

1.0 INTRODUCTION

PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (Draft EIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) of 1970 (as amended) to evaluate the environmental impacts associated with development of a mixed-use community defined in the Lincoln East Specific Plan (LESP or proposed project). The City and the project applicant are seeking approval of the LESP to develop a mixed-use community, which would include residential, retail/office, public facilities, schools, parks, open space, and new infrastructure and roadways. The City of Yuba City is the lead agency under CEQA for the preparation of this EIR.

CEQA requires the preparation of an EIR when there is substantial evidence that a project could have a significant effect on the environment. The purpose of an EIR is to provide decision makers, public agencies, and the general public with an objective and informational document that fully discloses the potential environmental effects of a proposed project. The terms “proposed project” and “plan area” as used in this EIR, refer to the LESP. The EIR process is specifically designed to describe the objective evaluation of potentially significant direct, indirect, and cumulative impacts of the proposed project; to identify alternatives that reduce or eliminate the project's significant effects; and to identify feasible measures that mitigate significant effects of the project. In addition, CEQA requires that an EIR identify those adverse impacts determined to remain significant after mitigation.

Project Background

In accordance with CEQA, a Notice of Preparation and Initial Study (NOP/IS) was released on August 18, 2006, for a 30-day public review period closing on September 18, 2006. The NOP/IS was distributed to responsible agencies, interested parties and organizations, as well as private organizations and members of the public that have stated an interest in the project. The purpose of the NOP/IS is to provide notification that an EIR for the project is being prepared and to solicit guidance on the scope and content of the document. A public scoping meeting was held on September 6, 2006. A copy of the NOP/IS is included in Appendix A, and responses to the NOP/IS are included in Appendix B of this Draft EIR.

Since publication of the NOP there have been some revisions made to the proposed land use plan. Specifically, the total amount of land designated for residential uses has increased by two acres and a total of 70 units; the amount of land designated for commercial uses has increased by five acres; and the amount of land designated for public and quasi-public uses has increased by 14 acres. A summary of the land use changes is included below in Table 1-1. The changes to the land use plan are not considered substantive enough to trigger the need to prepare a new NOP because the changes would not alter the issues previously identified as needing to be evaluated in the EIR.

TABLE 1-1					
COMPARISON OF THE AUGUST 2006 NOP LAND USE PLAN AND THE MARCH 2009 DRAFT LINCOLN EAST SPECIFIC PLAN					
	LESP (8/06) Land Use Plan		LESP (8/08) Land Use Plan		Difference (acres/units)
	Acres	Units	Acres	Units	
Residential					
Low- Density Residential- 10,000 sf min (LD-10K)	154	308	166	332	+12/+24
Low- Density Residential (LD)	491	2,087	466	1,981	-25/-106
Low- Medium Density Residential (MD)	120	1,080	134	1,206	+14/+126
Medium- High Density Residential (HD)	55	1,320	56	1,347	+2/+27
Commercial					
Neighborhood commercial (NC)	13		0		-13
Community Commercial (CC)	16		34		+18
Public Facilities					
Parks (P)/Community Park (CP)	113		62		-51
Joint Use Facilities	0		20 ¹		+20
Public Facilities (PF)	56		59		+3
Quasi-Public Facilities (QP)	18		29		+11
Circulation					
Major Circulation/roadways	124		134		+10
Total	1,160	4,795	1,160	4,865	
Notes: 1. The joint use designation is for parkland adjacent to schools. Source: RRM Design Group, Draft Lincoln East Specific Plan, March 2009.					

The Draft EIR is circulated for public review and comment for a period of 45 days. During this period, comments on the Draft EIR's accuracy and completeness may be submitted to the lead agency from the general public, as well as from organizations and agencies. The 45-day public review period will be from April 6, 2009 through May 20, 2009. The Draft EIR and associated materials are available for review during regular business hours at the City of Yuba City Community Development Department address listed above and at the Sutter County Library at 750 Forbes Avenue, Yuba City. In addition, the EIR can be viewed or downloaded from the City of Yuba City website, which can be found at <http://www.yubacity.net/>.

Upon completion of the public review period, a Final EIR (FEIR) will be prepared that will include responses to both written and oral comments received during the public review period. The FEIR will also include any staff, agency, or public-initiated text changes to the Draft EIR and a copy of the Mitigation Monitoring Plan (MMP). The FEIR will address any revisions to the Draft EIR made in response to agency or public comments. The Draft EIR and FEIR together will comprise the "EIR" for the proposed project.

