

CITY OF YUBA CITY  
STAFF REPORT

**Date:** November 20, 2018  
**To:** Honorable Mayor & Members of the City Council  
**From:** Development Services Department  
**Presentation By:** Arnoldo Rodriguez, AICP, Development Services Director

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**Summary:**

**Subject:** John L. Sullivan auto dealership expansion (950 Harter Parkway)

**Recommendation:**

- A. Conduct a Public Hearing and after consideration:
- B. Adopt Environmental Assessment 18-05 that determines that with the proposed mitigation measures, expansion of the auto dealership Plan will not create any significant adverse environmental impacts.
- C. Adopt a Resolution amending two acres of the General Plan land use designation from the Office and Office Park to Regional Commercial designation.
- D. Introduce an Ordinance rezoning the site from the Office Commercial (C-O) to General Commercial (C-3) zone district, and waive the first reading.
- E. Adopt a Resolution approving Development Plan 18-01 to expand the dealership.

**Fiscal Impact:** The costs for processing the land use entitlements is funded by the payment of the required entitlement fee, a flat rate fee that covers staff costs. Moreover, the development of the project will be subject to the payment of development impact fees as well as building permit fees that will cover future costs incurred by the City.

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**Purpose:**

Facilitate the expansion of the John L. Sullivan auto dealership.

**Background:**

The applicant has filed numerous land use entitlements pertaining to two acres immediately to the west of their existing site. More specifically, the request includes:

1. *General Plan Amendment 18-01:* To amend the land use designation from Office-Office Park (Office) to Regional Commercial (RC).

2. *Rezone 18-01*: To rezone said property from Office-Commercial (C-O) to General Commercial (C-3).
3. *Development Plan 18-01*: To expand the dealership by two acres, which would create parking for approximately 400 dealership owned vehicles. The vehicle parking will be arranged three rows of vehicles parked on either side of a 20-foot wide drive-aisle. The 20-foot drive aisle will also be utilized for a truck service/delivery exit onto Spirit Way.

### **Planning Commission Action on September 26, 2018:**

On September 26, 2018, the Planning Commission (Commission) considered the proposed project. At the hearing, the Commission heard testimony from city staff, the applicant, and two nearby neighbors. Staff also read a letter submitted by a nearby neighbor that expressed concerns regarding the project. The Commission posed numerous questions regarding ingress and egress, lighting, and noise.

The nearby neighbors noted that the existing dealership generates obnoxious noise (e.g. radio and paging system) and excessive light and glare. The applicant noted that they would immediately address both issues.

During the hearing, staff noted that the property owner previously removed a heritage oak tree. There is extensive discussion of the oak tree under Staff Comments below. Regardless, the Planning Commission voted to remove mitigation for the replacement of the oak tree as recommended by staff. By a vote of 6 to 0, with one Commission member absent, the Commission recommended that the City Council approve the project.

### **Previous Commission Actions and/or Policies:**

The Planning Commission approved the Sullivan Dodge dealership in 2013. The dealership was expanded in 2017 by staff approval.

Worth noting is that the subject site is part of the previously approved Calvary Christian Center. The Calvary Christian Center, via Use Permit 07-13, permitted the development of a larger 23 acre site with an 80,000 square foot sanctuary building, a 16,380 square foot elementary school capable of accommodating over 300 students, a baseball diamond, soccer fields, and 612 parking spaces on a 23-acre site. The subject two acres are a part of the 23 overall acres. As part of this project, the applicant would purchase the two easternmost acres from Calvary Christian Center. Ultimately, the baseball diamond and the soccer fields would need to be eliminated and/or reconfigured as part of the sale of the property.

### **General Plan Designation:**

*Existing:* Office and Office Park. This General Plan designation is primarily intended to accommodate office uses.

*Proposed:* Regional Commercial. This designation is intended to serve the entire range of commercial uses, including auto sales.

### **Zoning Classification:**

*Existing:* Office Commercial (C-O) Zone District

*Proposed:* General Commercial (C-3) Zone District. Auto sales are permitted in this zone district.

**Bordering Information:**

Table 1: Bordering Uses

North:	State Route 20 (Colusa Highway)
South:	River Valley High School
East:	Harter Parkway, with the Yuba City Toyota Auto Dealership across the street
West:	Vacant land that is designated in the City General Plan for office use. A religious facility is approved however it has yet to be constructed.

**Environmental Determination:**

Pursuant to California Environmental Quality Act (CEQA) Article 19, Section 15070 (b)(1) staff prepared an environmental assessment (EA-18-05) which included the Initial Study/Mitigated Negative Declaration (MND), and Mitigation Monitoring Program (MMP) for the project.

Based upon the attached EA 18-05, including the mitigation measures, all potential significant impacts will be reduced to less than significant. The findings of the MND are that, with the proposed mitigations, the project will not create any significant impacts on the environment. As a result, the filing of a MND is appropriate in accordance with the provisions of CEQA.

**Staff Comments:**

***Compatibility with Surrounding Uses***

The Sullivan Dodge dealership expansion is not expected to alter the character of the area. Of most concern would be compatibility with River Valley High School located directly across the street, along Spirit Way. Other than the offloading of trucks in the public street, which is addressed below, staff is not aware of any issues associated with the high school.

While there are no significant items, the following are worth highlighting.

*Truck unloading in the public street:* The unloading of vehicles currently occurs on the street, thus blocking a travel lane on Harter Parkway. While this in itself presents a safety issue, with the close proximity to the high school and the accompanying student drivers, the risk is exacerbated. To resolve this, the Development Plan includes an on-site truck loading/unloading area as well as a new truck exit onto Spirit Way.

*Fencing:* Today, there is a slatted chain link fence located along a portion of Spirit Way on the south side of the dealership. The fence does not meet typical City standards for fencing along public rights-of-way. The norm is to utilize decorative material such as wrought iron or masonry if solid materials are desired. The remainder of the Spirit Way fencing is wrought iron. To assure continuation of the expected quality of development, a condition is included that would require that the chain link fence be removed and should new fencing be proposed, that it be decorative.

*Removal of the heritage oak tree:* There was previously a large heritage oak tree along the western edge of the dealership property. It had a diameter of 48 inches at breast height. As part of this project, the applicant commissioned an arborist report that noted that the tree was not in good condition, likely intentionally damaged by a previous property owner that attempted to remove the tree. Per the applicant, a large branch had fallen damaging a fence and two vehicles. Based on that incident, the owner had the tree removed.

The City's General Plan contains a policy that requires the preservation of these heritage trees. More specifically:

*Guiding Policy 8.4-G-3:* Preserve and enhance heritage oak trees in the Planning Area.

*Implementing Policy 8.4-I-2:* Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.

As there are few remaining heritage oak trees in Yuba City, each is very important. While the tree may not be replaced, there is a proposed condition that the applicant mitigate the removal of the valley oak tree.

The following is a summary of options:

1. The applicant shall provide funding for valley oak tree plantings in either the new City park that is proposed just north of this site, across the street from Wal-Mart, or to plant oak trees that complement the existing oak tree plantings along the Sutter Trail. The proposed amount for the mitigation is \$17,276. The amount is based on research conducted by staff as to what other jurisdictions require for mitigation and on information provided by the arborist (copy of the staff valuation of the oak tree replacement cost is attached to this staff report).
2. The applicant may elect to plant trees oak trees on their property above and beyond the minimum number of trees required.
3. The applicant may plant some oak trees and may remit payment for the remaining.

**Recommended Action:**

The suitability of the proposed project has been examined with respect to its consistency with goals and policies of the General Plan, its compatibility with surrounding uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Therefore, staff recommends that the Council conduct a public hearing and after consideration:

- A. Environmental: Adopt Mitigated Negative Declaration 18-05 that determined that the proposed project would not create any significant environmental impacts.

Based on the whole record there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects City staff's independent judgment and analysis.

- B. General Plan Amendment: Adopt a resolution amending two acres of the General Plan land use designation from the Office and Office Park (Office) to Regional Commercial designation.
- C. Rezoning: Introduce an Ordinance rezoning the site from the Office Commercial (C-O) to General Commercial (C-3) zone district, and waive the first reading.
- D. Development Plan: Adopt a resolution approving a Development Plan to expand the dealership. Moreover, based upon analysis of the site plan, and subject to the applicant's compliance with the conditions of approval, staff concludes that the following required findings of Section 8-5.7001(c) of the Zoning Regulations can be made (the required findings are *italicized*).

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

The proposed use is an expansion of an existing auto dealership by two acres that will be utilized for dealership owned vehicle parking. The expansion will provide parking for approximately 400 vehicles. The expansion will also include all required landscaping, as well as an opportunity to improve an existing safety issue at the dealership. Presently trucks are unloading vehicles in the public street, causing safety concerns. As part of the expansion a new internal truck access and vehicle unloading area will be added within the dealership.

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

The expansion of the auto dealership for additional dealership owned auto parking would generate very few additional vehicle trips. Further, both Harter Parkway and Spirit Way have adequate capacity to accommodate additional traffic.

*III. The site design and the size and design of the building will complement neighboring facilities.*

The proposed project does not include any new or expanded buildings. The additional two acres of outdoor vehicle parking will be compatible with the existing auto dealership to the east, vacant commercial property to the north across SR 20, and with office type uses for which the property to the west is designated. The high school to the south has not in the past experienced compatibility issues with the dealership and it is not expected that the additional vehicle parking area will generate any new compatibility issues with the high school.

#### **Alternatives:**

1. Deny the proposal. Should the project be denied the plan land use and zoning would remain Office.
2. Amend the Conditions of Project Approval.
3. Amend the mitigation measures.
4. Provide staff with further direction.

#### **Attachments:**

1. Resolution (General Plan Amendment)
2. Ordinance (Rezone)
3. Resolution (Development Plan)
4. Aerial photo/location map
5. Mitigation Measures and Conditions of approval
6. Site plan
7. Arborist report and oak tree valuation
8. Initial Study/Mitigated Negative Declaration
9. Two letters from nearby neighbors identifying concerns

Prepared by:

*/s/ Arnoldo Rodriguez*

Arnoldo Rodriguez  
Development Services Director

Submitted by:

*/s/ Steven C. Kroeger*

Steven C. Kroeger  
City Manager

Reviewed By:

Finance

City Attorney

RB

TH via email

# ATTACHMENT 1

## General Plan Resolution

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
ADOPTING AN AMENDMENT TO THE LAND USE ELEMENT OF THE YUBA  
CITY GENERAL PLAN REDESIGNATING APPROXIMATELY TWO ACRES  
FROM THE OFFICE AND OFFICE PARK LAND USE DESIGNATION TO THE  
REGIONAL COMMERCIAL DESIGNATION**

WHEREAS, General Plan Amendment (GPA) 18-01 has been filed by John L. Sullivan with the City of Yuba City (City) to amend the land use designation of the City's General Plan, for approximately two acres located between Colusa Highway and Spirit Drive, east of Harter Parkway, from the Office Commercial land use designation to the Regional Commercial designation as shown on attached Exhibit A; and

WHEREAS, the environmental assessment prepared for the proposed GPA resulted in the filing of a Mitigated Negative Declaration (MND); and

WHEREAS, on September 26, 2018, the City's Planning Commission (Commission) held a public hearing to consider GPA 18-01 and associated MND Environmental Assessment (EA) 18-05; and

WHEREAS, at the same hearing the Commission considered related Rezone (RZ) 18-01 seeking to rezone the subject site from the Office Commercial (C-O) to General Commercial (C-3) zone district; and

WHEREAS, at that same hearing the Commission considered related Development Plan (DP) 18-01 to expand the existing auto dealership; and

WHEREAS, GPA 18-01, RZ 18-01, and DP 18-01 will facilitate the expansion of the auto dealership; and

WHEREAS, two neighbors spoke in opposition to the project noting noise impacts and excessive light and glare and staff read a letter at the request of a nearby neighbor expressing similar concerns; and

WHEREAS, the applicant spoke in support of the project; and

WHEREAS, the Commission found that the proposed General Plan Amendment is in the public interest; and

WHEREAS, as part of its motion, the Commission recommended that the City Council not require mitigation for the removal of the valley oak tree as recommended by City staff; and

WHEREAS, the Commission took action to recommend approval of GPA 18-01, by a vote of 6 to 0, with one Commission member absent; and

WHEREAS, on November 20, 2018, the Yuba City Council conducted a public hearing to consider GPA 18-01 and received both oral testimony and written information presented at the hearing regarding the General Plan Amendment; and

WHEREAS the City Council of Yuba City (Council) considered said recommendations of



the Commission on the matter of redesignating said property. After review and consideration of the MND, Council found that the MND prepared for the project is in conformance with State and local environmental guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Council, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, approves as follows:

