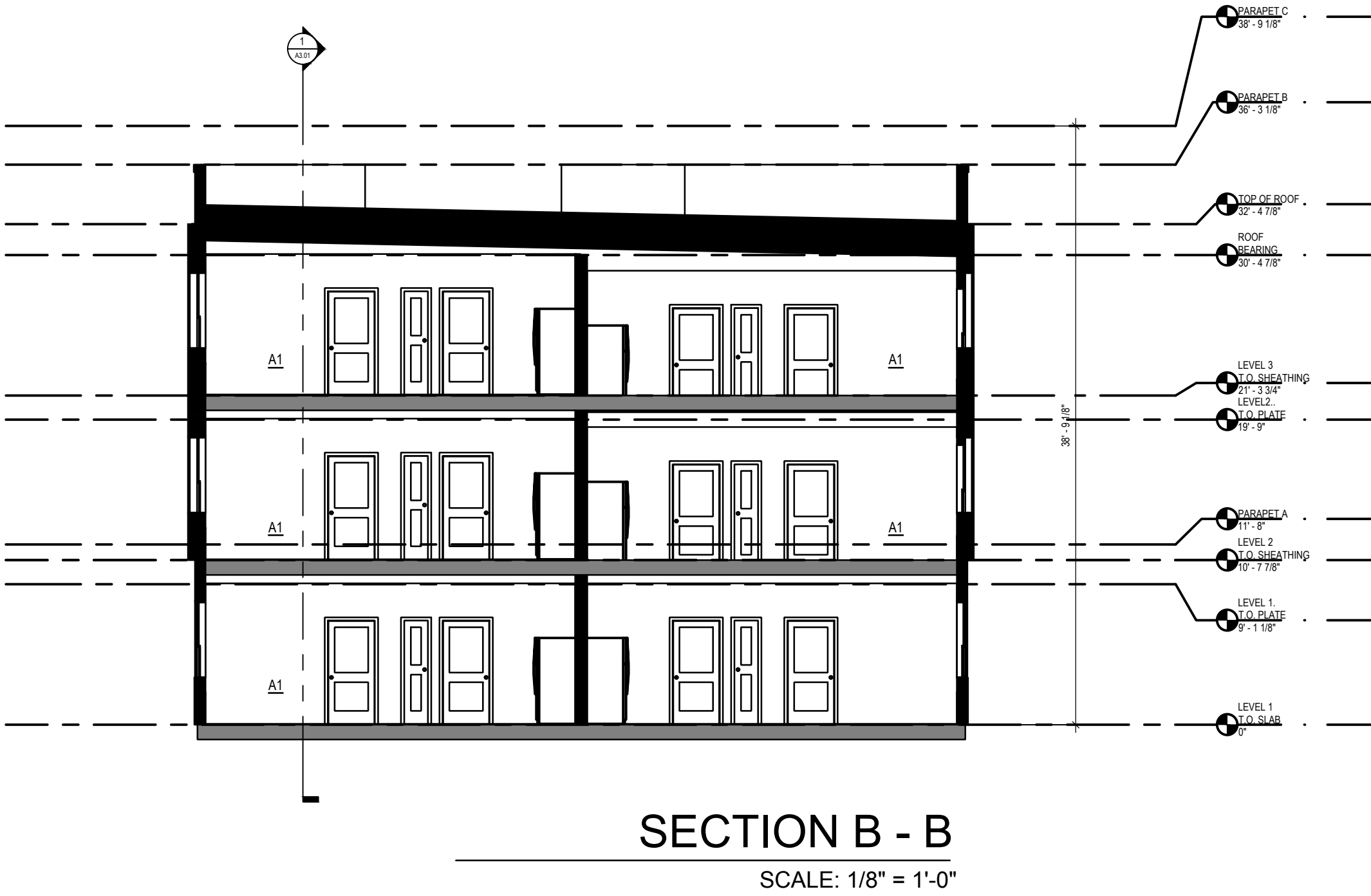
Merriment Village Apartments
YUBA CITY, CA



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BUILDING B - 24 PLEX

A-2.4
BUILDING SECTIONS
Merriment Village Apartments
YUBA CITY, CA



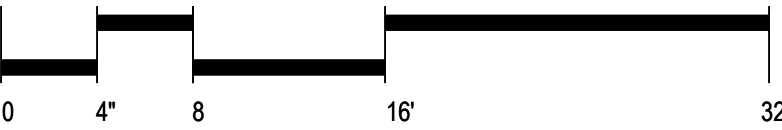
PERSPECTIVE - FRONT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



scale: 1/8"=1'-0" (on 24"x36" sheet)



Yuba City, California

A3.00
EXTERIOR ELEVATIONS - APARTMENT 'D' - 44 PLEX
Merriment Village Apartments
Yuba City, CA





PERSPECTIVE - REAR ELEVATION

LEFT ELEVATION



REAR ELEVATION

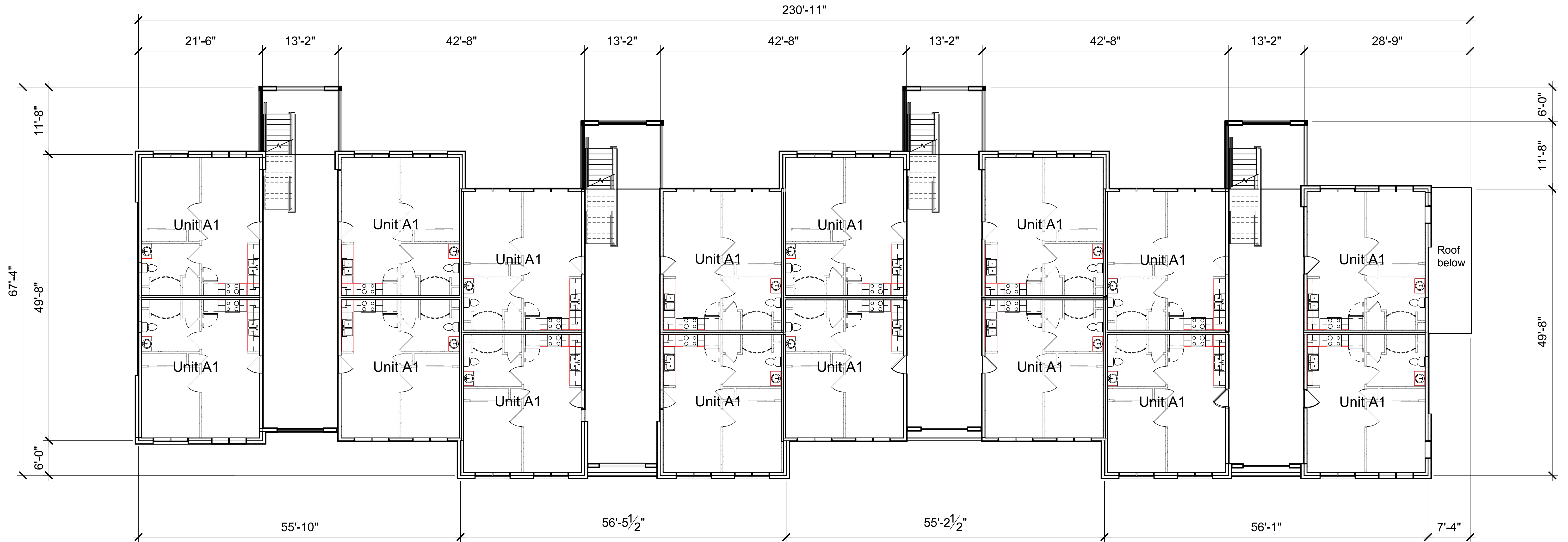
HILBERS
INCORPORATED
CONTRACTORS & ENGINEERS

Habitat
for Humanity
Yuba/Sutter

Yuba City, California

A3.01
EXTERIOR ELEVATIONS - APARTMENT 'D' - 44 PLEX
Merriment Village Apartments
Yuba City, CA





LEVEL 2 & 3

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

BUILDING D - 44 PLEX

A-3.3 FLOOR PLAN

Merriment Village Apartments
YUBA CITY, CA



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SECTION A - A

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



SECTION B - B

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

BUILDING D - 44 PLEX

A-3.4
BUILDING SECTIONS
Merriment Village Apartments
YUBA CITY, CA



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INTERIOR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



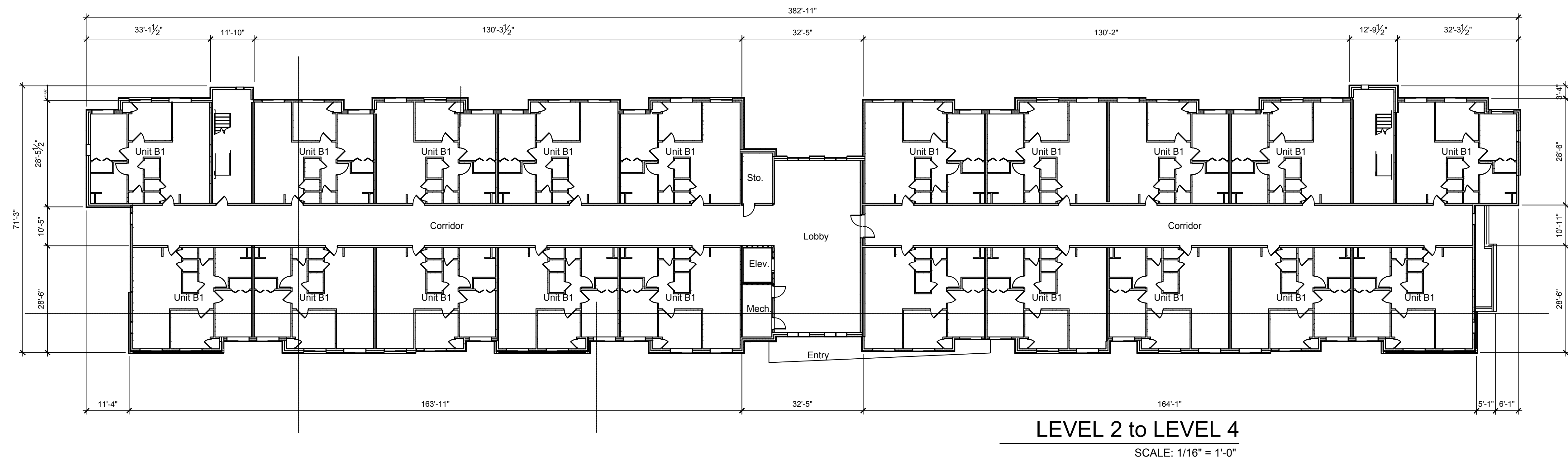
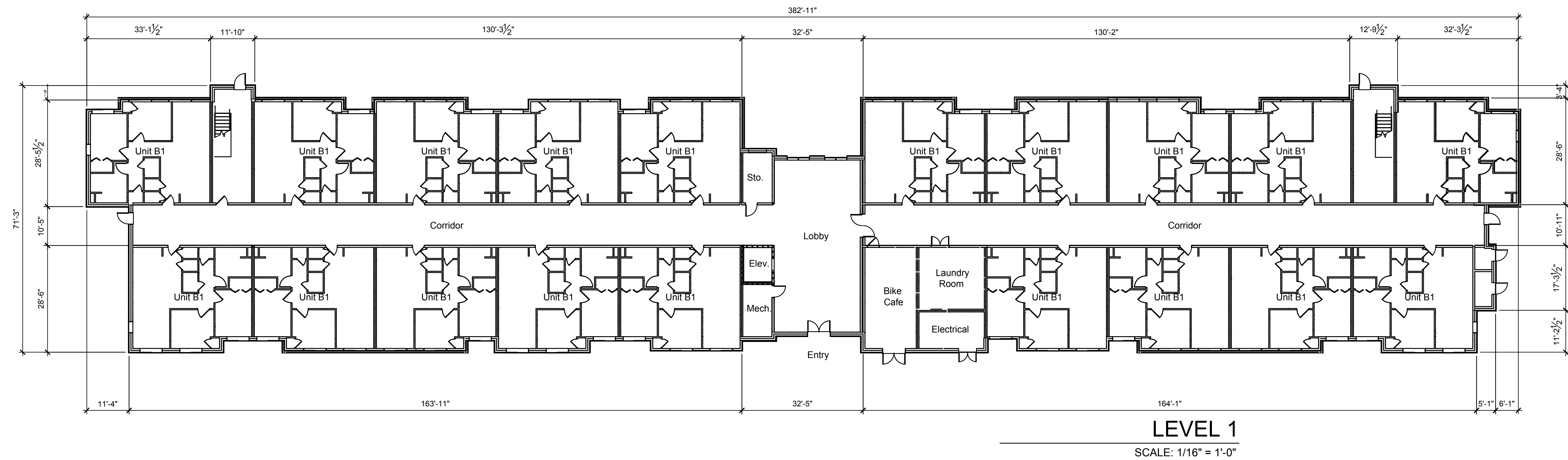
NORTH WALTON AVENUE ELEVATION



PERSPECTIVE - FRONT ELEVATION



PERSPECTIVE - REAR ELEVATION



BUILDING E - 79 PLEX

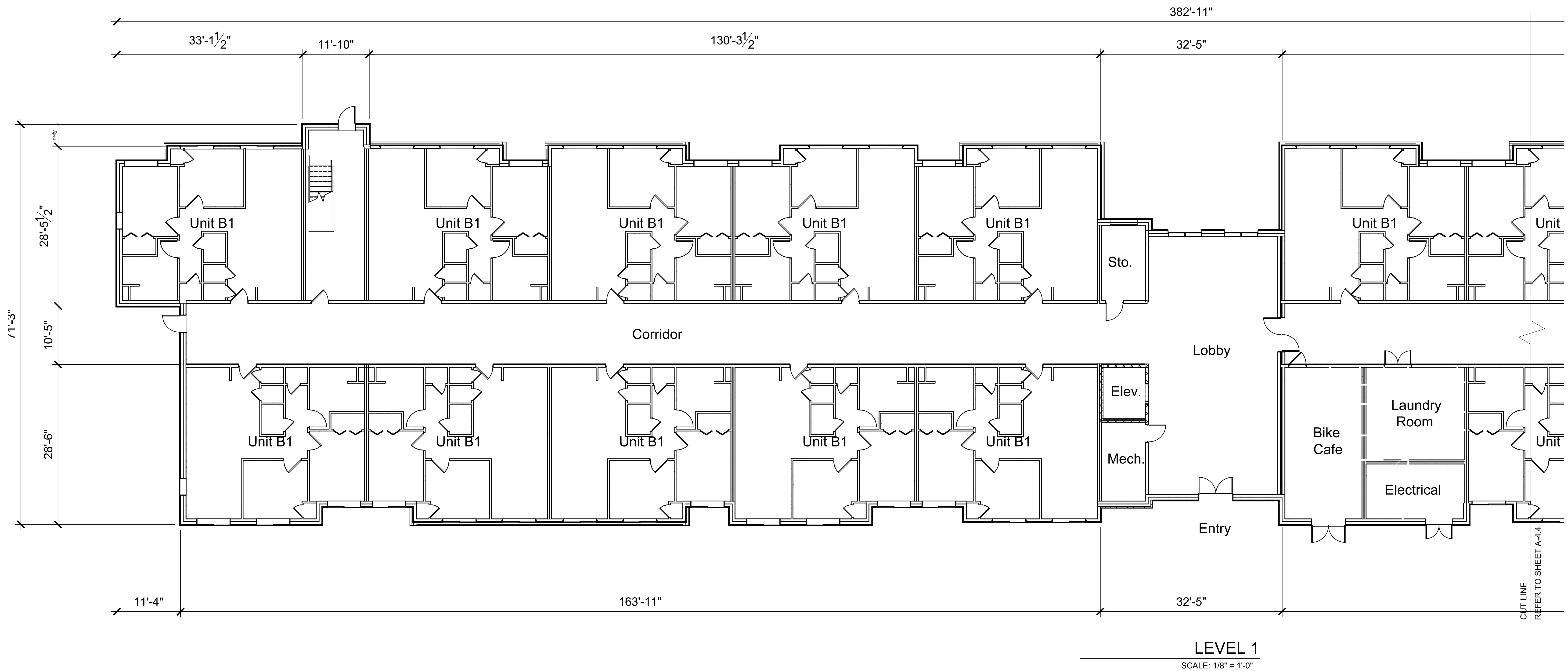
A-4.2
COMPOSITE BUILDING PLAN
Merriment Village Apartments
YUBA CITY, CA



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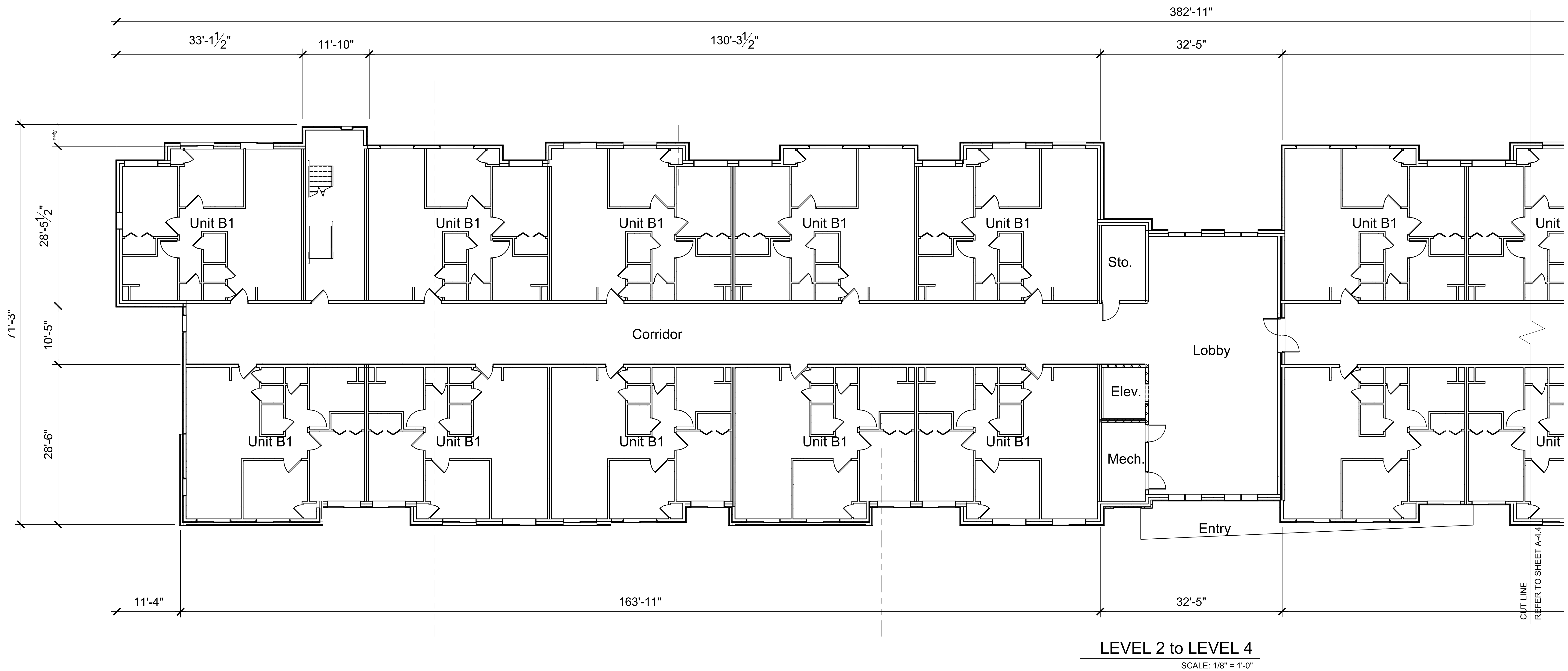
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BUILDING E - 79 PLEX

A-4.3 FLOOR PLAN - PART PLAN 1 Merriment Village Apartments YUBA CITY, CA

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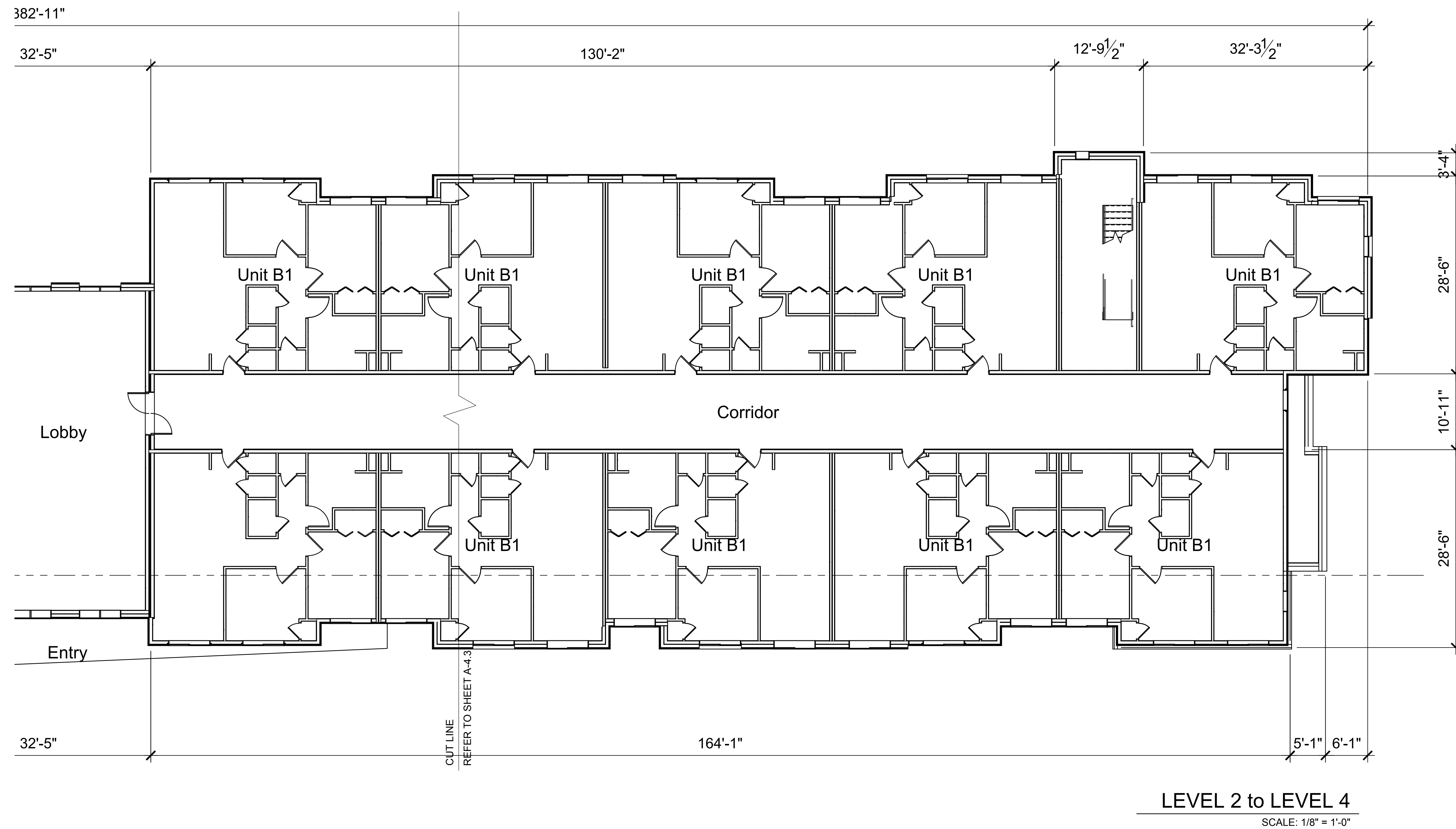
BUILDING E - 79 PLEX

A-4.5 FLOOR PLAN - PART PLAN 1 Merriment Village Apartments YUBA CITY, CA



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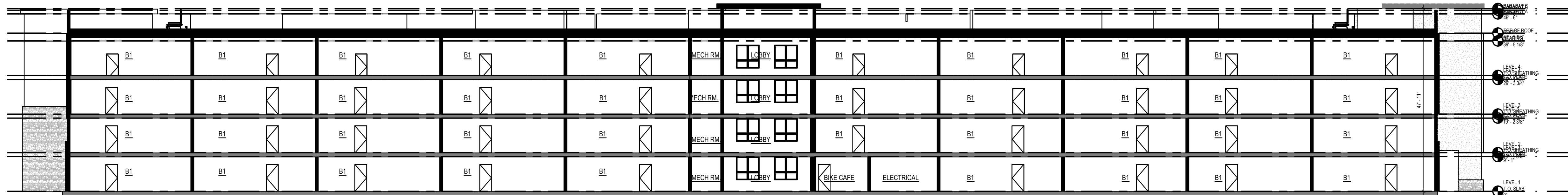
BUILDING E - 79 PLEX

A-4.6
FLOOR PLAN - PART PLAN 2
Merriment Village Apartments
YUBA CITY, CA



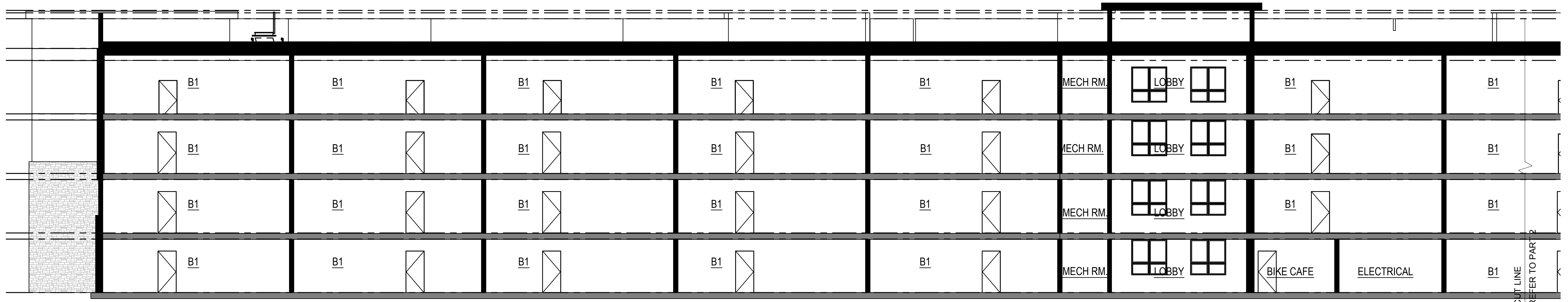
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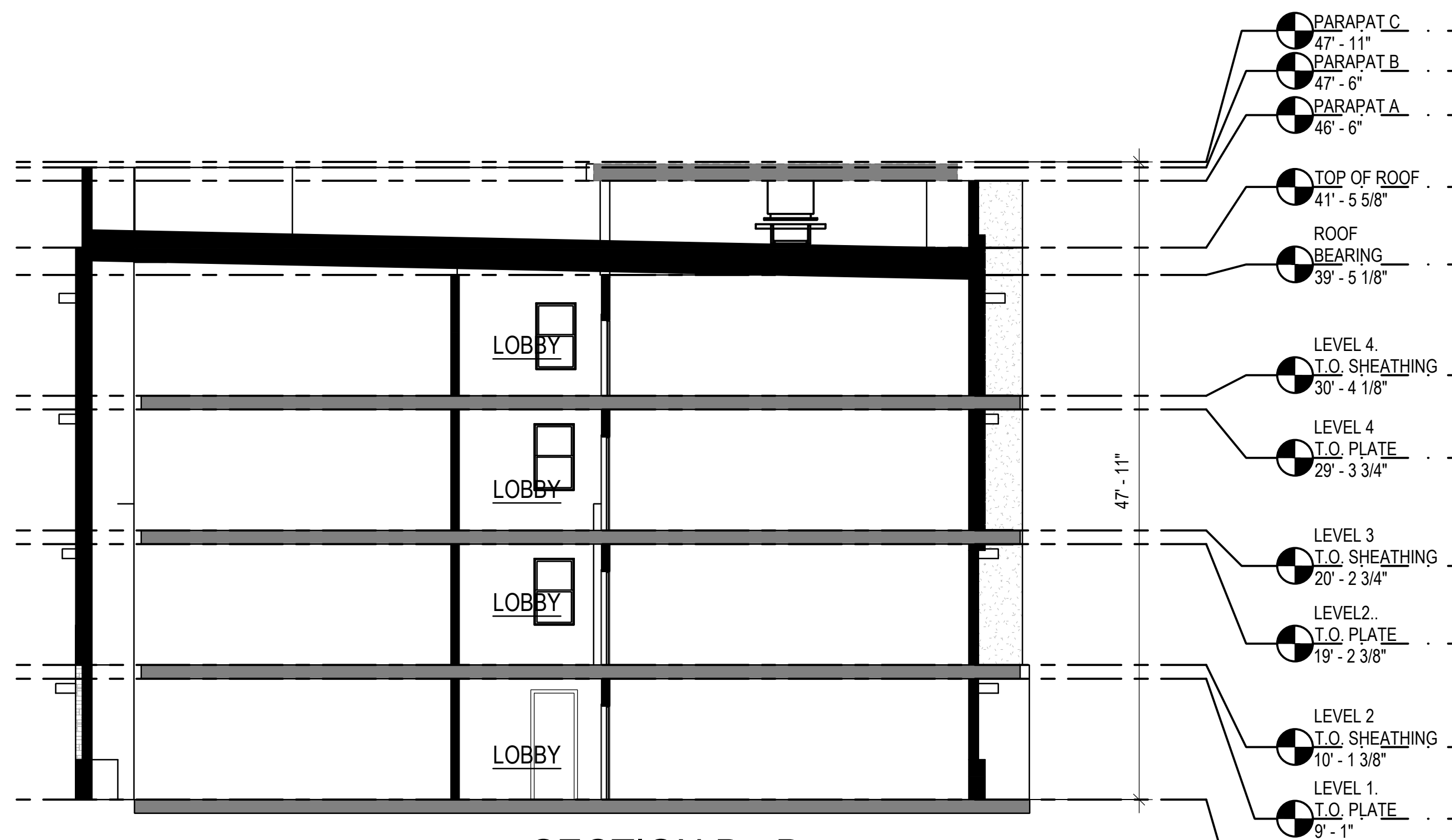
SECTION A - A

SCALE: 1/16" = 1'-0"



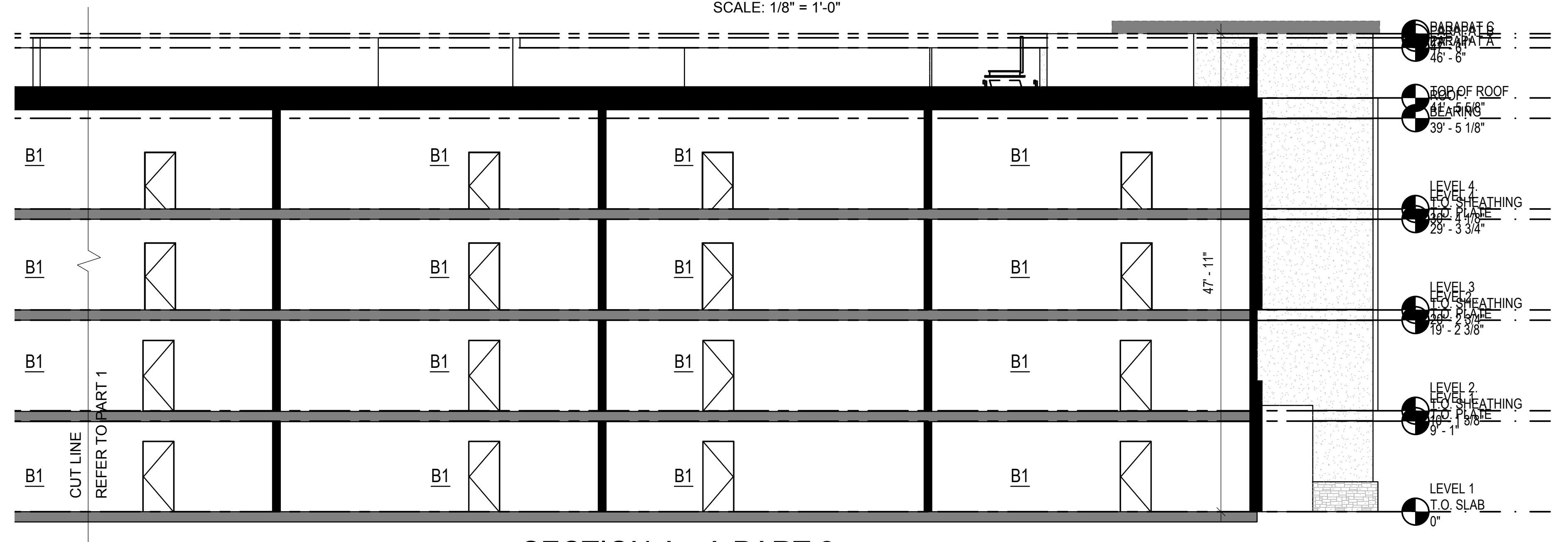
SECTION A - A PART 1

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



SECTION B - B

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



SECTION A - A PART 2

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

BUILDING D - 79 PLEX

A-4.7

BUILDING SECTIONS

Merriment Village Apartments

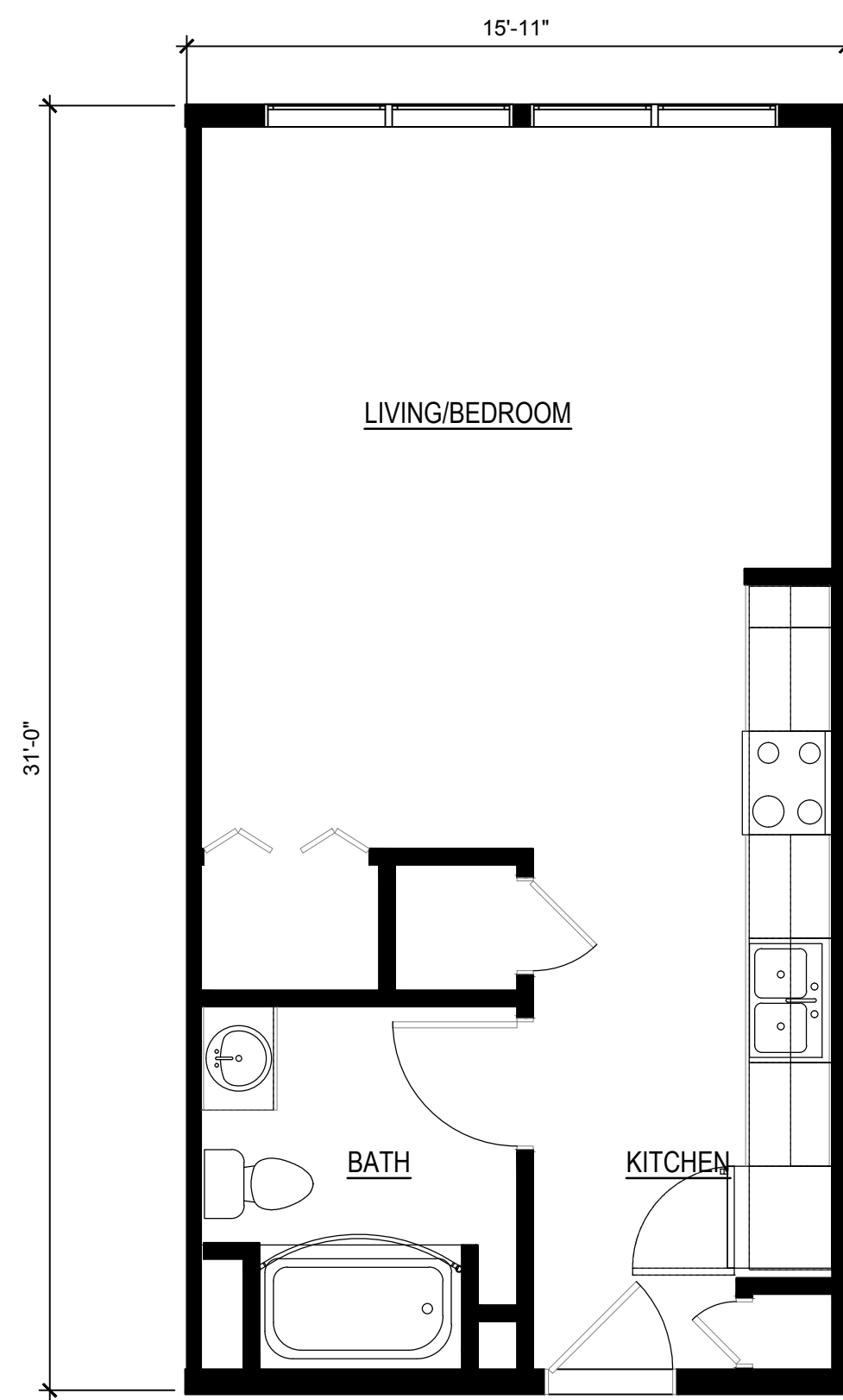
YUBA CITY, CA



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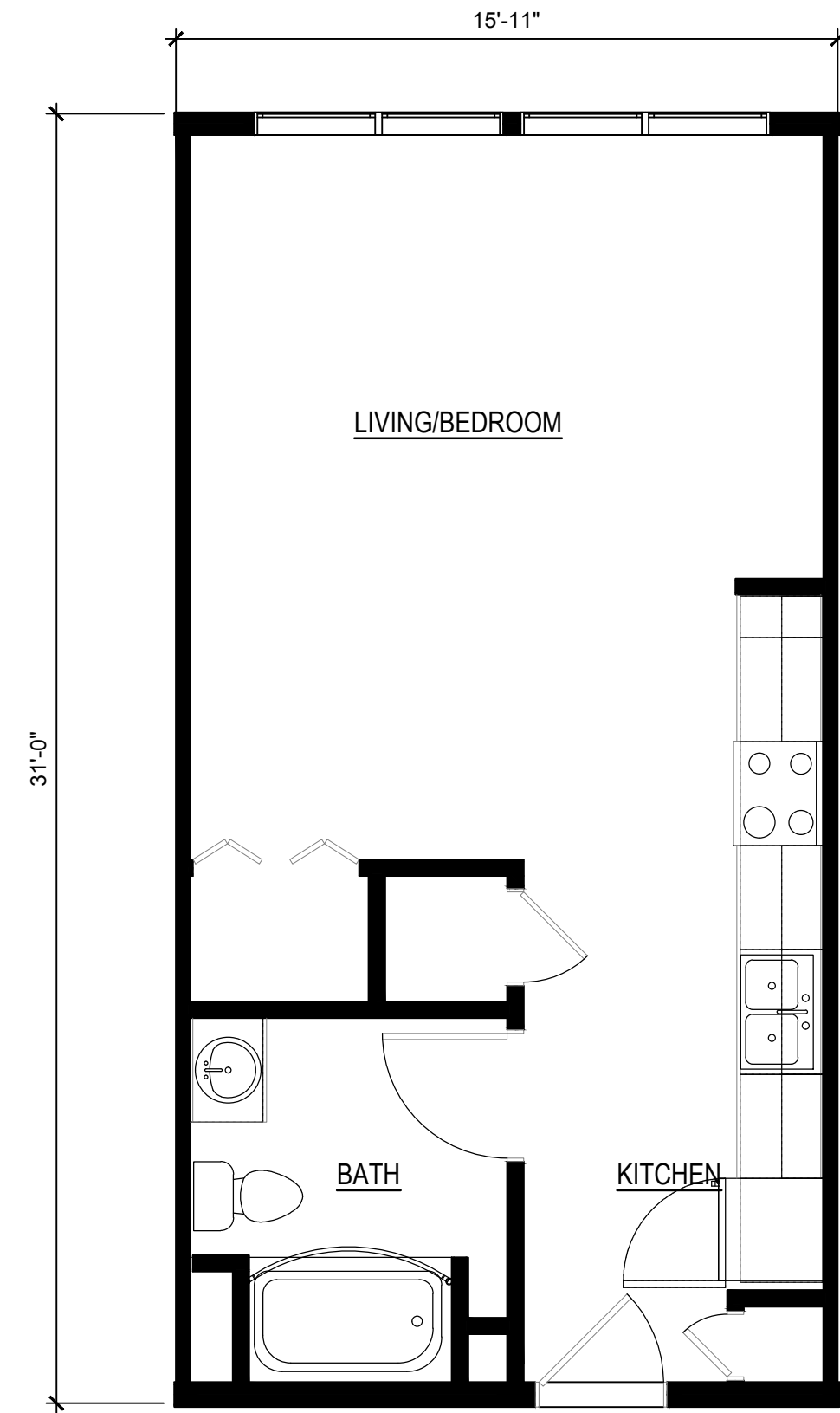
APRIL 14 , 2023| MR220585.00





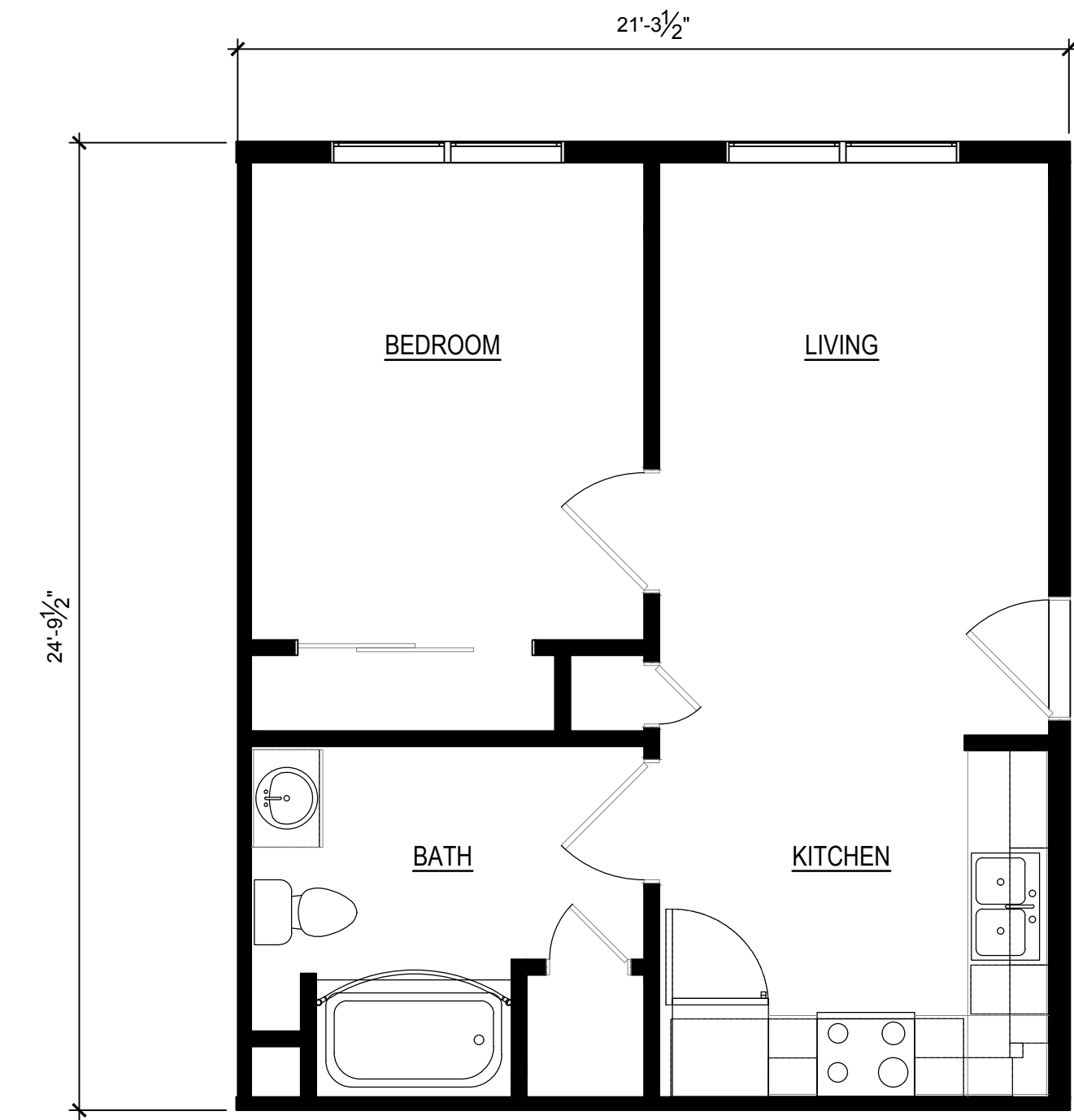
UNIT S1-ALT.

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



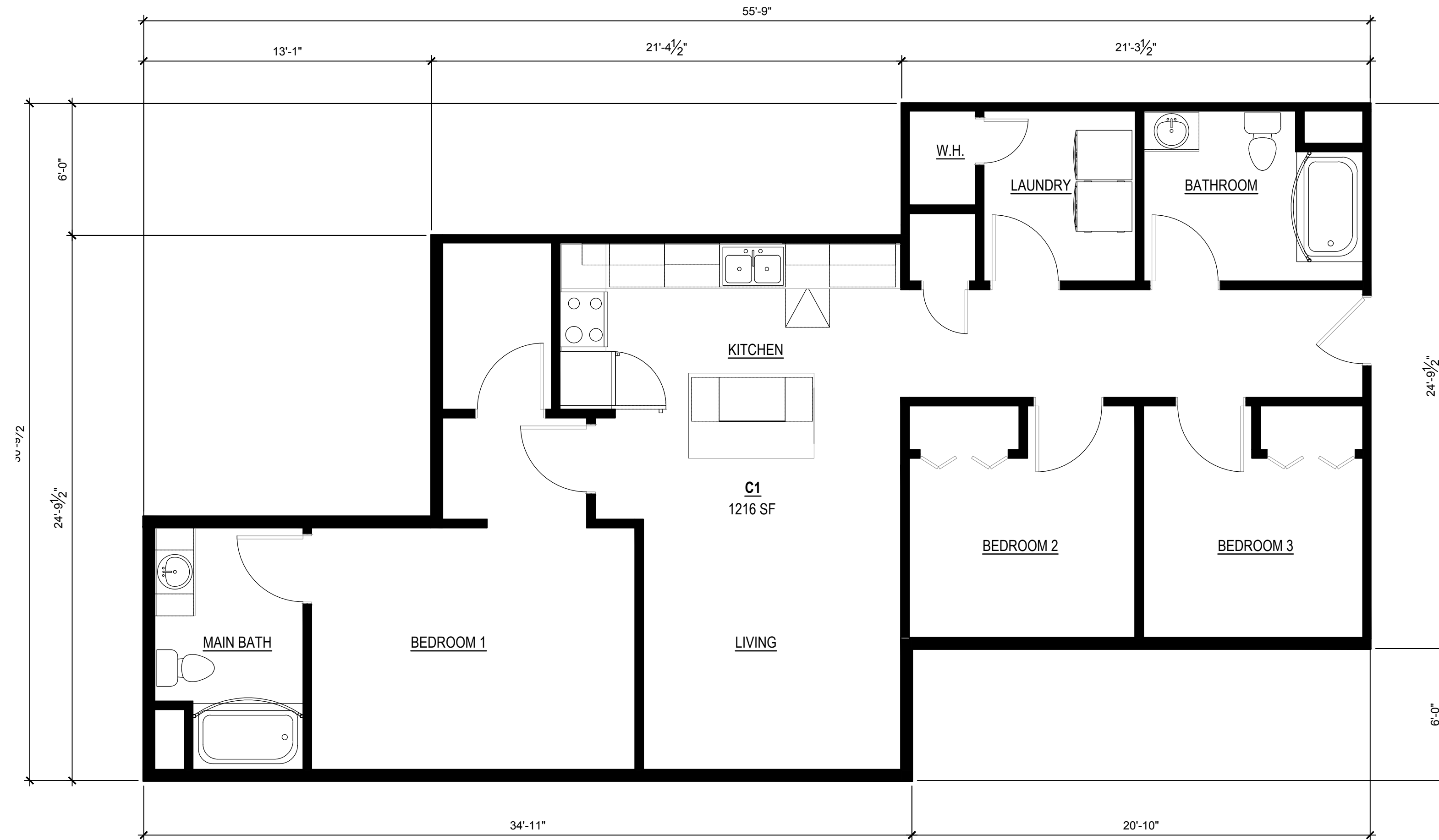
UNIT S1

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



UNIT A1

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



UNIT C1

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



UNIT B1

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

UNIT PLAN



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A-5.0
FLOOR PLAN
Merriment Village Apartments
YUBA CITY, CA

APRIL 14, 2023 | MR220585.00





FRONT ELEVATION



LEFT ELEVATION



PERSPECTIVE



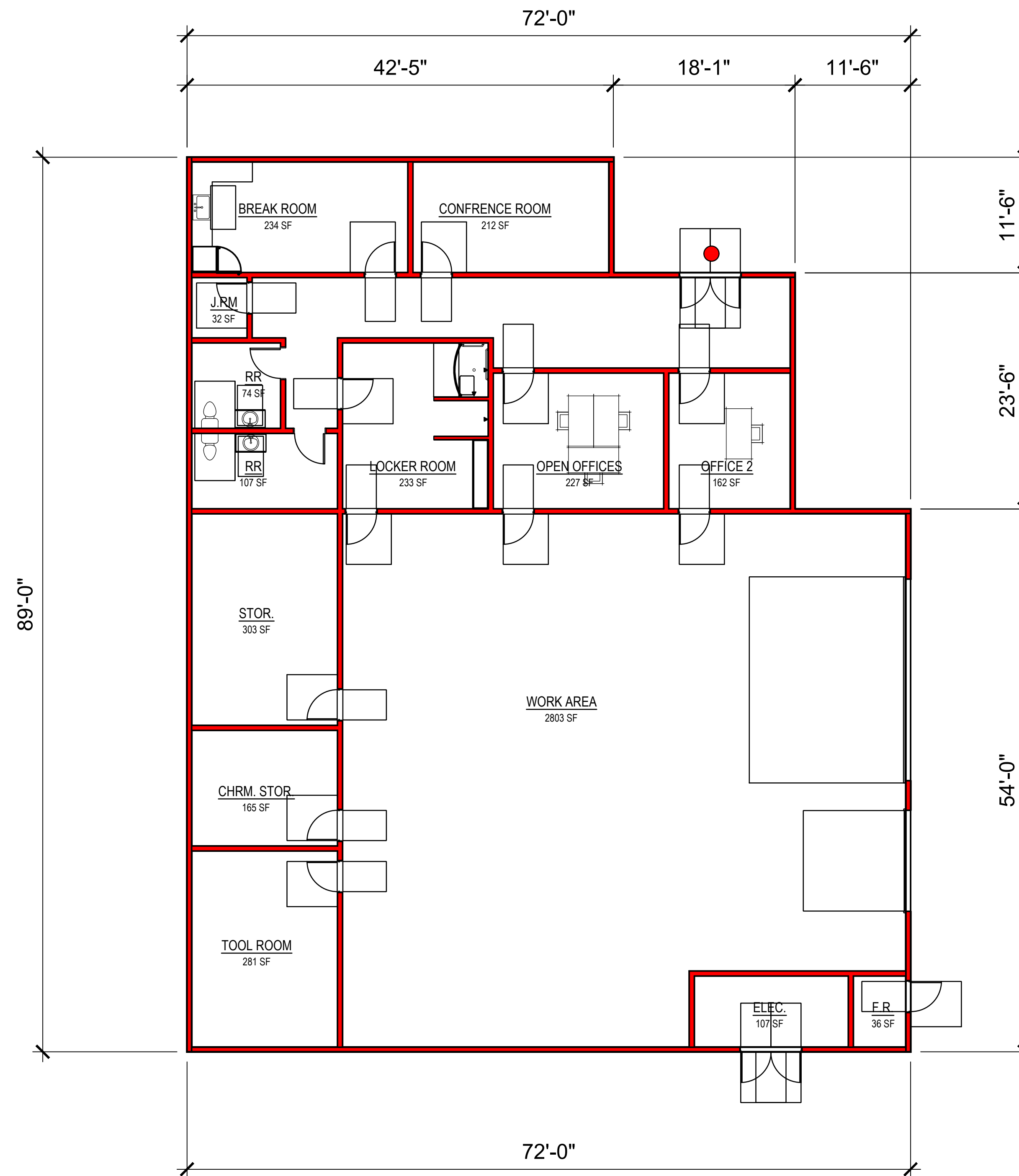
REAR ELEVATION



RIGHT ELEVATION



PERSPECTIVE



FACILITES BUILDING

A-6.2
FLOOR PLAN
Merriment Village Apartments
YUBA CITY, CA



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PERSPECTIVE - FRONT ELEVATION



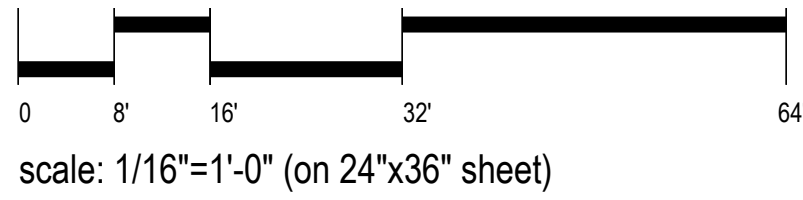
RIGHT ELEVATION



FRONT ELEVATION



Yuba City, California



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A7.00
EXTERIOR ELEVATIONS - COMMUNITY CENTER
Merriment Village Apartments
Yuba City, CA



April 14, 2023 | MR220585.00



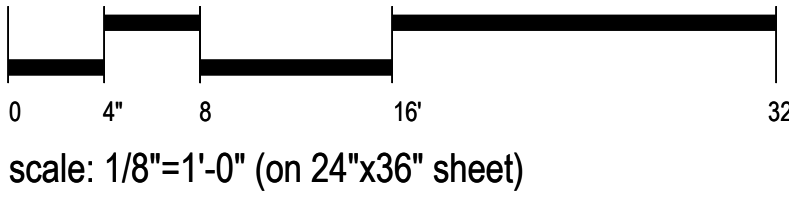
PERSPECTIVE - REAR ELEVATION



LEFT ELEVATION



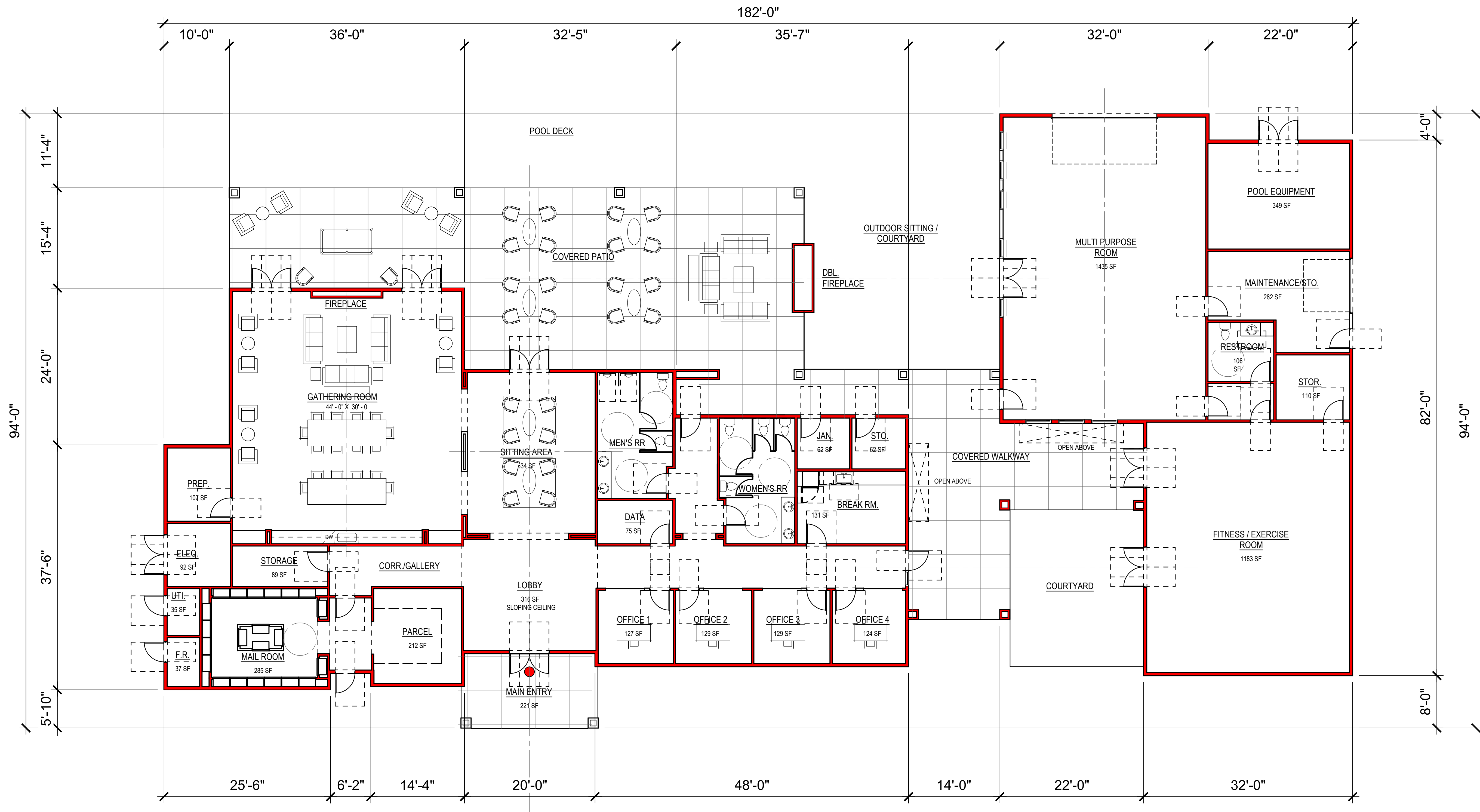
REAR ELEVATION



Yuba City, California

A7.01
EXTERIOR ELEVATIONS - COMMUNITY CENTER
Merriment Village Apartments
Yuba City, CA





COMMUNITY CENTER

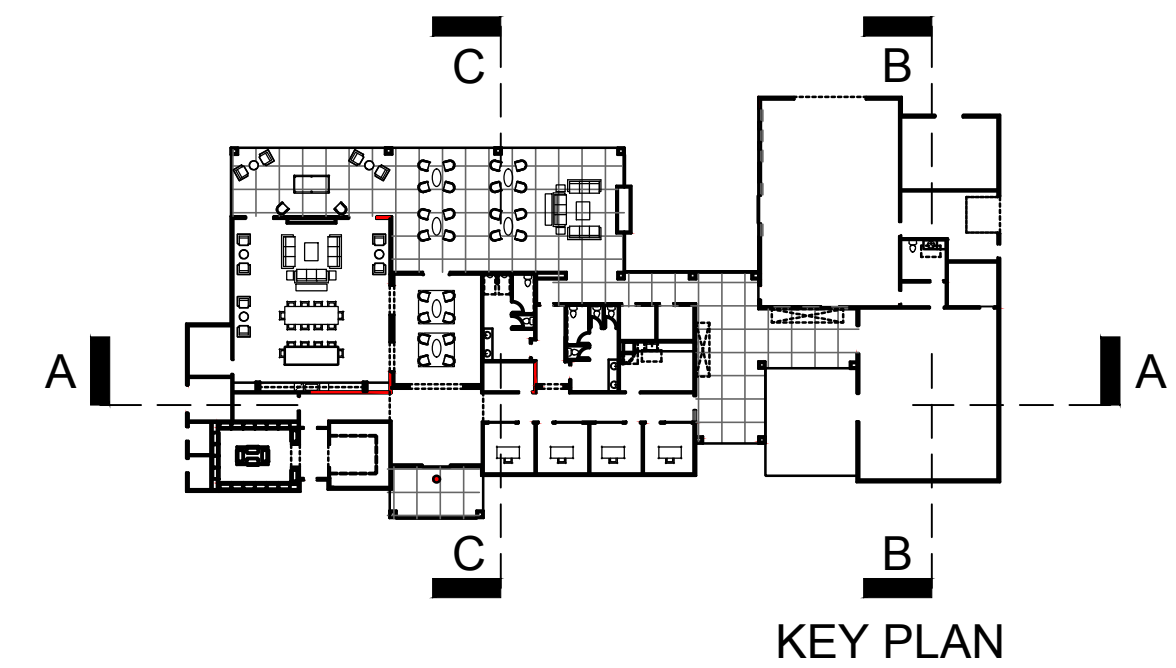
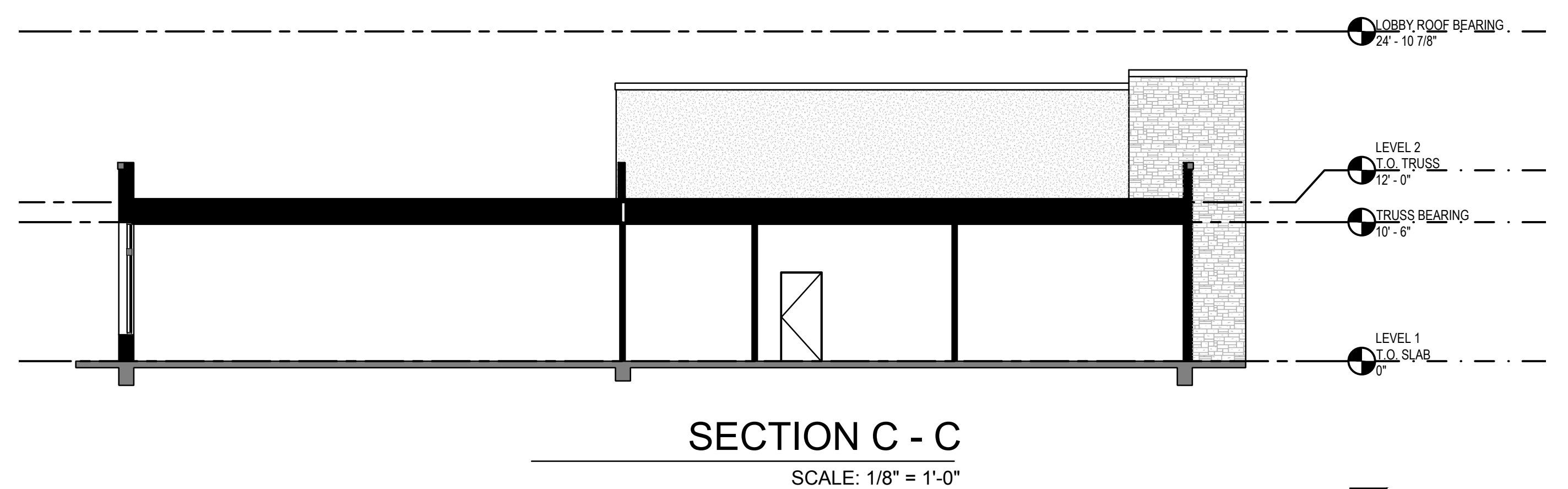
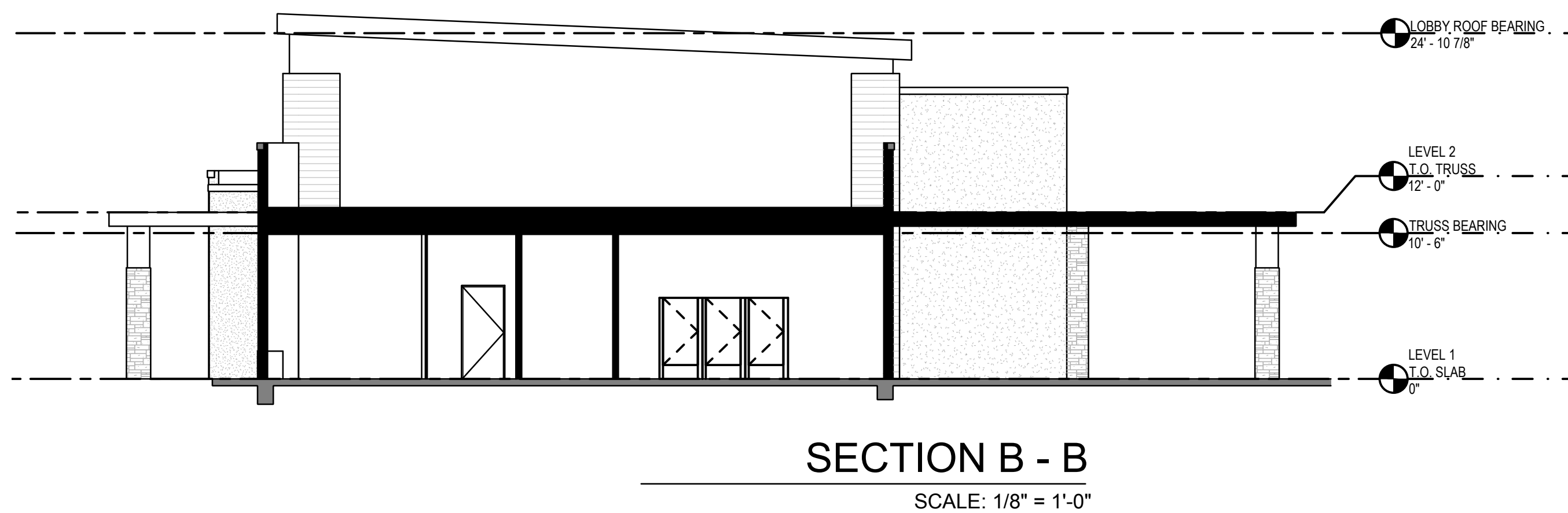
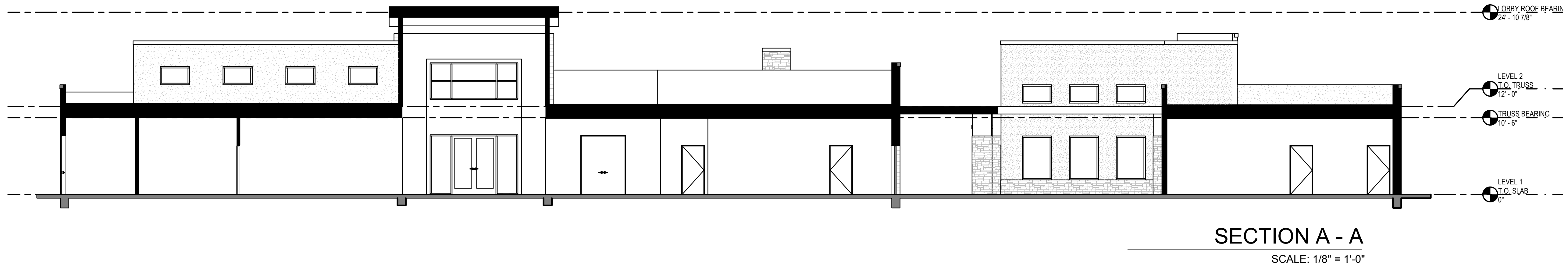
A-7.2
FLOOR PLAN
Merriment Village Apartments
YUBA CITY, CA



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APRIL 14, 2023 | MR220585.00





COMMUNITY CENTER

A-7.3 BUILDING SECTION Merriment Village Apartments YUBA CITY, CA

APRIL 14 , 2023| MR220585.00



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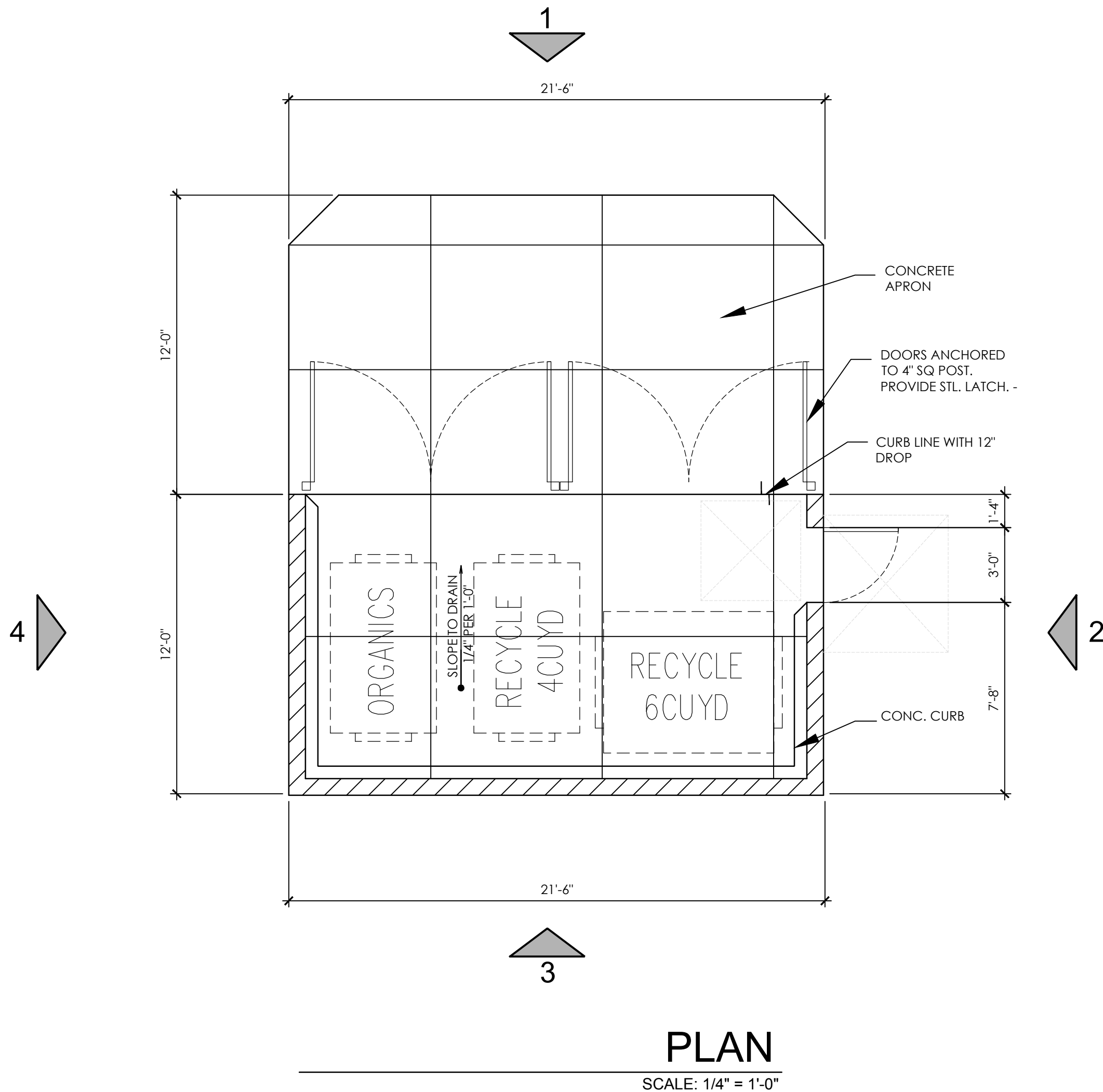
REAR ELEVATION - 4
SCALE: 1/4" = 1'-0"



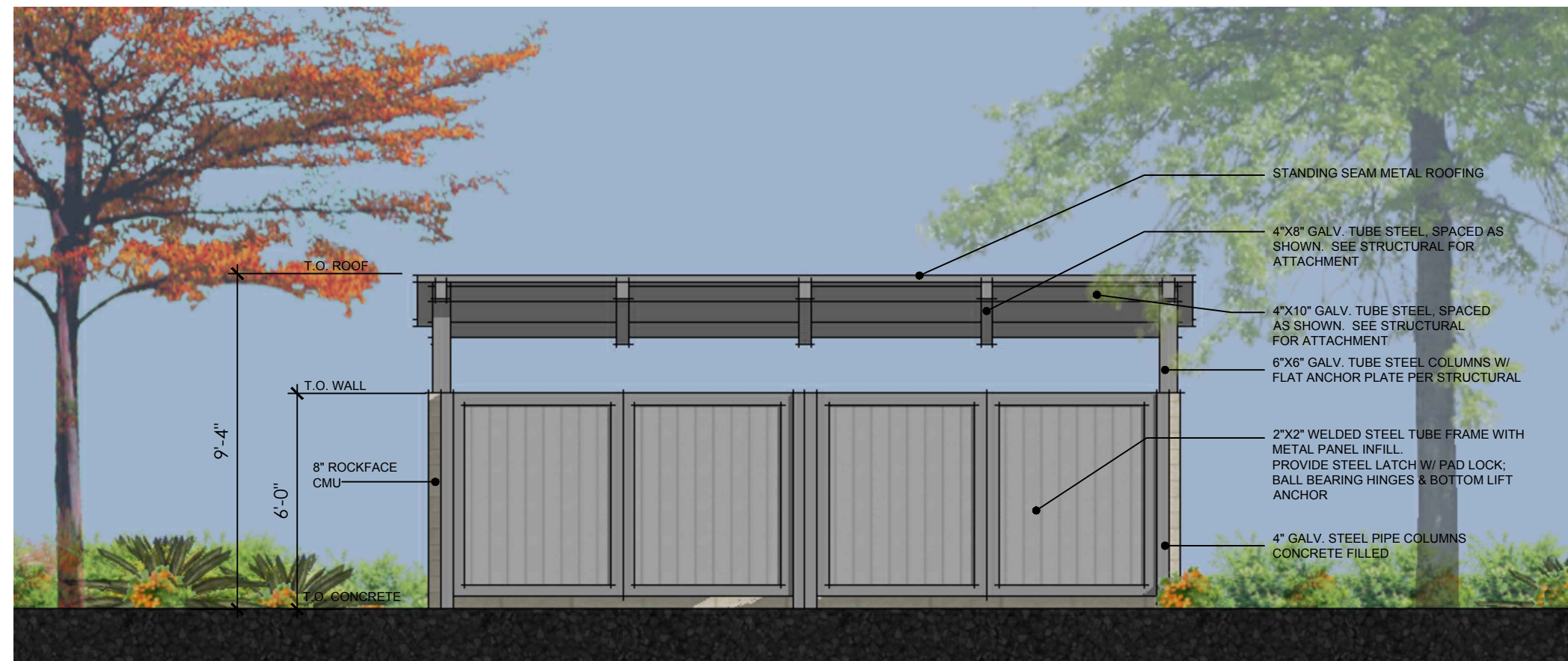
REAR ELEVATION - 3
SCALE: 1/4" = 1'-0"



REAR ELEVATION - 2
SCALE: 1/4" = 1'-0"



PERSPECTIVE
NOT TO SCALE



TRASH ENCLOSURE



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A-8.0
PLAN & ELEVATIONS
Merriment Village Apartments
YUBA CITY, CA

