

CITY OF YUBA CITY
STAFF REPORT

Date: February 16, 2010
To: Honorable Mayor & Members of the City Council
From: Community Development Department
Presentation By: Aaron Busch, Community Development Director

Summary

Subject: Zoning Code Amendment ZC 09-01 to establish procedures and standards for approving the permanent installation of commercial coaches for 1) K-12 schools and 2) offices ancillary to industrial uses in the M-1 and M-2 zoning districts.

Recommendation: Conduct a public hearing, and after consideration of the Negative Declaration, take the actions recommended by the Planning Commission, which are to:

- a) Adopt the finding that, following review of the Initial Study/Negative Declaration, the proposed Zoning Code amendment to establish procedures and standards for approving the permanent installation of commercial coaches for schools and offices ancillary to industrial uses has no significant impacts on the environment.
- b) Adopt the Negative Declaration, which is contained in Exhibit A.
- c) Adopt the finding that Zoning Code Amendment ZC 09-01 is consistent with the General Plan.
- d) Introduce an ordinance for approval of Zoning Code Amendment ZC 09-01, as shown in Exhibit B, and waive the first reading.

Fiscal Impact: None.

Background:

The Yuba City Zoning Code currently allows commercial coaches to be installed on a temporary basis following the approval of a Use Permit by the Planning Commission. The Code states that the maximum term of the Use Permit shall be two years. The Code does not state whether an applicant may, upon expiration of the two-year time limit, apply for another Use Permit. This lack of specificity has led a number of applicants to file a new Use Permit application upon expiration of their old Use Permit. In recent years, the Planning Commission has, without exception, approved all such requests. However, the Planning Commission has expressed discomfort with this arrangement, as it effectively approves indefinite extensions of Use Permits that the Zoning Code states should have a maximum term of two years. In response to the most recent Use Permit request, the Planning

Commission requested staff to develop a Zoning Code amendment to address the problem. The proposed amendment would shorten the length of time a temporary coach installation could exist and provide two narrow instances when permanent coach installations could be approved, subject to specified standards. At its meeting on January 27, 2009, the Planning Commission recommended that the City Council approve the proposed changes to the Zoning Code.

Analysis:

Summary of Changes:

Staff recommends that the Zoning Code be amended to shorten the length of time that temporary commercial coaches can be installed and to clarify that at the end of the time period, the commercial coach is required to be removed from the site. Staff recommends that Section 8-5.5101(G) be amended to read as follows:

- G. *The maximum term of the use permit is 1 year. Prior to the expiration of the use permit, the applicant may request one 1-year extension of time. Upon conclusion of either the initial 1-year period or, if granted by the Planning Commission, the 1-year extension of time, the commercial coach shall be removed, and the site shall be returned to its natural state.*

Staff further recommends that the Zoning Code amendment separately address permanent commercial coach installations for schools and permanent commercial coach installations for industrial office space. An analysis of each proposed change is provided below.

Schools: Public schools in California have increasingly been using commercial coaches (or modular units) as a cost-effective way to provide classroom space. Because school districts are a separate governmental entity, cities have little to no input into the design of public school facilities. The proposed addition to Section 8-5.5102 (shown below) would allow private schools to install commercial coaches and use them in the same way the public schools currently do.

Sec. 8-5.5102.(B). Commercial Coach as Classrooms for K-12 Schools.

A commercial coach may be used as classrooms for schools that provide kindergarten through twelfth-grade educational instruction, provided that the standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.

Industrial Office Space: In November, 2007, the Planning Commission approved the fourth new Use Permit for Sunsweet Growers for the continued use of its modular office space, which was constructed in 2001. Sunsweet has made no progress toward replacing the modular office space with permanent construction. Under the current code, Sunsweet could continue this cycle indefinitely by applying for new Use Permits each time its old one expires. The Planning Commission requested staff to devise a solution to this and similar problems. Staff recommends adding the following section to the City's Zoning Code:

Sec. 8-5.5102.(C). Commercial Coach as an Ancillary Office for an Industrial Use.

A commercial coach may be used as an office in the M-1 or M-2 District, provided that the office is clearly ancillary to a principally-permitted use in the District in which the office is proposed to be located. The commercial coach must be located on the same site as the

primary industrial use that it is intended to support. The issuance of either a Zoning Clearance or a Use Permit is required prior to the installation of a commercial coach to be used as an office in the M-1 or M-2 District.

- A. *A Zoning Clearance for the use of a commercial coach as an ancillary office for an industrial use may be issued, subject to the following requirements:*
 - 1. *The standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met.*
 - 2. *The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.*
 - 3. *The commercial coach shall be less than 10,000 square feet in area.*
 - 4. *The commercial coach shall be fully screened from view of the public right-of-way, either by landscaping or by other buildings.*

- B. *Provided that all of the standards listed in Section 8-5.5102(C)(a) are met, with the exception of Items 3 and 4, a use permit may be requested for the use of a commercial coach as an ancillary office for an industrial use, in accordance with the requirements of Article 73 of this Chapter.*

There are three important components of the proposed change to allow commercial coaches to be used for permanent office space: 1) it shall be limited to M-1 and M-2 Zoning Districts, 2) it shall be limited to being used as an incidental office to support principally-permitted industrial uses that are already established, 3) there shall be two different levels of review, depending on the size of the installation and/or whether the commercial coach is visible from the public right-of-way. Each of these components is analyzed further below.

Staff Analysis – Limited to M-1 and M-2 Zoning Districts: Industrial uses are unique in that they typically require large capital investments in equipment, high operating costs, and sometimes skilled labor. Yuba City's Design Guidelines recognize this, and therefore, M-1 and M-2 Zoning Districts are not subject to the City's Design Guidelines. Although the permanent installation of a commercial coach would be inconsistent with its surroundings in a commercial district with a high level of architectural integrity, commercial coaches would not appear out of place in the M-1 or M-2 District.