1. The Council finds that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration (MND) reflects the Council's independent judgment and analysis.
2. The Council further finds that the project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. The MND prepared for the project is in conformance with State and local environmental guidelines and a Notice of Determination will be recorded for EA 18-05 with the County Recorder.
3. The Council finds the adoption of the proposed General Plan Amendment, as recommended by the Commission, is in the best interest of the City.
4. The City Council hereby adopts EA 18-05 and GPA 18-01 amending the General Plan Land Use Element from the Office and Office Park to the Regional Commercial designation for approximately two acres, as depicted on Exhibit A and attached hereto, and incorporated herein by reference.
5. GPA 18-01 is hereby approved and shall become effective on December 21, 2018.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on November 20, 2018 by the following vote:

AYES:

NOES:

ABSENT:

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Preet Didbal, Mayor

ATTEST:

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Patricia Buckland, City Clerk

# ATTACHMENT 2

## Rezone Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AMENDING THE ZONING FROM THE OFFICE COMMERCIAL (C-O) ZONE  
DISTRICT TO THE GENERAL COMMERCIAL (C-3) ZONE DISTRICT FOR  
APPROXIMATELY TWO ACRES**

WHEREAS, Rezone (RZ) 18-01 has been filed by John L. Sullivan with the City of Yuba City (City) to rezone approximately two acres located between Colusa Highway and Spirit Drive, east of Harter Parkway from the Office and Office Park (C-O) to General Commercial (C-3); and

WHEREAS, pursuant to the provisions of Article 72, Section 8-5.7202, of the City of Yuba City Municipal Code, the Planning Commission (Commission) held a public hearing on September 26, 2018, to consider RZ 18-01 and related Environmental Assessment (EA) 18-05, during which the Commission considered the environmental assessment; and

WHEREAS, at that same hearing the Commission considered related General Plan Amendment (GPA) 18-01 to amend the subject site from the Office and Office Park (Office) to the Regional Commercial designation; and

WHEREAS, at that same hearing the Commission considered related Development Plan (DP) 18-01 to expand the existing auto dealership; and

WHEREAS, GPA 18-01, RZ 18-01, and DP 18-01 will facilitate the expansion of the auto dealership; and

WHEREAS, two neighbors spoke in opposition to the project noting noise impacts and excessive light and glare and staff read a letter at the request of a nearby neighbor expressing similar concerns; and

WHEREAS, the applicant spoke in support of the project; and

WHEREAS, the Commission found that the proposed Rezoning is in the public interest; and

WHEREAS, as part of its motion, the Commission recommended that the City Council not require mitigation for the removal of the valley oak tree as recommended by City staff; and

WHEREAS, the Commission took action to recommend approval of R-18-01, by a vote of 6 to 0, with one Commission member absent; and

WHEREAS, at that same hearing the Commission reviewed related EA 18-05 considering a Mitigated Negative Declaration (MND) prepared for the project, which provided mitigation to reduce significant impacts to less than significant; and

WHEREAS, the Council, on November 20, 2018, received the recommendation of the Planning Commission.

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

Section 1. The City Council of the City of Yuba City, having considered said recommendations of the City Planning Commission on the matter of the rezoning and related applications of said property, conducted a public hearing on the matter on November 20, 2018, and after review and consideration of EA 18-01 and the mitigation monitoring plan found that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Council's independent judgment and analysis.

Section 2. The Council further finds that the project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. The MND prepared for the project is in conformance with State and local environmental guidelines and adopted said MND and a Notice of Determination will be recorded with the County Recorder.

Section 3. The Council finds that the proposed General Commercial (C-3) zone district is consistent with the proposed General Plan Land Use designation of Regional Commercial.

IT IS HEREBY ORDERED, RESOLVED AND DECREED, that the property as depicted in attached Exhibit A made a part hereof by this reference, be rezoned to the General Commercial (C-3) zone district.

This ordinance shall be effective January 4, 2019 and, after it is adopted, shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 20<sup>th</sup> day of November, 2018, and passed and adopted at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Preet Didbal, Mayor

ATTEST:

\_\_\_\_\_  
Patricia Buckland, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# ATTACHMENT 3

## Development Plan Resolution

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA  
CITY APPROVING DEVELOPMENT PLAN 18-01 FOR AN  
EXPANSION OF AN AUTO DEALERSHIP**

WHEREAS, Development Plan (DP) 18-01 has been filed by John L. Sullivan with the City of Yuba City (City) requesting authorization to expand an existing auto dealership located between Colusa Highway and Spirit Drive, east of Harter Parkway; and

WHEREAS, the environmental assessment conducted for the proposed Development Plan resulted in the filing of a Mitigated Negative Declaration (MND); and

WHEREAS, on September 28, 2018, the City's Planning Commission (Commission) held a public hearing to consider DP 18-01 and associated MND Environmental Assessment (EA) 18-05; and

WHEREAS, the Commission conducted a public hearing to review the proposed Development Plan, received testimony from the applicant, invited testimony from the public, and considered the Development Services Department's report recommending approval of the proposed development subject to the Development Plan's Conditions of Approval; and

WHEREAS, at that same hearing the Commission considered related General Plan Amendment (GPA) 18-01 to amend the subject site from the Office and Office Park land use designation to the Regional Commercial designation; and

WHEREAS, at the same hearing the Commission considered Rezone (RZ) 18-01 seeking to rezone the subject site from the Office Commercial (C-O) to General Commercial (C-3) zone district; and

WHEREAS, two neighbors spoke in opposition to the project noting noise impacts and excessive light and glare and staff read a letter at the request of a nearby neighbor expressing similar concerns; and

WHEREAS, the applicant spoke in support of the project; and

WHEREAS, the Commission considered the proposed Development Plan relative to the staff report and environmental assessment issued for the project; and

WHEREAS, as part of its motion, the Commission recommended that the City Council not require mitigation for the removal of the valley oak tree as recommended by City staff; and

WHEREAS, the Commission took action to recommend approval of the Development Plan by a vote of 6 to 0, with one Commission member absent; and

WHEREAS the City Council (Council) of the City of Yuba City considered said recommendations of the Commission on the matter of a Development Plan for said property and conducted a public hearing on the matter on November 20, 2018. After review and consideration of the MND found that it is in conformance with State and local environmental guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines that there is no substantial evidence in the record to indicate DP 18-01 may have a significant effect on the environment as identified by the MND prepared for EA 18-05.

BE IT FURTHER RESOLVED by the Council, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Council's independent judgment and analysis.
2. The Council further finds that the project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. The MND prepared for the project is in conformance with State and local environmental guidelines and a Notice of Determination will be recorded for EA 18-05 with the County Recorder.
3. The Council finds the adoption of the proposed DP 18-01, recommended by the Commission, is in the best interest of the City of Yuba City.
4. The Council of the City of Yuba City hereby adopts EA-18-05 for DP 18-01, for the expansion of an existing auto dealership.
5. The Council finds that the findings as outlined in the staff report presented to the Council may be made.
6. DP 18-01 shall become effective on January 4, 2019.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on November 20, 2018 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Preet Didbal, Mayor

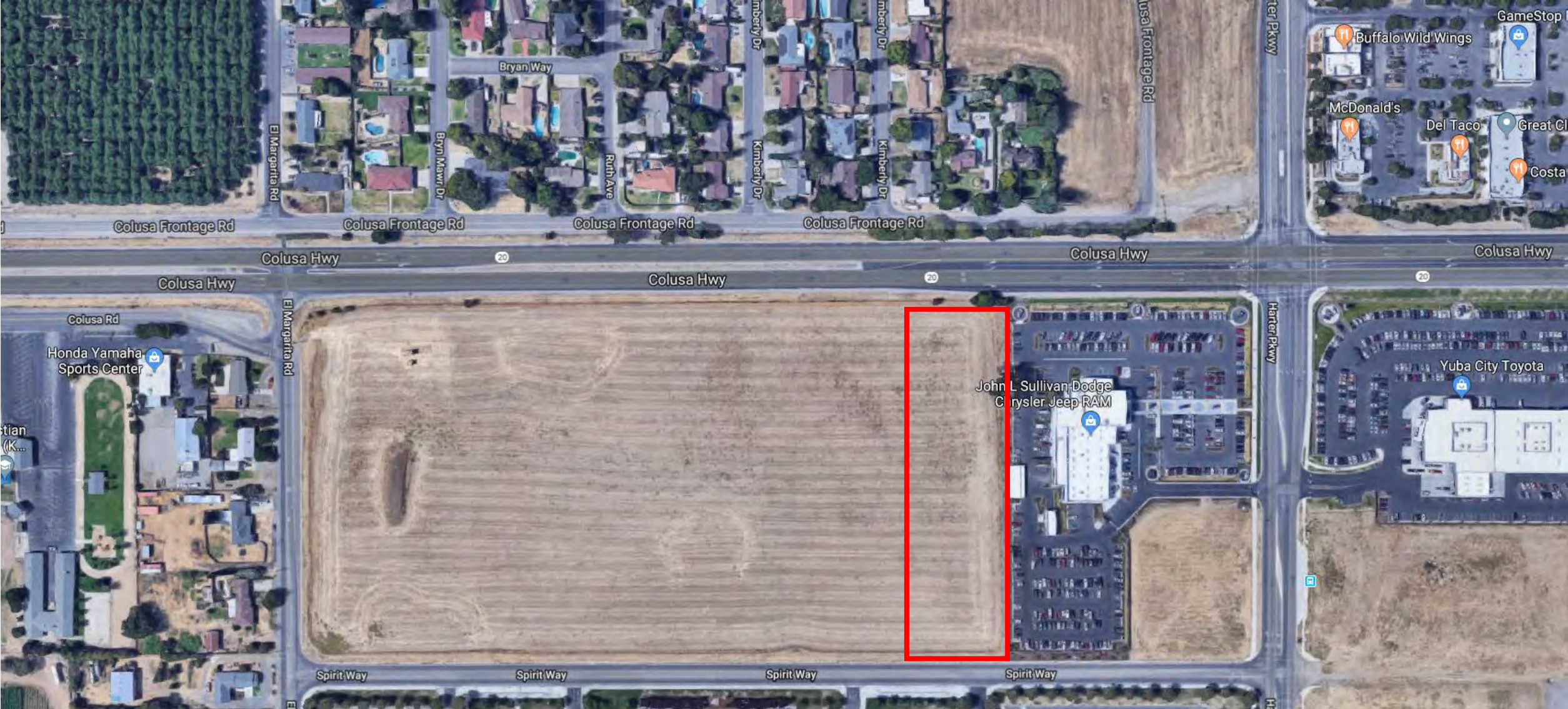
ATTEST:

\_\_\_\_\_  
Tricia Buckland, City Clerk

# ATTACHMENT 4



Attachment 4: Map



# ATTACHMENT 5

## **MITIGATION MEASURES**

**Aesthetic Mitigation Measure 1:** Prior to the issuance of a permit to construct the parking lot, the applicant shall submit a lighting plan depicting proposed lighting and shall detail how lighting will be shielded away from neighboring properties and adjacent roadways.

**Biological Resources Mitigation 1:** Prior to the issuance of a permit to construct the parking lot, the applicant shall remit \$17,276 to the City. Said funds shall solely be used for the purchase and planting of oak trees at the new city park just north of the auto dealership, or along the Sutter Trail, as determined by the City. As an alternative, the applicant may plant a comparable amount of oak trees on the subject site.

**Cultural Resources Mitigation 1:** In the event that previously undetected cultural materials (i.e. prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered during construction, work in the immediate vicinity should immediately cease and be redirected to another area until the Auburn Indian Community of the Auburn Rancheria is re-contacted and allowed the opportunity to consult under AB 52. Further, a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historic archaeology inspects and assesses the find. The City shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

**Cultural Resources Mitigation 2:** If human remains are uncovered, or in any other case where human remains are discovered, the Sutter County Coroner, as appropriate, is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hour of discovery. The NAHC will then notify the most likely descendant, who may recommend treatment of the remains.

**Cultural Resources Mitigation 3:** Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports, which shall be used for guidelines. If a bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

**Greenhouse Gas Mitigation 1:** The Project shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

**Tribal Cultural Resources Mitigation 1: Unanticipated Discovery of Tribal Cultural Resources:** In the event that ground disturbing activities within the Project area result in the discovery of Native American artifacts, midden soils, or remains, then the City shall ensure that the procedures in Cultural Resources Mitigations 1, 2, and 3 are carried out and are done so in accordance with applicable state law. In addition, in the event that a Most Likely

Descendent has not been named for the discovery by the Native American Heritage Commission because the materials discovered are not human remains, then the City shall further notify the culturally-affiliated tribes that previously requested notification from the City prior to the adoption of this Initial Study. The City shall offer consultation with the tribe[s] on whether or not the resource represents either a TCR or a Historical Resource, or both, and, if so, consult on appropriate treatment measures. Preservation in place is the preferred treatment, if feasible. Work cannot resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not a TCR or Historical Resource; or 2) that the treatment measures for the TCR or Historical Resource have been completed to its satisfaction.