Before the lead agency can approve the project, the agency must certify that the EIR has been prepared in compliance with CEQA, that the decision-making body has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

In the event the City Council approves the LESP, written Findings of Fact will be prepared in which all significant impacts and mitigation measures will be identified. In the Findings of Fact, the City Council may, if it so chooses, reject mitigation measures and/or project alternatives, and provide a

written explanation of its reasons for doing so (see Pub. Resources Code, section 21081, subd. (a); CEQA Guidelines, section 15091, subd. (a)). If the City Council chooses to approve a project that would result in significant unavoidable impacts, it must also adopt a Statement of Overriding Considerations, which explains the benefits of the project that, on balance, have caused the City to choose to accept a significant adverse environmental impact.

Scope of this EIR

The City of Yuba City, as lead agency, determined that potentially significant impacts could result from implementation of the proposed project. Therefore, based on the Initial Study (see Appendix A), the City determined that this EIR address the following technical issues:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population, Employment, and Housing
- Public Services
- Transportation and Circulation
- Utilities
- Climate Change

Specific environmental impacts within the above technical sections were focused out in the Initial Study. A brief summary of the issues focused out in the Initial Study are as follows. In Aesthetics and Visual Resources, because the proposed project would not result in a substantial adverse impact to a scenic vista or substantially damage scenic resources, these issues were found to be less than significant and are not discussed further in the Draft EIR. In Air Quality, because the proposed project includes only residential, commercial, public, and open space uses (no industrial uses), impacts due to objectionable odors were considered less than significant and are not further discussed in the Draft EIR. For Biological Resources, the proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, and therefore, is not discussed in this Draft EIR. In Hazards and Hazardous Materials, the Initial Study determined that hazards

related to the routine transport, use, or disposal of hazardous materials, the accidental release of hazardous materials into the environment, interference with emergency response plans or evacuation routes, and wildland fires would be less than significant, and therefore, are not further discussed in this Draft EIR.

The Initial Study also determined for the Hydrology and Water Quality section that development of the proposed project would result in no impact from inundation by seiche, tsunami, or mudflow due to the project location and site topography. In addition, there are no known hazards related to subsidence, and there would be no impact. Therefore, these issues are not further addressed in this Draft EIR. In Land Use and Planning, the proposed project would not conflict with a habitat conservation plan or a natural communities conservation plan; therefore, this issue is not discussed in the Draft EIR. In Noise, the Initial Study determined that development of the proposed project would not expose people residing or working in the project area to excessive noise levels associated with a public or private airstrip. Therefore, these issues are not further addressed in this Draft EIR. For the Population, Employment, and Housing section, issues associated with the displacement of existing housing or substantial numbers of people necessitating the construction of replacement housing elsewhere were found to be less than significant. These issues are not discussed in the Draft EIR. The Initial Study also determined for the Public Services section that the proposed project would have a less-than-significant impact on fire protection, schools, and other public facilities. However, due to the size of the proposed development, a discussion of fire protection and schools is included in this section. Finally, in Transportation and Circulation, issues associated with changes in air traffic patterns were found to be less than significant. Therefore, these issues are also not discussed further in the Draft EIR.

Environmental Checklist issue areas focused out of this EIR that were identified as being less than significant in the Initial Study include:

- Seismicity, Soils, and Geology
- Mineral Resources

For a complete discussion of technical issues focused out of this EIR, please see the Initial Study in Appendix A.

This EIR is a “Project EIR,” pursuant to section 15161 of the CEQA Guidelines, for all project components, including off-site infrastructure.

LEAD AGENCY

The City of Yuba City is the lead agency for preparation of the LESP environmental analysis. In conformance with sections 15050 and 15367 of the State CEQA Guidelines, the City of Yuba City has been designated the “lead agency” which is defined as the “public agency which has the principal responsibility for carrying out or disapproving a project.”

Lead Agency Contact

City of Yuba Community Development Department:

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REQUIRED PROJECT APPROVALS

Yuba City

The following City approvals associated with development of the project would be required.

- General Plan Amendment;
- Pre-annexation/Zoning;
- Specific Plan that identifies land uses, design guidelines, infrastructure improvements and project approval structure for the project;
- Tentative Subdivision Maps;
- Parcel Maps
- Lincoln East Specific Plan;
- Certification of the EIR;
- Annexation Application of approximately 1,160 acres of unincorporated Sutter County into the Yuba City limits; and
- Development Agreement(s).

Other Agency Approvals

In addition to the approvals, identified above, that must be obtained from the City, the following approvals and/or permits may be required from other responsible agencies. This Draft EIR has been designed to provide information to these agencies to assist them in the permitting processes for the proposed project.