Staff Analysis – Office for principally-permitted industrial use: As noted above, industrial uses typically have higher operating costs than other uses. The proposed change is intended to provide industrial businesses an additional way of affordably providing incidental office space to support the primary business operations.

Staff Analysis – Two levels of review: To streamline the review process, staff recommends that commercial coach installations that are less than 10,000 square feet and hidden from view of the public right-of-way be reviewed ministerially, in conjunction with the issuance of a building permit. Staff would issue a zoning clearance if all of the standards contained in the proposed Section 8-5.5102(C)(a) are demonstrated to be met. To ensure compatibility with the surrounding uses, and because installations exceeding 10,000 square feet are not Categorical Exempt from the California Environmental Quality Act, staff recommends that installations that either exceed 10,000 square feet or that are not hidden from public view be issued a Use Permit by the Planning Commission prior to being approved for construction.

Environmental Review:

A Negative Declaration (Exhibit A) was prepared for the Zoning Code amendment and is attached for Commission review and consideration. Staff identified no significant or potentially significant impacts associated with the proposed Zoning Code amendment, as each installation of a commercial coach will be subject to the standard construction and operational phase mitigation measures that apply to all projects in Yuba City. The Planning Commission recommends that the City Council adopt the attached Negative Declaration.

Fiscal Impact:

None.

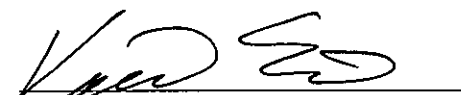
Alternatives:

Reject the ordinance or amend the ordinance as deemed appropriate.


Recommendation: Conduct a public hearing, and after consideration of the Negative Declaration, take the actions recommended by the Planning Commission, which are to:

- a) Adopt the finding that, following review of the Initial Study/Negative Declaration, the proposed Zoning Code amendment to establish procedures and standards for approving the permanent installation of commercial coaches for schools and offices ancillary to industrial uses has no significant impacts on the environment.
- b) Adopt the Negative Declaration, which is contained in Exhibit A.
- c) Adopt the finding that Zoning Code Amendment ZC 09-01 is consistent with the General Plan.
- d) Introduce an ordinance for approval of Zoning Code Amendment ZC 09-01, as shown on Exhibit B, and waive the first reading.

Prepared By:



Katie Ertmer
Senior Planner

Submitted By:


Steven R. Jepsen
City Manager

Reviewed By:

Department Head
Finance
City Attorney


K. Ertmer for T. Hayes

Attachments:

- 1. Planning Commission staff report
- 2. Planning Commission minutes

Exhibits:

- A. Negative Declaration
- B. Ordinance for ZC 09-01



City of Yuba City
 Planning Division Staff Report
 Planning Commission Meeting

January 27, 2010

Presentation By: Katie Ertmer, Senior Planner

PUBLIC HEARING: ZONING CODE AMENDMENT ZC 09-01 TO AMEND THE ZONING CODE TO ESTABLISH PROCEDURES AND STANDARDS FOR APPROVING THE PERMANENT INSTALLATION OF COMMERCIAL COACHES FOR 1) K-12 SCHOOLS AND 2) OFFICES ANCILLARY TO INDUSTRIAL USES IN THE M-1 AND M-2 DISTRICTS; PROJECT LOCATION: CITY-WIDE; APPLICANT: CITY OF YUBA CITY

Project Description:

The Yuba City Zoning Code currently allows commercial coaches to be installed on a temporary basis following the approval of a Use Permit by the Planning Commission. The Code states that the maximum term of the Use Permit shall be two years. The Code does not state whether an applicant may, upon expiration of the two-year time limit, apply for another Use Permit. This lack of specificity has led a number of applicants to file a new Use Permit application upon expiration of their old Use Permit. In recent years, the Planning Commission has, without exception, approved all such requests. However, the Planning Commission has expressed discomfort with this arrangement, as it effectively approves indefinite extensions of Use Permits that the Zoning Code states should have a maximum term of two years. In response to the most recent Use Permit request, the Planning Commission has requested staff to develop a Zoning Code amendment to address the problem.

Summary of Changes:

Staff recommends that the Zoning Code be amended to shorten the length of time that temporary commercial coaches can be installed and to clarify that at the end of the time period, the commercial coach is required to be removed from the site. Staff recommends that Section 8-5.5101(G) be amended to read as follows:

- G. *The maximum term of the use permit is 1 year. Prior to the expiration of the use permit, the applicant may request one 1-year extension of time. Upon conclusion of either the initial 1-year period or, if granted by the Planning Commission, the 1-year extension of time, the commercial coach shall be removed, and the site shall be returned to its natural state.*

Staff further recommends that the Zoning Code amendment separately address permanent commercial coach installations for schools and permanent commercial coach installations for industrial office space. An analysis of each proposed change is provided below.

Schools: Public schools in California have increasingly been using commercial coaches (or modular units) as a cost-effective way to provide classroom space. Because school districts are a separate governmental entity, cities have little to no input into the design of public school facilities. The proposed addition of Section 8-5.5103 (shown below) would allow private schools to install commercial coaches and use them in the same way the public schools currently do.

Sec. 8-5.5103. Commercial Coach as Classrooms for K-12 Schools.

A commercial coach may be used as classrooms for schools that provide kindergarten through twelfth-grade educational instruction, provided that the standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.