APRIL 14 , 2023| MR220585.00



SCHEME 1

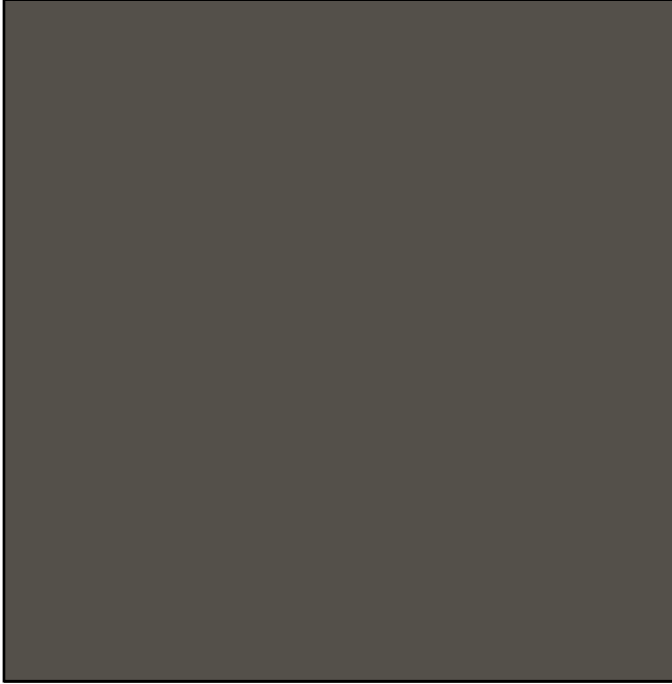
SW 7729
EDENAME
OR APPROVED EQUAL



1

PLASTER / SIDING WALL ACCENT

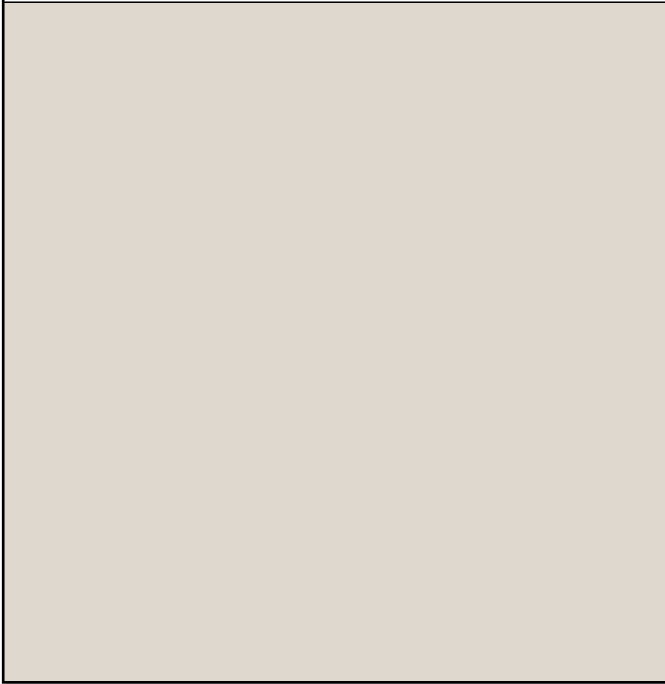
SW 7048
URBANE BRONZE
OR APPROVED EQUAL



2

PLASTER / SIDING WALL ACCENT

SW 7628
WINDFRESH WHITE
OR APPROVED EQUAL



3

PLASTER / SIDING WALL ACCENT

SW 7018
DOVETAIL
OR APPROVED EQUAL



4

PLASTER / SIDING WALL ACCENT

BUECHEL
WALNUT TAILORED
LEDGESTONE
OR APPROVED EQUAL



5

STONE ACCENT

SCHEME 2

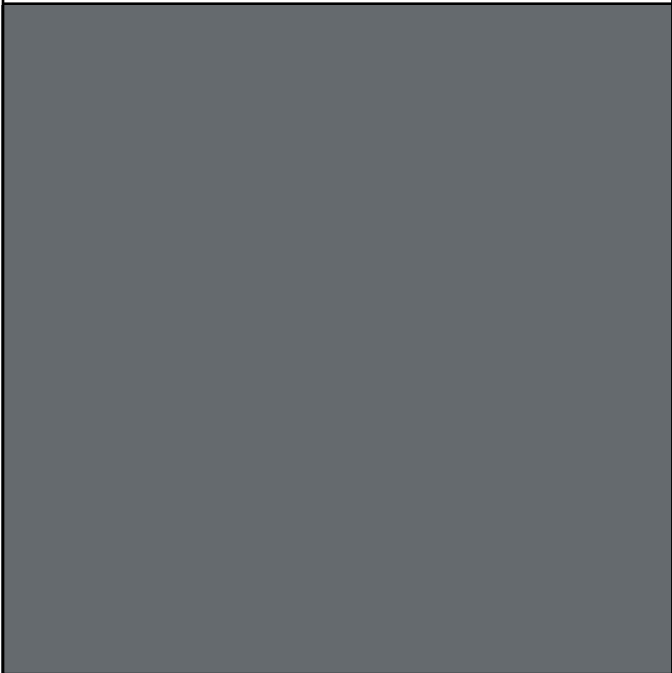
SW 2735
ROCKWEED
OR APPROVED EQUAL



6

PLASTER / SIDING WALL ACCENT

SW 9560
NIGHT OUT
OR APPROVED EQUAL



7

PLASTER / SIDING WALL ACCENT

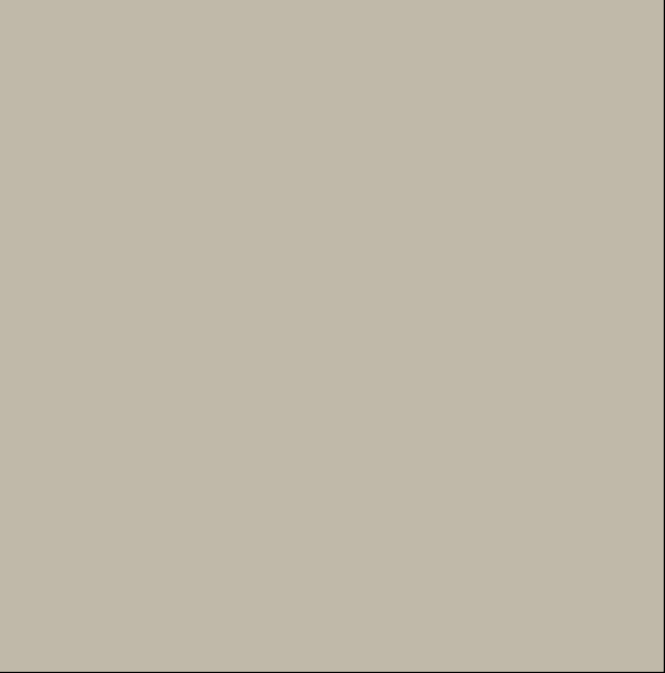
SW 9165
GOSSAMER VEIL
OR APPROVED EQUAL



8

PLASTER / SIDING WALL ACCENT

SW 7638
JOGGING PATH
OR APPROVED EQUAL



9

PLASTER / SIDING WALL ACCENT

BUECHEL
VINTAGE GOLD
TAILORED LEDGESTONE
OR APPROVED EQUAL



10

STONE ACCENT

SCHEME 3

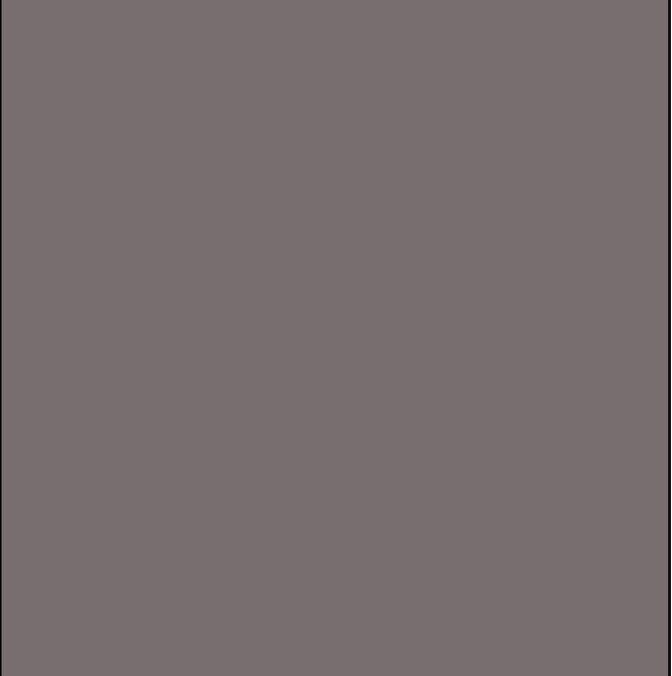
SW 7724
CANOE
OR APPROVED EQUAL



11

PLASTER / SIDING WALL ACCENT

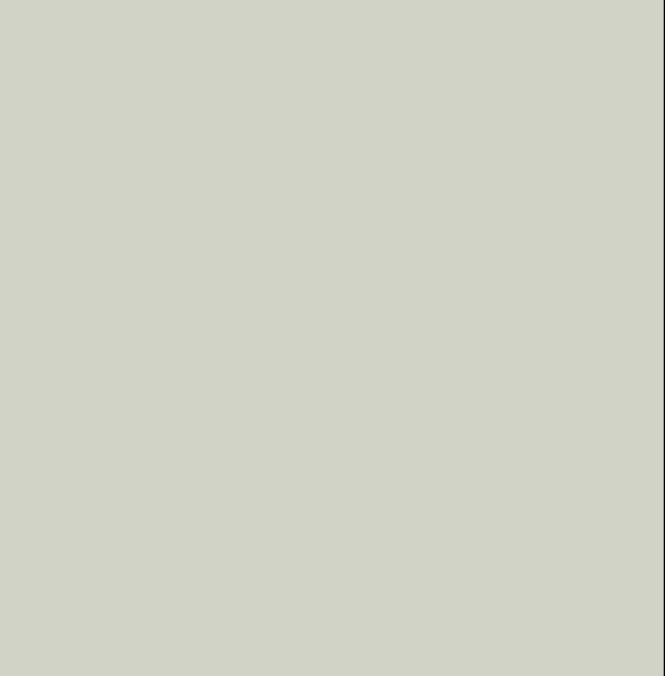
SW 7629
GRAPY
OR APPROVED EQUAL



12

PLASTER / SIDING WALL ACCENT

SW 6190
FILMY GREEN
OR APPROVED EQUAL



13

PLASTER / SIDING WALL ACCENT

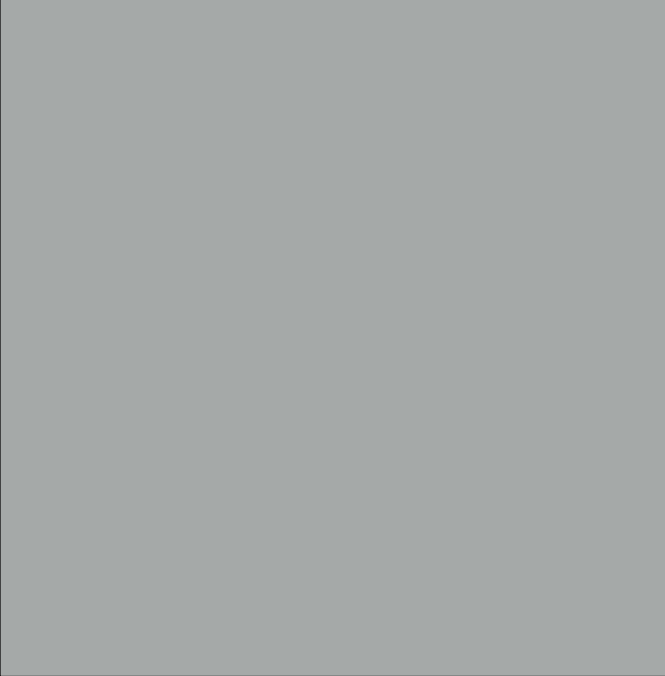
SW 7659
GRIS
OR APPROVED EQUAL



14

PLASTER / SIDING WALL ACCENT

SW 7657
TINSMITH
OR APPROVED EQUAL



15

PLASTER / SIDING WALL ACCENT

BUECHEL
TITANIUM TAYLORED
LEDGESTONE
OR APPROVED EQUAL



16

STONE ACCENT



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A-9.0

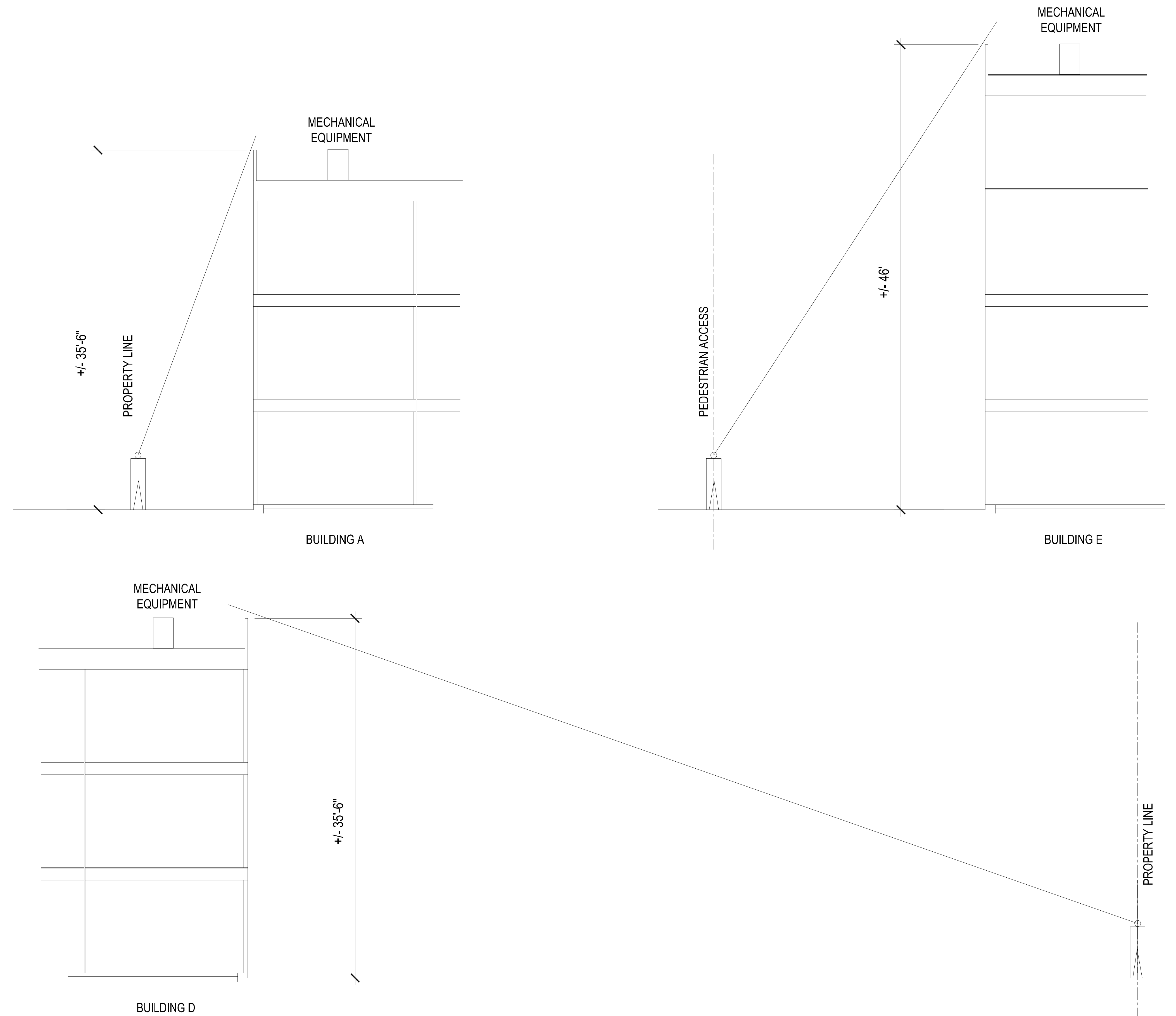
MATERIAL & COLOR BOARD

Merriment Village Apartments

YUBA CITY, CA

JANUARY 12 , 2023| MR000000.00





MERRIMENT VILLAGE YUBA CITY, CA
MECHANICAL EQUIPMENT SCREENING DIAGRAM

EXHIBIT B

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
DEVELOPMENT PLAN 23-02
AUGUST 23, 2023**

**MERRIMENT VILLAGE APARTMENTS
APN: 058-120-001-000**

NOTICE TO PROJECT APPLICANT

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

Approval of this development plan shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this development plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this development plan, the zoning ordinance, and all City standards and specifications. This development plan is granted, and the conditions imposed, based upon

the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this development plan. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised development plan is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the development plan or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the development plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this development plan or subsequent amendments or revisions. These conditions are conditions imposed solely upon the development plan, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this development plan, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this development plan.

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. The site design shall be designed in conformance with the Site Plan, dated April 14, 2023, as appropriate, and as approved by the Planning Commission.
3. Approval of Development Plan (DP) 23-02 shall be null and void without further action if either 1) the project has not been substantially commenced within two years of the approval date of Development Plan 23-02; or 2) that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code has not been submitted to the City.
4. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
 - a. The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public right of way.
5. The Developer shall, prior to the issuance of the first certificate of occupancy of the first building, construct a 6-foot-high masonry wall along all interior property lines in accordance with Yuba City Municipal Code Sec. 8-5. 5905.
6. The Developer shall, prior to the issuance of the first certificate of occupancy of the first building, install landscaping along North Walton Avenue, on all sides of Building 4, and in the parking area for the area required with the development of Phase One, or as approved by the Development Services Director.
7. All exterior lighting shall be decorative in nature. No wall packs are permitted.
8. Decorative window treatment shall be installed, such as an inset of three inches or adding framing or trim around the windows, as approved by the Development Services Director.
9. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.

10. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
11. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
12. Storage of construction material is not allowed in the travel way.

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 drainage runoff resulting from the development of the property flow onto the adjacent lands or impede the drainage from those lands. At first submittal of the improvement plans, provide existing / proposed grades at the perimeter of the proposed development, and existing grades at the adjacent lands. If retaining walls are required they shall be constructed of concrete or masonry block.

PRIOR TO APPROVAL OF THE IMPROVEMENT/BUILDING PLANS

14. The plans shall indicate the locations of all septic and leach field areas, and all wells. All existing facilities shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments.
15. The Developer shall comply with all City requirements related to drainage, including submittal of a drainage plan for any drainage improvements for the proposed development. A drainage analysis, along with calculations, shall be submitted to the City Engineer for approval. The analysis shall include, but is not limited to:
 - a. Grading and drainage plan showing the proposed drainage conveyance and storage system.
 - b. Supporting calculations demonstrating adequacy of conveyance capacity and storage volume. The calculation analysis shall meet the requirements of the Yuba City Basin Drainage Study.
 - c. Storm Drain Collection Systems- For the design of all pipeline conveyance facilities, the Hydraulic Grade Line (HGL) shall be maintained a minimum of one foot below the gutter flow line of all drain inlets and at least one foot below all maintenance hole rims during a 10-year, 24-hour storm event. The storm drain minimum pipe size shall be 12 inches. The minimum velocity shall be 2 fps.
 - d. Street Flow- The street system shall be designed to convey the 100-year, 24-hour runoff while maintaining a water surface at least 1 foot below the adjacent building pad elevations (or alternatively, the building pad elevations shall be at least 1 foot above the 100-year water level). The grading plan shall ensure that the 100-year, 24-hour runoff can be conveyed through the development and to the receiving drainage facility.

- e. Drainage systems (pipes and street systems) shall be designed to accommodate the runoff from the ultimate development of the entire upstream watershed.
 - f. 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.
 - g. The drainage analysis shall be completed and stamped by a Professional Engineer and determined by the City Engineer, if necessary, to be comprehensive, accurate, and adequate.
16. 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
17. All development shall be designed to local, state, and federal flood standards.
18. Developer is to construct street lights along the east side of North Walton Avenue. Placement of the street lights shall be approximately 250 feet apart, or as approved by the Public Works Director.
19. Any street lighting is a public improvement which shall meet the City Standard Details and be included in the Improvement Plans and Specifications for the development when the improvement plans are submitted for the first improvement plan check.
20. The existing power poles along the property on North Walton Avenue shall be placed underground, or addressed in accordance with the City's Overhead Utility Policy adopted March 17, 2020, or as otherwise determined by the Public Works Director. The total lineal foot length of overhead lines along North Walton Avenue is determined to be 693 lineal feet.
21. Any proposed drive gates, and associated hardware locks, shall comply with Municipal Code Section 4-5.02 – Revisions to the 2021 International Fire Code; *Security Gates*; and be approved by the Fire Department. Said drive gates shall be placed at a distance from North Walton Avenue that allows for safe ingress/egress, as approved by the Public Works Director.
22. 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 CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." 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."
- 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 ISSUANCE OF A BUILDING PERMIT

- 23. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Maintenance District for the purpose of maintaining the street lights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
- 24. All applicable fees associated with using the Gilsizer District drainage system shall be paid, or as otherwise determined by the Public Works Director.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- 25. All street lighting shall be constructed in accordance with the improvement plans, dedicated to the City of Yuba City, and energized prior to the issuance of any certificate of occupancy, unless otherwise approved by the Public Works Director.
- 26. 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.
- 27. 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.

ATTACHMENT 3

City Council



May 2, 2023

Homekey Round 3 Application – Merriment Village
City of Yuba City
Yuba City, CA

SUBJECT: FUNDING COMMITMENT LETTER FOR MERRIMENT VILLAGE

This letter is intended to indicate that the City of Yuba City will commit funding to the development of Merriment Village, located at 428 North Walton Ave, Yuba City, CA.

See all committed funding sources detailed below:

- Development Fee Waivers – \$1,787,922
- Permanent Local Housing Allocation (PLHA) Funds - \$155,000 annually, provided that the City continues to receive PLHA funds.

If you have any further questions, please feel free to contact the City Manager, Diana Langley, at 530-822-4792 or by email at dlangley@yubacity.net.

Thank you,

Wade Kirchner
Mayor

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Consideration of General Plan Amendment (GPA) 22-01 and Rezone (RZ) 22-02 associated with Tentative Parcel Map (TPM) 22-01 for the Ratliff Duplex Development

Recommendation: A. Conduct a Public Hearing, and;

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment 22-04, a Mitigated Negative Declaration, and contingently approving General Plan Amendment 22-01 for the Ratliff Duplex Development located on approximately 0.31 acres at the southwest corner of Cooper Avenue and Frederick Street (Assessor's Parcel Numbers 52-283-012 and -013); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-02 for the Ratliff Duplex Development located on approximately 0.31 acres at the southwest corner of Cooper Avenue and Frederick Street (Assessor's Parcel Numbers 52-283-012 and -013).

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

Purpose:

To consider General Plan Amendment (GPA) 22-01 and Rezone (RZ) 22-02 associated with Tentative Parcel Map (TPM) 22-01 for the Ratliff Duplex Development.

Council's Strategic Goal:

This item meets the City Council's strategic goal of business friendly.

Background:

The applicant, James Ratliff, filed an application for GPA 22-01, RZ 22-02, and TPM 22-01 for the development of three duplexes on the existing two parcels (0.31 acres).

On May 31, 2023, the Yuba City Planning Commission conducted a public hearing, and the Planning Commission unanimously:

1. Adopted Resolution PC 23-10 recommending approval of GPA 22-01 and RZ 22-02 to the City Council together with Environmental Assessment 22-04; and
2. Adopted Resolution PC 23-11 contingently approving TPM 22-01.

Analysis:

If approved as proposed, the applicant proposes to construct a two-story duplex on each of three smaller lots, as compared to a duplex on two lots under the existing zoning. In order to accomplish this the applicant has requested the following:

- **GPA 22-01:** The existing LDR General Plan land use designation has a maximum allowable residential density of eight residences per acre. With the existing two R-2 zoned lots, a duplex is permitted on each lot. The resulting four residences would be at a residential density of almost 13 residences/acre (as this is a pre-existing situation, the added density over the allowed eight units per acre is permitted). With the proposed GPA the project will have a density of approximately 19 residences per acre. The proposed designation of HDR will allow up to 36 residences per acre, but the X₃₀ ordinance would limit the density for this proposal to the proposed 19 residences per acre.
- **RZ 22-02:** The existing R-2 Zone District is primarily designed for duplexes. However, this proposal is for smaller lots than allowed in the R-2 Zone District. To accommodate this, the property will be rezoned to the Multiple-Family Residential District (R-3) and an X₃₀ Combining Zone District is requested to allow smaller lots with reduced rear yards and increased lot coverage. The X₃₀ Combining Zone District is designed to custom fit this project onto the three proposed lots.

Compatibility with neighboring uses:

The project is located in an older residential neighborhood with a mix of residential types. There remain single-family residences in all directions but there are also apartments across the street to the northwest and northeast. There is also a small apartment complex to the rear of this property on the south side. This proposal to add duplexes fits between the existing residential types.

Table 2: Bordering Information and Uses			
	General Plan Land Use Designation	Zoning	Existing Land Use
Project Site	Low Density Residential (LDR)	Two-Family Residential (R-2)	Vacant
North	LDR	R-2	Frederick Street with multi-family and single-family uses across the street.
East	LDR, & Medium Density Residential (MDR)	Single-Family Residential (R-1) and R-2	Cooper Street with single-family & multi-family across the street.
West	LDR	R-2	Single-family residence.
South	LDR	R-2	Single Family and multi-family.

Mixing housing types in a neighborhood encourages economic diversity but still maintains compatibility

from a standpoint of maintaining a residential neighborhood. Thus, adding three duplexes to an existing neighborhood mix of single-family and multiple-family uses should not cause incompatibility issues.

Community Benefit:

In order to utilize the X Combining Zone District there should be a community benefit as a result of reducing City development standards. In this case, the project will generate additional moderate-income type housing that is highly encouraged by the City's updated 2021-2029 General Plan Housing Element in an existing neighborhood that provides a range of housing types.

Traffic:

Assuming eight vehicle trips per day per residence, this project will not add more than approximately 48 vehicle trips per day. When compared to the current zoning, which would be two duplexes on the two existing parcels, which would generate approximately 32 trips per day, the difference is considered minimal.

Environmental Considerations:

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

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. The finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases and Geology and Soils, and Tribal Cultural Resources, this GPA/RZ/TPM will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included in the attached Mitigation Monitoring Program.

Fiscal Impact:

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

Alternatives:

1. Deny the application to approve General Plan Amendment 22-01 and Rezone 22-01.
2. Provide staff with alternate direction.

Recommendations:

- A. Conduct a Public Hearing, and;
- B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment 22-04, a Mitigated Negative Declaration, and contingently approving General Plan Amendment 22-01 for the Ratliff Duplex Development located on approximately 0.31 acres at the southwest corner of Cooper Avenue and Frederick Street (Assessor's Parcel Numbers 52-283-012 and -013); and
- C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 22-02 for

the Ratliff Duplex Development located on approximately 0.31 acres at the southwest corner of Cooper Avenue and Frederick Street (Assessor's Parcel Numbers 52-283-012 and -013).

Attachments:

1. City Council Resolution
2. City Council Ordinance
3. Planning Commission Staff Report Packet, dated May 31, 2023

Prepared By:
Ashley Potočník
Development Liaison

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT 22-04, A MITIGATED NEGATIVE DECLARATION, AND CONTINGENTLY APPROVING GENERAL PLAN AMENDMENT 22-01 FOR THE RATLIFF DUPLEX DEVELOPMENT LOCATED ON APPROXIMATELY 0.31 ACRES AT THE SOUTHWEST CORNER OF COOPER AVENUE AND FREDERICK STREET (ASSESSOR'S PARCEL NUMBERS 52-283-012 AND -013)

WHEREAS, the City received an application from James Ratliff for a General Plan Amendment to amend the General Plan Land Use Map from an LDR land use designation to a HDR designation (GPA 22-01), and a Rezoning for this property revising the zoning from a R-2 Zone District to the R-3X₃₀ Zone District (RZ 22-02) in order to reduce minimum lot sizes, increase lot coverage and reduce rear yard sizes in order to accommodate Tentative Parcel Map (TPM) 22-01 that divides two parcels into three parcels for the 0.31 acre site (collectively "Project"). Development that will result from this action will be provided full City services; and

WHEREAS the X₃₀ Combining Zone District will modify certain development standards in an effort to increase project densities. Proposed development standard modifications include allowing for reduced minimum lot sizes 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; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 22-04) for the Project; and

WHEREAS, on May 24, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on the applications, GPA 22-01, RZ-22-02, and TPM 22-01, as well as EA 22-04, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission reviewed all associated documents prepared for the Project, including that related to the applications, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council of the City of Yuba City adopt a resolution adopting Environmental Assessment 22-04, approve GPA 22-01, and adopt an ordinance approving RZ 22-02.

WHEREAS, on September 19, 2023, the City Council conducted a Public Hearing to consider the GPA 22-01, RZ-22-02, and EA 22-04, and received both oral testimony and written information presented at the hearing regarding the same; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council now desires to approve the project; and

WHEREAS, due to the limitations of State law that limit the number of General Plan amendments that can occur each year, and to comply with this requirement, individual projects proposing amendments to the General Plan may be contingently approved based on a final consolidated approval of all such project by the City Council; and

WHEREAS, the City Council now desires to adopt EA 22-04 and contingently approve GPA 22-01, with RZ 22-02 to be adopted by separate ordinance.

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

1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Finding. The City Council finds and determines that there is no substantial evidence in the record that the Project may have a significant effect on the environment as identified by the mitigated negative declaration (MND) prepared for Environmental Assessment 22-04. Additionally, the City Council finds and determines as follows:
 - a. An environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the City Council's independent judgment and analysis. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment 22-04 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 finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant or adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the 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. As such, the City Council also finds and determines that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per Environmental Assessment 22-04.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council adopts 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 located at 1201 Civic Center Boulevard, Yuba City, CA 95993, is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The City Council authorizes the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.

4. General Plan Findings. The City Council finds that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 22-01, including the following:
 - a. The proposed HDR land use designation, when used in conjunction with the proposed rezoning, will limit the residential density to be compatible with existing neighboring higher density residential uses.
 - b. The Project will not generate significant amounts of new traffic that would cause a decrease in levels of service for nearby General Plan streets including Bridge Street, B Street, Clark Avenue, and Gray Avenue, and any new residences that result from this Project will pay their fair share of traffic development impact fees, making the Project consistent with the Transportation Element.
 - c. Increasing the allowable residential density is consistent with the Housing Element's goals and policies that are intended to expand housing opportunities within the City.
 - d. The environmental document prepared for the Project (EA 22-04) found that the Project will not create significant environmental impacts on water quality, air quality, biological resources, agricultural lands, open space, and archaeological resources, making the Project consistent with the Environmental Conservation Element of the General Plan.
 - e. The Project will connect to all City services including water, wastewater, and stormwater drainage, making it consistent with the Public Utilities Element, and the Police and Fire Departments determined that the Project will not cause any safety or emergency response issues. As such the Project will be consistent with the Noise and Safety Element.
 - f. Any new residences that will be constructed as a result of this Project will pay all applicable park and school development impact fees, making it consistent with the Parks, Schools, and Community Facilities Element.
5. Approval of General Plan Amendment 22-01. Based on the information provided above, the City Council of Yuba City approves General Plan Amendment 22-01, per the attached Exhibit "A," which is incorporated by reference. This approval is contingent upon the following:
 - a. The approval of General Plan Amendment 22-01 shall become final and effective immediately only after the City Council of the City of Yuba City approves a final resolution authorizing amendment of the General Plan and identifying General Plan Amendment 22-01 as a component of the same. If such approval is not made by the City Council within 45 days of the adoption of this Resolution, then this matter shall be returned to the City Council for further consideration and a final decision.
6. Effective: 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 19th day of September, 2023.

AYES:

NOES:

ABSENT:

CITY OF YUBA CITY

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

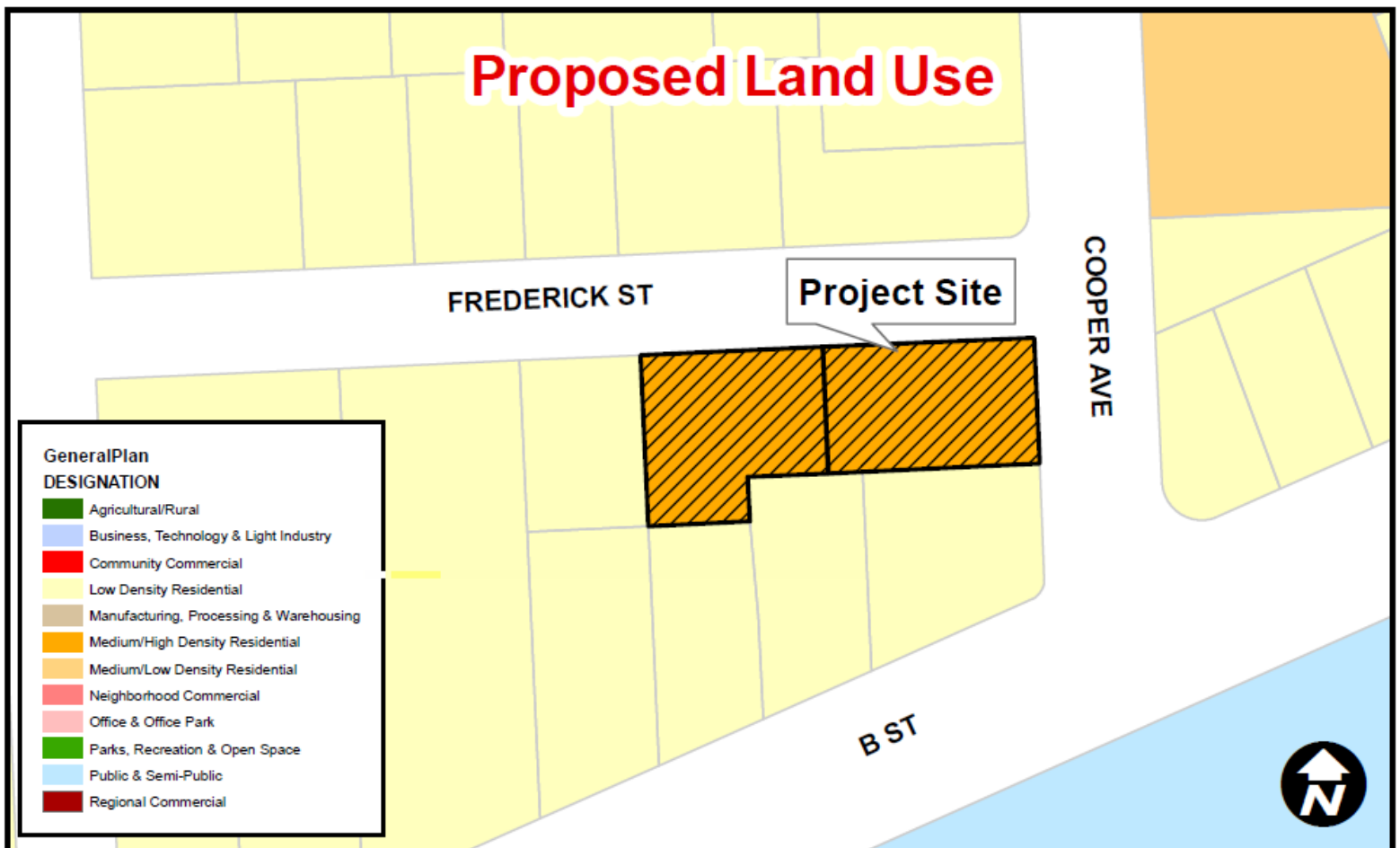
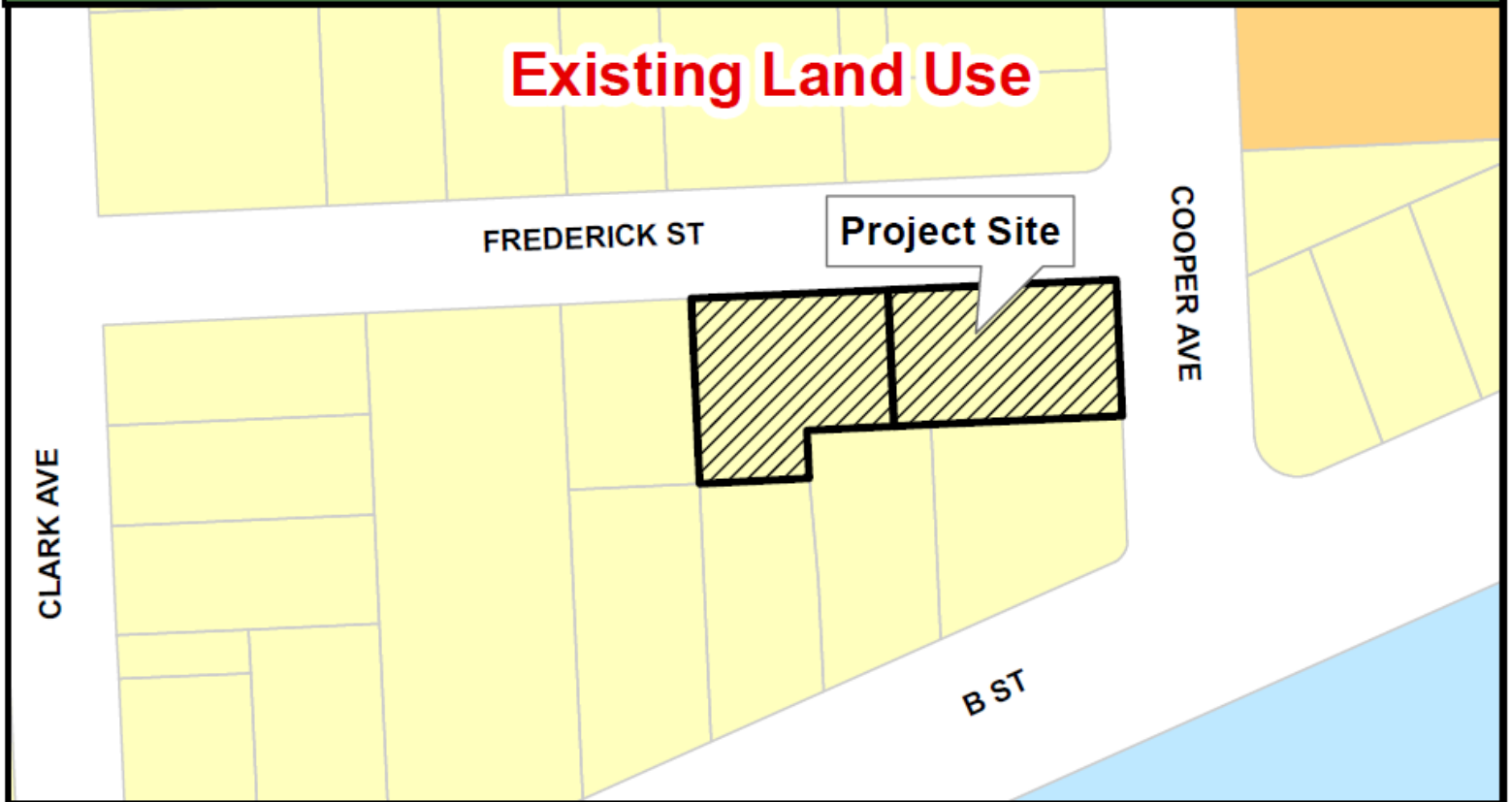
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: General Plan Map, GPA 22-01

EXHIBIT A

Ratliff Duplex Development

Land Use Map | GPA 22-01, RZ 22-02, TPM 22-01, EA 22-04



ATTACHMENT 2

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO
ADOPT REZONE 22-02 FOR THE RATLIFF DUPLEX DEVELOPMENT
LOCATED ON APPROXIMATELY 0.31 ACRES AT THE SOUTHWEST
CORNER OF COOPER AVENUE AND FREDERICK STREET (ASSESSOR'S
PARCEL NUMBERS 52-283-012 AND -013).**

WHEREAS, the City received an application from James Ratliff for a General Plan Amendment to amend the General Plan Land Use Map from an LDR land use designation to a HDR designation (GPA 22-01), and a Rezoning for this property revising the zoning from a R-2 Zone District to the R-3X₃₀ Zone District (RZ 22-02) in order to reduce minimum lot sizes, increase lot coverage and reduce rear yard sizes in order to accommodate Tentative Parcel Map (TPM) 22-01 that divides two parcels into three parcels for the 0.31 acre site (collectively "Project"). Development that will result from this action will be provided full City services; and

WHEREAS the X₃₀ Combining Zone District will modify certain development standards in an effort to increase project densities. Proposed development standard modifications include allowing for reduced minimum lot sizes 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; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 22-04) for the Project; and

WHEREAS, on May 24, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on the applications, GPA 22-01, RZ-22-02, and TPM 22-01, as well as EA 22-04, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission reviewed all associated documents prepared for the Project, including that related to the applications, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission unanimously recommended the City Council of the City of Yuba City adopt a resolution adopting Environmental Assessment 22-04, approve GPA 22-01, and adopt an ordinance approving RZ 22-02.

WHEREAS, on September 19, 2023, the City Council conducted a Public Hearing to consider the GPA 22-01, RZ-22-02, and EA 22-04, and received both oral testimony and written information presented at the hearing regarding the same; and

WHEREAS, the City Council desires to approve RZ 22-02.

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

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the

same herein as if set forth in full.

2. CEQA Findings: The City Council of the City of Yuba City has concurrently approved EA 22-04 by adopting an Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program for the project. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. No further CEQA is required, as CEQA has been completed for this project.
3. Rezone Findings. The City Council finds that Rezone 22-02 is consistent with the General Plan as amended by General Plan Amendment 22-01. The City Council finds that Rezone 22-02 i) is consistent with the General Plan goals and policies as amended and as further described in the City Council's Resolution approving General Plan Amendment 22-01; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience, access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality economic growth and development for the City.
4. Approval of RZ 22-02. Based on the information provided above, the City Council of Yuba City adopts an Ordinance approving RZ 22-02 and reclassify the zone districts for those districts as depicted in Exhibit "A," which is incorporated by reference.
5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.
7. Effective Date 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 19th day of September 2023, and adopted the Ordinance after the second reading at a regular meeting held on the 3rd day of October 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: Rezone Map, RZ 22-02
Exhibit B: X30 Combining District Description

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

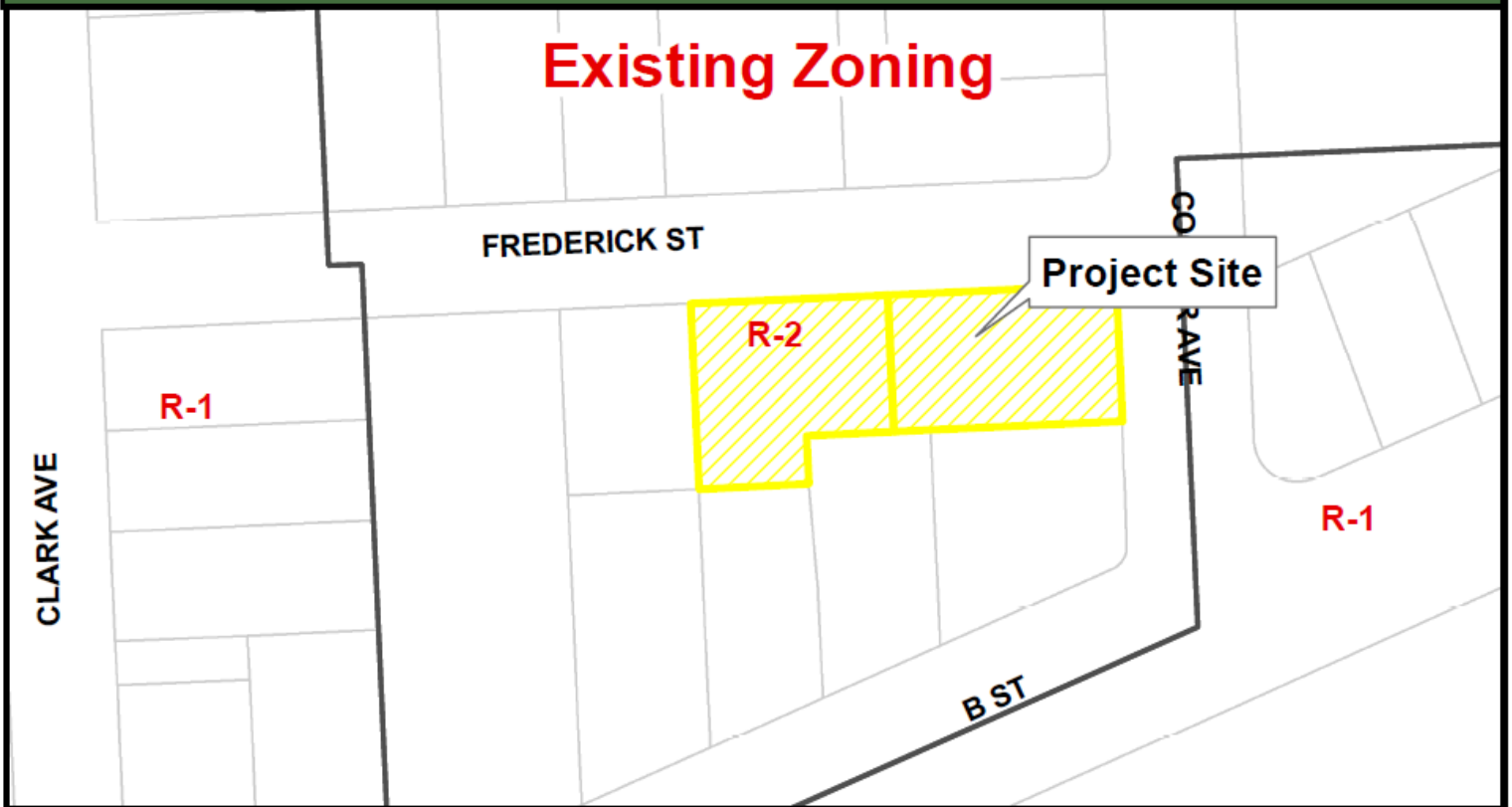
EXHIBIT A

Ratliff Duplex Development

Zoning Map | GPA 22-01, RZ 22-02, TPM 22-01, EA 22-04



Existing Zoning



Proposed Zoning

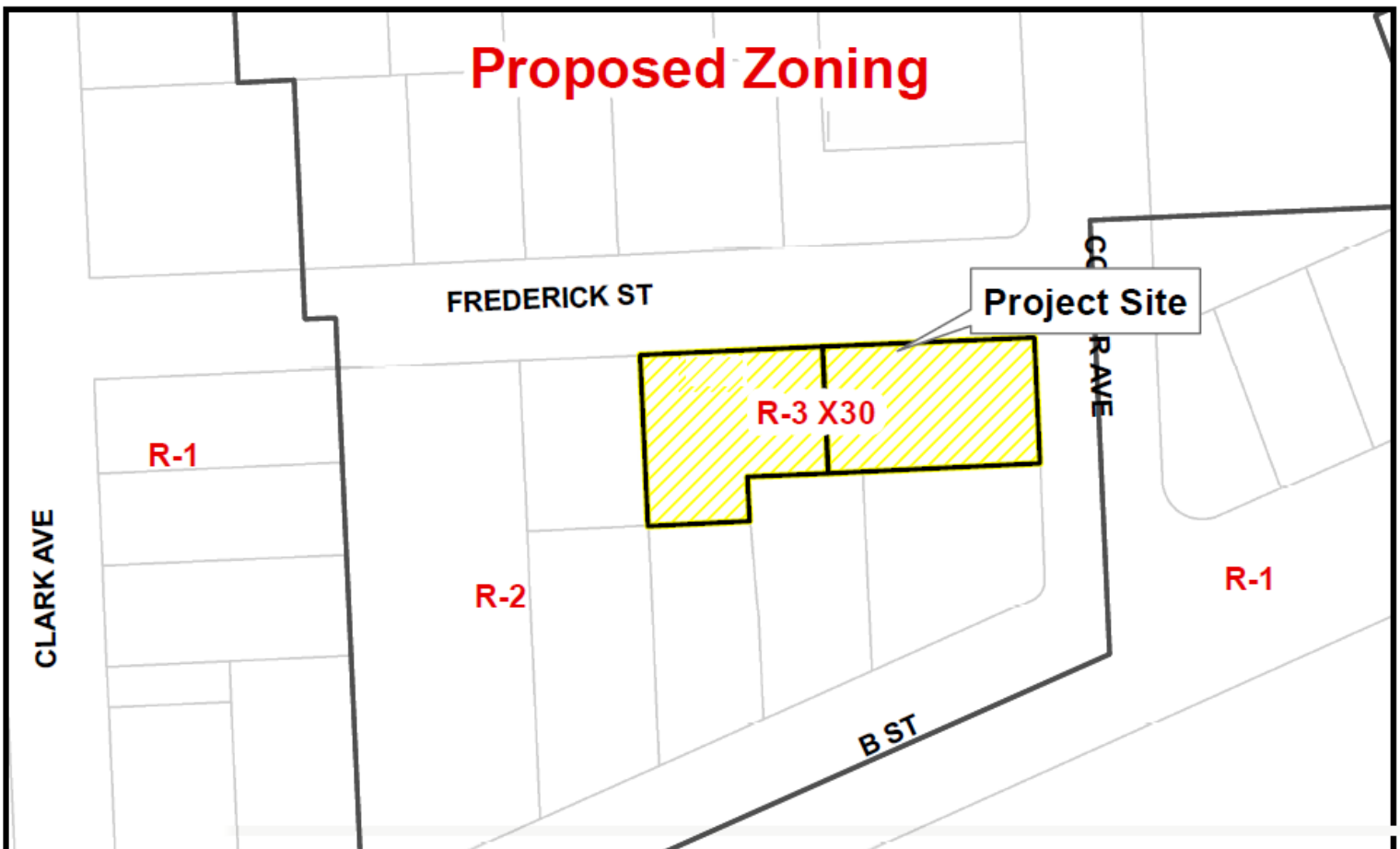


EXHIBIT B

X₃₀ Combining Zone District

Purpose.

To provide specific land use and development standards for the 0.31-acre property located at the southeast corner of Cooper Avenue and Frederick Street. This combining zone district is consistent with the Medium/High Density Residential (HDR) General Plan Designation.

Applicability:

This X₃₀ Combining Zone District shall apply to Assessor's Parcel Numbers 52-283-012 and -013, as revised by TPM 22-01.

Permitted Uses.

A duplex or single-family residence and related accessory uses are permitted on each of the three parcels, provided the duplexes are in general compliance with the approved site plan and building elevations, as provided in the attached **Exhibit A**. Any other proposed use is limited to the R-2 Zone District permitted uses and uses permitted with a use permit, provided a use permit is first approved for both. A use permit or a revision to this X₃₀ Combining Zone District must be found consistent with the General Plan.

Development and Design Standards.

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

X ₃₀ Development & Design Standards	
Minimum Lot Size	3,900 square feet, except that a corner lot is 4,400 square feet.
Maximum percentage lot coverage	50 percent.
Minimum Rear Yard Depth	9 feet.
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.
Building Design	Each new duplex shall be designed to match the approved site plan and building elevations shown in Exhibit A , or better, as determined by the Development Services Director.

ATTACHMENT 3



**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: Ashley Potočník, Development Liaison

Subject: **General Plan Amendment (GPA) 22-01, Rezone (RZ) 22-02, Tentative Parcel Map (TPM) 22-01, Ratliff Duplex Development**

Recommendation: A. Conduct a Public Hearing and make the necessary findings to:

B. Adopt a Resolution recommending to the City Council approve Environmental Assessment 22-04 by adopting a Mitigated Negative Declaration, subject to Mitigation Measures, approve General Plan Amendment (GPA 22-01) and adopt an Ordinance approving Rezone 22-02 for the Ratliff Duplex Development located on approximately 0.31 acres located at the southwest corner of Cooper Avenue and Fredrick Street (Assessor's Parcels 52-283-012 and -013); and

C. Adopt a Resolution contingently approving Tentative Parcel Map (TPM) 22-01, subject to the Conditions of Approval and Mitigation Measures, on approximately 0.31 acres located at the southwest corner of Cooper Avenue and Fredrick street (Assessor's Parcels 52-283-012 and -013).

Applicant/Owner: James Ratliff

Project Location: The 0.31-acre site is located on the southwest corner of Frederick Street and Cooper Avenue. Assessor's Parcel Numbers (APN) 52-283-012 and -013.

General Plan: **Existing:** Low Density Residential (LDR)

Proposed: Medium-High Density Residential (HDR)

Zoning: **Existing:** Two-Family Residential (R-2) Zone District

Proposed: Multiple-Family Residential Zone District (R-3) combined with the X₃₀ Zone District (R-3X₃₀). The X₃₀ Combining Zone District will revise the R-3 development standards allowing smaller lots with reduced rear yards and increased lot coverage limits but limit the permitted uses to a duplex on each of the three lots.

Purpose:

Consideration of General Plan Amendment (GPA) 22-01, Rezone (RZ) 22-02, and Tentative Parcel Map (TPM) 22-01 for the proposed Ratliff Duplex Development.

Project Description:

The intent of the project is to construct a two-story duplex on each of three smaller lots, as compared to a duplex on two lots under the existing zoning. In order to accomplish this the applicant has requested the following:

- **GPA 22-01:** will re-designate two parcels consisting of 0.31 acre (13,416 square feet) from the LDR land use designation to the HDR designation. This GPA is needed to increase the allowable residential density from a maximum of eight residences per acre under the LDR designation to a range of 12-36 residences per acre in the HDR designated areas. The proposed density will be approximately 19 residences per acre.
- **RZ 22-02:** rezones the same 0.31 acre from the R-2 Zone District to the R-3X₃₀ Zone District. The X₃₀ Combining Zone District is requested to allow smaller lots with reduced rear yards and increased lot coverage (See Table 1 below) and limit the use of each of the three small lots to a duplex.

Table 1: Proposed X ₃₀ Use and Development Standards		
Standard	Existing R-2 Standard	Proposed R-3X ₃₀ Standard
Permitted Uses	All uses allowed in the R-2 Zone District.	A duplex (on each of the three lots) and permitted accessory uses. Any other use requires a use permit.
Minimum Lot Size for a duplex	6,000 square feet, except that a corner lot is 7,000 square feet.	3,900 square feet, except that a corner lot is 4,400 square feet.
Maximum percentage lot coverage	For a two-story duplex – 40%.	For a two-story duplex - 50%.
Minimum Rear Yard Depth	25 feet or 20% of the total lot depth, whichever is less.	9 feet.

- **TPM 22-01** subdivides the two existing parcels totaling 0.31 acre (13,416 sq. ft.) into three parcels consisting of 0.12 acre (5,037 sq. ft.), 0.09 acre (3,906 sq. ft.), and 0.10 acre (4,473 sq. ft.).

Background

Since at least the adoption of the 2004 General Plan, the two lots on 0.31 acre have been designated for low density residential development. A duplex could be constructed on each of the two parcels. The property owner proposes to intensify what is permitted. Instead of building

a duplex on each of the two existing lots, the proposed project will establish three lots and allow for the construction of a duplex on each of the three parcels. To accomplish this, several entitlements are required:

- Amend the General Plan Land Use designation allow increased residential density (LDR to HDR).
- Amend the zoning from a Two-Family Residential (R-2) Zone District to an R-3X₃₀ Zone District. *
- Approve a tentative parcel map to create three parcels from two.

*The Two-Family Residential (R-2) Zone District, which is typically utilized for duplex development, does not work for this proposal as the proposed lots will be smaller than allowed by the R-2 Zone District. The X Combining Zone District is designed to be applied in cases where modified standards are needed to accommodate a specific development project that may not meet the overall standards, but that results in a development that is beneficial to the community.

The net difference from what is currently allowed to this proposal is the ability to build one additional duplex (three total) instead of two. As there is other urban development around this property, all City services have been available to this property for many years.

Analysis:

GPA 22-01: The existing LDR General Plan land use designation has a maximum allowable residential density of eight residences per acre. With the existing two R-2 zoned lots, a duplex is permitted on each lot. The resulting four residences would be at a residential density of almost 13 residences/acre (as this is a pre-existing situation, the added density over the allowed eight units per acre is permitted). With the proposed GPA the project will have a density of approximately 19 residences per acre. The proposed designation of HDR will allow up to 36 residences per acre, but the X₃₀ ordinance would limit the density for this proposal to the proposed 19 residences per acre.

RZ 22-02: The existing R-2 Zone District is primarily designed for duplexes. However, this proposal is for smaller lots than allowed in the R-2 Zone District. To accommodate this, the property will be rezoned to the Multiple-Family Residential District (R-3) and an X₃₀ Combining Zone District is requested to allow smaller lots with reduced rear yards and increased lot coverage. The X₃₀ Combining Zone District is designed to custom fit this project onto the three proposed lots.

TPM 22-01: As the applicant proposes three duplexes, the applicant also proposes to create three lots so each proposed duplex can be built on its own lot.

Compatibility with neighboring uses:

The project is located in an older residential neighborhood with a mix of residential types. There remain single-family residences in all directions but there are also apartments across the street to the northwest and northeast. There is also a small apartment complex to the rear of this property on the south side. This proposal to add duplexes fits between the existing

residential types. While newer neighborhoods usually do not mix housing types due to perceived differences, the result is still residences with other residences, which does not

Table 2: Bordering Information and Uses			
	General Plan Land Use Designation	Zoning	Existing Land Use
Project Site	Low Density Residential (LDR)	Two-Family Residential (R-2)	Vacant
North	LDR	R-2	Frederick Street with multi-family and single-family uses across the street.
East	LDR, & Medium Density Residential (MDR)	Single-Family Residential (R-1) and R-2	Cooper Street with single-family & multi-family across the street.
West	LDR	R-2	Single-family residence.
South	LDR	R-2	Single Family and multi-family.

introduce any true land use incompatibilities. Mixing housing types in a neighborhood encourages economic diversity but still maintains compatibility from a standpoint of maintaining a residential neighborhood. Thus, adding three duplexes to an existing neighborhood mix of single-family and multiple-family uses should not cause incompatibility issues.

In Yuba City there is also a tradition of not mixing single-story and two-story residences. In this case, however, that mix already exists, so adding two story residences to the neighborhood is not expected to generate compatibility concerns.

Community Benefit:

In order to utilize the X Combining Zone District there should be a community benefit as a result of reducing City development standards. In this case, the project will generate additional moderate income type housing that is highly encouraged by the General Plan Housing Element in an existing neighborhood that provides a range of housing types.

Spot Zoning:

Adding the X₃₀ Combining Zone District might be considered a spot zoning as it will differ from the surrounding R-2 Zone District. However, the actual proposed uses are duplexes for which the surrounding R-2 District is designed to accommodate. The proposed smaller lot sizes are also not considered to be an issue as the proposed density of approximately 19 residences per acre is consistent with the densities of the existing neighboring multiple-family residences.

Traffic:

Assuming eight vehicle trips per day per residence, this project will not add more than approximately 48 vehicle trips per day. When compared to the current zoning, which would

be two duplexes on the two existing parcels, which would generate approximately 32 trips per day, the difference is considered minimal.

Environmental Considerations:

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

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. The finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases and Geology and Soils, and Tribal Cultural Resources, this GPA/RZ/TPM will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included in the attached Mitigation Monitoring Program.

Recommended Actions:

- A. Conduct a Public Hearing and make the necessary findings to:
- B. Adopt a Resolution recommending to the City Council approve Environmental Assessment 22-04 by adopting a Mitigated Negative Declaration, subject to Mitigation Measures, approve General Plan Amendment (GPA 22-01) and adopt an Ordinance approving Rezone 22-02 for the Ratliff Duplex Development located on approximately 0.31 acres located at the southwest corner of Cooper Avenue and Fredrick Street (Assessor's Parcels 52-283-012 and -013); and
- C. Adopt a Resolution contingently approving Tentative Parcel Map (TPM) 22-01, subject to the Conditions of Approval and Mitigation Measures, on approximately 0.31 acres located at the southwest corner of Cooper Avenue and Fredrick street (Assessor's Parcels 52-283-012 and -013).

Attachments:

- 1. Planning Commission Resolution (GPA 22-01, RZ 22-02)
 - Exhibit A: General Plan Map, GPA 22-01
 - Exhibit B: Zoning Map, RZ 22-02
 - Exhibit C: X30 Zone District Development and Use Criteria
- 2. Planning Commission Resolution (TPM 22-01)
 - Exhibit A: Tentative Parcel Map 22-01
 - Exhibit B: Conditions of Approval for TPM 22-01
- 3. Location Map
- 4. Environmental Assessment 22-04 and Mitigation Monitoring and Reporting Program

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-10

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVE ENVIRONMENTAL ASSESSMENT 22-04 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE MITIGATE MEASURES, APPROVE GENERAL PLAN AMENDMENT 22-01 AND ADOPT AN ORDINANCE FOR APPROVING REZONE 22-02 FOR THE RATLIFF DUPLEX DEVELOPMENT LOCATED ON APPROXIMATELY 0.31 ACRES LOCATED AT THE SOUTHWEST CORNER OF COOPER AVENUE AND FREDRICK STREET (ASSESSOR'S PARCEL NUMBERS 52-283-012, -013)

WHEREAS, the City received an application from James Ratliff for a General Plan Amendment to amend the General Plan Land Use Map from an LDR land use designation to a HDR designation (GPA 22-01), and a Rezoning for this property revising the zoning from a R-2 Zone District to the R-3X₃₀ Zone District (RZ 22-02) in order to reduce minimum lot sizes, increase lot coverage and reduce rear yard sizes in order to accommodate Tentative Parcel Map (TPM) 22-01 that divides two parcels into three parcels for the 0.31 acre site (collectively "Project"). Development that will result from this action will be provided full City services; and

WHEREAS the X₃₀ Combining Zone District will modify certain development standards in an effort to increase project densities. Proposed development standard modifications include allowing for reduced minimum lot sizes 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; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 22-04) for the Project; and

WHEREAS, on May 24, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on the applications, GPA 22-01, RZ-22-02, and TPM 22-01, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed all associated documents prepared for the Project, including that related to the applications, 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 adopt a resolution adopting Environmental Assessment 22-04, approving GPA 22-01, and adopting an ordinance approving RZ 22-02.

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 Finding. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that General Plan Amendment 22-01 or Rezone 22-02, may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 22-04. Additionally, the Planning Commission recommends that the City Council find and determine as follows:
 - a. That an environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the City Council's independent judgment and analysis. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment 22-04 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, and there is no substantial evidence in the record that this project may have any direct, indirect or cumulative effects on the environment that are potentially significant or adverse. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the 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. As such, the Planning Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the project has been adequately environmentally assessed as required by CEQA per Environmental Assessment 22-04.
3. Adoption of the Mitigated Negative Declaration 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. General Plan Findings. The Planning Commission finds, and recommends that the City Council find that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 22-01, including the following:
 - a. The proposed HDR land use designation, when used in conjunction with the proposed rezoning, will limit the residential density to be compatible with existing neighboring higher density residential uses.

b. The Project will not generate significant amounts of new traffic that would cause a decrease in levels of service for nearby General Plan streets including Bridge Street, B Street, Clark Avenue, and Gray Avenue, and any new residences that result from this Project will pay their fair share of traffic development impact fees, making the Project consistent with the Transportation Element.

c. Increasing the allowable residential density is consistent with the Housing Element's goals and policies that are intended to expand housing opportunities within the City.

d. The environmental document prepared for the Project (EA 22-04) found that the Project will not create significant environmental impacts on water quality, air quality, biological resources, agricultural lands, open space, and archaeological resources, making the Project consistent with the Environmental Conservation Element of the General Plan.

e. The Project will connect to all City services including water, wastewater, and stormwater drainage, making it consistent with the Public Utilities Element, and the Police and Fire Departments determined that the Project will not cause any safety or emergency response issues. As such the Project will be consistent with the Noise and Safety Element.

f. Any new residences that will be constructed as a result of this Project will pay all applicable park and school development impact fees, making it consistent with the Parks, Schools, and Community Facilities Element.

5. Recommendation of Approval of the General Plan Amendment. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of General Plan Amendment 22-01, per the attached Exhibit "A".
6. Rezone Findings. The Planning Commission finds, and recommends that the City Council find and determine, that Rezone 22-02 is consistent with the General Plan as amended by General Plan Amendment 22-01. The Planning Commission further recommends that the City Council find that Rezone 22-02 i) is consistent with the General Plan goals and policies as amended and as further described above; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience, access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality balanced neighborhoods that provide housing options for the City.
7. Recommendation of Approval of the Rezoning. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of an ordinance approving RZ 22-02 and reclassify the zone districts as depicted in Exhibit "B" and "C" shown on the zoning map for the City of Yuba City.
8. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on 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: General Plan Amendment 22-01

Exhibit B: Rezone 22-02

Exhibit C: X₃₀ Zone District Development and Use Criteria

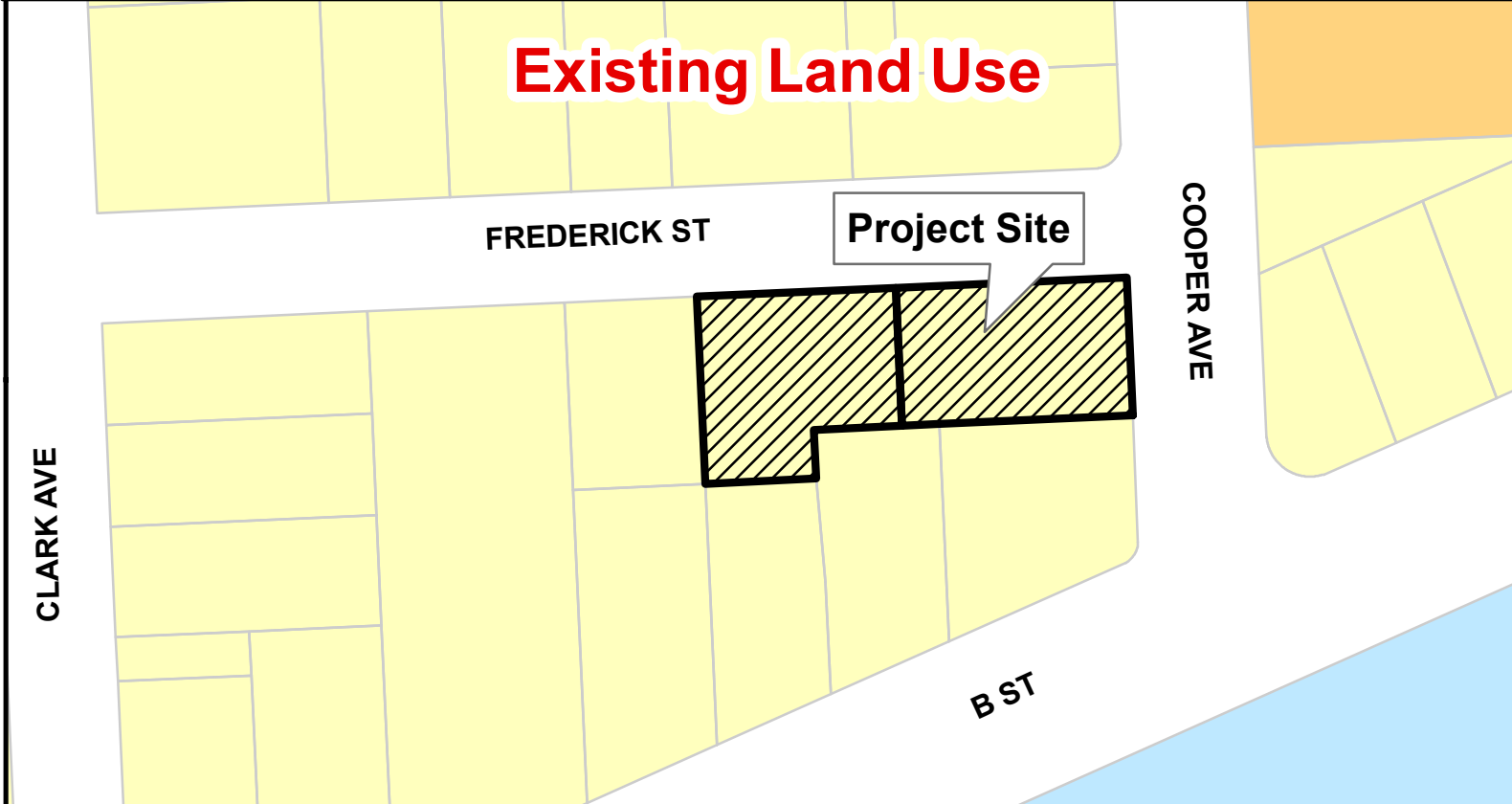
EXHIBIT A

Ratliff Duplex Development

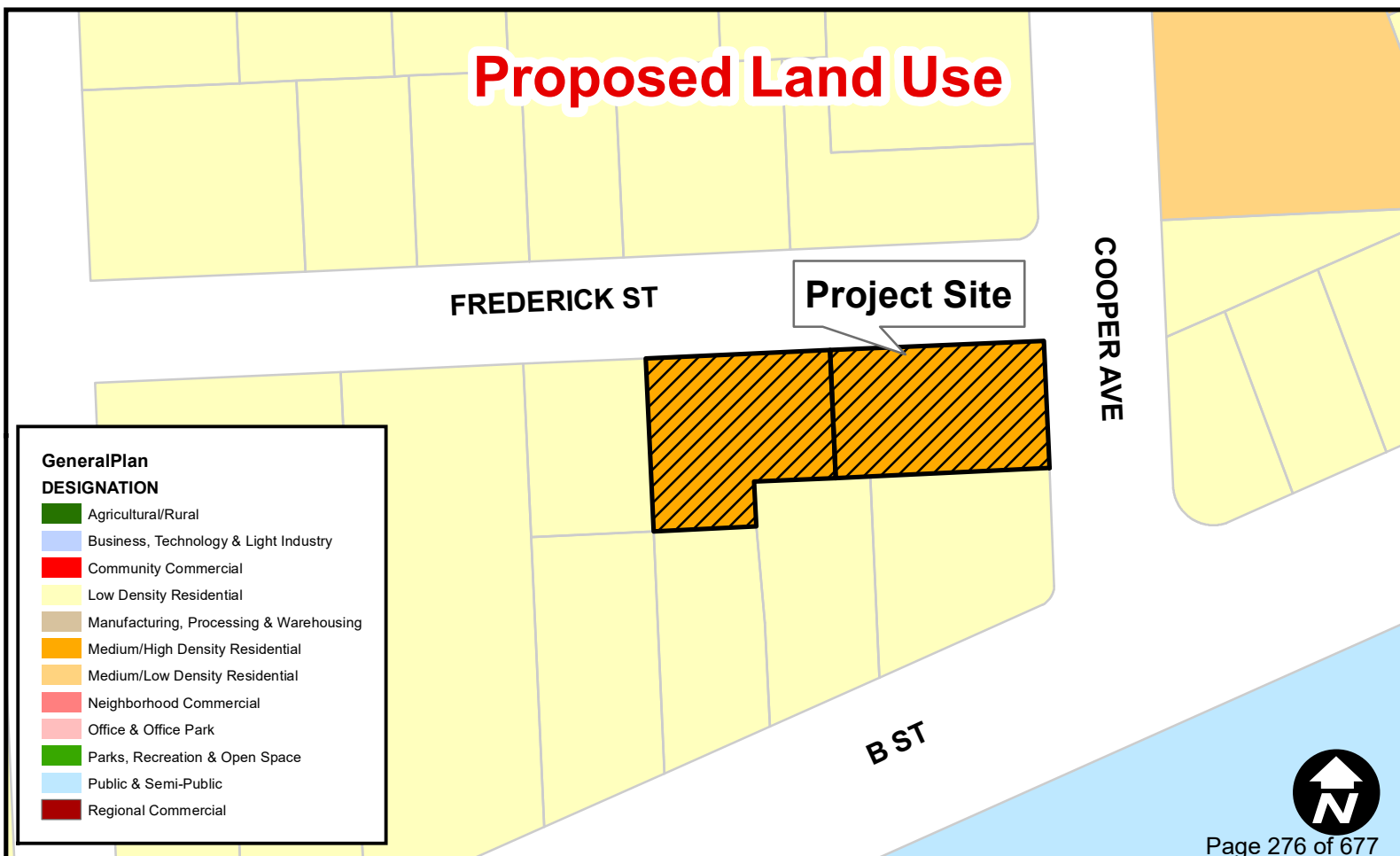
Land Use Map | GPA 22-01, RZ 22-02, TPM 22-01, EA 22-04



Existing Land Use



Proposed Land Use



General Plan DESIGNATION

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



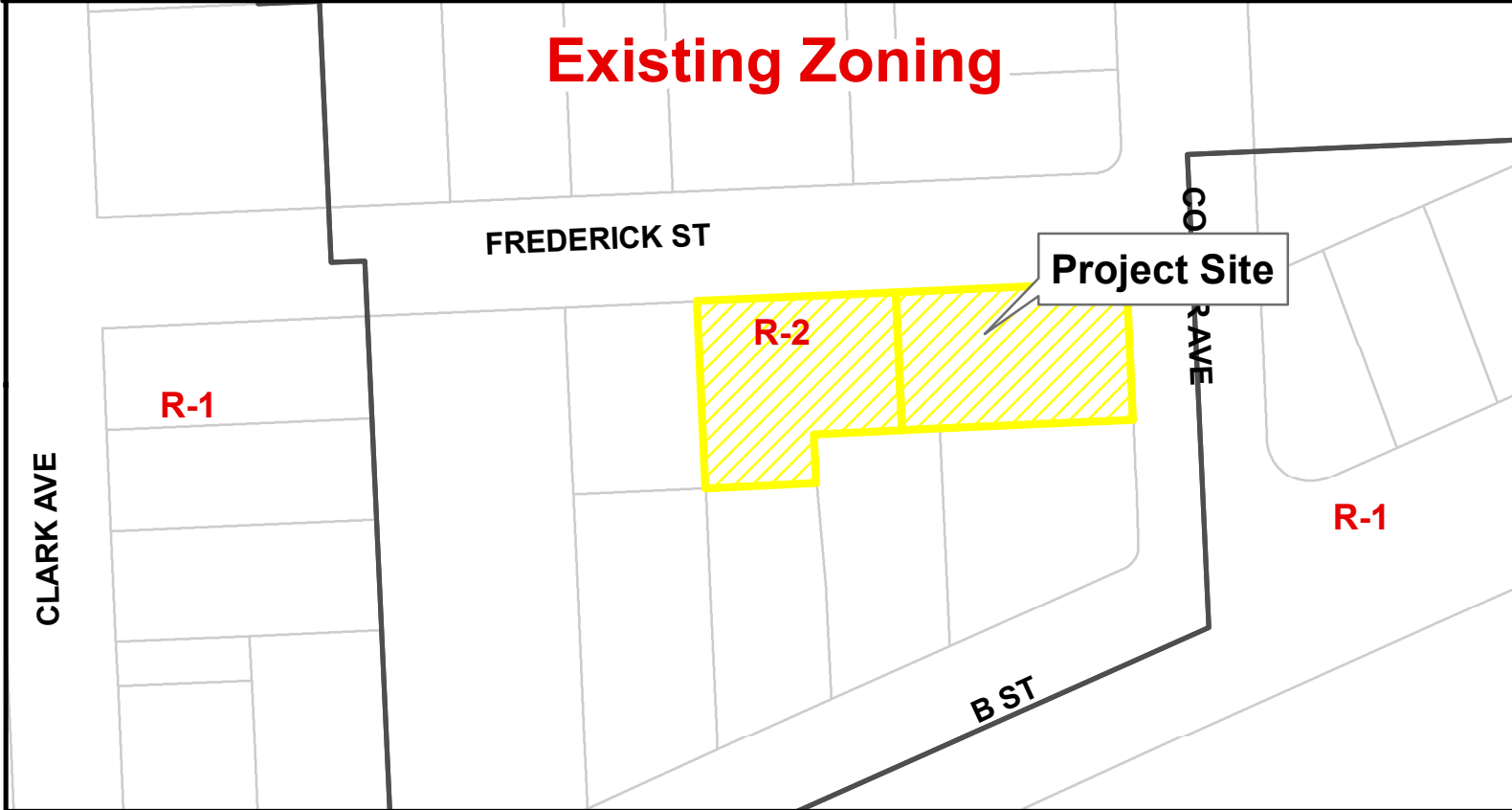
EXHIBIT B

Ratliff Duplex Development

Zoning Map / GPA 22-01, RZ 22-02, TPM 22-01, EA 22-04



Existing Zoning



Proposed Zoning

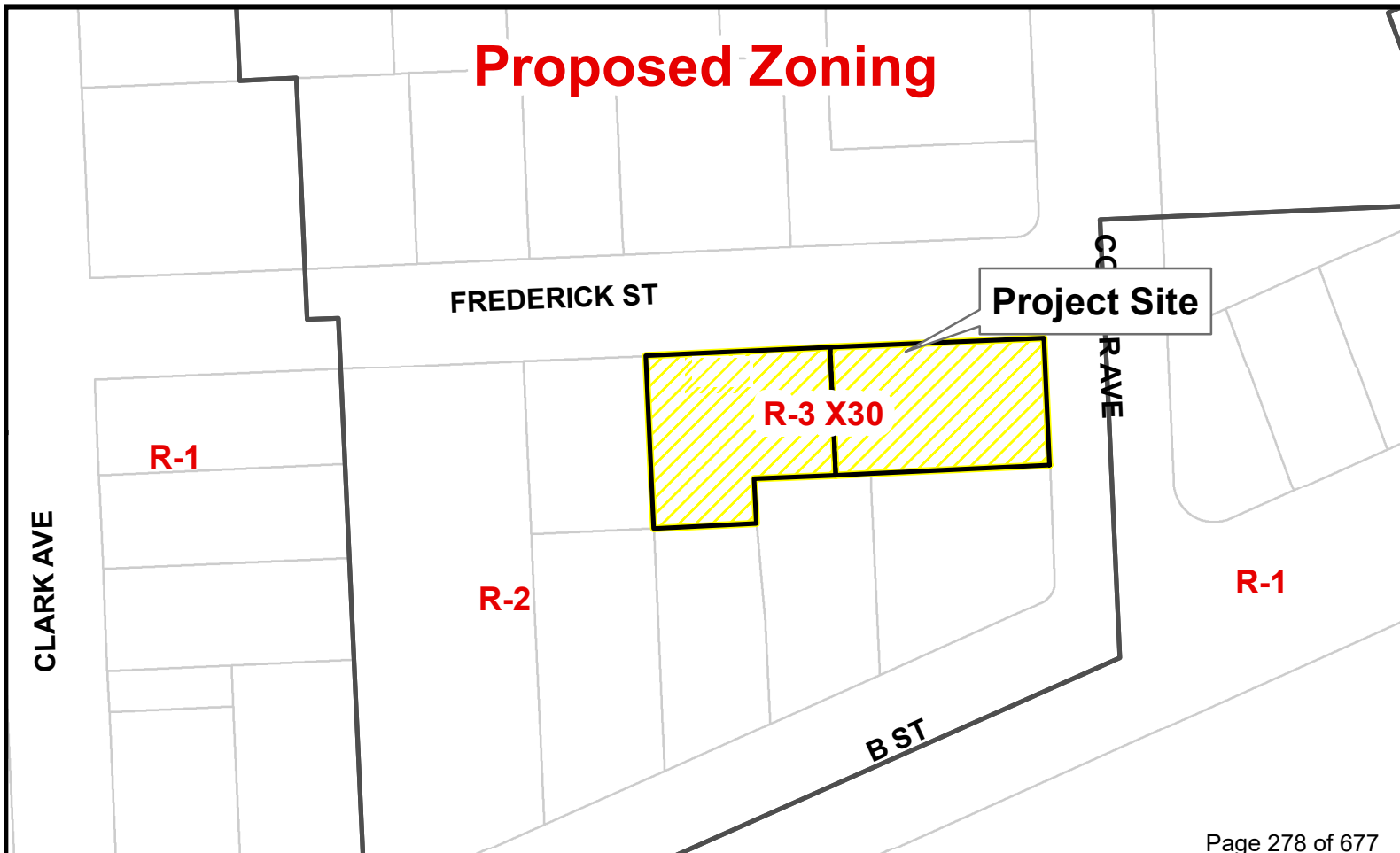


EXHIBIT C

X₃₀ Combining Zone District

Purpose.

To provide specific land use and development standards for the 0.31-acre property located at the southeast corner of Cooper Avenue and Frederick Street. This combining zone district is consistent with the Medium/High Density Residential (HDR) General Plan Designation.

Applicability:

This X₃₀ Combining Zone District shall apply to Assessor's Parcel Numbers 52-283-012 and -013, as revised by TPM 22-01.

Permitted Uses.

A duplex or single-family residence and related accessory uses are permitted on each of the three parcels, provided the duplexes are in general compliance with the approved site plan and building elevations, as provided in the attached **Exhibit A**. Any other proposed use is limited to the R-2 Zone District permitted uses and uses permitted with a use permit, provided a use permit is first approved for both. A use permit or a revision to this X₃₀ Combining Zone District must be found consistent with the General Plan.

Development and Design Standards.

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

X₃₀ Development & Design Standards	
Minimum Lot Size	3,900 square feet, except that a corner lot is 4,400 square feet.
Maximum percentage lot coverage	50 percent.
Minimum Rear Yard Depth	9 feet.
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.
Building Design	Each new duplex shall be designed to match the approved site plan and building elevations shown in Exhibit A , or better, as determined by the Development Services Director.