**Tribal Cultural Resources Mitigation 2: Contractor Awareness Training:** The City shall ensure that a Contractor Awareness Training Program is developed and delivered to train construction workers about TCRs. Culturally-affiliated tribes shall be provided an opportunity to review and comment on the program materials. The program shall be designed to inform construction workers about: federal and state regulations pertaining to cultural resources and TCRs; how to identify ground conditions that require notification to the City; and penalties and repercussions from non-compliance with the program. Training shall occur prior to initiation of any construction and as part of any new hire orientation for workers who begin after the start of construction. Workers must sign a roster to verify their understanding of the procedures and display a hard-hat sticker that alerts City inspectors that the worker has received the training.

## **PROJECT CONDITIONS OF APPROVAL**

### **Planning**

1. The approval of DP 18-01 is for the expansion of the Sullivan Auto Dealership by approximately 2 acres for the purpose of parking autos and to provide a truck exit onto Spirit Way. The dealership expansion shall be constructed per the plans approved by the Planning Commission, except as provided by these conditions and mitigations.
2. Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
3. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.
4. Approval of DP 18-01 shall be null and void without further action if either the project has not been substantially commenced within two years of the approval date of the Development Plan and Use Permit or that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has been submitted to the City prior to the expiration of the permits.
5. Development Impact Fees. Impact fees shall be paid pursuant to the Yuba City Municipal Code.
6. The existing chain link fence along Spirit Drive shall be removed prior to completion of the new parking area. If new fencing is installed, it shall consist of a decorative material. For a solid wall it shall be of a masonry or similar quality decorative material, with a decorative four inch cap, as approved by the Development Services Director. If it is open fencing, it shall be wrought iron or material of similar quality, as approved by the Development Services Director.
7. There are several dying or dead trees in the existing Spirit Way landscape strip. Said trees shall be replaced prior to the completion of the expanded parking area.
8. New fencing along public rights-of-way shall be of a decorative material approved by the Development Services Director.
9. New landscaping along Spirit Way along the new west property line shall meet City standards and be approved by the Development Services Director.
10. Oak Tree. The applicant shall do one of the following, or a combination thereof:
  - a. Provide funding for valley oak tree plantings in either the new City park that is proposed just north of this site, across the street from Wal-Mart, or to plant oak

trees that complement the existing oak tree plantings along the Sutter Trail. The proposed amount for the mitigation is \$17,276. The amount is based on research conducted by staff as to what other jurisdictions require for mitigation and on information provided by the arborist (copy of the staff valuation of the oak tree replacement cost is attached to this staff report).

- b. The applicant may elect to plant trees oak trees on their property, above and beyond the minimum number of trees required, valued at a comparable value of the now removed tree.
  - c. The applicant may elect to plant some oak trees and may remit payment for the remaining.
11. Trees planted on-site shall be maintained and properly cared for. Should a tree be removed, prior City approval is required and said tree shall be replaced.
  12. Access rights along State Route 20 shall be relinquished.
  13. Install landscaping along excess SR 20 right-of-way as approved by the Development Services Director and Caltrans. Enter into an agreement with Caltrans for the landscape maintenance agreement along SR 20 right-of-way.
  14. If the two-acre expansion area remains a separate parcel from the dealership then, prior to issuance of permits to construct the parking area, cross easements over all property not occupied by buildings shall be reserved in deeds for ingress and egress, including the truck driveway, all underground utilities, parking, drainage, landscaping, and the maintenance thereof.
  15. Noise generated at the site shall comply with the City's Noise Ordinance. More specifically, audible speakers, for either music and/or public announcements (e.g. to inform employees that they are needed), shall not disrupt neighboring properties.
  16. Lighting shall be screened from bleeding onto adjacent properties and/or roadways.

## **Public Works**

17. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
18. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
19. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
20. Storage of construction material is not allowed in the travel way.

21. An encroachment permit from the State of California Department of Transportation will be required for all work to be done within any State Highway right-of-way. Encroachment Permit staff can be reached at (530) 741-4403. A copy of this permit must be supplied to the City prior to approval of the improvement plans.
22. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights-of-way.
23. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.
24. The street landscape planters and street trees, are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans when they are submitted for the first improvement plan check.
25. Required Improvement Plan Notes:
  - a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
  - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
  - c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
  - d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
  - e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."
26. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk, which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete

with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.

27. The damaged sidewalk at the perimeter of assessor parcel numbers 63-010-103 and 63-010-102 shall be removed, from control joint to control joint, and replaced.
28. Prior to issuance of a permit, the right-of-way, along Spirit Drive, shall be dedicated to a half-width of 38.0 feet.
29. Prior to issuance of a permit, a 10.0-foot public utility easement shall be dedicated along Spirit Drive, coincident to the right-of-way line.
30. Prior to the approval of the Improvement Plans, the Developer shall submit to Sutter County a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director.
31. The applicant shall be required to pay all applicable Sutter County Water Agency connection fees and maintenance and operation fees. Fees are payable at the Sutter County Development Services Counter located at 1130 Civic Center Blvd.
32. The Developer shall enter into an agreement with Sutter County providing the following:
  - a. Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.
33. Central Valley Regional Water Control Board. Comply with the letter dated June 29, 2018.



## Central Valley Regional Water Quality Control Board

29 June 2018



Arnoldo Rodriguez  
City of Yuba City  
Development Services Department  
1201 Civic Center Boulevard  
Yuba City, CA 95993

City of Yuba City  
Development Services

CERTIFIED MAIL  
91 7199 9991 7039 6992 5710

### COMMENTS TO REQUEST FOR REVIEW FOR THE JOHN L. SULLIVAN DODGE DEALERSHIP (GP18-01, RZ18-01, EA18-05) PROJECT, SUTTER COUNTY

Pursuant to the City of Yuba City Development Services Department's 21 June 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review* for the John L. Sullivan Dodge Dealership (GP18-01, RZ18-01, EA18-05) Project, located in Sutter County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESG., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure

---

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water*

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

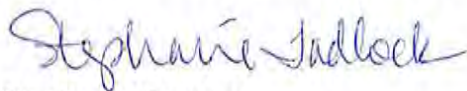
### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

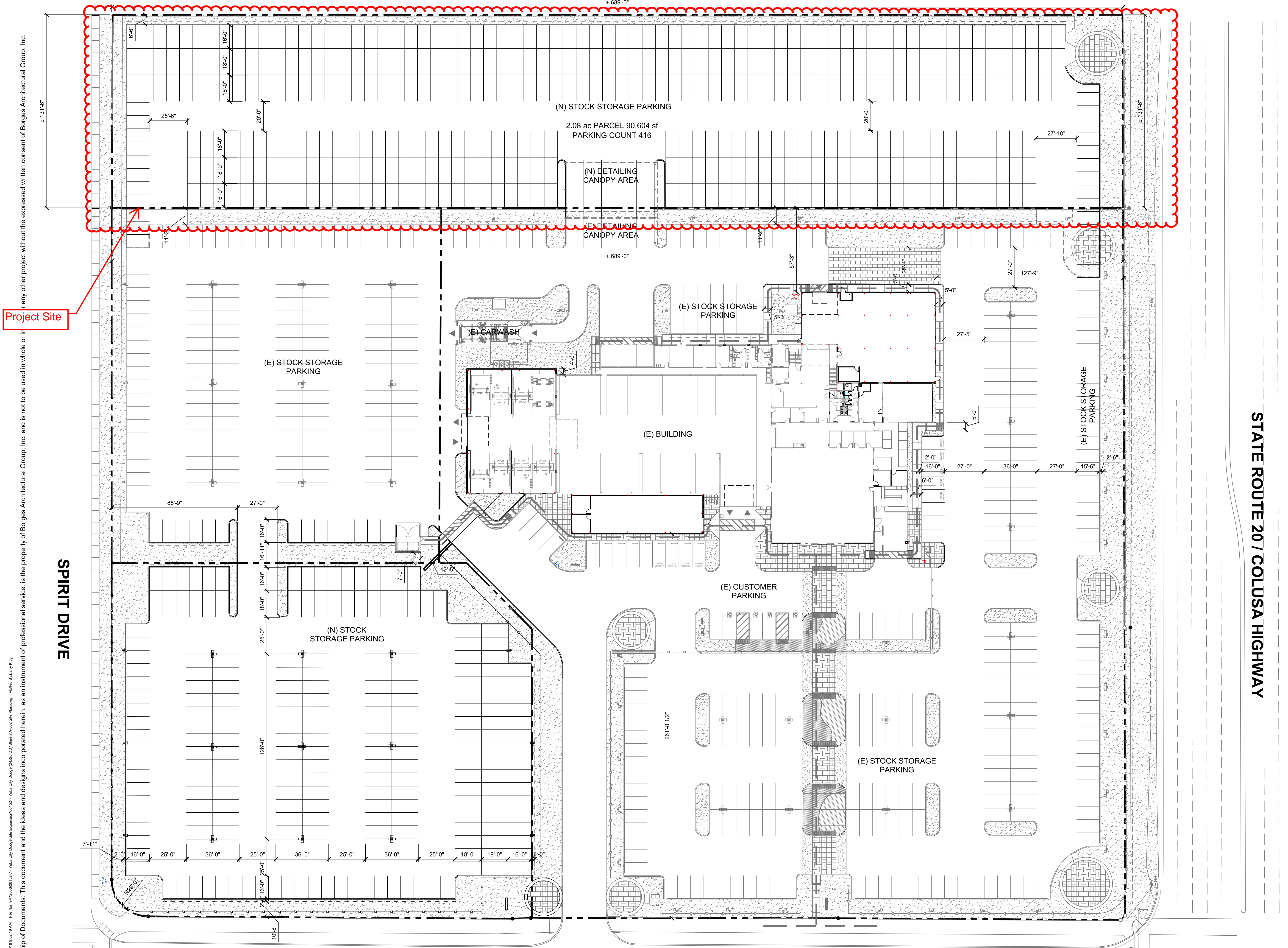


Stephanie Tadlock  
Environmental Scientist

# ATTACHMENT 6

Attachment 6: Site Plan

± 689'-0"



Ownership of Documents: This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Borges Architectural Group, Inc. and is not to be used in whole or in part for any other project without the expressed written consent of Borges Architectural Group, Inc.

Project Site

SPIRIT DRIVE

STATE ROUTE 20 / COLUSA HIGHWAY

HARTER PARKWAY

ARCHITECTURAL GROUP  
**Borges**

borgesarch.com

1478 STONE POINT DRIVE, SUITE 350  
ROSEVILLE CA 95661  
916 782 7200 TEL  
916 773 3037 FAX

REV	DATE	DESCRIPTION
A	xx/xx/xx	REVISION DESCRIPTION

**YUBA CITY  
DODGE  
PARKING  
EXPANSION**

950 HARTER PARKWAY  
YUBA CITY, CA 95993

STAMP

DRAWN BY: L GK PROJECT NO.: 06152-7  
CHECK BY: L GK  
SHEET TITLE

SITE PLAN

SHEET NO.



**A-002**



# ATTACHMENT 7

CARLSON TREE CARE  
State Lic. #728009  
10767 Mt Vernon Road  
Auburn, CA 95603  
(916) 721-8733

December 22, 2017

## ARBORIST REPORT

John L. Sullivan Dodge Chrysler  
950 Harter Parkway  
Yuba City, CA 95993

After my inspection of the Oak Tree located on the western fence line of the property behind building, my findings and recommendations are as follows:

Valley Oak (Q. Lobata)

Single stem dbh: 48"

Drip line Radius: approximately 40'

Root Crown: Fair to poor. Active fungus, fruiting bodies and conk on root flare. Root decay and amillaria.

Trunk condition: Fair to poor. Large area of damage on west side, probably from tractor. Active decay.

Primary limbs: Fair to poor. Large failure. Approximately 20% of crown due to over maturity.

Foliage: None at this time

Drip line Environment: Grass and asphalt

Recommendation: Immediate removal due to root fungus and canopy failure. Personal and real property located within strike zone of tree.

Karl Carlson  
ISA Arborist WE6931A

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Phone No. 530-763-9540

Date 11/13/2017

Name John L Sullivan Dodge Rob Stein

Address robs@yubacitydodge.com City Yuba City

Job Location 950 Harter Parkway Yuba City Ca 95993

Job Description	Amount
<u>Large valley oak tree west side of property. Major limb failure, decay at base of trunk.</u>	
<u>Cut down tree, clean up all brush and wood.</u>	<u>12,500<sup>00</sup></u>
<u>Grind stump leave mulch on site</u>	<u>900<sup>00</sup></u>

CONTRACTOR NOT RESPONSIBLE FOR DAMAGE TO UNDERGROUND UTILITIES OR SPRINKLER SYSTEMS.

Customer's Signature \_\_\_\_\_

TOTAL \_\_\_\_\_

X \_\_\_\_\_

Date Started \_\_\_\_\_ Date Completed \_\_\_\_\_

Foreman: Mark Graham

**THANK YOU!**

"If You are Pleased Tell Others - if not, tell us!"