Industrial Office Space: In November, 2007, the Planning Commission approved the fourth new Use Permit for Sunsweet Growers for the continued use of its modular office space, which was constructed in 2001. Sunsweet has made no progress toward replacing the modular office space with permanent construction. Under the current code, Sunsweet could continue this cycle indefinitely by applying for new Use Permits each time its old one expires. The Planning Commission requested staff to devise a solution to this and similar problems. Staff recommends adding the following section to the City's Zoning Code:

Sec. 8-5.5104. Commercial Coach as an Ancillary Office for an Industrial Use.

A commercial coach may be used as an office in the M-1 or M-2 District, provided that the office is clearly ancillary to a principally-permitted use in the District in which the office is proposed to be located. The commercial coach must be located on the same site as the primary industrial use that it is intended to support. The issuance of either a Zoning Clearance or a Use Permit is required prior to the installation of a commercial coach to be used as an office in the M-1 or M-2 District.

- A. *A Zoning Clearance for the use of a commercial coach as an ancillary office for an industrial use may be issued, subject to the following requirements:*
1. *The standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met.*
 2. *The commercial coach is required to comply with all applicable building, fire, and life safety codes, including,*

but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.

3. *The commercial coach shall be less than 10,000 square feet in area.*
4. *The commercial coach shall be fully screened from view of the public right-of-way, either by landscaping or by other buildings.*

B. Provided that all of the standards listed in Section 8-5.5103 A are met, with the exception of Items 3 and 4, a use permit may be requested for the use of a commercial coach as an ancillary office for an industrial use, in accordance with the requirements of Article 73 of this Chapter.

There are three important components of the proposed change to allow commercial coaches to be used for permanent office space: 1) it shall be limited to M-1 and M-2 Zoning Districts, 2) it shall be limited to being used as an incidental office to support principally-permitted industrial uses that are already established, 3) there shall be two different levels of review, depending on the size of the installation and/or whether the commercial coach is visible from the public right-of-way. Each of these components is analyzed further below.

Staff Analysis – Limited to M-1 and M-2 Zoning Districts: Industrial uses are unique in that they typically require large capital investments in equipment, high operating costs, and sometimes skilled labor. Yuba City's Design Guidelines recognize this, and therefore, M-1 and M-2 Zoning Districts are not subject to the City's Design Guidelines. Although the permanent installation of a commercial coach would be inconsistent with its surroundings in a commercial district with a high level of architectural integrity, commercial coaches would not appear out of place in the M-1 or M-2 District.

Staff Analysis – Office for principally-permitted industrial use: As noted above, industrial uses typically have higher operating costs than other uses. The proposed change is intended to provide industrial businesses an additional way of affordably providing incidental office space to support the primary business operations.

Staff Analysis – Two levels of review: To streamline the review process, staff recommends that commercial coach installations that are less than 10,000 square feet and hidden from view of the public right-of-way be reviewed ministerially, in conjunction with the issuance of a building permit. Staff would issue a zoning clearance if all of the standards contained in the proposed Section 8-5.5104(A) are demonstrated to be met. To ensure compatibility with the surrounding uses, and because installations exceeding 10,000 square feet are not Categorically Exempt from the California Environmental Quality Act, staff recommends that installations that either exceed 10,000 square feet or that are not hidden from public view be issued a Use Permit by the Planning Commission prior to being approved for construction.

Environmental:

A Negative Declaration (Exhibit A) was prepared for the Zoning Code amendment and is attached for Commission review and consideration. Staff identified no significant or potentially significant impacts associated with the proposed Zoning Code amendment, as each installation of a commercial coach will be subject to the standard construction and operational phase mitigation measures that apply to all projects in Yuba City. Staff requests that the Planning Commission adopt, and recommend that the City Council adopt, the attached Negative Declaration.

Recommended Action:

Staff recommends that the Planning Commission recommend that the City Council take the following actions:

- A. Adopt the finding that, following review of the Initial Study/Negative Declaration, the proposed Zoning Code amendment to establish procedures and standards for approving the permanent installation of commercial coaches for schools and offices ancillary to industrial uses has no significant impacts on the environment.
- B. Adopt the Negative Declaration.
- C. Introduce and adopt the ordinance contained in Exhibit B.

Exhibits:

- A. Initial Study/Negative Declaration
- B. Ordinance to Amend Zoning Code

Ms. Ertmer said those signs are in the C3 District and are much larger than the sign that is proposed here, and said the reason for that is the square footage of those developments.

Commissioner Sanbrook stated he supports the applicant's request.

Commissioner Parker asked if the use permit would allow the applicant to upgrade to an LED sign at a later time.

Ms. Ertmer stated that this use permit does not change the zoning code in any way, which still precludes LED or moving letters, and said that changeable copy is allowed under the zoning code for churches as long as it is not larger than 50% of the area of the sign. Ms. Ertmer said the applicant would not be allowed to install a LED sign at a later date.

Chairman Starkey opened the public hearing.

Tyson Schol, 1690 Bradley Estates, sign representative for the applicant, explained the reason for the size and design of the sign.

Lois Black, 230 B Street, stated her understanding of the reason for the privacy slats on the Cal Trans fence was for traffic on the frontage road and lights from the intersection. Ms. Black also explained the reason for the signage, and stated they are trying to make sure the sign is tasteful and in compliance with what the City requires.

There being no further testimony, Chairman Starkey closed the public hearing.

Chairman Starkey asked the Commissioners what their thoughts were on the request.

Commissioner Didbal said the sign has class and looks good.

Commissioner Takhar stated that the sign looks good.

Commissioner Flores said the sign looks good.

Commissioner Sanbrook moved to A. Adopt the 6 findings, and B. Approve the requested use permit subject to 4 conditions of approval, was seconded by Commissioner Hager, and the motion passed by a unanimous vote.

