



AGENDA

WEDNESDAY, JULY 26, 2023

REGULAR MEETING PLANNING COMMISSION CITY OF YUBA CITY

6:00 P.M. – REGULAR MEETING

CHAIRPERSON	• Jackie Sillman
VICE CHAIRPERSON	• Stacy Brookman
COMMISSIONER	• James Nore
COMMISSIONER	• Rupinder Johl Sandhu
COMMISSIONER	• Justine Gill
COMMISSIONER	• Bhavin Singh Dale
COMMISSIONER	• Karri Campbell (Sutter Co. Rep)

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%20&%20Accessibility%20Resources%20page). If you need assistance in order to attend the Planning Commission meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Planning Commission, the City is happy to help. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested. Please contact City offices at (530) 822-4817 or (TTY: 530-822-4732), so such aids or services can be arranged. Requests may also be made by email at cityclerk@yubacity.net or citymanager@yubacity.net or mail City Clerk, 1201 Civic Center Blvd, Yuba City, CA 95993.

**AGENDA
PLANNING COMMISSION
CITY OF YUBA CITY
JULY 26, 2023
6:00 P.M. - REGULAR MEETING**

Materials related to an item on this Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall 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.

Emailed comments sent to developmentsservices@yubacity.net at least 24 hours before the meeting will be distributed to the Planning Commission prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

Call to Order

Roll Call:

_____ Chairperson Sillman
_____ Vice Chairperson Brookman
_____ Commissioner Gill
_____ Commissioner Nore
_____ Commissioner Sandhu
_____ Commissioner Dale
_____ Commissioner Campbell (Sutter County Representative)

Pledge of Allegiance to the Flag

Public Comment on Items not on the Agenda

You are welcome and encouraged to participate in this meeting. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearance of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Planning Commission Business

3. Agenda Modifications

Approval of Minutes

4. Minutes from May 31, 2023

Business Items

5. Consideration of a General Plan Amendment (GPA) 23-02 and Rezone (RZ) 23-02, Bains - Bridge Street, located at the North side of Bridge Street and west of Walton Avenue.

- 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).

6. Consideration of Use Permit (UP) 22-04: Harter Marketplace (ARCO), UP 22-05: Harter Marketplace (Raising Canes), and UP 22-06: Harter Marketplace (Dutch Bros Coffee), located at the northwest intersection of State Route 20 and Harter Parkway.

- 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 approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and approve Use Permit 22-04 for an ARCO AM/PM market, fueling facility, and car wash on approximately 2.06 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016); and
 - C. Adopt a Resolution of the Planning Commission of the City of Yuba City approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and approve Use Permit 22-05 for a Raising Cane's Restaurant and drive-through, on approximately 1.64 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016); and
 - D. Adopt a Resolution of the Planning Commission of the City of Yuba City approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and approve Use Permit 22-06 for a Dutch Bros Coffee drive-through restaurant, on approximately 0.75 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016).

7. Consideration of a determination of General Plan Consistency regarding Sutter County land acquisition.

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 finding Sutter County's Acquisition of Property Identified as Assessor's Parcel Numbers 55-010-066 and 55-010-019 is consistent with the City of Yuba City General Plan.

Future Agenda Items

Development Services Director Report

Report of Actions of the Yuba City Planning Commission/Sutter County Update

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$851.26, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Planning Commission action becomes final. The exception to this is rezone requests. Please check with the Planning Division, 1201 Civic Center Boulevard, Yuba City, CA 95993 for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

**PLANNING COMMISSION
CITY OF YUBA CITY
May 31, 2023
6:00 P.M. - SPECIAL MEETING
Video link to full Planning Commission meeting:
<https://youtu.be/MFFSV6x2xF0>**

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Call to Order

Meeting called to order by Vice Chairperson Brookman at 6:00 pm.

Roll Call:

Commissioners in Attendance:

Vice Chairperson Stacy Brookman
Commissioner James Nore
Commissioner Bhavin Dale
Commissioner Rupinder Sandhu
Commissioner Karri Campbell (Sutter County Representative)

Commissioners Absent:

Chairperson Sillman
Commissioner Gill

Pledge of Allegiance to the Flag was led by Commissioner Dale

Public Comment on Items not on the Agenda

You are welcome and encouraged to participate in this meeting. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

There were no written requests received.

2. Appearance of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

There were no comments made by interested citizens.

Planning Commission Business

Vice Chair Brookman noted that Chairperson Sillman and Commissioner Gill have excused absences.

3. Agenda Modifications

Vice Chairperson Brookman requested approval of the agenda.

Vote: The motion passed 5-0 with Chairperson Sillman and Commissioner Gill absent.

Approval of Minutes

4. Minutes from March 22, 2023

Vice-Chair Brookman requested approval of the minutes.

Vote: The motion passed 5-0 with Chairperson Sillman and Commissioner Gill absent.

Business Items

5. Consideration of a General Plan Amendment (GPA) 22-01, Rezone (RZ) 22-02, Tentative Parcel Map (TPM) 22-01, Ratliff Duplex Development, located on the southwest corner of Frederick Street and Cooper Avenue.

Item was called and Development Liaison, Ashley Potocnik, gave a presentation.

Commissioner Comment:

Commissioner Sandhu questioned how the street parking will be accommodated.

Ashley Potocnik, Development Liaison, responded that street parking will be addressed in the building permit process.

Public Comment:

Sheryl St. John, Corner of Fredrick St and Cooper Avenue, expressed concerns about the parking.

Mike Vasquez, project representative, noted that each duplex will have a garage with two parking spaces.

Motion by: Commissioner Campbell

Second by: Commissioner Nore

Roll Call Vote: The motion passed 5-0 with Chairperson Sillman and Commissioner Gill absent.

6. Consideration of Planned Development 18 (PD 18) and Tentative Subdivision Map (TSM) 23-01, West Walton Village, located on the west side of Walton Avenue, north of Franklin Road.

Item was called and Doug Libby, Deputy Development Services Director, gave a presentation.

Commissioner Comment:

Commissioner Campbell asked for justification of a series of flag lots, and questioned if it would become a code enforcement issue.

Doug Libby, Deputy Development Services Director, responded that the lots are designed to accommodate a house and also an accessory dwelling unit on each of those lots.

Public Comment:

Heather Eschmann, live at Lincoln and Sanborn Roads, spoke and expressed concern that seniors want to live in mobile home parks, and questioned why more mobile home parks aren't being built in the City.

Sean Minard, Project Representative, responded that the cost of mobile home parks is too high, and that the proposed project is what they determined to be the best use.

Doug Libby, Deputy Development Services Director, responded that the city does not try to discourage mobile home parks, and noted that mobile home parks are allowed in all residential zone districts.

Motion by: Commissioner Sandhu

Second by: Commissioner Dale

Roll Call Vote: The motion passed 5-0 with Chairperson Sillman and Commissioner Gill absent.

7. Consideration of Tentative Subdivision Map (TSM) 22-09, Johnson Ranch Estates, and a Development Agreement, located on the west side of West Onstott Frontage Road, south of Pease Road.

Item was called and Doug Libby, Deputy Director of Development Services, gave a presentation.

Commissioner Comment:

Commissioner Campbell asked about address ownership of the triangle shaped Parcel A

Doug Libby, Deputy Development Services Director, responded that the ownership of Parcel A will remain with the developer and the maintenance of it will occur through a landscape, lighting, and maintenance district overseen by the City.

Vice Chairperson Brookman questioned who will pay for the maintenance of the lot.

Doug Libby, Deputy Development Services Director, responded that the property tax paid by the future homes will pay for this maintenance.

Public Comment:

Rex Birch, end of Butte Bend Lane, expressed concerns about two-story homes being built next to his house, trucks tearing up the road during construction, and drainage.

Sean Minard, Project Representative, responded that some of these concerns are already addressed in the conditions of approval, and further addressed the drainage concern.

Sean Minard, Project Representative, asked for a provision that if the house that is South of Lots 18, 19, and 20 is taken out, that the two-story condition goes away.

Doug Libby, Deputy Development Services Director, responded there is flexibility built into the wording of the existing condition and staff feels that no revision is necessary.

Motion by: Commissioner Nore

Second by: Commissioner Dale

Roll Call Vote: The motion passed 5-0 with Chairperson Sillman and Commissioner Gill absent.

8. Consideration of Yuba City Capital Improvement Project Budget 2023-2028.

Item was called and Director of Development Services, Ben Moody, gave a presentation.

Commissioner Comment:

No comments

Public Comment:

No comments

Motion by: Commissioner Dale

Second by: Commissioner Sandhu

Roll Call Vote: The motion passed 5-0 with Chairperson Sillman and Commissioner Gill absent.

Future Agenda Items

Deputy Development Services Director Doug Libby provided the following updates:

- Thiara Estates Subdivision and Housing Element Rezone was approved at City Council
- Future projects include: Farm Bains on Bridge Street General Plan Amendment, and Harter Marketplace Use Permits.

Development Services Director Report

Public Works and Development Services Director Ben Moody addressed the following items:

- The City bus tour is coming up.
- New permit tech, Stephanie Dulay, has started with the City.
- John Benoit is retiring from his position with LAFCO, and the city and county are proposing Doug Libby to take his place.
- Ashley Provided an update on Open Counter.

Report of Actions of the Yuba City Planning Commission/Sutter County Update

None.

Adjournment

Vice-Chair Brookman adjourned the meeting at 7:26 pm.

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$851.26, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Planning Commission action becomes final. The exception to this is rezone requests. Please check with the Planning Division, 1201 Civic Center Boulevard, Yuba City, CA 95993 for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.



**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:

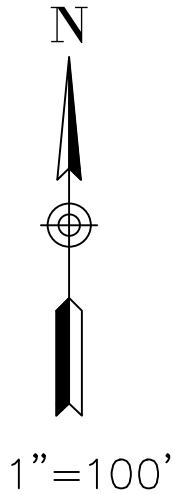
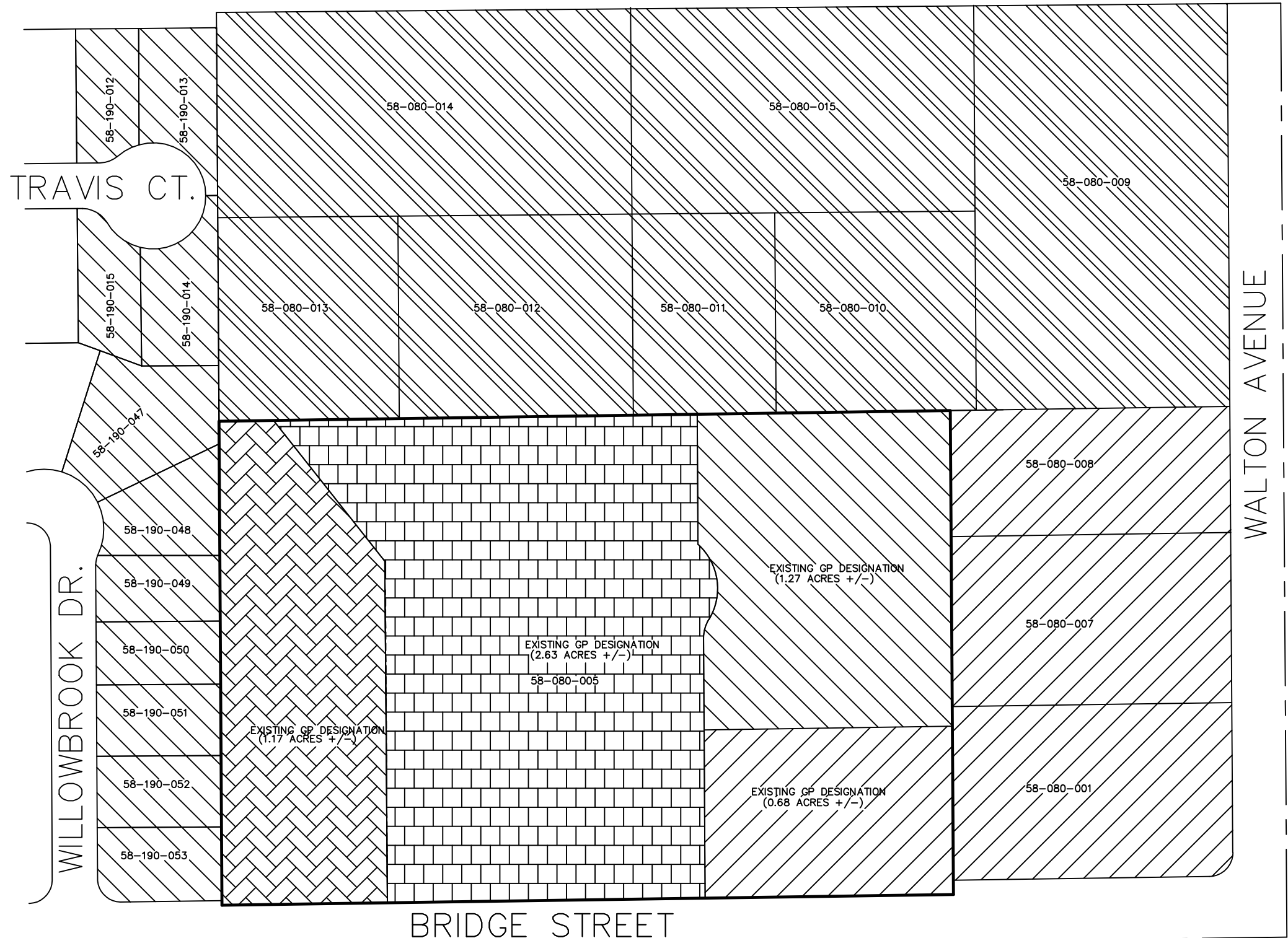
Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: General Plan Map, GPA 23-02

Exhibit B: Rezone Map, RZ 23-02

EXHIBIT A



GENERAL PLAN DESIGNATION

- MEDIUM/HIGH DENSITY RESIDENTIAL
- BUSINESS TECHNOLOGY & LIGHT INDUSTRY
- OFFICE & OFFICE PARK
- LOW DENSITY RESIDENTIAL
- LOW/MEDIUM DENSITY RESIDENTIAL

REVISIONS

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

EXISTING

GENERAL

PLAN

DATE:

FEBRUARY 2023

SCALE:

1"=100'

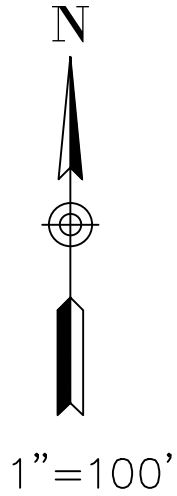
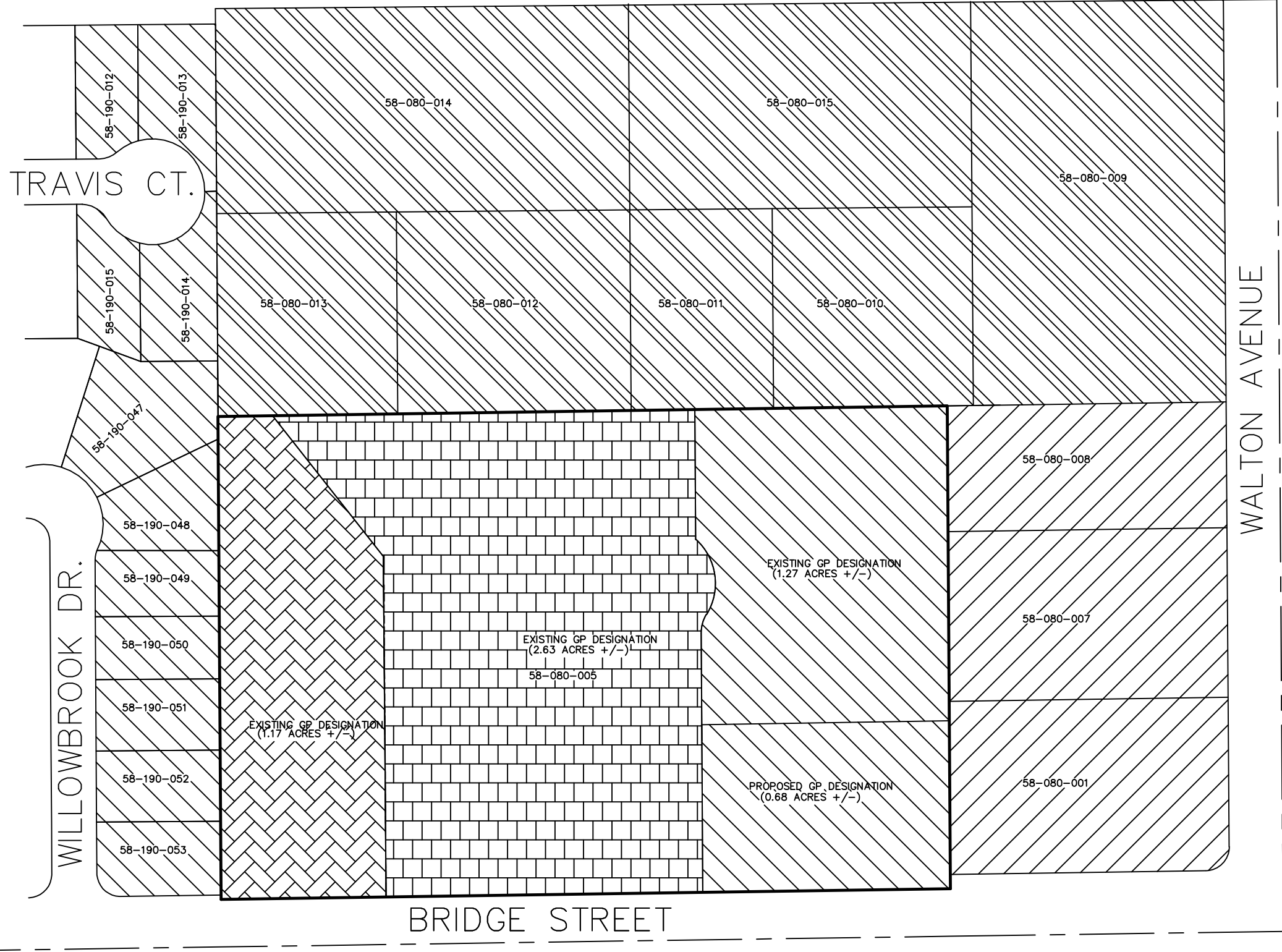
DRAWN:

RCM

PROJECT #:

SHEET:

3 OF 4



GENERAL PLAN DESIGNATION

- MEDIUM/HIGH DENSITY RESIDENTIAL
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- OFFICE & OFFICE PARK
- LOW DENSITY RESIDENTIAL
- LOW/MEDIUM DENSITY RESIDENTIAL

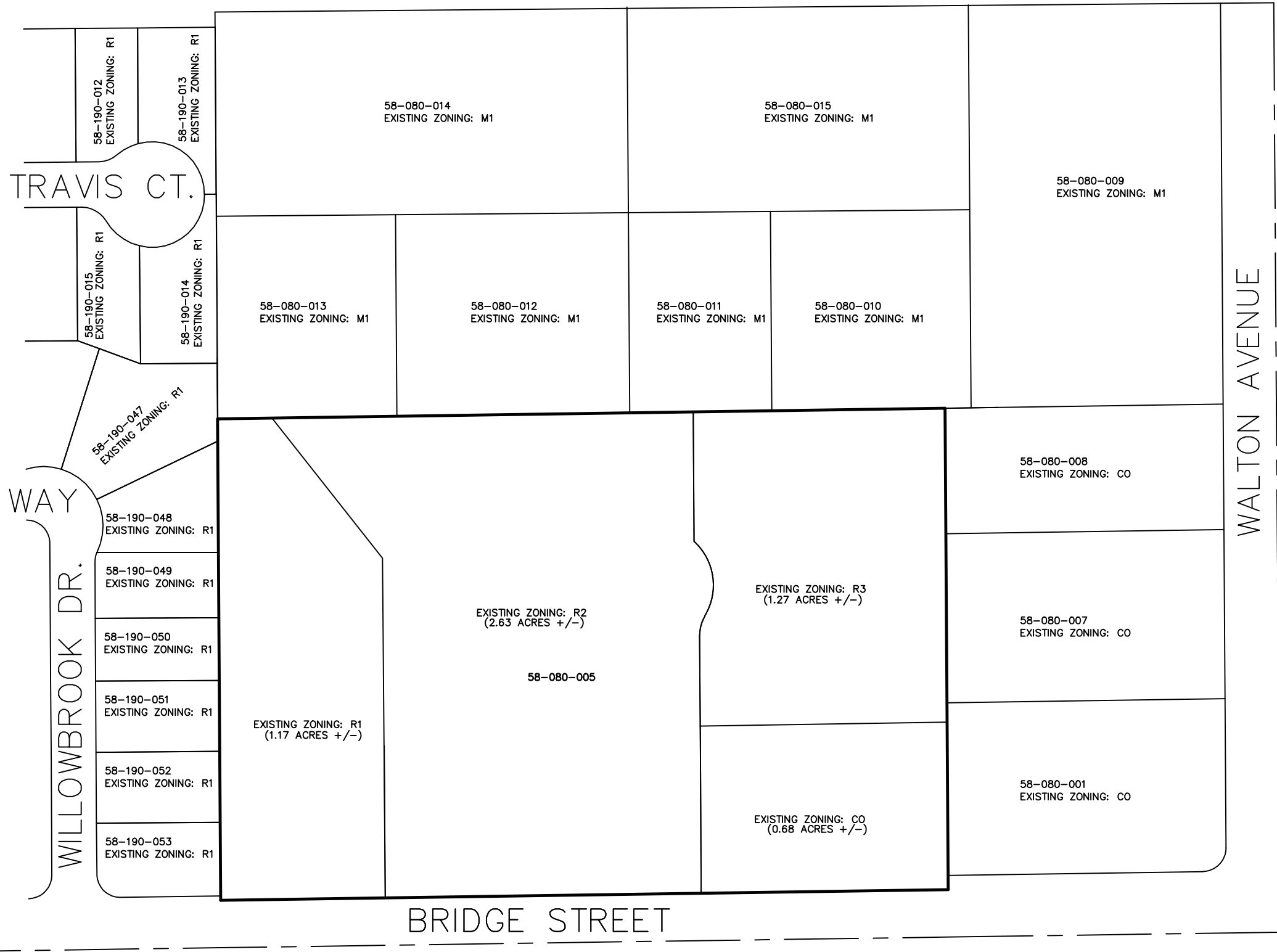
PROPOSED GENERAL PLAN		NORTH VALLEY ENGINEERING & SURVEYING 1547 STARR DRIVE, SUITE "J" YUBA CITY, CA 95993 (530) 713-0417		GENERAL PLAN AMEND. EXHIBIT PARM BAINS ET AL BRIDGE STREET, YUBA CITY CA 95993 APN 58-080-005 SUTTER COUNTY		RIVISIONS	
DATE: FEBRUARY 2023		SCALE: 1"=100'		DRAWN: RCM		PROJECT #:	
SHEET:		4 OF 4		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'

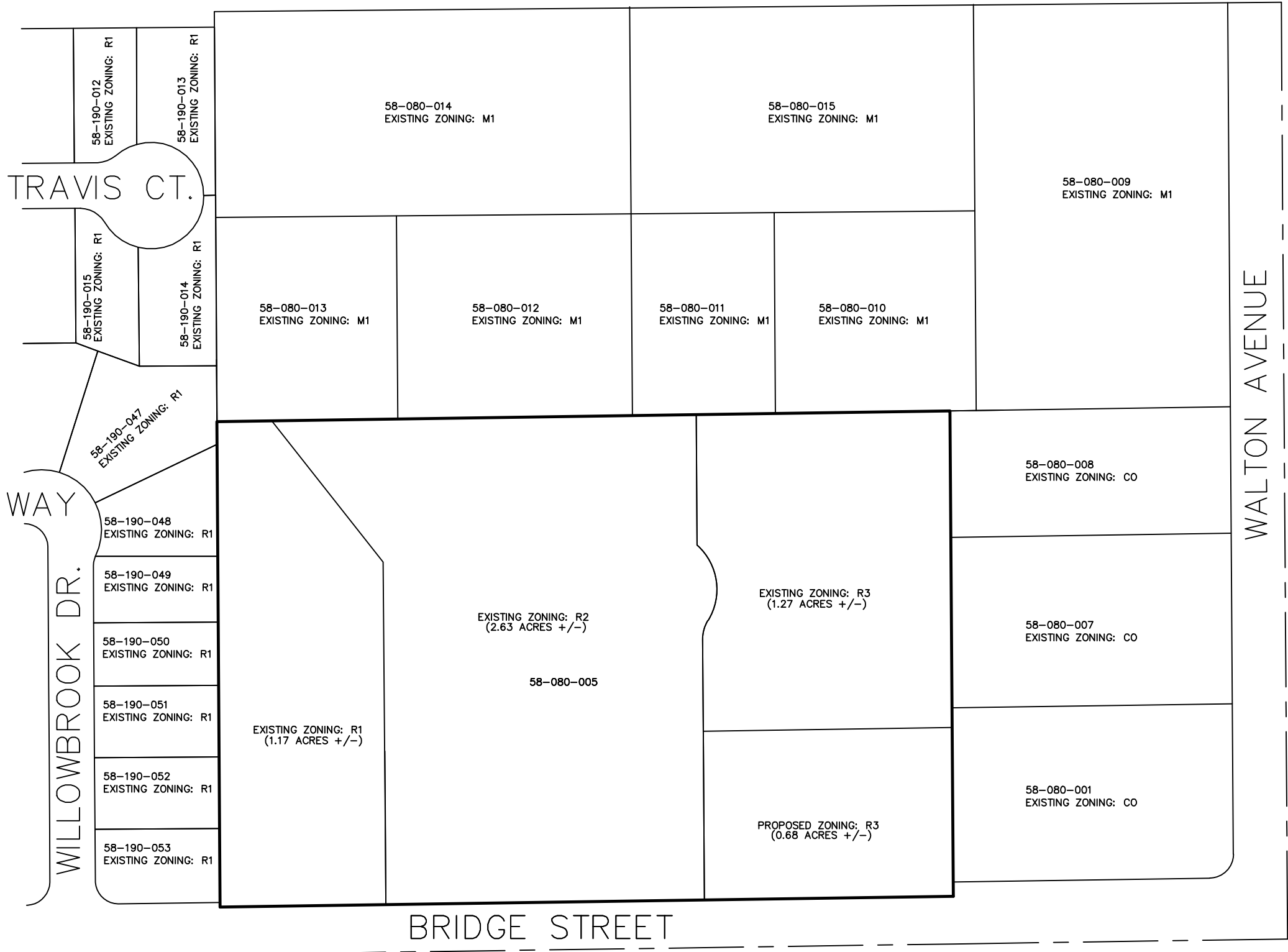
DRAWN: RCM

PROJECT #:

SHEET: 1 OF 4



1"=100'



RIVISIONS			
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

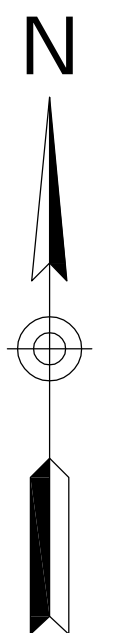
GPA 23-02, RZ 23-02 | Location Map



Project Site

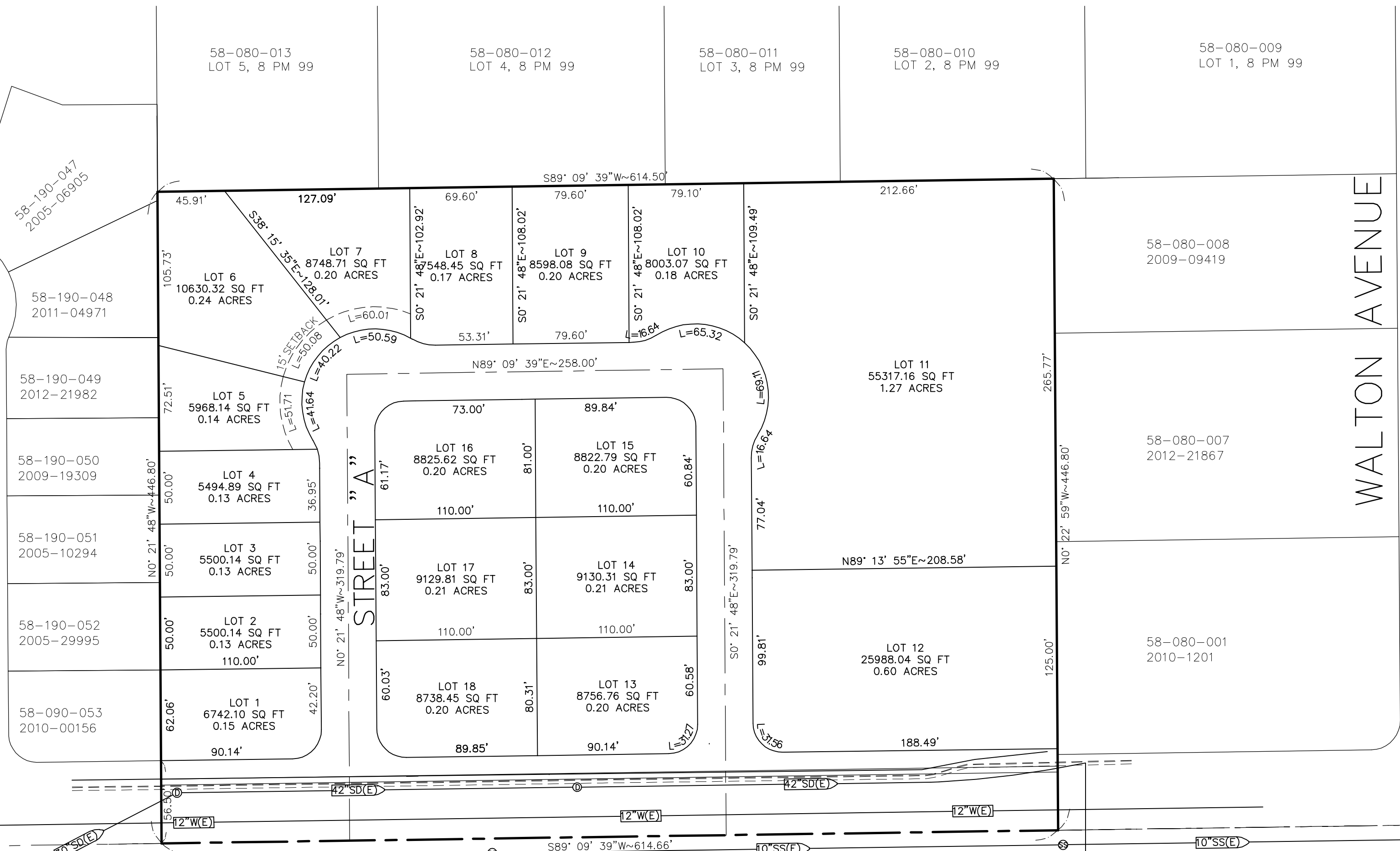


ATTACHMENT 3



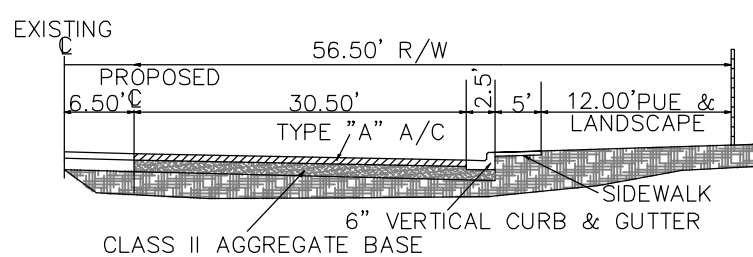
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WILLOWBROOK DR.

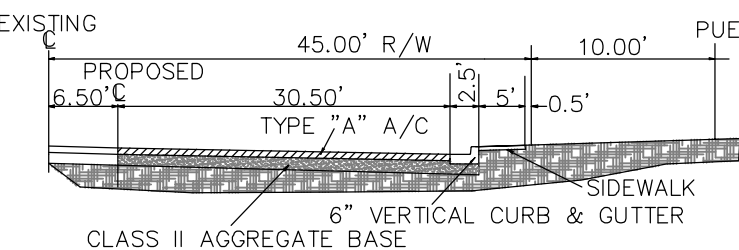
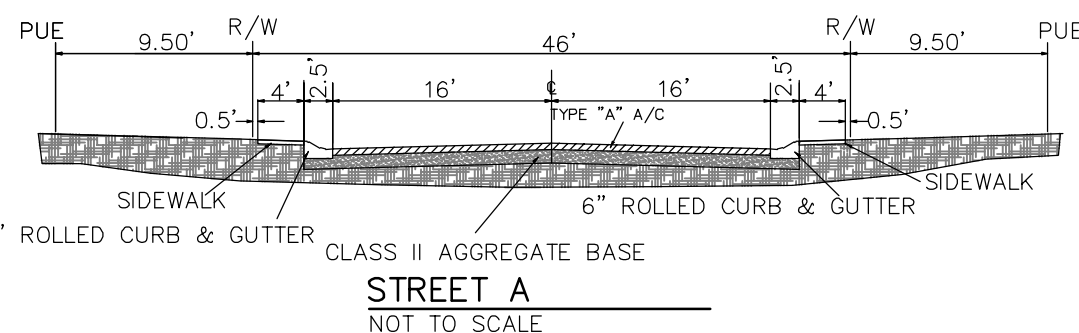


LEGEND

- 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

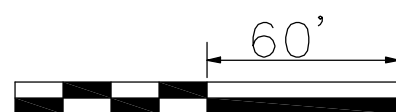
LOT DIMENSIONS
LOT AND BOUNDARY DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO REVISION WITH THE FILING
OF THE FINAL MAP.