- **Section 404 Permit** (U.S. Army Corps of Engineers and Environmental Protection Agency)

The U.S. Army Corps of Engineers (Corps) regulates the placement of fill or dredged materials in waters of the United States, which include stream courses and jurisdictional wetlands. The Corps regulates these activities under the authority of Section 404 of the Clean Water Act, and the Environmental Protection Agency (EPA) has authority to comment on and veto Corps decisions. The Corps would regulate development in the LESP that

affects jurisdictional wetlands. To comply with the Section 404 Permit requirements, the project applicant would be required to prepare both a wetland delineation and a wetland mitigation plan based on the wetland delineation verified by the Corps. Although wetland features were not identified on the project site, seasonal wetland features may exist in areas not surveyed. The Corps would conduct their own NEPA analysis depending upon the total number of acres identified and disturbed.

- **Federal Endangered Species Act Section 7 Consultation** (U.S. Army Corps of Engineers)

As part of the 404 permit process, the Corps would initiate consultation with the U.S. Fish and Wildlife Service (USFWS) to determine whether any federally listed species could be adversely affected and to identify measures to avoid or lessen adverse impacts on listed species. If it is determined that effects on habitat for any federally listed species cannot be avoided, the project applicant shall initiate a Federal Endangered Species Act (FESA) Section 7 consultation with the USFWS through the Clean Water Act Section 404 permit process prior to any project related ground disturbance.

- **Water Quality Certification** (State Water Resources Control Board)

Construction has the potential to directly or indirectly affect “waters and wetlands of the United States.” Water or wetlands disturbance could result in a discharge to Live Oak Canal that drains into the Sutter Bypass. The project applicant would be responsible for obtaining a water quality certification, or a waiver thereof, by the State Water Resources Control Board (SWRCB).

- **Construction Storm Water Discharge Permit** (State Water Resources Control Board)

Construction would involve clearing, grading, and excavation activities that would result in the disturbance of one acre or more of land. As such, the project applicant would be required to obtain a SWRCB General Construction permit for stormwater discharge from construction sites. The permit process would include development of a Stormwater Pollution Prevention Plan (SWPPP) and identification of Best Management Practices (BMPs) to control pollutants in stormwater discharges both during construction and after construction is completed.

- **Hazardous Materials Environmental Oversight**

Any environmental problems relating to hazardous materials detected on the project site may require oversight by the appropriate governmental agency (e.g., Department of Toxic Substances Control, Sutter County Division of Environmental Health Services). It would be the responsibility of the project applicant to contact the appropriate agency in the event that any potential hazardous materials are identified during project construction.

- **Permit to Operate** (Feather River Air Quality Management District)

Commercial, office, and industrial operations would require a permit to operate from the Feather River Air Quality Management District. It would be the responsibility of the project applicant to obtain any required permits from the air district prior to project operation.

Responsible Agencies

The following are responsible agencies under CEQA that have jurisdiction, by law, over resources affected by the project:

- United States Army Corp of Engineers for Section 404 Individual Permits, and
- United States Fish and Wildlife Service.

HOW TO USE THIS REPORT

This report includes five principal parts: Project Description, Summary of Impacts and Mitigation Measures, Environmental Analysis (Setting, Impacts, and Mitigation Measures), Alternatives, and CEQA Considerations.

The **Project Description** (Chapter 2) describes the location of the project, the project background, existing conditions on the project site, and the nature and location of specific elements of the project that are proposed for construction.

The **Summary of Impacts and Mitigation Measures** (Chapter 3) presents an overview of the results and conclusions of the environmental evaluation. This section identifies impacts of the proposed project and available mitigation measures.

The **Environmental Analysis** (Chapter 4) includes a topic-by-topic analysis of impacts that would or could result from implementation of the proposed project or alternatives. Topics discussed are those identified in the Initial Study Checklist as requiring further analysis (see Appendix A). The analysis is organized in 14 topical sections. Each section is organized into two major subsections: Environmental Setting (existing conditions), and Impacts and Mitigation Measures, including project-specific impacts, cumulative impacts, and mitigation measures.

Alternatives (Chapter 5) includes a description of the project alternatives. An EIR is required by CEQA to provide adequate information for decision makers to make a reasonable choice between alternatives based on the environmental aspects of the proposed project and alternatives. As shown in Table 5-1, this chapter provides a quantitative comparison of the impacts of the alternatives compared to those of the proposed project. This chapter also identifies the environmentally superior alternative.

CEQA Considerations (Chapter 6) discusses issues required by CEQA: unavoidable adverse impacts, irreversible environmental changes, growth inducement, and a summary of cumulative impacts.

The **References** (Chapter 7) used throughout the Draft EIR are included in this chapter.

Report Preparation (Chapter 8) includes a list of preparers of the Draft EIR.

The **Appendices** contain a number of reference items providing support and documentation of the analyses performed for this report.