EXHIBIT "A"

Ratliff Duplex Development
(GPA 22-01, RZ 22-02, TPM 22-01)
Site Plan and Building Elevations



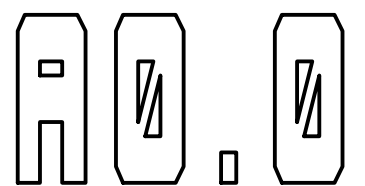
Fredrick Stoenner
Architect
563 Idaho Maryland Road
Grass Valley, CA 95945
(530) 277-3304 fax (530) 237-4862

Fredrick Stoenner
Frederick and Cooper
Yuba City, CA

JAMES RATLIFF DUPLEXES
FREDERICK AND COOPER
YUBA CITY, CA 95911
530 713-5467

DATE: 02/06/2023 BY: OFS
REV: BY:

JOB NO:



RATLIFF DUPLEXES FREDERICK AND COOPER YUBA CITY CA

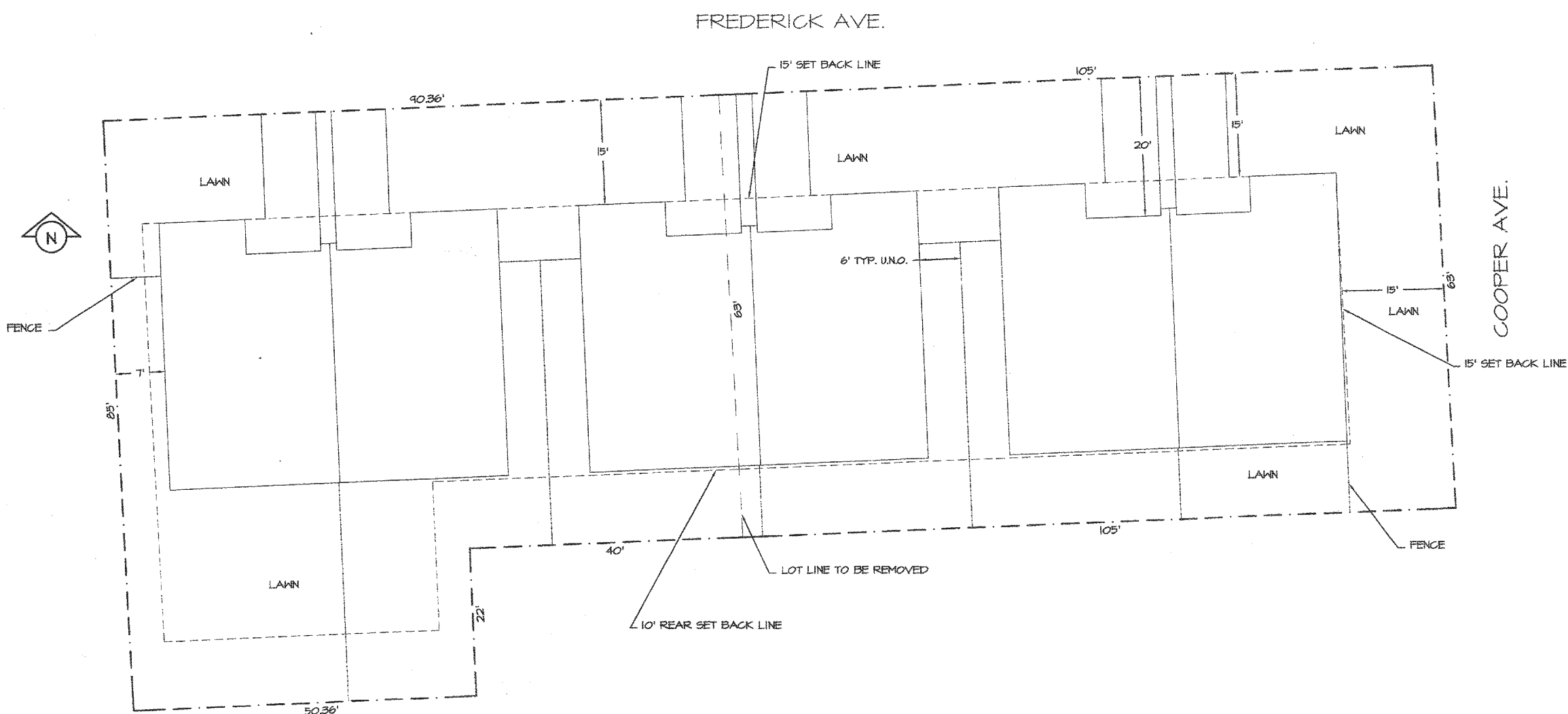
PROJECT NOTES:

THE OWNER SEEKS TO ADJUST THE PROPERTYH BOUNDARIES TO CREATE THREE PARCELS
EACH PARCEL WILL CONTAIN A SEPARATE DUPLEX DWELLING FOR A TOTAL OF SIX HOMES
COMPLETE PLANS INCLUDING GRADING, PAVING, UTILITIES, AND LANDSCAPING TO BE
SUPPLIED DURING BUILDING DEPARTMENT PLAN REVIEW CYCLE
ALL WORK TO COMPLY WITH 2022 CBCM CPC, CMC, CEC, CFC, AND LOCAL ORDINANCES

SHEET INDEX:

- A0.0 COVER SHEET, SITE PLAN, AND NOTES
- A1.0 FLOOR PLANS
- A2.0 ELEVATIONS
- C1.0 SITE SURVEY DRAWING SHOWING EXISTING BOUNDARIES TO BE ABANDONED

VICINITY MAP



SITE LAYOUT PLAN

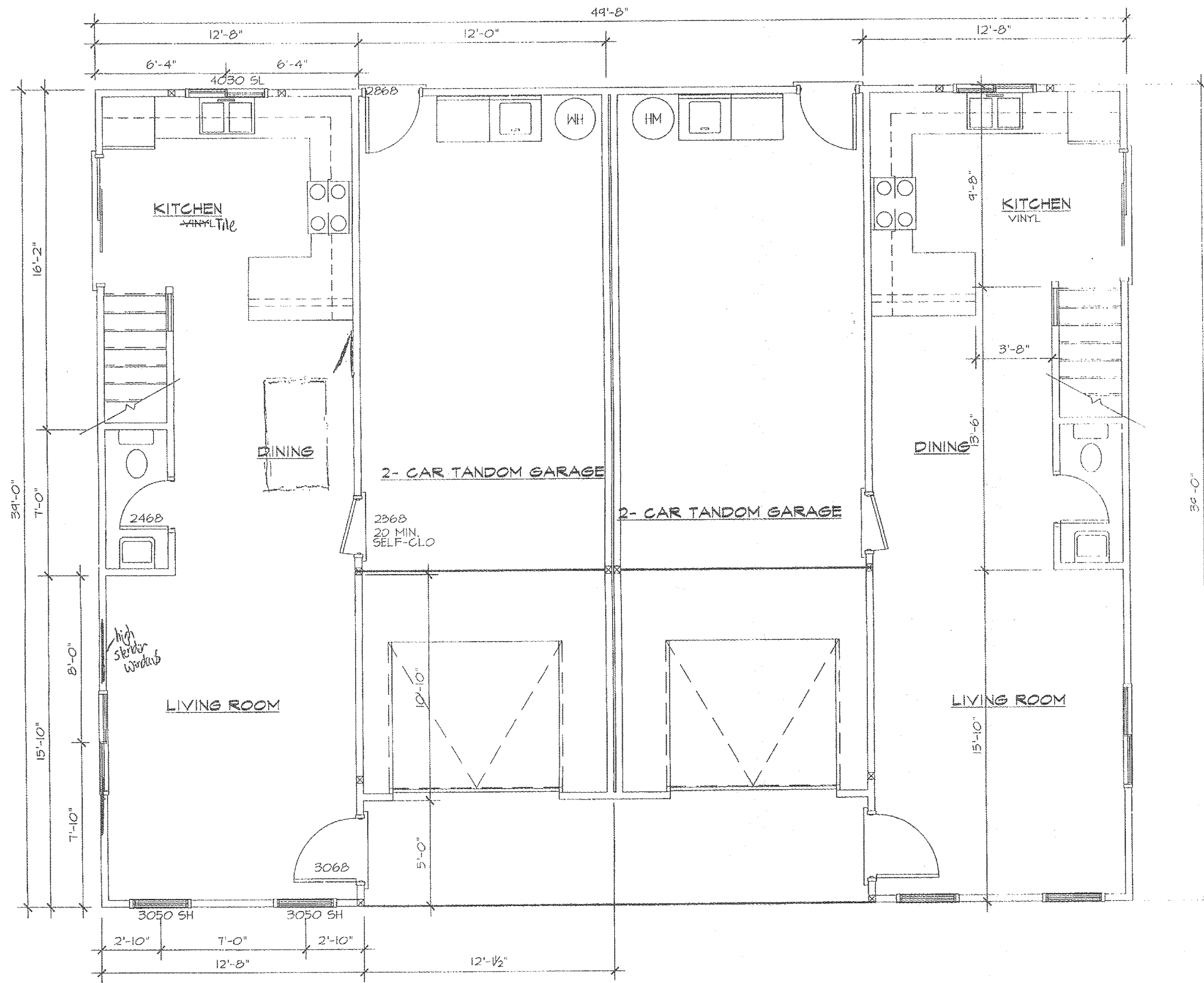
SCALE: 1" = 10'

BUILDINGS NOTES

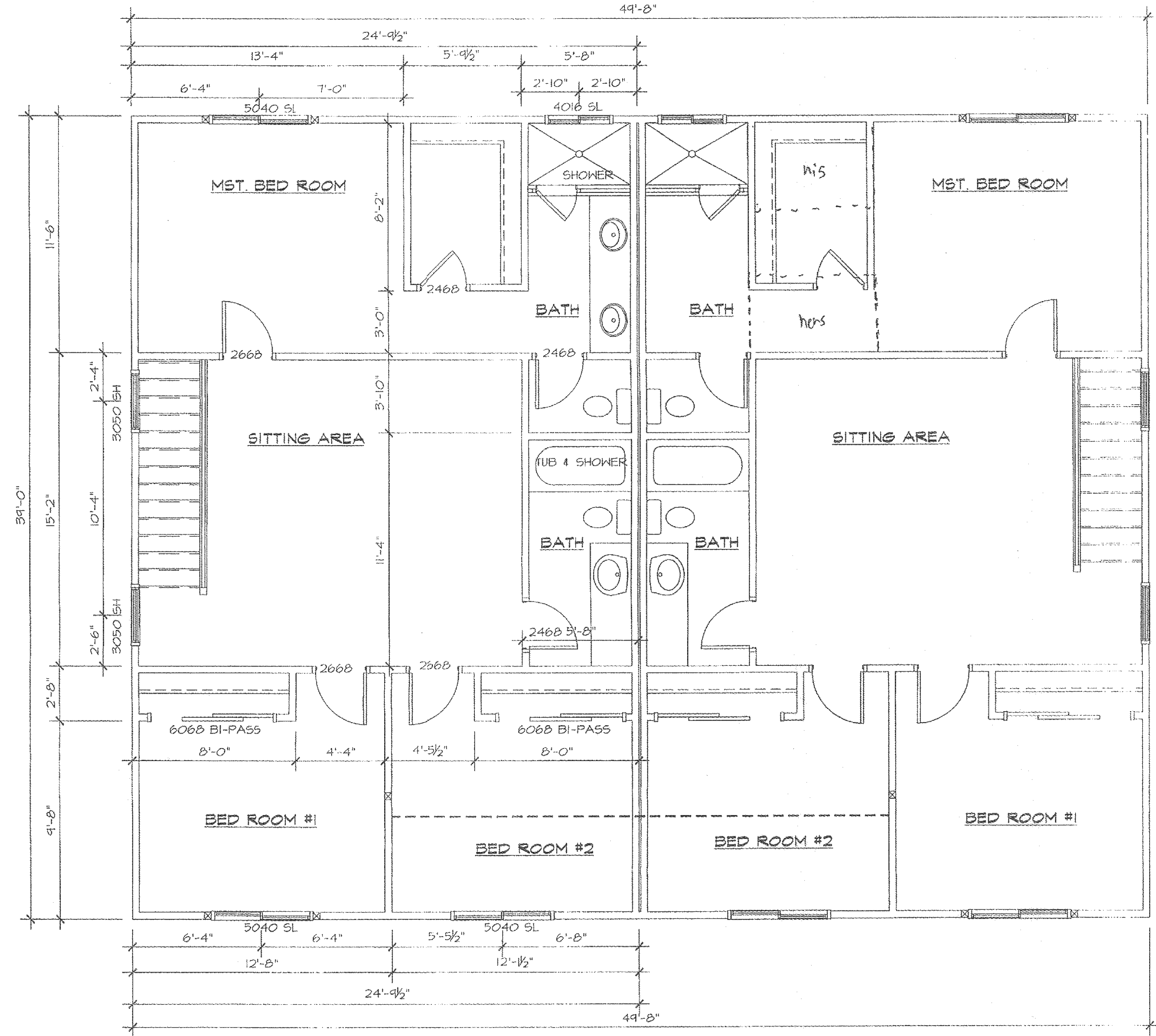
- BUILDING OCCUPANCY - R-1 / U
- TYPE OF CONSTRUCTION - V-N
- STORIES - TWO (2)
- NUMBER OF UNITS - 2
- TOTAL LIVING AREA - 2,802 SQ.FT.
- BUILDING BREAKDOWN:
 - UNIT A LIVING AREA - 1,401 SQ.FT.
 - UNIT FP AREA - 444 SQ.FT.
 - UNIT SF AREA - 401 SQ.FT.
 - GARAGE - 455 SQ.FT.
- AUTOMATIC SPRINKLERS - YES
- HALL CONSTRUCTION - 2X4 @ 16" O.C.
- CEILING HEIGHT - 8'-0"
- FLOOR SYSTEM - CONCRETE / WEB JOIST
- ROOF SYSTEM - PRE-FAB TRUSSES
- 2022 CBC, CMC, CEC, CFC, CFC
- AND LOCAL YUBA CITY ZONING ORDINANCES MAY APPLY

DUPLEXES
FREDERICK & COOPER
YUBA CITY, CA

SITE PLAN AND PROJECT DATA



LOWER FLOOR PLAN 1/4" = 1'-0"



UPPER FLOOR PLAN 1/4" = 1'-0"



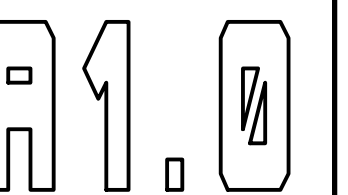
**Frederick Stoenner
Architect**
563 Idaho Maryland Road
Grass Valley, CA 95945
(530) 277-3304 fax (530) 237-4862

Frederick Stoenner
Frederick and Cooper
Yuba City, CA

**JAMES RATLIFE DUPLEXES
FREDERICK AND COOPER
YUBA CITY, CA 95911
530 713-5467**

DATE: 02/06/2023	BY: OFS
REV:	BY:

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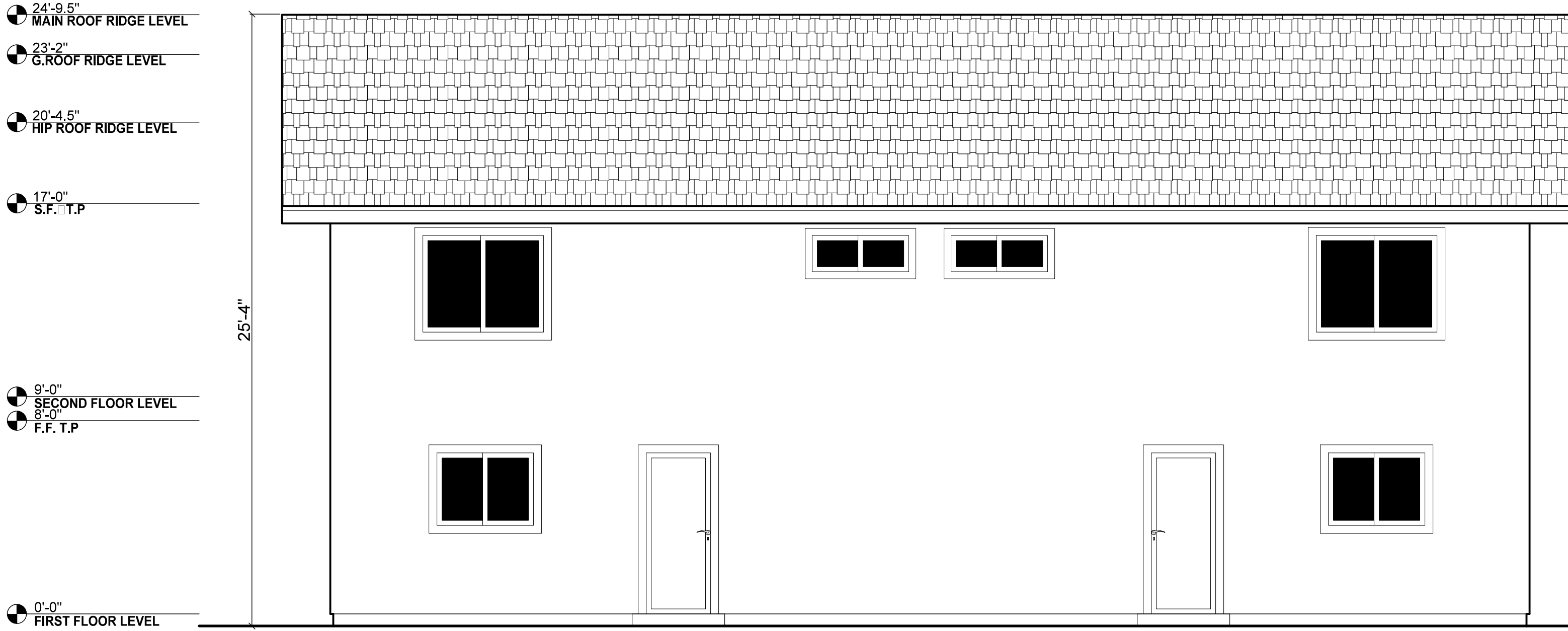
AR.0



MAIN ELEVATION: SCALE 1/4"=1'-0"



EAST ELEVATION: SCALE 1/4"=1'-0"

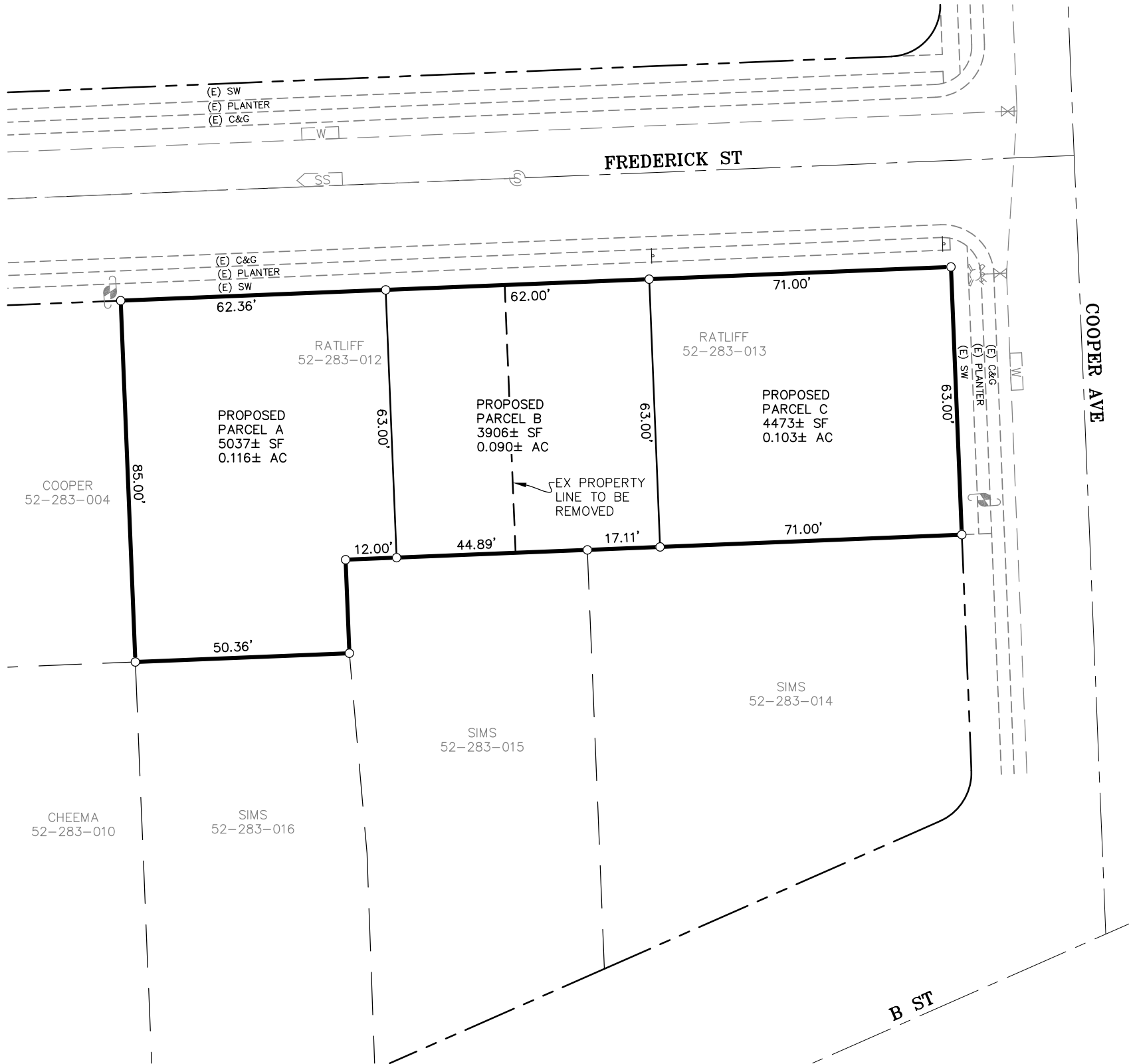


SOUTH ELEVATION: SCALE 1/4"=1'-0"



WEST ELEVATION: SCALE 1/4"=1'-0"

E:\Project Files\13-101 Ratliff Frederick Cooper\13-101 Frederick Cooper TM.dwg Jan 31, 2022-10:40 am gmvasquez



ABBREVIATIONS:

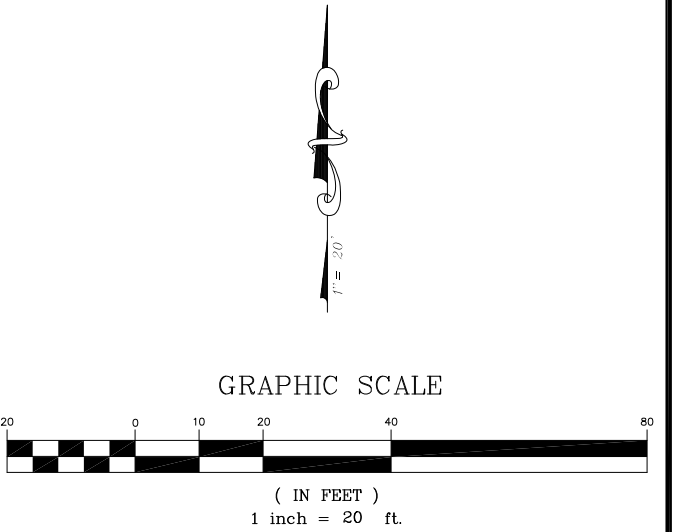
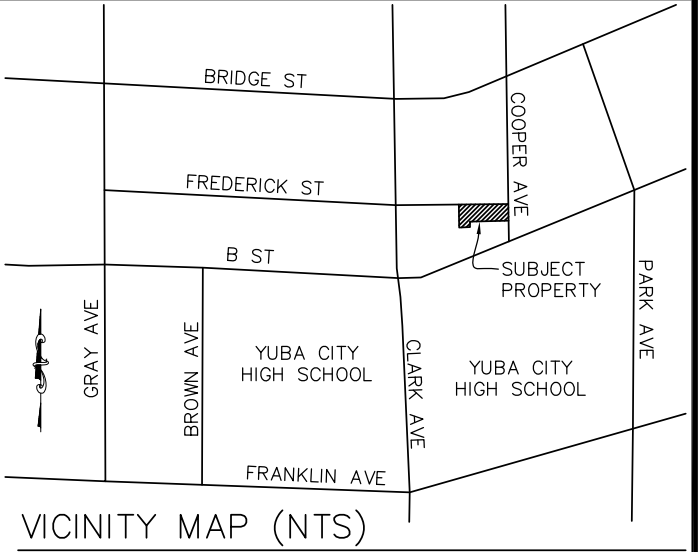
C&G - CURB AND GUTTER
SW - SIDEWALK
(E) - EXISTING
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SF - SQUARE FEET
AC - ACRES

LEGEND:

- PROJECT BOUNDARY LINE
- PROPOSED LOT LINES
- EASEMENT LINES (AS NOTED)
- ADJOINER'S PARCELS
- CENTERLINE
- EXISTING UTILITY
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- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING UTILITY POLE
- EXISTING STREET SIGN

NOTES:

- NO EXISTING TREES ONSITE
- THIS MAP IS BASED ON RECORD INFORMATION AND NOT A FIELD SURVEY.
- NO EXISTING NATURAL DRAINAGE PATTERNS ONSITE
- THE EXISTING SITE IS RELATIVELY FLAT, WITH AN ELEVATION OF 56± FEET, NAVD 88.
- ALL DESIGN COMPONENTS FOR IMPROVEMENTS ON THE PROPOSED LOTS SHALL BE PREPARED UNDER SEPARATE DOCUMENTS FOR DESIGN REVIEW AND BUILDING PERMIT APPLICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, SITE WORK, GRADING AND DRAINAGE, UTILITIES (WATER, SEWER, STORM DRAIN, GAS, ELECTRICAL, CABLE, ETC.), ARCHITECTURAL, STRUCTURAL, GEOTECHNICAL, LANDSCAPING, ROADWAY, ETC.



OWNER:
JAMES M. RATLIFF
PO BOX 790
MARYSVILLE CA 95661
530-713-5467

EXISTING USE:
VACANT

EX ZONING:
R2 - MULTI FAMILY RESIDENTIAL
LOW DENSITY

ENGINEER:
VASQUEZ ENGINEERING
PO BOX 1808
ROCKLIN, CA 95677
530-682-9597

PROPOSED USE:
RESIDENTIAL

PROPOSED ZONING:
PLANNED DEVELOPMENT
MEDIUM/HIGH DENSITY RESIDENTIAL
12-36 DU/AC

ELEVATION DATUM:
VERTICAL DATUM: NAVD 88
SITE ELEVATION: 56± FEET

ASSESSOR'S PARCEL NO.:
52-283-012
52-283-013

FLOOD ZONE:
FLOOD ZONE "C"
0603960005B, EFF. 03/23/1984

UTILITIES:
SEWER: CITY OF YUBA CITY
WATER: CITY OF YUBA CITY
STORM DRAIN: CITY OF YUBA CITY
ELECTRICAL: PG&E
GAS: PG&E
FIRE: CITY OF YUBA CITY
PARKS: CITY OF YUBA CITY
REFUSE: RECOLOGY
POLICE: CITY OF YUBA CITY
SCHOOL: YUBA CITY USD

TENTATIVE PARCEL MAP

FOR
JAMES RATLIFF
IN THE CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA.

SCALE: 1"=20' JANUARY 25, 2022

PREPARED BY:



VASQUEZ ENGINEERING
P.O. BOX 1808
ROCKLIN, CA 95677
PHONE: 530-682-9597
gmvasquez@vasquez-engineering.com

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. PC 23-11

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY (PLANNING COMMISSION) CONTINGENTLY APPROVING TENTATIVE PARCEL MAP (TPM) 22-01, SUBJECT TO THE CONDITIONS OF APPROVAL AND MITIGATION MESURES, ON APPROXIMATELY 0.31 ACRES LOCATED AT THE SOUTHWEST CORNER OF COOPER AVENUE AND FREDRICK STREET (ASSESSOR'S PARCEL NUMBERS 52-283-012 and -013).

WHEREAS, the City received an application from James Ratliff for a General Plan Amendment (GPA 22-01) to amend the General Plan Land Use Map from a LDR land use designation to a HDR designation, and a Rezoning (RZ 22-02) for this property revising the zoning from a R-2 Zone District to a R-3X₃₀ Zone District in order to reduce minimum lot sizes, increase lot coverage and reduce rear yard sizes in order to accommodate TPM 22-01 that divides two parcels into three parcels for the 0.31 acre site. Development that will result from this action will be provided full City services; and

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

WHEREAS, the Planning Commission reviewed related Environmental Assessment 22-04 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigations that reduce significant impacts to less than significant; and

WHEREAS, the City on May 10, 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, on May 31, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on Environmental Assessment 22-04, Rezone 22-02, and Tentative Parcel Map 22-01, at which time it received input from City staff and public comment, both written and oral; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve TPM 22-01 such that no decision of approval of TPM 22-01 becomes final and effective until immediately after the City Council adopts the MND (EA 22-04) and adopts RZ 22-02; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that TPM 22-01 be set for further consideration and a final decision by the Planning Commission.

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

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

2. CEQA Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared a Mitigated Negative Declaration (MND) to evaluate the environmental impacts of the Project. The Planning Commission has fully considered the MD and has concurrently recommended it to the City Council for adoption. The Planning Commission finds

that TPM 22-01 is consistent with, and has been fully assessed by, the MND, and that TPM 22-01 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND.

3. Tentative Parcel 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 that the City to deny approval of a tentative map apply to this Project (the required findings are in italics):

i. The proposed tentative subdivision map is not consistent with the applicable general plan and specific plan:

Evidence: The proposal includes a general plan amendment from LDR to HDR that will increase the allowable residential density range to 12-36 residences per acres that will accommodate the proposal of approximately 19 residences per acre. The density of the proposed duplexes is consistent with the proposed general plan designation. The General Plan Housing Element encourages affordable housing which these duplexes would typically represent. The project is not within a specific plan.

ii. The design and improvement of the proposed subdivision is not consistent with applicable general and specific plans or adopted City standards.

Evidence: As discussed above, this proposal meets all General Plan consistency requirements, and it meets all adopted City standards. The proposed X₃₀ Combining Zone District revises the development standards to accommodate this project. Further, the project is required to meet all other City development and improvement standards including connections to City water, wastewater, and the City and Gilsizer stormwater drainage system.

iii. That the site is not physically suited for the density of development:

Evidence: The site is flat and has all City services to it, and, if the GPA and RZ are approved, the development will meet all City standards. The proposed duplexes will be located in a residential neighborhood where the nearby uses are a mix of residential types some of which are built to similar residential densities.

iv. That the site is not physically suited for the type of development.

Evidence: The project will connect to all City services and meet all City development standards. Per the environmental document prepared for the project the duplexes are not expected to generate any significant environmental impacts. There are no known property shortcomings that would generate concerns for its development.

v. That the design of the subdivision or likely improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

Evidence: Based on the analysis provided in this report and the environmental document, including its mitigation measures, prepared for this project (EA 22-04), the project will not create any significant environmental impacts, including adverse impacts on fish and wildlife.

vi. That the design of the subdivision map or the type of improvements is likely to cause serious public health problems:

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

vii. That 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: There are no known existing easements that will be adversely affected by this subdivision.

4. Approval of TPM 22-01 with Conditions. Based on the aforementioned findings, the Planning Commission hereby approves Tentative Parcel Map 22-01, Ratliff Duplexes, as shown in **Exhibit A**, subject to the conditions of approval and mitigation measures set forth in **Exhibit B**, attached hereto, which approvals are contingent upon the following:

a. The approval of TPM 22-01 shall become final and effective immediately only after the City Council of the City of Yuba City i) adopts the Mitigated Negative Declaration (EA 22-04), ii) approves General Plan Amendment 22-01, and iii) adopts Rezone 22-02 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then TPM 22-01 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 TPM 22-01 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 RZ 22-02, 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:

Ben Moody, Secretary to the Planning Commission

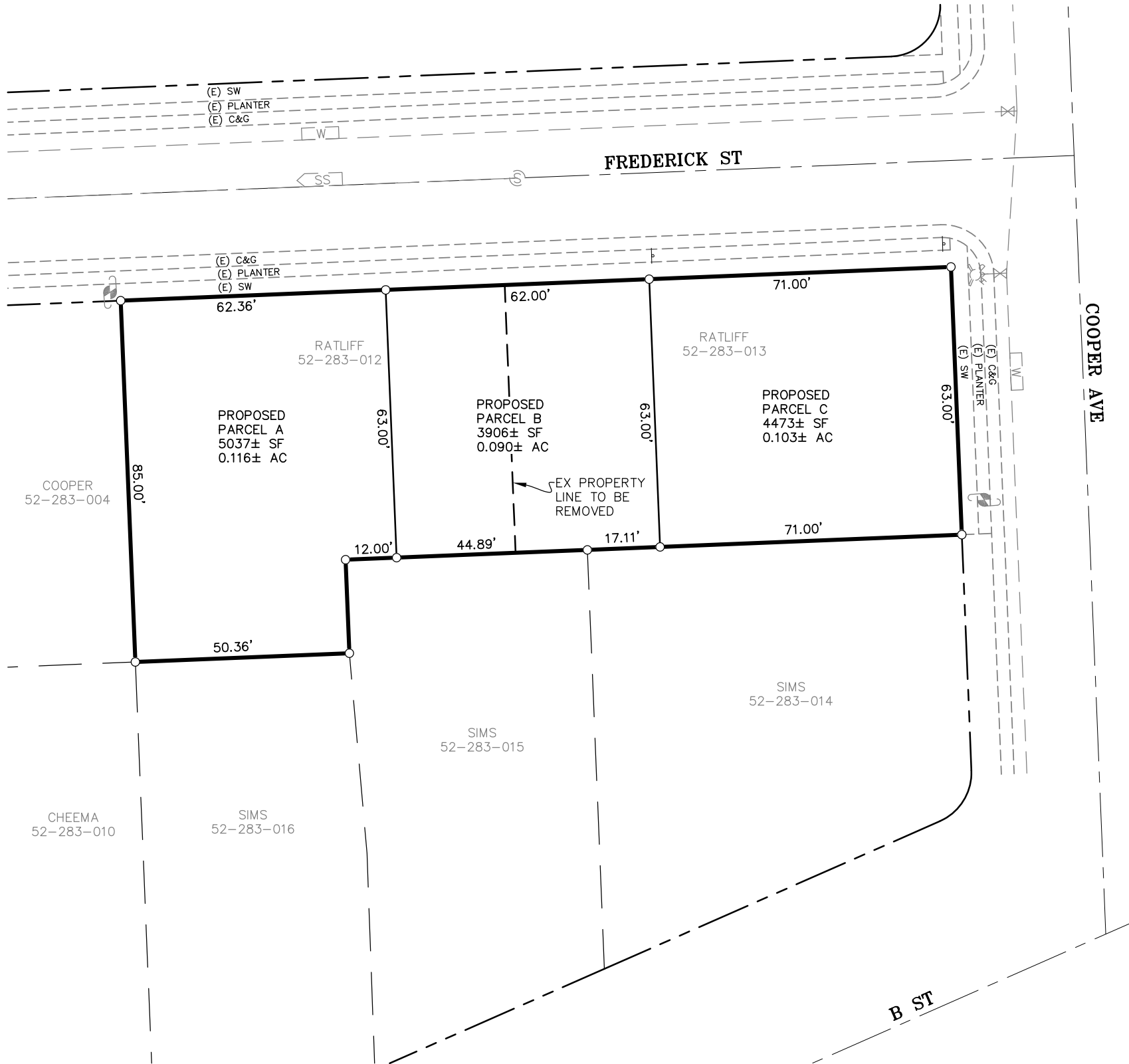
Attachments:

Exhibit A: Tentative Parcel Map 22-01

Exhibit B: Conditions of Approval & Mitigation Measures for TPM 22-01

EXHIBIT A

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ABBREVIATIONS:

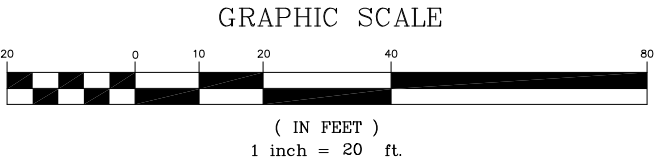
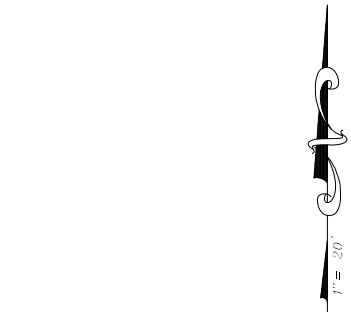
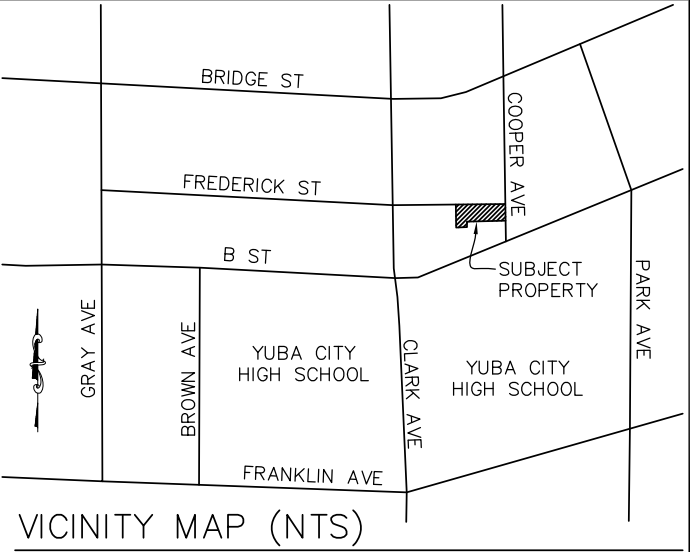
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- THE EXISTING SITE IS RELATIVELY FLAT, WITH AN ELEVATION OF 56± FEET, NAVD 88.
- ALL DESIGN COMPONENTS FOR IMPROVEMENTS ON THE PROPOSED LOTS SHALL BE PREPARED UNDER SEPARATE DOCUMENTS FOR DESIGN REVIEW AND BUILDING PERMIT APPLICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, SITE WORK, GRADING AND DRAINAGE, UTILITIES (WATER, SEWER, STORM DRAIN, GAS, ELECTRICAL, CABLE, ETC.), ARCHITECTURAL, STRUCTURAL, GEOTECHNICAL, LANDSCAPING, ROADWAY, ETC.



OWNER:
JAMES M. RATLIFF
PO BOX 790
MARYSVILLE CA 95661
530-713-5467

EXISTING USE:
VACANT

EX ZONING:
R2 - MULTI FAMILY RESIDENTIAL
LOW DENSITY

ENGINEER:
VASQUEZ ENGINEERING
PO BOX 1808
ROCKLIN, CA 95677
530-682-9597

PROPOSED USE:
RESIDENTIAL

PROPOSED ZONING:
PLANNED DEVELOPMENT
MEDIUM/HIGH DENSITY RESIDENTIAL
12-36 DU/AC

ELEVATION DATUM:
VERTICAL DATUM: NAVD 88
SITE ELEVATION: 56± FEET

ASSESSOR'S PARCEL NO.:
52-283-012
52-283-013

FLOOD ZONE:
FLOOD ZONE "C"
0603960005B, EFF. 03/23/1984

UTILITIES:
SEWER: CITY OF YUBA CITY
WATER: CITY OF YUBA CITY
STORM DRAIN: CITY OF YUBA CITY
ELECTRICAL: PG&E
GAS: PG&E
FIRE: CITY OF YUBA CITY
PARKS: CITY OF YUBA CITY
REFUSE: RECOLOGY
POLICE: CITY OF YUBA CITY
SCHOOL: YUBA CITY USD

TENTATIVE PARCEL MAP

FOR
JAMES RATLIFF
IN THE CITY OF YUBA CITY, COUNTY OF SUTTER, STATE OF CALIFORNIA.

SCALE: 1"=20' JANUARY 25, 2022

PREPARED BY:



VASQUEZ ENGINEERING
P.O. BOX 1808
ROCKLIN, CA 95677
PHONE: 530-682-9597
gmvasquez@vasquez-engineering.com

EXHIBIT B

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 22-01
May 31, 2023**

**RATLIFF DUPLEX DEVELOPMENT
APNs: 52-283-012 AND 52-283-013**

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 parcel map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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

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

These conditions are applicable to any person or entity making use of this tentative parcel 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 TPM 22-01.

- **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 parcel maps shall be designed in conformance with the TPM 22-01, 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 22-04, 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 and conflicting views at the westerly two-story residence, any window sills on the upper floor, along the west wall, are to be a minimum of 6.0 feet above the floor, or as otherwise approved by the Development Services Director.
7. 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.
8. 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.

9. 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.
10. Storage of construction material is not allowed in the travel way.
11. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway, and not in front of the residence, is 18" wide strips to accommodate the wheel path of vehicles unless otherwise authorized/approved by the Public Works Director.

PRIOR TO ISSUANCE OF A GRADING PERMIT

12. 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 division that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department. If retaining walls are required they shall be constructed of concrete or masonry block.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS

13. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of Improvement Plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
14. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
15. All driveways giving access to the parcel shall be updated to meet current City and ADA codes.
16. The Developer shall provide:
 - a. At a minimum, one City approved tree shall be planted in the front yard of each lot. Any variation as to location of tree and/or type of tree shall be approved by the Development Services Director.
 - b. The landscape plan for the front yard shall be handled by each individual lot improvement.
17. 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.
18. Development shall comply with Yuba City's stormwater requirements and Post-Construction Standards Plan. The Post Construction information can be found here:

19. 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.
20. 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 a 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

21. The contractor shall maintain record drawings of the improvements in the right-of-way 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.

22. The existing power poles along the property on Cooper Avenue shall be placed underground, or addressed in accordance with the City's Overhead Utility Policy adopted March 17, 2020. The total lineal foot length of overhead lines along Cooper Avenue is determined to be 62 lineal feet or as otherwise determined by the Public Works Director.

PRIOR TO FINAL MAP RECORDATION

23. 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.

24. A 10.0-foot-wide public utility easement shall be provided along the street frontages.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

25. 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

26. 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.

27. 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:	Developer	Developer, Public Works Dept., Development Services Dept.	During grading phase

	1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.5. Cultural Resources; 3.18. Tribal	Tribal Cultural Resources Mitigation 1: If potential tribal cultural resources (TCRs) are	Developer	Developer, Public Works Dept.,	During construction phase

Cultural Resources	discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the <i>Secretary of Interior's Professional Qualifications Standards for Archaeology</i>, as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe. The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of a TCR will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes		Development Services Dept.	
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	that are not implemented, a justification for why the recommendation was not followed will be provided in the project record. If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99. 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.			
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ATTACHMENT 3

Ratliff Duplex Development

GPA 22-01, RZ 22-02, TPM 22-01, EA 22-04



ATTACHMENT 4



Environmental Assessment 22-04

Initial Study and Mitigated Negative Declaration for General Plan Amendment 22-01, Rezoning 22-02, Tentative Parcel Map 22-01, Ratliff Duplex Development. A request to construct a duplex on each of three new parcels, resulting in six new residences.

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 General Plan Amendment (GPA) 22-01, Rezoning (RZ) 22-02, and Tentative Parcel Map (TPM) 22-01 ("Project"). This is a request to construct a two-story duplex on each of three small lots. The resulting density will be approximately 19 residences per acre. To accomplish this the applicant has requested the following:

GPA 22-01 will re-designate two vacant adjoining parcels consisting of 0.31 acres (approximately 13,416 square feet) from the Low Density Residential (LDR) land use designation to the Medium/High Density Residential (HDR) designation;

RZ 22-02 rezones the same 0.31 acres from the Two-Family (R-2) Zone District to the Multiple-Family Zone District Combined with an X District (R-3X₃₀). The added X₃₀ Combining Zone District will limit the use of the property to a two-story duplex on each parcel, but would have modified development standards, providing for smaller lots, reduced rear yard setbacks and increased lot coverage.

PM 22-01 subdivides two existing parcels into three parcels consisting of 0.12 acre (5,037 sq. ft.), 0.09 acre (3,906 sq. ft.), and 0.10 acre (4,473 sq. ft.).

The GPA/RZ/TPM 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 for a recommendation to the City Council for a decision.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the proposed Project 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 technical appendices. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

The proposed GPA/RZ/TPM will undergo a public review process by the Planning Commission that will result in a recommendation by the Planning Commission to the City Council and a decision by the City Council that, if approved, would result in three small lots designed to accommodate a duplex on each lot. This public review process is needed to assure that the Project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

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

In reviewing all of the available information for the above referenced Project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this Project and a mitigated negative declaration has been prepared.

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

General Plan Amendment (GPA) 22-01, Rezoning (RZ) 22-02, and Tentative Parcel Map 22-01: Ratliff Duplex Development.

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 two lots comprising 0.31 acres are located at the southwest corner of Cooper Avenue and Frederick Street. Assessor's Parcel Numbers (APN) 52-283-012 and -013.

2.5. Project Applicant

James M. Ratliff
P.O. Box 790
Marysville, CA 95661

2.6. Property owner

James M. Ratliff
P.O. Box 790
Marysville, CA 95661

2.7. General Plan Designation

Existing: Low Density Residential (LDR) Land Use Designation (2-6 residences per acre).

Proposed: Medium-High Density (HDR) Land Use Designation (12-36 residences per acre).

2.8. Zoning

Existing: Two-Family Residential (R-2) Zone District.

Proposed: Multiple-Family Residential Zone District with the X₃₀ Combining Zone District (R-3X₃₀). The X₃₀ Combining Zone District will limit the permitted uses to a duplex on three lots. The proposed development standards will permit smaller lots with reduced rear yards and increased lot coverage.

2.9. Project Description

General Plan Amendment (GPA) 22-01, Rezoning (RZ) 22-02, and Tentative Parcel Map (TPM) 22-01 (“Project”): Proposed are General Plan Amendment (GPA) 22-01, Rezoning (RZ) 22-02, and Tentative Parcel Map (TPM) 22-01 (“Project”). This is a request to construct a two-story duplex on each of three small lots. The resulting density will be approximately 19 residences per acre. To accomplish this the applicant has requested the following:

GPA 22-01 will re-designate two vacant adjoining parcels consisting of 0.31 acres (approximately 13,416 square feet) from the Low Density Residential (LDR) land use designation to the Medium/High Density Residential (HDR) designation;

RZ 22-02 rezones the same 0.31 acres from the Two-Family (R-2) Zone District to the Multiple-Family Zone District Combined with an X District (R-3X₃₀). The added X₃₀ Combining Zone District will limit the use of the property to a two-story duplex on each parcel, but would have modified development standards, providing for smaller lots, reduced rear yard setbacks and increased lot coverage.

PM 22-01 subdivides two existing parcels into three parcels consisting of 0.12 acre (5,037 sq. ft.), 0.09 acre (3,906 sq. ft.), and 0.10 acre (4,473 sq. ft.).

Table 1: Proposed X ₃₀ Use and Development Standards		
	Existing Standard (R-2 Zone)	Proposed PD Standard
Permitted Uses	All uses allowed in the R-2 Zone District.	A duplex (on each of the three lots) and permitted accessory uses. Other uses are permitted with a use permit.
Minimum Duplex Lot Size	6,000 square feet, except that a corner lot is 7,000 square feet.	3,900 square feet, except that a corner lot is 4,400 square feet.
Maximum percentage lot coverage	For a two-story duplex – 40%.	For a two-story duplex - 50%.
Minimum Rear Yard Depth	25 feet or 20% of the total lot depth, whichever is less.	9 feet.

Figure 1: Location Map



Figure 2: General Plan Amendment 22-01

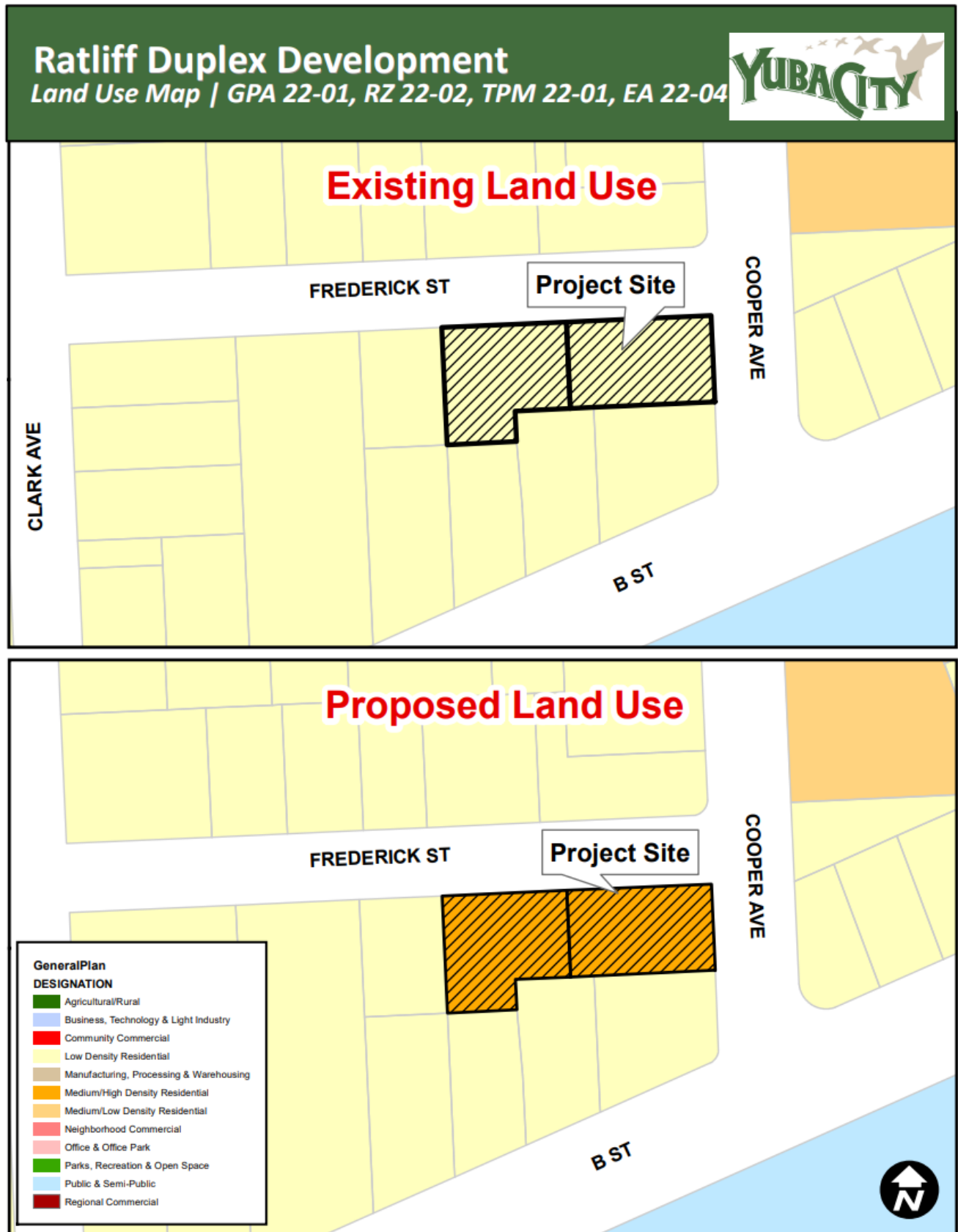
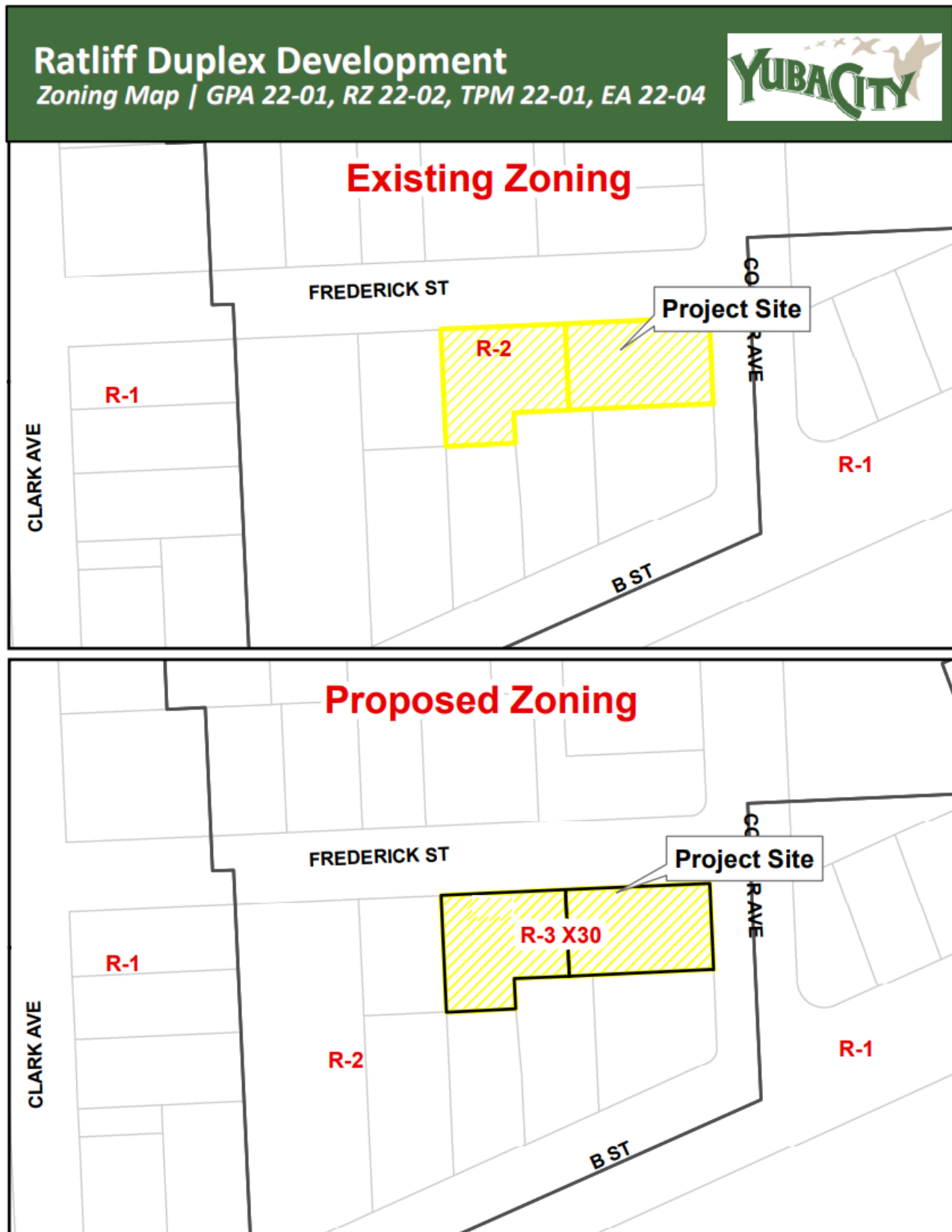


Figure 3: RZ 22-02



12

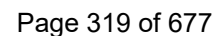


FIGURE 5: X₃₀ COMBINING ZONE DISTRICT

X₃₀ Combining Zone District

Purpose.

To provide specific land use and development standards for the 0.31-acre property located at the southeast corner of Cooper Avenue and Frederick Street. This combining zone district is consistent with the Medium/High Density Residential (HDR) General Plan Designation.

Applicability:

This X₃₀ Combining Zone District shall apply to Assessor's Parcel Numbers 52-283-012 and -013, as revised by TPM 22-01.

Permitted Uses.

A duplex or single-family residence and related accessory uses are permitted on each of the three parcels, provided the duplexes are in general compliance with the approved site plan and building elevations, as provided in the attached **Exhibit A**. Any other proposed use is limited to the R-2 Zone District permitted uses and uses permitted with a use permit, provided a use permit is first approved for both. A use permit or a revision to this X₃₀ Combining Zone District must be found consistent with the General Plan.

Development and Design Standards.

All development standards in the R-2 Zone District, as amended, apply to these properties, except as provided below:

X₃₀ Development & Design Standards	
Minimum Lot Size	3,900 square feet, except that a corner lot is 4,400 square feet.
Maximum percentage lot coverage	50 percent.
Minimum Rear Yard Depth	9 feet.
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.
Building Design	Each new duplex shall be designed to match the approved site plan and building elevations shown in Exhibit A , or better, as determined by the Development Services Director.

EXHIBIT A: Add Ratliff duplex site plan and building elevation.

2.10. Surrounding Land Uses and Setting

Setting: The two properties consisting of 0.31-acre are flat and vacant. The neighborhood around these two vacant parcels is a built-out eclectic residential neighborhood consisting of single-family residences that appear to be original to the neighborhood, and several apartment complexes that appear to be of a 1970's style design.

Table 1: Bordering Uses

North:	Frederick Street with multi-family and single-family uses across the street.
South:	Single-family and multi-family residences.
East:	Cooper Street with single-family and multiple-family residences across the street.
West:	Single-family residence.

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 28, 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 several miles northwest of the project site, are visibly prominent throughout Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines. The goal of the City's design guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. The design guidelines typically do not apply to duplexes.

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 vista.

The area surrounding the Project consists of one- and two-story residences. The two-story residences are generally a similar height as the proposed buildings. There are also mature trees in the vicinity. As such there are not scenic vistas associated with the Project beyond the immediate neighborhood. As such, the impact on scenic vistas will be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

The vacant properties are unremarkable in that they are flat with no topographic features, rock outcroppings, large heritage type trees or buildings. Therefore, damage to the scenic resources associated with this property would be less than significant.

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 duplexes, currently permitted uses on the two existing lots, will meet all General Plan and Zoning standards with amendment to the General Plan and the addition of the X₃₀ Combining Zone District. With these changes there will be no conflicts with the General Plan or Zoning, 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 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, the impacts from Project lighting will be less than significant.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3-2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procure to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Farmland of Statewide Importance.* Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland.* Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- *Farmland of Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the

landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as “Super Williamson Act Contracts.” Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The approximately 0.31-acre vacant site is located on land that the 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as “Urban and Built-Up Land.” As such 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 uses. The property is also very small, likely making it unviable for agricultural use. Therefore, there will be no loss of agricultural land.

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

The proposed Project site 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. See discussion above under item 3.2.4.a.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley in a relatively flat area that may have at one time been utilized for agriculture but was developed many years ago for urban uses. 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 an area already served by City services and developed with residences on all sides. There are no forestlands on the Project site or in the vicinity. No properties within the area are under a Williamson Act contract. Therefore, there will be no impacts on agricultural lands from this proposal.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze

into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the "Schultz Eddy" prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good."

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north-south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated "unclassified."

Ambient Air Quality Standards: Both the federal and state government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The

federal and state ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O₃): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NO_x): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM₁₀) and Fine Particulate Matter (PM_{2.5}): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO₂): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to

toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO₂, and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for

implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM₁₀; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O₃, CO, SO_x, and NO_x that are either receptors or

contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Site grading will briefly create equipment exhaust and fugitive dust. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from the residences. Standards set by FRAQMD, CARB, and Federal agencies relating to the proposed Project will apply. Prior to the initiation of construction, a Fugitive Dust Control Plan will be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction. Since the developer must prepare an air quality analysis and incorporate all of the resulting conditions into the Project and that a fugitive dust control plan be submitted prior to beginning work on the Project, any potential significant environmental impacts are expected to be reduced to less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The Project would result in limited generation of criteria pollutants during Project construction and on an ongoing basis from vehicle traffic generated by new residents. This is a small project (net change of two additional residences) and FRAQMD did not comment that the standards would be exceeded by this Project. Therefore, the impacts on air quality 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.

Yuba City High School, which is located about 200 feet south of the proposal is a nearby sensitive receptor. The proposed Project will generate some criteria pollutants during the limited period of site grading and construction. As such FRAQMD adopted criteria must be satisfied.

The Best Management Practices (BMPs) that will be used to reduce the impact from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;

- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,

Temporarily relocate receptors during construction.

Assuming all FRAQMD standards and BMP requirements are met and considering the small size of the Project and the short duration of site grading, air quality impacts from this Project will be less than significant.

d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?

Site grading and construction of the six new residences typically do not generate objectionable odors. Ongoing residential uses typically also do not generate odors. As such, the impact of the Project towards creating local offensive odors will 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 approximately 0.31 acres are level, vacant, and within the Yuba City urbanized area. The small property is surrounded by single-family and multiple-family residential development. 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.*

See b) below.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

There have been no special status species identified on the Project site or within the vicinity of the site. According to the Yuba City General Plan EIR, the only designated special status vegetation species within

Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in the non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. As these properties do not fall within this area, the impacts to special status species from this Project will be less than significant.

c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No 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 several miles to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. As such the impacts on fish or wildlife habitats will be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No trees or other known biological resources that would be protected by local policies or ordinances remain on the proposed Project site. Therefore, there would be no significant impacts on biological resources caused by this Project.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.5. Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.			X	
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

3.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

Effective March 2005, Senate Bill 18 requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

In response to AB 52, and SB 18 the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

Additional details on tribal comments are provided in Section 3.18, Tribal Cultural Resources.

3.5.4. Impact Assessment/Environmental Consequences:

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

There are no structures on the property. Therefore, the potential significant impacts on any historical resources, directly or indirectly, 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 formal cemeteries?

The approximately 0.31-acre properties are vacant. The site has been previously disturbed, as it is surrounded by older buildings. No formal cemeteries or other places of human internment are known to exist on the proposed Project site. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, a mitigation measure is provided in Section 3.18 to ensure impacts are less than significant.

3.6. Energy

Table 3-6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2 Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Project construction involves 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, the main sources of energy consumption would be ongoing residential activities and vehicle usage. However, as FRAQMD did not comment on this Project, the new uses and associated vehicle traffic from the six residences is not a large enough impact on air quality to be considered significant.

Project impacts related to energy consumption are considered to be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The Project will be required to be consistent with applicable state and local plans to increase energy efficiency. Thus, the Project's impacts on energy usage will 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 risk in the City limits or within the City's Sphere of Influence.

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

As a result of this GPA/RZ/TPM development of the property would result in approximately 0.31 acres of ground being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Gilsizer drainage system. However, as part of the grading and construction of the Project area, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion are less than significant.

c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

See d) below.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The new residences will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new impacts from septic systems.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Due to prior ground disturbances from previous development it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered:

3.7.5 Paleontological Mitigation Measures

Paleontological Mitigation Measure 1: Mitigation Measure # 1 shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey 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 a 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, General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.

With application of this mitigation any impacts on paleontological resources will be less than significant.

3.8. Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may

endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- **Local Control:** The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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 proposed construction of the duplexes will create GHG emissions due to the use of motorized construction equipment. Once completed, vehicle traffic generated by residential auto use will contribute GHG gases. Due to the small size of the Project, it is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the project incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

3.8.4 Greenhouse Mitigation Measure

Greenhouse Gas Mitigation Measure 1: The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

3.9. Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.			X	

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting, and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery

Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States.

Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable

quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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 hazardous materials associated with this GPA/RZ/TPM that could occur 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 household 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?

Yuba City High School is within one-quarter mile of the Project. Site grading and the construction of the proposed duplexes would likely generate construction equipment emissions. However, the time for operating equipment on the Project site is short. Assuming proper use of the fuels, solvents, and oil for the grading and paving equipment, there should not be any significant impacts to school students. Similarly, for household hazardous waste generated by new residences, assuming proper and legal use and disposal the impacts to the school will be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 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, there will be no significant impacts on emergency response or evacuations plans.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The Project site is located in 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, the impacts from 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?			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 these duplexes will only receive water through the City system, it is unlikely that the project could impact the water quality in the City system.

Wastewater generated by the Project will flow into the City wastewater treatment facility which is in compliance with all state water discharge standards. The wastewater from the Project 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 Gilsizer drainage system and ultimately into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

With the level of oversight on the City's water supply, and enforcement of Best Management Practices at construction sites, there will not be significant impacts on the City's water and waste-water systems or storm water drainage system from the proposed duplexes.

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

The duplexes 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.

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?

See iii. Below.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

See iii. Below.

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 proposed Project, which will ultimately drain into the Feather River. The Project will be required to connect to the local collection facilities and pay the appropriate fees to the Gilsizer County Drainage District for its fair share of improvements and expansion to the existing drainage system that will be connected too. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met the 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, there is no impact on the high-water flows within the Feather River levee system.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any large lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the Project area. Thus, it is unlikely that the Project site would be subject to inundation by a seiche, tsunami, mudflow or landslide. Therefore, there is not a 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, so any impact on groundwater would be less than significant. Regarding water quality, as noted in Part a) above, all new construction is required to utilize of Best Management Practices. Assuming all required standards are met water quality of runoff water from this development will not create any significant impacts. The City primarily utilizes surface water for its water source so there will be no significant impacts on groundwater.

3.11. Land Use and Planning

Table 3:11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

3.11.1 Environmental Setting/Affected Environment

The two adjoining properties consisting of 0.31-acres are flat and vacant. The neighborhood around these two vacant parcels is a built-out eclectic neighborhood consisting of single-family residences that appear to be original to the older neighborhood, and several apartment complexes that appear to be of a 1970's style design.

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 Project will not physically divide an established community as the Project will result in the construction of three duplexes within an existing eclectic neighborhood of single-family and multiple-family residences. As these are currently vacant lots, the addition of these residences to the neighborhood are expected to be compatible with the residential nature of the area. Therefore, the impact of the Project on the local community is expected to be less than significant.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Adding six new residences to a residential area, even though it involves a general plan amendment and rezoning, will be consistent with general plan policies and programs that generally encourage more housing. With the rezoning, the Project will also meet all City development standards. As such, the Project's impacts due to the revised development standards will be less than significant.

3.12. Mineral Resources

Table 3-12: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a

continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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 is within an urban residential neighborhood, 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 site preparation and construction of the duplexes. 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: Typical Construction Noise Levels		
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 duplex residences are generally not considered to be significant noise generators. Therefore, the 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 will 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 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
⁽¹⁾ US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.	

Vibration levels of construction equipment in Table 3 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the project, the approximate reduction of 6 VdB for every doubling of distance from the source, and consideration of the distance to the nearest existing residences, the temporary impact to any uses in the vicinity of the project would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The Project is not within an airport land use plan nor are there any 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 two properties consisting of 0.31-acre are flat and vacant. The neighborhood around these two vacant parcels is a built-out eclectic neighborhood consisting of single-family residences that appear to be original to the older neighborhood, and several apartment complexes that appear to be of a 1970's style design.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every eight years following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2021.

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.¹

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.²

3.14.5 Impact Assessment/Environmental Consequences:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The proposed Project will result in the construction of three duplexes on three small-lot parcels. The six resulting duplex residences, when compared to the four duplex residences that could be constructed under the existing zoning, is not a major change. The existing infrastructure that serves this area, including streets, water, sewer, drainage, etc., is adequate to accommodate this change. Although this Project includes a change to plans, the Project includes a general plan amendment and rezoning, it is being

scrutinized by this process for consistency with all plans and programs. It is planned growth. As such, the Project's impacts caused by un-planned growth are less than significant.

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

There will be no residences removed as part of this GPA/RZ/TPM. Therefore, there will be no impact.

3.15. Public Services

Table 3.15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services including streets, water, sewer, and stormwater drainage will also be provided by Yuba City. The nearby Yuba City High School is part of the Yuba City Unified School District.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. Since all new development pays development impact fees intended to offset the cost of additional fire facilities and equipment costs resulting from this growth, the impacts on fire services will be less than significant.

Police Protection: The Police Department reviewed this proposal and did not express concerns. Since new development will pay development impact fees intended to offset the cost of additional police facilities and equipment resulting from this growth the impacts on police services will be less than significant.

Schools: New residences that may result from this GPA and RZ must pay the Yuba City Unified School District adopted school impact fees that are intended to provide their fair share for expanded or new educational facilities needed to accommodate this new growth. Therefore, the impact on schools will be less than significant.

Parks: The City charges a park impact fee for each new residence that is utilized to purchase parkland and construct new parks. Therefore, the impact on parks from this Project will be less than significant.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects development impact fees for County services that are provided to the new development, such as the library system and justice system.

Accordingly, the Project will have a less than significant impact with regard to the provision of public services.

3.16. Recreation

Table 3-16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The six new residences that will be constructed as a result of this GPA/RZ/TPM will incrementally increase the use of City parks. However, for each new residence development impact fees for new or expanded parks and recreation facilities will be paid. These fees will mitigate any incremental impacts on recreational facilities. Therefore, the impact on the City park system from this Project is less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

There is no proposal to provide any on-site recreational facilities, nor is the Project large enough to cause the expansion of any park facilities. Therefore, the impact on park expansion caused by 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 Project will not be a large traffic generator, that being the difference between what two duplexes and three duplexes would generate. The streets around the site were designed to meet all City standards and General Plan policy standards for auto, bicycle, and pedestrian facilities. As such, the potential impacts on nearby streets due to this Project will be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts

are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. Based on accepted traffic generation criteria, this Project will not exceed this criterion, as it will generate less than 60 trips per day. Thus, the transportation impacts from this subdivision are consistent with CEQA Guidelines Section 15063.4(b). It follows that the traffic impacts generated by this project are considered to be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The streets near the Project were designed and constructed long ago. The Project will not cause any changes to nearby City streets. The small size of the Project will generate little additional traffic flow. 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. As such there will not be a potential for any significant impacts on emergency access to this area.

3.18. Tribal Cultural Resources

Table 3-18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis of the potential environmental impacts related to TCRs is derived primarily from the Environmental Impact Report for the City of Yuba City General Plan (2004) and consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

3.18.2 Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.18.3 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
- b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
- c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

Senate Bill 18: Effective March 2005, it requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

3.18.4 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers (Wilson and Towne 1978).

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.5 Summary of Native American Consultation

In response to AB 52 and SB 18 the City supplied the following Native American tribes with a project description and map of the proposed project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;

- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
 - A cultural landscape with a geographically defined boundary;
 - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
 - A unique archaeological resource as defined in Section 21083.2; and/or
 - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

There are no buildings on the property that will be removed as part of this Project. Therefore, there will be no potential significant impacts on any historical resources, directly or indirectly.

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 SB 18 and AB 52). The United Auburn Indian Community, responding to the City's request in a July 5, 2022, email, stated that the property is not sensitive for tribal cultural resources. The email also provides that in case there are unanticipated discoveries of Native American materials, the "Undiscovered Discoveries" mitigation be applied to the Project. As such, the Unanticipated Discoveries mitigation is applied to this Project. With this mitigation measure, the impact on cultural resources will be less than significant.

3.18.8 Tribal Cultural Mitigation Measures

Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC

21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.

3.19. Utilities and Service Systems

Table 3-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. 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 a combination of Yuba City drainage lines and the Gilsizer County Drainage District. As the Gilsizer County Drainage District did not comment on the project, the impacts on the stormwater drainage system will be less than significant.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their services to this Project site. With these considerations the impacts on these types of facilities are expected to be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the 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, the construction 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 in a level urban area with no native vegetation remaining, and the urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires. In light of this, the exposure of new residents to wildfire is less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As discussed above, the site is not near any wildland areas and the Project itself will not create any improvements that potentially could generate wildfire conditions. As such the Project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the Project generated impacts that could result from these types of improvements will be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the Project related to these issues would be less than significant.

3.21. Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?*

The Project site and surround properties were stripped many years ago of native vegetation and utilized for urban uses. Therefore any development that could occur as a result of this Project will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

This amendment to the Land Use Element of the General Plan was compared to policies in other elements of the General Plan. As such the traffic generated by three new duplexes 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 utilizing those services. Stormwater drainage will also meet all City standards. There will be no loss of agricultural land. The Yuba City Unified 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 would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed project would not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

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.

Yuba City, City of. 2016. City of Yuba City Municipal Code.
https://www.municode.com/library/ca/yuba_city/codes/code_of_ordinances

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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.

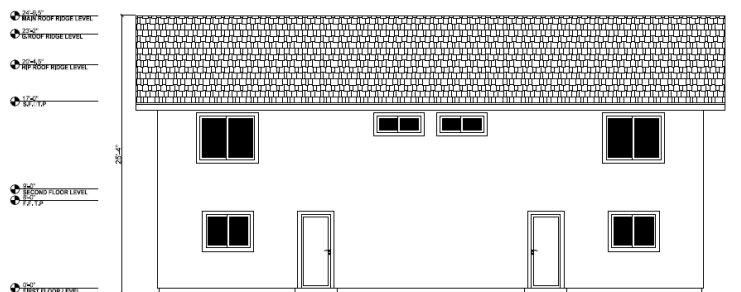
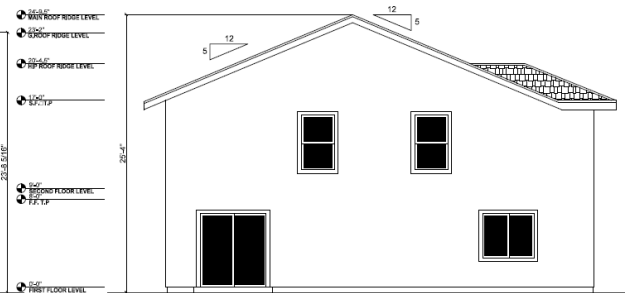
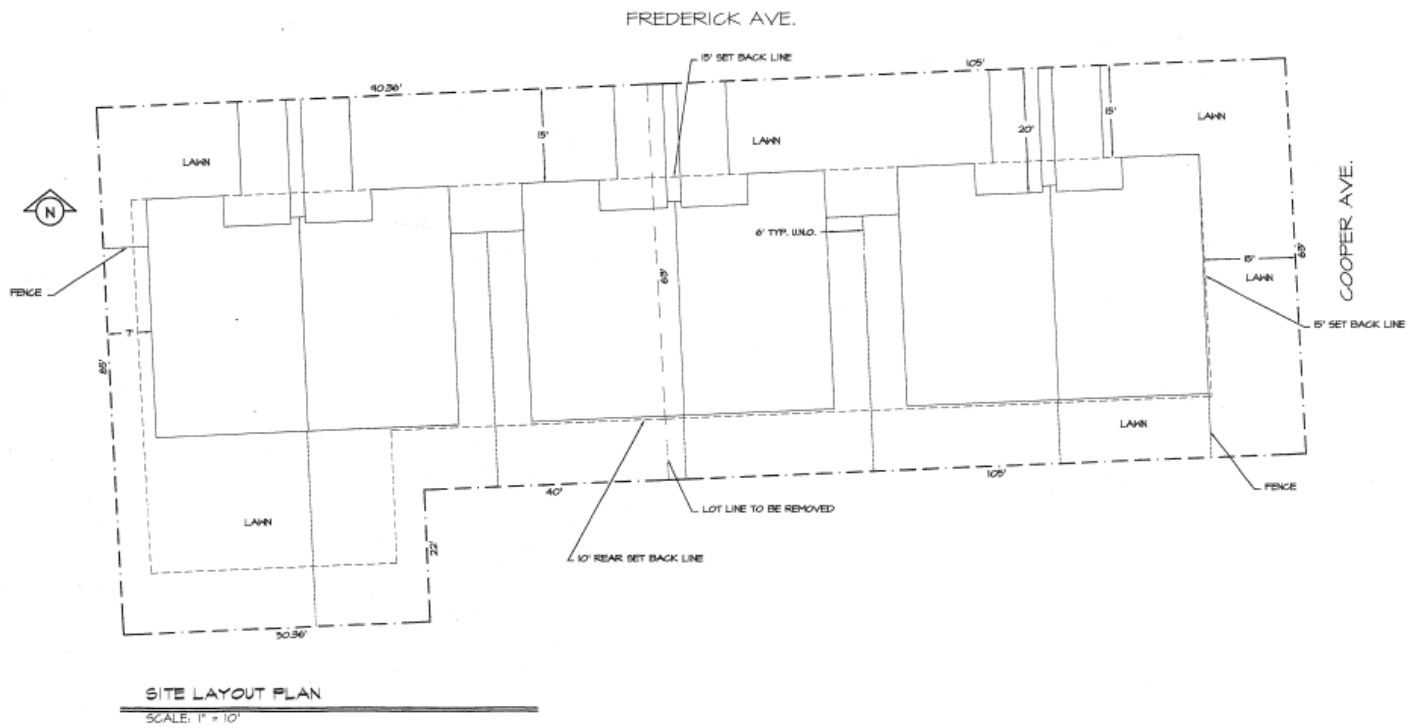
Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

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

Ratliff Duplex Development Site Plan and Building Elevations

For General Plan Amendment 22-01, Rezoning 22-02,
and Tentative Parcel Map 22-01



Appendix B

MITIGATION MEASURES AND MONITORING PLAN

Ratliff Duplex Development

Initial Study and Mitigated Negative Declaration EA 22-04
For General Plan Amendment 22-01, Rezoning 22-02,
and Tentative Parcel Map 22-01

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN

Ratliff Duplex Development

Initial Study and Mitigated Negative Declaration EA 22-04

For General Plan Amendment 22-01, Rezoning 22-02, and Tentative Parcel Map 22-01

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	Developer, Public Works Dept., Development Services Dept.	During grading 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 and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.5. Cultural Resources; 3.18. Tribal Cultural Resources	Tribal Cultural Resources Mitigation 1: If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the <i>Secretary of Interior's Professional Qualifications Standards for Archaeology</i>, as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be	Developer	Developer, Public Works Dept., Development Services Dept.	During construction phase

	permanently curated, unless requested by the Tribe. The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of a TCR will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record. If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99, 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.			
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CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Consideration of General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02 for the Bains – Bridge Street project

Recommendation: A. Conduct a Public Hearing and after consideration;

B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment 23-04, a Mitigated Negative Declaration, and contingently approving General Plan Amendment 23-02 re-designating 0.68 acre from Office and Office Park (O) land use designation to Medium-High Density Residential (HDR) for the Bains – Bridge Street project, located on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Numbers 58-080-005); and

C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 23-02 for the Bains – Bridge Street project located on approximately 0.68 acres on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Numbers 58-080-005)

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

Purpose:

To consider General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02 for the Bains – Bridge Street project.

Council's Strategic Goal:

This item meets the City Council's strategic goal of business friendly.

Background:

The applicant, Parm Bains, filed an application for GPA 23-02 and RZ 23-02 to change the land use and zoning from Office and Office Park (C-O) to Medium-High Density Residential (R-3).

On July 26, 2023, the Yuba City Planning Commission conducted a public hearing, and the Planning Commission unanimously voted to adopt Resolution PC 23-15 recommending approval of GPA 23-02

and RZ 23-02 to the City Council together with Environmental Assessment 23-04. There was no opposition expressed by the public at the Planning Commission meeting.

Analysis:

General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02 (“Project”), proposes to amend the land use and zoning for a 0.68 parcel as farther outlined below.

- **GPA 23-02:** Proposal to re-designate a 0.68-acre parcel (approximately 30,000 square feet) from the Office and Office Park (O) land use designation to the Medium-High Density Residential (HDR) designation. The HDR designation allows for a residential density range of 12 to 36 residences per acre, providing for a range of attached housing types including duplexes, and multiple-family housing types. The allowed density range translates to nine to 24 residences that could be constructed on this property if this GPA is approved; and
- **RZ 23-02:** Proposal to rezone the same 0.68 acres from the Office Commercial (C-O) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

No physical development is proposed at this time as part of this application.