PAYABLE ON RECEIPT. INTEREST AT 1½% PER MONTH (18% PER ANNUM) ON ACCOUNTS OVER 30 DAYS OLD.

## Oak Tree Valuation

### Background

The City of Yuba City Planning Department would like to request mitigation for the loss of a large 48” diameter Oak Tree located at John L. Sullivan Dodge Chrysler, 950 Harter Parkway Yuba City, CA 95993. Staff has determined that a sufficient mitigation method would best entail an assessed city fee to be paid by John L. Sullivan Dodge Chrysler and the planting of replacement trees at an alternate site owned and maintained by the city. The said city fee would cover the cost of tree replacement and maintenance and would be determined through a comprehensive landscape appraisal process.

### Research

In order to develop an outline for the tree appraisal process, Staff conducted in depth research from other local municipalities, practitioners, and academic publications<sup>1</sup>. As part of this research, staff contacted various jurisdictions to gather information on methods or formulas used to mitigate the loss of large trees. Additionally, staff reviewed supporting documents that presented common practices in landscape appraisal to help us develop the framework (see Figure 1).

**Figure 1**

Findings	
City of Visalia	Has a separate department of Urban Forestry that would determine the value of lost or damaged trees case by case. (Chapter 12.24 - municipal code).
City of Glendale	Has a series of penalties and fines for the removal or damage to indigenous trees. ( Chapter 12.44 INDIGENOUS TREES - municipal code)
City of Eureka	Has a per tree rate determined via a resolution that the city will use when a qualifying Heritage tree is lost (According to an example formula they provided the removal of a 30” heritage oak would cost the removing party \$20,000). Formula used is similar to the Trunk Formula Method used in the <i>Guide for Plant Appraisal</i> . The city also defines Heritage Trees by certain specifically listed tree cultivar and sizes <b>or</b> any tree that is 36” or more in diameter. (Section 8.10.120 – municipal code)
City of Emeryville	Suggested consultation with local Arborist
<i>Arboriculture Integrated Management of Landscape Trees, Shrubs, and Vines</i> by Richard W. Harris, James R. Clark, and Nelda P. Matheny	References <i>Guide to Plant Appraisal</i> by the Council of Tree and Landscape Appraisers. Depicts Trunk Formula Method calculations described in guide as best option for landscape trees that are too large to replace.

<sup>1</sup> *Landscape Architectural Graphic Standards* by Leonard J. Hopper  
*Arboriculture Integrated Management of Landscape Trees, Shrubs, and Vines* by Richard W. Harris, James R. Clark, and Nelda P. Matheny  
*Guide to Plant Appraisal* by the Council of Tree and Landscape Appraisers

<i>Guide to Plant Appraisal</i> by the Council of Tree and Landscape Appraisers	Provides a framework to use when appraising landscape trees.
---	--

### Summary of Findings

Preliminary findings indicate that the Trunk Formula method described in *Guide to Plant Appraisal* by the Council of Tree and Landscape Appraisers is a common method used for appraising urban trees and would be a suitable method to calculate the replacement cost of the large Oak.

### Appraisal Technique Used: Trunk Formula Method

The fore mentioned Trunk Formula Method calculates the accumulative cost of nursery-sized replacement trees that, when combined, would equate the same cross sectional area of the original tree. For example using this method the City would request that a tree removing party pay \$6,747 for the removal of a 30" diameter Oak Tree. Please see below for a detailed description of assumptions and method used to calculate proposed replacement fee.

**Figure 2**

Trunk Formula Method - Calculations
$\pi (3.14) \times r (\text{radius in inches})^2 = \text{Cross Sectional Area (Sq.in)}$
<b>**Assumptions:</b> <ul style="list-style-type: none"> <li>▪ Nursery trees are 2" in diameter</li> <li>▪ Cost per unit is \$30.00<sup>2</sup> – based on market value of new Valley Oak or California White Oak<sup>3</sup> nursery tree</li> </ul>
Cross Sectional Area of removed Valley Oak Tree = 1,809 sq.in (24" radius x 24" radius x 3.14 = 1,809 sq.in)
Cross Sectional Area of Nursery Tree = 3.14 sq.in (1" radius x 1" radius x 3.14 = 3.14 sq.in)
Cost per square inch = Cost per unit ÷ Cross Sectional Area of Nursery Tree \$30 ÷ 3.14 sq.in = \$9.55 per sq.in
Cost per square inch x Cross Sectional Area = Direct Replacement Cost
<b>Proposed Replacement Fee = &gt; \$9.55 x 1,809 sq.in = \$17,275.95</b>

### Recommendation

Following the public hearing, approve the use of the Trunk Formula Method to calculate a fee of \$17,275.95 to be charged to John L. Sullivan Dodge Chrysler by the City that would mitigate the loss of the historic 48" diameter Oak tree by covering the cost of replacement and maintenance of newly planted trees.

<sup>2</sup> Value based on local market rate nursery prices for Valley Oak

<sup>3</sup> *Sunset Western Garden Book* Sunset Publishing Corporation

# ATTACHMENT 8



## **Environmental Assessment 18-05**

*Initial Study and Mitigated Negative Declaration for General Plan Amendment 18-01, Rezoning 18-01, and Development Plan 18-01 that is needed to accommodate the expansion of the Sullivan Dodge Auto Dealership.*

Prepared for:

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

Prepared By:

Denis Cook  
Land Use Planning Consultant

September 6, 2018

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## **CITY OF YUBA CITY**

Development Services Department  
Planning Division

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

## **2. Introduction**

### **2.1. Introduction**

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City), for General Plan Amendment 18-01 to amend the land use designation from Office-Office Park (Office) to Regional Commercial (RC), for Rezone 18-01 to reclassify the same property from the Office-Commercial (C-O) Zone District to the General Commercial (C-3) Zone District, and for Development Plan 18-01 which would permit the John L. Sullivan Dodge dealership to expand its facility by approximately two acres. The proposed expansion, located along the dealership's western boundary, is to utilize the two acres for the storage of approximately 400 automobiles. Vehicle parking will be arranged with a 20-foot wide drive aisle to be used for moving vehicles with three rows of vehicles parked on either side of the drive-aisle. The project will also add an additional truck exit to Spirit Way to enable trucks to load/unload and access the property. There are no permanent structures proposed but there will be parking lot lighting poles and a canopy for auto detailing.

The address of the auto dealership is 950 Harter Parkway, located between State Route (SR) 20 on the north and Spirit Way on the south. The expansion of the dealership will be on vacant property along its west side.

General plan amendments and rezonings are considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The project requires discretionary review by the City of Yuba City Planning Commission (recommendation) and the City Council.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the general plan amendment, rezoning, and a development plan for an expansion of the auto dealership, and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

### **2.2. Regulatory Information**

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement

describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- A. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- B. The IS identified potentially significant effects, but:
  - a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
  - b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

### **2.3. Document Format**

This IS/MND contains four chapters, and one technical appendix. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

### **2.4. Purpose of Document**

The proposed general plan amendment, rezoning, and development plan provides a review process for what will ultimately be a two-acre expansion of the auto dealership. Because of the requirement for a general plan amendment and rezoning, the Planning Commission and City Council's review is needed to assure that the project will be compatible with existing or expected neighboring uses and that adequate public facilities are available to serve the project.

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

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

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

## **2.5. Intended Uses of this Document**

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at <http://www.yubacity.net>. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 30 day review period will commence on September 6, 2018 and end on September 26, 2018.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City  
Attn: Arnolando Rodriguez, Director  
Development Services Department  
1201 Civic Center Boulevard  
Yuba City, CA 95991

e-mail: [arodriguez@yubacity.net](mailto:arodriguez@yubacity.net)  
Phone: 530.822.3231

### 3. Project Description

#### 3.1. Project Title

John L. Sullivan Dodge Dealership Expansion

#### 3.2. Lead Agency Name and Address

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

#### 3.3. Contact Person and Phone Number

Arnoldo Rodriguez  
(530) 822-3231  
arodrigu@yubacity.net

#### 3.4. Project Location

The address of the auto dealership is 950 Harter Parkway, located between Colusa Highway on the north and Spirit Way on the south. The expansion of the dealership will be on vacant property along its west side.

#### 3.5. Assessors Parcel Number (APN)

Assessor's Parcel Number 63-010-090 (portion thereof)

#### 3.6. Project Applicant

John L. Sullivan LP  
700 Automall Drive  
Roseville, CA 95661

#### 3.7. Property owner

John L. Sullivan LP  
700 Automall Drive  
Roseville, CA 95661

#### 3.8. General Plan Designation

*Existing:* Office and Office Park (Office)

*Proposed:* Regional Commercial (RC)

#### 3.9. Zoning

*Existing:* Office Commercial (CO) Zone District

*Proposed:* General Commercial (C-3) Zone District.

### 3.10. Project description

General Plan Amendment 18-01 to amend the land use designation from Office-Office Park (Office) to Regional Commercial (RC), for Rezoning 18-01 to rezone the same property from an Office-Commercial (C-O) Zone District to a General Commercial (C-3) Zone District, and for Development Plan 18-01 which will permit the John L. Sullivan Dodge dealership to expand its facility by approximately two acres. The proposal is to utilize the two acres for the storage of approximately 400 automobiles located along the dealership’s western boundary. Vehicle parking will be arranged with a 20-foot wide drive aisle to be used for moving vehicles with three rows of vehicles parked on either side of the drive-aisle. The project will also add an additional truck exit to Spirit Way to enable trucks to load/unload and properly exit the property. There are no permanent structures proposed but there will be parking lot lighting poles and a canopy for auto detailing.

### 3.11. Surrounding Land Uses & Setting

Table 1: Bordering Uses

North:	State Route 20 (Colusa Highway) with vacant land on the north side of SR 20 that is designated for office use, and several residences located along the Colusa Frontage Road.
South:	River Valley High School.
East:	Harter Parkway and Yuba City Toyota Auto Dealership.
West:	Vacant land that is designated in the City General Plan for office use.

### 3.12. Other Public Agencies Whose Approval May be Required

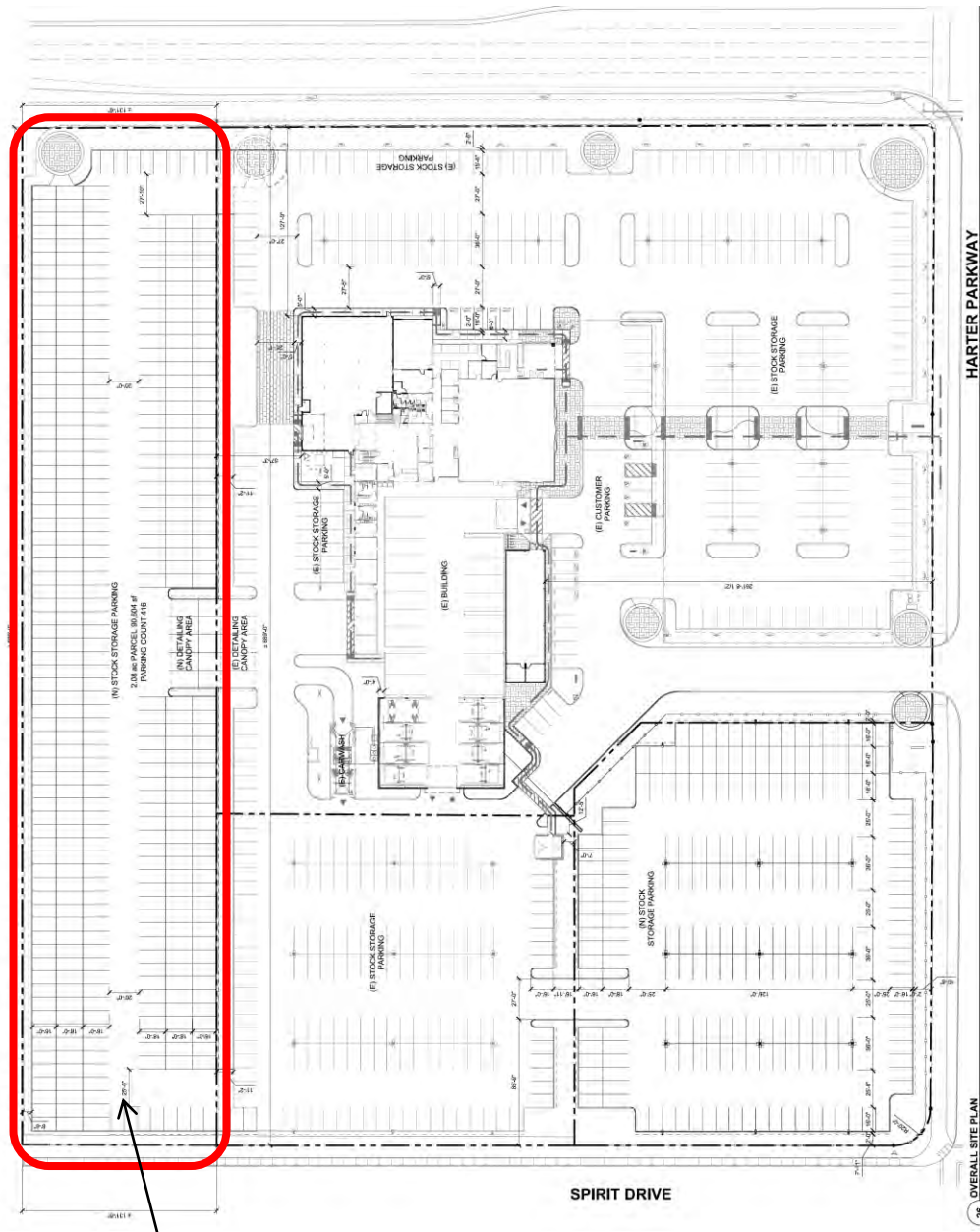
- Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
- Central Valley Regional Water Quality Control Board.
- Sutter County
- Caltrans