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

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

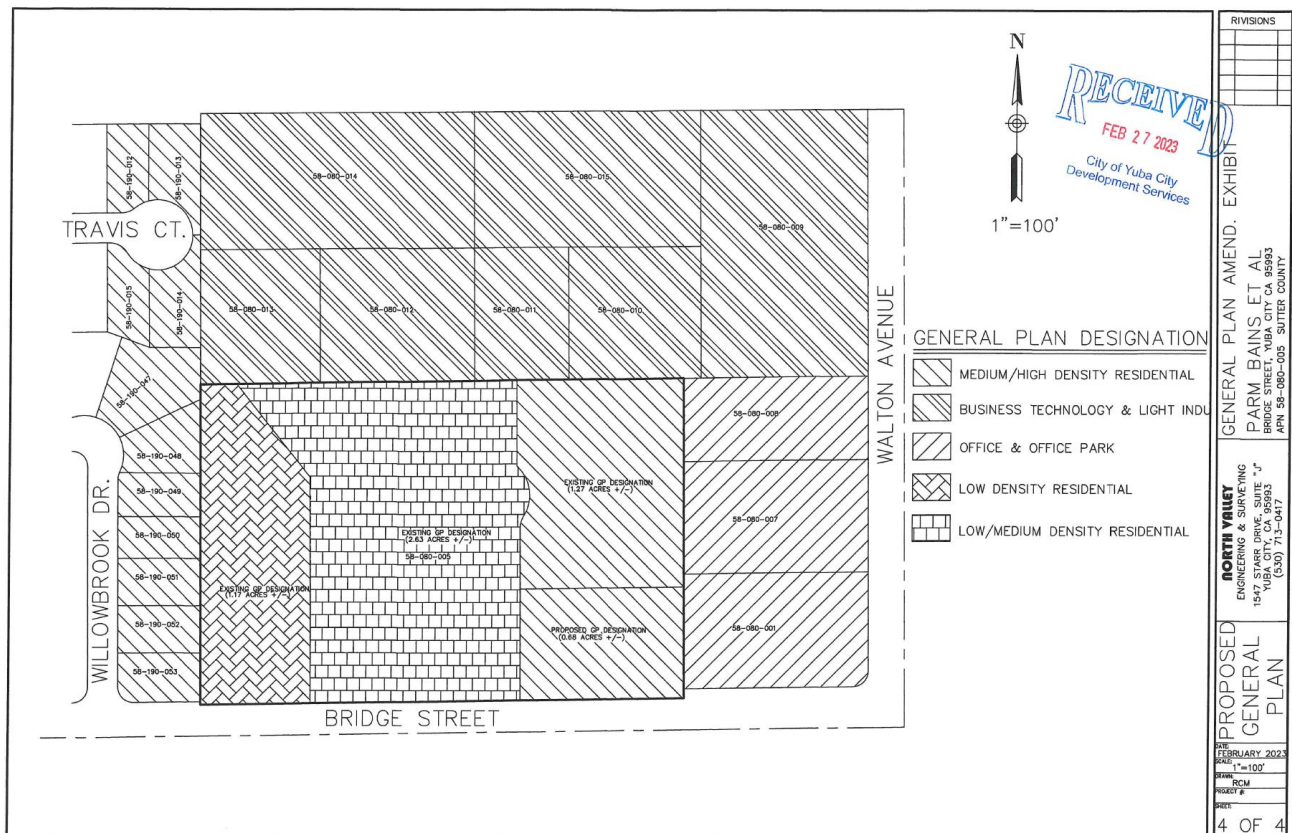
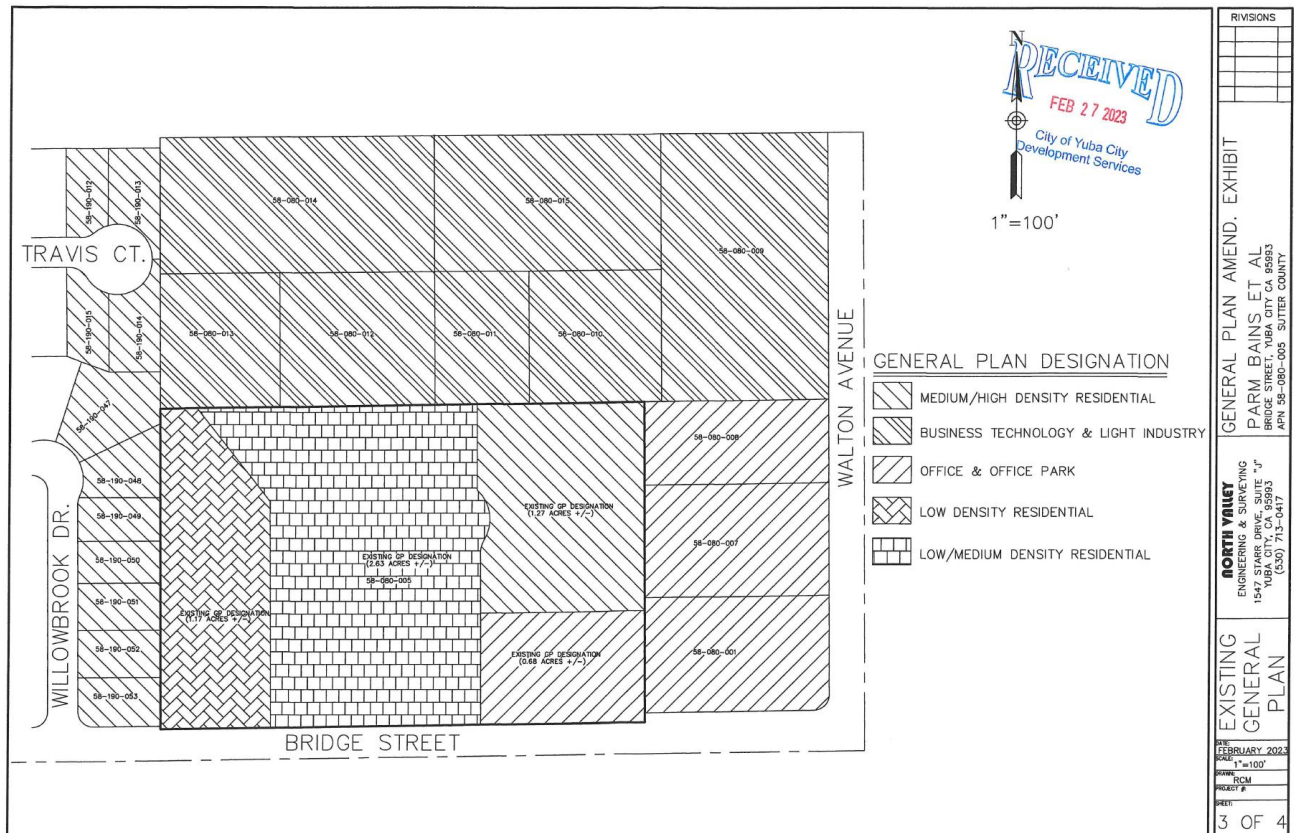
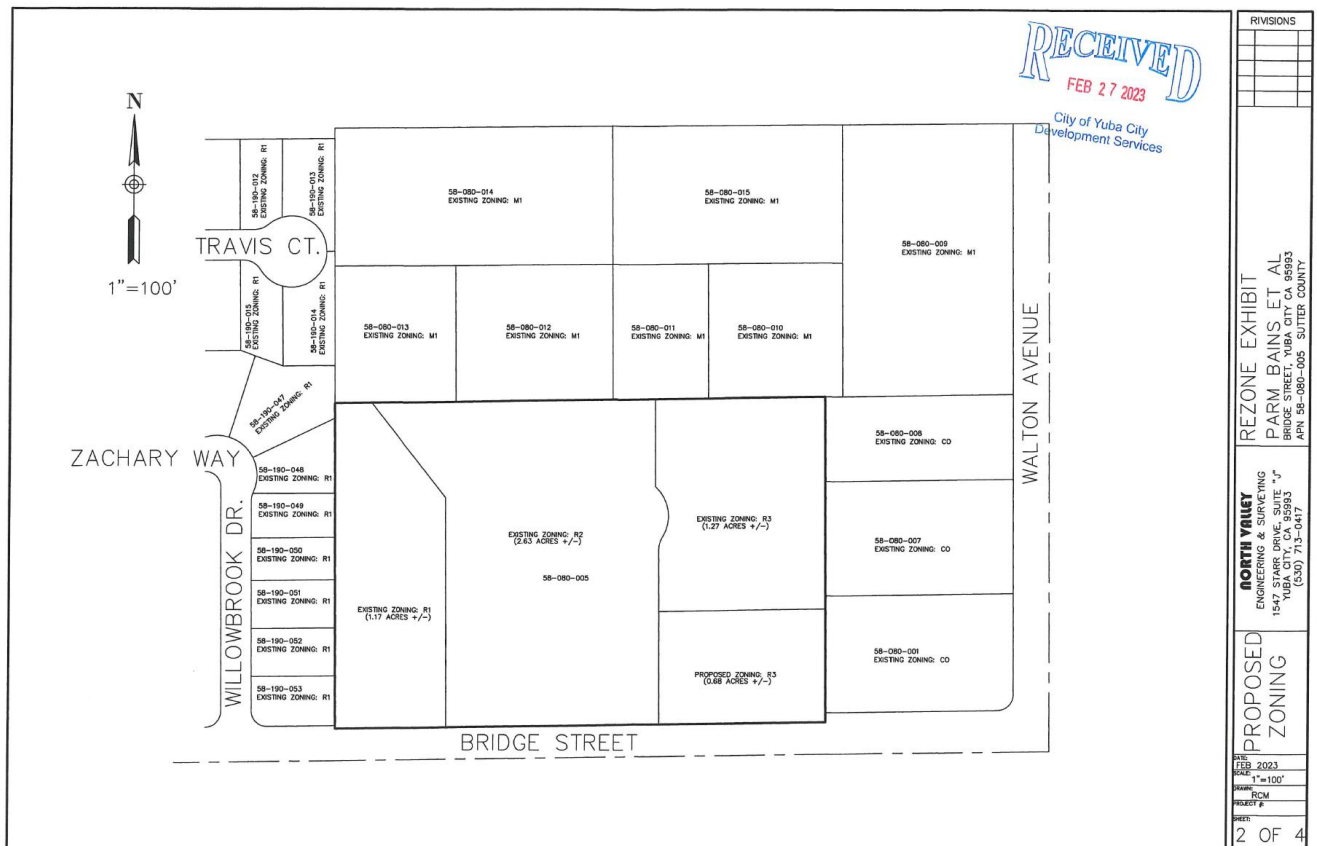
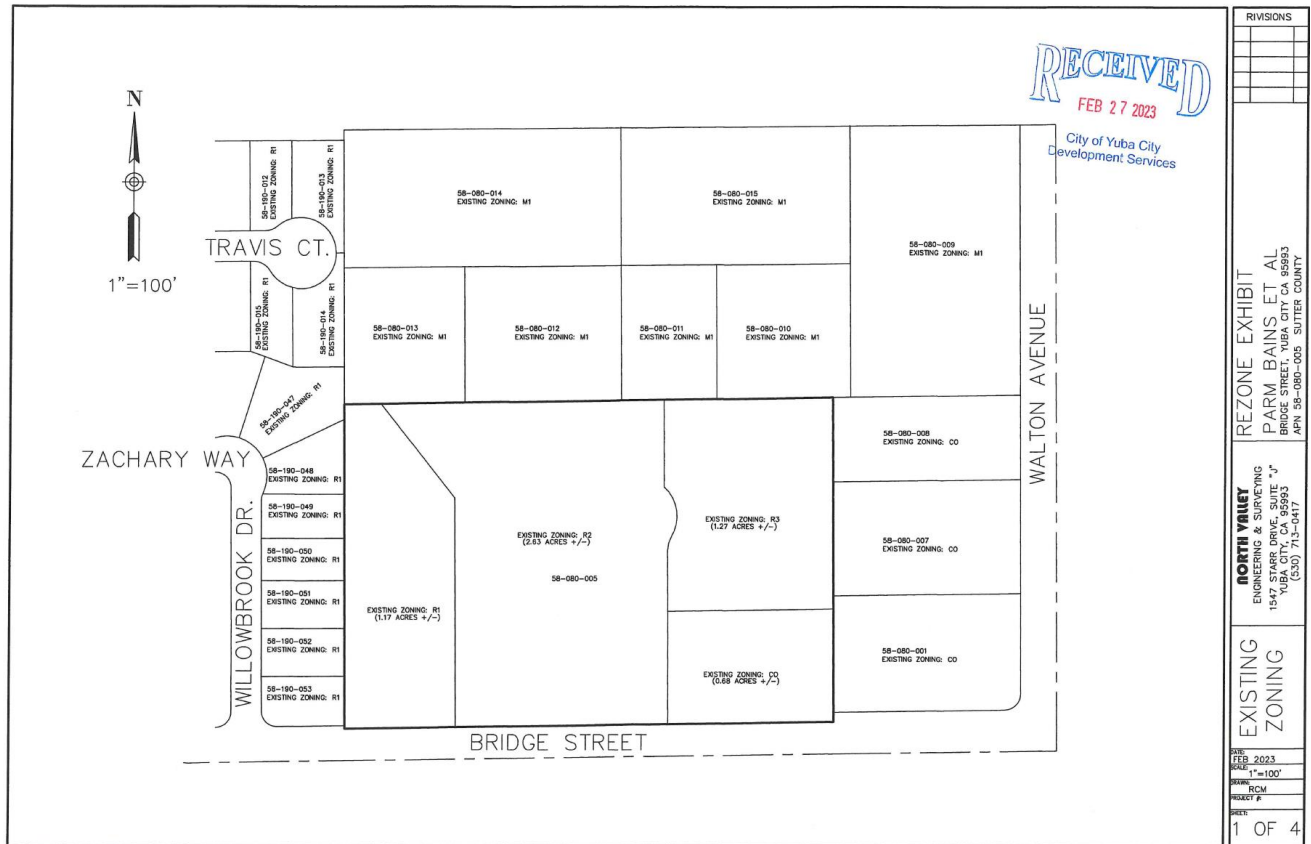


Figure 3: Rezone 23-02



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 (NOX), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NOX): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NOX are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM₁₀) and Fine Particulate Matter (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?

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.

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?*

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

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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

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	<p>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.</p> <p>Mitigation shall be conducted as follows:</p> <ol style="list-style-type: none"> 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. <p>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</p>	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

	<p>permanently curated, unless requested by the Tribe.</p> <p>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.</p> <p>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.</p>			
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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	<p>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.</p> <p>Mitigation shall be conducted as follows:</p> <ol style="list-style-type: none"> 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. <p>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.</p>	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	<p>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.</p> <p>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.</p> <p>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</p>	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
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: **Use Permit (UP) 22-04: ARCO AM/PM, UP 22-05: Raising Cane's, and UP 22-06: Dutch Bros Coffee, located in the Harter Marketplace Shopping Center.**

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 approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and Approving Use Permit 22-04 for an ARCO AM/PM market, fueling facility, and car wash on approximately 2.06 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016); and
- C. Adopt a Resolution of the Planning Commission of the City of Yuba City approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and Approving Use Permit 22-05 for a Raising Cane's Restaurant and drive-through, on approximately 1.64 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016); and
- D. Adopt a Resolution of the Planning Commission of the City of Yuba City approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and Approving Use Permit 22-06 for a Dutch Bros Coffee drive-through restaurant, on approximately 0.75 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016).

Applicant/Owner: Dharni Lada LLC – Ken Dharni

Project Location: There are four adjoining parcels, totaling approximately 4.48 acres, bordered by State Route 20 on the south, Harter Parkway on the east and

Harter Marketplace Way along the north and west sides. The southeast portion of Assessor's Parcel Number (APN) 62-310-016.

General Plan: Regional Commercial (RC) land use designation

Specific Plan: Harter Specific Plan - Regional Commercial (RC)

Zoning: General Commercial (C-3) Zone District

Purpose:

Consideration of Use Permit (UP) 22-04: ARCO AM/PM, UP 22-05: Raising Cane's, and UP 22-06: Dutch Bros Coffee, located in the Harter Marketplace Shopping Center.

Project Description:

The proposal includes three use permits for a proposed restaurant with drive through facilities, a coffee drive-through facility, and a market, fueling facility and car wash, each on adjoining separate parcels, all within the Harter Marketplace, which constitutes a portion of the Harter Specific Plan.

The three proposed uses are:

- **Use Permit 22-04:** ARCO AM/PM market with fueling station and an associated carwash on an adjoining parcel. The AM/PM Market will be a 5,220 square foot single story retail store along with an eight dispenser, 16-vehicle fueling facility under a 6,000 square foot overhead canopy on a 1.36-acre parcel. Accompanying the convenience store and fueling station on an adjoining 0.7-acre parcel will be a 3,600 square foot car wash with 12 self-serve vacuum stations. Proposed hours of operation are 24 hours per day, seven days a week.
- **Use Permit 22-05:** The proposed Raising Cane's Restaurant will be located on a 1.64-acre parcel and will consist of a 2,691 square foot restaurant with an attached a 1,291 square foot outdoor covered patio. Seating will be provided for 60 people (16 indoor, 44 outdoor). The drive-through will consist of double drive through aisles providing queuing for 23 vehicles and utilizing a 1,344 square foot double wide vehicle drive-through canopy for food ordering and a 44 square foot canopy over the pay/pick-up window. There will be 36 parking spaces provided. Proposed hours of operation will be from 9:30 am to 3:30 am, seven days per week.
- **Use Permit 22-06:** Dutch Bros Coffee will be located on a 0.75-acre parcel. It will consist of a 950 square foot building with a single drive-up window served by dual queuing lanes that will accommodate 20 vehicles, as well as a pedestrian walk-up window. There will also be a 336 square foot canopied outdoor seating area. Proposed hours of operation are 24 hours per day, seven days a week.

Access will be provided by two ingress/egresses off of Harter Parkway and three ingress/egresses from Harter Marketplace Way. Internally the proposed uses will be connected via internal access driveways. Reciprocal parking will be allowed between all uses. The landscaping and parking lot

lighting will be a unified design. The proposals also include construction of the re-aligned Harter Marketplace Way (formerly Colusa Frontage Road).

Signage for each of the uses will be under a separate permit to be reviewed by staff in accordance with the Sign Ordinance (Sec. 8-5.63).

Background:

Since the 2004 adoption of the Harter Specific Plan/Yuba City Marketplace and the associated Environmental Impact Report (EIR), these 4.48 acres have been designated for Regional Commercial type development. This commercial designation was primarily due to the property's frontage at the key intersection of SR 20 and Harter Parkway. In 2021 the Harter Specific Plan was amended, adding more commercial property to this area and other revisions, for which an Addendum to the original EIR was prepared. This specific plan amendment process also included subdivision of the commercial properties to accommodate the Harter Marketplace project (within which this is located). That amendment also included the realigned the Colusa Frontage Road (re-named Harter Marketplace Way) to form the western boundary of this project.

Analysis

Compatibility with neighboring uses:

As shown in Attachment 5, the proposed commercial uses are located within the Harter Marketplace, which is part of the much larger Harter Specific Plan regional commercial area. The proposed commercial uses will be surrounded by other commercial uses, for which compatibility should not be a concern. The only nearby use that would be of concern is the single-family residence on the Colusa Highway Frontage Road approximately 200 feet west of the project site. At this distance, and that there will be other nearby commercial uses and SR 20 noise, there is not expected to be visual or noise compatibility issues.

TABLE 1: BORDERING LAND USES	
North:	Harter Marketplace Way with vacant commercial property across the street.
South:	State Route 20.
East:	Harter Parkway with the Walmart shopping center across the street.
West:	Vacant, portion of the Harter Marketplace.

Traffic

A traffic study was prepared for these Use Permits (*Flecker Associates Transportation Engineering, April 6, 2023, Focused Site Access and Circulation Assessment for Harter Parkway Retail Center, Yuba City, CA ("Traffic Study")* – See Appendix B of the Environmental Assessment). The study concluded that all of the nearby major intersections would remain within acceptable levels of service for both the near term and long term (2035), provided that all of the relevant mitigation measures from those original studies are applied to these use permits on a fair-share basis. Those mitigation measures have been carried forward and applied to the proposed Use Permits.

The traffic study also concluded that the queuing distances for some of the nearby left turn lanes

needed to be extended. Conditions have been applied to accomplish this.

Re-aligning Harter Marketplace Way

Harter Marketplace Way, which is the north-south roadway section that bisects the Harter Marketplace and terminates at Harter Parkway, will be re-aligned as part of this development. The existing roadway was a result of the construction of the Yuba City Marketplace that included construction of Harter Parkway. A better design has always been anticipated. This re-alignment, in addition to allowing a more efficient use of the land, will improve the intersections and have an overall improved design.

Drive-through queuing lengths

The proposed drive-throughs for the car wash, Raising Cane's, and Dutch Bros. are expected to generate a large amount of drive-through traffic. A concern is that if inadequate queuing is provided, vehicle traffic could back up onto City streets, creating a traffic safety issue. The Traffic Study reviewed the adequacy of the proposed drive through lanes for each business. The results of the study, provided below in Table 2, indicates that adequate vehicle queuing is proved for all three businesses.

TABLE 2: PROPOSED DRIVE-THROUGHS			
Business	Needed Queuing Spaces*	Number of Queuing Spaces Proposed	Adequate?
Car Wash	10	14	Yes
Raising Canes.	15	20	Yes
Dutch Bros.	16	22	Yes

*From the Traffic Study - Based on studies of similar facilities in other cities.

Through traffic between Harter Parkway and Harter Marketplace Way

There was concern that motorists may want to use the development's driveway as a cut-through shortcut to avoid the signal at the Harter Parkway/Harter Marketplace Way. The traffic study reviewed this and recommended that interior traffic calming measures be included with the development of the property. There is a condition applied to the use permits assuring that these traffic calming measures be included.

Design Review:

The proposed buildings are subject to design review by the Planning Commission per the Yuba City Design Guidelines. The Harter Specific Plan design Guidelines (Appendix A to the plan) focuses more on site and area design, which was more appropriate for the entire retail facility.

Lot Coverage

The proposed uses fit the properties. The market, service station, car wash and two restaurants

will comprise approximately 18,461 square feet of buildings and canopies that will be located on four lots that total approximately 4.48 acres. This results in a building coverage ratio of only approximately 9.5 percent. Typical overall commercial lot coverage in the Yuba City area is approximately 15-22 percent, although fast food facilities and fueling stations typically have lower percent lot coverage due to their reliance on vehicle traffic. The General Plan assumes that average lot coverage ratios would be approximately 25 percent. As such, the lots are large enough to accommodate the projects. The service station and fast-food restaurants also will provide adequate parking that meets City standards, and as provided above, the drive-throughs will provide adequate vehicle queuing space.

Drive-through Screening:

The City practice for drive-through facilities is to generally screen the vehicle queuing lanes from public view for aesthetic purposes. It appears that this is done for each of the three drive-throughs, but a condition is included that ensures that a three-foot high barrier of masonry, earth berm or vegetation screening be installed along each drive-through.

Building Design:

The buildings are of a contemporary design, but each with its own look. The new buildings will consist of varying building materials including brick and other masonry, synthetic wood, stucco, glazing, and stone veneer. The roof mounted mechanical equipment on each building will likely not be visible from public locations (See Raising Cane design review below).

- AM/PM Market, fueling station and car wash – The market building roof line is articulated with three tower features and a cornice all around. The stucco walls have plane breaks and scoring lines, varying colors, and steel lattices that all add building interest. There is an attractive stone base around the building adding to the building detail. The tower over the entrance has an additional raised seam steel roof that adds to the roof articulation but also adds to strengthen the appearance of the entrance. There is a generous number of windows along the front of the building with awnings over them, adding to the building interest.

The canopy over the fueling facility has raised seam steel roofing and a stone veneer base around the columns, matching it with the market. Similarly, for the car wash, it is a matching design to the market with tower features, scored and varying color stucco walls with a stone base.

- Raising Cane's restaurant and drive through – The walls of the building consist of two types of brick with different brown tones and with differing textures and cedar-colored architectural panels. There are also windows on three sides, with awnings. There is an attached covered outdoor seating area with a half wall around it finished with natural looking materials. In the drive-up area there is a detached canopy structure covering the vehicle ordering area made up of material similar to the main building, and there is a canopy over the pay/pick-up window.

It appears that there is adequate screening around the roof-top utilities, but it appears there is use a perforated metal siding is used for portions of the screening. A condition is

included that requires that prior to issuance of a building permit, it be shown that the utility units not be visible through that screening.

- *Dutch Bros Coffee facility and drive-through* - The modern metal vertical siding on all sides is in the blue and gray colors that are characteristic of Dutch Brothers buildings. There is also a darker blue tower that adds interest to the building that is also a modern metal siding that runs horizontally. The perimeter of the buildings has a brick base, and the outdoor seating area canopy has brick columns. There is an attached metal awning over the outside seating area and awnings over the windows and drive-up window. There is no main customer entrance as there is no public indoor seating. There is, however an outdoor-facing customer service window near the outdoor seating area for those customers not wanting to order from their vehicle.

It is staff's opinion that the design of all the proposed buildings, combined with the Conditions of Approval, meet the City's design standards, and these facilities will complement the existing commercial development in the area.

Landscaping:

Even though there are four separate parcels, the landscaping is based on a unified design. The amount of area dedicated to landscaping exceeds the minimum area required, partly due to the low percentage of building lot coverage. There are also a variety of plants provided. A condition has been added that the project landscaping shall comply with the City's landscaping requirements for commercial development.

Availability of City services:

City water and wastewater are available to the property. A stormwater drainage system is nearby that will be operated and maintained by the City and which connects with the greater system that is operated by the Sutter County Water Agency that drains into the Live Oak Canal.

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 with reliance on previously prepared environmental impact report prepared for the Harter Specific Plan as well as an addendum to the EIR prepared an amended Harter Specific Plan that accommodated the Harter Marketplace retail project, and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may generate any new a significant effects on the environment and recommends adoption of a mitigated negative declaration for this project. The findings of the mitigated negative declaration are that, with the mitigations previously adopted from the EIR and Addendum for air quality, hazardous materials, water quality, and traffic and updated mitigations for greenhouse gases, Geology and soils, and tribal cultural resources, the proposed use permits will not create any significant impacts to the neighborhood or vicinity. As a result, the filing of a mitigated negative declaration is appropriate in accordance with the

provisions of CEQA. The proposed mitigations are included in the project conditions of approval.

In Section 3.17 (Transportation/Traffic), subsection d) of the Environmental Assessment, it is explained that previous Harter Specific Plan EIR mitigation measures have been carried forward into the current projects as follows:

Traffic Mitigation Measure 1: The intersection of Butte House and Tharp Road is signalized, and further improvements will be completed by the City as traffic warrants require by the mitigation measure. This includes the future signalization of Tharp Road and Poole Blvd. which is included in the City's Road Impact Fee program. The applicant's payment of the Road Development Impact Fee will satisfy their obligation to comply with Traffic Mitigation Measure 1.

Traffic Mitigation Measure 2: The intersection of Harter Parkway and Butte House Road is now signalized, and further improvements will be completed by the City as traffic warrants require per the mitigation measure. The applicant's payment of the Road Development Impact Fee will satisfy their obligation to comply with Traffic Mitigation Measure 2.

Traffic Mitigation Measure 3 pertains to bike facilities and this mitigation will be satisfied through complying with the City's development standards during the building permit process.

Traffic Mitigation Measure 4: As explained in the Environmental Assessment, this mitigation measure is no longer applicable and no action by the applicants is required and this mitigation measure was erroneously carried forward into the Mitigation Monitoring and Reporting 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 approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and Approving Use Permit 22-04 for an ARCO AM/PM market, fueling facility, and car wash on approximately 2.06 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016); and
- C. Adopt a Resolution of the Planning Commission of the City of Yuba City approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and Approving Use Permit 22-05 for a Raising Cane's Restaurant and drive-through, on approximately 1.64 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016); and
- D. Adopt a Resolution of the Planning Commission of the City of Yuba City approving Environmental Assessment 22-19 by Adopting a Mitigated Negative Declaration, subject to the proposed Conditions of Approval and Mitigation Measures, and Approving Use Permit 22-06 for a Dutch Bros Coffee drive-through restaurant, on approximately 0.75 acres, located near the northwest corner of Colusa Highway and Harter Parkway (a portion of Assessor's Parcel Number 63-310-016).

Attachments:

1. Planning Commission Resolution (UP 22-04)
 - Exhibit A: ARCO AM/PM Building Elevations
 - Exhibit B: Conditions of Approval and Mitigation Measures for UP 22-04
2. Planning Commission Resolution (UP 22-05)
 - Exhibit A: Raising Cane's Building Elevations
 - Exhibit B: Conditions of Approval and Mitigation Measures for UP 22-05
3. Planning Commission Resolution (UP 22-06)
 - Exhibit A: Dutch Bros Coffee Building Elevations
 - Exhibit B: Conditions of Approval and Mitigation Measures for UP 22-06
4. Location Map
5. Harter Specific Plan Map
6. Site Plan and Landscape Plan
7. Environmental Assessment 22-19 and the Mitigation Monitoring and Reporting Program

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-16

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT 22-19 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES, AND APPROVING USE PERMIT 22-04 FOR AN ARCO AM/PM MARKET, FUELING FACILITY, AND CAR WASH ON APPROXIMATELY 2.06 ACRES, LOCATED NEAR THE NORTHWEST CORNER OF COLUSA HIGHWAY AND HARTER PARKWAY (A PORTION OF ASSESSOR'S PARCEL NUMBER 63-310-016).

WHEREAS, the City received an application in December 2022 for Use Permit (UP) 22-04 to construct a 5,220 square foot market, a canopy covered 16-vehicle fueling area with 8 gas dispensers, and on an adjoining parcel a car wash with 12 outdoor vehicle vacuum cleaners; and

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

WHEREAS, the Planning Commission reviewed related Environmental Assessment 22-19 which was prepared for this Use Permit and Use Permits 22-05 and 22-06, collectively the "Project," considering a Mitigated Negative Declaration (MND) prepared for the Project, which concluded that this Project will not generate any new significant environmental impacts and provided new mitigations as well as mitigations from the previously approved EIR for Harter Specific Plan/Yuba City Marketplace for which overriding considerations were made, and the addendum to that EIR for the Harter Marketplace; and

WHEREAS, a review of the General Plan, the Harter Specific Plan, and Zoning Regulations determined that proposed UP 22-04 will be an appropriate use within the Regional Commercial General Plan land use designation and the Harter Specific Plan, and the proposal meets all of the C-3 Zone District development standards; and

WHEREAS, the City on June 26, 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 now desires to approve UP 22-04; 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 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 that there is no substantial evidence in the record that UP 22-04, may have a significant effect on the environment as identified by the MND and finds that an environmental assessment/initial study was prepared for the Project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the Planning Commission'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 22-19 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 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 Planning Commission 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 22-19.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission 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 is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and 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 Planning Commission further 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. Use Permit Findings. Based upon analysis of the Use Permit application and subject to the applicant's compliance with the conditions of approval and mitigation measures, the following required findings of Section 8-5.7003(d) of the Municipal Code can be made:

- i. *The proposal is consistent with the General Plan.*

Evidence: The proposed market, fueling station and car wash are listed in the C-3 Zone District that is applied to the property as permitted or permitted with a use permit, and that the C-3 Zone District by definition is consistent with the Regional Commercial General Plan designation, and that the environmental document and staff report prepared for the proposal did not identify any general plan inconsistencies, and that the proposal meets all of the City's development standards and design criteria. As such the proposal is consistent with the General Plan.

- ii. *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 (Zoning Regulations).*

Evidence: The proposal includes a single-story 5,220 square foot market, a vehicle fueling area with 8 fuel dispensers that can serve 16 vehicles, a car wash with outdoor vehicle vacuum cleaners. These facilities will be located on two parcels consisting of 2.06 acres that will also accommodate all of the required landscaping, lighting, and parking required by City ordinance. The businesses will also be accessed by several public driveways on two sides, and a traffic analysis prepared for the entire Project concluded that access to the site is safe and reasonable for vehicle and pedestrian traffic. As such, the site is of adequate size and shape and has good public access.

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

Evidence: The site is part of a commercial area that is accessed by public streets. Primary access is off of Harter Parkway which is designated in the General Plan as a Parkway, which is a four-lane major street, and there are also driveways off of Harter Marketplace Drive. The traffic study prepared for the proposal provided that the additional traffic generated by this proposal and related Use Permits 22-05 and 22-06 the nearby streets will remain within the City accepted minimum level of service of D or better and it also concluded that vehicle and pedestrian access to the site is safe and reasonable. As such, the streets serving the site will be able to adequately handle traffic generated by this proposal.

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

Evidence: The market, fueling station canopy, and car wash are subject to the City adopted Design Guidelines. The analysis of the building design concluded that, the proposal meets City design criteria. Regarding the scale of the proposal, the new buildings will be single story, and that the site is part of a larger commercial development for which the building design, and landscaping of this proposal will complement other commercial uses and landscaping.

- v. *The project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity.*

Evidence: Based on the initial study prepared for the Project, which considers impacts on this site and neighboring proposed use permits, and neighboring properties, and with the required mitigation measures, there will be no additional significant environmental impacts for air quality, cultural resources, greenhouse gases and transportation, etc. created by the completion of this Project on neighboring existing or future commercial uses and their employees and customers.

- vi. *At least one of the findings in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.*

Evidence: This proposal 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 Use Permit that will protect property within the area to the urban level in urban areas and urbanizing areas.

6. Approval of the Use Permit 22-04: Based on the aforementioned findings, the Planning Commission hereby approves UP 22-04, ARCO AM/PM Market, fueling facility, and car wash, as shown in **Exhibit A**, subject to the conditions of approval and mitigation measures as provided in **Exhibit B** attached hereto.
7. 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:

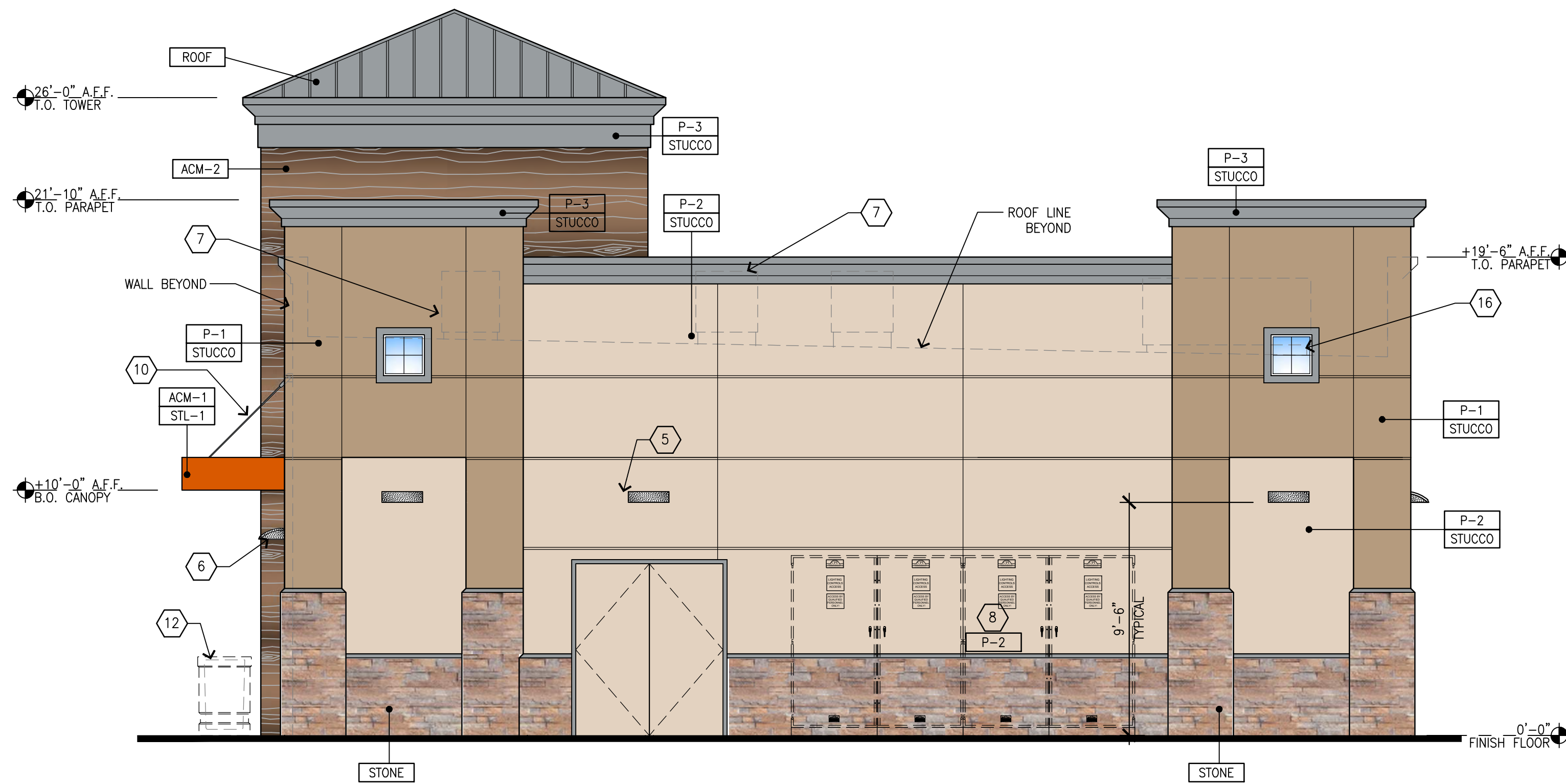
Benjamin Moody, Secretary to the Planning Commission

Attachments:

Exhibit A: ARCO AM/PM Building Elevations

Exhibit B: Conditions of Approval and Mitigation Measures for UP 22-04

EXHIBIT A



03
RIGHT ELEVATION
SCALE: 1/4"=1'-0"

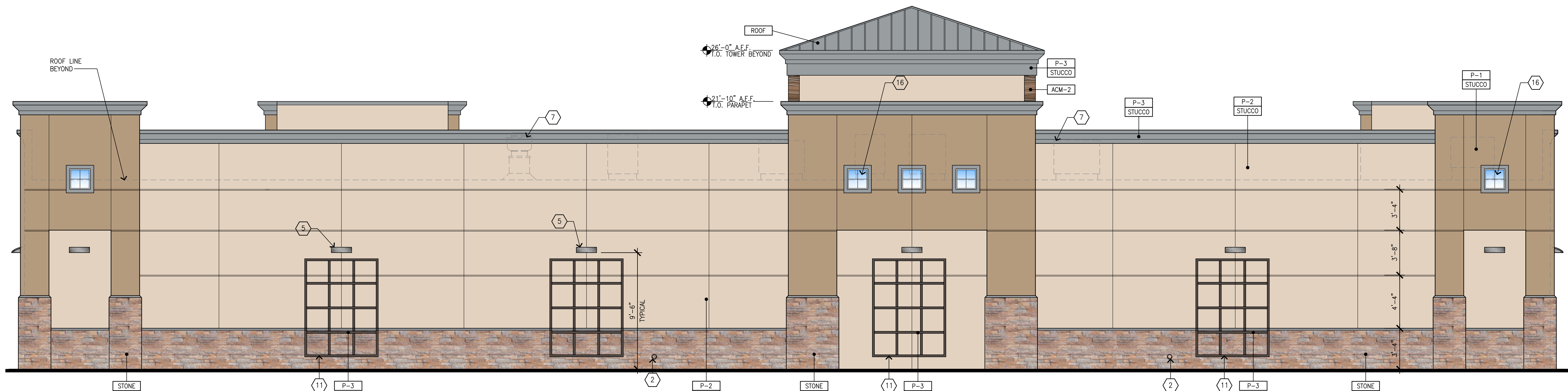
COLOR LEGEND	
	P-1 BENJAMIN MOORE, 1077 "GREAT PLAINS GOLD", SATIN FINISH
	P-2 BENJAMIN MOORE, 1030 "BRANDY CREAM", SATIN FINISH
	P-3 BENJAMIN MOORE, 2121-30 "PEWTER", HIGH GLOSS FINISH
MATERIAL LEGEND	
	ACM-1 ALUMINUM COMPOSITE MATERIAL, PANTONE PMS 166c, "ORANGE"
	ACM-2 ALUMINUM COMPOSITE MATERIAL, 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

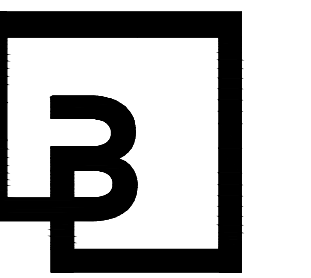
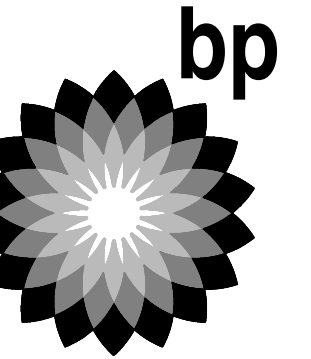
- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.1 FOR SPECIFICATION
- 2 OVERFLOW DRAIN
- 3 WALL POSTER
- 4 LARGE INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
- 5 WALL MOUNTED LED FIXTURE
- 6 WALL MOUNTED SIGN LIGHTING
- 7 ROOFTOP EQUIPMENT BEYOND
- 8 MAIN SWITCHGEAR
- 9 CO2 FILL/VENT 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



04
REAR ELEVATION
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
1	11/18/22	CLP SUBMITTAL
2	01/24/23	REVIEW COMMENTS
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6		
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16		

SEAL:

DEVELOPMENT INFORMATION:
RETAIL DEVELOPMENT

SITE ADDRESS:
**NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA**

FACILITY #TBD

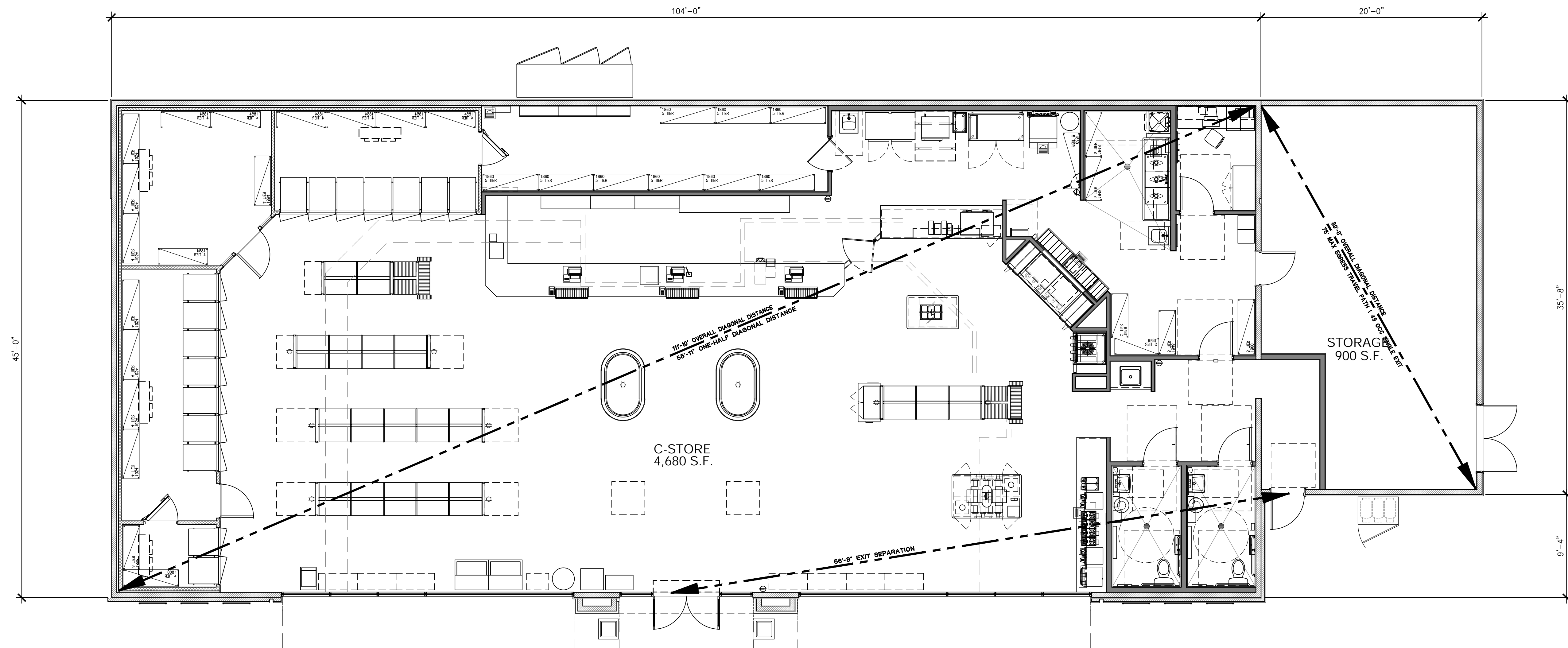
DESIGNED BY: ALLIANCE ZADN:
CHECKED BY: BP REP:
DRAWN BY: ALLIANCE PM:
VERSION: PROJECT NO:
21230

DRAWING TITLE:

**EXTERIOR
ELEVATIONS**

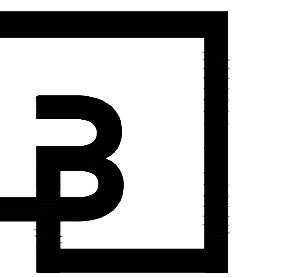
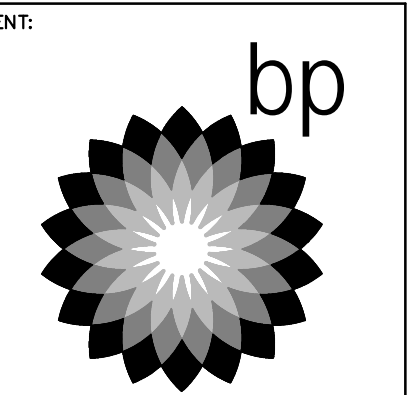
SHEET NO:

A2.2



01 EQUIPMENT FLOOR PLAN
SCALE: 1/4"=1'-0"

Preliminary Not For Construction



**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

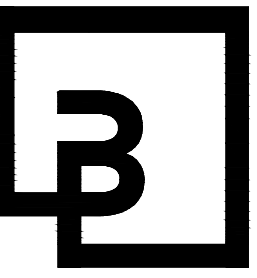
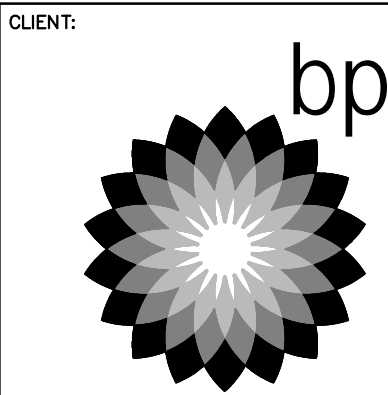
FACILITY #TBD

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



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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 REP:
DRAWN BY:	ALLIANCE PM:
VERSION:	PROJECT NO: 21230

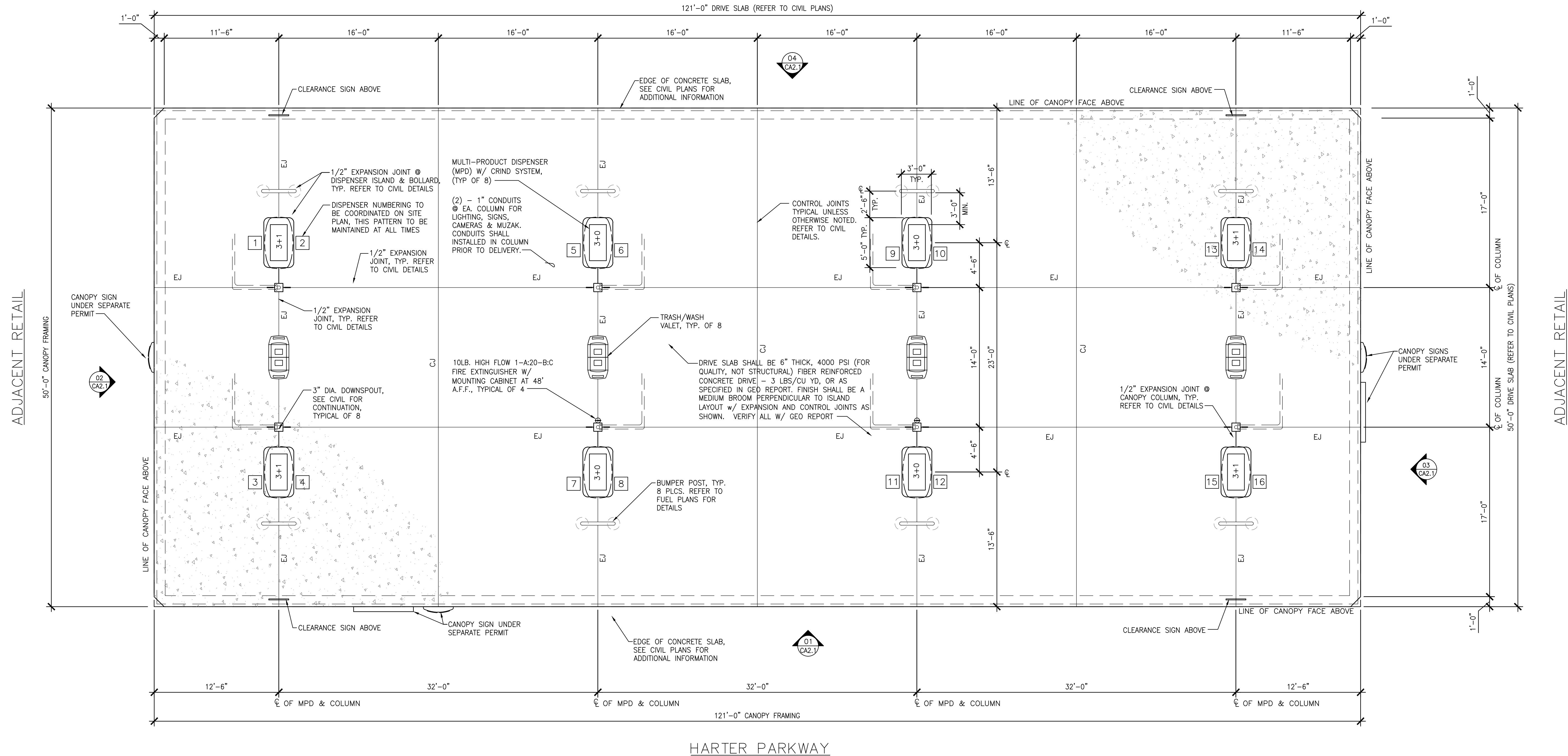
DRAWING TITLE:

CANOPY SLAB
PLAN

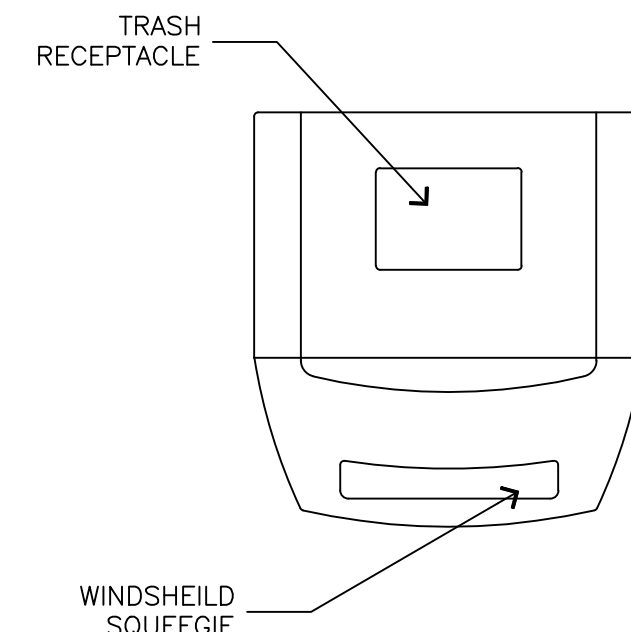
SHEET NO:

CA1.1

BUILDING SIDE



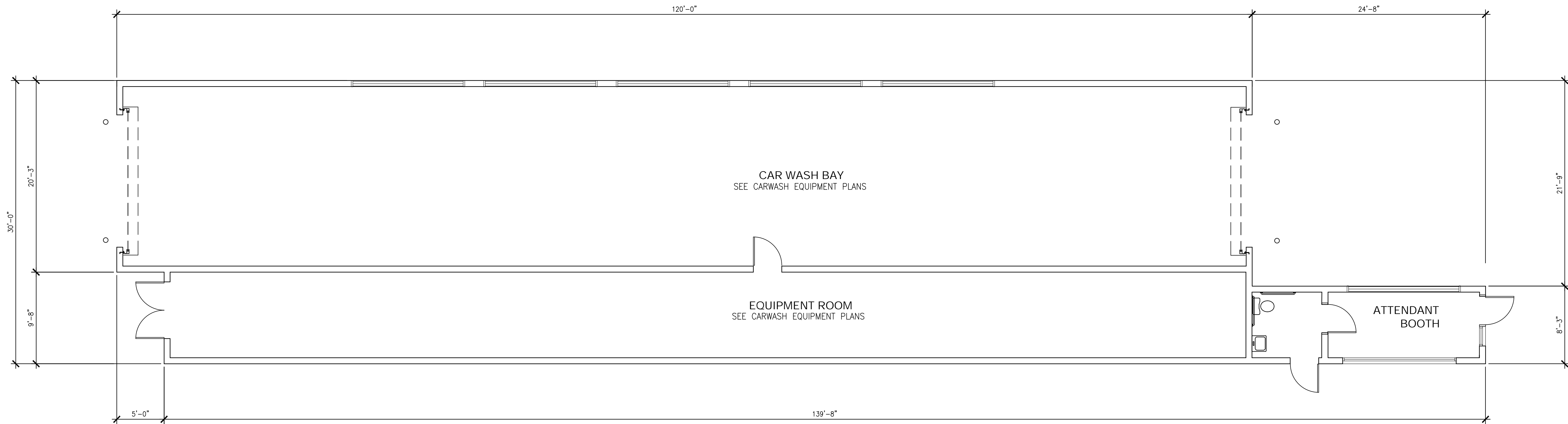
01
CANOPY SLAB PLAN - 6,050 S.F.
SCALE: 3/16"=1'-0"



02
TRASH/WINDSHIELD CADDY
SCALE: NTS

NOTES:

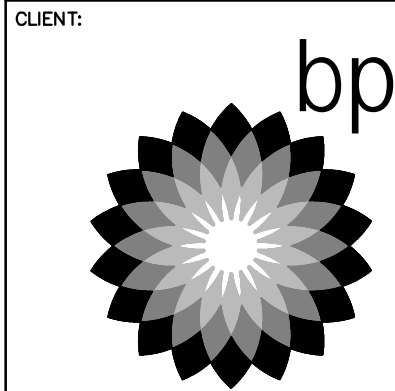
- DOWNSPOUTS ARE DESIGNED TO BE TIGHTLINED TO THE SITES UNDERGROUND STORM DRAINAGE SYSTEM.
- DRIVE SLAB SHALL BE REINFORCED CONCRETE CRUSHED ROCK AS SPECIFIED IN SOILS REPORT. FINISH SHALL BE A MEDIUM BROOM PERPENDICULAR TO ISLAND LAYOUT w/ EXPANSION AND CONTROL JOINTS AS SHOWN.
- CANOPY CONTRACTOR SHALL 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.



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
425.251.6222
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

EXHIBIT B

**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	<p>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:</p> <p>Air Quality Mitigation Measure 1: Implement the following measures to reduce PM10 and fugitive dust during construction:</p> <ol style="list-style-type: none"> 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.

	<p>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.</p> <p>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.</p> <p>i. Wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads.</p> <p>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:</p> <p>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</p>			
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	<p>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.</p> <p>Air Quality Mitigation Measure 3:</p> <p>a. Promote alternative forms of transportation through the following measures:</p> <ul style="list-style-type: none"> – 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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	<p>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.</p> <ul style="list-style-type: none"> – Provide preferential parking spaces for carpools and vanpools. <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Loading docks shall incorporate electric hook-ups that will assist in reducing TOCs associated with idling trucks.</p>			
3.7 Geology and Soils	<p>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.</p> <p>Mitigation shall be conducted as follows:</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase.

	<ol style="list-style-type: none"> 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. <p>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.</p>			
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	<p>Hazardous Materials Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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</p>	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	<p>Water Quality Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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.</p>	Developer,	Public Works Dept.	During construction phase.
3.17 Transportation/Traffic	<p>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.</p> <p>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).</p>	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)			
	<p>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.</p> <p>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.</p> <p>Traffic Mitigation Measure 4.2-3 (b) [From Air Quality]</p> <p>b. Promote alternative forms of transportation through the following measures:</p> <ul style="list-style-type: none"> (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 				

	<p>pedestrian paths.</p> <p>(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.</p> <p>(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.</p>			
3.18. Tribal Cultural Resources	<p>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.</p> <p>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.</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase

	<p>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.</p> <p>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.</p>			
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ATTACHMENT 2

PLANNING COMMISSION RESOLUTION NO. PC 23-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT 22-19 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES, AND APPROVING USE PERMIT 22-05 FOR A RAISING CANE'S RESTAURANT AND DRIVE-THROUGH, ON APPROXIMATELY 1.64 ACRES, LOCATED NEAR THE NORTHWEST CORNER OF COLUSA HIGHWAY AND HARTER PARKWAY (A PORTION OF ASSESSOR'S PARCEL NUMBER 63-310-016).

WHEREAS, the City received an application in December 2022 for Use Permit (UP) 22-05 to construct a 2,961 square foot restaurant with a drive-through with double queuing lanes and 33 parking spaces. The new development that would 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 the property is provided with full City services; and

WHEREAS, the Planning Commission reviewed related Environmental Assessment 22-19 which was prepared for this Use Permit and Use Permits 22-04 and 22-06, collectively the "Project," considering a Mitigated Negative Declaration (MND) prepared for the Project, which concluded that this Project will not generate any new significant environmental impacts and provided new mitigations as well as mitigations from the previously approved EIR for Harter Specific Plan/Yuba City Marketplace for which overriding considerations were made, and the addendum to that EIR for the Harter Marketplace; and

WHEREAS, a review of the General Plan, the Harter Specific Plan and Zoning Regulations determined that proposed UP 22-05 will be an appropriate use within the Regional Commercial General Plan land use designation and the Harter Specific Plan, and the proposal meets all of the C-3 Zone District development standards; and

WHEREAS, the City on June 26, 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 now desires to approve UP 22-05; 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 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 that there is no substantial evidence in the record that UP 22-05, may have a significant effect on the environment as identified by the MND and finds that an environmental assessment/initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the Planning Commission'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 22-19 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 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 Planning Commission 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 22-19.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission 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 is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and 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 Planning Commission further 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. Use Permit Findings. Based upon analysis of the Use Permit application and subject to the applicant's compliance with the conditions of approval and mitigation measures, the following required findings of Section 8-5.7003(d) of the Municipal Code can be made:

- i. The proposal is consistent with the General Plan.*

Evidence: The proposed restaurant is listed in the C-3 Zone District that is applied to the property as permitted, but the drive-through is permitted with a use permit, and that the C-3 Zone District by definition is consistent with the Regional Commercial General Plan designation, and that the environmental document and staff report prepared for the proposal did not identify any general plan inconsistencies, and that the proposal

meets all of the City's development standards and design criteria. As such the proposal is consistent with the General Plan.

- ii. *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 (Zoning Regulations).*

Evidence: The proposal consists of a single-story 2,691 square foot restaurant with both indoor and outdoor dining, a drive through with double queuing lanes for 20 vehicles, and adequate parking, landscaping, and lighting. This facility will be located on a 1.64-acre parcel that will also accommodate all of the required parking, landscaping, and lighting required by City ordinance. The business will also be accessed by several public driveways on two sides. A traffic analysis prepared for the proposal concluded that vehicle and pedestrian access to the site is safe and reasonable. As such, the site is of adequate size and shape and has good public access.

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

Evidence: The site is part of a commercial area that is accessed by public streets. Primary access is off of Harter Parkway which is designated in the General Plan as a Parkway, which is a four-lane major street, and there are driveways onto Harter Marketplace Drive. The traffic study prepared for the proposal provided that the additional traffic generated by the proposal and related Use Permits 22-04 and 22-06 the nearby streets will remain within the City accepted minimum standard of D or better and it also concluded that vehicle and pedestrian access to the site is safe and reasonable. As such, the streets serving the site will be able to adequately handle traffic generated by this project.

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

Evidence: The restaurant is subject to the City adopted Design Guidelines. The analysis of the building design concluded that, the proposal meets City design criteria. Regarding the scale of the proposal all of the new buildings will be single story, and that the proposed site is part of a larger commercial development for which the building design, and landscaping of this proposal will complement other commercial uses and landscaping.

- v. *The project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity.*

Evidence: Based on the initial study prepared for this proposal, which considers impacts on the site and neighboring properties, and with the required mitigation measures, there will be no additional significant environmental impacts for air quality,

noise, access, etc. created by the completion of this proposal on neighboring existing or future commercial uses and their employees and customers.

- vi. *At least one of the findings in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.*

Evidence: This proposal 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 Use Permit that will protect property within the area to the urban level in urban areas and urbanizing areas.

6. Approval of the Use Permit 22-05: Based on the aforementioned findings, the Planning Commission hereby approves UP 22-05, Raising Cane’s Restaurant and drive-through, as shown in **Exhibit A**, subject to the conditions of approval and mitigation measures as provided in **Exhibit B** attached hereto.
7. 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: Raising Cane’s Building Elevations

Exhibit B: Conditions of Approval and Mitigation Measures for UP 22-05

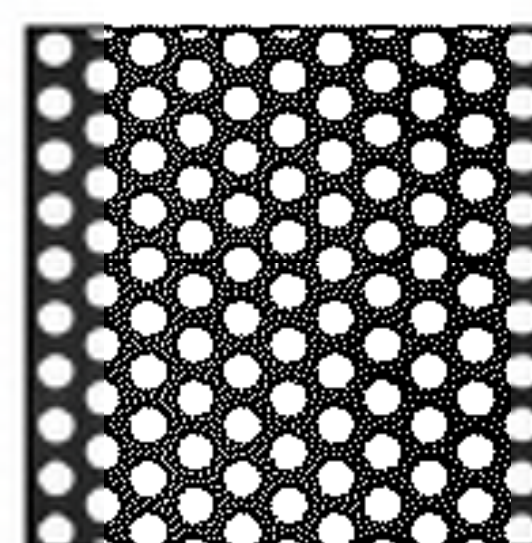
EXHIBIT A



MATERIAL FINISHES



Metal Panel 1



McNICHOLS Perforated
Metal Panel
Powder Coat: Black



Architectural Panels
Nichiha: Vintage Cedar
Wood Look Material



Belden norman Brick
Masonry Medium range,
smooth. Iron Spot. Mortar to
match solomon products lo h.
weathered horizontal
strike. vertical joints are flush



Boral: "Alamo" modular
brick, mortar to match
solomon products lo h.
light buff Sack rub finish.

NOT FOR
CONSTRUCTION

EXTERIOR ELEVATIONS

C990 – Colusa & Harter – Yuba City, CA | NOVEMBER 15, 2022



EXHIBIT B

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 22-05
JULY 26, 2023**

**RAISING CANES
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 and as further outlined in the Staff Report 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. The conditions as set forth for Tentative Parcel Map (TPM) 19-03, approved by the Yuba City Planning Commission on April 28, 2021, shall be applicable to this proposed Use Permit (UP) 22-05.
 6. 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.
 7. 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.
 8. All utility/mechanical equipment shall be screened from the public right of way.
 9. 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 Raising Canes drive-thru in the public right-of-way. “Public right of way” includes but is not limited to; Harter Marketplace Way. 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.
 10. 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.
 11. A 10.0-foot wide public utility easement shall be provided along the street frontages of Harter Marketplace Way and Harter Parkway.
 12. Prior to issuance of certificate of occupancy, all underground utilities, public improvements, and site improvements, shall be completed.
 13. 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.
 14. 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.
 15. Install a 5.0-foot wide, all-weather, ADA compliant, pedestrian access in the public access and utility easement area connecting the sidewalks along Harter Parkway and Harter Marketplace Way, or as approved by the Public Works Director.

MITIGATION MEASURES

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.3 Air Quality	<p>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:</p> <p>Air Quality Mitigation Measure 1: Implement the following measures to reduce PM10 and fugitive dust during construction:</p> <ol style="list-style-type: none"> 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 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. 	Developer	Public Works Dept., Development Services Dept.	During construction phase.

	<p>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.</p> <p>i. Wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads.</p> <p>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:</p> <p>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 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</p>			
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	<p>inspections to determine compliance. Nothing in this measure shall supersede other FRAQMD regulations.</p> <p>Air Quality Mitigation Measure 3:</p> <p>a. Promote alternative forms of transportation through the following measures:</p> <ul style="list-style-type: none"> – 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 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 			
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	<p>allow cyclists to proceed through an intersection without having to wait for an automobile to arrive.</p> <ul style="list-style-type: none"> – Provide preferential parking spaces for carpools and vanpools. <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Loading docks shall incorporate electric hook-ups that will assist in reducing TOCs associated with idling trucks.</p>			
3.7 Geology and Soils	<p>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.</p> <p>Mitigation shall be conducted as follows:</p> <ol style="list-style-type: none"> 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 	Developer,	Public Works Dept., Development Services Dept.	During construction phase.

	<p>formations that are slated to be impacted;</p> <p>4. Obtain comments from the researchers;</p> <p>5. Comply with researchers' recommendations to address any significant adverse effects were determined by the City to be feasible.</p> <p>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.</p>			
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	<p>Hazardous Materials Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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 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.</p>	Developer	Development Services Dept.	Prior to issuance of building permits.

3.10 Hydrology and Water Quality	<p>Water Quality Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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.</p>	Developer,	Public Works Dept.	During construction phase.
3.17 Transportation/Traffic	<p>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.</p> <p>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).</p> <p>Prior to occupancy, install the auxiliary lanes noted in the table below at the Yuba City Marketplace main entry/Harter Road intersection:</p>	Developer,	Public Works Dept.	During construction phase.

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

	<p>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.</p> <p>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.</p> <p>Traffic Mitigation Measure 4.2-3 (b) [From Air Quality]</p> <p>b. Promote alternative forms of transportation through the following measures:</p> <ul style="list-style-type: none"> (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- 			
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	<p>term (for employee's bike lockers, or some type of all- weather and secure facility would suffice) parking.</p> <p>(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.</p>			
3.18. Tribal Cultural Resources	<p>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.</p> <p>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.</p> <p>The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase

	<p>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.</p> <p>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.</p>			
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ATTACHMENT 3

PLANNING COMMISSION RESOLUTION NO. PC 23-18

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY APPROVING ENVIRONMENTAL ASSESSMENT 22-19 BY ADOPTING A MITIGATED NEGATIVE DECLARATION, SUBJECT TO THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES, AND APPROVING USE PERMIT 22-06 FOR A DUTCH BROS COFFEE DRIVE-THROUGH RESTAURANT, ON APPROXIMATELY 0.75 ACRES, LOCATED NEAR THE NORTHWEST CORNER OF COLUSA HIGHWAY AND HARTER PARKWAY (A PORTION OF ASSESSOR'S PARCEL NUMBER 63-310-016).

WHEREAS, the City received an application in December 2022 for Use Permit (UP) 22-06 to construct a 950 square foot restaurant with a drive-through with double queuing lanes. The new development that would 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 the property is provided with full City services; and

WHEREAS, the Planning Commission reviewed related Environmental Assessment 22-19 which was prepared for this Use Permit and Use Permits 22-04 and 22-05, collectively the "Project," considering a Mitigated Negative Declaration (MND) prepared for the Project, which concluded that this Project will not generate any new significant environmental impacts and provided new mitigations as well as mitigations from the previously approved EIR for Harter Specific Plan/Yuba City Marketplace for which overriding considerations were made, and the addendum to that EIR for the Harter Marketplace; and

WHEREAS, a review of the General Plan, the Harter Specific Plan and Zoning Regulations determined that proposed UP 22-06 will be an appropriate use within the Regional Commercial General Plan land use designation and the Harter Specific Plan, and the proposal meets all of the C-3 Zone District development standards; and

WHEREAS, the City on June 26, 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 now desires to approve UP 22-06; 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 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 that there is no substantial evidence in the record that UP 22-06, may have a significant effect on the environment as identified by the MND and finds that an environmental assessment/initial study was prepared for this Project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, and reflects the Planning Commission'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 22-19 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 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 Planning Commission 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 22-19.
3. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission 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 is located at 1201 Civic Center Boulevard, Yuba City, CA 95993, and 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 Planning Commission further 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. Use Permit Findings. Based upon analysis of the Use Permit application and subject to the applicant's compliance with the conditions of approval, the following required findings of Section 8-5.7003(d) of the Municipal Code can be made:

i. The proposal is consistent with the General Plan:

Evidence: The proposed restaurant is listed in the C-3 Zone District that is applied to the property as permitted, but the drive-through is permitted with a use permit, and that the C-3 Zone District by definition is consistent with the Regional Commercial General Plan designation, and that the environmental document and staff report prepared for the proposal did not identify any general plan inconsistencies, and that the proposal meets all of the City's development standards and design criteria. As such the proposal is consistent with the General Plan.

- ii. *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 (Zoning Regulations).*

Evidence: The proposal consists of a single-story 950 square foot restaurant with a drive-through with double queuing lanes for 22 vehicles, and adequate parking, landscaping, and lighting. This facility will be located on a 0.75-acre parcel that will also accommodate all of the required parking, landscaping, and lighting required by City ordinance. The business will also be accessed by several public driveways on two sides. A traffic analysis prepared for the Project concluded that vehicle and pedestrian access to the site is safe and reasonable. As such, the site is of adequate size and shape and has good public access.

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

Evidence: The site is part of a commercial area that is accessed by public streets. Primary access is off of Harter Parkway which is designated in the General Plan as a Parkway, which is a four-lane major street, and there are driveways onto Harter Marketplace Drive. The traffic study prepared for the Project provided that the additional traffic generated by this proposal and related Use Permits 22-04 and 22-05 the nearby streets will remain within the City accepted minimum level of service D or better and it also concluded that vehicle and pedestrian access to the site is safe and reasonable. As such, the streets serving the site will be able to adequately handle traffic generated by this Project.

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

Evidence: The restaurant is subject to the City adopted Design Guidelines. The analysis of the building design concluded that, the proposal meets City design criteria. Regarding the scale of the proposal the new building will be single story, and that the site is part of a larger commercial development for which the building design, and landscaping of this proposal will complement other commercial uses and landscaping.

- v. *The project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity.*

Evidence: Based on the initial study prepared for this Project, which considers impacts on the site and neighboring properties, and with the required mitigation measures, there will be no additional significant environmental impacts for air quality, noise, transportation, cultural resources, greenhouse gases, etc. created by the completion of this Project on neighboring existing or future commercial uses and their employees and customers.

- vi. *At least one of the findings in Title 6, Chapter 9, Article 6 of the Municipal Code is satisfied.*

Evidence: This proposal 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 Use Permit that will protect property within the area to the urban level in urban areas and urbanizing areas.

6. Approval of the Use Permit 22-06: Based on the aforementioned findings, the Planning Commission hereby approves UP 22-06, Dutch Bros Restaurant and drive-through, as shown in **Exhibit A**, subject to the conditions of approval and mitigation measures as provided in **Exhibit B** attached hereto.
7. 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

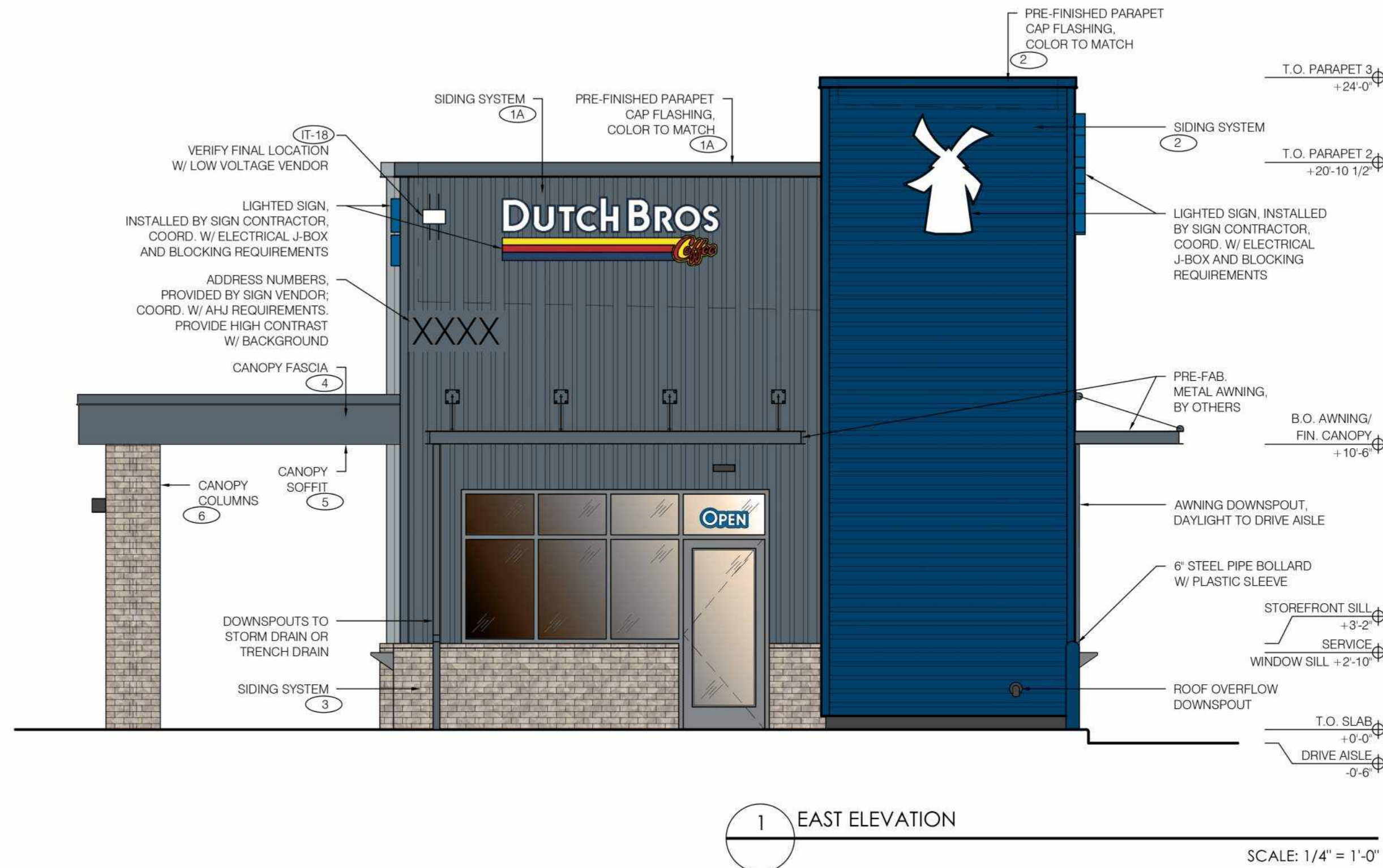
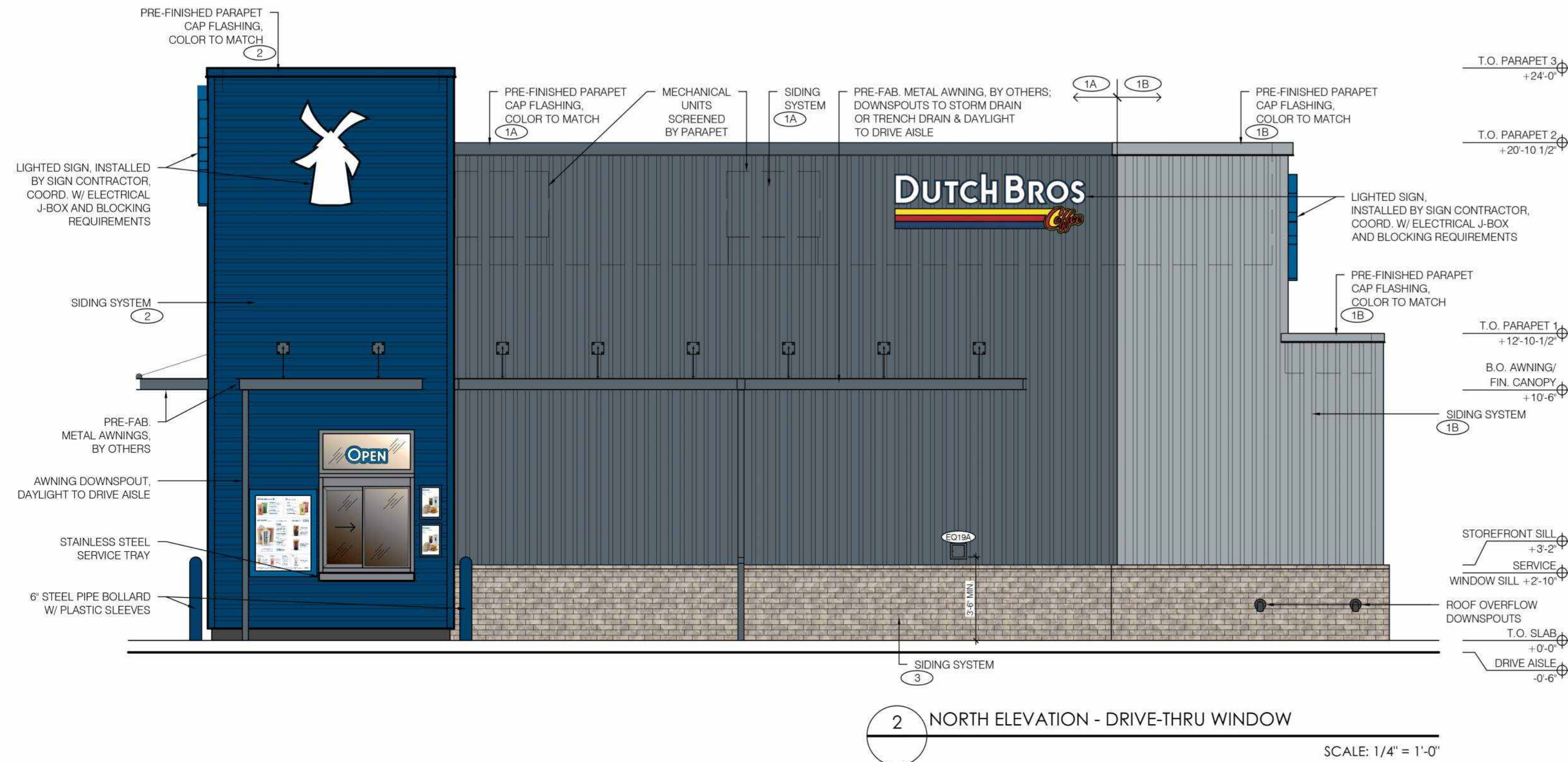
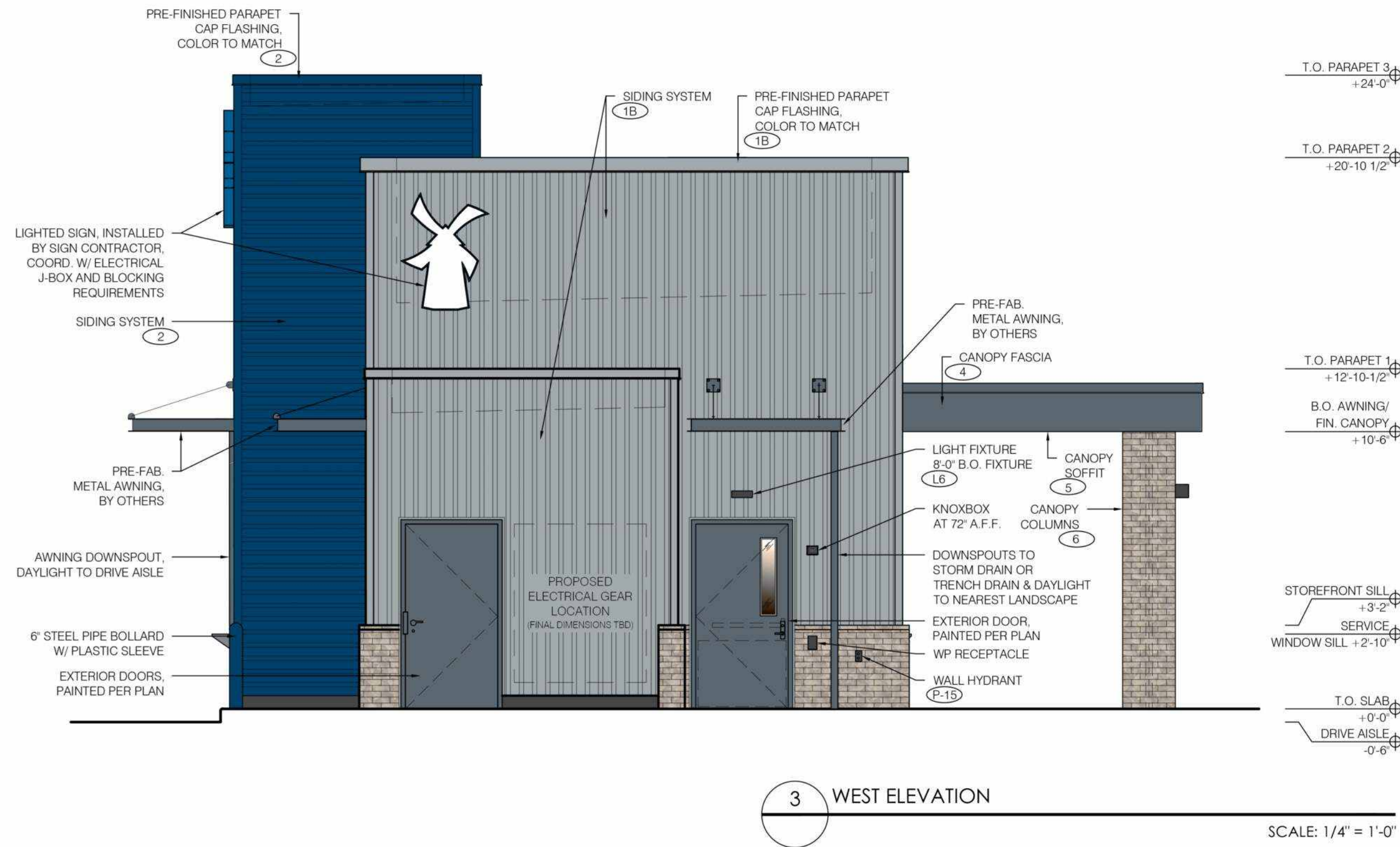
Attachments:

Exhibit A: Dutch Bros Coffee Building Elevations

Exhibit B: Conditions of Approval and Mitigation Measures for UP 22-06

EXHIBIT A

"The name DUTCH BROS. and all associated logos, content, information, and other materials featured, displayed, contained herein, and made available by Dutch Bros., including but not limited to, the "look and feel" of the establishments and products, all text, images, colors, configurations, graphics, designs, illustrations, photographs, and pictures (collectively, the "Materials") are owned by and/or licensed by DB Franchising USA, LLC and are protected by copyright, trademark, trade dress, patent, and/or other intellectual property rights and unfair competition laws under the United States and foreign laws."



EXTERIOR FINISH SCHEDULE				
ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
ZONE 1 (BODY)				
1A	METAL PANEL	WESTERN STATES METAL ROOFING	WESTERN WAVE, 24 ga.	ORIENTATION: VERTICAL; COLOR: BLDG DB DARK GRAY
1B	METAL PANEL	WESTERN STATES METAL ROOFING	WESTERN WAVE, 24 ga.	ORIENTATION: VERTICAL COLOR: BLDG DB LIGHT GRAY
ZONE 2 (TOWER)				
2	METAL PANEL	WESTERN STATES METAL ROOFING	WESTERN WAVE, 24 ga.	ORIENTATION: HORIZONTAL; COLOR: BLDG DB BLUE
ZONE 3 (BASE)				
3	BRICK VENEER AND SILL	MUTUAL MATERIALS	FACE BRICK	COLOR: WESTPORT USED
ZONE 4 (FRAMED CANOPY)				
4	FASCIA	WESTERN STATES METAL ROOFING	T-GROOVE, 10"	3 SIDES; COLOR: BLDG DB DARK GRAY
5	SOFFIT	HEWN ELEMENTS	NATURAL NORTHWESTERN SPRUCE	1x6, T&G, 1/8" REVEAL, SEALED
6	BRICK VENEER	MUTUAL MATERIALS	FACE BRICK	COLOR: WESTPORT USED
NOTE: GC TO PROVIDE 3"x2" SMOOTH DOWNSPOUTS, AND ALL NECESSARY ADAPTORS, AT AWNING AND CANOPY LOCATIONS; COLOR: BLDG DB DARK GRAY				



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WWW.GNICHARCH.COM



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Project No: CA3204
Dutch Bros Coffee - New Freestanding Store
NWC Colusa Highway & Harter Parkway
Yuba City, CA 95993
For Dutch Bros Coffee
110 SW 4th Street
Grants Pass, OR 97526

ISSUED FOR DESIGN REVIEW: 04.10.2023

REV:	DATE:	DESCRIPTION:

SHEET NAME: BUILDING ELEVATIONS

SHEET NUMBER: A6.1

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EXHIBIT B

**CITY OF YUBA CITY
CONDITIONS OF APPROVAL
USE PERMIT 22-06
JULY 26, 2023**

**DUTCH BROS
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. The conditions as set forth for Tentative Parcel Map (TPM) 19-03, approved by the Yuba City Planning Commission on April 28, 2021, shall be applicable to this proposed Use Permit (UP) 22-06.
- 6. 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.
- 7. 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.
- 8. All utility/mechanical equipment shall be screened from the public right of way.
- 9. The ADA ramp at the southwest corner of the intersection of Harter Parkway and Harter Marketplace Way shall be updated to current ADA ramp standards. Timing shall be as approved by the Public Works Director.
- 10. 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 coffee shop drive-thru 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.
- 11. 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.
- 12. A 10.0-foot wide public utility easement shall be provided along the street frontages of Harter Marketplace Way and Harter Parkway.
- 13. Prior to issuance of certificate of occupancy, all underground utilities, public improvements, and site improvements, shall be completed.
- 14. 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.
- 15. 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	<p>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:</p> <p>Air Quality Mitigation Measure 1: Implement the following measures to reduce PM10 and fugitive dust during construction:</p> <ol style="list-style-type: none"> 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 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. 	Developer	Public Works Dept., Development Services Dept.	During construction phase.