Compatibility with neighboring uses:

With no development proposed it is not possible to fully consider the compatibility of the differing uses. However, placing this higher density residential property next to high density residential on the north would likely result in apartments, garden apartments, condominiums, duplexes, etc. The property to the west is similarly designated at a lower medium density residential, likely resulting in duplexes. Properties to the east are office type uses but the properties are back-to-back with a masonry wall between them, so compatibility should not be an issue. Across Bridge Street to the south there are single-family and multiple-family uses. There should be no compatibility issues with this proposal.

Table 2: Bordering Information and Uses			
	General Plan Land Use Designation	Zoning	Existing Land Use
Project Site	Medium-High Density Residential (HDR) (proposed)	Multiple-Family Residential (R-3) (proposed)	Vacant
North	HDR	R-3	Vacant
East	Office and Office Park (O)	Office-Commercial (C-O)	Bank and office related uses.
West	Low-Medium Density Residential (MDR). Six to 14 residences per acre.	R-2	Vacant
South	Low and Medium Density Residential	R1 and R-3	Bridge St. with single-family residential and multi-family across the street.

Traffic

Due to the parcel size (0.68 acre) of the proposed project, the proposal to change the land use and zoning from office to multiple-family will not create a large traffic generation difference. The General Plan provides density requirements for multiple-family developments as 12-36 dwelling units per acre (DUA), which means that a 0.68-acre parcel could result in nine to twenty-four new multiple-family or duplex residential units. Both Bridge Street, on which the site fronts, and nearby Walton Avenue are within the City's acceptable level of service standard of D or better. Any development resulting from this project will be required to provide any needed on-site Bridge Street improvements for auto, bicycle, and pedestrian facilities. As such, the potential impacts on nearby streets due to this project are considered to be less than significant.

Environmental Considerations:

An environmental assessment was prepared for this project (EA 23-04) 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 to the City Council adoption of a mitigated negative declaration for this project. The finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases and Geology and Soils, and Tribal Cultural Resources, this GPA/RZ will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included in the attached Mitigation Monitoring Program.

Fiscal Impact:

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

Alternatives:

1. Deny the application to approve General Plan Amendment 23-02 and Rezone 23-02.
2. Provide staff with alternate direction.

Recommendations:

- A. Conduct a Public Hearing, and;
- B. Adopt a Resolution of the City Council of the City of Yuba City approving Environmental Assessment 23-04, a Mitigated Negative Declaration, and contingently approving General Plan Amendment 23-02 re-designating 0.68 acre from Office and Office Park (O) land use designation to Medium-High Density Residential (HDR) for the Bains – Bridge Street project, located on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Numbers 58-080-005); and
- C. Introduce an Ordinance of the City Council of the City of Yuba City to adopt Rezone 23-02 for the Bains – Bridge Street project located on approximately 0.68 acres on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Numbers 58-080-005).

Attachments:

1. City Council Resolution
2. City Council Ordinance
3. Planning Commission Staff Report Packet, dated July 26, 2023

Prepared By:
Ashley Potočník
Development Liaison

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT 23-04, BY ADOPTING A MITIGATED NEGATIVE DECLARATION, AND CONTINGENTLY APPROVING GENERAL PLAN AMENDMENT 23-02 RE-DESIGNATING 0.68 ACRE FROM OFFICE AND OFFICE PARK (O) LAND USE DESIGNATION TO MEDIUM-HIGH DENSITY RESIDENTIAL (HDR) FOR THE BAINS – BRIDGE STREET PROJECT, LOCATED ON THE NORTH SIDE OF BRIDGE STREET APPROXIMATELY 300 FEET WEST OF WALTON AVENUE (ASSESSOR'S PARCEL NUMBER 58-080-005)

WHEREAS, the City received an application from Parm Bains for a General Plan Amendment to amend the General Plan Land Use Map from an Office and Office Park (O) land use designation to a High Density Residential (HDR) designation, and a Rezone for this same property, revising the zoning from a C-O Zone District to an R-3 Zone District (GPA 23-02); 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, 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 23-04) for the Project; and

WHEREAS, on July 26, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on the applications, GPA 23-02, RZ-23-02, as well as Environmental Assessment (EA) 23-04, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission reviewed all associated documents prepared for the Project, including that related to the applications, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission recommended the City Council of the City of Yuba City adopt a resolution approving EA 23-04 and GPA 23-02, and adopt an ordinance approving RZ 23-02.

WHEREAS, on September 19, 2023, the City Council conducted a Public Hearing to consider the GPA 23-02, Rezone (RZ) 23-02, and EA 23-04, and received both oral testimony and written information presented at the hearing regarding the same; and

WHEREAS, the City Council considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council now desires to approve the project; and

WHEREAS, due to the limitations of State law that limit the number of General Plan amendments that can occur each year, and to comply with this requirement, individual projects proposing amendments to the General Plan may be contingently approved based on a final consolidated approval of all such project by the City Council; and

WHEREAS, the City Council now desires to adopt EA 23-04 and contingently approve GPA 23-02, with RZ 23-02 to be adopted by separate ordinance.

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

1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Finding. The City Council finds and determines that there is no substantial evidence in the record that the Project may have a significant effect on the environment as identified by the mitigated negative declaration (MND) prepared for Environmental Assessment 23-04. Additionally, the City Council finds and determines as follows:
 - a. An environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the City Council's independent judgment and analysis. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment 23-04 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 finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects to a point where clearly no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant or adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the 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. As such, the City Council also finds and determines that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per Environmental Assessment 23-04.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council adopts 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 located at 1201 Civic Center Boulevard, Yuba City, CA 95993, is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the decision is based. The City Council authorizes the Director, or designee, to execute and file with the Sutter County Clerk, as appropriate, a Notice of Determination for approval of the project that complies with the CEQA Guidelines.
4. General Plan Findings. The City Council finds that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 23-02, including the following:

- a. The proposed HDR land use designation, when used in conjunction with the proposed rezoning and the accompanying development standards, will limit the residential density to be compatible with existing neighboring higher density residential uses.
 - b. The Project will not generate significant amounts of new traffic that would cause a significant decrease in levels of service for nearby General Plan streets including Bridge Street, and Walton Avenue, and any new residences that result from this Project will pay their fair share of traffic development impact fees, making the project consistent with the Transportation Element.
 - c. General Plan Housing Element Policy H-A-3 (Facilitate a Variety of Housing Types): This policy encourages a variety of housing types but particularly emphasises the use of the Medium High Density (HDR) Land Use Designation as the higher densities typically results in more affordable housing. This project to add property designated HDR will increase the City's capacity for higher density housing by nine to 24 residences.
 - d. General Plan Housing Element Policy H-C-7 (Regional Housing Needs): This policy requires the City to add more HDR designated land. This proposal will add 0.68 acres designated as HDR, which translates to nine to 24 new residences, likely at the more affordable range of housing types.
 - e. The environmental document prepared for the Project (EA 23-04) found that the Project will not create significant environmental impacts on water quality, air quality, biological resources, agricultural lands, open space, and archaeological resources, making the Project consistent with the Environmental Conservation Element of the General Plan.
 - f. The Project will connect to all City services including water, wastewater, and stormwater drainage, making it consistent with the Public Utilities Element, and the Police and Fire Departments determined that the Project will not cause any safety or emergency response issues. As such the Project will be consistent with the Noise and Safety Element.
 - g. Any new residences that will be constructed as a result of this Project will pay all applicable park and school development impact fees, making it consistent with the Parks, Schools, and Community Facilities Element.
5. Approval of General Plan Amendment 23-02. Based on the information provided above, the City Council of Yuba City approves General Plan Amendment 23-02, per the attached Exhibit "A," which is incorporated by reference. This approval is contingent upon the following:
- a. The approval of General Plan Amendment 23-02 shall become final and effective immediately only after the City Council of the City of Yuba City approves a final resolution authorizing amendment of the General Plan and identifying General Plan Amendment 23-02 as a component of the same. If such approval is not made by the City Council within 45 days of the adoption of this Resolution, then this matter shall be returned to the City Council for further consideration and a final decision.
6. Effective: 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 19th day of September, 2023.

AYES:

NOES:

ABSENT:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

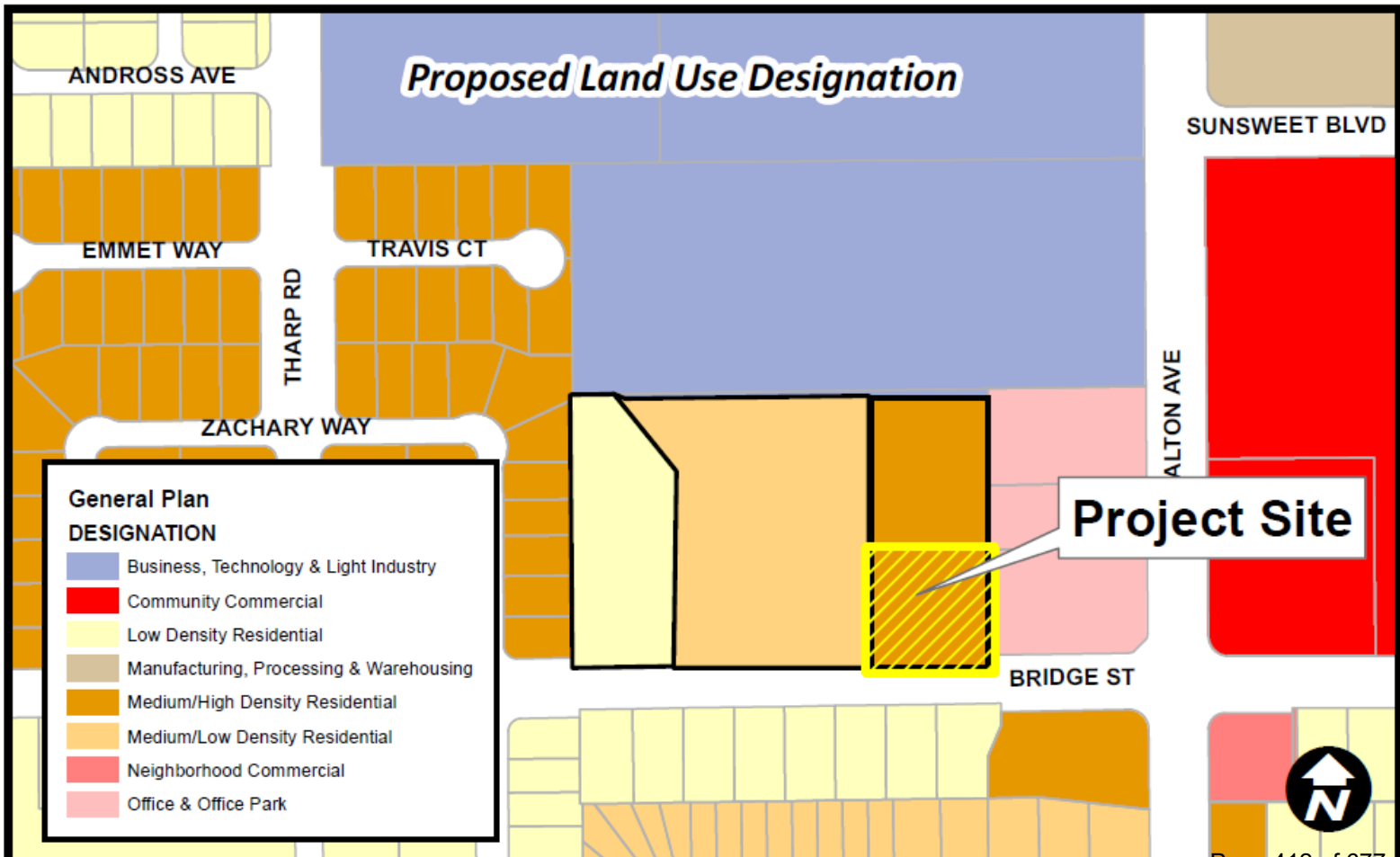
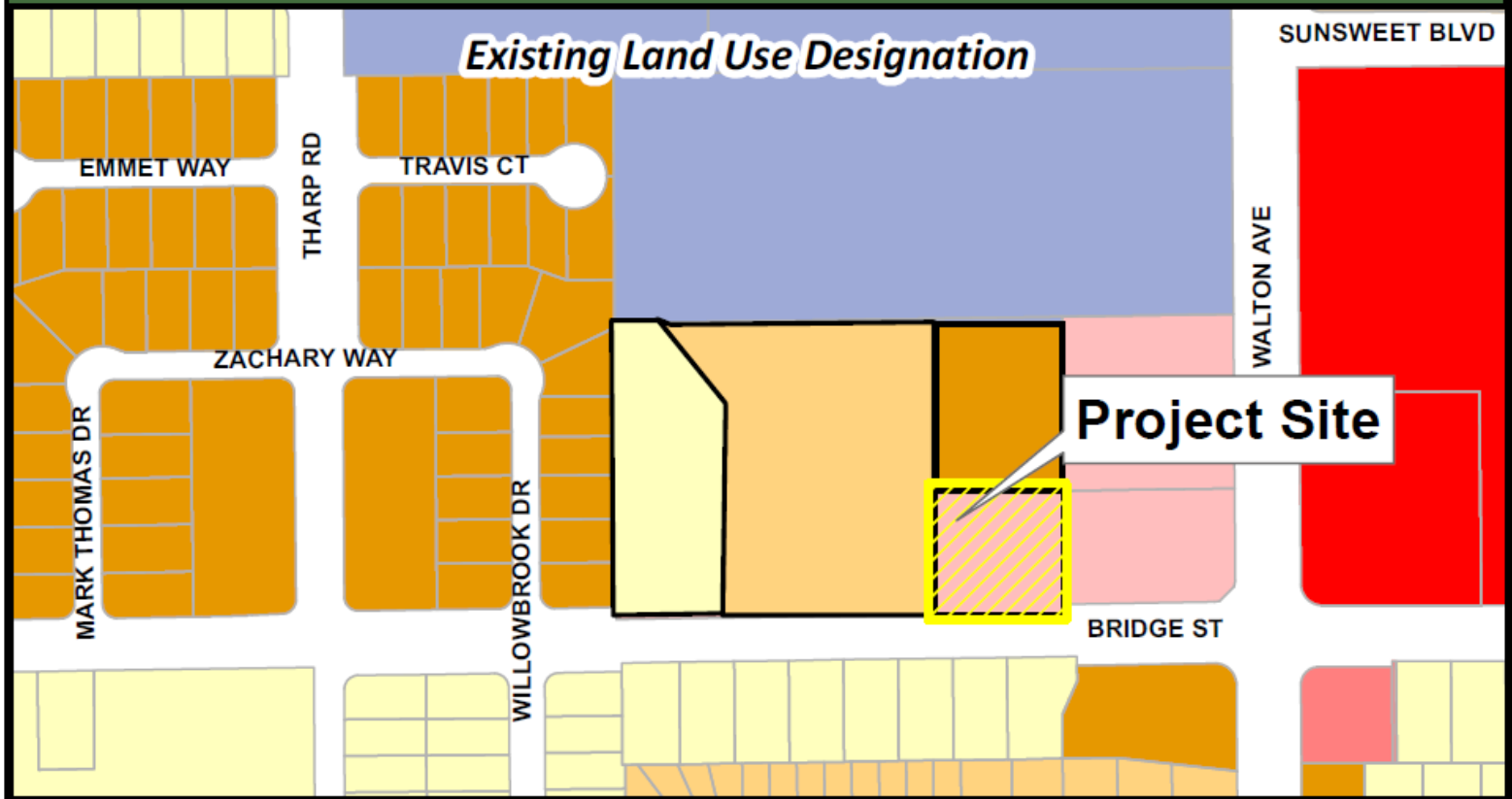
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: General Plan Maps, GPA 23-02

EXHIBIT A

Bains - Bridge Street

GPA 23-02, RZ 23-02, EA 23-04 | General Plan Map



ATTACHMENT 2

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO
ADOPT REZONE 23-02 FOR THE BAINS – BRIDGE STREET PROJECT
LOCATED ON APPROXIMATELY 0.68 ACRES ON THE NORTH SIDE OF
BRIDGE STREET APPROXIMATELY 300 FEET WEST OF WALTON AVENUE
(ASSESSOR'S PARCEL NUMBERS 58-080-005).**

WHEREAS, the City received an application for a General Plan Amendment to amend the General Plan Land Use Map from an Office and Office Park (O) land use designation to a High Density Residential (HDR) designation, and a Rezone for this same property, revising the zoning from a C-O Zone District to an R-3 Zone District; 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, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study proposing a Mitigated Negative Declaration (EA 22-04) for the Project; and

WHEREAS, on July 26, 2023, the Planning Commission concurrently conducted a duly noticed public hearing on the applications, GPA 23-02, RZ-23-02, as well as Environmental Assessment (EA) 23-04, at which time it received input from City Staff, the applicant; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission, after which public testimony was closed; and

WHEREAS, the Planning Commission reviewed all associated documents prepared for the Project, including that related to the applications, and all of the evidence received by the Planning Commission; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission unanimously recommended the City Council of the City of Yuba City adopt a resolution adopting EA 23-04, approve GPA 23-02, and adopt an ordinance approving RZ 23-02.

WHEREAS, on September 19, 2023, the City Council conducted a Public Hearing to consider the GPA 23-02, RZ-23-02, and EA 23-04, and received both oral testimony and written information presented at the hearing regarding the same; and

WHEREAS, the City Council of Yuba City considered said recommendations of the Planning Commission on the matter and after review and consideration of the Environmental Assessment, the City Council now desires to approve the project; and

WHEREAS, the City Council desires to approve RZ 23-02.

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

1. Recitals. The City Council finds that the recitals are true and correct, and incorporates the same herein as if set forth in full.
2. CEQA Findings: The City Council of the City of Yuba City has concurrently approved EA 23-

04 by adopting an Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program for the project. With the project specific mitigations imposed, there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment. No further CEQA is required, as CEQA has been completed for this project.

3. Rezone Findings. The City Council finds that Rezone 23-02 is consistent with the General Plan as amended by General Plan Amendment 23-02. The City Council finds that Rezone 23-02 i) is consistent with the General Plan goals and policies as amended and as further described in the City Council's Resolution approving General Plan Amendment 23-02; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience, access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality economic growth and development for the City.
4. Approval of RZ 23-02. Based on the information provided above, the City Council of Yuba City adopts an Ordinance approving RZ 23-02 and reclassify the zone districts for those districts as depicted in Exhibit "A," which is incorporated by reference.
5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.
7. Effective Date 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 and the City Council of the City of Yuba City adopts a final resolution authorizing amendment of the General Plan and identifying General Plan Amendment 23-02 as a component of the same.

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 19th day of September 2023, and adopted the Ordinance after the second reading at a regular meeting held on the 3rd day of October 2023, by the following roll call vote:

Ayes:

Noes:

Absent:

Recused:

CITY OF YUBA CITY

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

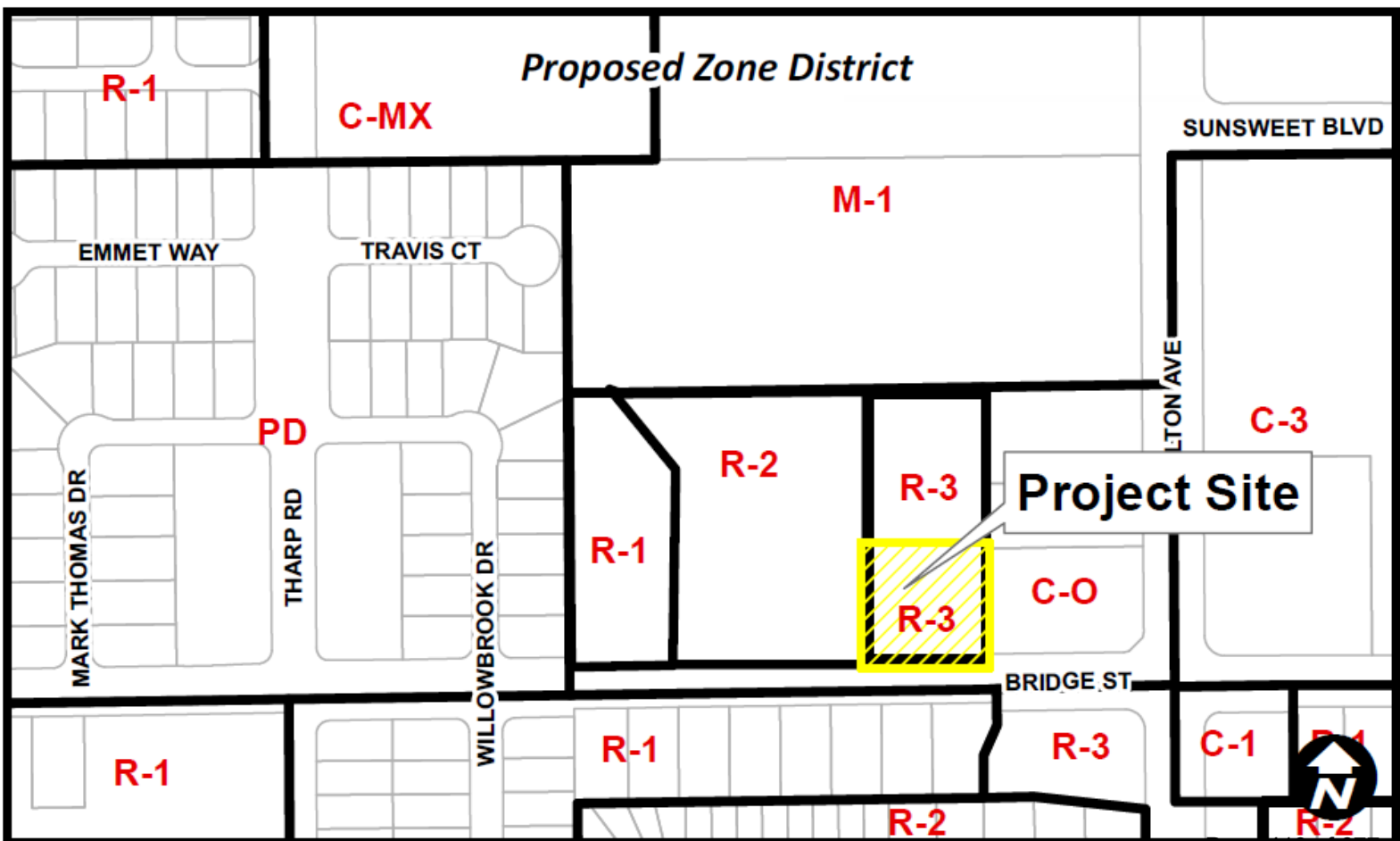
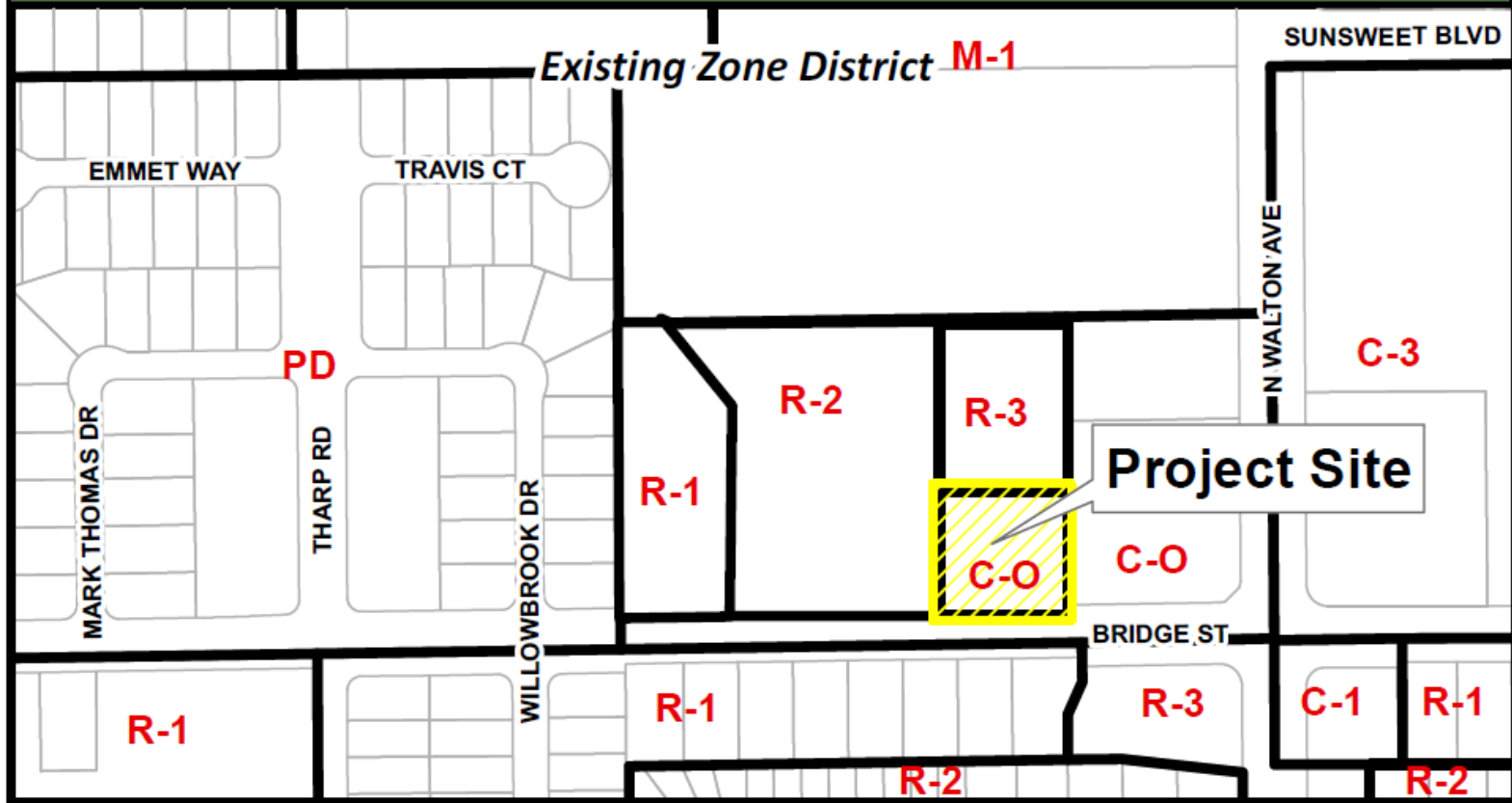
Exhibit A: Rezone Map, RZ 23-02

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

Bains - Bridge Street

GPA 23-02, RZ 23-02, EA 23-04 | Rezone Map



ATTACHMENT 3



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

Date: July 26, 2023
To: Chair and Members of the Planning Commission
From: Development Services Department
Presentation by: Doug Libby, Deputy Development Services Director

Subject: **General Plan Amendment (GPA) 23-02, Rezone (RZ) 23-02, Bains - Bridge Street.**

Recommendation: A. Conduct a Public Hearing and make the necessary findings to:

B. Adopt a Resolution of the Planning Commission of the City of Yuba City recommending the City Council approve Environmental Assessment 23-04 by adopting a Mitigated Negative Declaration, subject to the Mitigation Measures, approve General Plan Amendment (GPA) 23-02 re-designating 0.68-acres from the Office and Office Park (O) land use designation to the Medium-High Density Residential (HDR) designation, and adopt an Ordinance approving Rezone (RZ) 23-02 rezoning the same 0.68 acres from the Office Commercial (C-O) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains on Bridge Street project, located on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Number 058-080-005).

Applicant/Owner: Parm Bains

Project Location: The 0.68-acre parcel is located on the north side of Bridge Street approximately 300 feet west of Walton Avenue. Assessor's Parcel Number (APN) 058-080-005

General Plan: **Existing:** Office and Office Park (O)
Proposed: Medium-High Density Residential (MDR)

Zoning: **Existing:** Office Commercial (C-O) Zone District
Proposed: Multiple-Family Residential (R-3) Zone District

Purpose:

Consideration of General Plan Amendment (GPA) 23-02, Rezone (RZ) 23-02 for the proposed Bains - Bridge Street project.

Project Description

General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02 ("Project"), proposes to amend the land use and zoning for a 0.68 parcel as farther outlined below.

- **GPA 23-02:** Proposal to re-designate a 0.68-acre parcel (approximately 30,000 square feet) from the Office and Office Park (O) land use designation to the Medium-High Density Residential (HDR) designation. The HDR designation allows for a residential density range of 12 to 36 residences per acre, providing for a range of attached housing types including duplexes, and multiple-family housing types. The allowed density range translates to nine to 24 residences that could be constructed on this property if this GPA is approved; and
- **RZ 23-02:** Proposal to rezone the same 0.68 acres from the Office Commercial (C-O) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

There is no actual development proposed as part of this application.

Background

This property was originally part of a larger 5.73-acre parcel for which in June 2019 the Planning Commission considered and recommended approval to amend the General Plan, Rezone, and approved Tentative Subdivision Map 19-03, which divided the property into 18 lots (GPA 18-03, RZ 18-02, TSM 19-03). The GPA and RZ were approved by the City Council on September 17, 2019. The General Plan Amendment was generally intended to convert the vacant property from office and light industrial designations to residential for 17 of the proposed 18 lots. The subject 0.68-acre lot remained office commercial.

TPM 19-03 was originally approved on June 26, 2019 with an expiration date of June 26, 2021. Since then the applicant/owner has received two extension, with a final expiration date of June 26, 2024. The conditions as set forth for Tentative Map (TSM) 19-03 shall still be in effect.

This proposal will place the last remaining lot of the original subdivision into a residential designation. Of the 18 subdivision lots, 10 of the lots along the west and much of the north side are zoned for single-family residences, six lots in the center of the subdivision are zoned for duplexes (12 residences), and the 1.5-acre parcel in the northeast corner of the subdivision (north side of this property) was designated for high density residential (typically apartments). This proposal for the 0.68-acre parcel requests a Medium-High density residential designation which allows a density range of 12-36 residences/acre consistent with the parcel on the north side of the property.

Analysis

Compatibility with neighboring uses:

With no development proposed it is not possible to fully consider the compatibility of the differing uses. However, placing this higher density residential property next to high density residential on

the north would likely result in apartments, garden apartments, condominiums, duplexes, etc. The property to the west is similarly designated at a lower medium density residential, likely resulting in duplexes. Properties to the east are office type uses but the properties are back-to-back with a masonry wall between them, so compatibility should not be an issue. Across Bridge Street to the south there are single-family and multiple-family uses. There should be no compatibility issues with this proposal.

Table 2: Bordering Information and Uses			
	General Plan Land Use Designation	Zoning	Existing Land Use
Project Site	Medium-High Density Residential (HDR) (proposed)	Multiple-Family Residential (R-3) (proposed)	Vacant
North	HDR	R-3	Vacant
East	Office and Office Park (O)	Office-Commercial (C-O)	Bank and office related uses.
West	Low-Medium Density Residential (MDR). Six to 14 residences per acre.	R-2	Vacant
South	Low and Medium Density Residential	R1 and R-3	Bridge St. with single-family residential and multi-family across the street.

Traffic

Due to the parcel size (0.68 acres) of the proposed project, the proposal to change the land use and zoning from office to multiple-family will not create a large traffic generation difference. The General Plan provides density requirements for multiple-family developments as 12-36 dwelling units per acre (DUA), which means that a 0.68 parcel could result in nine to twenty-four new multiple-family or duplex residential units. Both Bridge Street, on which the site fronts, and nearby Walton Avenue are within the City's acceptable level of service standard of D or better. Any development resulting from this project will be required to provide any needed on-site Bridge Street improvements for auto, bicycle, and pedestrian facilities. As such, the potential impacts on nearby streets due to this project are considered to be less than significant.

Environmental Considerations:

An environmental assessment was prepared for this project (EA 23-04) 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 to the City Council adoption of a mitigated negative

declaration for this project. The finding of the mitigated negative declaration is that, with the proposed mitigations for Greenhouse Gases and Geology and Soils, and Tribal Cultural Resources, this GPA/RZ will not create any significant environmental impacts. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA. The proposed mitigations are included in the attached Mitigation Monitoring Program.

Recommended Actions:

- A. Conduct a Public Hearing and make the necessary findings to:
- B. Adopt a Resolution of the Planning Commission of the City of Yuba City recommending the City Council approve Environmental Assessment 23-04 by adopting a Mitigated Negative Declaration, subject to the Mitigation Measures, approve General Plan Amendment (GPA) 23-02 re-designating 0.68-acres from the Office and Office Park (O) land use designation to the Medium-High Density Residential (HDR) designation, and adopt an Ordinance approving Rezone (RZ) 23-02 rezoning the same 0.68 acres from the Office Commercial (C-O) Zone District to the Multiple-Family Residential (R-3) Zone District, for the Bains on Bridge Street project, located on the north side of Bridge Street approximately 300 feet west of Walton Avenue (Assessor's Parcel Number 058-080-005).

Attachment:

- 1. Planning Commission Resolution (GPA 23-02, RZ 23-02)
Exhibit A: General Plan Map, GPA 23-02
Exhibit B: Rezone Map, RZ 23-02
- 2. Location Map
- 3. Tentative Subdivision Map 19-03 and Conditions of Approval
- 4. Environmental Assessment 23-04 and the associated Mitigation Monitoring and Reporting Program

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-15

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING THE CITY COUNCIL APPROVE ENVIRONMENTAL ASSESSMENT 23-04 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE MITIGATION MEASURES, APPROVE GENERAL PLAN AMENDMENT (GPA) 23-02 RE-DESIGNATING 0.68-ACRES FROM THE OFFICE AND OFFICE PARK (O) LAND USE DESIGNATION TO THE MEDIUM-HIGH DENSITY RESIDENTIAL (HDR) DESIGNATION, AND ADOPT AN ORDINANCE APPROVING REZONE (RZ) 23-02 REZONING THE SAME 0.68 ACRES FROM THE OFFICE COMMERCIAL (C-O) ZONE DISTRICT TO THE MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE DISTRICT, FOR THE BAINS ON BRIDGE STREET PROJECT, LOCATED ON THE NORTH SIDE OF BRIDGE STREET APPROXIMATELY 300 FEET WEST OF WALTON AVENUE (ASSESSOR'S PARCEL NUMBER 058-080-005).

WHEREAS, the City received an application for a General Plan Amendment to amend the General Plan Land Use Map from an Office and Office Park (O) land use designation to a High Density Residential (HDR) designation, and a Rezone for this same property, revising the zoning from a C-O Zone District to an R-3 Zone District; and

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

WHEREAS, the Planning Commission reviewed related Environmental Assessment 23-04 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigations that reduce potential significant impacts to less than significant; and

WHEREAS, all development that may result from this action will be provided a full range of City services; and

WHEREAS, a review of the General Plan and Zoning Regulations determined that the proposed GPA/RZ is consistent with the other elements of the General Plan and Zoning Regulations; and

WHEREAS, the City on July 6, 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 July 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing July 26, 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 recommends the City Council of the City of Yuba City adopt a resolution adopting Environmental Assessment 23-04, approving GPA 23-02, and adopting an ordinance approving RZ 23-02; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

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

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA Finding. The Planning Commission finds and determines, and recommends that the City Council find and determine, that there is no substantial evidence in the record that General Plan Amendment 23-02 and Rezone 23-02, may have a significant effect on the environment as identified by the MND prepared in Environmental Assessment 23-04. Additionally, the Planning Commission recommends that the City Council find and determine that an environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines and reflects the City Council's independent judgment and analysis. The process included the distribution of requests for comments from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment 23-04 necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies. While the proposed project could have a potentially significant effect on the environment, based on its independent judgment and analysis the 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, and there is no substantial evidence in the record that this project may have any direct, indirect or cumulative effects on the environment that are potentially significant or adverse. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the project to avoid potentially significant effects are set forth in the 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. As such, the Planning Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the project has been adequately environmentally assessed as required by CEQA per Environmental Assessment 23-04.
3. Adoption of the Mitigated Negative Declaration 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. General Plan Findings. The Planning Commission finds, and recommends that the City Council find that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 23-02, including the following:

- a. The proposed HDR land use designation, when used in conjunction with the proposed rezoning and the accompanying development standards, will limit the residential density to be compatible with existing neighboring higher density residential uses.
 - b. The Project will not generate significant amounts of new traffic that would cause a decrease in levels of service for nearby General Plan streets including Bridge Street, and Walton Avenue, and any new residences that result from this Project will pay their fair share of traffic development impact fees, making the project consistent with the Transportation Element.
 - c. General Plan Housing Element Policy H-A-3 (Facilitate a Variety of Housing Types): This policy encourages a variety of housing types but particularly emphasises the use of the Medium High Density (HDR) Land Use Designation as the higher densities typically results in more affordable housing. This project to add property designated HDR will increase the City's capacity for higher density housing by 4-9 residences.
 - d. General Plan Housing Element Policy H-C-7 (Regional Housing Needs): This policy requires the City to add more HDR designated land. This proposal will add 0.67 acres designated as HDR, which translates to 4-9 new residences, likely at the more affordable range of housing types.
 - e. The environmental document prepared for the Project (EA 22-04) found that the Project will not create significant environmental impacts on water quality, air quality, biological resources, agricultural lands, open space, and archaeological resources, making the Project consistent with the Environmental Conservation Element of the General Plan.
 - f. The Project will connect to all City services including water, wastewater, and stormwater drainage, making it consistent with the Public Utilities Element, and the Police and Fire Departments determined that the Project will not cause any safety or emergency response issues. As such the Project will be consistent with the Noise and Safety Element.
 - g. Any new residences that will be constructed as a result of this Project will pay all applicable park and school development impact fees, making it consistent with the Parks, Schools, and Community Facilities Element.
5. Recommendation of Approval of General Plan Amendment 23-02. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of General Plan Amendment 23-02, per the attached Exhibit A.
 6. Rezone Findings. The Planning Commission finds, and recommends that the City Council find and determine, that Rezone 23-02 is consistent with the General Plan as amended by General Plan Amendment 23-02. The Planning Commission further recommends that the City Council find that Rezone 23-02 i) is consistent with the General Plan goals and policies as amended and as further described above; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) the project would provide open space, light, air, privacy, convenience, access, aesthetic values, protection of environmental values, and protection of public and private improvements; and iv) the project will allow for the creation of quality balanced neighborhoods that provide housing options for the City.

7. Recommendation of Approval of the Rezone 23-02. Based on the information provided above, the Planning Commission recommends to the City Council of Yuba City adoption of an ordinance approving RZ 23-02 and reclassify the zone districts as depicted in Exhibit B shown on the zoning map for the City of Yuba City.

8. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on July 26, 2023, by Commissioner _____ who moved its adoption, which motion was seconded by Commissioner _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

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

Jackie Sillman, Planning Commission Chair

ATTEST:

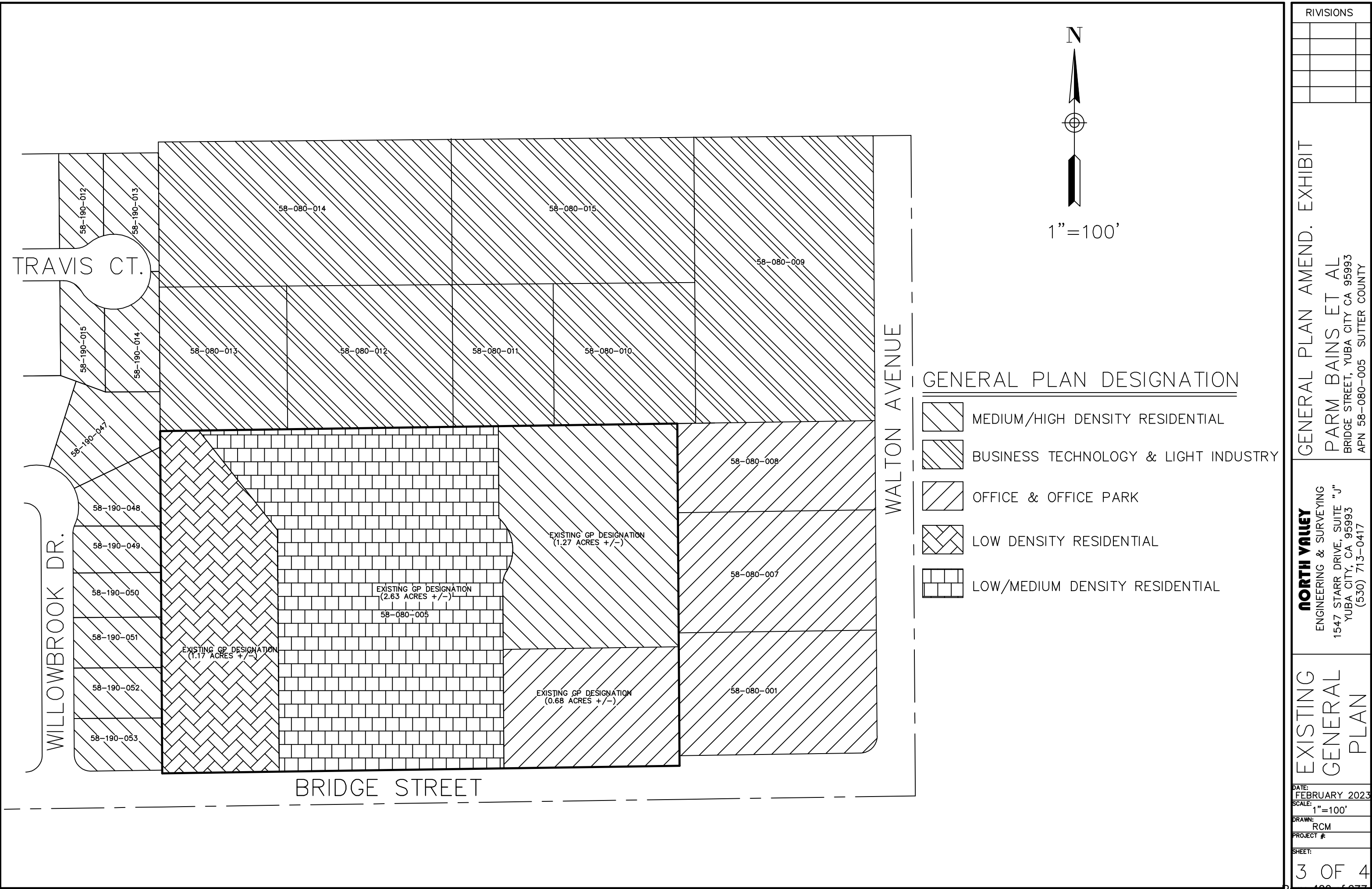
Benjamin Moody, Secretary to the Planning Commission

Attachments:

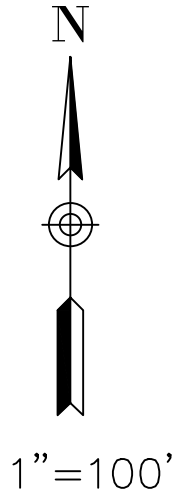
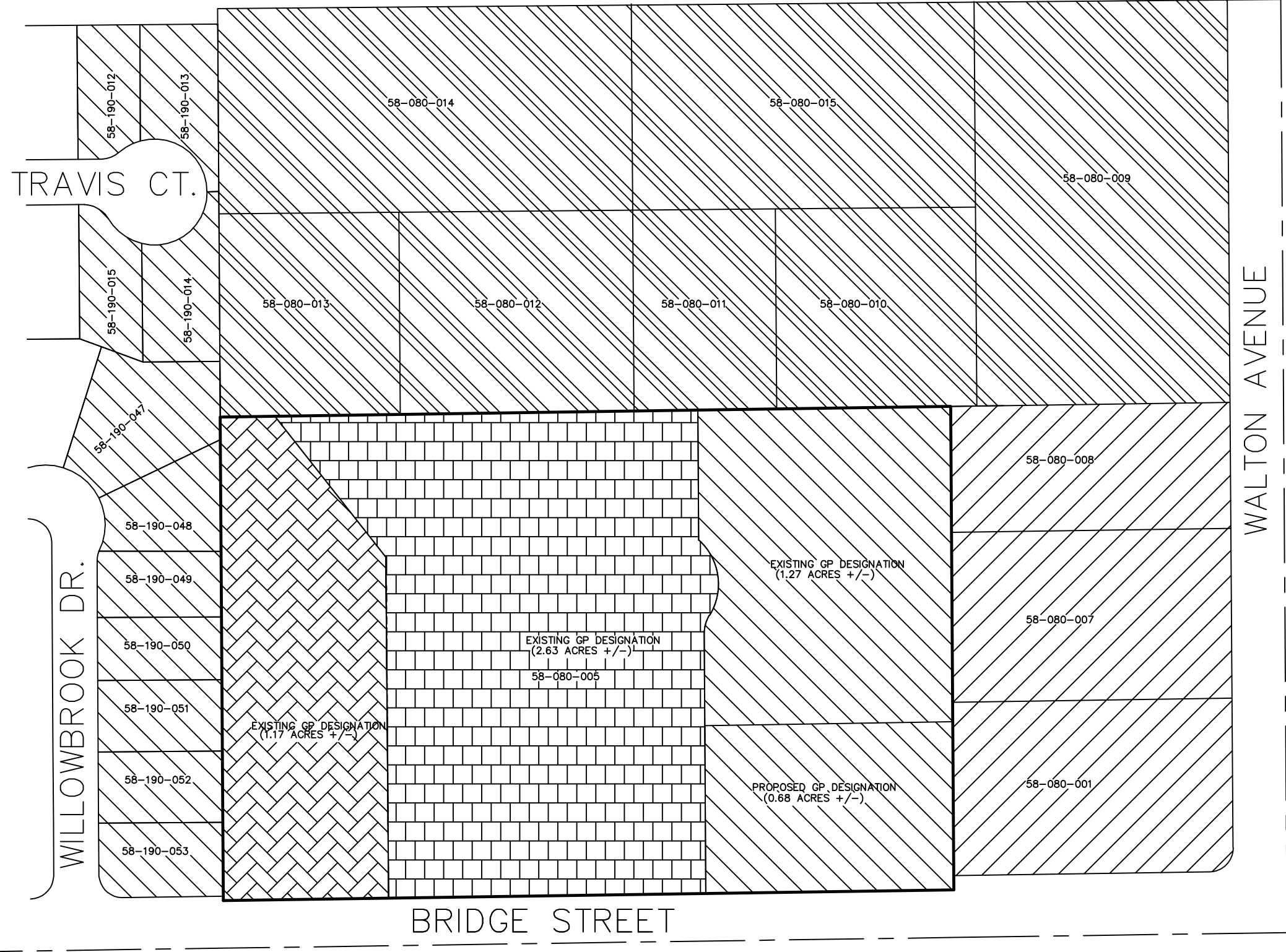
Exhibit A: General Plan Map, GPA 23-02

Exhibit B: Rezone Map, RZ 23-02

EXHIBIT A



RIVISIONS			
GENERAL PLAN AMEND. EXHIBIT			
P ARM BAINS ET AL			
BRIDGE STREET, YUBA CITY CA 95993			
APN 58-080-005 SUTTER COUNTY			
NORTH VALLEY			
ENGINEERING & SURVEYING			
1547 STARR DRIVE, SUITE "J"			
YUBA CITY, CA 95993			
(530) 713-0417			
EXISTING			
GENERAL			
PLAN			
DATE: FEBRUARY 2023			
SCALE: 1"=100'			
DRAWN: RCM			
PROJECT #:			
SHEET:			
3 OF 4			



GENERAL PLAN DESIGNATION

- MEDIUM/HIGH DENSITY RESIDENTIAL
- BUSINESS TECHNOLOGY & LIGHT INDU
- OFFICE & OFFICE PARK
- LOW DENSITY RESIDENTIAL
- LOW/MEDIUM DENSITY RESIDENTIAL

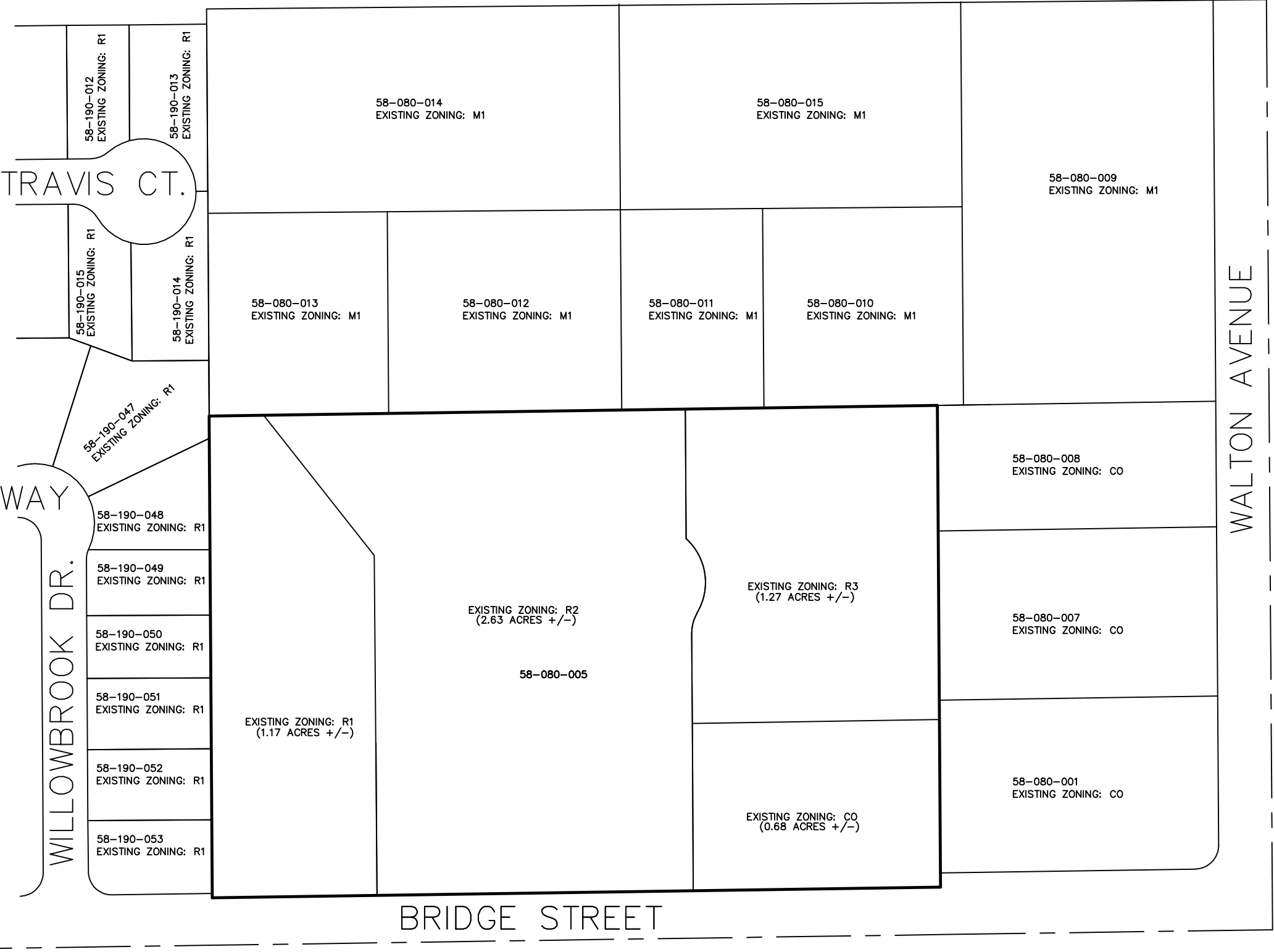
RIVISIONS	
GENERAL PLAN AMEND. EXHIBIT	
PARM BAINS ET AL	
BRIDGE STREET, YUBA CITY CA 95993	
APN 58-080-005 SUTTER COUNTY	
NORTH VALLEY ENGINEERING & SURVEYING 1547 STARR DRIVE, SUITE "J" YUBA CITY, CA 95993 (530) 713-0417	
PROPOSED GENERAL PLAN	DATE: FEBRUARY 2023 SCALE: 1"=100' DRAWN: RCM PROJECT #: SHEET: 4 OF 4

EXHIBIT B



1"=100'

ZACHARY WAY



REVISIONS			

REZONE EXHIBIT
PARM BAINS ET AL
BRIDGE STREET, YUBA CITY CA 95993
APN 58-080-005 SUTTER COUNTY

NORTH VALLEY
ENGINEERING & SURVEYING
1547 STARR DRIVE, SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

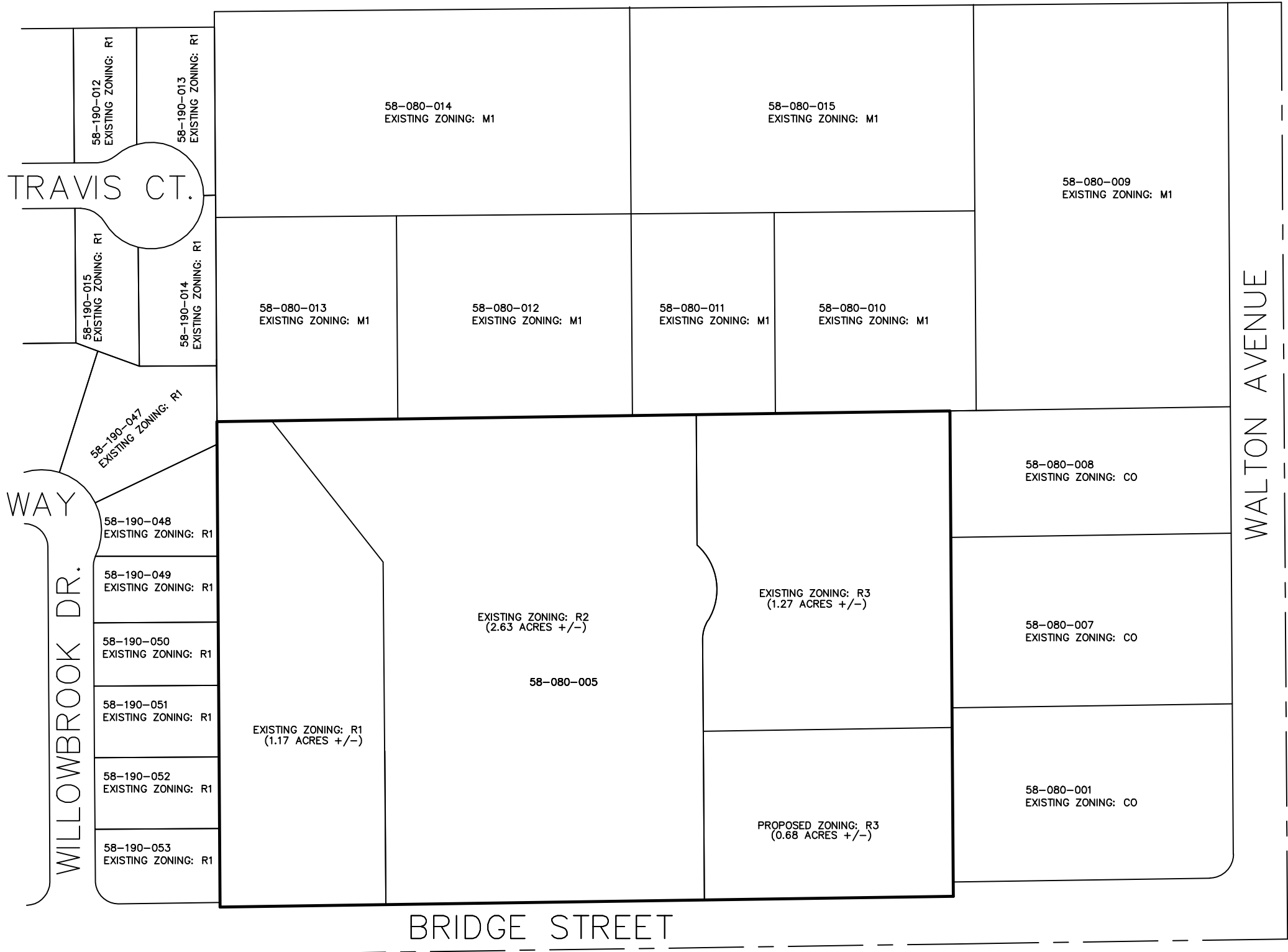
EXISTING
ZONING

DATE:
FEB 2023
SCALE:
1"=100'
DRAWN:
RCM
PROJECT #:

SHEET:
1 OF 4



1"=100'



REVISIONS			

REZONE EXHIBIT
PARM BAINS ET AL
BRIDGE STREET, YUBA CITY CA 95993
APN 58-080-005 SUTTER COUNTY

NORTH VALLEY
ENGINEERING & SURVEYING
1547 STARR DRIVE, SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417

PROPOSED
ZONING

DATE:
FEB 2023
SCALE:
1"=100'
DRAWN:
RCM
PROJECT #:

SHEET:
2 OF 4

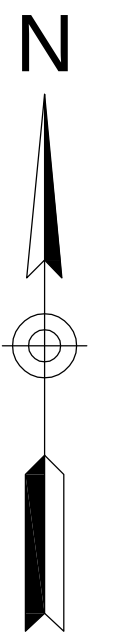
ATTACHMENT 2

Bains on Bridge

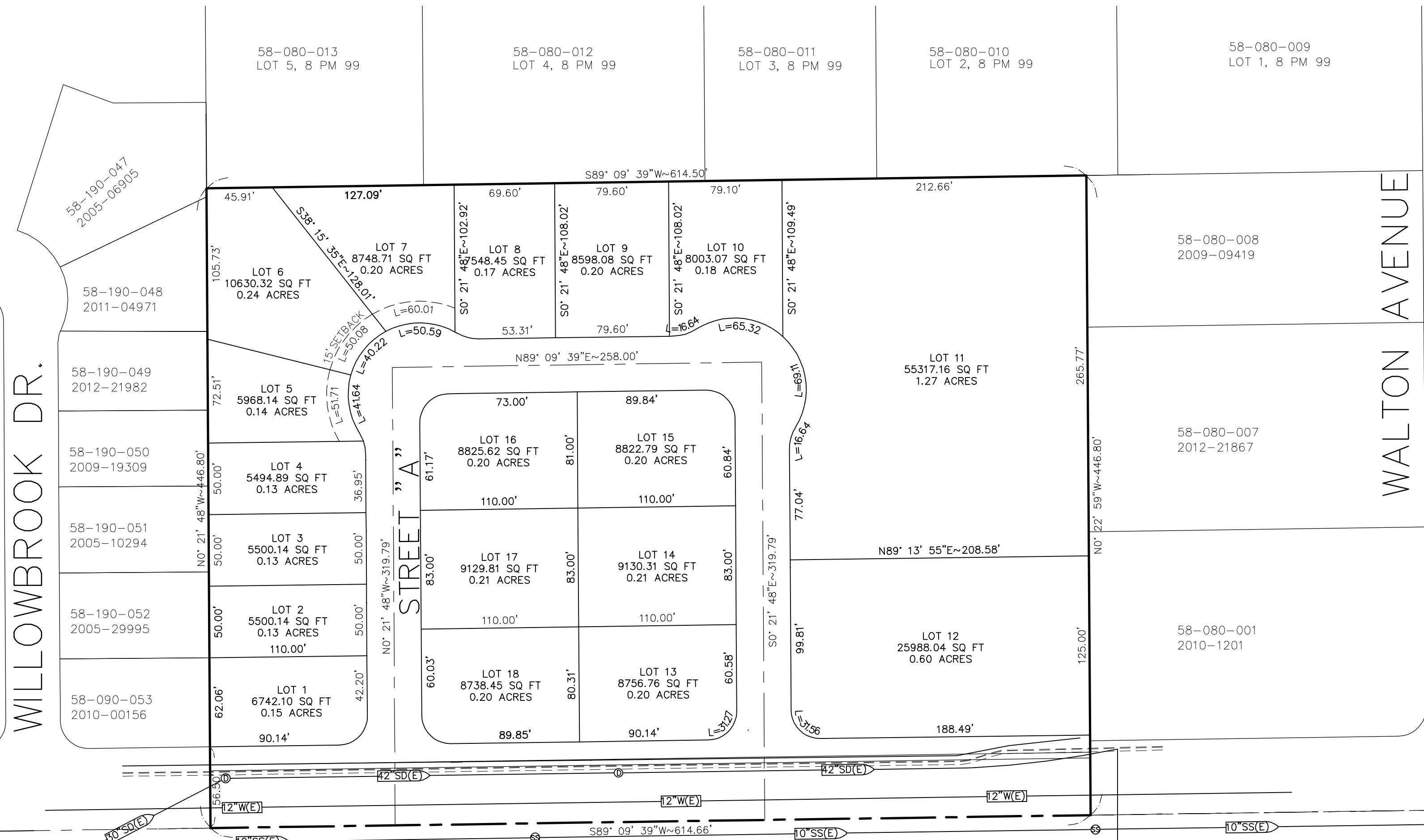
GPA 23-02, RZ 23-02 | Location Map



ATTACHMENT 3

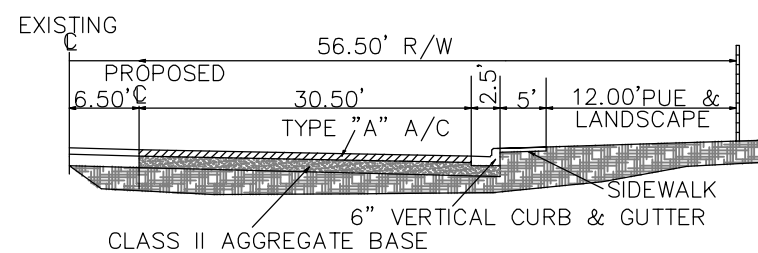


1"=60'

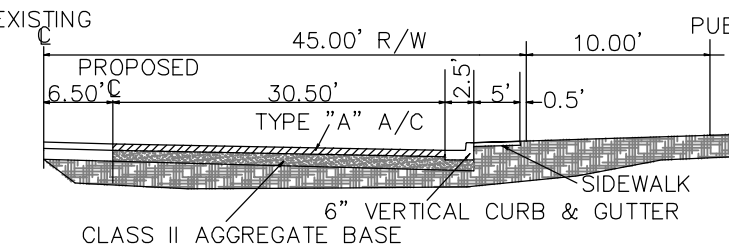
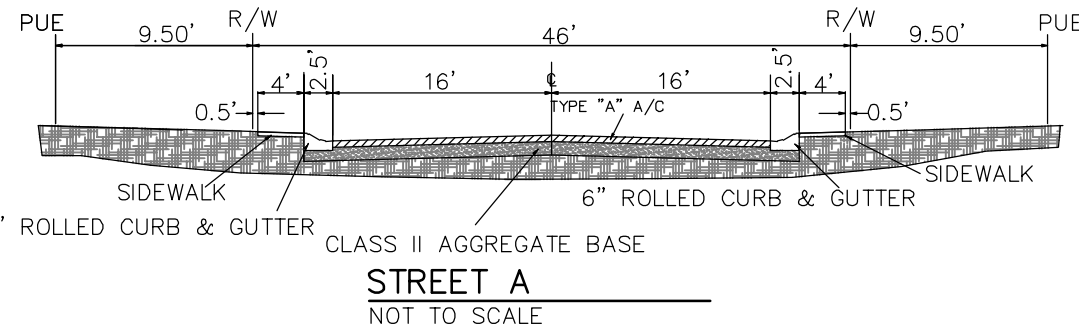


LEGEND

- 10"SS(E) EXISTING SEWER PIPE
- 12"W(E) EXISTING WATER PIPE
- 42"SD(E) EXISTING STORM DRAIN PIPE
- EXISTING GAS PIPE
- EXISTING CURB AND GUTTER



BRIDGE STREET IN FRONT OF LOTS 1, 18 AND 13
NOT TO SCALE



BRIDGE STREET IN FRONT OF LOT 12
NOT TO SCALE

APPLICANT

BAINS PARMINDER S. & SHARINDER K.
HARDEEP & JASWINDER DHADLI
4142 HIGHWAY 99
YUBA CITY, CALIFORNIA 95991
(530) 870-7808

OWNER

BAINS PARMINDER S. & SHARINDER K.
HARDEEP & JASWINDER DHADLI
4142 HIGHWAY 99
YUBA CITY, CALIFORNIA 95991
(530) 870-7808

ENGINEER

GEORGE L. MUSALLAM
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CALIFORNIA 95993
(530) 713-0417

GENERAL NOTES

WATER
EXISTING: YUBA CITY

SEWER
EXISTING: YUBA CITY

STORM DRAIN
EXISTING: YUBA CITY

PROPERTY USE:
EXISTING: OPEN FIELD
PROPOSED: RESIDENTIAL & OFFICE

ZONING
EXISTING: CO & CM
PROPOSED: R1, R2, R3 AND CO

GENERAL PLAN
EXISTING: BUSINESS TECHNOLOGY & LIGHT INDUSTRY
OFFICE & OFFICE PARK
PROPOSED: LOW DENSITY RESIDENTIAL
MEDIUM/HIGH DENSITY RESIDENTIAL
OFFICE & OFFICE PARK

ASSESSOR PARCEL MAP (ACRES)
58-080-005 (5.73)

UTILITIES
ELECTRICITY AND GAS: P G & E
TELEPHONE: AT&T
CABLE: COMCAST

LOT DIMENSIONS
LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO REVISION WITH THE FILING
OF THE FINAL MAP.

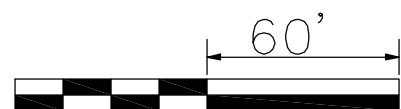
SIZE AND LOCATION OF UTILITIES ARE APPROXIMATE,
AND WILL BE DETERMINED AT THE TIME OF PREPARING
THE IMPROVEMENT PLANS FOR THE SUBDIVISION

TENTATIVE SUBDIVISION MAP NO. -- BAINS/DHADLI SUBDIVISION

BEING THE DESIGNATED REMAINDER OF PARCEL MAP NO. 834
FILED IN BOOK 5 OF PARCEL MAPS AT PAGE 44 AT THE OFFICE
OF THE SUTTER COUNTY RECORDER ALSO BEING A PORTION OF
THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 15 NORTH
RANGE 3 EAST M.D.B. & M.
SUTTER COUNTY, CALIFORNIA. FEBRUARY 2019

SHEET 1 OF 1

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



Tentative Subdivision Map 19-03 Conditions of Approval and Mitigation Measures

Conditions of Approval

General

1. Approval of Tentative Map (TSM) 19-03 may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the Zoning Ordinance, the most recently City-adopted Uniform Building Code, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. The applicant, operator, and/or property owner ("Applicant" herein) is required to enter into an agreement with the City agreeing to indemnify, defend, and hold harmless the City of Yuba City, its officers, attorneys, agents, employees, departments, commissioners, authorized volunteers, and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this land use approval, including without limitation any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions whether imposed by the City, or not, except for City's sole active negligence or willful misconduct. This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued. The land use approval shall not become effective until Applicant executes a "Covenant to Indemnify."
3. The Planning Commission's approval of TSM 19-03 shall not become effective unless and until the City Council approves General Plan Amendment 18-03 and Rezoning 18-02. The effective approval date of this subdivision for purposes of this subdivision map's expiration date, as described in Condition #4 below, shall not be until the effective date of the rezoning.

Expiration and Development Impact Fees

4. Approval of TSM 19-03 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of TSM 19-03 or that a request for an extension of time, pursuant to Section 66452.6 and as amended, of the California Subdivision Map Act, has been submitted to the City prior to the map's expiration date.
5. Development Impact Fees. Impact fees shall be paid pursuant to the YCMC.

Planning Division

6. The lot design on the subdivision map shall be designed in conformance with the TSM 19-03, as approved by the Planning Commission.

7. TSM 19-03 shall comply with the Conditions of Approval.
8. Prior to issuance of occupancy permits, all residential lots that abut the neighboring non-residential general plan designations shall be planted with a hedge type plant, as approved by the Development Services Director, along its common property line with the non-residential designated properties.
9. A five-foot wide hedge planting shall be provided along the residential property lines that are in common with the neighboring commercial and light industrial properties. This includes hedge plantings along the northerly property line of Lots 7, 8, 9, 10, and 11, and along the easterly and southerly line of Lot 11.

Public Works Department

General

10. 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.
11. 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.
12. 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 insure compliance.
13. Storage of construction material is not allowed in the travel way.
14. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights.

Prior to issuance of Grading Permit

15. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. The rear yards and/or side yards of the lots that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department. If retaining walls are required, they shall be constructed of concrete or masonry block.

Prior to approval of Improvement Plans

16. 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.

17. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
18. A tunnel permit from the State Division of Occupational Safety and Health; Mining and Tunneling Unit will be required. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
19. Where an excavation for a trench and/or structure is 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.
20. Bridge Street shall be widened to a typical half-width (centerline to back of curb). Right-of-way shall be dedicated together with a 12.0-foot PUE behind the right-of-way. Frontage improvements shall include street section, curb, gutter, and a 5.0-foot wide attached sidewalk.
21. Street "A" shall be constructed to a width of 37.0 feet back of curb to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5-foot PUE behind the right-of-way. Construction shall include street section, curbs, gutters, 4.0-foot wide detached sidewalk, street trees and street lights, except as otherwise shown on the tentative map and approved by the Public Works Department.
22. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
 - a. Use 3" minimum for residential, 4" minimum for collectors and 5" minimum for arterials, of 'Type A' asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil):
 - b. Use a traffic index of 6 for residential streets,
 - c. Use a traffic index of 7 for collector streets,
 - d. Use a traffic index of 10 for arterial streets,A copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.
23. 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.
24. The Developer shall submit to Sutter County a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director.
25. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will 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 Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

26. As required by Section 8-5.5904(b)(4) of the Zoning Regulations, prior to recordation of the final map, a solid 6.0-foot high masonry block wall shall be constructed along the following locations (as locations are shown on the tentative map dated June 5, 2019):
- a. Along the northerly property line of Lots 7, 8, 9, 10, and 11; and
 - b. Along the easterly and southerly line of Lot 11; and
 - c. Between Lot 11 and Lot 12.
27. A solid 6.0-foot high decorative (as approved by the Development Services Director) masonry block wall with pilasters located no more than 50 feet apart, shall be constructed along the southerly line of Lots 1, 13, 18. At the entrances to the subdivision, the block wall shall be "stepped down" in a decorative manner that is acceptable to the Public Works Director.
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 CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." 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."

Prior to acceptance of Public Improvements

29. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
30. Prior to paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, and at the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.

31. 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 (AutoCad version 2010 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.

Prior to Final Map Recordation

32. 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, or by another secure funding mechanism acceptable to the City. The City shall be reimbursed actual costs associated with the formation of, or annexation to, the district.
33. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, maintaining the landscaping along Bridge Street, and maintaining the masonry walls. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
34. Three street lights shall be provided along Bridge Street at locations determined by the Public Works Director.
35. Street lights shall be installed along Street "A".
36. All public street lighting shall be dedicated to the City of Yuba City.
37. A public utility easement shall be provided along all streets extending 10.0 feet behind the back of the sidewalk.

Prior to Building Permit

38. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit.
39. The applicant shall be required to pay all applicable Sutter County Water Agency connection fees and maintenance and operation fees. Fees are payable at the Sutter County Development Services Counter located at 1130 Civic Center Blvd.
40. The Developer shall enter into an agreement with Sutter County providing the following:
Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.
41. All street lighting shall be energized prior to the issuance of any building permits.

Prior to 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. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
44. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

Mitigation Measures

Cultural Resources Mitigation 1: In the event that previously undetected cultural materials (i.e. prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered during construction, work in the immediate vicinity should immediately cease and be redirected to another area until the Auburn Indian Community of the Auburn Rancheria is re-contacted and allowed the opportunity to consult under AB 52. Further, a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and assesses the find. The City shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Cultural Resources Mitigation 2: If human remains are uncovered, or in any other case where human remains are discovered, the Sutter County Coroner, as appropriate, is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hour of discovery. The NAHC will then notify the most likely descendant, who may recommend treatment of the remains.

Cultural Resources Mitigation 3: Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports, which shall be used for guidelines. If a bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

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.

Tribal Cultural Resources Mitigation Measure 1: Worker Awareness Training. The City shall ensure that a Worker Education Program is developed and delivered to train equipment

operators about cultural resources. The program shall be designed to inform workers about: federal and state regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require work stoppage; procedures for notifying the City of any occurrences; and enforcement of penalties and repercussions for non-compliance with the program. Worker education training may be provided either in person or as a DVD with a training binder, prepared by a qualified professional archaeologist and reviewed by the City. The United Auburn Indian Community (UAIC) shall be afforded the option of attending the initial training in person or providing a video segment or information for incorporation into the training that appeals to the contractor's need to be respectful of tribal cultural resources and tribal participation in implementing unanticipated discovery protocols. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. A copy of the form shall be provided to the City as proof of compliance.

Tribal Cultural Resources Mitigation Measure 2: Avoid and minimize impacts to previously unknown Tribal Cultural Resources. If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during the initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the construction supervisor shall immediately notify the City representative. If the find includes human remains, then the City shall immediately notify the Sutter County Coroner and the procedures in Section 7050.5 of the California Health and Safety Code and, if applicable, Section 5097.98 of the Public Resources Code, shall be followed. For resources reasonably associated with Native American cultural and for human remains, the City shall coordinate with any necessary investigation of the discovery with a UAIC tribal representative and a qualified archaeologist approved by the City. As part of the site investigation and resource assessment, the City shall consult with UAIC to develop, document, and implement appropriate management recommendations, should potential impacts to the resources be found by the City to be significant. Nothing in this measure prohibits the City from considering any comments from other culturally-affiliated Native American tribes that volunteer information to the City during its investigation. Possible management recommendations could include documentation, data recovery, or (if deemed feasible by the City) preservation in place. The contractor shall implement any measures deemed by the City staff to be necessary and feasible to avoid, minimize, or mitigate significant effects to the cultural resources, such as the use of a Native American Monitor whenever work is occurring within 100 feet of the discovery of Native American Resources, if deemed appropriate by the City.

ATTACHMENT 4



Environmental Assessment 23-04

Initial Study and Mitigated Negative Declaration for General Plan Amendment 23-02 and Rezone 23-02, Bains on Bridge Street. A request to amend the General Plan and rezone 0.68 acres from Office to Multiple-Family Residential.

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

July 6, 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 General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02, Bains on Bridge Street ("Project"): This request will:

Amend the General Plan Land Use Element Map redesignating a 0.68-acre (approximately 30,000 square feet) parcel from the Office and Office Park (O) land use designation to the Medium-High Density Residential (HDR) designation. The HDR designation allows for a residential density range of 12 to 36 residences per acre. This designation provides for a range of attached housing types including duplexes, or multiple-family housing types. The allowed density range translates to nine to 24 residences that could be constructed on this property; and

Rezone the same 0.68 acres from the Office Commercial (C-O) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding MDR General Plan designation.

There is no actual development proposed as part of this application.

The GPA/RZ is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the Project. The Project requires discretionary review by the City of Yuba City Planning Commission for a recommendation to the City Council for a decision.

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

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et

seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The IS identified potentially significant effects, but:
 - a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
 - b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

1.3. Document Format

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

1.4. Purpose of Document

The proposed GPA/RZ will undergo a public review process by the Planning Commission that will result in a recommendation by the Planning Commission to the City Council and a decision by the City Council. 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 the Project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the Project, either individually or cumulatively, may have a significant effect on the

environment, regardless of whether the overall effect of the Project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the Project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the Project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the Project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced Project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this Project and a mitigated negative declaration has been prepared.

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 July 6, 2023 and end on July 26, 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

General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02, Bains on Bridge Street.

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 0.68-acre parcel is located on the north side of Bridge Street approximately 300 feet west of Walton Avenue. Assessor's Parcel Number (APN) 058-080-005.

2.5. Project Applicant

Parm Bains
4142 Highway 99
Yuba City, CA 95991

2.6. Property owner

Parm Bains
4142 Highway 99
Yuba City, CA 95991

2.7. General Plan Designation

Existing: Office and Office Park (O) Land Use Designation.

Proposed: Medium-High Density (HDR) Land Use Designation (12-36 residences per acre).

2.8. Zoning

Existing: Office Commercial (C-O) Zone District.

Proposed: Multiple-Family Residential (R-3) Zone District.

2.9. Project Description

General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02 (Project): This request will:

Amend the General Plan Land Use Element map redesignating a 0.68-acre (approximately 30,000 square feet) parcel from the Office and Office Park (O) land use designation to the Medium-High Density Residential (HDR) designation. The HDR designation allows for a residential density range of 12 to 36 residences per acre. This designation provides for a range of attached housing types including duplexes, or multiple-family housing types. The allowed density range translates nine to 24 residences that could be constructed on this property; and

Rezone the same 0.68 acres from the Office Commercial (C-O) Zone District to the Multiple-Family Residential (R-3) Zone District. The R-3 Zone District provides for a similar range of housing types as the corresponding HDR General Plan designation.

There is no actual development proposed as part of this application.