2. **ZONING CODE AMENDMENT ZC 09-01 TO AMEND THE ZONING CODE TO ESTABLISH PROCEDURES AND STANDARDS FOR APPROVING THE PERMANENT INSTALLATION OF COMMERCIAL COACHES FOR 1) K-12 SCHOOLS AND 2) OFFICES ANCILLARY TO INDUSTRIAL USES IN THE M-1 AND M-2 DISTRICTS; PROJECT LOCATION: CITY-WIDE; APPLICANT: CITY OF YUBA CITY.**

Ms. Ertmer presented a staff report highlighting the requirements for the proposed zoning code amendment, and addressed the amended Exhibit B which does not change the contents of the ordinance at all.

Commissioner Sanbrook stated he thought the object was to discourage the use of commercial coaches throughout the City on a permanent basis and feels like that purpose is being defeated with the proposed ordinance.

Ms. Ertmer said the intent is to narrowly define those instances where it may be in the City's interest to allow permanent installations of commercial coaches in locations such as schools and industrial uses where those offices would be ancillary to those primary uses.

Commissioner Sanbrook stated that he thought the intent was to encourage brick and mortar installations as opposed to the use of commercial coaches.

Ms. Ertmer said that in the industrial district where there are no design guidelines and there is no control over what they look like, encouraging brick and mortar gets to high level of design and when in the industrial district, that factor does not play into the equation because of the absence of design guidelines. Ms. Ertmer said with regard to schools, staff sees this as a fairness issue, and said if public schools are installing modular units and they are safe and ADA accessible, it really puts private schools and charter schools at a competitive disadvantage.

Commissioner Sanbrook said that makes sense.

Commissioner Parker asked if we are referring to Department of Housing coaches vs. the preapproved State Architects approval.

Ms. Ertmer stated that the Fire Department was involved in creating this ordinance and were better at getting into the 3 levels of coaches that can be installed that the DSA will approve and said the Fire Department would review them under the same conditions and those same features would apply.

Commissioner Parker asked which standards are being considered, are they the Department of Housing standards because there are some permanent foundations and asked and if the applicant can come in for a variance to ask to be put on a permanent foundation.

Ms. Ertmer stated that the Building Division would require all permanent installations to be installed on a permanent foundation, or a foundation system that comes with the coach, and said she is not certain if it is the Department of Housing standards or DSA standards.

Commissioner Sanbrook asked about mobile home sales office coach, and if that was something new.

Ms. Ertmer said that those types of uses are currently allowed in the code.

Chairman Starkey opened the public hearing.

Tim McGee, Sunsweet Growers, stated he is happy with this new proposed ordinance, and asked what a zoning clearance is. Mr. McGee said they have HUD approved coaches in the top level, and the foundations have to be HUD approved. Mr. McGee went on to say that screening the coaches can be made aesthetically pleasing.

Commissioner Sanbrook stated that screening gives a lot of flexibility either by landscaping or other means.

Mr. McGee said there is some flexibility with the building requirements that are going to be required before the zoning clearance is granted.

There being no further testimony, Chairman Starkey closed the public hearing.

Commissioner Sanbrook asked if in the industrial zone, the commercial coach can only be used as an office.

Ms. Ertmer stated that was correct and said it cannot be a stand-alone office.

Ms. Ertmer pointed out the additional finding that needs to be added to the recommendations to City Council for all three Zoning Code Amendments that states the zoning code amendments are consistent with the Yuba City General Plan.

Commissioner Takhar moved to recommend that the City Council take the following actions:

- A. Adopt the finding that, following review of the Initial Study/Negative Declaration, the proposed Zoning Code amendment to establish procedures and standards for approving the permanent installation of commercial coaches for schools and offices ancillary to industrial uses has no significant impacts on the environment.
- B. Adopt the Negative Declaration.
- C. Adopt the finding that Zoning Code 09-01 is consistent with the Yuba City General Plan
- D. Introduce and adopt the ordinance contained in Exhibit B.

The motion was seconded by Commissioner Didbal, and passed by a unanimous voice vote.

3. ZONING CODE AMENDMENT ZC 09-02: AMEND SECTION 4-9.816 UNLAWFUL PARKING-PEDDLERS AND VENDORS; ADD SECTION 8-5.53 SPECIAL PROVISIONS FOR MOBILE AND OPEN AIR VENDING OPERATIONS TO THE YUBA CITY MUNICIPAL CODE; APPLICANT: CITY OF YUBA CITY.

Aaron Busch, Community Development Director, presented a staff report and explained the purpose of the Zoning Code Amendment, and what the requirements and process for zoning clearances will be.

Commissioner Parker asked how vendors will be kept from being at the same location at the same time.

Mr. Busch stated the requirement for mobile vendors will be that they have to move every 30 minutes and cannot come back to the same spot with a 24 hour day. Mr. Busch said if there is a need to stay at a location longer than 30 minutes, the vendor would have to apply for an open air vendor permit at a fixed location. Mr. Busch said the reason for that is some of these operations act like mobile vendors but there is nothing to prevent them from going to a prime corner on the highway on private property, and setting up for 5 hours, so they will have to comply with mobile requirements and move every 30 minutes.

Commissioner Flores asked how the vending trucks will be controlled.



City of Yuba City
Development Services
Planning Division

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

EA 09-11
Initial Study and Negative Declaration for
Zoning Ordinance Amendment Regarding Commercial Coaches

ZC 09-01
Initiated by the City of Yuba City

Prepared for:

Yuba City Planning Commission
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

City of Yuba City
Community Development
Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

January 6, 2010



City of Yuba City
Development Services
Planning Division

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

Introduction

This Initial Study has been prepared to identify and assess any anticipated environmental impacts resulting from a proposed Zoning Code amendment that would establish procedures for approving the permanent installation of commercial coaches (a.k.a. “modular units”). The Zoning Code amendment would also establish minimum design standards that would need to be met prior to approving a permanent installation of a commercial coach. Specifics of the proposed Zoning Code amendment are listed below.