	<p>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.</p> <p>i. Wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads.</p> <p>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:</p> <p>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 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of</p>			
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	<p>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.</p> <p>Air Quality Mitigation Measure 3:</p> <p>a. Promote alternative forms of transportation through the following measures:</p> <ul style="list-style-type: none"> – 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 allow cyclists to safely proceed. Loops and cameras are relevant to 			
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	<p>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.</p> <ul style="list-style-type: none"> – Provide preferential parking spaces for carpools and vanpools. <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Loading docks shall incorporate electric hook-ups that will assist in reducing TOCs associated with idling trucks.</p>			
3.7 Geology and Soils	<p>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.</p> <p>Mitigation shall be conducted as follows:</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase.

	<ol style="list-style-type: none"> 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. <p>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.</p>			
3.8. Greenhouse use 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	<p>Hazardous Materials Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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</p>	Developer	Development Services Dept.	Prior to issuance of building permits.

	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.			
3.10 Hydrology and Water Quality	<p>Water Quality Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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.</p>	Developer,	Public Works Dept.	During construction phase.
3.17 Transportation/Traffic	<p>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.</p> <p>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</p>	Developer,	Public Works Dept.	During construction phase.

the intersection will operate at LOS C (average delay 24.9 sec).

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

	<p>designs/infrastructure; street lighting; and/or pedestrian signalization and signage.</p> <p>(iv) Integrate each development within the Harter Specific Plan area (e.g., Yuba City Marketplace) with pedestrian paths.</p> <p>(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.</p> <p>(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.</p>			
3.18. Tribal Cultural Resources	<p>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.</p> <p>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</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase

	<p>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.</p> <p>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.</p> <p>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.</p>			
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ATTACHMENT 4

Harter Marketplace Shopping Center

Location Map | UP 22-04, UP 22-05, UP 22-06, EA 22-19



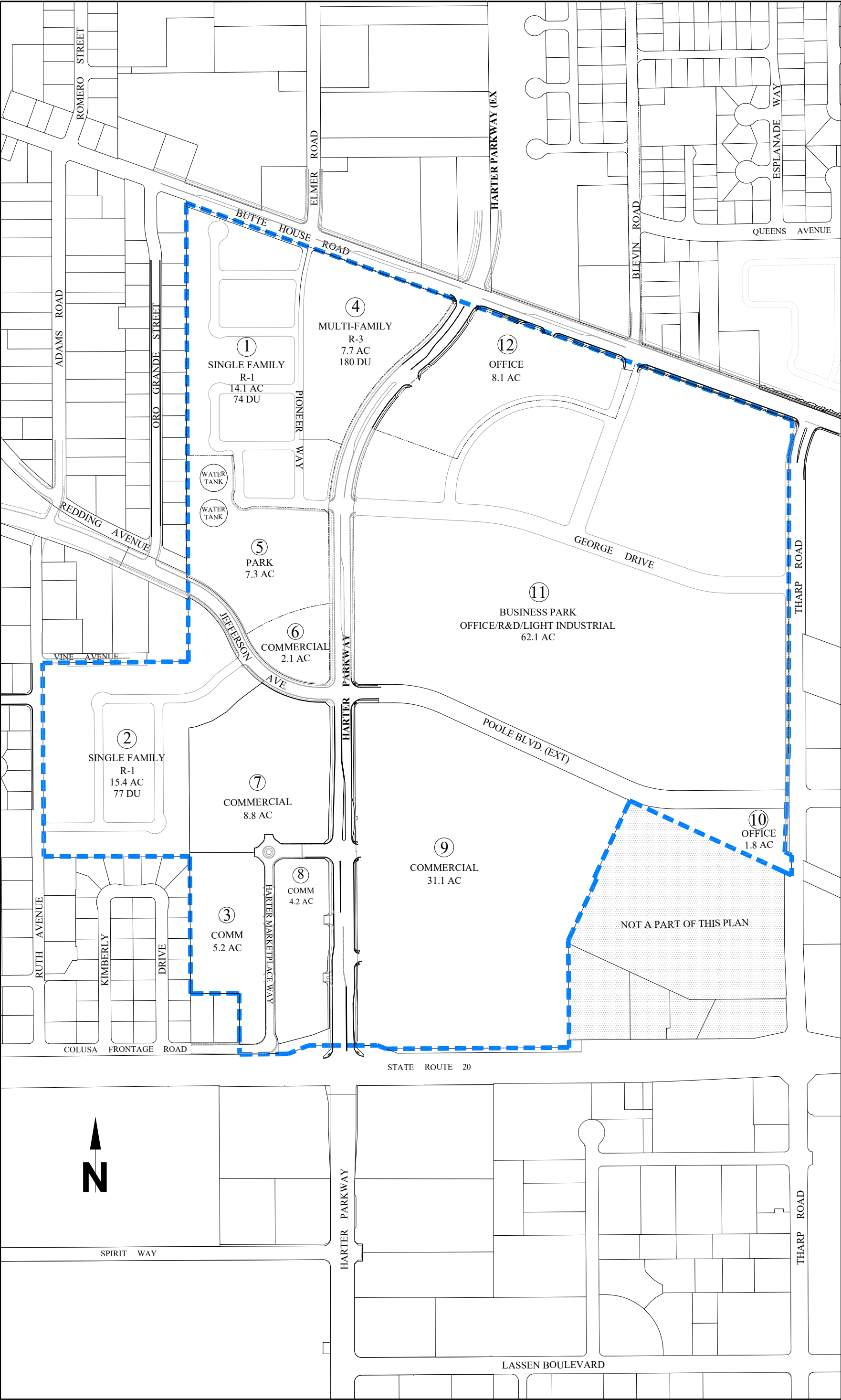
Project Location

HARTER PKWY

20



ATTACHMENT 5



ATTACHMENT 6

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

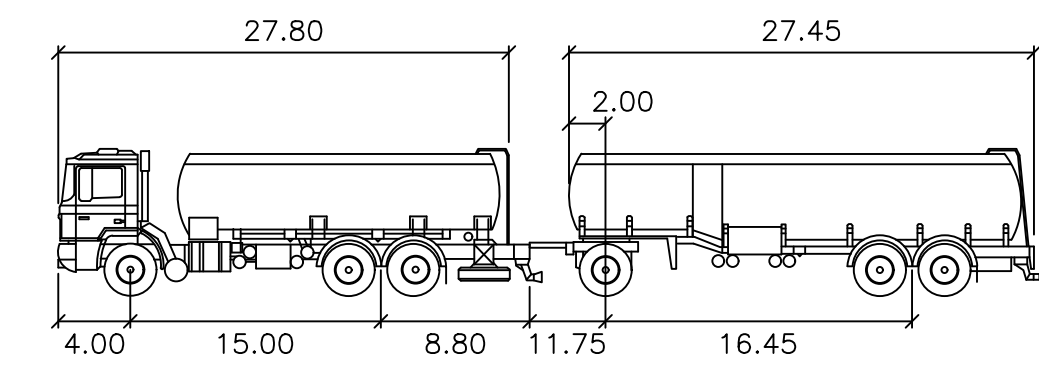
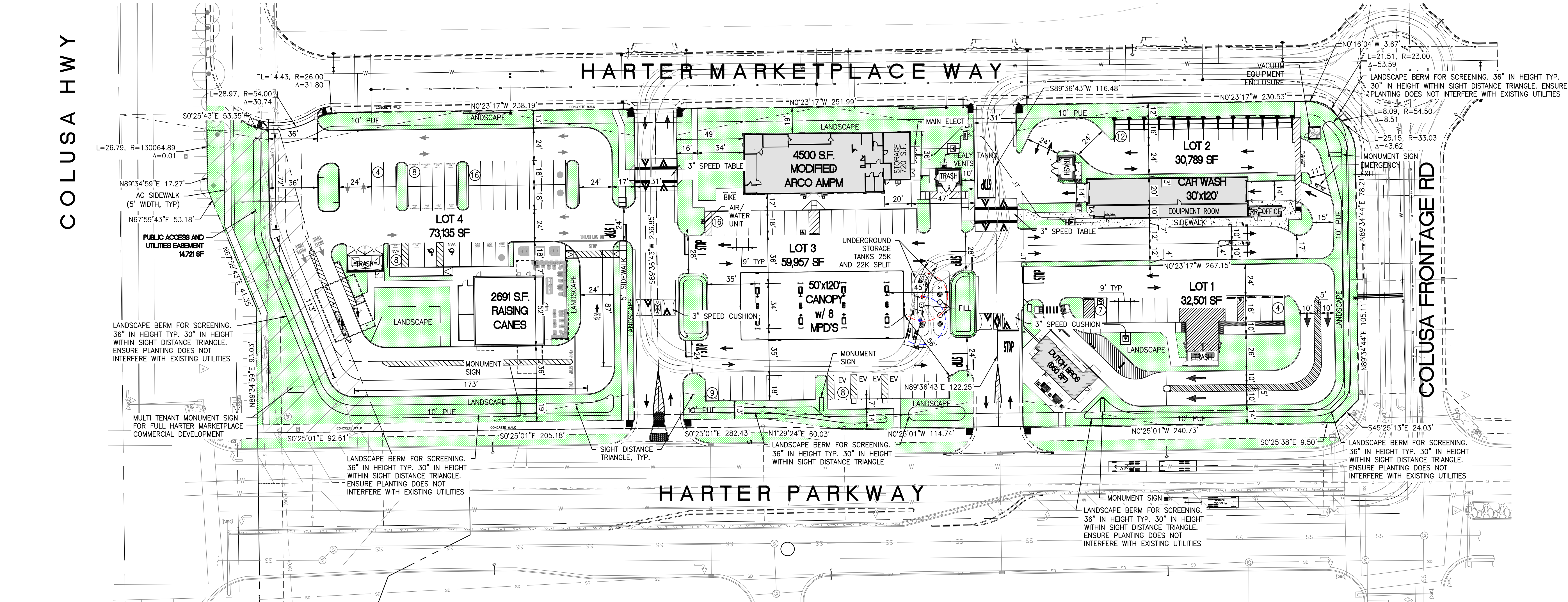
LOT SIZE: 58,414 SF (1.34 ACRES)
14,721 SF (0.34 ACRES)
73,135 SF (1.68 ACRES)

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

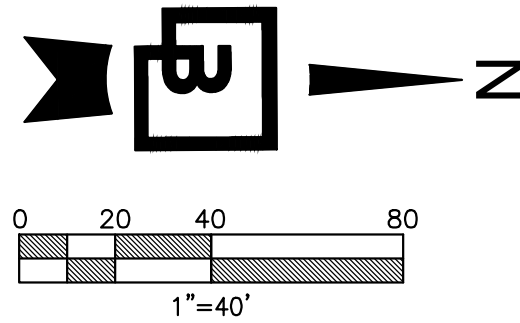
PARKING SPACES REQUIRED: 18 SPACES + 27 SPACES = 45 SPACES
PARKING SPACES PROVIDED: = 36 SPACES



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 SITE PLAN

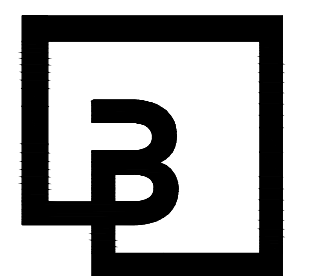
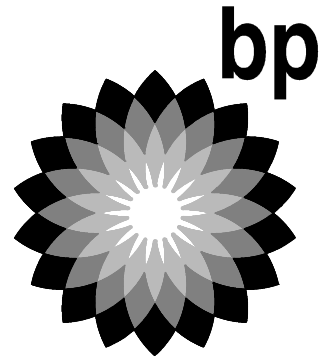


Preliminary Not For Construction

DRAWING INDEX

SP-1	PRELIMINARY SITE PLAN
1 OF 4	ALTA TITLE SHEET
2 OF 4	ALTA BOUNDARY SHEET
3 OF 4	ALTA TOPO SHEET
4 OF 4	ALTA TOPO SHEET
L1	PRELIMINARY LANDSCAPE PLAN
L2	PRELIMINARY LANDSCAPE PLAN
A1.1	PRELIMINARY AMPM FLOOR PLAN
A2.1	PRELIMINARY AMPM EXTERIOR ELEVATIONS
A2.2	PRELIMINARY AMPM EXTERIOR ELEVATIONS
CA1.1	PRELIMINARY FUEL CANOPY PLAN
CA2.1	PRELIMINARY FUEL CANOPY ELEVATIONS
CWA1.1	PRELIMINARY CARWASH FLOOR PLAN
CWA2.1	PRELIMINARY CARWASH EXTERIOR ELEVATIONS
1 of 1	DUTCH BROTHERS EXTERIOR ELEVATIONS
1 of 1	RAISING CANE'S EXTERIOR ELEVATIONS

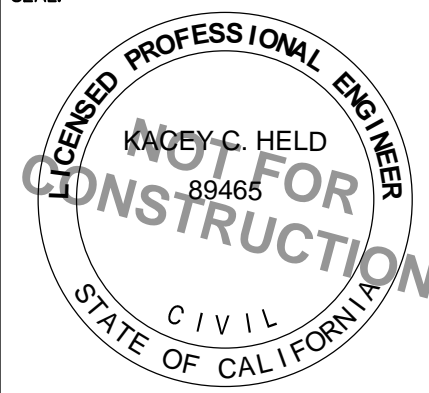
CLIENT:



Barghausen
Consulting Engineers, Inc.

18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

NO.	DATE	REVISION DESCRIPTION
1	11/18/22	QIP SUBMITTAL
2	01/24/23	REVIEW COMMENTS
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DEVELOPMENT INFORMATION:
RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
@ HARTER PARKWAY
YUBA CITY, CALIFORNIA

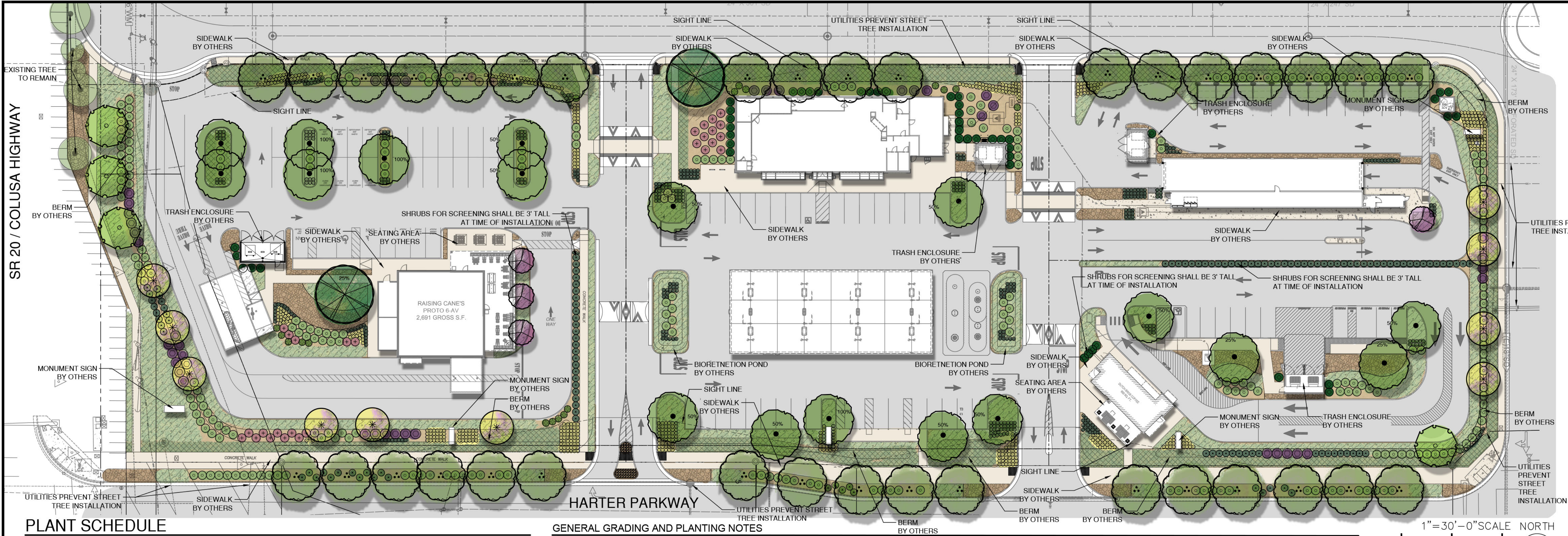
FACILITY #TBD

DESIGNED BY:	PT	ALLIANCE ZADN:
CHECKED BY:	PT	BP REP:
DRAWN BY:	AD	ALLIANCE PM:
VERSION:	-	PROJECT NO:
		21230








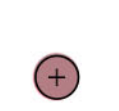

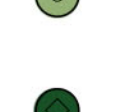







DRAWING TITLE:
PRELIMINARY
SITE PLAN

SHEET NO:

SP-1



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 KAWAKAMII 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	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 USE A REFERENCE IMAGE OF RHAMNUS AT THAT SIZE.

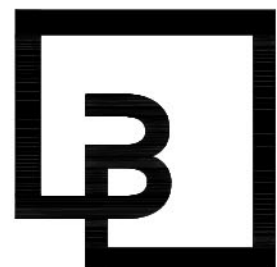


EVERGREEN
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CLIENT:



BP WEST COAST PRODUCTS, LLC



Barghausen
Consulting Engineers, Inc.

18215 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

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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 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 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 PLANTING
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

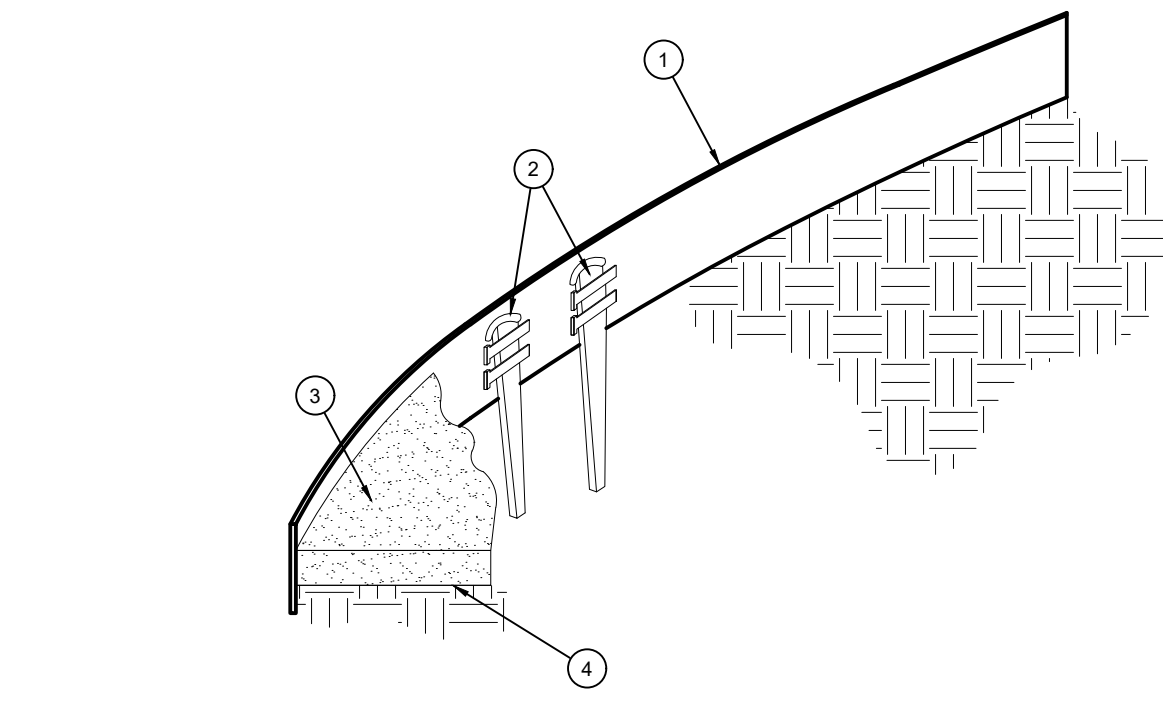
1. TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.
 2. CARRY THE SIDES AND BOTTOM OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED 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 PREVAILING WINDS OR SLOPES) REQUIRE STAKES TO KEEP TREES UPRIGHT. SHOULD STAKING BE REQUIRED, THE TOTAL NUMBER OF TREE STAKES (BEYOND THE MINIMUMS 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 - FOUR STAKES PER TREE
 - 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).
- E. SHRUB, PERENNIAL, AND GROUNDCOVER 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.
- F. 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.
- G. HYDROSEEDING
1. TURF HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
 - a. GENERAL:
 - i. 50# CELLULOSE FIBER MULCH
 - ii. 2# UNHULLED BERMOUDA SEED
 - iii. 2# ANNUAL RYE SEED
 - iv. 15-15-15 WATER SOLUBLE FERTILIZER
 - b. SUMMER MIX (APRIL - SEPTEMBER 30):
 - i. 50# CELLULOSE FIBER MULCH
 - ii. 2# HULLED BERMOUDA SEED
 - iii. 15-15-15 WATER SOLUBLE FERTILIZER
 2. SEED HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
 - a. GENERAL:
 - i. 50# CELLULOSE FIBER MULCH
 - ii. 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.
- I. CLEAN UP
1. DURING LANDSCAPE PREPARATION AND PLANTING, KEEP ALL PAVEMENT CLEAN AND ALL WORK AREAS IN A NEAT, ORDERLY CONDITION.
 2. DEBRIS AND EXCAVATED MATERIALS OFF THE PROJECT SITE.
- J. 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 MOVING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESEED OR RESEED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOVED.
- L. WARRANTY PERIOD, PLANT GUARANTEE AND REPLACEMENTS
1. 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.
 2. 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.
- M. 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.

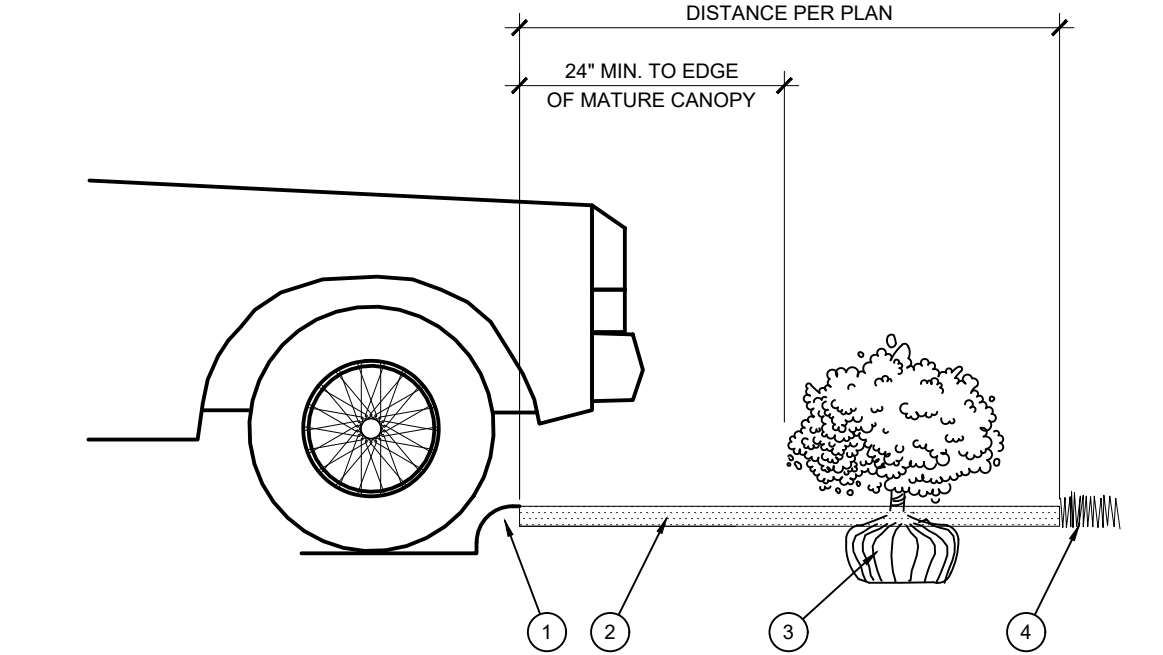


1. ROLLED-TOP STEEL EDGING PER PLANS.
2. TAPERED STEEL STAKES.
3. MULCH, TYPE AND DEPTH PER PLANS.
4. FINISH GRADE.

- 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

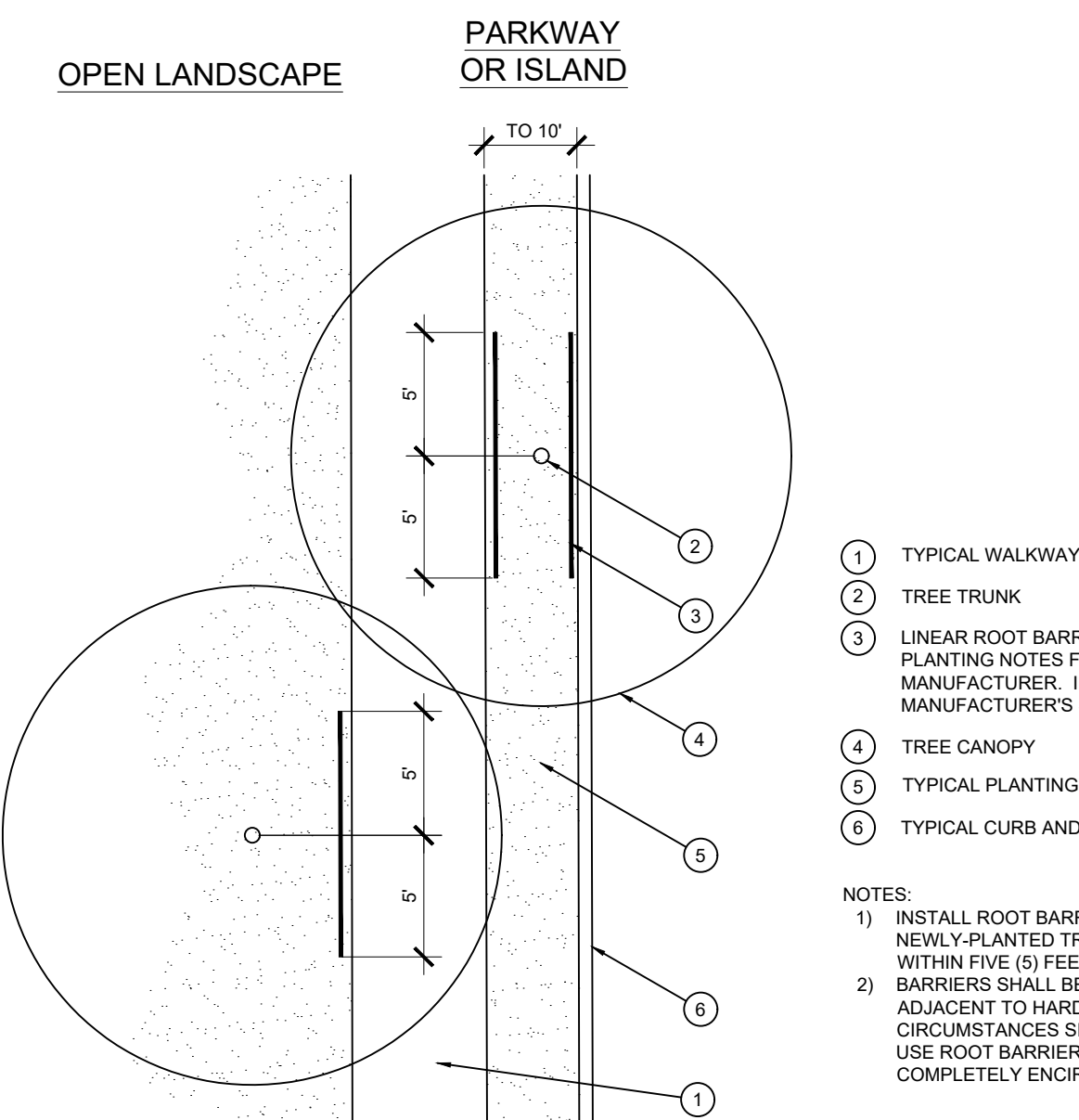
SCALE: NOT TO SCALE



1. CURB.
2. MULCH LAYER.
3. PLANT.
4. TURF (WHERE SHOWN ON PLAN).

E PLANTING AT PARKING AREA

SCALE: NOT TO SCALE

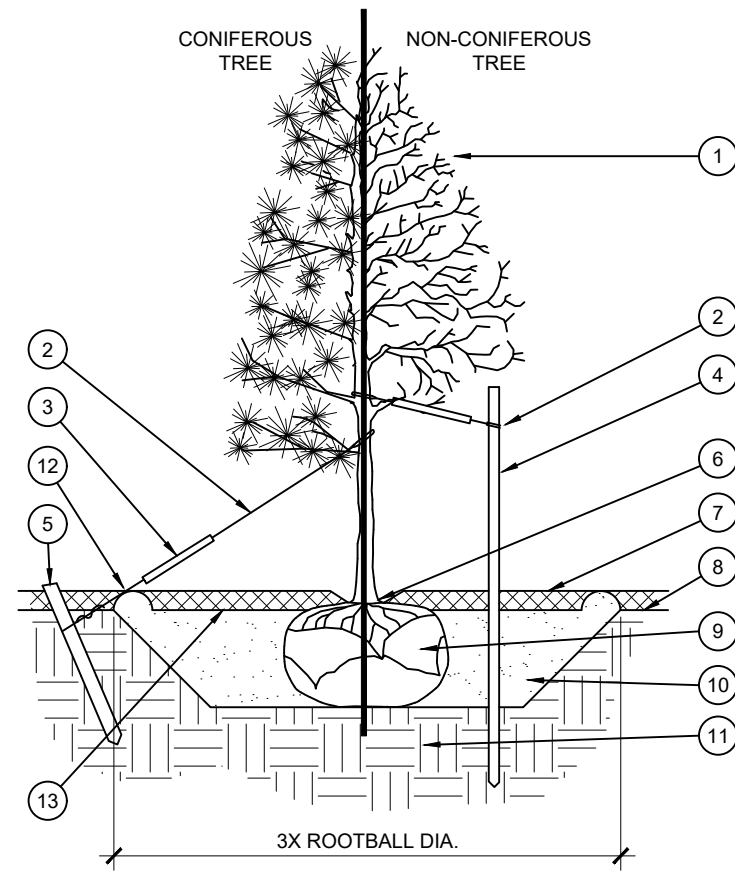


1. TYPICAL WALKWAY OR PAVING
2. TREE TRUNK
3. LINEAR ROOT BARRIER MATERIAL. SEE PLANTING NOTES FOR TYPE AND MANUFACTURER. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
4. TREE CANOPY
5. TYPICAL PLANTING AREA
6. TYPICAL CURB AND GUTTER

- 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

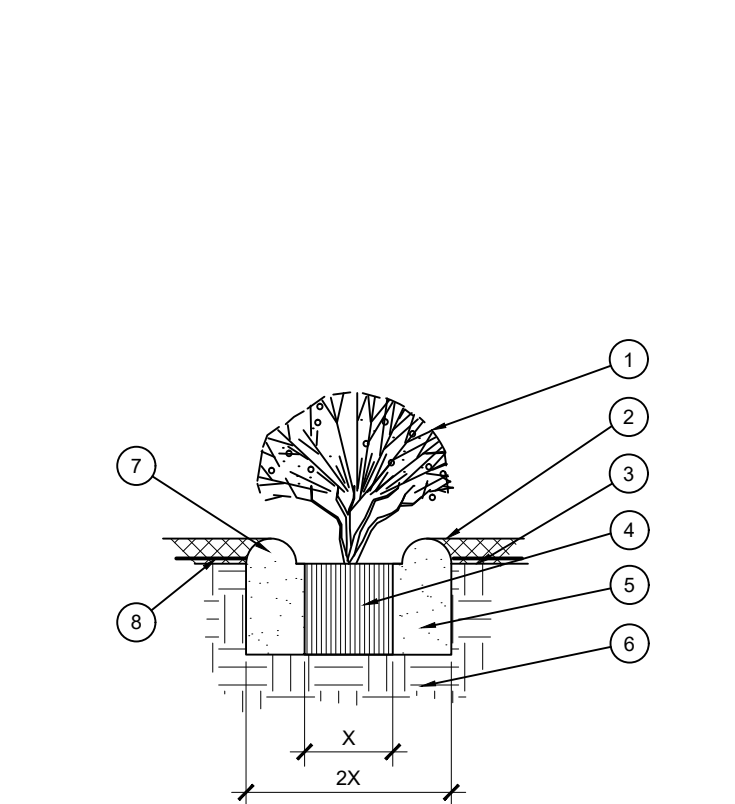


1. TREE CANOPY.
2. CINCH-TIES (24" BOX/2" CAL. TREES AND SMALLER) OR 12 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (36" BOX/2 1/2" CAL. TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
3. 24" X 3/4" P.V.C. MARKERS OVER WIRES.
4. GREEN STEEL T-POSTS. 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 THE 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.

A TREE PLANTING

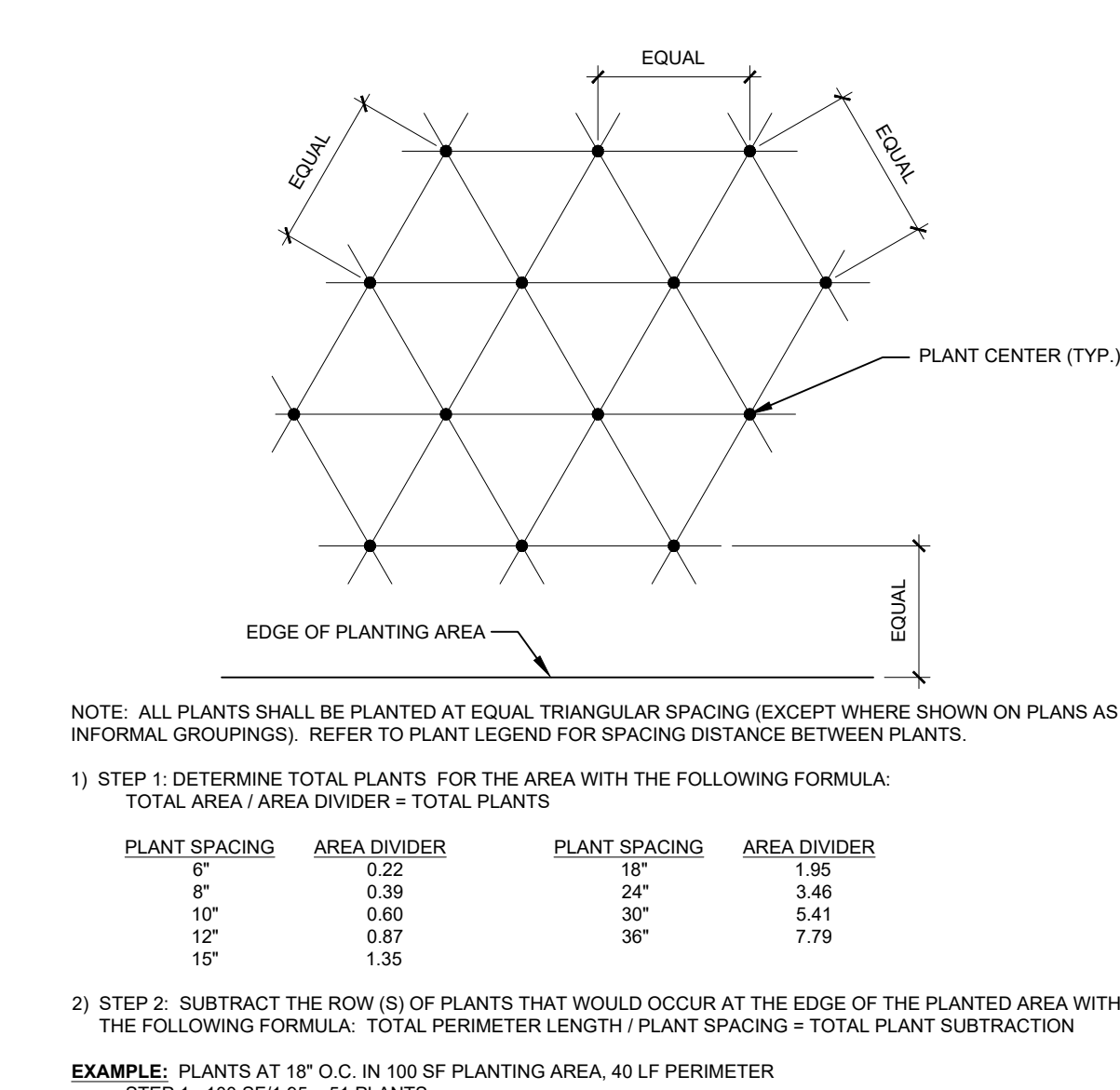
SCALE: NOT TO SCALE



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		

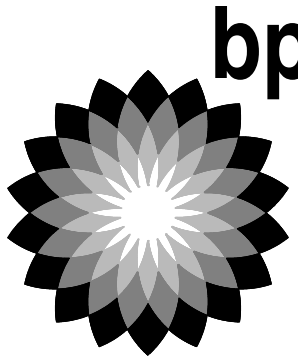
2) STEP 2: SUBTRACT THE ROW (S) OF PLANTS THAT WOULD OCCUR AT THE EDGE OF THE PLANTED AREA WITH THE FOLLOWING FORMULA: TOTAL PERIMETER LENGTH / PLANT SPACING = TOTAL PLANT SUBTRACTION

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

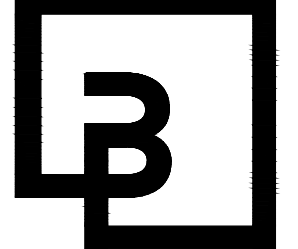
C PLANT SPACING

SCALE: NTS

CLIENT:



BP WEST COAST PRODUCTS, LLC



Barghausen Consulting Engineers, Inc.

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 TEAM

CHECKED BY: BP REPRESENTATIVE

DRAWN BY: ALLIANCE TEAM

VERSION: PROJECT NO. 21230

DRAWING TITLE:

LANDSCAPE SPECIFICATIONS & DETAILS

SHEET NO:

LP-2



(800) 680-6630
11801 Pierce Street, Suite 200
Riverside, CA 92505
www.EvergreenDesignGroup.com

ATTACHMENT 7



Environmental Assessment 22-19

Initial Study and Mitigated Negative Declaration for three use permits on adjoining properties, considered as one project for CEQA purposes. This includes Use Permit 22-04 for an ARCO AM/PM store, 16-vehicle fueling station, and car wash on a neighboring lot, Use Permit 22-05 for a Raising Canes Restaurant and dual lane drive-through, and Use Permit 22-06 for a Dutch Bros Coffee dual lane drive-through facility.

Prepared for:

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

City of Yuba City
Development Services Department
Planning Division

June 26, 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 three proposed use permits (collectively “Project”) will all be on four separate but adjoining parcels consisting in total of approximately 4.48 acres, located within the previously approved subdivision for the Harter Marketplace Shopping Center. The properties are essentially a commercial island with streets on all four sides bordered by State Route 20 on the southside, Harter Parkway on the east and Harter Marketplace Way (formerly Colusa Frontage Road) on the west and north sides. The three proposed uses are:

Use Permit 22-04: ARCO AM/PM market with fueling station and an associated carwash on an adjoining parcel. The AM/PM Market will be a 5,220 square foot single story retail store along with an eight dispenser, 16-vehicle fueling facility under a 6,000 square foot overhead canopy on a 1.36-acre parcel. Accompanying the convenience store and fueling station on an adjoining 0.70-acre parcel will be a 3,600 square foot car wash with 12 self-serve vacuum stations. Proposed hours of operation are 24 hours per day, seven days a week.