Figure 1: Location Map



Figure 2: General Plan Amendment 23-02

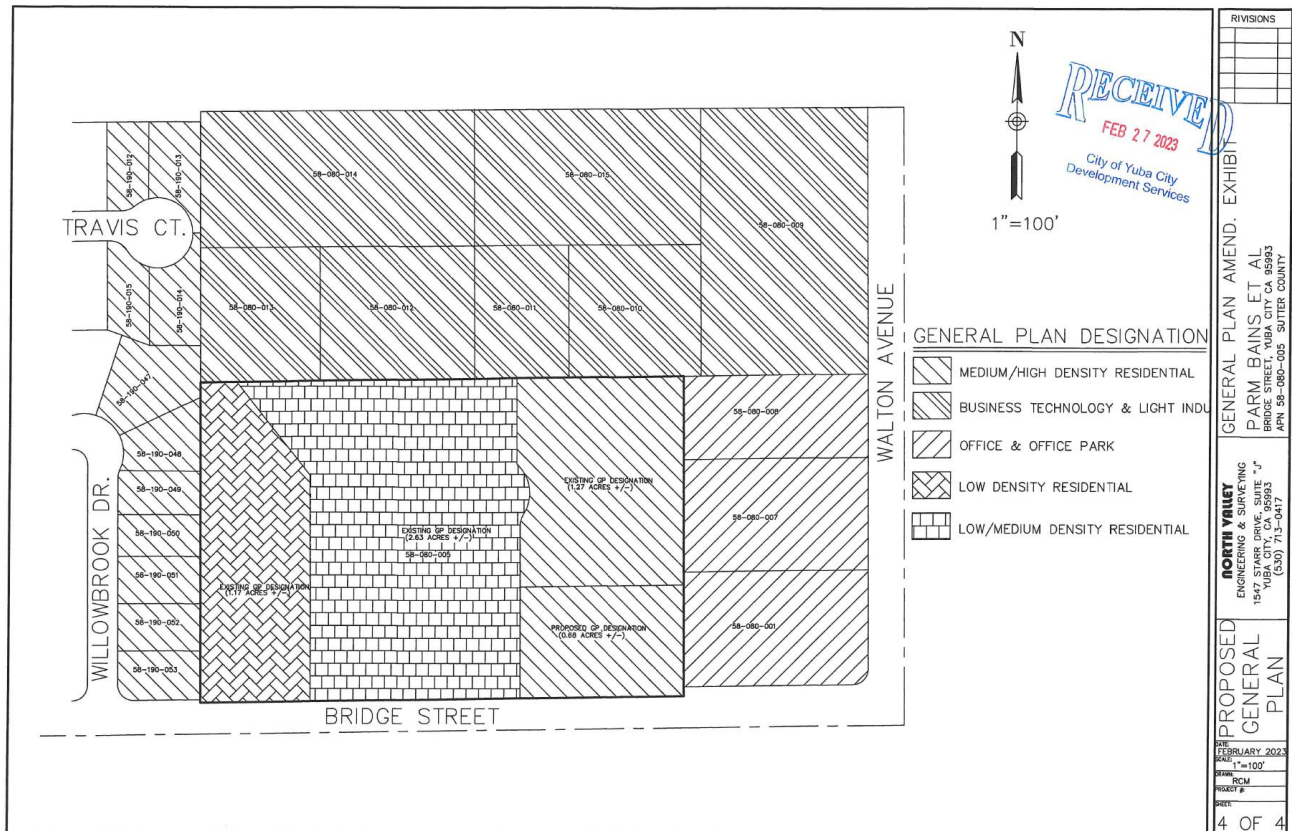
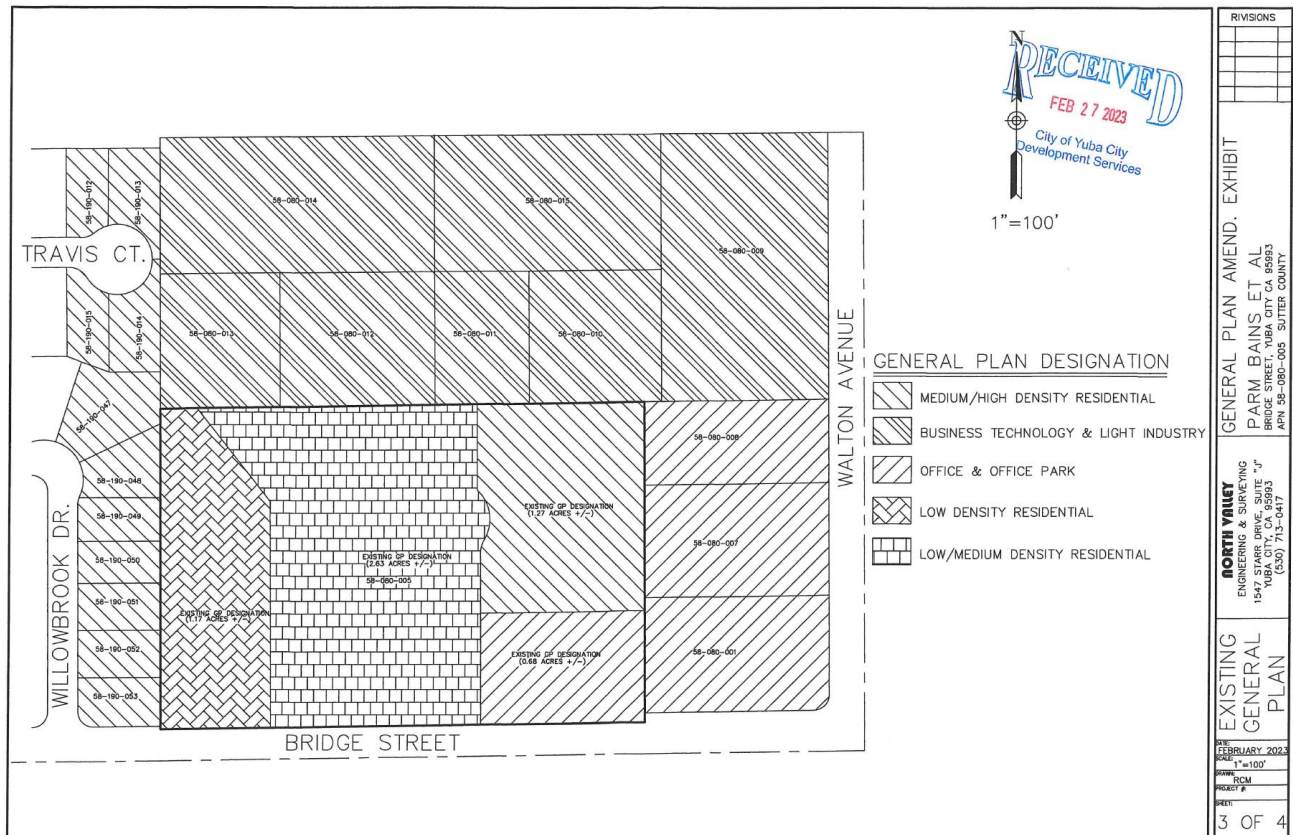
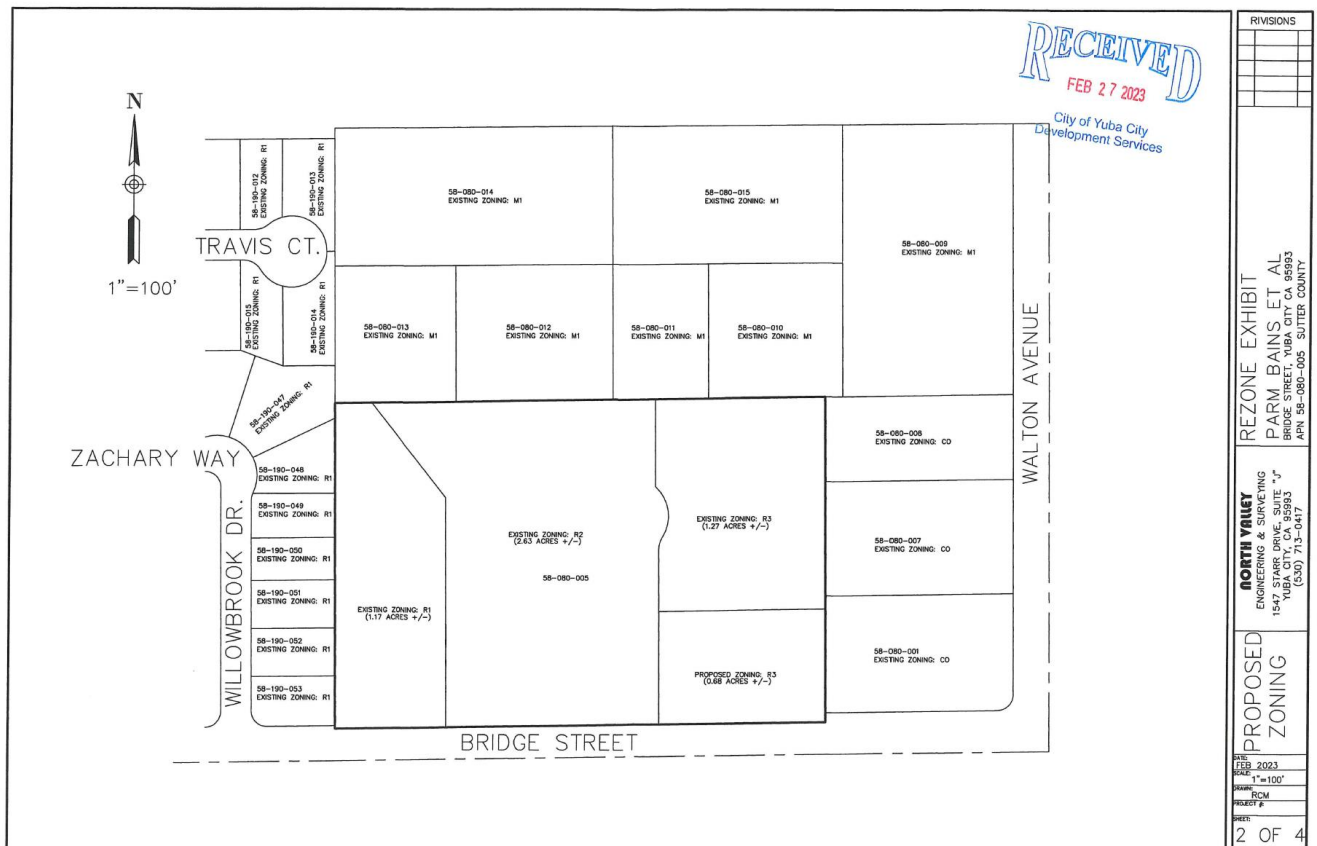
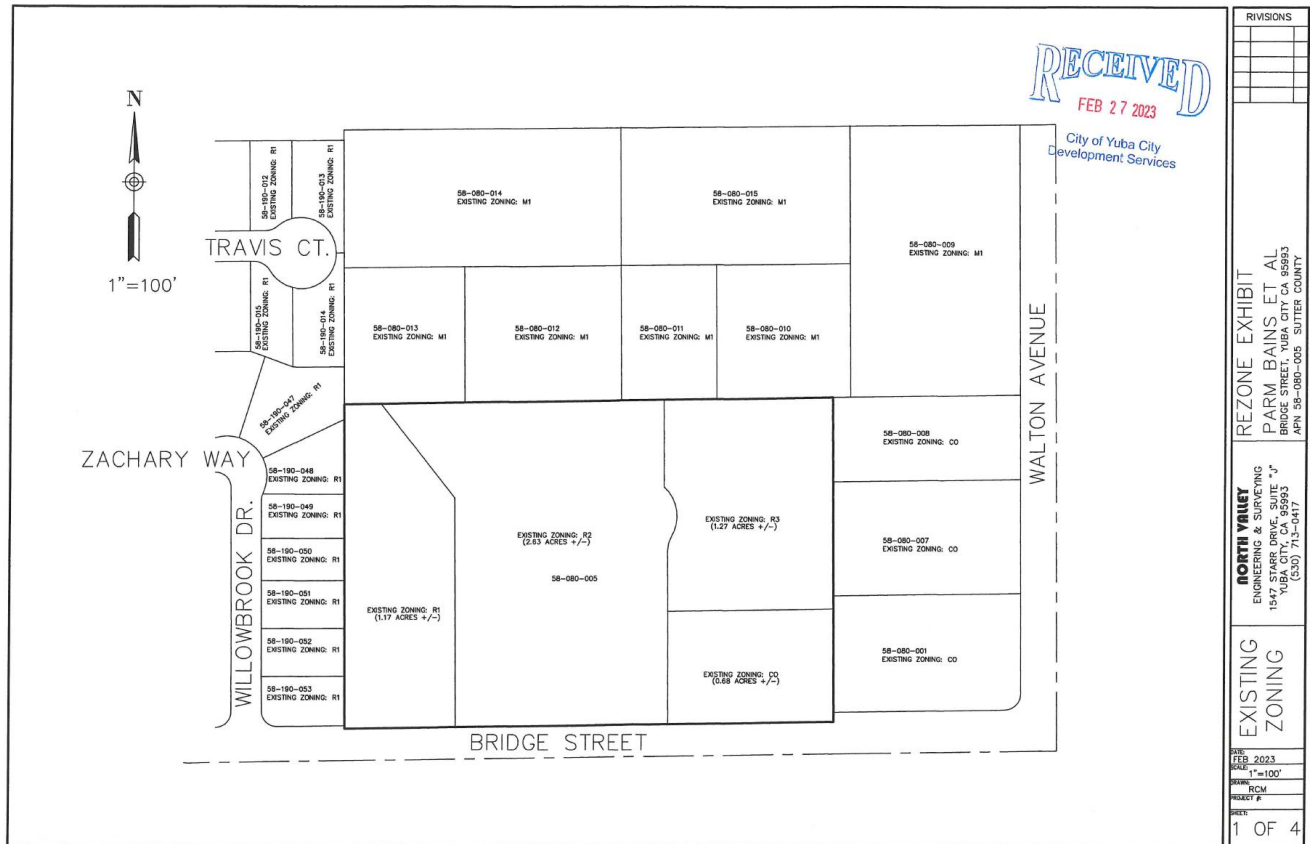


Figure 3: Rezone 23-02



2.10. Surrounding Land Uses and Setting

Setting: The 0.68-acre parcel is flat and vacant. The property is within a recently subdivided 5.73-acre property for which all the properties were placed within various residential designations except this parcel, which remained designated as Office. The neighborhood around the parcel ranges from a bank to the east, a vacant property designated for high density residential uses to the north, a vacant parcel to the west designated primarily for duplexes, and there are single-family residences and multiple-family residences to the south across Bridge Street.

Table 1: Bordering Uses

North:	Vacant 1.25-acre parcel designated for multiple-family residential uses.
South:	Single-family and multi-family residences across Bridge Street.
East:	Bank
West:	Two vacant parcels designated for duplexes.

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
Printed Name/Position

July 6, 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, comprise the long-range views. They are located several miles northwest of the Project site, 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. As there is no actual development proposed the design guidelines do not apply to this proposal. They will be applied when a development is proposed.

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 vista. Further, as there is no development proposed so there will be no impacts on scenic resources. Therefore, this GPA/RZ will not create any significant impacts on the scenic views from this area. When a development project is proposed it will be evaluated at that time on its own merits. No impacts are anticipated.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

This vacant property is unremarkable in that it is flat with no topographic features, rock outcroppings, large heritage type trees or buildings. Also, there is no development proposed so there will be no impact on scenic resources. When a development project is proposed it will be evaluated at that time on its own merits. No impacts are anticipated.

c) In nonurbanized areas substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

The site is within the urbanized area. Since no actual development is proposed, there will be no impacts on public views. When a development project is proposed it will be evaluated at that time on its own merits. As a result, no impacts are anticipated.

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 lighting is already prevalent. As there isn't a development proposed at this time, there will be no impact on scenic resources. When a

development project is proposed, it will have to meet all adopted City standards, but it will be evaluated on its own merits at that time. As a result, no impacts are anticipated.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3-2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in 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 approximately 0.68-acre vacant site is located on land that the 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as “Urban and Built-Up Land.” As such 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 urban uses. The property is also very small, making it unviable for agricultural use. Therefore, there will be no loss of agricultural land and no impacts are anticipated.

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

The proposed Project site 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. See discussion above under item 3.2.4.a.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley in a relatively flat area that may have at one time been utilized for agriculture but was developed many years ago for urban uses. 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 an area already served by City services and developed with residences to the south separated by Bridge Street and to the west separated by several vacant residentially designated parcels. There are no forestlands on the Project site or in the vicinity. No properties within the area are under a Williamson Act contract. Therefore, there will be no impacts on agricultural lands from this proposal.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze

into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the "Schultz Eddy" prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good."

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north-south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated "unclassified."

Ambient Air Quality Standards: Both the federal and state government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The

federal and state ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O₃): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NO_x): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM₁₀) and Fine Particulate Matter (PM_{2.5}): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO₂): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to

toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO₂, and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for

implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or

contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

3.3.5. Impact Assessment/Environmental Consequences:

a) Conflict with or obstruct implementation of the applicable air quality plan?

As there is no physical development proposed at this time, there will be no direct air quality impacts. However, when a development is proposed as a result of this action, site grading will briefly create equipment exhaust and fugitive dust. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from the residences. Standards set by FRAQMD, CARB, and Federal agencies relating to the proposed Project will apply. Prior to the initiation of construction, a Fugitive Dust Control Plan will be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction. Since the developer must prepare an air quality analysis and incorporate all of the resulting conditions into the development and that a fugitive dust control plan be submitted prior to beginning work on the development, and due to the small parcel size, any potential significant environmental impacts are anticipated to be reduced to less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

As there is no physical development proposed at this time, there will be no air quality impacts. However, when a development is proposed as a result of this action, the development would result in limited generation of criteria pollutants during its construction and on an ongoing basis from vehicle traffic generated by new residents. Due to the small size of the property, and the fact that all air quality standards will be required by FRAQMD to be met, the impacts on air quality would be 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 from a development that could result from this GPA/RZ include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g., when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;

- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

Assuming all FRAQMD standards and BMP requirements are met and considering the small size of the property and the short duration of site grading, air quality impacts from development that may result from this action will be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Site grading and construction of new residences that could result from this action typically do not generate objectionable odors. Ongoing residential uses typically also do not generate odors. As such, the impact of the Project towards 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 approximately 0.68 acres are level, vacant, and within the Yuba City urbanized area. The small property is surrounded by other vacant parcels and urban development. 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.*
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

There have been no special status species identified on the Project site or within the vicinity of the site. According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in the non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat

area for this species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. As this property does not fall within this area, the impacts to special status species from any development that may result from this Project will be less than significant.

c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No 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?

Development that could occur as a result of the proposed Project would not disturb any waterways, as the nearest waterway is the Feather River several miles to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. As such the impacts on fish or wildlife habitats will be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No trees or other known biological resources that would be protected by local policies or ordinances remain on the proposed Project site. Therefore, there would be a less than significant impact on biological resources anticipated by this Project.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project. As a result, no impacts are anticipated.

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).

Effective March 2005, Senate Bill 18 requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

In response to AB 52, and SB 18 the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

Additional details on tribal comments are provided in Section 3.18, Tribal Cultural Resources.

3.5.4. Impact Assessment/Environmental Consequences:

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

There are no structures on the property. Also, the site has been recently graded for construction of a previously approved subdivision. As such, the potential impacts on any historical resources, directly or indirectly, are considered a less than significant impact.

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

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

The 0.68-acre property is vacant, and the site has been previously graded. No formal cemeteries or other places of human internment are known to exist on the site. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, mitigation measures provided in Section 3.18 are provided to ensure impacts are less than significant. No additional mitigation is necessary.

3.6. Energy

Table 3-6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Project construction from a development that could result from this GPA/RZ involves 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.

New construction is required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of Project approval. Compliance with these standards will 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, the main sources of energy consumption would be ongoing residential activities and vehicle usage. However, associated vehicle traffic from the residences that could be constructed on this small parcel is not a large enough impact on air quality to be considered significant.

Project impacts related to energy consumption are considered to be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

New construction that could result from this GPA/RZ will be required to be consistent with applicable state and local plans to increase energy efficiency. Thus, the Project's impacts on energy usage will 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 most types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

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 2004 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 are considered 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 adopted building codes reduce the potential impacts to a less than significant level.

- iii. Seismic-related ground failure, including liquefaction?*

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is considered less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the 2004 General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a risk in the City limits or within the City's Sphere of Influence. As a result, no impacts are anticipated.

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

As a result of this GPA/RZ future development of the property could result in approximately 0.68 acres of ground being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Gilsizer drainage system. However, as part of the grading and construction of the Project area, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion are considered less than significant.

c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

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 having expansive soils. This Project area is not located within that area and therefore will not be impacted by the presence of expansive soils. As a result, no impacts are anticipated.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

New residences that could result from this action 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 and therefore no impacts are anticipated.

f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?

Due to prior ground disturbances, including recent grading for construction of a previously approved subdivision, it is unlikely that any paleontological resources exist on the site. However, the following mitigation measure shall apply if any paleontological resources are discovered from a development that could result from his GPA/RZ:

3.7.5 Paleontological Mitigation Measures

Paleontological Mitigation Measure 1: Mitigation Measure # 1 shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department @ 530-822-4700.

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 a 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, General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.

With application of this mitigation measure any impacts on paleontological resources will be less than significant.

3.8. Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may

endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- **Local Control:** The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Response provided in section b) below.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast

majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The construction of residences that could result from this action will create GHG emissions due to the use of motorized construction equipment. Once completed, vehicle traffic generated by residential auto use will contribute GHG gases. Due to the small size of the Project (less than an acre), it is not expected to create significant greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the Project incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases are anticipated to be reduced to a less than significant level.

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?*
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The hazardous materials associated with the construction that would result from this GPA/RZ 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, a less than significant impact is anticipated from household 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 GPA/RZ. As a result, a less than significant impact from hazardous materials upon a school is anticipated.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?*

The property is not on any listing of sites that are contaminated by hazardous wastes. Therefore, the potential for impacts from a known hazardous materials site is less than significant.

- 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 site is not located within the Sutter County Airport Comprehensive Land Use Plan, nor is it within two miles of a public use airport. As a result, no impacts are anticipated.

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

Emergency services are provided to this area by the Yuba City Fire and Police Departments. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. As a result, a less than significant impact is anticipated.

- 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 in 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. As a result, there are no impacts from potential wildland fires anticipated by the proposed project.

3.10. Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed

Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.

- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and City agencies which have developed, served, controlled, or conserved water for any purpose for the County or City for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5 if that information has been submitted by the water agency to the City or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity, and quality of the rock, sand, and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014, Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together make up the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a groundwater well in addition to surface water supplies due to recent drought conditions. Since any development that could result from this GPA/RZ will receive water only through the City system, it is unlikely that the Project could impact the water quality in the City system.

Wastewater generated by development that could result from new residences that could result from this GPA/RZ will flow into the City wastewater treatment facility which is in compliance with all state water discharge standards. Residential 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 City's existing storm drain system and into the Gilsizer Slough that flows to the Sutter By-Pass. 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, a less than significant impact on the City's water and waste-water systems or storm water drainage system from development that would result from this GPA/RZ will occur.

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

New development that could result from this GPA/RZ will connect 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. A less than significant impact is anticipated.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner 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 development that could result from the proposed Project, which will ultimately drain into the Feather River. That development will be required to construct the local stormwater collection facilities and pay the appropriate fees to the Gilsizer County Drainage District for its fair share of improvements and expansion to the existing drainage system that will be connected too. Also, as noted above, all new construction must involve use of Best Management Practices that are implemented as project conditions. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the site.

iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, there is no significant impact on the high-water flows within the Feather River levee system.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain as most areas of Yuba City are provided with 200-year flood protection. The City is not close to the ocean or any large lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the Project area. Thus, it is unlikely the Project site would be subject to inundation by a seiche, tsunami, mudflow or landslide. Therefore, a less than significant impact is anticipated 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, so any impact on groundwater from a development that could result from this action would be considered less than significant. Regarding water quality, as noted in Part a) above, all new construction is required to utilize Best Management Practices. Assuming all required standards are met water quality of runoff water from this development will not create any significant impacts. The City primarily utilizes surface water for its water source so a less than significant impact on groundwater is anticipated.

3.11. Land Use and Planning

Table 3:11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

3.11.1 Environmental Setting/Affected Environment

The 0.68-acre property is flat and vacant. The property is part of a larger new subdivision that is currently vacant.

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?

Development that could result from this Project will not physically divide an established community as the new construction would be part of a newly constructed neighborhood within this new subdivision. As a result, no impacts are anticipated.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

This general plan amendment and rezone is consistent with other general plan policies and programs that generally encourage additional housing. The new construction that could result from this project is required to comply with all City design and development standards. As such, the new development's impacts on plans, policies and programs designed to avoid or mitigate environmental effects is considered to be less than significant.

3.12. Mineral Resources

Table 3-12: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The response to item a is included in 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 2004 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 is within an urban area, which generally is considered incompatible with mineral extraction facilities. As such development resulting from this 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 Plan¹ are relevant to noise.

Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
 - Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment,
 - Increase setbacks for noise sources from adjacent dwellings,
 - Retain fences, walls, and landscaping that serve as noise buffers,
 - Use soundproofing materials and double-glazed windows, and
 - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be “significant” if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

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

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?*

Duplexes or multiple-family residential uses that could result from this GPA/RZ are not typically significant noise generators. Construction of those uses would involve temporary noise sources that are anticipated to last for a short period and includes typical grading and paving equipment and miscellaneous equipment. During construction, which would occur during daylight hours, Monday through Friday, noise from construction activities would contribute to the noise environment in the immediate Project vicinity. At this time the neighboring residential properties are vacant but will likely be constructed in the future. 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 very limited duration of the construction activities, the effects from this activity are expected to be less than significant.

Table 2: Typical Construction Noise Levels		
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, new residences are generally not considered to be significant noise generators. Therefore, the residences are not expected in any significant way to raise the ambient noise levels in the surrounding neighborhood. For these reasons, adding new residences to this area is not expected to create any significant noise impacts.

b) Generation of excessive ground borne vibration or ground borne noise levels?

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. The operation of construction equipment may cause 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 development that could result from this Project is considered a less than significant impact.

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 nor are there any public or private airports or airfields located in the vicinity. Therefore, this project will not have an impact on people residing or working in the project area or exposing people to excessive noise levels.

3.14. Population and Housing

Table 3-14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The proposed Project is located in an urbanized area of the City, and is surrounded by vacant residential parcels, commercial and light industrial uses are nearby. This is essentially an in-fill project. All City services already serves the property.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every eight years following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2021.

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.²³

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 proposed project will likely result in the construction of between nine and 24 new residences. The existing infrastructure that serves this area, including streets, water, sewer, drainage, etc., is adequate to accommodate this change. Although this Project includes a change to plans, the Project includes a general plan amendment and rezone that is being scrutinized by this process for consistency with all plans and programs. It is considered planned growth. As such, the Project's impacts caused by un-planned growth are considered a less than significant impact.

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

There will be no residences removed as part of the proposed Project and as a result, not impacts are anticipated.

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 is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services including streets, water, sewer, and stormwater drainage will also be provided by Yuba City.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. Since all new development pays development impact fees intended to offset the cost of additional fire facilities and equipment costs resulting from this growth, the impacts on fire services are considered a less than significant impact.

Police Protection: The Police Department reviewed this proposal and did not express concerns. Since new development will pay development impact fees intended to offset potential impacts on police services resulting from this growth, the impacts on police services is considered to be less than significant.

Schools: New residences that may result from this Project are required to pay the Yuba City Unified School District adopted school impact fees that are intended to offset potential impacts to schools. Therefore, the impact on schools is considered to be less than significant.

Parks: The City charges a park impact fee for each new residence established that is utilized to purchase parkland and construct new parks. Therefore, the impact on parks from this Project is considered to be less than significant.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects development impact fees for County services that are provided to the new development, such as the library system, criminal justice system and Health and Social Services. As a result of the collection of development impact fees, the impact of this project is considered to be less than significant.

Accordingly, the Project will have a less than significant impact with regard to the provision of public services.

3.16. Recreation

Table 3-16: Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

It is estimated the proposed project could result in nine to 24 new residences being established and these residents will incrementally increase the use of the City's parks. However, for each new residence development impact fees for new or expanded parks and recreation facilities will be paid. These fees are designed to mitigate impacts on recreational facilities. As a result, the impact on the City park system from this Project is considered to be less than significant.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

As there is no proposed development associated with the current application, it is not known whether any new recreational facilities will be included in a future residential project. However, the small size of any new development, plus the fact that it would be located on-site, the impacts from an on-site recreational facility would be less than significant. Regarding impacts on existing City parks, the potential for nine to 24 new residences is not expected to generate a need to expand or add a new park. Therefore, the impact on park expansion caused by 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 Project will not be a large traffic generator, that being the traffic generated by nine to 24 new multiple-family or duplex residences. Both Bridge Street on which the site fronts and nearby Walton Avenue are within the City's acceptable level of service standard of D or better. Any development resulting from this project will be required to provide any needed on-site Bridge Street improvements for auto, bicycle, and pedestrian facilities. As such, the potential impacts on nearby streets due to this Project is considered to be a less than significant impact.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. The Project will exceed this criterion, so it is

not further considered in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

Less than 50% of regional average.

50-85% of regional average.

85-100% of the regional average.

115-150% of the regional average.

More than 150% of the regional average.

Per the SACOG maps, for this area under consideration, 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, the proposed project is located in an area that already meets the 15 percent vehicle trip reduction criteria. Thus, the transportation impacts from VMT for this subdivision are within CEQA Guidelines Section 15063.4(b) and it follows that the traffic impacts generated by this Project are considered to be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The primary streets near the Project including Bridge Street and Walton Avenue, operate within acceptable levels of service consistent with the General Plan. This project's small size will generate little additional traffic flow. The Public Works Department review of the Project did not indicate there are any street design issues on these streets. Therefore, any increase in street hazards generated by development that would result from this Project are considered a less than significant impact.

d) Result in inadequate emergency access?

Both the Fire and Police Departments have reviewed the Project plans and did not express concerns about emergency access to the property. Future site development will be required to comply with current access standards at the time a specific development project is proposed. As such, impacts to emergency access for this project are considered to be less than significant.

3.18. Tribal Cultural Resources

Table 3-18: Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs). The following analysis of the potential environmental impacts related to TCRs is derived primarily from the Environmental Impact Report for the City of Yuba City General Plan (2004) and consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

3.18.2 Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or

- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

Senate Bill 18: Effective March 2005, it requires city and county governments to consult with California Native American tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving the tribes at the early stage of planning efforts is to allow consideration

of tribal cultural places in context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans. As the later adopted AB 52 provides for a similar review process for all discretionary reviews including general plan amendments and specific plan amendments, the provisions of SB 18 fall within the SB 52 review process for purposes of this document.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers (Wilson and Towne 1978).

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.5 Summary of Native American Consultation

In response to AB 52 and SB 18 the City supplied the following Native American tribes with a project description and map of the proposed project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
 - A cultural landscape with a geographically defined boundary;
 - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
 - A unique archaeological resource as defined in Section 21083.2; and/or
 - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).*

There are no buildings on the property and the site has been previously graded for the construction of the existing approved subdivision. Therefore, the potential impacts on any historical resources are considered to be less than significant.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with SB 18 and AB 52. No tribe responded to the request. As such, the Unanticipated Discoveries mitigation is applied to this Project. With this mitigation measure, the impact on cultural resources will be less than significant.

3.18.8 Tribal Cultural Mitigation Measures

Tribal Cultural Resources Mitigation 1: Unanticipated Discoveries: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC 21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 523 has been satisfied.

3.19. Utilities and Service Systems

Table 3-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The

City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. 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 anticipated to be 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?

The response to a) is provided below as part of the response to b).

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

Development that could result from this Project will connect to both the City's water and wastewater treatment systems. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate 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 a combination of Yuba City drainage lines and the Gilsizer County Drainage District. As the Gilsizer County Drainage District did not comment on the Project, the

impacts from development that may be due to this GPA/RZ 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 impacts on these types of facilities are expected to be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the existing commitments?

See Part b), above for the response to this item.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The proposed Project will alter land-use designations to provide for multi-family development of potentially 9-24 dwelling units. The development of these units and the ongoing waste service to be provided by Recology Yuba-Sutter, is required to comply with new State standards for solid waste reduction as all residences in the region are required to. A less than significant impact is anticipated.

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, development of this parcel that could result from this GPA/RZ is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Subsequent development will be required to comply with adopted standards for access to ensure that development will not conflict with an adopted emergency response or evacuation plan. As a result, the potential impact of this project is considered to be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project site is in a level urban area with no native vegetation remaining, and the urban area is surrounded by irrigated farmland. This type of environment is generally not subject to wildfires. In light of this, the exposure of potential new residences that may be constructed as a result of this GPA/RZ to wildfire is considered a less than significant impact.

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 does not propose any development. 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 generate any impacts.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the Project related to these issues would be less than significant.

3.21. Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?			X	
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)			X	
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?

The Project site was stripped many years ago of native vegetation, likely for agricultural uses and more recently for urban uses. Therefore any development that could occur as a result of this Project will not significantly degrade the quality of the natural environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will have a less than significant effect on the local environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when

viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

This amendment to the Land Use Element of the General Plan was compared to policies in other elements of the General Plan. As such the potential traffic generated by development that may result from this GPA/RZ 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 potential development will be utilizing those services. Stormwater drainage will also meet all City standards. There will be no loss of agricultural land. The Yuba City Unified 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 development that may result from this proposed Project in and of itself would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed Project would not have any direct or indirect significant adverse impacts on humans.

4. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

Yuba City, City of. 2016. City of Yuba City Municipal Code.
https://www.municode.com/library/ca/yubacity/codes/code_of_ordinances

Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

"Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination," prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. "Fault Zone Activity Map." Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at <http://www.envirostor.dtsc.ca.gov/public/>

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16 livability/scenic_highways/index.htm

Appendix A

City of Yuba City MITIGATION MEASURE AND MONITORING PLAN

Bains on Bridge Street GPA/RZ
Initial Study and Mitigated Negative Declaration EA 23-04
For General Plan Amendment 23-02 and Rezone 23-02

City of Yuba City
MITIGATION MEASURE AND MONITORING PLAN

Bains on Bridge Street GPA/RZ

Initial Study and Mitigated Negative Declaration EA 23-04
For General Plan Amendment 23-02 and Rezone 23-02

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	Developer	Public Works Dept., Development Services Dept.	During grading phase

	design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	TCR 1 If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the <i>Secretary of Interior's Professional Qualifications Standards for Archaeology</i> , as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be	Developer	Public Works Dept., Development Services Dept.	During construction phase

	permanently curated, unless requested by the Tribe. The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of a TCR will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record. If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99, 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.			
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City of Yuba City
MITIGATION MEASURE AND MONITORING PLAN

Bains on Bridge Street GPA/RZ
Initial Study and Mitigated Negative Declaration EA 23-04
For General Plan Amendment 23-02 and Rezone 23-02

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.7 Geology and Soils	Paleontological Mitigation Measure 1: This Mitigation Measure shall be placed as a note on the Demolition and Grading Plans. If paleontological resources are found, the construction manager shall halt all activity and immediately contact the Development Services Department at 530-822-4700. Mitigation shall be conducted as follows: 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	Developer	Developer, Public Works Dept., Development Services Dept.	During grading phase

3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.18. Tribal Cultural Resources	TCR 1 If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the <i>Secretary of Interior's Professional Qualifications Standards for Archaeology</i>, as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe. The types of treatment preferred by UAIC that protects, preserves, or restores the integrity of a TCR may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of a TCR will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record. If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are	Developer	Developer, Public Works Dept., Development Services Dept.	During construction phase

	determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99. 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.			
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CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: General Plan Amendment No. 3 of 2023
Recommendation: Adopt a Resolution of the City Council of the City of Yuba City approving General Plan Amendment No. 3 of 2023
Fiscal Impact: The cost for processing land use entitlements is funded by the project applicant through the payment of application fees.

Purpose:

Adopting a third amendment to the General Plan for calendar year 2023.

Council's Strategic Goal:

This item meets the City Council's strategic goal of business friendly.

Background:

Government Code Section 65358 (b) limits cities and counties to four amendments to a general plan annually. To address this limitation, jurisdictions traditionally bundle individual projects together and bring them forward for adoption as a single amendment.

Analysis:

This year, the City has previously adopted two amendments to its General Plan including one for our Housing Element implementation project in May as well as a separate amendment for a private development project in January along Spirit Drive.

Attached is a resolution adopting General Plan Amendment No. 3 for 2023 that includes the following two projects that were previously considered and recommended for approval by the Planning Commission since May of this year.

- General Plan Amendment 22-01 (Ratliff)
- General Plan Amendment 23-02 (Bains)

Fiscal Impact:

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

Alternatives:

The City Council previously conducted public hearings for the General Plan Amendments included in the attached resolution and determined they should be approved. This item finalizes previous Council action so there are no known alternatives that are available.

Recommendation:

Adopt a Resolution of the City Council of the City of Yuba City approving General Plan Amendment No. 3 of 2023

Attachments:

1. Proposed Resolution adopting General Plan Amendment No. 3 for 2023

Prepared By:

Doug Libby, AICP
Deputy Director of Development Services

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING AN AMENDMENT OF THE GENERAL PLAN FOR THE
FOLLOWING:**

- **GENERAL PLAN AMENDMENT 22-01 (RATLIFF PROJECT)**
- **GENERAL PLAN AMENDMENT 23-02 (BAINS PROJECT)**

WHEREAS, in 2004 the City Council of the City of Yuba City adopted a general plan entitled “Yuba City General Plan” (General Plan), which addresses the physical development, growth, and use of City resources; and

WHEREAS, the City Council may amend all or part of the adopted General Plan as may be warranted; and

WHEREAS, except as otherwise provided by law, under State law no mandatory element of a general plan may be amended more than four times during any calendar year; and

WHEREAS, due to relative age of the City’s existing General Plan, combined with the expanding nature of the growth within the City’s jurisdictions and its existing population, more than four projects proposing amendments to the General Plan are likely to be proposed within each calendar year; and

WHEREAS, to ensure that needed development is not unduly delayed due given the number of projects and constraints on amendments, the City desires to include projects proposing to amend a component of the City’s General Plan into a consolidated group for the purposes of a single amendment to the General Plan, and to finally approve the same by a single resolution, for the purpose of procedural streamlining; and

WHEREAS, to also ensure transparency, opportunity for public comment, and that all the necessary findings can be made for each project comprising the amendment to the General Plan, the City Council has first individually noticed and considered recommendations and findings of the Planning Commission related to each project proposing to amend a component of the General Plan, made no substantial modification to the same, held individual public hearings for each project, and then adopted individual project resolutions contingently approving the project’s proposed portion of the General Plan amendment, along with the approval of associated environmental assessments for each project, subject to the final adoption of this Resolution; and

WHEREAS, in additional to individually noticing each individual project proposing to participate in the amendment of the General Plan, the City has also provided additional notice of this consolidated General Plan amendment as required by law; and

WHEREAS, after hearing and considering this matter, the City Council now desires to adopt this Resolution, and approve the consolidated amendment to the General Plan for the projects identified below.

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

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

01248.0005/916933.1

2. CEQA. The City Council finds that an environmental assessment pursuant to the California Environmental Quality Act (CEQA) was prepared for each of the projects identified below, the appropriate environmental finding was adopted and approved for each project as set forth in the resolution corresponding to each project, which is referenced herein. Additionally, the City Council finds that no subsequent environmental review is required as none of the conditions set forth in CEQA Guidelines section 15162(a) have occurred, and no additional documentation is required. As such no further action is required under CEQA.

3. Findings. The City Council finds that public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of the amendment to the General Plan as proposed by the amendment thereto for the General Plan Amendment(s) identified in Section 4, below. The City Council finds that the amendment of the General Plan as proposed is:

- a. Consistent with the General Plan goals and policies, any operative plan, or adopted policy;
- b. Does not affect the implementation of the General Plan with respect to surrounding properties. The proposed amendment is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare.
- c. The potential impacts of the amendment have been assessed for each component as required by CEQA as noted above and have been determined not to be detrimental to the public health, safety, or welfare.

The City Council further incorporates, as if set forth in full, each of the findings related to the amendment of the General Plan set forth in the project resolutions identified below. As such, approval of the amendment to the General Plan would be in the best interest of the City.

4. Approval of Amendment to General Plan. The City Council adopts this amendment to the General Plan for the following items per the designations, depictions, conditions, and exhibits as further described in each project resolution, which resolutions are incorporated herein as if set forth in full:

- a. General Plan Amendment 22-01 (Ratliff Project); City Council Resolution No. ____.
- b. General Plan Amendment 23-02 (Bains Project); City Council Resolution No. ____.

These items are collectively considered to be a consolidated, single amendment of the General Plan for the purposes of Government Code section 65358(b).

5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, including any specific project component of the amendment to this General Plan is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or related specific project component of this Resolution. The City Council hereby declares that it would have adopted this Resolution 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, including any specific project component of the amendment to the General Plan, may be declared invalid.

6. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 19th day of September 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

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: CDBG 2022 Consolidated Annual Performance and Evaluation Report
Recommendation: A. Conduct a Public Hearing and after consideration;
B. Approve the 2022 CAPER and adopt a Resolution authorizing staff to submit all necessary documents to the U.S. Department of Housing and Urban Development (HUD)
Fiscal Impact: No direct fiscal impact would result from approving the 2022 CAPER

Purpose:

To solicit public input on the City's Community Development Block Grant (CDBG) program and approve submission of the 2022 Consolidated Annual Performance and Evaluation Report.

Council's Strategic Goal:

This item address Council's goal of infrastructure in that the City receives funding from the federal U.S. Department of Housing and Urban Development to address housing and community development within the City.

Background:

The Consolidated Annual Performance and Evaluation Report (CAPER) is required of all jurisdictions that receive CDBG entitlement funds from the U.S. Department of Housing and Urban Development (HUD). The purpose of the CAPER is to evaluate the City's progress in using CDBG funds to meet the housing and community development goals contained in the City's five-year Consolidated Plan. The City's grant allocation for the 2022-2023 Program Year (PY) was \$628,525. Per HUD guidelines, these funds must be used to further the overall goals of the CDBG program to provide decent, safe, sanitary housing; a suitable living environment; and to expand economic opportunities for low and moderate-income persons. The PY covers the period from July 1, 2022, to June 30, 2023.

Analysis:

The purpose of the hearing is to solicit community feedback on the City's efforts in utilizing its CDBG funding to meet the housing and community development goals outlined in the City's Five-Year Consolidated Plan. It also provides the public an opportunity to identify community housing needs.

In addition to this public hearing, the City is holding a public comment period, which commenced on September 6, 2023, and will end on September 22, 2023. Citizens and organizations are encouraged to submit comments regarding the report during this time. To date, no public comments have been received.

2022 Program Year Accomplishments

During the 2022 PY, approximately \$94,000 was expended. Below is a summary of the 2022 PY progress:

Housing Rehabilitation Activities:

- Approximately \$19,000 was expended and a total of 22 extremely low, low-, and moderate-income disabled or senior households were assisted through the FREED Home Repair project, which provided minor health and safety repairs, accessibility modifications and energy efficiency improvements to homes.

Public Service Activities:

- 516 people were assisted and \$50,000 was expended by the Sutter Yuba Homeless Consortium (SYHC) Homeless Assistance Program. The SYHC provides support services to people experiencing temporary homelessness. The SYHC partners with the Central Valley Homeless Veterans Assistance Program, which provides first-month's rent and security deposits to homeless veterans, Bridges to Housing, an organization assisting the homeless or near homeless families with security deposits so they may secure rental housing, and Hands of Hope, a program that provides assistance and mentoring to homeless women and children.
- 22 people were assisted and \$7,700 expended through the Play-for-All Initiative through Playzeum, which provides low-income youth with scholarships for summer classes and workshops.

Public Facilities Improvements:

- ADA Public Facility Improvements Project: The City set aside \$244,000 (some of this funding comes from previous years' unexpended funds) for the installation of ADA improvements throughout the City's Qualified Low/Mod Census Tracts. This project was put on hold but is expected to be bid in Winter 2023 and construction to begin shortly after.
- Sam Brannan Park Improvements: No-climb fence and increased lighting were installed to improve safety.

Fiscal Impact:

A total of \$94,764 in CDBG funding was expended during the 2022 PY from designated 2022 activities to fund community development projects throughout the City. Approximately \$530,000 remains from the 2022 CDBG allocation. An additional \$427,057 was expended during the program year from both 2020 CDBG-CV and previous years' CDBG activities (2019-2021 PY funds), signaling the continued progress of community development projects throughout the City.

Alternatives:

Delay or modify the proposed 2022 CAPER.

Recommendations:

- A. Conduct a Public Hearing and after consideration;
- B. Approve the 2022 CAPER and adopt a Resolution authorizing staff to submit all necessary documents to the U.S. Department of Housing and Urban Development (HUD)

Attachments:

- 1. Resolution Approving the 2022 Consolidated Annual Performance and Evaluation Plan
- 2. Draft 2022 CAPER

Attachments:

- 1. Attachment 1 - Resolution to Approve 2022 CAPER
- 2. Attachment 2 - 2022 Draft CAPER

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 2022 CONSOLIDATED ANNUAL PERFORMANCE & EVALUATION
REPORT, 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 determined that the City of Yuba City received \$628,525 under program year 2022 of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City of Yuba City held a public hearing on September 20, 2022, to consider public comments and evaluation regarding the 2022 Consolidated Annual Performance & Evaluation Report (CAPER), the community development accomplishments and the actual 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 accomplishments of spent funds 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 review of the 2022 CAPER, including any revisions, changes or amendments thereto for public comment period commencing on September 6, 2023 and ending on September 22, 2023.

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

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on September 19, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

CITY OF Yuba City

2022 Draft CAPER

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

COMMUNITY DEVELOPMENT BLOCK GRANT



Development Services Department

Adopted: September 20, 2022

Executive Summary

The City of Yuba City's Development Services Department is responsible for the administration of the Community Development Block Grant (CDBG) funds, including facilitating project/program implementation, monitoring project activities and outcomes, and ensuring compliance with all the U.S. Department of Housing and Urban Development (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 Subrecipients.

The Consolidated Annual Performance and Evaluation Report (CAPER) is a report mandated for all communities that receive CDBG entitlement funds from HUD. The 2022 CAPER covers the period from July 1, 2022 through June 30, 2023 and reports on the City's progress in using CDBG funds to meet the housing and community development goals contained in the 2020 Consolidated Plan (Con Plan), a five-year comprehensive planning document that covers the period of July 1, 2020 through June 30, 2025. The Con Plan also identifies the City's overall need for affordable and supportive housing as well as non-housing community development needs. It is comprised of several components, including a five-year Strategic Plan that outlines the strategy for use of available resources to meet identified needs and an Annual Action Plan (AAP) that describes the activities the City plans to undertake to meet the goals set forth in the Strategic Plan. The CAPER evaluates the City's overall progress in carrying out priorities of assistance identified in the Con Plan and Annual Action Plan for the 2022-2023 Program Year.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

CDBG entitlement funds are the only Community Planning and Development (CPD) funding source the City receives to accomplish the goals and objectives outlined in the Con Plan. While other funding sources like State HOME and CalHome funds are available, CDBG funding is tailored to meet the highest priority needs and other funding sources are leveraged to assist with filling in the gaps. In addition, several community development activities are funded with CDBG to specifically target the need to provide a suitable living environment for low and moderate-income households.

The 2022 CAPER reports on the third year in the 2020 Con Plan. The City is on target for meeting the goals set by the five-year strategic plan for the City's CDBG program. The following sections provide a more detailed analysis of the City's performance for the 2022 Program Year.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Homeless Assistance	Homeless	CDBG: \$50,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	684	516	75.44%	616	516	83.9%
Housing Rehabilitation	Affordable Housing	CDBG: \$30,000	Homeowner Housing Rehabilitated	Household Housing Unit	15	14	93.33%	53	22	41.5%
Infrastructure Improvements/ADA Modifications	Non-Housing Community Development	CDBG: \$359,214.66	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	8500	4500	52.94%	12936	0	0.00%

Non-Homeless Supportive Services	Non-Homeless Special Needs	CDBG: \$59,942	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	97	97.00%	190	97	32.33%
Public Facilities Construction/Rehabilitation	Non-Housing Community Development	CDBG: \$209,725	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	4000	0	0.00%	12,736	0	0.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

During the 2022 Program Year (PY) the City continued to address the high priority needs identified in the Con Plan, including preservation of existing units; homeless housing and supportive services; housing and supportive services for special needs; and public improvements and infrastructure, including ADA improvements. Recognizing there are limited resources available, the City actively supported efforts by other entities to acquire funding for priority needs, identified in the Con Plan, that benefit low- and moderate-income residents.

The Sutter-Yuba Homeless Consortium (SYHC) was designated to act as the lead agency and fiscal agent in providing services and programs to the City’s homeless population. These programs and services were provided in conjunction with six (6) other non-profit agencies, 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.

- **Sutter Yuba Homeless Assistance:** A total of \$50,000 was expended to provide public and homeless services; a combined total of 516 low-

income persons were assisted through the combined efforts of the Sutter-Yuba Homeless Consortium and six (6) non-profit agencies who serve the City's homeless population.

- **Non-Homeless Supportive Services:**

- **Yuba-Sutter Gleaner's Foodbank:** A total of 75 people benefitted from this program with \$52,242 expended
- **Playzeum Play-for-All Initiative:** 22 low/mod income youth benefitted from this program and \$7,700 expended.

- **Housing Rehabilitation:**

- **FREED Center for Independent Living – Home Repair Program:** A total of \$18,700 was expended and assistance provided to 22 beneficiaries during the PY, projects included modification to improve mobility/accessibility and upgrades/replacements to critical appliances for senior and/or disabled individuals.

- **Infrastructure Improvements/ADA Modifications:** ADA Public Facility Improvements Project: The City set aside a total of \$244,214 for the installation of new curb, gutter and ADA compliant sidewalks/ramps to provide accessibility and safe passage for individuals with disabilities. Approximately \$26,000 was expended during the PY for staff time and construction plan development.

In addition to the above 2022 CDBG activities, the below **previous year CDBG activities** were completed:

- 2020 Maple Park Playground replacement
- 2020 CDBG-CV Yuba City Senior Center Improvements
- 2020 CDBG-CV Yuba City Firefighter PPE's

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	445
Black or African American	64
Asian	11
American Indian or American Native	31
Native Hawaiian or Other Pacific Islander	6
Total	557
Hispanic	182
Not Hispanic	453

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

A total of 635 people were assisted with CDBG funding during the 2022 Program Year; 445 of those assisted identified as White. Approximately 28% identified themselves as Hispanic, some of which did not also identify as white (which accounts for the discrepancy when adding all the ethnicities and races together). Other ethnicities assisted include: 64 Black or African American persons, 31 American Indian or American Native, 11 Asian, 31 American Indian or American Native, and 6 Native Hawaiian or Other Pacific Islander.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	\$787,456	\$94,763.99
Other – CDBG-CV	public - federal	\$663,658.59	\$295,447.73

Table 3 - Resources Made Available

Narrative

The City received Community Development Block Grant (CDBG) Entitlement funds through the United States Department of Housing and Urban Development (HUD). Below is a breakdown of the total “Resources Made Available” as identified in table 3 above; all of which are CDBG funds:

The City’s CDBG allocation for the 2022 Program Year (PY) was \$628,525; \$158,930.66 was transferred from previous years’ unexpended funds.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	27	27	Other
Qualified Low/Mod Census Tracts	54	54	Low/Mod Areas

Table 4 – Identify the geographic distribution and location of investments

Narrative

In general, the City allocated investment of resources on a city-wide basis. The distribution of funding is predicated somewhat on the nature of the activities funded. Resources targeted to preservation of existing housing were allocated on a city-wide basis. Resources targeted to special needs populations, including homeless, were allocated on a city-wide basis, where needs are identified and/or where resources could be coordinated with existing facilities and services. Activities such as public facilities and improvements were targeted to the City’s Qualified Low/Mod Census Tracts most in need of assistance.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Community Development Block Grant (CDBG) funds are not sufficient to fully fund activities; as a result, activities undertaken are leveraged with a variety of Federal, State funds, charitable organizations and private donations. Subrecipients identify additional funding sources in their budgets included with their applications for CDBG funding. The CDBG funds do not require matching funds. The City continues to struggle to meet any matching requirements when applying for other Federal or State funding sources.

There is no publicly owned land or properties located within the City that were used to address needs identified in the 2020 Con Plan or 2022 Action Plan.

The City pursued and supported applications by other entities who applied for Federal and State funding during the 2022 Program Year to address priority needs. The City's application for Permanent Local Housing Allocation (PLHA) funding from HCD was approved; as a result, the City will receive approximately \$1.8 million over a 5-year period. The City has committed some of these funds in collaboration with the County to be used for an overnight camping site where homeless individuals can safely park overnight and have access to restrooms and a secure location. The City has also committed some of these funds to Habitat for Humanity to aid in the construction of an affordable housing project.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

The City continued offering and/or providing funding for affordable housing activities which includes the single-family Owner Occupied Housing Rehabilitation, First-Time Homebuyer Down Payment Assistance and the Exterior Home Repair Programs. The City worked in partnership with local non-profit agencies and the to preserve affordable housing units.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units		
Number of Non-Homeless households to be provided affordable housing units	53	22
Number of Special-Needs households to be provided affordable housing units	50	22
Total	53	22

Table 5 – Number of Households

Note: Totals are less than goals because there is overlap between categories (i.e. special-needs households account for some of the non-homeless households).

	One-Year Goal	Actual
Number of households supported through Rental Assistance		
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	53	22
Number of households supported through Acquisition of Existing Units	0	0
Total	53	22

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The transition of housing loan administrators, housing market prices, and specific guidelines from the State on how loan program funds can be spent have created issues in meeting the City's goals for

affordable housing.

Although the City does not operate a rental assistance program, the RHA administers the Housing Choice Voucher (HCV) Section 8 Rental Assistance Program. A total of 744 households were assisted during this Program Year (PY). The RHA also administers the United States Department of Agriculture (USDA) – Rural Development Housing Program; it assisted a total of 188 families this PY.

In addition, CDBG funding awarded to the SYHC is used for rental assistance. Funding awarded to FREED and Habitat for Humanity is used for rehabilitation of existing affordable units and some special-needs households.

Discuss how these outcomes will impact future annual action plans.

Despite the issues described above, with the City contracting with a new loan administrator, and the State re-evaluating the First-Time Homebuyer program, the City will be able to meet the goals set forth for future action plans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	390	0
Low-income	90	0
Moderate-income	95	0
Total	575	0

Table 7 – Number of Households Served

Narrative Information

Of the total 575 low-income persons assisted above, 22 were assisted through the FREED Home Repair Program. 458 individuals were assisted by the Sutter-Yuba Homeless Consortium, 20 through Playzeum's Play-for- All Initiative, and 75 through the Yuba-Sutter Foodbank delivery program.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

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

Many persons experiencing homelessness, require specialized or intensive assistance in order to get back into permanent housing and be linked with services needed for on-going stability. Often, homeless persons suffer from mental health conditions, drug or alcohol addiction, chronic physical illnesses, and many experience more than one of these conditions, which may contribute to their homelessness.

The City relies on the Sutter-Yuba Homeless Consortium (SYHC), our area's Continuum of Care (CoC), to coordinate services for the homeless. The SYHC is a regional, non-profit organization that brings together public and private agencies and organizations to address the full scope of housing and supportive services needed by the varying homeless population. During this Program Year (PY), SYHC has implemented its Coordinated Entry System (CES). Coordinated Entry is a HUD-mandated requirement to prioritize services to the most vulnerable within the community. In Yuba City, the CES is located at Hands of Hope's day services center. Upon entering the CES, homeless individuals have their needs assessed to determine which services they are eligible for and are assigned a case manager to assist them in obtaining permanent housing. Additionally, Hands of Hope offers several life skills classes to help facilitate a client's move toward self-sufficiency.

Annually the SYHC, along with volunteers, conduct a Point-in-Time (PIT) count of the homeless. The information is limited since it cannot count every person that is homeless or count people that are at risk of homelessness. It does however provide an estimate of the homeless population, helps to assess the needs of the various sub-populations, and helps to assess the progress in ending homelessness. In 2021, the most recent unsheltered count, SYHC identified a total of 1,074 individuals in Sutter and Yuba Counties.

All agencies that received CDBG funding during this Program Year (PY) utilize intake forms to collect data and assess the needs of homeless individuals and families. They assess for chronic homelessness, physical, mental, or behavioral issues as well as any financial difficulties these individuals may have. Once their individual needs are assessed, they construct a case plan specific to their needs and assist them in achieving their individual goals and milestones. Their assistance can include classes that address specific barriers that each client may have that affect them maintaining housing stability. These classes may include; Seeking Safety, Anger Management, Relapse Prevention, Life Skills, Budgeting, Co-dependency, Kitchen class, Health Classes, Grief Counseling, One-on-Ones with case managers and Parenting classes.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City works within the framework of and relies on the SYHC and member agencies to address the emergency shelter and transitional housing needs of homeless individuals and families.

Some of the funding awarded to SYHC goes towards the Regional Emergency Shelter Team, which provides emergency shelter for homeless individuals and families and ramps up operation during the winter months.

The City took the following actions during this PY to address the needs of homeless persons: 1) The City's zoning code allows for emergency shelter and transitional shelter sites in accordance with State Law; and 2) the City continued to support applications for emergency shelter and/or transitional housing funding by the SYHC and member agencies, consistent with City policy.

Better Way shelter, Sutter County's homeless shelter opened in doors in the City of Yuba City in 2019. Better Way has a 40-bed capacity, and offers a temporary place to stay for up to 3 months for single individuals age 18 and above.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after 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); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Low-income households overpaying for rent and utilities are constantly at risk of becoming homeless. The City's objectives for helping low-income individuals and families avoid homelessness include maintain and increasing the supply of affordable housing as well as supporting the efforts of SYHC and its member agencies.

During this PY the City provided CDBG funds to the SYHC. The SYHC provides a forum for its member agencies who assist low-income households and individuals receiving assistance from public and private agencies to develop comprehensive, coordinated services that address the underlying reasons for homelessness helping those individuals and families avoid becoming homeless. The SYHC allocates funding to non-profit agencies who provide programs and services to the City's homeless population. These agencies are: The Bridges to Housing, Central Valley Homeless Veterans Assistance Program, and the Salvation Army; these agencies provide assistance with security deposits, one-time rental assistance, utility assistance, on-going supportive services and/or case management to individuals and families that are formerly homeless or at risk of becoming homeless.

Bridges to Housing provides financial assistance to low income individuals and families in the form of security deposits to prevent them from becoming homeless. The deposit assistance provided by Bridges to Housing is sometimes the financial assistance needed to help those at risk of being homeless moving forward in a positive direction. Providing security deposit assistance to homeless individuals or families give them a fresh start placing them in a stable and safe environment and moving them from the uncertainty of being homeless. Bridges to Housing also provides everyone with a list of additional resources and referrals to such organizations as Hands of Hope while they are going through this transition period giving them the additional hope and resources they need avoid becoming homeless again.

The Central Valley Homeless Veterans Assistance Program provides assistance to veterans with one-time rent assistance and utility assistance to create or maintain stable housing. They also provide additional supportive services and participate and support the Sutter-Yuba Veterans Stand Down event held annually during which veterans and their families receive a variety of services.

The City's efforts during this PY to help low-income individuals and families avoid becoming homeless included continuing its Housing Rehabilitation Program that maintains the City's existing affordable housing stock as well as continuing to work in cooperation with the Regional Housing Authority (RHA). The RHA provides a variety of housing options to low and very low-income households. To date the Department of Housing and Community Development (HCD) has yet to respond to the City's request for a housing price waiver. This is crucial in order to effectively operate and expend HOME funds with the high housing prices within the City. HCD is the State Agency that oversees and provides HOME funding opportunities, (on a competitive basis), for the City's First-Time Homebuyer and Owner Occupied Rehabilitation programs.

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 does not provide supportive services or case management to homeless or formerly homeless persons. The City relies on the SYHC and its member service providers to address the supportive services and case management needed to help homeless people's transition to permanent housing, independent living, secure permanent affordable housing and prevent recurring homelessness.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City does not own or operate public housing units, but works in collaboration with the Regional Housing Authority, who manages the City's Neighborhood Stabilization and Homes2Families housing units.

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

Since the City does not own, operate public housing or have oversight over Housing Authority operations, there are no City strategies directed at public housing tenants; however, the City encourages all residents to be active participants in their community.

The RHA has continued to work with residents to provide an environment in which they are able to accumulate adequate resources in order to move into non-subsidized housing and homeownership.

Actions taken to provide assistance to troubled PHAs

The RHA is not identified as a troubled Housing Authority; therefore, this section does not apply.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken 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. 91.220 (j); 91.320 (i)

The City's 2021-2029 Housing Element was certified by HCD on May 5, 2022. The purpose of the Housing Element was to establish specific goals, policies, and objectives relative to the provision of housing for all economic segments of the community and to adopt an action plan. The plan outlines policies and actions that will provide a systematic program for achieving the City's fair share of regional housing needs, maintaining the existing housing stock, providing affordable housing, facilitating the production of a wide range of housing types, and facilitating the incorporation of energy-efficient materials and technology in new and existing housing units. These policies include: allowing for accessory dwelling units in all zones where residential structures are allowed in accordance with AB 2299; allowing for single room occupancy (SRO) housing without a use permit in commercial zones; continuing to ensure zoning standards and development of housing at higher density ranges through exploration of creative options such as shared-parking, mixed-use development, encouragement of additional building floors, etc. Also, developing regulations for condominium conversions that minimize displacement of low-income residents and prevent the loss of affordable housing units, a density bonus which will offer incentives for developers who submit projects for multi-unit affordable housing, the requirement for developers to replace all affordable housing units lost to new development, and allowing residential use in non-residential land use designations. In addition, the City permits rotating cold weather shelters in religious institutions in each of the Residential Districts by-right, providing housing opportunities, albeit on a limited basis.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

During the 2022 Program Year, the City continued its efforts to identify alternate funding sources, supported funding applications by service providers that expanded the availability of affordable housing, and supported applications for homeless assistance and supportive services. The City continued to implement zoning and land use policies that encourages the development of affordable housing. The City also continued to encourage partnerships with other local government entities and service providers so that underserved needs may be better met by coordinated and collaborative uses of resources.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City continues to implement HUD's lead-based paint regulations. Efforts by the City in this regard include the disclosure of possible lead hazards and implementation of lead risk assessment, clearance testing procedures and supervision of lead-related work performed in conjunction with any of its housing programs. Any mitigation or removal of lead-based paint hazard is in accordance with HUD guidelines.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Poverty has many causes. Among the causes are disabilities (physical and developmental disabilities,

chronic diseases, mental illness, etc.), a lack of adequate education or vocational training, a lack of sufficient spousal support and substance abuse problems. According to the 2021 U.S. Census Bureau American Community Survey data, 13% of Yuba City's population resides in poverty.

During this Program Year, the City has continued its efforts to forge relationships with public and private organizations that share a common mission for improving the quality of life for lower income individuals through housing, social services, employment and skills training, neighborhood revitalization and economic development.

The City is also a member of the Yuba-Sutter Economic Development Corporation (YSEDC) which offers economic development programs and partners with local lending institutions to make loans available to businesses creating and/or retaining jobs for low income residents.

Sutter County offers residents and businesses assistance through their Human Services Department, Employment Services offered include: Job Fairs, Hiring Assistance, Advertising and Recruitment Services, Employment Counseling, Job Search Programs and Strategies, Resume Design and a Resource Center.

The Regional Housing Authority, through the Family Self Sufficiency (FSS) Program, a voluntary 5-year program, provides rental assistance and support programs in order to allow households on the Housing Choice Voucher (HCV) Section 8 Rental Assistance Program to become free of public assistance.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City's Development Services Department is responsible for the administration of the City's Housing Programs, including the CDBG Program. The Development Services Department also oversees the City's Community Development and Economic Development activities. As an entitlement jurisdiction, the City receives an annual allocation of CDBG funds directly from the Department of Housing and Urban Development (HUD); both internal City departments and external agencies implement the programs and projects identified in the Annual Action Plan. The Development Services Department has continued to collaborate with other City Departments, the City Council, City Commissions, as well as local agencies, organizations and residents to develop programs and activities that serve low and moderate-income individuals and families within the jurisdiction.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City will continue to meet with and maintain a dialog 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.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City includes HUD brochures on subprime lending practices in the City's First Time Homebuyers and Housing Rehabilitation Programs.

To the extent that impediments pertain to private sector activities, the City carefully monitors any complaints received and, if necessary, refers fair housing matters to California Rural Legal Assistance. The City also encouraged applications for boards and commissions from all classes of citizens in order to promote adequate citizen representation.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City monitors its performance through the Consolidated Annual Performance and Evaluation Report (CAPER). Each year the City reviews and reports progress it has made in carrying out its Con Plan and Action Plan. The 2022 CAPER includes a description of resources made available, investment of available resources, geographic distribution and location of investments, results/outcomes, actions taken to affirmatively further fair housing and any other actions taken during the 2022 Program Year (PY) as outlined in the 2022 Action Plan.

Throughout the 2022 PY, the City utilized the Integrated Disbursement and Information System (IDIS) for setting up, funding, drawing down and reporting CDBG and other funds as required. IDIS reports are incorporated into the 2022 CAPER and made available to the public as required.

The City utilized a performance measurement system to ensure accurate reporting of results in IDIS and in the 2022 CAPER for the programs and projects undertaken by the City during this PY.

In addition to the HUD monitoring and reporting requirements, the City completed the following monitoring program for its housing and community development programs and projects:

- The City reviewed and reported to the State Department of Housing and Community Development on the progress the City made during this PY implementing its 2021-2029 Housing Element.

The City monitored its subrecipients to ensure compliance with federal and local requirements outlined in Subrecipient agreements. The level of Subrecipient monitoring conducted by City staff is determined through a Risk Assessment (RA), utilizing a variety of factors i.e., subrecipients new to CDBG funding, subrecipients with higher staff turnover, etc. The RA determines which subrecipients have a higher level of risk of non-compliance with CDBG Program regulations and requirements. For subrecipients determined to have a higher risk of non-compliance, City staff will conduct an on-site monitoring and may be provided technical assistance, training or additional oversight by City staff throughout the year. For those Subrecipients that are determined to have a low risk of non-compliance, City staff may determine a desk review is sufficient to ensure on-going compliance with CDBG requirements. The RA conducted for the monitoring during this PY determined that two interanal subrecipients were at high risk of non-compliance due to lack of timeliness expenditure of funding. These subrecipients were given guidance on how to maintain a timeline for expenditures and the most efficient pathway to getting the funding expended. The DSD will continue to monitor these departments to ensure funds are expended within given timeline. The City utilizes quarterly reporting to monitor subrecipient progress and financials, and to provide feedback moving forward based on those reports to ensure funds are being expended successfully.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City's Citizen Participation Plan (CPP) details the public noticing requirements for CDBG activities, sets threshold requirements for Annual Plan amendments, and also provides a detailed description of the CDBG Program Year cycle. In addition to carrying out the actions set forth in the City's Citizen Participation Plan, the following actions were taken during the 2021 Program Year:

1. Public Notice Requirements

The Public Notice for Public Review and Comment for the 2022 CAPER was published on September 5, 2023. The comment period began on September 6, 2023 and will end on September 22, 2022. The Public Notice and 2022 CAPER were also posted on the City's website, where translation services were available. The notice provided 15 days for citizens to comment on the report as required by 24 CFR 91.105(d). This report and all CDBG public information files are available for public review at City Hall and the Public Library.

The City maintains a list of organizations and agencies that advocate on behalf of special needs groups and in addition to the publishing the Public Notice in the local newspaper and on the City's website, the City provides notice to all entities on this list, inviting them and their clients to participate in the CAPER process, including the Public Hearing.

2. Reporting and Recordkeeping

The City maintains all CDBG programs and financial records. All CDBG program reports will be submitted to HUD as required. A citizen information file is maintained and available for public review.

3. Citizen Comments

Copies of the 2022 CAPER were made available to the public during the 15-day comment period. A public hearing for public review and comment for the 2022 CAPER will be held on September 19, 2023 before the City Council.

RESERVED FOR PUBLIC COMMENTS.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City does not have any plans to change its program objectives at this time.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No; the City does not have any BEDI grants.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	1	0	0	0	0
Total Labor Hours	0				
Total Section 3 Worker Hours	0				
Total Targeted Section 3 Worker Hours	0				

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					
Other.					

Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

The City had one Section 3 activity during the 2022 PY, but progress has not yet been made on that activity.

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Burned/Damaged Building Abatement

Recommendation: A. Implement policy to initiate Vacant Building Plan provision of the City's Public Nuisance Ordinance within 30-days of receipt of notification of a burned building; and

B. Direct staff to annually apply for the use of Community Development Block Grant (CDBG) funding for the abatement of blighted buildings in low-moderate income areas; and

C. Direct staff to review and recommend funding options through the 2024-2025 budget cycle for the potential abatement of blighted buildings

Fiscal Impact: The preparation of this staff report utilized existing budgeted monies and does not have an additional fiscal impact

Purpose:

This is a continued discussion from July 18, 2023, regarding fire damaged buildings within City limits and potential abatement options.

Council's Strategic Goal:

This item addresses the Council's goals of Public Safety, Quality of Life, Homelessness and Vagrancy.

Background:

On July 18, 2023, the City Council received a staff presentation on fire damaged buildings within the city limits and outlined available abatement options. A copy of this previous staff report is included as an attachment to this report.

Feedback received by Council members from the July meeting included:

- Determine the number of first responder service calls to each fire damaged building address.
- The status of Vacant Building Plans for each address.
- Research the ability to utilize Community Development Block Grant (CDBG) funding as a

potential revenue source to abate structures.

- Research potential abatement costs for fire-damaged buildings.

Analysis:

Since the July 18th meeting, the spreadsheet list of fire damaged structures in the city has been updated to include a column showing the number of first responder service calls to each location. Additionally, the spreadsheet has been updated to reflect the status of Vacant Building Plans at each address. In some instances, demolition and building permits to rehabilitate properties have already been issued, so there isn't a need for a Vacant Building Plan.

Staff researched potential abatement costs for fire-damaged buildings, and this can range from a low of \$45k to \$60k per site but can be higher (\$100k or more) if abatement requires removal of asbestos or other hazardous materials. Additionally, costs can vary depending on the volume of waste to be disposed of and the necessary labor to complete the work.

There is an opportunity to utilize CDBG funding in low-moderate income areas to address blight on a site-specific basis and the use of funds includes demolition of a deteriorated and abandoned building. To utilize CDBG funding, the City would need to annually apply for the use of funding as part of its 2024-2025 program budget and Annual Action Plan.

Prior to utilizing CDBG monies, U.S. Housing and Urban Development (HUD) must first approve the City's Action Plan after it is approved by the City Council. Although the CDBG budget year begins July 1st annually, receiving final HUD approval can take time. An example of this is the City is still awaiting final approval of its current 2023-2024 Annual Action Plan and funds can only be expended once HUD has approved the Annual Action Plan.

Finally, it should be noted the City doesn't currently have contractors on standby that can perform this type of abatement work. If the City desires to abate building sites, the City will likely need to go through an RFP process to establish a list of qualified contractors to do the work.

Summary

City options to abate fire-damaged buildings are not immediate remedies and take time for due process to occur, insurance claims to process, building plans to be prepared and obtaining necessary permits.

Utilizing CDBG funding to abate potential sites in low-moderate income areas can also take time due to the need to wait for funding approval through the CDBG Annual Action Plan.

If the Council desires the City to abate properties, staff requests Council input on priority sites. Additional funding appropriations will likely be necessary to pay for the cost of property clean-up for locations outside of low-moderate income areas and staff can consider making a recommendation on proposed funding as part of the development of next year's budget.

Fiscal Impact:

The abatement of fire-damaged buildings can result in increased legal costs to the City and the initial upfront cost to physically abate properties will be borne by the City. This will require additional monies to be appropriated. However, some of this cost may be reduced over time with successful cost recovery.

Alternatives:

The City Council may decide to receive the information presented and not provide direction regarding the abatement of fire-damaged buildings.

Recommendation:

- A. Implement policy to initiate Vacant Building Plan provision of the City's Public Nuisance Ordinance within 30-days of receipt of notification of a burned building; and
- B. Direct staff to annually apply for the use of Community Development Block Grant (CDBG) funding for the abatement of blighted buildings in low-moderate income areas; and
- C. Direct staff to review and recommend funding options through the 2024-2025 budget cycle for the potential abatement of blighted buildings.

Attachments:

- 1. Mapped Locations of Fire Damaged Buildings within City Limits
- 2. List of Fire Damaged Buildings and Call for Service Data
- 3. Municipal Code Chapter 8, Nuisances
- 4. City Council Staff Report, Dated July 18, 2023 (w/o attachments)

Prepared By:

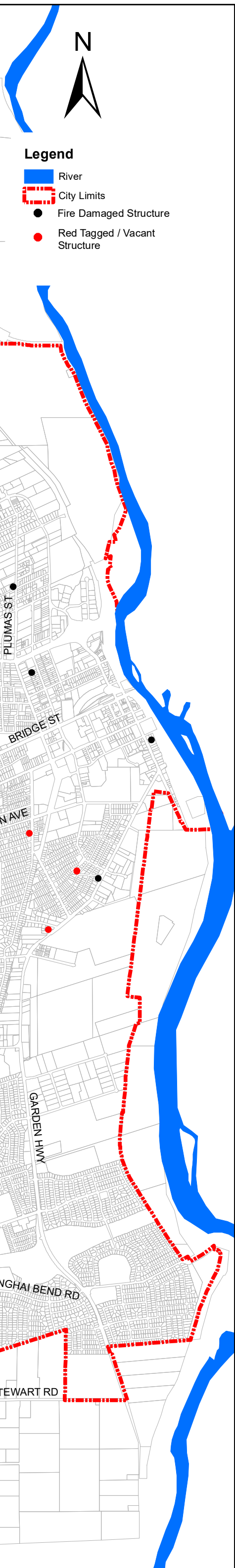
Doug Libby, AICP
Deputy Director of Development Services

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

Fire Damaged/Red Tagged Structures September 2023



ATTACHMENT 2

Events

Date	Address	Type of incident	Status	Calls for Service	Vacant Building Plan Status
12/21/2020	2061 Becky Ln.	Res. Fire	No Permits/Property is Overgrown	10	Plan Filed
7/1/3021	474 Alemar Way	Res. Fire	Demo Permit Expired	6	Plan Filed
10/27/2021	1154 Plumas St.	Res. Fire	No Permits or Repairs to Fire Damaged Area	5	Received (In Probate)
2/26/2022	1335 Honor Oak	Res. Fire	Gas & Elec. Pulled Red Tagged	18	None (Building Demolished)
6/7/2022	150 Morton St.	Vacant Residence	Red Tag/Permit for Rewire	6	Plan Filed (Permits Issued)
7/2/2022	773 Rockholt Way	Res. Fire/ Veg	Total loss, already burned in October 2021	0	None (Demolition Underway)
1/20/2023	2862 Monroe	Res. Fire	Red Tagged, utilites pulled	2	None (Demolition Underway)
2/23/2023	423 Second St	Res. Fire	Current Demo Permit	2	Plan Filed (Demo Permit Issued)
4/4/2023	1082 Marcia Ave.	Vacant Residence	Red Tag/Boarded Property/Nuisance Property	0	Plan Filed (Permits Required)
4/7/2023	617 Forbes Ave	Res. Fire	Gas & Ele. Pulled CRBR Boarded Red Tagged	6	None (Reconstruction Started)
4/27/2023	640 Taber Ave.	Res. Fire	Red Tagged/Detached Garage Building	9	Pending
4/28/2023	509 South Walton Ave.	Vacant Residence	Red Tag/ Permits on File Nuisance Property	0	None (Reconstion Started) Plan
5/10/2023	317 Woodbridge Ave.	Vacant Residence	Red Tag/ Boarded Property/Overgrown	0	Filed (Permits Required) Plan
5/16/2023	311 Garden Hwy	Comm. Fire	Vacant building	3	Filed (Property For Sale) None
5/30/2023	1115 Clark Ave	Res. Fire	Vacant- Red Tagged	2	(Reconstuction Started)
6/28/2023	749 Lask Dr	Res. Fire	Owner working with insurance and contractor	0	Plan Filed
7/18/2023	507 Garden Hwy.	Res. Fire	Red Tagged/Nuisance Property	0	Plan Filed

ATTACHMENT 3

Footnotes:

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Editor's note— Ord. No. 010-20, § 2, adopted Sept. 15, 2020, repealed the former Ch. 8, §§ 4-8.010—4-8.450, and enacted a new Ch. 8 as set out herein. The former Ch. 8 pertained to nuisance abatement code and derived from Ord. No. 005-09, § 3, effective May 7, 2009 and Ord. No. 004-19, § 3, adopted Nov. 5, 2019

Article 1. - Unlawful Property Related Nuisances

Sec. 4-8.101. - Neighborhood preservation.

It shall be unlawful for any person owning, renting, leasing, occupying or having charge or possession of any real property in the City to maintain such property in a manner that any of the following conditions are found to exist thereon, except as may be allowed by the Yuba City Municipal Code. These conditions meet one or more of the following criteria and are considered nuisances subject to abatement and cost recovery as proscribed in this chapter: substantially detract from the appearance of the immediate neighborhood, reduce the property value in the immediate neighborhood, are an attractive nuisance, are materially detrimental to nearby properties and improvements, are a visual blight, are offensive to the senses, or are otherwise dangerous to public health, safety or welfare.

- (a) *Abandoned and partial buildings.* Buildings which are abandoned, vacant, partially destroyed, or left in an unreasonable state of partial construction. "An unreasonable state of partial construction" means any unfinished building or structure where the owner has been given written notice to complete the building or structure by the City's Building Official or designee, but fails to complete construction and obtain final approval from the City in accordance with applicable laws and regulations within the time period provided by the City's Building Official or designee.
- (b) *Broken windows.* Buildings with windows containing broken glass or no glass at all where the window is of a type which normally contains glass.
- (c) *Building materials and household fixtures and equipment.* Used or damaged lumber, junk, trash, debris, concrete, scrap metal, salvage materials and abandoned, broken, discarded or unused furniture, appliances, sinks, toilets, cabinets, or other household fixtures or equipment (i) stored so as to be visible at ground level from a public street, alley or from adjoining property, or (ii) stored in a manner out of view but in an unsecured area accessible to minors, or (iii) stored in a manner as to harbor rodents, insects, or other vermin.
- (d) *Building residue.* Residue from a fire or demolition such as concrete or brick foundations and flatwork.
- (e) *Construction equipment.* Construction equipment or machinery of any type or description parked or stored on the property when it is readily visible to the general public, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property.
- (f) *Deteriorated buildings.* Buildings which have become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.
- (g) *Deteriorated improvements.* Walls, fences, hedges, driveways, sidewalks, walkways, and similar

improvements which have become deteriorated, hazardous, defective, or unsightly.