Standards for Issuance of a Zoning Clearance:

A Zoning Clearance may be issued for the permanent installation of a commercial coach (or commercial coaches) to be used as ancillary offices for a principally-permitted industrial use, on property zoned M-1 or M-2, subject to the following criteria:

- a. Total area of the modular office space may not exceed 10,000 square feet
- b. The modular units or commercial coaches must be screened from view of the public-right-of-way, either by other buildings or landscaping
- c. All standards contained in Section 8-5.5101, with the exception of the time limit, are required
- d. All other site development standards required for the primary use are met

Standards for Uses Requiring a Use Permit:

The Planning Commission may issue a Use Permit for the following:

- 1) The permanent installation of a commercial coach or commercial coaches to be used as classrooms for schools. All standards contained in Section 8-5.5101, with the exception of the time limit, are required.
- 2) The permanent installation of a commercial coach or commercial coaches for industrial office space that meets all standards required for a Zoning Clearance, except that the size of the installation may exceed 10,000 square feet.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 *et seq.*) and the State CEQA Guidelines (Title 14 CCR §15000 *et seq.*). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those

projects.

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the project may have a significant impact on the environment, but that with specific recommended mitigation measures, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing the site specific information provided for the above referenced project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this project and a **negative declaration** has been prepared for this project.



City of Yuba City
Development Services
Planning Division

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

Notice of Declaration

1. PROJECT TITLE:

ZC 09-01: Modular Unit Ordinance

2. LEAD AGENCY CONTACT PERSON:

Katie Ertmer, Senior Planner

3. PROJECT LOCATION:

Citywide

4. ASSESSORS PARCEL NUMBER:

Citywide

5. PROJECT APPLICANT:

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

6. PROPERTY OWNER:

Citywide

7. GENERAL PLAN DESIGNATION:

N/A

8. ZONING DESIGNATION:

N/A

9. PROJECT DESCRIPTION:

Zoning Code amendment that would establish procedures for approving the permanent installation of commercial coaches (a.k.a. “modular units”). The Zoning Code amendment would also establish minimum design standards that would need to be met prior to approving a permanent installation of a commercial coach. Specifics of the proposed Zoning Code amendment are listed below.

Standards for Issuance of a Zoning Clearance:

A Zoning Clearance may be issued for the permanent installation of a commercial coach (or commercial coaches) to be used as ancillary offices for a principally-permitted industrial use, on property zoned M-1 or M-2, subject to the following criteria:

- e. Total area of the modular office space may not exceed 10,000 square feet
- f. The modular units or commercial coaches must be screened from view of the public-right-of-way, either by other buildings or landscaping
- g. All standards contained in Section 8-5.5101, with the exception of the time limit, are required
- h. All other site development standards required for the primary use are met

Standards for Uses Requiring a Use Permit:

The Planning Commission may issue a Use Permit for the following:

- 3) The permanent installation of a commercial coach or commercial coaches to be used as classrooms for schools. All standards contained in Section 8-5.5101, with the exception of the time limit, are required.
- 4) The permanent installation of a commercial coach or commercial coaches for industrial office space that meets all standards required for a Zoning Clearance, except that the size of the installation may exceed 10,000 square feet.

10. SURROUNDING LAND USES:

Citywide



City of Yuba City
Development Services
Planning Division

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

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

Aesthetics

Agricultural Resources

Air Quality

Biological Resources

Cultural Resources

Geology/Soils

Hazards & Hazardous Materials

Hydrology/Water Quality

Land Use/Planning

Mineral Resources

Noise

Population/Housing

Public Services

Recreation

Transportation/Traffic

Utilities/Service Systems

Mandatory Findings of Significance



City of Yuba City
Development Services
Planning Division

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

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 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 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 project, nothing further is required.

Written comments shall be submitted no later than 20 days from posting date. Appeal of this determination must be made during the posting period.

Submit comments to:

Community Development
Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

Initial Study Prepared by:

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The first public hearing for this item is scheduled for January 27, 2010, at 7:00 P.M. before the Planning Commission and will be held in the City Council Chambers located at 1201 Civic Center Blvd., Yuba City, California.

Evaluation of Environmental Impacts:

- 1) 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).
- 2) 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.
- 3) 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.
- 4) “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 in (5) below, may be cross referenced).
- 5) 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. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) 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.
 - c) 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.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Environmental Impacts and Discussion:

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

I. AESTHETICS

Would the project:	Potentially Significant Impact	Potentially Significant Unless 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) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Response to Questions:

- a) There are no officially designated scenic vistas in Yuba City; the project would therefore have no adverse effect on a scenic vista.
- b) There are no officially designated or eligible scenic highways in Sutter County by which this project would substantially damage a scenic resource.
- c) All installations will be developed according to the provisions contained in the proposed Zoning Code amendment. As such, degradation of visual character of sites in the City is not expected to result from the proposed Zoning Code amendment.
- d) Any proposed installations will be developed with City-approved lighting to provide lighting during the night time for safety purposes. The Yuba City Zoning Regulations require lighting to be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. As such, the Zoning Code amendment is not anticipated to create a significant new source of light or glare.

II. AGRICULTURAL 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 (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, 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) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Response to Questions:

- a-c) The proposed Zoning Code amendment, by its nature, will not affect farmland or agricultural resources.

III. 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.

Would the project?	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation?			X	
c) 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)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

Response to Questions:

a-c) The State of California and the federal government have established ambient air quality standards for numerous pollutants, which are referred to as Criteria Pollutants. These standards are categorized as primary standards, designed to safeguard public health, or as secondary standards, intended to protect crops and to mitigate such effects as visibility reduction, soiling, nuisance, and other forms of damage. Air quality is also regulated through emissions limits for individual sources of criteria pollutants, i.e., ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), suspended particulate matter (PM-10 and PM-2.5), and lead (Pb).