Use Permit 22-05: The proposed Raising Canes Chicken Fingers Restaurant will be located on a 1.64-acre parcel and will consist of a 2,691 square foot restaurant with an attached a 1,291 square foot outdoor covered patio, with seating for 60 people (16 indoor, 44 outdoor). The drive-up facility will consist of a dual aisle drive-through which will provide queuing for 23 vehicles. The drive-through will consist of double drive-through aisles utilizing a 1,344 square foot double wide vehicle drive-through canopy for food ordering and a 44 square foot canopy over the pay/pick-up window. There will be 36 parking spaces provided. Proposed hours of operation will be from 9:30 am to 3:30 am, seven days per week.

Use Permit 22-06: Dutch Bros Coffee will be located on a 0.75 acre-parcel. It will consist of a 950 square foot building with a single drive-up window served by dual queuing lanes that will accommodate 20 vehicles, as well as a walk-up pedestrian window. There will also be a 336 square foot outdoor seating area. Proposed hours of operation are 24 hours per day, seven days a week.

Access into the proposed uses will be two ingress/egresses off of Harter Parkway and three ingress/egresses from Harter Marketplace Way. Internally all of the proposed uses will be connected via internal access driveways. Reciprocal parking will be allowed between all uses. The landscaping and parking lot lighting will be a unified design. All of the proposed uses will be provided with full City services.

Because the three use permits are on adjoining properties under the same ownership they are considered a single 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.

This document relies on and references the previously prepared and adopted Harter Specific Plan/Yuba City Marketplace EIR and the addendum to that EIR prepared for an amendment to the Harter Specific Plan and a subdivision in order to accommodate Harter Marketplace.

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 commercial uses and provide an environmental assessment for consideration by the Planning Commission. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that a 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.

This IS/MND relies on the EIR previously prepared for the Harter Specific Plan and Yuba City Marketplace, which was adopted in 2004 (State Clearinghouse (SCH) # 2002042058) as well as the Addendum to that EIR that was prepared for an amendment to the Harter specific Plan and a subdivision to accommodate the Harter Marketplace Retail Center that was approved by the City in 2021. The properties covered by these use permits are located within the Harter Marketplace Shopping Center.

The Harter Marketplace Shopping Center is a 31.1-acre commercial development. The Addendum to the Yuba City Marketplace EIR that was prepared for the Harter Marketplace project analyzed the additional environmental impacts from the Harter Marketplace. This included several land use changes that were proposed, including converting approximately 4.1 acres from office to commercial, and several other land use adjustments. This IS/MND for the three use permits was prepared primarily because the proposed market, service station and two fast food facilities were not anticipated at that time, and there was concern that they may generate additional impacts previously not addressed, including the potential to generate significantly greater amounts of traffic than was originally considered.

The findings of the Harter Marketplace Addendum to the EIR were that there was no new information that identified any new significant effects that had not already been analyzed in the EIR. This review of the three proposed use permits relied on that information and assumes that any mitigations provided in those documents are carried forward and applied to these use permits. The primary purpose of this document is to determine if there are any additional impacts caused by these three Use Permits that was not anticipated in the Harter Marketplace addendum.

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.

At the end of each checklist environmental analysis is a reference to the previous mitigations that carry over to this Project as well as any new mitigations needed from this new Project.

1.4. Purpose of Document

The proposed three use permits will undergo a public review process by the Planning Commission that, if approved, would result in a commercial development on approximately 4.8 acres. 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/environmental>. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 30-day review period will commence on June 26, 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

Use Permit 22-04: Arco AM/PM and car wash.

Use permit 22-05: Raising Cane's Restaurant with drive-through.

Use Permit 22-06: Dutch Bros Coffee drive-through.

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 four adjoining properties, consisting of approximately 4.48 acres, are essentially an island with streets on all four sides, bordered by State Route 20 on the south, Harter Parkway on the east, and Harter Marketplace Drive along the north and west sides. Assessor's Parcel Number 62-310-016.

2.5. Project Applicant

Dharni Lada LLC – Ken Dharni
6698 Mack Road,
Sacramento, CA 95821

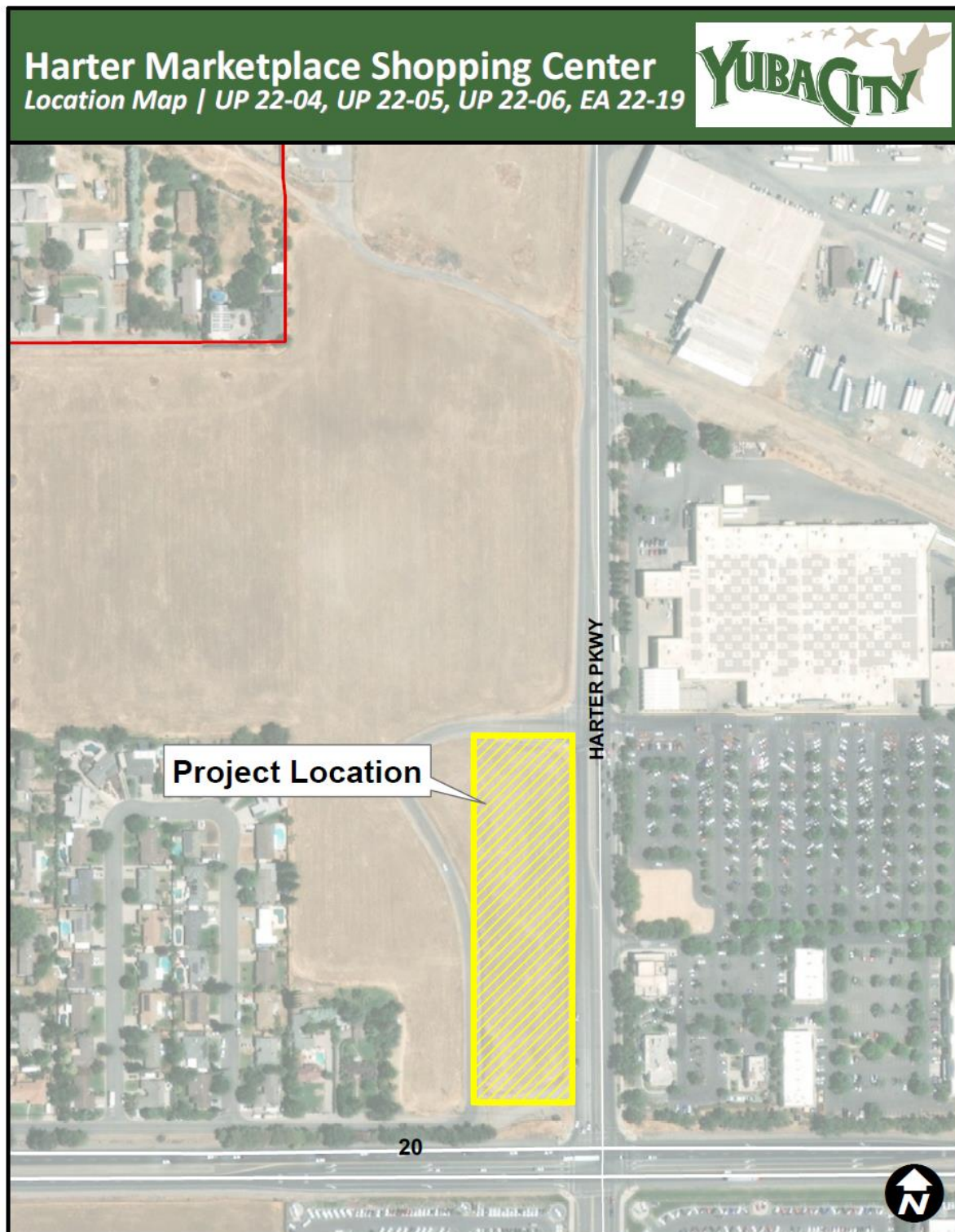
2.6. Property owner

Dharni Lada LLC – Ken Dharni
6698 Mack Road,
Sacramento, CA 95821

2.7. General Plan Designation

Regional Commercial (RC) land use designation.

Figure 1: Location Map



2.8. Specific Plan

The Harter Specific Plan designates the properties as Regional Commercial (RC).

2.9. Zoning

Regional Commercial Zone District combined with a Specific Plan Zone District (C-3 SP). The C-3 Zone District is consistent with the RC General Plan designation and the SP zoning recognizes that the policies and programs within the Harter Specific Plan apply to these properties.

2.10. Project Description

The three proposed use permits (collectively “Project”) will all be on four separate but adjoining parcels consisting of approximately 4.48 acres located within the previously approved subdivision for the Harter Marketplace Shopping Center. The properties are essentially a commercial island with streets on all four sides. The three proposed uses are:

Use Permit 22-04: ARCO AM/PM market with fueling station and an associated carwash on an adjoining parcel. The AM/PM Market will be a 5,220 square foot single story retail store along with an eight dispenser, 16-vehicle fueling facility under a 6,000 square foot overhead canopy on a 1.36-acre parcel. Accompanying the convenience store and fueling station on an adjoining 0.70-acre parcel will be a 3,600 square foot car wash with 12 self-serve vacuum stations. Proposed hours of operation are 24 hours per day, seven days a week.

Use Permit 22-05: The proposed Raising Canes Chicken Fingers Restaurant will be located on a 1.64-acre parcel and will consist of a 2,691 square foot restaurant with an attached a 1,291 square foot outdoor covered patio, with seating for 60 people (16 indoor, 44 outdoor). The drive-up facility will consist of a dual aisle drive-through which will provide queuing for 23 vehicles. The drive-through will consist of double drive-through aisles utilizing a 1,344 square foot double wide vehicle drive-through canopy for food ordering and a 44 square foot canopy over the pay/pick-up window. There will be 36 parking spaces provided. Proposed hours of operation will be from 9:30 am to 3:30 am, seven days per week.

Use Permit 22-06: Dutch Bros Coffee will be located on a 0.75 acre-parcel. It will consist of a 950 square foot building with a single drive-up window served by dual queuing lanes that will accommodate 20 vehicles, as well as a walk-up pedestrian window. There will also be a 336 square foot outdoor seating area. Proposed hours of operation are 24 hours per day, seven days a week.

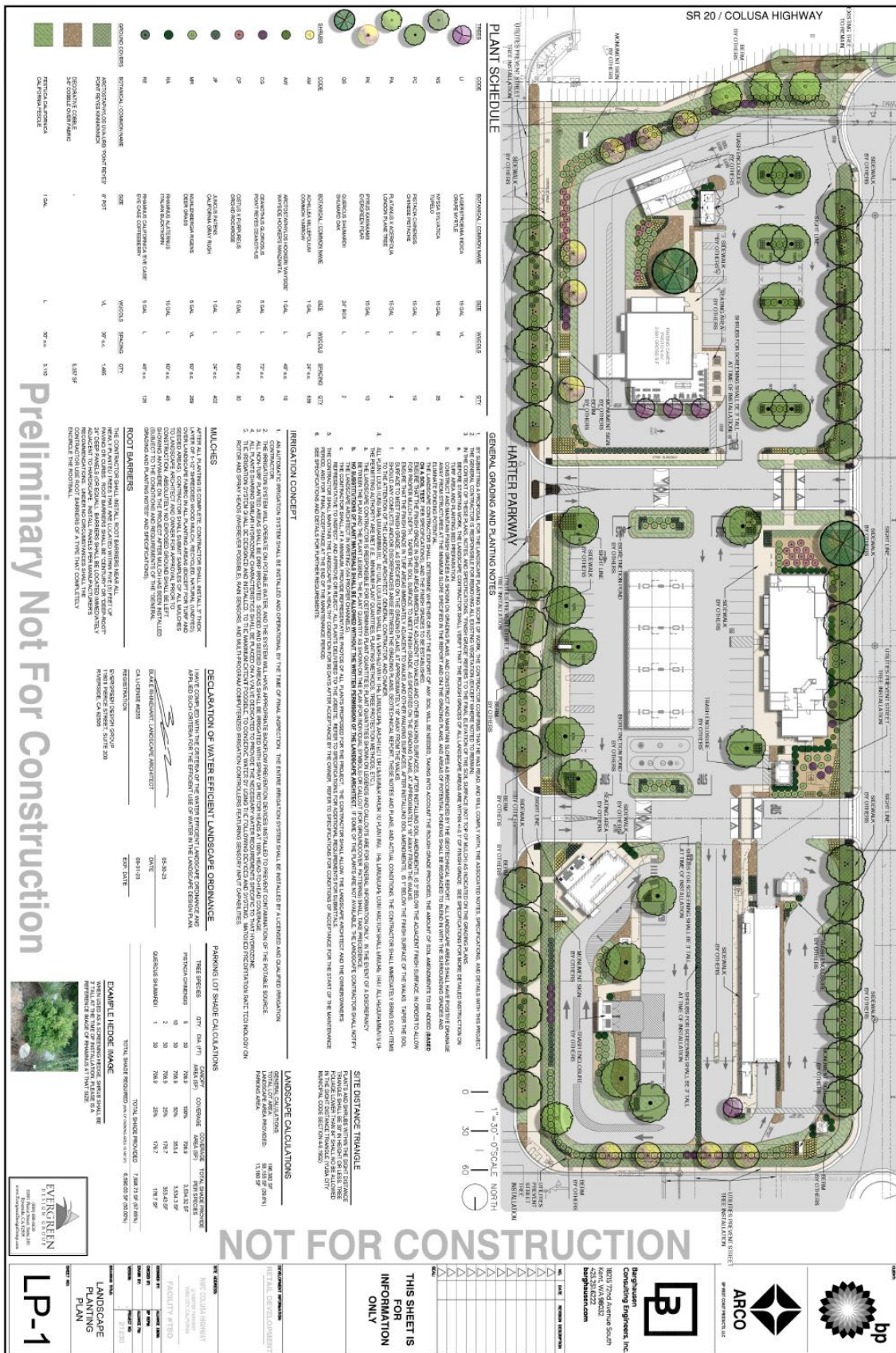
Access into the proposed uses will be two ingress/egresses off of Harter Parkway and three ingress/egresses from Harter Marketplace Way. Internally all of the proposed uses will be connected via internal access driveways. Reciprocal parking will be allowed between all uses. The landscaping and parking lot lighting will be a unified design. All of the proposed uses will be provided with full City services.

Signage for each of the uses will be under a separate permit to be considered by staff.

The map displays the following zoning districts: R-1, R-3, R-I, C-1, C-2, C-3, C-M, C-O, and PF. A yellow rectangular area is highlighted and labeled "Project Location" with an arrow. The map includes street names such as Elmer Road, George Drive, and State Route 20. A shaded area is labeled "NOT A PART OF THIS PLAN".

[illegible]

Figure 4: Landscape Plan



2.11. Surrounding Land Uses and Setting

Setting: The 4.48-acre properties are level and vacant. These commercial properties were created as a part of the larger Harter Marketplace Retail Center that was previously approved by the City.

Table 1: Bordering Uses

North:	Colusa Frontage Road and undeveloped Harter Specific Plan land
South:	State Route 20 (Colusa Highway).
East:	Harter Parkway and retail uses across the parkway.
West:	Harter Marketplace Way (Colusa Frontage Road) and across the street vacant retail zoned property (part of the Harter Marketplace) and a single-family residence.

2.12. 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.

2.13. 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.

2.14. Environmental Factors Potentially Affected:

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

	Aesthetics		Agriculture & Forestry Resources	X	Air Quality
	Biological Resources	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	X	Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Doug Libby
Signature

June 26, 2023
Date

Doug Libby, AICP, Deputy Director of Development Services

2.15. Evaluation of Environmental Impacts:

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

“Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3-1: Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized areas substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located 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 apply to all commercial development, including these proposed commercial uses.

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 and city roads can also become part of the Scenic Highway System. To receive official designation, the county or city must follow the same process required for official designation of state scenic highways. There are no designated state or local 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 be no impacts on a designated scenic area.

Once the Harter Retail Center is completed, the primary background view of these properties from the SR 20 passersby will be of other commercial uses. The Sutter Buttes is in the distant background just northwest of this retail area. With the development of this Project, this vista of the Sutter Buttes should not be significantly changed, as the view of the Buttes from SR 20 is generally just west of these properties and that the proposed single-story buildings will not be significantly higher than the neighboring uses. Also, once the landscaping associated with the Project is given time to mature, the landscaping will further soften the view of the commercial facility. Therefore, the aesthetic impact on the background views from this Project is considered to be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The site is unremarkable in that it is flat with no topographic features, rock outcroppings, large heritage type trees or buildings. There aren’t any state scenic highways in Sutter County or the incorporated limits of Yuba City. As a result, no impacts are anticipated.

c) In nonurbanized areas substantially degrade the existing visual character of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point. If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.)

The site is within the urbanized area. The landscaping, parking, and outdoor lighting meet all City standards and the design of the buildings meet all City design criteria. As the Project meets all City zoning and development criteria there will not be any additional impacts on the visual character of

the area than previously determined. The compliance with existing adopted City standards reduces potential impacts to a less than significant level.

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

The properties are within the urban area where exterior lighting is already prevalent. The property is visible from State Route 20 (Colusa Highway) with existing street lighting and a signal at the intersection. This Project, with outdoor parking lot lighting will generate lighting that is typically expected around a highway commercial use. The businesses will generate more outdoor light than nearby residential area, but the residences are screened by landscaping and distance. Additionally, the project will comply with the City's adopted standards for exterior lighting which will reduce potential impacts to a less than significant level.

3.1.5 Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

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 4.48-acre vacant site is located on land that the 2018 Department of Conservation Important Farmland Map for Sutter County identifies the Project site as “Grazing Land” and “Urban and Built-Up Land” as it is well within the city limits. The Project site is not considered to be Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.

The site is within the boundaries of the Yuba City urban area and the existing adopted Harter Specific Plan that was approved through the adoption of an environmental impact report. As such it was designated years ago for urban uses. Because the properties are small and have been previously designated for urban uses on all sides it is unlikely that the properties could be economically farmed. Further, the City and Sutter County General Plans identify this area for urban development, as compared to the vast majority of Sutter County for which agricultural land is protected from urban growth (this was identified in the EIR’s for both the Yuba City and Sutter County General Plans). The EIR for the City General Plan as well as the EIR for the Harter Specific Plan made overriding considerations for significant impacts on agricultural lands. Therefore, this facility will not create any additional significant impacts over what has already been identified regarding the loss of agricultural land. As a result, a less than significant impact is 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 was at one time utilized for agriculture but designated years ago for urban use. There is no timberland located on the Project site or within the vicinity of the Project. There will be no impact on existing zoning of forestland and the 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 other commercial uses. There are no forestlands on the Project site or in the vicinity. No properties within the area are under a Williamson Act contract. Therefore, the impacts on agricultural lands from this proposal will be less than significant and there are no impacts of forest lands.

3.2.5 Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required for the proposed Project. As described in the EIR, “the cumulative impact [from the conversion of agricultural uses] cannot be mitigated and is significant and unavoidable.” (DEIR 4.1-8.) Mitigation measures were adopted to the extent feasible and a statement of overriding considerations was made in connection with this impact.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October),

sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the "Schultz Eddy" prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good."

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north-south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated "unclassified."

Ambient Air Quality Standards: Both the federal and state government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and state ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and

lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O₃): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (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?

Site grading will briefly create equipment exhaust and fugitive dust. The new vehicle parking areas will be paved, which will generate some air pollutants. Ongoing air quality impacts will be from exhaust generated by vehicle traffic from customers driving to and from the facility.

The Harter Specific Plan EIR provided mitigation measures that reduced air quality impacts to a less than significant level. These mitigation measures were carried forward in the addendum to the EIR prepared for the Harter Marketplace project. This Project does not change that as the grading, construction and vehicle traffic impacts on air quality are not significantly different, provided those mitigations are forwarded to this Project.

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 construction and on an ongoing basis from vehicle traffic generated by customers driving to and from the facility. FRAQMD did not comment that the standards would be exceeded by this Project to the extent of being cumulatively significant over what was concluded in the EIR Addendum. Therefore, the cumulative impacts are not expected to be any greater than originally expected. As provided in the Addendum to the EIR, the mitigation measures will reduce the potential significant impacts from these use permits to a less than significant level.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment.

River Valley High School is a sensitive receptor within 1,000 feet of the Project. However, applying the Project mitigations will reduce the impact from off-road diesel equipment to a less than significant level. With the previously required mitigation measures applied to this Project, the impacts will be less than significant.

d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?

Construction of the market, fueling station, restaurants, and related facilities typically do not generate objectionable odors. As such, the impact of the Project towards creating local offensive odors would be less than significant.

3.3.6. Mitigations from the Addendum to the EIR for the Harter Marketplace.

Addendum MM: The Harter Specific Plan identified Mitigation Measures MM 4.2-1, MM 4.2-2, MM 4.2-3, 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:

Mitigation Measure 4.2-1: Implement the following measures to reduce PM10 and fugitive dust during construction:

- a. Prior to final occupancy, reestablish ground cover on construction site through seeding and watering.
- b. 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.
- c. Incorporate the use of non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
- d. 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.
- e. Construction activities shall minimize disruptions to traffic flow during peak hours to the greatest feasible extent.
- f. Construction sites shall be watered as directed by the Yuba City Department of Public Works or FRAQMD.
- g. 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 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.

Mitigation Measure 4.2-2: 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 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.

Mitigation Measure 4.2-3

- 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 were 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 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.

Mitigation Measure 4.2-5: 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.

3.4. 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 4.48 acres are level, vacant, and within the Yuba City urbanized area. The property is surrounded by existing or proposed commercial development on all sides. Except a single-family residence along a portion of the west side. There are no riparian areas or known critical habitat areas on-site or in the vicinity.

3.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal “endangered species” legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as “species of special status.” Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the “take” of a listed species. “Take” is defined by the state of California as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (California Fish and Game Code, Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., 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, except, per the Harter Specific Plan EIR, there is a potential for burrowing owls nesting on the property and migratory birds nesting in the vicinity. With the mitigations from that EIR carried forward, the potential impacts on these species 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, being several miles to the east. Therefore, migratory fish would not be affected. Nor are there any significant native trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. As such there would be no significant impacts on fish or wildlife habitat.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No trees or other known biological resources that would be protected by local policies or ordinances remain on the proposed Project site. Therefore, there would be no significant impacts on biological resources caused by this project.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.4.5. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for Harter Marketplace.

Based on the General Plan Policy 4.8-I-1, these standard permit conditions are applicable to the project:

Standard Permit Conditions:

- Prior to any ground disturbance or grading, the Project proponent will conduct biological

resources assessment surveys to establish absence/presence of special status species. If burrowing owls or active burrows are observed within 500-feet of the Project site, a buffer shall be established based on the activity dates and the level of disturbance, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Activities that involve heavy equipment would be expected to constitute medium to high levels of disturbance for the species. Buffers shall be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Maintenance activities shall not occur within the established buffer and workers shall avoid entering the area until a qualified biologist has determined that the burrows are unoccupied.

- If active burrows cannot be avoided with the minimum buffers, construction shall be monitored daily by a qualified biologist to ensure that burrowing owls are not disturbed.
- If complete avoidance is not feasible, the applicant shall consult with CDFW to determine the best approach to avoid and minimize potential impacts. Such measures may include passive relocation of owls during the nonbreeding season. Passive relocation of owls shall be conducted in accordance with an exclusion and relocation plan developed in coordination with and approved by CDFW. The relocation plan shall describe methods for passive relocation of the owls, destruction of suitable burrows, and maintenance of the site to prevent owl reoccupation.

Implementation of General Plan Policy 8.4-I-1 and associated Standard Permit Conditions ensures that the potential for impacts on burrowing owls would be less than significant or have no impact.

Birds listed by the Migratory Bird Treaty Act and Birds of Prey including White-Tailed Kite and Swainson's Hawk

White-tailed kite, Swainson's hawk, and other migratory birds protected by the MBTA and California Fish and Game Code also have the potential to nest within and in the vicinity of the Project site. The landscape trees within and adjacent to the Project site provide potential nesting habitat for white-tailed kite and other tree nesting birds and provide marginal nesting habitat for Swainson's hawk. The disked, ruderal habitat and gravel roads in the project site provide potential habitat for ground-nesting birds. The generally accepted nesting season extends from February 15 through September 14.

Direct impacts on nesting birds during the breeding season (generally between February 15 and September 14) could occur during initial project activities and during active construction if an active nest is located near these activities. Nesting birds could be adversely affected if active nesting is either removed or exposed to a substantial increase in noise or human presence during Project activities.

The proposed modifications to the approved Harter Specific Plan do not increase the potential of Project development to affect biological resources. However, any disturbance that causes nest abandonment by migratory birds or raptors and subsequent loss of egg or developing young would violate California Fish and Game Code Sections 3503, 3503.5, and 3800 and the MBTA.

Based on the General Plan Policy 4.8-I-1, these standard permit conditions are applicable to the project.

Standard Permit Conditions

- All Project activities with the potential to disturb active bird nests, including vegetation and tree removal, shall be completed between September 15 and February 14, if feasible. If Project activities occur during the nesting season (February 15 to September 14), a qualified biologist shall

conduct a preconstruction survey within 7 days before the beginning of work. Surveys shall be conducted in suitable nesting habitat that could be affected by Project activities (e.g., staging areas, spoils areas, access routes) and shall include a 0.25-mile survey area around the Project footprint for Swainson's hawk and a 500-foot survey around the construction footprint for other bird and raptor nests. If the preconstruction survey shows no evidence of active nests, then no additional measures are required. If construction does not commence within 7 days of the preconstruction survey, or halts for more than 7 days, an additional preconstruction survey is required.

- If any active nests are found in the survey area, an appropriate avoidance buffer zone shall be established around the nests, as determined by the qualified biologist. The biologist shall mark the avoidance buffer zone with construction tape or pin flags and shall maintain the buffer zone until the young have fledged or the nest is no longer active, as determined by the qualified biologist. Buffer zones are typically 0.25 miles for active Swainson's hawk nests, 500 feet for other birds of prey nests (with the exception of burrowing owl, as described above), and 100 feet for all other protected birds. The qualified biologist may reduce the avoidance buffer based on the specific construction activities to be conducted and the species present.
- Project activities that may affect nesting birds shall be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified biologist shall be empowered to stop construction activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted nest abandonment. If activities are stopped, the qualified biologist shall consult with CDFW (and USFWS if appropriate) to determine appropriate measures that will be implemented to avoid adverse effects.

Implementation of the General Plan Policy 4.8-I-1 with the above Standard Permit Conditions for the proposed modification would ensure that there are no or less than significant impacts to nesting birds and raptors.

3.5. Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.			X	
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

3.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places

(NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Lone Band of Miwok Indians

Additional detail on tribal comments is provided in Section 3.18, Tribal Cultural Resources.

3.5.4. Impact Assessment/Environmental Consequences:

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

There are no existing structures on the properties, and they have been graded many times in the past. Therefore, the potential significant impacts on any historical resources, directly or indirectly, is less than significant.

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

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

The approximately 4.48-acre properties are vacant. No formal cemeteries or other places of human internment are known to exist on the proposed Project sites.

The United Auburn Indian Community responded to the City's request for comments in a memo to the City dated September 21, 2022, stating that the property is not sensitive for tribal cultural resources, so it declined to consult or comment on the Project. However, there still remains the potential for previously unknown sub-surface resources to be present. The Tribe recommended that the "Unanticipated Discoveries" mitigation should be utilized. This mitigation measure is provided in Section 3.18 to ensure impacts remain less than significant.

3.5.5. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

Updated by Project mitigation provided in Section 3.18.

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 would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant and GHG emissions. This electrical consumption would be consistent with construction activities of a similar character; therefore, the use of electricity in construction activities would not be considered wasteful, inefficient, or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The Project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of Project approval. Compliance with these standards would reduce energy consumption associated with Project operations, although reductions from compliance cannot be readily quantified. Overall, Project construction would typically not consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Project impacts related to energy consumption are considered less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Development that could result from this Project would be required to be consistent with applicable state and local plans to increase energy efficiency. Thus, the Project's impacts would be less than significant.

3.6.3. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

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 Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Considering that the Building Code incorporates construction standards for minimizing earthquake damage to buildings, and the low potential for a significant earthquake activity in the vicinity, the potential for adverse impacts from an earthquake is less than significant.

- ii. *Strong seismic ground shaking?*

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the building codes reduce the potential impacts to less than significant.

iii. Seismic-related ground failure, including liquefaction?

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the City's Sphere of Influence.

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

As a result of these use permits, development of the property would result in approximately 4.48 acres of ground being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Sutter County drainage system. However, as part of the grading and construction of the 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?

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 market, fueling station, car wash and restaurants 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 the numerous times the site has been graded it is unlikely that any paleontological resources exist on the site. However, the mitigation measure provided below shall apply if any paleontological resources are discovered:

3.7.5. Mitigations from the Harter Specific Plan EIR or the Addendum to the EIR for the Yuba City Marketplace or for this Project.

None required, but the following new mitigation is added for this Project:

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, Specific or General Plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

With 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?*

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The proposed construction of these commercial buildings will create GHG emissions due to the use of motorized construction equipment. Once completed, vehicle traffic generated by 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. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None as it is a more recently added environmental item. The following new mitigation is added:

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 only hazardous materials associated with the proposal that could result from construction that could occur as a result of approval of these use permits 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 storage of fuel and storage of oil, lubricants, anti-freeze and related items at the fueling facility. Assuming proper and legal disposal of those wastes there should not be a significant impact from hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

River Valley High School is within one-quarter mile of the Project. Construction that would result from development of these commercial uses would 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 small businesses, assuming proper and legal use and disposal there will be no significant impacts to the school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?

The properties are 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, 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. Accordingly, the potential for any significant impacts from potential wildland fires will be less than significant.

3.9.5. Mitigations from the Harter Specific Plan/ Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

Mitigation Measure 4.5-1: Implementation of the Zone 6 Resolution will mitigate potential impacts.

Mitigation Measure 4.5-2: 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 will 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.

3.10. Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
iv. impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has

developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood.

Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.

- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled, or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5 if that information has been submitted by the water agency to the city or County. The Conservation Element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity, and quality of the rock, sand, and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014, Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a groundwater well in addition to surface water supplies due to recent drought conditions. Since these commercial facilities 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 Live Oak Canal and ultimately into the Feather River. The water quality of the stormwater runoff is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction.

With the level of oversight on the City's water supply, and enforcement of Best Management Practices at construction sites, there will not be significant impacts on the City's water and waste-water systems or storm water drainage system from the proposed commercial facilities.

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

All of the proposed uses will be connected to the City's water system. While consumer consumption of City water will increase with the Project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water supplies in its system.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site?

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

There will be an increased amount of stormwater drainage caused by new impermeable surfaces created by the proposed Project, which ultimately drains into the Feather River. The Project will be required to construct the local collection facilities and pay the appropriate fees to the Sutter County Water Agency for its fair share of improvements and expansion to the existing drainage system that will be connected too. Also, as noted above, all new construction must involve use of Best Management Practices. Assuming all required standards are met there is not expected to be any significant impacts from additional storm water drainage from the site.

iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, there is no 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. 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 Best Management Practices. Assuming all required standards are met and mitigation from the EIR are applied, 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.

3.10.4. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

Mitigation Measure 4.5-1: Implementation of the Zone 6 Resolution will mitigate potential impacts.

Mitigation Measure 4.5-2: 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 on-line 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.

3.11. Land Use and Planning

Table 3:11: Land Use and Planning

Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

3.11.1 Environmental Setting/Affected Environment

The proposed new businesses are located within a retail commercial area. These commercial development proposals, as well as all of the neighboring commercial uses, are a result of the Harter Specific Plan, as amended, which redesignated this previously industrial area for commercial development.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

This Project will not physically divide an established community as the site is within an existing regional commercial area that serves an area larger than Yuba City. It also abuts State Route 20, a regional highway. As such, the development of the properties will not divide any community. Therefore, the impacts of this proposal on dividing the community will be less than significant.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Project is consistent with the Regional Commercial land use designation applied to the properties in both the General Plan and Harter Specific Plan. The Project also meets all of the land use and development standards of the C-3 Zone District and the design standards of the Yuba City

Design Guidelines. Since there are not conflicts with the appropriate plans or Zoning Regulations the impacts for conflicts with any plan or programs is less than significant.

3.11.5. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

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?*
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City limits, and no mineral extraction facilities currently exist within the City. Additionally, the site has nearby residential uses, which generally is considered incompatible with mineral extraction facilities. As such the Project will not have an impact on mineral resources.

3.12.4 Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

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.
<i>Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.</i>	

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?*

There are no nearby noise sensitive uses (There is a residence within approximately 200 feet of the nearest proposed use, but the house also faces SR 20, from which the noise levels may already exceed 60 dBA). A temporary increase in noise will occur during construction of the commercial uses. Construction will primarily occur during daylight hours, Monday through Saturday. Noise from construction activities would contribute to the noise environment in the immediate Project vicinity. Activities involved in construction could generate maximum noise levels, as indicated in Table 2, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the distance the residence is from the Project, limited duration of the construction activities, and that the construction will occur during the less sensitive daylight hours, the noise impacts on the nearby residence will not have the potential to generate significant noise impacts.

Table 2: Noise Levels of Typical Construction Equipment		
Type of Equipment ⁽¹⁾	dBA at 50 ft.	
	Without Feasible Noise Control ⁽²⁾	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75
⁽¹⁾ US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.		
⁽²⁾ Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications		

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 residence, 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.

3.13.7. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required for these properties within the Yuba City Marketplace.

3.14. Population and Housing

Table 4-14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The property is with a regional commercial area, but with one residence approximately 200 feet west, with vacant commercial land between the Project and the residence. The south side borders SR 20. The Yuba City General Plan designates this 4.48 acres for Regional Commercial uses.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementations of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 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.

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 does not propose any residential development. This is a commercial infill as this 4.48 acres is within a regional commercial area that was planned as part of the Harter Specific Plan, as amended. Further, the area has been planned for this growth for many years by the Harter Specific Plan, as recognized in the General Plan. Since the area was previously planned for growth, and the immediate area is already developed, there is not a potential for this Project to attract unplanned growth to the area.

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

There will be no residences removed as a result of this Project.

3.14.6. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

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 Tierra Buena School and River Valley High School are part of the Yuba City Unified School District.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler

systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire Protection: The Fire Department reviewed the proposal and did not express concerns. Since 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 the 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: Expanding or new businesses can create a demand for housing via its employees. However new residences that may result from new employment opportunities 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: Commercial development typically does not generate significant demand for parks. Therefore, the impact on parks from this Project will be less than significant.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects development impact fees for County services that are provided to the new 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.

3.15.5. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

3.16. Recreation

Table 3-16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Since there is no residential development associated with the Project, it will not materially increase the use of the City's park system. Therefore, the impact on the City park system from this Project is less than significant.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

There is no proposal to provide any on-site recreational facilities, nor does commercial development typically increase demand for park usage. Therefore, the impact on parks from this Project will be less than significant.

3.16.6. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

3.17. Transportation/Traffic

Table 3-17: Transportation Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?		X		
b) 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?*

Because the anticipated intensity of the proposed uses are greater than originally anticipated, the Project will be a larger traffic generator for its 4.48-acre size than anticipated by the original Specific

Plan studies. The streets around the site were designed to meet all State and City standards as well as General Plan policy standards for auto, bicycle, and pedestrian facilities. The design of these streets includes pedestrian and bicycle facilities, and transit stops will be provided as requested by Yuba/Sutter Transit. In order to ensure that these potentially more intensive uses will not cause the local street levels of service to be exceeded, a traffic study was prepared (Flecker Associates Transportation Engineering, April 6, 2023, Focused Site Access and Circulation Assessment for Harter Parkway Retail Center, Yuba City, CA – See Appendix A). The traffic study concluded that the proposed uses will not lower levels of service for the local General Plan streets to an unacceptable level (LOS D). This is under both the “Existing Plus Project” scenario and the “Long Term Cumulative – 2035” scenario.

The traffic study also concluded that the queuing lengths of several turn lanes need to be extended as part of this Project, which are included under each individual use permit conditions of approval.

The Project is bound on two sides by General Plan streets. State Route 20 along the south side is designated in the General Plan as a Major Arterial. The Harter Parkway along the Project’s east side is designated as a four-lane Parkway, and both streets are currently within acceptable levels of service. The traffic study prepared for the Harter Specific Plan/Yuba City Marketplace, and the addendum to that EIR for the Harter Marketplace provided a list of mitigation measures that generally called for expansion/completion of this street system in the vicinity in order to allow build-out of the Specific Plan area. The mitigation measures generally require a fair share contribution from each development for those street improvements. Per the environmental studies, if those mitigations are equally applied to these three use permits, the effected intersections will remain within acceptable levels of service both near term and long term (2035). As such the impacts on the transportation network will be less than significant.

With the mitigation measures and condition of approval applied to these use permits, the potential for significant impacts on nearby transportation routes due to this Project are less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

This CEQA section describes specific considerations for evaluating a project’s transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in “Technical Advisory: On Evaluating Transportation Impacts in CEQA” provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. The Project will exceed this criterion, so it is not further considered in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

- Less than 50% of regional average.
- 50-85% of regional average.
- 85-100% of the regional average.
- 115-150% of the regional average.

More than 150% of the regional average.

Per the SACOG maps for the Project area, the estimated average vehicle distance traveled is in the 50-85% range of the norm. In other words, per the SACOG regional screening maps this Project is located in an area that meets the 15 percent vehicle trip reduction criteria. Thus, the transportation impacts from this commercial development 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 update traffic study prepared for these use permits did not identify any hazards due to design features or incompatible uses. As such the impacts from hazards due to improper design features or nearby incompatible uses 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 the impacts on emergency access to this area from this Project will be less than significant.

3.17.4. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

The Harter Specific Plan EIR provided mitigation measures that included improvements to the transportation system. The mitigation measures were carried forward in the Addendum to the EIR for the Harter Marketplace project. Since that time Public Works staff has determined that the following mitigation measures are applicable to these use permits:

Traffic Mitigation Measure 1: The intersection of Butte House Road is signalized, and further improvements will be completed as traffic warrants require per the mitigation measures.

Traffic Mitigation Measure 2: The intersection of Harter Parkway and Butte House Road is now signalized, and further improvements will be completed as traffic warrants require per the mitigation measure.

Traffic Mitigation Measure 3: (bike facilities) This mitigation measure will continue to be implemented as the Harter Specific Plan is built-out.

Traffic Mitigation Measure 4: With regard to this mitigation measure, following the adoption of the Harter Specific Plan, the City Council adopted a comprehensive General Plan update in 2004. Policy 5.2-I-12 exempts LOS D standard from State Highways and their intersections. As a result, this mitigation measure is no longer applicable. However, the City is evaluating an updated traffic model for future intersection signalization and these study intersections will be incorporated into the City's fee program where each project developed will pay the Road impact fee comprising fair-share contribution for future road improvements. Additionally, future highway intersection improvements will be coordinated with Caltrans regarding the timing of installation.

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

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 following sources:

- Environmental Impact Report for the City of Yuba City General Plan (2004).
- Consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.
- The addendum to the Harter Specific Plan EIR for the Harter Marketplace project.

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-

federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows,

and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.4 Summary of Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on “tribal cultural resources” separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, the City 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. Further, the site was previously tilled at least annually and utilized for cannery wastewater disposal. Therefore, the impacts on any historical resources, directly or indirectly, will be less than significant.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52. The United Auburn Indian Community responding to the City's request in a September 21, 2022, email, stated that the property is not sensitive for tribal cultural resources. The email also provides that the "Post-Ground Disturbance" mitigation measure is not needed but that 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. See Harter Marketplace EIR addendum.

3.18.8. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

That mitigation is superseded by the following:

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 project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to over 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed.

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas within the City limits to be served by the surface water system.

Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility.

The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. As of June 2021, the Recology Ostrom Road Landfill Remaining Site Net Airspace is 33,764,000 cy; and has a remaining capacity of 21,297,000 tons; and remaining landfill service life is 53 years.

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

- a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

The Project will connect to both the City's water and wastewater treatment systems. The Yuba City Wastewater Treatment Facility (WWTF) has available capacity to accommodate new growth. The WWTF current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The remaining treatment capacity at the WWTF can be used to accommodate additional flow from the future developments.