- (h) *Encroachment*. The encroachment onto public property for which no encroachment permit has been issued or which is in violation of the provisions of an encroachment permit or any applicable law.
- (i) *Garbage containers*. The leaving of any garbage, rubbish, recyclable, or green waste container in a front yard area visible from a public street, except during the times necessary for collection, which provides for containers are to be placed at curbside for collection within 12 hours of the time of collection and shall be removed within 12 hours after collection service is rendered.
- (j) *Graffiti*. Graffiti or other defacing words, letters or drawings which remain in excess of 48 hours on the exterior of any building or fence or other structure that has not been removed or covered with paint matching the structure that was defaced.
- (k) *Hazardous liquids and other substances*. Any property with pooled or flowing hazardous substances, including oil and similar liquids, which are not contained on site in approved storage containers and pursuant to all laws. Any property with excessive accumulations of oil and similar liquids on paved surfaces, buildings, walls, or fences. Any property where a hazardous substance is deposited, stored, released, or discharged in violation of any law.
- (l) *Hazardous pools, ponds, and excavations*. Pools, spas, hot tubs, ponds, or other artificially confined bodies of water, and excavations, maintained in a hazardous manner which may affect the health or safety of the public, including providing a breeding place for mosquitoes and algae, failing to comply with State and local safety requirements for pools and spas, and failing to take adequate measures to prevent public access to the area.
- (m) *Landscape materials*. The keeping, storage, depositing, or accumulation on the premises of dirt, sand, gravel, concrete, or other similar materials for an unreasonable period of time or in a manner as to harbor rodents, insects, or other vermin.
- (n) *Landscaping*. Front and visible side yards without acceptable landscaping, except for improved surfaces such as walks and driveways. Acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn, turf and/or other material determined to be acceptable or required by the City Manager or his/her designee. Landscaping shall also be maintained in accordance with any approved permit, site plan, or landscaping plan.
- (o) *Land use entitlements*. The failure to comply with any condition imposed on an entitlement, permit, contract, or environmental document issued or approved by the City in connection with the property or any improvement located thereon.
- (p) *Laundry hanging*. The hanging of clothing, laundry or routinely washed articles on porch/stair railings, fences, hedges, or other supporting structures located in front or side yards and visible from a public place.
- (q) *Occupied vehicles*. Any vehicle, recreational vehicle, motor home, camper, camper shell, or boat occupied by any person or persons overnight, except as may be permitted in an approved location for such purpose.
- (r) *Offensive odors*. Stagnant water, refuse, rubbish, garbage, dead animal carcasses, offal, animal excrement or other waste materials which emit odors that are unreasonably offensive to the physical senses of a reasonable person of normal sensitivity or which may cause or attract rodents, insects, or

other vermin.

- (s) *Personal property.* The keeping, storage, depositing or accumulation of an excessive amount of personal property visible from a public street or alley and/or adjacent private property.
- (t) *Public right-of-way.* The keeping, storage, depositing or accumulation of landscaping materials, sporting equipment, garbage cans or any other personal property within the public right-of-way, including but not limited to greenways, landscaping medians, streets, sidewalks and alleyways.
- (u) *Safety hazard.* The maintenance of property in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety.
- (v) *Sewage.* The failure to properly connect any inhabited improvements to a sewage disposal system or sanitary sewer and/or permitting sewage seepage or discharge upon the ground.
- (w) *Signs.* Improper existence and maintenance of signs relating to uses no longer conducted or products no longer sold on the property.
- (x) *Storage containers and dumpsters.* Storing or keeping boxes, containers, or dumpsters, in excess of 72 consecutive hours, except when otherwise permitted by the Yuba City Municipal Code, the City Manager or his/her designee when engaged in ongoing construction activity.
- (y) *Tarps and other temporary use items.* The keeping or using of tarps or other similar items intended to be used as a temporary protective cover or shelter in a state of disrepair or beyond the intended use period, when the item is stored so as to be visible at ground level from a public street, alley or from adjoining property. Temporary use items visible for more than 30 consecutive calendar days or 30 calendar days in any calendar year shall be presumed to be beyond their intended period of use.
- (z) *Tractor-trailer.* Any semi-tractor-trailer truck, also known simply as a semi-trailer truck, tractor-trailer truck, semi-tractor truck, semi-truck, big rig, 18 wheeler, trailer truck or tractor truck, or combination of a tractor unit and one, or more, semi-trailers to carry freight and/or exceeding 10,000 pounds. parked or stored on any driveway, street, an unimproved surface or otherwise in violation of the Yuba City Municipal Code; unless parking or storage on the street is authorized within the zoning district where the tractor-trailer is parked or stored.
- (aa) *Unpermitted construction or alterations.* The building, construction or placement of any unpermitted structure or building, including but not limited to an unpermitted carport, driveway entrance, patio cover, pergola or improvements to a previously approved structure or building.
- (bb) *Vehicle parts.* The keeping, storage, depositing, or accumulation on the premises of motor vehicle part(s) or scrap, including tires, which is:
 - (1) Visible at ground level from a public street, alley or from adjoining property, or
 - (2) Contains more than personal use items unless allowed by previous City review or permit in appropriate commercial or industrial zones.
- (cc) *Vehicles, including motor homes, trailers, and boats.*
 - (1) Any vehicle, recreational vehicle, motor home, camper, camper shell, boat, or trailer parked or stored outside of a garage or carport on an unimproved surface or otherwise in violation of the Yuba City Municipal Code.
 - (2) Any inoperable vehicle, recreational vehicle, motor home, boat, or trailer parked or stored outside of

a garage or carport on a driveway, street, an unimproved surface or otherwise in violation of the Yuba City Municipal Code.

- (dd) *Visibility hazards.* The maintenance of property in such a manner as to cause a hazard to the public by obscuring the visibility of any public right-of-way, road intersection, pedestrian walkway, street sign, street light, or traffic signal.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.102. - Weeds, vegetation, and rubbish.

No person, whether such person is the owner, agent, or person in control of any lot or parcel of land within the City, shall maintain, permit, or allow such premises, or adjoining public way, sidewalk, street and/or alley, to be maintained in any of the following conditions, which are declared to be a public nuisance. It is the duty of the property owner to destroy or remove all such prohibited materials.

- (a) *Refuge for vermin.* Dead, decayed, diseased or hazardous trees, weeds, grass, rubbish, refuse, dirt, debris, or any other matter or material which may provide a breeding place or refuge for rodents, insects, or other vermin.
- (b) *Vegetation near chimneys.* Dead vegetative growth overhanging a structure or any tree branch or other vegetative growth which extends within ten feet of the outlet of a chimney.
- (c) *Pollen.* Weeds which may produce pollen which is injurious to the health, safety, comfort, or welfare of the residents of the City.
- (d) *Fire hazard: fire hydrants.* Weeds, rubbish, refuse, dirt, debris, or any other matter or material which may become a fire or health hazard, or is within 36 inches of a fire hydrant.
- (e) *Overgrown vegetation.*
 - (1) Vegetative growth overhanging a public street by less than 14 feet in height or a public sidewalk by less than eight feet in height.
 - (2) Any overgrown vegetation, including but not limited to bushes, shrubs, trees, lawns, weeds and flowers.
- (f) *Other vegetation.* Any other vegetation or materials which, because of lack of maintenance, create conditions which may become a fire or health hazard, including weeds which are otherwise subject to abatement by law.
- (g) *Trees and shrubs.* Any tree or shrub causing damage to the public right-of-way including but not limited to streets, sidewalks, alleyways, greenways and landscape medians.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.103. - Garbage.

- (a) *Public right-of-way.* No person shall place, or cause to be placed, upon any public way, street, or sidewalk, any refuse matter, garbage, or filth which is hazardous to public health or safety or which obstructs the free passage of such street or sidewalk for more than one hour at a time, except as may be permitted by the Yuba City Municipal Code.

(b) *Private property.* No person in control of any lot or parcel of land within the City, whether such person is the owner, agent, or tenant, shall maintain, permit, or allow any refuse matter, garbage, or filth which is hazardous to public health or safety to exist on such premises. Garbage shall be placed in approved containers.

(c) *Summary abatement.* The existence of one or more of these conditions shall be considered public nuisances subject to summary abatement and cost recovery as proscribed in this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.104. - Vacant buildings: nuisance and abatement.

Vacant residential, commercial and industrial buildings and all yards surrounding the building must be maintained, actively monitored, and secured in accordance with the following standards or the property will be considered blighted and a nuisance subject to abatement pursuant to the procedures set forth in this chapter, and any other available enforcement mechanisms.

"Vacant building" means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, "vacant" shall mean when any one unit is unoccupied or occupied by unauthorized persons.

For commercial and industrial properties, "acceptable landscaping" means that at least 50% of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live plant materials and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed.

For residential properties, acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn and/or other material determined to be acceptable or required by the City Manager or his/her designee.

(a) *Yard maintenance.* Maintain all yards in compliance with any applicable development permits, site plans, and landscape plans. If there are no applicable development permits, site plans, or landscape plans, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with acceptable landscaping, installed and maintained in a trimmed, live and healthy condition.

"Park strip" means that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "park strip" shall mean the area of property from the property line to the edge of the pavement.

(b) *Building exterior.* Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition.

(c) *Broken windows.* Board up broken windows within 24 hours and replace broken windows within 72 hours, subject to the provisions of subsection (g) of this section.

(d) *Trash and debris.* Remove all trash and debris within 72 hours of their placement or abandonment on the property.

(e) *Compliance with laws.* Maintain the building in continuing compliance with all applicable State and local

codes and regulations and any applicable City issued permits.

- (f) *Prevention of criminal activity.* Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of controlled substances, prostitution and criminal street gang activity.
- (g) *Secure property.* Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the City Manager or his/her designee. For purposes of securing the building and grounds, boarding up windows and doors and fully fencing the property shall be a disfavored technique and may only be used when it is determined by the City Manager or his/her designee that no other reasonable alternative exists. Properly maintained buildings and grounds should discourage trespassers. Alternative security measures are also available. When a building is boarded or the property fenced, the owner shall comply with standards established by the City Manager or his/her designee.
- (h) *Graffiti.* Remove all graffiti on the property within 48 hours of placement on the property.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.105. - Vacant buildings: vacant building plan.

For vacant properties, the City Manager or his/her designee may issue an order to submit a vacant building plan to the property owner and require the payment of a fee as required under this section.

- (a) *Vacant building plan.* The vacant building plan shall include the following information and shall be submitted within 30 calendar days of service of the order:
 - (1) Name and address of person submitting the vacant building plan;
 - (2) Name and address of all property owners of the subject property;
 - (3) The name and address of a local agent, if the property owner(s) is/are not local, that the City Manager or his/her designee may contact related to enforcement of this article;
 - (4) The expected period of vacancy;
 - (5) A plan to make any buildings ready for occupancy that could not be legally occupied under State and local law at the time of submission of the plan;
 - (6) If required by the City Manager or his/her designee, a plan to either occupy, sell, lease, or demolish the building within 180 calendar days or such other time as determined reasonable by the City Manager or his/her designee under the circumstances;
 - (7) A plan for actively monitoring, maintaining and securing the property and otherwise complying with this article;
 - (8) A letter of written consent by the property owner(s) to the City Manager or his/her designee to allow City code enforcement inspectors to enter the property for inspections consistent to enforce the provisions of this article;
 - (9) Any other information required by the City Manager or his/her designee in rules and regulations

adopted by the City Manager or his/her designee under this article.

- (b) *Exception.* If the vacant building will be occupied within 30 calendar days of service of the notice, the owner may notify the City Manager or his/her designee in writing of this fact and the owner will be excused from submitting a vacant building plan.
- (c) *Vacant building plan fee.* When a property owner is ordered to submit a vacant building plan by the City Manager or his/her designee they shall also be required to pay a fee, not to exceed the costs of the City to monitor or inspect the building and to review and approve the vacant building plan. The City Manager or his/her designee shall have discretion to determine the number of inspections required to monitor the subject building upon submission of the plan, based upon the type and condition of the property, and the history of violations at the subject property. There shall be no charge for the initial vacant building plan. The amount of the fee for subsequent vacant building plans shall be established by City Council Resolution.
- (d) *Appeal.* An order to submit a vacant building plan and/or a decision by the City Manager or his/her designee rejecting a vacant building plan are appealable in accordance with the procedures set forth in this chapter except that both an order to submit a vacant building plan and a rejection of a vacant building plan must be appealed within 15 calendar days from service of the notice of the order or rejection.
- (e) *Approved plan.* A vacant building plan is enforceable immediately upon notice to the property owner of the approval of the vacant building plan until the City Manager or his/her designee releases the property from the approved vacant building plan. An approved plan shall be valid for no more than 180 calendar days from the date of its approval. If a plan expires after 180 calendar days and the City Manager or his/her designee has not yet released the property from the approved vacant building plan, the property owner is automatically required to seek approval of a new vacant building plan and pay a fee for that renewal as set forth in subsection (c) of this section.
- (f) *Noncompliance.* Failure by the property owner to submit a vacant building plan or comply with a vacant building plan that has been approved by the City Manager or his/her designee under this section or pay a fee as required under this section is a violation of the Yuba City Municipal Code, subject to the abatement and cost recovery procedures set forth in this chapter and any other available enforcement mechanisms.
- (g) *Transfer of vacant building.* The transferee of a vacant building is subject to the requirements of this chapter. The transferee may apply to the City Manager or his/her designee to be released from the requirements of the vacant building plan. It shall be in the City Manager's or his/her designee's discretion to grant such an application. The City Manager's or his/her designee's decision shall be final.
- (h) *Service.* Service of an order to submit a vacant building plan, notice of rejection, or approval of a vacant building plan shall be made on the property owner by personal service or first class mail. Where known, a copy may also be provided by email.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.106. - Registration of vacant foreclosed properties.

[Reserved.]

Article 2. - Violations of the Yuba City Building Code

Sec. 4-8.201. - Building codes.

The Yuba City Building Code shall mean the current versions of the California Building, Fire, Plumbing, Mechanical, Electrical, Administrative, Energy Code, Green Code and related codes, as well as the Uniform Administrative Code, Uniform Code for the Abatement of Dangerous Buildings, and International Property Maintenance Code, as incorporated by reference in the Yuba City Municipal Code with local amendments, except that the procedures for abatement, conducting appeals, and cost recovery shall be those set forth in this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.202. - Dangerous buildings.

The Uniform Code for the Abatement of Dangerous Buildings and California Health and Safety Code shall apply to the determination of whether a building is dangerous except that the procedures for abatement, conducting appeals, and cost recovery shall be those set forth in this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.203. - Nuisances.

Violations of the Yuba City Building, California Health and Safety Code, Uniform Administrative Code, Dangerous Building Codes, and International Property Maintenance Code are considered public nuisances subject to abatement and cost recovery as proscribed in this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Article 3. - Management of Real Property Violations

Sec. 4-8.301. - Findings, and purpose.

- (a) *Findings.* Just as the physical conditions of structures and properties within the City can constitute public nuisances, so too can the behavior of persons on properties within the City constitute public nuisances. The abatement of behavioral nuisances is as important to the City in its fight against blight, decay, deterioration and crime as is the abatement of other nuisances created by physical conditions.

The owners of real properties within the City are responsible for monitoring their properties and for taking appropriate action if a nuisance exists thereon, whether that nuisance be created by existing physical conditions or by nuisance creating behaviors, or the combination of conditions.

Many nuisances can be avoided with active property management. Lack of proper management of real property can create an environment which is conducive to behaviors which become a nuisance with repetition and lack of abatement and corrective measures.

If a property owner does not fulfill his or her responsibilities, it is necessary for the safety, health and welfare of the neighborhoods, and the City as a whole, that the City be able to undertake abatement action. The provisions of this article are necessary to protect the health, property, and integrity of this community.

Nothing in this article exempts property owners from compliance with Federal, State, or local laws, including, but not limited to, laws on housing, eviction, retaliatory conduct, discriminatory conduct, or invasion of privacy.

- (b) *Purpose.* The purpose of this article is to set forth the management of activities conducted and enforce minimum standards relating to or conditions on real property to protect the public health, safety and welfare; and to put in place remedies which will permit the City to take effective, efficient administrative or other legal action against property owners who permit or suffer nuisance creating behaviors or conditions to occur on their properties on a continuing basis, in order to compel such owners to abate the nuisance creating behaviors or conditions and control the environment, both physical and behavioral, on such real properties.

The provisions of this article are complimentary, cumulative, supplementary, and additional to any other legal remedies available, whether found in the Yuba City Municipal Code, State or Federal laws, regulations, or case law.

It is not the intent or purpose of this article to subject owners or managers to any legal liability resulting from a tenant's actions away from the owner's or manager's own property, unless it can be shown that the problem tenant is also creating a nuisance or committing a crime on the owner's or manager's property.

- (c) *Enforcement responsibility.* Enforcement of this article shall fall within the responsibility of the City Manager or his/her designee(s).

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.302. - Definitions.

- (a) *Department.* The Yuba City Police Department, Fire Department, Development Services Department, Planning Department, and/or Public Utilities Department.
- (b) *Response costs.* All actual and reasonable costs incurred by the Department(s) in responding to a nuisance, including, but not limited to, costs of personnel, including salaries and benefits, administrative overhead, costs of equipment and materials used in the response, and costs related to investigation of the underlying call for service. Response costs do not include costs covered by a user fee.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.303. - Dual responsibility.

- (a) *Owners.* Every person or entity owning, possessing, or having charge or control of real property within the City is required to manage that property and control the environment thereon in a manner so as not to violate the provisions of this chapter, and the owner shall be liable for violations of the provisions of this chapter regardless of any contract or agreement with any third party regarding the property.
- (b) *Lessees.* Every occupant, lessee, or holder of any possessory interest in real property is required to:
 - (1) Comply with all laws applicable to the property;
 - (2) To supervise anyone utilizing, using, or occupying the property, with or without the consent of the owner,

consistent with this chapter; and

(3) To maintain the property in a manner so as not to violate the provisions of this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.304. - Multiple response nuisances.

- (a) If a department of the City is required to respond to a violation(s) of the provisions of this chapter more than once in any 120 calendar day period, including a second response during the same day or night as the first response, the person or persons who own the property where the nuisance took place, except as provided below; the person or persons residing on or otherwise in control of the property where the nuisance took place; the person or persons who organized or sponsored the activity or event causing the nuisance; and all persons who engaged in any activity resulting in the public nuisance shall be jointly and severally liable for the violation(s), regardless of whether the City issues an administrative citation or initiates a code enforcement action. The multiple response shall apply to the same or similar nuisances occurring during the applicable time period.
- (b) It is a public nuisance and a violation of this Chapter for the person or persons who own the property, whether through their agent, lessee, sublessor, sublessee, or occupant of any premises in the City to permit, by their own acts or omissions, any of the following activities to repeatedly occur on the real property of the owner. "Repeated" shall mean more than one occurrence upon the real property in any 120 calendar day period.
 - (1) *Use and sale of controlled substances.* The illegal manufacturing, sale, use or possession of controlled substances or other illegal drugs and substances.
 - (2) *Coming and going for sales or use of controlled substances.* The gathering, or coming and going, of people who purchase or use controlled substances on the premises.
 - (3) *Prostitution.* The occurrence of prostitution.
 - (4) *Gang activities.* Unlawful activities of a criminal street gang as defined in Penal Code § 186.22.
 - (5) *Noise and unruly behavior.* Noise and unruly behavior as set forth within the Yuba City Municipal Code.
 - (6) *Firearms and weapons.* The unlawful discharging of a firearm or brandishing of a weapon by any person.
 - (7) *Graffiti and trash.* The presence of graffiti or other defacing words, letters, or drawings, or trash and debris on the property for a 48-hour period.
 - (8) *Abandoned and inoperable vehicles.* The presence of abandoned vehicles or improperly stored inoperative, wrecked, or dismantled vehicles on the property, occurring on any one or more properties of the same owner within the City of Yuba City.
 - (9) *Animal disturbances.* Animal disturbances, including but not limited to competitive fighting between animals.
 - (10) *Violent criminal acts.* Violent criminal acts, charged or not, including, but not limited to, rapes, assaults, battery, homicides, stabbings, and/or shootings.
 - (11) *Gaming activities.* Illegal gaming activities.
 - (12) *Stolen vehicles.* Maintenance, storage, and/or dismantling of any stolen vehicle upon the property.

Sec. 4-8.305. - Notice to property owner.

The City Manager, his/her designee, or the department(s) shall, within a reasonable period of time from the date of occurrence of any activity listed in Section 4-8.304, and/or any other provision of this chapter, notify the property owner of the unlawful activity. The notice shall include the location of the property, the name of the person(s) conducting the unlawful activity (if known and appropriate), a description of the illegal activity, suggested remedies and a warning of the enforcement of this article if the activity described is not abated within the time prescribed in the notice. The notice shall be served on the owner of the property, via regular mail, at the address listed on the latest tax assessment roll or as otherwise actually known to the City Manager.

The Notice shall be in substantially the following form:

[DATE OF NOTICE]

IMPORTANT NOTICE REGARDING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT, pursuant to Yuba City Municipal Code, on _____, 20____, at _____ a.m./p.m., the _____ Department found that an activity or event occurred at the below-listed premises causing a public nuisance as follows: [short description of the nuisance and the applicable Yuba City Municipal Code section(s) violated].

ADDRESS:

WARNING

IF THE DEPARTMENT RESPONDS TO THE SAME OR SIMILAR TYPE OF NUISANCE WITHIN ONE HUNDRED TWENTY (120) DAYS OF THIS NOTICE, OR ANY ONE HUNDRED TWENTY (120) DAY PERIOD AFTER A FURTHER RESPONSE, INCLUDING BUT NOT LIMITED TO A RESPONSE LATER TODAY OR TONIGHT, THE COSTS OF THE RESPONSE WILL BE IMPOSED UPON:

1. ALL GUESTS CAUSING THE NUISANCE
2. ALL SPONSORS OF THE GATHERING
3. ALL RESIDENTS OF THE PREMISES
4. ALL PERSONS IN CONTROL OF THE PREMISES
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED

Property owners who do not reside on or adjacent to the above premises, and who are not present when this Notice is first posted, are also jointly and severally liable for the penalties or costs, if the next disturbance occurs after seven (7) calendar days following the mailing of this Notice to said owner.

THIS NOTICE MUST REMAIN POSTED ON THE PREMISES UNTIL ONE HUNDRED TWENTY (120) CONSECUTIVE CALENDAR DAYS HAVE ELAPSED WITH NO CALLS FOR SERVICE FOR THE NUISANCE, UNLESS THE PREMISES ARE REPOSTED. THERE IS A \$100 FINE FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

[Name and Signature of Individual Issuing This Notice]

[Phone Number]

Date:

The notice shall remain posted for the entire 120 calendar day period and unless the premises are reposted, shall not be removed until 120 consecutive calendar days have elapsed without a call for service.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.306. - Violations.

Violations of this article are subject to the abatement and cost recovery procedures as set forth in this chapter and any other available enforcement mechanisms.

Property owners who do not reside on or adjacent to the property, and who are not present when the notice is first posted, are jointly and severally liable for the penalties and/or abatement and enforcement costs, if the next disturbance occurs after seven calendar days following the mailing of the notice.

The residents, owners, and persons in control of such property shall be responsible for ensuring that such notice as provided within Section 4-8.305 is not removed or defaced and shall be liable for a civil penalty of \$100 in addition to any other penalties and costs which may be due under this chapter, if such notice is removed or defaced.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.307. - Relocation costs.

If the City incurs any costs or expenses for relocating tenants resulting from the enforcement of this chapter, the owner shall be required to reimburse the City for all such costs and expenses.

(Ord. No. 010-20, § 2, 9-15-2020)

Article 4. - Additional Nuisance Related Activities

Sec. 4-8.401. - Obstructing public passageways.

It shall be unlawful for a person to stand or sit idly in or upon any street, alleyway or sidewalk in a manner that hinders or obstructs the passage of persons passing along the same, or stand in or at the entrance of or approach to any church, hall, theater, public place, or public assemblage in any manner to obstruct such entrance or approach.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.402. - Breach of peace.

No person shall make in any public place, including but not limited to parks, greenways, landscaping medians, common city spaces, streets, sidewalks and/or alleyways, or suffer to be made on his/her premises or upon the premises under his/her control, any disorder or tumult to the disturbance of the public peace; and no person shall utter

in the presence of two or more persons lewd or obscene words or epithets or address to another any words, language, or expressions having a tendency to create a breach of the peace. "Disturbance" and "breach of the peace" mean causing an annoyance or engaging in disorderly conduct or interfering with the peace and order of a neighborhood, community, or meeting.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.403. - Unruly behavior.

A gathering of five or more persons on any public or private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law shall be considered a nuisance subject to the abatement and cost recovery procedures set forth in this chapter and any other available enforcement mechanisms. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter. In addition to the remedies provided for in this chapter, a gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and State statutes.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.404. - Interference with right of assembly.

No person, except with legal authorization or authority, shall disturb or interrupt any school procession, funeral or funeral procession, or any lawful procession, church service, or assembly of people.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.405. - Public urination.

No person shall evacuate their bowels or bladder in any public place, or upon any private property, at a place not provided for that purpose.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.406. - Swimming in ditches, canals or fountains.

No person shall bathe or swim in any ditch, canal or fountain within the City.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.407. - Motor vehicle racing.

It is unlawful for any person to operate, conduct, maintain, promote, or participate or engage in any motor vehicle race within the City, unless such race is expressly allowed by City permit or occurs in a facility permitted for such activity. For the purposes of this section, "motor vehicle" shall mean any vehicle which is self-propelled and shall include

without limitation any automobile, racing car, motorcycle, or other self-propelled vehicle, whether or not the same is licensed by the State to operate on public streets. "Motor vehicle race" shall mean any race, speed, or other contest involving one or more motor vehicles or in which a motor vehicle is timed for operation over a measured distance.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.408. - Criminal street gangs.

- (a) *Prohibited Acts.* It is unlawful for any person who is a member of a criminal street gang, as that term is defined in California Penal Code § 186.22(f), or who is in the company of or acting in concert with a member of a criminal street gang, to loiter or idle in a public place as defined in this section under any of the following circumstances:
- (1) With the intent to publicize a criminal street gang's control or dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area.
 - (2) With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.
 - (3) In such a manner that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable the criminal street gang to establish control or dominance over the public place or adjacent area, to intimidate nonmembers of the gang from entering the public place or adjacent area, or to conceal unlawful activity.

- (b) *Public place.* For purposes of this section, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment, office building, transport facility, shop, or privately owned place of business to which the public is invited, including any place of amusement, entertainment, or eating place.

"Any public place" also includes the front yard area, driveway and walkway of any private residence, business, or apartment.

- (c) *Powers of law enforcement officers not limited.* Nothing in this section shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention or arrest as such law enforcement officer would be permitted to make in absence of this section.
- (d) *Parental control.* Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this chapter is guilty of a misdemeanor subject to the penalties set forth in this chapter and/or the Yuba City Municipal Code, including but not limited to Section 1-2.02.
- (e) *Penalties: Notice to disperse.* Any person who violates a provision of this section is guilty of a misdemeanor subject to the penalties set forth in this chapter and/or the Yuba City Municipal Code, including but not limited to Section 1-2.02. Minors shall be dealt with in accordance with the California Welfare and Institutions Code and in accordance with any policies and procedures established by the City for handling juvenile cases. Prior to arresting any person or issuing a citation for violating the provisions of this section, the officer shall give the person an opportunity to disperse or remove themselves from the area. If the person does not leave or returns to the area during the following eight hours, the person may be arrested or issued a citation.

The requirement in this section to provide notice to disperse shall in no way be construed to prohibit law enforcement officers from detaining and questioning persons suspected of violating this chapter before issuing the notice to disperse.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.409. - Additional legal nuisances.

It shall be unlawful for any person to keep or maintain a public nuisance in the City. For the purposes of this section, public nuisances shall include but not be limited to any of the following:

- (a) *Attractive nuisance.* An attractive nuisance, defined as any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.
- (b) *Conditions declared a nuisance by City Council.* Any condition declared to be a public nuisance by the City Council.
- (c) *Civil Code Section 3480, Nuisance.* Acts constituting a public nuisance as defined by Civil Code § 3480.
- (d) *Depreciation of property value.* Maintenance of property in such condition of deterioration or disrepair that the same causes depreciation of the value of surrounding property or is materially detrimental to nearby properties and improvements.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.410. - Violation(s) of the Yuba City Municipal Code.

Any violation(s) of the Yuba City Municipal Code shall be a public nuisances subject to provisions of this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.411. - Violations of State of California or Sutter County Emergency Orders.

Any violation(s) of a State of California or Sutter County Emergency Order and/or Declaration shall constitute a public nuisances subject to provisions of this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.412. - Dangerous buildings.

- (a) Whenever the required abatement is not commenced or completed within the time limits prescribed in a compliance order or administrative penalties and abatement order and a building is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, or if the City's Building Official determines that abatement of a building cannot be accomplished without making it immediately dangerous to life, limb, property, or safety of the public or its occupants, the Building Official shall order the building to be vacated pursuant to a notice to vacate.
- (b) Every notice to vacate ordered shall be served pursuant to the requirements of this chapter, and shall also be

posted at or upon each exit of the building or upon any individual unit to be vacated in substantially the following form:

DANGEROUS BUILDING

DO NOT ENTER

UNSAFE TO OCCUPY

You are hereby ordered and required to vacate this building/premises on or before _____.

The conditions that necessitate this order to vacate are as follows: _____. It is a misdemeanor pursuant to Yuba City Municipal Code Sections 4-8.412(d) and 4-8.503 to occupy this building on or after the above date or to remove or deface this notice.

Building Official

City of Yuba City

By _____.

- (c) Whenever a notice to vacate is posted, the enforcement officer shall specify in the notice and order to vacate the conditions that necessitate an immediate notice to vacate.
- (d) No person shall remain in or enter any building, structure, or premises that have been so posted, except that entry may be made to abate the property or building under permit without the consent of the Building Official. No person shall remove or deface any such notice after it is posted until the required abatement has been completed, and a certificate of occupancy issued pursuant to the provisions of the Yuba City Municipal Code, the Uniform Code for the Abatement of Dangerous Buildings, California Health and Safety Code, and the California Building Code, if necessary. Any person violating this subsection shall be guilty of a misdemeanor.
- (e) The Building Official may permit occupancy of the building or individual units if the owner corrects those problems which pose an immediate danger to life, limb, property, and safety of the public or occupants.
- (f) Whenever a notice to vacate has been posted and served in accordance with this subsection, the Building Official may order the immediate disconnection of any utility services determined to be hazardous by the Building Official. If the sewer service is ordered disconnected pursuant to this section, City water service to such building shall also be disconnected in order to prevent the accumulation of sewage on such premises. It is unlawful and a misdemeanor for any person to fail to disconnect utility services when ordered to do so pursuant to the provisions of this subsection.
- (g) Prior to issuing a notice to vacate, the Building Official shall obtain approval of the City Attorney or his or her representative.

(Ord. No. 010-20, § 2, 9-15-2020)

Article 5. - Nuisance Enforcement

Sec. 4-8.501. - Nuisance enforcement options.

Nuisances under this chapter may be enforced by one or more of the following nonexclusive remedies:

- (a) *Abatement*. Abatement and cost recovery proscribed in this chapter.
- (b) *Administrative citation*. Administrative citation proscribed in this chapter.
- (c) *Criminal complaint or citation*. Misdemeanor enforcement pursuant to Section 1-2.02 of Title 1 of the Yuba City Municipal Code and/or as proscribed in this chapter.
- (d) *Injunction*. Injunctive Relief.
- (e) *Receivership*. Receiverships pursuant to Health and Safety Code § 17980.7.
- (f) *Unlawful business practice*. Unlawful business practices pursuant to Business and Professions Code § 17200.
- (g) *Red light abatement*. Red Light Abatement Act as set forth in Penal Code § 11570.
- (h) *Drug abatement*. California Drug Abatement Act set forth in Health and Safety Code § 11570.
- (i) *State housing law*. State housing law as set forth in Health and Safety Code § 17910 et seq.
- (j) *Other*. Any other available remedy set forth in the Yuba City Municipal Code or State law.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.502. - Violations new and separate offenses.

In addition to the penalties provided by this chapter, each such person shall be guilty of a new and separate offense for each and every day during any portion of which any violation of the provisions of this chapter, or the provisions of any chapter adopted by reference within the Yuba City Municipal Code is committed, continued, or permitted by such person and shall be punished accordingly.

In all cases where the same offense is made punishable or is created by different clauses or sections of the Yuba City Municipal Code, the City Attorney may elect under which to proceed.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.503. - Criminal penalties.

Violations of the provisions of this chapter, or the provisions of any chapter adopted by reference within the Yuba City Municipal Code for conduct that is not otherwise considered lawful under State law, may be considered misdemeanors and are punishable by a fine of \$1,000 and/or six months incarceration within the Sutter County Jail. Each and every day, or portion thereof, a violation exists is a new and separate offense. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders the provisions of this chapter, or the provisions of any chapter adopted by reference within the Yuba City Municipal Code unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.504. - Administrative penalties.

- (a) The administrative citation penalty for all violations of this chapter, within a rolling 12-month period, deemed misdemeanors shall be as follows:
 - (1) First administrative citation: \$250 per violation;
 - (2) Second administrative citation: \$500 per violation;
 - (3) Third administrative citation: \$1,000 per violation; and
 - (4) One thousand dollars per violation for each subsequent administrative citation.
- (b) The administrative citation penalty for all violations of this chapter, within a rolling 12-month period, deemed infractions shall be as follows:
 - (1) First administrative citation: \$100 per violation;
 - (2) Second administrative citation: \$200 per violation;
 - (3) Third administrative citation: \$500 per violation; and
 - (4) Five hundred dollars per violation for each subsequent administrative citation.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.505 - Notification of nuisance abatement.

- (a) *Notice.* Except when the City elects to enforce through another process, such as through an administrative citation process, whenever the City or such City official having enforcement authority determines that property within the City constitutes a public nuisance in violation of this chapter and seeks to abate the same, the enforcement official shall give written notice to the owner of the property and/or lessee of the property stating the violations with reference to the applicable code sections.
- (b) *Time to correct.* The notice shall set forth a reasonable time limit for correcting the violation(s) and may also set forth suggested methods of correcting the same. Reasonable time to correct shall be dependent on the type and severity of the violation. The reasonable time to correct may, at the sole discretion of the City or such City official having enforcement authority over the violation, be extended or shortened.
- (c) *Service of notice.* Notice shall be given either by personal service or by depositing the notice in the United States mail, postage prepaid, addressed to the property address of the residence. A copy may also be provided to the owner of such lot or parcel of land either by personal service or by depositing the notice in the United States mail, postage prepaid, to the name and address as it appears on the last available equalized assessment roll, supplemental roll of the County of Sutter. If no such address appears, then a copy of the notice may be mailed to the property address, and is presumed to be notice to the owner. In order for an absentee owner to be subject to the penalties and costs described in Article 7 of this chapter, notice must be provided by any method authorized by this subsection.

A copy of the notice may also be posted on the property in a conspicuous place. Where known, a copy may also be provided to the owner or occupant by email in the City's discretion. The failure of any person to receive the notice required by this section shall not affect the validity of any proceedings taken under this chapter.

The notice shall bear the date of personal service or mailing and shall be in substantially the following form:

NOTICE TO ABATE PROPERTY NUISANCE

Site Address:

Assessor Parcel Number:

Date:

Notice is hereby given that the above-described property is a public nuisance in violation of the following codes: [set forth applicable code(s)]. A nuisance exists because [describe the nuisance]. You must abate the nuisance within [set forth applicable days]. There will be no further notice.

If the nuisance is not removed within the required time, the nuisance may be abated by the City of Yuba City or a contractor hired by the City to remove the nuisance. The property owner will be billed for the cost of such abatement plus administrative fees. In addition, the property owner or other responsible party may be issued a citation and/or billed for the City's enforcement costs.

If you receive an invoice from the City for abatement, you will have fifteen (15) days from the issuance to pay the invoice. If you do not to pay the invoice within fifteen (15) days, the unpaid amount will be added to your property taxes as a special assessment against your property.

All persons having any objections to the proposed abatement may file an appeal in accordance with [identify code section]. The appeal must be in writing, filed with the City Clerk at 1201 Civic Center Blvd., Yuba City, California 95993, and received within [specify number of days] from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the City Manager or Hearing Officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the work required at your expense in a timely fashion without further notice or hearing.

If the nuisance condition(s) create an imminent danger to the public, the appeal may be considered after abatement of the nuisance.

DATED: this _____ day of _____, 20____.

[ENFORCEMENT OFFICIAL NAME AND TITLE]

CITY OF YUBA CITY, CALIFORNIA

(d) *Calendar days*. Unless otherwise specified, days as used in this article shall mean calendar days.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.506. - Recording.

At the time the abatement notice is served, the enforcement official may file in the Office of the County Recorder a notice of pending administrative action and include a copy of the abatement notice. After the nuisance is abated and abatement costs have been paid, the enforcement official shall cause the recorded notice to be removed.

Article 6. - Nuisance Abatement and Administrative Citation Appeals

Sec. 4-8.601. - Appeals of nuisance abatement notices and actions.

The owner or any other person interested in the property, land, or lots affected by the abatement notice set forth in Section 4-8.505 may file an appeal with the City Clerk subject to the following procedures:

- (a) *Appeal in writing.* The appeal shall be in writing. The appeal shall state the basis for the appeal with sufficient specificity so that the hearing officer or City Manager can understand the basis for the appeal and shall include the name, address, and telephone number of the person filing the appeal.
- (b) *Time to appeal.* The appeal shall be received by the City Clerk within 15 calendar days from the date upon the notice. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived.
- (c) *Dismissal of appeal.* Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.
- (d) *Hearing officer.* Appeals shall be heard by a hearing officer appointed by the City Manager or the City Manager.
- (e) *Timing of appeal and abatement.* The hearing on an appeal from an abatement notice shall be held prior to the abatement except in those circumstances where the enforcement official has determined that the nuisance condition(s) present an immediate danger to the public health and safety, including, but not limited to, hazardous materials, or where the time of year increases the potential for a fire. In those circumstances the appeal hearing may be held after the abatement.

Sec. 4-8.602. - Procedures for conducting an appeal.

- (a) *Scheduling of hearing.* The City Clerk shall schedule a hearing before the hearing officer or City Manager no sooner than ten calendar days and not more than 60 calendar days from the date the appeal was filed with the City Clerk.
- (b) *Notice of hearing.* Written notice of the date, time and place of the hearing shall be given at least ten calendar days prior to the date of the hearing to the appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the appellant's address shown on the appeal, or, if no address is provided on the appeal, at the address to which the official's decision was previously sent. Where known, a copy may also be provided by email. The failure of any person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by normal delivery mail in the manner described above shall become effective on the date of mailing.
- (c) *Scope of hearing and burden of proof.* At the date, time and place stated in the notice, the hearing officer or City Manager shall hear and consider all relevant evidence, objections or protests, and shall receive

testimony from the appellant, the enforcement official and his/her designees, and interested persons relative to the issues of the hearing. Except where otherwise provided by the governing code or statute, the burden of proof and production of evidence shall be with the City and the burden of proof shall be preponderance of the evidence. Preponderance of the evidence means the burden of proof is met if there is a greater than 50% chance that, based on all the reasonable evidence shown, the City's claims are true and appellant did in fact commit the violation(s). The City meets its burden of proof by presenting physical and testimonial evidence to prove their case and the proposition that it is more likely to be true than not true that appellant committed the violation(s).

(d) *Hearing procedures.* The hearing shall be conducted in accordance with the following procedures:

- (1) All hearings shall be recorded. Any party may, at their sole expense, have the hearing transcribed by a certified shorthand reporter.
- (2) Hearings need not be conducted according to the technical rules of evidence.
- (3) Any relevant evidence shall be admitted if it is of the type of evidence in which reasonable persons are accustomed to rely on the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (4) Oral evidence shall be taken only on oath or affirmation. The hearing officer or the City Manager shall have the power to administer oaths.
- (5) Irrelevant and unduly repetitious evidence shall be excluded.
- (6) Each party shall have the right to:

- | | | | | | | |
|---|---|--|---|-----------------------------|---|--|
| (i) Call and examine witnesses on any matter relevant to the issues of the hearing; | (ii) Introduce documentary and physical evidence; | (iii) Cross-examine opposing witnesses on any matter relevant to the issues of the hearing, subject to the control of the hearing officer or the City Manager, including the imposition of reasonable alternatives to cross-examination; | (iv) Impeach any witness regardless of which party first called the witness to testify; | (v) Rebut the evidence; and | (vi) Be represented by anyone who is lawfully permitted to do so. | (7) The hearing officer or the City Manager may take official notice, either during the hearing or after submission of the matter for decision, of any fact which may be judicially noticed by the courts of this State or of official |
|---|---|--|---|-----------------------------|---|--|

records,
regulations,
rules, and
decisions of
State and local
agencies,
boards and
departments
and of City
ordinances. In
addition, the
hearing officer
or the City
Manager may
take official
notice of
matters in its
own files and
of prior
proceedings
under this
chapter
involving the
same issues. If
applicable, the
hearing officer
or the City
Manager may
also take
official notice
of any
generally
accepted
technical or
scientific
matter within
their
expertise. The
parties
present at the
hearing shall

be informed of
the matters to
be noticed,
and those
matters
should be
noted in the
record,
referred to
therein, or
appended
thereto. Any
such party
shall be given
a reasonable
opportunity
on request to
refute the
officially
noticed
matters by
evidence or by
written or oral
presentation
of authority.

- (e) *Orders and subpoenas.* Upon a showing of good cause, relevance to the proceedings, that there is no reasonable alternative means of gathering the information, and that the requesting party is not engaged in a fishing expedition, the hearing officer may do the following:
- (1) At the request of either the City or the appellant, issue orders for attendance of witnesses at the hearing, or production of documents on a date certain. In no event shall the date for the production of documents be less than ten calendar days after the date the order was issued. Failure by a party to comply with an order of attendance or production may be considered a violation of this Code and, at the petition of a party, the hearing officer may impose a civil fine of up to \$100 at the time of the hearing and may take such failure into consideration in making his or her determination of the hearing.
 - (2) At the request of either the City or the appellant, direct the City Clerk, on behalf of the City, to issue subpoenas for attendance of witnesses at the hearing or production of documents on a date certain. In no event shall the date for production of documents be less than ten calendar days from the date the subpoena was issued. Disobedience of such subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor.
- (f) *Inspections.* Inspect the premises involved in the hearing at any time prior to a decision, to investigate or confirm the existence of the violation(s) or conditions which are on appeal; provided, that: consent is granted

by a person with the lawful right to grant consent or an inspection warrant is obtained; reasonable notice of such inspection is given to the owner before the inspection is made; the parties are given an opportunity to be present during the inspection; the hearing officer or the City Manager shall place in the record the material facts and the conclusions drawn from the inspection either orally at the time of the hearing or in writing after the hearing; and each party then shall have a right to rebut or explain the matters so stated by the hearing officer for the record either at the hearing or by filing a written statement within ten calendar days after the hearing.

- (g) *Continuance of hearing.* The hearing officer or the City Manager may provide for reasonable continuances of the hearing, on its own initiative or at the request of a party, as necessary to properly conduct the appeal.
- (h) *Decision.* At the conclusion of the hearing, the hearing officer or the City Manager shall deliberate and reach a decision within 15 calendar days. The decision and the reason(s) for the decision shall be reduced to writing. The hearing officer or the City Manager may affirm, reverse, modify, or set aside the abatement order, suspension or revocation of a permit or license, citation, decision or order issued pursuant to this Code as the facts and law warrant, subject to the following limitations:
 - (1) The hearing officer shall not have authority to waive any requirements of the Yuba City Municipal Code or any state law.
 - (2) Nothing in these procedures shall be deemed to authorize the hearing officer or the City Manager to deviate from unambiguous provisions of the governing code or statute, or well established interpretations of the same, based upon expert opinions or other reliable evidence.
- (i) *Service and filing of decision.* A copy of the decision shall be sent by mail or otherwise to the appellant. Where known, a copy may also be provided by email.
- (j) *Finality of decision.* The decision of the hearing officer or the City Manager shall be final with no further administrative appeals. Unless the governing ordinance or statute provides otherwise, if the appellant seeks further relief, the appellant shall file a petition for writ of mandate in superior court, pursuant to Code of Civil Procedure §§ 1094.5 and 1094.6, within 90 calendar days of the date of the decision.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.603. - Abatement procedures.

- (a) *Abatement with no appeal.* Where no appeal has been timely filed, and the nuisance condition(s) have not been abated as directed by the abatement notice, the enforcement official shall thereupon cause the same to be removed and may enter upon private property, in compliance with state and/or federal law, for the purpose of so doing.
- (b) *Abatement after appeal.* Where an appeal has been timely filed and the hearing officer or the City Manager has finally determined that removal or abatement shall be required, and the nuisance condition(s) have not been removed as directed by the hearing officer or the City Manager, the enforcement official shall thereupon cause the same to be removed and may enter upon private property for the purpose of so doing.
- (c) *Property owner abatement.* At any time prior to the actual abatement, any property owner may remove nuisance condition(s) at his/her own expense.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.604. - Method of abatement by the city.

City abatement of the nuisance may be performed by contract or by City crews. When the abatement is performed by contract, the contractor shall keep an account of the cost of the abatement on each separate parcel of land where work is performed, including adjoining sidewalk and street/alley areas, and shall submit an itemized written report showing such cost to the enforcement official for verification. When the abatement work is performed by City crews, the City shall keep an account of the cost of the abatement on each separate parcel of land where work is performed, including adjoining sidewalk and street/alley areas, and shall submit an itemized report showing such cost to the enforcement official for verification.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.605. - Costs of abatement.

The City may recover its abatement and enforcement costs in accordance with this chapter.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.606. - Administrative citation appeals.

The purpose of this section is to provide for a uniform and consistent procedure for the conduct of administrative hearings that are not part of a property nuisance abatement action. This section is also designed to identify the appeal and hearing procedures to be followed where procedures are not otherwise identified in the governing code, statute, rule, or regulation, or where there is a reference to following the procedures in this section, whether expressly or by implication.

- (a) *Standing*. Only the person issued an administrative citation sought to be appealed from has standing and a right to appeal under this article. A notice of appeal that fails to allege standing may be rejected as defective.
- (b) *Time to appeal*. The appeal shall be received by the City Clerk within 15 calendar days after the service of the administrative citation appealed from. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived.
- (c) *Notice of appeal*. A notice of appeal shall contain the following:
 - (1) The name, address, and telephone numbers of the appellant;
 - (2) A brief description of the administrative citation being appealed;
 - (3) A statement of the relief sought;
 - (4) The reasons why such relief should be granted;
 - (5) A statement of the appellant, "under penalty of perjury," that the facts stated in the appeal are true of the appellant's own knowledge, except as to matters which are not within the appellant's knowledge and are not of public record, and as to those matters that the appellant believes the facts stated to be true.
- (d) *Amended appeal*. Upon a showing of good cause, the City Manager or his/her designee, may, in his/her discretion, permit the filing of an amended appeal, after 15 calendar days, in which case the appeal shall

be considered in the same manner as if it had been timely filed.

- (e) *Deficient appeal.* If, in the opinion of the City Clerk, the appeal or an amended appeal fails to comply substantially with the requirements of this section, the City Clerk may give written notice of such insufficiency to the appellant at any time within 15 calendar days after the appeal is presented, stating with particularity the defects or omissions therein. Failure of the appellant to file an amended appeal within 15 calendar days of the date of service of such notice of insufficiency shall constitute a waiver of the appeal. Failure of the City Clerk to give notice of any insufficiency within 15 calendar days shall result in the appeal being heard on its merits, without regard to any insufficiency.
- (f) *Procedures for conducting the appeal.* Upon receipt of an appeal, or if notice of insufficiency is given in accordance with this section, upon receipt of an amended appeal within the time specified, the City Manager or his/her designee shall appoint a hearing officer or the City Manager may hear the appeal and the procedures set forth in Section 4-8.602 shall apply to the conduct of the appeal.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.607. - Supplemental rules and regulations.

The City Manager may adopt written rules, regulations, policies and procedures that are consistent with the intent or provisions of this chapter, as may be necessary or desirable to aid in the administration or enforcement of the provisions of the Yuba City Municipal Code.

(Ord. No. 010-20, § 2, 9-15-2020)

Article 7. - Cost Recovery and Penalties

Sec. 4-8.701. - Findings and purpose.

The Council finds that substantial public resources are spent each year to enforce the Yuba City Municipal Code and State laws, as well as Federal and County laws that may fall within the jurisdiction of the City, enacted to protect the public health, safety and welfare. The Council finds that the responsibility of these costs should be properly placed on those persons responsible for violating the Yuba City Municipal Code or Federal, State and County laws and/or causing public nuisances. The Council further finds that the recovery of costs incurred by the City to enforce these laws and to collect penalties issued to those persons causing public nuisances and/or violating these laws is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The purpose of this article is to provide a means for the City of Yuba City under its police power authority and other applicable law to recover these costs and penalties from those persons responsible for creating, causing, committing or maintaining a public nuisance or Yuba City Municipal Code or other law violation.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.702. - Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

- (a) *Abatement costs.* The actual and reasonable costs incurred by the City to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including, but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable Federal, State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include staff costs, administrative overhead, costs for equipment, such as cameras and vehicles, staff time to hire a contractor, reasonable attorneys' fees incurred by the City. Costs also include those incurred in seeking cost recovery. A schedule of costs may be established in the Master Administrative Fee Schedule.

At any administrative hearing, judicial action or special proceeding where the City elects to recover attorneys' fees in connection with an abatement action, the prevailing party shall be awarded attorneys' fees not to exceed the amount of reasonable attorneys' fees incurred in the action, hearing or proceeding.

- (b) *Bona fide encumbrancer.* A person who (i) receives a lien or encumbrance on the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired the interest did not have actual or constructive knowledge of the City's interest in the property.
- (c) *Bona fide purchaser.* A person who (i) purchases any portion of the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired his or her portion of the subject property did not have actual or constructive knowledge of the City's interest in the property.
- (d) *Enforcement costs.* All actual and reasonable costs incurred by the City to enforce compliance with the Municipal Code and any applicable Federal, State, County or City public health and safety law that are not included within abatement costs. These costs include, but are not limited to, actual cost of the enforcing department services including, but not limited to, costs of personnel, including costs of worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of materials, costs related to investigations pursuant to the Municipal Code or Federal, State or County law, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal Code or Federal, State or County law violations, and reasonable attorneys' fees. Enforcement costs include multiple response and similar costs as permitted by this chapter. Costs also include those incurred in seeking cost recovery.
- (e) *Enforcing department.* The departments or divisions of the City that directed and are responsible for the enforcement of the Yuba City Municipal Code or applicable Federal, State or County law or the abatement of a public nuisance.
- (f) *Noticed party.* The person or entity that is required to be noticed in the underlying abatement or enforcement action in which costs were incurred, but in all cases must include the record owner(s) of the property for property related violations. A "noticed party" should be notified for purposes of cost or penalty recovery in the same manner as they were required to be noticed, either by the Municipal Code or applicable Federal, State or County law, in the abatement or enforcement action which resulted in the incurring of costs or penalties sought to be recovered under this article.
- (g) *Penalties.* Fines imposed by administrative citations issued pursuant to the Yuba City Municipal Code or other penalties specifically identified in the Yuba City Municipal Code or permit relating to a specific use. Penalties for purposes of this article do not include criminal fines.

- (h) *Public nuisance.* A public nuisance as declared or defined in this chapter or any other provision of the Yuba City Municipal Code.
- (i) *Record owner.* The person to whom land is assessed as shown on the last available equalized assessment roll, supplemental roll of the County of Sutter, or as otherwise known to the enforcement official or his/her designee by virtue of more recent or reliable information.
- (j) *Responsible party.* A person or entity identified by the Yuba City Municipal Code or law as responsible for creating, causing, committing, or maintaining the violation(s) of the Yuba City Municipal Code or law and/or responsible for the abatement of a Yuba City Municipal Code or law violation(s), including public nuisance, as defined in this chapter.
- (k) *Subject property.* The real property that is the subject of any enforcement or abatement action by the city for which the city incurred costs sought to be recovered under this article.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.703. - Nuisance abatement and enforcement costs and penalties.

- (a) *Special assessment and lien or personal obligation.* The cost of abating a public nuisance and/or enforcing this chapter or applicable Federal, State or County law shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property and/or the person responsible for creating, causing, committing or maintaining the public nuisance or violating this chapter or Federal, State or County law. If there is more than one responsible party, each responsible party shall be jointly and severally liable for the costs. Costs incurred by the City are recoverable even if a public nuisance, Yuba City Municipal Code, or other law violation is corrected by the property owner or other responsible party.
- (b) *Applicability.* This article shall govern the procedures used to recover all abatement and enforcement costs incurred by the City in the abatement of a public nuisance or violation of this chapter and/or the enforcement of this chapter or other law pursuant to the procedures and authority found in the Yuba City Municipal Code. Additionally, this article shall govern the procedures used to recover administrative penalties and costs as well as multiple response costs imposed pursuant to the procedures and authority found in the Yuba City Municipal Code.
- (c) *Cumulative remedies.* The remedies provided in this article shall be cumulative to any other provided in the Yuba City Municipal Code or by law.
- (d) *Payment plan.* Nothing in this article shall prevent the city at any time from accepting payment for unpaid costs or penalties in whole or by way of a payment plan.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.704. - Invoice of costs.

- (a) *Invoice.* The invoice shall notify the noticed party of the following:
 - (1) A description of the abatement or enforcement action taken by the City, where applicable a description of the property subject to the abatement or enforcement, and the total amount of the costs incurred by the City. The requirements of this subsection may be met by providing the noticed party with a copy of the

report required by subsection (a) of this section.

- (2) That should the noticed party fail to pay the costs within 30 calendar days from the date of service of the invoice the costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the City Attorney's Office through judicial action, or as a special assessment and lien attached to the subject property.
- (3) That the noticed party has a right to administrative review of the accounting of the costs incurred by the City by filing a written request for such review with the City Clerk within 15 calendar days of the date of the invoice, and that a failure to request administrative review will be deemed a waiver of a right to review of the amount of the costs.
- (4) That before a special assessment is placed on the subject property, the costs will be confirmed by the City Council and a notice will be issued at least 15 calendar days before the Council meeting.
- (5) That the invoice may be recorded as a notice of costs or penalties in the Sutter County Recorder's Office.
- (b) *Recording.* The enforcing department may record the invoice as a Notice of Costs or Penalties in the Sutter County Recorder's Office. Once payment is received for the outstanding costs and/or penalties, or any reduction of costs following administrative review, and no further action will be taken under this article, the enforcing department shall record a Notice of Satisfaction.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.705. - Administrative review of costs.

- (a) *Right to administrative review.* A noticed party shall have the right to administrative review of the invoiced costs incurred by the City by filing a written request for such review with the City Clerk within 15 calendar days of the date of the invoice. A failure to timely request administrative review will be deemed a waiver of a right to review of the amount of the costs.
- (b) *Procedures for administrative review.* If a request for administrative review is timely filed, the City Clerk shall deliver a copy of the invoice of costs incurred by the City and request for administrative review to the City Manager or his/her designee, which may include the appointment of a hearing officer, who shall set a date and time to review the invoice of costs with the requesting party. The administrative review shall be an informal proceeding where the enforcement department and requesting party may present any evidence they deem pertinent to the amount of the costs. The scope of review shall be limited to the amount of the costs.
- (c) *Decision.* The City Manager or his/her designee may affirm or reduce the costs if he/she determines that they are not supported by the evidence or upon a showing that the costs were unnecessary or unreasonable. The City Manager or his/her designee will not pass upon the validity of the underlying enforcement action or the amount of any penalties. The decision shall be memorialized in writing. The City Manager or his/her designee may approve a payment plan for the costs.
- (d) *Time for payment.* The requesting party shall have 30 calendar days from the date of the decision to pay the costs, unless a payment plan is approved, in which case the costs shall be paid in accordance with the payment plan.
- (e) *Prior hearing.* There is no right to administrative review if the costs have already been approved by a court of

competent jurisdiction. There is no right to administrative review to confirm costs under this section if they have been previously upheld in an abatement or other administrative hearing held under the Yuba City Municipal Code.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.706. - Recovery of penalties.

Administrative penalties unpaid after the required time set forth in the Municipal Code, or within 15 calendar days from the final decision after an appeal, may be collected in the manner set forth in this article except the City is not required to send an invoice under Section 4-8.704. Interest shall accrue at a rate of ten percent per year on unpaid penalties until paid. Penalties and interest may only be made a lien or special assessment upon a subject property when the record owner of the property was issued and properly noticed with the citation or other basis for the penalty.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.707. - Recovery of nuisance abatement and enforcement costs.

Abatement and enforcement costs unpaid after the required time set forth in this chapter may be collected in the matter set forth in this article. To collect costs under these procedures, the City must send an invoice under Section 4-8.704. Interest shall accrue at a rate of ten percent per year on unpaid costs until paid.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.708. - Personal obligation.

Any costs or penalties subject to collection under this chapter may be recovered as a personal obligation against the responsible party and may be referred to a collection agency or the City Attorney's Office for collection. Upon referral of these costs and obligations, the collection agency and the City Attorney's Office may seek collection through any legal means provided to them, including judicial action. Nothing in this section shall be affected by or affect the City's use of any other procedure provided in this article or by law to collect unpaid costs and penalties. In a judicial action to recover abatement costs, the City Attorney's Office may elect to recover attorneys' fees. In any action in which the City Attorney's Office elects to recover attorneys' fees under this section, attorneys' fees will be recovered by the prevailing party.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.709. - Special assessment and lien.

- (a) *Collection.* Unpaid penalties, abatement costs, and enforcement costs that relate to a property related violation may be confirmed by the City Council as a special assessment and collected with property taxes or as a judgment lien.
- (b) *Notice.* Notice of a public meeting to confirm the penalties and/or costs shall be provided to all noticed parties by the enforcing department or City Clerk at least 15 calendar days before the meeting. The notice shall:
 - (1) Contain a description of the subject property sufficient to enable the person(s) served to identify it;

- (2) Shall state that the City intends to collect unpaid costs or penalties by placing a lien or a special assessment subject property;
 - (3) Shall specify the day, hour and place where the Council will hear and pass upon the penalties and/or costs;
 - (4) Shall specify that the property may, in some cases, be sold after three years by the Tax Collector pursuant to Revenue and Tax Code § 3691 for unpaid delinquent assessments or be subject to judicial foreclosure before the three years; and
 - (5) Shall specify that any noticed party may appear at the Council meeting and present objections to the lien or assessment.
- (c) *Service of notice.* Notice shall be given either by personal service or by depositing the notice in the United States mail, postage prepaid, addressed to the owner of such lot or parcel of land and/or lessee as it appears on the last available equalized assessment roll, supplemental roll of the County of Sutter, or as otherwise known to the City by virtue of more recent or reliable information. If no address appears or is known to the City, then a copy of the notice may be mailed to the property address. A copy of the notice may also be posted on the property in a conspicuous place. Where known, a copy may also be provided by email. The failure of any person to receive the notice required by this section shall not affect the validity of any proceedings taken under this chapter.
- (d) *Confirmation by City Council.* During the City Council meeting the Council may adopt a resolution confirming the amount of the penalties and costs, or any lesser amount, based upon staff reports and any public comments received during the meeting. The City Council shall take into consideration whether any noticed party sought administrative review of the costs and shall only reduce the costs if:
- (1) The noticed party sought administrative review, and
 - (2) The decision of the City Manager or his/her designee is not supported by substantial evidence in the record. The basis for the code enforcement action will not be the subject of the City Council's consideration.

Where the costs have already been approved by a court of competent jurisdiction or the penalties have been previously upheld in an abatement or other administrative hearing held under the Yuba City Municipal Code, the City Council shall simply confirm the costs or penalties.

The City Council may confirm the costs for more than one property in a single resolution. If the City Council confirms the costs, the procedures set forth in this section may be utilized.

- (e) *Time to contest confirmed special assessment or lien.* The validity of any special assessment or lien levied under the provisions of this section shall not be contested in any action or proceeding unless such action or proceeding is commenced within 30 calendar days after the special assessment is confirmed by the City Council.
- (f) *Recording.* Immediately upon the City Council's confirmation of costs or penalties, the City Clerk shall record a Notice of Special Assessment and Lien in the Office of the County Recorder, which shall constitute a lien on that property for the amount of the assessment, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first

installment of taxes that included the special assessment imposed under this section would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of abatement and enforcement relating to the property shall be transferred to the unsecured roll for collection.

- (g) *Form of notice of special assessment and lien.* The notice of special assessment and lien for recordation shall be in the form substantially as follows:

NOTICE OF SPECIAL ASSESSMENT AND LIEN

(Claim of the City of Yuba City)

Under authority vested by provision of Chapter __, Article __, of the Yuba City Municipal Code, the City of Yuba City did on or about the __ day of ____, 20__, assess [describe penalties, abatement costs, enforcement costs] on the real property hereinafter described; and the same has not been paid nor any part thereof and the City of Yuba City does hereby claim a lien for such [penalties, abatement costs, and enforcement costs] to wit: the sum of ____ dollars, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The same shall be a lien upon the real property until it has been paid in full and discharged of record.

The real property hereinafter mentioned, upon which a lien is claimed, is that certain parcel of land in the City of Yuba City, County of Sutter, State of California, more particularly described as follows:

DATED: this __ day of ____, 20__

____ City of Yuba City

(Job Title)

- (h) *Collection with taxes.* After confirmation and recordation, a copy may be turned over to the Sutter County Tax Collector. At that point, it will be the duty of the Tax Collector to add the amounts of the respective assessments to the next regular tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and procedures and sale in the cases of delinquency as provided for with ordinary municipal taxes.
- (i) *Foreclosure.* After confirmation and recording, the lien may also be foreclosed by judicial or other sale in the manner and means provided by law. The City may recover from the record property owners any costs incurred regarding a foreclosure action.
- (j) *Priority.* A special assessment and lien imposed under this article shall have the priority of a tax lien, unless prohibited by State law, in which case the special assessment and lien shall have the priority of a judgment lien.
- (k) *Release of lien.* Once payment in full is received for the special assessment and lien, including applicable penalties, administrative fees and interest charges; or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order; or the City has entered into some other arrangement with the

property owner for satisfaction of the assessment; the enforcing department shall either record a Notice of Satisfaction or provide the property owner or financial institution with the Notice of Satisfaction so they can record the Notice with the Sutter County Recorder's Office.

- (l) *Refund.* The City Council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk in accordance with the City's claim filing requirements, and in no event later than November 1 after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his/her guardian, executor or administrator.

(Ord. No. 010-20, § 2, 9-15-2020)

Article 8. - Judicial Review and Severability

Sec. 4-8.901. - Judicial review.

Judicial review of a decision made under this chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure § 1094.5. Any such petition shall be filed within 90 calendar days after the day the decision becomes final as provided in California Code of Civil Procedure § 1094.6, which shall be applicable for such actions.

(Ord. No. 010-20, § 2, 9-15-2020)

Sec. 4-8.902. - Severability.

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

(Ord. No. 010-20, § 2, 9-15-2020)

ATTACHMENT 4

CITY OF YUBA CITY
STAFF REPORT

Date: July 18, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Burned/Damaged Building Abatement
Recommendation: Receive a staff presentation on fire damaged building abatement
Fiscal Impact: The preparation of this staff report utilized existing budgeted monies and does not have an additional fiscal impact.

Purpose:

Receive a staff presentation regarding fire-damaged buildings within the City limits and available abatement options.

Council's Strategic Goal:

This item addresses the Council's goals of Public Safety, Quality of Life, Homelessness and Vagrancy.

Background:

City records indicate there are currently 11 fire-damaged residential and commercial buildings within the City limits in various states of repair/disrepair. This does not include eight non-fire damaged buildings/properties that have been red tagged, are vacant, boarded and being pursued under separate code enforcement cases. Staff report Attachment 1 depicts the locations of these properties.

The City historically receives complaints from citizens who live proximate to these properties who are impacted by the aesthetics of fire-damaged structures and vacant property issues, such as blighted properties, homelessness, and increased neighborhood crime, which then results in increased calls for service (Police, Fire, Code Enforcement).

Municipal Code Chapter 8, Article 6 (Nuisances) was adopted by the City Council on September 15, 2020, as Ordinance 010-20 and it provides a process for the City to address instances where damaged buildings may be declared a nuisance and it establishes abatement procedures.

For vacant properties, the City Manager or designee may issue an order for a property owner of a vacant building to submit a Vacant Building Plan within 30-days of service of an order (Section 4-8.105).

If required by the City Manager or designee, the City may require an order to contain a plan to either

occupy, sell, lease, or demolish the building within **180 days** or such other time as determined reasonable by the City Manager or designee under the circumstances (Section 4-8.105 (a) (6). (Emphasis added) This means the time frame specified may be less than 180 days. After consulting with the City Attorney's Office, the 180-day requirement is not uncommon although it is not used frequently by surrounding jurisdictions. Only Sutter County has a similar 180-day requirement.

An approved Vacant Building Plan shall be valid for no more than 180 calendar days, and if expired and if the City Manager or designee hasn't released the property from the approved plan, the property owner is automatically required to seek approval of a new Vacant Building Plan (Section 4-8.105 (e)).

Failure by a property owner to submit a Vacant Building Plan or comply with an approved plan is subject to abatement and cost recovery procedures and any other enforcement mechanisms provided by law (Section 4-8.105(f)).

Traditionally, once a property is subject to fire damage, the Fire Department ensures the property is secured and it then becomes the property owner's responsibility to pursue an insurance claim or other resources to abate the damaged building.

Code enforcement has traditionally only become involved should a need arise through receipt of a citizen-generated complaint.

Analysis:

Below are options generally available to a city to address fire-damaged buildings on private property where timely corrections have not been made. These options are not exclusive and the particular circumstances of a case can provide additional legal options.

Option 1: Traditional Code Enforcement

This option involves the City conducting inspections, sending notices to the property owner of a fire-damaged property. This may involve the issuance of citations and imposing fines. This option can be ineffective because it doesn't force a property owner to take action. Code enforcement fines are designed to motivate a property owner to take corrective action but it doesn't actually force action to be taken. If significant fines are imposed, there can be significant staff effort to collect them. As part of this process, the City may pursue an abatement warrant through the court and the City would initially have to pay to have the damaged building removed and violations abated.

Municipal Code Section 4-8.704 (a) (2) specifies that the City's incurred costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the City Attorney's Office through judicial action, or as a special assessment and lien attached to the subject property. Should a lien be selected to recoup cost, after three (3) years following a property lien being imposed and not being paid, the City may pursue foreclosure proceedings on the property.

Option 2: Demolition and Cost Recovery

A more direct option available is for the City to pursue an inspection warrant from the court to document structural deficiencies and other violations. If the property owner of the fire-damaged building does not make timely repairs, the City can follow-up with an abatement warrant issued by the court to remove the burned/damaged structure and other debris down to the foundation. The City may impose a property lien to recoup its costs.

Similar to Option 1, the same means of cost recovery are available to the City.

Option 3: Receivership

This option involves the City documenting its efforts to address a blighted property and the property owner's failure to bring a property into compliance. The City can request the court appoint a Receiver, who is a court appointed attorney, who will take responsibility to rehabilitate a property, abating violations, and selling the affected property. Once sold, any City liens that have been imposed can be satisfied.

It is important to note that a property having little value or equity is unlikely to have a Receiver appointed because there is little opportunity to recoup costs and provide a profit for the Receiver.

Similar to Option 1, the same means of cost recovery are available to the City.

Summary

Code Enforcement options to abate fire damaged buildings are not immediate remedies and take time to allow for due process to occur, and time for insurance claims to process. Additionally, there can be challenges with obtaining the necessary financing, the availability of design professionals to prepare construction plans, meet new building standards, and the time needed to obtain permits. The availability of contractors and subcontractors to do needed work also presents challenges. Finally, the availability of material supplies can still present issues for development projects.

With the potential long term impact on neighborhoods, staff recently began requiring Vacant Building Plans with each new burned/damaged building incident to help minimize timelines and property blight.

If the Council desires the City to abate specific properties, staff recommends Council consider additional funding appropriations through a future budget cycle to help account for property cleanup and additional costs.

Fiscal Impact:

The abatement of fire-damaged buildings can result in increased legal costs to the City and the initial upfront cost to physically abate properties will be borne by the City. This will require additional monies be appropriated. However, some of this cost may be reduced/received over a long period with successful cost recovery and increased property values.

Alternatives:

The City Council may decide to receive the information presented and not provide direction regarding the abatement of fire-damaged buildings.

Recommendation:

Receive a staff presentation on fire damaged building abatement.

Attachments:

1. Map of fire damaged, vacant and red-tagged structures
2. Existing Nuisance Ordinance

Prepared By:

Doug Libby, AICP
Deputy Director of Development Services

Submitted By:

Diana Langley
City Manager

CITY OF YUBA CITY
STAFF REPORT

Date: September 19, 2023
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Consideration of ARCO AM/PM Public Convenience or Necessity Request
Recommendation: Adopt a Resolution making a finding of public convenience or necessity for the issuance of a Type 21 (off-sale general) Alcoholic Beverage Control (ABC) License at the northwest corner of State Highway 20 and Harter Parkway (ARCO AM/PM with fuel facility)
Fiscal Impact: No direct fiscal impact will result from recommending approval of the proposed Alcoholic Beverage Control application

Purpose:

Consideration to make a finding of public convenience or necessity for the issuance of a Type 21 (off-sale general) Alcoholic Beverage Control License at northwest corner of State Highway 20 and Harter Parkway for the future Arco AM/PM convenience store with fueling.

Council's Strategic Goal:

Business Friendly.

Background:

On July 26, 2023, the Planning Commission approved Use Permit 22-04 providing for the establishment of a future Arco AM/PM convenience store with fueling at the northwest corner of State Highway 20 and Harter Parkway, Assessor's Parcel 062-310-016. This is within the new Harter Marketplace shopping center.

The City has received an Alcoholic and Beverage Control (ABC) application from the property owner, Ken Dharni, requesting a Type 21 (off-sale general) license. ABC defines this license type as being for the sale of liquor, beer, and wine for consumption off the premises. It does not allow for the sale of open containers of alcohol. The application states if approved, the Type 21 (off-sale general) license sales are anticipated to amount to up to 20 percent of gross sales.

When ABC receives an application for a location where a high concentration of licenses exist, and/or a crime rate exceeding 20% of the average, the local government is required to approve the application, prior to ABC approving it. In this instance, Dharni Lada Yuba City Inc's application states the census tract in which it is located, currently has five (5) active ABC licenses where five (5) are allowed. This

location is in Yuba City Police Beat No. 1.

Analysis:

ARCO AM/PM is open 24 hours, 7 days a week. Both ABC and State Business and Professions Code, Section 23958, states the local governing body (City Council in this instance) must determine there is a public convenience or necessity served to the community, in order for the license application to be approved by ABC due to the number of existing approved licenses within the Census tract. As part of the Planning Commission's consideration of Use Permit 22-04, Condition No. 5 was adopted to address potential impacts of vagrancy which states:

5. If determined necessary by the Development Services Director to address the impacts of vagrancy, the City may require nighttime security be provided at the operator's expense.

Development Services and the Police Department have reviewed the application and believe a public convenience is provided through the sale of alcohol at this business location.

The City has not adopted processing procedures for ABC requests. Traditionally, staff has circulated applications to the Police Department and brought them forward for Council consideration. Should the Council desire to adopt processing procedures for ABC licensing requests, direction should be provided to staff to do so.

Fiscal Impact:

No direct fiscal impact will result from making a finding of public convenience and necessity for the issuance of a Type 21 (off-sale general) Alcoholic Beverage Control License at the northwest corner of CA-20 and Harter Parkway in Yuba City.

Alternatives:

Do not make a finding of public convenience and necessity for the issuance of a Type 21 (off-sale general) Alcoholic Beverage Control License at the northwest corner of State Highway 20 and Harter Parkway in Yuba City.

Recommendations:

Adopt a Resolution making a finding of public convenience and necessity for the issuance of a Type 21 (off-sale general) Alcoholic Beverage Control License at the northwest corner of State Highway and Harter Parkway in Yuba City.

Attachments:

1. Proposed Resolution making a finding of Public Convenience and Necessity
2. Department of Alcoholic Beverage Control Application
3. Site Plan
4. Color Elevations
5. Photometric Evaluation
6. Letter from applicant
7. Use Permit 22-04 Conditions of Approval

Prepared By:

Aaron Brown
Assistant Planner

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. [REDACTED]

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
MAKING A FINDING OF PUBLIC CONVENIENCE AND NECESSITY FOR
THE ISSUANCE OF A TYPE 21 (OFF-SALE GENERAL) ALCOHOLIC
BEVERAGE CONTROL (ABC) LICENSE AT THE NORTHWEST
CORNER OF STATE HIGHWAY 20 AND HARTER PARKWAY, YUBA
CITY (ARCO AM/PM)**

WHEREAS, pursuant to applicable provisions of the Business and Professions Code, the Department of Alcoholic Beverage Control (hereinafter the “ABC”) is charged with the responsibility of reviewing applications and issuance of licenses for the sale and/or manufacture of alcoholic beverages in the State of California; and

WHEREAS, Section 23958 of the Business and Professions Code provides that the ABC shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4 of said Business and Professions Code; and

WHEREAS, Section 23958.4 of the Business and Professions Code provides that, notwithstanding the limitations of Section 23958, the ABC shall issue a license if the applicant shows that “public convenience or necessity” would be served by the issuance of such license; and

WHEREAS, the City of Yuba City has received an application for a Public Convenience and Necessity determination that was filed by Dharni Lada Yuba City Inc, the (“Applicant”) who is the owner of the ARCO am/pm located at the northwest corner of State Highway 20 and Harter Parkway, in Yuba City, requesting a letter of Public Convenience and Necessity to allow a Type 21 (Off-Sale General) License in a census tract that has reached the capacity for the number of allotted licenses and is located in Police Beat 1 which has a lower-than-average crime rate; and

WHEREAS, said Section 23958.4 further provides that the determination of “public convenience or necessity” shall be made by the local governing body of the area in which the applicant’s premises are located with regard to certain applications, including on-site sales of alcohol at ARCO am/pm; and

WHEREAS, the City Council has considered this matter, and desires to find that a public convenience and necessity will be served by granting an additional Type 21 (Off-Sale General) License to the future Arco AM/PM to be located at the northwest corner of State Highway 20 and Harter Parkway, in Yuba City.

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

1. The recitals and findings set forth above are true and correct and incorporated herein by this reference.
2. The City Council finds that this matter is not a “project” for the purposes of the California Environmental Quality Act (CEQA) as it is merely a determination whether the public

convenience and necessity would be served by the issuance of a Type 21 (Off-Sale General) License for the location at the northwest corner of State Highway 20 and Harter Parkway (ARCO am/pm). It does not have a potential for resulting in a reasonably foreseeable physical change to the existing environment.

3. The City Council finds and determines the public convenience and necessity is met in the present circumstances for reasons including the following:
 - a. Approving the PCN will not have a potential for resulting in a reasonably foreseeable physical change to the existing environment. It is commonly accepted throughout the industry that convenience stores sell alcoholic beverages. The Applicant has demonstrated through past performance and intended operational characteristics that alcoholic beverages will be sold safely and in accordance with applicable laws.
 - b. The request to permit alcohol sales for off-premise consumption in conjunction with this establishment will not adversely affect the surrounding land uses and the growth and development of the area because this use is compatible with the nearby developments.
 - c. The determination of Public Convenience or Necessity, under the conditions imposed, will not be detrimental to the health and safety of the citizens of the City of Yuba City.
4. This resolution shall take effect immediately.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 19th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Kirchner, Mayor

ATTEST:

Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM:

Shannon L. Chaffin, City Attorney

ATTACHMENT 2

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME Dharni Lada Yuba City Inc		(5102- Geo Code)	
2. PREMISES ADDRESS (Street number and name, city, zip code) NWC SR220 Colusa Highway Harter Parkway		3. LICENSE TYPE 21	
4. TYPE OF BUSINESS			
☐ Full Service Restaurant	☐ Hofbrau/Cafeteria	☐ Cocktail Lounge	☐ Private Club
☐ Deli or Specialty Restaurant	☐ Comedy Club	☐ Night Club	☐ Veterans Club
☐ Cafe/Coffee Shop	☐ Brew Pub	☐ Tavern: Beer	☐ Fraternal Club
☐ Bed & Breakfast:	☐ Theater	☐ Tavern: Beer & Wine	☐ Wine Tasting Room
☐ Wine only	☐ All		
☐ Supermarket	☐ Membership Store	☐ Service Station	☐ Swap Meet/Flea Market
☐ Liquor Store	☐ Department Store	☐ Convenience Market	☐ Drive-in Dairy
☐ Drug/Variety Store	☐ Florist/Gift Shop	☒ Convenience Market w/Gasoline	
Other - describe:			
5. COUNTY POPULATION 101289	6. TOTAL NUMBER OF LICENSES IN COUNTY 5	7. RATIO OF LICENSES TO POPULATION IN COUNTY 1.1078	
8. CENSUS TRACT NUMBER 506.01	9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 5	10. NO. OF LICENSES EXISTING IN CENSUS TRACT 5	
11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?) ☒ Yes, the number of existing licenses exceeds the number allowed ☐ No, the number of existing licenses is lower than the number allowed			
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS? ☒ Yes (Go to Item #13) ☐ No (Go to Item #20) YUBA CITY POLICE DEPT			
13. CRIME REPORTING DISTRICT NUMBER BEAT 1	14. TOTAL NUMBER OF REPORTING DISTRICTS 5	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 5786	
16. AVERAGE NO. OF OFFENSES PER DISTRICT 1.157	17. 125% OF AVERAGE NUMBER OF OFFENSES 1.389	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 631	
19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 25% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency) ☒ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17 ☐ No, the total number of offenses in the reporting district is lower than the total number in item #17			
20. CHECK THE BOX THAT APPLIES (check only one box)			
a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.			
b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.			
☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.			