Pursuant to the California Clean Air Act of 1998, California has adopted air quality standards for the criteria air pollutants that are generally more stringent than the federal standards, particularly for ozone and PM-10 (particulate matter, less than 10 microns in diameter). Also, the State has adopted ambient air quality standards for some pollutants for which there are no corresponding national standards.

Under the California Clean Air Act and amendments to the Federal Clean Air Act, the United States Environmental Protection Agency (EPA) and the State Air Resources Board are required to classify Air Basins, or portions thereof, as either "attainment" or "non-attainment" for each criteria air pollutant, based on whether or not the national and state standards have been met. Yuba City is located in the Northern Sacramento Valley Air Basin (NSVAB). The NSVAB consists of the northern half of the Central Valley. Air quality monitoring has been conducted in the NSVAB for the last fifteen years and

the monitoring results have shown that the principal pollutants of the NSVAB, including Yuba City, are ozone and particulate matter. The Feather River Air Quality Management District (FRAQMD) was created in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties. Each individual project will be held to the existing air quality standards, and as such, the proposed Zoning Code amendment is not anticipated to result in a significant impact on air quality..

- d,e) All other identified air quality impacts were either deemed to be less than significant or will be mitigated to a level less than significant with the incorporation of the above mitigation measures.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Potentially Significant Unless 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 federally protected wetlands as defined by Section 404 of the Clean Water Act (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 corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources?				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

Response to Questions:

- a) There have been no special status species identified on the site or within the vicinity of the project site (including routes for proposed utility line installations in public roadway rights-of-way). 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 Hartweg's 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 particular species occurs at the extreme eastern boundary of the City's Planning Area at the confluence of the Feather and Yuba Rivers. The proposed Zoning Code amendment will not affect land within this area, and as such, will have no impact on special status species.
- b) As identified in the Yuba City General Plan EIR, there are no riparian habitats or any other sensitive natural communities within the vicinity of the proposed Zoning Code

amendment.

- c) There are no federally protected wetlands within the vicinity of the proposed Zoning Code amendment.
- d) The proposed Zoning Code amendment will not interfere substantially with the movement of any native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites. The proposed Zoning Code amendment will be effective in an urbanized area and thus experiences nominal wildlife movement.
- e) There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans within the project vicinity.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy unique paleontological resources or site or unique geologic features?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Response to Questions:

a-d) The proposed Zoning Code amendment will be effective City-wide. For installations that will involve the issuance of a Zoning Clearance, the project site will have already been developed. Therefore, there is no significant risk that cultural resources will be adversely affected. For installations requiring a Use Permit, site-specific CEQA review will be required at the time an applicant applies for the Use Permit.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) 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
c) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
d) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Response to Questions:

- a-b) According to the Environmental Impact Report prepared for the City's General Plan, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the Urban Growth Boundary. No active earthquake faults are known to exist in Sutter County, although active faults in the region could produce motion in Yuba City. However, potentially active faults do exist in the Sutter Buttes. The faults are considered small and have not exhibited activity in recent history (last 200 years).

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 structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. All new structures are required to adhere to current California Uniform Building Code (CUBC) 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-5 reduce impacts to less than significant. Many of these base requirements are also contained in the ENGEO, Inc. report,

including recommendations for site preparation/grading, foundation design, wall construction, etc.

- c) The extreme southwest corner of the Yuba City Growth Boundary is the only known area with expansive soils. The proposed Zoning Code amendment will not be effective within this area and therefore will not be impacted by the presence of expansive soils.
- d) The project will not require the use of septic tanks or alternative waste water disposal systems.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Potentially Significant Unless 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

Response to Questions:

- a) There are no identified hazards that will result from the proposed Zoning Code amendment. The proposal will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material.
- b) The proposed Zoning Code amendment will not 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.
- c) The proposed Zoning Code amendment will not result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) The proposed Zoning Code amendment will not create a significant hazard to the public

or the environment.

- e) Certain installations could be located within the sphere of influence of the Sutter County Airport. Those that are will be subject to the building standards contained in the Airport Land Use Plan, and as such, will not interfere with airport operations or create a significant safety risk.
- f) There are no private airstrips located within City limits or the City's Urban Growth Boundary.
- g) The proposed Zoning Code amendment will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?			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, in a manner which would result in flooding on- or off-site?			X	
d) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted water?			X	
e) Otherwise substantially degrade water quality?			X	
f) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	

Response to Questions:

- a) The proposed Zoning Code amendment will not violate any water quality or wastewater discharge requirements. Any runoff associated with construction is addressed in part 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 Best Management Practices for new construction. All modular unit installations will be conditioned to follow minimum Best Management Practices.
- b) The City has adequate water entitlements from the Feather River as well as treatment/distribution capacity to accommodate any need associated with the Zoning Code amendment. The reduced groundwater recharge that could result from modular unit installations will not be significant since there is presently an abundance of groundwater in the region.

- c) The proposed Zoning Code amendment will not substantially alter the existing drainage pattern of the site or the area. As noted above under item a), any proposed construction project will involve use of Best Management Practices and site improvements to collect storm water runoff from the site and help reduce any off-site drainage from occurring.
- d) The proposed Zoning Code amendment will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted water. As noted above under item a), future projects will involve use of Best Management Practices and site improvements to collect storm water runoff from the site and help reduce any off-site drainage from occurring.
- e) The proposed Zoning Code amendment will not substantially degrade water quality. As noted under item a) above, site development will be required to adhere to the General Plan Implementing Policies cited to ensure that water quality degradation does not occur.
- f-h) According to the Federal Emergency Management Agency, the City is considered to be outside of the 100-year flood plain. It is classified as such because of an extensive series of levees and dams along the Feather and Yuba Rivers which protect the city from potential flooding. Local drainage improvements, principally the Gilsizer Slough, Live Oak Canal, and retention ponds provide storm water relief within the urban area.