Figure 1: Location Map



Figure 2: Site Plan



Proposed expansion

### 3.13. Environmental Factors Potentially Affected:

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

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture & Forestry Resources     | <input type="checkbox"/> Air Quality               |
| <input checked="" type="checkbox"/> Biological Resources        | <input checked="" type="checkbox"/> Cultural Resources        | <input type="checkbox"/> Geology/Soils             |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Hazards & Hazardous Materials        | <input type="checkbox"/> Hydrology/Water Quality   |
| <input type="checkbox"/> Land Use/Planning                      | <input type="checkbox"/> Mineral Resources                    | <input type="checkbox"/> Noise                     |
| <input type="checkbox"/> Population/Housing                     | <input type="checkbox"/> Public Services                      | <input type="checkbox"/> Recreation                |
| <input type="checkbox"/> Transportation/Traffic                 | <input checked="" type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems |
| <br><input type="checkbox"/> Mandatory Findings of Significance |   |  |

Determination: On the basis of this initial evaluation:

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

/s/

Signature

Arnoldo Rodriguez, Development Services Director

Printed Name/Position

September 6, 2018

Date

### 3.14. Evaluation of Environmental Impacts:

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

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

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

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

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

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

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

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

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

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

## 4. Environmental Checklist and Impact Evaluation

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

### 4.1. Aesthetics

Table 4-1: Aesthetics				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) 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	

#### 4.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located approximately 9 miles northwest of the project site, are visibly prominent throughout and can be seen from all over Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible on a clear day from the majority of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.
- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.

- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City’s General Plan, the City provides Design Guidelines. The goal of the City’s design guidelines is to ensure the highest quality of building design: designs that are aesthetically pleasing; designs that are compatible with the surroundings in terms of scale, mass, detailing, and building patterns; designs that accommodate the pedestrian, automobile, bicycle, and transit circulation; and designs that consider public safety, public interaction, and historic resources. The design guidelines apply to all commercial and industrial new construction and renovation projects, new multifamily projects, and new single-family subdivisions.

#### ***4.1.2. Federal Regulatory Setting***

Federal regulations relating to aesthetics include: Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

#### ***4.1.3. State Regulatory Setting***

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler’s enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist’s line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development, but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official designation of state scenic highways. There are no designated state scenic highways in the view shed of the project site.

**California Building Code Title 24 Outdoor Lighting Standards:** The requirements vary according to which “Lighting Zone” the equipment is in. The Standards contain lighting power allowances for newly installed

equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

#### **4.1.4. Impact Assessment/Environmental Consequences:**

##### *a) Have a substantial adverse effect on a scenic vista?*

The project is an expansion of the vehicle parking area of an auto dealership and does not involve any new buildings that would block a scenic vista. Also, the view from SR 20 to the Sutter Buttes will not be affected as the parking lot is on the opposite side of the highway. The additional two acres of paved area for vehicle parking will not be aesthetically pleasing and, since it is for vehicle storage (as compared to customer or employee parking), there will be no tree or shading required that would soften the hard surface appearance. Thus, the parking lot could have a stark appearance. However, there will be perimeter landscaping along all three sides, two of which have road frontage with some trees. The trees will help soften the view of the parking lot. While this parking lot will not enhance any views, it will be consistent with other nearby auto dealership parking lots, including the remainder of this auto dealership, and the Toyota dealership across Harter Parkway. For these reasons the aesthetic impact from this project is considered to be less than significant.

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

The property is vacant, previously being cleared of any vegetation. Until recently there was a heritage size oak tree on this property. It was previously removed due to its poor health (an arborist report was prepared that identified the tree's poor health – copy attached). Further, discussion regarding the loss of the oak tree is provided in Section 4.4 – Biological Resources. There are no remaining native trees, landmark type rocks, etc. on the property. Moreover, there are no designated scenic resources on the project site. Additionally, there are no Officially Designated or Eligible Scenic Highway in the City, according to the State of California Scenic Mapping System. Therefore there will be no significant impacts on scenic resources.

##### *c) Substantially degrade the existing visual character or quality of the site and its surroundings?*

The site is a vacant field. While the addition of more vehicle parking to the dealership does not add any aesthetic quality to the area, it is in keeping with the look of an auto dealership, and there will be perimeter landscaping on three sides that will soften the look of the parking area. Therefore impact on the visual character of the area will be less than significant.

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

The parking lot will be lit similar to the remainder of the auto dealership. The dealership is already night lit as is the Toyota dealership across Harter Parkway per City standards. Harter Parkway and SR 20 are lit. City ordinance limits the light standards to a maximum of 18 feet high as well as the light must be screened from direct view. Should lighting bleed onto adjacent properties, the City will work collaboratively with the dealership and surrounding neighbors to ensure that the lighting is not disruptive.

#### **4.1.5. Aesthetic Mitigation**

**Aesthetic Mitigation Measure 1:** Prior to the issuance of a permit to construct the parking lot, the applicant shall submit a lighting plan depicting proposed lighting and shall detail how lighting will be shielded away from neighboring properties and adjacent roadways.





## 4.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

### 4.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley, known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is in an urban area and has been designated for urban uses for many years.

### 4.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report,

Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procure to implement the FPPA every two years (USDA-NRCS, 2011).

**2014 Farm Bill:** The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

**Forestry Resources:** Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

#### **4.2.3. State Regulatory Setting**

**California Environmental Quality Act (CEQA) Definition of Agricultural Lands:** Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

**California Department of Conservation, Division of Land Resource Protection:** The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- **Prime Farmland.** Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- *Farmland of Statewide Importance.* Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland.* Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- *Farmland of Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

**California Land Conservation Act (Williamson Act):** The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property.

Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

**Farmland Security Zone Act:** The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as “Super Williamson Act Contracts.” Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

**Forestry Resources:** State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

#### **4.2.4. Impact Assessment/Environmental Consequences:**

*a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The proposed Project site consists of approximately two acres located within the Yuba City urbanized area. It is part of a larger 23 acre neighboring vacant property that was previously approved for development. The approval of said entitlements remain active. Regardless, the property has been designated by the City for urban uses, as provided in the General Plan and for which overriding considerations were made in the General Plan EIR. Because the site is within the urban area the viability of the site being farmed would be problematic, especially with the high school across the street. Moreover, the property has not been farmed for many years. Therefore the impact on agriculture land loss will be less than significant as it is not greater than was anticipated by the General Plan EIR.

*b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The proposed Project is currently zoned for office development and is not in agricultural use nor is it near any agricultural properties that are under Williamson Act contracts. There will be no impact.

*c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

The proposed Project is located in the Sacramento Valley in a relatively flat area formerly used for agriculture but designated years ago for urban use. There are no forests or timberland located on the project site or within the vicinity of the proposed project. There will be no impact on existing zoning of forestland and the proposed Project will not cause the rezoning of any forestlands.

*d) Result in the loss of forestland or conversion of forest land to non-forest use?*

There is no forested land on the Project site or within the vicinity of the proposed project; therefore, there will be no impact.

*e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The proposed project site is on a bypassed parcel located largely within an urbanized area of the City and has not been utilized as farmland for years. Thus there is no additional impact on agricultural land from this development. While the underlying soils have agriculture qualities, the area was urbanized many years ago and its viability for agricultural use is problematic. There are no nearby agricultural uses that will be impacted by this project. There are no forestlands on the project site or in the vicinity. No properties within the area are within the Williamson Act. For these reasons there should be no significant impacts due to premature conversion of agricultural land that would result from this project.

### 4.3. Air Quality

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

Table 4-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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	

#### 4.3.1. Environmental Setting/Affected Environment

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

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

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which

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

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

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

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



**Ozone (O3):** is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NOX), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

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

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

Nitrogen oxides can also be formed naturally.

**Respirable Particulate Matter (PM10) and Fine Particulate Matter (PM2.5):** consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

**Sulfur Dioxide (SO2):** is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

**Lead:** occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

**Toxic Air Contaminants (TACs):** are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient

air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

#### **4.3.2. Federal Regulatory Setting**

**Clean Air Act:** The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb).

#### **4.3.3. State Regulatory Setting**

**California Air Resources Board:** The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H<sub>2</sub>S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

**California Clean Air Act:** The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO<sub>2</sub>, and NO<sub>2</sub> by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

**CARB Portable Equipment Registration Program:** This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

**U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program:** The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

**California Global Warming Solutions Act:** Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

#### **4.3.4. Regional Regulatory Setting**

**Feather River Air Quality Management District (FRAQMD):** The FRAQMD is a bi-county District formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

**Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan:** As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to

achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

**Health and Safety Code Section 41503(b):** Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

**Construction Generated Emissions of Criteria Air Pollutants:** The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

#### **4.3.5. Impact Assessment/Environmental Consequences:**

##### *a) Conflict with or obstruct implementation of the applicable air quality plan?*

Grading the site will briefly create equipment exhaust and fugitive dust. Ongoing air quality impacts will be from vehicle exhaust when occasionally trucks transporting vehicles onto and off the property or individual vehicles being driven onto and off the property. The two acres will also be paved which will create some air pollutants. Standards set by FRQAMD, CARB, and Federal agencies relating to the

proposed Project will apply to this Project. Prior to the initiation of construction a Fugitive Dust Control Plan will be submitted to FRAQMD as a part of standard measures required by the District. An Indirect Source Review (ISR) application will be filed with the Air District to address emissions from construction.

FRAQMD has not commented that the proposed project will conflict with any of FRAQMD's emission standards or plans. Therefore any air quality impacts would be less than significant.

*b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation?*

Typically, construction and operation of a project generates emissions of various air pollutants, including criteria pollutants such as carbon monoxide (CO), ozone precursors such as nitrous oxides (NOX) and reactive organic gases (ROG) or Volatile Organic Compounds (VOC), particulate matter less than 10 microns in diameter (PM10), and PM2.5, as well as sulfur oxides (SOX). For example, typical emission sources during construction include equipment exhaust, dust from wind erosion, earthmoving activities, and vehicle movements.

Site grading for the parking lot will generally occur during daylight hours, Monday through Friday, excluding holidays. The aforementioned activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants. The estimated grading period, however, will be very short lived. Due to the short grading period as well as it being a small 2-acre area to be impacted, air quality impacts are not considered a significant impact.

The proposed Project is small and operational emissions will be minimal. FRAQMD has not commented that the project will exceed any of its emission standards. Therefore the Project will not result in a significant contribution to the region's nonattainment status of ozone or PM, and will not violate an air quality standard or contribute substantially to an existing or projected air quality violation.

*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)?*

The Project would result in limited generation of criteria pollutants during construction. However, during the short construction period, air quality impacts would be less than FRAQMD thresholds for non-attainment pollutants and operation of the project would not exceed the emissions thresholds for criteria pollutants. Accordingly, net increases of non-attainment criteria pollutants would be less than significant.

*d) Expose sensitive receptors to substantial pollutant concentrations?*

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

Best Management Practices (BMPs) that can be used to reduce the impact to sensitive receptors from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verified diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g. when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors;
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

The proposed Project would result in the limited generation of criteria pollutants during construction, but for a very limited time period. FRAQMD has not voiced concern over the project. Therefore, due to the temporary nature of construction, the nearby high school students would not be subjected to long-term exposure to diesel particulate matter. Any exposure of these students to pollutant concentrations would be less than significant.

*e) Create objectionable odors affecting a substantial number of people?*

Less than Significant Impact: Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative or formulaic methodologies to determine the presence of a significant odor impact do not exist. The intensity of an odor source’s operations and its proximity to sensitive receptors influences the potential significance of odor emissions. The FRAQMD has prepared a screening table for use in determining whether an impact will occur.