Governing Body/Designated Subordinate Name:

**YUBA CITY PLANNING DEPT
1201 CIVIC CENTER BLDG
YUBA CITY, CA 95993**

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE	23. DATE SIGNED
-------------------------	-----------------

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER
29. CITY/COUNTY OFFICIAL SIGNATURE	30. DATE SIGNED	

ATTACHMENT 3

PROJECT DATA

LOCATION: NWC COLUSA HIGHWAY & HARTER PARKWAY
YUBA CITY, CALIFORNIA

APN: 62-310-012

ZONING: C-3 GENERAL COMMERCIAL GENERAL COMMERCIAL, HARTER SPECIFIC PLAN

BUILDING SETBACKS:

FRONT: 10'
REAR: 0' (15' IF ABUTTING RESIDENTIAL USE PARCELS)
STREET SIDE YARD: 10'
INTERIOR SIDE YARD: 0' (15' IF ABUTTING RESIDENTIAL USE PARCELS)

BUILDING HEIGHT: 52' MAX

LANDSCAPE

LANDSCAPE STREET FRONTAGE: 10' EXCLUDING CURB

LANDSCAPE @ INTERIOR PROPERTY LINE: 5'

LANDSCAPE @ BLDG PERIMETER: FACING PARKING LOT OR STREET
SHALL PROVIDE PLANTERS MIN 20%
OF BLDG FACE

LANDSCAPE @ PARKING: ROWS OF PARKING SHALL BE
SEPARATED FROM ADJOINING DRIVEWAYS W/
LANDSCAPE END ISLANDS MIN 8 FT WIDE

PARKING LOT SHADING: TREE CANOPY COVERAGE TO BE 50% OF
PARKING AREA @ 15YRS

PARKING AREA: MIN 5% OF PARKING AREA TO BE
LANDSCAPED

PROJECT DATA- LOT 1

LOT SIZE: 32,501 SF (0.75 ACRES)

PARKING REQUIREMENTS:

QSR: 950 S.F. 1 STALL PER 50 S.F. ASSEMBLY AREA
550 S.F./ 50 S.F.= 11 STALLS

PARKING SPACES REQUIRED: 11 STALLS

PARKING SPACES PROVIDED: 11 STALLS

PROJECT DATA- LOT 2

LOT SIZE: 30,789 SF (0.71 ACRES)

PARKING REQUIREMENTS:

CARWASH: N/A
PROVIDED = 12 VACUUM STALLS

PROJECT DATA- LOT 3

LOT SIZE: 59,957 SF (1.38 ACRES)

PARKING REQUIREMENTS:

SERVICE STATION: 1 STALL PER 3000 S.F. OF LOT AREA
±59,957 S.F./3000 S.F. = 20 STALLS

PARKING SPACES REQUIRED: 20 STALLS

PARKING SPACES PROVIDED: 33 STALLS, PLUS 16 FUEL DISPENSER PARKING

PROJECT DATA- LOT 4

LOT SIZE: 58,414 SF (1.34 ACRES)
14,721 SF (0.34 ACRES)
73,135 SF (1.68 ACRES)

PARKING REQUIREMENTS:

- RESTAURANT, COFFEE SHOPS, AND COCKTAIL LOUNGES:
1 SPACE FOR EACH 3 SEATS, PLUS 1 SPACE FOR 50 SF. OF
DANCE FLOOR OR ASSEMBLY AREA WITHOUT FIXED SEATS.
NO PARKING IS REQUIRED FOR OUTDOOR SEATING WHEN SEATS
PROVIDED EQUAL 50% OR LESS OF TOTAL INDOOR SEATING.

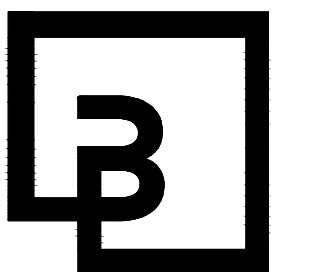
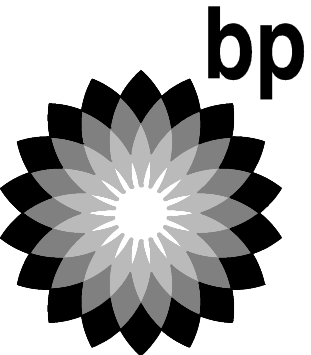
- 52 SEATS / 3 SEATS= 18 SPACES
- 1346 SF (HALF OF SF) / 50 SF= 27 SPACES

PARKING SPACES REQUIRED: 18 SPACES + 27 SPACES = 45 SPACES
PARKING SPACES PROVIDED: = 36 SPACES



VICINITY MAP

CLIENT:

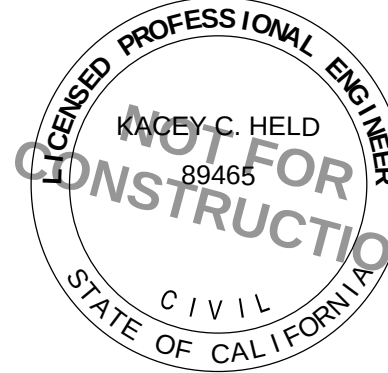


Barghausen
Consulting Engineers, Inc.

18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

NO.	DATE	REVISION DESCRIPTION
1	11/18/22	CIP SUBMITTAL
2	01/24/23	REVIEW COMMENTS
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SEAL:



DEVELOPMENT INFORMATION:

RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

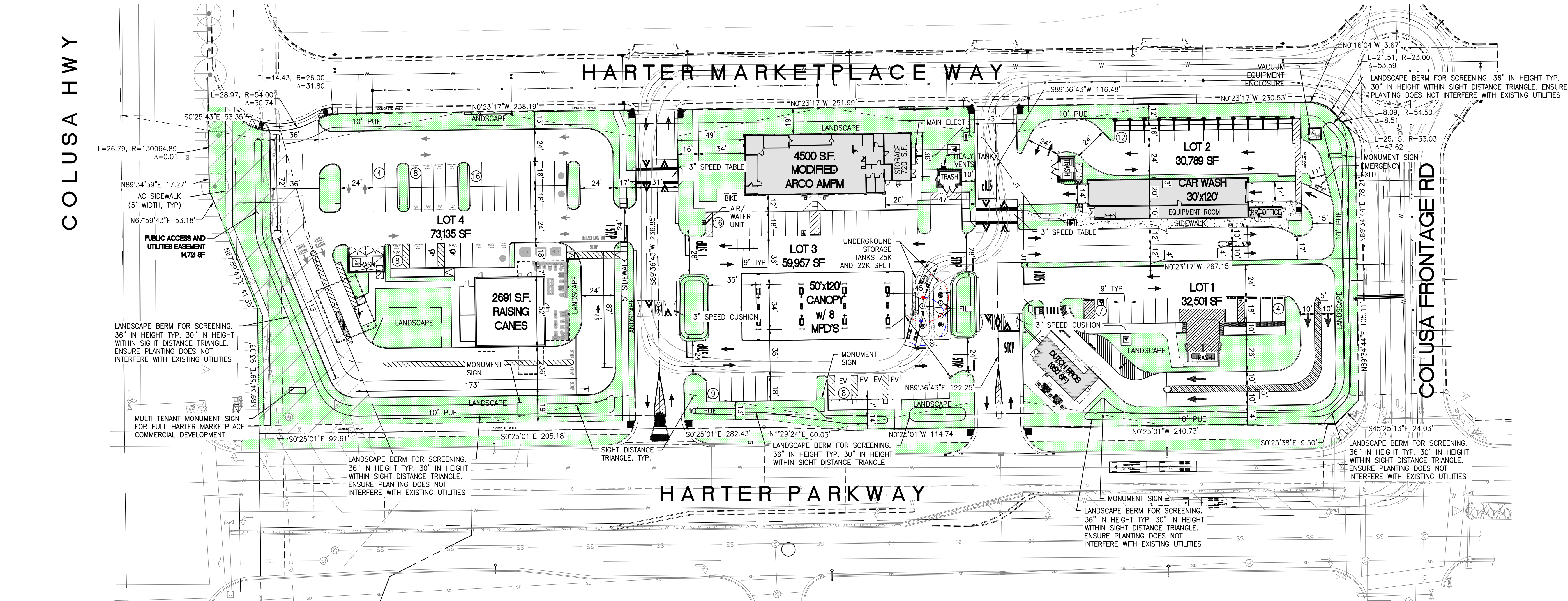
FACILITY #TBD

DESIGNED BY:	PT	ALLIANCE ZADN:
CHECKED BY:	PT	BP REP:
DRAWN BY:	AD	ALLIANCE PM:
VERSION:	-	PROJECT NO:
		21230

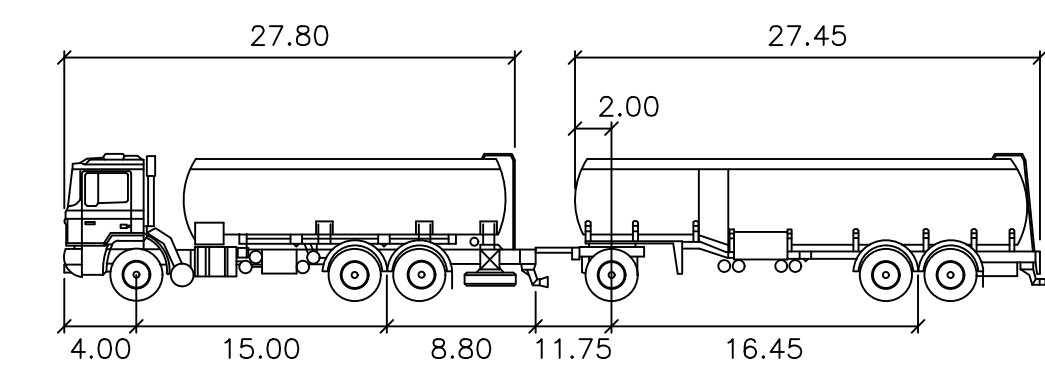
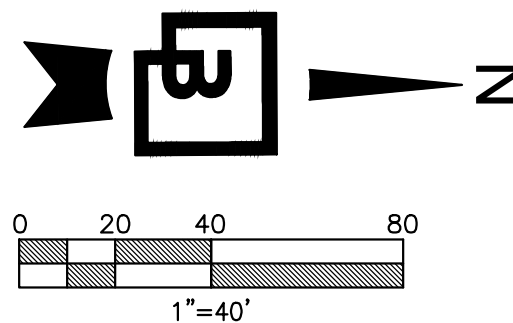
DRAWING TITLE:
PRELIMINARY
SITE PLAN

SHEET NO:

SP-1



PRELIMINARY SITE PLAN

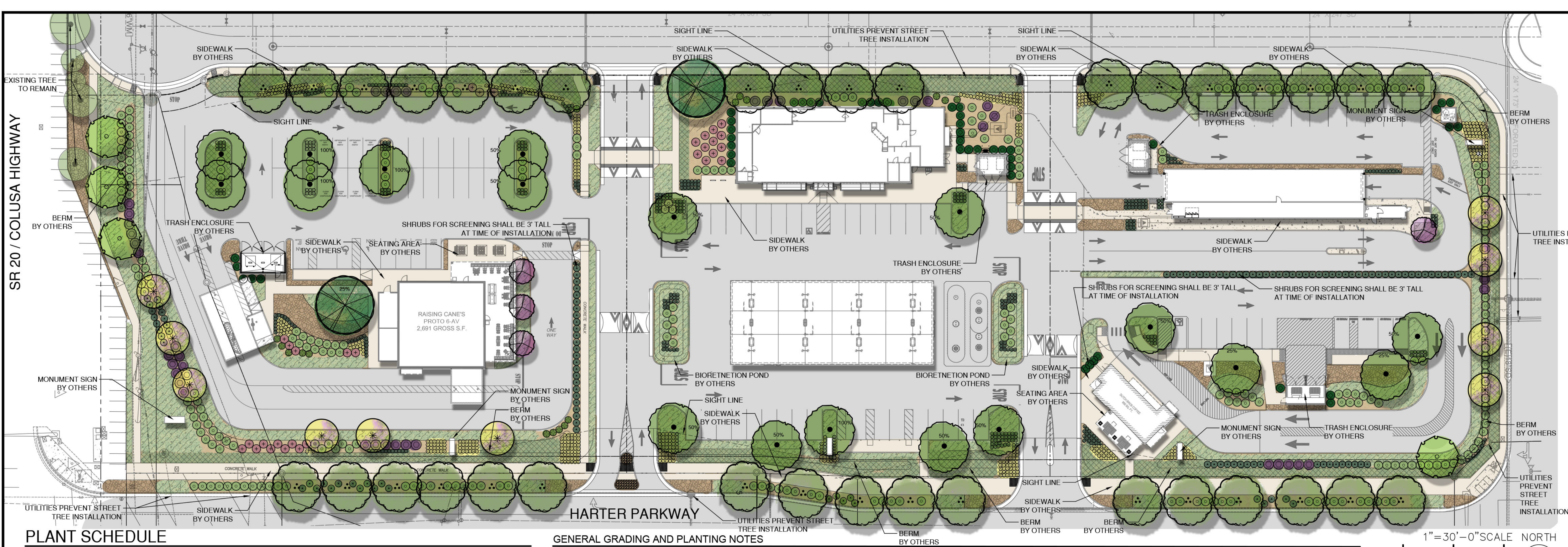


Arco65'
feet

First Part Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.00	Steering Angle	: 35.0
First Part Track	: 7.70	Articulating Angle	: 70.0
Trailer Track	: 7.70		

Preliminary Not For Construction

SR 20 / COLUSA HIGHWAY



PLANT SCHEDULE

TREES	CODE	BOTANICAL / COMMON NAME	SIZE	WUCOLS	QTY	
	LI	LAGERSTROEMIA INDICA ORANGE MYRTLE	15 GAL	VL	4	
	NS	NYSSA SYLVATICA TUPELO	15 GAL	M	35	
	PC	PISTACIA CHINENSIS CHINESE PISTACHE	15 GAL	L	18	
	PA	PLATANUS X ACERIFOLIA LONDON PLANE TREE	15 GAL	L	4	
	PK	PYRUS KAWAKAMI EVERGREEN PEAR	15 GAL	L	10	
	QS	QUERCUS SHUMARDII SHUMARD OAK	24" BOX	L	2	
SHRUBS	CODE	BOTANICAL / COMMON NAME	SIZE	WUCOLS	SPACING	QTY
	AM	ACHILLEA MILLEFOLIUM COMMON YARROW	1 GAL	VL	24" o.c.	539
	AW	ARCTOSTAPHYLOS HOOKERI 'WAYSIDE' WAYSIDE HOOKER'S MANZANITA	1 GAL	L	48" o.c.	18
	CG	CEANOTHUS GLORIOSUS POINT REYES CEANOTHUS	5 GAL	L	72" o.c.	43
	CP	CISTUS X PURPUREUS ORCHID ROCKROSE	5 GAL	L	60" o.c.	30
	JP	JUNCUS PATENS CALIFORNIA GRAY RUSH	1 GAL	L	24" o.c.	402
	MR	MUHLENBERGIA RIGENS DEER GRASS	5 GAL	VL	60" o.c.	269
	RA	RHAMNUS ALATERNUS ITALIAN BUCKTHORN	15 GAL	L	60" o.c.	48
	RE	RHAMNUS CALIFORNICA 'EVE CASE' EVE CASE COFFEEBERRY	5 GAL	L	48" o.c.	126
GROUND COVERS	CODE	BOTANICAL / COMMON NAME	SIZE	WUCOLS	SPACING	QTY
		ARCTOSTAPHYLOS UVA-URSI 'POINT REYES' POINT REYES KINKINNICK	6" POT	VL	36" o.c.	1,465
		DECORATIVE COBBLE 3-6" COBBLE OVER FABRIC	-			5,357 SF
		FESTUCA CALIFORNICA CALIFORNIA FESCUE	1 GAL	L	30" o.c.	3,110

GENERAL GRADING AND PLANTING NOTES

- BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
- IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
 - BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
 - CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
 - THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (**BASED ON A SOIL TEST**, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
 - ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 3" BELOW THE ADJACENT FINISH SURFACE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 1" BELOW THE FINISH SURFACE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
- ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
 - THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
 - NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.** IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
 - THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER/OWNER'S REPRESENTATIVE TO INSPECT, AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
- THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
- SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

IRRIGATION CONCEPT

- AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
- THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER, AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
- ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. SODDED AND SEEDDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
- ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
- THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHEREVER POSSIBLE), RAIN SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH, RECYCLED, NATURAL (UNDYED), OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

DECLARATION OF WATER EFFICIENT LANDSCAPE ORDINANCE

I HAVE COMPLIED WITH THE CRITERIA OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED SUCH CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

BLAKE RHINEHART, LANDSCAPE ARCHITECT

CA LICENSE #6255

REGISTRATION

EVERGREEN DESIGN GROUP
11801 PIERCE STREET, SUITE 200
RIVERSIDE, CA 92505

05-30-23

DATE

08-31-23

EXP. DATE

PARKING LOT SHADE CALCULATIONS

TREE SPECIES	QTY.	DIA. (FT)	CANOPY AREA (SF)	COVERAGE	COVERAGE AREA (SF)	TOTAL SHADE PROVIDED PER SPECIES
PISTACIA CHINENSIS	5	30	706.9	100%	706.9	3,534.32 SF
	10	30	706.9	50%	353.4	3,534.3 SF
	2	30	706.9	25%	176.7	353.43 SF
QUERCUS SHUMARDII	1	30	706.9	25%	176.7	176.7 SF
TOTAL SHADE PROVIDED						7,598.73 SF (57.85%)
TOTAL SHADE REQUIRED (50% OF PARKING AREA 13,180 SF)						6,590.00 SF (50.00%)

EXAMPLE HEDGE IMAGE

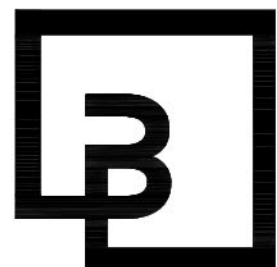
WHEN USED AS A SCREENING HEDGE, SHRUB SHALL BE 3' TALL AT THE TIME OF INSTALLATION. PLEASE IS A REFERENCE IMAGE OF RHAMNUS AT THAT SIZE.



CLIENT:



BP WEST COAST PRODUCTS, LLC



Barghausen
Consulting Engineers, Inc.

18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

NO.	DATE	REVISION DESCRIPTION
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SEAL:

THIS SHEET IS
FOR
INFORMATION
ONLY

DEVELOPMENT INFORMATION:

RETAIL DEVELOPMENT

SITE ADDRESS:

NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

DESIGNED BY:

ALLIANCE ZADRA:

CHECKED BY:

BP REP:

DRAWN BY:

ALLIANCE PM:

VERSION:

PROJECT NO.:

21230

DRAWING TITLE:

LANDSCAPE

PLANTING

PLAN

SHEET NO.:

LP-1

Preliminary Not For Construction

PLANTING SPECIFICATIONS

GENERAL

- A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR
1. ALL LANDSCAPE WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPE PLANTING.
 2. A LIST OF SUCCESSFULLY COMPLETED PROJECTS OF THIS TYPE, SIZE AND NATURE MAY BE REQUESTED BY THE OWNER FOR FURTHER QUALIFICATION MEASURES.
 3. THE LANDSCAPE CONTRACTOR SHALL HOLD A VALID C-27 LANDSCAPE CONTRACTOR'S LICENSE ISSUED BY THE STATE OF CALIFORNIA'S CONTRACTOR STATE LICENSE BOARD.
- B. SCOPE OF WORK
1. WORK COVERED BY THESE SECTIONS INCLUDES THE FURNISHING AND PAYMENT OF ALL MATERIALS, LABOR, SERVICES, EQUIPMENT, LICENSES, TAXES AND ANY OTHER ITEMS THAT ARE NECESSARY FOR THE EXECUTION, INSTALLATION AND COMPLETION OF ALL WORK, SPECIFIED HEREIN AND / OR SHOWN ON THE LANDSCAPE PLANS, NOTES, AND DETAILS.
 2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK, INCLUDING ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN SUPPLY, TRANSPORTATION AND INSTALLATION OF MATERIALS.
 3. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITY LINES (WATER, SEWER, ELECTRICAL, TELEPHONE, GAS, CABLE, TELEVISION, ETC.) PRIOR TO THE START OF ANY WORK.

PRODUCTS

- A. ALL MANUFACTURED PRODUCTS SHALL BE NEW.
- B. CONTAINER AND BALLED-AND-BURLAPPED PLANTS:
1. FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z60.1-2014. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ALL TREES SHALL BE OBTAINED FROM SOURCES WITHIN 200 MILES OF THE PROJECT SITE, AND WITH SIMILAR CLIMATIC CONDITIONS.
 2. ROOT SYSTEMS SHALL BE HEALTHY, DENSELY BRANCHED ROOT SYSTEMS, NON-POT-BOUND, FREE FROM ENCIRCLING AND/OR GIRDLING ROOTS, AND FREE FROM ANY OTHER ROOT DEFECTS (SUCH AS J-SHAPED ROOTS).
 3. TREES MAY BE PLANTED FROM CONTAINERS OR BALLED-AND-BURLAPPED (B&B), UNLESS SPECIFIED ON THE PLANTING LEGEND. BARE-ROOT TREES ARE NOT ACCEPTABLE.
 4. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT OR OWNER SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT AND OWNER SHALL BE THE SOLE JUDGES AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
 5. ALL TREES SHALL BE STANDARD IN FORM, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
 6. CALIPER MEASUREMENTS FOR STANDARD (SINGLE TRUNK) TREES SHALL BE AS FOLLOWS: SIX INCHES ABOVE THE ROOT FLARE FOR TREES UP TO AND INCLUDING FOUR INCHES IN CALIPER, AND TWELVE INCHES ABOVE THE ROOT FLARE FOR TREES EXCEEDING FOUR INCHES IN CALIPER.
 7. MULTI-TRUNK TREES SHALL BE MEASURED BY THEIR OVERALL HEIGHT, MEASURED FROM THE TOP OF THE ROOT BALL, WHERE CALIPER MEASUREMENTS ARE USED. THE CALIPER SHALL BE CALCULATED AS ONE-HALF OF THE SUM OF THE CALIPER OF THE THREE LARGEST TRUNKS.
 8. ANY TREE OR SHRUB SHOWN TO HAVE EXCESS SOIL PLACED ON TOP OF THE ROOT BALL, SO THAT THE ROOT FLARE HAS BEEN COMPLETELY COVERED, SHALL BE REJECTED.
- C. SOD: PROVIDE WELL-ROOTED SOD OF THE VARIETY NOTED ON THE PLANS. SOD SHALL BE CUT FROM HEALTHY, MATURE TURF WITH SOIL THICKNESS OF 3/4" TO 1". EACH PALLET OF SOD SHALL BE ACCOMPANIED BY A CERTIFICATE FROM SUPPLIER STATING THE COMPOSITION OF THE SOD.
- D. SEED: PROVIDE BLEND OF SPECIES AND VARIETIES AS NOTED ON THE PLANS, WITH MAXIMUM PERCENTAGES OF PURITY, GERMINATION, AND MINIMUM PERCENTAGE OF WEED SEED AS INDICATED ON PLANS. EACH BAG OF SEED SHALL BE ACCOMPANIED BY A TAG FROM THE SUPPLIER INDICATING THE COMPOSITION OF THE SEED.
- E. TOPSOIL: SANDY TO CLAY LOAM TOPSOIL, FREE OF STONES LARGER THAN 1/2" INCH, FOREIGN MATTER, PLANTS, ROOTS, AND SEEDS.
- F. COMPOST: WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 8; MOISTURE CONTENT IS TO BE 65 PERCENT BY WEIGHT; 100 PERCENT PASSING THROUGH 3/4" INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECISEMENS; NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS. NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED.
- G. PLANTING MIX FOR POTS: AN EQUAL PART MIXTURE OF TOPSOIL, SAND AND COMPOST. INCORPORATE "GELSCAPE", AS MADE BY AMEREO, INC., (800) 832-8788, AT THE RATE OF 3 LB. PER CUBIC YARD OF PLANTING MIX.
- H. FERTILIZER: GRANULAR FERTILIZER CONSISTING OF NITROGEN, PHOSPHORUS, POTASSIUM, AND OTHER NUTRIENTS IN PROPORTIONS, AMOUNTS, AND RELEASE RATES RECOMMENDED IN A SOIL REPORT FROM A QUALIFIED SOIL-TESTING AGENCY (SEE BELOW).
- I. PALM MAINTENANCE SPIKES: AS MANUFACTURED BY THE LUTZ CORP. (800) 203-7740, OR APPROVED EQUAL.
- J. MULCH: SIZE AND TYPE AS INDICATED ON PLANS, FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS.
- K. TREE STAKING AND GUYING
1. STAKES: 6' LONG GREEN METAL T-POSTS.
 2. GUY AND TIE WIRE: ASTM A 641, CLASS 1, GALVANIZED-STEEL WIRE, 2-STRAND, 0.106 INCH DIAMETER.
 3. STRAP CHAFING GUARD: REINFORCED NYLON OR CANVAS AT LEAST 1-1/2 INCH WIDE, WITH GROMMETS TO PROTECT TREE TRUNKS FROM DAMAGE.
- L. STEEL EDGING: PROFESSIONAL STEEL EDGING, 14 GAUGE THICK X 4 INCHES WIDE, FACTORY PAINTED DARK GREEN. ACCEPTABLE MANUFACTURERS INCLUDE COL-MET OR APPROVED EQUAL.
- M. PRE-EMERGENT HERBICIDES: ANY GRANULAR, NON-STAINING PRE-EMERGENT HERBICIDE THAT IS LABELED FOR THE SPECIFIC ORNAMENTALS OR TURF ON WHICH IT WILL BE UTILIZED. PRE-EMERGENT HERBICIDES SHALL BE APPLIED PER THE MANUFACTURER'S LABELED RATES.

METHODS

- A. SOIL PREPARATION
1. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +0.1" OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.
 2. SOIL TESTING:
 - a. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, CONTRACTOR SHALL HAVE SOIL SAMPLES FROM THE PROJECT'S LANDSCAPE AREAS TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY. EACH SAMPLE SUBMITTED TO THE LAB SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL, TAKEN FROM BETWEEN THE SOIL SURFACE AND 6" DEPTH. IF NO SAMPLE LOCATIONS ARE INDICATED ON THE PLANS, THE CONTRACTOR SHALL TAKE A MINIMUM OF THREE SAMPLES FROM VARIOUS REPRESENTATIVE LOCATIONS FOR TESTING.
 - b. THE CONTRACTOR SHALL HAVE THE SOIL TESTING LABORATORY PROVIDE RESULTS FOR THE FOLLOWING: SOIL TEXTURAL CLASS, GENERAL SOIL FERTILITY, pH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT.
 - c. THE CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES.
 - d. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): SEPARATE SOIL PREPARATION AND BACKFILL MIX RECOMMENDATIONS FOR GENERAL ORNAMENTAL PLANTS, PERENNIALS, TURF, AND NATIVE SEED, AS WELL AS PRE-PLANT FERTILIZER APPLICATIONS AND RECOMMENDATIONS FOR ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
 3. THE CONTRACTOR SHALL INSTALL SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT RECOMMENDATIONS, ANY CHANGE IN COST DUE TO THE SOIL REPORT RECOMMENDATIONS, EITHER INCREASE OR DECREASE, SHALL BE SUBMITTED TO THE OWNER WITH THE REPORT.
 4. FOR BIDDING PURPOSES ONLY, THE SOIL PREPARATION SHALL CONSIST OF THE FOLLOWING:
 - a. TURF: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
 - i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
 - ii. PREPLANT TURF FERTILIZER (10-20-10 OR SIMILAR, SLOW RELEASE, ORGANIC) - 15 LBS PER 1,000 S.F.
 - iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
 - b. TREES, SHRUBS, AND PERENNIALS: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
 - i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
 - ii. 12-12-12 FERTILIZER (OR SIMILAR, ORGANIC, SLOW RELEASE) - 10 LBS. PER CU. YD.
 - iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
 - iv. IRON SULPHATE - 2 LBS. PER CU. YD.
 5. IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
 - a. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +0.1" OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
 - b. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
 - c. THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
 - d. ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 3" BELOW THE ADJACENT FINISH SURFACE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - e. ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 1" BELOW THE FINISH SURFACE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - f. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
 6. ONCE SOIL PREPARATION IS COMPLETE, THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THERE ARE NO DEBRIS, TRASH, OR STONES LARGER THAN 1" REMAINING IN THE TOP 6" OF SOIL.

SUBMITTALS

1. THE CONTRACTOR SHALL PROVIDE SUBMITTALS AND SAMPLES, IF REQUIRED, TO THE LANDSCAPE ARCHITECT AND RECEIVE APPROVAL IN WRITING FOR SUCH SUBMITTALS BEFORE WORK COMMENCES. SUBMITTALS SHALL INCLUDE PHOTOS OF PLANTS WITH A RULER OR MEASURING STICK FOR SCALE, PHOTOS OR SAMPLES OF ANY REQUIRED MULCHES, AND SOIL TEST RESULTS AND PREPARATION RECOMMENDATIONS FROM THE TESTING LAB (INCLUDING COMPOST AND FERTILIZER RATES AND TYPES, AND OTHER AMENDMENTS FOR TREE/SHRUB, TURF, AND SEED AREAS AS MAY BE APPROPRIATE).
 2. SUBMITTALS SHALL ALSO INCLUDE MANUFACTURER CUT SHEETS FOR PLANTING ACCESSORIES SUCH AS TREE STAKES AND TIES, EDGING, MULCH, AND LANDSCAPE FABRICS (IF ANY).
 3. WHERE MULTIPLE ITEMS ARE SHOWN ON A PAGE, THE CONTRACTOR SHALL CLEARLY INDICATE THE ITEM BEING CONSIDERED.
- C. GENERAL
1. REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
 2. EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.
 3. TRENCHING NEAR EXISTING TREES:
 - a. CONTRACTOR SHALL NOT DISTURB ROOTS 1-1/2" AND LARGER IN DIAMETER WITHIN THE CRITICAL ROOT ZONE (CRZ) OF EXISTING TREES, AND SHALL EXERCISE ALL POSSIBLE CARE AND PRECAUTIONS TO AVOID INJURY TO TREE ROOTS, TRUNKS, AND BRANCHES. THE CRZ IS DEFINED AS A CIRCULAR AREA EXTENDING OUTWARD FROM THE TREE TRUNK, WITH A RADIUS EQUAL TO 1" FOR EVERY 1" OF TRUNK DIAMETER AT-BREAST-HEIGHT (4.5' ABOVE THE AVERAGE GRADE AT THE TRUNK).
 - b. ALL EXCAVATION WITHIN THE CRZ SHALL BE PERFORMED USING HAND TOOLS. NO MACHINE EXCAVATION OR TRENCHING OF ANY KIND SHALL BE ALLOWED WITHIN THE CRZ.
 - c. ALTER ALIGNMENT OF PIPE TO AVOID TREE ROOTS 1-1/2" AND LARGER IN DIAMETER, WHERE TREE ROOTS 1-1/2" AND LARGER IN DIAMETER ARE ENCOUNTERED IN THE FIELD, TUNNEL UNDER SUCH ROOTS. WRAP EXPOSED ROOTS WITH SEVERAL LAYERS OF BURLAP AND KEEP MOIST. CLOSE ALL TRENCHES WITHIN THE CANOPY DRIP LINES WITHIN 24 HOURS.
 - d. ALL SEVERED ROOTS SHALL BE HAND PRUNED WITH SHARP TOOLS AND ALLOWED TO AIR-DRY. DO NOT USE ANY SORT OF SEALERS OR WOUND PAINTS.

TREE PLANTING

1. TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.
2. CARRY THE SIDES AND BOTTOM OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED DURING THE EXCAVATION OF THE HOLE.
3. FOR CONTAINER AND BOX TREES, TO REMOVE ANY POTENTIALLY GIRDLING ROOTS AND OTHER ROOT DEFECTS, THE CONTRACTOR SHALL SHAVE A 1" LAYER OFF OF THE SIDES AND BOTTOM OF THE ROOTBALL OF ALL TREES JUST BEFORE PLACING INTO THE PLANTING PIT. DO NOT "TEASE" ROOTS OUT FROM THE ROOTBALL.
4. INSTALL THE TREE ON UNDISTURBED SUBGRADE SO THAT THE TOP OF THE ROOTBALL IS TWO TO FOUR INCHES ABOVE THE SURROUNDING GRADE.
5. BACKFILL THE TREE HOLE UTILIZING THE EXISTING TOPSOIL FROM ON-SITE. ROCKS LARGER THAN 1" DIA. AND ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SOIL PRIOR TO THE BACKFILL. SHOULD ADDITIONAL SOIL BE REQUIRED TO ACCOMPLISH THIS TASK, USE STORED TOPSOIL FROM ON-SITE OR IMPORT ADDITIONAL TOPSOIL FROM OFF-SITE AT NO ADDITIONAL COST TO THE OWNER. IMPORTED TOPSOIL SHALL BE OF SIMILAR TEXTURAL CLASS AND COMPOSITION IN THE ON-SITE SOIL.
6. TREES SHALL NOT BE STAKED UNLESS LOCAL CONDITIONS (SUCH AS HEAVY WINDS OR SLOPES) REQUIRE STAKES TO KEEP TREES UPRIGHT. SHOULD STAKING BE REQUIRED, THE TOTAL NUMBER OF TREE STAKES (BEYOND THE THINNING LISTED BELOW) WILL BE LEFT TO THE LANDSCAPE CONTRACTOR'S DISCRETION. SHOULD ANY TREES FALL OR LEAN, THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN THE TREE, OR REPLACE IT SHOULD IT SHOULD BECOME DAMAGED. TREE STAKING SHALL OBEY THE FOLLOWING GUIDELINES:
 - a. #15 CONT. - 24" BOX TREES - TWO STAKES PER TREE
 - b. 36"-48" BOX TREES - THREE STAKES PER TREE
 - c. OVER 48" BOX TREES - GUY AS NEEDED
 - d. MULTI-TRUNK TREES - THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE THE TREE
7. UPON COMPLETION OF PLANTING, CONSTRUCT AN EARTH WATERING BASIN AROUND THE TREE. COVER THE INTERIOR OF THE TREE RING WITH MULCH (TYPE AND DEPTH PER PLANS).

SHRUB, PERENNIAL, AND GROUND COVER PLANTING

1. DIG THE PLANTING HOLES TWICE AS WIDE AND 2" LESS DEEP THAN EACH PLANT'S ROOTBALL. INSTALL THE PLANT IN THE HOLE. BACKFILL AROUND THE PLANT WITH SOIL AMENDED PER SOIL TEST RECOMMENDATIONS.
2. WHEN PLANTING IS COMPLETE, INSTALL MULCH (TYPE AND DEPTH PER PLANS) OVER ALL PLANTING BEDS, COVERING THE ENTIRE PLANTING AREA.

SODDING

1. SOD VARIETY TO BE AS SPECIFIED ON THE LANDSCAPE PLAN.
2. LAY SOD WITHIN 24 HOURS FROM THE TIME OF STRIPPING. DO NOT LAY IF THE GROUND IS FROZEN.
3. LAY THE SOD TO FORM A SOLID MASS WITH TIGHTLY FITTED JOINTS. BUTT ENDS AND SIDES OF SOD STRIPS. DO NOT OVERLAP STRIPS TO OFFSET JOINTS IN ADJACENT COURSES.
4. ROLL THE SOD TO ENSURE GOOD CONTACT OF THE SOD'S ROOT SYSTEM WITH THE SOIL UNDERNEATH.
5. WATER THE SOD THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING TO OBTAIN AT LEAST SIX INCHES OF PENETRATION INTO THE SOIL BELOW THE SOD.

HYDROSEEDING

1. TURF HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
 - a. GENERAL:
 - 50# CELLULOSE FIBER MULCH
 - 2# UNHULLED BERMOUDA SEED
 - 2# ANNUAL RYE SEED
 - 15# 15-15-15 WATER SOLUBLE FERTILIZER
 - b. SUMMER MIX (APRIL - SEPTEMBER 30):
 - 50# CELLULOSE FIBER MULCH
 - 2# HULLED BERMOUDA SEED
 - 15# 15-15-15 WATER SOLUBLE FERTILIZER
2. SEED HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
 - a. GENERAL:
 - 50# CELLULOSE FIBER MULCH
 - 15# 15-15-15 WATER SOLUBLE FERTILIZER

MULCH

1. INSTALL MULCH TOPDRESSING, TYPE AND DEPTH PER MULCH NOTE, IN ALL PLANTING AREAS AND TREE RINGS.
2. DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE AND WITHIN 24" OF HABITABLE STRUCTURES, EXCEPT AS MAY BE NOTED ON THESE PLANS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.

CLEAN UP

1. DURING LANDSCAPE PREPARATION AND PLANTING, KEEP ALL PAVEMENT CLEAN AND ALL WORK AREAS IN A NEAT, ORDERLY CONDITION.

DEBRIS

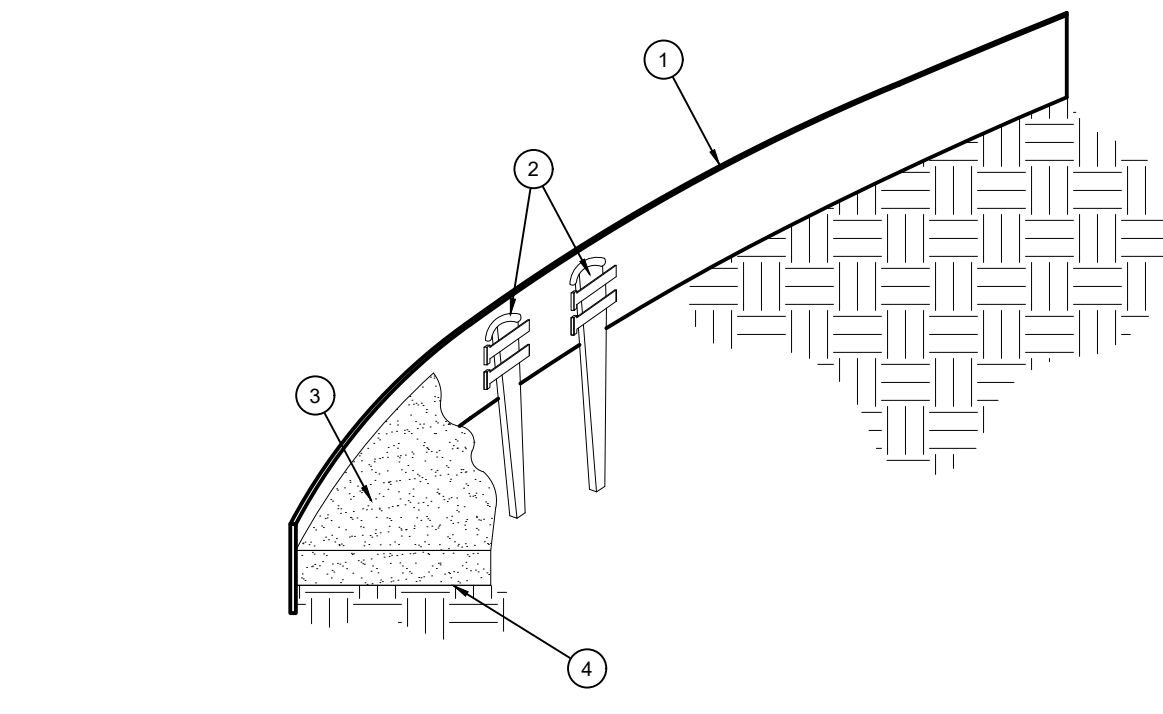
1. REMOVED DEBRIS SHALL BE EXCAVATED MATERIALS OFF THE PROJECT SITE.

INSPECTION AND ACCEPTANCE

1. UPON COMPLETION OF THE WORK, THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE SITE CLEAN, FREE OF DEBRIS AND TRASH, AND SUITABLE FOR USE AS INTENDED. THE LANDSCAPE CONTRACTOR SHALL THEN REQUEST AN INSPECTION BY THE OWNER TO DETERMINE FINAL ACCEPTABILITY.
2. WHEN THE INSPECTED PLANTING WORK DOES NOT COMPLY WITH THE CONTRACT DOCUMENTS, THE LANDSCAPE CONTRACTOR SHALL REPLACE AND/OR REPAIR THE REJECTED WORK TO THE OWNER'S SATISFACTION WITHIN 24 HOURS.
3. THE LANDSCAPE MAINTENANCE PERIOD WILL NOT COMMENCE UNTIL THE LANDSCAPE WORK HAS BEEN RE-INSPECTED BY THE OWNER AND FOUND TO BE ACCEPTABLE. AT THAT TIME, A WRITTEN NOTICE OF FINAL ACCEPTANCE WILL BE ISSUED BY THE OWNER, AND THE MAINTENANCE AND GUARANTEE PERIODS WILL COMMENCE.

LANDSCAPE MAINTENANCE

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTling OF PLANTS THAT HAVE SETTLED, MOVING AND AERATION OF LAWNS, WEEDING, RESEEDING AREAS WHICH HAVE NOT GERMINATED WELL, TREATING FOR INSECTS AND DISEASES, REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
2. SHOULD SEEDING AND/OR SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL, HEALTHY STAND OF PLANTS AT NO ADDITIONAL COST TO THE OWNER.
3. TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
 - a. THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY), ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
 - b. ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
 - c. SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWO SQUARE INCHES MUST BE RESEED OR RESEED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
4. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE AND REPLACEMENTS:
 - a. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEEDING/HYDROSEEDING AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S FINAL ACCEPTANCE (90 DAYS FOR ANNUAL PLANTS). THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE AND TO THE SATISFACTION OF THE OWNER, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
 - b. AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CAN BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.
5. PROVIDE A MINIMUM OF (2) COPIES OF RECORD DRAWINGS TO THE OWNER. THE RECORD DRAWING IS A RECORD OF ALL CHANGES THAT OCCURRED IN THE FIELD AND THAT ARE DOCUMENTED THROUGH CHANGE ORDERS, ADDENDA, OR CONTRACTOR/CONSULTANT DRAWING MARKUPS.

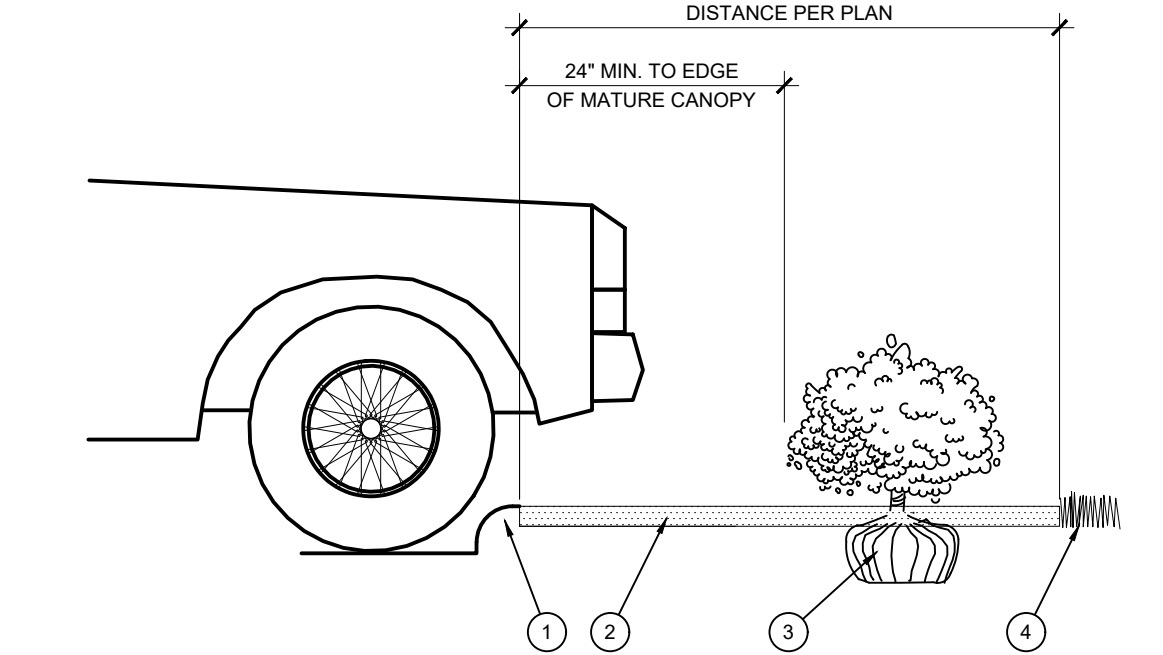


1. ROLLED-TOP STEEL EDGING PER PLANS.
2. TAPERED STEEL STAKES.
3. MULCH, TYPE AND DEPTH PER PLANS.
4. FINISH GRADE.

- NOTES:
1. INSTALL EDGING SO THAT STAKES WILL BE ON INSIDE OF PLANTING BED.
 2. BOTTOM OF EDGING SHALL BE BURIED A MINIMUM OF 1" BELOW FINISH GRADE.
 3. TOP OF MULCH SHALL BE 1" LOWER THAN TOP OF EDGING.

D STEEL EDGING

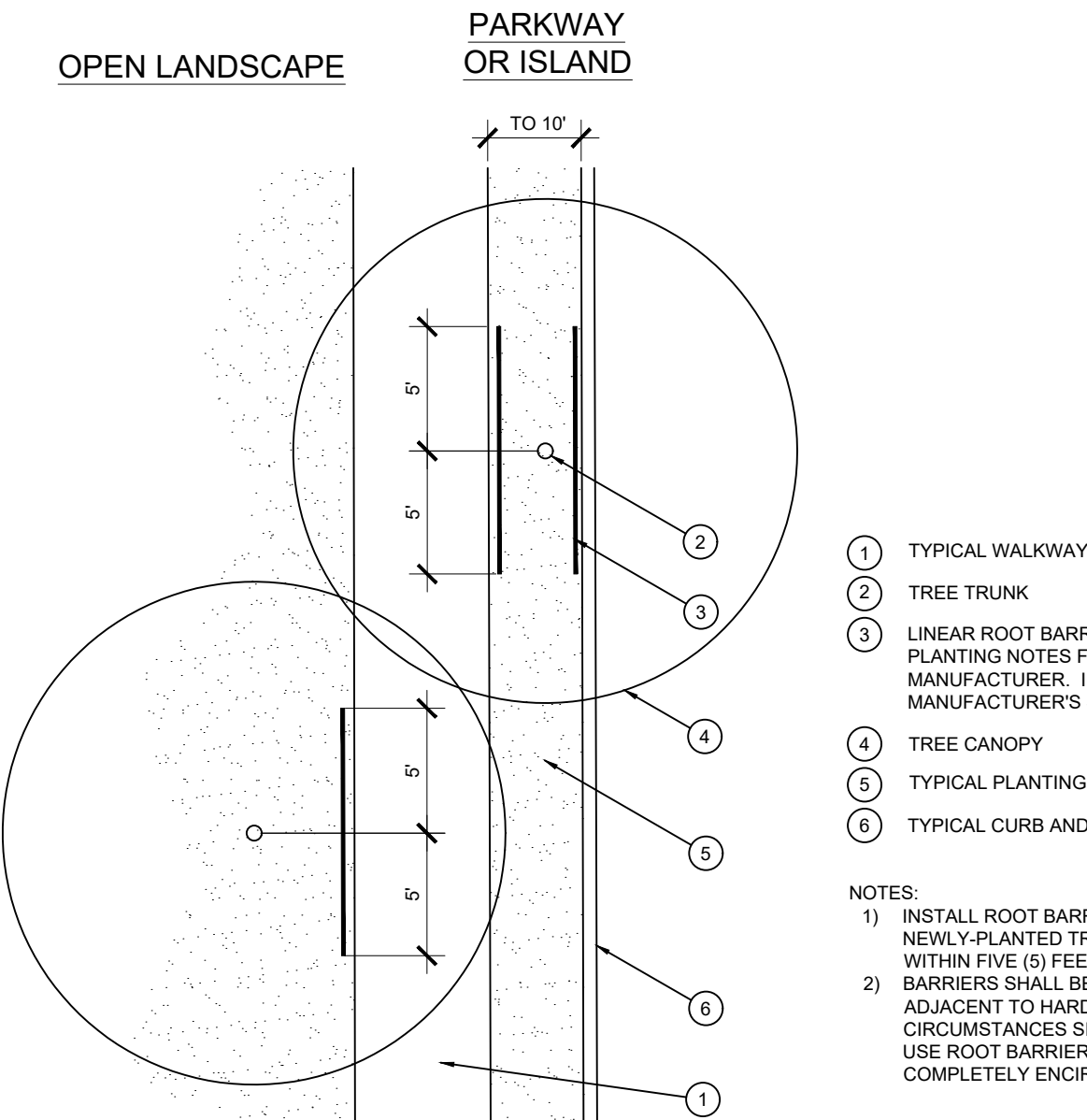
SCALE: NOT TO SCALE



1. CURB.
2. MULCH LAYER.
3. PLANT.
4. TURF (WHERE SHOWN ON PLAN).

E PLANTING AT PARKING AREA

SCALE: NOT TO SCALE

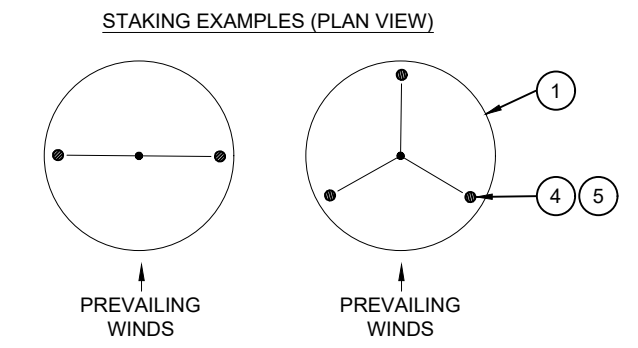
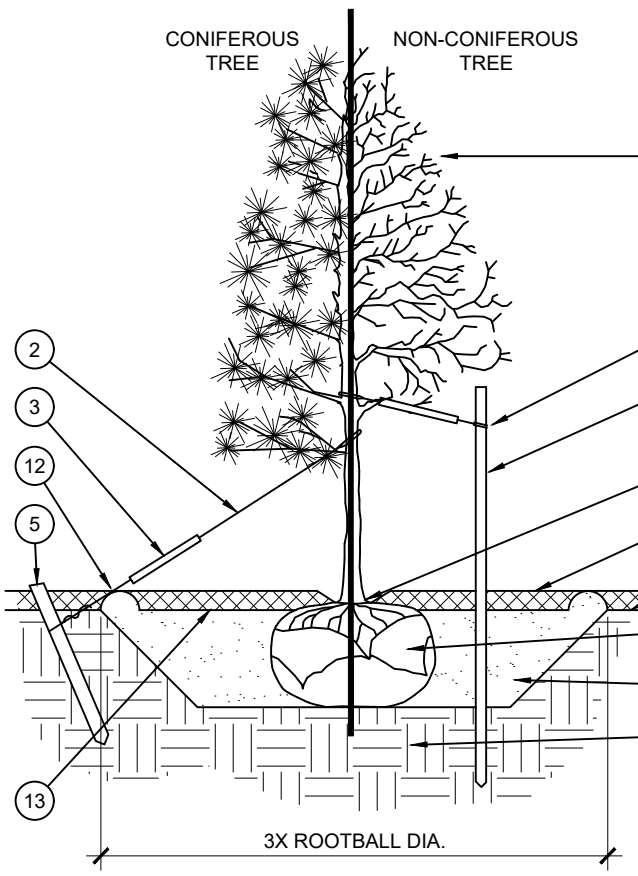


1. TYPICAL WALKWAY OR PAVING
2. TREE TRUNK
3. LINEAR ROOT BARRIER MATERIAL. SEE PLANTING NOTES FOR TYPE AND MANUFACTURER. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
4. TREE CANOPY
5. TYPICAL PLANTING AREA
6. TYPICAL CURB AND GUTTER

- NOTES:
1. INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS.
 2. BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

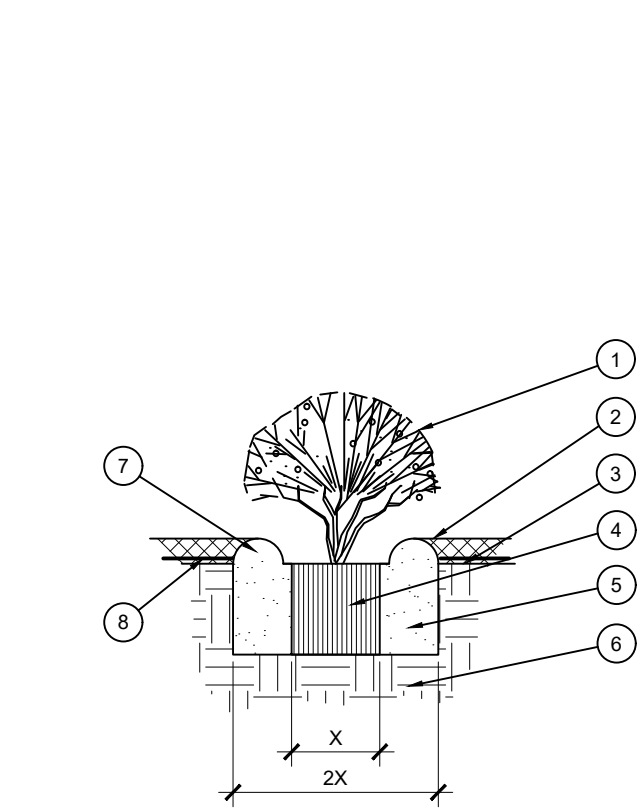
F ROOT BARRIER - PLAN VIEW

SCALE: NOT TO SCALE



A TREE PLANTING

SCALE: NOT TO SCALE



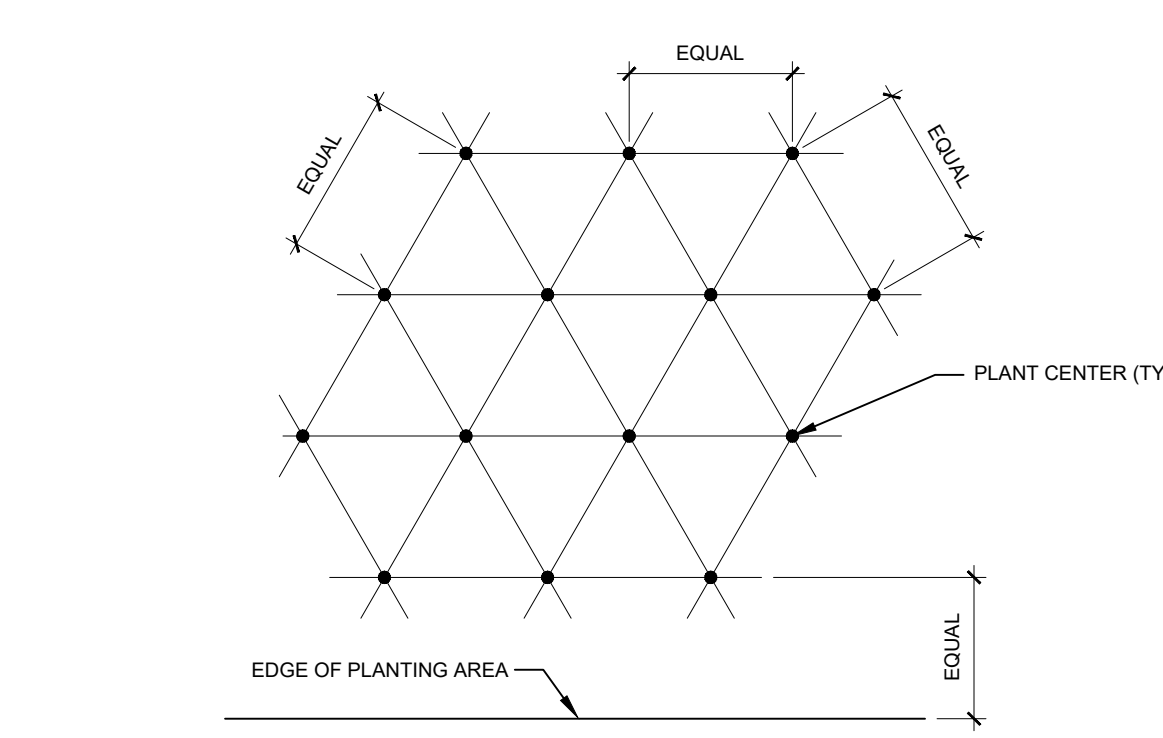
1. TREE CANOPY.
2. CINCH-TIES (24" BOX/2" CAL. TREES AND SMALLER) OR 12 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (36" BOX/2 1/2" CAL. TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
3. 24" X 3/4" P.V.C. MARKERS OVER WIRES.
4. GREEN STEEL T-POSTS. EXTEND POSTS 12" MIN. INTO UNDISTURBED SOIL.
5. PRESSURE-TREATED WOOD DEADMAN, TWO PER TREE (MIN.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
6. TRUNK FLARE.
7. MULCH, TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 6" OF TRUNK.
8. FINISH GRADE.
9. ROOT BALL.
10. BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
11. UNDISTURBED NATIVE SOIL.
12. 4" HIGH EARTHEN WATERING BASIN.
13. FINISH GRADE.

- NOTES:
1. SCARIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
 2. REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE ROOT FLARE IS 2" ABOVE FINISH GRADE.
 3. FOR B&B TREES, CUT OFF BOTTOM 1/3 OF WIRE BASKET BEFORE PLACING TREE IN HOLE, CUT OFF AND REMOVE REMAINDER OF BASKET AFTER TREE IS SET IN HOLE. REMOVE ALL NYLON TIES, TWINE, ROPE, AND OTHER PACKING MATERIAL. REMOVE AS MUCH BURLAP FROM AROUND ROOTBALL AS IS PRACTICAL.
 4. REMOVE ALL NURSERY STAKES AFTER PLANTING.
 5. FOR TREES 36" BOX/2 1/2" CAL. AND LARGER, USE THREE STAKES OR DEADMAN (AS APPROPRIATE), SPACED EVENLY AROUND TREE. STAKING SHALL BE TIGHT ENOUGH TO PREVENT TRUNK FROM BENDING, BUT LOOSE ENOUGH TO ALLOW SOME TRUNK MOVEMENT IN WIND.

1. SHRUB, PERENNIAL, OR ORNAMENTAL GRASS.
2. MULCH, TYPE AND DEPTH PER PLANS. PLACE NO MORE THAN 1" OF MULCH WITHIN 6" OF PLANT CENTER.
3. FINISH GRADE.
4. ROOT BALL.
5. BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
6. UNDISTURBED NATIVE SOIL.
7. 3" HIGH EARTHEN WATERING BASIN.
8. WEED FABRIC UNDER MULCH.

B SHRUB AND PERENNIAL PLANTING

SCALE: NTS



NOTE: ALL PLANTS SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING (EXCEPT WHERE SHOWN ON PLANS AS INFORMAL GROUPINGS). REFER TO PLANT LEGEND FOR SPACING DISTANCE BETWEEN PLANTS.

1. STEP 1: DETERMINE TOTAL PLANTS FOR THE AREA WITH THE FOLLOWING FORMULA:
TOTAL AREA / AREA DIVIDER = TOTAL PLANTS

PLANT SPACING	AREA DIVIDER	PLANT SPACING	AREA DIVIDER
6"	0.22	18"	1.95
8"	0.39	24"	3.46
10"	0.60	30"	5.41
12"	0.87	36"	7.79
15"	1.35		

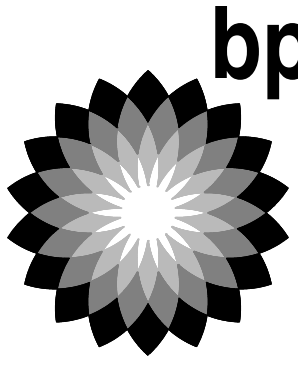
2. STEP 2: SUBTRACT THE ROW (S) OF PLANTS THAT WOULD OCCUR AT THE EDGE OF THE PLANTED AREA WITH THE FOLLOWING FORMULA: TOTAL PERIMETER LENGTH / PLANT SPACING = TOTAL PLANT SUBTRACTION

EXAMPLE: PLANTS AT 18" O.C. IN 100 SF PLANTING AREA, 40 LF PERIMETER
STEP 1: 100 SF / 1.95 = 51 PLANTS
STEP 2: 51 PLANTS - (40 LF / 1.95 = 21 PLANTS) = 30 PLANTS TOTAL

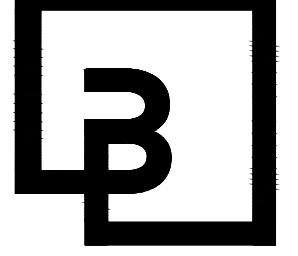
C PLANT SPACING

SCALE: NTS

CLIENT:



BP WEST COAST PRODUCTS, LLC



Barghausen Consulting Engineers, Inc.

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SEAL:

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DEVELOPMENT INFORMATION:

RETAIL DEVELOPMENT

SITE ADDRESS:

NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #/TBD

DESIGNED BY: ALLIANCE T&B

CHECKED BY: BP REPA

DRAWN BY: ALLIANCE P&E

VERSION: PROJECT NO. 21230

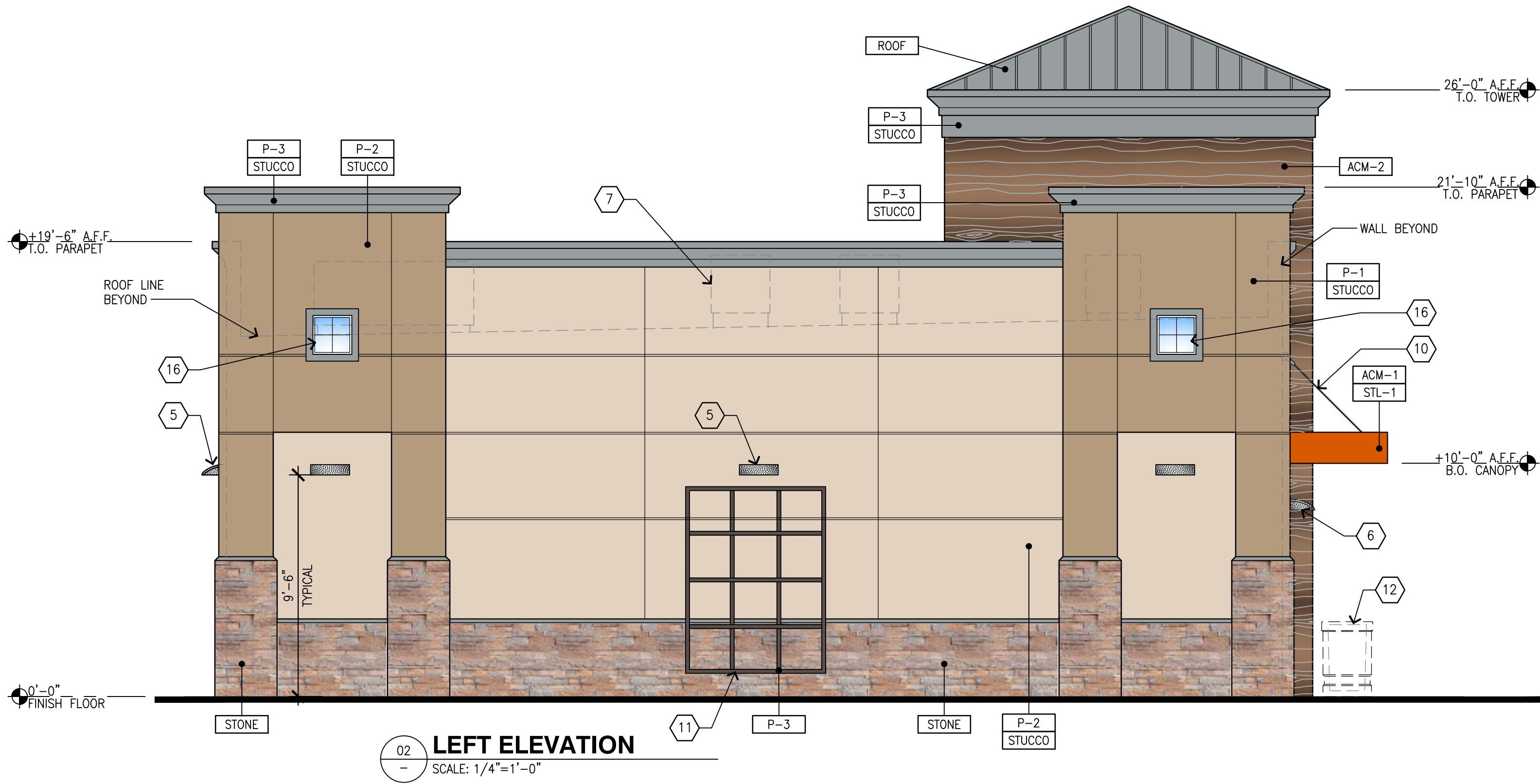
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LANDSCAPE SPECIFICATIONS & DETAILS

SHEET NO:

LP-2

ATTACHMENT 4



02 LEFT ELEVATION
SCALE: 1/4"=1'-0"

COLOR LEGEND

- P-1 BENJAMIN MOORE, 1077
"GREAT PLAINS GOLD", SATIN FINISH
- P-2 BENJAMIN MOORE, 1030
"BRANDY CREAM", SATIN FINISH
- P-3 BENJAMIN MOORE, 2121-30
"PEWTER", HIGH GLOSS FINISH

MATERIAL LEGEND

- ACM-1 ALUMINUM COMPOSITE MATERIAL,
PANTONE PMS 166c, "ORANGE"
- ACM-2 ALUMINUM COMPOSITE MATERIAL,
ALUCOBOND, "RUSTIC WALNUT"
- STONE PANELIZED STONE VENEER
MFR: CORONADO, SERIES: PRO-LEDGE
COLOR: "ALASKAN SUNSET"
- ROOF STANDING SEAM METAL ROOF
MFG: MBCI, OR APPROVED EQUAL
PRODUCT: SIGNATURE 300,
LOKSEAM SERIES 16", 24 GA
MEDIUM BRONZE
- STUCCO 3/8" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS;
TEXTURE: FINE SAND FINISH
- ACM-1 ALUMINUM COMPOSITE MATERIAL, PANTONE PMS 166c, "ORANGE"
- ACM-2 ALUMINUM COMPOSITE MATERIAL, ALUCOBOND, "RUSTIC WALNUT"
- ALUM CLEAR ANODIZED ALUMINUM
- STL-1 STEEL AWNING

GENERAL NOTES

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

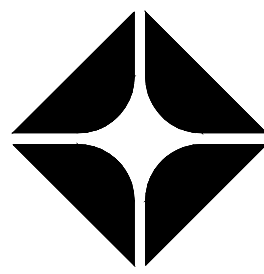
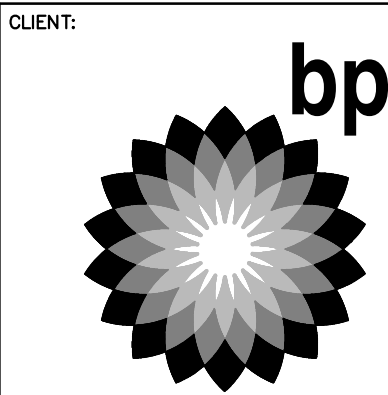
KEYED NOTES

- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.1 FOR SPECIFICATION
- 2 OVERFLOW DRAIN
- 3 WALL POSTER
- 4 LARGE INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
- 5 WALL MOUNTED LED FIXTURE
- 6 WALL MOUNTED SIGN LIGHTING
- 7 ROOFTOP EQUIPMENT BEYOND
- 8 MAIN SWITCHGEAR
- 9 CO2 FILL/VENT BOX, VERIFY LOCATION PRIOR TO INSTALLATION
- 10 AWNING ROD AND CLEVIS, REFER TO SHEET A1.4 AND STRUCTURAL PLANS FOR DETAILS
- 11 STEEL LATTICE
- 12 TRADITIONAL CEMENT TRASH RECEPTACLE, REFER TO SHEET Q2.1 FOR SPECIFICATION
- 13 PORTABLE PROPANE TANK DISPLAY, REFER TO SHEET Q2.1 FOR SPECIFICATION
- 14 EMERGENCY SHUT OFF SWITCH, VERIFY LOCATION PRIOR TO INSTALLATION. REFER TO ELECTRICAL SHEETS FOR SPECIFICATIONS
- 15 AIR CURTAIN BEYOND, REFER TO SHEET A2.3 AND MECHANICAL PLANS
- 16 FAUX OPAQUE WINDOW WITH ALUMINUM FRAME

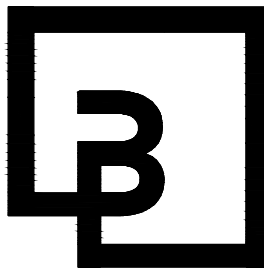


01 FRONT ELEVATION
SCALE: 1/4"=1'-0"

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2	01/24/23	01	REVIEW COMMENTS
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YUBA CITY, CALIFORNIA**

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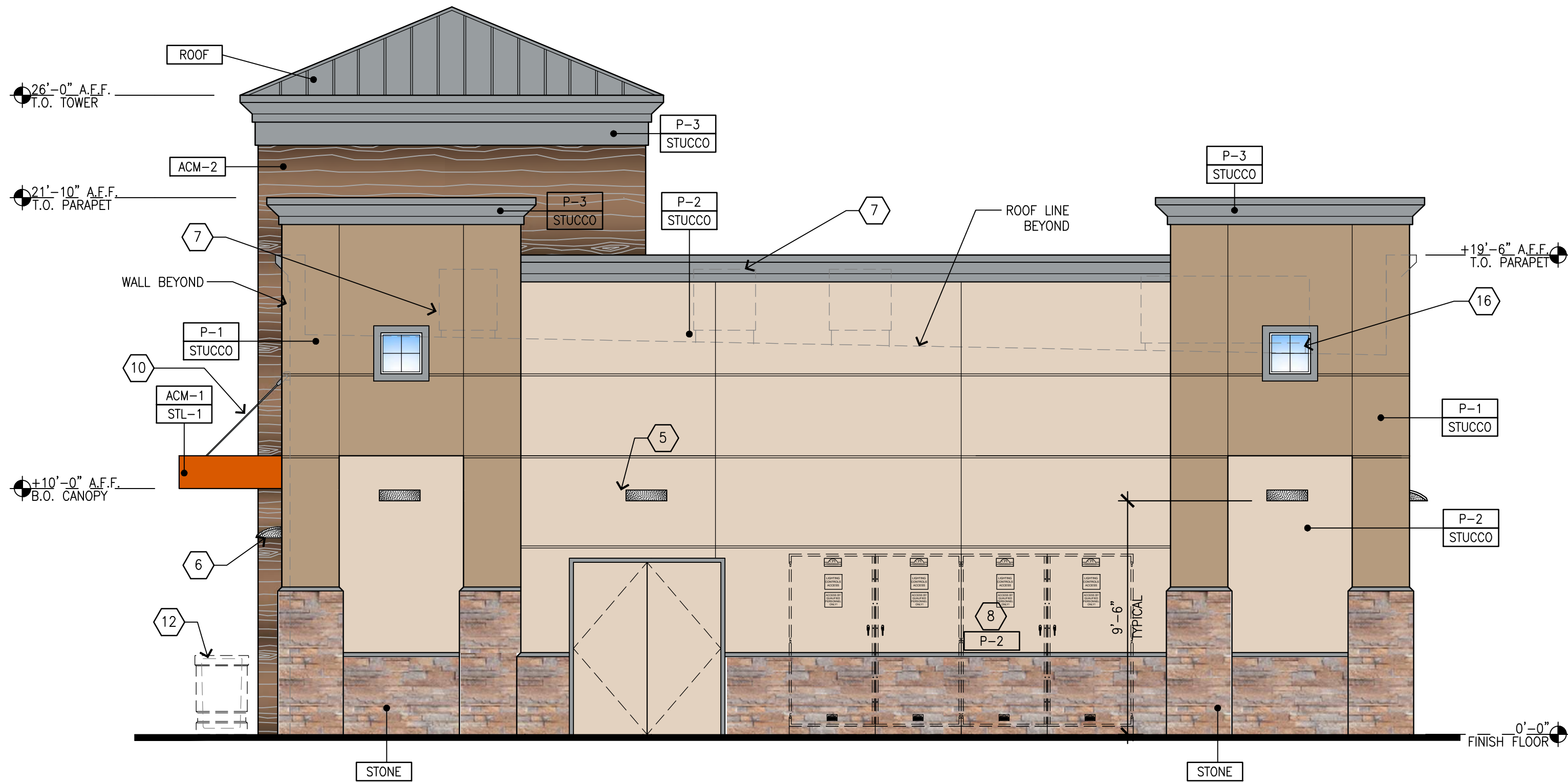
DESIGNED BY: ALLIANCE T&M:
CHECKED BY: BP REP:
DRAWN BY: ALLIANCE PM:
VERSION: PROJECT NO:
21230

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**EXTERIOR
ELEVATIONS**

SHEET NO:

A2.1



03
RIGHT ELEVATION
SCALE: 1/4"=1'-0"

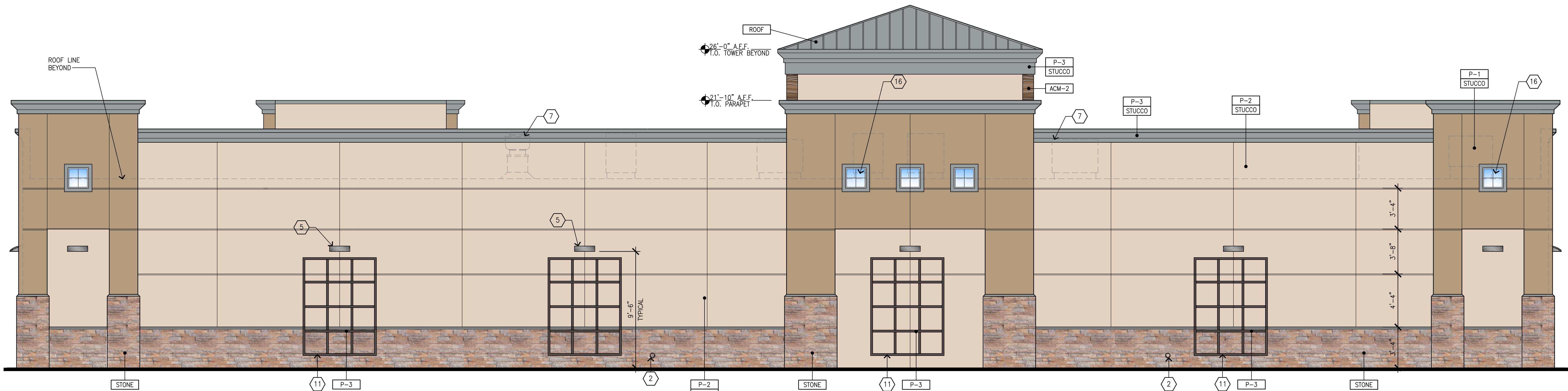
COLOR LEGEND	
	P-1 BENJAMIN MOORE, 1077 "GREAT PLAINS GOLD", SATIN FINISH
	P-2 BENJAMIN MOORE, 1030 "BRANDY CREAM", SATIN FINISH
	P-3 BENJAMIN MOORE, 2121-30 "PEWTER", HIGH GLOSS FINISH
MATERIAL LEGEND	
	ACM-1 ALUMINUM COMPOSITE MATERIAL, PANTONE PMS 166c, "ORANGE"
	ACM-2 ALUMINUM COMPOSITE MATERIAL, ALUCOBOND, "RUSTIC WALNUT"
	STONE PANELIZED STONE VENEER MFR: CORONADO, SERIES: PRO-LEDGE COLOR: "ALASKAN SUNSET"
	ROOF STANDING SEAM METAL ROOF MFG: MBCI, OR APPROVED EQUAL PRODUCT: SIGNATURE 300, LOKSEAM SERIES 16", 24 GA MEDIUM BRONZE
	STUCCO 3/8" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
	ACM-1 ALUMINUM COMPOSITE MATERIAL, PANTONE PMS 166c, "ORANGE"
	ACM-2 ALUMINUM COMPOSITE MATERIAL, ALUCOBOND, "RUSTIC WALNUT"
	ALUM CLEAR ANODIZED ALUMINUM
	STL-1 STEEL AWNING

GENERAL NOTES

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

KEYED NOTES

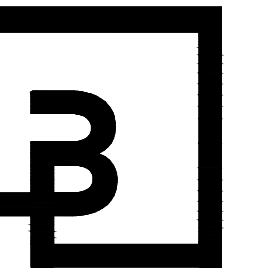
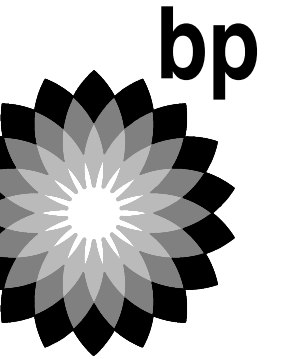
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- 2 OVERFLOW DRAIN
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- 15 AIR CURTAIN BEYOND, REFER TO SHEET A2.3 AND MECHANICAL PLANS
- 16 FAUX OPAQUE WINDOW WITH ALUMINUM FRAME



04
REAR ELEVATION
SCALE: 1/4"=1'-0"

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2	01/24/23	REVIEW COMMENTS
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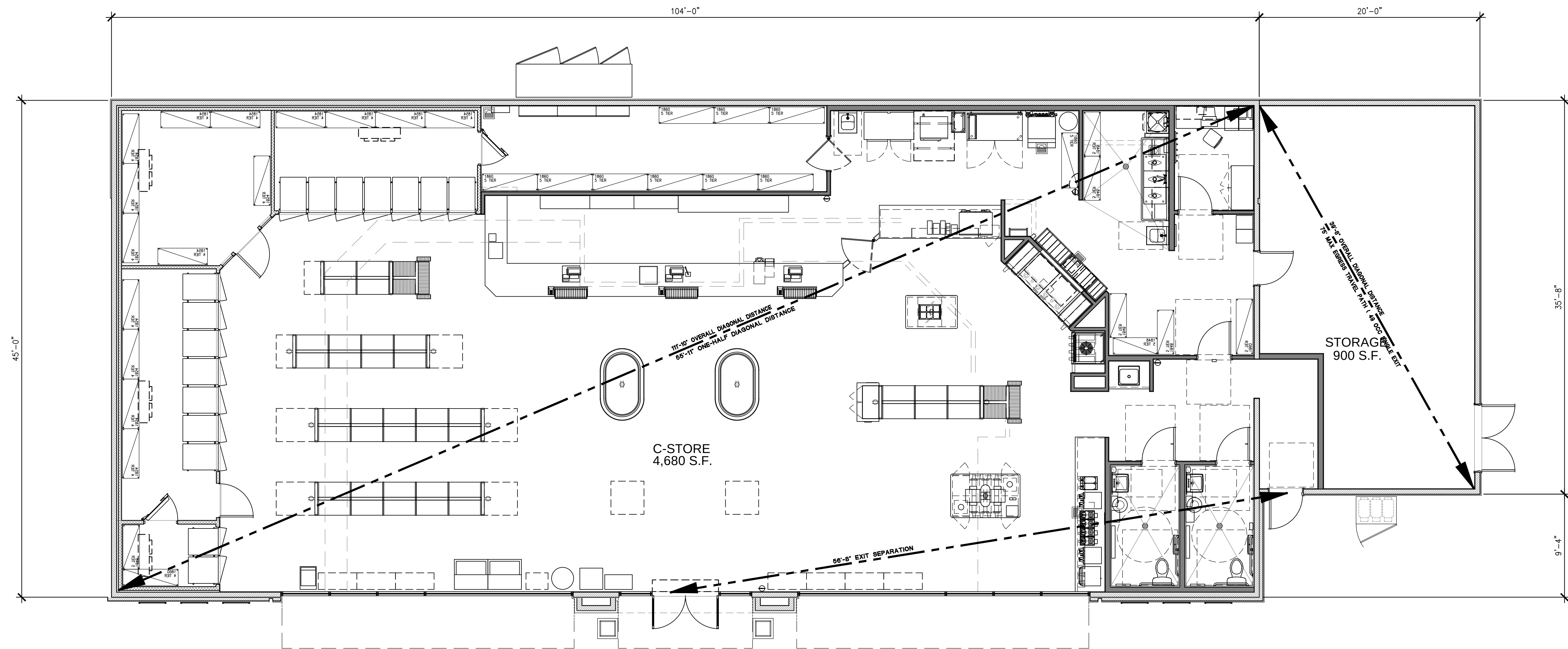
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VERSION: PROJECT NO:
21230