The City's Water Treatment plant (WTP), for which its primary source of water is from the Feather River, also has adequate capacity to accommodate this project. The WTP uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment facilities provides a total WTP capacity of 36 mgd. The City is permitted to draw 30 mgd from the Feather River. The current maximum day use is 26 mgd. The City also has an on-site water well at the water plant that supplements the surface water when needed.

For both public facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City.

The ongoing expansions of those plants to accommodate growth beyond this project are funded by the connection fees paid by each new connection. Therefore, the impact on the water and wastewater treatment facilities will be less than significant.

Stormwater drainage in this area is provided by a combination of Yuba City drainage lines and the Sutter County Water agency which maintains the Live Oak Canal System. As the Sutter County Water Agency did not comment on the project, the impacts on the stormwater drainage system will be less than significant.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their

services to this project site. With these considerations the impact on these types of facilities are expected to be less than significant.

- c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

See Parts a) and b), above.

- d). Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.*

- e) Comply with federal, state, and local statutes and regulations related to solid waste?*

Recology Yuba-Sutter provides solid waste disposal for the area as well as for all of Sutter and Yuba Counties. There is adequate collection and landfill capacity to accommodate the proposed development.

3.19.5. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

3.20. Wildfire

Table 3-20: Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

As discussed in Section 3.17 of this Initial Study, this Project is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Therefore, the impacts of the Project related to emergency response or evacuations would be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project site is 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 the Project to wildfire is less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As discussed above, the site is not near any wildland areas and the Project itself will not create any improvements that potentially could generate wildfire conditions. As such the Project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the Project will not create any potential significant impacts that could result from these types of improvements.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the Project related to these issues would be less than significant.

3.20.2. Mitigations from the Harter Specific Plan/Yuba City Marketplace EIR or the Addendum to the EIR for the Harter Marketplace.

None required.

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 land was stripped many years ago of native vegetation as it was utilized by Harter Cannery for cannery wastewater disposal. 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 along with the review of the EIR prepared for the Harter Specific Plan/Yuba City Marketplace and the Addendum to that EIR for the Harter Marketplace results in a determination that the proposed Project, with its new

mitigation measures as well as the mitigation measures carried forward from the original EIR, will have a less than significant effect on the local environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

The focused traffic study for the Project found that with the mitigation measures from the EIR prepared for the Harter Specific Plan/Yuba City Marketplace carried forward to this Project, the impacts from traffic generated by the market, fueling station, and car wash and restaurants would remain less than significant. The City has adequate water and wastewater capacity, and the project will be extending those services to the site. Stormwater drainage will also meet all City standards. The loss of agricultural land is cumulative but based on City and County agricultural protection program, the loss is limited to within the urban areas of the cities which is a minor portion of the entire County. The 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:

Flecker Associates Transportation Engineering, Focused Site Access and Circulation Assessment for Harter Parkway Retail Center, Yuba City, CA, April 6, 2023.

ESA, February 2021, Addendum to the Recirculated Harter Specific Plan and Yuba City Marketplace Final EIR.

Harter Specific Plan/Yuba City Marketplace Environmental Impact Report

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.

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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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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.

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Appendix A

MITIGATION MEASURES AND MONITORING PLAN Harter Marketplace Drive-Throughs and Fueling Station

Initial Study and Mitigated Negative Declaration EA 22-19
For Use Permits 22-04, 22-05, and 22-06

City of Yuba City
MITIGATION MEASURES AND MONITORING PLAN
Harter Marketplace Drive-Throughs and Fueling Station

Initial Study and Mitigated Negative Declaration EA 22-19
For Use Permits 22-04, 22-05, and 22-06

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.3 Air Quality	<p>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:</p> <p>Air Quality Mitigation Measure 1: Implement the following measures to reduce PM10 and fugitive dust during construction:</p> <ul style="list-style-type: none"> f. Prior to final occupancy, reestablish ground cover on construction site through seeding and watering. g. 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. h. Incorporate the use of non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas. i. 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. j. Construction activities shall minimize disruptions to traffic flow during peak hours to the greatest feasible extent. f. Construction sites shall be watered as directed by the Yuba City Department of Public Works or FRAQMD. 	Developer	Public Works Dept., Development Services Dept.	During construction phase.

	<p>g. All trucks hauling dirt, sand, soil, or other loose material shall be covered or shall maintain at least</p> <p>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.</p> <p>i. Wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads.</p> <p>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:</p> <p>b. 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</p>			
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	<p>submitted throughout the duration of the project, except that the monthly summary shall not be required for any 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.</p> <p>Air Quality Mitigation Measure 3:</p> <p>d. Promote alternative forms of transportation through the following measures:</p> <ul style="list-style-type: none"> – 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. – 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- 			
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	<p>term (for employee's bike lockers, or some type of all- weather and secure facility would suffice) parking.</p> <ul style="list-style-type: none"> – 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. – Provide preferential parking spaces for carpools and vanpools. <p>e. Equip residential structures with electric outlets in the front and rear of the structure to facilitate the use of electric lawn and garden equipment.</p> <p>f. 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.</p> <p>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.</p> <p>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.</p> <p>Loading docks shall incorporate electric hook-ups that will assist in reducing TOCs associated</p>			
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	with idling trucks.			
3.7 Geology and Soils	<p>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.</p> <p>Mitigation shall be conducted as follows:</p> <ol style="list-style-type: none"> 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. <p>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.</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase.
3.8. Greenhouse Gases	<p>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.</p>	Developer	Development Services Dept.	Prior to issuance of building permits.

3.9 Hazards and Hazardous Materials	<p>Hazardous Materials Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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 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.</p>	Developer	Development Services Dept.	Prior to issuance of building permits.
3.10 Hydrology and Water Quality	<p>Water Quality Mitigation Measure 1: Implementation of the Zone 6 Resolution will mitigate potential impacts.</p> <p>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.</p>	Developer,	Public Works Dept.	During construction phase.

3.17 Transportation/Traffic	<p>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.</p> <p>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).</p> <p>Prior to occupancy, install the auxiliary lanes noted in the table below at the Yuba City Marketplace main entry/Harter Road intersection:</p> <table><tr><th>Approach</th><th>Total Lanes</th><th>Description</th></tr><tr><td>Northbound</td><td>5</td><td>Dual left turns (2), through (2), right turn (1)</td></tr><tr><td>Southbound</td><td>3</td><td>Left turn (1), through (1), through + right turn (1)</td></tr><tr><td>Eastbound</td><td>2</td><td>Left turn+through (1), right turn (1)</td></tr><tr><td>Westbound</td><td>3</td><td>Left turn (1), left turn+through (1), right turn (1)</td></tr></table> <p>Traffic Mitigation Measure 2:</p> <p>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).</p>	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)	Developer,	Public Works Dept.	During construction phase.
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)																	

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:

- a. Installation of a traffic signal at the Highway 20/EI Margarita Road intersection would be required whether the Harter Specific Plan proceeds or not.

Install Traffic Signal when warranted. Signalization of the intersection will result in LOS B conditions with and without the Harter Specific Plan. Development within the Specific Plan area shall contribute its fair share to the cost of this improvement based on its “pro rata” share of future traffic volumes. However, if the City of Yuba City adopts a uniform program for funding improvements to the SR 20 corridor, development in the Harter Specific Plan shall contribute its fair share through an adopted fee program. Such fee programs will be part of the project’s Finance Plan which will outline when the installation improvements occur. In the case the developer installs infrastructure in advance of the SR 20 fee program, the developer could receive credit against future SR 20 Fee Program fees. This will require that traffic to determine when signals are warranted. The City Engineering department will be responsible for determining when the signals are warranted.

- b. Additional lanes will be needed at the Highway 20/Harter Road intersection to achieve LOS D at this intersection whether the Harter Specific Plan proceeds or not. Modify the intersection to provide the following geometry:

Approach	Total Lanes	Description
Northbound	4	left turn (1), through lanes (2), right turn (1)
Southbound	4	Two left turns (2), through (1), through + right turn (1)
Eastbound	5	Left turn (1) through lanes (3), right turn (1)
Westbound	5	Left turn (1), through lanes(3),

		right turn (1)
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- c. Modify the Highway 20/Tharp Road intersection to provide the following geometry:

Approach	Total Lanes	Description
Northbound	3	left turn (1), through lane (1), right turn (1)
Southbound	3	Two left turns (2), through + right turn (1)
Eastbound	5	Left turn (1) through lanes (3), right turn (1)
Westbound	5	Left turn (1), through lanes(3), right turn (1)

- d. Additional lanes will be needed at the Highway 20/Stabler Lane intersection to achieve the LOS D standard. Modify the intersection to provide the following geometry:

Approach	Total Lanes	Description
Northbound	6	Dual left turn lanes (2), through (2), right turn lanes (2)
Southbound	5	Two left turns (2), through (2), right turn lane (1)
Eastbound	5	Left turn (1) through lanes (3), right turn (1)
Westbound	6	Dual left turn lanes (2), through lanes(3), right turn (1)

- e. Construct a grade separated interchange Highway 20/Highway 99 intersection providing the following geometry at the centerpoint intersection (Urban Interchange):

Approach	Total Lanes	Description
Northbound	6	Dual left turn lanes (2), through (3), right turn lane (1)
Southbound	6	Dual left turns (2), through (3), right turn lane (1)
Eastbound	3	Dual left turn lanes (2), right turn (1)
Westbound	3	Dual left turn lanes (2), right turn (1)

As it relates to (Mitigation Measures) 4.7-4(b-e), with this level of improvement all intersections on Highway 20 will operate at LOS D during the p.m. peak hour, which meets the minimum Caltrans LOS standard. All development within the Harter Specific Plan (includes Yuba City Marketplace) shall contribute its fair share to the cost of these improvements based on its "pro rata" share of future traffic volumes. However, if the City of Yuba City adopts a uniform program for funding improvements to the Highway 20 corridor, development in the Harter Specific Plan shall contribute its fair share through an adopted fee program.

All improvements constructed in the state right of way will require Caltrans approval and are subject to Caltrans encroachment permit requirements.

Traffic Mitigation Measure 4.2-3 (b) [From Air Quality]

- c. Promote alternative forms of transportation through the following measures:

	<p>(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.</p> <p>(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).</p> <p>(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.</p> <p>(iv) Integrate each development within the Harter Specific Plan area (e.g., Yuba City Marketplace) with pedestrian paths.</p> <p>(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.</p> <p>(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.</p>			
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3.18. Tribal Cultural Resources	<p>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.</p> <p>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.</p> <p>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.</p> <p>Work at the discovery location cannot resume until all necessary investigation and evaluation</p>	Developer,	Public Works Dept., Development Services Dept.	During construction phase

	of the discovery under the requirements of CEQA, including AB 523 has been satisfied.			
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Appendix B

Focused Site Access and Circulation Assessment for Harter Parkway Retail Center, Yuba City, CA,

Flecker Associates Traffic Engineering

April 6, 2023

April 6, 2023

Mr. Ken Dharni
6698 Mack Road
Sacramento, CA 95821

**RE: FOCUSED SITE ACCESS AND CIRCULATION ASSESSMENT FOR HARTER
PARKWAY RETAIL CENTER, YUBA CITY, CA**

Dear Mr. Dharni:

FA Transportation has completed this focused study evaluating the projected trip generation, circulation and queuing assessment associated with your Harter Parkway Retail Center project in Yuba City. The proposed site is located on the west side of Harter Parkway, between Colusa Highway (SR 20) and Colusa Frontage Road (Figure 1).

The project will construct the following:

- a single tunnel automatic carwash with 12 vacuum stations
- a two-lane 950 square foot Dutch Bros coffee kiosk
- a 2,691 square foot fast food restaurant with drive-through lane, ostensibly to be a Raising Cane's
- a 16-vehicle fueling position, 4,500 square foot gas station / convenience store

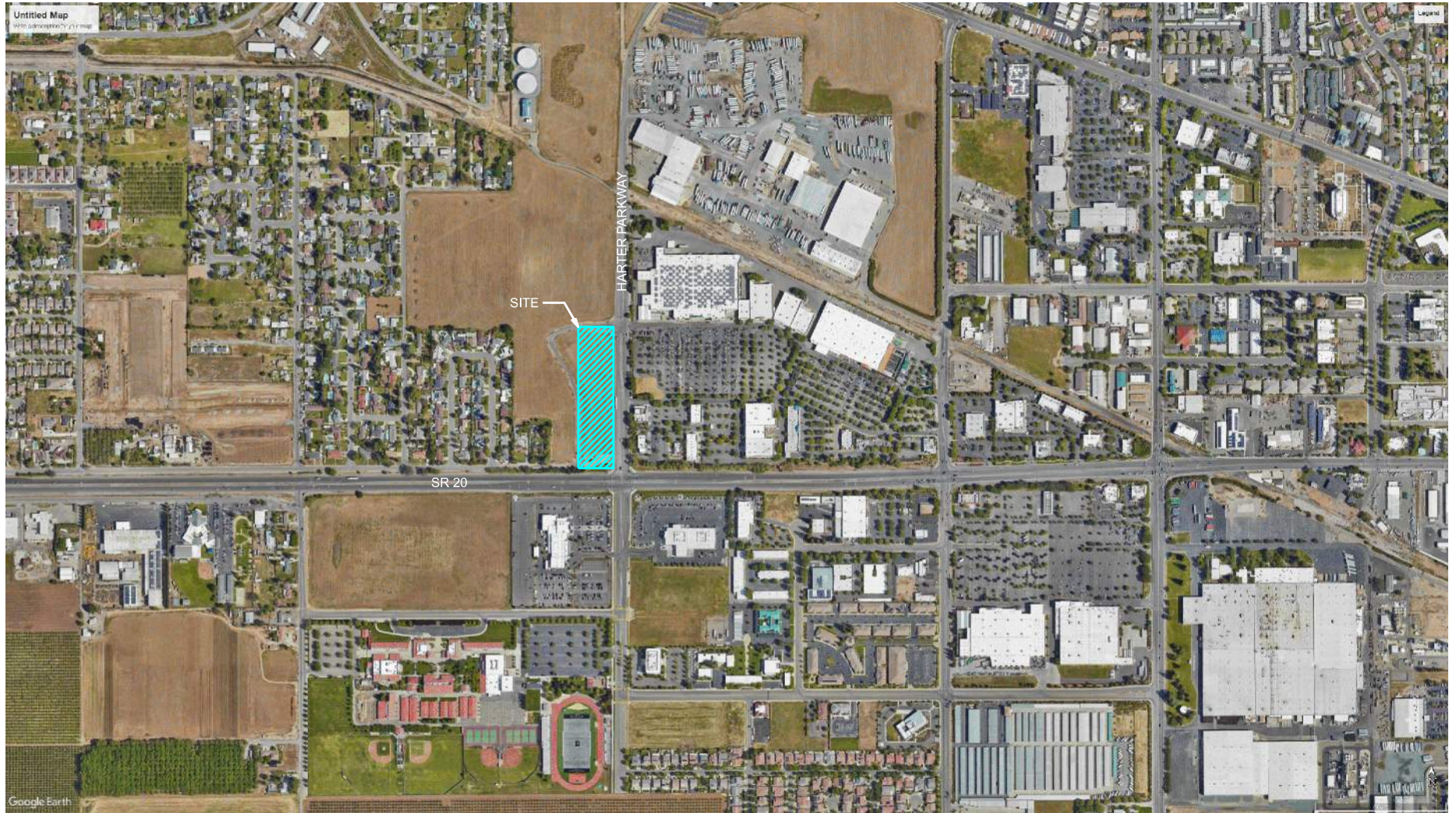
Figure 2 presents the proposed site plan. The site includes four driveways, two along Harter Parkway and two along Harter Marketplace Way (Colusa Frontage Road). The Harter Marketplace Way driveways will provide full access. The south driveway along Harter Parkway will provide right-in, right-out access only while the north driveway will provide right-in, right-out access and left-in access; a new left turn lane will be added to northbound Harter Parkway to provide storage for the left turn inbound access.

The purpose of this study is to address the adequacy of internal circulation and on-site queuing to confirm the project will not result in traffic that could extend onto Harter Parkway.

LEVEL OF SERVICE

To quantitatively evaluate traffic conditions and to provide a basis for comparison of operating conditions with and without project generated traffic, Levels of Service were determined at study area intersections.

“Level of Service” (LOS) is a quantitative measure of traffic operating conditions whereby a letter grade “A” through “F” is assigned to an intersection. LOS “A” through “F” represents progressively worsening traffic conditions. The characteristics associated with the various LOS



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: 32' 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 ADJACENT DRIVEWAYS W/ LANDSCAPE AND 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: 32,522 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

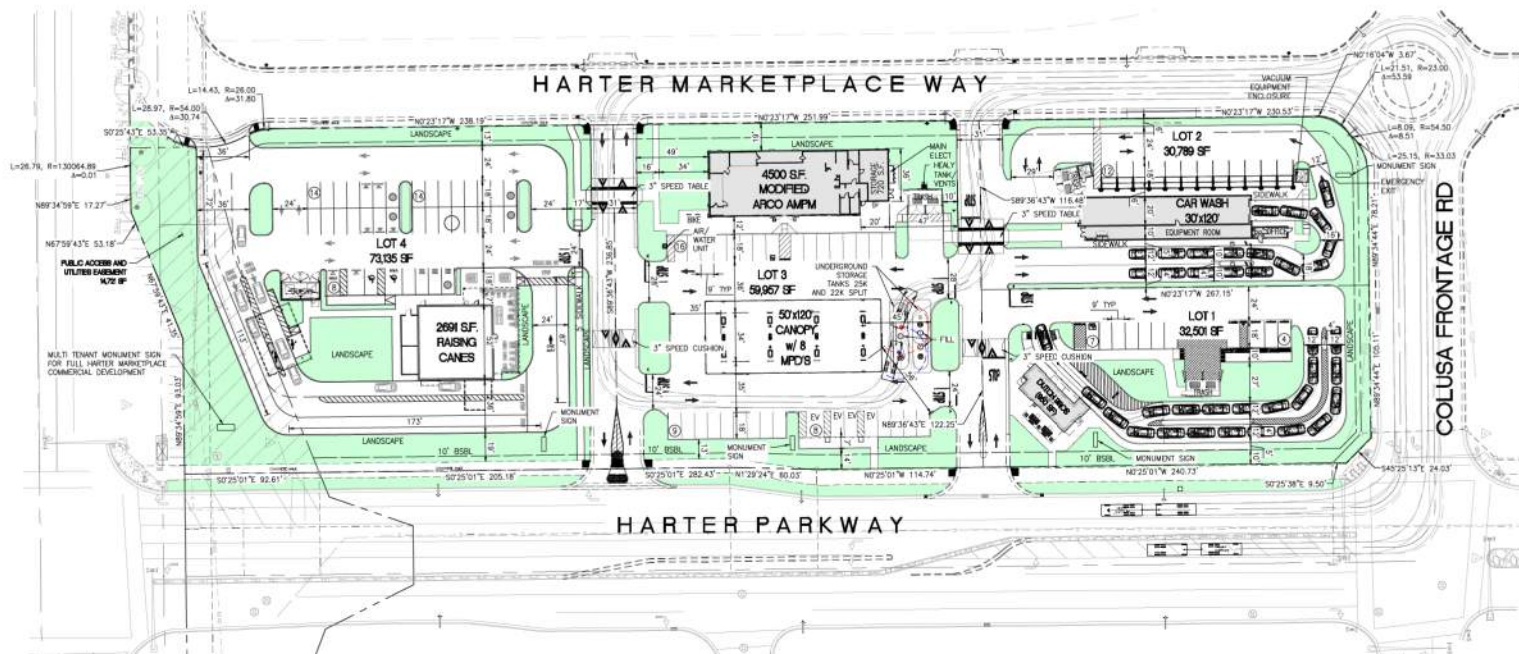
LOT SIZE: 59,957 SF (1.38 ACRES)
PARKING REQUIREMENTS:
SERVICE STATION: 1 STALL PER 300 S.F. OF LOT AREA
359,957 S.F./3000 S.F. = 20 STALLS
PARKING SPACES REQUIRED: 20 STALLS
PARKING SPACES PROVIDED: 33 STALLS, PLUS 16 FUEL DISPENSER PARKING

PROJECT DATA- LOT 4

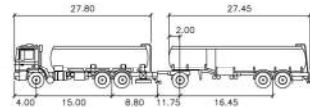
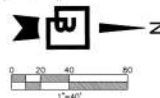
LOT SIZE: 58,413 SF (1.34 ACRES)
14,721 SF (0.34 ACRES)
73,134 SF (1.68 ACRES)
PARKING REQUIREMENTS:
- RESTAURANT, COFFEE SHOPS, AND COCKTAIL LOUNGES
1 SPACE FOR EACH 3 SEATS, PLUS 1 SPACE FOR 50 SF. OF DANCE FLOOR OR ASSEMBLY AREA WITHOUT FIXED SEATS
NO PARKING IS REQUIRED FOR OUTDOOR SEATING WHEN SEATS PROVIDED EQUAL 50% OR LESS OF TOTAL INDOOR SEATING.
- 52 SEATS / 3 SEATS = 18 SPACES
- 1346 SF (HALF OF 97) / 50 SF = 27 SPACES
PARKING SPACES REQUIRED: 18 SPACES + 27 SPACES = 45 SPACES
PARKING SPACES PROVIDED: 38 SPACES



COLUSA HWY



PRELIMINARY SITE PLAN



Arco65'
feet
First Port Width : 8.00 Lock to Lock Time : 6.0
Trailer Width : 8.00 Steering Angle : 35.0
First Port Track : 7.70 Articulating Angle : 70.0
Trailer Track : 7.70

Preliminary Not For Construction

DRAWING INDEX

SP-1 PRELIMINARY SITE PLAN
1 OF 4 ALTA TITLE SHEET
2 OF 4 ALTA BOUNDARY SHEET
3 OF 4 ALTA TOP SHEET
4 OF 4 ALTA TOP SHEET
L1 PRELIMINARY LANDSCAPE PLAN
L2 PRELIMINARY LANDSCAPE PLAN
A1.1 PRELIMINARY AMPM FLOOR PLAN
A2.1 PRELIMINARY AMPM EXTERIOR ELEVATIONS
A2.2 PRELIMINARY AMPM EXTERIOR ELEVATIONS
C&L.1 PRELIMINARY FUEL CANOPY PLAN
C&L.2 PRELIMINARY FUEL CANOPY ELEVATIONS
C&W.1 PRELIMINARY CARWASH FLOOR PLAN
C&W.2 PRELIMINARY CARWASH EXTERIOR ELEVATIONS
1 of 1 DUTCH BROTHERS EXTERIOR ELEVATIONS
1 of 1 PARKING CANE'S EXTERIOR ELEVATIONS

CLIENT

bp

ARCO
BP WEST COAST PRODUCTS, LLC

B

Borghausen
Consulting Engineers, Inc.
18215 72nd Avenue South
Kent, WA 98032
425.251.6222
borghausen.com

NO.	DATE	REVISION DESCRIPTION
1	1/15/20	01P SUBMIT
2	1/15/20	02P SUBMIT
3	1/15/20	03P SUBMIT
4	1/15/20	04P SUBMIT
5	1/15/20	05P SUBMIT
6	1/15/20	06P SUBMIT
7	1/15/20	07P SUBMIT
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97	1/15/20	97P SUBMIT
98	1/15/20	98P SUBMIT
99	1/15/20	99P SUBMIT
100	1/15/20	100P SUBMIT

NOT FOR CONSTRUCTION

DEVELOPMENT INFORMATION
RETAIL DEVELOPMENT

SITE ADDRESS:
NWC COLUSA HIGHWAY
& HARTER PARKWAY
YUBA CITY, CALIFORNIA

FACILITY #TBD

DESIGNED BY: PFE
CHECKED BY: PFE
DRAWN BY: AD
APPROVED BY: AD
PROJECT NO.: 21230

DRAWING TITLE:
PRELIMINARY SITE PLAN

SHEET NO.:

SP-1

for intersections are presented in Table 1. The City of Yuba City General Plan has established LOS “D” measured over the peak hour as the minimum standard for City streets, with specific exceptions identified where conditions in excess of the LOS D standard will be acceptable.

Levels of Service were calculated for this study using the methodologies contained in the *Highway Capacity Manual, 6th Edition (HCM)*. Level of Service was calculated using *Synchro/SimTraffic* software, Version 11. SimTraffic was used to account for the effects of the closely spaced traffic signal along Harter Parkway at SR 20. The software is a stochastic model, i.e. randomness is present when running the simulations. The results will vary within each scenario and between scenarios. This may result in some intersections having lower delays in the Plus Project scenario than in the No Project scenario.

TABLE 1 LEVEL OF SERVICE DEFINITIONS			
Level of Service	Signalized Intersection	Unsignalized Intersection	Roadway (Daily)
“A”	Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 10.0 sec	Little or no delay. Delay ≤ 10 sec/veh	Completely free flow.
“B”	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and ≤ 20.0 sec	Short traffic delays. Delay > 10 sec/veh and ≤ 15 sec/veh	Free flow, presence of other vehicles noticeable.
“C”	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and ≤ 35.0 sec	Average traffic delays. Delay > 15 sec/veh and ≤ 25 sec/veh	Ability to maneuver and select operating speed affected.
“D”	Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 35.0 sec and ≤ 55.0 sec	Long traffic delays. Delay > 25 sec/veh and ≤ 35 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
“E”	Severe congestion with some long-standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 55.0 sec and ≤ 80.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 35 sec/veh and ≤ 50 sec/veh	At or near capacity, flow quite unstable.
“F”	Total breakdown, stop-and-go operation. Delay > 80.0 sec	Intersection blocked by external causes. Delay > 50 sec/veh	Forced flow, breakdown.
Sources: Highway Capacity Manual, 6 th Edition.			

EXISTING SETTING

Study Area. This traffic impact study presents analyses of traffic operating conditions at one (1) existing intersection within the area that may be affected by the proposed project. The limits of the study area were identified through discussions with Yuba City staff based on their knowledge of the community and the results of previous traffic studies conducted for development in Yuba City.

The **Harter Parkway / Colusa Frontage Road** is an 8-phase protected left turn signalized intersection north of SR 20. The northbound approach includes a left turn lane, two through lanes and a right turn lane while the southbound approach includes a left turn lane, a through lane and a shared through-right lane. The eastbound Colusa Frontage Road approach includes a left turn lane and a shared through-right lane while the westbound approach includes dual left turn lanes and a shared through-right lane. Crosswalks are present across all four approaches.

Existing Traffic Volumes. Traffic counts were conducted during the midweek and weekend on February 9 and February 11, 2023. Figure 3 presents the existing traffic volumes at the study intersections.

Existing Peak Hour Levels of Service. Current a.m., p.m. and Saturday peak hour Levels of Service were calculated at the existing intersection, and the results are presented in Table 2. The Harter Parkway / Colusa Frontage Road intersection operates within accepted Yuba City thresholds, at LOS B or better.

TABLE 2 EXISTING LEVELS OF SERVICE								
Intersection	Control	Min LOS	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
			Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS
Harter Parkway / Colusa Frontage Rd	Signal	D	6.8	A	11.4	B	12.7	B

Intersection Queues. As previously noted, intersection queues were evaluated at the study intersections at the 95th percentile length using *Synchro-SimTraffic* software to simulate anticipated queues. The 95th percentile queue length represents a condition where the queue during the peak period will be at or less than the queue length determined by the analysis 95% of the time, i.e. the queue will exceed the calculated queue 5% of the time. Queues extending beyond the available storage can block through traffic in adjacent travel lanes.

LEGEND

XX - AM PEAK HOUR
(XX) - PM PEAK HOUR
<XX> - SATURDAY PEAK HOUR



SIGNAL

R1-1 STOP SIGN

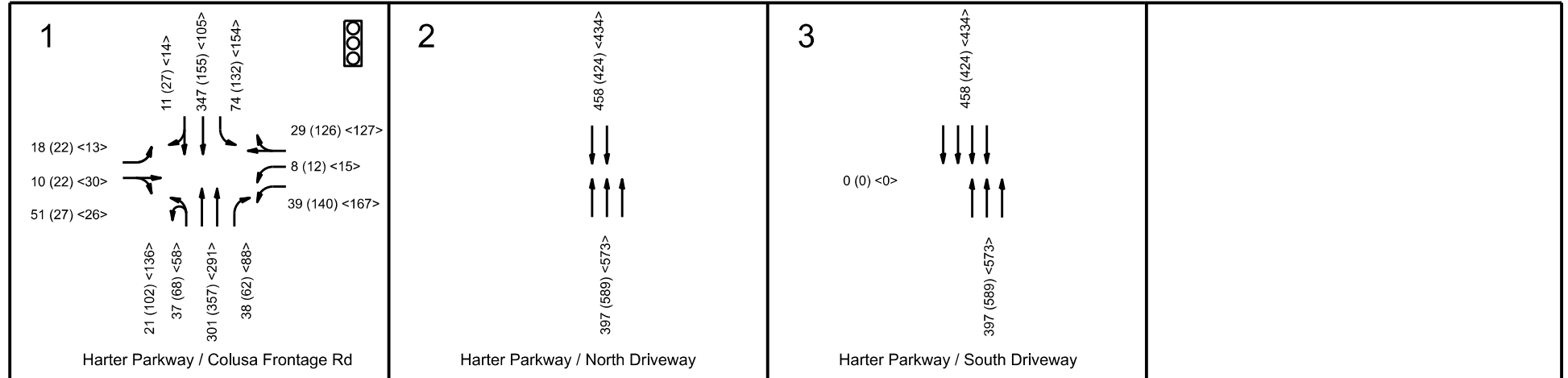
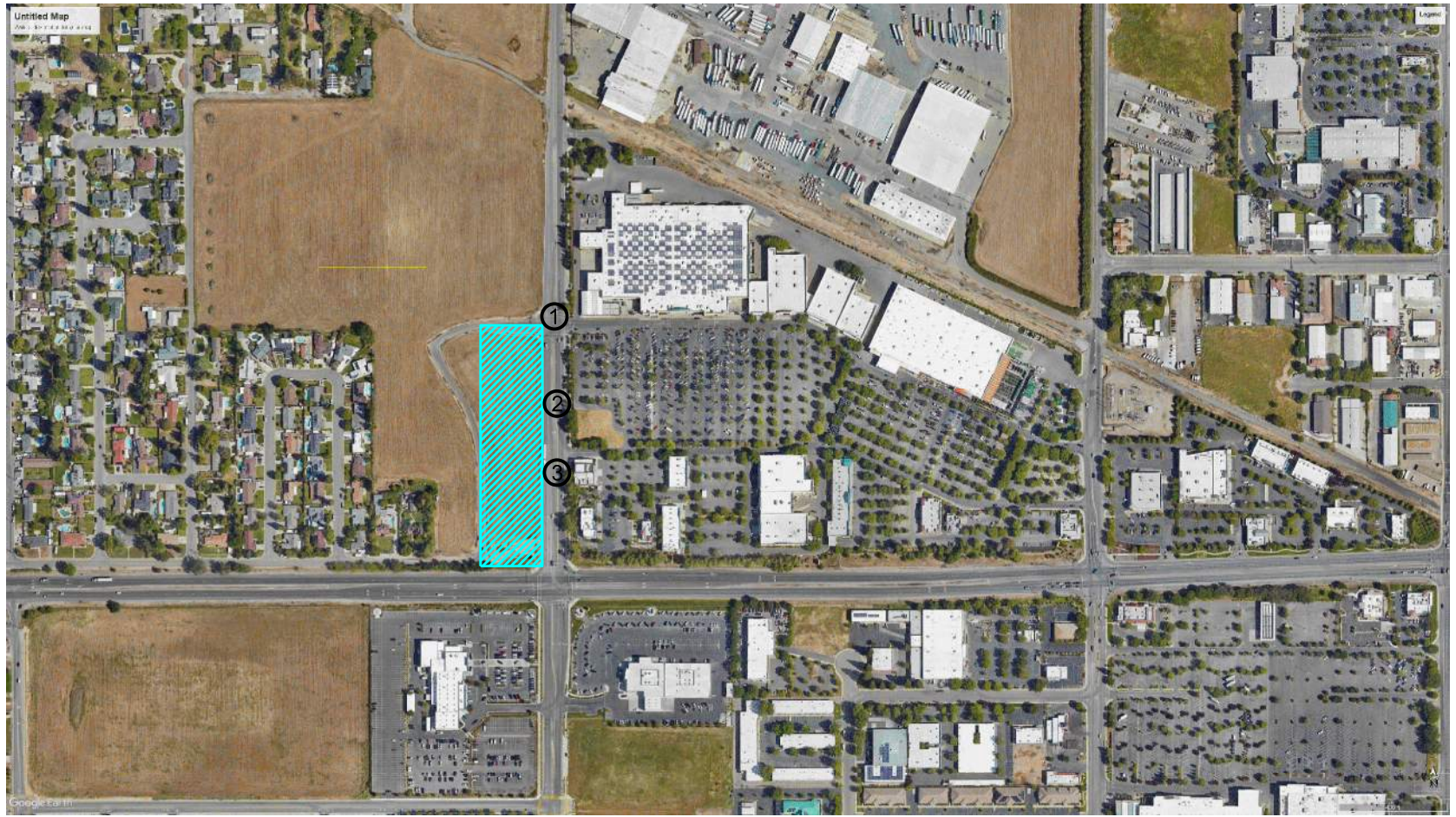


Table 3 presents the queues for the a.m., p.m. and Saturday peak periods. Queues in each of the left turn lanes can be stored within the available turn lanes.

TABLE 3 EXISTING QUEUES				
Location	Storage Length (feet)	AM Peak Hour	PM Peak Hour	Sat Peak Hour
Harter Parkway / Colusa Frontage Road				
NB Left	240'	72'	140'	159'
SB Left	260'	69'	101'	107'
EB Left	105'	40'	46'	37'
WB Left*	100*	35'	69'	74'
* dual left turn lanes (longest queue shown)				

EXISTING PLUS PROJECT SETTING

Trip Generation Rates. The *ITE Trip Generation Manual, 11th Edition* offers trip generation rates that are appropriate for most land uses, and we reviewed this reference as well as other available published materials. These trip generation rates are presented in Table 4 for LU 934, Fast Food Restaurant with Drive-Through Lane and LU 945, Gas Station with Convenience Store. Specific ITE rates for Automated Car Wash and Coffee kiosks are available; however, data is limited. Instead, trip generation characteristics were compiled as an alternative to the available data in *Trip Generation*. The site is projected to create 735 a.m. peak hour trips, 661 p.m. peak hour trips and 776 Saturday peak hour trips.

Trips generated by retail commercial projects fit into two categories. Some trips will be made by patrons who would not otherwise be on the local street system and who go out of their way to reach the site. These are "new" trips. Other trips will be made by patrons who are already in the roadway network and stop by the site as part of a trip made for another purpose. These pass-by trips do not add traffic to the overall system. Diverted-link trips are made by motorists who are already in the roadway network and divert their trip to this new alternate destination. ITE research has suggested typical pass-by/diverted link percentages for various retail land uses. Pass-by trips occur along the project frontage while diverted trips need to be accounted for along the entire route. For this project pass-by trips would occur at the driveway entrances while diverted-link trips would occur at the SR 20 / Harter Parkway intersection. Internally captured trips, those that visit the different uses within the site were also assumed to be present as the site includes various drive-through retail businesses. Table 4 presents the pass-by/diverted link trips and internal trips used. After considering internal trips and pass-by/diverted-link trips, the net new primary traffic is expected to be 274 a.m. peak hour trips, 285 p.m. peak hour trips and 323 Saturday peak hour trips.

Trip Distribution & Assignment. To evaluate the traffic related effects of the Project, trips that would be generated by the Project were distributed onto the roadway network. Trip distribution simulates the geographical pattern of travel, matching trips generated by one type of land use (e.g. residential) with trips generated by other types of land uses (e.g., education, employment, and shopping). The traffic distribution is shown in Table 5 while the generated traffic volumes are shown in Figure 4.

**TABLE 4
TRIP GENERATION**

Land Use	Unit Quantity	Size	Trips Per Unit								
			AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
Gas Station with Convenience Store (LU 945)	VFP	16	50%	50%	27.04	50%	50%	22.76	51%	49%	20.44
Coffee Kiosk (Dual Lane) ^{1 2}	KSF	0.95	51%	49%	148.07	49%	51%	121.55	51%	49%	134.81
Fast Food with Drive-Thru (LU 934)	KSF	2.69	51%	49%	44.81	52%	48%	33.03	51%	49%	55.25
Tunnel Car Wash	EA	1	59%	41%	34*	50%	50%	86.00‡	50%	50%	165.00
Gas Station with Convenience Store			216	216	433	182	182	364	167	160	327
Coffee Kiosk (Dual Lane)			76	73	148	60	62	122	69	66	135
Fast Food with Drive-Thru			61	59	120	46	43	89	76	73	149
Tunnel Car Wash			20	14	34	43	43	86	83	83	165
Sub-Total Trips			373	362	735	331	330	661	394	382	776
Internal Trips											
Gas Station with Convenience Store (5% AM, PM, Saturday)			(11)	(11)	(22)	(9)	(9)	(18)	(8)	(8)	(16)
Coffee Kiosk (Dual Lane) (5% AM, PM, Saturday)			(4)	(4)	(8)	(3)	(3)	(6)	(3)	(3)	(6)
Fast Food with Drive-Thru (5% AM, PM, Saturday)			(3)	(3)	(6)	(2)	(2)	(4)	(4)	(4)	(8)
Tunnel Car Wash			(1)	(1)	(2)	(2)	(2)	(4)	(21)	(21)	(42)

¹Larry Wymer Traffic Engineering, Dutch Bros Coffee on Country Club Drive Traffic Impact Study, Madera, CA

² KD Anderson & Associates, Traffic Impact Study for 0105 Dutch Bros Coffee Restaurant, 1598 Fairgrounds Drive, Vallejo, CA

(5% AM, PM, 25% Saturday)									
Sub-Total Trips	(19)	(18)	(37)	(17)	(16)	(33)	(36)	(36)	(72)
Pass-By / Diverted Link Trips									
Gas Station (62% AM, 56% PM, 59% Sat)◇	(127)	(127)	(255)	(97)	(97)	(194)	(93)	(90)	(183)
Coffee Kiosk (Dual Lane) (75% AM, PM, Sat)	(54)	(52)	(105)	(42)	(44)	(87)	(49)	(47)	(96)
Fast Food with Drive-Thru (49% AM, 50%PM, 50% Sat)	(28)	(27)	(56)	(22)	(20)	(42)	(36)	(35)	(71)
Tunnel Car Wash (25% AM, 25% PM, 25% Sat)Δ	(5)	(3)	(8)	(10)	(10)	(20)	(15)	(15)	(30)
Total Pass-By Trips	(214)	(210)	(424)	(171)	(172)	(343)	(193)	(187)	(380)
Net New Trips	140	134	274	143	142	285	164	159	323

KSF – thousand square feet

‡ average of compiled rates

Δ estimated

† no data available for LU 948; used LU 949 (Car Wash and Detail Center)

◇ ITE Trip Generation Handbook, 3rd Ed

* observed data

Numbers may not match due to rounding

TABLE 5 PROJECT TRIP DISTRIBUTION		
Direction	Route	Distribution
		Existing
North	Stabler Lane	20%
	Butte House Road	15%
East	SR 20 beyond Stabler Lane	20%
	Butte House Road beyond Stabler Lane	5%
South	Tharp Road	5%
	Walton Avenue	15%
West	SR 20 beyond Margarita Road	15%
	Frontage Road	5%
Total		100%

Existing plus Project Peak Hour Traffic Conditions. Figure 5 presents the Existing plus Project traffic volumes. Existing plus Project a.m., p.m. and Saturday peak hour Levels of Service were calculated at the existing intersection and the two project driveway intersections along Harter Parkway. Table 6 presents the LOS results which show that the levels of service will be within the City's significance threshold. All intersections are projected to operate at LOS B or better conditions.