Table 2: Screening Levels of Potential Odor Sources	
Type of Facility <sup>(1)</sup>	Distance (in miles)
Wastewater Treatment Facilities	2
Wastewater Pumping Facilities	1
Sanitary Landfill	1
Transfer Station	1
Composting Facility	2
Asphalt Batch Plant	2
Chemical Manufacturing	1
Fiberglass Manufacturing	1
Painting/Coating Operations (e.g. auto body shops)	1
Rendering Plant	5
Coffee Roaster	1
Food Processing Facility	1

Feed Lot/Dairy	1
Green Waste & Recycling Operations	2
Metal Smelting Plants	1

<sup>(1)</sup> FRAQMD, *Indirect Source Review Guidelines. Table 3.1 FRAQMD Thresholds of Significance. Page 26.*

The proposed parking lot does not involve any of the aforementioned facilities, and the system would not generate chemical emissions that would substantially contribute any objectionable odors. Therefore, the operation of the auto dealer parking lot will have a less than significant impact associated with the creation of objectionable odors affecting a substantial number of people.

## 4.4. Biological Resources

Table 4-4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on 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 species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

### 4.4.1. Environmental Setting/Affected Environment

The vacant site is located within an urbanized area. It is largely surrounded urban uses, with the exception of a vacant parcel immediately to the west.

### 4.4.2. Federal & State Regulatory Setting

**Threatened and Endangered Species:** State and federal “endangered species” legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and



some plants listed as endangered by the California Native Plant Society are collectively referred to as “species of special status.” Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the “take” of a listed species. “Take” is defined by the state of California as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (California Fish and Game Code, Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

**Migratory Birds:** State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

**Birds of Prey:** Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFW.

**Wetlands and Other Jurisdictional Waters:** Natural drainage channels and adjacent wetlands may be considered “Waters of the United States” subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by “ordinary high water marks” on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

**CEQA Guidelines Section 15380:** Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define “endangered” and “rare” as specified in CEQA Guidelines section 15380(b).

#### **4.4.3. Local Regulatory Setting**

The General Plan provides the following policies for the protection of biological resources within the project area that could be relevant to this project:

- 8.4-G-1 Protect special status species, in accordance with State regulatory requirements.
- 8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.
- 8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.
- 8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities
- 8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
- 8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.
- 8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

#### **4.4.4. Impact Assessment/Environmental Consequences:**

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Because the site is part of a larger open field there is a potential for the site to be utilized as a foraging area for the Swainson’s Hawk or as a nesting site for the burrowing owl. However, the site has been plowed leaving no surface vegetation, making the site highly unlikely for foraging or borrowing owl

habitat. In addition, in urban areas, vacant properties are often plowed or mowed to reduce vegetation for fire control purposes, as required by the City's Fire Standards.

According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in 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 Planning Area at the confluence of the Feather and Yuba Rivers. This property does not fall within this area, therefore no adverse impacts to special status species will occur as a result of this project. The Project is in compliance with the General Plan polices regarding the impacts on biological resources, with the exception of the previous removal of a heritage sized oak tree. This is further discussed in Part e), below.

*b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

A field inspection determined that riparian habitat is absent from the proposed Project site. The site has also been plowed with no remaining surface vegetation. The site is within the urban area with no nearby parks or other ungraded open spaces. Therefore the impact on riparian areas or other sensitive natural communities would be less than significant.

*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?*

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. The proposed Project is located in an urban area. There would be no impact.

*d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The proposed Project would not disturb any waterways. Therefore, migratory fish would not be affected. Nor are there any significant trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. There would be no impact.

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

City General Plan Policies 8.4-G-2 and 8.4-I-2 call for protecting large native heritage trees on private property. Until recently a large heritage sized oak tree (4 feet dbh) existed near the western property line of the existing dealership. The tree was recently removed by the applicant. There was an arborist report prepared in December, 2017 recommending its removal due to poor health of the tree (a copy of the Arborists Report is provided in the Appendix of this document). The arborist report was authorized by the applicant as a branch had fallen and damaged a fence and two autos, according to the applicant. Some of the tree's health issues likely had previously been deliberately caused by the previous owner due to a tractor damaging one side of the tree while attempting to fall the tree.

City staff was not aware at the time of the tree's removal so the City was unable to verify the health of the tree or the need to remove it. This was a significant loss to the City, as few heritage oak trees remain. To reduce the significance of that loss, a mitigation measure is proposed. The mitigation requires the applicant to pay appropriate fees to plant trees in the new park north of this property or along the Sutter Bike Trail, as determined by the City. The mitigation is based on research completed by staff of policies of other cities and utilization of arborist standards for loss of heritage trees (See memo prepared by city staff estimating the value of the trees replacement, contained in the Appendix of this report). With the mitigation the loss is reduced to a less than significant impact.

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

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

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

#### **4.4.5. Biological Resources Mitigation**

**Biological Resources Mitigation Measure 1:** Prior to the issuance of a permit to construct the parking lot the applicant shall pay \$17,276 to the City specifically to be used for purchase and planting of oak trees at the new city park just north of the auto dealership, or along the Sutter Trail, as determined by the City. As an alternative, the applicant may plant a comparable amount of oak trees on the subject site.

## 4.5. Cultural Resources

Table 4-5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource 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		

### 4.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

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

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

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

### 4.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of

Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

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

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

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

**Paleontological Resources:** Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

#### **4.5.3. Native American Consultation**

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

On June 20, 2018, the City supplied the following seven Native American tribes with a project description and map of the proposed project area.

- United Auburn Indian Community of the Auburn Rancheria
- Lone Band of Miwok Indians
- Torres Martinez Desert Cahuilla Indians
- Mechoopda Indian Tribe of Chico Rancheria
- Mooretown Rancheria of Maidu Indians
- Strawberry Valley Rancheria
- Enterprise Rancheria of Maidu Indians

#### **4.5.4. Impact Assessment/Environmental Consequences:**

*a) a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.*

There are no buildings on the site and the General and there is no evidence that the site has ever been built on. The General Plan does not identify any historical significance to the property. Therefore there would be no impacts on any historical resources, directly or indirectly.

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

*c) Directly or indirectly destroy unique paleontological resources or site or unique geologic features?*

*d) Disturb any human remains, including those interred outside of formal cemeteries?*

Regarding the likelihood of there being any remaining tribal cultural resources on this site, the site has been plowed regularly for years for agricultural purposes, and in more recent years the land was plowed for vegetation control/fire prevention reasons. In May, 2018 a Cultural Resources Inventory for the project was conducted by the Natural Investigations Company for the John L. Sullivan Family, Limited Partnership (copy included in the appendix of this report). The study included a ground surface investigation as well as subsurface (20 shovel test pits). The study also noted that there were previously three cultural overviews completed within a 0.25-mile radius. No cultural resources have been previously recorded within the project area. No prehistoric or historic-era archaeological sites, ethnographic sites, or built environment resources were identified during the survey or subsurface testing of the two-acre Project area.

The study did not recommend construction monitoring of ground disturbing activity as the potential for discovery of cultural resources is low.

In letters dated July 2, 2018 and July 23, 2018, in response to the City's inquiry, the United Auburn Indian Community of the Auburn Rancheria indicated that they did not wish to initiate consultation under AB 52. It is assumed that they did not request further consultation due to the previous development history of the property. They did, however, request to be informed of any changes so that they may reassess the need to initiate consultation. The UAIC also request that mitigations be included that address unanticipated discoveries. Those mitigations are included.

#### **4.5.5. Cultural Resources Mitigation Measures**

**Cultural Resources Mitigation 1:** In the event that previously undetected cultural materials (i.e. prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered during construction, work in the immediate vicinity should immediately cease and be redirected to another area until the Auburn Indian Community of the Auburn Rancheria is re-contacted and allowed the opportunity to consult under AB 52. Further, a qualified archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historic archaeology inspects and assesses the find. The City shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

**Cultural Resources Mitigation 2:** If human remains are uncovered, or in any other case where human remains are discovered, the Sutter County Coroner, as appropriate, is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hour of discovery. The NAHC will then notify the most likely descendant, who may recommend treatment of the remains.

**Cultural Resources Mitigation 3:** Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports, which shall be used for guidelines. If a bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.



## 4.6. Geology and Soils

Table 4-6: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with 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) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d) Be located on expansive soil, as defined in the California Building Code creating substantial risks to life or property?				X
e) 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

### 4.6.1. Environmental Setting/Affected Environment

**Topography and Geology:** According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

**Seismic Hazards:** Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage,

injury and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

**Seismicity:** Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the county. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters in to the County. Both Faults are listed as non-active faults, but have the potential for seismic activity.

**Ground Shaking:** As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

**Liquefaction:** Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

**Landslides:** Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone

due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

**Soil Erosion:** Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems, but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

**Subsidence:** Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

**Expansive Soils:** Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

**Soils:** The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Oslashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils

occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

#### **4.6.2. Federal Regulatory Setting**

**Historic Sites Act of 1935:** This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings and objects, including geologic formations.

**National Earthquake Hazards Reduction Program:** The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

#### **4.6.3. State Regulatory Setting**

**California Alquist-Priolo Earthquake Fault Zoning Act:** The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of most types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

**California Seismic Hazards Mapping Act:** The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

**Uniform Building Code:** The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

#### **4.6.4. Impact Assessment/Environmental Consequences:**

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?*

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

ii. *Strong seismic ground shaking?*

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

iii. *Seismic-related ground failure, including liquefaction?*

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

iv. *Landslides?*

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

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

Approximately two acres of ground would be disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. However as part of the construction of the parking lot, the applicant will be subject to the National Pollutant Discharge Elimination System. This triggers the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices designed to prevent sediment and

pollutants from contacting stormwaters moving offsite into receiving waters during the construction process. Assuming all of these standards are met the impacts would be less than significant.

- c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*
- d) Be located on expansive soil, as defined in the California Building Code creating substantial risks to life or property?*

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The project involves only a parking lot and no new buildings. If there were new buildings they would be required to connect to the wastewater collection system. Under either scenario no septic systems will be utilized.

## 4.7. Greenhouse Gas Emissions

Table 4-7: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

### 4.7.1. Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO<sub>2</sub>-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO<sub>2</sub>, CH<sub>4</sub>, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not propose regulations based on this finding.

### 4.7.2. State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost effective manner. The City developed this document with the following purposes in mind:

- **Local Control:** The Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy

technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.

- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

#### **4.7.3. Impact Assessment/Environmental Consequences:**

- a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

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

The proposed parking lot will potentially create GHG emissions due to the use of motorized construction equipment and some ongoing truck and auto traffic generated by the project. The on-going vehicle use will be generated by trucks being driven onto and off the parking lot and auto use. Due to the small size of the project it is not expected to create significant quantities greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures. A mitigation measure is included that requires the project incorporate the relevant greenhouse gas reduction measures.

#### **4.7.4. Greenhouse Mitigation Measure**



**Greenhouse Gas Mitigation Measure 1:** The site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

## 4.8. Hazards and Hazardous Materials

Table 4-8: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) 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	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

### 4.8.1. Federal Regulatory Setting

**U.S. Environmental Protection Agency (USEPA):** The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the

responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

**Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act:** The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

**Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act:** The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

**Clean Water Act/SPCC Rule:** The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

**Countermeasure (SPCC) Plans:** A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

**The NFPA 70®:** National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

#### **4.8.2. State Regulatory Setting**

**California Environmental Protection Agency (CalEPA):** The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

**Department of Toxic Substances Control (DTSC):** DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

**Unified Program:** The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these

six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

**Hazardous Waste Management Program:** The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

**State Water Resources Control Board (SWRCB):** The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

**California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA):** In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

**California Fire Code:** The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

#### **4.8.3. Local Regulatory Setting**

**Sutter County Airport Comprehensive Land Use Plan:** The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

#### **4.8.4. Impact Assessment/Environmental Consequences:**

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The hazardous materials associated with the construction of this project will be those materials associated with construction and grading equipment, which primarily includes solvents, oil and fuel. Provided that these materials are legally and properly used and stored, the proposed project will not create a significant hazard to the public or the environment. On an ongoing basis it is not anticipated that vehicle fueling and/or oil changes will occur in the parking lot, as the dealership has the proper facilities elsewhere on-site to accomplish these tasks. Therefore the impact from hazardous materials would be less than significant.

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

River Valley High School is across the street from the project. However, the time period for grading equipment on the site is very short. Assuming proper use of the fuels, solvents, and oil for the grading and paving equipment, impacts to the high school students from hazardous materials properly utilized on the Project site would be less than significant.

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

The site is not on any listings of sites that are contaminated by hazardous wastes.

*e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within the Sutter County Airport Land Use Plan.

*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?*

There are no private airports or airfields located within the city limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazardous zones. Therefore, there will be no impact from any private airstrips.

*g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Yuba City Fire Department and Police Department, serve this area. Neither agency has expressed concern over impacts the project may have on any emergency response plans.

*h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The project site is located in an urban area that is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate area.