IX. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Response to Questions:

- a) The proposed Zoning Code amendment will not physically divide an established community.
- b) The proposed Zoning Code amendment will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.
- c) There are no habitat conservation plans or natural community conservations plans within City limits or the Urban Growth Boundary with which the proposed Zoning Code amendment would conflict.

X. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	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

Response to Questions:

a-b) The proposed Zoning Code amendment is not expected to impact mineral resources.

XI. NOISE

Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			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 expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Response to Questions:

a-c) The proposed Zoning Code amendment will not generate noise and is not anticipated to result in projects that will expose persons to excessive noise levels because all future installations will be subject to the City's Noise Ordinance. The proposed Zoning Code amendment will not expose persons to ground borne vibration or ground borne noise levels.

d) Short-term noise impacts can be expected resulting from construction activities. Construction-related noise impacts will be less than significant because adherence to City Noise Ordinance standards is required, limiting the hours of operation for construction and use of heavy machinery.

e-f) As noted above, future installations of modular units may be located in an airport land use planning area. However, any installations within that area will be subject to the Airport Land Use Plan. As such, exposure to noise will be minimal. There are no private airstrips in Yuba City.

XII. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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 housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Response to Questions:

- a-c) The proposed Zoning Code amendment will not adversely affect housing nor will it induce substantial population growth or result in the displacement of affordable housing units.

XIII. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Potentially Significant Unless 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

Response to Questions:

ai-ii) The proposed Zoning Code amendment will take effect in the City, which currently has Police and Fire protection. The proposed Zoning Code amendment will not result in any additional need for police or fire protection. Any future installations of modular units will be required to comply with the City’s Fire Sprinkler Ordinance.

aiii) The proposed Zoning Code amendment will not result in any additional need for educational government services.

aiv-v) The proposed Zoning Code amendment will not result in any additional need for parks or other public facilities.

XIV. RECREATION

	Potentially Significant Impact	Potentially Significant Unless 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

Response to Questions:

a-b) The proposed Zoning Code amendment will not increase the use of existing parks such that substantial physical deterioration of the facilities would occur. The proposed Zoning Code amendment does not include, nor does it require construction or expansion of, recreational facilities.

XV. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
c) Result in inadequate emergency access?			X	
d) Result in inadequate parking capacity?				X
e) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Response to Questions:

- a) Depending on the size of future modular unit installations, traffic studies may be warranted at the time specific applications are made.
- b) All future installations of modular units will be required to comply with the "Yuba City Standard Details" which are the design standards for public improvements. The Standard Details are also compatible with the American Disabilities Act criteria. These criteria are implements to ensure safety and accessibility for handicapped peoples. Future project proponent will be required to install curb, gutter, and sidewalk at the locations along the frontage of the property where there currently are no such improvements.
- c) All future installations of modular units will be required to provide adequate emergency access.
- d) The proposed All future installations of modular units includes provisions to require adequate parking per Article 61 of the Yuba City Zoning Regulations.
- d) The proposed Zoning Code amendment does not conflict with any adopted transportation policies.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) 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	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Response to Questions:

- a-e) The proposed Zoning Code amendment does not directly affect utilities or service systems. Proponents of future installations, depending on the size of the installations, may be required to provide supplemental analyses to establish the sufficiency of existing utilities and service systems.
- f-g) Yuba-Sutter Disposal, Inc. provides solid waste disposal for the area. There is adequate collection and landfill capacity to accommodate proposed future installations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the Project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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, 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	

- a) The proposed Zoning Code amendment will be effective in an urbanized area with little biological value. The proposed Zoning Code amendment will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate an important example of the major periods of California history or prehistory.
- b) The proposed Zoning Code amendment does not create a situation with limited individual but cumulatively considerable impacts.
- c) The proposed Zoning Code amendment would create no adverse impacts, either directly or indirectly, to residents in the project area.

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF YUBA CITY
 AMENDING TITLE 8, CHAPTER 5 OF THE YUBA CITY
 MUNICIPAL CODE - FILE #ZC 09-01

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES ORDAIN AS FOLLOWS:

Section 1: Chapter 5 of Title 8 of the Yuba City Municipal Code is amended as set forth in the following particulars:

- a. Section 8-5.2002 of the Yuba City Municipal Code entitled “Uses” is hereby amended by the addition of the following:

<u>Uses</u>	<u>Permitted⁽¹⁾</u>	<u>Zoning Clearance</u>	<u>Use Permit⁽²⁾</u>	<u>Specific Standards</u>
Commercial coach (< 10,000 sf)		X		Sec. 8-5.5102(C)
Commercial coach (> 10,000 sf)			X	Sec. 8-5.5102(C)

- b. Section 8-5.2102 of the Yuba City Municipal Code entitled “Uses” is hereby amended by the addition of the following:

<u>Uses</u>	<u>Permitted⁽¹⁾</u>	<u>Zoning Clearance</u>	<u>Use Permit⁽²⁾</u>	<u>Specific Standards</u>
Commercial coach (< 10,000 sf)		X		Sec. 8-5.5102(C)
Commercial coach (> 10,000 sf)			X	Sec. 8-5.5102(C)

- c. Section 8-5.5101(G) is hereby amended to read as follows:

G. The maximum term of the use permit is 1 year. Prior to the expiration of the use permit, the applicant may request one 1-year extension of time. Upon conclusion of either the initial 1-year period or, if granted by the Planning Commission, the 1-year extension of time, the commercial coach shall be removed, and the site shall be returned to its natural state.