TABLE 6 EXISTING PLUS PROJECT LEVELS OF SERVICE								
Intersection	Control	Min LOS	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
			Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS
Harter Parkway / Colusa Frontage Rd	Signal	D	9.1	A	13.7	B	14.8	B
Harter Parkway / North Driveway NB Left EB Right	EB Stop	D	6.0	A	4.3	A	6.2	A
			5.0	A	4.1	A	5.2	A
Harter Parkway / South Driveway EB Right	EB Stop	D	5.5	A	3.7	A	5.6	A

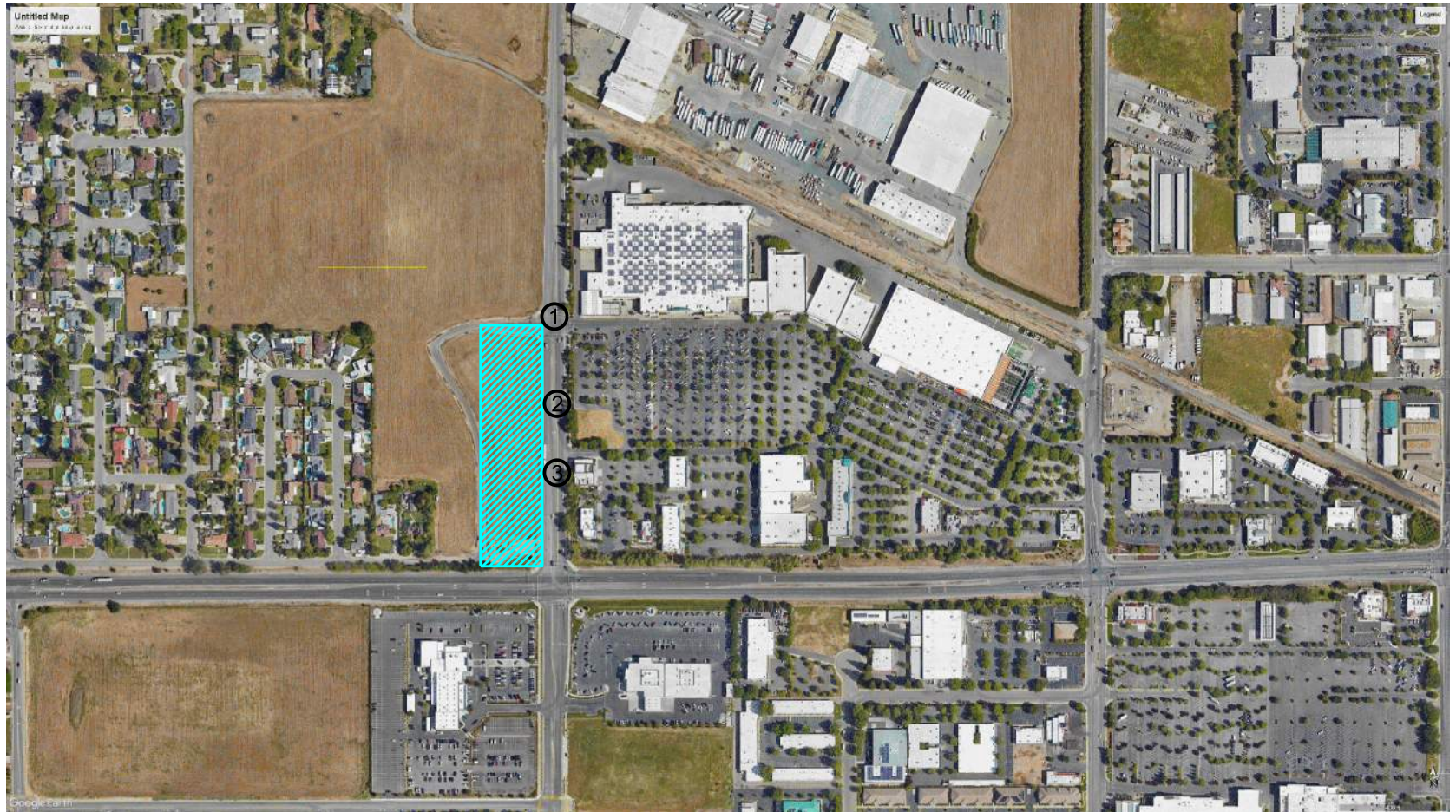
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XX - AM PEAK HOUR
(XX) - PM PEAK HOUR
<XX> - SATURDAY PEAK HOUR

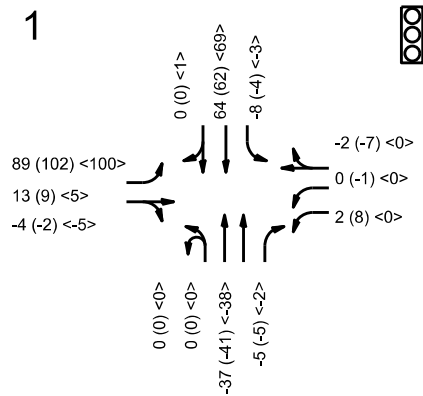


SIGNAL

R1-1  STOP SIGN

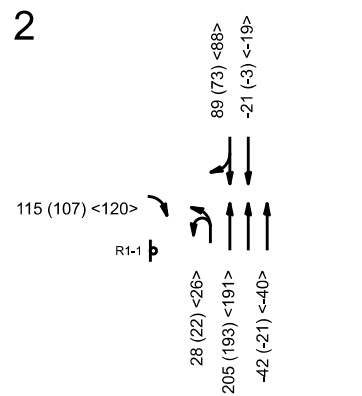


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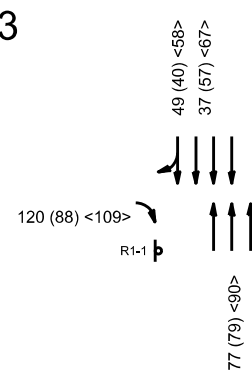
Harter Parkway / Colusa Frontage Rd

2



Harter Parkway / North Driveway

3



Harter Parkway / South Driveway

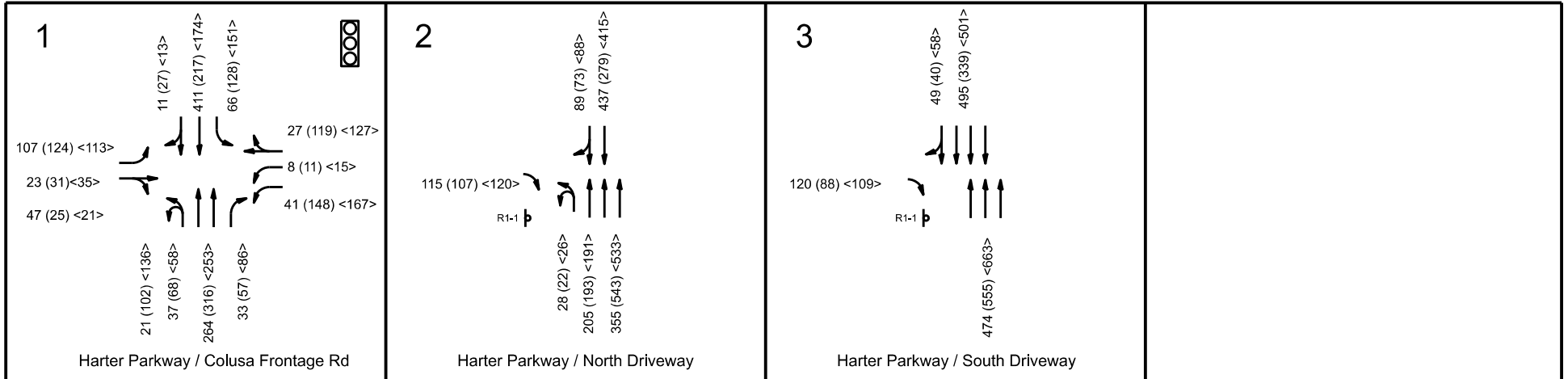
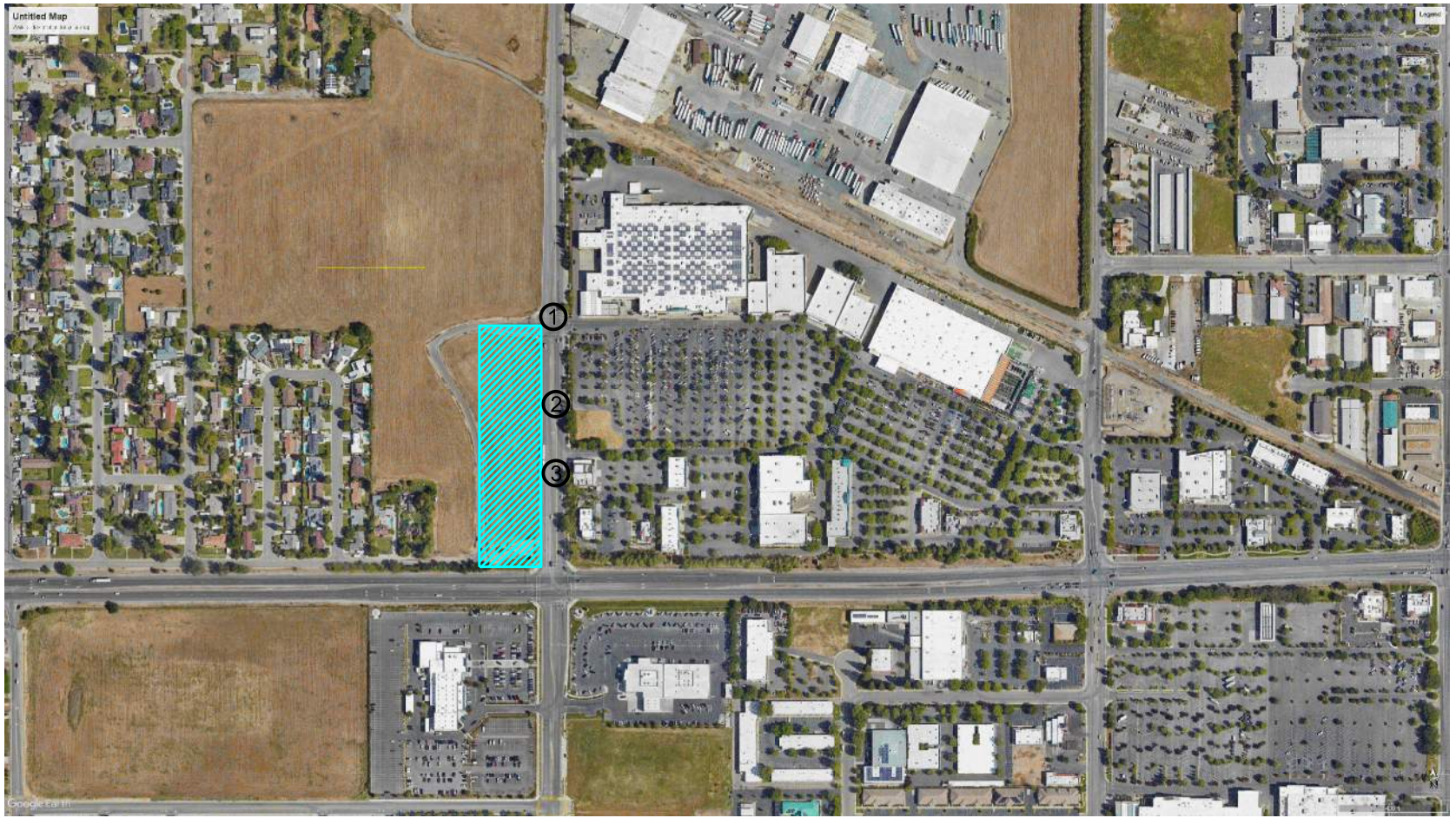
LEGEND

XX - AM PEAK HOUR
(XX) - PM PEAK HOUR
<XX> - SATURDAY PEAK HOUR



SIGNAL

R1-1 STOP SIGN



Intersection Queues. Table 7 presents the queues for the a.m., p.m. and Saturday peak periods. Queues under Existing plus Project conditions. The proposed left turn lane at the north driveway is projected to be 200 feet long. The queue results show that the projected queues can be stored in the existing and proposed left turn lanes. Additionally, the longest queues at the driveways may reach about 70', or about three cars.

TABLE 7 EXISTING PLUS PROJECT QUEUES				
Location	Storage Length (feet)	AM Peak Hour	PM Peak Hour	Sat Peak Hour
Harter Parkway / Colusa Frontage Road				
NB Left	240'	63'	122'	157'
SB Left	260'	72'	97'	117'
EB Left	105'	80'	97'	87'
WB Left*	100*	37'	86'	83'
Harter Parkway / North Driveway				
NB Left	200'	101'	93'	106'
EB Right	100'	60'	58'	55'
Harter Parkway / South Driveway				
EB Right	100'	68'	53'	63'
* dual left turn lanes (longest queue shown)				

2035 IMPACTS

Long Term 2035 Conditions

Forecasts of future year traffic volumes were prepared for this traffic impact study using the current 'Market Scenario' Yuba City Travel Demand Forecasting Model. The travel model is a computer simulation model that estimates traffic volumes on roadways, based on data describing the amount of land uses and characteristics of the roadway network. The geographic modeling area includes the City of Yuba City, City of Marysville, and the surrounding unincorporated area. The travel model forecasts traffic volumes for the a.m. peak hour, p.m. peak hour, and a 24-hour period. The travel model forecasts traffic volumes for a Year 2035 scenario.

The method used to develop forecasts of future year peak hour intersection turning movement traffic volumes were completed using the traffic volume growth factors between the 2020 and 2035 future buildout. These growth factors were applied to existing peak hour intersection turning movement traffic volumes. The development of future year intersection turning movement traffic volumes requires that the turning movements at each intersection "balance". To achieve the balance, inbound traffic volumes must equal the outbound traffic volumes, and the volumes must be distributed along the various left-turn, through, and right-turn movements at each intersection. The "balancing" of future year intersection turning movement traffic volumes was conducted using methods described in the Transportation Research Board's (TRB's) National Cooperative Highway Research Program (NCHRP) Report 255, *Highway Traffic Data for Urbanized Area Project Planning and Design* (Transportation Research Board 1982). The NCHRP 255 method applies the desired peak hour directional volumes to the intersection turning movement volumes, using an iterative process to balance and adjust the resulting forecasts to match the desired peak hour directional volumes.

Traffic Volume Forecasts. Peak hour intersection turning movements were created for No Project and Plus Project Cumulative conditions. Figure 6 identifies Future 2035 traffic volumes at study intersections without the project.


2035 No Project Conditions. In the 2035 conditions the northbound approach at the Harter Road / Colusa Frontage Road intersection is projected to include a second left turn lane. Table 8 identifies peak hour Levels of Service under future conditions. The Harter Parkway / Colusa Frontage Road intersection is projected to operate LOS C. This is within the City's LOS thresholds.

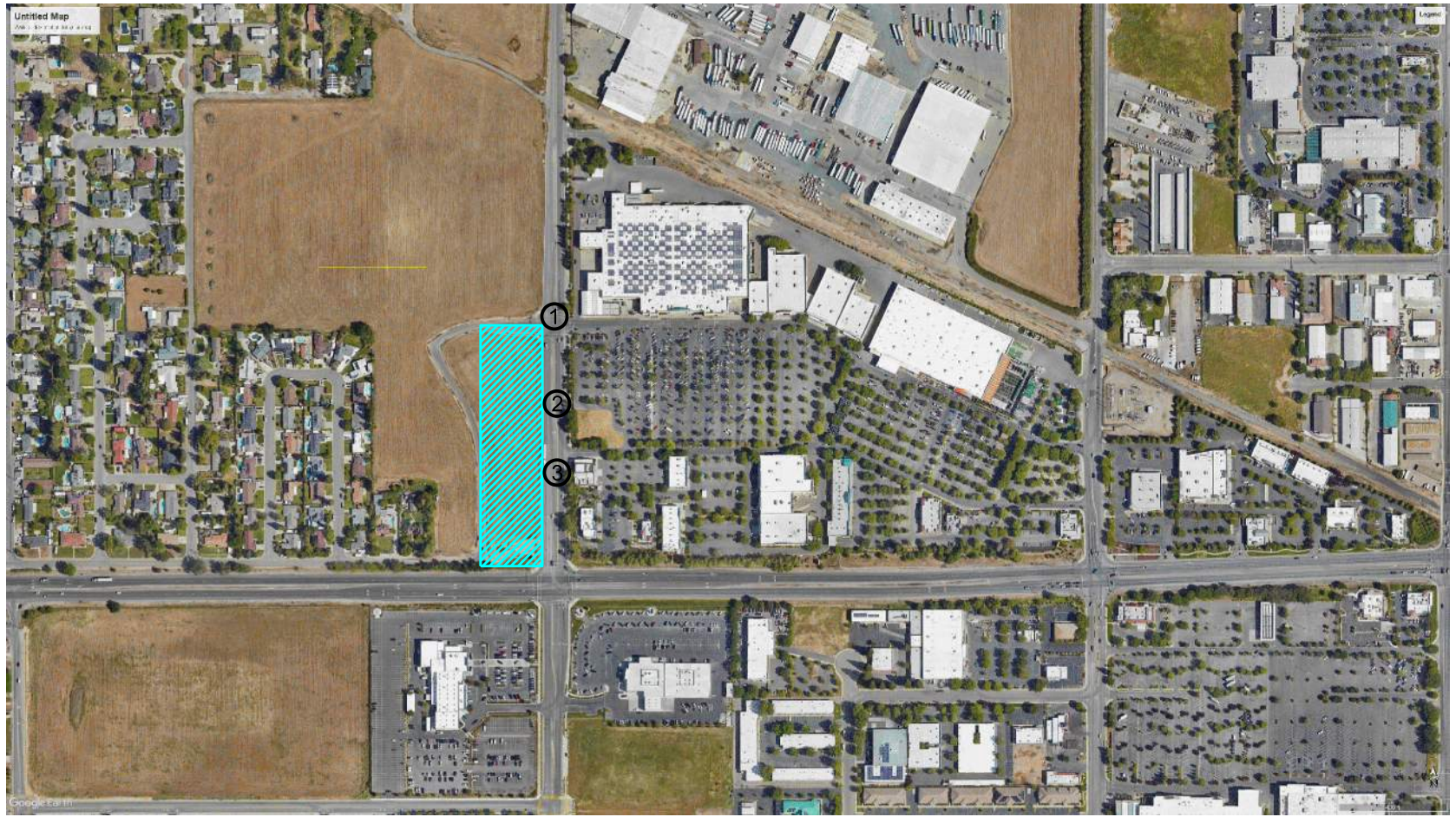
LEGEND

XX - AM PEAK HOUR
(XX) - PM PEAK HOUR
<XX> - SATURDAY PEAK HOUR

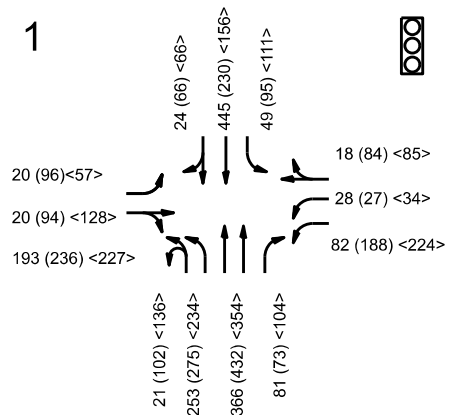


SIGNAL

R1-1  STOP SIGN



1



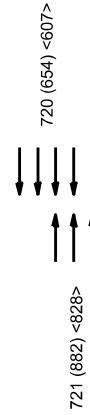
Harter Parkway / Colusa Frontage Rd

2



Harter Parkway / North Driveway

3



Harter Parkway / South Driveway

TABLE 8 2035 LEVELS OF SERVICE								
Intersection	Control	Min LOS	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
			Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS
Harter Parkway / Colusa Frontage Rd	Signal	D	13.0	A	21.8	C	23.2	C

Intersection Queues. Table 9 presents the queues for the a.m., p.m. and Saturday peak periods. The eastbound Colusa Frontage Road queue is projected to be about 121'. This will exceed the existing 105 left turn lane. When intersection improvements are completed to accommodate the dual northbound left turn lane the eastbound left turn lane along Colusa Frontage Road should be lengthened to 125' to accommodate the projected queue. The westbound left turn lanes are also projected to be exceeded by 2035 with the queue lengthening to 120'. This approach is within a shopping center, and the existing turn lane striping can be extended to 120' without crossing an internal drive aisle intersection. Queues in the northbound and southbound left turn lanes can be stored within the available turn lanes.

TABLE 9 2035 QUEUES				
Location	Storage Length (feet)	AM Peak Hour	PM Peak Hour	Sat Peak Hour
Harter Parkway / Colusa Frontage Road				
NB Left	240'*	121'	165'	171'
SB Left	260'	59'	101'	125'
EB Left	105'	41'	121'	94'
WB Left*	100'*	59'	117'	120'
* dual left turn lanes (longest queue shown)				

2035 Plus Project Conditions. Figure 7 shows the 2035 plus Project volumes at the intersection. Table 10 identifies peak hour Levels of Service under future conditions. All intersections will operate at LOS C or better. Neither of the unsignalized driveway intersections will meet the peak hour signal warrant.

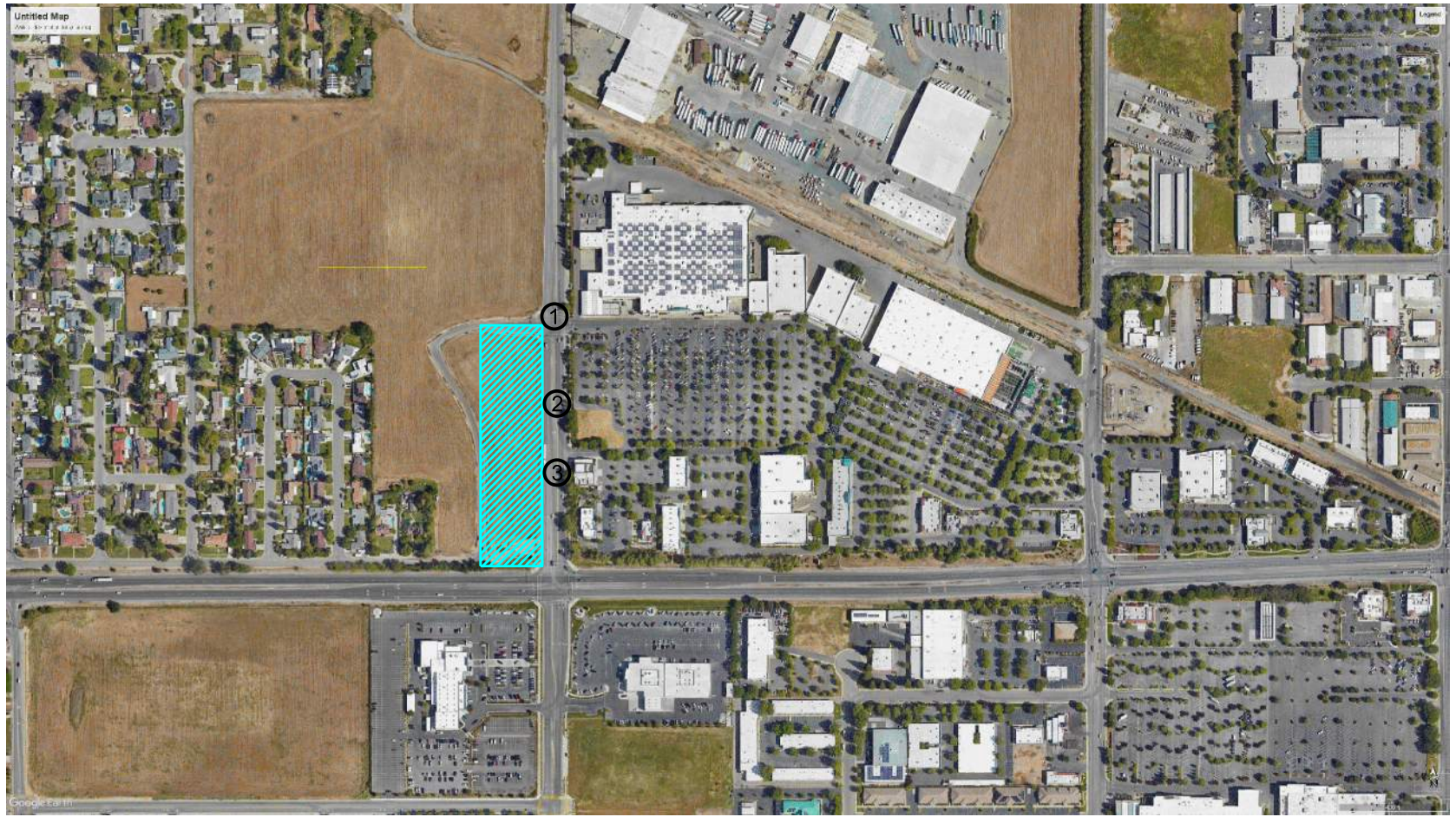
LEGEND

XX - AM PEAK HOUR
(XX) - PM PEAK HOUR
<XX> - SATURDAY PEAK HOUR

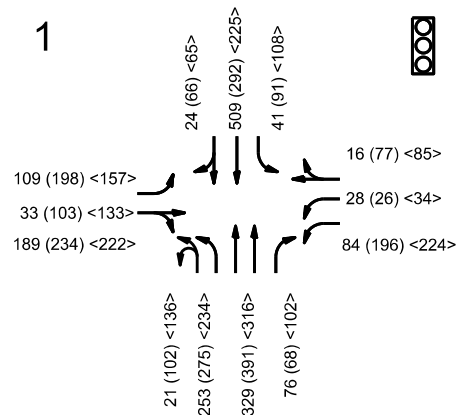


SIGNAL

R1-1 STOP SIGN

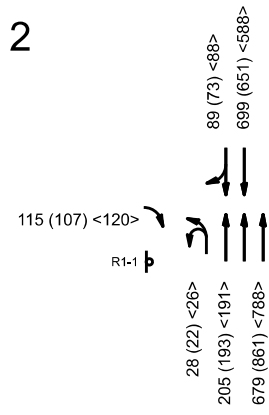


1



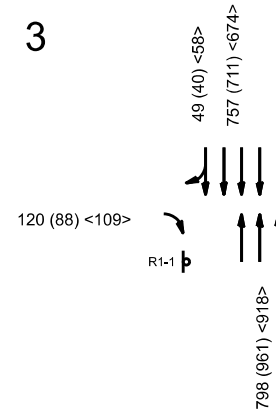
Harter Parkway / Colusa Frontage Rd

2



Harter Parkway / North Driveway

3



Harter Parkway / South Driveway

TABLE 10 2035 PLUS PROJECT LEVELS OF SERVICE								
Intersection	Control	Min LOS	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
			Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS
Harter Parkway / Colusa Frontage Rd	Signal	D	16.1	B	22.5	C	24.6	C
Harter Parkway / North Driveway NB Left	EB Stop	D	13.9	B	11.7	B	10.5	B
EB Right			9.1	A	7.3	A	7.5	A
Harter Parkway / South Driveway EB Right	EB Stop	D	8.0	A	7.4	A	10.0	B

Intersection Queues. Table 11 presents the queues for the a.m., p.m. and Saturday peak periods. Queues under 2035 plus Project conditions. The proposed left turn lane at the north driveway is projected to be 200 feet long. The queue results show that the projected queues can be stored in the left turn lanes. Additionally, the longest queues entering Harter Parkway from the project driveways may reach up to 80', or about three cars.

TABLE 11 2035 PLUS PROJECT QUEUES				
Location	Storage Length (feet)	AM Peak Hour	PM Peak Hour	Sat Peak Hour
Harter Parkway / Colusa Frontage Road				
NB Left	240'*	142'	159'	170'
SB Left	260'	64'	98'	118'
EB Left	105'	100'	143'	140'
WB Left*	100'*	56'	109'	115'
Harter Parkway / North Driveway				
NB Left	200'	130'	116'	116'
EB Right	100'	73'	60'	66'
Harter Parkway / South Driveway				
EB Right	100'	71'	57'	79'
* dual left turn lanes (longest queue shown)				

LEFT TURN ACCESS

Sight Distance. The adequacy of sight distance at the project's access driveway was reviewed with regard to the minimum standards identified in the Caltrans Highway Design Manual (HDM). Available sight distance was evaluated using the standards documented in the Caltrans Highway Design Manual (HDM). Based on the location of the driveways “**Stopping Sight Distance**” (SSD) and “**Corner Sight Distance**” (CSD) were considered. These criteria are documented in Tables 201.1 and 405.1A of the HDM. The minimum SSD is the distance required for an approaching motorist to identify a hazard and come to a stop while the Corner Sight Distance (CSD) is the distance needed for a motorist to see approaching vehicles and complete a turning maneuver before that vehicle arrives.

The posted speed along Harter Parkway is 35 mph. Both SSD and CSD were evaluated for the site. SSD evaluates the sight distance for motorists along the major route to stop at a given speed. The Caltrans Highway Design Manual (HDM) Table 201.1 notes that the minimum SSD requirement for the posted speed limit of 35 mph is 250 feet.

Corner Sight Distance was also evaluated to determine whether vehicles exiting the driveway have adequate time and distance to enter SR 152. Table 405.1A notes that CSD is determined based on the design speed of the major road and the time gap needed to complete the maneuver. CSD was considered along the line of sight to the north. Caltrans identifies three types of design vehicles when evaluating CSD. These include passenger cars, single-unit trucks and combination trucks. The single unit truck was the design vehicle used to analyze CSD. Since access along Harter Parkway will be limited to right-out access at both driveways a right turn time gap of 8½ seconds was used.

Calculating the CSD for a 35 mph speed looking north requires a distance of about 435 feet ($1.47V_mT_g$) for vehicles entering southbound Harter Parkway. From the north driveway the line of sight extends into the signalized Harter Parkway / Colusa Frontage Road intersection.

As Harter Parkway is straight and generally level in this segment adequate stopping and corner sight distance can be made available by limiting landscaping, signage and lights, etc. within the sight triangle; landscaping should be no more than 2 feet in height and no less than 8 feet in height. Pylon signage associated with the project should be installed outside of the sight triangle.

CIRCULATION / QUEUEING CONCEPTS

Drive-thru retail businesses are generally focused around a drive-through lane for fast food and coffee kiosks while for car washes are typically focused around a drive-thru tunnel and an area designated for customer-operated vacuum cleaners. Each of the proposed drive-through businesses have unique characteristics, dictating the length of the needed storage.

Automated Tunnel Car Wash

Automated car washes may be designed so that customers may arrive at the site and proceed to either the car wash or vacuum stations first; the choice is user dependent. For this site, customers will be able to enter the car wash tunnel in a counterclockwise direction or head to the vacuum stations near the tunnel exit.

Queueing. Queuing studies have been conducted at several northern California Quick Quack car wash locations to determine typical queuing conditions.^{3 4} In addition, micro-simulations have also been conducted to determine drive-through characteristics on other projects.⁵ Based on the time to complete a car wash (180 seconds), and the ability of the tunnel car wash to accommodate multiple cars simultaneously the longest waiting queue is about 10 vehicles. The results of both site observation and micro- simulations indicate that the longest queue expected is 10 vehicles.

The proposed project features a single lane drive-thru tunnel. Queue storage is divided into two sections, the queue between the tunnel entrance and the pay station and the queue distance for the pay station. The single lane queue for the tunnel is about 120 feet and can accommodate about six cars. The queue storage behind the dual lane pay station is approximately 150 feet per lane. Together, it is estimated they can queue 14 cars. This capacity exceeds the maximum queue lengths observed or calculated. It is expected that the car wash queue will not extend into the adjoining drive aisle between Harter Parkway and Harter Marketplace Way (Colusa Frontage Road).

Dutch Bros Coffee Kiosk

Queuing characteristics of Dutch Bros restaurants with dual drive-thru aisles was assembled to confirm the adequacy of the proposed plan. During peak periods Dutch Bros managers regularly position 2-3 staff members with ordering tablets in-line to expedite service and deliver orders. The proposed site plan includes sidewalk along the drive-thru lanes and a raised median between queue lanes to facilitate this activity. Table 12 presents site data of observed maximum queues at various Dutch Bros in California.^{6 7} The longest combined queue was 16 vehicles.

The adequacy of the proposed Harter Marketplace Retail site layout was assessed within the context of the available information. The proposed drive-thru can accommodate 20 vehicles between the pick-up window and the end of the order board storage. The layout of the site allows an additional two vehicles to store in the approach to the drive-through lanes before blocking on-site parking, allowing 22 vehicles to queue without blocking circulation. This capacity exceeds the maximum queue lengths observed at other Dutch Bros sites.

³ KD Anderson & Associates, Car Wash Tunnel Queueing, Fairfield, CA

⁴ LSA, Trip Generation Analysis for the Proposed Car Wash Project at 1911 E. Pacific Coast Highway, Long Beach, CA

⁵ Kimley Horn, Oakley McDonald's and Quick Quack Traffic Analysis

⁶ KD Anderson & Associates, Transportation Impact Analysis – Initial Assessment Memo, Dutch Bros, Travis Blvd, Fairfield, CA

⁷ Larry Wymer Traffic Engineering, Dutch Bros Coffee on Country Club Drive Traffic Impact Study, Madera CA

Dutch Bros site managers actively manage on-site traffic flow and can take steps to direct traffic during periods of unusually high demand. This is sometimes the case during the initial “honeymoon” period after the Dutch Bros opens. During peak periods it may be beneficial to use temporary traffic controls with Dutch Bros staff directing traffic into each of the drive-thru lanes. It is expected that the Dutch Bros queue will not extend into the adjoining drive aisle between Harter Parkway and Harter Marketplace Way (Colusa Frontage Road).

TABLE 12 DUTCH BROS DRIVE-THRU QUEUES AND PARKING WITH DUAL DRIVE-THRU					
<i>Observed Drive-Thru Queues</i>					
Location	Peak Hour Time Period	From Pick Up Window to Entry Aisle	Entry Aisle		Total Vehicles
			Lane #1	Lane #2	
Sacramento, CA	AM	3	5	5	13
	PM	3	7	5	15
Roseville, CA	AM	2	6	5	13
	PM	2	3	2	7
Stockton, CA	AM	-	6	9	15
	PM	-	7	6	13
Turlock, CA	AM	7	3	2	12
	PM	7	4	5	16
Oakley, CA	AM	-	-	-	13
	PM	-	-	-	10
Granite Bay, CA	AM	-	-	-	13
	PM	-	-	-	7
XX – maximum observed queue					

Raising Cane’s Fast Food Restaurant

A Raising Cane’s fast food restaurant is the proposed third drive-through facility located on the site. The proposed Raising Cane restaurant will have a dual drive-through aisle configuration. Queuing characteristics of this layout of Raising Cane’s was assembled to confirm the adequacy of the proposed plan. Table 13 presents site data of observed queues at one Raising Cane restaurant with similar site characteristics. The location includes and provides: a dual entry lane model, peak period in-line service to reduce headways and dual pick-up lanes. The site is arranged to include what appears to be a third lane on the outside of the two drive-through lanes. This lane may serve as a bypass lane to allow customers in the outside lane to exit once their order has been delivered or may be used for customers who have chosen not to wait to order.

A queue field survey was conducted by KD Anderson & Associates, Inc. on February 24 and February 26, 2023 at The Galleria in Roseville location which has a similar layout. That work

addressed queuing during a typical 4:00 p.m. to 6:00 p.m. midweek peak and a 12:00 p.m. to 2:00 Saturday peak. The data was collected at 2-minute intervals and both the maximum observed queue and the 95th percentile queue were identified within each of the time periods. The 95th percentile queue during these time periods showed that the 95th percentile queue was 13 cars. This includes all vehicles in up to four queues, two order board locations and two lanes to pick up food. Raising Cane's appears to use the outside lane to deliver food to customers only during peak times; otherwise, they direct customers at the outside menu board to the inside lane to the pick up window. The observed maximum queue at the site was 15 vehicles.

The adequacy of the proposed Harter Marketplace Retail site layout was assessed within the context of the available information. The proposed drive-thru can accommodate 20 vehicles between the pick-up window and the first interior drive aisle; an additional six cars can be queued between the two parking aisles prior to reaching the driveway at Harter Marketplace Way. The available queue storage is expected to accommodate the longest queues.

Raising Cane's site managers actively manage on-site traffic flow and can take steps to direct traffic during periods of low and high demand. During periods of low demand they will use channelizers to route the outside order board patrons to the inside lane after taking their order. During peak periods the channelizers are removed and staff will deliver the orders to the waiting vehicles. It is not expected that the Raising Cane's queue would queue onto Harter Marketplace Way (Colusa Frontage Road).

TABLE 13 RAISING CANE'S DRIVE-THRU QUEUES WITH DUAL DRIVE-THRU							
<i>Observed Drive-Thru Queues</i>							
Location	Peak Hour Time Period	From Pick Up Window to Order Board		Order Board to Entrance		95 th % queue	Max queue
		Lane #1	Lane #2	Lane #1	Lane #2		
The Galleria, Roseville, CA	PM	8	Not Open	4	3	13	15
	Saturday	6	5	1	1	13	14
Lane #1 is inside lane, Lane #2 is outside lane							

Special Events

The various retail sites may periodically have special events to promote their brand. As the site has three high volume businesses site managers should take steps to direct traffic during periods of unusually high demand. It is important that the drive aisles providing access between Harter Parkway and Harter Marketplace Way remain open.

On high demand days during a special event parking spaces throughout the retail center would likely have to be used to avoid blocking of any access driveways. Coordination between the center manager and other users should be undertaken with traffic control directing customers as appropriate.

Potential measures during special event / grand opening periods could include the following for each business having special events:

- Coordinate special events with shopping center management so as not to schedule multiple events at the same time.
- Use staff to specifically control traffic into and through the site.
- Conduct full shop and shift meeting to discuss proposed traffic patterns.
- Prepare traffic control / queuing plan to route traffic throughout the retail center.
- Create signage and routing plan for event; install temporary sandwich board signs to assist in traffic control.
- Hire third party traffic control company if deemed necessary by the site manager.
- Coordinate with adjacent businesses prior to the special event to provide traffic controls to allow all customers access throughout the site.

Through Traffic between Harter Parkway and Harter Marketplace Way

The north driveway access along Harter Parkway will provide right-in, right-out and left-in access to the retail center. The project is laid out with this drive aisle continuing across the site to Harter Marketplace Way. The City has expressed concern that as development occurs within Harter Marketplace motorists may want to use this driveway as a shortcut rather than waiting at the Harter Parkway / Harter Marketplace Way traffic signal.

The site has been developed to include traffic calming measures with the intent to:

- a) Slow traffic down through the center;
- b) Accommodate pedestrian access between the various retail uses; and
- c) Minimize cut-through traffic.

North driveway access

The north driveway access includes four elements to enhance user access for the site. These include installation of a raised median at the Harter Parkway driveway, installation of a landscaped median separating the gas station and the drive aisle, installation of a speed cushion and installation of a speed table. Figure 2 illustrates the proposed measures.

A short raised median at the Harter Parkway driveway is proposed to separate traffic inbound and outbound traffic. A keep right sign should be placed on the median to identify the correct side of the median for left turning inbound traffic. The installation of a landscaped median between the gas station pumps and the Dutch Bros will maintain a narrow drive aisle. A speed cushion installed

across the drive aisle at this location will help slow traffic through site as vehicles maneuver over the cushion.

Similar to the installation of the speed cushion a speed table is proposed across the drive aisle adjacent to the convenience store and crossing to the car wash. The speed table will include a crosswalk allowing pedestrian connectivity to the north side of the site.

South driveway access

The south driveway access includes similar elements to enhance user access for the site. These include installation of a raised median at the Harter Parkway driveway, installation of a landscaped median separating the gas station and the drive aisle, installation of a speed cushion and installation of a speed table. Figure 2 illustrates the proposed measures.

A tear drop raised median at Harter Parkway will separate inbound and outbound traffic; additionally, it will allow pedestrians crossing the driveway to cross one approach at a time, allowing pedestrians to wait at the island if there are vehicles at the driveway.

A landscaped median between the gas station and the Raising Cane's will maintain a narrower drive aisle across the site. The proposed speed cushion at this location will help to slow traffic across the south side of the site.

A second speed table with crosswalk along the west side of the drive aisle will provide pedestrian connectivity between the convenience store and Raising Cane's.