## 4.9. Hydrology and Water Quality

Table 4-9: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			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 level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				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 that would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) 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
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) 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	
j) Inundation by seiche, tsunami, or mudflow?				X

### 4.9.1. Federal Regulatory Setting

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

**Federal Emergency Management Agency (FEMA) Flood Zones:** The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood

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

#### **4.9.2. State Regulatory Setting**

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

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

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

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84



basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.

- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.
- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

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

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

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

#### **4.9.3. Impact Assessment/Environmental Consequences:**

*a) Violate any water quality standards or waste discharge requirements?*

The project will increase water consumption due to the washing of vehicles. Most of the City's public water supply comes from the Feather River. The water is pumped from the river to the Water Treatment Plant located in northern Yuba City. The plant also sometimes utilizes a well in addition to surface water supplies due to recent drought conditions. The project will have no impact on the quality of City water. It is not expected that washing vehicles will violate any waste discharge standards.

Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. However as part of the construction of the parking lot, the applicant will be subject to the National Pollutant Discharge Elimination System. This triggers the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes City adopted Best Management Practices designed to prevent sediment and pollutants from contacting stormwaters moving offsite into receiving waters during the construction process. Complimenting this process, all storm water runoff associated with the dealership expansion is addressed through General Plan Implementing Policies 8.5-I-1 through 8.5-I-10 which require a wide range of developer and City actions involving coordination with the State Regional Water Quality Control Board, protecting waterways, and following Yuba City's adopted Best Management Practices for new construction. Assuming all of these standards are met the impacts on water quality would be less than significant.

*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 level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*

The auto dealership is already connected to the City water system. While water consumption will increase with the project, very little, if any, groundwater will be utilized as the City primarily utilizes surface water in its system.

*c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?*

The project will drain into the existing auto dealership drainage system that will flow into the Live Oak Canal and is eventually pumped into the Feather River. This Project will not alter that drainage pattern, but it will increase the amount of drainage into the system. This will be offset, however, as the Project will be required to pay the appropriate fees to the Sutter County Water Agency for its fair share of improvements to the drainage system. Also, as noted above, all new construction must involve use of Best Management Practices. Therefore there will be no changes to the existing drainage pattern and there is not expected to be any significant impacts from additional storm water drainage from the site.

*d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*

The site drains into the existing auto dealership drainage system and will not cause changes to the existing drainage pattern. The dealership runoff flows into the Live Oak Canal and is eventually pumped into the Feather River. The system is designed to accommodate drainage from urban development in this area of Yuba City. Also, the Project must pay a drainage impact fee as its fair share of costs towards the downstream improvements to the Live Oak Canal all the way to its confluence with the Feather River to accommodate the increased storm water runoff resulting from the development.

- e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

The existing Live Oak Canal drainage system was designed and improved to accommodate storm water drainage from this portion of the City. The auto dealership' drainage facilities were designed for its impermeable surfaces. The amount of runoff from this project will incrementally increase the amount of runoff. But the new parking lot must pay a drainage impact fee that goes towards the project's fair share of the downstream improvements to the Live Oak Canal all the way to its confluence with the Feather River. Therefore the impact for increased stormwater runoff would be less than significant.

- f) Otherwise substantially degrade water quality?*

The proposed project will not substantially degrade water quality. As noted under item a) above, development of the site will be required to meet all local and state standards and will adhere to the General Plan Implementing Policies which includes adherence to all Federal and State standards and the City adopted Best Management Practices. Those standards are intended to ensure that water quality degradation does not occur. Therefore the impact on water quality would be less than significant.

- g) 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?*

- h) Place structures that would impede or redirect flood flows within a 100-year flood hazard area?*

- i) 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?*

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. It is classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. Local drainage improvements, principally in this case the drainage system connecting to the Live Oak Canal, provide storm water relief within the urban area.

- j) Inundation by a seiche, tsunami, or mudflow?*

The City is not close to the ocean or any big lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely that the project site would be subject to inundation by a seiche, tsunami, or mudflow or landslide. Therefore, there is no impact.

## 4.10. Land Use and Planning

Table 4-10: Land Use and Planning		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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

### 4.10.1. Environmental Setting/Affected Environment

The project will be on vacant property intended for urban development per the Yuba City General Plan. The site is surrounded primarily by additional vacant property, commercial uses, a high school and major streets (SR 99 and Harter Parkway).

### 4.10.2. Federal Regulatory Setting

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

### 4.10.3. Local Regulatory Setting

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

### 4.10.4. Impact Assessment/Environmental Consequences:

#### a) Physically divide an established community?

The project will not physically divide an established community. The general plan amendment and rezoning will facilitate a minor expansion of an auto dealership and is not expected to be disruptive to any neighboring uses, as they are generally considered to be compatible with the auto dealership.

#### 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?

The reason for the general plan amendment and the rezoning is to ensure that the project is consistent with the General Plan and zoning.

*c) Conflict with any applicable habitat conservation plan or natural community conservation plan?*

There are currently no adopted habitat conservation plans or natural community conservation plans within the City limits or the City's Sphere of Influence.

## 4.11. Mineral Resources

Table 4-11: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

### 4.11.1. Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

### 4.11.2. State Regulatory Setting

**California Surface Mining and Reclamation Act of 1975:** Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.

- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

**4.11.3. Impact Assessment/Environmental Consequences:**

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City's boundary, and no mineral extraction facilities currently exist within the City. Additionally, the site is surrounded by commercial and public uses, which generally are considered incompatible with mineral extraction facilities.

## 4.12. Noise

Table 4-12: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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

### 4.12.1. Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-



weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

#### ***4.12.2. Environmental Setting/Affected Environment for Groundborne Vibration***

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

#### ***4.12.3. Federal Regulatory Setting***

**Federal Vibration Policies:** The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage.<sup>97</sup> The FTA has identified the human annoyance response to vibration levels as 75 VdB.

#### ***4.12.4. State Regulatory Setting***

**California Noise Control Act:** The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with

the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

**Title 24 – Sound Transmission Control:** Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

#### **4.12.5. Local Regulatory Setting**

The City of Yuba City General Plan presents the vision for the future of Yuba City, and outlines several guiding policies and policies relevant to noise.

The following goals and policies from the City of Yuba City General Plan<sup>1</sup> are relevant to noise.

##### **Guiding Policies**

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions, and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
  - Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment,
  - Increase setbacks for noise sources from adjacent dwellings,
  - Retain fences, walls, and landscaping that serve as noise buffers,
  - Use soundproofing materials and double-glazed windows, and
  - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.

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<sup>1</sup> City of Yuba, 2004. *City of Yuba General Plan*. April 8, 2004.

- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.



**4.12.6. Impact Assessment/Environmental Consequences:**

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?*

This general plan amendment and rezoning will facilitate a minor expansion of an auto dealership by providing an additional 400 vehicle parking spaces. Construction of the proposed Project would involve temporary noise sources that are anticipated to last for a short period, potentially less than 30 days, that could impact the nearby high school. The noise source would include typical grading and paving equipment and miscellaneous equipment.

During construction, which is planned to occur during daylight hours, Monday through Friday, noise from construction activities would contribute to the noise environment in the immediate project vicinity. Activities involved in construction could generate maximum noise levels, as indicated in Table 3, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the very limited duration of the construction activities and the distance to the high school classrooms, the effects from this activity are expected to be less than significant.

Table 3: Noise Levels of Typical Construction		
Type of Equipment (1)	dBA at 50 ft.	
	Without Feasible Noise Control (2)	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

(1)US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.  
 (2)Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications

b) *Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?*

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 4 describes the typical construction equipment vibration levels.

Table 4: Typical Construction Levels	
Equipment (1)	VdB at 25 ft2
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86

(1) US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.

Vibration levels of construction equipment in Table 4 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the project, the approximate reduction of 6 VdB for every doubling of distance from the source, and consideration of the distance to the high school, the temporary impact to any uses in the vicinity of the project would be less than significant.

*c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

*d) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Upon completion of construction activities, the proposed new parking lot is not expected to create any significant new noise. This is especially true as the parking lot will be used for the storage of vehicles, not for in-and-out customer use as would be the case in typical commercial parking lots. Further, this lot fronts on SR 20, which is a major east-west regional transportation corridor and a major noise generator in the City. Therefore, the impact would be less than significant.

*e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

*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?*

The project is not within an airport land use plan. There are no private airports or airfields located within the City limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazard zones. Therefore, there will be no significant impacts from any private airstrips.

## 4.13. Population and Housing

Table 4-13: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with 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

### 4.13.1. Environmental Setting/Affected Environment

The proposed Project is located in an urbanized area of the City, and is surrounded by other commercial activities. While there remain vacant properties in the vicinity that are designated for additional growth, this is essentially an infill project. All City services already serve the dealership.

### 4.13.2. Federal Regulatory Setting

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

### 4.13.3. State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2013.

### 4.13.4. Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.<sup>2</sup>

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.<sup>3</sup>

#### ***4.13.5. Impact Assessment/Environmental Consequences:***

*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)?*

There are no residential properties involved with this project, either existing or proposed. The new parking lot that will result from this general plan amendment and rezoning will not induce new growth, as its sole purpose is to permit the expansion of an auto dealership. All City infrastructure already serves the site, including sewer, water, storm water drainage, and roads.

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

*c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The proposed project will not result in the displacement of any housing or population. There will be no impact.

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<sup>2</sup> Sacramento Area Council of Governments. 2012. Regional Needs Housing Plan 2013-2021. Adopted September 20, 2012. Page 4. Table 1.

<sup>3</sup> Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: <http://www.sacog.org/about/>. Accessed July 25, 2017.



## 4.14. Public Services

Table 4-14: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?				X
v) Other public facilities?			X	

### 4.14.1. Environmental Setting/Affected Environment

Law enforcement for the auto dealership is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban facilities that may be utilized by customers and employees are also provided by Yuba City. The neighboring River Valley High School is part of the Yuba City Unified School District.

### 4.14.2. Federal Regulatory Setting

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

### 4.14.3. State Regulatory Setting

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

apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

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

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

#### **4.14.4. Impact Assessment/Environmental Consequences:**

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

**Fire Protection:** The Yuba City Fire Department provides fire protection services to the site. As this proposal will result in an expanded parking lot for an existing auto dealership, additional autos will be parked on the property. However, the Fire Department does not anticipate any significant increase in fire hazards to the area.

**Police Protection:** The Yuba City Police Department will provide police services to the site. The Police Department reviewed the proposal and did not express concerns.

**Schools:** River Valley High School is located across the street from the rear of the auto dealership. The proposed Project itself does not include construction of any residential structures. However, the low intensity of the proposal to park and store dealership owned vehicles is not expected to create any additional impacts on the school.

**Parks:** As there is no residential growth associated with this project there should be no impact on existing recreational activities or induce greater population growth. There would be no need for additional park facilities or recreational services as a result of the proposed Project. Therefore there would be no impact.

**Other Public Facilities:** As the existing infrastructure already serves this property, impacts to public services and facilities, such as the City of Yuba City Water and Wastewater Treatment Facilities, would be less than significant.

## 4.15. Recreation

Table 4-15: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

### 4.15.1. Environmental Setting/Affected Environment

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

### 4.15.2. Federal Regulatory Setting

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

### 4.15.3. State Regulatory Setting

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

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

### 4.15.4. Local Regulatory Setting

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

**4.15.5. Impact Assessment/Environmental Consequences:**

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

There is no population growth associated with the proposed Project, so construction or expansion of nearby recreational facilities will not be necessary. There will be no impact.

## 4.16. Transportation/Traffic

Table 4-16: Transportation Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

### 4.16.1. Federal Regulatory Setting

**Federal Highway Administration:** FHWA is the agency of the U.S. Department of Transportation (DOT) responsible for the Federally-funded roadway system, including the interstate highway network and portions of the primary State highway network. FHWA funding is provided through the Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU can be used to fund local transportation improvement projects, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, and transit system upgrades.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- Title 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.
- **Federal Aviation Administration:** The Federal Aviation Administration (FAA) regulates aviation at regional, public, and private airports. The FAA regulates objects affecting navigable airspace.

#### **4.16.2. State Regulatory Setting**

State of California Transportation Department Transportation Concept Reports: Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

#### **4.16.3. Impact Assessment/Environmental Consequences:**

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*
- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

Amending the General Plan Land Use Map for these two acres from Office to a Regional Commercial designation has the potential for increasing traffic. Typically office uses generate less traffic than commercial uses. However, in this particular case the two acres is owned by the auto dealership and they are requesting to be able to park dealership owned vehicles on the two acres. The low intensity of this use will likely generate less traffic than a typical office use that was originally planned for. Therefore the impact on traffic would be less than significant.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?*

The project site is not within the Sutter County Airport CLUP.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The existing streets within the project area, including SR 99, Harter Parkway, and Spirit drive, are designed to accommodate anticipated traffic. The streets are straight with 90 degree controlled intersections. They do not contain sharp curves nor are the intersections dangerous.

A potential safety issue exists with the auto dealership in that auto transport trucks have been parking in the public right-of-way to load/unload vehicles. When these trucks are parked in the right-of-way one of the traffic lanes is lost and through vehicles must go around the parked trucks. As this is very near the high school a risk to students and parents driving to and from the campus is created. To resolve this the auto dealership is providing on-site truck parking and loading/unloading area and another exit onto Spirit Way.

Since the site is in an urbanized area it is anticipated there will be no conflict with incompatible uses such as farm equipment.

e) Result in inadequate emergency access?

The Fire Department and Police Departments have reviewed the project plans and did not express concerns about emergency access to the property.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

All existing streets adjacent to the project are fully improved and include curb, gutter and sidewalks. There are no changes proposed that would adversely impact buses, including school buses, pedestrian, or bicycle movements. Safety will be improved due to the addition of another auto dealership driveway onto Spirit Way, as discussed in Part d) above.

## 4.17. Tribal Cultural Resources

Table 4-17: Tribal Cult				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is :				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

### 4.17.1. Federal Regulatory Setting

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs) in the Master Plan. The following analysis of the potential environmental impacts related to TCRs is derived primarily from the following sources:

- California Native American Heritage Commission Sacred Lands File Search, December 11, 2017.
- Ethnographic overview of the Nisenan culture.
- Environmental Impact Report for the City of Yuba City General Plan (2004).
- Consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

### 4.17.2. State Regulatory Setting

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

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



recognized tribes.

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

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

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

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

**California Senate Bill 18:** SB 18 (Government Code 65352.3) states that prior to the adoption or amendment of a city or county's general plan, or the dedication of open space that includes Native American Cultural Places, the city or county shall conduct consultation with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission (NAHC). Although SB 18 is not a CEQA requirement, the consultation record is summarized herein.

#### ***4.17.3. Cultural Setting***

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

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles

were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley (Wilson and Towne 1978:389–390.).

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers (Wilson and Towne 1978).

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

#### ***4.17.4. Summary of Native American Consultation***

##### ***c) Assembly Bill 52***

On June 15, 2018, the City sent a project notification letters to the United Auburn Indian Community of the Auburn Rancheria and Lone Band of Miwok Indians, which had previously requested notification of projects under the City's jurisdiction, pursuant to 21080.3.1(d) of the Public Resources Code. The tribes were provided a brief description of the project and its location, the lead agency contact information, and a notification that the tribes had 30 days to request consultation. The 30-day response period concluded on July 17, 2018 (note that an additional 2 days are added to allow for delivery).

On July 2, 2018, the City received from the United Auburn Indian Community of the Auburn Rancheria (UAIC), indicating that they do not wish to initiate consultation. On July 3, 2018, the City delivered a letter to UAIC concluding consultation. In response, on July 18, 2018, UAIC delivers a second notice again declining to initiate consultation. On July 23, 2018, the City delivers a second notice to UAIC once again concluding consultation. On July 26, 2018, the City received another letter, in response to the City's letter dated July 3, 2018 concluding consultation.

Lone Band of Miwok Indians did not respond to the City.

##### ***d) Senate Bill 18***

On June 15, 2017, the City sent project notification letters to the following tribes, pursuant to Section 65352.3 of the California Government Code:

- United Auburn Indian Community of the Auburn Rancheria
- Mechoopda Indian Tribe of Chico Rancheria
- Mooretown Rancheria of Maidu Indians
- Strawberry Valley Rancheria
- Enterprise Rancheria of Maidu Indians

The tribes were provided a brief description of the project and its location and the lead agency contact information. In accordance with Section 65352.3(a)(2) of the California Government Code, tribes were afforded 90 days to respond with a request to consult or with information. The 90-day response period closed on September 15, 2018 (note that an additional 2 days are added to allow for delivery).

None of the remaining tribes responded to the notification.

#### ***4.17.5. Tribal Cultural Resources within Project Area***

In the absence of specific information from California Native American Tribes, information about potential impacts to TCRs or Native American Cultural Places was drawn from the ethnographic context (summarized above) and the results of a search of the Sacred Lands File of the NAHC, which were obtained on June 12, 2018. The ethnographic information reviewed for the project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current project area. Further, the areas of highest sensitivity are closer to the Feather River. In addition, the Sacred Lands File failed to identify any sacred lands or tribal resources in or near the project area.

#### ***4.17.6. Thresholds of Significance***

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
  - A cultural landscape with a geographically defined boundary;
  - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
  - A unique archaeological resource as defined in Section 21083.2; and/or
  - A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

#### **4.17.7. Impact Assessment/Environmental Consequences:**

*a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).*

In May, 2018 a Cultural Resources Inventory for the project was conducted by the Natural Investigations Company for the John L. Sullivan Family, Limited Partnership (copy included in the appendix of this report). The study included a ground surface investigation as well as subsurface (20 shovel test pits). The study noted that there were previously three cultural overviews been completed within a 0.25-mile radius of the project site. No cultural resources had been previously recorded within the project area. No prehistoric or historic-era archaeological sites, ethnographic sites, or built environment resources were identified during the survey or subsurface testing of the two-acre Project area.

The study did not recommend construction monitoring of ground disturbing activity, as the potential for discovery of cultural resources is low.

No known TCRs have been identified (as defined in Section 21074) within the proposed project area. Therefore, no resources listed for or eligible for listing in the California Register of Historical Resources or a local register are present. Therefore, there is no impact.

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

The City solicited consultation with culturally affiliated California Native American tribes (regarding the proposed project in accordance with AB 52. No known TCRs have been identified (as defined in Section 21074) within the proposed project area. Given the level of previous disturbance within the Project area, it is not expected that any TCRs would remain. However, during grading and excavation activities, there is a potential to encounter native soils, which may contain undiscovered TCRs. In the unlikely event resources are discovered during ground disturbing activities that are associated with Native American culture, compliance with Mitigation Measures TCR-1 and TCR-2 would reduce the potential impacts to a less than significant level.

#### **4.17.8. Tribal Cultural Mitigation Measures**

##### ***Tribal Cultural Resources Mitigation 1: Unanticipated Discovery of Tribal Cultural Resources***

In the event that ground disturbing activities within the Project area result in the discovery of Native American artifacts, midden soils, or remains, then the City shall ensure that the procedures in Cultural

Resources Mitigations 1, 2, and 3 are carried out and are done so in accordance with applicable state law. In addition, in the event that a Most Likely Descendent has not been named for the discovery by the Native American Heritage Commission because the materials discovered are not human remains, then the City shall further notify the culturally-affiliated tribes that previously requested notification from the City prior to the adoption of this Initial Study. The City shall offer consultation with the tribe[s] on whether or not the resource represents either a TCR or a Historical Resource, or both, and, if so, consult on appropriate treatment measures. Preservation in place is the preferred treatment, if feasible. Work cannot resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not a TCR or Historical Resource; or 2) that the treatment measures for the TCR or Historical Resource have been completed to its satisfaction.

***Tribal Cultural Resources Mitigation 2: Contractor Awareness Training***

The City shall ensure that a Contractor Awareness Training Program is developed and delivered to train construction workers about TCRs. Culturally-affiliated tribes shall be provided an opportunity to review and comment on the program materials. The program shall be designed to inform construction workers about: federal and state regulations pertaining to cultural resources and TCRs; how to identify ground conditions that require notification to the City; and penalties and repercussions from non-compliance with the program. Training shall occur prior to initiation of any construction and as part of any new hire orientation for workers who begin after the start of construction. Workers must sign a roster to verify their understanding of the procedures and display a hard hat sticker that alerts City inspectors that the worker has received the training.

After implementation of the above mitigation measure, the Proposed Project would result in less than significant impacts to TCRs.

## 4.18. Utilities and Service Systems

Table 4-18: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with 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 projected demand in addition to the existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

### 4.18.1. Environmental Setting/Affected Environment

#### Wastewater:

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

#### Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with approximately 18,045 connections. City policy only allows areas annexed into the city limits to be served by the surface water system. The site is served by to the City's water system.

#### Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. This landfill has a remaining capacity of 39,223,000 cubic yards (90 percent remaining capacity reported in 2007).<sup>4</sup>

#### **4.18.2. Federal Regulatory Setting**

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

#### **4.18.3. State Regulatory Setting**

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

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

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

**Regional Water Quality Control Boards:** The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal

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<sup>4</sup> CalRecycle, 2017. Available: <http://www.calrecycle.ca.gov/SWFacilities/Directory/58-AA-0011/Detail/>. Accessed August 15, 2017.

laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

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

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

#### **4.18.4. Impact Assessment/Environmental Consequences:**

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*
- 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?*

The auto dealership expansion does not include any new structures, including bathrooms so there will be no impact on the wastewater collection system or the wastewater treatment plant.

- 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?*

The additional two acres of impermeable surface created by the expanded parking area will generate additional storm water drainage. According to the Sutter County Water Agency, paying of the appropriate storm water drainage system impact fees will pay the project's fair share of the impact on the storm water collection system.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The City has adequate surface water supply or other water resources to provide water to the expanded auto dealership area.

- 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 projected demand in addition to the existing commitments?*

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs?*

The landfill operated by Recology Yuba-Sutter has adequate landfill capacity for years to come.

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



Transportation and disposal of all waste due to the proposed Project's construction would be facilitated in accordance with all applicable federal, state and local statutes and regulations. There would be no significant impact.

## 4.19. Mandatory Findings of Significance

Table 4-18: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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	

### 4.19.1. Impact Assessment/Environmental Consequences:

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important example of the major periods of California history or prehistory?*

The project site is on a previously disturbed site within the urbanized area and there is little plant or animal habitat value as the site has been plowed for vegetation control. Therefore the addition of the vehicle parking area to the vacant site will not significantly 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) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

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

As the proposed parking area expansion will generate very little new traffic, there are no significant cumulative traffic impacts that could be considered significant. The additional paving area may create some minor air quality and greenhouse gas, noise and hazardous material cumulative impacts. But those impacts are considered to be less than significant.

*c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

The proposed Project in and of itself would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans.

## 5. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Natural Investigations Company, Cultural Resources Inventory for the John L. Sullivan Dodge Jeep Ram Expansion project, Yuba City, Sutter County, California; May 2018

Carlson Tree Care, Arborist Report; December 22, 2017 (regarding the oak tree removal).

Airport Land Use Commission. 1994. Sutter County Airport Comprehensive Land Use Plan. April 1994.

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## **APPENDICES**

Arborist Report (Oak Tree)

Staff Analysis on the Oak Tree Replacement Value

# ATTACHMENT 9

Attachment 9: Letters from neighbors

**Arnoldo Rodriguez**

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**From:** William Ramsaur <bill.ramsaur@gmail.com>  
**Sent:** Wednesday, September 19, 2018 7:39 PM  
**To:** Arnoldo Rodriguez

Arnoldo,

I was sent information regarding Sullivan auto expansion. I cannot attend the meeting, however, I object to any expansion plans.

You can step into my front yard at 5:00 am (sometimes earlier) and they are playing music that I can clearly hear at my home 1,000 yards away. They make constant calls out to the staff during business hours but that is not as bad as the highway traffic masks much of the noise they generate.

Lastly, their lighting is so intense as to be glaring when looking from my street and makes it impossible to see stars. Could future lighting not be so intense and only light the ground, not the sky?

Thank you for your attention.

--  
Bill Ramsaur  
[bill.ramsaur@gmail.com](mailto:bill.ramsaur@gmail.com)



# JLS Permit Comment

City Planning Commission Hearing  
John L. Sullivan Auto Dealership Expansion Proposal  
Yuba City  
1800, 09/26/2018  
City Council Chamber

**From:** Joseph H. & Norma C. Karwal, 2245 Colusa Hwy, YC, CA

**To:** Yuba City Planning Commission

As neighbors to the John L. Sullivan auto dealership at the intersection of Colusa Highway and Harter Parkway, we want the City of Yuba City Planning Commission to know we are very concerned about the impact of this large expansion upon the quality of life for us and our neighbors.

The lighting, intercom and promotional music from the current operation has, upon occasion, been intrusive to the point of interfering with the enjoyment of our homes and properties.

Loud and very loud music (some in the early morning hours) and intercom calls have both necessitated visits to the business's offices to call for reduced volume settings.

Very annoying, as I am sure you can appreciate.

The lighting, especially at night, pours through our home's windows, necessitating placement of supplemental, temporary draperies to reduce this very bright intrusion. This is even more annoying.

This expansion, nearly doubling the size of the operation, will add substantially to this interference with the enjoyment of our home unless the City insists upon significant measures to ameliorate the risks.

We suggest the Commission require:

Reduced, softer lighting;

Requiring only cell-phone paging systems;

Banning promotional music, and;

Landscape plantings to block the glare from the lighting on the premises.

How will the City of Yuba City address this important quality of life issue?

Sincerely yours,



Joseph H. and Norma C. Karwal

530.671.0566