DRAWING TITLE:

EXTERIOR ELEVATIONS

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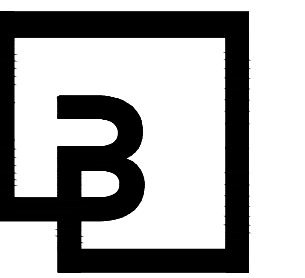
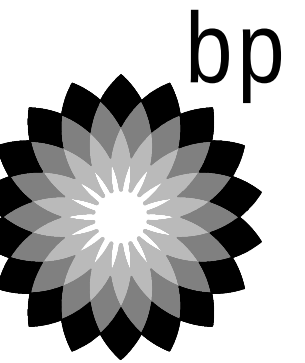
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01 EQUIPMENT FLOOR PLAN
SCALE: 1/4"=1'-0"

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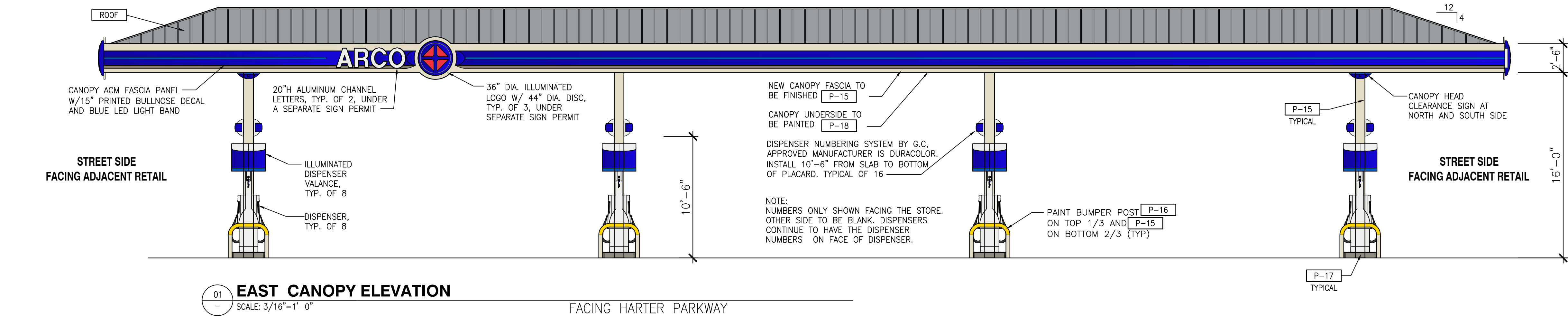
FACILITY #TBD

DESIGNED BY:	ALLIANCE ZADN:
CHECKED BY:	BP REPM:
DRAWN BY:	ALLIANCE PM:
VERSION:	PROJECT NO: 21230

DRAWING TITLE:
EQUIPMENT
FLOOR PLAN

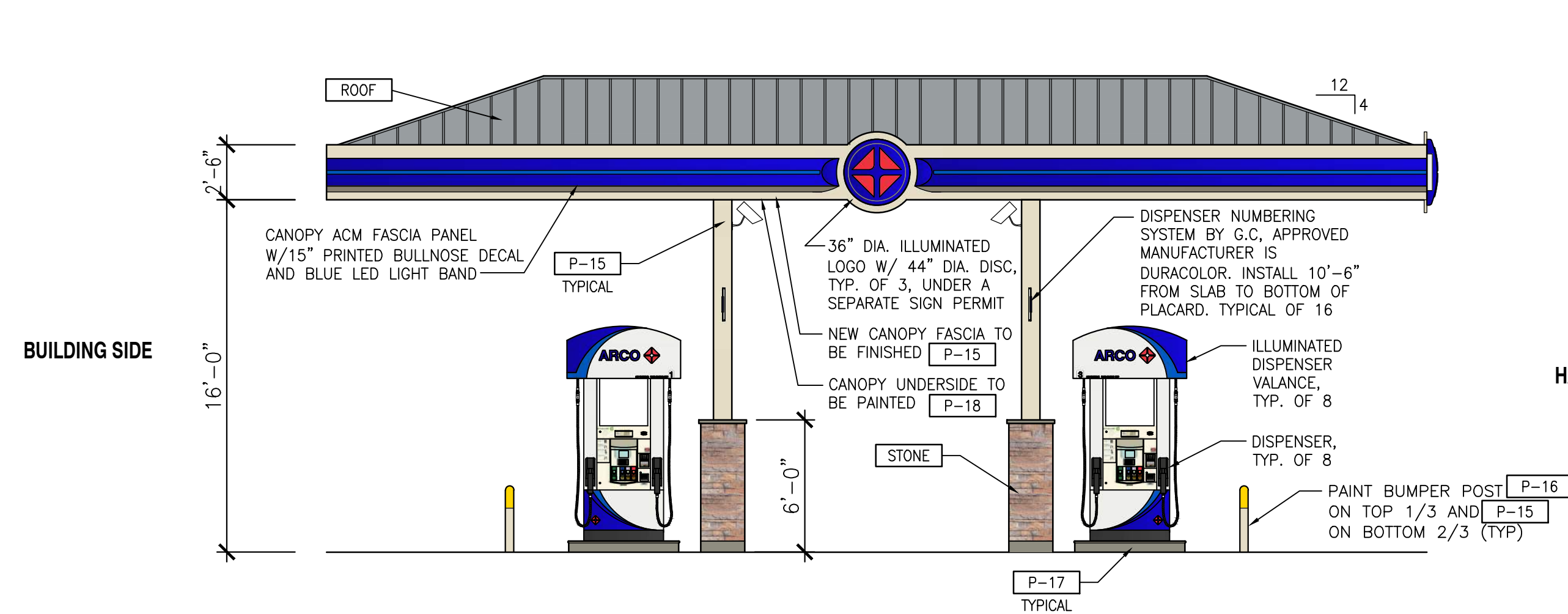
SHEET NO:

Q1.1



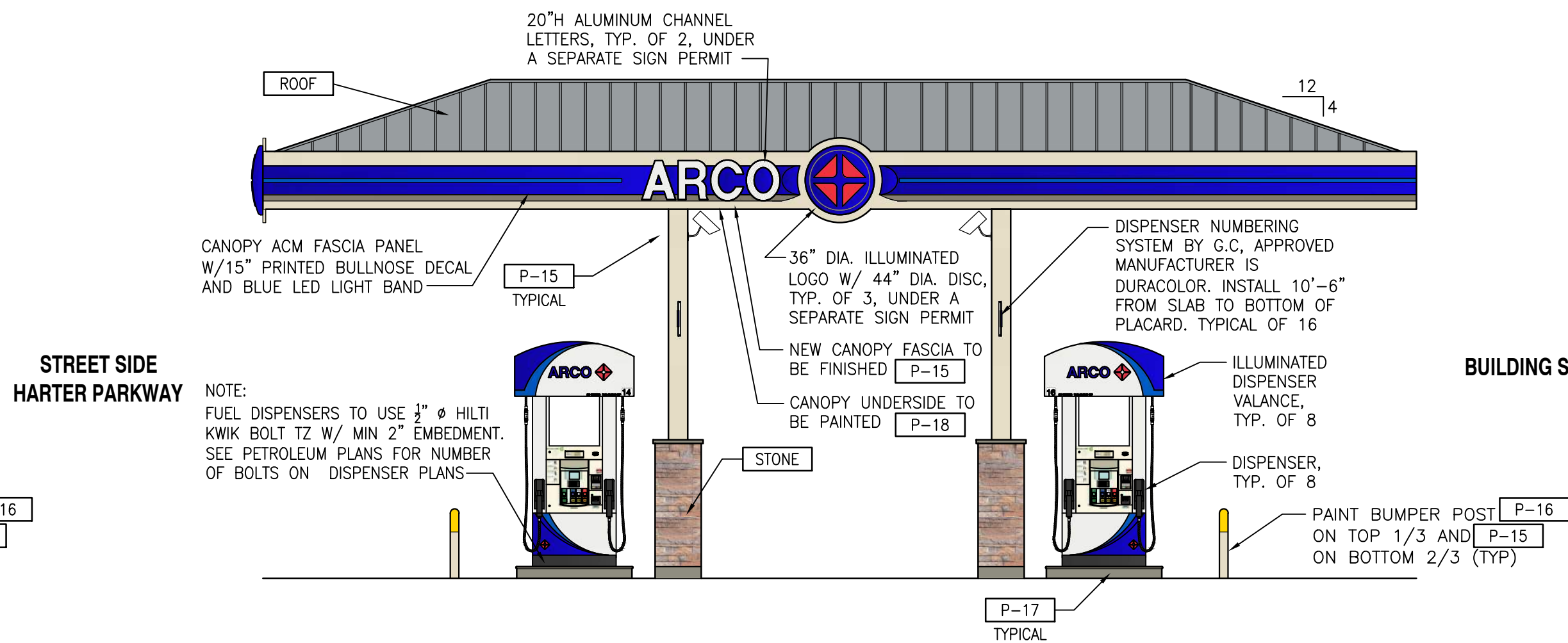
01 EAST CANOPY ELEVATION
SCALE: 3/16"=1'-0"

FACING HARTER PARKWAY



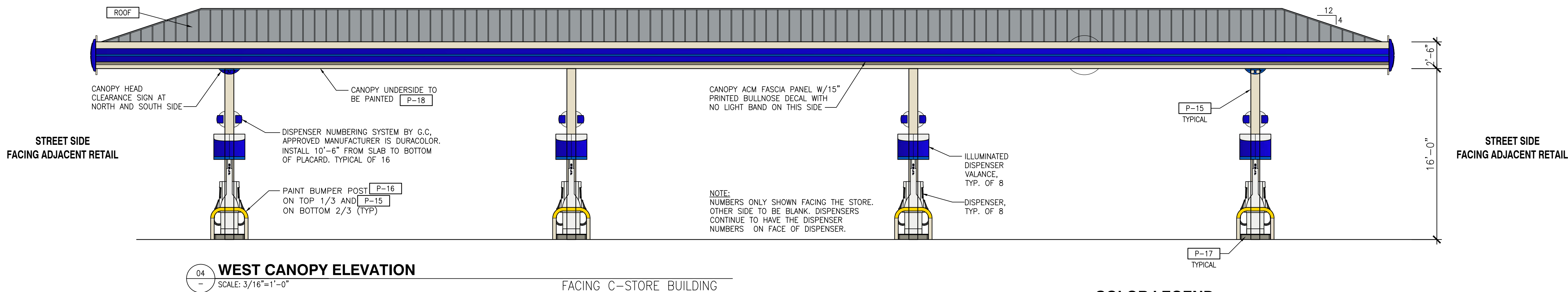
02 SOUTH CANOPY ELEVATION
SCALE: 3/16"=1'-0"

FACING ADJACENT RETAIL



03 NORTH CANOPY ELEVATION
SCALE: 3/16"=1'-0"

FACING ADJACENT RETAIL



04 WEST CANOPY ELEVATION
SCALE: 3/16"=1'-0"

FACING C-STORE BUILDING

COLOR LEGEND

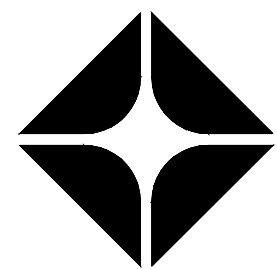
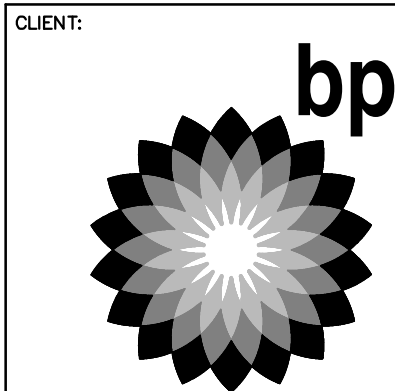
P-15 BP PEARL -BENJAMIN MOORE, OC-8, "ELEPHANT TUSK" -SHERWIN WILLIAMS, SW6119, "ANTIQUE WHITE" -ICI PAINTS, #A0083- 38YY 72/117, "INDIAN LEGEND"	P-17 BP WARM GRAY -BENJAMIN MOORE, 2137-40, "DESERT TWILIGHT" -SHERWIN WILLIAMS, SW7053, "ADAPTIVE SHADE" -ICI PAINTS, #A1860- 40YY 25/074, "GRAY MOUNTAIN"
P-16 BP YELLOW -BENJAMIN MOORE, 2022-10, "YELLOW" -SHERWIN WILLIAMS, SW6903, "CHEERFUL" -ICI PAINTS, #A0775- 37YY 61/867, "OMEGA YELLOW"	P-18 HIGH HIDING WHITE -BENJAMIN MOORE, OC-67, "ICE MIST" -SHERWIN WILLIAMS, SW7006, "EXTRA WHITE" -ICI PAINTS, #A0128- 50GY 83/010, "WHITE WING"

MATERIAL LEGEND

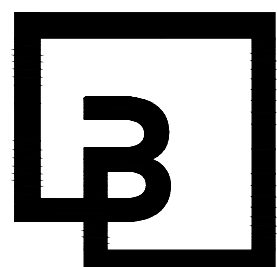
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SIGNAGE NOTE:
ALL SIGNAGE SHOWN IS FOR VISUAL REFERENCE ONLY-
SIGN PERMIT UNDER SEPARATE PERMIT

Preliminary Not For Construction



BP WEST COAST PRODUCTS, LLC



Barghausen
Consulting Engineers, Inc.

18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

NO.	DATE	REVISION	DESCRIPTION
1	11/18/22	01P	SUBMITTAL
2	01/24/23	01	REVIEW COMMENTS
3			
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7			
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9			
10			

SEAL:

DEVELOPMENT INFORMATION:

RETAIL DEVELOPMENT

SITE ADDRESS:

NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

DESIGNED BY:	ALLIANCE ZADN:
CHECKED BY:	BP REPR:
DRAWN BY:	ALLIANCE PM:
VERSION:	PROJECT NO:

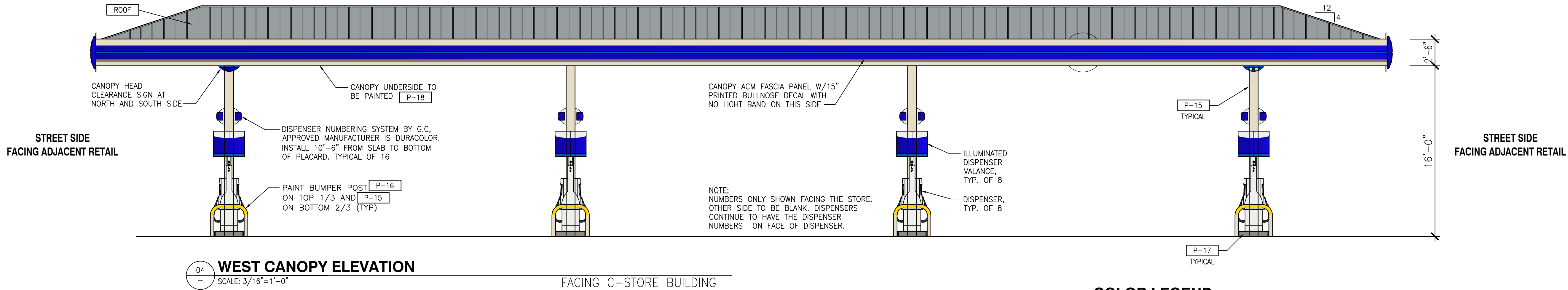
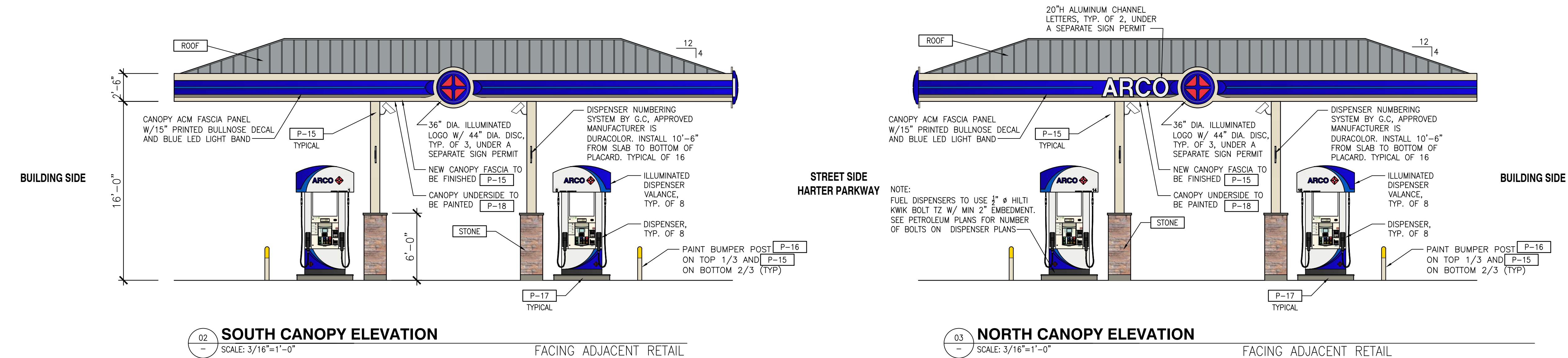
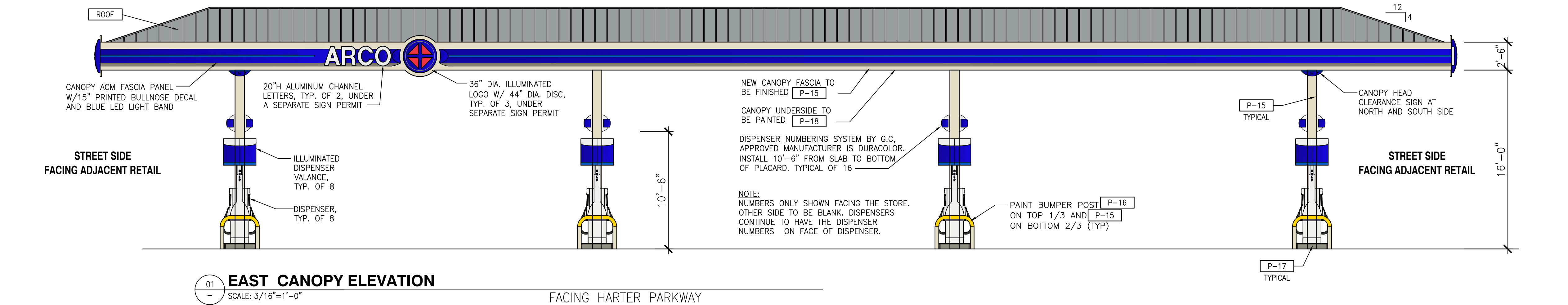
21230

DRAWING TITLE:

CANOPY
ELEVATIONS

SHEET NO:

CA2.1



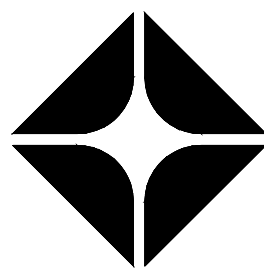
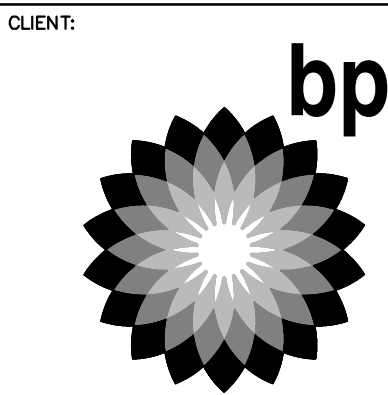
COLOR LEGEND

P-15 BP PEARL -BENJAMIN MOORE, OC-8, "ELEPHANT TUSK" -SHERWIN WILLIAMS, SW6119, "ANTIQUE WHITE" -ICI PAINTS, #A0083- 38YY 72/117, "INDIAN LEGEND"	P-17 BP WARM GRAY -BENJAMIN MOORE, 2137-40, "DESERT TWILIGHT" -SHERWIN WILLIAMS, SW7053, "ADAPTIVE SHADE" -ICI PAINTS, #A1860- 40YY 25/074, "GRAY MOUNTAIN"
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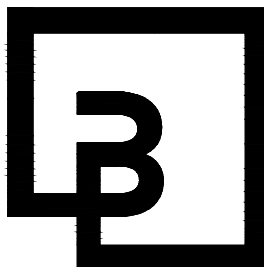
MATERIAL LEGEND

STONE PANELIZED STONE VENEER MFR: CORONADO, SERIES: PRO-LEDGE COLOR: "ALASKAN SUNSET"	ROOF STANDING SEAM METAL ROOF MFG: MBCI, OR APPROVED EQUAL PRODUCT: SIGNATURE 300, LOKSEAM SERIES 16", 24 GA MEDIUM BRONZE
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2	01/24/23	01	REVIEW COMMENTS
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SEAL:

DEVELOPMENT INFORMATION:
RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

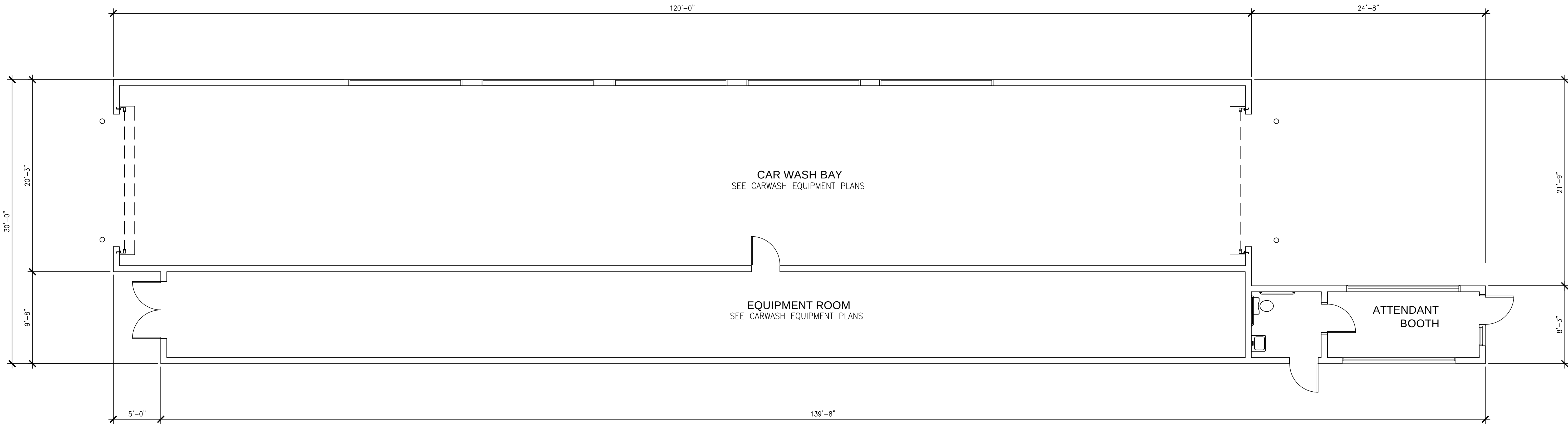
DESIGNED BY: ALLIANCE ZADN:
CHECKED BY: BP REPA:
DRAWN BY: ALLIANCE PM:
VERSION: PROJECT NO:
21230

DRAWING TITLE:
CANOPY
ELEVATIONS

SHEET NO:

CA2.1

Preliminary Not For Construction

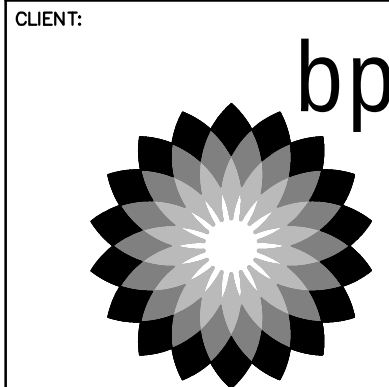


01 CAR WASH FLOOR PLAN

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

GROSS FLR AREA: 3582 SF

CARWASH/ EQUIP. ROOM NOTES:
VERIFY W/ CARWASH SUPPLIER FOR
ALL BLOCKING, AND CONNECTION
DETAILING REQUIRED
PROVIDE BLOCKING, AND SEALANT, AT
ALL WALL PENETRATION LOCATIONS



**Barghausen
Consulting Engineers, Inc.**
18215 72nd Avenue South
Kent, WA 98032
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barghausen.com

NO.	DATE	REVISION	DESCRIPTION
△	09-09-19	REVIEW	COMMENTS
△	07-27-20	REVIEW	COMMENTS
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SEAL:

NOT FOR
CONSTRUCTION

DEVELOPMENT INFORMATION:
RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

DESIGNED BY:	ALLIANCE ZBDN:
CHECKED BY:	BP REPM:
DRAWN BY:	ALLIANCE PM:
VERSION:	PROJECT NO: 21230

DRAWING TITLE:
CAR WASH
FLOOR PLAN

SHEET NO:

CWA1.1

Preliminary Not For Construction

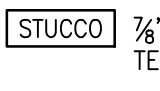
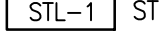
GENERAL NOTES

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

KEYED NOTES

- | | |
|---|--|
| 1 | ALUMINUM ENTRANCE AND STOREFRONT SYSTEM |
| 2 | STEEL ROOF AWNING |
| 3 | INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN |
| 4 | WALL MOUNTED LED FIXTURE |
| 5 | STEEL LATTICE |
| 6 | CONCRETE FILLED BOLLARD, FOR PAINT COLOR REFER TO CANOPY CA2.1 SHEET |
| 7 | FAUX OPAQUE WINDOW WITH ALUMINUM FRAME |

COLOR LEGEND

- | | | |
|---|---------------|---|
|  | P-1 | BENJAMIN MOORE, 1077
"GREAT PLAINS GOLD", SATIN FINISH |
|  | P-2 | BENJAMIN MOORE, 1030
"BRANDY CREAM", SATIN FINISH |
|  | P-3 | BENJAMIN MOORE, 2121-30
"PEWTER", HIGH GLOSS FINISH |
|  | STONE | PANELIZED STONE VENEER
MFR: CORONADO, SERIES: PRO-LEDGE
COLOR: "ALASKAN SUNSET" |
|  | ROOF | STANDING SEAM METAL ROOF
MFG: MBCI, OR APPROVED EQUAL
PRODUCT: SIGNATURE 300,
LOKSEAM SERIES 16", 24"
MEDIUM BRONZE |
|  | STUCCO | 3/4" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS;
TEXTURE: FINE SAND FINISH |
|  | STL-1 | STEEL AWNING |

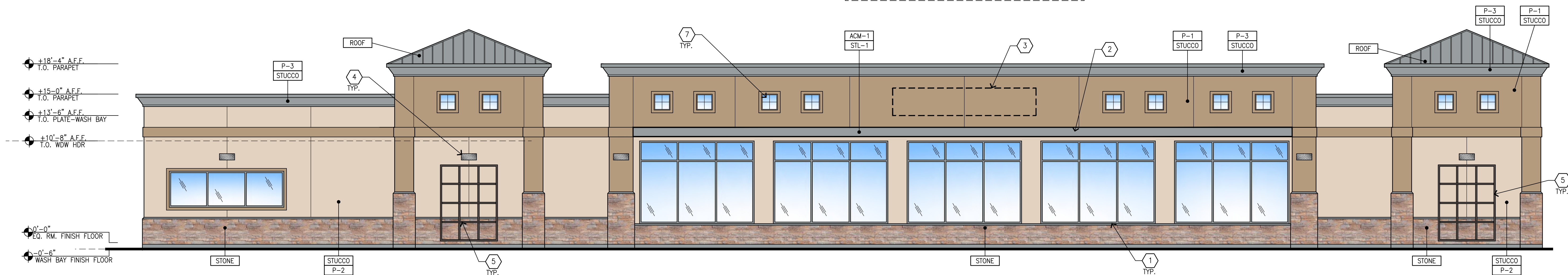


LEFT ELEVATION-SOUTH SIDE
SCALE: 3/16"=1'-0"

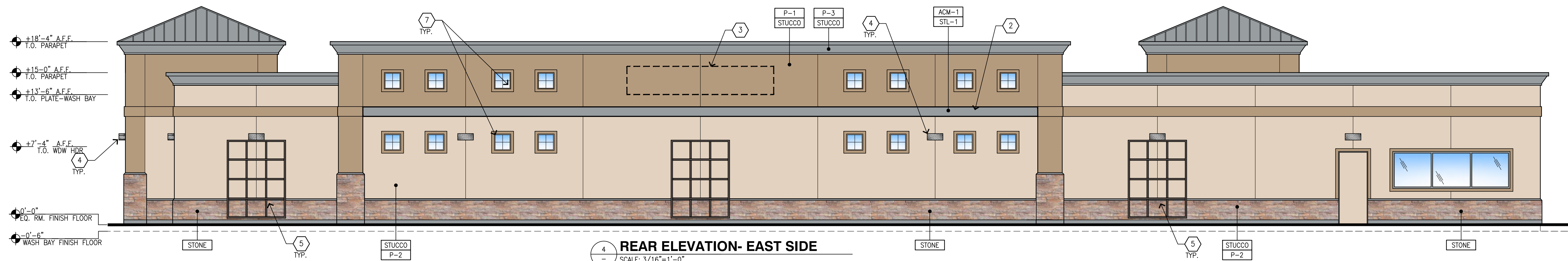


RIGHT ELEVATION-NORTH SIDE
SCALE: 3/16"=1'-0"

SIGNAGE NOTE:
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SIGN PERMIT UNDER SEPARATE PERMIT



3 FRONT ELEVATION- WEST SIDE
- SCALE: 3/16"=1'-0"



4
- **REAR ELEVATION- EAST SIDE**
SCALE: 3/16"=1'-0"

DEVELOPMENT INFORMATION:

RETAIL DEVELOPMENT

TE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

SIGNED BY:	ALLIANCE Z&DM:
CHECKED BY:	BP REPM:
AWN BY:	ALLIANCE PM:
PERSON:	PROJECT NO: 21230

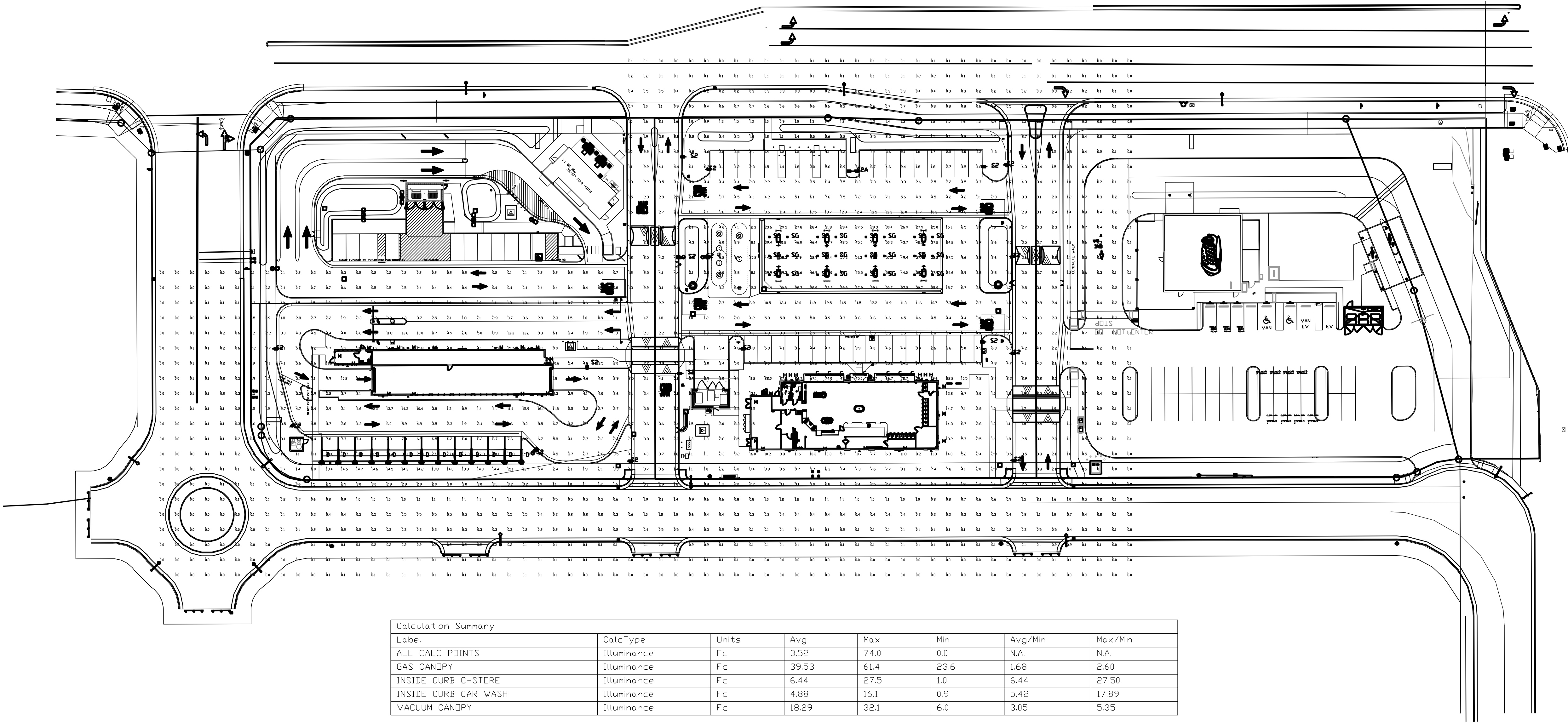
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CARWASH ELEVATIONS

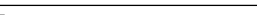
SHEET NO:

Preliminary Not For Construction

ATTACHMENT 5



Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS	Illuminance	Fc	3.52	74.0	0.0	N.A.	N.A.
GAS CANOPY	Illuminance	Fc	39.53	614	23.6	1.68	2.60
INSIDE CURB C-STORE	Illuminance	Fc	6.44	27.5	1.0	6.44	27.50
INSIDE CURB CAR WASH	Illuminance	Fc	4.88	16.1	0.9	5.42	17.89
VACUUM CANOPY	Illuminance	Fc	18.29	32.1	6.0	3.05	5.35

Luminaire Schedule									
Symbol	Qty	Label	Arrangement	Description	Mounting Height	LLD	LLF	Arr. Lum. Lumens	Arr. Watts
	13	D	SINGLE	EG3-4-LED-06L-DA-S-50-80	9'-6"	1.000	1.000	6695	48
	7	G	SINGLE	3RWM-8-LED-13-LF-50 MTD @ 10'		1.000	1.000	10568	96.06
	6	H	SINGLE	XWM-2-LED-03L-50 MTD @ 10'		1.000	1.000	3313	23
	27	M	SINGLE	XWM-FT-LED-06L-50	9'-6"	1.000	1.000	6557	47
	17	S2	SINGLE	SLM-LED-09L-SIL-FT-50-70CRI-SINGLE	16'POLE+2'BASE	1.000	1.000	9657	63
	1	S2A	D180	SLM-LED-09L-SIL-FT-50-70CRI-D180	16'POLE+2'BASE	1.000	1.000	19314	126
	24	SG	SINGLE	SCV-LED-13L-SC-50	16'	1.000	1.000	13444	90



PHOTOMETRIC EVALUATION
NOT FOR CONSTRUCTION

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with The Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LED's and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted. Fixture nomenclature noted does not include mounting hardware or poles. This drawing is for photometric evaluation purposes only and should not be used as a construction document or as a final document for ordering product.

Total Project Watts
Total Watts = 606042



LIGHTING PROPOSAL LD-158655

AREA
COLUSA HWY & HARTER PARKWAY
TUBACA

DATE: 08-21-23

EV

SHEET 1 OF 1

SCALE: 1"=40'



ATTACHMENT 6

ALCOHOL JUSTIFICATION AND STATEMENT OF QUALIFICATIONS

**ARCO Harter Marketplace
NWC CA-20 and Harter Parkway
Yuba City**



**Business Owner:
Dharni Lada Yuba City LLC
Ken Dharni**

Introduction and Project Description

The Applicant ("Applicant") has processed entitlements and is finalizing a Parcel Map for a new ARCO am/pm with fuel facility, operating 24 hours and selling beer, wine and spirits for off-premises consumption. This development will be located at the NWC of CA-20 and Harter Parkway, in the Harter Marketplace, on a newly-created parcel of land.

The Applicant submits this statement of justification and qualifications in support of the PCN application. It is the Applicant's goal to work very closely with local law enforcement, both in the areas of site and building design and operations. The site, landscaping, and building are designed using the principles of Crime Prevention Through Environmental Design (CPTED).

The Applicant operates 7 convenience stores with fuel stations in California, and has a 33-year history of developing, owning and operating ARCO am pm and other branded locations.

The ARCO am/pm is a fuel station and convenience store sized to serve the neighborhood with a variety of products. Customers of the am/pm store appreciate the ability to shop 24-hours a day, 7-days a week for the wider variety of products sold. A typical store is staffed by 20 full-time and part-time employees.

The product category of alcoholic beverages is essential to the viability of convenience stores, in some cases making up as much as 20% of sales. Inherent in the reasons for shopping at convenience stores is the expectation that a prominent location and a small floor layout results in a more convenient "one-stop" shopping experience, as opposed to navigating through large regional shopping centers or large grocery or drug store parking lots. The WalMart across the street may carry alcoholic beverages, but a customer wanting that alone has to navigate through a large parking lot, a Big Box store layout and multiple full lines of checkout lanes to buy it there. ARCO ampm offers a faster, more convenient alternative.

One the way home from work, the customer benefits from parking located directly in front of the c-store, and once inside the approximately 3,800 square foot store (excluding storage room) finds a much shorter path to travel to reach the display area. While both grocery or drug stores and convenience stores generally locate alcoholic beverages against a rear or side wall, with c-store building dimensions of 80 feet X 40 feet, the distance to reach the area is much closer than in the 13,000 to 50,000 square feet of a typical grocery or drug store, or much larger in the case of Big Box stores.

With this convenience comes a responsibility. ARCO AM/PM stores not only are designed using the principles of Crime Prevention Through Environmental Design, the operations conduct on-going staff training for age-restricted sales based on industry-proven materials, and have many operational features designed to ensure compliance with laws governing those sales, such as registers that contain features to assist in flagging under-age attempts at sales. Training includes effectively dealing with instances of loitering, and being vigilant about what is happening outside the store.

Twenty four-hour operations are designed and operated to be well lit to avoid loitering, prevent vandalism and graffiti. Interior, exterior lighting and security cameras are prominent, with lighting designed to not throw into neighboring properties while providing minimum foot candle level commensurate with county requirements.

Store managers and their staff receive extensive training in maintaining store security and deterring potential crimes and violence which includes security procedures, proper store maintenance, violence avoidance and what-to-do in case of a robbery. Employees regularly have tasks that take them outside to all areas of the premises, during which time evidence of loitering is monitored.

The convenience store is proposed with 16 exterior security cameras, which cover all possible exterior surfaces and areas of the building with emphasis on entrances and areas that cannot be seen through windows.

An electronic "point of sale" age verification system is used, which includes these features: Scans and authenticates ID; identifies fake IDs; records dates and times of entry; has the ability to create a "banned patron" list; and the name of the store shall be printed on all receipts.

All employees will be required to attend ABC Training prior to selling alcoholic beverages and in accordance with the Responsible Beverage Service Training Act of 2017 (RBST) must be certified within 60 days of hire date. Training is conducted by managers at the station, and in the case of the RBST, by ABC-accredited trainers.

Ongoing training is handled in store using training materials provided by the ABC.

Please see the enclosed Security Plan for more details.

Sale of Alcoholic Beverages – Statement of Qualifications

The Applicant has a solid track record of over 33 years of serving the community where the stations are located with only two violations in all that time, both a result of ABC-operated “sting” operations. One, in 2016, was for an underage sale, and was resolved by paying a fine. The other was for selling a non-authorized packages of a three pack of beer, also resolved by paying a fine and removing the non-authorized packaging. Below is a list of locations with alcohol licenses held by the Applicant and his partners.

Dhami and Partners	ALL ACTIVE LICENSES
WALTERS ROAD INC. 2051 WALTERS ROAD FAIRFIELD, CA 94533	ARCO # 83660 BUILT IN 2014 ABC 2013
MACK ROAD INC. 6698 MACK RD SACRAMENTO, CA 95823	ARCO # 83080 BUILT IN 2010 ABC 2010
HARNEY LANE INC 255 E HARNEY LANE LODI, CA 95240	ARCO # 83456 BUILT IN 2014 ABC 2014
NORWOOD AMPM 4000 NORWOOD AVE SACRAMENTO CA 95838	ARCO # 82675 BOUGHT IN 2005 FROM BP ABC 2005
EASTERN MINI MARKET 4224 MARCONI AVE SACRAMENTO CA 95821	ARCO # 442 LEASED PROPERTY FROM BP SINCE 1996 ABC 1996
TRINITY PARKWAY INC 10715 TRINITY PARKWAY STOCTON, CA 95219	ARCO # 83819 BUILT IN 2018 ABC 2018
BRUCEVILLE ENTERPRISES INC BRUCEVILLE RD AND WHITELOCK PKWY ELK GROVE, CA 95757	ARCO # 83829 BUILT IN 2018 ABC 2018
FRUITRIDGE AMPM 5399 or 8880 FRUITRIDGE SACRAMENTO, CA 95820 OR 95826	1992 or 1991 ABC 1990 Note: sold in 2007
TWO VIOLATIONS	
HARNEY LANE GOT A VIOLATION AROUND 2016 SOLD TO MINOR	RESOLVED BY PAYING FINE
MACK ROAD INC GOT A VIOLATION FOR CARRYING A WRONG PACKAGE 3PK BEER	RESOLVED BY PAYING FINE.

JUSTIFICATION

Section 23958 of the State of California Business and Professions Code provides that the ABC shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4 of said Business and Professions Code.

Section 23958.4 of the Business and Professions Code provides that, notwithstanding the limitations of Section 23958, the ABC shall issue a license if the applicant shows that “public convenience or necessity” would be served by the issuance of such license; and Section 23958.4 further provides that the determination of “public convenience or necessity” shall be made by the local governing body of the area in which the applicant’s premises are located with regard to certain applications.

The following arguments are put forth in furtherance of support for a determination of public convenience or necessity (PCN).

Approving the PCN will not have a potential for resulting in a reasonably foreseeable physical change to the existing environment. It is commonly accepted throughout the industry that convenience stores sell alcoholic beverages. The Applicant has demonstrated through past performance and intended operational characteristics that alcoholic beverages will be sold safely and in accordance with applicable laws.

The request to permit alcohol sales for off-premise consumption in conjunction with this establishment will not adversely affect the surrounding land uses and the growth and development of the area because the use is compatible with the nearby developments, being a predominantly commercial area.

The determination of Public Convenience or Necessity, under the conditions imposed, will not be detrimental to the health and safety of the citizens of the City of Yuba City.

SECURITY PLAN

**ARCO Harter Marketplace
NWC CA-20 and Harter Parkway
Yuba City**

**Business Owner:
Dharni Lada Yuba City LLC
Ken Dharni**

Security Plan

Introduction and Project Description

The Applicant ("Applicant") has processed entitlements and is finalizing a Parcel Map for a new ARCO am/pm with fuel facility, operating 24 hours and selling beer and wine for off-premises consumption. This development will be located at the NWC of CA-20 and Harter Parkway, in the Harter Marketplace, on a newly created parcel.

The Applicant submits this draft security plan for law enforcement feedback. It is the Applicant's goal to work very closely with local law enforcement, both in the areas of site and building design and operations. The site, landscaping, and building are designed using the principles of Crime Prevention Through Environmental Design (CPTED).

The Applicant operates 7 convenience stores with fuel stations in California, and has a 33-year history of developing, owning and operating ARCO am pm and other branded locations.

The ARCO am/pm is a fuel station and convenience store sized to serve the neighborhood with a variety of products. Customers of the am/pm store appreciate the ability to shop 24-hours a day, 7-days a week for the wider variety of products sold. A typical store is staffed by 20 full-time and part-time employees.

Safety is also a priority for am/pm. Twenty four-hour operations are designed and operated to be well lit to avoid loitering, prevent vandalism and graffiti. Interior, exterior lighting and security cameras are prominent, with lighting designed to not throw into neighboring properties while providing minimum foot candle level commensurate with county requirements.

This Security Plan is organized into categories describing steps to be taken to ensure greater safety within the subject category.

Sale of Alcoholic Beverages

The Applicant has a solid track record of over 33 years of serving the community where the stations are located with only two violations in all that time, both a result of ABC-operated "sting" operations. One, in 2016, was for an underage sale, and was resolved by paying a fine. The other was for selling a non-authorized packages of a three pack of beer, also resolved by paying a fine and removing the non-authorized packaging.

Alcohol sales at the store will be based on the following:

- Alcohol sales and service will be permitted only between the hours of 6:00 am and 2:00 am in accordance with California law.
- Sales of wine shall be in containers of at least 750 ml.
- Wine coolers, whether made for wine or malt products, shall not be sold in quantities of less than factory packs of four.
- The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages on or around the premises is prohibited.
- The Applicant will comply with all laws and regulations related to the distribution of alcoholic beverages, including not selling, furnishing, giving or causing to be sold, furnished or given away, any alcoholic beverages to any habitual drunkard, or to any obviously intoxicated person.

- The Applicant will post and maintain on the premises and in the parking lot notices or signs no less than eighteen inches by twenty-four inches (18"x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two (2) inch block lettering the following:

**UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING LOT OR ADJACENT
PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. BP 25612.5
PC 647e (a); SCC 9.92.202**

In addition to these conditions, an electronic "point of sale" age verification system is used, which includes these features:

- Scans and authenticates ID
- Identifies fake IDs
- Records dates and times of entry
- Has the ability to create a "banned patron" list
- The name of the store shall be printed on all receipts.

All employees will be required to attend ABC Training prior to selling alcoholic beverages and in accordance with the Responsible Beverage Service Training Act of 2017 (RBST) must be certified within 60 days of hire date. Training is conducted by managers at the station, and in the case of the RBST, by ABC-accredited trainers. This training includes:

- Serving responsibly and refusing service
- Liabilities
- Decoy Operations
- Checking ID
- State laws and regulations
- Impact of alcohol on the body.

In addition, managers conduct periodic refresher courses for employees, with intervals of at least annually.

Operational Characteristics Including Surveillance

Store managers and their staff receive extensive training in maintaining store security and deterring potential crimes and violence which includes security procedures, proper store maintenance, violence avoidance and what-to-do in case of a robbery.

Employees regularly have tasks that take them outside to all areas of the premises, during which time evidence of loitering is monitored.

Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.

The Applicant will be responsible for the daily removal of all litter from the site.

Any graffiti painted or marked upon the premises or on any adjacent area under the control of the applicant shall be removed or painted over with matching paint within 72 hours of being applied.

The Applicant is responsible for reasonably controlling the conduct of persons on the site and adjacent sidewalks and shall immediately disperse loiterers.

All dumpsters shall be kept locked.

Exterior trash receptacles are of a design to prevent unauthorized removal of articles from the trash bin.

Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs, no less than eighteen inches by twenty-four inches (18" x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two (2) inch block lettering the following:

NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES

No more than 33 percent of the square footage of the windows and clear doors will be blocked by advertising, signs, shelves or anything else. All advertising, signs, and shelving will be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. All signs shall comply with the code.

No public pay phones/telephones are allowed on the premises.

No coin operated games or video machines are allowed on the premises.

The Applicant uses a Recorded Video Assessment and Surveillance System (VASS), which includes these features:

- Cameras and VASS storage is digital high definition or better.
- VASS storage is kept in a secured area accessible only to management.
- VASS is equipped with a battery back-up with at least one hour of stand-by time in case of power failure.
- VASS shall support standard MPEG formats.
- VASS is capable of storing no less than 30-days worth of activity.
- Manager with access to VASS storage is able to respond within 30 minutes to a request for recorded data during business hours.
- Manager has the ability to transfer recorded data to another medium (e.g. DVD, thumb drive, etc.).
- Cameras are equipped with low light capability, auto iris and auto focus.
- VASS provides comprehensive coverage of all points of sale, safe, manager's office, areas of ingress and egress (doors, driveways), alcohol placement areas, parking lot and bicycle

parking, gas pumps, coverage of all four (4) exterior sides of the property, adjacent public rights of way, transformer and trash enclosure area, and at least one camera shall be positioned to get a front face shot (e.g. height strip camera)

An exhibit showing interior and exterior camera locations is provided with this plan.

An UL listed central station silent robbery alarm system will be employed at all points of sale, the manager's office, and near the safe(s). Alarm is be equipped with battery back-up with at least one hour of stand-by time in case of power failure.

The store will be equipped with a timed safe adjacent to the cashier limiting cash available at \$50.

Lighting

A Photometric study is included with this plan.

The parking lot of the premises will be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting will not disturb the normal privacy and use of any neighboring residences.

Exterior lighting is white light using LED lamps with full cutoff fixtures to limit glare and light trespass. Color temperature shall be between 2700K and 4100K.

Parking and bicycle parking are illuminated to a maintained minimum of 1.5 foot candles per square foot of parking area at a 10:1 maximum to minimum ratio during business hours.

Exterior walkways, alcoves and passageways are illuminated to a maintained minimum 1 foot candles per square foot of surface area at a 2-foot candle minimum average and a 4:1 average to minimum ratio from one-half hour before dusk to one-half hour after dawn.

Exterior lighting is designed in coordination with the landscaping plan to minimize interference between the light standards and required illumination and the landscape trees and required shading.

Exterior lighting is shielded or otherwise designed to avoid spillover illumination to adjacent streets and properties.

Lighting of all interior areas is adequate to provide for the safe operation and movement of all persons occupying the structure. Emergency lighting fixtures (battery operated) are installed throughout the structure that automatically activate during an electrical power outage. All main and emergency exits are clearly marked and lighted as required by the Fire Code.

Design Features

The address will be placed on the exterior wall of the building so as to be visible from the street or road fronting the property. Address numbers should be a minimum of 16 inches in height and a contrasting color to that of the building. Address numbers will be illuminated all night.

All solid core exterior doors are equipped with a 180- degree viewing device to screen persons before allowing entry, and remain locked at all times except for emergencies and deliveries. They are a minimum 1 3/4 inch thick, with reinforced strike plate attached to the door with minimum four (4) and maximum six (6) three (3) inch screws that penetrate through the frame into the structure. There is a minimum one (1) inch deadbolt on all exterior doors. Deadbolts contain a cylinder guard to prohibit twisting of the lock with a

wrench or pliers. Deadbolt locks have an exterior metal guard plate covering the deadbolt area to reduce tampering or cutting of the locking mechanism Door hinges are either welded or pinned. Cut sheets can be provided by request.

The side door has a $\frac{3}{4}$ " bolt, but it has a "smart" latch. This latch is designed to change shape due to external forces.

Height markers are required on the interior doorway.

There are no windows that can be opened.

Interior shelving and displays are no higher than five feet for increased visibility.

Loading and other outdoor areas are free of hiding places.

Trees are of a type that retain a thin trunk as they grow and mature, and are of a type that retain an open canopy to allow light in from above.

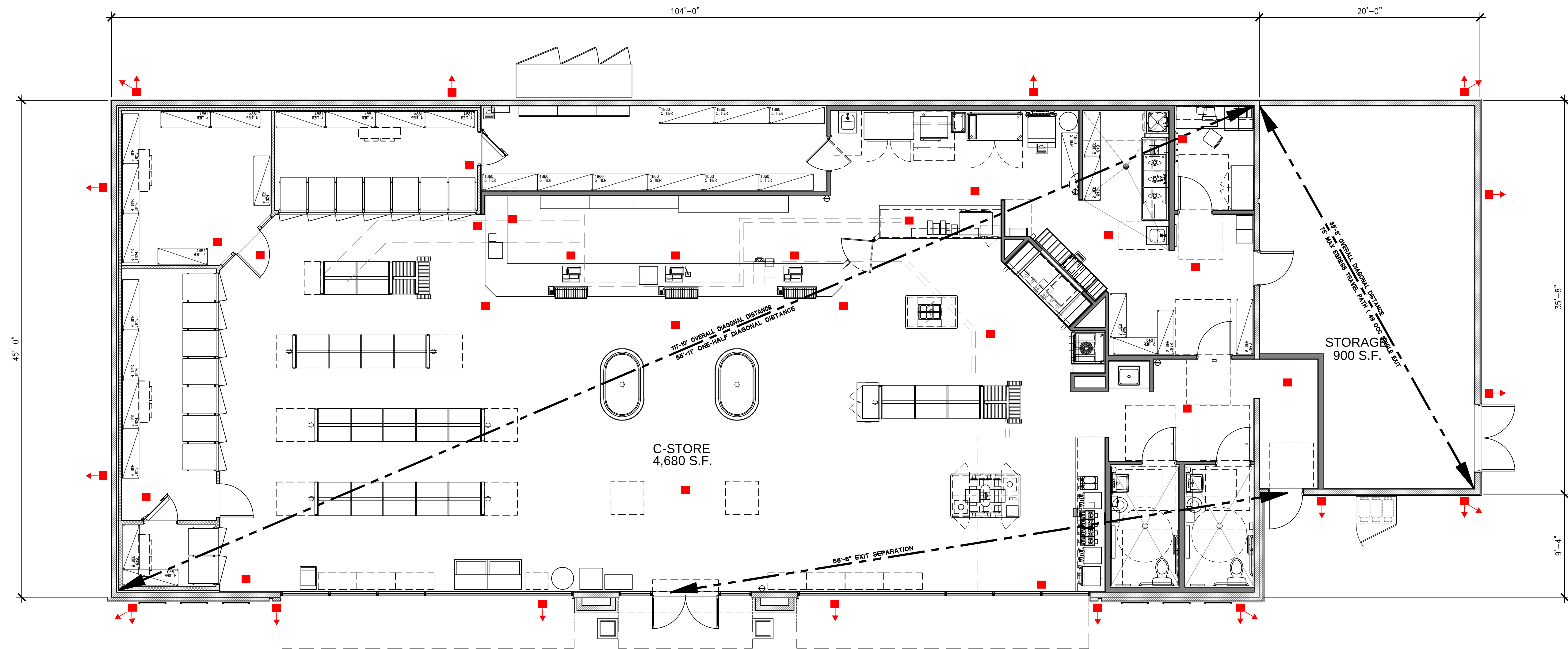
ATM are placed within easy view and not in blind or hiding spots, and the area is well lit.

Businesses are identified by wall signs for those parking in the rear.

If required, bus stop benches have separators/armrests, so they are used for sitting only.

Walkways and landscaping direct visitors to the proper entrance and away from private areas.

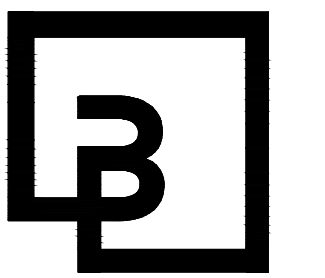
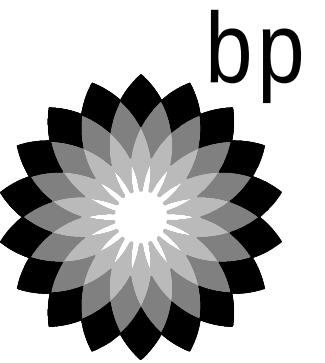
Access to the roof is internal and located in the back room away from customer areas.



01 EQUIPMENT FLOOR PLAN
SCALE: 1/4"=1'-0"

Preliminary Not For Construction

CLIENT:



**Barghausen
Consulting Engineers, Inc.**
18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

NO.	DATE	REVISION	DESCRIPTION
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SEAL:

NOT FOR
CONSTRUCTION

DEVELOPMENT INFORMATION:
RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

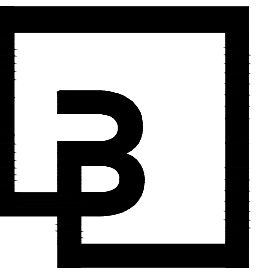
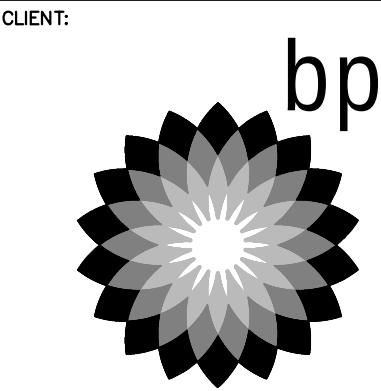
FACILITY # TBD

DESIGNED BY:	ALLIANCE ZADN:
CHECKED BY:	BP REPM:
DRAWN BY:	ALLIANCE PM:
VERSION:	PROJECT NO: 21230

DRAWING TITLE:
EQUIPMENT
FLOOR PLAN

SHEET NO:

Q1.1



**Barghausen
Consulting Engineers, Inc.**
18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

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SEAL:

NOT FOR
CONSTRUCTION

DEVELOPMENT INFORMATION:
RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

DESIGNED BY:	ALLIANCE ZADN:
CHECKED BY:	BP REP:
DRAWN BY:	ALLIANCE PM:
VERSION:	PROJECT NO: 21230

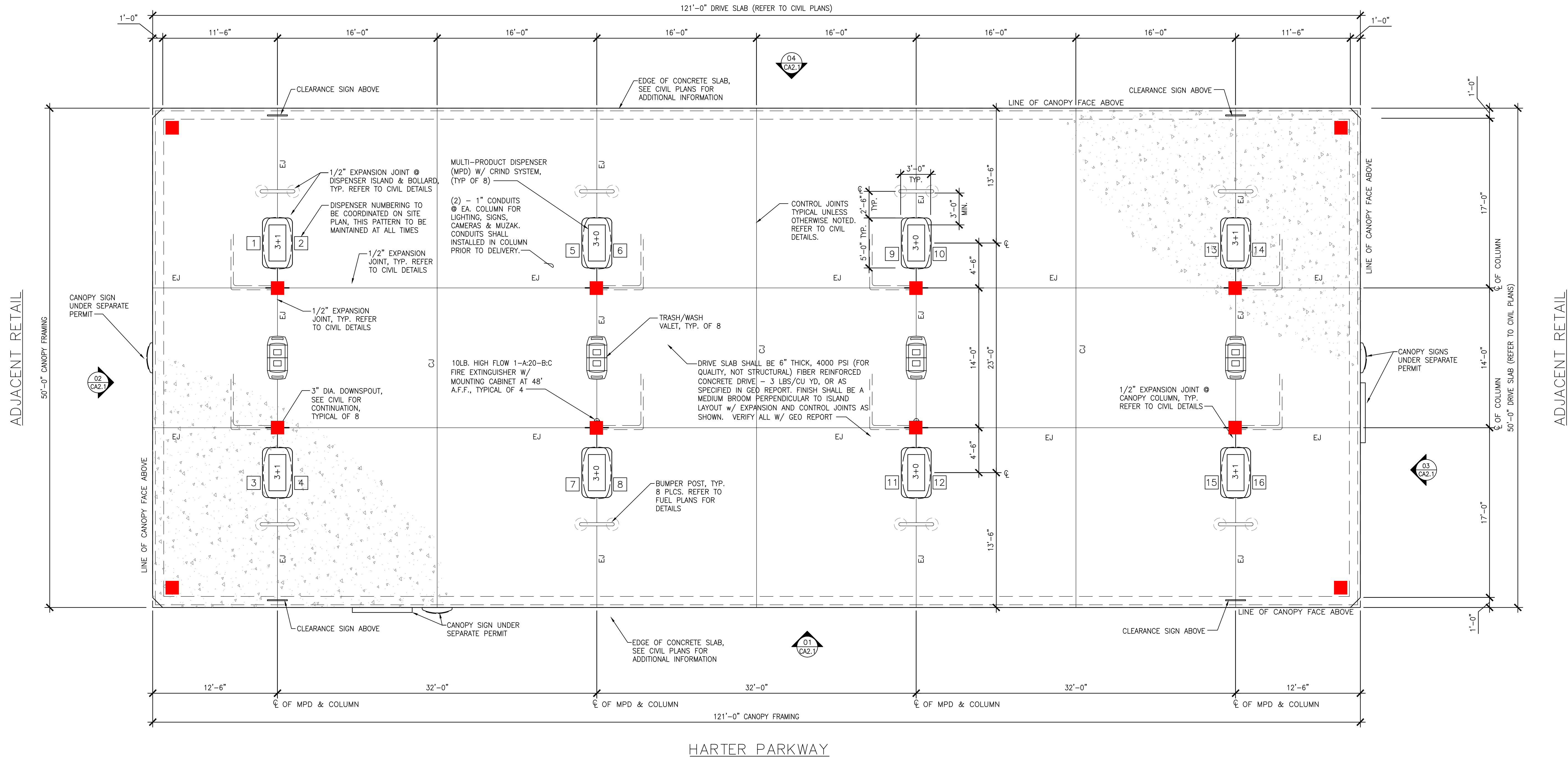
DRAWING TITLE:

CANOPY SLAB
PLAN

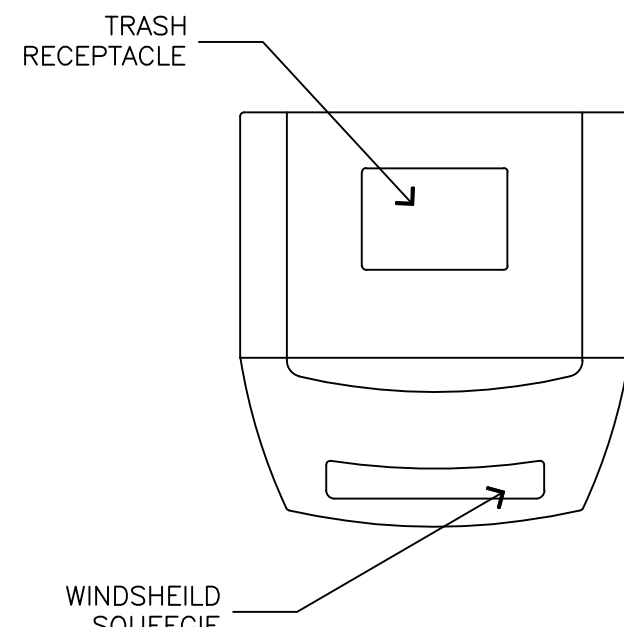
SHEET NO:

CA1.1

BUILDING SIDE



01
CANOPY SLAB PLAN - 6,050 S.F.
SCALE: 3/16"=1'-0"



02
TRASH/WINDSHIELD CADDY
SCALE: NTS

NOTES:

- DOWNSPOUTS ARE DESIGNED TO BE TIGHTLINED TO THE SITES UNDERGROUND STORM DRAINAGE SYSTEM.
- DRIVE SLAB SHALL BE REINFORCED CONCRETE CRUSHED ROCK AS SPECIFIED IN SOILS REPORT. FINISH SHALL BE A MEDIUM BROOM PERPENDICULAR TO ISLAND LAYOUT w/ EXPANSION AND CONTROL JOINTS AS SHOWN.
- CANOPY CONTRACTOR SHALL PROVIDE DOWNSPOUTS AND CONDUITS FOR LIGHTING, SIGN, MUSIC SYSTEM, CCTV AND SOLAR IN COLUMNS WHERE SPECIFIED. COORDINATE WITH GENERAL CONTRACTOR FOR EXACT LOCATION OF CONDUITS, AND HAND HOLES PRIOR TO FABRICATION. SEE ELECTRICAL DRAWINGS.
- EACH PAIR OF ISLANDS HEIGHTS SHALL BE THE SAME.
- ISLAND FORMS SHALL BE PAINTED GRAY.
- SEE SHEET CA1.3, AND ELECTRICAL DRAWINGS FOR ADDITIONAL NOTES FOR IN COLUMN ELECTRICAL CONDUIT, AND LIGHTING INFORMATION.
- GRADE BREAKS AT CONCRETE DRIVE SLAB SHALL OCCUR WITHIN DRIP LINE OF CANOPY. SEE GRADING PLAN FOR SLAB DRAINAGE ISOLATION AND OIL/WATER SEPARATOR. SEE CIVIL DRAINAGE PLANS.
- TRASH/WASH VALET ORDERS- BIG RED ROOSTER FLOW: 847-866-0761.
- ALL SPEAKERS SHALL HAVE ADJUSTABLE VOLUME CONTROLS.

Preliminary Not For Construction

ATTACHMENT 7

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 22-04
JULY 26, 2023**

**ARCO STORE AND CARWASH
APN: 62-310-016 [PIN 052310016000]**

NOTICE TO PROJECT APPLICANT

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

These conditions are applicable to any person or entity making use of this use permit, 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 use permit.

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative

record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. The site design shall be designed in conformance with the Site Plan, dated May 26, 2023, as appropriate, and as approved by the Planning Commission.
3. The development and operation of the project shall comply with all CEQA mitigation measures identified in Environmental Assessment 22-19, dated July 26, 2023, and all previously applicable environmental documents that pertain to the project.
4. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.

- The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
5. If determined necessary by the Development Services Director to address the impacts of vagrancy, the City may require nighttime security be provided at the operator's expense.
 6. The conditions as set forth for Tentative Parcel Map (TPM) 19-03 which were approved by the Yuba City Planning Commission on April 28, 2021 shall be applicable to this proposed Use Permit (UP) 22-04, or as approved by the Public Works Director.
 7. The Parcel Map for Harter Marketplace or an approved Lot Line Adjustment (LLA) is to be recorded prior to the issuance of a Building Permit for vertical construction, or as approved by the Development Services Director.
 8. The fuel canopy pillars shall be wrapped in a decorative architectural material up to at least 8 feet, or as approved by the Development Services Director.
 9. A three-foot high barrier of masonry, earth berm or vegetation screening shall be installed along the drive-thru to improve aesthetics from the public right of way and to prevent head light "spill-over" onto Harter Parkway. Masonry, earth berm, or vegetation screening shall not exceed thirty-inches in height within sight distance triangles at project entryways along Harter Parkway.
 10. All utility/mechanical equipment shall be screened from the public right of way.
 11. All queuing of vehicles must be maintained onsite. There shall be no stacking and/or queuing of vehicles entering the facility and/or waiting to access the car wash drive-thru and/or vacuum areas in the public right-of-way. "Public right of way" includes but is not limited to; Harter Marketplace Way and Harter Parkway. Operational mechanisms are to be put in place to avoid any impacts to the public right-of-way. Effective changes shall be implemented within 24 hours of notification by the City or result in reconsideration of the Use Permit by the Planning Commission.
 12. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
 13. The Developer shall place, within the property boundary, an in-line separator on the storm drain line prior to the point of connection to the storm drain line in the City right-of-way. Property owner shall be responsible for all maintenance of the system.
 14. A 10.0-foot wide public utility easement shall be provided along the street frontages of Harter Marketplace Way.
 15. Prior to issuance of certificate of occupancy, all underground utilities, public improvements, and site improvements, shall be completed.
 16. Implement all Special Event mitigation measures identified in the Focused Site Access and Circulation Assessment Plan for Harter Parkway Retail Center, by Flecker Associates, dated April 6, 2023, as necessary for special events or as directed by the City to aid onsite traffic management.

17. Incorporate all traffic calming measures identified for the north and south driveway accesses in the Focused Site Access and Circulation Assessment Plan for Harter Parkway Retail Center, by Flecker Associates, dated April 6, 2023, or as approved by the Public Works Director.

MITIGATION MEASURES

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.3 Air Quality	Air Quality Addendum MM: The Harter Specific Plan identified Mitigation Measures MM 4.2-1, MM4.2-2, MM4.2-3, and MM 4.2-5. No additional or new mitigation measures are required as a result of the proposed modifications to the project. Those mitigations are as follows: Air Quality Mitigation Measure 1: Implement the following measures to reduce PM10 and fugitive dust during construction: - Prior to final occupancy, reestablish ground cover on construction site through seeding and watering. - All grading operations shall be subject to the FRAQMD Fugitive Dust Mitigation Control Plan, which is intended to control dust from becoming air borne and also leaving the project site. - Incorporate the use of non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas. - Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Yuba City Department of Public Works and/or Caltrans. - Construction activities shall minimize disruptions to traffic flow during peak hours to the greatest feasible extent. - Construction sites shall be watered as directed by the Yuba City Department of Public Works or FRAQMD. - All trucks hauling dirt, sand, soil, or other loose material shall be covered or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between	Developer	Public Works Dept., Development Services Dept.	During construction phase.

	top of load and top of the trailer walls) in accordance with the requirements of California Vehicle Code section 23114. This provision shall be enforced by local law enforcement agencies. h. Paved streets shall be swept (water sweeper with reclaimed water recommended) at the end of each day if substantial volumes of soil material have been carried onto adjacent paved, public roads from the project site. i. Wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Air Quality Mitigation Measure 2: To reduce exhaust emissions during construction, all construction contracts shall include the following heavy-duty off-road equipment requirements to reduce ROG and NOX emissions: a. The prime contractor shall submit to the FRAQMD for approval an Off-road Construction Equipment Emission Reduction Plan prior to groundbreaking demonstrating that heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or by any subcontractor, will achieve a fleet-averaged 20 percent NOX reduction and a 45 percent particulate reduction compared to the most recent CARB fleet average; and prime contractor shall ensure that emissions from all off-road diesel-powered equipment on the project site do not exceed 40 percent opacity, pursuant to EPA Method 9 for reading visible emissions, for more than three minutes in any one hour. Any equipment found to exceed the 40 percent opacity shall be repaired immediately, and the FRAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any			
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	30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The FRAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this measure shall supersede other FRAQMD regulations. Air Quality Mitigation Measure 3: a. Promote alternative forms of transportation through the following measures: – The Specific Plan shall include bus turnouts, passenger benches, and all-weather shelters at transit access points where deemed appropriate by the Yuba-Sutter Transit Authority. – Provide for, or contribute to, dedication of land for on-site bicycle trails linking the project to designated bicycle commuting routes in accordance with the Yuba- Sutter Bikeways Master Plan (Fehr and Peers 1995). – The Specific Plan shall provide for on-site pedestrian enhancing infrastructure that includes where feasible: sidewalks and pedestrian paths; direct pedestrian connections; street trees to shade sidewalks; pedestrian safety designs/infrastructure; street lighting; and/or pedestrian signalization and signage. – Integrate each development within the Harter Specific Plan area (e.g., Yuba City Marketplace) with pedestrian paths. – Provide dispersed secure bicycle parking for short-term (for shopper's bike racks would suffice) and long-term (for employee's bike lockers, or some type of all- weather and secure facility would suffice) parking. – The project shall fund bike sensitive magnetic loops at all signalized intersections, or surveillance cameras that will trigger signals to			
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	allow cyclists to safely proceed. Loops and cameras are relevant to periods of the day when vehicle traffic is not abundant enough to trigger dedicated magnetic loops in the vehicle travel lanes and would allow cyclists to proceed through an intersection without having to wait for an automobile to arrive. – Provide preferential parking spaces for carpools and vanpools. b. Equip residential structures with electric outlets in the front and rear of the structure to facilitate the use of electric lawn and garden equipment. c. Increase energy efficiency of buildings beyond Title 24 requirements by using of high-albedo (low-absorptive) coatings on all roofs and building surfaces. This reflective surface decreases energy consumption for cooling purposes. Air Quality Mitigation Measure 5: All diesel trucks delivering merchandise to companies shall minimize idling time to 5 minutes or less. Signs should be posted at high visibility points around the facility where delivery trucks congregate (e.g., loading docks). Signs shall be made of all-weather materials, shall be reflective, and shall be printed in normal prints as well as “mirror image” in order to be read in rear-view and side-view mirrors as a truck driver backs into a bay. The facility management shall be responsible for ensuring enforcement of the idling requirement and shall train loading and docking warehouse employees to enforce the measure. Loading docks shall incorporate electric hook-ups that will assist in reducing TOCs associated with idling trucks.			
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:	Developer,	Public Works Dept., Development Services Dept.	During construction phase.

	1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high; 2. Assess effects on identified sites; 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted; 4. Obtain comments from the researchers; 5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible. In considering any suggested mitigation proposed by the consulting paleontologist, the City's Community Development Department Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
3.8. Greenhouse Gases	Greenhouse Gas Mitigation 1: The site grading and construction of the self-storage facility shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.	Developer	Development Services Dept.	Prior to issuance of building permits.
3.9 Hazards and Hazardous Materials	Hazardous Materials Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts. Hazardous Materials Mitigation Measure 2: Though not the responsibility of the Harter Specific Plan or Yuba City Marketplace project applicants, the City of Yuba City will be required to prepare a drainage infrastructure report that addresses future development impacts relative to drainage infrastructure and will be required to mitigate this impact. To pay for this infrastructure, the City will have to collect impact fees from future development. As the Harter Specific Plan development and the Yuba City Marketplace project are online to pay their	Developer	Development Services Dept.	Prior to issuance of building permits.

	pro-rata share for improvements to downstream drainage infrastructure through the Zone 6 district, it should not be necessary that the Harter Specific Plan and Yuba City Marketplace projects pay the cumulative impact fees the City may require of future development.			
3.10 Hydrology and Water Quality	Water Quality Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts. Water Quality Mitigation Measure 2: Though not the responsibility of the Harter Specific Plan or Yuba City Marketplace project applicants, the City of Yuba City will be required to prepare a drainage infrastructure report that addresses future development impacts relative to drainage infrastructure and will be required to mitigate this impact. To pay for this infrastructure, the City will have to collect impact fees from future development. As the Harter Specific Plan development and the Yuba City Marketplace project are online to pay their pro-rata share for improvements to downstream drainage infrastructure through the Zone 6 district, it should not be necessary that the Harter Specific Plan and Yuba City Marketplace projects pay the cumulative impact fees the City may require of future development.	Developer,	Public Works Dept.	During construction phase.
3.17 Transportation/Traffic	Traffic Mitigation Measure 1: Signalize the Butte House Road/Tharp Road intersection when traffic signal warrants are met. With this level of improvement, the intersection will operate at LOS B (average delay 13.5 sec). This improvement is included in the City of Yuba City Traffic Fee program, and applicable costs should be credited to the developer if the improvement is installed with the project. Install a traffic signal at the Poole Boulevard/Tharp Road intersection when traffic signal warrants are met with standard City of Yuba City intersection improvements (i.e., left turn lanes). With this improvement the intersection will operate at LOS C (average delay 24.9 sec).	Developer,	Public Works Dept.	During construction phase.

Prior to occupancy, install the auxiliary lanes noted in the table below at the Yuba City Marketplace main entry/Harter Road intersection:

Approach	Total Lanes	Description
Northbound	5	Dual left turns (2), through (2), right turn (1)
Southbound	3	Left turn (1), through (1), through + right turn (1)
Eastbound	2	Left turn+through (1), right turn (1)
Westbound	3	Left turn (1), left turn+through (1), right turn (1)

Traffic Mitigation Measure 2:

1. Signalize the Butte House Road/Harter Road intersection and realign this intersection per city requirements. With signalization, the intersection would operate at LOS A (average delay 9.7 sec).
2. A traffic signal and elements of the improvements ultimately planned for Harter Road, as part of the overall Harter Specific Plan would be required to deliver LOS C or better conditions. When traffic signal warrants are met, signalize the Yuba City Marketplace main entry/Harter Road intersection, and install the following improvements at the intersection:

Approach	Total Lanes	Description
Northbound	3	Left turn (1), through (1), right turn (1)
Southbound	2	Left turn (1), through + right turn (1)
Eastbound	1	Left+through+right turn (1)
Westbound	2	Left turn (1),

		through+right turn (1)			
	It should be noted that Mitigation Measure 4.7-2 has been implemented. The Harter Pky / Butte House Road intersection has been improved since the original EIR certification. All the listed improvements that are part of the mitigation have been installed with the exception of those relating to the north leg of the intersection. Traffic Mitigation Measure 3: The applicant shall design the bike facilities within the Harter Specific Plan area and within the Yuba City Marketplace project based on the recommendations of a qualified transportation engineer with experience in designing bicycle infrastructure. Traffic Mitigation Measure 4.2-3 (b) [From Air Quality] b. Promote alternative forms of transportation through the following measures: (i) The Specific Plan shall include bus turnouts, passenger benches, and all-weather shelters at transit access points were deemed appropriate by the Yuba-Sutter Transit Authority. (ii) Provide for, or contribute to, dedication of land for on-site bicycle trails linking the project to designated bicycle commuting routes in accordance with the Yuba-Sutter Bikeways Master Plan (Fehr and Peers 1995). (iii) The Specific Plan shall provide for on-site pedestrian enhancing infrastructure that includes where feasible: sidewalks and pedestrian paths; direct pedestrian connections; street trees to shade sidewalks; pedestrian safety designs/infrastructure; street lighting; and/or pedestrian signalization and signage. (iv) Integrate each development within the Harter Specific Plan area (e.g., Yuba City Marketplace) with				

	pedestrian paths. (v) Provide dispersed secure bicycle parking for short-term (for shopper's bike racks would suffice) and long-term (for employee's bike lockers, or some type of all- weather and secure facility would suffice) parking. (vi) The project shall fund bike sensitive magnetic loops at all signalized intersections, or surveillance cameras that will trigger signals to allow cyclists to safely proceed. Loops and cameras are relevant to periods of the day when vehicle traffic is not abundant enough to trigger dedicated magnetic loops in the vehicle travel lanes and would allow cyclists to proceed through an intersection without having to wait for an automobile to arrive.			
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 and the requirements of CEQA, including AB 523 has been satisfied.			
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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