CONCLUSIONS

The proposed Harter Parkway Retail Project will construct a four-pad retail center on the west side of Harter Parkway between Colusa Highway (SR 20) and Colusa Frontage Road. The four proposed pads include a single tunnel automatic carwash with 12 vacuum stations, a two-lane 950 square foot Dutch Bros coffee kiosk, a 2,691 square foot fast food restaurant with drive-through lane, ostensibly to be Raising Cane's and a 16-vehicle fueling position, 4,500 square foot gas station / convenience store.

The purpose of this focused analysis was to determine whether the project would impact adjacent street traffic. Project traffic was analyzed to determine the queuing impacts on the local street network and to determine whether the on-site retail uses could impact the internal circulation of the site. Additionally, the new north driveway will also provide northbound left turn access into the site. The inbound traffic at both driveways will have the ability to cross directly onto Harter Marketplace Way (Colusa Frontage Road); therefore, the site layout was reviewed to reduce speeds on the site while also accommodating pedestrian access through the site.

The results of this analysis show that project traffic will be able to access the site without creating queues that will block adjacent travel lanes. The proposed northbound left turn lane into the north driveway is projected to have a queue of up to 130 feet. This is within the proposed 200-foot left

turn lane. Additionally, the left turn lane at the East Frontage Road intersection is projected to have a queue of up to 170 feet, within the 240-foot turn lane. On site, the queues waiting to enter southbound Harter Parkway are projected to be up to about 80 feet, or three vehicles.

Queuing at each of the drive-through facilities was also reviewed to identify whether adequate storage is available or if queues may spill onto the drive aisles. For each of the uses, Dutch Bros, Raising Cane's and the automated car wash, adequate queuing is available.

Please feel free to contact me if you have any questions or need additional information.

Sincerely yours,

Flecker Associates



Jonathan Flecker, P.E.
President

Attachments

National Data & Surveying Services Intersection Turning Movement Count

Location: Harter Pkwy & Colusa Frontage Rd
City: Yuba City
Control: Signalized

Project ID: 23-070017-001
Date: 2/9/2023

Data - Total

NS/EW Streets:	Harter Pkwy				Harter Pkwy				Colusa Frontage Rd				Colusa Frontage Rd				
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	0 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	0 ET	0 ER	0 EU	0 WL	0 WT	0 WR	0 WU	
7:00 AM	2	24	4	4	8	14	2	0	2	1	9	0	9	2	2	0	83
7:15 AM	3	22	4	10	9	20	0	0	3	3	9	0	13	2	6	0	104
7:30 AM	5	36	2	7	9	51	3	0	0	2	10	0	7	2	6	0	140
7:45 AM	8	60	3	5	16	76	5	0	2	2	15	0	13	3	6	0	214
8:00 AM	7	85	12	7	16	122	3	0	7	3	16	0	9	2	6	0	295
8:15 AM	13	105	12	4	20	117	1	0	7	2	7	0	11	2	5	0	306
8:30 AM	9	51	11	5	22	32	2	0	2	3	13	0	6	1	12	0	169
8:45 AM	5	32	8	2	21	27	1	0	3	5	8	0	18	0	3	0	133
TOTAL VOLUMES :	NL 52	NT 415	NR 56	NU 44	SL 121	ST 459	SR 17	SU 0	EL 26	ET 21	ER 87	EU 0	WL 86	WT 14	WR 46	WU 0	TOTAL 1444
APPROACH %'s :	9.17%	73.19%	9.88%	7.76%	20.27%	76.88%	2.85%	0.00%	19.40%	15.67%	64.93%	0.00%	58.90%	9.59%	31.51%	0.00%	
PEAK HR :	07:45 AM - 08:45 AM																TOTAL
PEAK HR VOL :	37	301	38	21	74	347	11	0	18	10	51	0	39	8	29	0	984
PEAK HR FACTOR :	0.712	0.717	0.792	0.750	0.841	0.711	0.550	0.000	0.643	0.833	0.797	0.000	0.750	0.667	0.604	0.000	0.804
	0.741				0.766				0.760				0.864				
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0 NL	0 NT	0 NR	0 NU	0 SL	0 ST	0 SR	0 SU	0 EL	0 ET	0 ER	0 EU	0 WL	0 WT	0 WR	0 WU	
4:00 PM	17	93	20	15	24	39	2	0	6	4	10	0	23	2	45	0	300
4:15 PM	14	96	15	27	39	39	4	0	8	7	7	0	24	4	31	0	315
4:30 PM	19	85	13	24	31	36	10	0	5	7	6	0	36	4	30	0	306
4:45 PM	23	79	19	29	25	39	4	0	6	4	9	0	38	3	32	0	310
5:00 PM	12	97	15	22	37	41	9	0	3	4	5	0	42	1	33	0	321
5:15 PM	11	75	16	22	23	34	3	0	5	8	10	0	27	2	29	0	265
5:30 PM	16	82	16	17	30	42	4	0	0	2	8	0	38	3	26	0	284
5:45 PM	9	68	15	30	28	28	6	0	4	4	6	0	27	5	20	0	250
TOTAL VOLUMES :	NL 121	NT 675	NR 129	NU 186	SL 237	ST 298	SR 42	SU 0	EL 37	ET 40	ER 61	EU 0	WL 255	WT 24	WR 246	WU 0	TOTAL 2351
APPROACH %'s :	10.89%	60.76%	11.61%	16.74%	41.07%	51.65%	7.28%	0.00%	26.81%	28.99%	44.20%	0.00%	48.57%	4.57%	46.86%	0.00%	
PEAK HR :	04:15 PM - 05:15 PM																TOTAL
PEAK HR VOL :	68	357	62	102	132	155	27	0	22	22	27	0	140	12	126	0	1252
PEAK HR FACTOR :	0.739	0.920	0.816	0.879	0.846	0.945	0.675	0.000	0.688	0.786	0.750	0.000	0.833	0.750	0.955	0.000	0.975
	0.969				0.902				0.807				0.914				

National Data & Surveying ServicesIntersection Turning Movement Count

Location: Harter Pkwy & Colusa Frontage Rd

City: Yuba City

Control: Signalized

Project ID: 23-070017-001

Date: 2/11/2023

Data - Total

NS/EW Streets:	Harter Pkwy				Harter Pkwy				Colusa Frontage Rd				Colusa Frontage Rd				
NOON	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	
12:00 PM	17	65	24	32	33	35	1	0	5	9	12	0	42	4	29	0	308
12:15 PM	18	63	20	28	32	17	1	0	2	12	10	0	29	3	18	0	253
12:30 PM	16	62	17	33	33	17	4	0	0	3	13	0	46	2	10	0	256
12:45 PM	17	74	19	35	45	15	6	0	3	10	8	0	26	4	29	0	291
1:00 PM	21	54	25	24	46	22	2	0	3	6	11	0	51	2	29	0	296
1:15 PM	16	79	25	40	31	32	7	0	2	11	8	0	39	2	43	0	335
1:30 PM	10	87	17	31	38	24	1	0	2	5	1	0	41	4	25	0	286
1:45 PM	11	71	21	41	39	27	4	0	6	8	6	0	36	7	30	0	307
TOTAL VOLUMES :	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL
APPROACH %'s :	126	555	168	264	297	189	26	0	23	64	69	0	310	28	213	0	2332
PEAK HR :	01:00 PM - 02:00 PM				58.01%	36.91%	5.08%	0.00%	14.74%	41.03%	44.23%	0.00%	56.26%	5.08%	38.66%	0.00%	TOTAL
PEAK HR VOL :	58	291	88	136	154	105	14	0	13	30	26	0	167	15	127	0	1224
PEAK HR FACTOR :	0.690	0.836	0.880	0.829	0.837	0.820	0.500	0.000	0.542	0.682	0.591	0.000	0.819	0.536	0.738	0.000	0.913
	0.895				0.975				0.821				0.920				

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.0	1.5	0.0	0.5	0.4
Total Del/Veh (s)	7.4	9.6	5.9	7.1	6.8

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	L	TR	UL	T	T	R	L	T	TR
Maximum Queue (ft)	51	54	31	37	54	118	80	92	50	88	128	98
Average Queue (ft)	13	25	13	11	16	34	24	38	11	38	47	32
95th Queue (ft)	40	49	35	33	41	72	61	76	35	69	98	73
Link Distance (ft)		1102			1230		218	218	218		1624	1624
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100		80	80		230				260		
Storage Blk Time (%)					0							
Queuing Penalty (veh)					0							

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.4	1.7	0.0	0.9	0.7
Total Del/Veh (s)	13.4	10.8	10.7	12.9	11.4

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	L	TR	UL	T	T	R	L	T	TR
Maximum Queue (ft)	56	74	81	92	91	152	119	143	65	119	86	69
Average Queue (ft)	19	25	39	32	37	79	46	69	20	58	41	30
95th Queue (ft)	46	55	68	69	72	140	99	119	48	101	80	62
Link Distance (ft)		1102			1230		218	218	218		1624	1624
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100		80	80		230				260		
Storage Blk Time (%)		0	0	0	0							
Queuing Penalty (veh)		0	1	0	1							

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.9	1.9	0.0	1.2	0.8
Total Del/Veh (s)	16.0	11.8	11.8	14.6	12.7

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	L	TR	UL	T	T	R	L	T	TR
Maximum Queue (ft)	41	82	86	94	110	191	134	125	62	131	85	62
Average Queue (ft)	13	32	43	36	37	88	38	60	28	63	31	22
95th Queue (ft)	37	65	74	74	81	159	91	103	57	107	67	52
Link Distance (ft)	1102					1230	218		218	218	1624	
Upstream Blk Time (%)						0	0					
Queuing Penalty (veh)						0	0					
Storage Bay Dist (ft)	100	80		80	230		260					
Storage Blk Time (%)	0		1	0	1	0	0					
Queuing Penalty (veh)	0		1	1	1	0	0					

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	2.2	1.8	0.0	0.4	0.7
Total Del/Veh (s)	12.5	11.5	7.5	8.6	9.1

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	5.0	2.4	1.7	2.3

3: HARTER PKWY & SOUTH PROJ DWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0
Total Del/Veh (s)	5.4	1.3	0.8	1.4

Total Zone Performance

Denied Del/Veh (s)	0.7
Total Del/Veh (s)	14.1

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	L	TR	UL	T	T	R	L	T	TR
Maximum Queue (ft)	99	66	44	49	54	80	95	100	51	90	114	129
Average Queue (ft)	48	33	11	13	15	31	34	41	11	37	55	50
95th Queue (ft)	80	62	35	37	39	63	77	82	35	72	95	99
Link Distance (ft)	1102				1230			218	218	218	1624 1624	
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100	80		80	230				260			
Storage Blk Time (%)	0	0		0	0							
Queuing Penalty (veh)	0	0		0	0							

Intersection: 2: CENTRAL PROJECT DWY & HARTER PKWY

Movement	EB	NB	NB	SB	SB
Directions Served	R	UL	T	T	TR
Maximum Queue (ft)	82	111	29	22	34
Average Queue (ft)	33	57	1	1	3
95th Queue (ft)	60	101	21	10	18
Link Distance (ft)	364		163	218	218
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	200				
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: HARTER PKWY & SOUTH PROJ DWY

Movement	EB	SB	SB	SB
Directions Served	R	T	T	TR
Maximum Queue (ft)	101	16	31	10
Average Queue (ft)	38	1	2	0
95th Queue (ft)	68	11	16	5
Link Distance (ft)	341	163	163	163
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Zone Summary

Zone wide Queuing Penalty: 0

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL	SBT
Denied Del/Veh (s)	3.5	0.5	0.4	3.4	0.2	0.3	0.0	0.0	0.0	0.0	1.9	0.2
Total Del/Veh (s)	15.8	13.6	5.5	15.3	18.2	4.7	13.0	13.2	7.1	2.0	16.6	7.5

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	SBR	All
Denied Del/Veh (s)	0.2	0.7
Total Del/Veh (s)	4.1	9.1

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by movement

Movement	EBR	NBU	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.1	0.1	0.1	0.0	0.0	0.0	0.0
Total Del/Veh (s)	5.0	5.1	6.0	0.2	1.7	1.4	2.3

3: HARTER PKWY & SOUTH PROJ DWY Performance by movement

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0	0.0
Total Del/Veh (s)	5.5	1.3	0.8	0.4	1.4

Total Zone Performance

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)			0.7		
Total Del/Veh (s)			14.1		

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	2.6	1.9	0.0	0.8	0.9
Total Del/Veh (s)	16.3	13.2	12.3	14.6	13.7

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.0	0.1
Total Del/Veh (s)	4.2	1.5	1.3	1.6

3: HARTER PKWY & SOUTH PROJ DWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	3.7	1.3	0.4	1.2

Total Zone Performance

Denied Del/Veh (s)	1.1
Total Del/Veh (s)	20.2

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	L	TR	UL	T	T	R	L	T	TR
Maximum Queue (ft)	113	83	80	97	132	157	139	118	52	120	100	113
Average Queue (ft)	57	34	27	47	39	70	51	60	16	57	49	46
95th Queue (ft)	97	74	63	86	79	122	98	108	42	97	87	85
Link Distance (ft)	1102				1230		218		218	218	1624 1624	
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100		80	80		230				260		
Storage Blk Time (%)	1	0	0	1	1							
Queuing Penalty (veh)	1	0	0	2	1							

Intersection: 2: CENTRAL PROJECT DWY & HARTER PKWY

Movement	EB	NB	NB	SB	SB
Directions Served	R	UL	T	T	TR
Maximum Queue (ft)	79	112	11	4	36
Average Queue (ft)	31	50	0	0	3
95th Queue (ft)	58	93	8	3	17
Link Distance (ft)	364		163	218	218
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	200				
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: HARTER PKWY & SOUTH PROJ DWY

Movement	EB
Directions Served	R
Maximum Queue (ft)	64
Average Queue (ft)	31
95th Queue (ft)	53
Link Distance (ft)	341
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Zone Summary

Zone wide Queuing Penalty: 3

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL	SBT
Denied Del/Veh (s)	3.5	0.4	0.4	3.1	0.5	0.5	0.0	0.0	0.0	0.0	1.9	0.2
Total Del/Veh (s)	16.8	20.6	7.6	18.5	18.2	6.5	18.5	16.5	11.2	3.3	17.8	13.6

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	SBR	All
Denied Del/Veh (s)	0.2	0.9
Total Del/Veh (s)	7.1	13.7

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by movement

Movement	EBR	NBU	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.1	0.1	0.0	0.0	0.0	0.1
Total Del/Veh (s)	4.1	3.7	4.3	0.3	1.4	1.1	1.6

3: HARTER PKWY & SOUTH PROJ DWY Performance by movement

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0	0.0
Total Del/Veh (s)	3.7	1.3	0.5	0.2	1.2

Total Zone Performance

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)			1.1		
Total Del/Veh (s)			20.2		

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	2.5	1.9	0.0	1.0	1.0
Total Del/Veh (s)	17.6	13.4	13.7	16.2	14.8

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0
Total Del/Veh (s)	5.2	2.0	1.5	2.1

3: HARTER PKWY & SOUTH PROJ DWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	5.5	1.3	0.8	1.4

Total Zone Performance

Denied Del/Veh (s)	1.2
Total Del/Veh (s)	28.8

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	L	TR	UL	T	T	R	L	T	TR
Maximum Queue (ft)	104	74	88	98	127	168	119	113	74	142	99	105
Average Queue (ft)	52	32	38	44	42	91	41	57	27	69	39	42
95th Queue (ft)	87	66	76	83	89	157	88	98	57	117	77	82
Link Distance (ft)	1102				1230			218	218	218	1624	
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100	80		80	230				260			
Storage Blk Time (%)	1	0	0	1	1							
Queuing Penalty (veh)	1	0	0	2	1							

Intersection: 2: CENTRAL PROJECT DWY & HARTER PKWY

Movement	EB	NB	NB	SB	SB
Directions Served	R	UL	T	T	TR
Maximum Queue (ft)	69	117	24	21	39
Average Queue (ft)	31	57	1	1	4
95th Queue (ft)	55	106	17	9	19
Link Distance (ft)	364		163	218	218
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)	200				
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: HARTER PKWY & SOUTH PROJ DWY

Movement	EB	SB
Directions Served	R	T
Maximum Queue (ft)	75	50
Average Queue (ft)	36	3
95th Queue (ft)	63	22
Link Distance (ft)	341	163
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Zone Summary

Zone wide Queuing Penalty: 4

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL	SBT
Denied Del/Veh (s)	3.6	0.4	0.4	3.0	0.4	0.5	0.0	0.0	0.0	0.0	2.0	0.2
Total Del/Veh (s)	18.4	22.2	7.2	18.5	19.8	6.2	19.3	18.8	12.9	3.9	19.1	14.4

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	SBR	All
Denied Del/Veh (s)	0.1	1.0
Total Del/Veh (s)	5.9	14.8

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by movement

Movement	EBR	NBU	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	5.2	6.2	6.2	0.3	1.6	1.3	2.1

3: HARTER PKWY & SOUTH PROJ DWY Performance by movement

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0	0.0
Total Del/Veh (s)	5.6	1.3	0.8	0.4	1.4

Total Zone Performance

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)			1.2		
Total Del/Veh (s)			28.8		

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.5	2.2	0.2	0.3	0.5
Total Del/Veh (s)	10.0	18.1	12.7	13.4	13.0

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	NB	SB	SB
Directions Served	L	TR	L	L	TR	UL	L	T	T	R	L	T
Maximum Queue (ft)	42	126	61	70	55	115	144	131	140	72	70	151
Average Queue (ft)	16	61	13	33	19	49	75	40	59	24	27	79
95th Queue (ft)	41	103	41	59	45	102	121	91	113	57	59	127
Link Distance (ft)	1097		1224			813		813	813	1616		
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100		80	80		230	230				260	
Storage Blk Time (%)		1	0	0	0							
Queuing Penalty (veh)		0	0	0	0							

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	SB
Directions Served	TR
Maximum Queue (ft)	132
Average Queue (ft)	64
95th Queue (ft)	117
Link Distance (ft)	1616
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.1	2.1	0.0	0.6	0.6
Total Del/Veh (s)	19.4	31.1	19.3	23.6	21.8

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	NB	SB	SB
Directions Served	L	TR	L	L	TR	UL	L	T	T	R	L	T
Maximum Queue (ft)	125	296	92	104	246	201	194	173	194	64	118	136
Average Queue (ft)	65	119	41	78	84	93	96	81	105	25	55	69
95th Queue (ft)	121	223	93	117	200	165	160	148	168	53	101	116
Link Distance (ft)		1097			1224			813	813	813		1616
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100		80	80		230	230				260	
Storage Blk Time (%)	2	11	0	16	2	0	0	0				
Queuing Penalty (veh)	5	10	0	18	5	0	0	0				

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	SB
Directions Served	TR
Maximum Queue (ft)	131
Average Queue (ft)	64
95th Queue (ft)	111
Link Distance (ft)	1616
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.8	2.2	0.0	0.8	0.7
Total Del/Veh (s)	20.3	34.2	19.9	25.0	23.2

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	NB	SB	SB
Directions Served	L	TR	L	L	TR	UL	L	T	T	R	L	T
Maximum Queue (ft)	124	290	92	104	318	205	206	156	181	78	152	117
Average Queue (ft)	42	136	49	85	97	101	100	76	98	36	68	54
95th Queue (ft)	94	235	102	120	258	174	171	140	162	67	125	96
Link Distance (ft)		1097			1224			813	813	813		1616
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	100		80	80		230	230				260	
Storage Blk Time (%)	1	15	0	23	2	0	0					
Queuing Penalty (veh)	2	9	1	28	5	0	0					

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	SB
Directions Served	TR
Maximum Queue (ft)	124
Average Queue (ft)	54
95th Queue (ft)	98
Link Distance (ft)	1616
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.4	2.3	0.0	0.3	0.5
Total Del/Veh (s)	16.5	22.7	14.6	16.3	16.1

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.0	0.1
Total Del/Veh (s)	9.1	3.4	2.0	3.1

3: HARTER PKWY & SOUTH PROJ DWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0
Total Del/Veh (s)	8.0	1.6	1.0	1.7

Total Zone Performance

Denied Del/Veh (s)	0.8
Total Del/Veh (s)	95.1

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	NB	SB	SB
Directions Served	L	TR	L	L	TR	UL	L	T	T	R	L	T
Maximum Queue (ft)	107	176	59	63	73	164	165	112	152	57	89	195
Average Queue (ft)	59	75	29	26	25	72	90	44	62	22	28	95
95th Queue (ft)	100	135	56	55	57	135	142	97	121	48	64	159
Link Distance (ft)	1096				1224			219	219	219	1616	
Upstream Blk Time (%)						0	0	0				
Queuing Penalty (veh)						0	0	0				
Storage Bay Dist (ft)	100	80		80	230		230			260		
Storage Blk Time (%)	2	3	0	0	0	0	0					
Queuing Penalty (veh)	4	4	0	0	0	0	0					

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	SB
Directions Served	TR
Maximum Queue (ft)	165
Average Queue (ft)	82
95th Queue (ft)	143
Link Distance (ft)	1616
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 2: CENTRAL PROJECT DWY & HARTER PKWY

Movement	EB	NB	NB	NB	SB	SB
Directions Served	R	UL	T	T	T	TR
Maximum Queue (ft)	91	137	147	9	27	52
Average Queue (ft)	39	76	13	0	1	6
95th Queue (ft)	73	130	84	6	12	29
Link Distance (ft)	359		163	163	219	219
Upstream Blk Time (%)		0	0			
Queuing Penalty (veh)		0	1			
Storage Bay Dist (ft)		200				
Storage Blk Time (%)		0	0			
Queuing Penalty (veh)		0	1			

Intersection: 3: HARTER PKWY & SOUTH PROJ DWY

Movement	EB	NB	SB	SB	SB	SB
Directions Served	R	T	T	T	T	TR
Maximum Queue (ft)	101	41	35	27	52	4
Average Queue (ft)	40	1	2	2	4	0
95th Queue (ft)	71	20	17	17	27	3
Link Distance (ft)	341	324	163	163	163	163
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Zone Summary

Zone wide Queuing Penalty: 9

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL	SBT
Denied Del/Veh (s)	3.3	0.4	0.5	3.2	0.4	0.4	0.0	0.0	0.0	0.0	1.8	0.2
Total Del/Veh (s)	25.8	22.4	10.4	23.8	27.2	8.2	21.1	23.1	9.9	2.5	27.1	15.8

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	SBR	All
Denied Del/Veh (s)	0.2	0.5
Total Del/Veh (s)	8.7	16.1

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by movement

Movement	EBR	NBU	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.5	0.3	0.1	0.0	0.0	0.1
Total Del/Veh (s)	9.1	13.9	11.9	0.5	2.0	1.8	3.1

3: HARTER PKWY & SOUTH PROJ DWY Performance by movement

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0	0.0
Total Del/Veh (s)	8.0	1.6	1.0	0.5	1.7

Total Zone Performance

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)			0.8		
Total Del/Veh (s)			95.1		

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.6	2.2	0.0	0.5	0.8
Total Del/Veh (s)	22.8	26.8	21.1	22.0	22.5

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.0	0.1
Total Del/Veh (s)	7.3	2.5	1.5	2.4

3: HARTER PKWY & SOUTH PROJ DWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	7.4	1.3	1.3	1.5

Total Zone Performance

Denied Del/Veh (s)	1.2
Total Del/Veh (s)	62.5

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	NB	SB	SB
Directions Served	L	TR	L	L	TR	UL	L	T	T	R	L	T
Maximum Queue (ft)	125	347	91	104	215	172	191	192	187	59	116	150
Average Queue (ft)	96	142	49	65	53	96	102	69	89	22	52	74
95th Queue (ft)	143	263	93	109	132	159	159	142	152	48	98	124
Link Distance (ft)		1096			1224			219	219	219		1616
Upstream Blk Time (%)							0	0	0			
Queuing Penalty (veh)							0	0	0			
Storage Bay Dist (ft)	100		80	80		230	230				260	
Storage Blk Time (%)	9	14	1	6	2		0	0				
Queuing Penalty (veh)	32	27	1	6	4		0	0				

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	SB
Directions Served	TR
Maximum Queue (ft)	165
Average Queue (ft)	79
95th Queue (ft)	140
Link Distance (ft)	1616
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 2: CENTRAL PROJECT DWY & HARTER PKWY

Movement	EB	NB	NB	SB	SB
Directions Served	R	UL	T	T	TR
Maximum Queue (ft)	89	138	68	16	63
Average Queue (ft)	33	65	5	1	5
95th Queue (ft)	60	116	50	6	31
Link Distance (ft)	359		163	219	219
Upstream Blk Time (%)		0	0		
Queuing Penalty (veh)		0	0		
Storage Bay Dist (ft)		200			
Storage Blk Time (%)		0	0		
Queuing Penalty (veh)		0	0		

Intersection: 3: HARTER PKWY & SOUTH PROJ DWY

Movement	EB	NB	SB	SB	SB
Directions Served	R	T	T	T	TR
Maximum Queue (ft)	72	10	31	53	111
Average Queue (ft)	31	0	2	7	10
95th Queue (ft)	57	7	18	38	60
Link Distance (ft)	341	324	163	163	163
Upstream Blk Time (%)					0
Queuing Penalty (veh)					0
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Zone Summary

Zone wide Queuing Penalty: 72

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL	SBT
Denied Del/Veh (s)	3.1	0.8	0.7	3.1	0.5	0.6	0.0	0.0	0.0	0.0	2.0	0.2
Total Del/Veh (s)	28.1	28.2	16.1	32.2	31.7	10.8	28.9	28.6	17.1	3.6	30.3	21.8

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	SBR	All
Denied Del/Veh (s)	0.1	0.8
Total Del/Veh (s)	11.6	22.5

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by movement

Movement	EBR	NBU	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.2	0.3	0.1	0.0	0.0	0.1
Total Del/Veh (s)	7.3	11.7	11.1	0.4	1.5	1.3	2.4

3: HARTER PKWY & SOUTH PROJ DWY Performance by movement

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0	0.0
Total Del/Veh (s)	7.4	1.3	1.3	0.9	1.5

Total Zone Performance

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)			1.2		
Total Del/Veh (s)			62.5		

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.3	2.2	0.0	0.6	0.9
Total Del/Veh (s)	22.4	30.6	22.7	26.0	24.6

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.1	0.0	0.0
Total Del/Veh (s)	7.5	2.5	1.5	2.4

3: HARTER PKWY & SOUTH PROJ DWY Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0
Total Del/Veh (s)	9.9	1.3	1.8	1.9

Total Zone Performance

Denied Del/Veh (s)	1.1
Total Del/Veh (s)	63.1

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	EB	EB	WB	WB	WB	NB	NB	NB	NB	NB	SB	SB
Directions Served	L	TR	L	L	TR	UL	L	T	T	R	L	T
Maximum Queue (ft)	125	311	92	104	258	183	192	195	160	71	151	123
Average Queue (ft)	87	148	56	75	77	101	104	62	80	31	64	60
95th Queue (ft)	140	263	98	115	196	168	170	131	139	59	118	110
Link Distance (ft)		1096			1224			219	219	219		1616
Upstream Blk Time (%)						0	0	0	0			
Queuing Penalty (veh)						0	0	0	0			
Storage Bay Dist (ft)	100		80	80		230	230				260	
Storage Blk Time (%)	7	15	1	11	3	0	0	0				
Queuing Penalty (veh)	23	24	1	14	8	0	0	0				

Intersection: 1: HARTER PKWY & COLUSA FRONTAGE RD

Movement	SB
Directions Served	TR
Maximum Queue (ft)	169
Average Queue (ft)	80
95th Queue (ft)	138
Link Distance (ft)	1616
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 2: CENTRAL PROJECT DWY & HARTER PKWY

Movement	EB	NB	NB	NB	SB	SB
Directions Served	R	UL	T	T	T	TR
Maximum Queue (ft)	87	119	110	6	8	49
Average Queue (ft)	36	70	5	0	0	7
95th Queue (ft)	66	116	52	5	3	29
Link Distance (ft)	359		163	163	219	219
Upstream Blk Time (%)			0			
Queuing Penalty (veh)			0			
Storage Bay Dist (ft)		200				
Storage Blk Time (%)			0			
Queuing Penalty (veh)			0			

Intersection: 3: HARTER PKWY & SOUTH PROJ DWY

Movement	EB	NB	SB	SB	SB
Directions Served	R	T	T	T	TR
Maximum Queue (ft)	104	25	55	86	136
Average Queue (ft)	41	1	3	8	19
95th Queue (ft)	79	15	24	43	89
Link Distance (ft)	341	324	163	163	163
Upstream Blk Time (%)					0
Queuing Penalty (veh)					0
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Zone Summary

Zone wide Queuing Penalty: 72

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBL	SBT
Denied Del/Veh (s)	3.0	0.6	0.7	3.1	0.6	0.6	0.0	0.0	0.0	0.0	1.9	0.2
Total Del/Veh (s)	29.4	24.0	16.6	36.7	31.3	14.4	30.5	28.5	20.8	5.1	33.2	25.6

1: HARTER PKWY & COLUSA FRONTAGE RD Performance by movement

Movement	SBR	All
Denied Del/Veh (s)	0.2	0.9
Total Del/Veh (s)	13.9	24.6

2: CENTRAL PROJECT DWY & HARTER PKWY Performance by movement

Movement	EBR	NBU	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.4	0.1	0.0	0.0	0.0	0.0
Total Del/Veh (s)	7.5	10.5	9.8	0.4	1.5	1.3	2.4

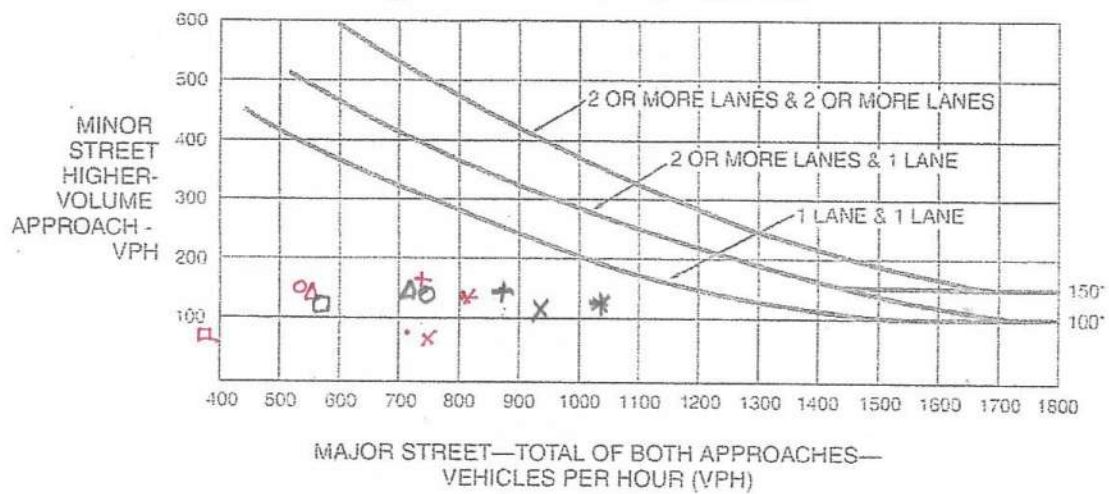
3: HARTER PKWY & SOUTH PROJ DWY Performance by movement

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0	0.0
Total Del/Veh (s)	10.0	1.3	1.8	1.6	1.9

Total Zone Performance

Movement	EBR	NBT	SBT	SBR	All
Denied Del/Veh (s)			1.1		
Total Del/Veh (s)			63.1		

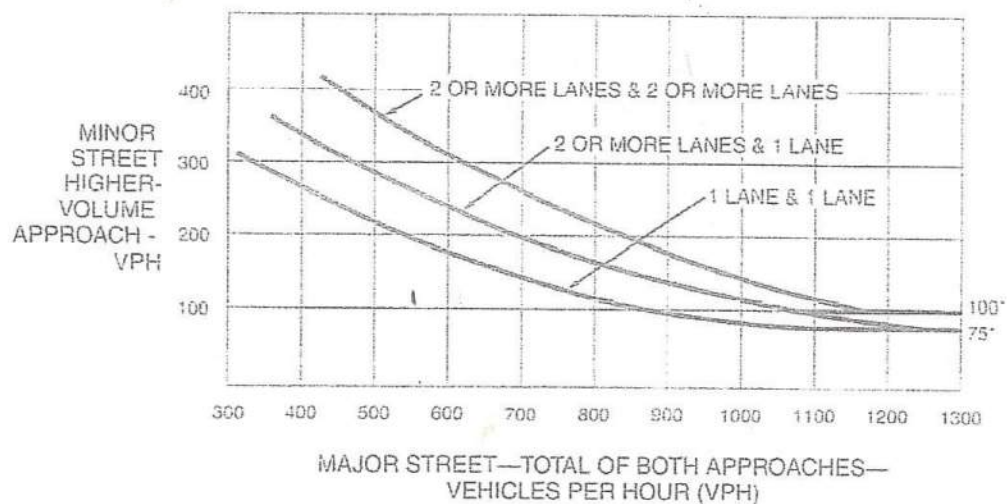
Figure 4C-3. Warrant 3, Peak Hour



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

Figure 4C-4. Warrant 3, Peak Hour (70% Factor)

(COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 40 MPH ON MAJOR STREET)



*Note: 100 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 75 vph applies as the lower threshold volume for a minor-street approach with one lane.

NORTH D/W

SOUTH D/W

EXIST + PROJ AM
EXIST + PROJ PM
EXIST + PROJ SAT
2035 + PROJ AM
2035 + PROJ PM
2035 + PROJ SAT

O
□
△
*
X
+

O
□
△
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X
+



**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, AICP, Deputy Development Services Director

Subject: **A determination of General Plan Consistency regarding Sutter County land acquisition.**

Recommendation: Adopt Resolution a Resolution of the Planning Commission of the City of Yuba City finding Sutter County's Acquisition of Property Identified as Assessor's Parcel Numbers 55-010-066 and 55-010-019 is consistent with the City of Yuba City General Plan.

Applicant/Owner: Applicant: Sutter County
Owner: State of California

Project Location: Assessor's Parcel 55-010-066, comprising 4.08 acres, is located along the south side of Shanghai Bend Road and extending from Garden Highway on the west to a location east of the Feather River Levee.

Assessor's Parcel 55-010-019, comprising 14.4 acres, is located east of the residential development in the Shanghai Bend area of Yuba City and extends in a north-south linear fashion along the Feather River Levee.

General Plan: Parks, Recreation and Open Space and Low Density Residential

Zoning: One-Family Residence District (R-1)

Purpose:

Consideration of a finding of General Plan Consistency pursuant to Government Code Section 65402 for the County's acquisition of two State owned properties within the Yuba City limits for developing a public parkway as envisioned by the Feather River Parkway Strategic Plan.

Project Description:

Yuba City completed the Feather River Parkway Strategic Plan in 2002.

Sutter County is in the process of acquiring real property located proximate to the Levee Road in

the Shanghai Bend Road area and includes two parcels within the unincorporated County (APNs: 23-040-051 and 23-040-078) and two parcels within the city limits (APNs: 55-010-019 and -066). These parcels are currently State owned.

Government Code Section 65402 states in part that prior to a County acquiring property within a city's incorporated limits, the city's planning agency (Planning Commission) must make a finding that the proposed acquisition is in compliance with the affected city's general plan.

As a result, Sutter County submitted a request to the City on July 3, 2023 (Attachment 3).

Analysis

Yuba City's 2004 General Plan applies the following land-use designations to the property within the City limits (APNs: 55-010-019 and -066):

Low Density Residential (Single Family). This category applies to residential development of 2-8 units per gross acre. The majority of planned land has this designation. This density range is typical of newer single-family residential subdivisions in Yuba City. In addition to single-family houses, this category also provides for parks, day care, civic and institutional uses, such as churches and places for religious assembly appropriate in a residential environment. An average density of 4.25 units per acre is used for buildout projections.

Parks, Recreation & Open Space. This classification is for improved and unimproved park facilities, including neighborhood, community, and regional parks; golf courses; and private recreational facilities.

Both land-use designations provide for parkland as an allowed use. As a result, the County's proposed acquisition of Assessor's Parcels 55-010-019, and -066 is consistent with the City's General Plan.

Recommended Actions:

Adopt Resolution a Resolution of the Planning Commission of the City of Yuba City finding Sutter County's Acquisition of Property Identified as Assessor's Parcel Numbers 55-010-066 and 55-010-019 is consistent with the City of Yuba City General Plan.

Attachments:

1. Planning Commission Resolution
2. Study Sketch Map of Affected Area
3. Sutter County Request
4. Government Code Section 65402

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION NO. PC 23-19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY FINDING SUTTER COUNTY'S ACQUISITION OF PROPERTY IDENTIFIED AS ASSESSOR'S PARCELS 55-010-066 AND 55-010-019 IS CONSISTENT WITH THE CITY OF YUBA CITY GENERAL PLAN.

WHEREAS, Government Code Section 65402 requires city planning agencies (Planning Commission) to review property acquisitions by a County when the land is located within the city limits for conformity with the adopted General Plan; and

WHEREAS, Sutter County has requested a General Plan conformity review for its proposed acquisition of 18.48 acres identified as Assessor's Parcels 55-010-019 and 55-010-066 for the purpose of developing a public parkway; and

WHEREAS, Assessor's Parcels 55-010-019 and 55-010-066 are real property in the incorporated limits of the City of Yuba City; and

WHEREAS, the Yuba City General Plan designates Assessor's Parcels 55-010-019 and 55-010-066 with the Parks, Recreation and Open Space and Low-Density Residential land-use designations where parkland is listed as an allowed use; and

WHEREAS, the Planning Commission staff report and this Resolution will serve as the report required by Government Code Section 65402; and

WHEREAS, the Planning Commission has considered all of the information presented by staff and public testimony presented in writing and at the meeting prior to issuing its report in the form of this resolution.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Yuba City 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. General Plan Consistency. The Planning Commission finds and determines the proposed acquisition and planned use of Assessor's Parcels 55-010-019 and 55-010-066 as a public parkway is consistent with the Yuba City General Plan because the Parks, Recreation and Open Space and Low-Density Residential land-use designations provide for parkland as an allowed use.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on July 26, 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

ATTACHMENT 2

ATTACHMENT 3



SUTTER COUNTY

DEVELOPMENT SERVICES DEPARTMENT

Building Inspection
Environmental Health/CUPA

Code Enforcement
Engineering/Water Resources

Planning

Admin & Finance
Road Maintenance

July 3, 2023

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

RE: A determination of General Plan Consistency pursuant to Government Code Section 65402 regarding acquisition of land within incorporated Yuba City

Dear Ben Moody,

The County of Sutter is in the process of acquiring real property located near Levee Road south of Shanghai Bend Road in Yuba City, California, Assessor Parcels: 23-040-051, 23-040-078, 55-010-019, and 55-010-019. The purpose of this land acquisition is to create a public parkway as envisioned by the Feather River Parkway Strategic Plan.

Assessor Parcels 55-010-019 and 55-010-066 are located within incorporated Yuba City. As part of acquiring this property, Government Code Section 65402 (see attachment) requires the Yuba City Planning Commission determine this acquisition is in conformance with the Yuba City General Plan prior to the County acquiring this land.

The current zoning of these two parcels is R-1 (One-Family Residence District) and a public parkway appears to be consistent with this zoning and the Parks, Recreation, and Open Space General Plan designations.

County staff requests that this matter be considered by the Yuba City Planning Commission at its earliest opportunity to facilitate the County proceeding with this project.

If you require additional information or need clarification, please do not hesitate to contact me.

Sincerely,

Arwen Wacht

Arwen Wacht
Principal Planner

Attachment: Government Code Section 65402

cc: Doug Libby, Deputy Director of Development Services, City of Yuba City

Steve Smith, County Administrative Officer, Sutter County

Deborah Micheli, County Counsel, Sutter County

Neal Hay, Director of Development Services, Sutter County

ATTACHMENT 4

State of California

GOVERNMENT CODE

Section 65402

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

(Amended by Stats. 1974, Ch. 700.)