- d. Section 8-5.5102 is hereby amended in its entirety to read as follows:

Section 8-5.5102 Permanent Use of a Commercial Coach.

A. Commercial Coach as Mobile Home Sales Office. A commercial coach maybe used as a sales office for a mobile home sales facility, provided that the standards in Section 8-5.5101of this article, above (except the time limits) are met, and all other site development standards required for primary use are met.

B. Commercial Coach as Classrooms for K-12 Schools. A commercial coach may be used as classrooms for schools that provide kindergarten through twelfth-grade educational instruction, provided that the standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.

C. Commercial Coach as an Ancillary Office for an Industrial Use. A commercial coach may be used as an

office in the M-1 or M-2 District, provided that the office is clearly ancillary to a principally-permitted use in the District in which the office is proposed to be located. The commercial coach must be located on the same site as the primary industrial use that it is intended to support. The issuance of either a Zoning Clearance or a Use Permit is required prior to the installation of a commercial coach to be used as an office in the M-1 or M-2 District.

(a). A Zoning Clearance for the use of a commercial coach as an ancillary office for an industrial use may be issued, subject to the following requirements:

1. The standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the primary use and ancillary office use are met.
2. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.
3. The commercial coach shall be less than 10,000 square feet in area.
4. The commercial coach shall be fully screened from view of the public right-of-way, either by landscaping or by other buildings.

(b). Provided that all of the standards listed in Section 8-5.5102(C)(a) are met, with the exception of Items 3 and 4, a use permit may be requested for the use of a commercial coach as an ancillary office for an industrial use, in accordance with _____ the requirements of Article 73 of this Chapter.

Section 2: Save and except as herein amended, each and every provision of Title 8, Chapter 5, of the Yuba City Municipal Code, is hereby republished, readopted and reaffirmed.

Section 3: This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the ____ day of _____, 2010, and adopted at a regular meeting thereof held on the ____ day of _____, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF YUBA CITY
 AMENDING TITLE 8, CHAPTER 5 OF THE YUBA CITY
 MUNICIPAL CODE - FILE #ZC 09-01

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES ORDAIN AS FOLLOWS:

Section 1: Chapter 5 of Title 8 of the Yuba City Municipal Code is amended as set forth in the following particulars:

- a. Section 8-5.2002 of the Yuba City Municipal Code entitled “Uses” is hereby amended by the addition of the following:

Uses	Permitted ⁽¹⁾	Zoning Clearance	Use Permit ⁽²⁾	Specific Standards
Commercial coach (< 10,000 sf)		X		Sec. 8-5.5102(C)
Commercial coach (> 10,000 sf)			X	Sec. 8-5.5102(C)

- b. Section 8-5.2102 of the Yuba City Municipal Code entitled “Uses” is hereby amended by the addition of the following:

Uses	Permitted ⁽¹⁾	Zoning Clearance	Use Permit ⁽²⁾	Specific Standards
Commercial coach (< 10,000 sf)		X		Sec. 8-5.5102(C)
Commercial coach (> 10,000 sf)			X	Sec. 8-5.5102(C)

- c. Section 8-5.5101(G) of the Yuba City Municipal Code is hereby amended to read as follows:

G. The maximum term of the use permit is 1 year. Prior to the expiration of the use permit, the applicant may request one 1-year extension of time. Upon conclusion of either the initial 1-year period or, if granted by the Planning Commission, the 1-year extension of time, the commercial coach shall be removed, and the site shall be returned to its natural state.

- d. Section 8-5.5102 of the Yuba City Municipal Code is hereby amended in its entirety to read as follows:

Section 8-5.5102 Permanent Use of a Commercial Coach.

A. Commercial Coach as Mobile Home Sales Office. A commercial coach maybe used as a sales office for a mobile home sales facility, provided that the standards in Section 8-5.5101of this article, above (except the time limits) are met, and all other site development standards required for primary use are met.

B. Commercial Coach as Classrooms for K-12 Schools. A commercial coach may be used as classrooms for schools that provide kindergarten through twelfth-grade educational instruction, provided that the standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the use are met. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.

C. Commercial Coach as an Ancillary Office for an Industrial Use. A commercial coach may be used as an office in the M-1 or M-2 District, provided that the office is clearly ancillary to a principally-permitted use in the District in which the office is proposed to be located. The commercial coach must be located on the same site as the primary industrial use that it is intended to support. The issuance of either a Zoning Clearance or a Use Permit is required prior to the installation of a commercial coach to be used as an office in the M-1 or M-2 District.

(a). A Zoning Clearance for the use of a commercial coach as an ancillary office for an industrial use may be issued, subject to the following requirements:

1. The standards in Section 8-5.5101 of this article, above (except the time limits) are met, and all other site development standards required for the primary use and ancillary office use are met.
2. The commercial coach is required to comply with all applicable building, fire, and life safety codes, including, but not limited to Title 4, Chapter 5 of the Yuba City Municipal Code.
3. The commercial coach shall be less than 10,000 square feet in area.
4. The commercial coach shall be fully screened from view of the public right-of-way, either by landscaping or by other buildings.

(b). Provided that all of the standards listed in Section 8-5.5102(C)(a) are met, with the exception of Items 3 and 4, a use permit may be requested for the use of a commercial coach as an ancillary office for an industrial use, in accordance with the requirements of Article 70 of this Chapter.

Section 2: Save and except as herein amended, each and every provision of Title 8, Chapter 5, of the Yuba City Municipal Code, is hereby republished, readopted and reaffirmed.

Section 3: This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the ____ day of _____, 2010, and adopted at a regular meeting thereof held on the ____ day of _____, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY